

# ANNUAL OVERSIGHT OF REFUGEE PROGRAMS, POLICIES, AND BUDGET

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS  
AND HUMAN RIGHTS  
OF THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FIFTH CONGRESS  
SECOND SESSION

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FEBRUARY 24, 1998  
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# **ANNUAL OVERSIGHT OF REFUGEE PROGRAMS, POLICIES, AND BUDGET**

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**TUESDAY, FEBRUARY 24, 1998**

**HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND  
HUMAN RIGHTS,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
Washington, DC.**

The Subcommittee met, pursuant to notice, at 10:15 a.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the Subcommittee) presiding.

Mr. SMITH. [presiding] The Subcommittee will come to order. I'm very pleased to convene the Subcommittee on International Operations and Human Rights. This is the Subcommittee's annual oversight hearing on the State Department's refugee budget and the refugee programs that that budget supports.

These programs and policies include resettlement of refugees here in the United States, our contributions to international efforts to protect refugees abroad, and the administrative expenses associated with these efforts. On behalf of my colleagues on the Subcommittee, I welcome Julia Taft, the Assistant Secretary of State for the Bureau of Population, Refugees and Migration.

Refugee protection, unlike any other aspect of foreign policy, is not primarily about strategic interest or global economics. It is about morality. The obligation not to return refugees to persecution or to a serious threat of persecution flows directly from the fundamental principle that it is always wrong to cause death or other serious harm to an innocent human being. And, yet, refugee protection, like other moral obligations, has too often been subordinated to social or economic or political goals that are far less compelling. Those of us who work in this area frequently have the feeling that things are getting worse. The U.N. High Commissioner for Refugees (UNHCR) estimates that there are about 23 million refugees and other persons of concern, such as internally displaced persons and war victims, in the world today, compared to about 17 million in 1991.

Even more important, in 1991, the United States was still seen around the world as an advocate and haven for those fleeing oppression. In Ronald Reagan's words, it was "the shining city on a hill".

The last 10 years have seen a dramatic change in our refugee policy. For the first time in the U.S. history, we have undertaken the mass forcible return of people who have managed to escape

from bloodthirsty regimes. First came the forced repatriations to Haiti, then to China and finally to Cuba and to Vietnam.

This change in policy has harmed not only the refugees we have repatriated, but also countless thousands of others because it has greatly reduced the moral authority which the United States was once able to exercise in persuading other countries not to use force to put people back in danger.

This preference for repatriation over every other durable solution to the flight of refugees has come to characterize refugee programs around the world: first asylum States and international organizations have repatriated people by the thousands and tens of thousand to places like Rwanda, Burundi, Afghanistan, and Burma.

The UNHCR insists that they must repatriate people whenever possible because the only two other durable solutions—resettlement in third countries and local integration in the country of first asylum—are increasingly unavailable. Again, the U.S. policy has been part of the problem. In Fiscal Year 1995, the Department of State budget proposal anticipated the admission of 110,000 refugees. The Fiscal Year 1996 and 1997 budgets reduced the anticipated admissions to 90,000, and then to 78,000.

Bowing to urgent entreaties of a bipartisan coalition including Senators Abraham and Kennedy, Chairman Gilman, Howard Ber- man and myself, the Administration reluctantly raised the number to 83,000 in Fiscal Year 1998. But the 1999 budget anticipates the admission of only 75,000, about a one-third cut from just 4 years ago.

Some have attempted to justify these dramatic cuts as necessary to address anti-immigrant sentiment in the Congress. On the contrary, however, Congress has strongly supported keeping refugee admissions at their traditional level, in the range of 100,000 per year, which is a small fraction of all the people who immigrate to the United States every year.

During congressional consideration of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, both the House and the Senate rejected attempts to impose a statutory cap on refugee admissions that would have cut refugee admissions.

There is certainly no shortage of refugees who need our attention. There are thousands of re-education camp survivors and U.S. Government employees in Vietnam who are eligible for the Orderly Departure Program (ODP), but whom the Vietnamese Government has not yet allowed us to interview. Another 15,000 to 20,000 people are still languishing in Vietnam, almost 2 years after we persuaded them to return from refugee camps with the promise that we would interview them quickly under the Resettlement Opportunities for Vietnamese Returnees (ROVR).

Yet the Administration is budgeting for only 14,000 refugee admissions for all of East Asia. This is less than half of what the number was 4 years ago. It is not even enough to resettle all of the ROVR refugees, not to mention thousands of ODP applicants who have suffered for their associations with the United States.

It does not anticipate the admission of any of the Tibetan refugees about whom Richard Gere has spoken so eloquently, and about whom he will testify today.

And it leaves precious little room for others in need of settlement from countries such as Burma, Cambodia, and China.

Countless thousands of African refugees from places including Rwanda, Burundi, Somali, Sudan, and Liberia, have been in camps for years. Many will never be able to go home. Yet we are budgeting for only 7,000 refugees for all of Africa, a modest improvement from a few years ago, but not nearly enough.

Jews and members of other historically persecuted ethnic and religious minority groups in the Newly Independent States of the former Soviet Union now face resurgent ultranationalism and anti-Semitism. Christians and other believers face persecution in China, Cuba, Vietnam, Iran, Iraq, and other countries around the world. Yet the assumption in this year's budget request is that the Soviet program must wind down, and rather than replace it with resettlement opportunities for other refugees, the budget request seems to be based on the premise that these numbers should just disappear.

Assistant Secretary Taft, I want to make it clear that my criticism of the Administration is not directed at you. You have a long and proud record as a refugee advocate and I know that you come to the job after PRM had already submitted its budget request to the Office of Management and Budget. But there is still time, I believe, to rethink our assumptions. Many of us in Congress are willing to help. Indeed, the House has already passed an authorization for Fiscal Year 1999 of \$704 million for the MRA and \$50 million to replenish the Emergency Refugee and Migration Account. \$754 million in sharp contrast with the Administration's request of only \$670 million.

Our number represents a very modest increase, indeed, it reflects a cut in real dollars from Fiscal Year 1995. It is also substantially lower than the \$300-million raise Congress has given to the State Department operating accounts over the last few years. But it's a start, and we hope you will work with us to strengthen U.S. commitment to resettlement and to protection overseas.

I would like at this point to yield to my good friend and the very distinguished chairman of the Full Committee, Mr. Gilman.

Chairman GILMAN. Thank you, Mr. Chairman. And I commend you, Chairman Smith, for organizing and bringing about today's hearing of our nation's refugees programs. I look forward to hearing from our distinguished Assistant Secretary for Population, Refugee and Migration Affairs, Julia Taft, as part of the panel of experts that you've convened, in addition to Richard Gere, who is co-chair of the National Campaign for Tibet, William Frelick, Senior U.S. Policy Assistant for our U.S. Committee for Refugees, and Mark Franken, executive director of the U.S. Catholic Conference of Migration Refugees, Frederick Frank, chairperson of the Public Policy Steering Committee of the Council of Jewish Federations, Ralston Deffenbaugh, executive director of the Lutheran Immigration Refugee Service, and Father Rick Ryscavage, the national director of the Jesuit Refugee Service. It's certainly a distinguished panel that we will be listening to, and we hope we can make some progress as a result of this hearing.

This century has too often been noted as one of the most violent in human history. The exclamation point to that violence has been the huge and unprecedented uprooting and displacement of vir-

tually entire nations and ethnic groups. The mass migrations and dislocations that have ensued from this century's tumultuous events have regrettably necessitated the international machinery that we've developed to cope with these problems: The UNHCR, the International Committee of the Red Cross, the International Organization for Migration, as well as their numerous partners among our private voluntary organizations, some of which are represented here today.

The good news is that these organizations do a significant job in assisting the unfortunate tides of humanity that find themselves refugees and displaced persons. The bad news, however, is that despite our best efforts, these tides of humanity remain with us and as one problem is addressed, new ones regrettably crop up.

In Bosnia, for example, this year promises to be a challenging one to the ideals contained in the Dayton Peace Accords that call for the return of refugees. And one of the main goals underpinning the continuation of the NATO S4 mission in Bosnia will be to provide the secure environment that would permit refugees and misplaced persons to return to their homes in Bosnia with confidence.

Elsewhere in Europe, unrest and economic deprivation in southeastern Turkey threatens to create a new flow of refugees. And that situation is one that is of strong concern to our allies in Europe. This presents an obvious challenge to the governments of the region, and to the organizations that I've mentioned, to find a creative solution with the cooperation of the Turkish Government.

And in Asia, the ongoing political unrest in Cambodia and the potential it presents for yet another tragic displacement of the Cambodian people is certainly of great concern.

A lack of freedom in Burma and Vietnam also presents a threat to the stability in the Southeast Asia region. There it will be necessary for the international community to maintain a monitoring and an early warning system in order to be able to deal with the potential causes of refugee flows before they become a reality. Governments could cooperate with the international community, and should cooperate, and in this regard, we urge Vietnam to implement the ROVR program and the ODP.

Heightened Chinese oppression in occupied Tibet has dramatically increased the flow of Tibetan refugees to Nepal and to India. Monks, nuns and lay people are forced to flee across the Himalayas, ill-prepared for that kind of a journey. Many lose their toes, their feet, their fingers and hands, to frostbite, or even perish along the way. And while we're grateful to the governments of India and Nepal for opening their borders to Tibetan refugees, with a 50 percent increase in the arrival of those refugees this year, these countries may succumb to Chinese pressure and rethink their generous policy toward the fleeing Tibetans.

In Africa, the effects of genocidal conflict in the Central Lakes region still need to be managed under the auspices of the international community. Political instability in the Democratic Republic of Congo and the Republic of the Congo also remains a potential source of new refugee flows. And in Sierra Leone, the recently deposed military junta created a serious threat to its citizenry and we're witnessing there an ongoing tragedy of persons attempting to flee an anarchy situation.

And there's strong bipartisan support in the Congress for the State Department's refugee programs, and we have great confidence in the people that staff the PRM bureau and their associates throughout our foreign service who work to try to assist the world's refugees and misplaced persons. The people of the United States take pride in the level of our support and assistance in this regard.

We look forward to hearing from our distinguished witnesses today about further ways that we can continue to improve these refugee programs. Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Chairman. I'd like to introduce to the panel Julia Taft, who has been the Assistant Secretary of State, Bureau of Population, Refugees and Migration (PRM), since November of last year, after leaving her post as chief executive officer of the American Council for Voluntary International Action. Previously, Ms. Taft served as director of the U.S. Agency for International Development Office of Foreign Disaster Assistance, Director of Refugee Programs at the State Department, and Deputy Assistant Secretary of Health, Education and Welfare. Secretary Taft, welcome to the Committee, and please proceed.

**STATEMENT OF JULIA TAFT, ASSISTANT SECRETARY OF STATE, BUREAU OF POPULATION, REFUGEES AND MIGRATION, DEPARTMENT OF STATE**

Ms. TAFT. Thank you very much, Mr. Gilman. I'm really quite honored to be here today to discuss the Administration's Fiscal Year 1999 budget request and the role we play as a nation in assisting refugees throughout the world. That world, as you both have indicated, remains a very dangerous place for the weak and the defenseless who are caught up in the tragedies and victimized by hatreds that they little understand. We're here today to discuss these issues and I welcome this opportunity because not only is it of national interest that we have a world that is peaceful and orderly, but also because of who we are as a people. And I think your comments about the morality and the bipartisan nature of the American people's commitment to refugees is very much enveloped in this issue.

The Administration understands that it can only continue to help refugees if we and you and the American people move forward together. In this regard, I hope very much you'll have the opportunity to review not only my full text, which I'm summarizing here now, but also our congressional presentation which speaks to the issues geographically of our plans for response. In Fiscal Year 1999, we are requesting \$650 million for the Migration and Refugee Assistance category and \$20 million for the Emergency Refugee Assistance Account, which is the ERMA account.

Our MRA funding request has been straight-lined over the last several years even though the overall number of refugees worldwide has declined as the durable solutions such as repatriation have taken hold. Let me inject here a word about the figures that you gave, sir, of the 23 million of interest to the UNHCR in addition to refugees. In previous years, the UNHCR was not really heavily involved in unilaterally displaced persons (UDP) which now comprises 10 million of the 23 million of UNHCR concern. In terms

of refugees, we have gone from a high of 18 million down to 13 million refugees. I just wanted to correct that for the record, but it doesn't really have an impact on the programs because we still need to have an international humanitarian assistance strategy that deals with people who are in similar difficulties, whether they're refugees or IDPs.

We think that the level of funding is sufficient to meet the needs as we currently see them. The fact is that there has been a diminishing need, particularly in the past decade because of the larger scale repatriations which have occurred. We can discuss where those have taken root, but there have been over 9 million refugees that have returned voluntarily to their home countries in the past decade and this has brought the number down.

In fact, the reason we think that we can live within the budget request that we have is that we have \$120 million in our ERMA, our emergency account. That account is authorized at \$100 million. We now have \$120 million and are requesting a replenishment of another \$20 million. So we think that if there are unforeseen, unbudgeted requirements in admissions or in assistance, that we do have the cushion that the President can use to allow us to draw down on our ERMA account to supplement, if necessary, the MRA account.

The MRA funds provide for the care and maintenance abroad and for the admission of large numbers to the United States. The level of refugee admissions we have budgeted in 1999 are at the same level as we have budgeted for this year. As you point out, that number has been decreasing, we are now stopping the decrease, and we hope to maintain a figure of about 75,000.

Currently, our single largest admissions program is for Bosnians, and we expect to reach or exceed 25,000 admissions. We've already brought in 60,000 Bosnians over the past several years. This is now a large component of our admissions program. It involves the mixed marriages and other conditions that minimize the chances for repatriation of these people.

One of our highest priorities, as you point out, must be and is the just and fair completion of the ROVR program and the ODP in Vietnam. To highlight their importance, in January, I traveled to Vietnam to discuss with Vietnamese officials ways to expedite the processing of the remaining cases. As you know, in October, the government of Vietnam announced that it was taking some actions to accelerate the procedures and in recent weeks we have been very pleased with the progress that we have seen. In fact, since I last briefed you a couple of weeks ago, the figures now, of the response on ROVR, are really extraordinary. We have almost 14,000 names cleared for interviews of 18,000 that we have submitted. And, as I had mentioned before, we were told that there were about 3,000 cases that would not be eligible for interviews. We've now seen over 800 of those names. And, in fact, 400 happened to be on the ROVR approved list, so I think we're having some questions as to whether people's names are on different lists or not. We're finding that, in fact, the 3,000 that we thought we weren't going to see, will probably be in much more diminishing numbers. So, I see great progress on ROVR. We stand ready to process everyone that meets the criteria to come in. If it exceeds the 14,000 figure, we will do

whatever reallocations we need to do. You should know that I feel confident that this program is going in the right direction.

There is one issue, however, that I know you have been very supportive of, that we need to work on very much together. That is the completion of the former re-education detainees program, including the Montagnards. To complete this processing we are asking your continued support for quick approval of the McCain amendment. Please let us know what we can do from our side, but our intent is that we want to be very supportive of this. The McCain amendment does provide for the admission of single children over 21 of former re-education camp detainees. This provision expired September 30 last year; we would like to have it re-instituted to extend until March 31, 1999.

I won't go into all of the other refugee admission categories, but I do want to make a special statement about Africa. You are right, there are 3.5 million refugees in Africa. We are taking 7,000 for admission to the United States. One of the first things I did when I came to this job was to ask why, if we had 7,000 admissions numbers, did we only use 6,000; why didn't we get 7,000? We have made a major effort with the resettlement agencies, working with them, with the Immigration and Naturalization Service (INS) and with the International Organization for Migration (IOM), to identify how we can find other groups of refugees that we can process more quickly. As a result of this working group, we did agree to establish another processing point in Dakar, Senegal, which Church World Service is going to manage for us. We have opened up other categories of refugees, and we are targeting particular efforts this year to get in the 7,000. If we find that there are more groups that we can bring in without diminishing our standard for admissions, we plan to do that. I spoke with Doris Meissner today about some of the issues we have about rates of INS denial in Africa after this immense effort to try to find cases. Through our work with the UNHCR and the JVAS, we are going to look at new ways to perhaps train the INS officers so that they understand the context in which people need third-country resettlement.

Let me speak to the issue of the assistance program because obviously the bulk of our efforts, over \$450 million, do go to assistance to refugees in place or reintegrating into their homes. I'm pleased to note that there has been a decline of refugees in Africa. Only one-quarter of the world's refugees are found on the continent, and the recent returnees to Mozambique, to Rwanda, to Togo, Mali, and Somalia, show that this really is the decade of repatriation. However, as has been pointed out, this encouraging picture is greatly clouded by the tragedy of continuing outflows, whether from Sierra Leone, Sudan, Burundi, several other places. We are working very closely with the UNHCR, with ICRC and with NGO's to ensure that we can provide minimum assistance to these populations. In this context, we are finding that safe access by relief workers to reach these people in need has been very difficult to sustain, and there have been a number of cases where relief workers have either been taken hostage or killed. So we have to worry about the relief workers as well as the people whose lives they are trying to save.

Almost one-third of our overseas assistance last year went to Africa. We assume that similar levels will continue this year, and beyond.

A moment about Bosnia because this is obviously an issue not only for you, Mr. Gilman, but also for the Administration, as well as the Congress. It is true, the Dayton Peace Accords will not be sustained and cannot achieve peace unless the refugees do return. While the majority of refugees have gone back to where they came from and where they were majorities, we are still very concerned about large numbers of minority refugees that are having difficulty returning to their home. For this reason, the UNHCR last year established a program of open cities in eight different locations where they would try to attract back minority refugees in a critical mass with enough services so that they could find a sustaining environment. I am pleased to say that PRM has seized on this approach. What we have tried to do is help not only the returning refugees, but also the whole community. We are addressing the community services, including housing and micro-credit programs, through schools and other activities. We find that this is a very exciting thrust for us and that refugees are returning. There were 30,000 last year that returned. We expect it to be almost 100,000 this year.

On the issue which you didn't mention in your opening statement, but I know is of great concern to you and bears attention, is what is the quality of health care in refugee camps throughout the world, and what is being done on the issue of women's reproductive health. Let me just say that when I first started working in refugee programs 22 years ago, I thought all refugees were in need of the same services; you gave them food and you took care of shelter and you got them clean water. It was not until 1988, when I did a very special study on the impact of refugee programs on women that we realized and started gathering statistics about how many refugees are women and how refugee women are the heads of households, and the very special problems that they have in camps.

That and a variety of other initiatives have led to really understanding that women are the most vulnerable populations in refugee camps, and they are the majority of the people in refugee camps, with their children. In this regard, an analysis of what they need is better access to food, better access to micro-credit for themselves, but, most of all, they need health care. And they need health care that would keep them alive.

As a result of that, the Administration and UNHCR and the NGO's started working on the whole issue of reproductive health care.

Not just birth control. We're talking about how a mother learns how to do breast feeding, how to have safe births in refugee camps, how to provide pre- and post-natal care, how do we actually deal with the dignity and ability of these women to stay alive. In that context, we found that many women become so desperate in camp situations and are so vulnerable to attacks that they are often raped. When they are trying to go to the latrine or gather firewood or get water, it is very dangerous out there, and these women were coming back beaten and raped. They are often desperate enough

that they resort to back-alley or back-pathway abortions. The question is what can be done to help them when they come into a clinic and they are bleeding to death. The issue here is what kind of emergency response can one give. In that context the two approaches which are now starting to be developed, and they're not final in terms of the UNHCR and the World Health Organization (WHO) guidelines, as you know, but the basic approach here is that these women, if they are raped and they need assistance, ought to be given emergency contraceptives within the first 72 hours. It doesn't help after that, but if they can have it, that is good.

The other thing has to do with the manual vacuum aspirator which is a very controversial issue. Mr. Chairman, you have been very helpful with Joseph Rees in trying to help the UNHCR and WHO think through how to use these rare devices. But we think that they are important if used under controlled environments, safely and by trained personnel, that they are a way to help women who have had botched or incomplete abortions.

Let me make it fundamentally clear that the UNHCR and the U.S. Government do not support abortion clinics. They do not support abortions in refugee camps. What we are trying to do is help save the lives of women who are desperately in need of medical care and will otherwise lose their lives.

This is the most important thing—I need to clarify on this. It has been very sad to see the way this conversation has evolved because we all know that the people who work in refugee camps are giving up a lifestyle that we could live, like this, to live in desperate situations, to save the lives of refugees. These people give their lives to save lives, and they are not out there doing abortions, I can guarantee you that.

Finally, let me just say that while we have a lot of challenges to deal with, the most important challenge is that we try to work throughout the international community to make sure it is not just the United States that is paying for refugee assistance. Right now we cover about 25 percent of the humanitarian budgets.

I'm going to try to figure out how to encourage other donors to come forward because this is a worldwide commitment to help refugees. I want to make sure we do that. That's one of the most important things I think we can do. The other is to work continually with the NGO's and the UNHCR to assure that there is a minimal, acceptable level of services and that we deal with this question of protection in the camps. We've tried to do extra programs to deal with protection. If we can do it better, we will find that we will not have to confront some of the concerns about the sexual violence against women.

Finally, let me just say how very much I now appreciate being in the Administration and having a terrific staff, and being able to work with you. As you pointed out, I'm new to this job, not new to the field, and have always appreciated the bipartisan support and the energy that Congress has given to this. And I look forward to working with you. Thank you very much.

[The prepared statement of Ms. Taft appears in the appendix.]

Mr. SMITH. Secretary Taft, thank you very much for your testimony.

Mr. Gilman leaned over a minute ago and advised me that Mr. Gere does have to leave—and your staff has cleared this—that you would be willing to interrupt your appearance and we would go to questions after his testimony.

Ms. TAFT. I would be delighted.

[Laughter.]

I mean, I didn't mean it that way.

[Laughter.]

Mr. SMITH. You did mention, and we'll get into this in greater depth, I'm sure, later on, but about the conversation, how it evolved, on the whole issue of abortions in refugee camps. I happen to believe that abortion is the taking of human life. I think you know I believe that. We were blindsided by that issue. The New York Times and others, as well as some very compassionate whistle-blowers came to me and talked about how abortions on demand were being done against black children in the Great Lakes region. And they were being done not for sexual violence reasons but for convenience reasons, if the reports were true, and the information seemed to be very accurate.

I have argued as compassionately as I can that this is the ultimate consensus breaker. I've read the documents, including the internal working group documents by UNHCR personnel which talked about falsifying, putting spin on, and deliberately misleading host countries as to the abortion performance going on in the parameters of that country, which I found to be shocking. At the least, the process should be absolutely transparent and not something done behind closed doors, and then euphemisms like "menstrual regulation" and other euphemisms be employed to disguise from the host country what is actually being done. So, as I and other members who are very pro-refugee discovered this, we felt that it needed to be brought forward and I hope that UNHCR and others, of whom I am an unabashed admirer, will take heed that some of your best friends will engage this aggressively because refugee unborn children are important just like refugee children who are born are important. We need to have a holistic, comprehensive approach in my view, that all of these children are valuable and precious. So that's how that evolved, from my point of view.

But thank you for your willingness to allow Mr. Gere to proceed, and I would like to introduce Mr. Richard Gere to the Subcommittee. Mr. Gere, as I think many people know, is a very successful actor who has starred in many popular motion pictures. He is also co-chairman of the International Campaign for Tibet. In that capacity he has been active in the campaign's efforts to promote human rights and self-determination for the people of Tibet, and to bring attention to the plight of the Tibetan refugee community in India and Nepal. Mr. Gere's concern about refugees is longstanding. He was very active and very outspoken on behalf of the turmoil suffered by displaced persons in Central America and that humanitarian feeling within him certainly is being manifested mightily on behalf of the Tibetan people, who need advocates, who need people who can bring the spotlight of scrutiny and compassion to them. So I thank Mr. Gere for his good work. Please proceed.

**STATEMENT OF RICHARD GERE, CO-CHAIRMAN,  
INTERNATIONAL CAMPAIGN FOR TIBET**

Mr. GERE. Thank you, Mr. Chairman. And I want to thank all of you for being here. This is really important work that you're all doing. From my point of view, maybe the most important work in government right now is taking care of other people in the world. I want to thank you for the opportunity to appear here before this Committee and to speak on the importance of U.S. refugee assistance to the Tibetan refugees, and the substantial needs of that growing community. I'm deeply honored to be following Assistant Secretary Julia Taft, who is new to the job and welcome as our representative and someone who has a long history in this area. I'm very happy to be here with her, and be included with the other fine men and women who have committed their public lives to serving the needs of the desperate and disenfranchised. In a very real way, these people and you people are taking on the moral responsibility of not only our nation, but of the world, and I applaud you.

As I know most of you, and many of you know me, a little bit, you know that I've been an activist for the cause of Tibet for many years now, perhaps over 15 years. And I've been privileged to testify before this Committee and its Senate counterpart on the status of Tibet as well as the Dalai Lama's efforts to find a just and lasting peace in Tibet and throughout the Trans-Himalayan region.

In all this time, I'm saddened to say, the conditions in Tibet have worsened. And as reported by the State Department this month, "Tight controls on fundamental freedoms continued and in some cases intensified."

I visited Tibet in 1993. I've not been allowed since, but I've seen firsthand the repressive conditions that lead the refugees to flee. It is a horrendous situation. And as many of your colleagues who have been there recently have testified publicly and otherwise, it's an increasingly terrible situation for the Tibetan people.

Although I am not allowed to go back there—I've been turned down for a visa many times in the last 4 years—I urge you to go for yourselves and see the degradation of the Tibetan people in that culture and experience the suffocating presence of China's control over the Tibetan people.

Congressman Frank Wolfe described the oppression he found in Tibet as more brutal than he witnessed in Soviet Russia or communist Romania. A repression applied with what Senator Moynihan has called, Stalinoid dementia. And if you go there, you will see it, and you will feel it. It's omnipresent and it's undeniable. Anyone familiar with the issue of Tibet—I believe this Committee is, I've spoken to most of you personally. I know you all have friends in the Tibetan community and this is something that touches your hearts. I thank you for that.

I hope you understand that systematic human rights abuses, intensified control, forced cultural assimilation, and resource exploitation have fundamentally changed the Tibetan way of life. To the extent that the Tibetans can survive within these foreign and repressive Chinese-imposed paradigms, they remain in Tibet or they flee.

And what we're seeing this winter especially is an increase in Tibetan refugees arriving in Nepal and India, particularly and in-

crease in monks and nuns and children, and I emphasize here that there's an increase; there's not a decrease, leading me to recommend that instead of bringing down in real dollars the moneys that are given for assistance, it is increased, as the number of refugees increases.

I was just in Kathmandu, Nepal, in December for 2 weeks, and I visited several transit camps there, reception camps. They were essentially barefloored dormitories, a dormitory office, a small room where a single nurse administers inoculations to little ones, and cleanses and dresses the rotting flesh of frostbite victims.

I don't think that anyone who has ever been to one of these camps, whether it's in Tibet, whether it's in El Salvador or Nicaragua or Honduras, or wherever it is in the world—and certainly as we're seeing in Africa as well—can fail to be touched very deeply in their hearts and souls by the plight of people who don't have basic protections.

And as we've spoken many times, I feel that we can afford financially and morally to help these people. It's our responsibility; it's our universal responsibility. These are brothers and sisters, we have the funds, we have the agenda as Americans, we have the responsibilities as feeling human beings to help them.

And when one goes into those camps, it's a mixed bag of hope and despair where people who have come across the border—and I must explain that they come across these borders in the winter time so that they can avoid the usual border patrols on the Tibetan side, the Chinese guards, and on the Nepalese side, the Nepalese guards.

So they come through during the worst storms of the winter in tennis shoes and very light clothing. Many of them die. The ones that arrive very often have their fingers and toes amputated from frostbite, but they do it anyhow. You wonder why. Why would they be suffering these kinds of conditions? Because life is that horrendous in Tibet.

And, as I said, the number of refugees is increasing. The little help that they do receive is very much the result of congressional initiative and State Department funding, and for that I am grateful, they are grateful, and I would hope that this would not only continue, as I said, but increase as the refugee situation does increase. And in that sense, I do disagree with Julia that in fact, we do need more funding. This is a horrendous situation, and we are in a situation to help them.

I did see a building there, a large dormitory with a kitchen which is near completion that will relieve the overcrowding and provide a semblance of privacy to monks and nuns and the very young children that I saw there, and separate men and women.

After watching the crowd of new arrivals swell every day, I doubt the purpose will be fully achieved this winter. The human feeling of encountering these refugees stirs one very deeply. Asked why they left, they're stunned. When pressed, they say, well, we have no life. We have no religion. They come into our houses in the middle of the night, searching. They take us out, sometimes for torture. We're certainly hassled constantly. We have no jobs. Everything that is Tibetan has been taken away from us. We are second and third-class citizens in our own country. We have nothing left. To

get out, perhaps our children can be educated out of country because they have no opportunities in our own country. We wish to see the Dalai Lama who is our only hope. We wish to have some semblance of a life as the rest of the world knows it. And for that reason, they are willing to endure the hardships of going over the Himalayas in tennis shoes.

There is one extraordinary Tibetan woman that I met there at a transit camp, and her name is Tsering Llamo, and I bring her to your attention for two reasons. First, as a former Fulbright scholar, she represents a program authorized by this Committee that has returned to the Tibetan exile community a skilled cadre of young people who now serve magnificently in the Tibetan refugee assistance program.

Second, Tsering Llamo is asking for a proper clinic and funding for a visiting doctor. Now the clinic that I saw was wholly inadequate. And again, I'd like to say that any monies that do end up in these programs, one sees a lot in return. The Administration costs are extremely low; there's a lot of bang for the buck spent there. And in human terms, it's money well-spent.

By the time the refugees reach Kathmandu over the mountains, refugees are malnourished, they're exhausted and often traumatized. All them were traumatized, that I saw. They were stunned. As I spoke to them, often it took hours for them to understand that I was someone who could be trusted, I was someone there to help them and I wasn't just some authority figure who was gaining information to be used against them later. This is the process that usually takes several months for them to become acclimated.

And as they end up in Dharamsala, you can see the difference in refugees who have come over from Tibet and the exile-community Tibetans who still have that quality of being Tibetan, of being open and loving and generous in the most extreme sense of that. It's really quite moving to see the Tibetan community in exile embrace these new arrivals and nurture them back into being open human beings.

I've seen the assistance that we are giving them as a large part of that in terms of schools, education, and especially the immediate assistance they get as they come across the borders. Many of these people have been in flight from 2 to 6 months before reaching the Tibet border. As they descend from the Tibetan plateau, these refugees have few immunities to protect them from diseases that are rampant in the lower altitudes of Nepal and India. Many arrive with dysentery, scabies, and worms. In winter, about 75 percent of escapees cross the Himalayas by fording a 19,000-foot pass. I must tell you too, it's not simply enough to get across the mountains. Once they get there, very often they're hassled by the border guards.

There was a girl that I was fortunate enough to meet in Dharamsala, a very pretty Tibetan girl who had made it across the mountains, had lost two of her friends who had died on the way, but she was held and gang-raped by Nepalese guards for 2 days before she was allowed to escape. This is not a rare occurrence.

Reports of torture among refugees are alarmingly common. A paper issued last fall by the Physicians for Human Rights found

highly credible personal accounts of torture at the hands of Chinese authorities by 1 in every 7 Tibetan refugees interviewed.

By accident, really, I spoke to Charlie Clements just yesterday, who is the director chairman for Physicians for Human Rights, and we had worked together in Nicaragua and El Salvador years ago. The work that he's doing with New York University and Bellevue Hospital with Tibetan refugees and post-traumatic stress syndrome, he says this clearly is one of the worst that he's had to deal with in his capacity.

According to doctor reports, the abuse these torture victims suffered resulted in significant physical and psychological consequences.

Though she may try, these maladies are more than Tsering Llamo can handle alone.

Mr. Chairman, I thank you again for inviting me to speak before the Committee. I've made my remarks quite brief. Believe me, I could speak for a long time on this. There are a lot of people here to speak. But I commend you to my colleagues at the International Campaign for Tibet for more detailed information on the plight of Tibetan refugees.

I'd also like to end my remarks by calling on the U.S. Government to increase its funding for overseas protection programs. As it is the world over, the need for refugee assistance for Tibetans in India and Nepal is not going down, but it is going up. There's no question about this. We're up to probably about 3,000 refugees who will make it over the mountains this year. And we can expect this refugee flow to increase as China continues to clamp down on freedoms and terrorize Tibetans in-country.

I urge the United States not to reduce or flat out its contributions to this account, but to provide abundant assistance where it is so desperately needed. And in real dollar terms, it seems to me that the monies being suggested by the Administration will be less than they've had before. I think it's important to increase, as we know, we have an increase of monies available, and the need is there. I understand that reduction in resources has caused understaffing of the UNHCR's protection division and I can tell you, unequivocally, that the UNHCR Tibetan refugee program in Kathmandu has saved lives and lessened the torment of Tibetans at the hands of bandits and border guards. UNHCR protection is vital to the border handling and safe transit of these refugee groups through Nepal.

Furthermore, as China does not seem willing to moderate its behavior in Tibet, the need may arise for more Tibetans to leave their country. The generosity of India and Nepal is extreme, especially India. Nepal is saturated now, from their point of view, and they're sending everyone to India. India is still receiving refugees. There have been upward of 100,000 who have come into India. And the Indians have been incredibly generous but I don't think they can be expected to foot it all themselves.

We have broad shoulders in this country. We have resources, and we should be helping more. I sincerely hope, should that occasion arise that Tibetans need to enter this country, the United States will open its doors to them. By my estimation now, there are under

2,000 Tibetans in this country. We certainly have openings here for more Tibetans.

As an elder Tibetan refugee so eloquently pleaded: "We are facing difficulties of immense burdens, full of prayers, I implore that this may reach the heart of a benevolent person."

And I might add, the heart of a benevolent country.

And finally, I'd like to announce a program that was launched today by the International Campaign for Tibet and WITNESS of the Lawyers Committee for Human Rights to provide interactive documentation of the 1998 winter exodus of refugees from Tibet. This program can be accessed on [www.savetibet.org](http://www.savetibet.org) and will feature photographs of Tibetan refugees and their stories. Beginning with His Holiness, the Dalai Lama's flight in 1959, over 140,000 Tibetans have been driven from their homeland. I invite you to bear witness to the tragic exodus as it continues today.

I want to thank you again for allowing this time. And I want to thank you for all the hard work that you guys have done. I'm very proud of you as a coworker and I'm proud of you as an American. Thank you very much.

[The prepared statement of Mr. Gere appears in the appendix.]

Mr. SMITH. Thank you very much for your compelling testimony and the fact that you match your words with your daily efforts. And the fact that you have spent so many years, 15 as you pointed out, working on behalf of the beleaguered people of Tibet.

You mention torture. We held a hearing in the last Congress with 6 survivors of the Laogai, including Harry Wu but also a Tibetan monk, Palden Gyatso, who brought in the instruments that tortured him.

Mr. GERE. I met Palden Gyatso, actually in Dharamsala actually just after he got over the border.

Mr. SMITH. Then you know him.

Mr. GERE. It was an extraordinary experience. The man had spent 30 years in jail, tortured almost every day of his life. He had lost his teeth from having a cattle prod put in his mouth, scars all over his body.

I sat there with a documenter from Amnesty and a translator, and he told his story for 3 hours and we sat there with tears streaming down our faces to hear what had happened to this man. At that point, he had smuggled out the torture implements from the prison that he was in—or, he was in several prisons in Tibet. They were in Delhi at the time, in a safe, because he wasn't sure who he could trust. But since then, I know that he did come to this country. I was able to help him get to this country. In fact, Amnesty and the Gere Foundation put together a few events to present him to the world and allow him to tell his story. He has an extraordinary book out now. If people would be interested, "The Autobiography of a Tibetan Monk," I believe is the name of it. It's an extraordinary book, very, very moving. And certainly up there with the story of Harry Wu and Wei Jinsheng.

Mr. SMITH. I would like to yield to Mr. Gilman, because he has to leave, for a question.

Chairman GILMAN. Thank you, Mr. Chairman. I regret that I have another appointment, but I'll try to return as quickly as I can. But before Mr. Gere leaves, first of all, I want to commend Richard

Gere for the great work that he's done, the leadership of his group, and he has reminded the Congress continually of our responsibilities, and we can't thank you enough for what you've been doing over the years.

And, Mr. Gere, according to monks and nuns who have been fleeing Tibet, they decided to flee because while in Tibet, they had been required by the Chinese authorities to sign a declaration agreeing to five points: First, rejecting the boy selected by the Dalai Lama as the 11th reincarnation of the Panchen Lama. Second, rejecting and denouncing the Dalai Lama. Third, recognizing the unity of China and Tibet. Fourth, rejecting independence for Tibet. And last, not to listen to the Voice of America.

Can you tell us your comments on that? How important is it when they have to reject the Dalai Lama, to a Tibetan Buddhist, how important is that and what would it mean for a practitioner to denounce him?

Mr. GERE. Everything you've said, Congressman Gilman, is true. And that's one of the reasons why we're seeing an increase of nuns and monks who are leaving Tibet now.

The question of denouncing the Dalai Lama would be denouncing your mother and father, your grandmother, your grandfather, your whole heritage; denouncing your God, denouncing your religion; denouncing your own name. There's nothing more central to a Tibetan than that relationship and their belief. Total, complete belief in the purity and leadership of the Dalai Lama.

The Chinese know that. And this is a very systematic approach—and we've seen that from the time of Stalin through all the Communist nations that have come since then. You take away people's pure beliefs in anything, you destroy them. And with that, if you take their land away, then they have absolutely nothing. And that's what the Tibetans are facing right now.

Chairman GILMAN. We had a good opportunity of seeing the amount of worship that they hold for the Dalai Lama when we visited Dharamsala, the congressional delegation in August of last year. And many of the people that were there, the Tibetans had just recently come from Tibet, and certainly characterize their trip in the manner which you described. How difficult it was crossing the mountains, and many of them suffered tremendously from that trip.

In the State Department's *Country Reports on Human Rights Practices for 1997*, it states, "The Committee supports continued funding to assist Tibetan refugees and expects that \$2 million will be provided for this purpose." This is a November 1997 report from the Appropriations Committee. "The Committee requests a report by February 1, 1998, on its plans for implementing this assistance and on the history and/or future plans for this program."

From your testimony, I assume that you support that \$2-million appropriation. I think your Committee last year suggested \$1 million. Do you support that?

Mr. GERE. I support \$20 million.

[Laughter.]

I will accept \$2 million. I think that we're talking about such extreme need here. I think the money spent this year was under \$1 million. In real need, that's minuscule. And again, if you've been

to those Tibetan border nations, you see what that amount of money does. It helps an enormous number of people, but it doesn't do more than help them survive the moment. It doesn't return them to humanity and it just barely scratches the surface of what can be done for these people. If you saw the people that ended up in Dharamsala, that was after they had gone through the border experience in Nepal, been put on a bus and went to Delhi where they went through another processing situation, and then in a bus that went up to Dharamsala. At that point, they had been fed, their wounds had been nursed, and they still were stunned, I think you could testify. They hadn't really assimilated yet.

The people at the border are in extraordinary need. You just can't believe the suffering of these people. I've talked to mountain climbers who have found groups of Tibetans up in the mountains, wandering around with nothing. No food, no clothes and the mountain climbers are in their parkas and their heavy clothes and protections, and they see these people walking through the heavy snowstorms in these high mountain passes in tennis shoes. It's mind-boggling. They've lost their brothers and sisters already. They've lost their mothers and fathers, and they don't know what to do. Well, we're here to help them. I pledge myself, from my own foundation, to help these people. I think as the U.S. Government is flush right now, we can do much more.

\$2 million at a minimum, absolutely, do I support.

Chairman GILMAN. God bless you and the efforts of your foundation. In the State Department's *Country Reports on Human Rights Practices for 1997*, it states, according to credible reports, monks who refused to sign that 5-point declaration I mentioned, were expelled from their monasteries and were not permitted home to work. What's left for them when that happens? I assumed you've talked with some of these monks.

Mr. GERE. Oh, yes, I just saw them in the camps coming over. They're in their tattered robe which is all they have; they've given away everything. Mind you, these refugees come across with, literally, nothing. Nothing. No possessions. Barely the clothes on their back, and by then, they've been wrapped around their feet so there's almost nothing left on their bodies. For a monk and a nun, there's no place to go but the mountains. You walk out of the country. And very few make it because they don't have the resources to make it properly. To stay in-country, there's nothing for them. Nothing. There's nothing for an ordinary Tibetan. For a monk and a nun, who are trained for nothing else, whose minds are set on the monastery or the convent, there's nothing for them.

Chairman GILMAN. It's a sad situation. The State Department recently appointed, as you know, a special coordinator for Tibet. Do you have any recommendations for that special coordinator, what he could help do to resolve the crisis in Tibet?

Mr. GERE. I think that, as he's finding out, the Dalai Lama in this case is the solution, not the problem, for both sides. The Dalai Lama is, as we all know, a genuine human being who is genuinely looking for a just and a lasting solution to this problem. He's looking for a win-win situation here, which I think does exist. But it can't happen unless the Chinese come to the table to talk. If there's an absolute unwillingness, a stonewall to discussion, honest discus-

sion, absolutely nothing can happen. I think that's the leverage that we have and I think Mr. Craig will eventually, if he hasn't done it already, be recommending to the President that that is something that we can demand of the Chinese. That there is a genuine engagement in terms of talk and discussion. And realizing there's no fear of the Tibetans here. The Tibetans are not a violent people. These people really are forgiving in the extreme. I could tell you the most heart-wrenching stories of forgiveness. These people that walk out, Palden Gyatso, we were talking about before. When I asked him, after 30 years of torture, holding his torture implements, no teeth in his mouth, I said, how do you feel about these people? And he looked off in the distance and took a deep breath and he said: "It's much larger than that. It's much larger. If we couldn't forgive, what is Buddhism all about?"

So he embraces them as brothers and sisters. The Dalai Lama embraces them as brothers and sisters. He sees their actions and this tremendous amount of violence and repression on the Tibetan people, as horrible for his own people, but ultimately worse for the Chinese in terms of karma. And he genuinely does see it that way, as the Tibetans as a community see it that way. So we're dealing with people that do want a win-win situation.

Chairman GILMAN. When we met with the President of China back in August we talked about the impasse, why aren't you sitting down and negotiating with His Holiness the Dalai Lama and his response was: "When the Dalai Lama says they don't want independence, then we can sit and talk."

But when we visited with His Holiness the Dalai Lama, he said, we don't want independence, we just want some autonomy for our people.

And we can't seem to break through that impasse. Do you have any thoughts about all that?

Mr. GERE. Well, I think this comes down to trust. I'm assuming that we're all basically the same. I don't pretend to tell you that the Chinese are all monsters. Even in government, even as high officials who maybe are responsible for the policy in Tibet. I don't think they're monsters. They are like us.

There's a wonderful line in "Kundun," a recent movie of the Dalai Lama.

Chairman GILMAN. A great film.

Mr. GERE. It's an extraordinary film in which the young Dalai Lama receives several generals who want him to sign a paper—Chinese generals. And he doesn't speak, he just stares at them; watches them. The Chinese don't know what to do and eventually they leave with the paper. And the camera follows the Dalai Lama out and he's thinking by himself outside and his attendant comes up, speaks his name, and it's the first time in 5 minutes the Dalai Lama spoke, and he says: "They're just like us. They're just like us."

And the Dalai Lama genuinely believes this. I think we're in a situation here that we have to allow this trust to happen but it only can happen in proximity. The Dalai Lama in proximity to the Chinese will let them know absolutely, completely, utterly, that he is a man of conscience, a man who is only looking for the best for all people.

And I think we can force that. I think it's our responsibility to force that to happen. And I've seen this continually. Everyone melts around the honesty and purity of the Dalai Lama.

Now, in terms of independence, it's a very tricky issue. Tibet was independent. Whether the U.S. Congress can say that, whether the President can say it, whether the European Union can say that—this is all technical jargon. Everyone knows that it is irrefutable. Now, in terms of the language that one uses in fashioning an agreement in the de facto present, that's something else.

But to expect the Dalai Lama to lie and say that Tibet wasn't independent, is unthinkable. The man can't lie. It's not in his fabric to lie.

Now, if the Tibetans were given true autonomy which is what they have on paper already from the Chinese, that's totally acceptable. What they have not received is what they've already been promised.

Chairman GILMAN. Mr. Gere, thank you for your thoughts and for your willingness to be here to testify before us. We hope you'll continue for many years to seek a solution to this Tibetan problem. God bless.

Mr. GERE. God bless you.

Mr. SMITH. Thanks, Mr. Gilman. Let me, Mr. Gere, ask you a couple of questions.

Mr. GERE. Yes, please.

Mr. SMITH. First of all, I thank you for your strong appeal that the numbers be ratcheted upwards in the area of how much money we allocate. I would point out, basically, we're talking about two things. The humanitarian concerns, dealing with people in the camps, making sure there's adequate food, water, shelter, clean—

Mr. GERE. Clinics, simple clinics to deal with the people's immediate needs when they come across.

Mr. SMITH. In looking through the documents that will be presented later on by all of the other non-governmental organizations who like you have long-standing and deep commitments to the refugees, not politics, not any ancillary issues like that, they just care about the refugee, they point out that the numbers are low.

In Africa, the 7,000 ceiling is so unrealistic. The UNHCR has not referred any large groups for settlement, causing processing pipeline to be virtually nil. That's from the Lutheran Immigration.

The Council of Jewish Federations (CJF) points out that the numbers should be 104,000 refugees and that the admission number should be determined by dollars. That should drive the numbers of how many we provide for, not the money. Unfortunately we set a ceiling on money and then everything has to fit into that box. And it seems to me that we've had a number of oversight hearings on this Subcommittee that we allocate a certain amount, we say, that's all there's going to be, now make it work out in the field. We give many of our people in the field a very, very difficult task, to say the least.

We also have gotten into this mantra of resettlement, back to home country. And everything is pushed toward—you know, we're almost like compassion-fatigued. Don't care anymore about—

Mr. GERE. As long as they're back, everything's fine.

Mr. SMITH. As long as they're back, everything's fine. Never mind that they're going to prison or being hurt in some way, and not to mention the emotional distress they go through in going back.

There also seems to be a lack of priorities, and in a bipartisan way this Committee tries to push the Administration to increase those numbers.

You saw, on the ground, people who were hurting. What would be your recommendation to us as to how to get these numbers up? We're like reeds out in the wind sometimes.

Mr. GERE. Look, I honestly believe that this Committee is doing one of the most important things that government can do: representing the mission statement of who we are as Americans. What this country stands for, and it really is embracing all peoples. That's where we came from. Our forefathers were people that didn't fit in anyplace else; we were all refugees from somewhere.

Now I'm in a little of a funny position here because I'm talking about Tibet, but my heart goes out to all refugees everywhere. And the work that this Committee does for everyone, I think, is extraordinary.

Now, specifically the Tibetan situation. I was there. I saw it. I've been in Darjeeling, I've been in Bhutan, I've been in Kathmandu and Nepal. I've been over the border areas in India. And I see the work that people are doing, whether it is the United Nations, whether it is the Scandinavian nations, whether it is the United States, this is big bang for the buck that you get out of this. This is dealing with the immediate survival of people. There's no question about this. There's no high administrative cost here. This goes right into housing, clothing, feeding and administering to the wounds of people who are on the edge of death.

Mr. SMITH. And you heard of and saw people who were not getting their needs met?

Mr. GERE. Absolutely. The needs are so broad, you know, it's not enough to give a little rice to someone who has just come across the border. We're dealing with people who have been so traumatized from a whole life of repression that they need enormous help, mentally, physically, spiritually, on all levels. We can't take on people's problems ad infinitum. But we can certainly deal with their immediate needs. We do have the resources to do that. You know, walking down the streets of New York, we can put \$5 in a bum's pocket. It's OK. We can afford that. We certainly can do that in Kathmandu for these people who have walked for weeks, sometimes months, through the snow, over the high passes, in tennis shoes, in order to get away from an oppressive government.

Mr. SMITH. Did any of those people indicate that they wanted to be resettled in other countries like the United States?

Mr. GERE. I think the dream of a lot of people is to go to the United States. The ones immediately coming over the border, I wouldn't say so. They're so stunned. Believe me, they're so stunned in that moment. First, that they have survived this horrendous trek, second, they're stunned from where they come from. They don't really know what to expect in Nepal or India.

They have a vague idea of: I want to get to the Dalai Lama. That will bring happiness. I will be safe if I'm with the Dalai Lama.

That's about all they really have when they come across the border. Now eventually, when they understand that they are safe, that they're in a free country, India especially, they start to have dreams, like everyone. And resettlement in the United States means a lot to them. They can get a job that pays well, and they can take care of their family, like everyone else who has ever come to the United States.

The numbers we're talking about of Tibetans is quite low. As I said, a maximum of 2,000 Tibetans are here now. I would say probably less than that in Canada, maybe more in Switzerland and in other European countries. But it's quite low. So for us to even double the amount, triple, quadruple the amount of Tibetans really means very little to us in terms of taking care of these people.

Mr. SMITH. Was there any indication from either the UNHCR or any American diplomats that you met that they are making the possibility of resettlement in the United States something that these people could anticipate as a realistic expectation?

Mr. GERE. Well, this comes later on. The resettlement program that was initiated about 6 years ago, maybe. I was skeptical of that, frankly. I didn't think it would work, but it has been enormously successful for the Tibetans and for the Americans. They've become very productive people within the community. They've saved a lot of Tibetans. Families hopefully will be coming over and they've added to the richness of the cultural mix of this country tremendously.

Mr. SMITH. Let me ask one final question.

Mr. GERE. Yes.

Mr. SMITH. The other organizations have asked for, and I think I've read all of their testimony now, additions in the number of refugee slots for resettlement, at least at the 100,000 range, and also for upping the amount to at least \$700 million from the current figure. What is the Campaign for Tibet's position on that?

Mr. GERE. Frankly, I'm going to let the experts speak. It's not my specific area so I'm going to let an expert speak, Mary Beth Markey.

Ms. MARKEY. Again, I'm sorry, the question?

Mr. SMITH. The other non-governmental organizations who are testifying today are asking that the number be significantly increased to at least the \$700-million figure and also that the number of resettlement positions be upped to approximately 100,000, perhaps even more according to some of them. What is the Campaign for Tibet's position on that?

Ms. MARKEY. We certainly support that position and we would also be willing to work quite hard in union with our fellow non-governmental organizations and with the Congress to make sure that happens.

Mr. SMITH. Thank you very much. Mr. Payne.

Mr. PAYNE. Thank you very much. Let me also join my colleagues in expressing the appreciation that we have for the outstanding work that you're doing highlighting the situation in Tibet and your history right along championing civil rights around the world.

Mr. GERE. Thank you, sir.

Mr. PAYNE. And we appreciate the campaign that Hollywood is doing, "Kundun" and "Seven Years in Tibet" and others. It really helps when people who have a lot of identification and attention get involved in good causes. And so once again, I certainly appreciate what you're doing.

I just have two real quick questions, and I don't know if one of the experts wants to answer it, but the Nepalese Government suspended the issuance of identification cards to Tibetan refugees in the 1960's. Now many Tibetans have no form of identification, no permanent status.

These Tibetans have difficulty in obtaining their basic citizen's rights, unable to travel abroad, have problems with access to services such as banking and other normal kinds of things.

The UNHCR donates blank resident identification cards to the government of Tibet but in August 1997 there were 4,000 Tibetan refugees in Kathmandu Valley that remain without identification cards and I was wondering if anyone knows whether it's felt that the People's Republic of China is pressuring the Nepal Government about the issuances of identification? And if you've had the opportunity to speak to any Tibetans themselves or whether this issue comes forward when they're talking about the problems that they're having?

Mr. GERE. Clearly, this is a huge problem. What is the status of a refugee? Travel becomes extremely difficult. A lot of Tibetan friends of mine have had to become American citizens, which is not too onerous in some sense, but if you're a Tibetan it is. They don't want to be listed as a Chinese citizen because they're not Chinese. It's very difficult to get the papers in Nepal.

The question is the PRC pressuring Nepal? No question about it. They're terrified of China. Terrified on all levels. We're going through a period of the last years where refugees coming across the border are sold back to China. There's a huge black market in selling people back. And this comes directly from pressure from China to not help the Tibetans. Do you have anything to add to that?

Ms. MARKEY. I think that's true. I think that this is an issue that the Nepalese Government has been trying for a very long time to fudge its way through and—

Mr. GERE. And we can understand their issues.

Mr. PAYNE. Yes.

Ms. MARKEY. Yes.

Mr. GERE. They've got a huge monster on top of them there.

Mr. PAYNE. Sure.

Ms. MARKEY. The American Embassy in Kathmandu has been calling on the Nepalese to resolve this so it is an issue that the American Government is aware of and it is applying some pressure.

Mr. GERE. I want to add too that I was able to meet the new ambassador to Nepal, the U.S. ambassador, who, I think, is an extraordinary man. There were several things that were brought to his attention while I was there. He called me back within hours and had verified what I said was true, and got right on it and fixed it. This had to do with helping refugees, because the U.S. Government does have an effect here.

Mr. PAYNE. And that's another area where we need to get more funding. You were talking about more funding for refugees, we've had a tremendous cut in the amount of funds that are available to run our overseas operations.

Mr. GERE. Absolutely. As a private citizen, I was happy to bring this information to the attention of the U.S. Embassy, but they did not have the manpower to get a lot of this information themselves.

Mr. PAYNE. Right. It makes no sense, a first-class country and we have almost second-class services representing us in a country. It makes no sense.

My other question deals with the problems that the refugees have getting over the mountains and getting through. Is there anyway that a safe passage might be able to assist them? I guess once again the question is the other governments don't want to get too cozy.

And this question about the rural police. I thought they would be the ones stopping the brutality and bribery but in instances are you saying that they are creating some of the problems also?

Mr. GERE. I think it would be foolish to expect that the most educated people in Nepal are border guards. I've heard terrible stories of what they've done. There's no question about this. The U.S. Government and the United Nations have pressured Nepal to take care of this issue, and I think it has, to a very large extent, been taken care of, but it continues. There's no question about this. Border guards have to deal with a lot of issues, their own personal ones, as well as people who have been severely beaten up. You know, I know what it feels like getting off a plane after 36 hours. And I don't want a customs person giving me a problem. Now imagine spending 3 months walking through the mountains and you have a border guard who is ridiculing you and giving you problems. You're going to have blow-ups there. So you need trained people who can deal with the emotions and reality of a person who's been through that kind of stressful situation.

Ms. MARKEY. This is the most important reason for the UNHCR Tibetan program in Kathmandu because they actually are able to offer incentives to the border guards. They send jeeps and helicopters up to the Nepali border areas. That program has not been in existence for that long, perhaps less than 10 years.

Mr. GERE. Less than 10 years.

Ms. MARKEY. And before that, things were much worse, so given the limited amount of resources and manpower UNHCR has, they're doing a good job there and it must continue.

Mr. PAYNE. I really appreciate that. As I looked at last week's tab, you know, we've got to deal with dictators who attempt to have their policies which are anti-human rights, people like Saddam Hussein. Last week we spent \$1.4 billion just on sending some troops over and a few more planes, and if the buildup continues, it'll probably be \$2 billion a week, and it'll go up to \$3 billion a week. And when we try to get an increase for something like refugee work or embassies around the world or humanitarian aid, we can't. We do what we have to do, but perhaps a lot of the money would be better spent in preventive methods, so we don't have to have the clock running on \$1.4 billion, probably up to \$2 billion

this week, \$3.5 billion the next week unless the agreement stands. It's just the wrong way.

Mr. GERE. Well said. Well said.

Mr. PAYNE. Thank you.

[Mr. Payne's prepared statement appears in the appendix.]

Mr. SMITH. Thank you, Mr. Payne. Mr. Ballenger.

Mr. BALLENGER. Thank you, Mr. Chairman. Let me, if I may, you've run into these old package disaster hospitals left over from the John F. Kennedy Administration, or have you?

Mr. GERE. No, I haven't.

Mr. BALLENGER. My wife and I have found 12 of them. We put two of them in Guatemala, and two in Nicaragua, and one in El Salvador, one in Bolivia, one in Peru, one in Afghanistan, so forth. And we might still be able to find those things. It's equipment somewhat like you'd see on "MASH" on TV, a hospital pretty well-dated like that, without the buildings or anything like that. If such a thing could be located, which may be possible, does the Denton Amendment—how do you get equipment and stuff over there?

Mr. GERE. How can you get it there?

Mr. BALLENGER. Yes.

Mr. GERE. The same way you get anything, you fly it in. It's not a problem. Someone has to pay for it. I mean, I'm generous—

Mr. GERE. That's why we're here.

[Laughter.]

Mr. BALLENGER. In other words, this Tsering Llamu who needs a basic clinic that you're talking about.

Mr. GERE. Yes. Believe me, they have nothing there. They have a room, a mud room to receive people. And they do what they can with the resources they have, which is basically to clean a wound and wrap it is all they can do.

Mr. BALLENGER. So, basically, if I could find something like this, do we have a way of getting in touch with you to find out—

Mr. GERE. Sure.

Mr. BALLENGER. Usually, I know how to ship things to Central America, South America and Africa, but I don't know anything about Tibet.

Ms. MARKEY. We'd be happy to work with you, Congressman.

Mr. BALLENGER. Yes, ma'am. Is there a way to—

Mr. GERE. Yes. We'll give you a card of the International Campaign for Tibet. It's in Washington.

Mr. BALLENGER. OK.

Mr. GERE. Full-time wonderful people working there.

Mr. BALLENGER. We've done it before—

Mr. GERE. I know them personally, they're really, really terrific people.

[Laughter.]

Mr. BALLENGER. Right. We've done it before and it's quite possible if there are some left.

Ms. MARKEY. Great.

Mr. GERE. I think it's an excellent idea.

Mr. BALLENGER. I've got a list of them.

Ms. MARKEY. That's great. The last time I talked to Tsering Llamu, she had eight frostbite victims, two with double amputations who were sleeping on the floor in her clinic. They have no

regular access to a doctor. They have no doctor on call. She has to tend to sick children, people who come over with pneumonia and not just the frostbite, but regular illnesses.

Mr. BALLENGER. Do they need beds?

Mr. GERE. Yes.

Ms. MARKEY. They need beds.

Mr. GERE. Everything.

Ms. MARKEY. A private place for those people to recuperate, you know just even with bunk beds and curtain.

Mr. BALLENGER. Actually, surprisingly, if you've done this several times, sooner or later the hospital community, all these big conglomerations they put together and they shut down a hospital here, and they've given me three hospitals at one time.

Ms. MARKEY. One of the problems with the Tibetans, and I know we need to go and there are other people who need to speak, as well, but one of the problems with the Tibetans in Kathmandu is they need to maintain their very low profile, almost their invisibility. The transit center there is on the outskirts of town, it's set way back. It's a very delicate political situation. As Richard says, the Nepalese have a lot of pressure from the Chinese Government and there are Chinese agents all over Kathmandu so the Tibetans kind of try to stay away and not bring their problems into the visible realm.

Mr. BALLENGER. Well, 2132 is my room number.

Ms. MARKEY. I'll find you.

Mr. BALLENGER. Yes, ma'am.

Ms. MARKEY. Thank you, sir.

Mr. BALLENGER. Let's see if we can't help out.

Mr. GERE. She will call you, too, I want you to know.

[Laughter.]

Mr. BALLENGER. Happy to help out.

Ms. MARKEY. OK.

Mr. GERE. There was one comment I'd like to make. Congressman Payne had what I thought was an extraordinary idea I'd like to follow out which was to create a safe corridor for these refugees. I think that's something that could be negotiated, and it's something that Mr. Craig could bring up. I think that's a real thing. Several thousand people dying in the mountains every year trying to get out, that's not good p.r. for China as well. So safe ground to get out to Kathmandu and also to Darjeeling, which is a little easier route, coordinated with more help from the U.S. Government, from the U.S. citizens, I think that's an extraordinary idea.

Mr. PAYNE. You know, there was an example in Rwanda when the genocide was going on. Some of us were asking for a safe corridor, not to get involved in the combatants, but to have a peace-keeping force just to keep the combatants from brutalizing and murdering women and children and the elderly, and we were unable to accomplish that. The French, though, and I don't agree with the French often, but at that time, they happened to send in the same kind of thing we were asking for and had sort of a protective group around 2½ million people whose lives were probably saved just by virtue of having a safe haven, a safe passage.

We do it in some of our cities now with runaway kids, to let them go to a place, a YMCA or a place where they're safe. Just a safe

haven for the time being. As you indicated, some kind of corridor, somewhere that there could be agreement so that—you're not going to stop a person if they're determined to go, but I don't think the People's Republic of China would need additional bad publicity which they continually get, why they keep trying to say they're not so bad. And so that might be something, I don't think it'll increase the number, it'll just be a little more humane to those who decide they're going to take off.

Mr. GERE. I think it would increase the numbers if people knew they didn't have to walk over 3 months through the mountains to get out, and there was an easy way to get out. But it's a perilous situation because obviously the Chinese do not really embrace the Tibetans in Tibet. They don't want them to leave either. They make it very difficult for them. So, they're being squeezed on every angle, but I think it's an interesting path to follow, and I'd like to follow that up.

Mr. PAYNE. Great. Thank you.

Mr. GERE. Thank you.

Mr. SMITH. Mr. Gere, thank you very much for your testimony. And Ms. Markey, thank you for joining in at the table today.

Ms. MARKEY. Thank you very much.

Mr. SMITH. Again, your comments and your witness on behalf of refugees, specifically in Tibet and in general, I think helps the entire issue around the world, so we're very much indebted to your work.

Mr. GERE. I'm indebted to you guys, and please keep it up. You know, we're proud of you. Thanks.

Ms. MARKEY. Thank you.

Mr. SMITH. I'd like to ask Secretary Taft if she could return to the witness table.

Ms. Taft, I'd like to begin first with, you made a rather sharp distinction between refugees and internally displaced persons when adding up the numbers. And interestingly enough, in his testimony, Father Ryscavage of the Jesuit Refugee Service USA points out that he does not draw such a sharp line.

As a matter of fact, he says, our field workers do not and cannot make those kinds of distinctions. This is a very important point he makes: the internally displaced person is often a refugee who has not yet managed to cross an international border. More to the point, increasingly, the internally displaced are people who are prevented from crossing borders or are forcibly deported back to their countries of origin without proper screening.

And I think it may have the effect of painting, however unwittingly, a distorted picture of the suffering that is going on suggesting that refugee numbers are going down. They are, according to Father Ryscavage, being prevented, and I think he makes a very good point about that. And yes, we're counting better now, probably than we did in the past. But I think we're talking about the need. As Mr. Gere just pointed out and as those who will testify later point out in their very well-argued briefs, the need is rising, not declining. And when they talk about a \$700-million minimum, and we're coming in at far less than that, we're going to see more suffering.

And take this point the way it's given, because I do believe in your heart of hearts, you're right there. We need to lead by example and it seems to me that if we become miserly, other nations will also put their wallets back into their pockets and be less forthcoming. That goes for resettlement and I think that also goes for forking out sufficient dollars to meet the overwhelming humanitarian need.

Ms. TAFT. If I may respond to that, I think you're absolutely right. We ought to be looking at what are the needs of the people who are displaced whether they've crossed a border or they haven't crossed a border. The reason I was trying to make this distinction is that the UNHCR, before it was asked to intervene in Bosnia for the IDPs, only dealt with refugees and it was the UNICEF and other organizations at the United Nations that had primary responsibilities for IDPs. It is very difficult for us to figure out whose jurisdiction the IDPs fall into, and because there has been a gap in terms of the lead agency designation by the United Nations, the UNHCR has embraced more and more, the issue of IDPs.

This has an implication for us because PRM funds refugees and AID and the Office of Foreign Disaster Assistance, which I used to lead, generally deals with IDPs. So we have a question of what funds, and what agencies, are to be involved, but let me assure you, on the bottom line, we agree with Father Ryscavage and with you.

The needs of these people are part of the international humanitarian commitment and we need to find ways to channel appropriate resources to whatever agencies provide assistance on the ground.

Mr. SMITH. What can be done Tibet-specific?

Ms. TAFT. Well, I've taken notes. I'll be glad to go with Mr. Gere anytime.

[Laughter.]

Mr. SMITH. I thought you were going to say me.

Ms. TAFT. It's hard, you know, you hear of somebody having a tough act to follow. Putting me after him is a real comedown. But let me say that I had a phone call from Mr. Craig before I came here asking me to find out exactly what we had done with the \$2-million soft-earmark that was in the last budget. In going through with my staff, I realize that \$850,000 had been given to the Tibet Fund and that we had been supporting the UNHCR in terms of their reception center in Kathmandu. I was advised that our funding met the absorptive capacity of these programs.

Other things that we might do would be more development oriented. After hearing the testimony today, I am going to go and re-evaluate whether or not we are doing all that we can to provide the emergency reception care and transit for these people.

And I'm very impressed with his testimony. I will report back to you on what we find. If there are conduits of assistance that we have overlooked, we will rectify that and we will definitely get back in touch with the UNHCR and our embassy in Kathmandu to find out whether they are doing everything necessary to alleviate this concern.

Mr. SMITH. I appreciate that. And I think I speak for all members on the Subcommittee that we would all appreciate that, on both sides of the aisle.

[The information below was supplied following the hearing.]

#### ASSISTANCE TO TIBETAN REFUGEES

In further consideration of the Appropriations Committee report language in H.R. 2159 indicating that up to \$2 million should be used to assist Tibetan refugees, and in view of the International Relations Committee's concern that such assistance be provided, we have reviewed proposed activities to assist Tibetan refugees in order to determine whether there are additional needs that fall within the mandate of the PRM.

Since 1991, the PRM has supported Tibetan refugees through contributions to the UNHCR and the Tibet Fund, a private, non-governmental organization that raises money for Tibetan refugees.

UNHCR notified our Refugee and Migration Affairs office in Geneva that \$166,373 has been budgeted within the UNHCR general program budget for 1998 to support the reception center in Kathmandu. The Tibet Fund recently submitted a preliminary funding request to PRM for FY 1998 which includes \$1.6 million for support to reception centers for newly arrived refugees as well as refugee health and education programs. In total, PRM has now received budget requests totaling \$1.8 million.

While the Bureau has supported these programs at a more modest level for several years, this year the Tibet Fund has identified opportunities to expand the level of program services. Their proposal addresses a number of possible shortcomings in assistance activities for Tibetan refugees, particularly in the health sector, which were identified by others at the authorization oversight hearing on February 24.

Proposed program expansions will upgrade reception center health clinics in Kathmandu and Dharamsala; provide clothing to refugees when they arrive in Kathmandu; expand the curriculum for students at the Transit School to include vocational training in order to better prepare them to be self-sufficient upon graduation; and increase the number of water and sanitation projects to be implemented.

During the next few weeks PRM will carefully analyze the additional program requests and will consider funding those that fall within the Bureau's mandate.

As I think you know, InterAction has suggested for Fiscal Year 1999, a refugee admissions number of 104,000. These are your old stomping grounds.

Again, I know that there are competing pressures with the Department and there are those who buy into the idea of repatriate, repatriate, repatriate, rather than look for countries for third country resettlement.

And, you know, looking at the Lutheran Immigration & Refugee Service testimony, much of what the executive director will speak to today, is what's going on in Africa where we have this seemingly artificially low ceiling of 7,000. The UNHCR has not referred any large groups for resettlement, causing the processing pipeline for refugees to be virtually empty.

And we ran into this when we had our hearings on the Great Lakes. If there was one, it would be the total exception among those people who were fleeing in the country, particularly in Rwanda who felt they couldn't go back. But they were not apprised, there was no interview.

Ms. TAFT. I know this is also Mr. Payne's concern, and we certainly share it. Let me say that one of the principal problems is that there are no large groups of African refugees for whom all of us, including Congress, can agree ought to be provided an entitlement to resettlement.

For instance, the Hutus that are still in Congo and other countries. We have to make sure that they are not genocidaires before

they could even be considered for some of our programs. So what we're trying to do is figure out whether there are groups of refugees that we can concentrate our processing on such as the Benadir were last year.

Actually just this last week, I had two of our admissions people return from a 2-week trip to Africa, and we analyzed the possibilities of special groups. We need to identify more than single individuals, more than one person in Cape Town. Where are the groups? We have identified mixed Hutu Tutsi married refugees who are in Tanzania that we will be processing as P-II. There are several hundred that we're looking at, and we're going to intensify the processing.

We're going to be processing some groups of refugees from West Africa, and with the new processing point in Dakar, we think that's going to go more smoothly. We also agree that there are a lot of southern Sudanese in Egypt that cannot really resettle in Egypt. There are several thousand. We're going to concentrate our resources there.

In fact, if you have other African groups for whom you feel we should have special processing, please let me know. We're trying very hard to make sure that the UNHCR is not the only point of entry. They have, in fact, in the past not been terribly enthusiastic about third country resettlement. We've now put two people working full-time on this issue, in Ethiopia and West Africa working with the UNHCR so we will get more referrals.

We've also gone to our embassies and said, you can do direct referrals. We've gone to the JVAS, they can do direct referrals for a variety of these cases.

But it is very, very difficult on a case by case basis unless we have more group processing. So let me just say that we're working really hard to even come up to the 7,000 for this year. And if you would have ideas or would like a particular debrief from the staffers that went out, I would welcome it.

The bottom line, however, that I found out is that we're having a denial rate by INS of about 40 to 50 percent of those that we finally do process through and identify through our voluntary agencies and the UNHCR. And that is because it's been difficult for the INS to determine whether or not these people really are in credible fear of return or cannot live safely in the country of first asylum. This was news to me and we're going to work with INS on what is the background and training and orientation offered to the INS officers so that they will understand the context, perhaps, better. So it's all of these pieces, and we're working on them and I hope that we'll be able to raise the Africa admission numbers next year.

Mr. SMITH. Let me ask you a question, I know you're very familiar with it. The refugee camp in Kenya where, because the fuel oil was denied, women were venturing out to get firewood, and some of them were raped. It was a horrendous situation. And a congressional delegation helped chronicle this, and I know our people at State are familiar with it, and that is the problem of some of the vegetable oil being denied, which is part of the basic diet. And that, apparently, the firewood was because of financial reasons, and apparently there was not enough money in the budget to meet these humanitarian needs. How many people got sick? How many people

died, or were put in dire straits? What is the Department doing now to ensure that if there is surveillance, if there is a humanitarian need, we are at least trying to address it?

Ms. TAFT. On the particular camp, as a result of the staff delegation that went out there, and other reports that we had, we realized that this fuel situation needed to be rectified. We gave \$1.5 million to the UNHCR earmarked for firewood.

I am very sad to report to you, sir, that this program has not really gotten off the ground to our satisfaction. It has been fully studied about where they would find the fuel and how to transport it. But no firewood has yet been purchased. I find it very unacceptable. But we also had the intervening floods in the camp which put the firewood issue on a back burner, so to speak.

So what I'm going to do now is to look at other alternatives to get firewood if the UNHCR cannot be responsive on this one. But it's an example of how we do have flexible money that we can go in and try to rectify a situation. And this one, I hope to be able to report very soon to you, is now back on track.

Mr. SMITH. Do we track the infant mortality in the refugee camps? As you know, I and others have been very strongly supportive of child survival initiatives. Are they sufficiently cared for in terms of their immunizations? Do we have the data on that?

Ms. TAFT. We do have data collected by UNHCR camp by camp.

Mr. SMITH. Can that be made available to the Committee?

Ms. TAFT. Sir?

Mr. SMITH. Could that be made available to the Committee?

Ms. TAFT. Sure. And we also have data on case-specific locations. The Centers for Disease Control go and they do analyses. We are also training our staff of PRM on its monitoring trips to start looking at the morbidity-mortality rates so that we can use that as a measurement of the quality of care. I will forward you whatever we can come up with. There is another study of the Rwanda refugee response, including Operation Turquoise. It was prepared by DECP and addressed what happened with refugees in Goma. What could have been done better? What was the role of the U.N. agencies? Who should have done other things in different ways?

It's a very comprehensive study done by the donors. And I will make sure you get a summary, you don't want to have the whole thing, or Mark doesn't want you to have the whole thing in your office, but we'll get you the final summary of it because it shows that there are other ways we can provide better assistance in the future.

Chairman GILMAN. It sounds like a worthwhile undertaking.

Ms. TAFT. It's very good.

[The summary below was supplied following the hearing.]

### INFANT MORTALITY RATES IN AFRICA

UNHCR has provided the following samples of infant mortality rates in Africa. UNHCR has much more information if needed, but it is currently in a number of different country files.

Benchmarks for under-5 mortality:

- \* 0.8/10,000/day = average in developing countries
- \* <2/10,000/day = relief program under control
- \* 2-5/10,000/day = very serious situation
- \* >5/10,000/day = major catastrophe

### INFANT MORTALITY RATES

1. Kigoma, Tanzania: 1.8/10,000/day  
(for a period Jan. 4–Feb. 21, 1998; UNHCR notes that this is a bit high; a malaria epidemic is going on.)
2. Kenya (Kakuma and Dadaab Camps)<sup>1</sup>  
March 1998: .6/10,000/day (normal)  
Feb. 1998: 1.5/10,000/day (somewhat high)  
Dec. 1997: .5/10,000/day (normal)  
Jan. 1997: 4.8/10,000/day (very high malnutrition; cholera)
3. Sudan (Eritrean camps): .33/10,000/day  
(UNHCR finds this a little low and thinks there may be underreporting of infant deaths.)
4. Rwanda (Gihembe, Byumba): 2.3/10,000/day  
(January 1998 rate: high due to measles epidemic.  
By February, the measles were controlled. Rates will be much lower with next submission.)

There are no situations in Africa at the moment where rates are above 2/10,000/day. Of course, things can change quickly with, for example, an outbreak of measles or malaria. For now, however, most situations are under control.

UNHCR/PTSS is trying to introduce a standard reporting format for this kind of information. Once implemented, the data would be transferred to a database where UNHCR would be able to look comprehensively and quickly at infant mortality rates around the world. Currently, they rely on reporting from a number of implementing partners (MSF, CARE, Save, IRC, etc.)—not all of whom use the same format.

**Chairman GILMAN.** Madame Secretary, you mentioned something about the Tibetan refugees funding and as I read previously, the Committee requested a report by February 1, 1998, on its plans for implementing the assistance. Can you tell us where that report stands right now?

**Ms. TAFT.** We did submit it. It has been submitted to this Committee, and it will say that we have—

**Chairman GILMAN.** I think it may have gone to the Appropriations Committee.

**Ms. TAFT.** Oh, it may have. I will make sure you have it.

**Chairman GILMAN.** Yes, could we get a copy of it.

**Ms. TAFT.** Yes, sir.

**Chairman GILMAN.** I think it would be very helpful to our Committee.

**Ms. TAFT.** Yes, sir.

[The report submitted by Ms. Taft appears in the appendix.]

**Chairman GILMAN.** Thank you. With regard to Vietnam, is the United States going to waive the freedom of immigration requirement of the Jackson-Vanik Amendment now that we've received a promise that the Vietnamese Government will give us better access to the settlement opportunities for Vietnamese returnee applicants? Or are we going to wait until these people have actually been allowed to leave the country?

**Ms. TAFT.** Well, quite a large number of refugees and emigres have already left the country in the past several years. But let me say, yes, the President is going to waive the Jackson-Vanik and related provisions, and I assume that that will be soon, perhaps later this week. That does provide, however, for a full debate and review in June which I'm sure we will see you all actively participating in. We hope by then we will have many more numbers on the ROVR, cases that will actually have moved to the United States.

<sup>1</sup>There are indications that the numbers for Kenya might be too high because of initial inaccurate statistics.

**Chairman GILMAN.** Well, if we do waive Jackson-Vanik, what leverage are we going to have to make certain that the Vietnamese Government is not going to deny us access to some of the most compelling ROVR cases, as they've done in the case of the ODP program?

**Ms. TAFT.** All indications are that they are making every full-steam-ahead effort to let us have access to the ROVR cases and have been supportive of our process. I got these assurances personally last month. I have briefed the chairman and staff on this, and have met regularly with the Vietnamese embassy here, as well.

You will have a full chance in June to reverse or deny the waiver but we really do believe that it's going in the right direction and there are many other issues of a bilateral nature that seem to indicate to the President and to the State Department that the timing was appropriate now to go forward with the waiver.

**Chairman GILMAN.** We're still, many of us, concerned about the violation of human rights in Vietnam, and we hope that you'll convince the Administration to take a good, hard look at those violations. For example, oppression of religious minorities in Vietnam. I think they should be considered before we grant any waiver.

**Ms. TAFT.** I think this is an ongoing issue that the United States has with a number of different countries, and all I can do is assure you that the Assistant Secretary for Democracy and Human Rights, John Shattuck, and I are really a focal point for pushing these issues, not only in Vietnam, but elsewhere.

I think we've seen enough movement to give us the assurance in PRM that we did not want to block a waiver of Jackson-Vanik and therefore we agree with the President's decision. It hasn't come forward yet, but it is to be here—

**Chairman GILMAN.** Does Secretary Shattuck agree with you?

**Ms. TAFT.** Yes, sir.

**Chairman GILMAN.** We'd welcome hearing more from your office with regard to why your appeal should go through.

## JACKSON-VANIK WAIVER FOR VIETNAM

### WHY WE SHOULD MOVE FORWARD NOW

—The Administration believes that the Jackson-Vanik waiver will promote the objectives of the amendment by encouraging greater freedom of emigration from Vietnam.

—Vietnam's performance on emigration issues has improved considerably in recent years and we expect the waiver to further that trend.

—Vietnamese authorities have cooperated with the USG on the ODP, under which more than 480,000 Vietnamese have emigrated legally to the United States.

—While the processing of some Vietnamese has been hampered by corruption and administration burdens, Vietnam has been responsive to USG expressions of concern regarding the processing of ODP cases.

—A significant development reflecting progress toward freer emigration has been Vietnam's improved performance in implementing the ROVR program. Vietnam has eliminated the requirement for applicants to obtain exit permits prior to interview by the INS and agreed to expedite out-processing clearance procedures. The Vietnamese Government (SRV-Socialist Republic of Vietnam) has located, contacted, and cleared for interview some 14,196 of the nearly 18,300 persons eligible for consideration under the ROVR program. We expect to receive information about the remaining names on the U.S. list shortly.

—Of the total of 18,300, the SRV has told us that 3,003 people would not be cleared. During the last several weeks the SRV has provided us specific information concerning the reasons for non-clearance for 1,330 of these individuals. The majority

of the names have not been cleared because of address problems. We are confident that we will be able to provide the SRV with new contact addresses.

—We are monitoring this program closely. When the Jackson-Vanik waiver comes up for renewal in June, we and the Congress will have an opportunity to review Vietnam's performance on migration and other issues.

Since the collapse of the Soviet Union, traveling from one former Soviet republic to another has become very difficult and very expensive, and yet we continue to require refugees to travel thousands of miles in Russia, across international frontiers, to the single refugee processing center at Moscow in order to apply for refugee settlement. And if they don't show up or if they don't make another trip to Moscow, when it's time to leave the country, they are counted as no-shows, and this is used as evidence that there are no longer any real refugees in the Republic.

What about creating some other areas, aside from Moscow, with large populations of refugee applicants to ease that problem of transportation? Have you given some thought to that?

Ms. TAFT. Yes, sir, we have, and we've looked at exactly how many applicants there are in which different parts of the former Soviet Union. We've got Russia, Ukraine, Belarus, Moldova, Kazakhstan, Uzbekistan, and nine other republics. It's not unlike the African situation where you have a lot of people, in a lot of different places.

The question of circuit riders has been foremost in our minds. We are discussing this with INS. It is INS and their assets that have to agree to a more decentralized processing. We've been thinking it might be easier for us to pay the transportation from these outlying districts to Moscow. It would be cheaper to do that than to bring the INS and the medical clearance teams to nine or ten different locations.

I'm going to be going in April to do similarly what I did in Vietnam. I'm going in April to both Kiev and Moscow with the same intent to find out: What is happening here? Why aren't people showing up? Why aren't people who show up actually agreeing finally to leave? What is the pipeline? What are the issues? And we will come back to you, hopefully, with a joint INS/PRM recommendation of how we should proceed.

One of the critical questions with the former Soviet caseload is whether or not they are actually notified well in advance for their interviews, and once given an opportunity to immigrate, whether they come or not. Some caseloads are 5 and 6 years old. I want to look at those, find out why these people aren't moving, and see if we can't review particular hardship cases.

If you have thoughts about this, please let me know. We'll be glad to pursue any of the problems you see. We are working with HIAS and World Relief, who are the two big agencies that process out of Moscow, to see if they have ideas of things that we should track down. But I am interested in looking at the pipeline, the problem of the processing points, and to make sure that we make our system user-friendly to those people who want to come.

Chairman GILMAN. Well, it would seem to me where we have such vast territory, such as Russia, Ukraine, other countries, that there ought to be some sort of even a mobile unit that makes visits to some of the distant parts, to make the transportation problem much more accessible.

Ms. TAFT. And probably with the health component to it. I mean, part of the problem is having a viable health screening—

Chairman GILMAN. You ought to have a whole team go out.

Ms. TAFT. OK, we'll look at that.

Chairman GILMAN. I thank you, Madam Secretary, for being here today, and your testimony, I'm sure, will be of great help to us.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Gilman.

I just have one final question, and would ask you to respond. Like most people who are pro-life, and that does include a majority in the House of Representatives, I do believe that abortion is the taking of a human life and is injurious to women, and that even in the case of a rape, there is a lost child, when the abortion is done, for that reason. But laying aside the rape question, which is what is often put forward by UNHCR and others to justify the dissemination of pills and manual aspiration devices, laying that aside, I am deeply concerned—and I know many of my colleagues are—that we do not have a commitment that the abortifacient pills will not be distributed in other cases. This presents a real possibility that the pills will be advertised as being just for rape victims, but distributed to women who, in the words of the 1995 UNHCR Working Group on Abortion, merely had “unplanned” or “unprotected” sex. I'm asking you because I do believe we need an assurance, and concrete assurance, that if UNHCR is going to put pills, abortifacients, into refugee camps, that they will absolutely forbid their distribution to unplanned or unprotected sexual situations, rather than just allowing them to go out and be used for those purposes.

I have the same concerns about the manual vacuum aspirators, which is really an abortion kit. I know they're advertised as being employed for incomplete abortions, but unless there's airtight monitoring and quality control, these devices are likely to be used to cause thousands and thousands of illegal abortions, when they're known to be in existence in a camp, unless there's absolute quality control, and they're used only for the incomplete abortions.

So far, we get assurances, but then the language is less than satisfactory, that this will be the case. And, again, as I said before, this is the ultimate consensus-breaker. Life needs to be affirmed and protected to the maximum extent possible, from my point of view, and that applies to the unborn child, who is no less a victim of circumstances than someone who is being thrown out by a totalitarian regime.

Ms. TAFT. And the mother who might die from—

Mr. SMITH. And the mother—well, that's—

Ms. TAFT. We do care about this, too.

Mr. SMITH. Of course we do.

Ms. TAFT. I wish I could say that, without any reservation, that there would be no misappropriation of ECPs anywhere in the world where there is any refugee in any camp. You've been to the refugee camps; you know you cannot make that—

Mr. SMITH. But the guidance has to be absolutely clear.

Ms. TAFT. Absolutely clear, that is correct, and I think that your concern has been extremely helpful, and I am being very honest in

this, very helpful for you to raise concerns about the intent and the environment and the policies.

I spent 3 hours yesterday with the UNHCR on this issue. I think they're probably also coming up to talk to you. We believe it is appropriate to use these for the sexual violence problems that occur in refugee camps—stop, full stop. And we believe that the UNHCR is going to—and it's appropriate for them—to follow the WHO rules on this, because the WHO is the agency that determines, through broad consultation, what the rules ought to be.

So right now WHO rules are that it's only to be used for rape, and if there is another draft coming out of this manual or this handbook, which we will welcome, they will welcome your input. I think the intent really is to make sure that women who are desperate, who have had self-induced abortions, who are bleeding, who are in very bad shape, they need as much health care as anybody else in the world, and if we can give it to them, we should.

You already are familiar that the manual vacuum aspirators are not part of the WHO kit or the UNFPA kit. I think there are only two camps in the world that even have these facilities or this piece of equipment.

What you have helped point out, and it is now in the draft that I have seen, and I'm very comfortable with it, is a recognition that the MVA must be used in safe conditions by a competent, skilled person; that it should not be used in a refugee setting if there is a local health clinic where these women should be referred to. All of the issues that you raised, I believe, are now fully adopted in the next draft version. I'd like you to take another look at it, when we see it, too, and make sure that that is the case.

Mr. SMITH. The MVAs, according to your understanding, would only be used for an incomplete abortion?

Ms. TAFT. I think it's only incomplete abortion or botched abortion. Now let me make sure. I'm pretty sure that's right.

Again, while I look this up, let me make sure that you understand that we are not talking about providing abortions. We're trying to take care of the health consequences from botched abortions with the MVAs. This is important, just for the record: "Neither WHO's emergency health kit or the optional supplemental reproductive health kit contain manual vacuum aspirators. Although MVAs can provide a lifesaving procedure for women suffering from miscarriages or from complications of an unsafe, self-induced abortion, to be safe and effective, its use requires competent, trained practitioners, hygienic conditions, which cannot be guaranteed in emergency refugee situations." In those cases, if there are local health care systems or clinics that can use this, that would be great.

We're talking about a lifesaving procedure for the woman here. My sense is that the concerns that you have expressed have been vetted internationally, locally, at the State Department, and here. We think you will be confident that the final version will be all right. So let's look at that version when it comes out. Let's sit down with you and others and make sure that the intent is on the sexual violence side of this. Again, you're right, it is a consensus-breaker, but I think there is a consensus that we are in the business of trying to save lives.

Mr. SMITH. Just to be clear, the MVA is not being promoted or suggested for rape? Because it is a popular early abortion method, and it takes a perfectly healthy child.

Ms. TAFT. I don't think it is. I'm pretty sure it's not.

Mr. SMITH. OK, I appreciate that.

Ms. TAFT. I would be stunned.

Mr. SMITH. And the issue of the monitoring process, if we could make that part of the ongoing dialog. Because part of the concern is that an industry will develop where these things are known to be available, and they have a high efficacy rate of inducing abortion, obviously, that they very quickly could become a means by which irresponsible practitioners could set up illegal abortion—

Ms. TAFT. OK, and we talked about this before, too, and we're exploring whether there's a chief medical officer in the camp that would have access to approving or signing out the MVAs. There are a variety of things that we're exploring right now.

Let me just say, the difficulty that we collectively have had over the past decade of getting the humanitarian response system to pay attention to the particular needs of women has been very, very tough, but now successful. They're doing birthing kits and they're helping with midwifery, and they're doing a lot of things that are saving a lot of lives of women.

This one we will be able to work out with you to make sure that it's consistent. But, on the other hand, if it's going to save lives of women, we can't deny them the opportunity to have the proper health care, if we can help it.

Mr. SMITH. Secretary Taft, I thank you on behalf of the Subcommittee for your testimony, your patience in allowing Mr. Gere to go in between your testimony—

Ms. TAFT. What a treat.

Mr. SMITH. I do look forward to working with you in the future, and congratulations on your post.

Ms. TAFT. Thank you, and thank you again for this Committee. You all are really terrific to keep us pointing in the right direction, and your support is really important. Your ideas are welcome on the phone, in writing. We'll come up any time, but thank you, on behalf of the people we all try to serve.

Mr. SMITH. Thank you for that open-door policy. We appreciate it.

I'd like to invite our second panel up.

Again, Secretary Taft, thank you.

Ms. TAFT. Thank you.

Mr. SMITH. I'd like to thank our second panel for their patience as well. I'd like to introduce each of our panelists in the order that I would ask them to testify.

William Frelick is the senior policy analyst with the U.S. Committee for Refugees, where he's responsible for policy and research on Europe, North America, the Caribbean, and the Middle East. Mr. Frelick is also the editor of *Refugee Reports*, a monthly publication, and associate editor of the World Refugee Survey.

Mark Franken is the executive director of Migration and Refugee Services of the U.S. Catholic Conference. For 9 years prior to his appointment as executive director, Mr. Franken directed the Con-

ference's national refugee resettlement programs, and before that, he served as coordinator for the Southeast Asian Refugee Program.

Frederick Frank is chairman of the Public Social Policy Steering Committee for the CJF. In addition to serving as secretary of the Jewish Council for Public Affairs, Mr. Frank is a founding partner and chief executive officer of a law firm in Pittsburgh, Pennsylvania.

Ralston Deffenbaugh, Jr., has served as executive director of the Lutheran Immigration and Refugee Services since 1991. Before that, he was the director of the Lutheran Office of World Community. Mr. Deffenbaugh, who earned his law degree from Harvard Law School, has also served as a constitutional advisor to the Namibian Lutheran Bishops.

And, finally, Father Richard Ryscavage is the director of the Jesuit Refugee Service, and a member of the Society of Jesus. Previously, he headed the Immigration and Refugee Services at the U.S. Catholic Conference, and served as professor at Oxford University.

Mr. Frelick, if you could begin.

**STATEMENT OF WILLIAM FRELICK, SENIOR POLICY ANALYST,  
U.S. COMMITTEE FOR REFUGEES**

Mr. FRELICK. Thank you, Mr. Chairman. I do have written testimony, which I'll be submitting to the record, and I'll just summarize the remarks here.

Mr. SMITH. Without objection, so ordered.

Mr. FRELICK. I want to make three points relating to the Fiscal Year 1999 budget request, having to do, first, with overseas assistance, then with the ERMA fund, and finally with refugee admissions.

I want to draw your attention, first, with respect to overseas assistance, to the Fiscal Year 1999 request, which cuts \$12.9 million to Europe. This is \$32 million less than the 1997 level. We heard earlier today, Mr. Gilman, among others, speak about the need to stay engaged in Bosnia. Clearly, this sends a completely contradictory signal. It's a disconnect with everything else that we're trying to do in Bosnia.

It was based, I believe, on an overly optimistic projection in 1996 on the part of UNHCR that 1997 would be the year of return. It didn't happen. UNHCR will be very much involved in Bosnia through 1999. Our own troops will be there through 1999. This certainly is not the time to be cutting \$12.9 million. We have 1.4 million refugees and displaced people who are still uprooted—these are the tough cases to return, to get back to their homes. They are minorities, for the most part. The easy returns have taken place.

And now I want to turn attention to the chronic shortfalls by the humanitarian agencies. Ms. Taft alluded to this problem. Basically for UNRWA, UNHCR, and ICRC, their general program budgets, their basic budgets, are not being met. UNHCR had a \$65-million shortfall last year.

The United States has kept its contribution at 25 percent, and it would be great if other countries came through and contributed the other 75 percent. The fact of the matter is they haven't. And I think that, if needed, the United States must raise its percentage

of the total contribution to as much as one-third. That is needed this year, Fiscal Year 1999, and we would suggest a \$32-million increase to accommodate a one-third contribution on the part of the United States to UNHCR's general program budget.

If this Committee authorizes at least \$700 million, that would allow the appropriators to appropriate \$44.9 million, which would account both for restoring the cut, \$12.9 million, for Bosnia, as well as the \$32 million for the general program account, and that's just for UNHCR, not even talking about UNRWA and ICRC at this point.

Second, I'd like to draw your attention to the ERMA account, the Emergency Refugee and Migration Assistance account, where we see a cut from \$50 million last year to \$20 million this year in the proposal from the Administration. Why? The reason is that the Department of State has not used this fund properly. Last year they made only two drawdowns during the entire course of the year. Currently, the State Department sits on \$120 million as refugee needs go unmet. I believe this is a result of a narrow interpretation of the word "emergency." If the emergency doesn't appear on CNN, apparently, the State Department doesn't feel that it merits funding.

On page 5 of my written testimony, I give specific unmet needs last year, including in Rwanda, the former Soviet Union, and elsewhere. I note that the special program request, not the general program, but the special program request for UNHCR last year had \$62 million in shortfalls.

And I particularly draw your attention to the problems in Bosnia, where mine clearance didn't happen. UNMAC wasn't even able to begin operations until August of that year. They had an original request for \$62 million. Only \$7 million was donated. And, of course, if you can't clear the mines in Bosnia, none of these people are going to be able to go home. All our other efforts are for naught.

On page 6 of my written testimony, I talk about programs right now that are likely to end, some of them within days of this hearing, if urgent needs are not met. I give the dollar amounts, but they relate primarily to repatriation programs for Angola, Mali, Burma, Sri Lanka, and Afghanistan.

We also make some suggestions for some noncountry-specific needs that could be met through the ERMA account, such as protection of refugee women, which we've heard some discussion of earlier today, and hiring and training of UNHCR protection officers.

Finally, I want to draw your attention to the question of overseas refugee admissions. On page 7 of my testimony, I outline a pattern that has occurred between 1992 and 1997. What we see in each of these years is a failure to meet the refugee ceiling, and in the following year a lowering of that ceiling, usually pegged to the actual numbers of admissions the previous year. This creates a downward spiral.

It is matched by a pattern on the part of UNHCR, where UNHCR is offered fewer resettlement places by the United States and other countries, and in the next round it makes fewer requests. Again, it has nothing to do with the refugee needs, as far as we're

concerned. And I can substantiate that, and I do on page 7 of my written testimony, by citing a recent UNHCR report out of their Baghdad office, which said that they dropped their refugee referrals from 2,000 to 300 based on funding shortages, not based on the need; based on funding shortages.

I don't have time to go into great detail on the specific regional areas that I do cover in my written testimony. Pages 8 through 11 cover resettlement needs in the Near East and South Asia. Let me simply say here, most of these populations that I've identified have been completely overlooked by the State Department. The problem in this region is one that I would call the resettlement/protection quid pro quo. Basically, if you don't have a resettlement offer, you're not even going to have temporary protection in this region.

And on page 8 of my testimony, I actually cite a Turkish Government regulation, their refugee regulation, which explicitly states that, if refugees are not resettled outside of the region to third countries, Turkey will return them to their home countries.

The consequence of this, I believe, is that the UNHCR office in Ankara creates a particularly high standard for adjudicating refugee claims in order to keep the number of eligible people artificially low. The approval rate for Iraqis in Turkey is only 36 percent, which is extremely low. Even more distressing to me is that, from that 36 percent, those who are referred to the U.S. program have a less than 30-percent approval rate by the INS.

Finally, I want to draw your attention to resettlement needs in Bosnia. I had the privilege of testifying before this Subcommittee in September 1995, at which time I recommended the creation of a P-2 category to expedite the resettlement of traumatized torture victims, of former prisoners, for people in ethnically mixed marriages who would not be able to return. We were successful in that effort, and I congratulate you for your support.

The P-2 category was established. It's been very successful. INS approval rates of P-2s have been at 96 percent. But now, in a sense, we've become a victim of our own success. In the first quarter of this Fiscal Year, we've essentially met the entire Fiscal Year 1998 ceiling for Bosnia in terms of cases that have already been admitted to the United States or that are INS-approved. We now have a growing backlog of cases that are awaiting interviews. What this clearly indicates is that the need far exceeds the available numbers.

So what is the response of the State Department? Does it call for additional numbers? No. The response is, in recent discussions, to float an idea—and I will reiterate that this is an idea; it's a proposal; it's not set in stone yet—of creating a cutoff date for eligibility for this very important P-2 category. In other words, limit the pool of eligible candidates. Make it appear that there are fewer applicants, and make the needs appear to be less than they really are.

To conclude, I want to just drum in the notion of a downward spiral: The Department of State doesn't meet refugee resettlement ceilings; the result is lowered ceilings for the following year. The resettlement countries, including the United States, offer fewer places to UNHCR. The result is that UNHCR lowers its requests. The Department of State doesn't spend ERMA money, leaving \$120

million currently unspent in the account; the result is that the fund is not replenished at previous levels. UNHCR budgets are chronically underfunded. The result is that they make lower budget requests the following year.

None of this reflects the reality of refugee need. It reflects passivity, inertia, and overly narrow interpretations on the part of the Department of State regarding its role in refugee resettlement and funding for essential protection and assistance programs abroad.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Frelick appears in the appendix.]

Mr. SMITH. Mr. Frelick, thank you very much for your testimony. Mr. Franken.

**STATEMENT OF MARK FRANKEN, EXECUTIVE DIRECTOR, MIGRATION AND REFUGEE SERVICES, U.S. CATHOLIC CONFERENCE**

Mr. FRANKEN. Thank you, Mr. Chairman. Thank you and your Subcommittee for the leadership you've shown in this important field.

The organization I represent is the bishop's public policy arm in the United States at the national level, and our faith belief, like all of the faiths of the world, suggests that we have a special responsibility for the refugees of the world. And so the bishops appreciate this opportunity to lend some voice to the voiceless.

Our testimony that's been submitted for the record goes into more detail on a number of things, but let me highlight several.

One is the area of protection and relief, which has been talked about today quite a bit; there are several things I'd like to mention. First, Mr. Gilman brought up the issue of the Jackson-Vanik waiver. The bishops, who have under normal circumstances put a lot of weight into government-to-government and people-to-people relationships, on the question of this waiver at this time in Vietnam question the prudence of lifting this. This is during an end game in Southeast Asia. It's got a time limit. Why must we lift that waiver at this time? It remains one of our few remaining leverages in our negotiating freedom of movement for people in Vietnam.

The second protection and relief question is the funding that's been raised, and the bishops endorse the increase in appropriations and authorization, and we're, frankly, dismayed at the Administration's budget request.

The third part of protection and relief I'd like to raise has to do with the regime of finding durable solutions. The bishops have long endorsed the regime that says that those refugees who can return to their countries, when circumstances allow them to do so securely, is an appropriate, preferred solution; no question about that. Secondly, if that's not possible, resettlement in place, where there's a familiarity with the culture and language, and so forth—obvious priorities.

But on the question of resettlement, the regime has in recent years—Bill talked about the spiral; this is inherent in the international approach to finding durable solution, and resettlement is just not receiving the attention that it needs. And one glaring example: the UNHCR itself estimates that there are 1 million unaccompanied refugee minors in the world, children who are not with

their parents and guardians, 1 million. In all of last year, the U.S. Government admitted one unaccompanied refugee minor. Something is wrong when that happens.

On the question of refugee admissions, a couple of points: the bishops endorse the proposal from the InterAction for 104,000 admissions. This is a much more appropriate level of admissions, when we look at the world situation today. It's far greater than what the Administration has proposed.

Part of our rationale is that there is much to be done yet in Southeast Asia. We cannot walk away. We're close to the end of resolving that situation, but it's premature to walk away at this point. Our testimony speaks to specific groups that were of concern there.

The other area I want to raise has to do with resettlement. Once those few fortunate refugees that are admitted to the United States arrive here, I think it would be important for this Subcommittee to know that there are thousands and thousands of volunteers, people in parishes and congregations around the country who have their arms open to welcome refugees. This is a commitment that the U.S. people are prepared to make, and continue to make.

Through the private sector, there are millions of dollars generated toward providing resettlement opportunities for refugees, and it goes to supplement the resources of the U.S. Government. For those who might say there is compassion fatigue, it certainly does not exist in our experience when it comes to opening our doors to refugees and providing for their care. We can document for the Committee offers of sponsorship that exceed the number of refugees that are being admitted.

And, finally, I would point out—

Mr. SMITH. Mr. Franken, if you could provide some of that for the record, that would be helpful.

Mr. FRANKEN. We'll do that.

Mr. SMITH. It would be used particularly when we get into some floor debate.

Mr. FRANKEN. We can have them coming to your office as well. [The information referred to appears in the appendix.]

Mr. FRANKEN. Finally, I would just say that our Holy Father, Pope John Paul II has been rather eloquent in his call for the international community to bring to bear its resources and compassion, to give hope to refugees. It seems to us that this Subcommittee, under your leadership, is a ray of hope for the refugees around the world. We very much need your leadership in this.

Thank you.

[The prepared statement of Mr. Franken appears in the appendix.]

Mr. SMITH. Thank you very much, Mr. Franken.

Mr. Frank.

**STATEMENT OF FREDERICK FRANK, CHAIRPERSON, PUBLIC SOCIAL POLICY STEERING COMMITTEE, COUNCIL OF JEWISH FEDERATIONS, ALSO REPRESENTING THE HEBREW IMMIGRANT AID SOCIETY**

Mr. FRANK. Thank you, Mr. Chairman. I want to note that, while I am here representing the CJF, my formal testimony is being sub-

mitted on behalf of both CJF and the Hebrew Immigrant Aid Society (HIAS). And the final version that we have submitted notes that.

Mr. Chairman, I want to thank you and your colleagues on the Subcommittee for your continuing leadership on refugee issues and your commitment to the protection and resettlement of refugee populations around the world.

The CJF is the national organization representing nearly 200 local Jewish federations in North America, as well as more than 1,000 Federal affiliated agencies providing services to families, children, the elderly, and others in need. HIAS is the international migration society of the American Jewish community, which since its founding in 1880 has assisted in the resettlement of more than 4 million Jewish and non-Jewish refugees from all over the world.

The rescue and resettlement of Jewish refugees has been, and continues to be, one of the basic missions of our system. The Federation's and HIAS network has resettled approximately 300,000 Jews from the former Soviet Union since 1988, in addition to Iranian Jews, Eastern Europeans, Bosnians, and others.

My testimony today, which is a summary of my formal statement, will focus on several areas: overall U.S. refugee admissions, appropriations, and our specific programmatic concerns about the refugee program in the former Soviet Union.

CJF and HIAS are deeply grateful for the leadership the United States has provided in refugee affairs over the years. We believe that our government must constantly renew its commitment to protecting and resettling persecuted peoples and to providing leadership by example to other countries of first asylum and permanent resettlement.

Congress' role in the consultation process with the Administration is critical. It is our hope that you will advocate to the President the imperative to set more generous admission targets. Over the past several years, we have been disturbed at the rapid decline in the number of refugees permitted to resettle in this country, especially given the worldwide increase in refugees we've heard about this morning.

In Fiscal Year 1992, the admission ceiling was 142,000 individuals. In Fiscal Year 1998, the admission ceiling is 83,000, but only 75,000 are funded. As you, Mr. Chairman, and your colleagues recently wrote in a letter to President Clinton, the cuts in refugee numbers during the last several years are justified neither by reduction in the number of refugees in need of assistance, nor by an absence of congressional support for traditional levels of refugee admissions. We echo this sentiment, and sincerely hope that the Subcommittee will strongly support increased admissions.

As a member of InterAction, a coalition of nongovernmental organizations serving refugees around the world, CJF and HIAS have endorsed InterAction's recommendation for Fiscal Year 1999 refugee admissions of 104,000.

Letters and statements affirming a commitment to the refugee program are necessary, but not enough. Sufficient funds must be available to conduct properly both the overseas protection functions of the program and migration and resettlement. The clearest statement our government can make is to include in the budget, in the

appropriations bills, the resources necessary to provide humanitarian assistance to refugees overseas, assist the migration of those who will be resettled in the United States, and provide sufficient resettlement assistance to allow newly arrived refugees time to seek employment and to learn a new culture.

The process of setting dollar allocations before determinations have been made of how many refugees to admit is in reverse order and impedes our country's ability to address new crises and respond to new refugee populations when necessary. It must be the admission numbers that determine the dollars and not the dollars that determine the numbers.

While there is an emergency account at the State Department for use in situations that were unforeseen during the budget process, there is no comparable account at the Office of Refugee Resettlement. This means that funds would be available to provide overseas assistance for refugees, but not to aid in their resettlement once they arrive. CJF and HIAS believe that an emergency resettlement fund should be established that operates on the same principles as the State Department emergency fund.

While refugees who come to this country are eager to become self-sufficient, they need time to recover from the traumas of their experiences and to acclimate. The Refugee Act of 1990 provided for up to 36 months of refugee cash and medical assistance for those refugees who are not eligible for other Federal support programs. Today, the appropriation provides only 8 months of assistance. CJF and HIAS believe that funding should be restored to the budget to provide up to 12 months of assistance.

I will now address our specific concerns regarding programs in the former Soviet Union. Mr. Chairman, at a hearing this Subcommittee held 2 years ago, you noted, "The situation of Jews in the former Soviet Union is particularly important, not only because the struggle for freedom of Soviet Jews was among the finest hours of the American people, but because also the story could end badly."

Unfortunately, your comments were prescient. The situation for many Jews in the successor States of the Soviet Union is as perilous, if not more so, today as it was under communism. Although anti-semitism is no longer an official State-sponsored policy in most successor States, many private groups have taken up the cause. Today, eight groups are permitted to flourish publicly. As a result, the safety of Jews and other religious minorities, such as evangelical Christians, is in jeopardy.

Acts of violence against Jews are commonplace. Prosecution of the perpetrators is almost never pursued. Political instability and economic uncertainty, the historic bedrock on which anti-semitism grows, are creating tense and dangerous environments for Jews and other religious minorities.

All this is not to say that there are not positive signs in the former Soviet Union. Some synagogues have been returned to the Jewish community, and new Jewish schools function openly. These developments provide a reason to hope that if the situation stabilizes, we may be able to reassess our need. For now, these are uncertain times in the region. The path of freedom and tolerance is far from assured.

For all these reasons, CJF and HIAS are firmly convinced that we must remain committed to assisting those in the former Soviet Union who wish to reunite with family members in the United States. The Lautenberg amendment has offered an effective and efficient solution to a difficult problem—how to factor into adjudications for refugee status the historic persecution of certain groups. We still consider it to be a vital tool in rescuing people at risk in a destabilized environment that places them in jeopardy.

The need to extend Lautenberg is assessed annually by the Jewish community as we approach a new Fiscal Year. We are not saying when the conditions will improve sufficiently to obviate the need for Lautenberg. We look forward with you to ensure that vulnerable populations covered by the Lautenberg amendment will receive protection for at least another year.

Of immediate concern is for the first time in a decade the Congressional Budget Office has scored the Lautenberg amendment. CJF and HIAS strongly believe that CBO's initial decision not to score the amendment was the correct one, since the Lautenberg amendment is not directly related to admission numbers, but only deals with who is eligible to receive refugee visas as they are available. I would like to submit for the record, and I will give to your staff, a copy of the legal brief prepared by the firm of Morgan, Lewis and Bakke on this issue.

The breakup of the Soviet Union has created serious difficulties for people applying for U.S. refugee status—some of the issues that Congressman Gilman addressed with the Secretary, and I would like to address these briefly. There are two sets of problems.

The first are those problems that result from having 15 countries now with 15 bureaucracies, borders, transportation systems, and rules for leaving or entering each country. The cost of travel is now so high that families from the Caucasus in Central Asia may have to spend a year's salary to get to Moscow for their interview and another year's salary to return for their departure to the United States.

The second problem is as noted in the colloquy earlier this morning. It's that the U.S. Government has not made the necessary adjustments to deal with this situation. For several years, we have been asking for INS circuit riders to conduct interviews in Central Asia and the Ukraine. At the very least, everyone does not need to have to travel to Moscow. INS has responded to the need for circuit riders in other countries, but so far there are none in the former Soviet Union, the land mass that, I would note, covers 11 time zones.

In addition, we have requested alternative departure points to ease immigration and costs thereof. After several years of delay, there are now flights scheduled out of Kiev for the Jews and evangelicals leaving the Ukraine. Unfortunately, Kiev is even less convenient than Moscow for those coming from other distant States. HIAS and CJF continue to discuss these issues with the State Department and the INS, and would welcome your suggestions in achieving solutions.

Again, Mr. Chairman and members of the Committee, we thank you for this opportunity to present our views on these important issues.

[The prepared statement of Mr. Frank appears in the appendix.]  
 Mr. SMITH. Thank you very much, Mr. Frank.  
 Mr. Deffenbaugh.

**STATEMENT OF RALSTON DEFFENBAUGH, JR., EXECUTIVE DIRECTOR, LUTHERAN IMMIGRATION AND REFUGEE SERVICE**

Mr. DEFFENBAUGH. Thank you very much, Mr. Chairman. Before beginning, I want to express my own personal pride in your leadership as a resident of New Jersey, myself, and also that of my own Congressman, Mr. Payne. Thank you for what the Subcommittee is doing and for your championship of refugees.

With your permission, I'd like to submit the written statement for the record—

Mr. SMITH. Yes, without objection, all the written statements will be made a part of the record.

Mr. DEFFENBAUGH. Very good.

Just a few quick points then, given the late time. First, thanks also for the letters you've written, for the leadership from the Congress, now both in the House and the Senate, to reaffirm the commitment to refugee resettlement. We, of course, join in the Inter-Action consensus that we should have refugee resettlement now for the United States in the 100,000 range, not in the range to which it's declined in the last few years.

Also, I think it's important to note what a successful program that has been. Not only has it provided rescue for so many hundreds of thousands of refugees over these years, it's also demonstrated this tremendous public/private partnership which Mark Franken referred to, the private donations and resources which have come in the way that so many refugees have been welcomed into American communities, and it has strengthened them. And it's also made a significant contribution to our economy. The State Department has given good leadership in stressing early employment as a key for successful resettlement, and through that standard-setting and the work of the voluntary agencies, at least for LIRS now, our employment statistics for refugees arriving, after 6 months in the United States, is that 92 percent are employed of the free-case refugees. I think that's a pretty good record, both for the quality of the program and also for the desire of the refugees to make a new life and make their own contribution to this society.

I've been asked to reflect particularly on the applicant situation. It's been mentioned before about how surprising it is that African refugee admissions are so low, given the needs in Africa and the total refugee numbers. We agree that the numbers for the coming Fiscal Year for Africa should be at least 15,000, not the 7,000 that has been suggested by the Administration. And, yet, as has been said, we're unlikely even to reach the 7,000 level because of the processing difficulties.

We would recommend a few steps to be taken to try to change that. First would be for the State Department to do what I think Julia Taft is already beginning to do, is just to take a fresh look at African admissions, to be more assertive, more creative, and more compassionate in looking at African refugees.

By way of example, I want to say what a distressing event it was when the Department cut out P-3 processing for Liberians at the

end of 1997. Now this sounds very technical. What does that mean, to cut off P-3 processing for Liberians? Well, that means that the United States said that no longer could the refugees' spouses or unmarried sons or daughters or parents come into the United States as refugees. Rather, they would be put in the line for immigration admission, which, as we all know, can take years and years and years. This, in effect, has served not only to cut back on the number of African refugees admitted to the United States, but also to, we think, needlessly, and even cruelly, separate families. Among the most compelling cases in our caseload have been unaccompanied refugee children who are either in the United States and not been allowed to have their parents join them or the parents of unaccompanied children who are not able to get their kids out of camps in West Africa.

The second step would be to expand the use of UNHCR referrals by stressing the second part of the priority one, which is embassy referrals. It's been said before how few embassy referrals there have been. We have proposed that directives be given so that all the embassies take advantage of this power they have to make embassy referrals and to use that in a creative way to have more African refugee admissions.

Another step would be, in regard to the priority two, which is special groups, to begin identifying some of the special groups. We were pleased to see the Department begin to identify the Hutu Tutsis mixed marriages in Tanzania. We'd like to see similar vulnerable mixed marriage groups from other camps and other situations. We would suggest that other concern be given to refugees from the Sudan, particularly the Christians fleeing the civil war there; to Algerians; to Ogonis from Nigeria, and to urban refugees, people who may have sought refuge in a given refuge in another country, but who are unable to get a job or unable to make a new life in that country.

As far as processing is concerned, we'd like to see the State Department have more processing posts in Africa. We're pleased with the new post being set up in Dakar, but Africa is still far larger than the United States. From here to Nairobi, Dakar's about halfway, and it's important that we think about other processing posts in Africa.

Also, we'd like to have more thought given again to the old idea of the Attorney General granting State Department consular officers permission to grant refugee status to refugees in particular circumstances, so as to alleviate the need for circuit rides of INS people, to speed up the processing of vulnerable refugees, particularly when the numbers are not so great.

So, in conclusion, we would say that we think the United States has had a strong refugee program. It's given new hope and new life to many hundreds of thousands over the years, but African refugees, in particular, have been shortchanged in this program, and we think the United States can, and should, offer refuge to more.

Thank you.

[The prepared statement of Mr. Deffenbaugh appears in the appendix.]

Mr. SMITH. Mr. Deffenbaugh, thank you very much for your testimony.

**Father Ryscavage.**

**STATEMENT OF FATHER RICK RYSCAVAGE, NATIONAL  
DIRECTOR, JESUIT REFUGEE SERVICE**

**Father RYSCAVAGE.** Thank you, Mr. Chairman.

My testimony is based on the information I received from our field workers, who work in about 35 different countries worldwide; the analysis is my own, but the information I'm gathering is through them. And what I learned from the field workers is basically this is no time to be cutting either their admissions, resettlement, or refugee protection funds.

Those needs are focused not so much on large concentrated populations as we have dealt with in the past, but are much more diffuse today. It's one of the reasons why the State Department has such trouble finding refugees is because they are more diversified than they used to be, and I think the structures need to be more supple and diversified in order to respond to these kinds of needs.

I welcome Julia Taft's statement that she was going to initiate a more comprehensive look at the whole program, because I think, as most of us here would agree, that program generally has become frozen, highly passive, and very reactive.

You already noted that I do not make a sharp distinction between internally displaced and refugees. I think I'm just really not just reacting to our field workers and their impression, but also more theoretically to what's happening in the world right now, and the fact that structures need to reflect the realities. The needs are not being met because the structures are set up, and Julia Taft confirmed that with me just now when she said she agreed, but notice how she said the structure of AID, the problem of IDPs are with AID, and, of course, her department is not mandated to deal with that problem. I think it's overcome-able, but I think there is some real work that has to be done on this sort of problem.

One of the new realities facing the refugees in the international community, it seems to me, is this whole idea of containing the refugees in the countries of origin, in the regions of origin. We in the United States are to blame for setting up this model, because I think it basically started in the Haitian boat crisis, and now we see it replicated all over the world, the creating of these crazy safe haven situations and repatriation, when in fact it's not appropriate, and doing everything possible to keep the refugees where they are.

Pressures are going to build up on this kind of population, especially when it's approached this way globally, and I think we are already seeing that pressure building. Third country resettlement is really one of the very few tools that are left to deflate some of that pressure. So the more resettlement declines, in a sense, the more pressures you're going to see rising in the countries around the world, in many, many countries.

I give you in my testimony a sample of places where our field workers are working and the problems they're seeing. You'll notice that many of them are not the kind of countries where you might find the State Department talking about in its refugee reports. I think it's important to remember these kinds of forgotten corners. I notice that we spent a lot of time today hearing wonderful and very moving statements about Tibetans in Nepal, but in southeast-

ern Nepal you also have 90,000 Bhutanese refugees with their own problems, and that is severely underfunded right now, to the extent that all people are thinking perhaps what's going on there is a preparation for forced repatriation—that they're cutting back educational services and other things in order to sort of lay the groundwork for making people go back.

We have the Burmese students in Thailand and the Burmese border issues, which I know you're familiar with. I just returned a few months ago from Colombia. The situation with the internally displaced is the biggest problem in the hemisphere, as far as migration goes, and I think that neither the U.S. Government nor the UNHCR is doing much in this area. I think they may want to, but they seem to have some problems dealing with it.

The Great Lakes section, of course, I don't have to say too much about that. I think of it as a world of fragility, what's going on in there, and the need for more attention, even more attention now.

Mexico, even as it solves some of the Guatemalan issues, is starting to show signs of a new internally displaced problem in the southern regions.

And the Afghans in Pakistan and the Women's Commission on Refugee Women and Children have asked me specifically to bring to your attention the fact that there are many women hidden in Pakistan who are simply deprived of their rights, and they need to get out. We need to get them out in a resettlement program. It's very difficult, and I think we need to target it. They actually have people now trapped in Kabal itself; they're trying to figure out a way to exercise protection functions in these countries.

Sri Lanka is another area—we're very concerned about the refugees in the Tamil Nadu State in southern India, as well as the inability of the Sri Lankans to get out of the country.

And Angola is a good example of this whole notion that, well, repatriation, you send them back; everything's going to be fine. I mean, it's a very, very fragile situation and could be disrupted very quickly.

Finally, I just want to make a couple of remarks. All the countries we are talking about today, or many of the countries, have elements of religious persecution, and many of them we haven't talked about. I just want to thank the Committee, House of Representatives, for putting some pressure on, because for years, frankly, I've been bringing cases of religious persecution to the State Department, and they basically blew me off. It's only recently—I just brought a case in Vietnam and one of our priests, and within 24 hours I had four calls from the State Department. That's a great sign of progress, and I think the House of Representatives should be congratulated for some of that pressure.

I think the U.S. Government is very slow to understand the effect of globalization on refugee flows and migration. I note in my paper the economic turndown in Asia and how that's going to affect the refugees as such.

But the other issue I'd like to bring to your attention is—and I'll conclude with this—what's happening in one country and how it can have an effect on what's happening in New Jersey. The civil war in Sierra Leone has sent many citizens of that country running for protection, and more recently, the Nigeria armed forces have

taken power in the main countries, generating a new flow of refugees. One of them, a 17-year-old girl found her way, unaccompanied, to the United States, where she was put in detention, and has been held there for months while her asylum application is studied. Of course, one of the largest detention facilities is in Elizabeth, New Jersey.

My point, Mr. Chairman, is if the channels for normal third country resettlement are not kept open and fully available to girls like this one from Sierra Leone, some of them are going to find their way into our country anyway, and instead of setting up elaborate and expensive systems for trapping them at Newark Airport, the U.S. Government should make more resettlement slots and the process easier through the State Department for resettlement in a third country.

And this disconnect, which Julia Taft also mentioned, between the INS enforcing our borders and its screening procedures, and the State Department's ever-more-precise search for specialized groups that qualify for entry into the United States is a very serious problem and should be addressed.

Thank you.

[The prepared statement of Father Ryscavage appears in the appendix.]

Mr. SMITH. Thank you very much, Father Ryscavage. Thank you to all of you for your very fine testimony.

I just have a couple of questions, and you, I think, all heard when Secretary Taft talked about looking at next year's budget. My hope is—and I know some of her staff are still in the room—that given the compelling nature of the crisis that we have, and it is a crisis—I wish every country had a Richard Gere to bring the kind of light and scrutiny that he brings to the Tibetans who are in India, Nepal, and to the general issue of Tibet. But, as he pointed out himself, he also speaks out strongly for all refugees, which you do, and do so 365 days a year.

I do believe the Secretary has an open-door policy. She's been very open with me—we've had a good dialog since she's gotten that job. I don't believe the horse is out of the barn for Fiscal Year 1999, and my hope is that if all of us make a concerted effort, my hope is that she will, and her shop will, mount an effort to turn this ship around, because it is going in the right direction.

I don't have to tell you that there are pressures, anti-immigration pressures, that are brought to bear on Congress. I'll never forget when we were discussing the State Department bill, which has \$704 million in there for refugee protection, there was one amendment after another after another that was going to be proposed. Even when I offered the amendment to expand Radio Free Asia, I had to fight off a number of efforts by good friends who said, let's pay for it out of the increase, the spread, if you will, between the \$650 million and the \$704 million. We finally got that money as new money, because there were unobligated funds that we could draw from, but it was amazing how that was seen as this honey pot that everyone could go to and draw down from for their favorite program. They even tried to do it on Radio Free Asia. Thankfully, it was my amendment, and we stopped it.

But the point is we need the Administration—and I do believe Julia Taft will listen to the responsible voices that are in this room. It's bipartisan; I know Tom Lantos agrees, and I know there are others on the Senate side who will fight for this as well, to really make a concerted effort this year right now, and use this as a springboard to do what you're already doing, but do it with even more gusto, to make sure that they realize that we've got to get the number up; we've got to get the admissions up, the refugee resettlement issue.

How do you respond—because we're going to hear this—to the whole issue that if resettlement opportunities are made known, it will create a refugee "magnet"? We heard this even with the Great Lakes region, when I raised the question repeatedly in hearings: Why aren't those people being given any other opportunity but to go back to a situation they already know is fraught with danger? And yet, we heard back: Magnet, magnet, magnet. This is just going to create a magnet.

This happened even a couple of years ago. Mr. Franken, you pointed out in your testimony that ROVR perhaps had part of its genesis in what we tried to do in the Subcommittee and on the floor to prevent the CPA from sending people back, as they closed out that program, who were true refugees. Not only did I personally get lampooned as a magnet guy, they were blaming me for the extraction rate and the ensuing violence, with heavily armed Hong Kong soldiers who were marching into these camps, grabbing people by the neck or worse, and throwing them on and calling it "voluntary repatriation," which was an insult. And it was all supposedly my fault. And I actually went over there and confronted some of those folks and said, "We just want justice here."

But what about the point about the magnet, because they were claiming in press stories that this is just one big magnet. If you could all respond to that, because we're going to have to overcome that hurdle.

Father RYSCAVAGE. My answer to magnet is, first, I think test and see. I mean, they're very good at setting up structures that they can evaluate and decide—if it's becoming a magnet, then stop it. I mean, I'd rather see them try out some things rather than sit there and say, well, nobody's coming to us. I mean, I really think that's much exaggerated. Most of my field people, when you ask them about it, say, they don't want to come to the United States if they don't have to, and there's a self-selection process that goes on.

Mr. DEFFENBAUGH. I would say it's a very different situation now from that in Southeast Asia, where there was at one point a guaranteed resettlement for anyone who could get out of Vietnam. So a lot of people thought, well, if I want to go to the United States, this is the way to go. But that's not the way that refugee screening is done in other parts of the world. My observation has been that this fear of a magnet effect is very much exaggerated. I don't think it's reasonable to think about starting up a resettlement program in the immediate emergency of the big refugee flow when it's first starting, but after things settle out a little bit, you begin to see that there are people who aren't able to go back home, or that in order to preserve first asylum in a particular country, you need to

take some of the pressure off and have some resettlement, and then you can begin starting a program in that way. I don't think that it's going to create a huge magnet.

Mr. FRANK. Mr. Chairman, as I stated, we strongly support the increased funding for the State Department. I just wanted to perhaps comment very briefly on one of the points that you talked about, which is the anti-immigration attitude that you encountered when you raised this issue. CJF and HIAS have been working very hard against these types of attitudes, and I think it's important that we always remember in this country all of us are immigrants, except for the Native Americans. It's just a question of when we came here. And the same issues that within the Jewish community brought people here in 1640 from Spain are the same issues that brought people here in 1910 from Russia, and in 1930 from Germany. The problem is that people don't leave because they simply want to. They're facing religious persecution. They're facing political persecution. If this country has any mission, it's to keep the doors open. We strongly support that. The magnet concept is one I find hard to believe. I think people come because they're in need.

On the issue of repatriation, I would just say very generally this always has a very cold sound to the Jewish community because there was indirect and de facto repatriation of the St. Louis, you'll recall, and other instances like this when there was no place for the German Jews to go to. So I think it's better that the doors are open and let the people decide for themselves. That's what we believe.

Mr. FRELICK. Well, in the Middle East the resettlement program is so minuscule that I have trouble even conceptualizing the possibility of a magnet. No one would flee Iran or Iraq and go through the border to Turkey with the idea they would be resettled to the United States because it would be such a remote possibility that they would ever reach the United States. It's sort of like asking the question of the Tibetan that just gets across the mountain, "Do you want to go to the United States?"—I mean, getting to the United States is just not part of the thinking at all. These are people that are taking great risks to flee because the persecution is real, and first asylum is absolutely fragile in that region.

If I could take a moment to talk about the magnet argument with respect to Bosnians, because there it really is used. This proposal that the State Department is floating around right now to create a cutoff date for P-2, that is the magnet argument. Essentially, what they're saying by establishing a cutoff date is: you're a refugee if you arrive prior to this date; you could be fleeing the same persecution, but if you arrive after this date, we no longer consider you to be a refugee.

The argument is made that there would be no new arrivals coming into Germany, attracted by the possibility of being resettled to the United States. There's no evidence to support that whatsoever. The State Department hasn't provided any evidence of that. And yet, they're already proposing this P-2 cutoff date because they simply have more numbers of eligible refugees than they know what to do with. They don't have the resettlement numbers available. So they're trying to limit eligibility, and a cutoff date is sort of a knee-jerk reaction for doing that.

**Mr. SMITH.** Thank you very much.

Let me ask about a religious freedom issue, and provision of refugee status for those who are fleeing persecution based on religion. Father Ryscavage, you mentioned that for one of the priests in Vietnam you have gotten the attention of and call-backs from the State Department. As you know, there is legislation pending—we've already marked it up in our Subcommittee—which would be a very broad, but a very well, I think, calibrated response to the rising tide of anti-semitism, anti-Christianity, the problems we find with the Buddhists. It applies to all religions. But there seems to be, based on my experience and the experience of many of us who will follow this, historically a lack of sensitivity for many people who make these cases that they are being religiously persecuted.

I'll never forget when Ceaucescu was ruling in Romania. Frank Wolf and I made some five trips there and met with pastors whose churches were literally bulldozed—Father Calcheau, Mooney Coccar, all these people who were in prison for their faith really made it onto the screen when it came to interest in terms of asylum or refugee status. Our bill, the bill that we're moving, would try to rectify that with adequate training.

But what is your view? Is the State Department and the whole refugee response by our government adequate? Like in the Sudan, where there is a real problem, particularly with the Catholics and Animists in the south of Sudan and repression. Are we being aggressive enough in trying to find these people to provide them refugee status, or are we just in a transition and we're not there yet?

**Father RYSCAVAGE.** One thing that I think is missing, I think the question for my mind is, can the State Department sustain this interest in religious persecution? I mean, it's all right because they're responding now to highly controversial sorts of issues, and I know they're on the spot, Madeleine Albright has herself stated. But is that sustainable? One of the things I think that needs to get involved is a training process, so that both INS and these others deal at the embassy level and other places and are aware of this importance. Most diplomats confuse freedom of worship with freedom of religion, and this is an important thing. They think because people can go into a church or something and say mass that somehow there's freedom of religion in that country, and that there's no religious persecution, and it simply isn't true.

**Mr. SMITH.** Mr. Franken.

**Mr. FRANKEN.** I was going to mention specifically about the bill that you reference, the asylum provisions of that particular proposal are necessitated because of immigration reform that occurred in 1996, and really took away some important safeguards for all categories of refugees and refuge-seekers. So, from that standpoint, this bill is an important initiative. We would like, frankly, to see it go further, but had it not been for some reforms in 1996 that brought about this new way of restricting one's pursuit of asylum in this country, this bill wouldn't be necessary, that particular dimension of the bill.

There's also some alarming discussion about ensuring that the overseas State Department perspective on who's a refugee and who's eligible gets closer tied with the domestic asylum provision,

because we see that the asylum provision is becoming much more restrictive, even more so than they are overseas.

Mr. FRANK. Although we can't take any position on the legislation as a whole, we support the refugee provisions of the bill, and we do feel that the State Department needs to be aggressive in helping refugees wherever there is religious persecution, and I would just like to echo what Father Ryscavage said a minute ago. I'm concerned that, particularly in the Soviet Union, with their lassitude and the fact that there aren't people literally being killed in the streets, as there were, for example, in 1910, as I cited. But the fact of the matter is that there is still virulent anti-semitism and the persecution of other religions there. I think while we have a window of opportunity here, which we did not have in the early eighties when no one was allowed out, this is the time when we must be aggressive in making provisions for those who want to leave, and not making a bureaucratic nightmare and a cost nightmare for them to get out, as we addressed earlier.

Mr. REES. I'd like to ask a question that sort of elaborates on the chairman's question. I've been thinking a lot about this question of why religious persecution should have been subordinated, should have been treated as kind of an inferior sort of claim. You can posit some sociological explanations about, for instance, in this country anti-Christianity being the anti-semitism of the intellectuals, but I don't really think that's it as much as the fact that there is resistance, both in the State Department and in INS, to types of refugee claims that are going to, once you've admitted one, you might have 100,000 just like it; that there really is a model still in some of the adjudication—the people whose job is to adjudicate—that refugee protection is for about 17 or 18 people. You know, the minority, the leader of the opposition who flees one step ahead of the Alto Golpe and the—I don't know how ballerinas qualify, but they were always sort of a paradigm.

The problem is that we started getting in the eighties and in the nineties a whole lot of identical-looking refugees or asylum-seekers coming in boats, and so there's a tendency to say, well, this can't be right; this wasn't what we had in mind, and then reason from there to how you're going to exclude it.

The problem is that—that's not what the five grounds say. The five grounds are our law, and they're the international law, and they don't talk just about a few isolated cases. If you look at the five grounds, three or four of them are, indeed, grounds that apply to lots and lots of people. And if you look at the history of the refugee statutes and of the covenant and the protocol, they were to try to avoid the errors we committed during the Nazi era, when, in fact, you didn't get persecuted because you had some interesting thoughts that the Nazis didn't like; you might, but you also got persecuted because of characteristics that you had that you couldn't do anything about. So they resist not only religious persecution claims, but also sometimes ethnically based or racial persecution claims, if it's a lot of people.

But here's the ultimate one about religious, and we've encountered this in some of the opposition to the Wolf-Specter bill. The people who are concerned about the refugee program not overwhelming our borders are particularly concerned about religious

persecution because you can join. At least if it's race, you know, you're either of that race or not, but one of the arguments that's been raised against giving special attention to, for instance, Christians and Jews, particularly Christians in Middle Eastern countries, is that, won't this just make people say, "I'm a Christian. Now they're going to kill me. Now you have to let me in."? And what do we do about that? Again, it's sort of a corollary to the Chairman's question. How do we make sure we really respect religious claims and meet those objections?

Father RYSCAVAGE. I just would say to that, it's true that religions are voluntary associations. I just came back from Cuba. During the Pope's visit you saw a lot of young people going to church. They're all over the place, and some people were saying, well, they're just using that as a way of expressing themselves because they have no other way of expressing themselves except under the banner—

Mr. REES. Good for them.

Father RYSCAVAGE. Yes, well, I mean, why not? In some ways, if you're a refugee, you're a survivor. Frankly, if they want to use religion as a way of escaping persecution, that's fine with me.

I see the overall danger of perhaps misusing a religious association for that kind of thing. But, again, give us some concrete ways in which it's being distorted, and I think the churches and the religions themselves can self-police. This is one of the things that I think people forget, is that the churches themselves and the faiths, Buddhism included and others, have a way of finding out whether people are truly there because of their spiritual values or are just sort of manipulating the institution. You know, we're not naive about these things.

Mr. SMITH. Thank you.

Mr. Frelick, you've spoken of chronic shortfalls earlier and make some specific recommendations, and yet, part of the argument we hear from the Administration and others, that they're trying to enhance the idea or notion of burden-sharing. We do it with NATO; we do it with refugees; we do it with U.N. budgets. Again, it has a lot of appeal. Yet, especially when it comes to things like refugee protection, and where you have repatriation as a safety valve—and I say that guardedly—as a way of seemingly solving the problem, are we leading by example or are we encouraging people to pony-up less and to do less because we're doing less?

Mr. FRELICK. I was very encouraged to hear Julia Taft say that this is an issue that she's thinking about, and that's certainly a very welcome voice that I haven't heard for a long, long time in the State Department. Because I think that there has been this notion—we see it on the resettlement side out of the Rafha Camp, for example, in Saudi Arabia—where "this is our percentage of the total; we're going to stick by it, and if these people rot, so be it," because we demand international burden-sharing. It's a wonderful concept, burden-sharing. Wouldn't it be great? We certainly would want other countries to provide 80 percent of funding and the United States to be able to get by with 20 percent. It simply isn't happening.

So then the question is, what do you do? They've called your bluff. Who's going to suffer finally if you stand by what essentially

is a fairly arbitrary line that you've set? I suggest marking it at one-third of the total contribution rather than one-quarter. That will cost us \$32 million next year. I think this is \$32 million that we could well afford, especially with \$120 million sitting unspent in the ERMA account, although this should come out of the MRA.

But, to be quite honest, my setting it at one-third is arbitrary in a sense, too. I mean, it's reactive to the response of other governments. So I put the words "if needed" there, because I would like to be able to try diplomatically to try to leverage a better response. I'm certainly not at all happy with the way that all of these agencies, UNHCR, UNRWA, ICRC are going around like mendicants with their begging bowls—trying desperately to get money, both in their general programs—which are the basic, fundamental, operating programs that keep these agencies running, and they don't have any sense of continuity there, if they have to keep planning for closing down programs—and the special programs as well. The special appeals go completely ignored oftentimes.

So I think the United States has to bite the bullet, and if needed, go up to one-third. I think we can afford to do so. At the same, challenge some of the other donors who are in a position to pay more to come up and to pony-up as well.

Mr. SMITH. Mr. Franken.

Mr. FRANKEN. Mr. Chairman, in the last 5 years our admissions levels have dropped nearly 50 percent. And it's not so coincidental, it seems to me, that in that same, roughly, time period there was a major shift in the way the U.S. State Department identified and processed refugees—turning to the UNHCR as a primary source of referrals. Now this is UNHCR, who had traditionally been focusing certainly the majority of their resources, staff and otherwise, within the immediate relief and protection of people on the ground, and seeking the kind of durable solutions we've talked about: repatriation and the emphasis on that.

If you talk to the field people of the UNHCR, often you will hear very little discussion about resettlement as an option. It's just not in their repertoire oftentimes. So when there are calls for training and these kinds of things, it's very important for this issue.

But I think that that would be an area that some attention should be addressed to, to make sure that the prospective refugees, those who truly would be people that this country is concerned about, have an opportunity to be identified and processed.

Mr. FRANK. If I could just respond very briefly to Mr. Rees' question, I am totally seethed that anyone could actually believe that that type of thing would happen on any type of large-scale basis, that one would join a persecuted group. As one who was in the Soviet Union four times prior to Glasnost, if you joined the Jewish religion or decided to become a Jew at that point, in the hope that you might get out, you were facing the loss of everything. It's just incredible that that could in any way happen, where we're talking about the most intense type of persecutions that many of these religious groups face throughout the world.

I'm sure you've read the book, *While Six Million Died*, and we looked at the history of the State Department during that period of time—you can dream up any excuse you want to keep people out, but that one has absolutely no currency.

Mr. SMITH. We would agree, but that's what we hear back. As a matter of fact, we heard the same argument even on the coercive population control program, that every woman of child-bearing age would claim that she had a coerced abortion, and obviously, that is something that there's so few people who get out anyway of China; we ended up putting a cap on that. That's a whole other discussion, but that was used against us with impunity, and almost succeeded. And now we're hearing it as we went to markup on the other bill. It seems like these surface bill arguments gain currency real quick. It's unfortunate.

Yes?

Mr. DEFFENBAUGH. Back to the budget discussion, there's been an unfortunate tradeoff that's been made in some years in the budget between domestic resettlement and overseas assistance, and this comes from the fact that they are both in the same pot of money that comes to the PRM and the State Department.

We would certainly hope that, as discussions go forward about the real needs, that we don't end up pitting these two valid needs against each other. Julia, in her testimony, also mentioned that sometimes there's been a temptation to try to balance long-term development assistance against emergency assistance, and I think that's another situation of a kind of unfair tradeoff, where you shouldn't have to say, well, yes, we can do more on development if we take away emergency assistance. No, that's not a right type of tradeoff.

As we think about the budget, though, there are these pressing needs for overseas assistance that Bill and others have mentioned. There's also, I think, a need to look at the cost of resettlement. In 1975, when the current resettlement system began, the per capita grant from the State Department for resettling a refugee was \$500. Now it's risen by 50 percent to \$750, at a time when the cost of living has risen by three times.

We're still in this work. We're going to be in this work. I was asked once by one of Secretary Taft's predecessors, well, what will it take to keep your agency in the program? Well, we were in the program long before there was any government assistance, and we'll be in long after. We'll do with what we have and try to use the help of volunteers and the compassion of others.

But I think it should be noted that, as the program has progressed over these 23 years, that the private sector has been asked to bear more and more of the share of the burden for this. We're happy to do it, but it should be noted.

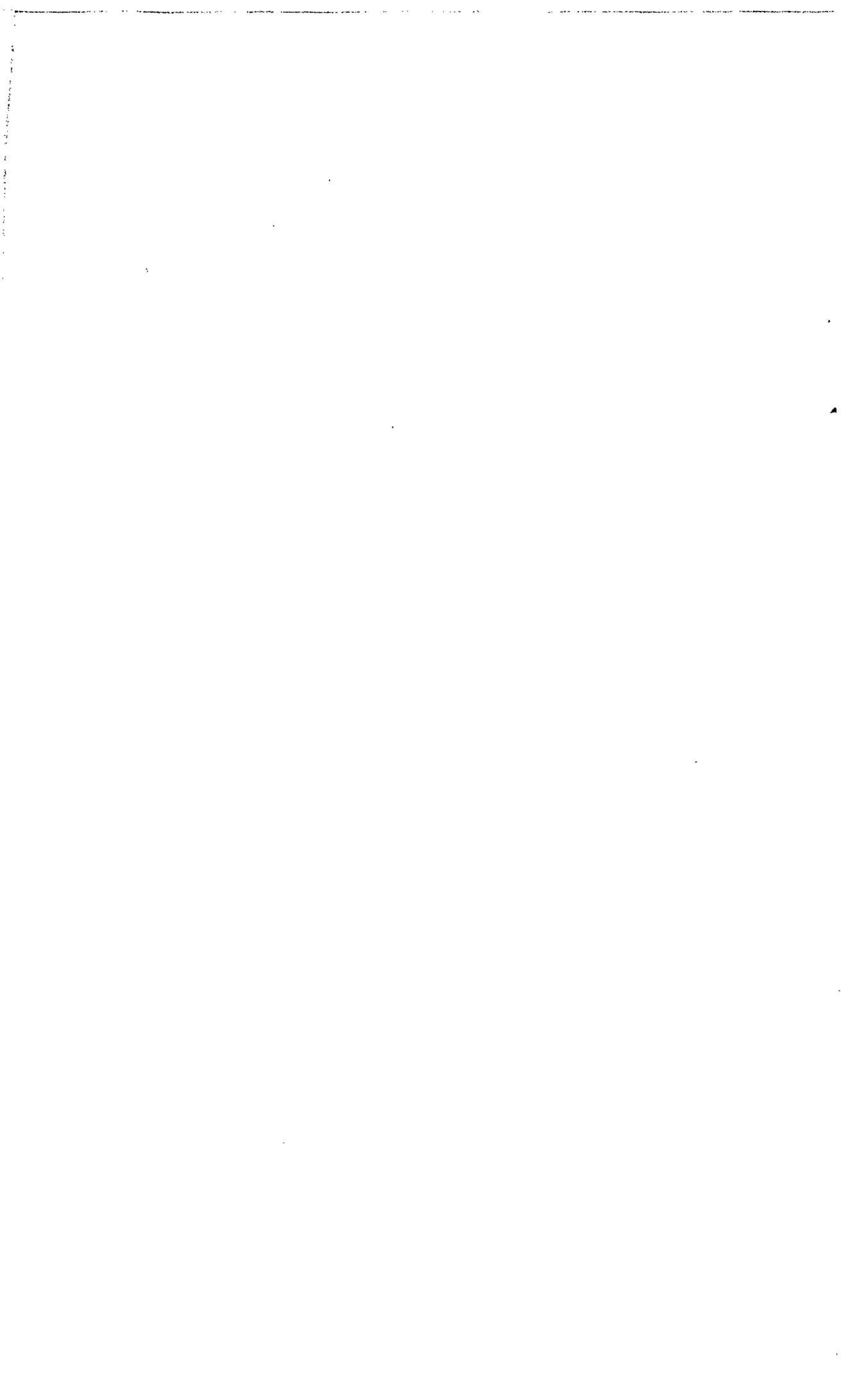
Mr. SMITH. I just want to make one final comment, and, Mr. Frank, it refers to something you mentioned earlier about the importance of the Lautenberg amendment and the very unfair scoring by CBO. We did mount an all-out effort, through the Budget Committee, through technical analysis that we presented to CBO, asking that they reject the static model and take a more dynamic approach, which would include people who've got jobs, pay taxes. It really was a distortion of the true cost and potential burden to U.S. taxpayers, because many of these people, as we all know, become contributors, not takers. We still haven't won that battle. So, you know, I would hope that we could all join in and try to persuade CBO to not look at this through a distorted lens.

And I also want to just make a comment that I did spend a week with Dr. Billington, Frank Wolf, and Congressman Tony Hall meeting with members of the Duma and meeting with members of Yeltsin's staff, roundtable discussions for the better part of a week in Moscow. And, as we all know, that Russian law has very, very serious defects with regard to religious liberties, and if the implementation is aggressive, particularly at the local level, we could see a very quick swing of the pendulum back to the bad old days. That's my deep fear, and having met with a number of Duma members in their Duma—meeting with them in their own offices—they see this as religious freedom, when the government tells you what content may be allowed and if you're not in existence for 15 years or more, you have no legal rights to be a religious organization. So that pendulum is going back. All the more reason why Lautenberg needs to be scored correctly and we need to have an honest assessment of what groups define themselves at great risk very, very quickly.

Mr. FRANK. We appreciate your support on that, Mr. Chairman. We're very concerned. As we pointed out, Lautenberg does not in any way bear any cost; it's a classification; that's all it is.

Mr. SMITH. Thank you very much for your testimony. You've been very patient. The information you have given us will be very helpful in this process, I can assure you. You really are the winter soldiers for the refugees who do so much and get so little credit for it. I know I speak for the Subcommittee: we are very appreciative of your great work. Thank you.

[Whereupon, at 2:02 p.m., the Subcommittee adjourned subject to the call of the Chair.]



# APPENDIX

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## Congress of the United States

House of Representatives

Washington, DC 20515-3004

**CHRISTOPHER H. SMITH**  
5<sup>TH</sup> DISTRICT, NEW JERSEY

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COOPERATION IN EUROPE**  
CHAIRMAN

### STATEMENT OF REP. CHRISTOPHER H. SMITH Chairman, Subcommittee on International Operations and Human Rights

I am pleased to convene this hearing of the Subcommittee on International Operations and Human Rights. This is the Subcommittee's annual oversight hearing on the State Department's refugee budget, and the refugee programs and policies that budget supports. These programs and policies include resettlement of refugees here in the United States, our contributions to international efforts to protect refugees abroad, and the administrative expenses associated with these efforts. On behalf of my colleagues on the Subcommittee I welcome Julia Taft, the Assistant Secretary of State for the Bureau of Population, Refugees, and Migration.

Refugee protection, unlike many other aspects of foreign policy, is not primarily about strategic interests or global economics. It is about morality. The obligation not to return refugees to persecution, or to a serious threat of persecution, flows directly from the fundamental principle that it is always wrong to cause death or other serious harm to an innocent human being. And yet refugee protection, like other moral obligations, has too often been subordinated to social or economic or political goals that are far less compelling.

Those of us who work in this area frequently have the feeling that things are getting worse. The United Nations High Commissioner for Refugees (UNHCR) estimates that there are about 23 million refugees and other persons of concern --- such as internally displaced persons and war victims --- in the world today,

compared to about 17 million in 1991. Even more important, in 1991 the United States was still seen around the world as an advocate and a haven for those fleeing oppression --- in Ronald Reagan's words, the shining city on the hill.

The last ten years have seen dramatic changes in our refugee policy: for the first time in United States history, we have undertaken the mass forcible return of people who have managed to escape from bloodthirsty regimes. First came the forced repatriations to Haiti, then to China, and finally to Cuba and Viet Nam. This change in policy has harmed not only the refugees we have repatriated, but also countless thousands of others, because it has greatly reduced the moral authority which the United States was once able to exercise in persuading other countries not to force people back to danger.

This preference for repatriation over every other durable solution to the plight of refugees has come to characterize refugee programs around the world: first asylum states and international organizations have repatriated people by the thousands and tens of thousands to places like Rwanda, Burundi, Afghanistan, and Burma.

The UNHCR insists that they must repatriate people whenever possible, because the only two other durable solutions --- resettlement in third countries and local integration in the country of first asylum --- are increasingly unavailable. Again, United States policy has been part of the problem. In fiscal year 1995, the Department of State budget proposal anticipated the admission of 110,000 refugees. The FY 1996 and 1997 budgets reduced anticipated admissions to 90,000 and then to 78,000. Bowing to the urgent entreaties of a bipartisan coalition including Senators Abraham and Kennedy, Chairman Gilman, Howard Berman, and myself, the Administration reluctantly raised the number to 83,000 in fiscal year 1998. But the 1999 budget anticipates the admission of only 75,000 --- about a 1/3 cut from four years ago.

Some have attempted to justify these dramatic cuts as necessary to address anti-immigrant sentiment in Congress. On the contrary, however, Congress has strongly supported keeping refugee admissions at their traditional level --- in the range of 100,000 per year, which is a small fraction of all the people who immigrate to the United States every year. During Congressional consideration of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, both the Senate and the House rejected attempts to impose a statutory cap on refugee admissions that would have cut refugee admissions.

There is certainly no shortage of refugees who need our protection:

--- There are thousands of re-education camp survivors and U.S. government employees in Viet Nam who are eligible for the Orderly Departure Program (ODP), but whom the Vietnamese government has not yet allowed us to interview. Another 15,000 to 20,000 people are still languishing in Viet Nam almost two years after we persuaded them to return from refugee camps with the promise that we would interview them quickly under the ROVR program (Resettlement Opportunities for Vietnamese Returnees). Yet the Administration is budgeting for only 14,000 refugee admissions for all of East Asia. This is less than half of what the number was four years ago. It is not even enough to resettle all the ROVR refugees, not to mention thousands of ODP applicants who have suffered for their associations with the United States. It does not anticipate the admission of any of the Tibetan refugees about whom Richard Gere has spoken so eloquently, and about whom he will testify today. And it leaves precious little room for others in need of resettlement from countries such as Burma, Cambodia, and China.

--- Countless thousands of African refugees from places including Rwanda, Burundi, Somalia, Sudan, and Liberia have been in camps for years. Many will never be able to go home. Yet we

are budgeting for only 7000 refugees for all of Africa --- a modest improvement from a few years ago, but not nearly enough.

--- Jews and members of other historically persecuted ethnic and religious minority groups in the newly independent states of the former Soviet Union now face resurgent ultra-nationalism and anti-Semitism. Christians and other believers face persecution in China, Cuba, Viet Nam, Iraq, Iran, and other countries around the world. Yet the assumption in this year's budget request is that the Soviet program must "wind down," and rather than replace it with resettlement opportunities for other refugees, the budget request seems to be based on the premise that these numbers should just disappear.

Assistant Secretary Taft, I want to make it clear that my criticism of the Administration is not directed at you. You have a long and proud record as a refugee advocate, and I know you came to the job after PRM had already submitted its budget request to OMB. But there is still time to re-think our assumptions. Many of us in Congress are willing to help. Indeed, the House has already passed an authorization for FY 99 of \$704.5 million for the MRA account and \$50 million to replenish the Emergency Refugee and Migration Account --- \$754.5 million, in sharp contrast with the Administration request of only \$670 million. Our number represents a very modest increase --- indeed, it reflects a cut in real dollars from FY 1995. It is also substantially lower than the \$300 million dollar raise Congress has given the State Department's operating accounts over the last few years. But it's a start, and we hope you will work with us to strengthen the United States commitment both to resettlement and to overseas protection.

If the Administration will provide the necessary leadership, Congress will act consistently with American values. The United States can still be a shining city on a hill.

OPENING STATEMENT  
CONGRESSMAN DONALD M. PAYNE  
SUBCOMMITTEE ON INTERNATIONAL OPERATION AND HUMAN RIGHTS  
"ANNUAL OVERSIGHT OF REFUGEE PROGRAMS, POLICIES, AND BUDGET"  
FEBRUARY 24, 1998

Thank you very much for calling this hearing concerning Refugee Programs around the world--this issue is of great importance to me. Before coming to Congress, I was Chairman of the World Refugee and Rehabilitation Committee headquartered in Geneva and have seen first hand the plight of refugees around the globe.

I am glad to see that refugee, migration and population issues are front and center on the current foreign policy agenda. While the State Department Operating Accounts are steadily increasing, I understand that the budget for refugee funding is decreasing. It is difficult to name a major crisis where there is not a refugee or migration crisis--Sierra Leone, Sudan, Liberia, Rwanda, Burundi, Bosnia, Tibet and Chechnya. Ten years ago, there were approximately 8 million refugees worldwide; today there are over 23 million persons. A further estimate by the UNHCR claims that 24 million people have been internally displaced by violence, persecution, poverty and environmental degradation.

Five months ago, The Office of Management and Budget said that they would be interested in parties that we were concerned about the amount of funds to be included in the budget for resettlement in FY '99. I understand that a current balance exists of \$120 million and I know the bulk of the money goes to Bosnia refugees, but let me say that Africa is in desperate need especially the refugees from Burundi and Rwanda living in Tanzania. Let me just say that I have written letters to the President inquiring about the objections to the proposed FY '98 allocation of only 7,000 resettlement slots to African refugees. I have also inquired about the process by which African refugees are screened for resettlement to the U.S. Specifically in New Jersey, which I represent, we have had a difficult time getting anyone to answer my letters about Somali refugees interested in resettling near their relatives.

Since the invasion of Tibet in 1959 by the Chinese, the Tibetan people have endured the worse treatment of enslavement. Prior to the invasion and subsequent occupation, Tibet was a theocratic state which had some democratic principles but was mainly feudal in nature. However, it was not a slave state by any stretch of the imagination. Today, it is just that. The Tibetan refugees had no choice but to either be treated as a subservient culture or die. Many of its refugees had to flee.

Sometimes host states are weak or in disintegration. There is confusion about who is responsible for undertaking separation and exclusion activities. I know Nepal was faced with situation of mass exodus of people, but while I applaud Nepal's effort, the Indian government should do more to assist. The Government of Nepal and India, which acts as a host country to Tibetan refugees, have no official refugee policy and is party to neither the 1951 U.N. Convention relating to the Status of Refugees nor the 1967 Protocol. However, they do

provide asylum for refugees and has cooperated with the office of the United Nations High Commissioner for Refugees (UNHCR), and with other humanitarian organizations, in assisting refugees from Bhutan and Tibet. Since 1959 the Nepalese and Indian Government has accepted approximately 20,000 and 98,000 Tibetan refugees respectively, many of whom still reside in the country. Since 1991 Nepal has also provided asylum to more than 90,000 Bhutanese refugees, the great majority of whom are now living in UNHCR-administered camps in eastern Nepal.

Although in 1995 the Nepalese Government reversed a 1960's decision to suspended the issuance of identification cards to Tibetans, there remain many Tibetans with no form of identification and no permanent status. Undocumented Tibetan residents face difficulties in obtaining basic citizens' rights and are unable to travel abroad or access such services as banking. The UNHCR donates blank resident identification cards to the Government for Tibetans, but as of August 1997, approximately 4,000 Tibetan refugees within the Kathmandu valley remained without identification cards.

China and the Government of Nepal tightened control of movement across their border in 1986, but both sides have enforced these restrictions haphazardly. Police and customs officials occasionally harass Tibetan asylum seekers who cross the border from China. Border police often extort money from Tibetans in exchange for passage. With the change from a Communist Party government to a coalition government headed by the Nepal Congress Party in September 1995, the former practice of forcibly returning asylum seekers to China has stopped. There were no reports of forced expulsion of Tibetan asylum seekers in 1997.

In conclusion, women and children represent the highest percentage of refugees around the world. This becomes critical in societies emerging fresh out of conflicts, in which many women, having lost their husbands, become heads of household. It happens very frequently when single or widowed mothers return to their country after having spent a period of time in exile as refugees. That is why I am introducing, "Women's Solidarity Rights Act" which would give women equal inheritance and ownership of land and property. When I visited Liberia last year and also the refugee camps in Rwanda, I saw that many of these women had the responsibility of caring for their children alone. I have asked that we do more to aid in the resettlement of refugees in Liberia and Rwanda. Liberia is trying to rebuild itself from a 7 ½ year civil war and Rwanda and Burundi, faced with the possibility of a resurgence of genocide, is still trying to bring the perpetrators to an underfunded international criminal tribunals. It is primarily women who suffer when communities are torn and divided. Preventing or healing such wounds is very important in post-conflict societies.

Thank you very much for calling this very important hearing.

TESTIMONY OF  
ASSISTANT SECRETARY JULIA TAFT  
BUREAU OF POPULATION, REFUGEES, AND MIGRATION  
DEPARTMENT OF STATE

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS  
COMMITTEE ON INTERNATIONAL RELATIONS  
U.S. HOUSE OF REPRESENTATIVES  
FEBRUARY 24, 1998

Mr. Chairman and members of the committee, I am particularly honored and pleased to be able to appear before you today to discuss our FY 99 budget request and the role we play as a nation in assisting refugees throughout the world. That world remains a dangerous place for the weak and defenseless who are caught up in tragedies and victimized by hatreds they little understand.

We are here today to discuss these issues, not only because it is in the national interest of the United States to have a peaceful and orderly world, but because of who we are as a people. The Secretary has identified the provision of humanitarian assistance to victims of crisis and disaster as one of the seven core goals of U.S. foreign policy.

#### FY 99 BUDGET REQUEST

Mr Chairman, the administration understands that we can continue to help refugees only if we, the U.S. Congress, and the American people move forward together. We are grateful to you, Mr. Chairman, and to this committee for your continuing and energetic support of the Department's programs and funding requests over the years.

In FY 99 we are requesting \$650 million in the Migration and Refugee Assistance (MRA) category and \$20 million for Emergency Refugee and Migration Assistance (ERMA). Our MRA funding request has been straightlined over the last several years even though the overall number of refugees worldwide has declined as durable solutions, such as repatriation, have taken hold. We think this level of funding is sufficient to meet the needs as we currently see them. The fact that there has been a diminishing need to tap the Emergency Refugee and Migration Assistance fund reinforces our belief that the requested levels for FY '99 are adequate. We continue to monitor the refugee assistance needs worldwide and the requests for assistance by the UNHCR and other program partners to ensure they receive support adequate to ensure acceptable levels of aid to refugees.

In this budget we want to do all we can to address real assistance and protection needs of refugees. The bottom line in the MRA account for overseas assistance has been increased by \$9 million, largely to expand programs addressing the special needs of refugee children. We will continue to work with UNHCR, ICRC, NGOs and others to make the most effective use of the resources we have at hand.

Our FY 99 request for a \$20 million replenishment of the ERMA account is a reduction from the \$50 million level we have sought in previous years, and reflects the fact that there is a

current balance in the account of \$120 million--already \$20 million above the permanently authorized ERMA level of \$100 million. Although it would be impossible to predict its use, we anticipate that with the large current balance, the proposed additional \$20 million for ERMA will provide the President sufficient flexibility to respond to unforeseen emergencies.

With regard to the Population portfolio of PRM, while the Bureau is a focal point for population policy, you understand that all program and associated staff costs are paid through other government accounts.

#### REFUGEE ADMISSIONS

MRA funds provide for the care and maintenance of refugees abroad and for the admission of large numbers of refugees to the United States. The level of refugee admissions in FY99 will likely also be in the same range as that for FY98. This level reflects our best efforts to identify needs throughout the world and match them to resources in the U.S. available to sustain resettlement.

We are concentrating on streamlining and otherwise improving the efficiency of our processing operations so that we might maximize the number of admissions. Applications from persons eligible for our in-country program in the former Soviet Union have decreased dramatically, allowing processing to become "current" before the end of the fiscal year and monthly interviews to drop by 75%. I plan to visit Moscow and Kiev within the next few weeks in order to review current conditions as we determine what direction our refugee processing operation should take.

Currently, our single largest admissions program is for Bosnians and we expect to easily reach or even exceed 25,000 admissions--mainly involving mixed-marriages or other conditions which minimize chances for repatriation in the foreseeable future.

#### ROVR

One of our highest priorities is the fair and just completion of the ROVR (Resettlement Opportunity for Vietnamese Returnees) and Orderly Departure Programs in Vietnam. To highlight their importance, in January I traveled to Vietnam to discuss with Vietnamese officials ways to expedite the processing of the remaining cases.

As you know, last October Vietnam announced that it was taking steps to accelerate procedures to clear ROVR applicants for interview. These new procedures have resulted in the clearance for interview of nearly 14,000 ROVR applicants, of an estimated 18,000 eligible for the program, during the past four months. During my discussions in Hanoi, Vietnam agreed to further program modifications including: expedited passport issuance and other departure clearance procedures for INS-approved ROVR cases; processing the remaining cases on the U.S. interview lists; and providing information on the 3,000 people who cannot be located or otherwise cleared for interview.

We are committed to completing ROVR interviews quickly and expect that the majority of approved cases will depart Vietnam for the U.S. by the end of this year.

#### ODP AND MCCAIN AMENDMENT

Also of vital importance to the U.S. is the completion of the remaining former reeducation detainees caseload in Vietnam, including the cases of Montagnards. To complete this processing, the Administration requests the support of the Congress for a quick extension of the McCain Amendment which provides for the admission of the single children over 21 of former reeducation camp detainees. This provision expired on September 30, 1997, but we believe it should be extended until March 31, 1999 in order to permit the humane conclusion of this program.

#### OTHER PROGRAMS

In Africa, we are making a concerted effort--with UNHCR, with U.S. embassies, and with our NGO partners--to increase accessibility to our programs to reach those populations for whom resettlement is the only viable option.

Elsewhere in the world, we coordinate closely with the United Nations High Commissioner for Refugees and other members of the international community in order to enhance the process through which selections are made. The United States was instrumental in creating a forum in Geneva for an ongoing dialogue with UNHCR and other governments to focus attention on resettlement needs worldwide.

#### REFUGEE ASSISTANCE

For most refugees, resettlement in the United States and other countries is not the best solution. Repatriation is the preferable and most viable option for both the refugees and countries where they enjoy asylum. What is needed is assistance in first asylum situations and then assistance with repatriation and reintegration on their return home. Following are examples of the types of situations in which we will be providing assistance.

**AFRICA**

On the eve of the President's visit to Africa, I am pleased to note that there has been a significant decline in the number of refugees in Africa. Only about one-quarter of the world's refugees (some 3.5 million) are found across the continent. Recent large-scale refugee returns to countries such as Mozambique and Rwanda as well as smaller-scale, but no less welcome, returns to countries such as Togo, Mali, and Somalia have brought the numbers down. However, the relatively encouraging picture on repatriation and reintegration is clouded by continuing outflows of desperate refugees from conflict-stricken places such as Burundi, Sierra Leone, and Sudan. Ensuring safe access by relief workers to assist vulnerable populations caught in conflict zones will be a major concern of PRM in the months ahead. The deliberate targeting of humanitarian workers and the UN and NGO communities by rebel forces is a major issue. We are working hard to restore respect for refugee protection, the UNHCR and humanitarian workers who are on the front lines of saving lives in the most desperate of situations.

In FY 97, almost one-third of all our overseas assistance went to Africa. A similar level will be devoted to Africa this year and in FY '99 as well. This reflects both the complexity and the magnitude of the difficulties faced in that part of the world.

**BOSNIA**

Bosnia provides an excellent example of where PRM objectives and program activities have been effectively integrated into overall U.S. foreign policy strategy. The Administration has recognized that the return of refugees and displaced persons to Bosnia is a central element in successful implementation of the Dayton Peace Agreement. High level meetings on Bosnian peace implementation have endorsed specific measures designed to increase refugee return to their original homes, particularly in areas where they would be in the ethnic minority.

PRM assistance programs in support of the "Open Cities" initiative, implemented by UNHCR and NGO's, have played a crucial role in opening up possibilities for minority returns that contribute to the difficult, but vital, task of building a peaceful, multi-ethnic Bosnia. There were 30,000 minority returns in 1997 and the outlook is even brighter for progress in 1998. PRM programs in Bosnia and other parts of the Former Yugoslavia will again this year support the increased efforts of the international community and other donors to make 1998 "The year of minority return."

## REFUGEE REPRODUCTIVE HEALTH

PRM provides general and program specific funding to UNHCR and NGOs which include in their programs a broad range of primary health care services for refugees. Basically, these include maternal and child health care, safe motherhood services, prenatal, postnatal care, well baby education, emergency obstetrics and gynecological care, including treatment of complications from unsafe abortions, miscarriage complications, prevention and management of the consequences of sexual and gender based violence, prevention and care of sexually transmitted diseases, including HIV-AIDS, and family planning information, supplies and services. Neither the U.S. government nor UNHCR provide or promote abortion in refugee camps.

The majority of refugees are women and children. Sadly, refugee women often lack even the most minimal elements of reproductive health care, and yet are at even greater risk of sexual violence, sexually transmitted diseases and HIV/AIDS, and pregnancy complications by the very nature of their refugee status. Rape of refugee women and girls is a very serious problem from both a protection and health perspective; miscarriages and self-induced abortions are, unfortunately, all too common. Our policies and guidelines on protection and assistance to refugee women recognize that refugee women need greater protection from violence and better health care.

## MIGRATION

As international migration has become more complex in this decade, the United States must address the full range of migration policy issues. U.S. international migration policy aims to promote sound migration management which balances governmental respect for human rights of migrants with governmental responsibility to maintain territorial security. MRA funds will support activities to promote international cooperation on migration issues with a special emphasis on protection for those in need of it. We have launched a pilot program in trafficking of women and will look in '99 for other opportunities to promote cooperation regionally on priority issues of asylum policies, human rights of migrants and humane approaches to deportation.

## CHALLENGES AHEAD

While we are doing a lot, much remains to be done, both to improve our current efforts and to create a more effective framework for assistance in the future.

--Although the United States accepts for resettlement and assists more refugees than any other nation, it is of vital importance that our efforts be made in a multilateral context. We must lead, but we must also coordinate and leverage the contributions of our partners in this shared effort.

--We must do all we can to assure the security of relief workers who are on the front lines to implement the efforts we are funding.

--We must work to assure that repatriation and reintegration activities are sustainable so that tragedies do not repeat themselves.

--We must strive to integrate humanitarian programs into conflict resolution situations, as is being done in Bosnia, in order to create incentives for reconciliation.

--We have seen an alarming disregard for international humanitarian principles. In parts of Africa, for example, refugees have been forcibly repatriated to places where their very lives were at risk; borders have been closed; access by international agencies has been denied by insecurity and by local authorities; refugee camps have been attacked and misused by armed elements. We cannot allow this to continue.

--In all our efforts, we must be sure that the assistance reaches the most vulnerable, with appropriate focus on the needs of women and children.

Finally, Mr. Chairman, I would like to restate our appreciation to this committee and to all in Congress who support our mutual efforts to alleviate some of the world's pain by assisting refugees. I urge you and your staff to review carefully our Congressional Presentation Document which goes into detail on all these matters.

I would like to invite and urge you and your colleagues and staff to travel to see PRM-supported activities in the field, to see where the money goes and the people it is helping. In this way you can help us refine our thinking and direct our programs to the people and places that need them most.

Thank you, and I will be happy to answer your questions.

**Remarks by Richard Gere  
Chairman of the Board, International Campaign for Tibet  
Subcommittee on International Operations and Human Rights  
Annual Oversight of Refugee Programs, Policies, and Budget  
February 24, 1998**

Thank you, Mr. Chairman, for the opportunity to appear before the Committee and to speak on the importance of U.S. refugee assistance to the Tibetan refugees and the substantial needs of that growing community.

I am deeply honored to follow Assistant Secretary Julia Taft and to be included here with these fine men and women who are committed in their public lives to serving the needs of the desperate and disenfranchised. In a very real way, they are taking on the moral responsibility of our nation.

I have been an activist for the cause of Tibet for many, many years and have been privileged to testify before this Committee and its Senate counterpart on the status of Tibet and His Holiness the Dalai Lama's efforts to find a lasting peace. In all this time, I am saddened to say, that conditions in Tibet have worsened and, as reported by the State Department this month, "tight controls on fundamental freedoms continued and in some cases intensified."

I have visited Tibet and have seen at first hand the repressive conditions that lead Tibetan refugees to flee. I would urge you all to go and see for yourselves the degradation of the Tibetan people and culture and experience the suffocating presence of China's control system. Congressman Frank Wolf described the repression he found in Tibet as more brutal than he witnessed in Soviet Russia or Communist Romania -- a repression applied with what Senator Daniel Patrick Moynihan has called "Stalinoid dementia."

Anyone familiar with the issue of Tibet, as I believe this Committee is, understands that systematic human rights abuses, intensified control, cultural assimilation and resource exploitation have fundamentally changed the Tibetan way of life. To the extent that Tibetans can survive within these foreign and repressive Chinese-imposed paradigms, they remain in Tibet or they flee. What we are seeing this winter, is an increase in Tibetan refugees arriving in Nepal and India, and particularly an increase in the number of monks and nuns and children.

I was in Kathmandu, Nepal for two weeks during the month of December. There is a transit camp of sorts there -- a barefloored dormitory, a processing

office, a small room where a single nurse administers inoculations to little ones and cleans and dresses the rotting flesh of frostbite victims.

It is at once a wonderful and sorrowful place, a mixed bag of hope and despair. That it exists at all, is a result of Congressional initiative and State Department funding, and for that I am extremely grateful.

I understand the building of a large dormitory with kitchen is near completion to relieve overcrowding and provide a semblance of privacy to monks and nuns, young children, and to separate men and women. After watching the crowd of new arrivals swell every day, I doubt that its purpose will be fully achieved this winter.

There is an extraordinary Tibetan woman at the transit camp. Her name is Tsering Llamo. I bring her to your attention for two reasons. First, as a former Fulbright scholar, she represents a program, authorized by this Committee, that has returned to the Tibetan exile community a skilled cadre of young people, and she now serves magnificently in the U.S.-funded Tibetan refugee assistance program.

Secondly, Tsering Llamo is asking for a proper clinic and funding for a visiting doctor. By the time they reach Kathmandu, Tibetan refugees are malnourished, exhausted and often traumatized. Many have been in flight from two to six months before reaching the Tibet-Nepal border. Descending from the Tibetan plateau, these refugees have few immunities to protect them from diseases that are rampant in Nepal and India. Many arrive with dysentery, scabies, and worms. In winter, about 75 percent of escapees cross the Himalayas by fording a 19,000 foot pass. They must cross in one day or risk death from exposure. Severe frostbite is common.

Reports of torture among Tibetan refugees are alarmingly common. A paper issued last fall by Physicians for Human Rights found "highly credible" personal accounts of torture at the hands of Chinese authorities by more than 1 in every 7 Tibetan refugees interviewed. Many of those tortured were children or young adults. According to the doctor's report, "the abuse which these torture victims suffered resulted in significant physical and psychological consequences." Though she may try, these maladies are more than Tsering Llamo can handle alone.

Mr. Chairman, I thank you again for the invitation to speak before the Committee. I have purposefully made my remarks brief, but commend to you my colleagues at the International Campaign for Tibet for more detailed information on the plight of Tibetan refugees.

I would like to end my remarks by calling on the U.S. Government to increase its funding for overseas protection programs. As it is the world over, the need for refugee assistance for Tibetans in India and Nepal is not going down, it is going up. And we can expect the refugee flow to increase as China continues its clamp down on freedoms. I urge the United States not to reduce or "flat out" its contributions to this account, but to provide abundant assistance where it is so desperately needed.

I understand that reduction in resources has caused understaffing of the UNHCR's protection division. I can tell you unequivocally that the UNHCR Tibetan refugee program in Kathmandu has saved lives and lessened the torment of Tibetans at the hands of bandits and border guards. UNHCR protection is vital to the border handling and safe transit of this refugee group through Nepal.

Furthermore, as China does not seem willing to moderate its behavior in Tibet, the need may arise for many more Tibetans to leave their country. The generosity of India and Nepal may not be sufficient to handle their numbers so I sincerely hope that, should that occasion arise, the United States will open its borders to them.

As an elder Tibetan refugee eloquently pleaded, "We are facing difficulties of immense burden ... full prayers, I implore that this may reach the heart of a benevolent person."

Finally, I would like to announce a program launched today by the International Campaign for Tibet and WITNESS of the Lawyers Committee for Human Rights, to provide interactive documentation of the 1998 winter exodus of refugees from Tibet. This program can be accessed on [www.savetibet.org](http://www.savetibet.org) and will feature photographs of Tibetan refugee and their stories. Beginning with His Holiness the Dalai Lama's flight in 1959, over 140,000 Tibetans have been driven from their homeland. I invite you to bear witness to this tragic exodus as it continues today.

Tibetan Refugee  
Transit Center

Kathmandu,  
Nepal





Tibetan Refugee  
Transit Center

Kathmandu,  
Nepal



**Testimony**

**U.S. FUNDING AND WORLDWIDE REFUGEE PROTECTION**

**Presented at the Hearing on  
OVERSIGHT OF REFUGEE PROGRAMS, POLICIES, AND BUDGET**

by

Bill Frelick

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U.S. Committee for Refugees

before the

House Committee on International Relations

Subcommittee on International Operations and Human Rights

February 24, 1998

## U.S. FUNDING AND WORLDWIDE REFUGEE PROTECTION

Thank you, Chairman Smith, for the opportunity to testify regarding the impact of U.S. refugee policy and budget on refugee protection. This testimony represents the views of the U.S. Committee for Refugees, a nonprofit, nongovernmental organization, which for 40 years has defended the rights of refugees, asylum seekers, and displaced persons in this country and throughout the world.

Mr. Chairman, since the full International Relations Committee authorizes federal spending for international assistance, I would like to discuss the Administration's FY 99 budget request for overseas refugee assistance within the Migration and Refugee Assistance (MRA) account and the Emergency Refugee and Migration Assistance (ERMA) fund. Then, I would like to draw your attention to certain resettlement needs. I will be limiting that part of my testimony to the Europe and the Near East/South Asia regions, since my colleagues on this panel will be addressing resettlement needs in other regions.

### I. Federal Budget for Overseas Refugee Assistance and ERMA

The Administration's FY 99 request of \$650 million for MRA includes \$464 million for overseas refugee assistance—a cut of nearly \$10 million from FY 97 expenditures for overseas refugee assistance. The budget proposal would reduce aid to refugees in Europe by \$32 million compared to FY 97 levels. This cut in aid to European refugees raises several concerns, particularly in light of the fragile situation in the former Yugoslavia.

In addition, the President's proposed budget would appropriate only \$20 million to ERMA rather than the normal \$50 million appropriation. This proposed 60 percent cut in ERMA's appropriation is alarming and suggests a systemic problem in the State Department's use of ERMA funds that I would like to bring to your attention.

#### A. Overseas Refugee Assistance

We recommend that this Committee authorize at least \$700 million for MRA in FY 99. This authorization level would leave room for Congressional appropriators to restore the Administration's proposed \$12.9 million for assistance to Europe and add \$32 million in additional funding for UNHCR's general program budget—a combined \$44.9 million appropriation increase over the Administration's FY 99 proposal.

The Administration's FY 99 budget request of \$464 million for overseas refugee assistance includes modest funding increases for refugees in most regions of the world. I urge Congress to support these small increases. Please be aware of two problems, however.

First, the Administration's plan to cut \$32 million from assistance to European refugees, compared to FY 97 levels, is distressing in light of the needs in Bosnia and elsewhere in the former Yugoslavia. Continued funding is crucial in the former Yugoslavia to remove landmines, maintain human rights protection monitoring, refurbish housing, and generally assist some of the most difficult and fragile reintegration efforts ever seen.

I suspect that the reductions were based on overly optimistic predictions from the UN High Commissioner for Refugees (UNHCR), among others, who predicted that 1997 would be the "Year of Return" to Bosnia. In fact, refugee returns lagged considerably behind these projections as it became clear to refugees that ethnic minorities were by and large unable to return to their home areas. Local resistance to the Dayton Agreement's Annex 7 provisions for return of refugees was stronger than anticipated. These budget projections were based largely on UNHCR's view in 1996 that by 1999 most refugees would be home and that UNHCR would be able to withdraw from the area, while other development-oriented humanitarian agencies would step in. Following that projection, as well as strong indications in early 1997 when this budget request was being formulated that U.S. troops would be leaving Bosnia by June 1998, the State Department's Bureau of Population, Refugees, and Migration (PRM) saw its role as diminishing as well, and budgeted accordingly.

As often happens in refugee situations, predictions for early return proved to be little more than wishful thinking. The "easy" returns are over—refugees who could return to their homes in majority areas have already done so. The 1.4 million Bosnians who remain displaced within Bosnia or abroad are overwhelmingly people whose homes are in areas controlled by another ethnic group. Reintegrating them is going to be a struggle. Congress and the State Department should be prepared to channel additional refugee assistance monies to Bosnia as the situation evolves. We were pleased to see President Clinton promise that the United States would stay involved in Bosnia, and that the U.S. troop presence would continue into 1999. However, the President's reduction in refugee assistance to the region contradicts his other words and actions, suggesting disengagement at a time when humanitarian needs are compelling and their connection to the peace process inextricable.

Second, the U.S. government should draw on the overseas refugee assistance account to increase its portion of the General Program budget of the UN High Commissioner for Refugees (UNHCR) to one-third of the total contribution from all international donors.

The General Program account of UNHCR has suffered chronic underfunding in recent years that has eroded the effectiveness of the agency's assistance and protection programs. Last year, UNHCR's General Programs received only \$320 million from donor countries, a drop of \$31 million from 1996, and a shortfall of \$65 million compared to the agency's 1997 requirements. The shortfall has harmed refugee protection and assistance programs. In late 1997, UNHCR curbed its protection monitoring, halted new classroom construction for refugee children, stopped its maintenance of essential water systems, and canceled many community service programs that help refugees gain self-sufficiency.

Unfortunately and unwisely, in my view, UNHCR has responded to last year's funding shortfall by cutting this year's budget request to the United States and other international donors. This is a downward spiral: donors fail to provide adequate funds; UNHCR cuts its programs and reduces its funding appeal in anticipation of funding constraints; donors then under-fund UNHCR's new, smaller budget; the new shortfall in a bare-bones budget forces yet another round of cutbacks in UNHCR's core programs for refugees.

Indeed, UNHCR is already sounding the alarm this month that its coffers are dangerously bare. The General Program account of UNHCR spends a mere 10 cents per day per refugee to assist nearly 13 million refugees. Shortchanging this part of UNHCR's budget is terribly counterproductive to the goal of effective refugee protection and assistance. As an example, Mr. Chairman, let me draw your attention to the problem of Afghan refugees, who, perhaps as much as

any refugee group, are suffering from what has been called "donor fatigue." In Iran, where 2 million Afghan and Iraqi refugees live, UNHCR has cut \$500,000 from refugee health services; cut \$200,000 from education programs for refugee children; and reduced shelter and income-generating programs for refugees by more than \$300,000. In Pakistan, where 1.2 million Afghan refugees live, UNHCR has cut nearly a quarter-million dollars from its program to construct schools for refugee girls; cut \$180,000 from water deliver systems; and slashed more than \$400,000 from community services for Afghan refugees.

Again, we see a disconnect between the State Department's stated humanitarian foreign policy goals and PRM's actions. The U.S. government has criticized UNHCR for its failure to live up to its own policies for protection and care of refugee women in many parts of the world, and the United States has shown a particular interest in the welfare of refugee women and children. During her visit to the Bibi Mariam School in the Nasir Bagh Refugee Camp in Pakistan on November 18, Secretary of State Madeleine Albright said, "If a society is to move forward, women and girls must have access to schools and health care. They should be able to participate in the economy. And they should be protected from physical exploitation and abuse." These are fine words. Yet, UNHCR's 1998 budget projection reduces the budget for its program in Pakistan by \$1.7 due to donor shortfalls. It is hard to imagine how new primary schools for girls and health clinics for women will be built in the face of such cuts. If the United States is serious in its commitment to refugee women—particularly in places like Pakistan where they are especially vulnerable—it must, to use the vernacular, put its money where its mouth is.

Other humanitarian agencies assisting refugees have been similarly handicapped by shortfalls in contributions. Since 1993, the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has struggled to maintain services for a growing refugee population with an annual income that has remained roughly constant. The cumulative effect, UNRWA reported to the General Assembly in 1997, has been to reduce the average expenditure per refugee by 29 percent, from \$110.4 in 1992 to \$78.2 in 1996, not accounting for inflation. During the same period, real per capita GNP in the West Bank and Gaza Strip has declined by an estimated 36.1 percent. In neighboring countries where UNRWA also operates—particularly in Lebanon where Palestinians live in deplorable conditions and do not have access to the labor market or basic services—needs continue to outstrip the ability of the agency to provide its services.

UNRWA's annual report for the period of July 1, 1996 through June 30, 1997 clearly articulated the effects of its funding crisis:

*With classrooms so overcrowded as to become unmanageable, with so few doctors on staff as to make possible only the cursory examination of patients, with hospitalization having to be periodically suspended owing to lack of funds and with insufficient number of social workers to provide adequate assistance to the neediest refugees, it was evident that the continuing funding shortfalls and austerity measures would gradually sap Agency programs of their strength and denude them of their substantive content, a process whose costs would ultimately be paid by the refugee community UNRWA was mandated to serve.*

The social and economic consequences resulting from UNRWA's budgetary problems also should not be viewed in isolation from the deteriorating political climate in which the agency works. With the Palestinian-Israeli peace process in serious doubt, a crippled UNRWA only serves to add to instability.

Despite the continuation of austerity measures in place since 1993 and the introduction of new ones in 1996 and 1997, it became clear during the summer of 1997 that UNRWA still faced a

budgetary shortfall of \$20 million for 1997, forcing it to announce a new round of program cuts. In late August and early September, international donors came forth to fund \$19 million of the shortfall, of which the United States generously gave \$7.5 million. While UNRWA was able to cancel the most severe of the latest round of austerity measures—school fees, and hospital reimbursements and referrals—the previously announced 15 percent reduction in international staff and the freeze on recruiting extra teachers, among others, remained in place. As of October 1997, a special appeal for \$11 million to ameliorate the particularly poor living conditions for Palestinian refugees in Lebanon was not fully funded.

We would hope that other countries would be more forthcoming in their contributions to UNHCR, UNRWA, and other humanitarian agencies and that the burden would be shared more widely. The fact of the matter, however, is that contributions to their budgets have lagged dangerously. The United States has tried holding its contribution down in the hopes that others would come through. That strategy has not worked. And, it is the refugees who suffer from the shortfalls that result. We can only hope that increasing our percentage of the total will encourage other donors to do the same. Even if it doesn't, however, their work is too important, the needs of their clients too great, to hold their budgets hostage to actions of other donors over whom we ultimately have no control.

As for UNRWA, the United States is the largest contributor. Other donors should do more. But what ought our government do when they don't? In this case, an ERMA drawdown during 1997 might have done much to alleviate the growing gap between needs and the agency's diminishing ability to provide the most basic services to the refugees it serves. UNRWA's funding problems are also structural in nature, meaning that a one-time cash infusion provides no panacea. UNRWA clearly must solve this structural problem by expanding its donor base and finding ways to deliver its services more efficiently. Nevertheless, the detrimental effects for Palestinian refugees resulting from UNRWA's funding crisis were particularly acute in 1997 and therefore demanded emergency action and a greater response than the one given by the United States.

As for UNHCR, the United States should bite the bullet and be prepared to surpass the \$107 million it contributed to UNHCR's General Programs in 1997, one-quarter of the total request. We would suggest that, if needed, the United States set its contribution at one-third of the general budget request, which, this year, would amount to an increase of about \$32 million in 1999. We would urge the State Department to take the occasion of such an increase to impress upon other donor countries the need to be more responsive to appeals on behalf of humanitarian programs for refugees, and to try to increase their commitments as well.

## **B. ERMA**

*Since PRM has failed to make good use of the ERMA fund, we recommend that Congress exercise more careful oversight of PRM's emergency spending in an effort to encourage PRM to take a more proactive and positive approach toward emergency and special appeals. We also recommend that the process of drawing down from the ERMA fund be streamlined so that funds can be made available quickly in response to emergency situations.*

Mr. Chairman, the State Department is not utilizing the ERMA account properly. In FY 97, the Administration made only two drawdowns on the ERMA fund: \$15 million to pay for the evacuation of Kurds from Northern Iraq and \$38 million for refugees and displaced in the Great

Lakes region of Africa. The Administration has allowed funds to build up in ERMA unused, and is now using ERMA's untapped funding reserve to justify a \$30 million cut in ERMA's appropriation for FY 99, from \$50 million to \$20 million. Given the abundant assistance and protection needs of refugees worldwide, it is astounding that the State Department has been sitting on \$120 million in unspent ERMA funds.

The Administration argues that ERMA is "flush" with money and needs only a minimal appropriation in FY 99. This misguided logic compounds the under-utilization of ERMA's monies. The real issue—which Congress should examine closely—is why the State Department and the President have failed to use the money in this emergency account more aggressively to alleviate the unmet needs of refugees and to bolster the work of humanitarian agencies that try to render refugee assistance, such as UNHCR, ICRC, IFRC, and others.

The State Department's tight-fisted use of ERMA funds means that the United States has chosen to ignore the full implication of significant refugee problems overseas. UNHCR appealed to international donors for \$737 million to meet special and emergency refugee needs last year, but the agency received only \$675 million, a \$62 million shortfall. The United States contributed only 20 percent of the funds received by UNHCR for these programs. UNHCR efforts to reintegrate more than 2 million returned refugees in Rwanda were \$40 million underfunded in 1997—a 36 percent shortfall. Special UNHCR programs in the former Soviet Union suffered an \$8 million shortfall—22 percent less than required. Repatriation assistance to more than 100,000 Malian refugees in West Africa was \$4 million underfunded—a 26 percent shortfall.

The Administration should have—and could have—contributed to each of these special appeals through drawdowns on the ERMA fund.

The Administration's decision not to use refugee assistance money at its disposal has had real-world consequences. For example, the UN Mine Action Centre (UNMAC) in Bosnia has been starved for resources. Bosnia is infested with between one million and six million landmines. The mines and other unexploded ordnance are concentrated along the war's confrontational lines, which changed repeatedly during the course of the war. An average of 50 to 80 mine accidents occur each month; 10 to 15 incidents each month involve children. The presence of mines inhibits refugee return and delays reconstruction and development projects.

UNMAC received about 11 percent of the funding it originally requested in 1997 to remove landmines, according to the most recent available figures. UNMAC originally requested \$62.2 million for its 1997 former Yugoslav program. Its planned program for 1997 had specifically targeted clearing areas of potential refugee return. Because of the shortfall in funding, however, that plan had to be abandoned. The appeal was dramatically reduced mid-year to \$23 million, and UNMAC switched its stated priority for mine clearance from areas of potential refugee return to currently populated areas. Yet, even so, only \$7 million was contributed, a shortfall of \$16 million, meaning that nearly 70 percent of the bare-boned needs were not met. UNMAC was not able even to begin its de-mining activities until August 1997.

Ironically, Secretary of State Albright announced in October a major U.S. initiative on de-mining, with the appointment of a Special Representative for Global Humanitarian De-mining, and a pledge to raise \$1 billion per year for de-mining activities. How can the Secretary of State talk in terms of that dollar figure, and yet have the Bureau of Population, Refugees and Migration within the State Department passively sit on the ERMA fund, when a mere \$16 million drawdown could have been used for de-mining areas of potential refugee return in Bosnia?

Perhaps contributions for UNMAC's work in Bosnia could have or should have come from other foreign assistance accounts, such as the Support for Eastern European Democracy (SEED) Act account, but this appears not to have happened. In such cases, PRM must be prepared to step in. PRM surely must have analyzed UNMAC's proposal for activities in 1997, since the UNMAC proposal was part of the UN's Consolidated Inter-Agency Appeal for former Yugoslavia (which included funding proposals for such traditional PRM beneficiaries as UNHCR and IOM); it should have been easy to see how a contribution to UNMAC's work—particularly as it was originally conceived—would have facilitated refugee return. The fact of the matter is, while this money sat in the ERMA account, refugees sat as well, unable to go home. Landmines have been a key obstacle to return; U.S. contributions to facilitate return through housing reconstruction and other projects have been stymied due, in part, to a failure to clear mines, a problem where adequate funding would have made a crucial great difference.

Mr. Chairman, one doesn't have to look long or look hard to find urgent refugee needs that could be met, this year, right now, through ERMA funding. Here is a quick list of UNHCR special programs that are likely to end by the end of this month unless donations are received:

- Angolan repatriation. No contributions this year. Need: \$23 million.
- Mali repatriation. No contributions this year. Need: \$10.8 million.
- Liberia repatriation. \$1.3 million contributed. Need: \$38 million.
- Burma repatriation. No contributions. Need: \$15 million.
- Sri Lanka special program. \$1.7 million contributed. Need: \$8.5 million.
- Afghanistan. No contributions. Need: \$20 million.

Mr. Chairman, in searching for an answer to the question why the Administration has made so little use of this money in the past year, I would submit that it is because of an overly narrow interpretation of the word "emergency." Our concept of "refugee emergencies" should not be limited to CNN-like broadcast images of hordes of desperate crowds, fleeing and dying in roadside ditches. "Emergency" should also include coming to the rescue to save worthwhile programs that will fold on account of budget shortfalls. This was the case last year with the UNRWA budget, described above. It is also currently the case with respect to a recently issued appeal by the UN Coordinator for Humanitarian and Development Activities in Afghanistan, who has urgently called for about \$6 million to bridge a funding gap in humanitarian programs inside Afghanistan that lack sufficient carry-over funds to extend their activities through the first quarter of 1998.

Many refugee needs are not country-specific. In many regions of the world, UNHCR has failed to live up to its own policies for protection and care of refugee women, often due to lack of resources. The State Department could use ERMA funds to fill this gap, so that UNHCR and other agencies can better investigate and report sexual violence against refugees, improve counseling and protection for victims of sexual violence, and enhance local police training. UNHCR efforts to ameliorate the environmental degradation caused by refugee camps fell \$3 million short of funding goals last year—anyone who has traveled to refugee sites and seen the deforestation caused by large refugee populations struggling to survive on marginal lands knows how important environmental restoration can be during or after refugee crises.

It is perplexing that the State Department has chosen not to use more ERMA funds to strengthen UNHCR's overall refugee protection capacity. Staff of the U.S. Committee for Refugees have conducted site visits to dozens of refugee emergencies in the past few years, and rarely have we seen sufficient numbers of UNHCR protection officers on site. Using ERMA monies to help UNHCR hire and train 200 additional protection officers would require \$20 million. It would be money well-spent.

Finally, there are "emergent opportunities" that we should not let pass by. ERMA money should be used to make it possible to bring refugee emergencies to a successful conclusion, to arrive at solutions that make it possible to bring assistance caseloads to an end, and to allow refugees to become safe and self sufficient—in short, to allow refugees to stop being refugees.

## II. Federal Budget for Refugee Admissions

As I mentioned in my introductory remarks, I will be limiting my remarks to the Near East/South Asia and European regions because my colleagues on this panel have prepared remarks on resettlement from the other regions.

First, however, let me make a general remark about refugee admissions. I realize that the refugee admissions process involves establishing "ceilings" rather than "quotas." I am also aware, however, that the ceilings are based on real needs, often understated. There has been a process in recent years of the Administration failing to meet the ceiling in one given year, and, therefore, requesting fewer numbers the next year. In FY 92, 132,173 refugees were admitted with a ceiling of 142,000. The next year, FY 93, the ceiling was lowered to 132,000 (the number actually admitted the previous year), but only 119,482 were admitted. The following year, FY 94, the ceiling was lowered again to 121,000, but only 112,682 refugees were admitted. So, the next year, FY 95, the ceiling was lowered again to 112,000 (about the same as were actually admitted the previous year), but only 99,490 refugees were admitted. The following year, FY 96, the ceiling was lowered to 90,000 (this time more than 9,000 fewer than actually admitted the previous year!), and only 75,693 refugees were admitted. The next year, FY 97, the ceiling was lowered again to 78,000, and only 70,085 refugees were admitted. The pattern was obvious. Last year, thankfully, Congress stepped in to try to buck this trend, increasing the ceiling to 83,000 for FY 98 (although 5,000 of those numbers, for the former Soviet Union, can only be used if additional funding is found through existing appropriations, and 3,000 of the numbers are unfunded). Congress needs to be vigilant to make sure that the State Department's passivity toward refugee admissions does not lead to the downward spiral we saw in the period from FY 92 through FY 97.

The President's FY 99 budget calls for \$102 million for refugee admissions, the same as FY 98. One can't help but wonder what the process is that leads to such a figure and the extent to which actual needs for refugee resettlement have any bearing on the dollar amount.

My cynicism is prompted by a recent UNHCR report which, in a particularly candid and instructive moment, revealed how the shortfall in its General Program budget had a direct impact on its assessment of resettlement needs and in the number of bona fide refugees it would refer to the United States and other countries for resettlement. The report states, "Funding shortages also forced UNHCR to reduce the resettlement budget of the Office of the Chief of Mission in Baghdad from a proposed planning number of 2,000 persons to only 300 persons."

For some time now, the U.S. Committee for Refugees been greatly concerned about a group of more than 3,000 Iranian refugees in northern Iraq, some of whom were deported from Turkey after seeking asylum there. Their situation in northern Iraq is extremely precarious, and it is no exaggeration to say that their lives are in danger. They are in urgent need of resettlement. We have suggested to UNHCR and the U.S. State Department a number of ideas about how the U.S. government might be able to examine this caseload (one such idea, I outline below). However, if UNHCR drastically reduces its capacity to refer cases at the outset, the United States will not be able to come to their aid. This creates a vicious cycle: Insufficient funding in overseas assistance means that UNHCR makes fewer resettlement referrals; fewer referrals mean fewer people resettled; not meeting regional ceilings, means reduced funding for resettlement in the next funding cycle; reduced funding means fewer refugee resettle places available; fewer refugee resettlement places available means UNHCR makes fewer referrals, despite larger numbers of refugees in need of resettlement.

Mr. Chairman, I appeal to you to stop such vicious downward cycles from taking place. *Our resettlement budget should be based on our assessment of real resettlement needs; we should not be shoe-horning refugees in need of resettlement into a predetermined budget.*

#### A. FY 99 Resettlement Needs in the Near East/South Asia

In FY 98, the Near East/South Asia region had a ceiling of 4,000 places. I would like to draw your attention to refugee groups in the region who are highly vulnerable, who cannot go home, and who have no prospects of being integrated in the countries where they are now living. They are people desperately in need of resettlement. I would argue that the U.S. refugee resettlement program was created for such people. Yet, by and large, they are overlooked.

##### 1) Iranians

a) in Turkey: Turkey's asylum regulations illustrate how vital resettlement is as a tool of protection in this region. The regulations make an explicit quid pro quo between protection in Turkey and resettlement outside Turkey. Article 28 says: "Permits given to foreigners who request residence with the intention of seeking asylum from a third country may not be extended if after given reasonable time the foreigners are still not able to go to a third country. The foreigners in such situations shall be invited to leave the country." In other words, Turkey makes temporary protection of refugees contingent on firm and prompt third country resettlement and threatens to deport those who are not quickly resettled. The regulations create a host of other procedural barriers to Iranian, and other non-European asylum seekers. As mentioned above, this has resulted in Iranian refugees and asylum seekers being deported to Iraq, if not directly to Iran.

b) in Iraq: I have already mentioned this group, above, in describing the impact of budget shortfalls on the capacity of UNHCR to refer refugee cases in Iraq for third country resettlement. Let's just assume that we did have the ability to set a budget based on need. In that case, here's what we could do. The problem we would need to overcome is the absence of a diplomatic post in Iraq. We ought to set up a processing stream similar to the old Moscow-Vienna pipeline used to bring Jews out of the Soviet Union. As you recall, in the 70s and 80s, we couldn't process Soviet Jews inside Russia. They flew to Vienna, where the United States interviewed them for refugee status, offering parole to those who did not qualify as refugees, as a means of assuring the Austrians that they would not be saddled with a residual caseload. Using that as a model, I would suggest that U.S. officials make a paper file review of UNHCR-Baghdad referrals, and give a

preliminary assurance of willingness to resettle the case pending an INS interview in Amman, Jordan, or some other third country that would be willing to act as a transit point. Instead of offering parole to those who would not qualify for U.S. resettlement, we would ask for assurances from the Scandinavian countries to take those cases rejected by the United States (my understanding is that most of the Scandinavian countries rely primarily on the UNHCR referral anyway).

c) in Pakistan and elsewhere: Local integration or repatriation is out of the question for most, especially religious minorities, including Baha'is.

## 2) Iraqis

a) in Turkey: As mentioned above, the Turkish authorities are not the least bit receptive to non-European refugees. This is especially true of neighboring Iranians and Iraqis, many of whom are Kurds. Despite the penetration of the "safe haven" in northern Iraq by Iraqi government forces, as well as from Turkish military incursions, Turkish authorities incorrectly continue to regard the border region as safe for Iraqis. The fact of the matter is that many Kurds have run afoul of factional infighting within northern Iraq and are at risk there as well as in clearly government-controlled Iraq, and fear persecution at the hands of other Kurds. UNHCR-Ankara approvals of Iraqi asylum seekers run at only 36 percent. My gut feeling is that there is a bit of a numbers game at work here, not unlike that revealed in the document I quoted above regarding the operation of UNHCR-Baghdad. UNHCR-Ankara knows how many third country resettlement places are going to be available in any given year. My sense is that they are reluctant to recognize significantly more refugees than available resettlement slots, because they do not want to be faced with the daunting political and financial difficulties of caring for and protecting a large population of unresettled Iraqi refugees in Turkey. Therefore, I believe that UNHCR-Turkey, consciously or not, applies a much tougher standard in adjudicating refugee claims than elsewhere. I also find it disturbing that INS adjudications of UNHCR-referred cases are even lower than 30 percent. Given the high standard used by UNHCR, it stands to reason that the INS approval rate would be quite high. This raises the question whether other political considerations aside from refugee status and vulnerability have biased INS adjudications.

b) in Saudi Arabia: Although the U.S. refugee processing program out of Rafha camp has closed as of December 15, 1997, a significant refugee population remains. As of December 31, 1997, the camp population stood at 5,833. During the course of the resettlement process, it became clear that many refugees were deeply ambivalent about resettlement to the United States with many INS-approved refugees "dropping out" before departure and many other UNHCR-referred and JVA-cleared cases not showing for INS interviews or medical exams. We should look upon this positively. First and foremost, their preference, often stated, was to repatriate to Iraq if the political situation would allow for it. So far, it has not. With the end of the resettlement program, we need to watch the Saudi authorities closely to make sure that they do not begin forcibly repatriating the remaining refugees. Security conditions in Rafha are harsh. It is a closed camp, closely patrolled by the Saudi military. The legal status of the refugees is quite precarious, as Saudi Arabia regards them as illegal aliens, and Saudi Arabia has not acceded to the Refugee Convention and does not regard its actions as constrained by international norms on *nonrefoulement*. Given the impossibility of safe return to Iraq for the foreseeable future and the negative attitude of the Saudi authorities, I think we need to keep a close eye on this population. Although it might be understandable for us to say, "They had their chance and rejected U.S. resettlement," I think a more mature and realistic response would be to applaud the refugees for holding out for repatriation as long as they could, but to be prepared to resettle them again if their

situation deteriorates, and no other options are available.

c) in Kuwait: Conditions are extremely harsh and dangerous for Iraqi asylum seekers in Kuwait. Iraqis generally are regarded with great suspicion in Kuwait. Asylum seekers are jailed in very poor conditions in detention centers such as the Talha Deportation Prison or the Expulsion Center of the Kuwait Central Prison pending deportation or third country resettlement. There is no judicial review of deportation orders, and the authorities reserve the right to deport foreigners without trial. UNHCR estimates that there are about 500 Iraqi refugees in Kuwait (54 Iraqi cases were referred by UNHCR to other countries in the third quarter of 1997). To my knowledge, no Iraqis have been referred to or resettled by the United States. Needless to say, the U.S. government has considerable leverage in Kuwait. A modest resettlement program out of Kuwait (for Iraqis as well as other nationalities) would convey to the Kuwaiti authorities U.S. concern for refugee protection and might help to improve conditions for refugees and asylum seekers in that country. It would also give U.S. government personnel access to these detention facilities, which, in itself, could serve to improve conditions.

d) In Syria: In addition to about 7,500 Iraqis in the al-Hol camp, nearly all of whom are Iraqis, there are an estimated 2,000 Iraqi urban refugees in Damascus. UNHCR has recently cut back assistance to the urban caseload as part of its worldwide policy on urban refugees. According to the global policy, this might mean that UNHCR is seeking to convince the urban refugees to submit to life in the al-Hol camp. For many people of urban, professional background, this would be a great hardship. As UNHCR support wanes, the tolerance of the Syrian authorities might also fade. Resettlement might become increasingly important, yet we might anticipate that UNHCR could be taking a somewhat doctrinaire hard-line, and be unwilling to refer cases to the U.S. resettlement program. For this reason, see point (e), below:

e) Iraqis throughout the region (Jordan, Pakistan, Egypt): Particularly in light of UNHCR's new urban refugee policy (which in some earlier versions made specific references to the Iraqi caseload on Pakistan), and the chances that UNHCR might be increasingly reluctant to refer urban refugees for resettlement, and, given the hostility of the Iraqi government to any Iraqi associated with the United States, I would recommend a P-2 designation for Iraqis that would include:

"persons with actual or imputed association with the U.S. government, U.S. private voluntary organizations, or other U.S. institutions that operated in Iraq."

We should encourage UNHCR to continue to make Iraqi P-1 referrals. We should also maintain P-3 resettlement for Iraqis. I would like to note that, according to their family members who have been resettled here, a significant number of persons who would be eligible for visas 92s and visas 93s are having difficulty leaving Iraq (particularly Kurds from northern Iraq), and that our embassies in Amman, Ankara, and Damascus, in particular, should be on the lookout for such cases.

### 3. Afghans

I want to draw your attention to one particularly vulnerable group--single Afghan women. The war has created a huge population of widows. In many cases, their traditional support system has been completely destroyed. These women, forced by circumstances beyond their control, have become independent, and learned skills to support themselves and their children. With the accession of the Taliban in Afghanistan, they are now punished for this independence, persecuted for the very survival skills they were forced to learn. They are hounded from their jobs, denied

health care, provided no means to sustain themselves and their children. Many are fleeing to Pakistan. There, too, social mores—often within the exiled Afghan refugee communities themselves—cause them to be discriminated against, and they are completely lacking the traditional family system of support and protection. The U.S. should provide a comprehensive assistance and protection package on their behalf to include local schools, shelter, and health care. A component of that program should be a mechanism for women-at-risk. If UNHCR is willing and able to make appropriate P-1 referrals, that should be sufficient. However, if there are any glitches, either on the part of UNHCR or the INS, I would recommend establishing a P-2 category for single Afghan women, single women heads of household, and war widows.

#### **4. Algerians in Europe**

As you might be aware, recent court decisions in Germany (relating to the Taliban in Afghanistan) and France have upheld denial of asylum on the grounds that the agents of persecution are nonstate actors. U.S. case law, as well as UNHCR, firmly rejects this view, holding that nonstate actors are fully capable of persecuting people on political, ethnic, and other grounds. UNHCR has expressed concern that these decisions put rejected Algerian asylum seekers (regarded as refugees by UNHCR) at grave risk. Many of these people are artists, journalists, women regarded as having transgressed religious values, and intellectuals who have been persecuted by extreme Muslim fundamentalist groups or threatened by them. UNHCR reports that of the 5,950 Algerian asylum applicants in 14 countries in 1996, only 670, about 8 percent, were approved. In September 1997, UNHCR issued a statement saying, "UNHCR believes these people should benefit from international protection and strongly appeals to governments not to deport Algerian asylum seekers without due regard of the security risk they may face if returned to Algeria at this time." The U.S. government ought to make it clear to the Germans and the French that we disagree with this interpretation of refugee status, and that we regard the return of such persons as *refoulement*. Using U.S. refugee resettlement numbers for this purpose would be the perfect use of our resettlement program as a means of 1) preserving first asylum; 2) leveraging or shaming colleague nations into proper behavior, including burden sharing; and 3) rescuing truly vulnerable refugees at risk of return to severe persecution, including being killed.

#### **B. FY 99 Resettlement Needs in Europe**

I am going to limit my remarks to resettlement needs from former Yugoslavs because a colleague on this panel has prepared remarks on the caseload from the former Soviet Union.

##### **Former Yugoslavs**

As mentioned in the section of this testimony relating to overseas assistance, projections for refugee repatriation to Bosnia have lagged behind expectations (or, more accurately, hopes). It is becoming clear that many refugees and displaced persons will never be able to return. A just, compassionate, and comprehensive solution to the refugee problem means that we should maintain our refugee resettlement program for the foreseeable future. In addition to the direct humanitarian benefits for those refugees whom we resettle, the U.S. resettlement program is also intended to relieve the burden on Germany, Croatia, and the Federal Republic of Yugoslavia (FRY) to enable them to maintain first asylum for hundreds of thousands of Bosnian refugees on their territories who will not ultimately be resettled elsewhere.

The United States admitted some 21,357 former Yugoslav refugees in FY 97, and is planning to resettle 25,000 in FY 98. If FY 99 funding remains at the same level as FY 98, the

admissions ceiling for former Yugoslavs is likely to remain at about this number. This assumes, of course, a steady stream of refugees into the program. In fact, however, we are seeing increasing numbers applying for resettlement and a growing backlog in the pipeline due to needs for resettlement exceeding the available numbers to be admitted.

As of January 31 (the first quarter of FY 98), 8,163 former Yugoslavs had been admitted to the United States (3,341 from Germany; 3,240 from Croatia; and 1,283 from FRY; 299 from other countries). Another 12,184 were INS-approved, but had not yet been admitted (nearly 8,000 of these are in Germany, about 3,000 in Croatia, about 1,000 in FRY, and 263 from other countries). With 20,347 refugees already admitted or approved for admission in the first quarter of this fiscal year, we will use up the U.S. admission numbers for former Yugoslavs well before the end of this fiscal year, unless processing is slowed down. PRM will likely space out admissions over the course of the year, but it seems an arbitrary and artificial wait for refugees who have already been approved.

Clearly, the need is far greater than the available numbers. The open question—for which I don't have an answer at this time—is, how many applicants are in the pipeline awaiting INS interviews? I suspect that the number is quite large, based on anecdotal information. I have heard that about 2,000 INS interviews were scheduled in Germany this month, even though the target had been set at half that amount. The related question is, will U.S. officials deter new applicants by limiting eligibility criteria or otherwise try to slow down the process to keep approvals within the pre-determined 25,000 figure?

How might the State Department try to limit the number of new applicants? One way is to limit eligibility for the program through cut-off dates. This is what PRM seems to be planning for right now. The P-2 processing priority correctly and helpfully identifies members of mixed marriages and victims of torture and other traumatized persons for whom forced return would be inhumane. INS approval rates for P-2s are at about 96 percent (higher even than P-1 referrals, which are being approved at a rate of 89 percent). People awaiting P-2 processing have proved overwhelmingly to be genuine refugees within the specific, bona fide needs for resettlement outlined in the P-2 category. The introduction of the P-2 category has enabled PRM to surmount the earlier problem (identified in a hearing before this subcommittee on September 28, 1995) of requiring UNHCR referrals for all cases that were not based on the principle of family reunification. This category has relieved UNHCR of the need to refer these cases as P-1s, which has allowed for more efficient and expedited movement of both P-1s and P-2s. Recently, however, PRM has said that it is considering establishing a January 1, 1997 cut-off date for their presence in countries of first asylum for refugees to be eligible for P-2 processing. Establishing a cut-off date presumes that the resettlement program for P-2s has created a magnet effect, yet no evidence has been brought forward to suggest this. To my knowledge, none of the countries of first asylum have complained that the existence of a P-2 category in the U.S. resettlement program has attracted new refugee movements of Bosnians onto their territories. In fact, such a cut-off date could be counterproductive to promoting refugee repatriation. Some refugees appear willing to "test the waters" by returning to Bosnia, but only if they have assurances that they will not have harmed their chances for asylum and durable solutions outside Bosnia if they find that it is impossible to reintegrate.

Not only has resistance to minority returns in all parts of former Yugoslavia remained strong, but minorities continue to be forced out of majority areas. Under these circumstances, it may be increasingly difficult for ethnically mixed families to find places to live in former Yugoslavia where both husband and wife can live openly with their ethnic identities without fear of persecution. Predictions and projections aside, former Yugoslavia is still unstable, still not

respectful of minority rights and other human rights, and still fully capable of generating refugees. It is premature to establish a first asylum arrival cut-off date for P-2 refugee processing.

### **Conclusion**

The benefit of a hearing of this type is that it allows us to identify actual refugee needs as the starting point of an examination of the budget request. Too often, it seems that policy makers start with a budget amount and compress their assessment of refugee needs accordingly.

As one examines the President's FY 99 budget request for refugee assistance and admissions, the striking feature is that of a minimalist approach that appears directed at not doing too much for fear that other countries will do less. Unfortunately, other countries are doing less anyway. Put simply, we need to do more. Nothing illustrates this more clearly than the \$120 million that remains unused in the ERMA account. The fact that this money was not used last year, despite obvious needs identified in the course of this testimony, means that \$30 million less is being asked for next year. Certainly, there is little incentive to replenish a fund that isn't used. Likewise, there is little incentive to ask for more refugee admissions numbers if ceilings were not met in previous years. The downward spirals taking place within the U.S. budgeting process are then reflected in an international downward spiral in which the humanitarian agencies that receive less one year downsize their budget requests the following year, then struggle to find the donations to meet those scaled-down requests.

Thank you, Mr. Chairman, for making refugee needs the starting point of this hearing. Let us hope refugee needs truly become the starting point of the budget process as well.

**Testimony of**

**Mark D. Franken  
Executive Director**

**United States Catholic Conference  
Migration and Refugee Services**

**on**

**Annual Oversight of Refugee Program, Operations,  
Policies and Budget**

**United States House of Representatives  
Committee on International Relations**

**Subcommittee on International Operations and  
Human Rights**

**February 24, 1998**

Thank you, Mr. Chairman, for the opportunity to come before this Subcommittee to express the views of the United States Catholic Conference with respect to the United States Refugee Program (USRP). The Conference deeply appreciates the work that you and other members of the Subcommittee have done to help maintain United States leadership in refugee assistance abroad and a generous, effective and fairly administered refugee admissions and resettlement program.

The United States Refugee Program is one of the principle instruments used to exercise the compassion of the American people for those who suffer persecution and oppression abroad. Since the end of the World War II, the program has represented a bedrock of America's commitment to global leadership in humanitarian outreach. By far, the greatest numbers of beneficiaries of our refugee program have been those oppressed by our adversaries during the Cold War. However, the end of the east-west confrontation offers two important challenges. First, to complete with compassion and integrity those programs which have for so long guided the program's structure. And second, to maintain the essential capability to respond to a new generation of emergencies which demand our compassion and attention. Mr. Chairman, the world has changed, but the critical need to respond to those who suffer has not. Continued generous funding for refugee assistance abroad is absolutely essential in the face of repeated complex refugee emergencies which characterize the international scene today.

The U.S. Catholic Conference Migration and Refugee Services (MRS) is the largest refugee resettlement agency in the United States. In addition, we provide public policy support to the Catholic Bishops on migration and refugee issues. Thus, we have had occasion to know this Subcommittee well and to greatly appreciate its work. As the Director of Refugee Programs at

MRS for the past nine years, I have had an opportunity to observe the work of the subcommittee on many occasions and appreciate the opportunity to add my personal thanks as well.

### The Church's Interest in Human Migration

The Catholic Church in the United States has long been active in providing assistance to refugees and newcomers. MRS traces its roots to the Church-related immigrant service agencies of the late 19th century. The office that is now MRS was first formally constituted as a service of the Bishops in the 1920's, and is the oldest national service agency of the Catholic Church in the United States. This experience has provided the Church with an opportunity to act on principles first articulated in the Gospels and later explicated in Catholic social teaching.

For a century, Catholic social teaching has supported the protection of and respect for the individual's personal choice in the migration process. Beginning with *Rerum Novarum* in 1891, the Church has supported a number of basic principles including the dignity of labor and the right to private property. A corollary to these two precepts is the right to migrate to secure a means of livelihood. The Church has also been especially sensitive to those who flee from life-threatening situations, particularly in those situations stemming from political oppression and persecution.

This position was succinctly stated by Pope Paul VI:

Individuals and groups must be secure from arrest, torture and imprisonment for political or ideological reasons, and all in society, including migrant workers, must be guaranteed juridical protection of their personal, social, cultural and political rights. We condemn the abridgement of rights because of race. We advocate that nations and contesting groups seek reconciliation by halting persecution of others and by granting amnesty, marked by mercy and equity, to political prisoners and

exiles.<sup>1</sup>

Support for International Refugee Protection and Relief

Mr. Chairman, continued generous funding for refugee assistance abroad is as important as ever in responding with compassion to the myriad humanitarian emergencies which continue to create millions of new refugees each year. Generous United States funding is important in itself but also of key significance as an element of United States leadership in these critical times. We regret that the President's budget provides only a straight line continuation for the Migration and Refugee Assistance Account from the FY 1998 figure of \$650 million despite the extraordinary challenges facing the office of the United Nations High Commissioner for Refugees (UNHCR) in today's international scene. Declining contributions have already forced the UNHCR to cut back on its general program for 1998.

Even more unfortunate is the reduction in the President's budget for Emergency Refugee and Migration Assistance (ERMA) from \$50 million in FY 1998 to only \$20 million in FY 1999. It is explained that this is all that is needed to replace the FY 1997 draw down from ERMA of \$20 million. What cannot be satisfactorily explained is why only \$20 million was drawn down in FY 1997. ERMA is specifically designed to provide the United States the flexibility to respond to major refugee emergencies for which funding was not otherwise available. In a year of such great refugee related chaos, especially in Africa, it was extraordinary that only \$20 million in ERMA funding was considered necessary. MRS has advocated and continues to advocate for a full funding of ERMA to the authorized level of \$100 million but this will avail little unless the

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<sup>1</sup>Pope Paul VI, Message of Pope Paul VI in Union with the Synod, 1974

Department of State takes its leadership responsibilities to respond to new refugee crises seriously.

Strong U.S. support for the UNHCR's search for durable solutions is absolutely critical and makes a life and death difference for tens of thousands of refugees every year. Root causes of refugee crises must be addressed but, in this imperfect world, the United States must also shoulder this humanitarian burden and save whom we can.

As the international community pursues durable solutions for refugees, the resettlement option, although appropriately considered the least preferred option, should receive more prominence. When considering arguments that bolster this premise, nothing is more striking than the situation of the unaccompanied minor refugees. Imagine, UNHCR estimates that there are about 1 million unaccompanied refugee minors in the world. Yet in all of FY 1997, the United States resettled one unaccompanied minor.

We do acknowledge that UNHCR has made efforts in recent times to increase its responsiveness to the availability of third country resettlement as an option as a durable solution. The UNHCR resettlement office in Geneva has been strengthened. A resettlement handbook has been written with significant consultations with the NGOs and training on resettlement is planned for UNHCR field officers. Having said that, however, we must note that the UNHCR still has a long way to go.

This United States government/NGO partnership has evolved into a highly efficient mechanism for the reception and integration into our society of large numbers of refugees, often arriving with nothing and under circumstances which places them at a disadvantage to the planned immigrant. It is a strong and flexible mechanism, able to respond rapidly to emergency situations.

The record that has been established over the years of moving refugee populations into the mainstream of the community has validated the USRP/NGO partnership as an important national asset. With this in mind, it is important to manage the USRP in a fashion that preserves the ability of the NGO national network to respond quickly to new demands. It was this consideration that caused the Commission on Immigration Reform to note the importance of not reducing refugee admissions to the point that this network would be damaged.

#### Responsive Refugee Admissions Policies and Funding

Mr. Chairman, as you well know, in recent years, there has been a very significant drop in the level of refugee admissions into the United States; from 132,000 in FY 1992 to 70,085 in FY 1997. This downward pressure stems largely from the perception that, with the end of the Cold War, many of the older refugee programs can be phased out and refugee admissions can be reduced.

This has proven an incorrect prognosis for two reasons. First, the older Cold War related refugee admission programs are being gradually brought to an end, but this must be done in a fair, orderly and generous fashion. Save for a small ongoing flow, an end to these programs is in sight. However, the phase out period has been longer than expected, and properly so. We are, after all, dealing with persecuted religious minorities from the former Soviet Union and political prisoners and other persecuted groups from Cuba or Vietnam; persons of special concern to the United States over a long period, many of whom suffered severe repercussions as a result of their identification with United States' programs and policies.

Second, and relevant to the critical need for continued generous funding, is the dramatic fallout from the break-up of the bi-polar international system. While the end of the Cold War permits us to think of phasing out some of the older refugee programs, the extraordinary realignment of the world's political structure created chaos in many regions of the globe. The dire humanitarian consequences generated necessitate an equally dramatic refocusing of American leadership both in assistance and in refugee resettlement as a form of refugee protection. This, in turn, places new demands on the U.S. Refugee Program (USRP). A major example of this is the fact that the second largest element of the USRP, and perhaps soon to be the largest, is that for refugees from Bosnia. The Bosnian program is an essential part of the effort to bring peace to the Balkans once again. While the focus of United States and international community policy in Bosnia is to encourage the return home of the refugees, there must be an alternative for certain groups which are likely to find it impossible to reintegrate in Bosnia at this time, such as those in mixed marriages or who have suffered major trauma. The Bosnian program offers a solution for these groups while encouraging the German government to remain patient as the international community works to return as many of the other refugees home as possible.

Similarly, multiple conflicts in Africa have created great turmoil and human suffering. MRS and its colleagues in the InterAction Committee on Refugee and Migration Affairs (CMRA) has, for some years, been urging the Department of State to increase the intake of African refugees through the USRP. While the approved ceiling for African refugees has risen to 7,000 for FY 1998, there is concern that the actual processing of African refugees has regularly fallen significantly short of approved ceilings. This has not been due to a lack of need but rather to a failure to develop adequate processing mechanisms in Africa to identify and process those refugees who fall within the processing guidelines for the USRP. We expect that, in the future,

the need for the resettlement of refugees from Africa will continue to be high and that the ability of the USRP to process such refugees will likely grow, resulting in increasing admissions from that region of the world.

It is for these reasons that the U.S. Catholic Conference has felt that refugee admissions have fallen too low in the last year or two. It was with these considerations in mind that the CMRA provided a preliminary estimate of a need for 104,000 refugee admissions for FY 1999, significantly above the number provided for in the President's budget submission which would result in a refugee admissions program at the same level as that funded in the FY 1997 budget.

We believe that the recommendation of 104,000 admissions for FY 1999 better reflects the realities of the need for USRP admissions than does the Administration's budgeted level of 75,000. In recent years, the existence of a lower budgeted figure has proven an inhibition to a more realistic figure at the time of the formal consultations on admissions between the President and the Congress to set refugee admission for the following year. It sometimes results in an addition to the authorized admissions of unbudgeted numbers, often hard to utilize if the need for overseas assistance remains high which is usually the case. We urge that the Subcommittee take the lead in providing authorization for funding for a higher level of admissions for FY 1999 and hope that the Appropriations Committees will follow that lead.

#### Refugees From Southeast Asia

One of the areas in which this Subcommittee has been most active, and for which we are

most grateful, has been its support for an equitable, humane and generous ending to the Indo-Chinese Refugee Program. MRS has been a leader in the resettlement of refugees from Southeast Asia, resettling some 460,000 refugees from the Indochinese refugee program over the past 20 plus years. We are very proud to this record. The Indochinese Refugee Program represents the largest resettlement program in United States history, and it has been a remarkable success. Beginning during the last days of Saigon and continuing to this very day, the United States has brought well over one million people with whom we served and fought to the haven of its shores. It has been a completely non-partisan effort, crossing party lines and gradations of political beliefs. Whatever one thought of American involvement in the Vietnam War, we have been unified in our desire to assist our Vietnamese friends and colleagues. The success of this program which has been some two million Indochinese resettled worldwide, has been largely due to vigorous American leadership, especially during the early and crisis years of the program. It has been a triumphant humanitarian effort! All that remains is to end it properly - humanely and honorably - with full acknowledgment of the particular American concerns and commitment towards this population which has informed United States policy throughout the course of this program. There are several points of concern to be dealt with before closing down this program.

#### Resettlement Opportunities for Vietnamese Returnees (ROVR)

One of the major unfinished pieces of business in the Indochinese Refugee Program is ROVR which provides for INS refugee status adjudications for selected returnees from the camps of Southeast Asia who fall into categories of special interest to the United States. This program evolved in large measure, Mr. Chairman, as a result of pressure placed on the Administration by this subcommittee through the introduction of HR 1561 in the Spring of 1995. It has been a long

haul but we seem on the verge of being able to admit into the United States thousands of those for whom we had such a special concern.

Unfortunately, just as we reach this point, but before the government of Vietnam has validated its promises through performance, the Administration seems bent on throwing away its leverage by granting Vietnam a Jackson-Vanik waiver, opening the way to access to financial and trade benefits. We are hopeful that new processing arrangements, agreed to by the government of Vietnam in November, will lead to a successful completion of ROVR but there have been similar commitments in the past on the part of the government of Vietnam without corresponding performance. We can see no excuse, after 23 years, to rush to a Jackson-Vanik waiver when we can know with some certainty within a few months whether these new arrangements will have the desired results.

With your permission, Mr. Chairman, I would submit for the record, a letter from the CMRA to National Security Advisor Samuel Berger and its attached analysis of the link between ROVR and a Jackson-Vanik waiver. MRS concurs in and is a signer of this letter. If the Administration proceeds with a waiver at this time, it can only be on the basis of a judgement that the government of Vietnam will complete the program as agreed. We shall soon know if this was a sound decision. We have been assured by Administration officials that the United States maintains leverage on government of Vietnam's performance and that the failure of that government to meet its commitments on ROVR would result in a withdrawal of the financial and trade privileges associated with the waiver. If it proves to have been a mistake and ROVR is not moving as promised, we will join our colleagues in the refugee advocacy community in insisting on such a withdrawal.

**Former U.S. Government Employees**

One of the most disappointing and frustrating aspects of the Indochinese refugee program has been the processing of applicants for the ODP sub-program for former U.S. government employees. These are U.S. Embassy and other U.S. agency employees with five years or more of service to our country in Vietnam. They are members of our Foreign Service family and it was in recognition of this and of the fact that they suffered for this association after the fall of Saigon that this sub-program was established.

Given this background, it was expected that there would be a quite high approval rate in adjudicating these cases. This was especially the case because the Lautenberg Amendment, which provides for relaxed evidentiary standards for certain categories of Indochinese applicants for refugee status, covers former U.S. government employees.

Instead, in recent times the approval rate for such applicants has plummeted to less than two percent in 1996 and 1997. In light of the background of the applicants and the intent of the program, such a result is incredible and unacceptable, and the feeling has grown that the Lautenberg Amendment may not have been properly applied to this group. Thanks to questions from this Subcommittee and the Senate Immigration Subcommittee, the Administration has agreed to review this program.

MRS feels strongly that remedial action must be taken to reflect the original intent of this program when it was established. Apart from Lautenberg, there is an additional problem which may have contributed to such a low acceptance rate, though not explained it entirely. This is the

fact that INS adjudicating officers complete ODP interviews through Vietnamese government interpreters. Though never ideal, this has been acceptable in the case of the sub-program for former re-education camp prisoners since this program has been a document driven program. Thus, an applicant need not testify to forms of persecution suffered but needs only to provide documents proving the requisite time in re-education camps. While this is itself a problematic approach and risks losing qualified applicants who do not have the needed documents, it does reduce the importance of the interpreters.

In the case of former U.S. government employees, however, the applicant must inform the INS interviewing officer of instances and forms of persecution suffered by himself or by others with a similar background. The presence of a Vietnamese government interpreter would clearly be an inhibiting factor in this respect.

MRS believes that an INS review of this situation will indicate a failure to apply Lautenberg fairly and properly or, at a minimum leave this open to question. If this proves to be the case, we strongly urge a re-interview of these cases by a team similar to that used in the ROVR program. The INS ROVR team has received special training in Washington on Vietnamese country conditions and on the proper application of the Lautenberg Amendment. It utilizes asylum officers and receives continuing guidance directly from INS headquarters. It uses its own interpreters. No government of Vietnam interpreters are present at ROVR adjudications. ROVR is working well, we believe because of these arrangements. Working relationships are harmonious between the INS ROVR team and the International Catholic Migration Committee (ICMC) staff which provides support to the INS and Department of State for ODP and ROVR processing. Our perception is that adjudications are fair and reflective of the intent of the

program. If it is decided to re-interview former U.S. government employee applicants who have been rejected, as we believe should be done, we urge that a ROVR type team be developed to carry out such a re-interviewing program.

#### The McCain Amendment

The resettlement program for former reeducation camp prisoners with three years or more of imprisonment has long been a key sub-program of the ODP. The former prisoners have suffered more than any other group of Vietnamese refugees. They have had long periods of separation from their families. They often suffer from medical or psychological difficulties as a result of their imprisonment and are in need of the companionship and assistance of their adult children. For all of these reasons, the original program permitted unmarried adult children of the former prisoners to accompany their families to the United States. Without consultation with the Vietnamese American community, the NGOs, or the Vietnamese government, this was changed in April 1995 to exclude all but minor unmarried children from the program.

As the hardships and inequity arising from this decision became apparent, Senator McCain introduced legislation to correct this situation and to return the program to a status quo ante April, 1995 with respect to the unmarried adult children. This legislation was passed in September 1996. Unfortunately, it expired in September 1997 before the program could be completed and INS interviews for these children were stopped. In the fall of 1997, Senator McCain introduced legislation to extend the McCain Amendment, as did you, Mr. Chairman. These efforts failed for technical and procedural reasons rather than any substantive objections to the extension of the Amendment, and INS interviews for this group have still not resumed. We

urge that the Congress take early action to pass this important legislation.

#### Other Indochinese End Game Issues

MRS and our colleagues in InterAction's CMRA are committed to cooperate in bringing an end to the Indochinese refugee program but a proper end. To do that, many discrete issues still not fully addressed must be dealt with. These include but are not limited to:

- deadlines: these are counterproductive when trying to deal with an end-game, special cases situation. The equities of the cases inevitably lead to extensions of the deadlines and administrative confusion. The end-game needs to be approached flexibly.
- Montagnards: this group has had great difficulty in entering the USRP, mainly because contact with them has been made difficult by the government of Vietnam. Mail to Montagnard areas has been uncertain and travel to processing sites made difficult. The comment on the inappropriateness of deadlines applies especially here.
- Amerasians: while this program is drawing to an end, there are still Amerasians in need of resettlement and these should continue to be processed as they come forward.
- a need for flexibility: rules are fine for mass processing programs but need to be re-examined and applied more flexibly as we work through the end-game. For

example,

- The former reeducation camp prisoner program requires three years of post-April 1975 imprisonment for acts committed pre-April 1975
- An applicant imprisoned for many years prior to April 1975 but only for two years and eleven months post April 1975 is ineligible for resettlement.
- An applicant imprisoned for many years for political acts committed after April 1975 has had a very difficult time in accessing the program.

There are many other examples of cases which appear to be very compelling in terms of the underlying principles of the Indochinese refugee program but which have been rejected as not fitting relatively artificial guidelines.

Any program which runs for 23 years and involves the admission of almost a million and a quarter refugees cannot be closed hastily. Inevitably, there are bits and pieces which need to be handled in a manner slightly differently from the procedures which have grown up and been bureaucratized - which is sometimes to say, calcified. There are areas where the government of Vietnam has been less than fully cooperative. There are situations in which USRP processing has been less than responsive to the need. To end such a program requires a commitment to the underlying purposes and principles of the program and a willingness to work through the remaining problems flexibly with a goal of reaching an equitable, humane and generous end to the program. We believe Assistant Secretary Taft, Director of the Department of State's Bureau of Population Refugee and Migration Affairs (PRM) brings this commitment to her new duties. PRM has a number of Joint Working Groups with the NGOs, including the Joint Working Group on ROVR/ODP. We see a new collegiality in the work of these groups not only in form but in

substance, as well.

We believe that, with continued work and goodwill and the continued support of this Subcommittee, it will be possible to bring an appropriate end to this long and most important program.

### Burma

The program for the admission of refugees from Burma has been in place since the pro-democracy demonstration of 1988. For some years, it was limited to students involved in those riots. More recently, it has also become apparent that some of the ethnic Burmese on the Thai/Burma border and other political dissidents were also in need of resettlement as a durable solution. MRS joins the CMRA in recommending a tentative admissions figure for FY 1999 of 1,500 refugees from Burma. This is a modest figure and can be embraced only with the caveat that the area is unstable and events could create the need for a larger program. In the recent past, the government of Thailand has pushed refugees back across the Burmese border. These actions have generally been attributed to local military commanders but are much to be regretted. We are heartened by the fact that the government of Thailand has agreed to an UNHCR presence through visits to the Burma border. We urge that this be made permanent and UNHCR be permitted representation in the border camps.

### Cambodia

It is very difficult to judge what the resettlement need may be for Cambodian refugees in FY 1999. The current political situation in Cambodia is in so much flux that the situation could go either way, with most refugees returning home to Cambodia or, conversely, with a large new exodus of refugees. To date, the government of Thailand has permitted the Cambodian refugees to remain in Thailand, at present, some 55,000 of them. They are being treated well and UNHCR and some NGOs are permitted in the camps. The government of Thailand's position is that all must eventually return to Cambodia. Obviously, the situation could develop in a direction which would make this very hazardous. The United States government must remain alert to this situation and continue to encourage our Thai friends in their patience. If the situation eventually develops in a fashion that requires the resettlement of some of these refugees for their protection, the United States should stand ready to take the lead in such an initiative. At present, MRS, and the CMRA, are only recommending a tentative figure of 500 for Cambodian refugees in FY 1999. Obviously, while we hope it will not become necessary to assist significant numbers of Cambodian refugees, this could change radically.

#### Refugee Resettlement

MRS works through and with hundreds of separate Catholic agencies in 46 states to resettle refugees of every ethnic and religious group. I have had the opportunity to observe from the national level the area of refugee admissions in the United States. From my experience I must tell you that refugee resettlement in the United States is a unique private-public partnership, found almost nowhere else in the world. A refugee must come from a group about whom the President and the Congress have consulted, be approved for admission by the Immigration and Naturalization Service, and have a private voluntary agency willing to act as his or her sponsor for

their first 90 day in the United States. Funds for refugee assistance--whether Resettlement and Placement grants, cash assistance, Medicaid, social services, or preventive health programs-- are line-itemed in the State Department's Migration and Refugee Assistance accounts and in the HHS's Office of Refugee Resettlement budgets and appropriations. Thousands of volunteers and millions of dollars in resources are mobilized by the voluntary resettlement agencies to supplement government provided funding.

Ten voluntary agencies now hold cooperative agreements with the State Department and are eligible to receive a reception and placement grant of \$740 per person for each refugee resettled. That funding, is expected to buy a vast array of services. Each of these services must be documented by substantial paperwork and regular reports to the Department of State. MRS is required to maintain fully documented case work and assistance files for every refugee. MRS files "90-days status reports" with State for every refugee resettled and an additional "180-day Status report" for every refugee who is not coming to join family or close friends already in the U.S.

For the first 30 days the voluntary agency is expected to provide or arrange to meet the refugee families' needs, including welcoming them at the airport, housing, food, clothing, pocket money, and transportation for appointments such as the family's Social Security registration, health, school and employments needs. We counsel and orient the refugee to his or her new life in our country, developing a resettlement plan for each family member. We also encourage and assist every able-bodied person to find a job and move to self sufficiency as soon as possible. Often our diocesan partner rents a home or apartment, furnishes it, and has a welcome meal waiting for the refugee family when they arrive from the airport. Often a sponsor family agrees to act as "surrogate family" for the newcomers until they can manage on their own. Some years ago,

MRS undertook a study by an outside consultant to estimate the cost to our network to provide these services. Our consultant estimated that, depending on the local cost of living, the size of the family, and the range of services needed, such resettlement costs range from an additional \$1,000 to \$4,000 per family resettled above government funding.

To supplement the R&P grant, MRS partners, usually the local Catholic Charities agency, recruit volunteers to help resettle refugee families. Relatives, friends, associates, organizations, church groups--any responsible individual or group willing and able to assist in what needs to get done--can be a sponsor. We collect donations of goods, furniture, clothing, seek temporary contributed housing, or find temporary homes refugees can share or use until they are able to get their own apartments. We also recruit volunteer English as a Second Language (ESL) teachers, case aids, sometimes even volunteer employment counselors.

### Conclusion

The Judeo-Christian tradition is steeped with images of migration. From the wanderings of Abraham, our first father in faith, to the story of the Holy Family forced to flee to Egypt to escape the persecution of male infants, scripture reflects the experience of a people uprooted and a sensitivity to the plight of foreigners. The book of Leviticus tells us that "when an alien resides with you in your land,...have the same love for him as for yourself; for you too were once aliens...." Clearly, the journeying imagery that so permeates the Old and New Testaments reflects not only Christian heritage but that of Americans of every tradition.

In Pope John Paul II's Message for Lent 1998, entitled "Come, O blessed of my Father,

for I was poor, marginalized, and you welcomed me," he speaks of poverty which leads to "the marginalization of the weakest, the loneliness of those having no one to count on - the condition of refugees. In preparation for the Jubilee Year 2000, the Church dedicates 1998 to the virtue of hope."

Mr. Chairman, the United States Refugee Program is the embodiment of that hope for thousands of the world's most marginalized. We at MRS are proud to be in partnership with you and other members of the subcommittee who have worked so diligently to maintain American leadership in refugee assistance abroad and a generous, effective and fairly administered refugee admissions and resettlement program.

**Testimony of Mr. Frederick N. Frank**

**on behalf of**

**The Council of Jewish Federations**

**and the**

**Hebrew Immigrant Aid Society**

**at a hearing on**

**Annual Oversight of Refugee Programs, Policies and Budget**

**Presented before the**

**Committee on International Relations**

**Subcommittee on International Operations and Human Rights**

**February 24, 1998**



Mr. Chairman and Members of this Subcommittee, I am Frederick N. Frank from Pittsburgh, Pennsylvania. I am privileged to be here today in my capacity as Chairman of the Council of Jewish Federations' (CJF) Public Social Policy Steering Committee. On behalf of CJF and the Hebrew Immigrant Aid Society (HIAS) I want to thank you, Mr. Chairman, for your continuing leadership on refugee issues and your commitment to the protection and resettlement of refugee populations around the world.

The Council of Jewish Federations is the national organization representing nearly 200 local Jewish Federations in North America as well as more than 1000 Federation affiliated agencies providing services to families, children, the elderly and others in need. HIAS is the international migration agency of the American Jewish community which, since its founding in 1880, has assisted in the resettlement of more than four million Jewish and non-Jewish refugees from all over the world.

The rescue and resettlement of Jewish refugees has been, and continues to be, one of the basic missions of the Federation and HIAS system. In fact, many of today's Jewish community centers began about a 100 years ago as "settlement houses" whose primary purpose was to assist newly arrived immigrants and refugees who came to the United States seeking freedom from religious persecution and constant fear. Fifty years ago, our community welcomed many of the remnants of European Jewry and helped them rebuild their shattered lives. We are always painfully aware that the six million Jews and five million others who perished in the evil of the Holocaust might have survived had there been any place for them to go.

Our commitment to the rescue and resettlement of refugees remains as strong today as ever before. The Federation and HIAS network has resettled approximately 300,000 Jews from the Former Soviet Union (FSU) since 1988 in addition to Iranian Jews, Eastern Europeans, Bosnians and others.

My testimony today will focus on overall U.S. refugee admissions, appropriations and our specific programmatic concerns about the refugee program in the FSU.

#### **ADMISSIONS**

CJF and HIAS are deeply grateful for the leadership the United States has provided in refugee affairs over the years. The Soviet Jewry movement counts among its most influential advocates

the scores of Members of Congress who called and visited refuseniks in the Soviet Union regularly assuring them that their welfare was being monitored, that they were not alone in their struggle for freedom. Presidents and Secretaries of State from both parties made freedom for Soviet Jews a priority in relations with the Soviet Union and with its successor states.

We believe that our government must constantly renew its commitment to protecting and resettling persecuted people and that it must demonstrate that commitment to the other nations of the world by maintaining a generous admissions policy. The annual Presidential Determination on the number of refugees to be admitted to the United States is the public face of our determination to assist refugees and our leadership by example to the other countries of first asylum and of permanent resettlement. Congress' role in the consultation process with the Administration is a critical one, and it is our hope that the House and the Senate will reflect to the President the real humanitarian needs in the world and the imperative to set more generous admission targets.

Over the past several years we have been dismayed at the rapid decline in the number of refugees permitted to resettle in this country. In fiscal year 1992 the admissions ceiling was 142,000; in each succeeding year that number has been lowered: to 132,000 in FY 93; 121,000 in FY 94; 112,000 in FY 95; 90,000 in FY 96; and 78,000 in FY 97. The FY 98 admissions ceiling is 83,000 but only 75,000 are funded.

The steady reduction of admission ceilings is very troublesome and dangerous. It sends a signal to other countries currently offering temporary safe haven or permanent resettlement that the U.S. is reducing its commitment to refugees and that they might do the same without fear of criticism. The forceful persuasion the U.S. was able to bring to bear to encourage other nations to be more generous in their admissions policies is certainly undermined by the example we are now setting. Secondly, we are placing large numbers of people at unnecessary risk because they cannot find a country willing to admit them. I say unnecessary because it is CJF's and HIAS' position, indeed the position of the voluntary agencies that work in this field, that the U.S. can and must do better to reinforce our national commitment to human rights and to those seeking political or religious freedom and relief from persecution and other life threatening situations.

The third reason the decline in admission numbers is so troubling is that it seems to have been influenced in part by the anti-immigrant sentiments that have taken hold in America in recent years. CJF and HIAS have been in the forefront of efforts to counter this attitude because we believe it to be antithetical to the history and values of this country — a nation made great by the contributions of millions of immigrants. More specifically, it is extremely detrimental to refugees, people who by definition are in untenable situations.

As you, Chairman Smith, and your colleagues Chairman Ben Gilman (R-NY) and Representatives John Conyers (D-MI), Melvin Watt (D-NC), Frank Wolf (R-VA), Robert Menendez (D-NJ) and Howard Berman (D-CA) recently wrote in a letter to President Clinton:

The cuts in refugee numbers during the last several years are justified neither by a reduction in the number of refugees in need of assistance nor by an absence of Congressional support for traditional levels of refugee admissions. On the contrary, during Congressional consideration of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, both the Senate and the House rejected attempts to impose a statutory cap on refugee admissions that would have resulted in an admissions number of 75,000 for FY 1997. Congressional debate on the issue reflected a broad bipartisan sentiment ....

Recent public opinion polls show that the American public, too, is overwhelmingly supportive of programs that assist those fleeing political, religious or racial persecution. We urge the Congress to continue pressing the Administration to reverse the trend of lower refugee admissions and return to levels above 100,000 which more accurately reflects the growing need.

As members of Inter Action, a coalition of non-governmental organizations serving refugees around the world, CJF and HIAS have endorsed the recommendation of Inter Action's Committee on Migration and Refugee Affairs for an FY 1999 refugee admissions number of 104,000.

This position is consistent with the view expressed in December 18, 1997 letters sent to Mr. Franklin Raines, director of the Office of Management and Budget, and Secretary of State Madeline Albright by Senators Patrick Leahy (D-VT), Orrin Hatch (R-UT), Spencer Abraham (R-MI) and Edward Kennedy (D-MA). They wrote:

"...we recommended that the refugee admissions ceiling for FY 1998 should be within the range set for fiscal years 1995 and 1996, between 90,000 and 110,000. Our view continues to be that this level of refugee admissions, which is only a small fraction of the world-wide need, remains necessary given that the number of refugees in need of resettlement is increasing [emphasis added] rather than declining. As we also wrote last year, this level would be in keeping with our traditions and we are confident that it would receive bi-partisan support".

We echo these sentiments and sincerely hope that this Subcommittee will support strongly increased admissions for next year.

#### **APPROPRIATIONS**

It goes without saying that letters and statements affirming a commitment to the refugee program are necessary but not sufficient. If the funds are not available to conduct properly both the overseas protection functions of the program and the migration and resettlement portions then additional funds must be sought.

The clearest statement our government can make is to include in the budget and the

appropriations bills the resources necessary to a) provide humanitarian assistance to refugee camps and internally displaced persons overseas, b) assist those who will be resettled in the U.S. through migration loans and initial resettlement funds, and c) provide sufficient resettlement assistance to allow newly arrived refugees up to 12 months of support as they seek employment, learn English, acclimate themselves to a new culture and heal from the hardships and scars — physical and emotional — of their experiences.

For years the refugee migration and resettlement agencies have met with Congressional committees and various Administrations to discuss how to improve the current system of allocating funds for refugee programs. Our recommendation is simple and straightforward: **It must be the admission numbers that determine the dollars and not the dollars that determine the numbers.**

Under the current system it is the budget, set nearly a year before the start of the fiscal year, that determines how many refugees *the United States can afford to admit*. This process of dollar allocation before determinations have been made regarding how many refugees to admit is backwards and impedes our country's ability to address new crises and respond to new populations when necessary. There needs to be a way to tie the dollar figure more closely to the consultation process and the Presidential Determination which comes just before the start of the new fiscal year. (The FY 1998 Determination is dated September 30, 1997.) I realize that the magnitude of the budget process itself requires an early start, but the magnitude of the needs of millions of men, women and children must not be relegated to an accounting decision.

The problem is especially acute in the Office of Refugee Resettlement Account in the Department of Health and Human Services. Whereas there is an emergency account at the State Department for use in situations that were unforeseen during the budget process, there is no comparable account at ORR. This means that funds would be available to provide overseas assistance and, if necessary, to bring new refugees to the U.S. but not available to aid in their resettlement once they arrive. **CJF and HIAS believe that an emergency fund for resettlement should be established within ORR that operates on the same principles as the Emergency Refugee and Migration (ERMA) account at the State Department.**

The federal government has recognized its critical role in assisting refugees upon their arrival. The Refugee Act of 1980 provided for "up to 36 months" of refugee cash and medical assistance (RCMA) for those refugees who were not eligible for other federal support programs. Today, though the language in the statute remains the same, the RCMA appropriation provides only eight months of assistance. Our experience tells us that for some refugees this is simply insufficient.

Many refugees have been through extraordinary circumstances — some imprisoned or tortured, women raped and enslaved, children separated from parents or witness to the mistreatment or death of family members. All have left or been driven from their former homes leaving behind family, friends, professions and possessions. While refugees who come to this country are eager

to find jobs, learn the language and become self-sufficient -- and most do -- there is frequently much healing to be done before they are capable of full independence. CJF and HIAS believe that funding should be restore to the ORR budget sufficient to provide up to 12 months of RCMA to those who need it.

#### THE PROGRAM IN THE FORMER SOVIET UNION (FSU)

##### Current Conditions:

At a hearing this Subcommittee held two years ago on February 27, 1996, you said in your statement, Mr. Chairman, the following:

The situation of Jews in the former Soviet Union is particularly important, not only because the struggle for the freedom of Soviet Jewry was among the finest hours of the American people, but also because the story could still end badly. There has been a tendency in recent years, even among those who fought long and hard for the rescue of Soviet Jews, to feel that there is no longer the urgency or the need. Unfortunately, the free world has a long history of relaxing too soon. In the case of Jews living in the former Soviet Union, what we must avoid is slamming the door too soon.

Chairman Smith, you could not have been more correct. The situation for many Jews in the successor states of the Soviet Union is as dangerous, if not more so, today than it was under Communism. This is largely because the rule of law does not yet exist. Governments are unable to enforce their own laws, protect their own citizens, or counter the scapegoating of Jews and other religious minorities which is a deeply ingrained response to economic, social and political problems. The fragility of the new governments, the absence of a vigorous voluntary sector and of well functioning government agencies, makes it nearly impossible for the new governments to deal with the growing ultra-nationalistic and anti-Semitic hate groups and political parties that exploit historic hatreds. Laws are often contradictory, enforcement mechanisms are vague, and authority is largely given over to local authorities who arbitrarily enforce them as they wish with no consistency among jurisdictions and sometimes even within a single jurisdiction.

Although anti-Semitism is no longer an official state sponsored policy in most successor states, many groups, individual leaders, journalists and political parties have taken up the cause. This "privatization" of anti-Semitism has created an extremely tense and volatile environment for Jews. As hate groups are permitted to flourish publicly, publish venomous pamphlets and articles, recruit members openly and express their views on television and radio the safety of Jews and other religious minorities such as Evangelical Christians deteriorates. Acts of violence against Jewish individuals, vandalism of property and homes, and the desecration of synagogues and Jewish cemeteries are commonplace. Apprehension and/or prosecution of the perpetrators of these crimes is almost never pursued.

Adding to the instability and uncertainty for religious minorities in Russia is the passage of the new "Law of Freedom of Conscience and Religious Organizations" which gives supremacy to the Russian Orthodox Church. For religious minorities the implications of this law -- which includes stringent registration requirements and minimum membership criteria for owning property — are discriminatory and potentially very dangerous.

In the successor states outside of Russia political instability and economic uncertainty are creating very tense and dangerous environments for Jews (the traditional scapegoats) as well as other religious minorities. Major examples include:

- a rise in anti-Semitism in Ukraine as the economy deteriorates. (Ukraine is home to the largest population of Jews outside Russia);
- increased political instability in the Caucasus as evidenced by a second assassination attempt on President Shevardnadze of Georgia and the resignation of the Armenian President Ter-Petrossian over the ethnic wars between Armenia and Azerbaijan;
- the election of President Lukashenko in Belarus, a man who has vowed to return the country to Stalinist rule and has noted his admiration for Hitler;
- the authoritarian regimes in the Central Asian states coupled with a rise in Islamic fundamentalism.

All of this is not to say that there are not positive signs in the FSU. Some synagogues that had been confiscated but not destroyed have been returned to the Jewish community in Russia, Ukraine and a few other states; there are new Jewish schools functioning openly, educating a new generation of children about their heritage and religion; books and articles of Judaica are more accessible, and many leaders of the new successor states will themselves condemn acts of anti-Semitism even if they will not or cannot stop them. These developments provide a reason to hope *if* things stabilize and *if* democracy takes hold and *if* historic patterns do not repeat themselves, then we have reason to reconsider our approach.

For now, these are early times in a region of the world that has no substantial record of democracy, tolerance and protections of its peoples. A few years of movement in the general direction of democracy and the rule of law is minuscule compared to centuries of repression, persecution and discrimination. Life for Jews and other religious minorities in the FSU today still includes a daily diet of epithets, humiliations, discrimination and assaults. It is surely not yet time to celebrate "freedom" or "democracy."

#### **The Lautenberg Amendment:**

For all of the above reasons CJF and HIAS are firmly convinced that it remains unsafe and potentially disastrous for Jews and Evangelical Christians still residing the FSU. We are committed to assisting those wish to reunite with family members in the United States. The

Lautenberg amendment, first enacted in 1989, has offered an effective and efficient solution to a difficult problem: how to factor into adjudications for refugee status the historic persecution of certain groups, a history that adds considerably to their "well-founded fear." Congress enacted and has extended the Lautenberg Amendment twice by overwhelming majorities. We still consider it to be a vital tool in rescuing people at risk in a destabilized environment that places them in jeopardy. The need to extend Lautenberg is assessed annually as we approach a new fiscal year. Our community is monitoring the situation closely and we look forward to working with you to ensure that the vulnerable populations covered by the Lautenberg Amendment will receive protection for at least another year.

Of immediate concern to us is that for the first time in a decade the Congressional Budget Office (CBO) has "scored" the Lautenberg Amendment. For reasons that have yet to be adequately explained, CBO has reversed its own decisions in preceding years not to score the amendment. CJF and HIAS strongly believe that the initial decision was the correct one since the Lautenberg amendment is not directly related to admission numbers, but deals only with who is eligible to receive refugee visas as they are available. The pool of those eligible to come to the U.S. as refugees is larger in any given year than the number that is actually admitted.

We believe the new analysis is based on incorrect assumptions, faulty information and the double counting of some costs. The State Department's Bureau of Population, Refugees and Migration wrote to CBO refuting the assumptions upon which the score is based as did Senators Abraham and Kennedy, the Chairman and Ranking Member of the Senate's Immigration Subcommittee. It is very important that this score be reevaluated and removed from the Lautenberg Amendment because it could create a serious roadblock to renewing the law if necessary.

#### Processing Problems in the FSU:

The break up of the Soviet Union has created some serious difficulties for people applying for U.S. refugee status. There are actually two sets of problems. The first group are those problems that result from having 15 countries instead of one. There are now 15 bureaucracies, borders, transportation systems (or lack thereof) and rules for leaving or entering each country. Documents are not easy to obtain, getting to Moscow on trains and planes may take days, travel for the disabled and elderly is frequently impossible, and the cost of travel is now so high that families in the Caucasus and Central Asian states may have to spend a year's salary to get to Moscow for their interview and then have to save the same sum to return to Moscow for their departure to the U.S. Just getting permission to exit and enter the states a family must travel through on their way to Moscow can take many months and the trip frequently depends on paying bribes to bureaucrats, border guards and customs agents in more than one jurisdiction. Obtaining a birth certificate, for example, if you now live in Ukraine but were born in Uzbekistan is a daunting feat. Traveling without having all of the necessary documents in order subjects the applicants to the risk of apprehension, arrest or return to their home country. These complicated interstate negotiations and the heavy financial burden are the cause of many of the delayed departures you have all heard about, much more so than any change of heart on the part of those

interstate negotiations and the heavy financial burden are the cause of many of the delayed departures you have all heard about, much more so than any change of heart on the part of those already granted refugee status.

The second problem is that the U.S. government has not made the necessary adjustments to the program to deal with the difficulties I have just described. For several years we have been asking for INS circuit riders to conduct interviews in Central Asia and Ukraine at the very least so everyone does not need to travel to Moscow. Since the U.S. now has embassies and consulates in many successor states this would not be difficult to accomplish. INS has responded to the need for circuit riders in Haiti and elsewhere, but so far there are none in the FSU, a land mass that covers *eleven time zones*. In addition, we have requested alternative departure points to ease the travel and financial stresses for those who are ready to leave. After a lengthy wait there are now flights scheduled out of Kiev for the many Jews and Evangelicals leaving Ukraine. Unfortunately, Kiev is even less convenient than Moscow for those coming from the distant states. HIAS and CJF continue to discuss these issues with the State Department and the INS and would welcome your suggestions and assistance in achieving solutions.

I thank you again, Mr. Chairman, and Members of this Subcommittee for the opportunity to present our views to you.



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**Testimony  
Regarding  
Oversight of Refugee Programs, Policies and Budget**

**by**

**Ralston H. Deffenbaugh, Jr.  
Executive Director  
Lutheran Immigration and Refugee Service**

**before the**

**Subcommittee on International Operations and Human Rights  
Committee on International Relations  
U. S. House of Representatives**

**February 24, 1998**

Good morning, Mr. Chairman, Representative Lantos, and members of the Subcommittee. I am Ralston H. Deffenbaugh, Jr., the Executive Director of the Lutheran Immigration and Refugee Service (LIRS), a 59-year old cooperative agency of Lutheran churches in the United States that assists refugees, unaccompanied minors, asylum seekers, and immigrants.

I am pleased to have this opportunity to speak to the Subcommittee as part of its annual oversight of refugee programs, policy and budget. As you know, last year, after consultation with Congress, the President set the refugee ceiling at 83,000 for Fiscal Year (FY) 1998, a 5,000 increase over the FY 1997 ceiling. I view this as a positive signal that the administration is placing renewed emphasis on providing refuge for those fleeing war, as well as political and religious persecution.

As Congress develops the budget for the coming fiscal year, I hope that you will take the opportunity to further reinforce America's commitment to those fleeing persecution by continuing in the direction set in the 1997 refugee consultations. LIRS, along with other refugee resettlement agencies, has consistently recommended that the refugee admissions ceiling be set in the range of admissions in fiscal years 1995 and 1996, which were between 90,000 and 110,000. This level of admissions continues to be necessary, as the number of refugees for whom resettlement is the only viable option is increasing, rather than declining.

At no place on the globe is this more evident than in Africa, which is host to more refugees than any other continent. Currently, there are an estimated 4.3 million refugees in

Africa, up from the 3.6 million cited for the end of 1996, according to the *World Refugee Survey*. This increase is due in large measure to many Burundians, Sierra Leoneans, and Congolese, among others, who have fled their homelands in the past year.

The 7,000 ceiling for refugee admissions from Africa is a surprisingly low number. The annual ceiling for Africa should be raised at least to the 15,000 level.

It is also clear that the U.S. government needs to be doing more to fill those modest numbers which we do have. The system used in Africa to identify and process refugees remains fraught with problems. It is estimated that, despite great need for resettlement from Africa, the U.S. will not be able to find, interview and adjudicate enough refugees in FY 1998 to meet our 7,000 admissions ceiling. Why?

This vast continent with so many of the world's refugees only has one site, Nairobi, at which refugee processing is based. The United Nations High Commissioner for Refugees (UNHCR) refers potential cases to the U.S. for processing. In turn, the Joint Voluntary Agency, acting on behalf of the U.S. government, interviews potential cases and files paperwork. Lastly, the Immigration and Naturalization Service (INS) adjudicates the cases. This is standard refugee resettlement procedure with a twist, however. In Africa, from only one base, both the JVA and the INS do "circuit rides" around the entire continent in order to interview and process refugee cases for resettlement. The difficult travel and communications in Africa are contributing factors to our probable inability this fiscal year to have processed enough refugees in Africa to fill the 7,000 allotment (it should be noted that a new West African base in Dakar is being developed).

Another reason the U.S. is unlikely to fill the 7,000 ceiling for Africa this fiscal year is because UNHCR has not referred any large groups for resettlement, causing the processing pipeline for refugee admissions to be virtually empty. In the past two fiscal years, larger groups like the Benadir and the Barawans were identified and referred early, thereby enabling the pipeline to be filled in the beginning of the fiscal year, and thus using the allotted numbers for African refugee admissions. In the first quarter of 1997, there were 5,800 Priority One referrals, which are emergency cases needing immediate resettlement, to the U.S. program, in contrast to the estimated 1,500 for the first quarter of 1998. The INS has assessed that after its current circuit ride, there will be no African cases left in the processing pipeline, and yet we are not even close to filling the 7,000 allotment for Africa.

There has been debate within the refugee field recently over what sort of role UNHCR should play in referring Priority One cases to the U.S. for resettlement. Many people are unhappy that the UNHCR in effect "chooses" our refugees for us. Additionally, UNHCR personnel are charged with the day-to-day operations of running often very large refugee camps. Due to this enormous responsibility, resettlement and case referrals often come last on their priority list. U.S. embassies abroad can also refer Priority One cases for resettlement, but this happens extremely rarely. Due to their locations in every African country, U.S. embassies would be logistically capable of playing a gatekeeper role in our refugee resettlement program and the problem of having to make circuit rides in order to process compelling refugee cases would thus be alleviated. Embassy officials should be empowered to grant refugee status in compelling cases, thus reducing the need for INS circuit rides and speeding up processing. In the last two

fiscal years, U.S. embassy referrals of compelling cases in the entire African continent numbered fewer than 50 people. If the United States is serious about African resettlement, we must find more varied solutions than those currently being employed to gain access to refugees.

There are more examples of African countries in the midst of upheaval, and thus producing refugees, than I can cite here. However, I would specifically like to mention the case of Algeria. As you well know, Algeria is suffering a brutal and bloody civil war, leaving in its wake thousands dead and many fleeing in terror for their lives. These refugees have a very real fear of persecution. Nevertheless, there has not been one case referred to the U.S. for resettlement by either UNHCR or any U.S. embassy, yet we have many unused slots available for resettlement of African refugees.

Another proposed solution that has been welcomed by the refugee resettlement community is using the Priority Two category, consisting of groups of special humanitarian concern to America, for Africans. It was a positive first step that Hutu-Tutsi mixed marriages between Hutus and Tutsis in Tanzanian camps were recently recognized by the Department of State as a Priority Two group. After all, these cases are just as compelling as those cases of mixed marriages in Bosnia. However, just as we salute this move, we would like to see the Department of State do more, such as recognize Hutu-Tutsi mixed marriages throughout the entire continent of Africa as belonging to Priority Two admissions category.

Additionally, there are other benefits to including discrete African groups in the Priority

Two category. Since Priority Two categories begin with the Department of State, rather than UNHCR, the U.S. is able to follow each case from beginning to end. This would allow the U.S. to bring in more varied groups of compelling cases rather than one large homogenous caseload each year.

There are many groups of African refugees left with no solution other than resettlement that, if identified in the Priority Two category, could bring America close to using the allotted 7,000 numbers for this fiscal year. I think particularly of Sudanese refugees, fleeing from religious and other persecution. An especially compelling group of Sudanese were those recently rounded up in Addis Ababa, Ethiopia, and confined to camps. Other potential Priority Two groups include Togolese in Ghana and Ogonis in Benin.

In light of the unused 7,000 allotment for African refugees this fiscal year, it is tragic that the Department of State decided to phase out the Priority Three processing category for Liberians as of December 31, 1997, thereby further separating families. The Priority Three category is used to reunite close family relatives, such as spouses, children and parents of refugees already in the United States. Despite the declaration of the international community that it is safe for refugees to return to Liberia, many have remained in countries of first asylum. It is estimated that, had the U.S. decided to continue processing Priority Three Liberian cases through the end of this fiscal year, fewer than 750 refugees could have participated. Other options available to Liberian families trying to unite entail long and cumbersome processes which could mean that children turning 21 during this process would not be reunited with their parents for up to eight

years. Additionally, the Department of State has placed undue emphasis on suspicion of fraud in Priority Three cases. Many Liberians are unable to produce documents that persons performing the processing want to see, due to the destruction and chaos in Liberia that sent libraries and government buildings up in flames.

In closing, let me reiterate that, unless the United States becomes serious about resettling African refugees, we will not meet the current 7,000 ceiling. The U.S. needs new ways of identifying compelling cases, including using U.S. embassies to refer Priority One cases, and identifying discrete groups with no durable solution other than resettlement to be of special humanitarian concern to the U.S., thus fitting into the Priority Two category. Additionally, modifying the current system in Africa to include more processing sites to supplement the one in Nairobi and the new one in Dakar would be a welcome step.

Mr. Chairman, other nations look to the U.S. to be the leader on human rights and global matters, as well as in protecting those fleeing persecution around the globe. As America was founded by those fleeing oppression, we have a moral commitment as a nation to continue in that tradition, and, along with other nations, to welcome those with no other place to go. Our refugee program must be carried out and funded in a manner consistent with these objectives.

HOUSE COMMITTEE ON INTERNATIONAL RELATIONS

Subcommittee on International Operations and Human Rights

TESTIMONY OF FR. RICHARD RYSCAVAGE, SJ  
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February 24, 1998

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Thank you, Mr. Chairman, for this opportunity to testify this morning. I am the National Director of Jesuit Refugee Service, an international non-governmental organization, working with refugees in 35 countries. My testimony is based on information I receive from our fieldworkers world wide.

What I can do today is highlight and supplement my colleagues' statements about situations in various countries. Around the world the need for refugee protection and refugee resettlement is increasing, not decreasing. But those needs are not concentrated in two or three large refugee generating situations. The refugee needs are dispersed across many regions and countries. The United States government's refugee program needs to become more diffused, multicultural, more supple, and responsive to the new realities of refugee movement. This is certainly not the time to be cutting admissions or funds for protection or emergencies.

You will notice that I do not draw a sharp line between refugees and internally displaced. Our field workers do not and cannot make those kinds of distinctions. The internally displaced is often simply a refugee who has not yet managed to cross an international border. More to the point, increasingly the internally displaced are people who are prevented from crossing borders or forcibly deported back to their countries of origin without proper screening.

One of the new realities today facing refugees is the international community's general strategy of containment. Governments are working together to try to keep people in their country or regions of origin. Much of this strategy was started and modeled by the United States in its approach to the Haitian boat people. Tactics of forced repatriation and the creation of temporary "safe havens" have now taken root among the poorer countries. Keeping people where they are tends to trap bona fide asylum seekers and gives them few options. Pressures build up in these regions. Third country resettlement is one of the few international tools available today that can release that pressure and legally breaks through that containment structure in an orderly way.

#### **REFUGEES FROM BHUTAN IN NEPAL AND INDIA**

Approximately 90,000 Bhutanese refugees live in seven refugee camps in Southeastern Nepal. Another 10,000 Bhutanese refugees live in Nepal and India and survive without assistance from UNHCR. These 100,000 refugees represent 1/6 of the population of Bhutan; they were forced to leave Bhutan where their families had lived for three or four generations after the government imposed stringent new criteria for citizenship in an attempt to preserve traditional Bhutanese culture. Many of the residents of southern Bhutan had originally been from Nepal, but had lived in Bhutan since the turn of the century. The southern Bhutanese formed about half the population of Bhutan. The government is made up of "true" Bhutanese of the Drukpa ethnic group, which accounts for less than 20% of the entire population of Bhutan.

When the new laws were enacted in 1985, the government determined that the only acceptable proof of citizenship would be the production of land tax certificates for the year 1958. Even those who were able to produce such a document found that their papers were seized or invalidated by the authorities. By 1988, the government enacted more new laws which included

a code of cultural conduct which required the wearing of Drukpa dress for public occasions and demanded that everyone learn Dzongkha (the language of the Drukpa); the laws also abolished the teaching and speaking of the Nepalese language in schools and at public meetings. By 1990, the southern Bhutanese organized peaceful demonstrations against these laws; the government reacted swiftly, arresting the leaders, closing schools and hospitals and restricting trade. The first refugees began trickling through to India, fleeing systematic and well-documented intimidation and persecution including arbitrary arrest and detention, torture, extra-judicial killings, rape, confiscation of lands and forced evictions. From 1991 on, large numbers of southern Bhutanese were either forced out of Bhutan, or left voluntarily to escape persecution. By late 1993, almost all of the present population of more than 100,000 had left Bhutan.

Seven years after the departure of the refugees, negotiations remain stalled between Nepal and Bhutan for their return. Bhutan continues to claim that they are not citizens and have no right to return to or live in Bhutan. The refugees simply want to return to Bhutan and re-establish their lives. Nepal desperately wants to see that happen. India has refused to play the intermediary role. Meanwhile funds from donor countries are drying up, educational scholarships are being pruned. Is the ground being prepared for another forced or "semi-voluntary" repatriation?

#### **REFUGEES FROM BURMA IN THAILAND**

The ethnic minority refugee camp population on the Thai-Burma border increased to 116, 264 by December 1997. The unprotected lives of these people are highly insecure. The economic collapse of Thailand has had a strong effect on the 1.3 million foreign migrant worker. Perhaps a million of these persons are undocumented and most of them are Burmese. Since Thailand has no legal provision for distinguishing refugees and illegal migrants, the laying off of workers and the ensuing crackdown on illegal migrants makes refugees increasingly vulnerable to forced repatriation because of the social and legal confusion.

The ethnic minorities from Burma have prima facie group recognition as refugees by UNHCR. Others, however, for whom the camps are unsafe, such as former Burmese army troops and political dissidents, may seek formal individual recognition as Persons of Concern by going to the UNHCR office in Bangkok. But it may be several months before a person has an interview date with UNHCR. The delay has become even greater now because of the increase in asylum seekers from Cambodia after the July coup. All asylum seekers lead a precarious life in Bangkok in constant anger of being arrested, detained and deported as an illegal. There is a "safe area" in Thailand called the Burmese Students Center where students with the Persons of Concern designation must stay. But for over a year now Thailand has not allowed any new Persons of Concern to enter the Burmese Students Center.

Cases of students who have individually satisfied UNHCR that they have reason to fear persecution in Burma but who have not convinced UNHCR that they are vulnerable in the border camps are designated "Border Cases" and deemed ineligible for resettlement in a third country. This is a strange policy since UNHCR still has no presence in the border camps to ensure

anyone's protection. The border camp population is subject to cross-border attacks and the student dissidents are particularly vulnerable. In one area the Thai government, for example, has issued an ultimatum that over 10, 000 refugees must relocate by March 1st or be forced back to Burma. The refugees claim that the new location is even more unsafe than their present location.

## **COLOMBIA**

In Colombia over a million Colombians have become internally displaced . In some locations these internal refugees are just barely surviving amid great violence and economic hardship.. Often the people are simply pawns in a ruthless game being played by the paramilitary forces on one side and the various guerilla groups on the other, with the drug traffickers connected to both sides of the struggle. The situation is becoming more desperate. If even a fraction of these internally displaced manage to get out of Colombia, it could result in the largest refugee flow in the Western Hemisphere. Yet neither the United States government nor the UNHCR is doing much to assist these people.

## **BURUNDI**

The internally displaced inside Burundi face grossly inadequate medical care where malaria is rampant. Meanwhile more Burundians continue to find their way across the borders into Congo, Zambia, Tanzania and other countries. These refugees, especially the ones in Tanzania, live under threat of repatriation. Meanwhile the entire region remains highly volatile. For the past 6 months the Tanzanian government has been rounding up refugees and immigrants from surrounding countries, especially Burundians and Rwandans.. This exercise called a "msako", which has the connotations of hunting down people. Over 1000 Rwandans were forcibly repatriated. As of the end of 1997 some 28,000 people were affected by this move. Many of them have been mistreated in the process.

## **MEXICO**

Closer to our border, approximately 12, 000 Mexicans have fled their places of origin because of threats from paramilitary groups after the massacres in the village of Acteal in December. These people are living in an extremely precarious and uncertain situation. While the Catholic Church has been trying to assist the displaced, the Church has found itself the target of persecution from the paramilitary agents.

## **AFGHANS IN PAKISTAN**

Pakistan continues to host large numbers of Afghans. Almost a million have been languishing in camps for the past 10 years. The most painful and the most hidden of the cases are women from Afghanistan who have stripped of all fundamental rights by the ultra fundamentalist Islamic

regime. Above all others, women trapped in Kabal and in Pakistan need the protection function of permanent third country resettlement.

### **SRI LANKA**

The civil war has displaced nearly 200, 000 and claimed 60,000 lives. Except for the UNHCR food supply , most commodities are banned. Medicine and general relief are highly restricted. . All indicators point to a rise in the number of refugees and internally displaced.

### **INDIA**

In the Tamil Nadu state, 62,000 refugees from the fighting in Sri Lanka scratch out their lives in miserable conditions spread out over 133 slum-like camps. The Indian government aggressively discourages more refugees from Sri Lanka. It has tightened security in the camps and refused official access to the NGOs. UNHCR has a highly restricted presence. Fortunately, neither Sri Lanka nor the government of India has been pressing for repatriation, although both are united in trying to prevent people from leaving the island country.

### **ANGOLA**

The peace process is very slow. An estimated 1.5 million people are displaced internally and a quarter million outside the country. The internally displaced live in enormous misery. De-mining is slow and difficult. The entire social system is very fragile and any further breakdown could create a massive new wave of refugees into neighboring countries. There is a great need for shelter, medicine, physical rehabilitation, food and education.

### **CONCLUSIONS**

- All these people need emergency shelter, medicine, food and education. For some, the only long term option must be third country resettlement. The needs are enormous and growing. This is not the time to be cutting back on the U.S. government's commitment to refugees.
- China, Indonesia, Vietnam, Sudan, Saudi Arabia, Iran, in so many countries today there exists serious levels of religious persecution.. I am grateful to see that for the first time in years the State Department has become responsive to refugee claims of religious persecution. I can remember not so long ago when efforts to bring the plight of Iraqi Christians, for example, to the attention of the State Department was dismissed as hopeless. The religious basis for persecution was simply not taken seriously by the US government. I hope we are seeing a permanent change in that attitude, in no small way

thanks to the pressure exerted by this House of Representatives.

- **The US government is slow to understand the impact of globalization on refugee flows: (A) I note that the economic downturn in Thailand and other areas of Asia is causing a crack-down on labor migration - especially undocumented workers. The refugees tend to get caught up and lost in this larger problem; (B) You can find today tens of thousands of asylum seekers from every country mentioned by this panel - Tibet, Sierra Leone, Sudan, Sri Lanka, Colombia - locked up in US immigration prisons and county jail today, including women and children. The INS detention facility in Elizabeth New Jersey and the San Pedro Facility in Los Angeles are examples of these immigration prisons. Many of these are people who should be able to access our refugee resettlement system overseas. Instead of applying overseas, they are take their chances and try to arrive here directly. They have few other options. Something is wrong with such a situation. There is disconnect between the State Department's refugee resettlement efforts and the INS border enforcement system.**
- **If our US refugee resettlement and overseas protection continues to decline and be defunded, we should not be shocked if increasing numbers of asylum seekers - unable to come in our front door will simply start arriving, as they are already, at our airports and borders, putting ever more pressure on our efforts to contain the flow.**

## **The State of Private Support and Sponsorships for Refugees**

Prepared by Staff of Migration and Refugee Services, U.S. Catholic Conference  
March 30, 1998

### **USCC: Organizational Background and Resettlement Philosophy**

Over the past 25 years, the U.S. Catholic Conference (USCC), through more than 100 local diocesan refugee resettlement programs, has resettled nearly a million refugees. This number translates to 38% of the total refugee population arriving here since 1975. Last year, USCC resettled 15,000 refugees from the five processing regions of the world, representing 55 different ethnicities. The focus for USCC has always been on the importance of early employment and self-sufficiency for refugees. Current data shows that 97 percent of the refugees we serve, who arrive here without any family already in the U.S., become self-sufficient within six months of their arrival in the United States; a remarkable feat considering that most refugees arrive with little more than the clothing they wear.

### **A History of Resettlement Opportunities**

The Catholic Church's mission to serve the most vulnerable and needy among us is the foundation for USCC's refugee resettlement work. The diocesan refugee programs are typically part of larger Catholic Charities agencies which form the largest private social service provider network in the country. Although refugees are initially served by the refugee resettlement programs, they are often able to access *other agency programs* such as emergency assistance, mental health counseling, English language training, employment services, transitional housing, and literacy training.

To further supplement the resources available to refugees, the 114 local diocesan resettlement programs place great emphasis on developing donations and financial support from the parishes and the community-at-large. USCC engaged in a research project several years ago to assess the degree to which private resources were being generated on behalf of refugees. A thorough analysis of the extent of private resource generation was conducted in six diocesan resettlement programs, representing a cross-section of the Catholic dioceses in terms of size and scope of refugee programs. The analysis revealed that an average of *\$1,400, per capita, in private resources were being contributed to refugees—twice the amount received from the federal government for resettlement.*

### **Resettlement Opportunities Today**

In FY 1992, 132,000 refugees were resettled in the U.S. By comparison, in FY 1997, only 70,000 refugees were allowed in, a decrease of 48 percent. Although refugee admissions have decreased dramatically in the past five years, USCC's resettlement capacity, opportunities, and resources available to assist refugees have not diminished. On the contrary, the local diocesan resettlement

Catholic agencies are actively generating private resources to supplement available federal funding. *A conservative estimate of contributions generated locally for the USCC refugee program in 1997 amounts to \$10.8 million. In addition, at the national level, USCC has contributed to the resettlement program an average of \$1.5 million from its own funds each year since 1989.*

The private resources generated on behalf of the refugees come from all sectors of the community including individuals, corporations, churches of various denominations, employers, foundations, and schools. The Catholic parishes, in particular, are a strong source of financial and volunteer support to refugees, irrespective of their religion. A February, 1998 survey of the diocesan resettlement programs showed that parishes were supporting refugees by: collecting donations, English tutoring, fundraising, mentoring, job development, pro bono medical care, transportation, and even creating "full sponsorships" or "family adoptions." For example, in Houston, Texas, the diocesan refugee program expects to generate full sponsorship opportunities for 20 refugee families this year. The sponsors are matched with newly-arriving families and are responsible for assisting them for six months. Assistance includes in-kind donations, food, English tutoring, and recreational activities. Some sponsors pay the rent and utilities for five months while others just pay the utilities.

Another example is a parish eighth grade class in Phoenix which has raised \$1,300 to sponsor a refugee family. They visit the family bi-weekly and take groceries, household items, toys, and even bicycles. In addition, they have taken the family for a picnic, a pizza party, and a tour of their school.

*The more than 19,000 Catholic parishes* and the countless thousands of current and prospective volunteers represent a significant resource, which is today largely untapped, to support refugees in their resettlement.

In addition to the parish support and cash and in-kind donations, a third resource--volunteers--greatly augment USCC's refugee resettlement capacity. Over the past three years, USCC has awarded approximately \$1 million to 20 local diocesan resettlement programs for the purpose of increasing volunteer and community resources to assist refugees. *For CY 1997, an average of 14 volunteer hours were contributed per refugee in these dioceses.*

The final resource which ensures the ongoing availability of resettlement opportunities in the U.S. is *family sponsorship*. Refugees coming here to reunite with their family members currently comprise 73% of total refugee admissions. The family sponsors typically contribute significantly to the resettlement process, assisting with such things as orientation, housing, basic necessities, and employment.

**Future Resettlement Opportunities**

In summary, a variety of private resources have been developed to supplement available Federal funding and ensure that the capacity exists to successfully resettle needy refugees. USCC's 1997 data paints a very favorable picture of the resettlement opportunities available to refugees in the U.S.:

- 114 diocesan resettlement programs, integrated with Catholic Charities agencies, offering a continuum of necessary services for refugees
- Private cash and in-kind contributions in the amount of \$11.2 million
- Every refugee resettled receives an average of 14 hours of personal assistance from a community volunteer
- An extensive parish network assisting refugees by volunteering, tutoring, donating items, and developing "full sponsorships"
- Family sponsors which assist their relatives with basic necessities and other resettlement needs.

As evidenced by the fact that USCC resettled twice the current number of refugees just five years ago, the above resources have and can be mobilized to resettle significantly more refugees to the U.S. than are currently admitted. In fact, in 1980, USCC arranged sponsorship opportunities for twice as many refugees than the entire number admitted to the United States last year. Moreover, USCC is only one of ten voluntary agencies involved in the resettlement of refugees. Thus, the potential sponsorship pool and capacity to serve refugees is far greater than is being taken advantage of today.

United States Department of State

**Migration and  
Refugee Assistance**

**Emergency Refugee and  
Migration Assistance Fund**



**CONGRESSIONAL BUDGET  
PRESENTATION**

***Fiscal Year 1999***

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## MIGRATION AND REFUGEE ASSISTANCE

**FY 1999 OVERVIEW***(dollars in thousands)*

	FY 1997 Enacted	FY 1998 Estimate	FY 1999 Request	Inc./Dec. (-)
MRA	\$650,000	\$650,384	\$650,000	(\$384)
ERMA	<u>50,000</u>	<u>50,000</u>	<u>20,000</u>	<u>(30,000)</u>
<b>TOTAL</b>	<b>\$700,000</b>	<b>\$700,384</b>	<b>\$670,000</b>	<b>(\$30,384)</b>

***U.S. Foreign Policy Objectives***

The Migration and Refugee Assistance (MRA) appropriation and the Emergency Refugee and Migration Assistance Fund (ERMA), administered by the Department of State, support the humanitarian principles that the U.S. shares with others in the international community by providing assistance to victims of persecution and armed conflict.

The majority of MRA and ERMA funds are the main components of the national interest identified in the United States International Affairs Strategic Plan (IASP) as Humanitarian Response, with the specific strategic goal to "prevent or minimize the human costs of conflict and natural disasters."

Two important activities also supported by MRA and ERMA resources, refugee admissions and international migration policy, are found in the IASP under American Citizens and U.S. Borders, within the goal to "control how immigrants and non-immigrants enter and remain in the U.S."

Programs funded by these appropriations also contribute to foreign policy goals pertaining to national security, including preventing and resolving crises, promoting cooperation, and international peacekeeping (when done in the context of humanitarian emergencies), as well as to goals contained under global issues, including the protection of health and the environment.

***Strategies***

The Administration requests \$670,000,000 for refugee and migration assistance funding in FY 1999. Of this amount, a total of \$650,000,000 is for the MRA appropriation and \$20,000,000 is for the ERMA Fund.

***MIGRATION AND REFUGEE ASSISTANCE***

MRA is an annual appropriation used to fund (1) overseas refugee and migration assistance activities, (2) the admission of refugees to the United States, (3) a grant to support resettlement in Israel, and (4) the majority of the administrative expenses of the Department of State's Bureau of Population, Refugees, and Migration (PRM). ERMA is a no-year appropriation, drawn upon by the President to meet "unexpected urgent refugee and migration needs" when it is determined to be "important to the national interest" to do so.

Through the use of these resources, the U.S. supports programs that span the range of international humanitarian assistance requirements, including the protection of refugees and conflict victims, the provision of basic assistance to sustain life and health, and the resolution of refugee problems through repatriation, local integration, or permanent resettlement in a third country -- including the United States.

The U.S. refugee admissions program aims to provide resettlement opportunities to certain refugees for reasons of security, health, the lack of any other long term solution, and/or who have special ties to the United States. Funding for international migration activities will support programs that promote international cooperation on migration issues.

***Performance Indicators***

- In cooperation with other donors and relevant international and non-governmental organizations:
  - Provide care to populations of concern at a level sufficient to ensure that minimum international standards are met,
  - Reduce the total population of concern through local integration, repatriation, and resettlement.
  - Ensure that assistance programs address the specific requirements of the population they are assisting (e.g., women, children).
- Provide effective emergency assistance for unforeseen, urgent refugee and migration requirements.
- Enhance the response capacities of the relevant humanitarian assistance organizations.
- Identify and resettle refugees in the United States.

## MIGRATION AND REFUGEE ASSISTANCE

## MIGRATION AND REFUGEE ASSISTANCE

## SUMMARY STATEMENT

(dollars in thousands)

FY 1997 Enacted		FY 1998 Estimate		FY 1999 Request		Inc./Dec. (-)	
Positions	Funds	Positions	Funds	Positions	Funds	Positions	Funds
105	\$650,000	105	\$650,384	105	\$650,000	--	(\$384)

## SUMMARY

Migration and Refugee Assistance (MRA) programs uphold humanitarian principles that the United States shares with others in the international community by providing assistance to victims of persecution and civil strife. These programs support the protection of refugees and of conflict victims, the provision of basic needs to sustain life and health, and the resolution of refugee problems through repatriation, local integration, or permanent resettlement in a third country -- including the United States. These objectives are achieved largely by providing assistance through international organizations and by providing resettlement opportunities for refugees in the United States. As international migration has become more complex in this decade, the United States must address the full range of migration policy issues, from protecting individual rights to combating alien trafficking.

In carrying out these objectives, the United States sustains its leadership role in the world community in responding to the needs of refugees and conflict victims. MRA programs directly support the U.S. national interest in humanitarian response.

## ♦ Overseas Assistance

There were approximately 22.7 million refugees and persons of concern to the United Nations High Commissioner for Refugees (UNHCR), as of January 1997. This figure comprises 13.2 million refugees, 3.3 million returnees, 4.8 million internally displaced persons, and 1.4 million others. An additional 3.4 million Palestinian refugees are registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Many of the world's refugees and victims of conflict have little hope for more than mere survival without adequate international assistance, and their protection and care are shared international responsibilities.

The *Migration and Refugee Assistance Act of 1962, as amended*, provides for U.S. support of UNHCR, the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM), and other relevant international organizations. Accordingly, the Department of State contributes the majority of its Overseas Assistance funds to programs administered by international organizations. When required to address specific assistance needs, the Department may also support the

*MIGRATION AND REFUGEE ASSISTANCE*

programs of non-governmental organizations that carry out relief services overseas - many in conjunction with the programs of international organizations - and provide bilateral assistance directly to governments and governmental agencies under a statutory authority for Presidential determinations.

The humanitarian traditions of the United States and public interest in many international issues support generous responses to the needs of refugees and conflict victims. The levels of U.S. contributions depend on the nature and urgency of the needs, the prospects for successful program implementation, the responses of other donors, the availability of funds, and U.S. foreign policy interests. No standard formula or uniform U.S. percentage share is appropriate for all contributions.

◆ *Refugee Admissions*

For the vast majority of the world's refugees, the safe return to their home countries or the establishment of new lives in first asylum countries is the appropriate solution. For others, however, resettlement in a third country for reasons of security, health, and/or the lack of any other long-term solution is required.

The U.S. refugee admissions program aims to provide resettlement opportunities to such refugees for whom other solutions are not possible and/or who have special ties to the United States. The program is consistent with the long-standing U.S. commitment to humanitarian principles; it assists individuals who are victims of persecution and who have no recourse other than to seek new lives in foreign lands. The United States also encourages other countries to participate

in resettlement through bilateral and multilateral efforts.

◆ *Refugees to Israel*

This program supports resettlement in Israel from certain other countries. Most of these funds provide transportation, en route care and maintenance, educational programs, and temporary accommodation upon arrival in Israel.

◆ *Administrative Expenses*

These funds are used to finance the salaries and operating costs associated with a staff of 99 employees located in Washington and at 11 overseas posts. While the Bureau of Population, Refugees, and Migration has responsibility for international population policy and coordination, funds for the salaries and operating costs associated with the six positions dedicated to this function are included in the Department of State's budget request for the Diplomatic and Consular Programs appropriation.

***FY 1999 PLANS***

In FY 1999, MRA assistance will continue to meet short-term, life-sustaining needs of refugees and other conflict victims, and to further efforts to reach durable solutions for refugee populations. Durable solutions relieve the long-term burden on the international assistance budgets that provide for the care and maintenance of refugees in asylum countries. Assistance funds, therefore, may be used to support communities in their initial reintegration of refugees who have repatriated. A small portion of the MRA program funds may be used to finance studies and Bureau oversight

*MIGRATION AND REFUGEE ASSISTANCE*

necessary to evaluate programs carried out by recipients of U.S. funds.

◆ *Overseas Assistance*

The major portion of funding within Overseas Assistance is expected to be used for the General and Special Program appeals of UNHCR, the emergency appeals of ICRC, and UNRWA's programs for Palestinian refugees. In addition, funds are contributed to the World Food Program (WFP) for the costs of its programs on behalf of populations of concern to UNHCR.

Funds are also used to support activities of relevant international or non-governmental organizations that address multiregional concerns or aspects of international migration, in particular, the International Organization for Migration (IOM). In FY 1999, MRA funds will be used to provide assistance to migrants in support of the international migration policy goals where PRM has the lead responsibility, and where no other funding authority is more appropriate.

In all regions, international attention will continue to be focused on the need to incorporate the abilities and needs of refugee women and the special needs of refugee children into protection and assistance program design, implementation, and evaluation.

The FY 1999 request includes funds for a contribution in support of ICRC headquarters operations at 10 percent of the estimated budget, as well as funds for the U.S. membership assessment for the IOM administrative budget at 29.95 percent.

◆ *Refugee Admissions*

The FY 1999 budget request includes funds to finance the resettlement of up to 75,000 refugees in the United States. Although this admissions number is used to calculate estimated costs, the final number and regional allocations will be determined by the President following the annual consultations process with Congress later in the current fiscal year. These funds cover the costs of processing refugee applicants, providing cultural orientation, health screenings, transportation, loans to refugees accepted for resettlement to the United States, and initial reception and placement services in the United States.

◆ *Refugees to Israel*

The FY 1999 request includes \$70,000,000 to support resettlement in Israel through a grant to the United Israel Appeal. This represents a \$10,000,000 decrease from the FY 1998 estimate, and reflects a decline in the number of individuals seeking resettlement in Israel.

◆ *Administrative Expenses*

The FY 1999 request of \$13,000,000 covers the salaries and administrative support costs of 99 positions, including 81 in the Bureau of Population, Refugees, and Migration in Washington, D.C., and 18 at 11 overseas posts. Funds for the administrative support of six positions identified with the Bureau's responsibility for international population policy and coordination are requested in the Department of State's Diplomatic and Consular Programs appropriation.

## MIGRATION AND REFUGEE ASSISTANCE

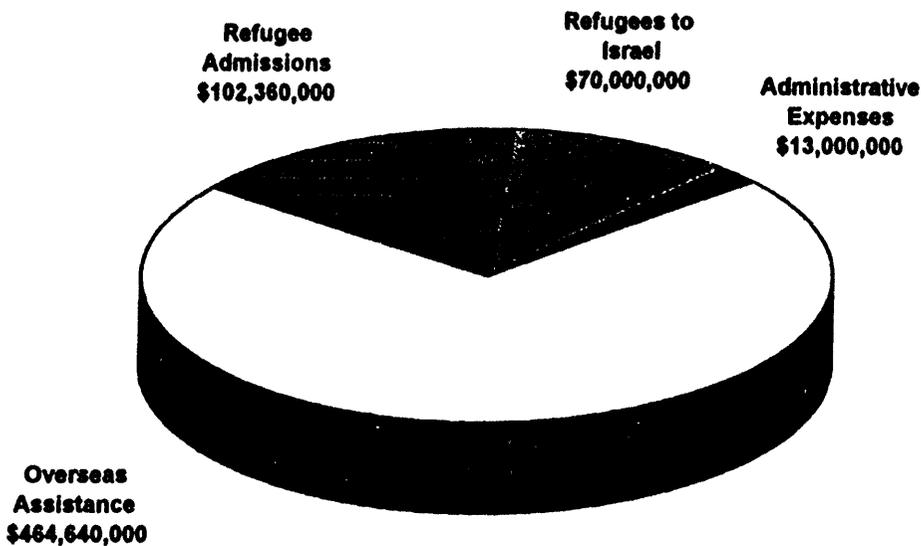
**MRA PROGRAM SUMMARY***(dollars in thousands)*

	FY 1997 Enacted	FY 1998 Estimate	FY 1999 Request	Inc./Dec. (-)
<b>Overseas Assistance</b>				
Africa	\$129,309	\$143,440	\$148,100	\$4,660
East Asia	20,165	11,300	11,300	--
Western Hemisphere	11,400	11,300	12,300	1,000
Near East/North Africa	95,237	94,400	98,200	3,800
South Asia	27,387	28,000	29,500	1,500
Europe	124,283	104,400	91,500	(12,900)
Multiregional Activities	66,219	62,800	73,740	10,940
<b>Subtotal, Assistance</b>	<b>474,000</b>	<b>455,640</b>	<b>464,640</b>	<b>9,000</b>
<b>Refugee Admissions</b>	<b>84,000</b>	<b>102,360</b>	<b>102,360</b>	<b>--</b>
<b>Refugees to Israel</b>	<b>80,000</b>	<b>80,000</b>	<b>70,000</b>	<b>(10,000)</b>
<b>Administrative Expenses</b>	<b>12,000</b>	<b>12,384/a</b>	<b>13,000</b>	<b>616</b>
<b>Appropriation Total</b>	<b>650,000</b>	<b>650,384</b>	<b>650,000</b>	<b>(384)</b>

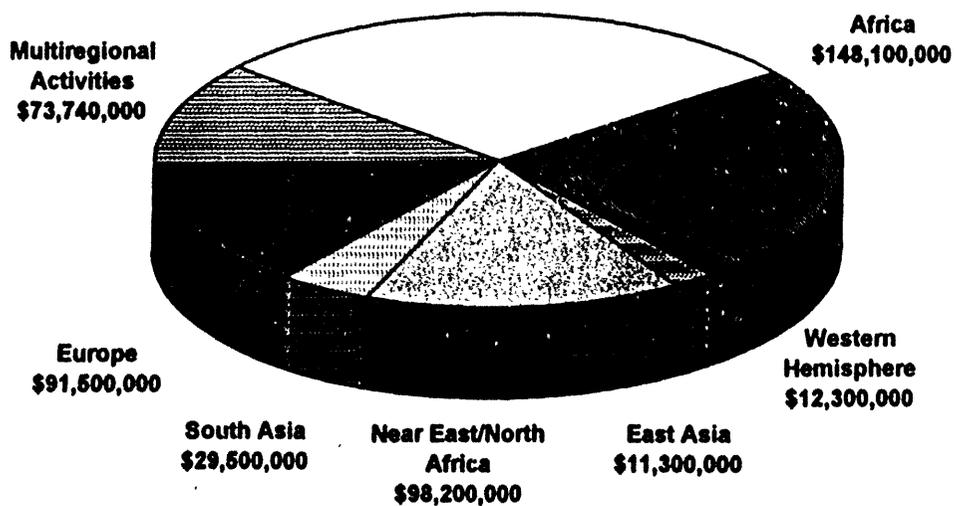
*/a This amount includes \$384,000 transferred from the Diplomatic and Consular Program (D&CP) appropriation pursuant to the statutory International Cooperative Administrative Support Services (ICASS) program.*

MIGRATION AND REFUGEE ASSISTANCE

**FY 1999 BUDGET REQUEST  
MIGRATION AND REFUGEE ASSISTANCE  
TOTAL: \$650,000,000**



**OF WHICH, OVERSEAS ASSISTANCE  
TOTALS: \$464,640,000**



## MIGRATION AND REFUGEE ASSISTANCE

## OVERSEAS ASSISTANCE

PROGRAM SUMMARY  
(dollars in thousands)

FY 1997 Enacted	FY 1998 Estimate	FY 1999 Request	Inc. Dec.(-)
\$474,000	\$455,640	\$464,640	\$9,000

The FY 1999 overseas assistance request is \$464,640,000, an increase of \$9,000,000 from the FY 1998 estimate. This increase incorporates additional initiatives for refugee children, and reflects the continuing assistance requirements for populations of concern. It includes funds to provide humanitarian assistance to refugees and conflict victims, and to implement international migration policy.

The primary purposes of international protection and assistance funding are to meet short-term, life-sustaining needs of refugees and conflict victims, and to support durable solutions -- notably voluntary repatriation -- overseas. Many nations hosting large groups of refugees and victims of conflict are among the world's least developed. The refugees' presence often strains limited resources and may result in serious problems that affect U.S. foreign policy interests.

A continuing element of the assistance effort will be support for lasting solutions to refugee problems. The FY 1999 request will be used to respond to programs as they evolve from care and maintenance in first asylum countries to self-sufficiency or repatriation. Funds also may be used to

assist in the initial reintegration of refugees who have repatriated. U.S. support for repatriations will be provided from MRA funds to the extent possible, once basic care and maintenance requirements for existing refugee populations have been met.

U.S. international migration policy aims to promote sound migration management which balances governmental respect for the human rights of migrants with governmental responsibility to maintain the security of its territory. MRA funds will support activities to promote international understanding of migration with a special emphasis on protection for those in need of it.

U.S. refugee policy is based on the premise that the care of refugees and other conflict victims, and the pursuit of permanent solutions for refugee crises, are shared international responsibilities. Accordingly, most overseas assistance funds will be contributed to programs administered by international organizations. Although the United States is just one of many donors, in most cases the U.S. Government is the largest individual donor. The primary recipients of U.S. contributions are listed below and their major activities are

**MIGRATION AND REFUGEE ASSISTANCE**

discussed in the regional presentations that follow. U.S. support may be provided to other organizations as required to meet specific program needs and objectives.

Chief among the international organizations receiving assistance funds is the Office of the United Nations High Commissioner for Refugees (UNHCR), which has a worldwide mandate to assist host governments to protect and care for refugees as well as to promote lasting solutions to refugee situations. It is expected that UNHCR will meet the minimum international standards in such areas as public health, nutrition, and sanitation; provide basic educational programs; and implement efforts to promote self-sufficiency so that refugees can integrate with local populations where possible. Self-sufficiency lowers the care and maintenance costs to the international community while creating conditions conducive to the continued provision of first asylum. Aggressive promotion of voluntary repatriation where conditions in the country of origin are suitable is also key to both finding refugee solutions and maintaining the willingness of governments to offer first asylum. In 1999, it is anticipated that UNHCR will continue its progress in orienting protection and assistance activities toward refugee women and children who comprise about 80 percent of most refugee populations.

The International Committee of the Red Cross (ICRC) is an independent, internationally funded, humanitarian institution mandated under the terms of the Geneva Conventions. The United States is party to the Geneva Conventions, under which ICRC is called upon to provide assistance and protection to prisoners of

war and political detainees, assist and protect civilian victims of armed conflict, provide needed medical assistance to conflict victims, trace missing persons and separated family members, and disseminate information on the principles of humanitarian law.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has a continuing mandate from the United Nations to provide educational, medical, relief, and social assistance to the 3.4 million registered Palestinian refugees located in Jordan, Syria, Lebanon, the Gaza Strip, and the West Bank.

The International Organization for Migration (IOM) works with governments, other international organizations, and voluntary agencies to provide for the orderly migration of persons in need of international migration services. IOM provides operational services for humanitarian migration and technical assistance to governments and others interested in the development of migration policy, legislation and administration.

The World Food Program (WFP) is the principal vehicle for multilateral food aid within the UN system. WFP distributes commodities supplied by donor countries for protracted refugee and displaced person projects, and emergency food assistance, as well as development projects. Migration and Refugee Assistance funds will be contributed to WFP toward the expenses of refugee feeding programs undertaken in cooperation with UNHCR. The U.S. Government provides food commodities to WFP under other appropriations.

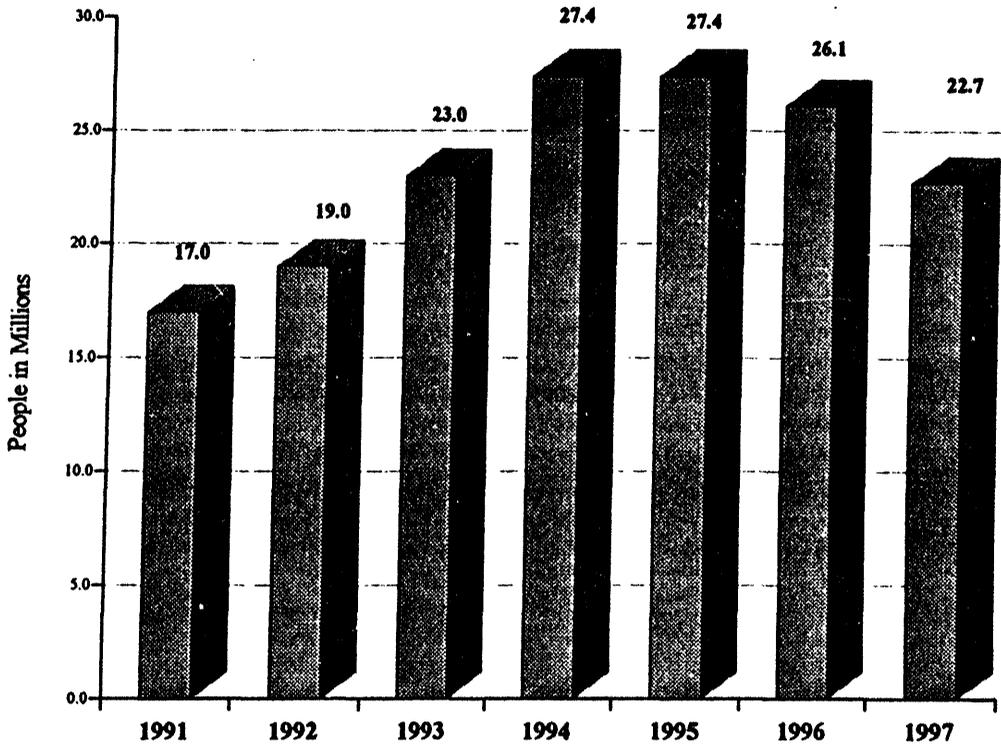
*MIGRATION AND REFUGEE ASSISTANCE*

In general, funds for overseas assistance will be used to respond to the 1999 calendar year budget appeals issued by international organizations. As new or changing assistance needs arise, however, some organizations find it necessary to issue new or increased appeals for funds during the course of the year. Therefore, this request may be used during the first quarter of the fiscal year to respond to urgent appeals that may be issued late in

the 1998 calendar year. Programs of non-governmental organizations may commence at any point in the fiscal year, with funding provided for a twelve-month period.

The Department may reallocate funds between regions or organizations within the overseas assistance request level of \$44,640,000 in response to changing requirements.

## MIGRATION AND REFUGEE ASSISTANCE

**UNHCR  
PERSONS OF CONCERN\***  
1991-1997

\* *Persons of Concern* include refugees, former refugees who have returned to their home countries, internally displaced persons, and others including war victims. These figures do not include Palestinian refugees. There are approximately 3.4 million Palestinian refugees who come under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

## MIGRATION AND REFUGEE ASSISTANCE

## ASSISTANCE PROGRAMS IN AFRICA

### PROGRAM SUMMARY

*(dollars in thousands)*

FY 1997 Enacted	FY 1998 Estimate	FY 1999 Request	Inc./Dec.(-)
\$129,309	\$143,440	\$148,100	\$4,660

The Administration requests \$148,100,000 to respond with appropriate U.S. contributions to the basic needs of refugees and conflict victims in sub-Saharan Africa. Some 3.5 million of the world's refugees (about one quarter) are spread across the African continent. The number of African refugees has been dropping in recent years



with large repatriations to Ethiopia, Mali, Mauritania, Mozambique, Rwanda, Togo, and northwestern Somalia. Voluntary repatriation to Liberia was beginning at the end of 1997, although many refugees were waiting to see what will transpire after the

planned ECOMOG (West African peacekeeping force) withdrawal in February 1998. However, new refugee outflows from Sierra Leone, Burundi, the two Congos, and Sudan underscored the need for conflict prevention and resolution. Returned refugees in the lesser developed countries of Africa continue to be of concern to UNHCR and the international community for at least a year until their sustainable reintegration into home communities can be launched if not fully assured.

Africa has a long history of migration and a remarkable tradition of hospitality, which is on the wane in many places owing to the burden (including environmental) on impoverished host communities, and a recent surge in armed cross border attacks - both on refugee camps and from exiled insurgents. Nonetheless, most African countries continue to be generous refugee hosts.

♦ *United Nations High  
Commissioner for Refugees*

As in years past, the U.S. contribution to UNHCR programs in Africa in 1999 will fund protection and the most basic material assistance to save and maintain lives of

*MIGRATION AND REFUGEE ASSISTANCE*

refugees and other conflict victims of concern to UNHCR. UNHCR activities must address fundamental protection and assistance needs while pursuing opportunities for permanent solutions for some refugee populations.

In 1999, UNHCR is expected to continue implementing repatriation and reintegration programs for some of the largest and most enduring of Africa's refugee populations -- including Angolans, Somalis, Liberians, and Rwandans. Repatriation assistance for returning refugees includes transportation home, a small package of household and agricultural items to facilitate the returnees' re-establishment, and limited rehabilitation of social infrastructure, such as clinics and water projects. In Rwanda in particular, given the tragic genocide, it will be important for reconciliation to be a component of all reintegration efforts.

◆ *International Committee of the Red Cross*

ICRC, often in partnership with other elements of the international Red Cross movement, is called upon to provide relief and medical assistance in the most difficult and dangerous areas of countries caught up in armed conflict where success depends largely on the cooperation of the warring parties. Congo, Sudan and Sierra Leone are examples of such ICRC action. The ICRC program in Africa provides relief and medical assistance to conflict victims and displaced persons, and assistance to political prisoners and prisoners of war. ICRC also undertakes tracing services (for detainees as well as family members separated by conflict), individual refugee

repatriation, and in some cases refugee protection and assistance.

◆ *World Food Program*

In past years, contributions to WFP have supported feeding programs for refugees and displaced persons from Liberia and Sierra Leone; for Ethiopian and Eritrean refugees in Sudan; for Somali refugees in Ethiopia, Djibouti, and Kenya; for Sudanese refugees in Uganda, Ethiopia, and Kenya; and for refugees and displaced persons from Rwanda, Burundi, and Congo/Zaire. In FY 1999, funds may be contributed to WFP for expenses of such programs undertaken in conjunction with UNHCR.

◆ *Other International Organizations/Non-Governmental Organizations*

Non-governmental organizations are key partners with the international organizations in Africa, often in specialized areas such as health care. Funds will be provided directly to non-governmental organizations to complement the programs of UNHCR and to address assistance requirements not met through UNHCR's programs. The United Nations Children's Fund (UNICEF), the International Organization for Migration (IOM), the International Federation of Red Cross and Red Crescent Societies (IFRC), and other international organizations or non-governmental or governmental organizations may also receive funding for complementary assistance.

## MIGRATION AND REFUGEE ASSISTANCE

## ASSISTANCE PROGRAMS IN EAST ASIA

## PROGRAM SUMMARY

*(dollars in thousands)*

FY 1997 Enacted	FY 1998 Estimate	FY 1999 Request	Inc./Dec.(-)
\$20,165	\$11,300	\$11,300	--

The Administration requests \$11,300,000 in FY 1999 for assistance programs in East Asia.

Burmese presently constitute the largest group of refugees in the region. Of the Rohingya refugees who fled to Bangladesh from late 1991 to mid-1992, some 230,000 had voluntarily repatriated to Burma by August 1997, when the government of Burma declared the repatriation program over. The remaining 21,000 in Bangladesh will need a durable solution - ideally repatriation if the Burmese authorities allow additional returns and if the refugees agree to voluntary repatriation.

Burmese Army military activities in 1997 against ethnic minorities near the Thai border pushed another 10,000 or more refugees into Thailand. Several push-backs of Karen refugees by the Thai military were reversed by the Royal Thai Government (RTG) which reaffirmed its policy of granting temporary asylum to Burmese refugees. Some 103,000 Burmese refugees were in ethnic minority camps in Thailand at the beginning of 1998.

In July 1997, internal violence in Cambodia deposed one of the two prime ministers and triggered refugee flows into Thailand that reached nearly 70,000 (in addition to the remnants of the Khmer Rouge), as well as a

new armed resistance. By the beginning of 1998, UNHCR had assisted some 3,000 Cambodian refugees to voluntarily repatriate and some 65,000 remained in refugee camps in Surin and Trat provinces in Thailand.

◆ *United Nations High  
Commissioner for Refugees*

By the end of 1998, all of the follow-up stages of the Comprehensive Plan of Action for Indochinese Refugees (CPA) are expected to have been completed in Vietnam, Thailand, and Laos, leaving Burmese and possibly Cambodian refugees as the largest caseloads of concern to UNHCR.

U.S. contributions to UNHCR will include funds for assistance to any remaining Burmese refugees in Bangladesh as well as for any remaining reintegration needs of those who returned to Burma, though UNHCR is expected to have handed off most of this effort to the United Nations Development Programme (UNDP) by FY 1999. U.S. contributions will also cover basic aid to any remaining Cambodian refugees in Thailand. Assistance to Burmese refugees in Thailand is provided through NGOs (see below), though the

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RTG may permit a larger UNHCR role in the course of 1998.

◆ *International Committee of the Red Cross*

U.S. contributions to ICRC support ongoing programs such as regional delegations throughout East Asia as well as visits to detainees and emergency relief and medical care for conflict victims. Armed conflict in Southeast Asia is very localized (e.g., in pockets of Cambodia, Indonesia, and Papua New Guinea). ICRC is therefore largely concentrating on its core activities of protection, tracing, dissemination, and medical assistance such as prosthetics.

◆ *World Food Program*

Funds may be contributed to WFP toward expenses of programs undertaken in cooperation with UNHCR - for example, the feeding programs for Rohingya

refugees in Bangladesh and for Cambodia refugees in Thailand, as well as programs for voluntary repatriates to Burma.

◆ *Other International Organizations/Non-Governmental Organizations*

Burmese refugees in Thailand are assisted by NGOs that implement public health programs, including water and sanitation, and provide food aid as well as some basic household assistance such as blankets and mosquito nets. The FY 1999 request will fund NGOs working in Thailand along the Burmese border and will support such NGO activities as may be required along the Cambodian border. This funding also provides direct U.S. support for international, governmental, and non-governmental organization programs that deliver services to refugees, asylum seekers, and repatriates to address needs not covered by programs outlined above.

## MIGRATION AND REFUGEE ASSISTANCE

## ASSISTANCE PROGRAMS IN THE WESTERN HEMISPHERE

## PROGRAM SUMMARY

*(dollars in thousands)*

FY 1997 Enacted	FY 1998 Estimate	FY 1999 Request	Inc./Dec.(-)
\$11,400	\$11,300	\$12,300	\$1,000

The Administration requests \$12,300,000 for the Western Hemisphere assistance program. The peaceful settlement of most of the conflicts in the region has dramatically reduced the number of refugees. It is expected that during the course of 1998, most of the remaining Guatemalan refugees in Mexico will have progressively repatriated to Guatemala or settled permanently in Mexico pursuant to a Government of Mexico agreement. Armed conflicts in Peru, Colombia, and Mexico continue to displace civilians. Hence, there is a continuing need for UNHCR and ICRC activities. The Department will continue to pay close attention to the situation in Haiti. As necessary, support for other refugee and migration requirements in the region will be provided.

◆ *United Nations High Commissioner for Refugees*

U.S. contributions will help support the regional UNHCR offices that oversee aid to small numbers of refugees throughout the hemisphere and work to assure first asylum for those forced to flee - from Colombia, for example. UNHCR will also assist in the final stages of Guatemalan reintegration.

◆ *International Committee of the Red Cross*

Funds will be contributed to ICRC assistance programs in Central and South America, primarily for Colombia and Peru, and for its network of four regional offices and delegations. With fewer active conflicts in the region, ICRC's emergency relief to conflict victims, aid to prisoners of war, and tracing activities have decreased somewhat (with the notable exception of Colombia), enabling ICRC to focus on prison visits and promotion of international humanitarian law. The periodic outbreaks of hostilities in Chiapas, Mexico demonstrate the underlying tensions that can lead to an urgent need for an ICRC response.

◆ *Other International Organizations/Non-Governmental Organizations*

The Department may fund activities of IOM, other international organizations, and NGOs as required to meet special requirements for assistance to refugees and migrants in the region and/or complement the assistance efforts of the international organizations outlined above.

## MIGRATION AND REFUGEE ASSISTANCE

## ASSISTANCE PROGRAMS IN THE NEAR EAST AND NORTH AFRICA

### PROGRAM SUMMARY

*(dollars in thousands)*

FY 1997	FY 1998	FY 1999	
Enacted	Estimate	Request	Inc./Dec.(-)
\$95,237	\$94,400	\$98,200	\$3,800

The Administration requests \$98,200,000 for Near East and North Africa assistance programs. The major focus in the region continues to be on the long-standing Palestinian refugee population, which UNRWA is mandated to assist.

◆ ***United Nations Relief and Works Agency for Palestine Refugees in the Near East***

UNRWA is mandated by the United Nations to assist Palestinian refugees in Jordan, Syria, Lebanon, the Gaza Strip, and the West Bank. Over 3.4 million refugees are registered with UNRWA, which provides education, vocational training, relief and social services, medical assistance, and small-scale income-generation projects. UNRWA schools and training centers are leading factors in helping Palestinian refugees become economically self-reliant. Since UNRWA began operations in 1950, the United States has been a major contributor toward its programs. U.S. Government funding helps provide some stability in the lives of the Palestinian refugee population in the region, and contributes to a climate

conducive to a peaceful resolution of regional problems.

◆ ***United Nations High Commissioner for Refugees***

These funds will support UNHCR operations throughout the Near East and North Africa, including large programs in Algeria, Egypt, and Iran. Refugees in Kuwait, Jordan, Saudi Arabia, Syria, and other countries continue to require protection and monitoring. Somali refugees in Yemen continue to receive UNHCR support, as do the Western Saharan refugees in Algeria who are awaiting a political settlement before returning to the Western Sahara.

◆ ***International Committee of the Red Cross***

Throughout the Middle East, ICRC is often the only international humanitarian organization able to access areas of civil strife to provide needed medical and other assistance to conflict victims and displaced persons. ICRC assists conflict victims in the region, with particular emphasis on

*MIGRATION AND REFUGEE ASSISTANCE*

tracing and protection of detainees. It also addresses unresolved humanitarian problems -- particularly POWs and MIAs -- related to conflicts where hostilities have ceased. ICRC's emergency programs will continue to provide emergency shelter, food and water, medical care, and protection to civilians displaced by conflict in the region.

◆ *Other International  
Organizations/Non-Governmental  
Organizations*

Funds may be contributed for special projects of governmental or non-governmental organizations designed to

complement the assistance efforts of international organizations or to meet special needs of refugees and migrants in the region. In recent years, the Department has funded specific projects for Palestinian refugees, primarily through UNRWA's Peace Implementation Program, in support of the Middle East Peace Process. These projects included upgrading education, health, and social service activities.

## MIGRATION AND REFUGEE ASSISTANCE

## ASSISTANCE PROGRAMS IN SOUTH ASIA

## PROGRAM SUMMARY

*(dollars in thousands)*

FY 1997 Enacted	FY 1998 Estimate	FY 1999 Request	Inc./Dec.(-)
\$27,387	\$28,000	\$29,500	\$1,500

The Administration requests \$29,500,000 in FY 1999 for assistance programs in South Asia. This request for assistance requirements is based on several assumptions regarding current refugee populations in the region. If conditions in Afghanistan allow, repatriation of some of the approximately 2.5 million Afghan refugees in Pakistan and Iran will continue in FY 1999. Since UNHCR reduced its involvement in care and maintenance programs in October 1995, it has become more involved in protection and initial reintegration activities inside Afghanistan, one of the world's least developed countries. The Department will continue to give special attention to the needs of women in the programs of international organizations and NGOs.

There were over 92,000 registered Bhutanese refugees in six camps in eastern Nepal at the beginning of 1997, and this number continues to slowly increase, both through new refugee arrivals and births in the camps. Of the original 120,000 Tamil refugees who fled to India from Sri Lanka in June 1990 as a result of ethnic violence, approximately 65,000 refugees remain, living in 133 camps in India's southern Tamil Nadu state. In addition, India is host to 45,000 Chakma refugees who fled from western Bangladesh, as well as some

100,000 Tibetan refugees. Approximately 2,500 new Tibetan refugees arrive in India each year.

◆ *United Nations High  
Commissioner for Refugees*

The primary focus of the U.S. with regard to UNHCR programs in South Asia will be the continued repatriation and initial reintegration of Afghan refugees. UNHCR expects repatriation to increase in 1998 as a result of its targeted group repatriation program initiated in 1997. While it is anticipated that in the long run most refugees will return to Afghanistan, some will opt to remain in Pakistan indefinitely. In FY 1998, UNHCR is expected to continue to provide care and maintenance assistance as required to the most vulnerable refugee groups remaining in Pakistan. At the same time, UNHCR will increase activities inside Afghanistan aimed at establishing stability and a return to normal conditions of life for refugee groups identified for return.

UNHCR also is concerned with the status of Tibetan refugees in Nepal and India, the internally displaced and repatriates in Sri Lanka, and with refugees from Sri Lanka and Bangladesh in India. In Nepal,

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UNHCR's presence supports Tibetan refugees in transit to India as well as the growing Bhutanese refugee population and other smaller groups.

◆ *International Committee of the Red Cross*

ICRC will maintain programs for victims of the Afghan conflict with a focus on emergency medical assistance. ICRC runs a number of surgical and field hospitals for war-wounded Afghans, and operates orthopedic centers that provide complete rehabilitative services to the disabled. ICRC also provides emergency non-food assistance to the internally displaced and vulnerable, as well as water and sanitation projects in urban areas. Protection and tracing activities are important aspects of ICRC's Afghan Conflict Victims program.

ICRC is also involved in protection, tracing, medical assistance, and human rights training in Sri Lanka. ICRC will continue its frequent visits and increase efforts to re-establish civilian population access to food supplies, health facilities, homes, and workplaces for the more than 400,000 Sri Lankans displaced by fighting. With no resolution to the conflict in sight, support for ICRC's critical humanitarian efforts through contributions to its regional appeal will continue.

◆ *World Food Program*

Funds are contributed to WFP for expenses of programs for Afghan and Bhutanese refugees undertaken in cooperation with UNHCR. In 1997, contributions have supported food deliveries for vulnerable Afghan refugees in Pakistan and for repatriates to Afghanistan. WFP also provides complete daily rations to Bhutanese refugees in Nepal.

◆ *Other International Organizations/Non-Governmental Organizations*

Funds may be contributed for projects of governmental or non-governmental organizations designed to complement the assistance efforts of international organizations to meet special needs of refugees and migrants in the region.

The Department will also consider supporting projects which assist the reintegration of returnees or the repatriation of refugees to Afghanistan. Additionally, funds may support the demining program of the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan (UNOCHA). Other refugee groups on the subcontinent also may receive support. The Department will continue to support NGO programs that assist Tibetan refugees.

## MIGRATION AND REFUGEE ASSISTANCE

## ASSISTANCE PROGRAMS IN EUROPE

## PROGRAM SUMMARY

*(dollars in thousands)*

FY 1997 Enacted	FY 1998 Estimate	FY 1999 Request	Inc./Dec.(-)
\$124,283	\$104,400	\$91,500	(\$12,900)

The Administration requests \$91,500,000 to respond to assistance programs in Europe, including the New Independent States (NIS) of the former Soviet Union. There are still over 1.5 million Bosnian and 400,000 Croatian refugees and internally displaced persons.



The international community is now focusing significant energy and resources on facilitating their return. It is also working to find other durable solutions for those unable to return due to a well-founded fear of persecution or particular humanitarian needs. Continued funding is required through FY 1999 to support the UNHCR-led repatriation effort and to provide relief assistance to the most vulnerable. Anticipated progress in voluntary repatriation to Bosnia in 1998 is expected to reduce the refugee assistance

requirements for the former Yugoslavia in FY 1999, but continuing funding to support the UNHCR-led repatriation effort and to provide relief assistance to the most vulnerable will still make programs in the former Yugoslavia the largest recipient of FY 1999 MRA assistance funds in Europe. Cash contributions provided through the MRA appropriation are a particularly important portion of the overall U.S. effort.

In the former Soviet Union, the transformation from Soviet rule to democracy continues to be a volatile process. Some nine million persons in the NIS have been uprooted as refugees, displaced persons, repatriates, and other migrants. While varying degrees of progress were noted with respect to the older conflicts in the region -- Tajikistan, Georgia, Armenia, and Azerbaijan -- continued funding for these areas will be required in FY 1999. The Administration is also committed to supporting follow-up activities of the Commonwealth of Independent States (CIS) Migration Conference. Programs throughout the NIS implemented by IOM, the Organization for Security and Cooperation in Europe (OSCE), and UNHCR will require funding in FY 1999.

*MIGRATION AND REFUGEE ASSISTANCE*

◆ ***United Nations High Commissioner for Refugees***

In FY 1999, UNHCR's continued assistance efforts will be required to facilitate the return of people displaced by the war in the former Yugoslavia or help them take advantage of other durable solutions. UNHCR will have to continue some level of humanitarian assistance to the most vulnerable groups and individuals.

UNHCR is one of three organizers of the May 1996 CIS Conference which examined a broad range of issues relating to the involuntary movement of people in the NIS. All UNHCR programs in the NIS for the next two years will be covered under annual joint UNHCR/IOM CIS Conference appeals. UNHCR has expanded its programs beyond the traditional provision of protection, emergency assistance for refugees and internally displaced persons, and dissemination of refugee law. Programs which support the CIS Conference Program of Action include technical assistance and training to develop appropriate legislation, implementation mechanisms, and government structures to handle migration concerns, prevention programs, public awareness projects, and capacity building of both governmental and non-governmental agencies.

◆ ***International Committee of the Red Cross***

In the former Yugoslavia, ICRC plays a unique role among international agencies by facilitating exchange of information on missing persons. ICRC will continue relief activities to the most vulnerable in FY 1999, while continuing to transfer

operations and responsibilities to local Red Cross delegations.

In FY 1999, funds will continue to support ICRC's programs in the NIS to provide emergency assistance and promote the basic principles of international humanitarian law and the law of war.



◆ ***World Food Program***

Funds will be contributed to WFP for expenses of programs undertaken in cooperation with UNHCR. WFP reduced its beneficiary numbers substantially in the countries of the former Yugoslavia in 1997. It will continue to provide food for the most vulnerable individuals in FY 1998. In past years, contributions have been made for WFP programs in the former Yugoslavia and toward WFP components of consolidated appeals for Tajikistan, and the Caucasus.

◆ ***Other International Organizations/Non-Governmental Organizations***

Funds will be required to support other international, governmental, and non-governmental organizations facilitating return and providing assistance in the republics of the former Yugoslavia. Non-governmental organizations serve as implementing partners to the UNHCR assistance and repatriation efforts.

*MIGRATION AND REFUGEE ASSISTANCE*

In addition, NGOs work independently to target the special needs of specific populations. For example, the Department has used NGOs to implement programs facilitating the return of displaced persons to areas where their ethnic group is in the minority.

In the NIS, these funds are primarily used to support emergency needs of refugees and internally displaced persons not provided by UNHCR and ICRC.

In addition, funds will be needed over the next two years to support IOM's portion of the joint UNHCR/IOM CIS Conference appeals. IOM and OSCE, as co-organizers

of the Conference, play a significant role in its implementation. IOM's main activities support NIS governments' efforts to develop humane migration management systems. IOM also focuses its efforts on NGO capacity building and in providing reintegration assistance to migrants. Funds will also be provided to OSCE and NGOs working in support of CIS Conference Program of Action goals. Funds also may be contributed for special projects of governmental or non-governmental organizations designed to complement the assistance efforts of international organizations or to meet special needs of refugees and migrants in the region.

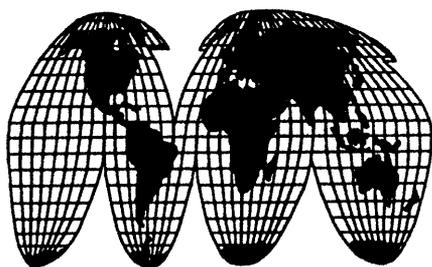
## MULTIREGIONAL ACTIVITIES

### PROGRAM SUMMARY

(dollars in thousands)

FY 1997 Enacted	FY 1998 Estimate	FY 1999 Request	Inc./Dec.(-)
\$66,219	\$62,800	\$73,740	\$10,940

For FY 1999, the Administration requests \$73,740,000 for Multiregional Activities. These funds support the assessed U.S. contribution to IOM, the headquarters budget of the ICRC, the General Program of UNHCR, the multiregional refugee activities of international or non-governmental organizations, and international migration activities. (The IOM assessment and the ICRC contribution are paid in Swiss francs, and the dollar amounts will vary according to the exchange rate at the time of payment.) These funds will support enhanced multiregional refugee and migration activities of international and non-governmental organizations, particularly UNHCR, including programs for refugee women and children.



#### ◆ *International Committee of the Red Cross*

The request of funds for the ICRC headquarters budget covers the permanent

activities carried out by ICRC staff at the Geneva headquarters only; field-related costs are normally attributed to the regional appeals. The contribution will be calculated at 10 percent of the 1999 ICRC headquarters budget in accordance with the *Foreign Relations Authorization Act, 1988 and 1989*. The ICRC headquarters budget is funded through voluntary contributions by governments and national societies of the Red Cross; approximately 50 percent is contributed by the Swiss Government. U.S. contributions to ICRC's regional appeals are described under the previous regional sections of this document.

#### ◆ *International Organization for Migration*

As a member government in IOM, as provided in the *Migration and Refugee Assistance Act of 1962*, the United States pays a 29.95 percent assessment to its administrative budget. IOM's services and expertise contribute significantly to the development and success of international migration and refugee resettlement programs worldwide.

#### ◆ *Assistance and Protection Programs*

These funds will support activities of international and non-governmental

*MIGRATION AND REFUGEE ASSISTANCE*

organizations that do not appear in any specific regional program (e.g. centrally-funded multiregional activities) or that support other aspects of international migration including strengthening the ability of organizations to respond to new requirements, including emergency response capacity.

Multiregional program activities include interagency coordination efforts, emergency response teams of international organizations, and special studies. These funds also will be used to support efforts to integrate the special needs of refugee women and children in the program and budget planning process of the international organizations and non-governmental agencies engaged in providing refugee assistance overseas. The multiregional program also supports two-year positions held by Americans with UNHCR and WFP, through Junior Professional Officer programs. The United States provides unearmarked funding to the UNHCR General Program (from which many of the above activities are funded) under this activity, in addition to the funds provided to UNHCR through region-specific allocations discussed previously in this request.

◆ *Migration Activities*

International migration activities include cooperation with other governments and with international and non-governmental organizations to understand the root causes of migration, particularly at the regional level, and to encourage humane and effective migration management. International migration activities are expected to increase, especially as population movements increase worldwide.

IOM will continue to develop its technical assistance and migration information activities. The Intergovernmental Consultations on Asylum, Refugee, and Migration Policies in Europe, North America, and Australia (IGC) is a process through which the United States, Canada, Australia, and twelve European countries cooperate on migration policy matters. Since 1996, policy discussions among governments of North and Central America have focused on common migration challenges and cooperative efforts to address concerns related to human rights of migrants, as well as law enforcement efforts.

Migration and asylum figure prominently as part of the Third Pillar issues in the New Trans-Atlantic Agenda (NTA) between the United States and the European Union (EU). In FY 1998, PRM and the European Commission are cooperating on a pilot information campaign to address the problem of trafficking in women. In FY 1999, PRM will continue its efforts to advance cooperation with the EU member states and the European Commission on migration issues.

Finally, assistance will be provided to migrants when such assistance supports the international migration policy goals for which PRM has primary responsibility, especially with regard to protection and safeguarding the human rights of migrants. MRA funds will not be used for migration related activities for which other appropriations exist (e.g. law enforcement).

## MIGRATION AND REFUGEE ASSISTANCE

## REFUGEE ADMISSIONS

PROGRAM SUMMARY  
(dollars in thousands)

FY 1997 Enacted	FY 1998 Estimate	FY 1999 Request	Inc./Dec.(-)
\$84,000	\$102,360	\$102,360	--

The Administration requests \$102,360,000 to support the Refugee Admissions program in FY 1999, the same level as is estimated for FY 1998. This request is based on a planning level of 75,000 refugee admissions. The final number and regional allocations will be determined by the President following the annual consultations process with Congress later in FY 1998. The specific regional ceilings established in

the consultations process will be based on an assessment of worldwide refugee needs at that time. The request funds all related refugee admissions activities and the processing and transportation of a small number of Amerasian immigrants. In FY 1998, PRM will give priority to enhancing accessibility to the refugee admissions program.

Actual U.S. refugee admissions for FY 1997 and the established FY 1998 ceilings are shown below:

## U.S. Refugee Admissions Levels

Geographic Region	FY 1997 Actual	FY 1998 Ceiling
Africa	6,069	7,000
East Asia	8,590	14,000
Europe	48,450	46,000
Latin America/Caribbean	2,986	4,000
Near East/South Asia	3,990	4,000
<b>TOTAL - FUNDED</b>	<b>70,085</b>	<b>75,000</b>
<b>Unfunded:</b>		
Europe	--	5,000
Unallocated	--	3,000
<b>TOTAL</b>	<b>70,085</b>	<b>83,000</b>

## MIGRATION AND REFUGEE ASSISTANCE

♦ *Africa*

African refugees of any nationality who are referred for resettlement for protection or durable solution reasons by UNHCR or a U.S. Embassy will be processed. In addition, refugees from countries undergoing active armed conflict will be eligible for family reunification processing. In FY 1999, some of the largest numbers are expected to be Sudanese, Sierra Leoneans and Nigerians.

♦ *East Asia*

**ODP, ROVR, and Amerasians** - Under the Orderly Departure Program (ODP) from Vietnam, the United States processes refugee cases with close ties to the United States, with particular emphasis on former re-education center detainees and Amerasians. Resettlement interviews of former re-education center detainees will be completed during FY 1998. In addition, in FY 1998, we expect to have largely completed admissions of applicants for the Resettlement Opportunity for Vietnamese Returnees (ROVR), begun in FY 1997. Large-scale admissions of Amerasian cases have been completed, although small numbers of admissions are likely to continue.

**First Asylum** - All eligible Vietnamese in first asylum camps in the region were resettled by the beginning of FY 1998. In FY 1999, it is expected that only a small number of Burmese in Thailand will continue to be considered for admission to the U.S. as refugees. Small numbers of refugees from other Asian countries, such as China and Cambodia, may also be processed.

♦ *Europe*

The FY 1999 program will primarily include persons from the former Soviet Union, persons from the former Yugoslavia, and a small residual population of qualifying family member (Visas 93) beneficiaries from East European countries.

Admissions from the former Soviet Union will be primarily persons in the categories specified in the Lautenberg-Morrison Amendment to the *Omnibus Consolidated Appropriations Act for 1997, P.L. 104-208*, as of special interest to the United States. These include Jews, Evangelical Christians, and Ukrainian religious activists. The Department will continue to closely monitor the situation of religious minorities affected by recent legislation in Russia. Admissions from the former Yugoslavia will emphasize mixed marriages, vulnerable cases, and other refugees for whom repatriation is not a viable option.

♦ *Near East and South Asia*

In FY 1999, there will be a steady level of admissions of Iranians (primarily religious minorities) and Iraqis from processing sites in Europe, and the Near East/South Asia region.

♦ *Western Hemisphere*

Program efforts in this region primarily support the admission of Cubans. The in-country Cuban refugee processing program is designed to allow those individuals most likely to qualify as refugees the opportunity to have their claims heard without resorting to dangerous boat departures.

*MIGRATION AND REFUGEE ASSISTANCE***SUMMARY OF COSTS**

The total cost of all admissions activities to be covered from appropriated funds in FY 1999 is estimated at \$102,360,000. The requested funds are directly related to costs incurred on behalf of refugees whose actual admission will occur in FY 1999 or in early 2000. After a refugee is approved by the Immigration and Naturalization Service (INS) for the U.S. refugee admissions program, the refugee receives a medical examination, sponsorship in the United States is assured, travel arrangements are prepared, and all other steps necessary for admission to the United States are completed. Most transportation and reception and placement grant costs are incurred when the refugee departs the asylum country for resettlement in the United States. Funds also are used to support all ongoing activities related to admissions, such as pre-screening of refugee applicants, processing of applicant case files, medical examinations, and overseas orientation.

The budget request for refugee admissions funds the programs described below. Funds may also be used for the evaluation of these programs.

◆ ***Amerasian Admissions Costs***

Within the total admissions request, sufficient funds have been included to cover the admissions costs of Amerasian immigrants and their qualifying family members. These funds are included within the category requests that follow, but are not separately identified by activity.

The small number of Amerasian immigrants who enter under the provisions

of Section 584 of the *FY 1988 Further Continuing Resolution to the Appropriations Act*, P.L. 100-202, receive the same services provided to refugees.

◆ ***Processing***

The Department of State funds a number of private voluntary agencies and the International Organization for Migration to assist with the processing of refugees worldwide to be resettled in the United States. Processing responsibilities include screening applicants to assess their eligibility for interview by INS adjudicators under the U.S. refugee program. In addition, some applicants interviewed by INS are not approved for U.S. resettlement. Therefore, more cases are processed during the course of the year than will actually be admitted to the United States as refugees. For approved refugees, processing funds also are used to pay for medical examinations, cultural orientation materials and briefings, and required travel documentation. In FY 1999, some costs may be incurred to fund immunizations required by new immigration laws.

In addition to overseas processing operations, the Department funds certain services performed in the United States that are essential to the smooth and efficient operation of the admissions process. This includes maintaining a U.S.-based Refugee Data Center which operates a case allocation and reception and placement grant verification system. The Department also maintains the Washington Processing Center (WPC) as part of the former Soviet Union admissions processing operation.

*MIGRATION AND REFUGEE ASSISTANCE*♦ *Transportation and Related Services*

In FY 1999, the Administration requests funds for transportation and related services provided by IOM in support of the U.S. admissions program. This activity includes funding for international and domestic airfares, IOM operational support, communications, and transit accommodations where required. The cost of the airfares is provided to refugees on a loan basis; beneficiaries are responsible for repaying their loans over time after resettlement. Therefore, the requirement for appropriated funds for refugee transportation, in any given year, is partially offset by loan repayments to IOM from refugees previously resettled. In addition, some refugees, primarily from the former Soviet Union, elect to travel on privately purchased tickets.

♦ *Reception and Placement Grants*

Through the Department's Reception and Placement (R&P) program, private

voluntary agencies receive funds on a per capita basis to provide basic services to refugees for initial resettlement in the United States. These agencies augment the federal grant by drawing on private cash and in-kind contributions that are essential to the success of this program. Services include pre-arrival planning, reception at the airport, initial housing, orientation to their communities, counseling, and referral to local social service programs.

Within the overall program funding, the Department may support different resettlement services for groups of refugees with special resettlement needs, for example, unaccompanied minors destined for foster care programs.

The Department coordinates its reception and placement services with the refugee assistance programs administered by the Office of Refugee Resettlement in the Department of Health and Human Services (HHS/ORR).

## REFUGEES TO ISRAEL

### PROGRAM SUMMARY

*(dollars in thousands)*

FY 1997	FY 1998	FY 1999	Inc./Dec.(-)
Enacted	Estimate	Request	
\$80,000	\$80,000	\$70,000	(\$10,000)

The FY 1999 request includes \$70,000,000 to support resettlement in Israel through a grant to the United Israel Appeal (UIA). This grant helps finance programs of the Jewish Agency for Israel that assist in the absorption into Israeli society of Jewish refugees coming to Israel from certain countries of distress. There were

approximately 58,000 arrivals in 1997. The \$10,000,000 reduction in the FY 1999 request reflects a reduction in the number of individuals seeking resettlement in Israel. In 1991, approximately 145,000 individuals from the former Soviet Union arrived in Israel; by 1996, this number had declined to about 60,000.

## MIGRATION AND REFUGEE ASSISTANCE

## ADMINISTRATIVE EXPENSES

PROGRAM SUMMARY  
(dollars in thousands)

FY 1997 Enacted		FY 1998 Estimate		FY 1999 Request		Inc./Dec. (-)	
Positions	Funds	Positions	Funds	Positions	Funds	Positions	Funds
105	\$12,000	105	\$12,384/a	105	\$13,000	(--)	\$616

The Administration requests \$13,000,000 to finance the salaries and administrative expenses of the Bureau of Population, Refugees, and Migration (PRM). These funds will be used to finance the salaries and operating costs associated with a staff of 99 employees located in Washington and 11 at overseas posts. The requested increase for FY 1999 supports anticipated wage and price increases, and compliance with the year 2000 requirements.

While the Bureau of Population, Refugees, and Migration is responsible for international population policy and coordination, funds for the salaries and support costs of the six domestic positions dedicated to carrying out this responsibility are requested under the Department of State's Diplomatic and Consular Programs appropriation in FY 1999.

*/a This amount includes \$384,000 transferred from the Diplomatic and Consular Program (D&CP) appropriation pursuant to the statutory International Cooperative Administrative Support Services (ICASS) program.*

## MIGRATION AND REFUGEE ASSISTANCE

**REQUIREMENTS BY OBJECT CLASS***(dollars in thousands)*

Object Class	FY 1997 Enacted	FY 1998 Estimate	FY 1999 Request	Inc./Dec.
Personnel compensation	\$6,296	\$6,524	\$6,818	\$294
Personnel benefits	1,924	2,042	2,070	28
Benefits for former personnel	23	--	--	--
Travel and transportation of persons	890	909	938	--
Travel and transportation of things	22	8	15	7
Rents, communications, and utilities	567	598	648	30
Printing and reproduction	73	97	75	(22)
Other services	1,275	1,797	1,749	(47)
Supplies and materials	219	232	232	--
Personnel property	707	173	351	(73)
Grants, subsidies, and contributions	<u>638,004</u>	<u>638,004</u>	<u>637,004</u>	<u>616</u>
				--
<b>Appropriation Total</b>	<b>650,000</b>	<b>650,384</b>	<b>650,000</b>	<b>--</b>

## EMERGENCY MIGRATION AND REFUGEE ASSISTANCE

## EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

### SUMMARY STATEMENT

*(dollars in thousands)*

FY 1997 Enacted		FY 1998 Estimate		FY 1999 Request		Inc./Dec. (-)	
<i>Positions</i>	<i>Funds</i>	<i>Positions</i>	<i>Funds</i>	<i>Positions</i>	<i>Funds</i>	<i>Positions</i>	<i>Funds</i>
--	\$50,000	--	\$50,000	--	\$20,000	--	(\$30,000)

The Emergency Refugee and Migration Assistance Fund (ERMA) is a no-year appropriation, drawn upon by the President to meet "unexpected urgent refugee and migration needs" whenever the President determines that it is "important to the national interest" to do so.

*The Migration and Refugee Assistance Act of 1962*, as amended, provides permanent authorization for the account of up to \$100,000,000. The Administration's request for \$20,000,000 is intended to replenish the ERMA Fund.

#### *Program Activities*

In FY 1997, a total of \$53,000,000 was drawn down from the ERMA Fund for the following requirements:

##### ◆ *Near East*

###### **Presidential Determination 97-8 -- \$15,000,000**

On November 27, 1996, \$15,000,000 was authorized to meet the urgent and unexpected needs of refugees, victims of conflict, and other persons at risk in and from Northern Iraq.

##### ◆ *Africa*

###### **Presidential Determination 97-13 -- \$38,000,000**

On December 27, 1996, \$38,000,000 was authorized to meet the urgent and unexpected needs of refugees, victims of conflict, and other persons at risk in the Great Lakes region of Africa.

In FY 1998, as of February, there have been no draw downs from the Fund to date.

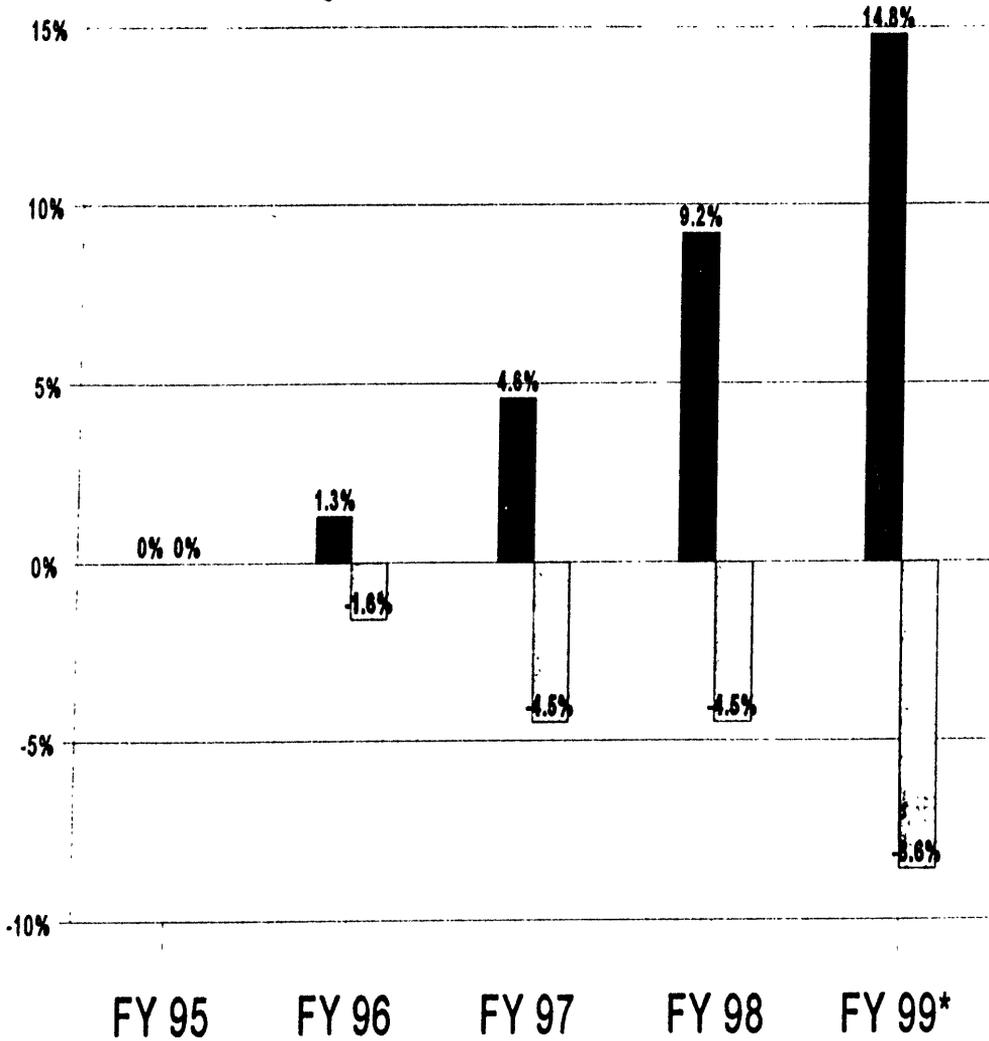
**EMERGENCY MIGRATION AND REFUGEE ASSISTANCE****REQUIREMENTS BY OBJECT CLASS***(dollars in thousands)*

Object Class	FY 1998 Opening Balance	FY 1999 Request
Grants, subsidies, and contributions	\$120,309 <sup>1</sup>	\$20,000

<sup>1</sup> Of which, \$70,309,081 was carried forward from FY 1997 and \$50,000,000 was appropriated in FY 1998. P.L. 105-118 made these funds available notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 that would limit the amount of funds that could be appropriated for this purpose.

# DOS Operating Accounts v. Refugees

Percentage Increase/Decrease, FY 95-99



■ DOS Ops Accts

□ Migration & Refugee Account (MRA)

10-1

**U.S. Refugee Funding in Constant Dollars**  
(in millions of dollars)

Year	Amount	Adjusted for inflation (in 1999 dollars)
FY 1995 (actual)	[\$ 733*]	[\$ 802.5*] ]
FY 1996 (actual)	721	772.2
FY 1997 (actual)	700	731.3
FY 1998 (estimated)	700.4	715.6
FY 1999 (Admin. request)	670	670

**Decrease in U.S. refugee funding, FY 1995-1999 (Admin. request): - 8.6%**  
**Real decrease in U.S. refugee funding (adjusted for inflation): - 16.5%**

\* Reflects \$12 million transfer of administrative expenses from Salary & Expense Account to refugee programs account, effective in FY 1996 and subsequent years.

**Funding for Principal State Department Operating Accounts  
Compared to Refugee Programs  
FY 1995-1998  
(in millions of dollars)**

Year	Operating Accounts		Refugees	
	unadjusted	adjusted	unadjusted	adjusted
FY 95	[\$ 2,153.9*]	[\$ 2358.1*]	[\$ 733*]	[\$ 802.5*]
FY 96	2,182.5	2337.3	721	772.2
FY 97	2,252.0	2352.6	700	731.3
FY 98 est.	2,351.4	2402.3	700.4	715.6
FY 99 request	2,473.4	2473.4	670	670

**Percentage increase in principal DOS operating accounts, FY 95-99**

Administration request: **14.8% increase.**

Adjusted for inflation: **4.9% increase.**

**Percentage decrease in refugee funding, FY 95-98:**

Administration request: **8.6% decrease.\***

Adjusted for inflation: **16.5% decrease.\***

\* Reflects \$12 million transfer of administrative expenses from Salary & Expense Account to refugee programs account, effective in FY 96 and subsequent years..

**DOS Operating Accounts: Appropriations for D&C, S&E, and Capital Investments, plus MRV fee receipts.  
Source of inflation/deflation multipliers: Budget of the United States Government for FY 99,  
Historical Table 10.1, Total Non-Defense Spending FY 95, FY 96, FY 97, FY 98 (estimate), FY 99 (estimate).**

## **Human Rights/Humanitarian Organizations Strongly Endorse Higher Refugee Funding Levels:**

"Unless Congress acts . . . , there will be \$33 million less available for refugees in fiscal year 1998 as compared to 1996. This real reduction in resources for refugees overseas is not acceptable."

"In recent months, several alarming trends have been noted. Among these is understaffing in UNHCR's protection division . . . which exposes refugees to serious risks and deprives UNHCR of the ability to fulfill its primary task of protection."

"In addition, underfunding . . . thwarts attempts at [voluntary] repatriation, and in other ways undermines the goals of the U.S. refugee program."

"[S]pecial efforts must be made with regard to refugee children . . . . These services are particularly crucial in order to prevent the recruitment of children as child soldiers, military porters, prostitutes, or forced marriage partners."

InterAction (Committee on Migration and Refugee Affairs)  
Church World Service  
Hebrew Immigrant Aid Society  
United States Catholic Conference  
Lutheran Immigration and Refugee Services  
International Rescue Committee  
U.S. Committee for Refugees  
World Relief Corporation  
Ethiopian Community Development Council  
Southeast Asia Resource Action Center  
Episcopal Migration Ministries

# **The International Response to Conflict and Genocide: Lessons from the Rwanda Experience**

## ***Synthesis Report***

by

**John Eriksson**

with contributions by

**Howard Adelman  
John Borton  
Hanne Christensen  
Krishna Kumar  
Astri Suhrke  
David Tardif-Douglin  
Stein Villumstad  
Lennart Wohlgemuth**

**Joint Evaluation of Emergency Assistance to Rwanda**

**The International Response to Conflict and Genocide:  
Lessons from the Rwanda Experience**

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## Preface

Within a period of three months in 1994, an estimated five to eight hundred thousand people were killed as a result of civil war and genocide in Rwanda. Large numbers were physically and psychologically afflicted for life through maiming, rape and other trauma; over two million fled to neighbouring countries and maybe half as many became internally displaced within Rwanda. This human suffering was and is incomprehensible. The agony and legacy of the violence create continuing suffering, economic loss and tension both inside Rwanda and in the Great Lakes Region.

For several years preceding the massive violence of 1994, the international community contributed to efforts to find a peaceful solution to escalating conflict and it provided substantial assistance to alleviate the human suffering. During the nine months of the emergency in 1994, April to December, international assistance for emergency relief to Rwandese refugees and displaced persons is estimated to have cost in the order of US\$1.4 billion, of which about one-third was spent in Rwanda and two-thirds in asylum countries. This accounted for over 20% of all official emergency assistance, which in turn has accounted for an increasing share, reaching over 10% in 1994, of overall international aid.

This growth reflects the worldwide proliferation in recent years of so-called complex emergencies. These tend to have multiple causes, but are essentially political in nature and entail violent conflict. They typically include a breakdown of legitimate institutions and governance, widespread suffering and massive population displacements, and they often involve and require a range of responses from the international community, including intense diplomacy and conflict resolution efforts, UN policing actions, and the provision of multilateral and bilateral humanitarian assistance by official and private agencies. A complex emergency tends to be very dynamic, characterized by rapid changes that are difficult to predict. Thus complex issues are raised regarding the timing, nature and scale of response. The Rwanda complex emergency shares all these characteristics and more.

Although some evaluations of international assistance for complex emergencies have been carried out, experience from the planning and execution of large-scale aid for relief, rehabilitation and reconstruction has not been extensively documented and assessed. Recognizing both the magnitude of the Rwanda emergency and the implications of complex disasters for constricted aid budgets, the Danish Ministry of Foreign Affairs, through its development cooperation wing, Danida, proposed a *Joint Evaluation of Emergency Assistance to Rwanda*.

This initiative resulted in the launching of an unprecedented multinational, multi-donor evaluation effort, with the formation of a Steering Committee at a consultative meeting of international agencies and NGOs held in Copenhagen in November 1994. This Committee<sup>1</sup> is composed of represen-

<sup>1</sup> Australia, Austria, Belgium, Canada, Denmark, Finland, Germany, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, United Kingdom, United States of America, Commission of the EU, OECD/DAC secretariat, IOM, UN/DHA, UNDP, UNHCHR, UNHCR, UNICEF, WFP, WHO, IBRD, ICRC, IFRC, ICVA, Doctors of the World, INTERACTION, Steering Committee for Humanitarian Response, VOICE. Several other countries supported the evaluation, but did not participate actively. France suspended its participation in the Steering Committee in December 1995. The cost of the evaluation has been met by voluntary contributions from members of the Steering Committee.

tatives from 19 OECD-member bilateral donor agencies, plus the European Union and the Development Assistance Committee (DAC) secretariat of the OECD; 9 multilateral agencies and UN units; the two components of the International Red Cross and Red Crescent Movement (ICRC and IFRC); and five international NGO organizations.

#### **Objective of the Evaluation<sup>2</sup>**

The main objective of the evaluation is to draw lessons from the Rwanda experience relevant for future complex emergencies as well as for current operations in Rwanda and the region, such as early warning and conflict management, the preparation for and provision of emergency assistance, and the transition from relief to rehabilitation and development.

In view of the diversity of the issues to be evaluated, four separate evaluation studies were contracted to institutions and individuals with requisite qualifications in the fields of (i) emergency assistance planning and management; (ii) repatriation and rehabilitation of refugees; (iii) history and political economy of Rwanda and the surrounding region; (iv) institution and capacity building in development; (v) conflict and political analysis; and/or (vi) socio-cultural and gender aspects. Institutions and individuals were also selected for their proven ability to perform high quality, analytical and objective evaluative research.

The institutions and principal individuals responsible for the four reports are listed below. Space precludes listing all team members for each study, which ranged from four persons for Study I to 21 for Study III; in all, 52 consultants and researchers participated. Complete identification of the study teams may be found in each study report. Several of the studies commissioned sub-studies that are also identified in the respective study report.

#### **Study I: Historical Perspective: Some Explanatory Factors**

The Nordic Africa Institute (Uppsala, Sweden)  
Tor Sellström and Lennart Wohlgemuth.

#### **Study II: Early Warning and Conflict Management**

Chr. Michelsen Institute (Bergen, Norway)  
York University (Toronto, Canada)  
Howard Adelman and Astri Suhrke.

#### **Study III: Humanitarian Aid and Effects**

Overseas Development Institute (London, United Kingdom)  
John Borton, Emery Brusset and Alistair Hallam.

#### **Study IV: Rebuilding Post-Genocide Rwanda**

Center for Development Information and Evaluation,  
US Agency for International Development; Development Alternatives, Inc.;  
Refugee Policy Group (Washington, DC, USA)  
Krishna Kumar and David Tardif-Douglin.

Evaluation oversight was performed by the Steering Committee (which held four meetings between December 1994 and December 1995), and by a Management Group, comprised of one lead bilateral agency for each study: Study I: Claes Bennedich, Sida, Sweden; Study II: Jarle Hårstad, Ministry of Foreign Affairs, Norway; Study III: Johnny Morris, ODA, United Kingdom; and Study IV: Krishna Kumar, USAID/CDIE, USA; and Niels Dabelstein, Danida, Denmark as chair. The evaluation teams were responsible to the Management Group and the Steering Committee for guidance regarding

<sup>2</sup> See Annex I for the full Terms of Reference.

such issues as terms of reference and operational matters, including time frames and budget constraints, and they were obliged to give full and fair consideration to substantive comments from both groups. The responsibility for the content of final reports is solely that of the teams.

The approach taken to this evaluation has reflected two concerns:

- to try, through involving experienced outsiders, to examine as objectively and critically as possible an experience about which it is impossible for a person with humane values not to be deeply affected;
- to engage leading Africans in a critical review of the analysis, findings and recommendations while they were still in draft.

For this last reason, a panel of distinguished experts from Africa has provided a critique of the report through participation in two panel discussions with the authors of the reports and selected resource persons. The panel comprised: Reverend José Chipenda, General Secretary, All-Africa Conference of Churches, Kenya; Dr. Adama Djeng, President, International Commission of Jurists, Switzerland; Professor Joseph Ki-zerbo, Member of Parliament, Republic of Burkina Faso; and Dr. Salim A. Salim, Secretary General, Organization of African Unity, Ethiopia. Also, Mr. Gideon Kayinamura, Ambassador of Rwanda to the UK; Ms. Julie Ngiriye, Ambassador of Burundi to Denmark; and Ms. Victoria Mwakasege, Counsellor, Embassy of Tanzania, Stockholm, made significant contributions through their participation in the December 1995 Steering Committee Meeting.

While the Steering Committee is particularly grateful to these African participants for contributing their wisdom and keen insights at one stage of the evaluation process, it is also acutely aware of the fact that African researchers and institutions were not, with the exception of selected sub-studies, involved in its execution. This omission constitutes a deficiency that cannot be rectified at this juncture. However, the Steering Committee is committed to disseminate the evaluation widely among African leaders and organizations and anxious that they participate fully in discussions about the evaluation's recommendations.

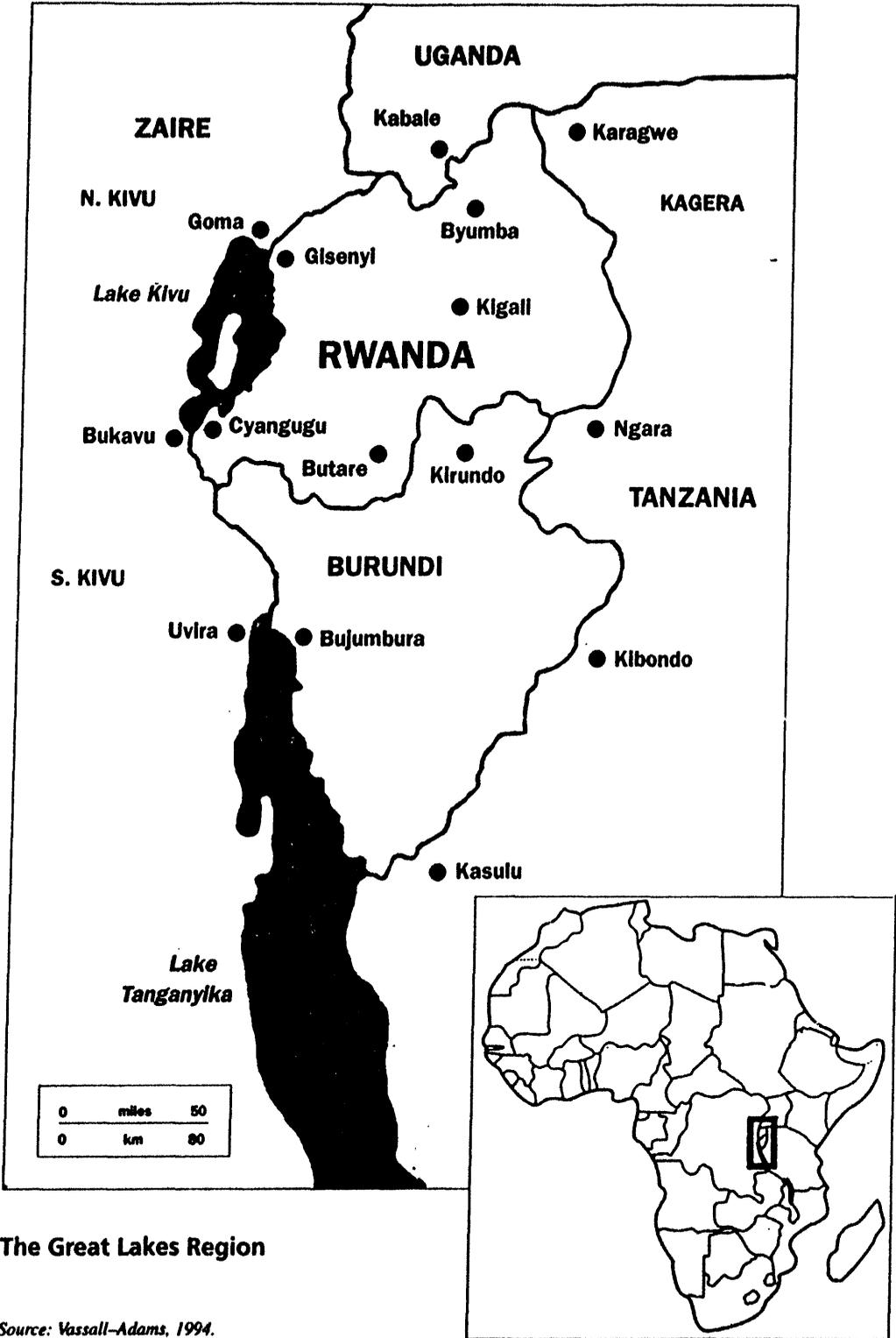
The following resource persons have commented on drafts at various stages and/or participated in panels or workshops: Mary B. Anderson, Consultant, USA; Hanne Christensen, Independent Bureau for Humanitarian Issues, France; John Eriksson, Consultant, USA; Professor André Guichaoua, Université des Sciences at Technologies de Lille, France; Sven Hamrell, Dag Hammarskjöld Foundation, Sweden; Larry Minear, Humanitarianism and War Project, Brown University, USA; Professor Rodolfo Stavenhagen, Colegio de México, México; and Stein Villumstad, Norwegian Church Aid, Norway.

The Synthesis Report was prepared by John Eriksson, with contributions from the authors of the four study reports and assistance from Hanne Christensen and Stein Villumstad in the preparation of findings and recommendations.

This evaluation was initiated on the premise that in spite of the complexity and chaos that characterize Rwanda's experience, it would be possible to identify applicable lessons to be learned by the international community in attempting to respond to future complex emergencies and in its continuing attempt to help Rwanda rebuild its society. The international teams who have produced this evaluation believe they have identified such lessons. It will be up to the governmental and non-governmental leaders of the international community for whom this evaluation has been prepared to apply the lessons.

*Niels Dabelstein*

Chairman of the Steering Committee for  
Joint Evaluation of Emergency Assistance to Rwanda



The Great Lakes Region

Source: Vassall-Adams, 1994.

# Introduction

## Structure of the synthesis

The Synthesis Report is comprised of five chapters. The first four summarize the main themes, issues and conclusions of each component study of the evaluation, beginning with an historical overview of the causes and development of the crisis in Chapter One; an analysis of early warning and attempts to contain the conflict in Chapter Two; an evaluation of the international humanitarian response in Chapter Three; and an assessment of the prospects for reconstruction and development in Chapter Four. These chapters have been prepared by the lead authors of the respective studies. Chapter Five presents main findings and recommendations addressed to members of the international community.

The fifth chapter as well as this introduction are based on the four study reports and also draw on contributions from the panel of African experts, the resource persons and members of the Steering Committee. The individual study reports contain more in-depth analyses as well as a number of additional conclusions and recommendations. Thus not every study recommendation is reflected in this volume. While the bulk of the issues addressed in the Introduction and Chapter Five come directly out of the four studies, some are "cross-cutting" in nature, deriving from an overview of all four studies, or reflect the complementary perspectives of the African panel, resource persons and Steering Committee members.

The majority of the recommendations set forth in the last chapter are framed to be applicable to future complex emergencies. In view of the continuing crisis in Rwanda as well as the grave situation in neighbouring Burundi, a number of the recommendations are also very relevant to the immediate future. Further elaboration is provided in Chapter Five.

## The overwhelming reality of the genocide

The planned, deliberate effort to eliminate the Tutsi population of Rwanda that culminated in the massive slaughter<sup>3</sup> of April–July 1994 fully meets the definition of genocide articulated in the "Convention on the Prevention and Punishment of the Crime of Genocide," adopted by the UN General Assembly in 1948 (see the summary of key articles of the Convention in Chapter One, below). In this evaluation, the overwhelming reality of the genocide soon became clear in ways that had not been envisaged at the outset. As a result, the approach of a "traditional" evaluation with emphasis on impact, efficiency and cost-effectiveness analysis was not always appropriate or sufficient, but had to be supplemented with qualitative analysis of cause-and-effect assessed in relation to contractual obligations or international legal norms. Similarly, the documentary research and, especially, the interviews and field work, repeatedly demonstrated how the genocide, its victims and its perpetrators, shaped the prospects for rehabilitation and recovery, probably for decades to come.

<sup>3</sup> References in the evaluation to numbers killed in Rwanda during this three-month period are expressed in terms of a range of five to eight hundred thousand. Single estimates that have some reasonable basis behind them fall within this range. Some estimates fall outside the range, but there are reasons to doubt their validity.

A basic premise of the evaluation was that it would yield applicable lessons for the international community, both in responding to emergencies and helping to rebuild societies. Despite the unique character of the Rwanda experience, it also shares many of the characteristics of other complex emergencies. An evaluation of this experience should therefore be able to frame recommendations that have relevance for complex emergencies more generally.

### **The dynamic nature of the crisis**

The dynamic nature, unpredictability and complexity of the Rwanda crisis raise many difficult issues for the international community in terms of timing, nature and scale of response. For Rwanda, with almost two million refugees just outside its borders, the crisis is far from over. Most of the field research for this evaluation was conducted in the spring and early summer of 1995. Efforts have been made to update the field work findings through documentary research and long-distance communication. However, as the situation continues to evolve, there is an inescapable tradeoff between timeliness and completeness. There has already been sufficient experience regarding the response of the international community to yield findings with important implications for the future.

The range of responses to the Rwanda crisis may be categorized as follows:

- the international community's responses to the civil war and the civil violence that preceded the crisis of April–July 1994;
- the early warning information available to the international community about a likely genocide and reactions to such warnings;
- the international responses to the genocide that started after the April 6, 1994 shooting down of President Habyarimana's plane;
- the international humanitarian assistance to the survivors inside Rwanda and to the huge refugee communities in neighbouring countries;
- the international assistance to repatriation and rehabilitation of refugees and displaced persons and to recovery and reconstruction of the Rwandese government and society after the upheaval.

The continuation of the crisis has imposed a limitation for the evaluation with respect to this last category. A complete evaluation of the repatriation and rehabilitation experiences of refugees who fled from Rwanda in 1994 has not been possible. Most have resisted repatriation due to intimidation from camp leaders and the perpetrators of genocide, and out of fear of reprisals inside Rwanda. An assessment of the impact of assistance for recovery and reconstruction has not been possible because until recently little of the pledged assistance had been committed and disbursed.

A related limitation is incomplete analysis of the important regional context. While account is taken of the recent evolution of the Rwanda crisis and its implications for the surrounding Great Lakes Region, neither the Synthesis nor the four studies have analyzed the situation in Burundi and the other Great Lakes countries sufficiently to provide a definitive assessment. Notwithstanding this deficiency, several of the recommendations set out in Chapter Five are believed to be relevant for the international community's response to the current crisis in Burundi and should receive urgent attention. These considerations are discussed further in the fifth chapter.

### **The audience: the international community**

The audience for this evaluation is the "international community," defined to include all those who are affected by, and/or respond to, a "complex emergency" (as defined in the Preface). This includes

governments, official international and inter-governmental organizations, non-governmental organizations (NGOs) and the components of the International Red Cross and Red Crescent Movement<sup>4</sup>. The audience includes such entities based in neighbouring countries, the region and the world-at-large. The governmental and official entities can be further differentiated as bilateral donor agencies; various elements of the United Nations; international financial institutions; and other inter-governmental organizations such as the OECD, the European Union and OAU. In addition to entities at the apex of bilateral and multilateral policy-making, such as foreign ministries and the UN Security Council and General Assembly, included are organizations devoted to such functions as the protection of human rights and refugees, to the provision of humanitarian emergency aid, and to longer-term development aid. Some organizations concentrate exclusively on one of these functions and others combine two or more functions.

The primary audience for the evaluation is the leadership and management of the above-mentioned entities who make decisions regarding responses to complex emergencies. In the last chapter of the Synthesis, recommendations are targeted to the greatest extent possible to specific entities for suggested follow-up responsibilities.

### Some salient findings and issues

To set the stage for the following chapters, several significant findings and issues that emerge from the evaluation are set out below:

1. A complex, interacting combination of factors, some based in the history of Rwanda and others more proximate, contributed to the genocide in Rwanda.
  2. There were significant signs that forces in Rwanda were preparing the climate and structures for genocide and political assassinations. However, people both in the region and the broader international community ignored, discounted or misinterpreted the significance of these signs, thereby not only indicating an unwillingness to intervene, but communicating that unwillingness to those who were planning genocide. Key actors in the international community thus certainly share responsibility for the fact that the genocide was allowed to begin.
  3. Moreover, as it began, through hesitations to respond and vacillation in providing and equipping peacekeeping forces, the international community failed to stop or stem the genocide, and in this regard shares responsibility for the extent of it.
  4. Thus the essential failures of the response of the international community to the genocide in Rwanda were (and continue to be) political. Had appropriate political decisions been taken early on, it is apparent that much of the humanitarian operation subsequently required would have been unnecessary. In effect, humanitarian action substituted for political action. Since key political issues have yet to be resolved, the crisis continues, as does the necessity for massive allocation of humanitarian resources.
  5. As the extent of flight of people from Rwanda became clear, the international humanitarian assistance system launched an impressive and, on the whole, effective relief operation. In spite of the extreme challenges of massive cross-border population movements, the international response saved many lives and mitigated large-scale suffering. Nonetheless, improved contingency planning and coordination, increased preparedness measures and adoption of more cost-effective interventions could have saved even more lives, as well as relief resources.
- <sup>4</sup> The components of the International Red Cross and Red Crescent movement include the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC) along with the National Red Cross and Red Crescent Societies.

6. Several distinct factors shape the current prospects for Rwanda's recovery. These include the following:
- a. Overt rearming and reorganization of the former leadership, military and militia in or beside internationally-supported camps in Zaire have posed a threat of war in the region for well over a year. However, with recent arrests of a number of former Rwandese government officials by Zairian authorities and proposed joint plans with UNHCR to begin substantial repatriation in the latter part of January 1996, a significant barrier to repatriation may be reduced. The inability or unwillingness of numerous refugees to return also results from insecurity, harsh detention and uncertain or conflicting government policy inside Rwanda.
  - b. While some donors have been quite forthcoming, the failure of the international community as a whole to provide adequate support for the government of Rwanda has also undermined future stability and development efforts. In particular, insufficient attention and resources have been given to the survivors of genocide and the war inside Rwanda.
  - c. An essential element of reconstruction in Rwanda must be the establishment of an effective system of justice through which perpetrators of genocide are held, and seen to be accountable and punished, thus thwarting the "culture of impunity" that has been allowed to persist over the decades by Rwandese governments and by the international community.

The return of pre-1994 refugees, many of whom left Rwanda after the 1959 "social revolution," raises serious problems regarding property, land use rights and other requirements for their successful economic and social integration. These issues and those surrounding successful repatriation of the 1994, "new caseload" refugees, weigh heavily on the government.

- d. Real and lasting resolution of problems in the Rwandese political arena will be achieved only in the broader context of:
  - (i) the creation of a domestic inclusive political system that reflects the underlying principles of the Arusha Accords, and
  - (ii) the Great Lakes Region, itself confronted by similar issues, especially in Burundi, where politically-motivated violence has created an explosive situation that threatens regional security and stability.

## Chapter 1

### Historical Perspective: Some Explanatory Factors<sup>5</sup>

The purpose of Study I, which this chapter summarizes, is to present a historical background to the developments in contemporary Rwanda that culminated in the genocide beginning in April 1994. The study relies on available written materials supplemented by interviews with established scholars on Rwanda (both Rwandese and foreign).

The review of this historical background has not led to any easy answers or to pinpoint one or two ultimate reasons for the tragic events. On the contrary, it has rather led to the conclusion that recent events result from a cumulation of events of the past, with one factor forming a building block for the next, and all actors and factors interrelating and interacting.

However, this summary is used to highlight a few specific developments in Rwanda's history that we think have been of decisive importance, and need to be understood in order better to comprehend what led to the tragedy in 1994 and what is going on in Rwanda today. We think that they are all important and hesitate to stress one more than the other. The scholarly debate on Rwanda has often been "reductionist", trying to establish whether one or the other factor has been more important – a debate that has helped to clarify the different standpoints, but has led to little conclusive result. The aspects to be stressed are:

- 1) **The build-up of indigenous social and political structures towards the end of the pre-colonial period**, in particular under the reign of the Tutsi king Rwabugiri during the second half of the 19th century. Rwabugiri's administration (1860–1895) imposed a harsh regime on the formerly semi-autonomous Tutsi and Hutu lineages, confiscating their lands and breaking their political power. Rwabugiri amplified feudal labour systems, in particular the *uburetwa*, i.e. labour in return for access to land, a system that was restricted to Hutu peasant farmers while exempting Tutsi. He also manipulated social categories, and introduced an "ethnic" differentiation between Tutsi and Hutu based on historical social positions. Polarization and politicization of ethnicity thus began before the advent of European colonialism.
- 2) **The German colonial (1899–1916) and Belgian trusteeship (1916–1961) policy of indirect rule**, favouring the strengthening of Tutsi hegemony and resulting in a political and administrative monopoly in the hands of the aristocratic Tutsi overlords of the Nyiginya clan from the 1920s. Under the influence of the so-called hamitic thesis, this policy culminated in 1933 with the introduction of compulsory identity cards, reinforcing and accelerating the late pre-colonial process towards a separation of Tutsi and Hutu (and Twa). From then on, all Rwandese had to relate to "their" respective ethnic group, which in turn determined avenues and fortunes in society. Under European colonialism, a policy of "ethnogenesis" was actively pursued, i.e. a politically-motivated creation of ethnic identities based on socially-constituted categories of the pre-colonial past. The minority Tutsi became the haves and the majority Hutu the have-nots.

<sup>5</sup> This summary of Study I, *Historical Perspective: Some Explanatory Factors*, was prepared by Lennart Wohlgenuth and Tor Sellström.

- 3) **The abrupt change by Belgium only some 25 years later, when – under the influence of the general decolonization process in Africa, the build-up towards political independence in the Congo (Zaire) and in a belated attempt to redress past injustices – the colonial administration (and the Catholic church) shifted support from the minority Tutsi to the majority Hutu. This eased the way for the so-called peasant, or Hutu, revolution of 1959–61, through which Rwanda underwent a profound transition from a Tutsi-dominated monarchy to a Hutu-led independent republic in less than three years. The replacement of one political elite by another introduced a new dimension of political and social instability and a potential for future ethnic violence. The events of 1959–61 also forced tens of thousands of Tutsi into exile in neighbouring countries, from where groups of refugees began to carry out armed incursions into Rwanda, sowing the seeds of the country's ethnically-defined refugee problem.**
- 4) **The Rwandese society developed over the centuries into a remarkably organized state, with a high degree of authoritarian social control from the centre, largely due to extreme population pressure, in addition to complex agricultural production systems and competition for land between crop-farmers and cattle-owners. This was not only the case with the core Tutsi-dominated pre-colonial feudal kingdom (i.e. excluding the northern and south-western areas of present Rwanda) – in which a vertical chain of command through layers of chiefs regulated the economy and the life of peasants through various social contracts – but also during the German and Belgian administrations, through which a policy of indirect rule continued, and strengthened, the control from above.**

What is important in the context of this study is, first, that the highly-organized and centralized Rwandese state formation over the years constrained the scope for the emergence of non-governmental organizations and independent interest groups. Political parties did appear on the scene towards the end of the 1950s, but on the whole the development of an independent, NGO-based civil society has been largely dwarfed by the state. Thus, along with the oppression and exploitation of Rwandese women farmers – who carry out most of the agricultural work and become physically drained through constant pregnancies – there are, for example, in male-dominated Rwanda only a few associations of rural women to voice their interests.

Second, – and most importantly – the political culture of centralized social control has facilitated policies aiming at mobilization or manipulation of the rural people, for peaceful as well as violent purposes. Subjugated receivers of instructions from above and without means to disobey, the peasant population has largely joined campaigns launched by the government, whether the essentially constructive *umuganda* labour regime from the mid-70s or the later fatally destructive *interahamwe* militias.

- 5) **Increasing Intra-Hutu tensions – mainly between groups from the northern Gisenyi and Ruhengeri regions and those from the rest of the country – developed during the First and Second Republics (1962–1990) and came to form an important factor underlying the cleavage between Hutu in the 1990s. In addition to competition over political spoils, at the core of this division is the historical fact that the northern Hutu were independent until the first decade of the 20th century, when they were militarily defeated by combined German and Tutsi-led southern Rwandese troops. To this day, the northerners form a distinctive Hutu sub-culture in which the awareness of a pre-Tutsi past is more pronounced than in other parts of Rwanda. President Habyarimana's informal council – or *akazu*; constituted around his wife and brothers-in-law – represented this independent Hutu tradition, deeply suspicious of any reconciliatory gestures towards the exiled Tutsi community and, therefore, also essentially hostile to the Hutu political groups favouring a dialogue with the Tutsi-led Rwandese Patriotic Front (RPF). The slow and often flawed democratization process in 1990–94 was to a great extent due to this intra-Hutu division. The *akazu* was also behind the genocide from April 1994, preparing the tragic events through instructions to presidentially-appointed *bourgemestres* (mayors), building up the**

*interahamwe* militias and mobilizing the Burundian Hutu refugees who poured into southern Rwanda after the assassination of the Burundian Hutu president Ndadaye in October 1993.

- 6) **The economic slump starting in the late 1980s and the effects of the actions subsequently taken by the government in consultation with the international donor community, i.e. the structural adjustment programmes of 1990 and 1992.** The economic deterioration, largely due to a sharp decline of world market prices for coffee – Rwanda’s prime export earner – as well as to unfavourable weather and economic policies such as increased protectionism, price controls and other regulations, affected the whole society. In US dollar terms, GDP per capita fell by some 40 percent over the four years 1989–1993. The slump hit the Rwandese peasantry particularly hard. Combined with the effects of the civil war from October 1990, continued demographic pressure on available resources and decreasing agricultural yields, the economic crisis introduced yet another element of stress and instability into the Rwandese political and social fabric. The international community, including the World Bank and the International Monetary Fund, overlooked these potentially explosive social and political consequences when designing and imposing economic conditions for support to Rwanda’s economic recovery.
- 7) **The refugee crisis, starting in 1959 and developing into a constant political and social problem throughout the history of independent Rwanda.** Tens of thousands of Tutsi in several waves from the Hutu revolution onwards were forced into exile in neighbouring countries. Largely due to the intransigence of the Rwandese Hutu-led governments regarding their demands to return, and to the unwelcoming policies of some of the host countries, the exiled Tutsi communities became over the years increasingly militant. In turn, this led to the creation of the Rwandese Patriotic Front (RPF), the military attack on Rwanda in October 1990 and the ensuing civil war.
- 8) **The two-generations-old unsolved issue of impunity for genocidal and other violent crimes in Rwanda is of crucial importance in this context.** The International Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly in 1948, confirmed by the International Court of Justice in 1951 and ratified by Rwanda in 1975, stipulates that persons committing genocide shall be punished, “whether they are constitutionally responsible rulers, public officials or private individuals”. In addition to the crime of genocide as such, punishable acts according to the Convention are conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide and complicity in genocide. In Rwanda, those who over the years have been responsible for ethnic mass killings have not, however, been brought to justice. For the psychological health of the people, and the political health of the country, the crimes must be addressed. If a culture of impunity is allowed to continue, the spiral of violence seems almost bound to be repeated in the future.
- 9) **Linked to the problem of impunity is the legacy of fear that exists in the Rwandese social fabric as a result of repeated mass killings since 1959, and which has its origins in the process of ethnogenesis and division between privileged Tutsi and under-privileged Hutu during the colonial period.** With the creation of the ethnicity issue followed a social construct of Tutsi superiority and Hutu inferiority, contempt and mistrust, which ultimately permeated the entire society and developed into a culture of fear. It largely contributed to the outburst of violence at the time of Rwanda’s independence, when the tables were turned and the fear among the majority Hutu gave way to a fear among the minority Tutsi. Since then, it has been repeatedly exploited for purposes of political manipulation.
- 10) **Developments in Rwanda are, finally, closely related to developments in the Great Lakes region, comprising Rwanda, eastern Zaire, Uganda, north-western Tanzania and Burundi.** This is the historical region of the Banyarwanda, i.e. the people who speak the language of Rwanda, Kinyarwanda, and who throughout modern history share a common heritage. It was violated by

European powers, who at the turn of the century divided the region and the people into Belgian, British and German colonial dominions, with far-reaching consequences for later, including the most recent, events. Thus regional political, economic, social and cultural dynamics – taking the form of, among other things, cross-border flows of refugees, weapons, ideas and fears – must be borne in mind when considering solutions to Rwanda's problems, as well as the problems of – above all – Burundi and Zaire. If not, the ghastly events in Rwanda in 1994 could easily draw the entire region into similar, or still greater, human tragedies.

All these factors, sometimes fuelled and sometimes constrained by interventions from the international community, led to the political manipulation of ethnicity in the 1990s, which in turn led to the genocide from 6 April 1994. This study of the history of Rwanda will hopefully help the reader to understand that the causes of polarized ethnicity are not easily defined. On the one hand, the conclusion should not be drawn that such ethnicity stems only from differences based on ancestry, culture or social position. As shown in the full report of Study I, the complexity of the pre-colonial society was such that differences could just as well be explained by lineage, clan, occupation, class etc. On the other hand, neither can the conclusion be drawn that the contemporary antagonistic cleavages along ethnic lines are attributable solely to specific events during the colonial period, nor in the period thereafter. There are no simple answers. The present can be explained only as a product of a long and conflict-ridden process, in which many factors contribute to the total picture.

## Chapter 2

# Early Warning and Conflict Management

Study II, which this chapter summarizes, examines the effectiveness of international monitoring (early warning) and management of the Rwanda conflict. Using the techniques of critical policy analysis, the study weighs the formulation and execution of policies against their stated objectives as well as accepted international norms for the behaviour of states and organizations. The research is based on a number of sub-studies, secondary sources (books and articles by academics and journalists, media studies, reports, etc.) as well as considerable primary data collected through interviews and document searches in the UN system (New York and Geneva), the NGO community, and visits to national capitals in Europe and North America (Paris, Rome, Brussels, London, Washington and Ottawa), and in Africa (Nairobi, Kigali, Kampala, and Dar-es-Salaam).

The study begins with the refugee problem prior to 1990, follows the civil war, then covers the build-up to the coup on 6 April 1994. The following 10 weeks are traced to understand the tardy international response to the genocide of more than a half a million persons mainly belonging to the minority Tutsi community, but including moderate Hutu political opponents of the regime. The concluding historical analysis reviews the security issues of the refugee camps in Zaire and the displaced persons camps in the south-west corner of Rwanda.

### Actions and reactions in the developing conflict

By failing to deal with the festering refugee problem prior to 1990, both the Rwandese and the Ugandan governments set the stage for future conflict. Although the issue of Rwandese refugees in Uganda defied easy solutions, opportunities that existed remained unexplored or were not aggressively pursued. With the exception of Tanzania, the regional states were either indifferent or part of the problem. States further afield showed little interest. UNHCR was overburdened, understaffed, and lacked political or economic leverage to develop the requisite pressure to help resolve the issue, which, at that time, seemed minor in the global scale of refugee problems.

However, the refugee problem was becoming explosive. The build-up of tension leading to the 1990 invasion by the Rwandese Patriotic Front (RPF) forces was accompanied by many tell-tale signs, but was inadequately monitored. When the invasion was a *fait accompli*, however, it caused considerable international concern and reaction, both in the region and in Europe. France and Zaire came to the aid of the Rwandese government. Other actors, including Belgium, the OAU, and key regional states initiated diplomatic efforts to defuse the conflict.

One source of concern related to the principles at stake. The RPF forces who attacked across the border from Uganda consisted not only of refugees invoking their right of return, but constituted a significant segment of the army of Uganda. The invasion violated basic norms designed to ensure stability in relations among states; these are particularly well-developed in African regional international law. Moreover, those who undertook the early diplomatic rounds recognized that the ethno-

<sup>6</sup> This summary of Study II, *Early Warning and Conflict Management*, was prepared by Astri Suhrke and Howard Adelman.

political situation in the Great Lakes Region was delicately balanced, had recurringly exploded in Rwanda and Burundi, and could do so again.

The initial diplomatic efforts eventually led to the Arusha peace talks, initiated and led by the OAU and Tanzania. The process received considerable international attention and support and resulted in a comprehensive settlement. The United Nations assumed formal responsibility for overseeing the implementation of the Arusha Accords, but failed, however, to make adequate use of the OAU and local African states in this regard. As a consequence, there was a disjuncture between the mediation and implementation phases that contributed to undermining the Accords.

From 1990 onwards, civil violence against the minority Tutsi community and regime critics gradually escalated. Observers commonly linked the violence to the civil war, either as retaliatory measures or as warnings to the advancing RPF forces. However, two authoritative reports – one by an independent International Commission of Inquiry, and another prepared for the UN Commission on Human Rights – suggested a more radical and comprehensive design that foreshadowed events to come. Both reports determined that the killings were genocidal in nature and that existing authorities were substantially involved. As the war continued and the outlines of a peace formula took shape, additional reports indicated that Hutu extremists were organizing and arming themselves to derail the peace process and massacre “internal enemies”. The creation of documented structures of violence (death squads, death lists, and, later, hate propaganda inciting violence) provided warnings of a potential genocide.

The UN Commission on Human Rights took little notice of its own report. Except for pointed diplomatic protests by Belgium, the findings of the international human rights inquiry were mostly filed away in national ministries and the UN system. With the partial exception of Canada, no state observed the recommendation to impose strict human rights conditionality on aid transfers. Some states were indifferent, others were concerned but concluded that the ongoing democratization process and the peace talks required their continued economic and political support, particularly since the peace agreement under negotiation would produce a new governmental structure that it was hoped would address human rights abuses. In this way, donors became hostage to their own policies.

Human rights organizations and states were also at odds on the issue of arms supplies. In 1992 and 1993, the former recommended that states (France and Uganda were obvious targets) cut off all arms supplies to the parties in the conflict. France openly defended its role and the right of a sovereign state to support a beleaguered friendly government. Uganda denied any involvement in helping the rebel army, yet its territory constituted the rear base for the RPF forces.

Would aid conditionality and an international arms embargo in the 1990–93 period have defused the conflict and prevented the genocide? Effective use of human rights conditionality is difficult, requiring fine-tuned and timely intervention. Arguably, there were windows of opportunity, particularly in mid-1992, when more pressure could have been put on the Habyarimana regime to deal with the extremist forces as well as the critical issue of impunity. Also military assistance (direct and indirect) to the Rwandese protagonists could have been calibrated better with the continuing peace process, particularly in dealing with the central issue of extremist forces who opposed the Arusha process and resultant Accords.

Though such speculations are debatable, firmer conclusions can be drawn about what did happen. By not standing firm on human rights conditionality, donors collectively sent the message that their priorities lay elsewhere. By permitting arms to reach the Rwandese protagonists, the possibilities for demilitarizing the conflict were reduced. Arms supplies reinforced the determination of both parties to seek a military and forceful solution to a political conflict. They strengthened the RPF's ability to advance militarily. They permitted the government to equip and expand its armed forces as well as para-military units, both of which became involved in the genocide.

When, as a result of the Arusha process, the Hutu extremists were excluded from the key instruments of the Broad Based Transitional Government (BBTG) and marginalized in the political process, alternative strategies were not developed to defang those extremists. The UN force (UNAMIR) sent to oversee the implementation of the peace agreement was given a mandate tailored to a classic, minimalist peacekeeping operation. Yet the force faced a situation considered by many – including some of those who planned the operation – as dangerously unstable. As the architects of the Arusha Accords had foreseen, conditions in Rwanda suggested a mandate with broader powers to protect civilians and seize arms caches. Further, the UN Security Council established a force that was structured and financed to satisfy a cost-conscious United States, increasingly unwilling to support UN peacekeeping, rather than to meet the needs on the ground. The force was inadequately supported and slowly deployed relative to the need for speed – considered essential to maintain the peace process – though relatively rapidly given the normally cumbersome UN procedures. The operation had no flexibility to respond to changing circumstances, in particular those caused by the crisis in neighbouring Burundi in October 1993.

In the months immediately preceding the genocide, many additional signs indicated that the implementation of the Arusha Accords was faltering and that massive violence was being planned. The air was full of extremist rhetoric on radio, in public rallies and at official cocktail parties. There were assassinations and organized violence. Detailed intelligence reports were passed to New York and the Belgian military authorities by the unofficial UNAMIR intelligence unit documenting the military training of militias, hidden arms caches, and plans for violent action. Unequivocal warnings reached the UN Secretariat in January regarding a planned coup, an assault on the UN forces to drive them out, provocations to resume the civil war, and even detailed plans for carrying out genocidal killings in the capital. The cable was placed in a separate Black File, designed to draw attention to its content, and circulated to several departments in the UN Secretariat. However, senior officials in the Secretariat questioned the validity of the information and made no contingency plans for worst-case scenarios. Similar intelligence failures were evident on the state level, particularly in France and Belgium, both of which had a considerable capacity for overt and covert information gathering in Rwanda at the time.

Thus pieces of information were available that, if put together and analyzed, would have permitted policy-makers to draw the conclusion that both political assassinations and genocide might occur, and that the scale would be different from past patterns (1959–1963; 1991–1993) of “just” hundreds or thousands of victims. Yet this analysis was not done. Although some had available fragments of prescient and significant information, the enormity of the genocide took virtually all by surprise. The failure to anticipate planned and targeted mass murder was particularly significant given the political commitment and actual involvement of the UN in Rwanda, the legal right and moral obligation to act to prevent genocide according to the Genocide Convention, and the enormous cost of a miscalculation.

While mandated to help implement the peace agreement, the UN made no preparations to deal with a breakdown of the Accords, except to withdraw. Nor were there contingency preparations to deal with the plans to scuttle the Accords or the massive violence plotted by the extremists. Generally, the UN Secretariat interpreted UNAMIR’s mandate and terms of engagement narrowly, and on several occasions denied the Force Commander permission to search for and seize arms caches. When developments in early 1994 further eroded the peace accords, the Secretary-General and the Security Council threatened to withdraw the UN force, hence strengthening the hands of the extremists. No member of the Security Council came forward to suggest a different course of action. On the contrary, the Council kept UNAMIR on a tight leash with only a three months’ authorization, accompanied by admonitions of caution and cost-cutting.

### **Crisis and response**

In the months before the crisis struck, UNAMIR’s presence contributed to a false sense of security

in Rwanda. When events came to a head on 6 April, the UN collectively failed. There was an absence of leadership at UN headquarters in New York. The Secretary-General, travelling at a brisk pace through Europe, misread the nature of the conflict. The understaffed and overstretched Department of Peace-Keeping Operations seemed paralyzed. In the Security Council, the killing of 10 Belgian peacekeepers created a political surge to withdraw, although this was not recommended by UNAMIR's Force Commander nor African countries contributing troops. Information on the genocide under way was already available when the final decision was made to reduce the force drastically.

Once the direction and magnitude of the genocide became undeniable, the UN reversed itself and accepted an obligation to protect civilians. However, the realization of this peacekeeping mission (UNAMIR II) was hampered by the unwillingness of key members to pay for or provide troops, and to match troops with equipment in an expeditious manner. The force was deployed only after the genocide and the civil war had ended.

France's role in Rwanda was significant but marked by multiple contradictions. While warning the Security Council in early 1993 that massacres were a real possibility, France supported a regime that was deeply compromised by human rights violations. France urged the UN, rather than the OAU, to take the lead in monitoring and implementing the peace agreement, but subsequently did little to support UNAMIR I. Nor did France pledge support for UNAMIR II, even though the French Foreign Minister was the first cabinet member of a government holding a permanent seat on the Security Council to identify the massacres as genocide (16 May 1994). With the aid of some of its African ex-colonies, France subsequently undertook a unilateral intervention, *Opération Turquoise*, endorsed by a Chapter VII Security Council resolution. The action saved many lives and undoubtedly prevented an additional mass outflow of refugees from the south-west of Rwanda, but came very late – two and a half months after the genocide commenced and when the civil war was almost over. Further, the intervention was open to misinterpretation, and did not serve to disarm the extremists or prevent suspected organizers of the genocide from escaping.

After massive numbers of refugees, retreating government forces, and the assumed perpetrators of the genocide crossed into Zaire and Tanzania in April–July 1994, UNHCR warned the UN in New York about the attendant security problems in the refugee camps. The Secretariat took the unprecedented step of examining the issue in a peacekeeping context, but the Security Council proved unresponsive. After significant delays, the problem fell back into the hands of UNHCR, which resorted to a novel and reasonably effective solution to police the refugee camps. The arrangement did not and could not deal with the broader security threats posed by the existence of militarized communities in exile, and this problem was left to fester.

The large concentrations of internally displaced persons in south-west Rwanda presented a domestic version of similar problems. These came to a head when the Kibeho camp was closed in April 1995. The operation resulted in the killing of large numbers of men, women and children, mostly by Rwandese government forces firing on IDPs, but also by extremists within the camp. The disastrous outcome notwithstanding, the coordinated efforts that went into the planning of the Kibeho operation by UN agencies, NGOs and the new Rwandese government were steps in the right direction. Although the execution was faulty, the faults were not inherent in the decision-making model of coordination, which could be utilized in the future. Similarly, the arrangement for providing security for refugees in Zaire exemplifies a workable solution to a difficult problem.

During the whole conflict, but especially after the coup on 6 April, the overall failure of the media to report accurately and adequately on a crime against humanity significantly contributed to international disinterest in the genocide and the consequent inadequate response.

### Early warning

Whatever the failures in media coverage, prime responsibility for the failure to read the signals and to respond adequately cannot be placed on the media. Why were the signals that were sent ignored? Why were they not translated into effective conflict management? Failures of early warning are attributable to many factors. The UN was poorly organized to collect and flag information about human rights violations and certainly genocide. There was a failure in both the UN system and the NGO community to link human rights reports to dynamic analyses of social conflict so as to provide strategic policy choices. There existed an internal predisposition on the part of a number of the key actors to deny the possibility of genocide because facing the consequences might have required them to alter their course of action. The mesmerization with the success of Arusha and the failure of Somalia together cast long shadows and distorted an objective analysis of Rwanda. The vast quantity of noise from other crises preoccupied world leaders. The confusion between genocide as a legal term, referring primarily to an intent, and the popular association of genocide with massive murder in the order of hundreds of thousands, created confusion. Finally, a general desensitization developed with respect to mass slaughters, and the possibility of a massive genocide actually occurring seemed beyond belief.

Major states with the capacity to monitor and anticipate the crisis were either not interested, or, if interested, were unwilling to undermine a friendly government. In such a situation, international organizations exist in part to pick up the slack, but neither the UN nor the OAU did so in the Rwanda case. The UN had poorly-developed structures for systematically collecting and analyzing information in a manner relevant to preventive diplomacy and conflict management. The newly-formed inter-agency arrangement for early warning (HEWS) was oriented mainly towards humanitarian operations; it was not equipped to detect or analyze political and military warning signals. Within the Secretariat, information collection and policy analysis was divided among the DPA, DPKO and DHA. There was also a disjuncture between information collection, analysis, and the development of strategic policy options. Thus DPA was assigned the responsibility for monitoring events in the region, but not for developing related strategic policy options. One of the most significant sources for early warning, the UN human rights monitoring system, was not part of the information-gathering structure in the Secretariat and, arguably, became isolated from the decision-making process. In the field, the UN had no formal capacity for collecting intelligence; nevertheless, UNAMIR, through the initiatives of both the Canadian Force Commander and the Belgian Kigali-sector Commander, succeeded in running minimalist, if irregular, intelligence operations. The other main organization concerned – the OAU – had virtually no capacity at all for early warning data collection and policy analysis.

The shortcomings of early warning in the Rwanda case go further. The issue is not better quantitative data or formal modelling. More simply, the UN lacks a system for drawing on existing information sources, in the region and outside, from specialists in state agencies, academic institutions, rights monitoring agencies, and the various agencies of the UN itself. The UN lacks a specialized unit, without operational responsibilities, for analyzing such information and translating that analysis into evolving strategic options that can be channelled directly to the Secretary-General. Both the UN and NGOs failed to relate human rights monitoring to analysis of the development of social conflict and, hence, to assess the direction of events. When the UN became involved in a peace-keeping mission, the monitoring of political developments was not linked with contingency preparedness. Without contingency planning, the UN was left with a short time-frame and few resources to respond to sudden changes in the situation. This point is critical for two reasons: even under the best of circumstances, it is impossible to pinpoint specific future outcomes of complex social conflict; secondly, the absence of contingency planning limits both what the decision-makers will hear and the options they are willing to consider.

Despite the shortcomings of early warning, at the critical stage the relevant actors dealing with Rwanda knew that the situation was unstable and dangerous. Yet the sustained and careful attention

so necessary to successful conflict management was lacking. In part, early action is problematic and preventive diplomacy is inherently difficult because outcomes are uncertain, reflecting the typical complexity of cause-and-effect relations in social conflict. Moreover, policy-makers who are continuously faced with actual crises are disinclined to pay attention to hypothetical ones, even though experience tells us that "prevention is better than cure". The lack of international investment in early conflict regulation signified a more fundamental disinterest in Rwanda. The UN Security Council authorized only a minimalist peacekeeping force, and the Secretariat insisted that UNAMIR maintain a low profile. When the crisis struck, and it became clear that massive genocide was under way, there was still no effective international action.

### Conflict management

Throughout, some individual and collective actors did the most with the least under difficult or adverse circumstances. Human rights NGOs monitored the situation. Tanzania struggled to turn the Arusha process into effective preventive diplomacy. UNAMIR I tried to function proactively despite tight reins prior to 6 April; many remaining units – along with the ICRC – bravely sought to save civilians once the killings started.

This could not compensate, however, for the overall failure of the international community to attempt to prevent or stop the genocide, or its very inadequate efforts to mitigate it. In one sense, the inaction can be seen as a result of the propensity of states to be guided by narrow self-interest rather than moral obligations to uphold international norms of justice. However, this propensity has historically varied over time and place; its prominence in the Rwanda case, therefore, requires additional explanation.

No state involved in the conflict happened at the time to have the optimal combination of interest, capacity and neutrality that could have generated appropriate early warnings and translated them into conflict-mitigation strategies. More fundamentally, the Rwanda conflict occurred in a period when the United Nations was acting in an expansive yet highly selective fashion, reflecting a structural mismatch between the responsibilities of international institutions and interests of states in the post-Cold War world.

Revitalized by the end of the Cold War, the UN in the 1990s rapidly expanded its peacekeeping operations throughout the world. Rwanda was added to the list in October 1993. However, the framework for peacekeeping was set by the distribution of power in the Security Council, which represented the world as it was half a century ago. Apart from France, the major powers on the Council were uninterested in a small Central African country that was marginal to their economic or political concerns, and peripheral to international strategic rivalries. By their power of veto and finances, the Permanent Five controlled the peacekeeping and enforcement operations of the UN. The only state with a demonstrated ability to energize the Council in a crisis – the United States – was haunted by memories of Somalia and determined not to get involved in another African conflict. It was also preoccupied with crises elsewhere, especially in Bosnia and Haiti. The lack of interest in Rwanda on the part of the major Western states left France to define a large part of the policy field; the result was to magnify the consequences – negative as well as positive – of unilateralism.

Within the UN system as a whole, there was no locus for assessing key policy questions. How, for instance, can the democratization process be promoted without exacerbating ethnic and regional tensions or creating excuses for human rights violations? How are extremists to be controlled? Moreover, there was too little effort at policy coordination when opportunities appeared.

The rationale for UN peacekeeping is that it provides a neutral force, independent of partisan interest. However, partisan interests can provide motivation and energy to be directed at a problem when a commitment to conflict resolution *per se* is lacking. This is the conundrum. Without either kind of interest, the UN as a collective actor was unable to mount an adequate peacekeeping force expedi-

tiously and cut through the byzantine problems endemic to UN peacekeeping. The mix-and-match system of deployment was slow and inadequate. Lacking a powerful patron in the Security Council, the Rwandese operation was subject to cumbersome and bureaucratic procedures that involved delays and inflexibility, and gave insufficient autonomy to the leadership in the field.

The international community might have responded better had the early warning systems generated a clearer anticipation of forthcoming events. On the other hand, conflict management is a function of interest and capacity, not only to ensuring that information is collected and communicated, but to react. In this respect, regionalism appears as a critical and positive force that was not sufficiently recognized or utilized. Structures of conflict resolution and peacekeeping could have been strengthened by more involvement of regional and sub-regional actors – the OAU and the sub-regional grouping of the states in the Great Lakes area – in the decision and management structures. After all, these actors had definite interests in the conflict and a critical stake in the outcome. Strengthening regional mechanisms for conflict resolution and peacekeeping will require financial support from richer states since most of the world's conflicts occur in regions where the parties have the fewest resources to deal with them.

The consequence of these cumulative fault lines in the international system was an inability to stop or significantly mitigate a genocide of immense proportions.

## Chapter 3

# Humanitarian Aid and Effects

### Scope and method

Study III, which this chapter summarizes, examines the provision of humanitarian aid and physical protection by the international community in response to the Rwanda crisis. It combined a detailed technical assessment of the principal sectors and phases of the response with an attempt to draw out the principal conclusions and policy lessons from the experience. The period covered was broadly that from April 1994 until late 1994 for operations inside Rwanda, but for refugee operations in Tanzania and eastern Zaire it extended to July 1995. Humanitarian operations prior to April 1994 were described but not evaluated and insecurity in Burundi and the limited time available resulted in refugee operations in Burundi not being evaluated. Time pressures also obliged the study to focus on the main refugee concentrations in Ngara, Goma and Bukavu. Consequently, refugee movements into Karagwe in Tanzania and Uvira in Zaire were not considered.

The study was undertaken by a team of 21 people, representing eight nationalities and a wide range of backgrounds and experiences. Initial consultations with key UN agencies, the International Red Cross and Red Crescent Movement and NGOs began in January 1995. A reconnaissance mission by five Team members to the Great Lakes region was undertaken in April and the principal block of fieldwork by more Team members was undertaken during June and July. Within the Great Lakes region a total of 235 donor, UN, NGO and government personnel were interviewed and approximately 140 beneficiaries of assistance. These were complemented by interviews with 245 personnel of donor organizations, UN agencies and departments, the International Red Cross and Red Crescent Movement and NGOs in Europe and North America and a document collection that eventually exceeded 2,000 items. A database to enable analysis of financial flows during 1994 was created, and two sub-studies on the 1994 dysentery epidemic and UK TV coverage were commissioned.

### Overview of humanitarian relief operations

The protection and humanitarian crisis of 1994 did not begin with the shooting down of the Presidential plane on 6 April, but was preceded by at least three and a half years of developing operations inside Rwanda and in neighbouring countries within the Great Lakes region. By mid-1992, for instance, attacks by the RPF in the north of the country and ethnic violence and insecurity elsewhere had created 200–300,000 IDPs. Following the February 1993 advance by the RPF, this number increased sharply to perhaps 900,000, though, by the end of the year, 60% of these had returned to their homes. Large-scale relief operations were mounted, particularly by the ICRC and the Rwandese Red Cross and WFP undertook a massive airlift of food that transported twice the tonnage carried by the 1994 airlift operations. In October 1993, the attempted coup and subsequent wave of ethnic violence in Burundi resulted in the death of 50,000 to 100,000 and an influx of almost 700,000 refugees to neighbouring countries, principally southern Rwanda and eastern Tanzania. Documentation reviewed by the study indicated that the international community's response to the refugees in eastern Tanzania was poor and exceptionally high rates of mortality

<sup>1</sup> This summary of Study III, *Humanitarian Aid and Effects*, was prepared by John Borton.

were experienced as a result of the combined effects of inadequate water and sanitation, food supplies and health care. For those who moved into Rwanda the response was better as relief agencies involved in the IDP Programmes were able to rapidly divert personnel and resources to the Burundian refugees.

The events that followed 6 April were an extraordinary human tragedy consisting of genocide and civil war that caused the violent death of between 500,000 and 800,000 people, the movement of over two million Rwandese into neighbouring countries and the temporary displacement of well over one million people inside Rwanda. This study estimates that approximately 80,000 people died in the refugee and IDP camps in Zaire, Tanzania and inside Rwanda during 1994, principally from cholera and dysentery. This figure would probably exceed 100,000 among Rwandese refugees in Burundi and Rwandese outside the IDP camps if data were available for these populations.

It is highly significant that the number who died as a result of causes that could be considered avoidable (had the humanitarian response been more effective), was several times lower than those who died as a result of the genocide and conflict. The critical failings in the international community's overall response, therefore, lay within the political, diplomatic and military domains rather than the humanitarian domain. Had the international community responded more effectively in the months prior to, or in the days immediately following, the shooting down of the Presidential plane on 6 April, many, perhaps most, of those who died would probably have survived and much of the massive expenditures on the provision of humanitarian assistance been unnecessary.

Over the period April to December 1994, approximately US\$1.4 billion was allocated by the international community to the response. Of this amount, approximately 85% was from official sources with the remainder being provided from private sources. By a substantial margin, the European Union (principally ECHO) and the US Government (USAID, Department of Defense and the State Department's Refugee Bureau) were the largest official sources of funds, accounting for 50% of total allocations. Approximately 50% of the total allocations were expended by, or channelled through, UN agencies, with just two agencies, UNHCR and WFP, accounting for over 85% of these. A substantial proportion of the resources channelled through these two agencies were allocated onwards to NGO implementing partners. The Red Cross Movement accounted for 17% of all flows.

At least 200 NGOs were involved in the response, but estimation of their relative role (i.e. their direct contributions and as partners to UN agencies) proved difficult as a result of inadequate data and an incomplete response to a questionnaire survey undertaken by Study III. It was clear though that many NGOs played critical roles and that overall NGOs formed an important part of the response.

## **Main findings**

The response contained many highly commendable efforts, notably: the initial response in Ngara; the impressive performance of UNHCR Emergency Response Teams in Ngara and Goma; the work of ICRC inside Rwanda, mainly between April and July 1994, particularly in the field of protection of survivors and with its hospitals in Kigali and Kabgayi; and the courage and commitment shown by UN, ICRC and NGO personnel in extremely difficult and often dangerous situations.

Widespread starvation did not occur. For the refugees and many of the IDPs the food aid supply system, dominated by WFP and to a lesser extent the ICRC, was vital to their survival and performed well. Given the magnitude and scale of the population movements and the distance of the beneficiary populations from coastal ports, this was a substantial achievement. For the non-displaced population within Rwanda the combination of a good crop and the dramatic reduction in population meant that locally-available foods were comparatively plentiful.

Humanitarian operations in Kigali and in FAR-controlled areas after 6 April were severely constrained by the high levels of violence. Only ICRC (with MSF support) and the UN Advance

Humanitarian Team were able to operate in Kigali and, though valuable, the volume of humanitarian assistance and protection they were able to provide was limited. The critical need was for security and physical protection, which the much-reduced and ill-equipped UNAMIR force was unable to provide, though it did succeed in protecting perhaps 25,000 threatened civilians. Between April and the end of June, only ICRC, CRS/Caritas and to a lesser extent WFP were able to provide humanitarian assistance in the south and west of the country, though again, the volume was severely limited. In the RPF-controlled areas in the north and east, ICRC, UN agencies and NGOs had greater access and were able to deliver quite substantial volumes of assistance, though their freedom of operation was closely controlled by the RPF and many agencies were not allowed to remain inside Rwanda overnight.

The French-led *Opération Turquoise* that pushed into western Rwanda on 22 June and then concentrated on the creation of a so-called Safe Zone in the south-west remained in the country for two months. The operation protected approximately 14,000 threatened civilians within Rwanda and the improvement in security in the south-west enabled a dramatic increase in humanitarian assistance activities by the three agencies that operated during the April-June period to at least 15 agencies by August. Such efforts served to spread out over a longer time period the number of displaced Rwandese crossing into Bukavu and to limit their eventual number. Had this not been done, it is highly likely that the mortality rates experienced in Bukavu would have been much higher.

Despite this, judgements of the benefits of *Opération Turquoise* have to be highly qualified. By concentrating forces in the Safe Zone after the end of June the operation

- greatly increased the likelihood of an RPF advance in the north-west and thus of a massive refugee influx into Goma;
- did not provide the security necessary for humanitarian agencies to operate freely in the north-west and respond to the needs of the large and growing number of IDPs there;
- diverted attention of donor organizations, UN agencies and NGOs to the needs of IDPs in the south-west at a critical juncture for those in the north-west.

The positive contribution of *Opération Turquoise* in reducing and spreading out the movement of IDPs into Bukavu has to be balanced by the fact that the several hundred thousand Hutu who were encouraged to remain in IDP camps in the Gikongoro area presented the new government and the UN with an extremely difficult problem. Though the majority were eventually returned to their home *communes*, several thousand IDPs were killed at Kibeho camp in April 1995. The south-west has arguably remained the most insecure area of the country.

The response of humanitarian agencies to the needs of those concentrated in IDP camps in the Gikongoro area was initially slow as a result of: the reluctance by some NGOs to be closely identified with the French military; the time needed to establish operational capacity in the area; the focus of international attention during July and August upon the situation in Goma; and a lack of technical coordination capacity at field level. The initial lack of food and water and inadequate sanitation resulted in very high rates of dysentery in many of the camps and the death of perhaps 20,000 IDPs.

Because of the insecurity inside Rwanda and the access problems facing not only humanitarian agencies but also the international media, the large-scale movement of Rwandese into neighbouring countries enabled readier access, at the same time as creating substantial humanitarian needs. The international response to the first major influx, that of almost 200,000 into Ngara District at the end of April, which was led and closely coordinated by UNHCR, was highly impressive. Substantial loss of life was avoided.

However, despite the initial successes and the continued impressive performance of most agencies working in Ngara, the programme has remained fragile as a result of a number of factors. Unlike Goma and Bukavu, where the initial influx was not followed by new arrivals, refugees have continued crossing into Ngara. The refugee population in Ngara District in May 1995 was 500,000 – double that of May 1994. Consequently, the situation has never quite stabilized and agencies have been continually needing to increase the scale of their programmes. Another factor contributing to the post-emergency situation in Ngara was that from mid-July onwards the focus of international attention moved to Goma, resulting in the transfer of resources and personnel away from Tanzania. The water sector was one where the initially impressive emergency response was not maintained; on a per capita basis, the amount of water available to refugees by June 1995 was less than half that of July 1994.

Factors contributing to deterioration have been the constantly expanding refugee population, deterioration of emergency boreholes that were not designed or equipped for long-term service, and a lack of investment in more sustainable supply systems. Initial expectations that the refugees would repatriate, the high capital costs involved in developing sustainable supply systems and the government of Tanzania's reluctance to see investments that seemed to confirm that the refugees would be in the country for a long period, have all served to deter the necessary investments.

The number moving into Bukavu during July and August was approximately 300,000. The influx was not as intense as the initial influxes into Ngara and Goma and, because of the lack of camp sites for them to immediately move to, the town effectively served as a huge temporary transit camp until UNHCR, NGOs and the local authorities were able to identify and open new sites. A combination of the continued operation of the municipal water system, substantial levels of initial assistance from the people and local agencies in Bukavu, and the fact that many refugees arrived with disposable assets (much of it looted on leaving Rwanda), meant that disease outbreaks were limited and substantial loss of life did not occur. This result is somewhat paradoxical, because of poor overall coordination and because Bukavu received substantially less financial and human resources than were being deployed to Goma.

### **The Goma influx**

The influx into Goma was of unprecedented scale and rapidity: in the space of just five days between the 14th and 18th of July, approximately 850,000 refugees crossed into Goma town and at points further north. The capacity of the agencies present in Goma was quickly overwhelmed despite an unprecedented and rapid response. Within the first month approximately 50,000 refugees died as a result of a combination of cholera, dysentery, dehydration and violence. Given the massive scale of the influx, many deaths were likely and the fact that there were not substantially more is a credit to the agencies involved in the response.

The study assessed the performance of the system both in terms of providing warning of the event and in preparing for a large influx. This assessment identified a fundamental weakness within the humanitarian system in that it did not possess a mechanism for monitoring and analyzing information to provide warning of population movements that was either sufficiently integrated or capable of gathering information in areas that were poorly covered by relief agencies. UNREO and its daily *Sitreps* came closest to performing such a role, but UNREO's capacity directly to collect information was wholly inadequate and it had to rely heavily on relief agencies in different locations providing it with any monitoring that they were carrying out. The reduced UNAMIR force was not able to monitor the situation in the north-west and the system was therefore reliant upon the ICRC operating out of Goma, whose monitoring of the build-up of IDPs was confined to the area around Ruhengeri, though within this area there were already 250,000 IDPs by early June. It was not until the first week of July, when an Oxfam Assessment Mission visited the area between Ruhengeri and Gitarama, that information became available on IDPs in this area. The Oxfam Team "discovered" another 200,000 and also estimated that another 300,000 were moving westward, following the RPF capture of Kigali.

UNHCR had deployed a substantial Emergency Response Team to Goma in April but, with the influx into Ngara, part of the Team was redeployed in early May. At the end of June, just two weeks before the influx, the remainder of the team was withdrawn and the Sub-Office in Goma reduced to a staffing level that the Acting Head of the Sub-Office termed "skeletal". Following the Ngara influx the agency had begun contingency planning measures in early May that had included the build-up of stockpiles of non-food items in Amsterdam for 500,000 refugees. The team in Goma had begun preparing a Contingency Plan for North Kivu that used a planning figure of 50,000. Identification of a contingency site was hampered by the reluctance of the local authorities to consider the possibility of a large influx. The difficulties of making adequate preparations in Goma, coupled with the fact that the Goma airport was able to cope with heavy-lift aircraft, appears to have led UNHCR to rely more on its ability to respond rapidly by air rather than on the ground preparations, such as local stockpiling. This relative emphasis on rapid response rather than on-the-ground preparedness may also have reflected the agency's conception of the term "preparedness", which traditionally within UNHCR has effectively meant "contingency planning aimed at facilitating a rapid response once an influx occurs". This more narrowly conceived than that used by other UN agencies.

The North Kivu Contingency Plan was finalized in the third week of June. Follow-up on the numerous action points by UNHCR Headquarters and the (much reduced) Sub-Office in Goma to convert the plan into reality was slow. Staff were severely over-stretched and a rapid sequence of events in the three weeks following the finalization of the Plan, including the RPF capture of Kigali and the creation of the Safe Zone in the south-west, generated additional work. Consequently, the contingency plan was not "ready-and-waiting" for an influx of even 50,000 by mid-July.

During June sufficient evidence was available from two sources, the ICRC Sub-Delegation in Goma and the figures being used by an inter-agency contingency planning process led by UNREC to warrant a substantial increase in the planning figure. Poor relations between the ICRC Sub-Delegation and the UNHCR team in Goma appear to have prevented the ICRC estimate of 250,000 IDPs around Ruhengeri reaching the UNHCR Team. The UNREO-led process was initially taken seriously by UNHCR and the agency went to considerable lengths to ensure that a critical meeting in Nairobi was attended by key staff from Geneva and Goma. However, the meeting ended before it had considered the implications of the various scenarios and despite UNHCR requesting that the meeting resume the following day (a Saturday) this was not supported by representatives of other UN agencies present. After this fiasco, key UNHCR personnel do not appear to have taken the UNREO-led process seriously and the final document, which included a "worst case" scenario of large numbers of displaced moving into eastern Zaire and Burundi, was not copied to the UNHCR Team in Goma. The coincidence between the completion of the UNREO-led process and UNHCR's North Kivu contingency plan with the start of *Opération Turquoise* was unfortunate as the French operation quickly altered the situation and dynamic of the conflict. As noted earlier, the concentration of *Turquoise* upon the Safe Zone in the south-west had a critical impact on the outcome in the north-west.

In the event, the fall of Ruhengeri and the sudden increase of civilians and FAR military moving towards Gisenyi coincided with a joint DHA, UNHCR, UNICEF, IOM and UK-ODA assessment mission into the north-west that resulted in the first steps in mobilizing a major relief effort. Thus UNHCR took the decision to deploy a new Emergency Response Team the day before the start of the influx and, with the exception of a Water and Sanitation Coordinator, the full team was deployed within the next few days.

The scale of the response to the crisis in Goma was extraordinary. Prompted by intense media coverage of the influx and the subsequent cholera outbreak, the international community poured assistance into the area. The response involved not just the usual UN agencies and NGOs, but also civil defence and disaster response agencies from within donor countries, several military contingents providing support to the humanitarian activities and a large number of comparatively

**inexperienced NGOs. Assessed overall, the results were impressive. The speed with which water was supplied to most camps, health care facilities established and general ration distributions initiated was commendable.**

However, there were several aspects of the response where performance of the system was less impressive and the performance of some agencies was poor. Almost all the non-food assistance arrived by air and so management of the airlift and the limited capacity of the airport became a critical constraint. UNHCR played a central role in the management of the airlift operation using the Air Operations Cell in Geneva, which had been established two years previously to coordinate the Sarajevo airlift. It appears that the Air Operations Cell had difficulty adjusting to a multi-destination operation (Bukavu and Kigali were served as well as Goma), and several agencies complained that the airlift had been treated as a UNHCR airlift and not as a common resource for all agencies. Cargoes arriving did not always conform to the priorities established in the field, though this may have owed more to donors sending whatever was available rather than what had been requested. There is ample evidence also that the airlift, or at least substantial components of it, such as the US Air Force operation out of the Entebbe AirHead, continued for several weeks longer than was required.

Coordination of the arrival of critical inputs was not impressive. For instance, while the ability to pump water from Lake Kivu was quickly increased by a US private company supported by the US military, the arrival of water tankers to transport it, particularly to the spontaneously settled camp at Kibumba, which had no water sources, took much longer. Similarly, given the hard volcanic rock in the area, a critical need was for heavy equipment to construct access roads into the camps to enable the siting of health facilities and water storage and distribution systems. However, as a result of commitments by the US Army not being implemented and faulty information flows between Goma and the US Army base in Germany, it was not until the end of September that the heavy equipment capability was substantially increased.

The level of violence within the camps was extremely high, with one estimate based on a retrospective survey in one camp suggesting that 4,000 refugees died as a result of violence at the hands of the militia, undisciplined Zairian soldiers and other refugees. The high levels of insecurity in the camps directly affected the effectiveness of the relief efforts as most foreign personnel were unable to remain in the camps overnight and the ability of medical personnel to maintain continuous care of patients was hampered. The performance of the Zairian authorities and the international community in addressing the violence was also unimpressive. The fact that Western military contingents were in Goma to assist with the relief efforts but were not mandated to address the problem of insecurity in the camps appeared illogical. It was not until March 1995 that a satisfactory solution was implemented involving a contingent of the Zairian Presidential Guard, paid and equipped by UNHCR, and supervised by an international monitoring team.

Many of the military contingents, civil defence and disaster response organizations that worked in Goma did so in response to a UNHCR request to donor governments to provide eight "Service Packages". This was a relatively new concept devised as a means of rapidly increasing management and implementation capacity within the system, and the intention was that individual governments should assume responsibility for entire packages. The results were very mixed, with several governments providing capacities that were broadly similar, leading to coordination problems. Within the critical water sector, for instance, there was confusion between the respective roles of the US military, the German agency Technisches Hilfswerk (THW) and Oxfam. At one point Oxfam was informed by UNHCR Headquarters that the US military was responsible for the whole sector and that the very substantial outlays by Oxfam would not be met by UNHCR.

### **Principal policy conclusions**

The close relationship between the level of security and the effectiveness of humanitarian assistance highlights the need for coherence in the strategies adopted by the political/military and humanitar-

ian domains. However, the Rwanda crisis has been characterized by the lack of a coordinated political strategy within the international community for "managing" the crisis. Differences between key members of the UN Security Council and governments of neighbouring countries in terms of their attitude towards the RPF and the former government and an apparent inability to confront and overcome these differences appear to have been responsible for the lack of a coordinated political approach. Despite this lack of an agreed framework, donor countries were prepared to allocate substantial resources, particularly in the second half of 1994, to humanitarian assistance programmes. This readiness with which the international community appears prepared to fund humanitarian assistance programmes contrasts with the lack of concerted efforts to devise coordinated political solutions to the crisis.

In the absence of a coherent political approach, it seems that humanitarian agencies, encouraged by the new government and certain Western political leaders, developed and pursued strategies, such as encouraging the early repatriation of the refugees, that attempted (but failed) to substitute for political solutions to the crisis. In a society that had just experienced genocide, apparently carried out by a substantial proportion of the society, the approach adopted by key elements of the international community of reintegrating Hutu refugees into Rwanda was unrealistic and broadly unsuccessful. Reports or events that questioned the new government's commitment to respecting human rights and threatened to undermine these strategies were suppressed or played down in public, though some governments did press the human rights question in private. Despite the massive loss of life and the expenditure of enormous sums of money, an estimated 1.8 million Rwandese remain in camps outside their country and many observers expect the civil war to be resumed at some point. A solution remains distant.

The Rwanda case demonstrates the need for much closer linkages between humanitarian and political policies in the principal donor countries and the UN system and also with the neighbouring countries and regional bodies such as the OAU. The creation of task forces or contact groups composed of key interested parties may serve to encourage closer linkages.

The response was resourced through a variety of mechanisms but ultimately donor organizations and donor governments accounted for the bulk of the resources provided. The extent to which funding was reactive to events was striking. There was a marked contrast in resource availability between the "tap-on" period from mid-July to September, when funding appeared limitless, and other periods, when it was less readily available. The factors contributing to this reactive characteristic are many and their relationship complex. Media coverage and the concern of almost all organizations (donor organizations and the military as well as NGOs and UN agencies) involved in the response for "profile" and "visibility" were clearly significant. What was clear from the study is that the way the system was resourced was sub-optimal, limiting the effectiveness of the response and substantially increasing eventual costs. Preparedness and contingency planning were not encouraged, a position not helped by variations in conceptualization of preparedness between agencies and donors. Investments that would have yielded substantial savings, such as opening road routes and increasing the capacity of low-cost railway routes, were not made. While donor organizations did provide some "up-front" funding this was quite inadequate in the face of such a large and highly dynamic emergency and in some cases did not even reach the levels previously agreed by donor organizations.

Foreign military forces were heavily involved in the response, with some contingents concentrating solely on provision of security, others concentrating solely on provision of relief assistance or providing support to relief agencies and several other contingents mixing these two roles. For those contingents providing relief assistance and/or support to relief agencies, logistics support (airlifting, trucking, etc.) formed the bulk of the military contribution, though several were involved in intermediate services (water production, laboratory services) and in the actual delivery of assistance to the affected population. Generalizations about the performance of the military are difficult, particularly when they were involved in such a wide range of roles and information on their impact and

cost was so limited. The performance of those contingents assessed was very mixed, with some performing critical roles well while others performed poorly in key sectors and thereby reduced the effectiveness of the overall response. Information on costs that could be compared to commercial or NGO activities was difficult to obtain apart from air-lifting, where commercial companies proved considerably more cost-effective. The Rwanda experience suggests that though the military may be able to fulfil a useful role in extreme situations, their comparative advantage is often of short duration and restricted to very particular situations. Their use may be questioned from several stand points, including their predictability, effectiveness, cost and ability to participate collaboratively in operations involving several agencies and numerous NGOs.

The study reviewed available studies on the impact of the large refugee populations upon their host communities and complemented these with additional but still limited investigations. It found that within the neighbouring countries there were gainers as well as losers, with the losers often being those communities in the immediate vicinity of the refugee camps, though farmers were able to take advantage of cheap labour and the gainers often being those involved in supplying goods and services to the camp populations. The international community's mechanisms for compensating the local populations for the detrimental effects on their assets, livelihoods and environment were found to have been inadequate, with losers having to wait long periods before being compensated. In several cases the level of services available to refugees after the initial emergency period exceeded those available to the local population. Actual and perceived differences contributed to resentment towards the refugees within the host community. In the case of Tanzania these may have contributed to the government's closure of the country's borders with Burundi and then Rwanda during 1995.

The response involved an unprecedented number of agencies and organizations and this must have increased overall costs and the difficulties of ensuring a coordinated response. The unprecedented number of NGOs involved reflects not only a genuine and widespread desire to provide assistance but also the reality that participation in large-scale, high-profile relief operations has become an important factor in the formation and development of NGOs. The performance of many NGOs was highly impressive and many cooperated closely with each other. However, there were numerous examples where this was not the case. Some NGOs sent inadequately-trained and -equipped personnel, some undertook to cover a particular sector or need and failed, and others were unwilling to be coordinated. The conclusion drawn by the study is that the current mechanisms for ensuring that NGOs adhere to certain professional standards are inadequate.

Approximately 50% of total resources allocated during 1994 were expended by or channelled through the UN system, with WFP and UNCHR accounting for 85% of these. With so many UN agencies, NGOs and other organizations involved in the relief operations, there was a critical need for a strong capacity at the centre to provide leadership and overall coordination. In regard to refugee operations, UNCHR came close to fulfilling such a role by virtue of its clear mandate, support from host governments (particularly in the case of Tanzania), highly-competent technical coordination personnel, and control over a significant proportion of the funds available for agencies and NGOs responding to the refugee problem – in large part due to a bold decision by ECHO to channel all its funds for refugees through UNHCR.

However, coordination arrangements in relation to other areas and levels of the system were less satisfactory. The fact that the roles of the SRSG, the UNAMIR Force Commander and the Humanitarian Coordinator/Head of UNREO were limited to operations within Rwanda hampered coordination between the policies and operations inside Rwanda and those relating to refugees in neighbouring countries. Within Rwanda UNREO performed several useful functions, though it suffered as a result of its *ad hoc* status and lack of clarity over its relationship to DHA and UNDP, its relationship with operational UN agencies and its relationship to the SRSG. In addition it did not have adequate resources and some of its personnel (many of whom were UNDP and seconded NGO personnel), lacked emergency coordination experience. Consequently its role was limited, principally to that of information sharing. At the *préfecture* level within Rwanda, UNREO's Field Offices

provided a useful forum for information sharing among NGOs, but technical coordination was the responsibility of other UN agencies such as UNICEF, WHO and FAO. As a result of their initial concentration on developing the capacity of the new government in Kigali, the provision of technical coordination in the south-west with its 300,000 IDPs was slow.

As well as supervising UNREO, DHA undertook a wide range of coordinating actions spanning from the initiation and leadership of the UN Advanced Humanitarian Team to coordination of Consolidated Appeals and the chairing of the Inter-Agency Standing Committee. Whilst a assessment of the effectiveness of such non-operational coordination is difficult, it was clear that DHA was substantially more effective in providing coordination than it had been during the Somalia operations in 1992 when DHA was created. Nevertheless, it was apparent that DHA experienced substantial institutional and financial obstacles and faces continuing uncertainty over its future. By virtue of its lack of control over the funding of UN agencies and ambiguity over its representation in the field, it was unable, despite the best efforts of its personnel, to provide strong leadership and directive coordination. As a result of all the above difficulties in the area of coordination, and the dominance in resource terms of WFP and UNHCR, Study III concluded that the term "hollow core" was an apt characterization of the humanitarian relief system during the response.

The performance of WFP and UNHCR, the two largest agencies within the UN humanitarian system, was of critical importance to the overall response. Though the Team was impressed by many aspects of the performance of the two agencies, the relationship between them was subject to unproductive tensions stemming from the division between them of the general ration supply/distribution chain. Despite development of a detailed Memorandum of Understanding between them, these tensions persist and are likely to continue, given their different perspectives on the same problems and the inherent difficulty of splitting such a critical function between the two largest agencies. One aspect of this split is that accountability is diluted as each may shift the burden of responsibility for problems encountered onto the other. Such tensions resulted in unnecessary expenditures and reduced the effectiveness of their combined actions.

Another principal conclusion drawn from the Study is that the present accountability mechanisms within the humanitarian aid system are quite inadequate. The Team found remarkable variation in the amount and quality of information on the situation in a given area depending on the agencies involved. Thus for some areas, especially the refugee camps, detailed information on morbidity and mortality was readily available whereas inside Rwanda such information was extremely patchy. In part this reflected UNHCR's clear coordination role in relation to refugees and the presence of highly-competent technical coordinators, in contrast to the unclear responsibilities inside Rwanda and the lack of technical personnel within UNREO. Thus large parts of the response could not be properly assessed, either because information on process and impact indicators was not available or it had been collected differently by different agencies. This is an unsatisfactory state of affairs. While accountability to donors is important, it should not be forgotten that relief agencies should also be accountable to the populations they are seeking to assist. The Team was struck by the very limited attempts by agencies to obtain the views of beneficiaries on the assistance they were provided with. Finally, a potentially more disturbing problem is that in a context of increased concern for profile by, and competition between, humanitarian agencies, the objectivity of their reporting may suffer as a result of their emphasis on the positive aspects of their programmes and playing down of the negative.

## Chapter 4

### Rebuilding Post-Genocide Rwanda

This chapter summarizes Study IV, which examines the effectiveness, impact and relevance of international assistance to Rwanda on repatriation and on rehabilitation, reconstruction and long-term development of the country. The primary aim of the study was to draw lessons from the experience of the international community in order to formulate specific recommendations for Rwanda and for future complex emergencies. Two considerations are of particular relevance to this study. First, its focus, as with the other studies, has been on the activities of the international community. Second, it focuses, as do all *ex-post* evaluations, on the completed or continuing activities. It is not meant to be a needs assessment, therefore the areas in which the international community was not involved are not focused upon. The study is based on interviews with relief and development agencies in the US and Europe, and on field visits to Rwanda and neighbouring countries. During field visits in late April to early May, a team of 10 relief, refugee and development experts met with agency representatives, government officials and a cross-section of Rwandese. The report is a synthesis of the sectoral and topical reports prepared during the field visit.

#### Overview of assistance to Rwanda

Aiding the people of a war-torn nation rehabilitate and reconstruct their society is a politically delicate process that requires substantial financial commitment and programmatic coherence from the international community. It requires a multi-faceted, coordinated effort to rebuild not only economic but also, and perhaps more importantly, social and political institutions devastated by war and violence, tasks for which the international community is ill-prepared. In the case of Rwanda, the challenge has been especially daunting because of the genocide, which resulted in the deaths of five to eight hundred thousand people and the subsequent exodus of two million. As a whole, the international community has made a considerable effort, with varying degrees of success, to meet the unprecedented challenge of helping post-genocide Rwanda rebuild.

From April 1994, to the end of the year, the international community focused largely on saving lives by providing food, shelter and medical and sanitary services to refugees and internally displaced persons (IDPs). The vast majority of the assistance was expended to support refugee populations in Zaire, Tanzania and Burundi.

Attention within Rwanda began to shift from emergency relief towards rehabilitation and reconstruction in August–September 1994, when the international community began to realize the severity of human and institutional devastation brought about by the civil war and genocide. Even before that, relief agencies had embarked on more limited programmes of rehabilitation. A significant early initiative in July was the establishment by UNDP and the Rwandese government of the “UNDP Trust Fund for Rwanda,” intended to be a streamlined mechanism for channeling donor funds for the rehabilitation of governmental capacity. This was followed at the beginning of August by the

<sup>1</sup> This summary of Study IV, *Rebuilding Post-Genocide Rwanda* was prepared by David Tardif-Douglin and Krishna Kumar.

launching by UNDP of the first comprehensive programming mission for rehabilitation and reconstruction and at the end of the month by a World Bank Emergency Grant of US\$20 million that funded rehabilitation activities undertaken by FAO, UNHCR, UNICEF and WHO.

Since September 1994, the UN and donor agencies have supported a wide array of projects and programmes in different sectors and regions throughout the country.

Additionally, many of the 102 international NGOs present in the country in December 1995 moved into the rehabilitation phase through their initial participation in emergency humanitarian assistance. Much of the initial "first phase" rehabilitation was funded through the January 1995 UN Consolidated Appeals Process. However, the primary framework for the transition from emergency to rehabilitation and recovery assistance has been the January 1995 Round Table Conference for Rwanda Reconstruction, sponsored by UNDP and the Rwandese government, which provided funds for reconstruction and a mechanism by which disbursement of those funds could be tracked.

Disbursement of financial assistance to the new Rwandese government faced a range of problems – absorptive capacity, questions of legitimacy and accountability, to name a few, and consequently has been slow. In light of the potential social, political and economic costs of delays, financial support for national recovery has been surprisingly slow. This is especially so of funds pledged at the Round Table Conference. Of US\$707.3 million pledged, only US\$68.1 million had been disbursed mid-way through the year, which amounted to less than 10 percent of the pledged amount. Only about one-third of the funds disbursed was left for direct assistance to the government for balance of payments support, purchase of vehicles and equipment, technical assistance and so on. This remaining amount, US\$22.8 million, represents three percent of the total pledged amount. The delay in disbursement of pledged funds has been caused by many factors; however, it undermined the government's overall capacity to pursue timely initiatives for economic recovery and political stability. According to UNDP, by September 1995, nine months from the initial pledging conference, about one-third (US\$244.3 million) of the initial funds pledged had been disbursed. Partly as a result of persistent lobbying efforts by UNDP, the level of pledges at year's end had risen to slightly over US\$1 billion and roughly half the funds initially pledged had been disbursed. If Rwanda's requirements were entirely for traditional project activities, this would be considered a good record, but in view of the need for flexible, fast-disbursing assistance, disbursements have been slow to materialize. On the other hand, to provide such assistance – essentially budget support – many donors need more assurance than they have been given about the transparency and accountability of budget preparation and execution by the government.

Of the more than US\$2 billion estimated to have been spent on the Rwanda crisis since April 1994, the vastly larger share has gone to the maintenance of refugees in asylum countries. Independent analysis of UN/DHA financial tracking figures and financial information from key individual donors broadly confirms this point. Although such a disproportionate allocation is understandable – refugees must be supported – it appears to Rwandese who have lived through the horror of genocide that the international community is more concerned about the refugees than the survivors.

### **Support for economic and public sector management**

The war destroyed the macro-economic and institutional infrastructure necessary for successful and balanced growth of a modern market-based economy. In spite of this and the numerous difficulties involved in regaining control of the economy and the public sector, the present government appears committed to continuing and accelerating reforms begun under the structural adjustment programmes of the previous regime. In consultation primarily with the World Bank and the International Monetary Fund, the government has taken a series of measures – de-monetization and reduction in money supply, devaluation and reliance on market determination of exchange rates – that confirm its seriousness about economic reform. It adheres to the principle of keeping the public wage bill to no more than 50 percent of its pre-war level, but is finding that exceedingly hard to do for a variety

of reasons. It is not clear if the government will be able to exercise the monetary and fiscal control necessary for economic stability in the future. Special conditions – a large volume of foreign currency in the economy, and a low stake in the value of the Rwanda franc, for example – early in the process of reconstruction facilitated monetary reforms.

Maintaining macro-economic policy in favour of growth and development, and keeping public recurrent expenditure under control are important challenges for the government as well as for the international financial institutions. The World Bank has reopened its local mission and initiated an Emergency Recovery Programme. The IMF has sent consultative missions to Rwanda. Other donors have provided a number of experts to key branches of the government, provided salary supplements and helped furnish offices so the economic and public management apparatus of the government can begin to function again. In spite of the relatively good start in economic management, there have been frustrating delays in the rate of disbursement of the World Bank Emergency Recovery Credit, a major component of the Emergency Recovery Programme. The December 1995 resignation of Rwanda's Central Bank governor, and his request for political asylum, signal turmoil within the macro-economic management apparatus.

### Assistance to agriculture

The war had a devastating effect on agriculture and the rural economy. In response, the international community undertook a variety of agriculture rehabilitation programmes, most notable of which were the provision of seeds and tools to farm households, the multiplication of local varieties of major crops, and assistance to the Ministry of Agriculture. In particular, over two seasons each household received a "package" of bean, sorghum, maize and vegetable seeds and one or two hoes. Fifty percent of farmers were reached in the first season of seeds and tools distributions, while 80 percent were aided in the second season. Subsequent analyses estimate that 62 percent of farmers received seeds and 72 percent received tools. In conjunction with the distribution of seeds and tools for the resumption of agricultural production, relief agencies, guided by the World Food Programme, provided food aid for "seeds protection." This activity was guided by the logic that provision of food aid would reduce consumption of more expensive selected seeds.

General distribution of seeds and tools, as well as food aid through the first two seasons, is feared by some Rwandese relief personnel to have begun to induce dependency on the part of some recipients. Continued general distribution into the third season will certainly exacerbate this dependency. If the WFP follows through on its announced plan, based on a recent WFP/FAO survey, to target more closely on the vulnerable and needy, the potential for encouraging dependency should be mitigated. However, the criteria by which some aid is to be targeted by some NGOs appear so inclusive as to be of little use for targeting. Many farmers who have received material assistance for agriculture are squatters on land vacated by persons killed or having fled during the war. An unanticipated effect of seeds and tools distribution may be to entrench and appear to validate their hold on the land. This may be an unavoidable part of agricultural rehabilitation in Rwanda, but its potential negative ramifications must be understood. Equitable resolution of property rights and land tenure issues is of paramount importance to peaceful return of refugees and the achievement of peace in the countryside.

Although seed multiplication has focused primarily on volume and local adaptation, much remains to be done to re-establish seed development, focusing ultimately on pest and disease resistance. There has been little progress rehabilitating livestock herds throughout the country. At the same time there is a serious problem of over-stocking in the north-east. Another area of relative neglect is the export sector, specifically coffee. Projects have been identified and funds committed for the export sector, and, toward the end of 1995, activities began. But earlier rehabilitation of localized processing centres and assistance in coffee harvesting and marketing could have rapidly injected funds into the rural community. The international community has played a very small role in the rehabilitation of rural enterprises, especially small and medium enterprises.

### Rehabilitating the health sector

By mid-July 1994, Rwanda's entire health delivery system had collapsed and was in complete disarray. Over 80 percent of its health professionals were killed or had fled the country. NGOs, UN agencies, the ICRC and bilateral donors arrived with trained health professionals, medicines, supplies and equipment. They re-established basic curative services in urban and rural areas and helped repair and restore damaged water systems. Non-governmental organizations were instrumental in delivering primary health services to the population. Yet because many NGOs lacked previous experience in the region, did not conduct proper needs assessments, and were poorly coordinated, there was much duplication of effort and waste of scarce medical resources. Donors have provided limited direct assistance to the government for strengthening its management, coordination and information systems capacity in the health sector. One exception is WHO, which has provided direct technical assistance to the Ministry of Health in health policy formulation, guidelines and health sector reform. Early in the process of rehabilitation, UNICEF prepared a report proposing a range of programming actions, subsequently undertaken during the year. The Ministry, with assistance from WHO and UNICEF, has reconstituted the country's vaccine stocks, immunization equipment and system for immunization. The re-establishment of a safe blood supply has been made a priority, and the National AIDS Prevention Programme is again receiving some direct support from donors. Implementation of STD/AIDS interventions, however, has been unacceptably slow given the potential magnitude of the HIV-infection problem in Rwanda. Water and sanitation systems are being rebuilt with the assistance of donors and NGOs, with most progress in Kigali.

The impact of international assistance for rehabilitation of the health sector has been positive, on balance. Health delivery systems have largely been brought back to pre-war levels, but weak initial needs assessments and programme strategy development and ineffectual programme monitoring and evaluation on the part of some agencies have hampered interventions in the health sector. The inability or unwillingness of some NGOs formally to engage the Ministry of Health in the project assessment, design and approval process further diminished successes in the health sector, and has contributed to a perception on the part of government officials that emergencies are perpetuated so as to allow relief agencies to "stay in business." Lack of coordination between NGOs and the government remains an impediment to effective rehabilitation.

### Rehabilitating the education sector

International assistance for rehabilitation and reconstruction of education, initially focused on the primary level, has played a limited but valuable role, emphasizing emergency supplies of materials, rehabilitation of structures and food aid salary supplements to teachers. The UNICEF/UNESCO Teacher Emergency Programme, "school-in-a-box," co-designed by UNHCR, was provided to most of the primary schools that opened in September 1994. WFP, through its programme of food aid salary supplements to teachers, helped keep teachers on the job in the absence of funds with which to pay their salaries. In spite of these interventions, international assistance in education has been largely characterized by *ad hoc* emergency interventions with limited sustained impact. The international community's weakness in support for the rehabilitation and restoration of education is due in part to the programming limitations of emergency funds. Education activities are, for the most part, excluded from eligibility for these funds because they are not deemed life-saving. Later in the year, funding became available through the Round Table process. Of US\$18 million requested in January 1995 by the Rwandese government for rehabilitation of the education system, US\$4.1 million had been disbursed (as per Round Table tracking) by year's end. By then, pledged assistance to formal education programmes had grown to US\$50.4 million. The World Bank Education Project, which became operational in Spring 1995, had by fall supported the training of 3,000 teachers, rehabilitation of 1,000 schools and provision of 120,000 textbooks.

### Assistance to vulnerable populations

Genocide and war altered the country's demographic composition so radically that women and girls now represent between 60–70 percent of the population. By some estimates, between one-third and one-half of all women in the most hard-hit areas are widows. Further, several thousand women were brutally raped. During the initial stages of emergency assistance, women as a group were not given special treatment. Rather, it was assumed that they, like other beneficiaries, would benefit from the assistance provided to various sectors. The exceptions were WFP and CARITAS/Catholic Relief Services food support programmes specifically targeted toward vulnerable groups, including female heads of households.

Under existing Rwandese law, property passes through male members of the household. As a result, widows and orphaned daughters risk losing their property to male relatives of the deceased husband or father. Consequently, there is an urgent need to change judicial guidelines and legal interpretations of laws pertaining to property, land and women's rights. Save the Children (UK and US) and UNICEF are supporting the Ministries of Family and Rehabilitation and women's groups in their advocacy efforts in this area, as well as funding technical assistance to the judiciary. Numerous Rwandese NGOs are disseminating information and creating awareness of this problem. However, one year after the genocide, there were no comprehensive national programmes of family support for the survivors. Over time, however, those NGOs working in the community began to recognize the distinctive needs of women – widows, victims of violence and rape, and heads of households – and developed *ad hoc* initiatives to support communities in caring for the most vulnerable.

Estimates of the number of unaccompanied children in the region vary between 95,000 and 150,000 although there is substantial debate on the numbers. Some relief agencies believe the number well exceeds the higher figure, while other organizations consider it vastly exaggerated. There is a wide array of international and national NGOs implementing mostly *ad hoc* programmes for unaccompanied children. Only the larger and more experienced have developed longer-term comprehensive national programmes that support institutional capacity building and have established strong working relationships with the government. The key areas of intervention are in registration, tracing and reunification; the provision of foster care; and capacity building. By the end of 1995, over 10,000 children in Rwanda and the camps had been reunited with their families. This resulted from cooperation between ICRC, which established a data bank with the names of 85,000 children, sharing the information with other agencies, including Save the Children (UK and US), UNICEF and UNHCR, which with ICRC played major roles in tracing and reunification.

Some NGOs rushed into the country staking claim to, or opening up new unaccompanied children centres and orphanages without any long-term planning and without the guidance and direction of a strong coordinating body. There was also a lack of collaboration with or support of national organizations, which was particularly inexcusable after the situation had stabilized. Creation of centres for unaccompanied children was a necessary, short-term response that was not intended to be a long-term solution. Unfortunately, the establishment of centres has provided a livelihood to too many people to be discontinued easily. The only way current interventions can be sustained is if donors are willing to make long-term commitments financially to support child care institutions.

### Psycho-social healing

The brutal nature and extent of the slaughter, along with the ensuing mass migration, swiftly and profoundly destroyed Rwanda's social foundation. Vast segments of the population were uprooted, thousands of families lost at least one adult and tens of thousands of children were separated from their parents. Because neighbours, teachers, doctors and religious leaders took part in the carnage, essential trust in social institutions has been destroyed, replaced by pervasive fear, hostility and insecurity. The social upheaval has affected interpersonal and community interaction across ethnic, economic, generational and political lines. Some groups, unaccompanied children, for instance, are

relatively visible as "victims of violence," whereas the victimization of others, such as women and individuals who were forced to kill, is less apparent.

Relatively little attention has been paid to the problem of psycho-social healing. Donor efforts have concentrated primarily on trauma counseling for children. In addition, some organizations, mostly those religious in nature, have attempted to confront the ethnic animosity directly through reconciliation workshops and community healing initiatives, and indirectly within the context of their other programmes. What few programmes there have been for psycho-social healing have tended to overlook the needs of women. Also, the international community may be misapplying its experience with post-traumatic stress disorder. Missed opportunities in exploring indigenous concepts of mental health and methods of healing conceivably stem from initial lack of understanding of Rwandese society, psyche and culture, and the absence of adequate language skills, so vital to confidential communication.

### **Promoting human rights and building a fair judicial system**

The international community has supported human rights initiatives in three key areas so as to promote the process of national rebuilding: establishment of the International Tribunal for Rwanda, reconstruction of the justice system and assistance to the UN human rights field operation. The impetus for these initiatives was the findings of the UN Special Rapporteur and a Commission of Experts, asked by the UN High Commissioner for Human Rights to investigate alleged human rights violations during the war. By May 1995, six months from the establishment of the Tribunal, it had made only limited progress. From the outset, it had been facing problems of logistics, funding and staffing, which caused long delays. With staffing changes in October 1995, the pace of investigations stepped up. Thirteen months from its establishment, the Tribunal in January 1996 issued its first indictments of suspected war criminals, eight alleged leaders of the genocide. Despite recent progress, delays in establishing the Tribunal and making it operational have postponed reconciliation, which can hardly be expected to occur in the absence of justice. Further delays will reinforce the perception that the world is indifferent to the Rwandese genocide.

The justice system of Rwanda was manipulated by the former regime despite constitutional provisions ensuring its independence. Human rights abuses relating to arrests, detention, trial without counsel and widespread corruption were frequent in the past. If Rwanda is to establish a legal system that helps to ensure the rights of all citizens, it must construct a justice system that substantially improves on that which previously existed in the country. Several assistance initiatives are under way. These programmes, however, do not approach the level of assistance that was broadly recognized as being required to "restart" the justice system. The real challenge is not so much that of marshalling sufficient human and technical resources as of institutionalizing a new political culture in which differences are settled through discussion and accommodation and not through violence and bloodshed. The paralysis of judicial process and the inability to try suspected criminals is not solely due to lack of staff and equipment, which could be alleviated with outside assistance. There also appears to be a lack of political will to proceed. Even though conditions have improved with assistance from ICRC, the Netherlands and UNDP, they remain very harsh for many of the roughly 60,000 detainees in Rwandese prisons and jails. Also of high priority are improved security in the countryside and acceleration of progress in resolving property disputes involving pre-1994 (old-caseload) refugees.

The human rights field operation for Rwanda was the first field operation to be undertaken under the auspices of the UN High Commissioner for Human Rights and to be administratively supported by the UN Center for Human Rights in Geneva. The Commissioner for Human Rights and the government of Rwanda agreed to the deployment of 147 human rights field officers, one for each of the country's *communes*, although subsequently the 114 field officers were not deployed by *commune*. The objectives of the field operation were to investigate the genocide, monitor the human rights situation, help re-establish confidence, and provide technical assistance in the administration of justice.

The human rights operation in Rwanda is perceived among experts and informed people to have failed to accomplish its stated mission. Its impact on the prevention of human rights violations and promotion of human rights has been minimal. However, it should be recognized that several factors, many of which were beyond the control of the human rights field operation, contributed to its poor performance to date. Informants identified the following set of factors: a broad and ambiguous mandate, inferior recruitment procedures, poor preparations prior to deployment, limited logistics and resource support, ineffectual leadership, absence of a coherent strategy, poor coordination between headquarters and field staff, bureaucratic infighting within the UN system, apathy, if not hostility, of the Rwandese government, and a highly politically-charged environment. Obviously, the entire blame for the failure cannot be laid on the leadership of HRFOR and the Centre for Human Rights. In October 1995, a new chief assumed leadership of the field operation in Rwanda. Initial reports indicate that he is re-examining and re-evaluating the entire operation to make it more relevant and effective. It is too early to tell the outcome of his efforts.

### Return of refugees and internally displaced persons

After the victory of Rwandese Patriotic Front forces in July 1994, the old caseload refugees, primarily Tutsi who had left Rwanda beginning in 1959, began returning in large numbers. The government has estimated a total of over 700,000 to have returned. Old caseload returnees have benefited from international assistance through direct aid to families, rehabilitation of *commune* structures and services, and assistance to government ministries, particularly the Ministry of Rehabilitation. However, the slow process of disbursing funds pledged for repatriation and reintegration at the Round Table Conference constrains the capacity of the government to facilitate the process.

Further, despite the efforts of the international community, very little has been accomplished in the repatriation of two million new caseload refugees who fled to Zaire, Tanzania and Burundi largely between April and July 1994. Most of these refugees were intimidated or terrified into flight through a premeditated, orchestrated attempt on the part of hard-line elements of the fleeing government to maintain leverage and a claim to legitimacy. The many accounts, both actual and false, of violent reprisals, arbitrary arrests and detentions of Hutu in Rwanda have also significantly discouraged repatriation. Only a small number of refugees, not more than 200,000 in 1994 and 100,000 in 1995, according to UNHCR, have returned thus far. While the pace of repatriation can be accelerated by implementing the recommendations outlined (in the section that follows), and the recent arrests of former extremist leaders in Zaire may have some effect, the international community should prepare itself for the eventuality that a substantial portion of the refugee population is still unlikely to repatriate soon for three reasons. First, between 10 to 15 percent of the refugees in the camps (adult and adolescent) are alleged to have participated directly in mass killing. These refugees and their families would be understandably reluctant to return. Second, the transmigration of people has been common in the Great Lakes region in the past. Many *Kinyarwanda*-speaking "ethnic Rwandese" live in Uganda, Tanzania, Burundi and Zaire. Consequently, refugees are not in totally foreign milieus; there are bonds of history and language that help mitigate refugees' nostalgia. Finally, the experience of past complex emergencies shows that it usually takes years, even decades, before significant voluntary repatriation takes place. Even then, rather than going back to their country of origin, many refugees settle in host (or third) countries. It is, therefore, imperative that the international community demonstrate more realism in planning its initiatives for the refugees than it has done so far by considering a wider range of solutions to the crisis.

Lastly, the record of the international community in facilitating the return of internally displaced persons has been mixed. The camps posed a potentially explosive threat to national security and essentially prolonged the transition from emergency to rehabilitation and reconstruction. The government maintained that massive repatriation of refugees would not be feasible until the IDP camps had been disbanded. The international community agreed to the need for closures, but was unprepared for the aggressive tactics employed by the government. The tragic events at the Kibeho camp, in which thousands of displaced persons were killed, epitomized the gulf between government

exigencies and relief agencies' moral stance and mandates, and the tragic consequences of the lack of real communication. The Kibeho incident, about which facts are scanty, weakened an already tenuous relationship between government and relief and development agencies, making the coordination and cooperation necessary for large-scale rehabilitation and reconstruction efforts that much more difficult.

### **The consequences of genocide**

Post-genocide Rwanda is dramatically different from pre-genocide Rwanda. The genocide has transformed the social, political and economic landscape of Rwanda. It has also profoundly affected the existing political and cultural institutions. But, above all, it has undermined the social trust that binds people together. Just as the Holocaust redefined the Jewish identity, so has the Rwandese genocide left a profound impact on the psyches of both Tutsi and Hutu.

The International community took steps to investigate the genocide and punish the culprits by establishing an International Tribunal; however, it has largely failed to incorporate the implications of genocide in the design and implementation of assistance programmes in Rwanda. It has treated and continues to treat the present crisis like other civil wars in which the international community intervened and assisted the suffering population. Such an approach has distorted assistance priorities, undermined the effectiveness of assistance programmes and alienated the present government. For example, the international community has tended to overlook the plight of the survivors of the genocide; by and large, they have not been treated any differently from other segments of the population. On the other hand, the international community has spent immense resources on the refugees. It is not that the refugees do not deserve assistance but that such assistance should be balanced with assistance to survivors.

The international community's apparent lack of understanding of the psychological impact of genocide has also contributed to the distrust – and even the open hostility – of the Rwandese government towards the UN human rights field operation. Its legitimacy has been vastly compromised because it is perceived as one-sided, focusing on current human rights violations instead of on crimes against humanity. Overall, limited mandates of the bilateral and multilateral agencies, the established modalities for allocating resources, and the procedures for delivering aid in the field are institutional factors that have led to the inability of the international community to respond adequately to the unique consequences of genocide. However, beyond institutional roadblocks, the cultural insensitivity of the international community at times devalued the tragic social and human dimensions of the genocide as perceived by the Rwandese. Perhaps the most lamentable example was the rush to promote reconciliation over the understandable resistance of those who had suffered immensely.

### **Long-term development of Rwanda**

In examining the question of long-term development of Rwanda, two considerations should be kept in mind. First, the success of Rwanda's march towards a politically stable and economically sustainable society will depend upon a complex set of conditions and circumstances. For example, Rwanda will be shaped by its distinctive social, cultural and economic institutions, emerging regional alignments and interests, and the vision shown by its leadership. The international donor community can influence such factors, but cannot control them. Second, the transition process is not likely to be a smooth one. Rather, as has been the case with many complex emergencies, the process is most likely to be characterized by periods of ups and downs, stagnation, and even regression. There is a need to take a long-term perspective.

A broad consensus seems to be emerging that the country should give top priority to building an effective judicial system based on the rule of law; ensuring physical security to returning refugees and survivors of genocide; and promoting rapid economic growth in agriculture and small business

ectors. In this regard, past social and economic policies can not be the model for Rwanda's future integrated development, which emphasizes human resources. The government will have to face the problem of ethnicity and political participation, and encourage a culture of tolerance and respect for democratic principles and human rights.

However, it appears increasingly probable that efforts at the national level alone are not sufficient to solve the refugee return problem. Because of the growing political and ethnic tensions in Burundi, the presence of two million Rwandese refugees in neighbouring states, and the high population density of the country, a regional approach will be key to longer-term resolution of the crisis. Such an approach may require resettlement of populations and greater regional political and economic integration. Whether Rwanda, its neighbours and the international community will take the bold steps necessary to achieve a durable regional solution to this complex problem is a question that history alone can answer.

### Conclusion

International response to the humanitarian crisis provoked by the civil war and genocide has been generous and, in the emergency phase, rapid. Greater ambiguity about objectives, the legitimacy and capacity of the new government and the durability of peace, coupled with more deliberate (and hence time-consuming) processes for development assistance, have led to delays in assistance for reconstruction and development. In some cases simple political miscalculations have led to dead-lock between government and donors.

Finally, the international community cannot be expected to do everything, nor should it try to do so. Most of the responsibility for reconstruction, rehabilitation, reconciliation and recovery belongs to the Rwandese. The ultimate determinant of the durability of solutions will be the degree to which they themselves believe in them and have, or would have, instituted them even without outside assistance. Nonetheless, the international community has already brought and can bring many resources to bear on the crisis. How these are used can tilt the balance in favour of peace and reconciliation and away from war and destruction.

## Chapter 5

# Overall Findings and Recommendations

### Introduction

This chapter presents the critical findings and recommendations that emerge from the four study reports summarized in the previous chapters. While these reports are the main sources for this chapter, it also draws on discussions with the resource persons and panel of African experts. Though the four teams had different tasks and carried out their research in different ways, using different materials, each came to roughly the same understanding of a set of factors that inform and underlie their reports and inform the presentation that follows.

### Some cross-cutting issues

#### The "continuum" of relief, rehabilitation and development

The Rwanda crisis in some respects does not represent a linear "continuum" from relief-to-rehabilitation-to-development. Rehabilitation efforts necessarily began soon after the new government assumed power in July 1994. Massive relief operations continue, 18 months later, in refugee camps on Rwandese borders. In other respects, a shift from one stage to the next has occurred, as for example, when IDPs, who had been sustained by relief for almost a year, returned to home *communes* where they received agricultural rehabilitation assistance and should now be moving to self-sustaining status.

The evaluation did not systematically address all the issues surrounding the relationships between relief, rehabilitation and development in the Rwanda crisis. However, the studies have identified instances where linkages between relief and development were and were not taken into account. In the first example, there has probably been on balance an adverse impact on the development status of local populations surrounding the massive refugee camps in Tanzania and Zaire. While the relief operations have created employment and provided an injection of income into local areas, these effects will end with the repatriation of refugees. On the other hand, physical security, infrastructure and the environment have deteriorated for local populations, who also tend to perceive services to refugees as being superior to their own. Another example suggests a positive relationship in which the forging of a "Corridor Group" by WFP with the Tanzanian Railways Corporation and Tanzanian Harbours Authority resulted in more efficient transport of massive food shipments and should also rebound to the longer-term efficiency of Tanzania's transportation system.

The third example refers to the continued free provision of seeds and tools kits to Rwandese farmers. Study IV raises the issue of whether this effort has gone beyond the point of rehabilitation, potentially creating dependency among farmers and inhibiting the development of private channels of production and distribution. It is possible that the continuation of this programme, without effective targeting on needy farmers, may be detrimental to Rwanda's longer-term agricultural development prospects.

#### The impact of previous development aid

It is clear that substantial development aid to Rwanda over a 30-year period before the crisis did not *prevent* it. On the other hand, the crisis can not be attributed to aid as a primary cause. While the evaluation did not attempt to assess the net influence on the crisis of development aid, it did under-

take some analysis of a major pre-crisis component of aid. The Structural Adjustment Programme of [1991] contained some provisions that should have ameliorated tensions (a "safety net") and others that may have fanned resentment (civil service and parastatal reform, and abolition of the coffee equalization fund, had the government implemented the abolition). It is not clear whether other donor-supported programmes favoured one political or ethnic group more than another. The evaluation did not systematically examine this question, which could be a worthwhile subject for future research and analysis.

It should be noted that UN/DHA has initiated, in collaboration with Brown University, a research project to study the role of development assistance activities in conflict-prone settings.

### Responsibility of the crisis country

Throughout the various phases of a complex emergency the constituted authority of the country in crisis always bears major responsibilities for resolving it. This has been true at virtually every stage of the Rwanda crisis since there has always been a duly constituted authority, with perhaps the exception of several weeks during May–July 1994. The responsibilities range from protecting human, civil and refugee rights to peaceful conflict resolution; to ensuring an open and fair system of justice; to creating a stable and open enabling environment for economic activity; to protecting the poorest and the most vulnerable. As concluded by Study IV, the responsibilities for rehabilitation, recovery and reconstruction belong to the Rwandese.

A current example is repatriation. With the possibility of significant external impediments being removed by the recent arrests in Zaire of former extremist leaders, political, judicial and economic conditions inside Rwanda have become even more important for successful repatriation. However, the international community, which has urged progress on these fronts, needs to continue to find ways to assist Rwandese and their government in their efforts to rebuild society.

### Upholding international law:

#### a reproach and admonishment to UN member states

The Rwanda crisis is replete with instances of violation of international law by some member states as well as derelictions of responsibility of others to champion action directed at violators.

The types of international law that were violated fall into three broad categories

- First and foremost is *The Convention on the Prevention and Punishment of the Crime of Genocide*, adopted by the General Assembly on 9 December 1948. The perpetrators of genocide in Rwanda clearly stand guilty of violating the Convention. The rest of the international community violated the spirit if not the letter of Article VIII of the Convention, which states that "Any contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III".
- Second is *International Humanitarian Law*, in particular the *Geneva Conventions of 1949 and their additional Protocols of 1977*. Member states have an obligation to disseminate knowledge of international humanitarian law as widely as possible and to adopt any national measures and enact any legislation to provide for *effective implementation* of international humanitarian law.
- Third are international norms, particularly well-developed in African regional international law, regarding the *rights of refugees to repatriate* and *stability of relations among states*. Member states must take invasions across borders seriously, initially at sub-regional and regional levels, to defuse and contain the resulting conflict. The international community must also support states most directly concerned to ensure that refugees are not left in limbo, but within a reason-

able time obtain secure membership in a state. Had effective and prompt action successfully addressed these issues involving Rwanda and Uganda in the 1980s and in 1990, the tragedies of the ensuing years could have been averted.

Member states must uphold and adhere to these international laws and norms.

### **Findings and recommendations**

The following presentation of key findings and recommendations is grouped into six sections relating to major issues and phases of the Rwanda crisis.

- A. Critical Findings and Recommendations
- B. Detection, Prevention and Suppression of Genocide and Civil Violence
- C. Management of Relief
- D. Supporting the Rebuilding of Society
- E. Roles of the Media
- F. The Regional Dimension

The first section consists of seven critical sets of findings and recommendations that require high priority attention by key actors of the international community, such as the UN Secretary-General and members of the Security Council, heads of bilateral and multilateral agencies and NGO network organizations, and representatives of the components of the International Red Cross and Red Crescent Movement. The recommendations in the following five sections are not necessarily less important than those in the first section, but they tend to be more operational in nature or they may in some cases require further review or study before being acted upon.

Various members of the international community, prompted by their experience with complex emergencies, including that of Rwanda, have launched initiatives that could well lead to the adoption of some of the recommendations presented below. These initiatives include studies, discussion papers, working groups and task forces intended eventually to produce new policies, strategies and operating procedures. Among the groups involved in such efforts are the Inter-Agency Standing Committee of the UN System, the OECD Development Assistance Committee (DAC), the European Union and the World Bank, as well as several bilateral agencies. One product resulting from reviews conducted by the ICRC and the IFRC, together with several NGO organizations affiliated with the Steering Committee for Humanitarian Response, has been the promulgation of a new "Code of Conduct" for the provision of humanitarian assistance. The UNHCR is currently developing new guidelines on contingency planning and, in consultation with WFP, will soon be issuing new guidelines for food distribution.

### **The issue of funding**

Implementation of a number of the following recommendations will require additional financial support from member states of the international community. With several major contributors far behind in their financial obligations to the UN system, it may be argued that it is not a propitious time to put forward recommendations with financial implications. These recommendations are nonetheless made in the belief that leadership will emerge from the international community that will understand that their implementation will save financial resources and lives.

However, the increased effectiveness promised by these recommendations will not be realized

without the political will from member states that will be required to adopt some of the recommendations, nor without the will, dedication and competence of agency managers to carry them out.

### Follow-up to the evaluation

As part of an assessment of the efficacy of this evaluation, the evaluation Steering Committee will be reconvened in six to eight months, or between July and September 1996. The purpose of the meeting will be to assess the reactions of the international community to the evaluation, the degree of implementation of its recommendations and the lessons to be learned from the evaluation process itself.

### Some positive findings

Evaluations tend to focus on negative findings in an attempt to draw lessons and recommendations for the future. While the main findings and recommendations of this chapter tend to fall into that category, the positive experiences in the responses of the international community to the Rwanda tragedy should not be ignored. Preparation for response to future complex emergencies should also build on these positive experiences. Following is a selection of some of the salient "positive lessons" that emerge from the evaluation studies and materials provided by Steering Committee members.

- The support and intensive mediation efforts provided by the government of Tanzania and the Organization for African Unity to the negotiation of the Arusha Accords.
- The *Report of the International Commission of Investigation of Human Rights Violations in Rwanda*, undertaken by the NGO, International Federation of Human Rights (known by its initials in French, *FIDH*), in early 1993, and the first international group to implicate the government in planning systematic killings of Tutsi.
- The protection of tens of thousands of Rwandese during the height of the genocide by the residual UNAMIR Force and by ICRC.
- Examples of effective UN coordination of emergency relief operations in Ngara, Tanzania (UNHCR) and in the Integrated Operations Centre (IOC) in Rwanda (DHA/UNREO).
- Cost-effective preparedness planning and provision of potable water by Oxfam in Goma, Zaire.
- Block funding from ECHO for UNHCR Rwanda operations that strengthened the effectiveness of the latter's coordinating role with its NGO implementing partners.
- Establishment of a "Corridor Group" by WFP for negotiation and maintenance of a cost-effective "Southern Transportation Corridor" for the transport of food aid supplies through Tanzania.
- The Netherlands, as the third largest bilateral country donor to post-genocide Rwanda in absolute terms at US\$64 million and the largest relative to its GNP, with about 25% of the total contributed to strengthening the justice system and 25% to the fast-disbursing UNDP Rwanda Trust Fund, established by the government and UNDP in July 1994. With contributions of US\$125 million and US\$119 million, the US and Germany were the first and second largest bilateral country donors, respectively. The World Bank at US\$224 million and the European Union at US\$333 million, exceeded any one country total (based on UNDP data as of 20 December 1995).
- A fast-disbursing World Bank Emergency Grant for relief and rehabilitation in Rwanda, effectively channelled through four UN agencies (FAO, UNHCR, UNICEF, and WHO), beginning in August 1994.

- Largely through the work of international NGOs, supplemented by assistance from UNICEF and WHO, primary health care centres in Rwanda were relatively quickly rehabilitated in the summer and autumn of 1994, which alleviated massive human suffering and helped prevent a possible outbreak of epidemics.
- UNICEF support for the establishment and operation of a Rwandese National Trauma Centre to train teachers and counsellors in dealing with the aftermath of genocide trauma in children and parents.
- A government-sponsored International Conference on "Genocide, Impunity and Accountability: a Dialogue for a National and International Response," held in Kigali, 2-6 November 1995, with financial assistance from Ireland and the US, and with a key objective being to identify alternative forms of justice and degrees of penalties for those who participated in the genocide.
- Last but by no means least, the many Rwandese who resisted the genocide and who risked or lost their own lives in trying to save others.

**A. Critical Findings and Recommendations for the Attention of the UN Secretary-General and Security Council, Heads of Donor Agencies and NGOs, the International Red Cross and Red Crescent Movement and Member States**

**Finding A-1:**

*Lack of Policy Coherence*

**Humanitarian action cannot substitute for political action. This is perhaps the most important finding of this evaluation.**

One of the hallmarks of a complex emergency is that the political/diplomatic (including conflict resolution), human rights, humanitarian, military/peacekeeping, and development aspects get inextricably intertwined – before, during and after the peak of the crisis. The Rwanda experience is a prime example. The problem in Rwanda was that policy and strategy formulation by the international community seldom, if ever, took these elements into account in an integrated manner.

Among the member states and within the UN system there were:

- conflicting interests or relative lack of interest among Security Council members in a crisis involving a country of marginal strategic importance;
- discrepancies between the Office of the Secretary-General and the Security Council;
- inadequate strategy formulation and communication within the Secretariat and disjointed relationships between its political, military and humanitarian functions;
- disjointed relationships between the Secretariat and the field level; and
- at the field level, tension between agencies and unclear division of labour among them.

As observed in Study II, one crucial manifestation of the lack of policy coherence was a pattern of behaviour in New York headquarters marked by not drawing on critical information coming from the field in order to formulate a full range of strategic options for the Secretary-General and the Security Council. This pattern contributed to the fateful 21 April Security Council decision

to withdraw the bulk of the UNAMIR forces from Rwanda. The Secretariat and the Security Council continued to see the issue in terms of an intervention between two opposing armies engaged in a renewed civil war rather than the need to protect civilians from systematic killings. With a Security Council unwilling to contribute troops or to finance member states willing to do so in a crisis that was of strategic marginality to the major powers, that lacked clear terms of reference and obligations and where the parties to the conflict were once again at war, the Secretariat rejected the requests of the UNAMIR Force Commander for increased resources and the latitude to protect civilians. Other factors, such as the "shadow of Somalia" that restrained the US in the Security Council, and cumbersome and inflexible UN procedures, also played a role in leading to this outcome, but greater coherence in policy formulation would have at least clarified the central issue at stake and might have overcome the "shadows."

As noted in Study III, some agencies worked on the premise that refugees would return quickly, while other agencies maintained that the refugee situation would be a protracted one. There was no overall agreed understanding of the complexity of the situation, the preponderance of factors weighing against early repatriation and the resulting policy implications.

The underlying problem has been and continues to be political. But the international community failed to come to grips directly with the political problem. Thus it has in effect, and by default, left both the political and the humanitarian problems generated by the Rwanda crisis in the hands of the humanitarian community. This is untenable. It puts burdens on the latter that it cannot and should not assume.

#### **Recommendations for Policy Coherence:**

##### ***a. Foster Policy Coherence in the UN Security Council and General Assembly***

###### **To the UN Security Council and General Assembly**

First and foremost, a crisis of an essentially political nature requires action at a political level effectively to address it. However, the consequences of such a crisis are often humanitarian in nature and require humanitarian action. To ensure that the humanitarian dimension is adequately considered in decisions regarding complex emergencies, it is recommended that the Security Council establish a Humanitarian Sub-Committee. Its purpose would be to inform fully the Security Council of developments and concerns regarding humanitarian dimensions of complex emergencies and to make appropriate recommendations, taking into account both inter-related and distinctive aspects of political, military and humanitarian objectives.

In the General Assembly an integrated approach to complex emergencies could be fostered through, for example, its incorporation in principles of a "new international humanitarian order", to be taken up again by the UNGA in 1996.

##### ***b. Ensure Policy Coherence in the UN Secretariat***

###### **To the UN Secretary-General and Security Council**

Constitute a team of senior advisers for all complex emergencies, charged with synthesizing crisis information and bringing coherent policy options to the Secretary-General. The purpose of this team would be to ensure that humanitarian, political and peacekeeping concerns are all taken into account in formulating options for the Secretary-General, the Security Council and in the General Assembly; it would *not* be charged with making operational decisions regarding humanitarian action. Its duties and responsibilities should be distinct from those of the Secretary-General's Task Force on UN Operations. The team should consist of the Under-Secretaries General for Political Affairs (DPA), Peacekeeping (DPKO), Humanitarian Affairs (DHA). It should also draw on information and counsel from the High Commissioners for Human Rights and Refugees, the Directors-

General of UNICEF and WFP and the components of the International Red Cross and Red Crescent movement. The team should:

- (i) Reinforce the discipline of the UN civil service as an impartial and independent resource, presenting analyses and options to member states for UN crisis-response based on the identified needs of that crisis, not on the supposed reactions of any one or more governments.
- (ii) Formulate the essential framework for an integrated UN line of command between headquarters and the field, and within the field, for political action, peacekeeping and humanitarian assistance to ensure that the system speaks with one voice and that there is mutual reinforcement among the three types of actions.

### **Finding A-2:**

#### ***Insufficient Support for Prevention and Suppression of Genocide and Protection of Victims***

While there are arguments on both sides, a case can be made that with a modest expansion of peacekeeping forces with a clear mandate to protect civilians, the international community could have halted or at least substantially checked the killings, especially during the first weeks. Some suggestive evidence in support of this proposition is provided by the experiences of the greatly-reduced UNAMIR force and the French *Opération Turquoise*, whose protective efforts in Kigali and in south-western Rwanda saved tens of thousands. In addition ICRC protected similar numbers through repeated calls for respect of humanitarian principles and regular visits where persons at risk stayed.

Among the reasons this option of modest expansion was not pursued were the already described lack of policy coherence at the top of the system as well as a lack of understanding of the situation and the risks of intervention. Cumbersome procedures and a gap in the UN Charter Chapters regarding peacekeeping and related operations contributed to this lack of understanding: the Rwanda situation was defined in April as having moved from a low-cost, consensual peacekeeping mission to a crisis where only a full-fledged, high-risk enforcement operation would have an impact. The consequences of this assessment were particularly important because the Security Council had a low threshold for risk in the case of Rwanda, reflecting the country's strategic marginality to the major powers.

#### **Recommendation:**

#### ***Effective Prevention and Early Suppression***

**To the Security Council, the Secretaries-General of the UN and the OAU and the High Commissioner for Human Rights, in Consultation with the International Red Cross and Red Crescent Movement, and to Member States**

- a. Urgently develop a UN-sponsored programme through governments, NGOs, and other organizations to sensitize leadership of the international community to genocidal conspiracy and incitement anywhere and to obligations of all governments to prevent and suppress it. Adopt in the General Assembly criteria for proclaiming a Genocide Emergency when justified and review Article VIII of the Genocide Convention with a view to strengthening the obligation of Contracting Parties.
- b. Develop standard operating procedures for UN peacekeeping operations, with a clear mandate to protect civilians when large numbers are threatened by violence; in effect, a "6.5" mandate between the UN Chapter VI and VII mandates. In addition:
  - (i) Establish procedures for rapid deployment of forces under UN authority as both deterrent and actual capability; encourage and support development and first use of rapid-response capabilities under regional organizations like the OAU and the OAS, with UN authorization and support where needed.

- (ii) Provide terms of engagement sufficiently broad to political and military field officers, including those of "6.5 mandate" operations, to permit them to respond to changing circumstances with innovation and dispatch.
- (iii) Expand the use by the UN and regional organizations of specially-trained civil policemen and policewomen in complex emergencies.
- (iv) Deployment, by the High Commissioner for Human Rights, of an independent Human Rights Monitoring Unit along with every UN peace operation. Member states must provide the requisite funding for this initiative, which is already in force but has been impeded by lack of funding.
- (v) Ensure ICRC access for monitoring the application of international humanitarian law and humanitarian basic principles by all parties concerned.

### **Finding A-3:**

#### ***Non-Reading and Mis-Reading of Early Warnings of Genocide***

There were increasing warning-signs from NGOs, academics, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, UNAMIR and others of intent and preparation for an organized genocidal attack on Tutsi and an assassination of moderate Hutu from early 1993 onwards. But the apex of the international community in the UN Secretariat and Security Council did not recognize the signs for what they were, nor did they strategically analyze them. Lack of any effective response to these increasingly open indications gave intending perpetrators no reason to pause in their preparations; the weakness of UN peace forces both in numbers and mandate provided further reassurance.

#### **Recommendation:**

#### ***A More Effective Conflict Early Warning System***

##### **To the UN Secretary-General**

Establish a unit for strategic analysis of early warning of conflicts, including genocide and political assassination, directly under the Office of the Secretary-General, drawing on, but not substituting for, the information provided by UNHCHR; UN/DHA and a worldwide network of states, regional organizations, institutes and NGOs. This unit should have the capability to analyze, interpret and develop strategic options to be presented to the Secretary-General, but should not have other operational responsibilities. The head of this unit should have guaranteed direct access to the Secretary-General. The unit would not substitute for a Humanitarian Early Warning System (see Recommendation C-2, below).

### **Finding A-4:**

#### ***Insufficient Reliance on Regional Organizations and Sub-Regional Groupings***

Despite rhetoric emanating from the international community about greater reliance on regional and sub-regional organizations, such as the Organization for African Unity (OAU) and the Economic Community of the Great Lakes Countries (*Communauté économique des pays des Grands Lacs - CEPGL*), and the neighbouring states individually, these were given neither the mandate nor the resources nor the actual cooperation at some critical stages in the Rwanda emergency. In fact, as brought out in Study II, the OAU, which had played a vigorous and effective role in mediating the Arusha Accords, was *discouraged* by the UN Security Council and Secretary-General from playing a significant role in their monitoring and implementation. Given the paucity of its own resources and the limited capacity of its member states to contribute financially, the OAU would have had to rely on financial and/or *matériel* support from the UN or wealthier states outside the region. But with such support the OAU could have played the more significant role it was willing to play in

conflict resolution and peace monitoring efforts, a role that could have made a major difference to the genocidal outcome.

**Recommendation:**

***Strengthen and Involve the Mediation and Peacekeeping Capacities of Regional and Sub-Regional Organizations and Local Parties***

**To the Secretaries-General of the UN, OAU and OAS for Follow-up and to Member States for Necessary Action**

- a. Ensure that regional participation in preventive diplomacy carries over into peacekeeping so as to establish continuity between mediation and peacekeeping.
- b. Allocate adequate resources to regional and sub-regional organizations and neighbouring states to enable them to be effective in preventive diplomacy and peacekeeping, taking into consideration that most of the world's conflicts occur in regions where these parties have the fewest resources to deal with them.
- c. Ensure that the UN sanctions action, sets parameters and monitors implementation of forceful intervention and, where needed, helps finance and otherwise support such actions, but remains the body of last resort for implementation.
- d. Accelerate current plans for strengthening OAU's peacekeeping functions with the support of the UN.

**Finding A-5:**

***Flawed Human Rights Mechanisms and Performance***

The UN High Commissioner for Human Rights/Centre for Human Rights and the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, were involved in the different phases of the Rwanda crisis. The performance of these mechanisms has been mixed for a number of reasons, including a lag in evaluating and reporting accounts of threatened genocide and failure of member governments to take action when reports were submitted. The Human Rights Field Operation for Rwanda, the first under the High Commissioner and back-stopped by the Centre, has encountered a range of internal and external problems, enumerated in Study IV, that have impeded its effectiveness. One underlying factor has been lack of regular budgetary funding, which has created uncertainty and staff discontinuity.

**Recommendation:**

***Strengthen Human Rights Machinery***

**To the High Commissioner for Human Rights and Member States**

- a. Establish a small high-calibre unit under the High Commissioner for Human Rights, with the sole function of analyzing and interpreting information on indications of conspiracy to genocide and all other escalating violations of human rights. This unit should have direct access to the proposed early warning unit in the Secretary-General's office (see Recommendation A-3). Its performance will partly depend on the effectiveness of an adequately-funded field presence for information-gathering and fact-finding.
- b. Effective human rights machinery must have adequate standing procedures for vigilance over threatened genocide and for prompt investigative action. It requires adequate budgetary resources, clear mandates and qualified professional staff at both headquarters and field levels.

- c. In seeking improved effectiveness of human rights machinery, complementarity should be ensured with activities of other organizations mandated for protection of victims of conflict or other vulnerable groups.
- d. Fund and conduct an independent evaluation of the Human Rights Field Operation for Rwanda and charge it with making highly professional and specific recommendations for optimal UN machinery and response to threatened genocide and human rights deprivations.

#### **Finding A-6:**

*Contingency Planning, Preparedness Measures, Choice of Interventions and Donor Response*  
Humanitarian response of official multilateral and bilateral agencies and NGOs to massive population displacements, triggered by the Rwanda genocide, was extraordinary. While it is impossible to estimate what the toll would have been in the absence of these efforts, it undoubtedly would have been staggering from starvation alone. Even so, an estimated 80,000 died in camps in Zaire, Tanzania and inside Rwanda in 1994, primarily from cholera and dysentery. It is true that agencies and NGOs had to confront extremely difficult and often dangerous conditions in Goma, Zaire, and an inhospitable physical and political environment as well. Nonetheless, more attention to needs and capacities assessments, contingency planning, preparedness measures, and adoption of the most cost-effective interventions by UN agencies, NGOs and donor governments, including military contingents providing humanitarian assistance, would have resulted in better allocation of relief resources and, more importantly, could have saved even more human lives.

One problem regarding such concepts as contingency planning and preparedness measures is lack of consistent working definitions among agencies. As discussed in Study III, it is important that preparedness be broadly conceived to include the advance placement of key technical and logistics staff and adequate mapping and communications equipment. The development and promulgation by UNHCR of "service packages" was an important innovation during the Rwanda crisis. In continuing efforts to improve this approach, better standby arrangements for larger strategic equipment items, such as bulldozers and water tankers, are needed.

It is important to underline that donor governments can be just as deficient in inadequate planning and preparedness as other agencies. Study III found instances of donors being prepared to fund transportation of inappropriate commodities (bottled water being an egregious example) and others where UN agencies had made timely identification of appropriate needs, but donor governments did not live up to their commitments to provide them, or did not provide them in a timely manner. Long delays in providing water tanker trucks and bulldozers to the Goma area are the most serious examples, examples that did result in deaths that could have been prevented.

#### **Recommendation:**

##### *Policy and Funding for Preparedness Measures*

- a. **To the UN Inter-Agency Standing Committee and Agencies, Bilateral Donors, OECD/DAC, International Red Cross and Red Crescent Movement and NGO Network Organizations, and to Member States for Necessary Support**

Each group to whom this recommendation is addressed should develop policy guidelines and operating procedures appropriate to their functions for undertaking needs and capacities assessments, contingency planning, preparedness measures and procurement of supplies and equipment for cost-effective interventions (e.g., bucket chlorination for water purification, oral rehydration salts), as well as for cost-effective investments in mitigating critical logistical bottlenecks, such as key transportation links.

However, there should be as wide agreement as possible on consistent working definitions of contingency planning and preparedness measures to be used by agencies and organizations involved in humanitarian relief operations. The UN Inter-Agency Standing Committee, with the participation of NGO implementing partners, would be a logical forum to agree on a common set of definitions from those that have been developed by such agencies as DHA and UNHCR. Consultations should also take place with the components of the International Red Cross and Red Crescent movement and with OECD/DAC.

In order to fulfil its purpose of anticipating possible developments, contingency planning should project a range of scenarios and analyze factors bearing on the likelihood of each scenario. An important basis for drawing up contingency plans should be information and analysis drawn from the integrated humanitarian early warning capacity recommended in C-2 below. Just as important, the contingency plan must then be updated to reflect relevant changes in the environment.

Preparedness measures should be conceived broadly, to include needs for advance placement on-the-ground of technical and logistics staff, adequate mapping, appropriate communications equipment and standby arrangements for larger strategic equipment. They also require a coordinated approach, and should therefore come under the sphere of improved coordination efforts as recommended in C-3 below.

- b. To the UN Inter-Agency Standing Committee and Agencies, Donor Governments, Bilateral Agencies and OECD/DAC**
- i. Donors should be prepared to provide increased up-front funding to agencies for contingency planning and preparedness measures for major complex emergencies and honour pledges to do so. For activities that draw on funds channelled through the UN, the existing contingency fund overseen by DHA should be expanded and procedures for its utilization streamlined.
  - ii. Donor funding sources and implementing agencies need to be brought together, perhaps through OECD/DAC, to seek a common understanding regarding mutually acceptable levels of investment in contingency planning and preparedness measures and accompanying levels of risk.
  - iii. Donors should be prepared to fund costs for appropriate and cost-effective interventions and they should implement expeditiously commitments made to agencies to supply equipment and supplies.

### **Finding A-7:**

#### ***Slow and Restricted Recovery Aid***

In the aftermath of the genocide, donors were generally not well-prepared to assist in the recovery of Rwanda. Significant pledges of development aid were made by the beginning of 1995, but the flexible, fast-disbursing aid needed by the government to restore basic capacities was slow in materializing.

Among the reasons for this lag have been: donor government concerns regarding the legitimacy of the post-genocide government; normal agency procedural requirements that resulted in prolonged processing, leading to delayed commitments and disbursements; frequent turnover of key personnel and political rivalries within the government; and continuing incidents of violence within Rwanda. But a major factor has been the inability to achieve a mutual understanding between donors and the new government over their respective requirements and constraints. To provide fast-disbursing aid (programme or budget support), donors need assurance about the transparency and accountability of the government's budget preparation and execution processes.

**Recommendation:*****Rapid Availability of Flexible Resources for Key Functions***

**To the Bilateral Donors, Multilateral Development Banks, UN/DHA, UN Development Agencies and the OECD Development Assistance Committee**

- a. Initiate, at the earliest possible stage, consultations between donors and the government to address concerns on both sides, and to agree on the conditions under which donors will provide assistance.
- b. Develop guidelines through DAC for countries recovering from complex emergencies that:
  - ask donors to allocate designated resources to "recovery funds" as a category distinct from emergency relief funds on the one hand, and longer-term development funds on the other.
  - provide rapid and flexible procedures for disbursing recovery funds along the same lines as procedures for emergency assistance;
  - indicate how basic donor accountability requirements can be met in provision of fast-disbursing and untied recovery funds without re-introducing protracted processes and requirements that recovering countries will not be able to meet; and
  - propose procedures dealing with such matters as utilization of NGOs, donor coordination, etc., tailored to the circumstances of complex emergencies.

**B. Detection, Prevention and Suppression of Genocide and Civil Violence**

This section presents additional findings and recommendations that relate to issues dealt with by Study II.

**Finding B-1:*****Flawed Use of Conditionality***

Some members of the international community did attempt to influence the government of Rwanda to curb increasing violations of human rights during the three-year period preceding the genocide. These efforts included diplomatic representations and, in one case, clear warnings that economic and military aid would be reconsidered unless the situation was rectified. While a few human rights cases were attended to, for the most part these efforts had no impact on the escalation of civil violence. In principle, most bilateral donors made economic aid, which had become very substantial by the early 1990s (almost US\$50 per capita), conditional upon observance of human rights, but in practice virtually no donor reduced aid with specific and exclusive reference to human rights violations. Canada did indicate that its reductions were a result of human rights violations, even though other factors influenced the decision. Some bilateral donors hoped that "positive conditionality," by promoting democratization through support for a free press, local human rights organizations and the justice system would check human rights violations. However, violations continued to increase in severity. Severe drought and massive population displacements caused by the RPF offensive of early 1993 resulted in a substantial shift to humanitarian aid, which provided less leeway for conditionality. By suspending aid in late 1993 and early 1994 with reference to bookkeeping and project feasibility rather than human rights criteria, donors sent the message that human rights conditionality was preached but not practised.

**Recommendation:*****More Effective Conditionality***

**To the OECD Development Assistance Committee, UN Inter-Agency Standing Committee and International Financial Institutions.**

Identify and be prepared to implement consistently a range of measures intended to pressure a government to halt severe civil violence and human rights violations. Between diplomatic representations at one end of the range and intervention of peacekeeping forces at the other, are such measures as implementation of economic and military assistance conditionality, freezing of foreign bank accounts and application of selective embargoes. As noted in the finding above, assistance conditionality may be either "positive" or "negative." An approach often used in conjunction with positive or negative conditionality is policy dialogue through day-to-day contact or in more formal settings, such as Consultative Group and Round Table meetings that bring all major donors together with the government.

Economic conditionality imposed by outside actors must be formulated with a view to its likely impact on human rights conditions and conflict in the receiving country. Actual measures adopted must be tailored to the specific situation, taking into account the possibility that a given measure might increase rather than decrease violence. For this reason, a systematic *study* of past experience, including an in-depth study of Rwanda, regarding timing, nature and effects of both positive and negative conditionality would be highly desirable.

Drawing from such a study, the formulation of a clear and uniform policy will require consultations within and among such bodies as the OECD Development Assistance Committee, the Development Committee for the Bretton Woods institutions and regional development banks, and the UN Inter-Agency Standing Committee.

**Finding B-2:*****Illegal Arms Trade Fuelled the Violence***

Outside arms suppliers contributed to and exacerbated the conflict in Rwanda in violation of the spirit if not the text of the Arusha Accords, preceding cease-fire agreements and the UN arms embargo. After the genocide, continued rearming of former government military and militia, as reported to have been occurring in Zaire, increased the threat of repetition of the cycle of massive violence. The recently established International Commission of Inquiry, charged with investigating these reports, will hopefully lead to a cessation of such arms shipments.

**Recommendation:*****Enforce Arms Embargoes***

**To the UN Secretary-General, Member States and the Media for Necessary Action**

- Investigate and penalize breaches of arms embargoes agreed to by treaties or instituted by the UN.
- Establish or tighten controls on arms export licences so as to halt arms sales to countries committing acts of violence against their citizens.
- Carefully review findings of the International Commission of Inquiry charged with investigating reports of supply of arms and related *matériel* to former Rwanda government forces in the Great Lakes region. Take action as appropriate.
- Encourage the press to investigate and publicize instances of arms sales and shipments that are illegal or are made to countries that commit acts of violence against their citizens.

**Finding B-3:*****Flaws in the Peace Process***

As reflected in the Arusha Accords process, negotiations and peace agreements entail risks, tending to further polarize those who reject the agreements. In particular, the problem posed by Hutu extremists who were left out of the Accords' power-sharing arrangements was not addressed, or even sufficiently recognized as a serious problem by the international community at the time. Implementation and monitoring requirements, including the peacekeeping force called for by the Accords, received insufficient attention and action by the international community. In particular, the UN failed to make adequate use of the OAU and local African states, who had been intensively involved in negotiations, in the implementation phase.

**Recommendation:*****Sustainable Peace Agreements*****To the Secretaries-General of the UN, OAU and OAS for Follow-up and to Member States for Necessary Action**

Peace agreements require careful follow-up and monitoring to ensure their consolidation and implementation. This may require special measures to speed up demobilization of the warring parties, disarm or neutralize opponents of the agreement, and provision of incentives to maintain momentum. Regional organizations and neighbouring states should be actively involved at every stage of the process.

- The UN Secretariat should undertake a study, in consultation with OAU and OAS, with a view to developing guidelines on follow-up and monitoring of peace agreements. Any guidelines would have to take into account the complexity of such agreements and the need for follow-up to be tailored to their unique characteristics.

**C. Management of Relief**

This section presents additional findings and recommendations that relate to the management of humanitarian relief assistance to refugees outside Rwanda and to displaced persons and survivors of genocide and violence within Rwanda. These are topics covered by Study III.

While not framed as a finding or recommendation, there is an issue of balance between attention to relief needs of refugees and survivors within the country. Given the refugees' near total lack of resources of their own, it is perhaps understandable that the largest portion of international relief assistance committed for the Rwanda crisis has been allocated to "outsiders" rather than to "insiders," even though those in need of relief within the country may have at one point considerably outnumbered those outside. Given both their visibility (e.g. in international media) and immediacy of their needs, international attention focused initially on refugees, then on the internally displaced and finally – and belatedly – on survivors.

While some agencies sought to achieve a balance between humanitarian aid provided to refugees and those in need inside the country, a real problem was that information on the needs of vulnerable groups, such as widows and unaccompanied children<sup>1</sup>, within Rwanda was much poorer than information on needs of refugees. Also, agencies' organizational capacities to serve these needs were generally less well developed, especially in the early months, within Rwanda. By the autumn of 1994 donor attention within Rwanda was shifting from relief to rehabilitation and recovery.

<sup>1</sup> As noted in Chapter 4, great efforts have been made over the past year by ICRC, UNICEF, UNHCR and by NGOs such as Save the Children (UK and US), to trace unaccompanied children.

**Finding C-1:*****Insecurity in Refugee Camps***

Physical protection of refugees and displaced persons in camps can be problematic even in "normal" circumstances. In the Rwanda crisis, this issue quickly became of paramount importance. The continued dominance of former *commune* and other leaders, some of whom were perpetrators of the genocide, and the presence of armed elements in refugee camps, inflicted more trauma, insecurity and diversion of resources destined for bona fide refugees; and posed a security threat to relief agency staff. Occasional ostentatious or other forms of reckless or imprudent behaviour of agency staff unnecessarily increased the risk of security problems as well. Experience from complex emergencies has shown that behaviour of staff and the way they choose to interact with the beneficiary community has a major influence on the refugees' and their own security.

**Recommendation:*****Refugee Camp Security***

**To the High Commissioner for Refugees, the Under Secretary-General for Humanitarian Affairs and Heads of NGO Network Organizations for Follow-up, In Consultation with the Components of the International Red Cross and Red Crescent Movement, and to the Security Council, Member States and Donor Agencies for Necessary Action and Support**

In situations where the international community has assumed humanitarian responsibility at refugee and/or IDP camps, take the following actions with respect to camp security measures:

- a. Give UN peace missions authority and the appropriate means to ensure protection, in coordination with host governments or otherwise, of camp populations and staffs of relief organizations.
- b. Work with host governments to take other measures, such as disarming camp residents, separating genuine refugees from those not entitled to refugee status, barring arms trading, preventing military training of residents, expelling hostile leadership from camps, halting the operations of hate media, and splitting up large camps into smaller ones at a greater distance from the border.
- c. Advise official and non-governmental agency staffs on prudent patterns of behaviour that will not invite security problems as well as on how effectively to maintain an open and continuous dialogue with the beneficiary community.

**Finding C-2:*****Inadequate Early Warning of Population Displacements and Sudden Increases in Relief Needs***

Detailed study of the information flows and decisions leading up to the Goma influx reveal that an integrated mechanism for gathering and analyzing information that could provide advance warning of large population displacements did not exist. The UNREO Information Cell came closest to fulfilling such a role but its objective was to collect and share information for coordination rather than warning purposes. It was heavily dependent upon a) relief agencies or UNAMIR contingents being present in an area and b) providing regular monitoring reports on developments/events in their area. These conditions were not met in much of north-west Rwanda during the critical period of May and June 1994. Study III also highlighted the need for information to be circulated as widely as possible among all agencies involved in the response, including NGOs, and to all agency sub-offices, many of which did not receive situation reports sent to headquarters.

**Recommendation:*****Development of an Integrated Humanitarian Early Warning System*****To the UN Secretary-General and Inter-Agency Standing Committee, in Consultation with the Components of the International Red Cross and Red Crescent Movement and NGO Network Organizations**

Establish an Integrated Early Warning Cell, adequately resourced, within the DHA region coordination office once emergency operations have commenced. All agencies – governmental, inter-governmental and NGO – operating in the region should be encouraged to feed reports on developments within their area of operation into the Cell.

- Where coverage of areas is incomplete the integrated early warning cell should have capacity to place field observers/monitors to complement relief agencies or, in those areas where security is very poor, to call upon aerial reconnaissance capacity through standby arrangements with suitable military forces.
- Information from all sources should be combined and analyzed and the likelihood of events requiring substantial humanitarian responses estimated.
- Reports containing information on key developments in each area and assessments of likelihood of substantial population displacements should be disseminated widely to all sub-offices of agencies involved in the response that have a proven record of treating sensitive information confidentially. In extremely fluid and tense situations, reporting should be daily.

**Finding C-3:*****Mixed Performance in Coordination***

Coordination mechanisms existed at many different levels within the system.

At least seven UN agencies and the Department of Humanitarian Affairs were directly involved in the response. Collaboration and coordination among UN agencies was affected by overlapping mandates and a regrettable rivalry. Overall coordination was characterized by what Study III termed a "hollow core" with a small, *ad hoc*, not highly-regarded body with a coordination mandate only within Rwanda (DHA/UNREO) attempting to coordinate very large operational agencies (notably WFP and UNHCR) supporting refugees in neighbouring countries as well as programmes inside Rwanda. Responsibility for technical and sectoral coordination within Rwanda was further split between UNICEF and WHO. All these agencies relied to a significant degree upon NGO implementing partners, some 250 organizations, which presented coordinating agencies with extremely wide variations in terms of experience, professional qualifications and attitudes toward coordination efforts (see Study IV, Chapter 6).

There was also lack of clarity in division of responsibilities among senior UN officials who had various leadership and coordination functions (i.e. UNAMIR Force Commander, Special Representative of the Secretary General, Humanitarian Coordinator/Head of UNREO, Special Envoy of the High Commissioner for Refugees) and their relationship vis-à-vis senior personnel from UN agencies and departments. Such overlaps and lack of clarity hampered operational effectiveness.

At lower levels there were instances of successful coordination, notably in relation to refugees where UNHCR's Technical Coordinator structure performed well and the agency's ability to encourage NGO cooperation and team efforts among all agencies was enhanced by substantial financial support from ECHO. The best case of operational coordination was Ngara where UNHCR, backed up by the government of Tanzania, limited the number of NGOs working in camps and provided

strong leadership. Within Rwanda, in a context where a large number of NGOs were involved in operations, the DHA/UNREO-supported Integrated Operations Centre (IOC) was obliged to adopt a less directive approach to coordination but nevertheless, by providing excellent information and facilitating collaboration among agencies, was able to achieve an impressive level of coordination.

**Recommendation:**

***Effective Coordination Among and By Official Agencies***

**To the UN Secretary-General and Inter-Agency Standing Committee**

Three options are formulated below to address the weaknesses identified in the above finding. The options vary in the degree of reform required. Each has relative advantages and disadvantages.

- (i) Strengthen and extend existing inter-agency coordinating arrangements and mechanisms through:
  - a) use of inter-agency Memoranda of Understanding (such as that between UNHCR and WFP);
  - b) strengthening DHA by assuring its funding base and giving it responsibility for providing common services to UN and other agencies (air cell management responsibility, integrated humanitarian early warning system, etc.);
  - c) structure UN coordination meetings as inclusive task forces, chaired by DHA, and to which representatives of the Red Cross and Red Crescent Movement, major bilateral donors and key NGOs would be routinely invited to participate;
  - d) reducing the number of senior officials with coordination and leadership roles and clarifying lines of authority of those present.
- (ii) Considerably strengthen the central coordinating role of UN/DHA. Under this option humanitarian assistance funding for UN agencies and their NGO implementing partners would be channelled through DHA, which would decide on priorities and determine the amount of funds each agency would receive. To perform effectively this expanded role, DHA would need additional expert staff, including those with technical backgrounds, to be posted to the field as well as headquarters.
- (iii) Consolidate in a new, expertly-led and -staffed and fully operational mechanism of the United Nations, the emergency response functions of the principal UN humanitarian agencies (UNHCR, WFP, UNICEF and DHA). This is the option recommended by Study III.

Option (i) would be the least costly and disruptive, but the findings of Study III suggest that these efforts would not be enough to eliminate the confusion and competition experienced during the Rwanda emergency. Option (ii) would entail some additional cost but it would also strengthen the coordinating function at one focal point, with control over resource allocation. This would not require the creation of additional organizations but would strengthen one that is already there. Option (iii) would ensure coordination by centralizing all policy and operational responsibility in one agency/department. It should be noted that this agency/department need not be created outside the existing agency structure, but could be created within one of the existing agencies, such as DHA. Nonetheless, it would be the most disruptive of the three options. It has also been argued that there is a value to having some specialized institutional competence as well as possible cross-fertilization from having relief and development functions in the same agency (as in the cases of UNICEF and WFP). A similar case has been made regarding the value of having relief and refugee protection functions in the same agency, as currently is the case in UNHCR. But an opposite case can also be made that the two functions can come into conflict and compete for attention and resources, suggesting that each would be performed better in separate agencies.

Whichever option is chosen, a plan of action should be formulated, including a full review of staff needs by a special panel of international experts, governments and NGOs. A report containing the reasoning for selecting the option as well as the plan of action should be submitted by the Secretary-General to the General Assembly.

#### **Finding C-4:**

##### ***Mixed NGO Performance***

The performance of NGOs in providing humanitarian assistance was mixed. A number behaved professionally and compassionately and delivered high-quality care and services. But, as reported by Study III, other NGOs performed in an unprofessional and irresponsible manner that resulted not only in duplication and wasted resources but, in a few egregious cases, in unnecessary loss of life.

##### **Recommendation:**

##### ***Professional NGO Performance***

To address the problems identified in the above finding, it is imperative that NGOs operating in complex emergencies:

- field qualified professional staff with previous work experience in such settings and appreciation of the need to be sensitive to the local culture;
  - establish partnership with local organizations;
  - include at least some staff or advisors with considerable experience in the country or sub-region;
  - be prepared to work collaboratively with UN, donor and host-government officials.
- a. To Heads of Non-Governmental Organizations, their Network Associations and the Components of the International Red Cross and Red Crescent Movement**

A set of standards is being developed by several NGO networks that is intended to supplement the Code of Conduct promulgated by ICRC, IFRC and NGO associations. Both the Code of Conduct and set of standards should be widely disseminated and promoted among NGOs, official agencies and governments.

- b. To above Entities, UN Inter-Agency Standing Committee, Donor Agencies and OECD Development Assistance Committee for Follow-up and to Member States for Necessary Action**

While voluntary adoption and implementation of the Code of Conduct and standards is clearly preferable to edicts imposed on NGOs from outside, the Rwanda experience indicates that it will not be enough to rely on voluntary adoption alone. Some form of regulation or enforcement is needed. Two options are formulated below, followed by a brief discussion of pros and cons of each.

- (i) **Self-managed regulation.** Under this option, NGO networks could be assisted in acquiring greater capacity to monitor member compliance with the Code and standards.
- (ii) **An international accreditation system.** Under this option, core criteria for accreditation would be developed jointly by official agencies and NGOs. These criteria would need to be adapted and supplemented for a specific complex emergency. This is the option recommended by Study III.

As stated, the second option is stronger than the first in terms of enforcement, but it raises a number of issues that would have to be resolved, such as selection of an entity to administer accreditation, funding, reporting relationships, etc. Self-regulation under the first option would be encouraged if donors and donor governments agreed to restrict their funding and tax-free privileges to agencies that have adopted the Code and standards. Similarly, host-country governments could restrict registration, work permits and duty-free importation privileges to adopting agencies. If implemented, these incentives and disincentives would compensate for the enforcement weakness of the first option. Donors and governments must, of course, be prepared to hold NGOs accountable to the Code and standards and employ disincentives in the event of non-compliance. The media have played and can play a positive role by exposing instances of unprofessional and irresponsible conduct by NGOs.

### **Finding C-5:**

#### *Military Contingents*

Military contingents from OECD countries have played increasingly significant roles in support of humanitarian operations in complex emergencies – both in the provision of relief assistance and in support of relief agencies. They played such roles in Rwanda and eastern Zaire. However, in view of the inability of Study Team III to obtain sufficiently precise and comparable data on costs and performance, it was not possible to make definitive comparative assessment. The Rwanda experience with military contingents does raise questions about predictability, effectiveness, costs and ability to participate collaboratively in operations involving several official agencies and numerous NGOs.

#### **Recommendation:**

*Systematically Assess Comparative Cost-Effectiveness of Use of Military Contingents in Humanitarian Relief Operations*

#### **To Donor Countries and Agencies and OECD/DAC**

Undertake a systematic study of the performance and costs of military contingents in humanitarian relief operations as compared with that of official agencies, NGOs and the private sector performing the same functions.

### **Finding C-6:**

#### *Weak Accountability*

The availability and quality of performance data and reporting by official agencies and NGOs involved in emergency relief operations were highly variable. In some locations (e.g. Goma) the situation was more satisfactory but in others (e.g. within Rwanda) available data did not provide a sufficient basis for assessing impact or performance, or – just as importantly – for making adjustments in programme activities. A tendency by some official agencies and NGOs to emphasize or inflate positive accomplishments and play down or ignore problems resulted in distorted reporting. Even basic data on staff, finances and activities were difficult or impossible to obtain from a number of NGOs.

While the evaluation teams did not undertake an in-depth review of the evaluation procedures of agencies, they did become aware of efforts by both UN/DHA and UNHCR to evaluate their operations in the Rwanda crisis. Such efforts led DHA in mid-1995 to embark on a programme of evaluations and lessons-learned studies covering the full range of its operations.

The availability and quality of data collected and made available by donor governments varied considerably. Some donors rarely if ever provided data to the UN/DHA Financial Tracking System. Donors tended to compound the problem by asking for information with widely varying formats from agencies and NGOs they funded.

**Recommendation:*****Ensure Accountability*****a. To the UN Inter-Agency Standing Committee, Bilateral Donors and Multilateral Development Banks, OECD/DAC and Heads of NGO Network Organizations**

Several options are formulated below to address the problems identified in the above finding. An additional recommendation is addressed to donor governments and bilateral agencies.

- (i) By strengthening the effectiveness of official agency coordination and standards of NGO conduct along the lines recommended in C-3 and C-4, above, accountability would be strengthened, especially if implementation of these recommendations includes standards for data collection and reporting. The current Red Cross/NGO Code of Conduct commits signatories to "hold ourselves responsible to both those we seek to assist and those from whom we accept resources." Full implementation of this commitment would entail establishment of NGO mechanisms for consultation with people affected by humanitarian emergencies.
- (ii) Establish a unit in UN/DHA that would have no other responsibilities but to conduct the following functions:
  - undertake regular field-level monitoring and evaluation of emergency humanitarian assistance, and review adequacy of standards followed;
  - serve as ombudsman to which any party can express a concern related to provision of assistance or security;
  - set up and manage on behalf of the international community a database on emergency humanitarian assistance operations; and
  - prepare periodic status reports for the public domain.
- (iii) Identify a respected, independent organization or network of organizations to act on behalf of beneficiaries of humanitarian assistance and member states to perform the functions described in option (ii) above. This is the option recommended by Study III.

Option (i) would entail least cost and disruption to the humanitarian assistance system, but it would not provide one focal point for a database or for dissemination of information throughout the system. Option (ii) provides the focal point but as part of a UN unit it could be viewed as lacking independence. Option (iii) provides both independence and a focal point but poses issues in terms of selection of the entity, accessibility, and reporting relationships (its own accountability). While both options (ii) and (iii) would have cost implications, their contribution to effectiveness and accountability should also be kept in mind. It is essential that either option be adequately resourced. It should also be noted that option (iii) need not require the *creation* of a new entity, but could well entail the selection of an existing institution to assume the functions outline above.

**b. To Donor Governments, Bilateral Agencies and OECD/DAC**

Donors have a responsibility to improve accountability both to their taxpayers and to the beneficiaries of their assistance. They have a responsibility to improve their own performance information and reporting (including on any humanitarian role played by military contingents), but they also have a leadership role in promulgating consistent standards, including adequate breakdown of data by activity and area, for the humanitarian assistance community as a whole. Finally, donors have a responsibility to standardize among themselves the formats they use for reporting requirements of agencies to whom they provide funding.

- The Development Assistance Committee of the OECD should develop guidelines for adequacy, consistency and standardization of performance data and reporting on humanitarian assistance activities.
- Ensure adequate support to the DHA Financial Tracking System and prompt provision of requested data.

### **Finding C-7:**

#### ***Adverse Impacts on Local Populations and Environment***

There were clear environmental and other costs imposed by the large refugee camps on local populations in the neighbouring countries of Zaire, Tanzania and Burundi as well as on local populations surrounding displaced person camps. Some of these costs resulted from flawed agency policies, e.g. not taking into account environmental impact of fuelwood requirements of the massive refugee population. Moreover, armed elements in refugee camps posed a security threat to local populations. While certain groups and enterprises derived at least some temporary benefits from hosting large refugee or displaced populations, these were distributed unevenly.

#### **Recommendation:**

#### ***Minimize Adverse Local Impacts***

**To the High Commissioner for Refugees, the Director-General of the World Food Programme, UNICEF and Other UN Development Agencies, NGO Implementing Partners and Bilateral Donor Agencies, in Consultation with the International Red Cross and Red Crescent Movement and NGO Network Organizations**

Prepare and issue standard operating policies and procedures that will minimize and mitigate adverse impacts of relief operations (whether refugee or IDP) on surrounding populations and their environment. These will have implications for donors as well as UN agencies and NGOs. The following specific recommendations, drawn in part from Study III, are relevant:

- (i) Provide food that minimizes cooking requirements (e.g. flour) or includes milling costs in the transportation and storage costs funded by donors.
- (ii) Establish a quick-disbursing fund, or draw from the existing UNHCR Emergency Response Fund, to provide early compensation to host communities adversely affected by refugee concentrations.
- (iii) Provide other kinds of assistance, such as fuel for cooking, extension of camp infrastructure and services (water supply, health care, etc.) to surrounding local populations and rehabilitation of physical infrastructure damaged in meeting relief needs (e.g. roads and airstrips).

Effective implementation of Recommendation C-1 on "Refugee Camp Security" will also address security threats to host populations.

### **Finding C-8:**

#### ***Inequitable Food Distribution***

The use of former leadership in many camps as an expedient mechanism for food distribution reinforced its power and resulted in rations being manipulated by extremist leaders and diverted from refugee consumption. There is evidence that in such circumstances direct distribution of food to the household results in a higher proportion of rations actually being received by intended recipients. While the evidence in terms of impact varies and may depend on cultural context, direct distribution to women is an option that should be explored.

Circumstances often confronted by agencies and NGOs in the face of rapid influxes of large masses of refugees and displaced persons made it difficult to implement quickly alternative distribution systems. The fact that the former leaders and their command structures often arrived intact with refugees, accompanied by high levels of insecurity and violence, especially in the large camps, made it extremely hazardous to distribute food directly. Difficult terrain and lack of heavy equipment that precluded establishing more than one distribution site per camp in the Goma area also made direct distribution to families, particularly in the large camps, unfeasible. Yet, some organizations were able to move to direct distribution systems considerably earlier than others in spite of the difficulties.

**Recommendation:**

***Equitable Food Distribution***

**To the High Commissioner for Refugees, Director-General of WFP, NGO Implementing Partners, in Consultation with the International Red Cross and Red Crescent Movement**

Develop and get inter-agency and, to the extent feasible, from the relevant governmental authorities, advance agreement on operational guidelines for food distribution. These guidelines should provide for direct distribution of food at household level if there is a risk of exploitation of the food distribution system by camp leadership. They should also recommend exploring the desirability and feasibility of direct provision to women.

**D. Supporting the Rebuilding of Society**

This section presents additional findings and recommendations that relate to efforts of the international community to assist in the rehabilitation and rebuilding of a society attempting to recover from a complex emergency. These are topics covered by Study IV.

Unfavourable comparisons have been made between international assistance provided to Rwandese refugees outside the country and assistance provided for rehabilitation and recovery within the country. As indicated in previous sections, there are a number of reasons that explain the relatively large amount of assistance devoted to refugee assistance and the relatively small, but growing amount of aid devoted to recovery and development. Nonetheless, some of the delay in provision of external resources for rebuilding Rwanda's decimated human, institutional and governance capacities resulted from lack of mutual understanding between government and donors of their respective requirements and constraints. The level of attention and resources required for recovery and development must be defined through a process involving a meeting of the minds of government and international community.

As noted previously, the country's authorities and communities have primary responsibilities for achieving and shaping society; external support should aim at strengthening their institutional capacities. Clear understandings between donors and recipient country need to be achieved regarding re-establishment of capacity as well as minimal legitimate accountability requirements and the temporary need for expatriate involvement in implementation.

**Finding D-1:**

***Non-Functioning Justice System***

One prerequisite to repatriation of the majority of the huge number of refugees living just outside Rwanda is a functioning justice system that will put an end to the long-prevailing "culture of impunity." A functioning system will have to assess degrees of guilt among those accused of participating in the genocide and political killings as well as resolve disputes over property owned by recent Hutu refugees but now occupied by former Tutsi refugees.

Some donors have been slow to provide support in this area and in a few cases are precluded by their own legal restrictions from support to certain elements of the justice system such as law enforcement and penal institutions. The international community has also been slow in providing the resources needed for the International Criminal Tribunal for Rwanda to indict and try expeditiously those Rwandese accused of crimes against humanity who are living in exile.

The government has also been slow in taking certain essential actions, such as appointment of Supreme Court and lower-level magistrates, in expediting due process procedures for almost 60,000 detainees and ameliorating the extremely harsh conditions of their confinement. It is hard to avoid the conclusion that, as observed in Study IV, paralysis of the judicial process and inability to try suspected criminals has resulted not just from lack of staff and equipment but also from lack of resolve. The government's enthusiastic sponsorship of the International Conference on "Genocide, Impunity and Accountability: a Dialogue for a National and International Response," 2-6 November 1995, signalled resolve, but much more remains to be done.

**Recommendation:**

***Expand Support for Justice System and Law Enforcement***

**To Bilateral Donors and Multilateral Agencies, the UN High Commissioner for Human Rights and the OECD/DAC for Follow-up and to Member States for Necessary Action**

- a. Develop with the host government a comprehensive plan for assisting reconstruction of the justice system, including assistance to civilian law enforcement and penal institutions.
- b. Review and adjust legislative restrictions that preclude some donors from providing assistance for justice and law enforcement systems in order to permit such assistance to countries attempting to recover from a complex emergency.
- c. Strengthen the International Criminal Tribunal mechanism:
  - In the short-term this requires that the Tribunal has an adequate budget and delegated authority to carry out its responsibilities.
  - The Tribunal's effectiveness also requires that UN member states give prompt and full cooperation to its requests.
  - For the longer-term, the proposed International Criminal Court must be established on a permanent basis in order to expedite the prosecution of those accused of genocide and other crimes against humanity.

**Finding D-2:**

***Barriers to Repatriation***

Very few of the over two million refugees who fled from Rwanda in the aftermath of genocide have returned to Rwanda. Much of their resistance to repatriation is due to actual fear of returning, whether grounded or not. This fear, in turn, springs from several major sources. Attempts by refugees to repatriate, or even discuss repatriation, have been met by threats, intimidation and repression by camp leaders and militia. Physical insecurity and a non-functioning justice system inside Rwanda have also been major factors discouraging repatriation. Both actual and false accounts of violent reprisals, arbitrary arrests and harsh detentions have contributed to this outcome. Lack of detailed and widely-promulgated government policies regarding re-occupation of property and land have also discouraged repatriation. Lack of basic services and productive employment have also been sources of concern. Finally, the relatively large numbers of people in refugee camps who were involved to some degree in the genocide and killings have undoubtedly resisted repatriation, especially in the

absence of clear policies regarding degrees of guilt and corresponding penalties for participating in the killings. For all these reasons, the view in some quarters of the international community that major repatriation and reintegration could occur quickly was clearly unrealistic and mistaken. The recent arrests in Zaire of extremist leaders, as well as an agreement to accelerate voluntary repatriation, may portend weakening of a major repatriation barrier. But even if these developments turn out to be significant, several additional substantial impediments remain within Rwanda.

**Recommendation:**

***Remove Barriers to Repatriation***

**To the High Commissioner for Refugees, the High Commissioner for Human Rights, Bilateral Donors and Multilateral Development Banks and Agencies and NGO Network Organizations for Follow-up, and to Member States for Necessary Support**

Implementation of Recommendation C-1 on "Refugee Camp Security" will remove the source of intimidation and repression that has acted as one important barrier to voluntary repatriation.

The following measures would both alleviate the concerns of refugees and improve conditions for people inside the country. The government of Rwanda must play a very active part in these efforts:

- (i) Support the government's current efforts to establish and promulgate degrees of guilt and punishment for participation in the genocide and other killings, as well as efforts to strengthen the justice system in other ways (see Recommendation D-1, "Expand Support for Justice System and Law Enforcement").
- (ii) Insist on compliance with the rule of law and observance of fundamental human rights principles, and monitor closely abuses by the government.
- (iii) Provide expanded support for strengthening local capacities to provide basic governmental and related services, such as education, health and agricultural research and extension, and for income-generating activities (e.g. micro-enterprise, rural works programmes, etc).
- (iv) Provide further support, as appropriate, to the government to develop and implement land tenure and property rights legislation, especially the right of women to inherit and own land; and to develop clear procedures and identify institutions for dispute settlement.
- (v) Provide support for experts under auspices of the UN High Commissioner for Human Rights to work with authorities and local NGOs to design and implement human rights training and education programmes, in accordance with OAU, UN and Red Cross Conventions.
- (vi) Facilitate establishment by the government of broadly-based "peace committees" in *communes* to monitor security of returnees; screening of returnees should be performed in close proximity to home *communes*, so as to give them confidence in the process.

**Finding D-3:**

***A Potential for Reconciliation***

Women's groups and some elements of the church have been providing support to the vulnerable and building bridges across ethnic boundaries. Some church denominations have made an effort to examine critically their role and behaviour during the crisis. But the role of the church as a whole as an agent of healing and reconciliation will be limited until it confronts and admits more directly that some of its elements were involved in the genocide and assassinations. Attempts at reconciliation will make little progress until tangible progress is made in administration of justice.

**Recommendation:*****Support to Reconciliation Efforts*****To Bilateral Donors, Multilateral Agencies and NGO Network Organizations**

As the International Tribunal and the national system of jurisprudence begin to make progress in rendering justice, support should be expanded for local NGOs involved in activities attempting to open dialogue and build bridges among groups in society. This will be a long process marked with reversals as well as gains. In addition to women's groups and religious movements, there is an urgent need to work with young people who have been profoundly affected by genocide and conflict. This "intermediate generation" will become decision-makers and opinion leaders in coming years. Unless they are actively involved in the reconciliation process, seeds for future violence will flower. Education of children and teachers (in problem-solving, non-violent conflict resolution, etc.) has a critical role to play in the process of reconciliation. The international community has a challenge and an opportunity to support innovative efforts in this area.

**E. Roles of the Media**

This section presents a finding and recommendation on the roles of the media, a subject that is addressed in both Study II and Study III.

**Finding:*****The Mixed Impact of the Media***

By and large, the international media chose not to report on (or to publish, if news reports were filed) evidence of plans and organizing for large-scale massacres. This contributed to failure by the international community to perceive the genocide for what it was and to insist on an adequate response. This failure occurred in spite of local media, which became dominated in the early 1990s by a radio station and newspaper whose vitriolic propaganda incited hatred and violence.

Inadequate and inaccurate reporting by international media on the genocide itself contributed to international indifference and inaction. However, intense media coverage of certain aspects of emergency relief operations, particularly in Goma, influenced both political decision-makers and agencies to make *ad hoc* decisions that were not always in line with sound operating principles and resulted in a skewed emphasis on some relief activities at the expense of others. Neglect of the survivors and some instances of sub-optimal placement of relief resources reflected, in part, unbalanced and inaccurate reporting by the international media.

However, international media coverage also influenced agencies to act urgently and responsibly, and raised awareness of politicians and the public at large, which in turn helped to generate funds.

**Recommendation:*****Assess the Roles of the Media*****To the Media**

The media, individually and through professional associations, should review their reporting on Rwanda to explain and draw lessons for responsible reporting of future complex emergencies.

Organize a conference for and by the international media, under sponsorship of an organization such as *Reporters sans frontières*, to examine media reporting on Rwanda and draw lessons for responsible reporting on future complex emergencies.

## F. The Regional Dimension

The Great Lakes region, which includes the countries of Rwanda, Burundi, Uganda, Zaire and Tanzania, is important to the evaluation for two reasons: first, Rwanda has been and continues to be significantly affected by socio-political developments in the region; and second, the intensifying crisis and open conflict in Burundi, which shares a number of causes with the Rwanda crisis, is currently threatening to explode with grave repercussions for the stability of Rwanda and the region.

Another reason why a regional perspective is important is brought out in Study I: the two major population groups in Rwanda, Hutu and Tutsi, are part of a larger regional population group, the *Banyarwanda*. The *Banyarwanda* share the same language and culture and are found in large numbers in the border regions of Uganda, Zaire and Tanzania, as well as in Burundi, where they are close relatives of the predominant *Barundi*. While some *Banyarwanda*, especially in Tanzania, have become citizens and integrated into society at large, their fate and legal status have been more uncertain in Uganda and Zaire where they have been subject from time to time to discriminatory policies and actions. Over the decades there have been substantial and often destabilizing movements of *Banyarwanda* across national borders of the region. Recurring political upheavals and violence in Rwanda and Burundi have been major reasons, but not the only ones, for such population shifts. These movements have often imposed substantial burdens on receiving countries.

The current deterioration of the situation in Burundi has been described in very grave terms in the recent initial report by the Special Rapporteur for Burundi of the UN High Commission on Human Rights. The report underlines a "real danger that the deteriorating situation could explode any time in the country, with consequences as grave as those seen previously in Rwanda." A crisis in Burundi of the proportions of the Rwanda crisis would constitute an immense calamity for the Great Lakes region, for Africa and for the world. Further underlining the critical nature of the situation are recent proposals by the UN Secretary-General to station a modest UN rapid-reaction force in neighbouring Zaire, with the ability to intervene in Burundi, and an international police force to guard relief workers. The Secretary-General of the OAU has given highest priority to Burundi and engaged in intensive dialogue with its leaders to try to find ways to halt the escalating violence.

As shown in Study I, economic factors have interacted with socio-political factors in contributing to the recurring crises and violence that have impacted upon the region. Economic growth has been overwhelmed by rapid population growth, increasing fragmentation of land holdings, adverse weather, and destruction accompanying political violence and conflict.

In sum, a sustainable solution to the socio-political problems of any country of the Great Lakes region, but particularly Rwanda and Burundi at its heart, cannot be found in that country in isolation but must address and involve the region as a whole. Similarly, sustained socio-economic development of the region, accompanied by expanding human and civil rights for all groups, offers a main hope for stability and an end to the cycles of violence.

Two collective efforts on the part of the international community to address the problems of Rwanda and Burundi on a regional basis are noteworthy:

- The Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in The Great Lakes Region, held in Bujumbura, 12-17 February 1995.
- The Cairo Conference of Heads of State from the Great Lakes Region, held in Cairo, 28-29 November 1995.

The Plan of Action of the Bujumbura Conference and the Declaration signed by the heads of state at the Cairo Conference endorse a number of measures and commitments that are contained in the recommendations set forth above.

**Recommendation F-1:*****Immediate and Urgent Measures for Burundi***

**To the Secretaries-General of the UN and OAU, Bilateral Donors and Multilateral Development Banks and Agencies, Member States (including Governments of the Great Lakes Region), Components of the Red Cross and Red Crescent Movement, Non-Governmental Organizations and the Media**

The following evaluation recommendations should command immediate attention for their applicability to the crisis in Burundi:

- Provide support to further strengthen OAU mediation and peacekeeping functions. (See Recommendation A-4)
- Expedite contingency planning and preparedness measures for humanitarian relief, learning from the Rwanda experience. (See Finding and Recommendation A-6)
- Support measures to ensure the physical security of refugees, displaced persons and relief workers who are attempting to provide humanitarian assistance. (See Recommendation C-1)
- Provide adequate support for the deployment of effective human rights machinery in the field, with adequate standing procedures for vigilance over threatened genocide and for prompt investigative action. (See Recommendation A-5)
- Expand assistance to Burundi for the restoration of an effective system of justice in order to break the vicious cycle of impunity (including support for assistance by magistrates from other African countries, as suggested by the UN Special Rapporteur for Human Rights in Burundi). (See Recommendation D-1)
- Identify and be prepared to implement consistently a range of measures intended to put pressure on those who are inciting and perpetrating escalating civil violence. (See Recommendation B-1)

The international community should not send mixed signals to Burundi that would allow for manipulation of their potential contradictions. Rather, it should speak consistently and with one voice with respect to the positions it takes and the actions it implements.

**Recommendation F-2:*****Formulate a Supportable and Sustainable Development Strategy for the Region***

**To the Secretary-General of the OAU, Governments of the Great Lakes Region, the World Bank and African Development Bank, Bilateral Donors, UN Specialized Agencies and NGO Network Organizations**

A sustainable, long-term solution to the cycles of civil and ethnic violence must involve the people and be a regional one. The countries of the Great Lakes Region must take the lead in developing this solution. But strong support from bilateral and multilateral development agencies and international NGOs is also essential.

Given the difficult-to-explosive situations facing Rwanda and Burundi and some other parts of the region, a recommendation to formulate a sustainable development strategy for the region may seem foolish and unrealistic. However, if the premise of the finding above is accepted, that the sustained development of the region offers a main hope for ending the cycles of violence, then embarking on such an effort is imperative.

Several tracks will be required:

- First, the international community should provide full support to the implementation of the recommendations of the Bujumbura and Cairo Conferences cited above.
- Second, as noted in the Introduction, the evaluation did not undertake an in-depth examination of the regional dimension. Further research and analysis on this subject would be highly desirable as it would provide a firmer basis for the formulation of development strategy options. It would be very important to involve an African research institution in the work, perhaps teamed with a research institution based in Europe and/or North America. Funding and oversight would need to be provided by a donor agency or group of agencies. The research should be initiated as soon as possible, so it could make a contribution to the third track.
- Third, an essential element of formulating a development strategy for the region would be actively to engage the population of the region in the formulation process. This should include dialogues in the form of meetings at local, national and regional levels that draw in a wide range of non-governmental and governmental representatives to discuss needs, priorities, alternative solutions and resources. Part of the dialogue should include such issues as how to ensure human, civil and other kinds of rights that will bring security and stability to the region; what kind of political system can best serve the deeply-divided societies of the region; culturally-sensitive approaches to non-violent conflict and dispute resolution, etc. Institutes and resource persons from other divided societies in other regions could be invited to participate. There are successful precedents, including in such African countries as South Africa and Togo, to the kind of broadly participatory development planning process outlined above.
- Fourth, based on the strategy emerging from the second and third tracks, a carefully-planned major donor conference should be called to marshal external support.

The challenges that this process will confront are formidable. However, in the absence of such an effort it is difficult to envision how a brighter future for Rwanda and its neighbours can be achieved.

## Annex 1

# Terms of Reference: Evaluation of Emergency Assistance to Rwanda

### Justification

1. More than one million people have died and more than two million have been displaced as a result of the conflict in Rwanda. The human suffering is of an incomprehensible scale. The recent escalation of the conflict and violence has received wide international concern and attention. The international community has provided substantial assistance to alleviate the human suffering and has contributed to efforts to find a peaceful solution to the conflict.
2. Natural and man-made catastrophes claim an increasing share of the stagnating international aid. Total emergency assistance will in 1994 exceed US\$5 billion or about 10% of ODA. Donor assistance to the Rwanda emergency alone amounts to more than US\$840 million during the first nine months of 1994<sup>8</sup>. Total needs for 1994 are well beyond US\$1 billion, corresponding to about 2% of ODA.
3. In recent years an increasing number of countries have experienced emergencies caused by a combination of natural and man-made disasters or by conflict. These emergencies are inherently complex, of prolonged duration and cause large-scale human suffering and economic losses. Although some evaluations of emergency assistance have been carried out, experience from planning and execution of large-scale relief activities and their effects is not, as yet, extensively documented.
4. There are two obvious reasons for evaluating the emergency assistance to Rwanda:
  - i) The donor community needs to account for the relevance, effectiveness and impact of the substantial share of overall aid.
  - ii) Despite the uniqueness of each emergency, valuable lessons for planning and execution of future relief operations can, and should, be derived.

### Objectives

5. The main objective of the evaluation is to draw lessons from the experience in Rwanda that will be relevant for future complex emergencies as well as for the operations in Rwanda and the region, including their prevention, the preparation for and provision of emergency assistance, and the transition from relief to development.

<sup>8</sup> As of October 1994. The amount does not include substantial in-kind contributions. DHA Rwanda Financial Update no. 3

## Context

6. The emergency relief activities covered by the evaluation were and are carried out in the context of three fairly distinct scenarios<sup>9</sup>, each with its clear implications. In each scenario the nature of events and political context changed, new groups of the population required assistance, geographical focus shifted quickly, access to areas and people was opened up or closed, and operational challenges shifted. A key concept which justifies framing the evaluation according to the three scenarios is the humanitarian space<sup>10</sup>. The humanitarian space sets the framework for humanitarian assistance in complex emergencies and influences parameters for setting priorities, access to target groups, security and need for protection and a range of possible activities within the continuum emergency prevention – emergency relief – reconstruction – rehabilitation – development.
7. The three scenarios can be categorized by the following events and contexts:
  - Mass killings, mass movements and social collapse. The major focus was on mass displacement within Rwanda, access to affected people in Rwanda and containment of the killings, and on refugee flow into Tanzania.
  - Stabilization of refugee/displaced situation, authority vacuum, military offensive and new mass movements. The major focus was on stabilization of emergency assistance to refugee camps inside Rwanda (Sector 4) and in Tanzania, new refugee flow into Zaire due to major military offensive, establishment of security zones and access to affected people in all areas of Rwanda.
  - Consolidation and attempts at re-establishment of authority. The major focus was and is on supporting basic political and social functions, repatriation, rehabilitation and reconstruction.
8. New developments may quickly bring about yet another scenario that will influence future emergency relief activities. As will be seen in the following sections, both the second study on prevention efforts, and the third study on actual provision of emergency assistance, are relevant to each of these scenarios.

## Scope

9. The emergency relief activities covered by the evaluation comprise the continuum: emergency prevention; emergency preparedness and delivery; repatriation, rehabilitation and reconstruction; and the relationship between emergencies, emergency aid and long-term development. The continuum will be covered through a multidimensional approach with four component studies, each of which represents a dimension of a very complex emergency in Rwanda seen in a regional context. Focus will be on the linkages among political, military and humanitarian assistance by the international community.
10. The *first* study, the historic background, will outline the roots and course of events of the conflict within Rwanda society and seek to identify possibilities of reconciliation, the ultimate conflict/emergency-resolution in the country.

<sup>9</sup> The term scenario (sequence of events) is used as an analytical tool to portray main components of a complex situation.

<sup>10</sup> The term humanitarian space refers to the degree of access and acceptable conditions for humanitarian assistance. Humanitarian space is limited by e.g. actions of war, unsafe environment, physical destruction and political constraints. Humanitarian space may be created and widened through negotiations of mercy corridors, zones of tranquillity, safe havens and other mutually agreed arrangements; through involvement of sanctions and military force to varying degrees; or through cross-border operations from neighbouring countries.

11. The *second* study will focus on the relevance and effectiveness of emergency-prevention efforts, including mechanisms for monitoring and responding to approaching emergencies (early warning system) and conflict management. It will aim at assessing the need and mechanisms for early action and systematic containment efforts in situations of approaching emergencies, not only for Rwanda but other countries as well.
12. The *third* study will assess mechanisms for and effectiveness of preparation and coordination of emergency assistance programming, the impact of emergency assistance. It will, with due consideration of the complexity and dynamics of the emergency, concentrate on the effectiveness of coordinated action as well as timely and appropriate assistance through numerous channels to people in dire need. It will further assess contingency plans for possible new emergency scenarios.
13. The *fourth* study will assess the planning and preparation for repatriation and rehabilitation to recreate and consolidate the capacities of emergency victims, reconstruct their communities and launch sustainable development programmes in their societies in order to ensure a level of living which is more secure than the pre-disaster situation.
14. Certain specific issues, in particular human rights as well as gender issues in humanitarian assistance, special needs of unaccompanied children and the role of the military in providing logistical support for humanitarian assistance, are cross-cutting and will be given special attention in the four studies.
15. The results of the four studies will be synthesized in a final report that will present the findings and lessons learnt for each element of the continuum taking into consideration the complexity of the various scenarios. Within this perspective, the lessons learnt from the evaluation will be useful in dealing with future disasters, including Rwanda, to the benefit of everybody concerned; victims, affected societies, aid organizations and donor countries.

## Approach

16. Given the present complex political context of the evaluation, the evaluation will be carried out in an objective, sensitive and perceptive manner with varied and balanced consideration of both positive and negative aspects. The evaluation will be oriented towards lessons learnt from the Rwanda emergency assistance experience that could be applicable to programme-adjustment and policy-formulation affecting responses to present and future complex emergencies, rather than a report oriented to assigning accountability for past actions or lack of action.
17. The evaluation will be based on documentation, including results of recent and ongoing reviews and evaluations, from involved national, bilateral and multilateral agencies and NGOs at headquarters and field level, interviews with these agencies' representatives, Rwandan officials and experts, and with field workers and recipients, and on other fact-finding as necessary and appropriate. Fieldwork will be limited and will be planned and organized in close collaboration with the agencies concerned so as not to interfere with emergency relief activities and not duplicate existing or ongoing surveys and studies. Alternative sources of information will be explored, including lessons from other emergencies.
18. In view of the diversity of the issues to be evaluated, the separate studies, each with separate terms of reference and reports, will be contracted to independent institutions or individuals with requisite qualifications in the fields of i) emergency assistance management, planning, and implementation, ii) repatriation and rehabilitation of refugees, iii) regional and specifically Rwanda's history and situation, iv) institution and capacity building, v) conflict and emergency analysis, vi) socio-cultural and gender aspects.

19. The overall management of the evaluation will be entrusted to a Steering Committee comprising the interested members of the international aid community. The Steering Committee will, based on the objectives and scope as defined here, design and manage the evaluation, and present the final report to all donors and to the agencies involved as subjects of the evaluation. The Steering Committee will be responsible for raising funds. The Evaluation Unit of Danida will be the lead agency and overall coordinator.
20. The Steering Committee will meet at least four times to:
  - a) finalize the TOR and approve short list of qualified evaluators (institutions/individuals) and approve budget and funding (mid-December 1994);
  - b) discuss and provide feedback on study reports and approve outline of synthesis report (mid-July 1995),
  - c) discuss and provide feedback on draft synthesis report (end November 1995);
  - d) present the final report to the international community (end December 1995).
21. Each study will be managed by a lead agency: Study I: Sweden; Study II: Norway; Study III: United Kingdom; Study IV: United States of America. The four lead agencies with Denmark in the Chair will constitute a management group and will contract, assign and supervise the work of consultants/institutions within these terms of reference and the resources available. Each lead agency will seek close cooperation and coordination with relevant UN and other international and national agencies.
22. The costs of the evaluation will be met by voluntary contributions from interested parties. For purposes of budget administration the procedures and practices current in the lead agencies will be adopted. Danida will make arrangements for administration of contributions within the established budget.

### **Duration**

23. The evaluation will commence in January 1995 and last until December 1995. Interim study reports will be ready for discussion in the Steering Committee, and with the concerned parties, at the end of June 1995. The final evaluation reports: a synthesis report and the various study reports, will be available at the end of December 1995.

## Annex 2

### Chronology "

Based mainly on Dorsey 1994, Reyntjens 1994:1 and McHugh 1995.

**1860:** The new *mwami*, Kigeri Rwabugiri (1860–1895), expands his power in the central kingdom and in the western region. He also expands the system of clientship.

**1880s:** The first European explorers arrive in Rwanda.

**1895:** New *mwami*: Mibambwe Rutarindwa.

**1896:** *Mwami* Rutarindwa is assassinated and succeeded by Yuhi Musinga.

**1899:** Germany establishes colonial rule in Ruanda–Urundi and the territory becomes part of German East Africa. The first missionaries arrive.

**1910:** The frontiers of the Belgian Congo, British Uganda and German East Africa – including the territory of Ruanda–Urundi – are fixed at a conference in Brussels.

**1911:** A popular uprising in northern Rwanda is crushed by the German *Schutztruppe* and Tutsi chiefs, leaving continuing bitterness among northern Hutu.

**1916:** Belgium takes over the territory, which after the First World War is administered under a League of Nations mandate.

**1931:** *Mwami* Musinga is deposed by the Belgians in favor of his son, Charles Rudahigwa Mutara.

**1930s:** A process of "Tutsification" results in a monopoly of political and administrative power in the hands of Tutsi. Ethnic classification through the introduction of identity cards.

**1957:** The *Bahutu Manifesto*, a document criticizing the Tutsi monopoly, is issued by nine Hutu intellectuals.

**1959:** The *jacquerie* takes place – a social revolution by the Hutu population supported by Belgium. Tens of thousands of Tutsi flee into exile. The same year, *mwami* Mutara Rudahigwa dies mysteriously in Bujumbura. He is succeeded by his brother, Kigeri Ndahindurwa.

**1960:** Rwanda's first local elections result in an overwhelming victory for the party Parmehutu. *Mwami* Kigeri Ndahindurwa chooses not to return from the independence celebrations in the Congo.

**1961:** The monarchy is formally abolished by a referendum. On 25 September, the first parliamentary elections in Rwanda are held. Parmehutu receives 78% of the vote.

" Reproduced from Study 1, Historical Perspective: Some Explanatory Factors

**1962:** On 1 July, Rwanda and Burundi gain independence from Belgium. The first President of independent Rwanda is Grégoire Kayibanda from the Pannchutu party.

**1963:** Armed attacks by Tutsi exiles from Burundi, the so-called *inyenzi*, deepen ethnic tension in Rwanda. In the violence, which escalates in November–December, some 1,000 Tutsi are killed and there is a new wave of Tutsi refugees to Uganda, Tanzania, Burundi and Zaire.

**1973:** *Coup d'état*; Major-General Juvénal Habyarimana assumes power. He founds a new party, the National Revolutionary Movement for Development (*Mouvement Révolutionnaire National pour le Développement*, MRND). Beginning of the Second Republic.

**1978:** MRND becomes Rwanda's only party under a new constitution. Habyarimana is confirmed as President in 1978, 1983 and 1988, with more than 99% of the vote.

**1987:** A military coup takes place in Burundi. President Bagaza is overthrown and Major Pierre Buyoya takes power.

**1988:** In April, ethnic tensions in Burundi cause a wave of refugees into Rwanda. In connection with a conference on Rwandese refugees, held in Washington D.C., the Rwandese Patriotic Front (RPF) is founded.

## 1990

**July:** A first breakthrough in negotiations between Rwanda, Uganda and UNHCR on the repatriation of Rwandese refugees in Uganda is achieved.

**5 July:** President Habyarimana recognizes the necessity of a separation between the MRND party and the state.

**1 September:** A protest letter denouncing the one-party system is published by 33 intellectuals.

**24 September:** A National Commission is set up to prepare for the introduction of a multi-party system.

**1 October:** Uganda-based RPF invades the northern parts of Rwanda, demanding the right to settle thousands of (mainly Tutsi) refugees and political reforms, such as introduction of a multi-party system. In the war that follows, several RPF leaders are killed and the attack is repulsed.

**Mid-October:** Local Hutu take revenge on Tutsi in the *commune* of Kibilira (in Gisenyi). More than 300 people are killed.

**24 October:** A cease-fire concluded in Mwanza, Tanzania, a week earlier is violated.

**27 October:** The heads of state of Uganda, Rwanda, Burundi and Zaire agree to form a military peace-monitoring force as a first step to end the civil war in Rwanda.

**End of October:** There is a stalemate in the war. RPF abandons conventional fighting and reverts to guerrilla warfare.

**October–November:** Thousands of RPF "collaborators" are arrested. Most of them are released in March/April 1991.

**13 November:** President Habyarimana announces the introduction of multi-partyism and the abolition of ethnic identity cards. The ID cards were, however, never abolished.

**20 November:** A cease-fire is concluded in Goma, Zaire. An agreement on an OAU observer force is signed.

## 1991

**January–February:** Trials of arrested RPF "collaborators" start. Several prisoners are sentenced to death, but no executions are carried out.

**23 January:** RPF raid in Ruhengeri. Prisoners are liberated, some of whom join the RPF.

**29 March:** A cease-fire between RPF and the Rwandese government is reached. An agreement on the integration of RPF in a transitional government is signed.

**28 April:** MRND holds an extraordinary congress, where multi-partyism is accepted and the name and status of the party are changed. New name: *Mouvement Républicain pour le Développement et la Démocratie* (still abbreviated MRND).

**10 June:** A new constitution is introduced.

**18 June:** A law on multi-partyism is promulgated.

**31 July:** The domestic opposition denounces plans to hold elections, insisting that ample time must be allowed for preparations.

**16 September:** OAU summit in Gbadolite, Zaire. The earlier cease-fire agreement is amended.

**Early November:** Widespread ethnic violence.

**17 November:** A Committee of Consultation organizes political demonstrations in Kigali against the government and the one-party system. Some 10,000 people participate.

**Early December:** The Rwandan Catholic church takes a political stance, calling for serious talks with RPF and formation of an independent transitional government.

**30 December:** Formation of the Nsanzimana government with one minister from *Partie Démocrate Chrétien* (PDC) and the rest from MRND.

## 1992

**8 January:** Demonstrations in Kigali against the government and the one-party system with some 30,000 participants.

**Beginning of March:** Ethnic violence in Bugesera. At least 300 killed.

**13 March:** New negotiations between the government and main opposition parties.

**March:** CDR (*Coalition pour la Défense de la République*) and MRND militias are built up by extremist Hutu supporters.

**16 April:** Inclusion of all major opposition parties in the government (MDR, PSD, PL, PDC). Prime Minister: Nsengiyaremye.

**May:** A major RPF attack on Byumba results in a wave of Hutu peasants from the north moving southward (some 350,000 people).

**2 June:** Government army forces begin looting in several towns in anticipation of losing their jobs if the government signs a peace pact with RPF.

**9 June:** After talks in Brussels and Paris between RPF and all government parties except MRND, an agreement to hold a peace conference to end the two years of civil war is reached.

**10 August:** Formal opening of the peace conference in Arusha, Tanzania.

**10–18 August:** Negotiations on the Arusha protocol on the rule of law.

**7–18 September and 5–30 October:** The second Arusha protocol on transitional institutions is discussed.

**November:** Political violence by extremist Hutu *interahamwe* militia escalates.

**End of November:** A demonstration, in favour of the peace-talks and against Habyarimana's veto to the protocol on transitional institutions, takes place despite the government's attempts to stop it.

**24 November–9 January 1993:** A protocol on power-sharing and a transitional parliament is discussed in Arusha, but President Habyarimana refuses to sign it.

### 1993

**21–26 January:** Ethnic violence in the north-west. Some 300 people are killed.

**8 February:** RPF occupation of an important zone in the *préfectures* of Ruhengeri and Byumba. As a consequence, almost one million people are displaced. The French reinforce their troops in Rwanda by 300 men.

**25 February–2 March:** Peace negotiations between RPF and the opposition parties within the government on the withdrawal of all French troops and their replacement by UN or OAU troops.

**7 March:** A new cease-fire agreement is signed in Dar-es-Salaam, Tanzania.

**Mid-March:** The 300 extra French troops are withdrawn.

**15 March:** Peace talks are taken up again in Arusha (and continue until 24 June).

**April:** The International Committee of the Red Cross (ICRC) warns that the 900,000 displaced people in Rwanda face a major humanitarian catastrophe. ICRC says that famine is imminent.

**1 June:** Presidential elections in Burundi. New President: Melchior Ndadaye (Hutu).

**9 June:** Agreement concerning refugees and internally displaced people. An estimated 500,000 displaced people are reported to return home.

**24 June:** Arusha protocol on inclusion of RPF in the army and the *gendarmérie*, and specifications on the transitional institutions.

**8 July:** The Hutu extremist *Radio Télévision Libre des Mille Collines* (RTLM) starts broadcasting.

**16 July:** The Prime Minister's transitional mandate expires.

**17 July:** A new government is formed with Agathe Uwilingiyimana as Prime Minister. This results in a division within MDR.

**23–24 July:** Extraordinary congress of MDR. Its president, Faustin Twagiramungu, is excluded from the party.

**25 July:** A more detailed agreement (on military matters) is signed in Kinyihira. It is also agreed that Twagiramungu will be Prime Minister when the new transitional government is established.

**4 August:** Rwanda's government and RPF sign an accord in Arusha to end the civil war, allowing for power-sharing and the return of refugees.

**5 October:** The UN Security Council approves a 2,500-strong peacekeeping force to Rwanda, the UN Assistance Mission for Rwanda (UNAMIR).

**17–18 October:** 37 MRND supporters are killed in the Ruhengeri area.

**21 October:** A military coup takes place in Burundi, in which Hutu President Ndadaye is killed. The ethnic violence that follows results in tens of thousands of dead and some 600,000 Burundis fleeing into neighbouring countries. Escalated political and ethnic violence in Rwanda.

**1 November:** The UN starts placing UNAMIR forces in Rwanda.

**30 November:** At least 20 people are killed when RPF forces break the cease-fire and attack government troops in north-western Rwanda.

**28 December:** 600 RPF soldiers arrive in Kigali in accordance with the Arusha agreement.

## 1994

**30 December 1993–5 April 1994:** Transitional government fails to take off, with each side blaming the other for blocking its formation.

**6 April:** President Habyarimana of Rwanda, President Ntaryamira of Burundi and a number of government officials are killed in a plane crash in Kigali. President Habyarimana's death sparks violence and widespread massacres in Kigali, which spread throughout the country. The violence soon escalates, mainly targeting Hutu moderates and the Tutsi population.

**7 April:** Prime Minister Agathe Uwilingiyimana is killed by government forces. Ten Belgian UN peacekeeping soldiers, who were guarding her, are killed. As a result, Belgium withdraws its forces. The 600 RPF soldiers in Kigali leave their headquarters.

**8 April:** RPF forces in northern Rwanda launch an offensive. Former Speaker of parliament Theodore Sindikubwabo announces the formation of an interim government and declares himself interim President. Prime Minister: Jean Kambanda (MDR).

**11 April:** Relief officials estimate that as many as 20,000 people have been killed in Kigali alone in five days of violence. With foreign journalists out of Rwanda, news from the country is restricted.

**12 April:** The interim government moves from Kigali to Gitarama as RPF threatens the capital.

**21 April:** The UN Security Council resolution No. 912 reduces the UNAMIR peacekeeping force in Rwanda from 2,500 to 270 men with an unchanged mandate.

**End of April:** An estimated 250,000 people stream across the Rwandese border to seek refuge in Tanzania, reportedly the largest mass exodus of people ever witnessed by UNHCR.

**30 April:** UN Security Council affirms the need to protect refugees and help restore order, but does not mention peacekeepers. At least 100,000 people have been killed and more than 1.3 million have fled their homes.

**17 May:** The UN Security Council passes a new resolution (No. 918), approving the deployment of 5,500 UNAMIR troops to Rwanda.

**22 May:** RPF forces gain control of the airport in Kigali and the Kanombe barracks, and extend their control over the northern and eastern parts of Rwanda.

**17 June:** France announces its plan to the UN Security Council to deploy 2,500 troops to Rwanda as an interim peacekeeping force until the UNAMIR troops arrive.

**22 June:** The UN Security Council narrowly approves a resolution (No.929) to dispatch 2,500 French troops to Rwanda (*Opération Turquoise*) for a two-month operation under a UN peacekeeping mandate.

**28 June:** The UN Human Rights Commission's special envoy releases a report stating that the massacres were pre-planned and formed part of a systematic campaign of genocide.

**4 July:** RPF wins control of Kigali and the southern town of Butare. Its leadership states that it intends to establish a government based on the framework of the Arusha Accords. French troops in south-western Rwanda receive orders to halt the RPF advance.

**5 July:** The French-led operation has established a "safe zone" defined roughly by the *préfectures* of Gikongoro, Cyangugu, and Kibuye. As RPF advances towards the west, the influx of displaced persons into the zone increases from an initial 500,000 to an estimated one million within a few days.

**13-14 July:** As a result of RPF's advance in the north-west, an estimated one million people begin to flee towards Zaire. Approximately 10,000-12,000 refugees per hour cross the border and enter the town of Goma. The massive influx creates a severe humanitarian crisis, as there is an acute lack of shelter, food, water, and non-food relief items.

**15 July:** Members of the Hutu government escape to the French "safe zone". UN Security Council orders cease-fire.

**18 July:** RPF announces that the war is over, declares a cease-fire and names Pastor Bizimungu as President with Faustin Twagiramungu as Prime Minister.

**19 July:** The new President and Prime Minister are sworn in, and RPF commander Major-General Paul Kagame is appointed Defence Minister and Vice-President.

**End of July:** The UN Security Council reaches a final agreement on sending an international force to Rwanda.

**24 August:** End of *Opération Turquoise*. UNAMIR forces take over from the French.

**October:** The UN estimates that there are now about five million people in Rwanda, compared to 7.9 million before the war.

**8 November:** UN Security Council adopts a resolution (No. 955) on the establishment of an international court for war criminals of Rwanda.

**24 December:** An exile government is announced among Hutu refugees in Zaire.

### 1995

**22 April:** Soldiers of the RPF army carry out a massacre at the Kibeho camp for internally displaced persons in Rwanda.

**April:** Refugees are forced to return to their home districts from the camps for internally displaced persons.

**23–26 August:** Zaire expels refugees from the Goma camps and threatens to expel all refugees. UNCHR takes up a discussion with Zaire. **28 August:** Prime Minister Faustin Twagiramungu resigns.

**31 August:** New Prime Minister, Pierre-Célestin Rwigyema, and ministers approved in a cabinet reshuffle.

**7 September:** The UN Security Council adopts a resolution on the establishment of an International Commission of Inquiry on the sale and supply of arms and related *matériel* to the former Rwanda government forces in violation of the UN embargo implemented on 17 May 1994 (Resolution 1013 1995).

**13 September:** Zaire closes its borders with Rwanda following bomb explosions in Goma.

**17 October:** A Supreme Court is established by an act of the Parliament.

**2–6 November:** An international conference on "Genocide, Impunity and Accountability" is held in Kigali.

**7 November:** Clash between the army and Hutu rebels on Lake Kivu Island. Many people are reported killed.

**23 November:** The prosecutor of the International Criminal Tribunal for Rwanda, Judge Goldstone, signs his first indictment.

**28–29 November:** A summit meeting of leaders of the Great Lakes Region takes place in Cairo, Egypt.

**14 December:** The UN Security Council extends UNAMIR's mandate in Rwanda for an additional three months to 8 March 1996 (Resolution 1019). The Force will be reduced from 2,100 men to 1,400 and concentrate its activities on the return of refugees.

## Annex 3

### Abbreviations

AIDAP	Australian International Development Assistance Program
DAC	Development Assistance Committee (of OECD)
CDIE	Center for Development Information and Evaluation (USAID)
CIDA	Canadian International Development Agency
CRS	Catholic Relief Services
Danida	Danish International Development Assistance
DHA	(UN) Department of Humanitarian Affairs
DPA	(UN) Department of Political Affairs
DPKO	(UN) Department of Peace-Keeping Operations
EC	European Commission
ECHO	European Community Humanitarian Office
EU	European Union
FAO	(UN) Food and Agriculture Organization
FAR	Force Armée Rwandaise
HRFOR	(UN) Human Rights Field Operation for Rwanda
IASC	(UN) Inter-Agency Standing Committee
IBRD	International Bank for Reconstruction and Development
ICRC	International Committee of the Red Cross
ICVA	International Council of Voluntary Agencies
IFRC	International Federation of Red Cross and Red Crescent Societies
IDA	International Development Association
IDP	Internally Displaced Person
IMF	International Monetary Fund
InterAction	American Council for Voluntary International Action
IOM	International Organization for Migration
MSF	Médecins sans frontières
NGO	Non-Governmental Organization
OAS	Organization of American States
OAU	Organization for African Unity
ODA	(UK) Overseas Development Administration
OECD	Organization for Economic Cooperation and Development
OFDA	Office of US Foreign Disaster Assistance
RPF	Rwandese Patriotic Front
Sida	Swedish International Development Cooperation Agency
UNAMIR	United Nations Assistance Mission to Rwanda
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Fund
UNREO	United Nations Rwanda Emergency Office
USAID	United States Agency for International Development
VOICE	Voluntary Organizations in Cooperation in Emergencies
WFP	(UN) World Food Programme
WHO	(UN) World Health Organization



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## NEWS

Founded by Albert Einstein in 1933, the International Rescue Committee (IRC) is the leading private, nonsectarian voluntary organization providing relief, protection, and resettlement services for refugees and victims of oppression or violent conflict worldwide. As an organization that has resettled over 150,000 refugees in the past fifteen years, we are pleased to have the opportunity to submit testimony at the hearing on the U.S. refugee program.

In an era where political instability and protracted ethnic conflict have made protection of the world's growing refugee populations particularly problematic, third country resettlement should be an increasingly integral aspect of the U.S. refugee program. Historically, the United States has played a leading role in the use of resettlement as a means of refugee protection. Thus, the IRC cannot help but express alarm at the recent evidence of downsizing and under-utilization that has plagued the U.S. resettlement program. In short, we recommend that the United States should expand the financial and personnel resources it commits to refugee admissions programs in a more flexible, equitable, and apolitical manner.

### **Admissions Numbers - Ceilings and Utilization**

An examination of admissions numbers over the past 15 years (see Appendix) reveals a steady decline not only in admissions ceilings but also in the actual number of refugees admitted. The ceiling, which began at a high of 140,000 in FY82, had been reduced to merely 73,000 by FY97. It should be noted that this virtually 50% decrease in the admission program does not in any way reflect a decreasing humanitarian need for third country resettlement. On the contrary, the resettlement needs of the global refugee population - currently numbering over 14 million people - are as equally dire as they were sixteen years ago. For example, with ethnic-based conflicts, such as those in Bosnia and Burundi, third country resettlement may be the only viable option for mixed-marriage families.

In what appears to be a self-fulfilling prophecy, the actual numbers of refugees admitted has also consistently declined each year. Every time that Congress has lowered the admissions ceiling, admissions numbers have fallen proportionally so that a distance has been constantly maintained between allowable and actual entries. Essentially, the refugee resettlement program appears to have been "managed down" by the State Department since 1982. As a result of a chronic

*Founded by Albert Einstein*

failure to meet out resettlement ceilings, nearly 150,000 U.S.-eligible refugees have missed out on life-saving protection over the past 15 years (see Appendix).

#### **UNHCR and U.S. Embassy Referrals**

Since the end of the Cold War, the U.S. has abdicated significant responsibility for the identification of refugees eligible for U.S. admissions to the United Nations High Commissioner for Refugees (UNHCR). Though we respect and value our relationship with the UNHCR, its priorities and purpose compromise its ability to serve as our primary source of referrals. As an international agency, UNHCR is devoted not to the selection of those refugees who would benefit most from resettlement to the U.S., but to the distribution of the greatest aid to the maximum number of people. Furthermore, it creates the potential for many U.S.-eligible refugees to fall by the wayside. Finally, the UNHCR lacks the resources needed to conduct the type of assessment that our resettlement program requires.

Although U.S. processing guidelines allows for embassies to make referrals, in practice all embassies insist upon a UNHCR referral - providing a further obstacle to program implementation. In addition, embassies tend to not only be physically and socially inaccessible to refugees, but also unaware of their responsibilities with regard to refugee resettlement. For example, several Iraqi refugees who found their way to the U.S. Embassy in Turkey were turned away on the grounds that they lacked a UNHCR recommendation - ignoring its own obligation to assess the validity of their request for resettlement. As currently implemented, utilization of the embassy for refugee referrals is a largely ineffective mechanism for identifying refugees eligible for U.S. processing.

#### **Refugee Program Implementation**

Another major obstacle to optimal resettlement is a poor distribution of refugee admissions numbers. Too often, political considerations take precedence over humanitarian concerns when we are determining who will be admitted to our country. The IRC, for example, estimates that there are considerably more Bosnians in need of resettlement in Croatia than there are in Germany. Yet, refugees in the latter country are being given preference over those in the former due to a political decision rendered in Washington over a year ago. The IRC would like to see a refugee resettlement program which is implemented with greater equity and flexibility. The closer our admissions policy comes to reflecting actual need, the greater success we will have in ensuring that no potential spots go unfilled and that humanitarian concerns outweigh political considerations.

#### **Budget**

Finally, we have been far too austere in our allocation of money to refugee programs. Despite the fact that the global number of refugees is on the rise, the budget of the Bureau of Population, Refugees and Migration has remained static in recent years. Although, the United State is the world's leading donor to refugee aid agencies, with \$388 million contributed in 1996, we rank only ninth in terms of spending per capita (U.S. Committee for Refugees, *World Refugee Survey 1997*). If our nation is to live up to its claim of being the international leader in refugee resettlement and humanitarian assistance, we need to give commensurate financial resource to back up our assertions.

#### **Conclusion**

In conclusion, we'd like to make the following recommendations. The first step in curtailing the downward spiral of decreasing admissions is to raise the annual ceiling for refugee resettlement. Next, we need to make a greater commitment to actually meet the ceilings we set, a process which will require more sophisticated methods of refugee identification, an expansion of processing capacity, and more flexible responses to changes at the ground level. Finally, we should appropriate to the refugee admissions program the financial backing necessary to uphold American leadership in the field of refugee resettlement.

HISTORY OF RESETTLEMENT - 1983-1997

	FY83	FY84	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93	FY94	FY95	FY96	FY97	TOTAL
<b>AFRICA</b>																	
Ceiling	3,300	3,000	2,750	3,000	3,500	2,000	3,000	2,000	3,500	4,500	6,000	7,000	7,000	7,000	7,600	7,000	72,750
Actual	3,326	2,648	2,747	1,953	1,315	1,994	1,588	1,922	3,494	4,424	5,491	6,969	5,856	4,779	7,579	6,054	62,139
<b>EAST ASIA</b>																	
Ceiling	96,000	64,000	52,000	50,000	45,500	40,500	38,000	50,000	51,800	53,500	51,850	51,000	45,000	40,000	25,000	10,000	764,150
Actual	73,552	39,408	51,960	49,970	45,454	40,112	35,015	45,680	51,611	53,486	51,848	49,858	43,581	36,926	19,327	8,595	696,383
<b>EASTERN EUROPE</b>																	
Ceiling	11,000	Ceiling combined with Former USSR 1983-1989; 1994-1995															
Actual	10,780	12,083	10,285	9,350	8,713	8,608	7,818	8,948	6,200	7,000	2,900	2,725			15,000	18,000	62,825
<b>FORMER USSR</b>																	
Ceiling	20,000	15,000	11,000	10,000	9,500	12,300	30,000	50,000	58,300	46,500	61,400	49,775	53,000	48,000	30,000	70,000	534,775
Actual	2,756	1,409	715	640	787	3,694	20,421	39,553	50,716	38,661	61,298	48,627	43,470	35,716	29,498	4,759	404,720
<b>LATIN AMERICA</b>																	
Ceiling	3,000	2,000	1,000	3,000	3,000	1,000	3,500	3,500	2,400	3,100	3,000	4,500	9,000	8,000	6,000	4,000	60,000
Actual	682	668	160	138	173	315	2,497	2,605	2,309	2,237	2,924	4,126	6,437	7,618	3,549	2,996	39,354
<b>MIDDLE EAST/ASIA</b>																	
Ceiling	6,500	6,000	5,250	6,000	6,000	10,200	9,000	7,000	5,000	6,000	6,850	7,000	6,000	5,000	4,000	4,000	99,800
Actual	6,369	5,465	5,246	5,994	5,998	10,107	8,415	6,980	4,991	5,359	6,844	7,000	5,861	4,464	3,946	4,094	97,133
<b>GRAND TOTALS</b>																	
<b>CEILING</b>	148,000	90,000	72,000	70,000	67,000	66,000	83,500	112,500	127,200	121,000	132,000	122,000	120,000	108,000	87,600	71,000	1,591,800
<b>ACTUAL</b>	97,385	61,881	71,113	68,045	62,440	64,830	75,754	105,688	119,317	111,022	131,293	119,231	112,573	99,490	76,030	69,883	1,445,975
<b>CEILING LESS ACTUAL</b>	42,615	28,119	887	1,955	4,560	1,170	7,746	6,812	7,883	9,978	707	2,769	7,427	8,510	11,570	3,117	145,825
<b>IRC RESETTLED</b>	10,171	7,652	8,856	7,714	7,217	7,970	10,088	9,938	10,561	11,853	11,841	11,703	11,107	11,474	8,660	8,118	154,123
<b>IRC % OF ADMISSIONS RESETTLED BY IRC</b>	10%	12%	13%	11%	12%	12%	13%	9%	9%	11%	9%	10%	10%	12%	11%	12%	

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## SUMMARY

## HISTORY OF RESETTLEMENT - 1963-1997

	<u>FY63</u>	<u>FY64</u>	<u>FY65</u>	<u>FY66</u>	<u>FY67</u>	<u>FY68</u>	<u>FY69</u>	<u>FY70</u>	<u>FY71</u>	<u>FY72</u>	<u>FY73</u>	<u>FY74</u>	<u>FY75</u>	<u>FY76</u>	<u>FY77</u>	<u>TOTAL</u>	
CEILING	140,000	98,000	72,000	70,000	67,000	66,000	83,500	112,500	127,200	121,000	132,000	122,000	120,000	108,000	87,600	73,000	1,591,800
ACTUAL	<u>97,385</u>	<u>61,881</u>	<u>71,113</u>	<u>68,045</u>	<u>62,440</u>	<u>64,830</u>	<u>75,754</u>	<u>105,688</u>	<u>119,317</u>	<u>111,022</u>	<u>131,293</u>	<u>119,231</u>	<u>112,573</u>	<u>99,490</u>	<u>76,030</u>	<u>69,803</u>	<u>1,445,975</u>
CEILING LESS ACTUAL	42,615	36,119	1,887	2,955	4,560	1,170	7,746	6,812	7,883	9,978	707	2,769	7,427	8,510	11,570	3,117	145,825
IRC RESETTLED	10,171	7,652	8,056	7,714	7,217	7,970	10,088	9,938	10,561	11,253	11,841	11,703	11,107	11,474	8,660	8,118	154,123
% OF ADMISSIONS RESETTLED BY IRC	10%	12%	11%	11%	12%	12%	13%	9%	9%	11%	9%	10%	10%	12%	11%	12%	

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# InterAction.

American Council for Voluntary International Action

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January 22, 1998

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National Security Advisor  
The White House

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Citizens Network for Foreign Affairs

**Assistant Secretary**  
Victoria M. Sheffield  
International Eye Foundation

Dear Mr. Berger:

**Assistant Treasurer**  
Andrew Griffl  
American Jewish World Service

We are writing as members of InterAction's Committee on Refugee and Migration Affairs (CMRA) to urge that the Administration proceed less precipitously on the issue of a Jackson-Vanik waiver for Vietnam. In its origin and provisions, Jackson-Vanik is centered on freedom of emigration.

The discussion of the emigration issue as applied to Vietnam has revolved around the Resettlement Opportunities for Vietnamese Returnees (ROVR) program for the adjudication in Vietnam of refugees returned from the camps of Southeast Asia and their resettlement to the United States.

**Executive Committee**  
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Francis Mather-Devis, IWCA USA  
Margaret C. McCullough,  
Christian Children's Fund  
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We do not believe that Vietnam has yet met the emigration requirements with respect to ROVR. We are aware, of course, that the Socialist Republic of Vietnam (SRV) has proposed new processing procedures which have the potential to successfully complete ROVR if implemented as envisioned. However, in January, 1997, the SRV also proposed implementation procedures which, if followed, would already have led to the completion of the program.

We are also aware that the SRV has been recently more forthcoming in providing names of approved applicants for the program. However, this is far from sufficient to satisfy the most critical issues of ROVR. Indeed, the most vital issue has yet to be addressed, i.e., how many ROVR applicants will the SRV not make available for INS adjudication, who are they and why are they not to be included in the program? The SRV has committed itself to answering these questions but has not yet even begun to do so. It is this group which may be of the greatest concern to the United States.

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The attached position paper lays out our concerns in somewhat greater detail. We believe that, if the SRV is serious, it should only take a few more months to answer these questions. Until they are answered and the

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InterAction is a membership association of US private voluntary organizations engaged in international humanitarian efforts including relief, development, refugee assistance, environment, population, public policy, and global education.

SRV has demonstrated a serious commitment to the underlying emigration principle of Jackson-Vanik, we believe there should be no waiver.

Thank you for your consideration.

Sincerely,



Elizabeth G. Ferris, Chair  
Committee on Migration and Refugee Affairs

*on behalf of the following agencies:*

Diana Aviv, Associate Executive Vice President for Public Policy  
COUNCIL OF JEWISH FEDERATIONS

Tsehaye Teferra, Executive Director  
ETHIOPIAN COMMUNITY DEVELOPMENT COUNCIL

Martin A. Wenick, Executive Vice President  
HEBREW IMMIGRANT AID SOCIETY

Roger P. Winter, Executive Director  
IMMIGRATION & REFUGEE SERVICES OF AMERICA  
U.S. COMMITTEE FOR REFUGEES

Reynold Levy, President  
INTERNATIONAL RESCUE COMMITTEE

Ralston H. Deffenbaugh, Jr., Executive Director  
LUTHERAN IMMIGRATION AND REFUGEE SERVICES

Lionel A. Rosenblatt, President  
REFUGEES INTERNATIONAL

Diana P. Bui, Deputy Director  
SOUTHEAST ASIA RESOURCE ACTION CENTER

Mark Franken, Interim Director  
U.S. CATHOLIC CONFERENCE/MIGRATION & REFUGEE SERVICES

Don Hammond, Vice President  
WORLD RELIEF CORPORATION

Position Paper: ROVR and Jackson-Vanik

**Summary:**

In 1995, as pressure for the mandatory repatriation of Vietnamese boat people from the camps of Southeast Asia grew, violence in the camps also became more serious. There was concern that such violence might further escalate as mandatory return continued and Resettlement Opportunities for Vietnamese Returnees (ROVR), originally known as TRACK II, was conceived as a means of de-fusing this situation. ROVR, which offered INS interviews to selected categories of returnees, including many of those most violently opposed to returning to Vietnam under communist rule, was seen as offering an incentive to the boat people to accept return with a lesser measure of violence. It appeared to be effective in this respect since the major returns which took place after the announcement of ROVR in the Southeast Asian camps on April 22, 1996 were accomplished with significantly less violence than those preceding that announcement. Thus, ROVR should not be seen as one last favor to the Vietnamese asylum seekers, but as an obligation undertaken by the U.S. Government as an inducement to the refugees to accept a peaceful return.

The Jackson-Vanik amendment is a key element in the normalization of U.S. commercial relations with Vietnam. The amendment makes the eligibility of a non-market economy country (of which Vietnam is one) for most-favored-nation (MFN) status in trade with the United States and its access to U.S. Government financial facilities contingent on the country's compliance with the amendment's free-emigration requirements. Such compliance must be either determined to exist or, under specified conditions, can be waived by the President. The passage of Jackson-Vanik played a major role in encouraging the former Soviet Union to permit religious minorities to emigrate for resettlement elsewhere.

Jackson-Vanik is one of the few elements of leverage, specifically tied to emigration issues, which the United States has to press the Socialist Republic of Vietnam (SRV) to implement ROVR as agreed. It should not be waived until it becomes clear that the SRV will fully implement its ROVR commitments. That is not yet clear.

**Background:**

TRACK II was proposed to the Administration by the NGO's in the summer of 1995 and in October of 1995, the Administration announced the new program, to be called ROVR, and began discussions with the SRV. The initial response of the Vietnamese was very reserved and this turned negative at the 6th CPA Steering Committee Meeting in Bangkok in January, 1996, where the SRV delegation definitively rejected the proposal.

At the 7th and final CPA Steering Committee Meeting in March, 1996, in Geneva, the SRV reversed its position and indicated its agreement to permit the processing of selected Vietnamese returnees for resettlement in the United States. This was followed by an announcement in the camps on April 22, 1996 which gave a brief description of the program, including the qualifying categories. Over the ensuing months, there was a significant effort by

U.S. officials to counsel the refugees to return home to take advantage of this opportunity. Almost ten thousand boat people applied for this program before their return home. By the end of the summer many of the camps were largely emptied.

Despite the agreement of the SRV in March, 1996, to permit such processing, there continued to be significant reluctance on the part of elements of the Vietnamese government, especially the Ministry of Interior, to implement ROVR. It was only after some positive steps by the USG plus continued pressure that the SRV agreed to implementation procedures in January, 1997. Under the January agreement, exit permits were still required before an INS interview could take place and no direct communication between U.S. officials and ROVR applicants/eligibles was permitted. However, this agreement contained two significant concessions:

- after long debate on ROVR criteria, the Vietnamese finally agreed that the criteria for eligibility into the program would simply be an indication by the USG that it wished to process the person concerned for resettlement for humanitarian reasons, and
- the SRV committed to providing exit permits for 1500 persons per month for processing under the U.S. Program.

Had this agreement been honored, ROVR would be largely completed today. Sadly, this was not the case:

- from the beginning, there had been disagreement and confusion about the role that ODP criteria would play in the ROVR program. Despite the January agreement, applicants for ROVR continued to be rejected by SRV officials on the grounds that they did not meet criteria which were essentially ODP criteria, and
- those applicants granted exit permits were only a small fraction of the 1500 per month to which the SRV committed in January.

Finally, two factors appear to have moved the SRV to take further action. One concern, expressed repeatedly by SRV officials, was the high INS rejection rates in the ODP sub-program for former USG employees, and their fear that this might be repeated in the ROVR program. This was a legitimate concern and was addressed by the USG by the formation of a special ROVR team of INS adjudicators who were given intensive training in the program before being sent to Southeast Asia. Relatively favorable ROVR adjudication rates eased SRV concerns on this point. The second and more significant factor was growing awareness on the part of the SRV that a Jackson-Vanik waiver might well require effective Vietnamese cooperation on ROVR.

#### **Current Situation:**

Thus, almost 20 months after their agreement to the program in Geneva in March 1996,

the SRV announced the current ROVR implementation arrangements:

- exit permits would not be required for INS interviews;
- instead, a pre-screening would take place of all ROVR names provided to the SRV by the USG;
- this pre-screening would be centralized in Hanoi and HoChiMinhCity and province officials would not be involved;
- the results of this pre-screening would be provided to the USG on all ROVR names (17,095) by December 31, 1997;
- this would include an explanation of the reason some people would not be available for interview; i.e. dead, no longer desired resettlement, could not be found and other reasons such as criminal acts;
- once an applicant had been favorably adjudicated by INS, passports would be issued centrally by Hanoi and Saigon and then sent to the provinces for delivery to the applicants.

These new arrangements are a step forward and contain the possibility of a successful completion of the ROVR program. However, given the history of this program, they are still far too new to conclude that ROVR will be carried out substantially as currently envisaged:

- despite SRV agreement to complete its pre-screening by the end of the year, to date, responses have been provided to 8,245 of the 17,095 ROVR names provided by the USG or 49%;
- so far, 84 cases/155 persons have been reported by the SRV as not eligible to be interviewed for ROVR. However, there has been no information provided as to why these persons would not be available for ROVR processing. At this time, there is no way to estimate what, if any, percentage of this caseload will be held back or otherwise unavailable for ROVR and no way to evaluate the reasons for their unavailability.
- it is too early to tell whether the new arrangements for the issuance of passports and out processing for successful ROVR applicants will be implemented smoothly.

#### **Jackson-Vanik Still Premature:**

While the new arrangements show promise, performance is still far short of justifying a Jackson-Vanik waiver for Vietnam. This would give up the only significant leverage that the USG possesses specifically directed to the emigration issue and could be seen as a lack of concern and, indeed, an abandonment of the commitment which the United States undertook

publicly to the ROVR returnees in April, 1996.

What would be needed to show significant compliance to the ROVR agreement and how long should it take? While opinions will vary on this point, the following would appear to be a minimum set of conditions.

It is impossible to even begin to judge SRV performance until they complete their initial response on all ROVR names. They committed to do this by December 31, 1997. Clearly they will not make that deadline. With the TET season fast approaching (TET falls on January 28 this year), work will soon slow down until mid-February. The SRV should be urged to complete this initial response as soon as possible even if that response includes a large number of names of people who cannot be located. Many of those people will have already written ODP or will have surfaced through friends and relatives in the United States. The SRV should agree that, when found, these "lost" cases can be added to interview eligible lists.

One of the potentially most problematic issues remains that of applicants denied entry into the ROVR program or otherwise not made available for interview. A worrisome point is that the SRV initially resisted accepting an obligation to provide information on such applicants. It is, however, required to do so under the January agreement and clearly should be required to do so for a Jackson-Vanik waiver. That information would then have to be evaluated. If a large proportion of the applicants are reported as no longer interested in emigration, after having devoted 5 or 6 years of their lives in the camps, such a response would invite some scepticism. If large numbers are reported as dead or not found, that proportion should be tested and, as some are found, it should be clear that they are included in the program. Finally, those that are denied entry into ROVR for "other" reasons, such as criminal convictions, will have to be evaluated for compliance with the underlying emigration principles of Jackson-Vanik;

The SRV has already provided enough names under the new procedure so that prompt action by the INS to adjudicate these applicant should provide ample opportunity to test the passport and out processing procedures to see if they are working as planned. This can probably be completed by the time the issues surrounding the name lists are resolved but a Jackson-Vanik waiver should await a clear indication that this is the case.

In the discussion of a Jackson-Vanik waiver and eventual MFN status there has been some reference made of the possible SRV reaction to the USG "moving the goal posts". Let it be abundantly clear that these goal posts have not been moved. What those concerned with refugee protection seek is implementation of an agreement made by the SRV in principle almost two years ago and which they made far more specific almost one year ago. To grant a Jackson-Vanik waiver before full performance by the SRV is reasonably certain, would be a violation of the United States' commitment to the Vietnamese boat people made in April 1996 in order to lead them to return to Vietnam peacefully.

An argument is also made that the Jackson-Vanik waiver requires a six month validation and by this means and others leverage can be maintained, but this is a disingenuous formulation. Those who make this argument in order to justify an early Jackson-Vanik waiver are those who seek smoother relations between the United States and Vietnam. To grant Jackson-Vanik and

then take it back, or even threaten to do so, would exacerbate these relations far more than delaying the waiver until their compliance with ROVR is clear. If the intent of the SRV is to carry out the January agreement promptly and appropriately under the new procedures, a lengthy delay would not be required to demonstrate this. If that is not the SRV's intent, of course, this should also become clear fairly quickly and there should be no waiver until the question of the Vietnamese intent is clearly demonstrated by action..

#### **A Critical Issue:**

The issue of the identification of names of persons available for ROVR processing and an explanation of the absence of some of the 17,095 names provided to the SRV by the USG is a critical one in terms of the timing of a Jackson-Vanik waiver. A waiver at this time or in the near future would leave open a real possibility of the following scenario. The SRV could provide clearances for 75% or so of the USG provided names and then stop at that point or, perhaps, provide small numbers of additional names in the following months and even an explanation of the absence for a few of the remaining names. Out of those names the United States might have approved and resettled to the United States something over 11,000 ROVR applicants. A year or more might have passed by then. SRV activity stops. ROVR activity stops. Most of the remaining 4,000 or so names remain unaccounted for. There is a good chance that these could include that portion of this caseload that most needs our concern and protection. At that point in the process, there is little or no chance that the USG is going to turn around and withdraw Jackson-Vanik. It is such a scenario, a realistic possibility, which worries those concerned with our obligations to the boat people.

#### **Conclusion:**

After 22 years, it should not be too much to ask that a Jackson-Vanik waiver be delayed for a short time to test SRV intentions with respect to the implementation of its newly announced procedures. To rush to a waiver before the new ROVR procedures are tested in actual practice, especially given the history of the program, would place in serious question the commitment of the Administration to adhere to the underlying principles of Jackson-Vanik in its relations with Vietnam. From this perspective, it seems certain that a waiver in the first few months of 1998 would be too early.



105th Congress

# Congressional Black Caucus

Congress of the United States

2344 Rayburn Building • Washington, DC 20515 • (202) 225-2201

October 29, 1997

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The President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Mr. President:

We are writing to add the support of the Congressional Black Caucus to the October 1, 1997 letter from Rep. John Conyers, the Ranking Member of the Judiciary Committee, and Rep. Mel Watt, the Ranking Member of the Immigration and Claims Subcommittee, expressing objections to the proposed FY '98 allocation of only 7,000 resettlement slots to African refugees. A copy of that letter is attached. All of the members of the CBC share the concerns raised by Rep. Conyers and Rep. Watt.

We are eager to work together with you to resolve the recurring problem described in the letter of Mr. Conyers and Mr. Watt. However, there are several steps which must be taken. First, we need assurance that you are prepared to make a good faith effort to create additional spots for Africa during this fiscal year. We understand that the Administration will be able to gauge which regional programs will not use all of their allocation before the end of the fiscal year. We request that the Administration commit any unused slots for Africa.

Second, we request that the Administration commit to changing the process by which African refugees are screened for resettlement to the U.S. The low number of African refugees referred for resettlement reflects the tremendous administrative obstacles facing African refugees. These obstacles include the use of the United Nations High Commissioner for Refugees ("UNHCR") as the only refugee resettlement referral source in Africa, the policy of referring only clearly identifiable groups for resettlement and the inadequate number of U.S. personnel in Africa to process refugees who have been referred for resettlement. We believe that one way to help address the latter problem without significant added costs would be to assign a current member of each Embassy or Consular office in Africa the specific duty of identifying, interviewing and processing refugee cases that should be resettled to the U.S.

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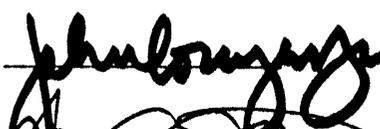
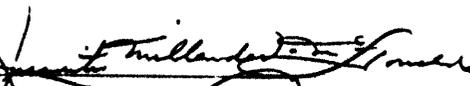
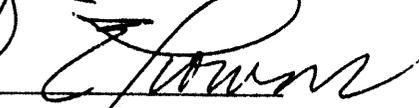
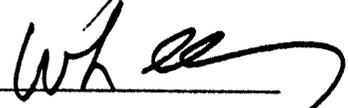
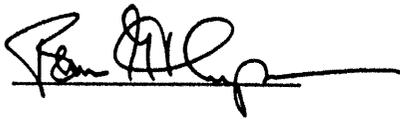


Letter to the President  
October 29, 1997  
page two

We understand that the Office of Management and Budget is already working with interested parties to determine the amount of funds to be included in your budget for refugee resettlement in FY '99. Because the Administration's budget request is the starting point for determining the total number of refugees that can be resettled, we urge you to increase your overall request for refugee resettlement funds so that meeting our expectations for African refugees does not adversely affect other refugee groups in future years.

Mr. President, this year's request for fair treatment of African refugees is not a new matter. We sincerely hope that you recognize how deeply committed the CBC is to making certain that African refugees are treated fairly in any future allocation.

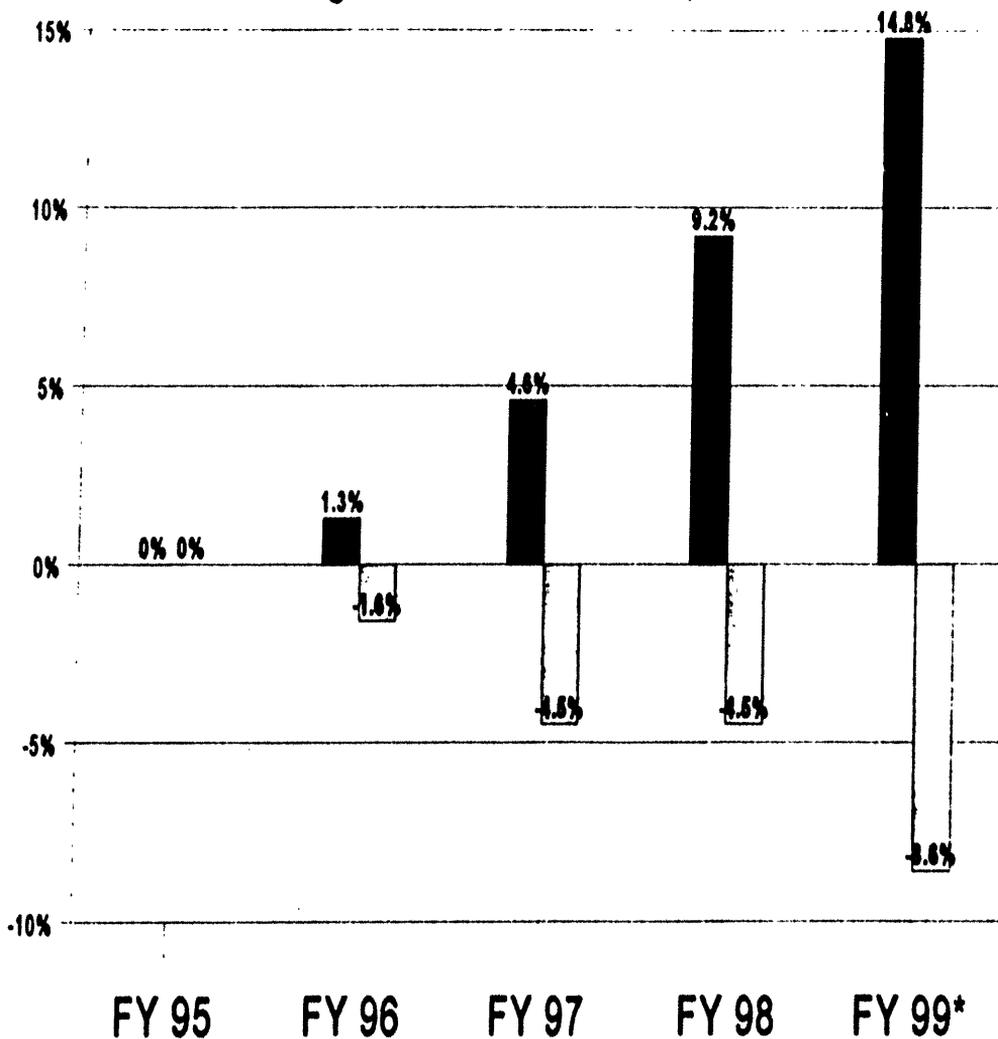
Sincerely,

Wm. L. ...	James ...
Alfred K. ...	William C. ...
Samuel ...	Sammy H. Davis
Chas. ...	Wm. W. Clayton
Frank ...	Earl F. ...
Geo. M. ...	Elmer ...
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Eddie ...	Paul ...
John ...	John ...
Walter ...	Alce ...
Paul ...	Carrie P. ...
Carl ...	

# DOS Operating Accounts v. Refugees

Percentage Increase/Decrease, FY 95-99



■ DOS Ops Accts

□ Migration & Refugee Account (MRA)

**U.S. Refugee Funding in Constant Dollars**  
(in millions of dollars)

Year	Amount	Adjusted for inflation (in 1999 dollars)
FY 1995 (actual)	[\$ 733*]	[\$ 802.5*] ]
FY 1996 (actual)	721	772.2
FY 1997 (actual)	700	731.3
FY 1998 (estimated)	700.4	715.6
FY 1999 (Admin. request)	670	670

**Decrease in U.S. refugee funding, FY 1995-1999 (Admin. request): - 8.6%**

**Real decrease in U.S. refugee funding (adjusted for inflation): - 16.5%**

- \* Reflects \$12 million transfer of administrative expenses from Salary & Expense Account to refugee programs account, effective in FY 1996 and subsequent years.

**Funding for Principal State Department Operating Accounts  
Compared to Refugee Programs  
FY 1995-1998  
(in millions of dollars)**

Year	Operating Accounts		Refugees	
	unadjusted	adjusted	unadjusted	adjusted
FY 95	[\$ 2,153.9*]	[\$ 2358.1*]	[\$ 733*]	[\$ 802.5*]
FY 96	2,182.5	2337.3	721	772.2
FY 97	2,252.0	2352.6	700	731.3
FY 98 est.	2,351.4	2402.3	700.4	715.6
FY 99 request	2,473.4	2473.4	670	670

**Percentage increase in principal DOS operating accounts, FY 95-99**

Administration request: 14.8% increase.

Adjusted for inflation: 4.9% increase.

**Percentage decrease in refugee funding, FY 95-98:**

Administration request: 8.6% decrease.\*

Adjusted for inflation: 16.5% decrease.\*

- \* Reflects \$12 million transfer of administrative expenses from Salary & Expense Account to refugee programs account, effective in FY 96 and subsequent years..

DOS Operating Accounts: Appropriations for D&C, S&E, and Capital Investments, plus MRV fee receipts.

Source of inflation/deflation multipliers: Budget of the United States Government for FY 99,

Historical Table 10.1, Total Non-Defense Spending FY 95, FY 96, FY 97, FY 98 (estimate), FY 99 (estimate).

## **The State of Private Support and Sponsorships for Refugees**

Prepared by Staff of Migration and Refugee Services, U.S. Catholic Conference  
March 30, 1998

### **USCC: Organizational Background and Resettlement Philosophy**

Over the past 25 years, the U.S. Catholic Conference (USCC), through more than 100 local diocesan refugee resettlement programs, has resettled nearly a million refugees. This number translates to 38% of the total refugee population arriving here since 1975. Last year, USCC resettled 15,000 refugees from the five processing regions of the world, representing 55 different ethnicities. The focus for USCC has always been on the importance of early employment and self-sufficiency for refugees. Current data shows that 97 percent of the refugees we serve, who arrive here without any family already in the U.S., become self-sufficient within six months of their arrival in the United States; a remarkable feat considering that most refugees arrive with little more than the clothing they wear.

### **A History of Resettlement Opportunities**

The Catholic Church's mission to serve the most vulnerable and needy among us is the foundation for USCC's refugee resettlement work. The diocesan refugee programs are typically part of larger Catholic Charities agencies which form the largest private social service provider network in the country. Although refugees are initially served by the refugee resettlement programs, they are often able to access *other agency programs* such as emergency assistance, mental health counseling, English language training, employment services, transitional housing, and literacy training.

To further supplement the resources available to refugees, the 114 local diocesan resettlement programs place great emphasis on developing donations and financial support from the parishes and the community-at-large. USCC engaged in a research project several years ago to assess the degree to which private resources were being generated on behalf of refugees. A thorough analysis of the extent of private resource generation was conducted in six diocesan resettlement programs, representing a cross-section of the Catholic dioceses in terms of size and scope of refugee programs. The analysis revealed that an average of \$1,400, *per capita*, in private resources were being contributed to refugees—twice the amount received from the federal government for resettlement.

### **Resettlement Opportunities Today**

In FY 1992, 132,000 refugees were resettled in the U.S. By comparison, in FY 1997, only 70,000 refugees were allowed in, a decrease of 48 percent. Although refugee admissions have decreased dramatically in the past five years, USCC's resettlement capacity, opportunities, and resources available to assist refugees have not diminished. On the contrary, the local diocesan resettlement

**Catholic agencies are actively generating private resources to supplement available federal funding. A conservative estimate of contributions generated locally for the USCC refugee program in 1997 amounts to \$10.8 million. In addition, at the national level, USCC has contributed to the resettlement program an average of \$1.5 million from its own funds each year since 1989.**

The private resources generated on behalf of the refugees come from all sectors of the community including individuals, corporations, churches of various denominations, employers, foundations, and schools. The Catholic parishes, in particular, are a strong source of financial and volunteer support to refugees, irrespective of their religion. A February, 1998 survey of the diocesan resettlement programs showed that parishes were supporting refugees by: collecting donations, English tutoring, fundraising, mentoring, job development, pro bono medical care, transportation, and even creating "full sponsorships" or "family adoptions." For example, in Houston, Texas, the diocesan refugee program expects to generate full sponsorship opportunities for 20 refugee families this year. The sponsors are matched with newly-arriving families and are responsible for assisting them for six months. Assistance includes in-kind donations, food, English tutoring, and recreational activities. Some sponsors pay the rent and utilities for five months while others just pay the utilities.

Another example is a parish eighth grade class in Phoenix which has raised \$1,300 to sponsor a refugee family. They visit the family bi-weekly and take groceries, household items, toys, and even bicycles. In addition, they have taken the family for a picnic, a pizza party, and a tour of their school.

**The more than 19,000 Catholic parishes and the countless thousands of current and prospective volunteers represent a significant resource, which is today largely untapped, to support refugees in their resettlement.**

In addition to the parish support and cash and in-kind donations, a third resource--volunteers--greatly augment USCC's refugee resettlement capacity. Over the past three years, USCC has awarded approximately \$1 million to 20 local diocesan resettlement programs for the purpose of increasing volunteer and community resources to assist refugees. *For CY 1997, an average of 14 volunteer hours were contributed per refugee in these dioceses.*

The final resource which ensures the ongoing availability of resettlement opportunities in the U.S. is *family sponsorship*. Refugees coming here to reunite with their family members currently comprise 73% of total refugee admissions. The family sponsors typically contribute significantly to the resettlement process, assisting with such things as orientation, housing, basic necessities, and employment.

**Future Resettlement Opportunities**

In summary, a variety of private resources have been developed to supplement available Federal funding and ensure that the capacity exists to successfully resettle needy refugees. USCC's 1997 data paints a very favorable picture of the resettlement opportunities available to refugees in the U.S.:

- 114 diocesan resettlement programs, integrated with Catholic Charities agencies, offering a continuum of necessary services for refugees
- Private cash and in-kind contributions in the amount of \$11.2 million
- Every refugee resettled receives an average of 14 hours of personal assistance from a community volunteer
- An extensive parish network assisting refugees by volunteering, tutoring, donating items, and developing "full sponsorships"
- Family sponsors which assist their relatives with basic necessities and other resettlement needs.

As evidenced by the fact that USCC resettled twice the current number of refugees just five years ago, the above resources have and can be mobilized to resettle significantly more refugees to the U.S. than are currently admitted. In fact, in 1980, USCC arranged sponsorship opportunities for twice as many refugees than the entire number admitted to the United States last year. Moreover, USCC is only one of ten voluntary agencies involved in the resettlement of refugees. Thus, the potential sponsorship pool and capacity to serve refugees is far greater than is being taken advantage of today.

## **Human Rights/Humanitarian Organizations Strongly Endorse Higher Refugee Funding Levels:**

"Unless Congress acts . . . , there will be \$33 million less available for refugees in fiscal year 1998 as compared to 1996. This real reduction in resources for refugees overseas is not acceptable."

"In recent months, several alarming trends have been noted. Among these is understaffing in UNHCR's protection division . . . which exposes refugees to serious risks and deprives UNHCR of the ability to fulfill its primary task of protection."

"In addition, underfunding . . . thwarts attempts at [voluntary] repatriation, and in other ways undermines the goals of the U.S. refugee program."

"[S]pecial efforts must be made with regard to refugee children . . . . These services are particularly crucial in order to prevent the recruitment of children as child soldiers, military porters, prostitutes, or forced marriage partners."

InterAction (Committee on Migration and Refugee Affairs)  
 Church World Service  
 Hebrew Immigrant Aid Society  
 United States Catholic Conference  
 Lutheran Immigration and Refugee Services  
 International Rescue Committee  
 U.S. Committee for Refugees  
 World Relief Corporation  
 Ethiopian Community Development Council  
 Southeast Asia Resource Action Center  
 Episcopal Migration Ministries



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