

More than one way of dying: Living conditions of forcibly displaced people violate human rights

Author: David Hollenbach

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More Than One Way of Dying

The living conditions of forcibly displaced people violate human rights.

BY DAVID HOLLENBACH

MORE THAN 33 MILLION refugees and internally displaced people languish in the world today. A disproportionate percentage of them live in Africa. Most have been driven from their homes by armed strife. Such displacement is often overlooked in discussions of the duty to protect civilians in warfare. Killing civilians counts as a violation of the law of war, but uprooting millions of people from their homes is not often counted among war's injustices. The conditions in which forcibly displaced people are typically compelled to live, however, violate their basic human rights. One can ask whether these conditions are not nearly as bad as death itself.

DAVID HOLLENBACH, S.J., is director of the Center for Human Rights and International Justice and Flatley Professor of Theology at Boston College. (The papers presented at the conference discussed in this article are being published by Georgetown University Press.)

Abebe Feyissa, an Ethiopian refugee, raised this question powerfully at a conference on advocacy for the rights of refugees recently sponsored in Nairobi, Kenya, by the Boston College Center for Human Rights and International Justice in cooperation with Catholic Relief Services and the Jesuit Refugee Service. After describing his experience in a refugee camp in Kenya during the past 15 years, Abebe poignantly concluded, "There is more than one way of dying."

A refugee camp is a dehumanizing place. The food provided by humanitarian agencies barely sustains life. Drinkable water is scarce and tightly rationed. Disease runs rampant and there is often no health care. Children, including those born in a camp, receive little or no education. The work refugees create for themselves within a camp provides only the barest beginnings of a livelihood.

Worst of all, displaced people are frequently restricted to camps for years, even decades. A camp is supposed to be a temporary refuge (the word "camp" does not even appear in the 1951 Geneva Refugee Convention). But Abebe Feyissa

Burundian refugees awaiting resettlement in the Kibondo District in western Tanzania.

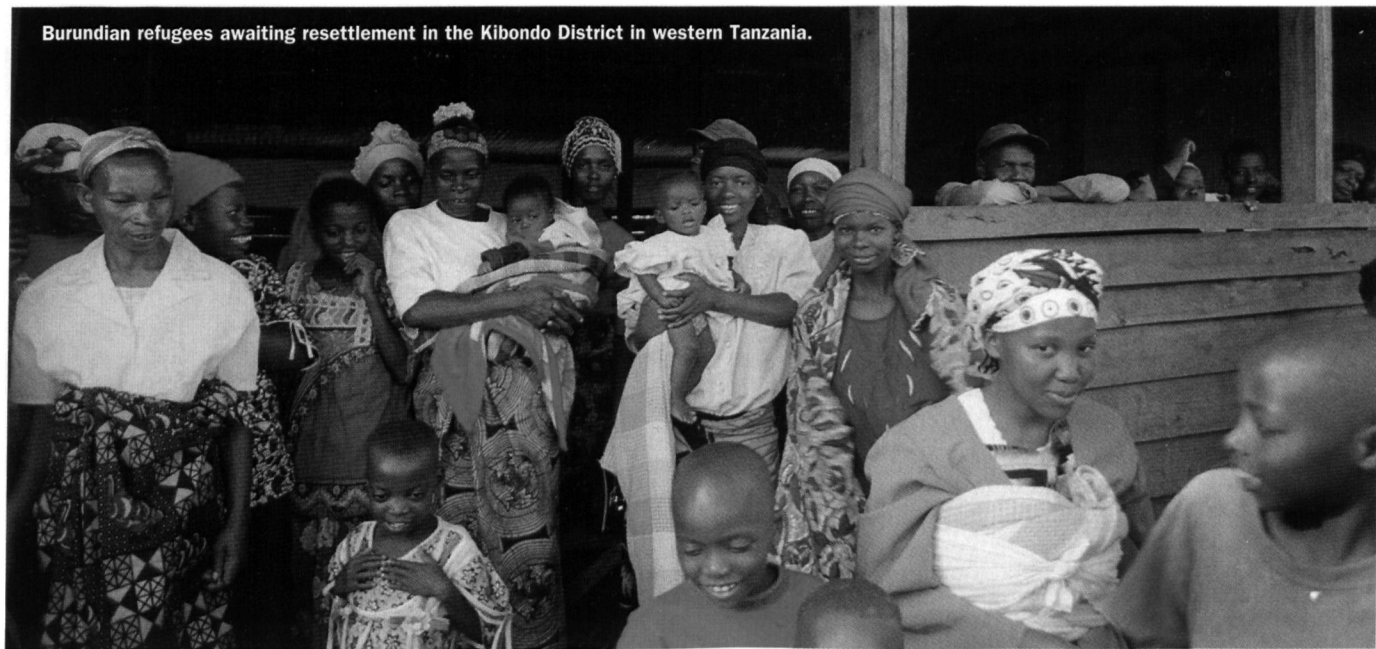


PHOTO: STEPHEN POPE

cannot go home, because his life would be in danger in Ethiopia. Nor can he move to a Kenyan city, despite the convention's declaration that refugees have the right to choose their place of residence and to move freely in the country of asylum (Art. 26). This is because United Nations refugee authorities think camps are needed to care efficiently for large numbers of refugees. If people like Abebe come to the city, some fear, they will take jobs from indigenous citizens and add to the costs that already weigh heavily on a very poor country. Solid research, however, shows that refugees often make useful contributions rather than adding burdens. Still, only a few countries like South Africa permit refugees to settle in the cities.

Abebe spoke powerfully about the hopelessness and emptiness that fill the hearts of persons long confined to camps. Emotional disorientation, to the point of not knowing what day or what year it is, can turn into anger and violence. When men from traditional African societies are confined for years, they lose their roles as the providers and protectors of their wives and families. Their frustration may be heightened when displacement leads girls and women to depart from traditionally expected behavior. The resulting anger leads some men to strike out at the women closest to them.

Needed Changes

Neither current political practice nor existing international

law adequately addresses the dehumanization refugees face. Rethinking politics and law from the standpoint of human dignity and human rights leads to several important conclusions about advocacy.

First, increasing respect for the refugees' right to freedom of movement is a key to alleviating their confinement in camps. To be sure, camps can be necessary in emergencies, but extended restriction seriously diminishes a person's human dignity. The U.S. Committee for Refugees and Immigrants calls it the "warehousing" of refugees. Freedom of movement is not a "contingent right" that can be abrogated indefinitely. Several norms ought to govern restriction to camps:

- People should be confined to camps only as a last resort, when necessary for their protection.
- Restriction to camps should be temporary and last only as long as is required to protect the displaced people.
- Harm should be proportionate. That is, the harm caused by limiting refugees' freedom of movement is justified only when it is proportionately less than the harm they would face outside camps and less than the harm-free movement that large numbers of refugees would cause to members of the host society.

These three criteria—necessity, temporariness and proportionality—are analogous to the criteria used to assess situations when armed force is morally legitimate to secure justice. The analogy is not accidental, for just as using force

harms human beings, so does confining innocent people to camps for years or decades. The presumption should be against limiting free movement; overriding that presumption must always be justified.

Authorities need to develop effective ways to implement the 1951 Convention's insistence that refugees should have freedom of movement similar to that of other non-citizens who have entered a country. Governments could issue a kind of "green card," for instance, that identifies refugees as having the right to live, move about and work in the host country, at least until the causes of their exile have been alleviated.

Wealthy Nations Must Share the Burden

Second, richer countries of the developed world have a moral responsibility to help displaced peoples. In many domains of life, society recognizes that a responsibility to help people in serious need is proportional to one's capability to help. Someone who cannot swim is not expected to come to the aid of a drowning child, but a good swimmer has a duty to help if it can be done without undue risk. In Africa, many countries neighboring those that produce large numbers of refugees lack the capacity to protect the displaced. Nations with greater capacity to assist refugees bear a greater responsibility to do so. The responsibility to help Abebe Feyissa, for example, does not fall exclusively on Kenyans, even though he is living in Kenya. Citizens of developed countries share the duty, too.

Burden-sharing in response to refugees is often understood to imply that rich countries of the West would grant refugees asylum and eventually citizenship. The United States recently announced that it will open its doors to a number of Burundian refugees who have been held in Tanzanian camps since massacres drove them from home in 1972—some 34 years ago. Despite the recent peace agreement in Burundi, the refugees have little chance of returning to their original homes, because their land has been occupied by others. Because of the length of their exile, many are children of the original refugees; they have no land because they have never lived in Burundi. The United States is offering them resettlement.

Third, more privileged societies should share in addressing the causes and consequences of displacement. There are simply too many displaced people in the world for rich countries to address their plight adequately through asylum. The causes of their displacement need to be addressed directly. Some Burundian refugees in Tanzania, for example, arrived this year because of famine in their home country. Hunger and the fragility of the peace agreement in Burundi make many Burundian refugees in Tanzania fear going home. Since the right not to be forcibly repatriated is a fundamental refugee right, it is forbidden to

compel them to return. The conditions that cause their fear of going home need to be alleviated, so the developed countries of Europe and North America ought to provide economic and development assistance within Burundi itself. Also, the definition of who counts as a refugee could be broadened to include not only those who flee violent persecution, but those forced from home by severe economic deprivation. Advocating such a definition reflects a human rights perspective on the plight of the displaced.

Building Peace

Fourth, protecting the rights of refugees calls for sustained efforts to build peace wherever conflict has killed many and driven even more people from their homes. Often this will require concerted regional action by neighboring states, supported by the more powerful countries of the developed world. Extremely poor Chad, for instance, cannot absorb all the refugees crossing its border from the Darfur region of neighboring Sudan. Nor is Chad capable of taking the political initiatives needed to stop the conflict causing the Darfur tragedy. Thus the responsibility to protect the refugees and to undertake serious peacemaking initiatives moves to the countries in eastern Africa and to the developed world.

A peacemaking initiative of this sort halted Sudan's other civil war between north and south. The 2005 Comprehensive Peace Agreement between the government of Sudan in the north and the Sudan People's Liberation Movement in the south was facilitated by the countries of eastern Africa who are part of the Inter-Governmental Authority on Development, with strong assistance from the United States and several European countries. The U.S.-appointed special ambassador John Danforth and Colin Powell, then secretary of state, made several direct interventions for peace. This 2005 peace agreement, like many in Africa, is fragile. But the shooting has mostly stopped, and some refugees have begun to go home. It shows that when powerful nations address the causes of conflict and refugee displacement, they can make a significant difference.

Internally Displaced Persons

Fifth, protecting the human rights of internally displaced persons (I.D.P.'s) calls for an organized response by neighboring countries, regional organizations and the United Nations. Internally displaced persons have been forced from their homes; but because they have not moved across an international border, they are not officially refugees as defined by the 1951 convention. Their plight is a major challenge in Africa today, where nearly half of the world's 20 million I.D.P.'s reside.

In theory, protecting the rights of such people is the

responsibility of their governments. Yet it is often their own governments that have forced them to flee. Extreme cases, like the situation in Darfur, are grave violations of the 2005 U.N. World Summit's declaration that "each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity."

If national governments fail to protect their citizens from these crimes, or if they inflict these crimes themselves, the summit asserted that the international community has a duty to take action.

In the first instance, the international action should be preventive. Advocacy on behalf of the displaced should not wait until conflict and grave human rights violations have begun. Nor should it end when peace agreements have been signed. Despite the peace agreement regarding southern Sudan, the millions of displaced Sudanese there face serious obstacles to returning home. The obstacles can be addressed by actions that seek to heal their wounds and bring reconciliation to that divided society. Neighboring states, regional organizations and church agencies can play crucial roles in making such reconciliation a reality.

Where prevention fails, however, bodies like the African Union or the United Nations may have a duty to intervene to stop grave rights abuses (like genocide). As a last resort, Chapter 7 of the U.N. Charter provides for military force. Moral responsibility crosses borders in ways that override state sovereignty. As Kofi Annan has said, the purpose of state sovereignty is "to protect individual human beings, not to protect those who abuse them."

Successful Initiatives

Commitment to the human rights of displaced people presents major challenges in international affairs today. Effective action can seem impossible; the call to be "realistic" could cause advocates to give up their efforts on behalf of refugees. Yet it is helpful to note two recent initiatives led by churches and other groups that have successfully pressed for change in international politics. The Jubilee 2000 Campaign urged international lending

agencies to reduce or cancel heavy debts owed by some of the world's poorest countries. The campaign was energized by Pope John Paul II's support and that of the leaders of many other religious and secular communities. It led to significant policy changes by the World Bank, other international financial institutions and the treasuries of the United Kingdom and the United States. In a similar way, several conservative U.S. evangelical church bodies, in cooperation with secular human rights groups, lobbied the Bush administration to enter the peace process in southern Sudan, which led to some success. Both the Jubilee Campaign and the Sudan initiative show that citizen action can significantly influence world affairs. 