

Authoritarian Sanctuaries: How 1970s African Dictators Shaped Contemporary Refugee Policies

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How do authoritarian regimes – present and past – respond to refugees? What underlying politics explains those policies, and what legacies to they have? There research in Refugee Studies literature touching upon the role of ‘regime type’ – whether democracies or authoritarian governments are more likely to adopt inclusive refugee policies. On the one hand, some suggest that liberal democracies embed liberal values, through their institutional frameworks (Freeman 2005; Gibney 2009). On the other hand, some have hinted that authoritarian regimes, freed from the electoral pressures of prioritising citizens, have greater leeway to adopt (counter-intuitively) liberal policies (Milner 2009; Abdelaaty 2021). Our aim is not to test the hypothesis that authoritarian governments adopt more liberal refugee policies, but rather to look in-depth at three neighbouring and contemporaneous authoritarian regimes in East Africa to understand how they developed refugee policies, and the enduring legacy of these policies.

We focus particularly on the design or policies relating to the socio-economic rights of refugees, focusing on Uganda, Sudan, and Ethiopia.¹ In each of these countries, the 1970s were a time of political turmoil and authoritarian dictatorship: in Uganda, military commander Idi Amin launched a coup d’état in 1971 and declared himself president and commander-in-chief. He would remain in power until 1979 and his rule would see a war with neighbouring Tanzania, the expulsion of the country’s Asian population, as well as brutal internal ethnic violence. In Sudan, Colonel Jaafar Nimeiry in 1969 organised a putsch against the civilian government and quickly transformed the country’s political system into a one-party system. He would stay in power until outed by a military coup in 1985. And in Ethiopia, the socialist military junta ‘Derg’ in 1974 overthrew the government of Emperor Haile Selassie, hurling the country into a civil war that only partially abated when in 1977 Mengistu Haile Mariam won Derg-internal struggles to become head of state. All three countries were in a rather unique position as refugee hosts: Amin, Nimeiry, and Mengistu forced large parts of their countries’ populations to flee, while simultaneously also hosting large refugee populations fleeing unrest in their neighbouring countries.

In explaining the refugee policies of states in the ‘global South’ and particularly in Sub-Saharan Africa, the existing literature offers a range of explanations for state policies (Karadawi 1995; Tsourapas 2019; Milner 2009). Abdelaaty (2021) offers perhaps the most compelling simplified explanation for African state refugee policies. She suggests two key mechanisms: a) bilateral relations with neighbours (enmity predicts generosity);

¹ This paper is part of a larger research project, ‘Politics of Refugee Rights’, which compares refugee politics in six East African host countries: Ethiopia, Kenya, Rwanda, Uganda, Sudan, and Tanzania.

b) elite ethnicity (commonality predicts generosity). What is striking about these mechanisms is that they relate not only to the particular state but are relational to neighbouring states. By taking a historical and granular look at three neighbouring countries, we are able to explore these mechanisms in more detail, but also examine the role that other factors in shaping refugee policy: regime type, the particular historical juncture (by examining the 1970s), and wider trends within the international system at a particular historical moment (notably the Second Cold War).

Especially notable from the period is that each of our three focus countries developed significant policy innovations within their national refugee policies. Also notable is that they changed their policies from what had previously existed, often in collaboration with the liberal international community. And in each case, those policies had a significant ongoing legacy. Also striking is that their relationships with one another – as reciprocal sending and receiving countries – are frequently invoked as policy justification. Perhaps most importantly, they offer variation in terms of how liberal those refugee policies have been: covering the range from the institutionalisation of Uganda’s rural settlements policies to initiating encampment in Ethiopia.

Methodologically, we draw upon archival research material collected at the UNHCR’s archives in Geneva. This is also complemented by archival research in Ethiopia and Uganda, undertaken collaboratively with research assistants with a refugee background. Our national sources include the Ethiopian national archive, the archive of the Ethiopian daily newspaper “The Herald”, and the archives of both the Ethiopian parliament and the ministry of foreign affairs, as well as Ugandan national archives.² With that data, we try to answer three questions: a) what were the refugee policies of the three autocrats? b) what explains their policy choices? c) what enduring legacies did these policies have?

In answering these questions, we make the following arguments. First, all three dictators implemented moderately progressive refugee policies, granting refugees to some extent the right to work, the right to education, and the right of free movement. That is surprising given the authoritarian and at times brutal character of each of their rule. Second, each countries’ refugee policies are largely influenced by regional politics—as all countries were at the same time receivers of refugees *from* their neighbouring countries and senders of refugees *to* their neighbouring countries—and global politics of the Cold War. And lastly, these policies left a lasting impact in Uganda and Ethiopia until today, in Sudan until the end of the Cold War.

Uganda: Refugee politics under Amin

Although they date back to before independence, many foundations of Uganda’s celebrated self-reliance model were developed under Idi Amin. Certainly, during his early rule between 1971 and 1975, there were few signs of anything liberal in Amin’s refugee

² Data collection in Uganda is still ongoing.

policies. He worked collaboratively with the governments of Rwanda and Sudan to encourage refugee repatriation, in order to support his regional allies, President Kayabanda of Rwanda and President Nimeiry of Sudan. Then, most infamously, Amin began to persecute and expel Ugandan Asians from 1975. However, from 1976, there was a notable—and historically forgotten—shift in Amin’s refugee policies and a striking embrace of what has subsequently become the self-reliance model. With rumbling rebellion and mutiny by predominantly Christian Acholi and Lango, agitating for a return to power of Obote, Amin came to rely increasingly upon Sudanese and Rwandan soldiers to ensure loyalty and professionalism. And he further recognized that working collaboratively with UNHCR could bring much-needed legitimacy and resources, both of which had been dwindling amid criticism of the regime’s abusive treatment of Ugandan Asians.

In June 1976, Amin oversaw Uganda’s accession to the 1951 Refugee Convention and created the Determination of Refugee Status Committee. In 1979, UNHCR noted that the Amin government had committed to work on a new Refugee Act as requested and that the rights to work and freedom of movement were largely being provided to refugees: ‘Refugees do not need work permits except when they are going to work for the Government...Although movement of refugees is restricted by the present Alien Refugee Control Act, in actual fact refugees are free to move in and out of the Settlements. If the journey exceeds a certain period of time and/or distance, permits are issued by the Settlement Commandant’.⁶¹ By that stage, Uganda hosted 130,000 refugees from Rwanda, Sudan, and Zaire. Amin’s government worked closely with UNHCR to create and consolidate the rural settlement model on which much of Uganda’s contemporary settlement model is based. Settlements established in the 1960s were upgraded with new facilities, and new areas were gazetted as settlements, allowing refugees to live there. UNHCR worked collaborative with Amin’s government to fund infrastructure and services in the settlements, particularly in the South West of the country, which hosted Rwandan refugees, and to provide basic assistance to Southern Sudanese refugees in the then conflict-affected West Nile region. He built new settlements for Zaireans in Ibuga in the West and for Sudanese in Karamoja in the East.

Amin’s support for refugees, and his expansion of the settlement model, was not motivated by regard for refugees’ welfare per se, but by politics. With very little support from Ugandans in Kampala, he relied upon Rwandans, Sudanese, and Congolese—including refugees—as the basis of his army and his government. For example, in the South West, home to several of the settlements that endure today, he benefited from the backing of both Rwandans and local Banyarwanda, as a means to balance against opposition ethnic groups at the national level. Amin filled his cabinet and military leadership with Banyarwanda. The Banyarwanda within Amin’s regime were especially keen to ensure resources flowed into their constituencies and backing for refugee hosting areas offered a means to achieve that. Amin encouraged the flow of UNHCR resources to the Rwandan settlements and allowed Rwandans to live freely in the cities.

Amin's support also related to regional geopolitics. He opposed President Habyarimana's mainly Hutu post-1973 regime in Rwanda and viewed support for Rwandan Tutsis in exile as a means to destabilize Rwanda. Meanwhile, he saw his support for Sudanese refugees as a key part of his amicable relationship with Sudanese President Nimeiry and their joint commitment to fight the destabilizing influence of rebel groups operating on both sides of the Sudan-Uganda border.

Sudan: Refugee politics under Nimeiry

When Nimeiry seized power in 1969, the main refugee group that the country was hosting were paramilitaries and civilians fleeing the Eritrean war of independence from Ethiopia (1961 - 1991). At the same time, the Sudanese civil (1952 -1972) between predominately Muslim and Arabic-influenced North Sudan and the predominantly Christian and non-Arabic speaking South was still in full swing. The country was thus not only instable, it also had created a large South Sudanese refugee population which mainly lived in neighbouring Ethiopia, in its South-western Gambella region. Moreover, from 1970 onwards Nimeiry had brutally persecuted his main political opponents, the Islamic-conservative Umma party and its followers, members of an Islamic movement sometimes called Ansars, sometimes Mahdists. They had also fled to Ethiopia, however to the North-Western Gonder region.

In this unstable political situation, Nimeiry viewed refugees as both a potential threat and a bargaining chip in his political maneuvers: the Sudanese refugee population in Ethiopia meant that Ethiopia was able to threaten his rule, should they decide to arm them and send them back. At the same time, hosting refugee populations meant neighbouring countries feared he could do the same—while negotiations to return each other's refugee groups could be mutually beneficial (Karadawi 1999). These calculations partially explain Nimeiry responses to the Eritrean refugees Sudan received. At the same time, his refugee politics were also strongly influenced by the Cold War. When the USSR tried to stage a coup against Nimeiry in 1971, he who had started out as a socialist ruler gradually advanced towards the West bloc. That made him an important partner of the US when the USSR-backed Derg took power in Ethiopia in 1974. The Cold War simultaneously aggravated political tensions between the two countries from 1974 onwards.

In 1971, Nimeiry tried to consolidate his power by strengthening his relations with Ethiopian Emperor Haile Selassie with a refugee deal: With the 'Friendly Relations Between the Two Countries' Agreement, Sudan and Ethiopia promised to disarm each other's rebel groups living in their countries as political refugees—the Eritrean Liberation Front in Sudan and the South Sudanese Anyanya in Ethiopia.³ A year later,

³ UNHCR Archives, 1969, 100.SUD.ETH, 'G de Bosch Kemper (Khartoum Rep) to High Commissioner', 'Relations with ELF', 8 July 1969; UNHCR Archives, 1970, 100.SUD.ETH, 'Moussalli (RLO Addis Ababa) to UNHCR HQS', 'Ethiopian Refugees in the Sudan - Relations between the Two Countries', 9 April 1970. UNHCR Archives, 1971, 100.SUD-ETH, ' X to Gerrit de Bosch Kemper (UNHCR Regional Liaison

Haile Selassie helped Nimeiry negotiate a peace agreement with the South Sudanese Anyanya that ended the Sudanese civil war. Both Nimeiry and Haile Selassie hoped the peace agreement would set in motion the repatriation of both countries' refugee groups.

The peace agreement brought Nimeiry international praise and the UNHCR's High Commissioner went so far to declare Nimeiry a beacon of human rights: the Sudanese 'Government is tackling the refugee problem: through a dialogue and in search of an understanding which is truly in the spirit of the United Nations and the declaration of human rights'⁴. Around that time, Nimeiry also started the process to sign the UN Convention Relating to the Status of Refugees as well as the 1967 Protocol and the OAU's Convention Governing Specific Aspects of the Refugee Problem in Africa. All three were signed in 1974, that same year, he amended the constitution to include an article on the right to seek and enjoy asylum. By 1978, Sudan hosted about 250,000 refugees, out of which about 180,000 lived relatively freely in the biggest cities of the country. Sudan moreover was carrying out the largest education scholarship programme for refugees in Africa at the time.⁵

Nimeiry's commitment to a peaceful and mildly progressive asylum system was not done 'in the spirit of the declaration of human rights' but out of political calculation. Apart from aligning himself with the West and his neighbouring country, the resettlement also had the monetary benefit of funnelling UNHCR money to Southern Sudan, as the resettlement was aided by UNHCR.⁶ That clearly consolidated his power in South Sudan. Nimeiry's cold realpolitik became most clear in 1977. Accusing the Ethiopian socialist Derg of plotting a coup against him, he threatened to mobilise "the hundreds of thousands who are living in the Sudan from Ethiopia and Eritrea to export unrest and problems to them... if we want we may use all that huge number to create unrest to the ruling Ethiopian Junta".⁷ Although Mengistu did not carry out this threat, it demonstrates his use of refugees as bargaining tools.

Ethiopia: Refugee politics under Mengistu

When the Derg overthrew Haile Selassie in 1974, one of their first policy changes was to amend the labour law by decree and disallow foreigners to work or to own a business.⁸

Representative for Africa, Addis Ababa), 'Ethio-Sudanese agreement on Friendly Relations between the Two Countries', 21 October 1971.

⁴ 23rd February 1972: UNHCR Archives, 1972, 'Statement by UN High Commissioner for Refugees, Sadruddin Aga Khan', 23 February 1972.

⁵ UNHCR, 1978, OAU Summit Meeting, Khartoum, Sudan, (19.07.1978), [vol.3], 'Report of the Administrative Secretary General on refugee problems in Africa', Meeting Report, 19.07.1978.

⁶ UNHCR Archives, 1972, 'The High Commissioner for Refugees and the United Nations Development Programme to Coordinate Assistance for Relief and Rehabilitation in Southern Sudan', Press Release REF1115, 9 May 1972.

⁷ UNHCR, 1978, OAU Summit Meeting, Khartoum, Sudan, (19.07.1978), [vol.3], 'Assistance to Ansar refugees in Ethiopia', 21.02.1978.

⁸ UNHCR, 1975, 651.ETH, Proclamation No: 64 de l'année 1975 portant code du travail, 24 décembre 1975.

Scholarships for urban refugees and resettlement of South Sudanese were also put on hold, as was most communication and collaboration with UNHCR. Occupied with trying to stay in power in a country drifting towards civil war, refugees were not of priority to the Derg, as one UNHCR employee of UNHCR's regional office in Addis Ababa deplored: "for obvious reasons already explained to Headquarters in various correspondence, the local authorities do not consider this question at present as of priority."⁹

This lack of prioritisation did not fundamentally change when Mengistu won the Derg's internal power struggles and became head of state: As his party, he was primarily concerned with reorganising the Ethiopian state, ending the Ethiopian feudal system, nationalising land, and keeping Eritrea as part of Ethiopia. However, his approach to refugee law was more pragmatic than that of his predecessors and mainly relied on delegation to UNHCR (see on delegation politics Abdelaaty 2021).

After Mengistu had won the short but brutal Ogaden war against Somalia in March 1978, he needed all aid he could get to control the extremely unstable situation in his country.¹⁰ From August 1978 onwards, he started "vigorously re-examining" his relations with UNHCR: Mengistu negotiated that UNHCR would take over the training and employment of urban refugees in Addis Ababa, implemented directly by the UNHCR'S Regional Liaison Office. He also negotiated that UNHCR would assist people displaced by the Ogaden war, both Somali refugees and internally displaced Ethiopians, and he agreed to the repatriation of South Sudanese refugees. He did not ease the regulations on the right to work, but he tolerated that refugees worked nevertheless, facilitated their vocational training, family reunification and travelling. Only the Ansar refugees, the one group of refugees considered most important for Ethiopia's relations with Sudan, were not directly delegated to the UNHCR. Instead, he asked for assistance "in the form of contribution to cover Government expenditures for providing relief supplies to this group" amounting to 336,000 US dollar.¹¹ By 1980, the UNHCR's evaluation of Ethiopia's response to refugees had drastically changed (and would remain so until Mengistu's power crumbled with the end of the Cold War):

"[The Government's] attitude towards refugee problems remains a very positive one [...] and the Government Departments dealing with the relevant assistance programmes displayed, as in the past, a positive attitude to the work of the RLO [UNHCR's Regional Liaison Office in Addis Ababa]. The Government re-affirmed its adherence to the international instruments dealing with refugee problems. Highlight of 1980 was the fruitful visit of the High Commissioner to Ethiopia"¹²

⁹ UNHCR, 1977, 11.ETH, Reporting on activities in 1976, 18.01.1977

¹⁰ UNHCR, 1979, 110.ETH, Memorandum reporting on UNHCR activities in 1978, 07.01.1979.

¹¹ Ibid.

¹² UNHCR, 1981, 110.ETH, Report on UNHCR/RLO Activities - 1980, 18.02.1980.

(Tentative) Conclusions

With few exceptions political scientists have rarely explained variation in the law, policies, and practices of refugee-hosting states in low and middle-income countries, even though they host the overwhelming majority of the world's refugees (Abdelaaty 2021; Karadawi 1995; Tsourapas 2019; Milner 2009). Furthermore, there is a complete absence of political science research explaining variation in the law, policies, and practices of such countries relating to socio-economic rights for refugees, such as the right to work. This is despite the extent to which such policies matter for such a large proportion of the world's refugees. This research provides a starting point for thinking more systematically about the mechanisms that explain host countries' willingness (or otherwise) to adopt progressive legislation relating to the socio-economic inclusion of refugees. In particular, it highlights the importance of understanding not only the national context, but also how they relate to local and international political dynamics.

Throughout this paper, we have shown that all three dictators, despite their otherwise little regard for human rights, displayed moderately liberal refugee politics. This is most strongly the case in Uganda when Idi Amin granted refugees both free movement and the right to work. Though Nimeiry and Mengistu's policies were not as extensive, both dictators had excellent working relations with UNHCR, offered refugees some degrees of liberties with regards to work, education, and movement and did not engage in refoulement. All three dictators' refugee policies were shaped by regional politics with their neighbouring countries. In the case of Sudan and Ethiopia, the Cold War added an extra layer to that dynamic, as both states were on opposite sides of bloc politics and sought to destabilise each other.

Uganda is a special case when one considers the legacy that the three dictators left behind for refugee policy in their respective countries. To this day, the self-reliance model that Idi Amin significantly helped to develop is in use and praised by the international community. In Ethiopia, the 1970s also saw the formulation of a refugee policy with a lasting legacy—however a restricting one: the 1975 abolishment of the right to work for foreigners, despite decades of lobbying by UNHCR, was only reformed in 2019. Nimeiry's longest lasting impact on refugees in Sudan was his politics of allying with UNHCR and the US. Despite Nimeiry's decision to introduce Sharia law in Sudan in 1983—which sparked the outbreak of the second Sudanese civil war—remained a close ally of UNHCR and the US until the end of the Cold War. Overall, our analysis highlights the need to understand refugee policies, particularly those viewed as progressive, in political and historical context.