

FORCED MIGRATION

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review

African displacement: roots, resources and resolution



Forced Migration Review

provides a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and internally displaced people, and those who work with them. It is published in English, Spanish and Arabic by the Refugee Studies Centre/University of Oxford in association with the Global IDP Project/Norwegian Refugee Council. The Spanish translation, *Revista de Migraciones Forzadas*, is produced by IDEI in Guatemala.

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from the editors

As we go to print with *FMR 16*, with its feature section on **African displacement: roots, resources and resolution**, we are only too aware of the spreading crisis in southern Africa, the potential for displacement and the scarcity of resources to address the needs. Every crisis, every emergency, underlines the need for organisations and individuals to collaborate ever more closely in sharing expertise and lessons learned – and to listen to those who are displaced. We hope that the articles in this issue contribute to this process.



Connie Owen

Enclosed with this issue is a copy of **id21's** Insights Issue on 'Responding to displacement: balancing needs and rights'. **id21** (www.id21.org) is funded by the Department for International Development and hosted by the Institute of Development Studies, University of Sussex, UK. Many thanks to **id21** for their generosity in distributing this to *FMR* subscribers.

It's **subscription renewal** time... All subscribers should have received an invitation to renew. Please do contact us as soon as possible – reminders use up precious resources.

Issue 17, to be published in May 2003 in association with the Brookings-SAIS Project on Internal Displacement, will include a feature section on '**when displacement ends**'. Deadline for submissions is 1 February. The feature section of issue 18, due out September 2003, will be on '**humanitarian logistics**'. We will be publishing this issue in collaboration with the Fritz Institute. Deadline for submissions is 1 May. If you would like to write for *FMR*, please contact us at fmr@qeh.ox.ac.uk or write to us at the address opposite.

We are delighted to announce that in November the Refugee Studies Centre was awarded the **Queen's Anniversary Prize for Higher and Further Education** for its contribution to the study of forced migration and refugees. *Forced Migration Review* received recognition in the commendation. See page 50 for details.

We would like to thank the **Tolkien Trust** for an unexpectedly generous grant in support of *Forced Migration Review*, in particular to enable the wider distribution of free copies of *FMR* in countries of the South. Thanks also to the **Feinstein International Famine Center** at Tufts University for its contribution to the costs of this issue.

On-line back issues of our Spanish edition, **Revista sobre Migraciones Forzadas**, are now available at our Spanish language website at www.migracionesforzadas.org. Could you set up a link to it from your website? Do you have networks through which you could promote it? Please contact us if you can help.

We wish you all the best in 2003.

Marion Couldrey & Tim Morris
Editors, *Forced Migration Review*

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Front cover photos: Sudanese refugees · Still Pictures/Jorgen Schytte

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Camps and freedoms: long-term refugee situations in Africa

by Arafat Jamal

Increasing numbers of African refugees are stuck in protracted refugee situations.

As both emergency outflows and dramatic repatriations have decreased in recent years, over three million African refugees (predominantly Sahrawis, Burundians, Liberians, Eritreans, Somalis and southern Sudanese) find themselves in protracted situations. Protracted refugee situations – exemplified by the iconic refugee camp, of which there are over 170 in Africa – exist because of an unlikely convergence of interests among hosts, international agencies and refugees. Camps may serve an important emergency protection function but, in the long run, they deny refugees the freedoms that would enable them to lead productive lives. This article looks at current trends in long-term African refugee situations and suggests some ways forward.

Protracted refugee situation: the absence of solutions

Simply put, a protracted refugee situation is one in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. Such a refugee is unable to break free from enforced reliance on external assistance.

Protracted refugee situations are neither natural nor inevitable consequences of involuntary population flows; they are the result of political actions, both in the country of origin (the persecution or violence that led to flight) and in the country of asylum. It should not be forgotten that many former or potential protracted situations no longer exist; post-1945 European refugees, Indo-Chinese boat people and South African political exiles are

no longer in an intractable situation. Circumstances changed, or political will was mobilised, to bring about an end to their refugeehood.

From protected to protracted

If refugee situations endure because of ongoing problems in countries of origin, they stagnate and become protracted as a result of responses to refugee inflows, typically involving restrictions on refugee movement and employment possibilities and confinement to camps. With refugees sequestered, concentrated, visible and presumably out of harm's way, camps represent a convergence of interests among host governments, international agencies and the refugees themselves. They are not ideal for anyone but they help focus attention and provide a safety net.

Host governments in Africa are largely poor, often insecure and mistrustful of external commitment to shared responsibility for refugee protection and burden sharing. They see camps as a means of isolating potential trouble-makers and forcing the international community to assume responsibility. For UNHCR, the overriding concern about *non-refoulement* can take precedence over actions to provide economic, social or political freedoms. If camps offer basic protection and a logistically uncomplicated means of delivering assistance, they will be favoured. Refugees themselves may also wish to be grouped in camps. Exile is assumed to be temporary and some refugees see a need to band together for security and social purposes in a new land. Refugees understand that camps make them visible, and keep their plight, and the politics that underpin it, in the world's consciousness. The Sahrawi camps in Algeria are a prime exemplar.¹

Because prolonged camp stays are largely negative, it is easy to overlook the often critical emergency protection function they provide. In Africa, where refugees are accepted on a prima facie basis, camps help preserve the institution of asylum. To insist that poor African nations should not only accept thousands of refugees but also let them spread throughout the country

camps provide a safety net

is unreasonable. Camps help allay security concerns represented by those perceived, rightly or wrongly, as potentially volatile and disruptive. Camps also ease the burden that huge influxes place on host populations. As traditional African hospitality towards refugees gives way to 'host fatigue', camps strengthen asylum by encouraging hosts to accept the presence of refugees.

By enabling the rapid and efficient disbursement of assistance in emergencies, camps provide a safety net. As some refugees venture out they know that family members left behind in camps will be cared for and that if they fail to make ends meet outside the camp, they themselves may return. Refugees can thus ensure that their least vulnerable family members are able to benefit from the education, health and other services provided in camps.

Despite their drawbacks camps thus serve important protection functions and will continue to be established and maintained. The challenge before us is to combine the positive protective elements of camps while attempting to remedy the negative ones.²

Consequences

The list of the consequences of prolonged encampment is long, and includes material deprivation, psychosocial problems, violence, sexual

exploitation, exploitative employment and resort to negative coping mechanisms. Protracted refugee situations perpetuate poverty and underdevelopment because they inhibit freedom. Freedom, as Amartya Sen has famously argued,³ is both a primary end and the principal means of development. In order to be able to live the kinds of lives that they value – and have reason to value – people must be able to enjoy certain instrumental freedoms: economic opportunities, political freedoms, social facilities, transparency guarantees and protective security.

Do camps provide these freedoms? In theory, at least, they are supposed to supply protection and security. Asylum provides security from violence at home, and camps are the instruments for ensuring that security (i.e. by agreeing to stay in camps, refugees may save themselves from possible *refoulement*). In other respects, however, camps are not designed to enhance freedoms.

They operate under an assistance model that emphasises assistance delivery according to certain standards. The notion of minimum standards, in particular as codified by the Sphere Project, remains open to debate. Nonetheless, in practice, most agencies in charge of camp management attempt to deliver assistance according to certain standards. In times of financial crisis, as is the case today⁵, it is a struggle to provide even these minimum standards.

But the attainment of standards, even generous ones, does not address the

issue of freedoms. Take Kakuma camp, Kenya. With high levels of violence, temporary shelters and tense refugee-local relations, it is often taken as an exemplar of a camp in which UNHCR has not been able to maintain even minimum standards. Yet a 2000 study revealed that, broadly speaking, not only had minimum standards been attained but in some cases they were better than those prevailing in either the refugees' home countries or elsewhere in Kenya. With distress and listlessness so palpable to even a casual visitor to Kakuma, it is clear that the minimum standards paradigm is incomplete, for even attaining such standards fails to address larger questions of needs and freedoms.⁵

From protracted to productive

Given the generally negative and wasteful consequences of the camp model of settlement, it has been clear for some time that there are other, more logical, humane and cost-effective ways of dealing with long-term refugee situations. As far back as the 1960s UNHCR recognised the wisdom of linking relief to development. This began in the Great Lakes region of Central Africa, continued in various countries in Africa in the 1970s, and reached a sort of apogee with the ICARA II process in the 1980s.⁶ After a period of retrenchment and increased insistence on encampment, UNHCR is again exploring similar ideas, notably through the 'development through local integration' (DLI) strategy and the notion of refugees as agents of development.

Taking into account the Sen capabilities notion, and aligning itself with World Bank poverty alleviation strategies⁸, UNHCR has recently been discussing a policy that focuses on enhancing the productive capacities of refugees pending a durable solution to their plight.⁸ This would involve providing refugees with security, removing barriers to self-reliance and creating opportunities. The productive capacities notion respects refugees and their potential. It is both asylum- and solutions-oriented in that it can make an impact on a refugee's current situation while at the same time furnishing him or her with the skills, confidence and resources that both assist and predispose the refugee towards voluntary repatriation and sustainable reintegration. And it should help to sidestep the long-running, seemingly irresolvable relief/development debate.

Security, self-reliance and opportunities

The provision of **security** is about ensuring that refugees have the necessary physical and economic security to lead productive existences. Guaranteeing physical security is a core UNHCR concern and involves ensuring *non-refoulement* and safe asylum. Economic security in a refugee context means, at a basic level, providing safety nets that prevent refugees from having to resort to negative coping mechanisms.

The second component involves identifying barriers to refugee **self-reliance** and undertaking measures to overcome them. Barriers might consist of legal obstacles preventing refugee freedom of movement, employment or legal access to land. Most of these restrictions on refugee liberties are imposed in contradiction of the 1951 Convention, which attempts to ensure that refugees enjoy a range of freedoms and rights regarding their personal liberty and employment.

The creation of opportunities involves promoting opportunities for refugees to be able to lift themselves out of poverty. This begins with building on existing refugee

9,000 people depend on one tanker for their water supply in Cuanza-Sul camp, Angola.



capacities and includes, depending on the asylum context, loans, land, tools and income generation projects.

Generalised unfreedom and responsibility sharing

If the solutions are well-known (as, in various permutations, they are), then why are they not implemented, or why do they not work? There are two main reasons: generalised poverty and unfreedom in host countries and the imperfections of the international responsibility-sharing system.

The first issue is straightforward. Refugee camps are restrictive. But if one lifts these restrictions only to thrust refugees into an unfree society, then one is not likely to achieve much. Even in countries where refugees may seek employment outside the camps, many keep a foothold in them because, in a context of general poverty, their chances of becoming self-reliant on their own are not high. Removing barriers to self-reliance and creating opportunities can work but only if the economic context is welcoming. Worse, the host society may itself be dangerous for a refugee, in which case urging a refugee to abandon the relative security of a camp would be irresponsible.

What about the sharing of responsibilities for the protection and assistance of refugees? It is always tempting to blame lack of funds for programme failures. Yet the lack of international commitment to refugee care, protection and solutions is at the crux of the protracted refugee problem in Africa.

Refugee protection is a legal obligation but international burden sharing is 'only' an international principle. States may be taken to task for refouling refugees but not for underfunding programmes. Seven out of ten refugees are found in developing countries, and yet assistance for them is low and erratically provided. Noting the egregious gap between international obligations and international political and financial commitments to refugees, the High Commissioner has wondered if "we are not violating the human rights of refugees ... by not providing them with enough assistance for them to live with a minimum of dignity."⁹

The fickleness with which funds are provided for refugee programmes frustrates long-term planning, and keeps camps on an emergency footing long after the emergency has passed. A strong message is sent to host governments: do not count on the international community. So, hosts opt for maintaining camps. They may be inefficient and miserable but they are eyesores and, as such, likely to attract at least some funding. Refugees might do better on their own, in a free environment. Then again, they might not, and the history of refugee protection in Africa is full of examples of development-oriented refugee programmes that did not succeed. Rather than try for development and self-reliance, and risk failure, many host states prefer to maintain the eyesores.

Evidence of sustained donor commitment to refugee integration programmes would undoubtedly encourage hosts to be more innovative. But since past experience shows that self-reliance and other such schemes are often pretexts to cut funding, rather than genuine attempts at change, it is not surprising if hosts and even UNHCR prefer to maintain the status quo.

Conclusion

Fearful and untrusting responses to refugee inflows conspire to create intractable situations. There is room for manoeuvre; the security/self-reliance/opportunities approach outlined above, even if not fully realisable, provides a platform to begin work and exploit possibilities. To an individual it is not relevant whether a particular intervention should be considered relief or development as long as it works and enables him or her to develop skills and exploit opportunities useful both in exile and upon the attainment of a durable solution.

Ultimately, of course, refugee situations are best addressed by dealing with political causes. There have been some recent hopeful developments – in Sudan, Angola and DR Congo and the decision to include refugee issues in the New Programme for African Development (NEPAD) agenda. But given the international community's record of non-engagement in the

continent, it is more prudent for the humanitarian community to concentrate on convincing hosts to grant refugees greater freedoms while urging donors to commit sustained and generous funding.

refugee situations are best addressed by dealing with political causes.

Is this realistic? Many previous initiatives in Africa have not borne fruit. Without favourable economic and political conditions in the country of asylum the provision of freedoms to small groups of refugees is unlikely to foster self-reliance. But it is the best option. Those most affected by conflict are best placed to bring about change. Camps may provide security from persecution but if refugees are to prosper, and prove less of a burden, refugees must be given the freedom to make their own choices and to lead productive lives.

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For additional UNHCR analysis of Africa's protracted refugee situations in Africa, see Jeff Crisp's paper prepared for a symposium on the multidimensionality of displacement in Africa, Kyoto, November 2002, soon to be available on the EPAU website at www.unhcr.ch/epau.

1. See the article by Randa Farah pp20-23.
2. See 'Refugee camps and settlements' (*The State of the World's Refugees 2000*) for a resumé of some of the arguments surrounding encampment. www.unhcr.ch/pubs/sowr2000/sowr2000toc.htm.
3. Amartya Sen *Development as Freedom*, Oxford, Oxford University Press 1999.
4. See the Update on p49.
5. See Arafat Jamal *Minimum standards and essential needs in a protracted refugee situation: A review of the UNHCR programme in Kakuma, Kenya*, UNHCR, Geneva, November 2000. Online at www.unhcr.ch/epau.
6. See Jeff Crisp *Mind the Gap! UNHCR, humanitarian assistance and the development process*, UNHCR Working Paper 43, Geneva, May 2001. Online at www.unhcr.ch/epau.
7. As outlined in their *World Development Report 2000/2001: Attacking Poverty*. www.worldbank.org/poverty/wdrpoverty.
8. See, for example, 'Protracted refugee situations: impact and challenges', speech delivered by Kamel Morjane, Assistant High Commissioner for Refugees (Copenhagen, 23 October 2002). Online at www.forgottencrises.dk.
9. 'Refugees in a globalised world', Ditchley Foundation annual lecture, Ditchley Park, 5 July 2002.

Transnational linkages between refugees in Africa and in the diaspora

by Dianna J Shandy

This article explores how the ties between resettled Sudanese refugees and those who remain in Africa shape the lives of people in both settings.

Discussions of refugee issues tend to downplay third country resettlement, because it is the rarest of UNHCR's three durable solutions and is seen to affect such a small minority of refugees. Third country resettlement, however, has material and cultural impacts on refugees in Africa beyond the small numbers that actually board the plane and set off for a new land.

Immigrants have always retained some ties with the homes they leave behind but in the 21st century the possibilities are greatly expanded. Communication is now much cheaper and speedier, and accessible to a broader swath of the population, and African refugees are well aware of this technology. The recently resettled and much-publicised Sudanese youth, or Lost Boys as they were dubbed in the media¹, arrived in the US requesting internet-based technology to get in touch with the relatives and friends from whom they were separated. These realities contrast sharply with popular images of African refugees that depict people leaving 'stone-age' societies en route to Western countries. There is a growing pool of data to support the fact that refugees retain and maintain multi-stranded relations between home and host societies. This shift in how we think about the relationships between forced migrants and the rest of the world has important implications for refugee policy; refugee policy and practice that seek to respond to the complexities of refugees' lives need to move beyond popular stereotypes to consider the transnational dimension of African refugees' experience.

Sudan to America

The Sudanese armed conflict, active since 1983, has displaced an estimated three to four million people within Sudan, including more than a million living in shanty towns on the outskirts of Khartoum. Out of an estimated population of 27 million, conflict has claimed approximately two million lives and prompted another 300,000 to leave the country.²

20,000 Sudanese refugees have been resettled in the US since the early 1990s when sizable numbers first started arriving. My findings are based on ethnographic in-person research and interviews since the mid-1990s with several hundred Sudanese refugees living in the US. Most of the refugees I interviewed belong to the Nuer ethnic group. One noteworthy facet of their adaptation to life in the US is the importance of maintaining close ties with family and friends in Sudan, in other African countries and, to a more limited extent, around the world.

Refugees as individuals; refugees as groups

Refugee status is conferred at the level of the individual. Yet the experiences of Nuer refugee migrants demonstrate the ways in which actions of individuals were undertaken on behalf of family groups. Indeed, it was often only through the pooling of family resources that individuals were able to access third-country resettlement opportunities. In one case, for instance, a Nuer family pooled all the blankets they had just been given by UNHCR and sold them;

the eldest living son was selected to undertake a perilous journey from the refugee camp in Ethiopia to a camp in Kenya that was known to be offering resettlement slots.

These social investments link Nuer in the US with those remaining in Africa, and Nuer living in the US are expected to fulfill certain reciprocal obligations. Nuer do so by remaining in close contact through letters and phone calls, sending monetary remittances, completing paperwork (such as Affidavits of Relationship or Visa 93 forms) to facilitate family members' efforts to come to the US, and returning to Africa to visit and to marry. Recent technological innovations – accessible even to those living in relatively remote rural areas and to those who are not literate – have facilitated these processes in terms of rapidity in ways never before possible.

Staying in touch

Staying in contact is very important to Sudanese refugees. Sudanese in the US communicate in the same ways as everyone else: phone, fax, electronic mail, letters, photos, videocassette recordings and in-person visits. They use many of the same means to stay in contact with family and friends in Africa. Letters and phone calls, however, are far more common than electronic mail and faxes. Sending photos and videocassette recordings is also very popular. In this way, important life events such as graduations and marriage celebrations can be shared across continents.

Remittances through formal wire transfers or informal banking systems are also important ways to maintain ties with those left behind. Sudanese who send remittances on a regular basis see this money as critical to meet immediate subsistence needs among refugees in Africa and to invest in the future. Money to buy

food to supplement UNHCR rations or to supplant a meagre harvest is seen as fundamental to the survival of those left behind. Investing in education by paying school fees is also an obligation of those who secured resettlement slots. In addition, men in the US who are betrothed to Sudanese women living in Ethiopia with the groom's family describe sending money back to their families to support their fiancées and to pay for bridewealth cattle.

Looking for a wife

Marriage and courtship, in fact, are key reasons for many Sudanese men to return to Africa for a visit. Nuer men in the US wish to marry Nuer women but there are very few single or unbetrothed Nuer women in America. In addition, some Nuer men are troubled by what they call "unreasonable levels of freedom" accorded to women in the US. By returning to Africa to marry, some Nuer men feel that they are more likely to find a wife who has not yet been "corrupted" by American ideals and ways of life.

The enduring importance of cattle

For Sudanese in Africa or the US, the transfer of cattle remains central to the recognition of marriage and any children from that union. Keeping cattle does not appear to be viable for Sudanese in the US. Therefore, the transfer of cattle takes place in Africa – even to recognise Nuer marriages that take place in the US. The current rate for bridewealth among Sudanese refugees in Ethiopia is US\$3,900 which will buy "28 big cows, two small cows, and five bulls" according to a Nuer informant who had paid bridewealth recently.

Family ties

In addition to marriage, maintaining ties to family members is an important reason for temporary return migration to East Africa. Many of these visits revolve around visiting elders. More than nine out of ten Sudanese in the US are under the age of 40. In fact, the Nuer referred to as "elders" in the US are in their mid-forties. For some who return to East Africa for visits, some motivation appears to be to maintain a stake in family wealth. But far more often it is

described as an emotional connection with loved ones, particularly those such as grandmothers who have no desire to migrate to the US.

Investment in peace

One final dimension of the temporary return migration phenomenon is the work of those Sudanese who devote themselves to the cause of Sudanese peace and alleviation of suffering of those left behind. One Sudanese man, Stephen Chambang, founded an organisation called SudanHope to try to make a difference in the lives of those who remain in the Sudan war zone and in refugee camps in neighbouring African countries. In 2001, Stephen self-funded a three-month trip back to Africa, where he conducted research to find out what Sudanese IDPs' and refugees' needs were. Upon his return to the US, he secured sponsorship from his American employer to set up an organisation to raise funds to purchase a boat that would serve as a reliable means of transportation between Maker, Sudan, and Gambela, Ethiopia, to enable people to travel for necessities like medical care during the July-February rainy season. Recognising the potential for linkages between those in the diaspora and those who remain in Africa as refugees to have an impact on improving their own lives is an important dimension of the refugee experience that needs to feed policy and practice.

Implications for policy and practice

In the long run, the contributions of Africans in the diaspora to those who remain in Africa raise a number of questions. To what extent do undocumented flows of resources from the outside mask the extent of problems in southern Sudan and the condition of those seeking refuge in neighbouring African countries? If Africans who have been resettled in the US are using resources to support families in Africa as well their immediate families in the US, what impact will this have on their integration in a new society? How will this sharing of resources play out in the next generation? Do these remittances mean that the humanitarian burden is being unduly shouldered by those who are themselves least financially stable and most marginalised in society?

If humanitarian interventions targeting African refugees are to be effective, transnational realities need to be considered. For instance, cultural orientation programmes for third country resettlement candidates that assume less sophistication on the part of African refugees ignore key dimensions of the social world of refugees. Monetary remittances are an important part of their social ties. For Africans in the US, the decision to attend school in the hope of obtaining a better job in the future can necessitate reducing or eliminating remittances to Africa for a specified period of time. This funding stream needs to be seen as unpredictable: highly dependent on the well-being and employment of the US counterpart. The current downturn in the US economy is likely to be felt by refugees in Africa who may have come to depend on those remittances. Alternatively, Sudanese in the diaspora might forego opportunities that enhance their ability to earn a living wage if it means suspending remittances.

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1. See FMR15 p7, www.fmreview.org/FMRpdfs/FMR15/fmr15.2.pdf.
2. For more information, see www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Sudan
3. More information about this project can be found at www.SudanHope.com.



Burundians use innovative ways to protect the displaced

by Greta Zeender



While the international community is disseminating the UN Guiding Principles on Internal Displacement in Burundi, local actors are also taking matters into their own hands to tell people about their rights at a grassroots level.

Developed in 1998, the Guiding Principles consolidate in one document the legal standards relevant for protecting and assisting people forcibly displaced within their own country. These Principles are widely accepted internationally but there is a long way to go until they are followed on the ground.

During my stay in Burundi in October 2002, I was told about several innovative techniques used by local professionals, which may have implications for dissemination efforts in other displacement crises. They use art, participatory education and 'tradition' to disseminate the Principles. I was in Burundi with a Norwegian Refugee Council (NRC) team which trains local actors on the Guiding Principles. The training is part of NRC's efforts to build the capacity of

local professionals to monitor the respect of the rights of the displaced and to do advocacy for a better protection of these rights.

Such initiatives and other innovative approaches are crucial in a country where the civil war has so far killed over 250,000 people and displaced another 500,000 people since 1993. The displaced are particularly vulnerable; grave violations, such as rape and torture, have been widely reported during displacement.

Changing reality through art

"When our theatre association performs plays on the Guiding Principles, we show to the displaced the imperfect reality, to spark in them the desire to dream of a better world", says Michel-Ange Nzajibwami, direc-

tor of TUBIYAGE, a theatre association of seven theatre troupes and 40 actors. His association, supported by NRC, has been presenting plays at five IDP camps in the province of Kirundo, and plans to perform in other provinces as well. The plays present five rights of particular relevance to people displaced in camps: the protection of the property of the displaced, the freedom to enter and exit the camps, the need to include women associations in resettlement and return plans, the right of children to education, and the right of IDPs to be informed before being displaced.

The plays usually last an hour and a half and have a participatory approach, explains Michel-Ange. Actors first illustrate the daily life of the displaced, with their frustrations about the violations of the rights mentioned above. The play is very realistic but manages to strike the delicate balance between depicting what IDPs go through and doing it with a sense of humour. The play shows the daily life of simple farmers, who visit their neighbours and rejoice to see each other, until they hear the sound of gunfire and start to flee.

IDPs in Burundi

Then they are brought to a 'site' for displaced people, where they face many problems. Families, for example, receive insufficient food rations. At one point in the play, they are forced to move to another site, without prior notice.

According to Michel-Ange, audiences of displaced people agree that the play accurately portrays what they are living through, and they also understand that it is not right. At this point, they are invited to replace one of the actors and try to redress the situation. In contrast to before the war, women and young people are now the ones who act to remedy the situation. This is not always easy for men, adds Michel-Ange; they are often more reserved and are sometimes uneasy about the new role assumed by women in these participative plays.

Michel-Ange believes that disseminating the Guiding Principles at the

"Children can become real promoters of the Guiding Principles"

grassroots level is important, since people often live without knowing their rights. At the same time, he points out, these principles must be disseminated to authorities and camp managers if the rights of the displaced people are to be effectively protected.

Participatory education

Education is another way to get the Guiding Principles across. "If we want the human rights situation in Burundi to improve, it is important not to neglect the education of children. Children can become real promoters of the Guiding Principles", says Jean-Paul, a teacher originally from the northern province of Kirundo, who also worked with street children in Senegal and Cameroon before returning to his native country.

Now working for NRC, Jean-Paul trains teachers who work with IDP children in an effort to improve their lives. His work is aimed at children who have never been to school but are too old to start at the beginning of the school system. After a year in such a programme, students are usually able to integrate into the formal education system.

Michel-Ange's theatre troupe in Burundi (Michel-Ange, front left).

In Kirundo, schools have been built outside the displaced sites, which are generally mono-ethnic. The schools, unlike the sites, benefit both IDP and resident children, Tutsi and Hutu alike. Children are taught the Guiding Principles through a participatory approach. They play small parts with themes like human rights and obligations in general, and children's rights in particular. They also learn through discussion sessions.

According to Jean-Paul, the Guiding Principles are a way to establish equality between the displaced and the resident population. Because of the displacement and trauma, IDP children are very vulnerable and may feel rejected or left out, especially at school. They are also generally unaware of their rights. It is therefore essential to explain to them that they have the same rights as other children, including the right to learn, even if they have not had the chance to go to school until then, due to war and displacement.

Going to school with other children helps displaced children integrate with those who have not been displaced, and who come from another ethnic background. Tutsi and Hutu children can rediscover each other, learn through games, and study in a spirit of equality, he says.

'Ubuntu' for the displaced?

"Tradition is essential but, to better defend the rights of women and children, we may have to create a new tradition in Burundi", muses Mathilde, who works for an NGO defending the land rights of vulnerable people such as children and widows. Mathilde points out that many aspects of Burundian tradition grant protection

to the vulnerable. She argues that it is important to appeal to traditional solidarity to protect the rights of the displaced and of other vulnerable people. Many internally displaced people have enormous difficulty accessing their land when they return to former homes, especially as there are no land inheritance rights for women.

Traditional holders of authority in Burundi are a group of men called *Bashingantahe*. Generally known for their sense of justice and responsibility for the overall good of the community, they settle disputes peacefully and uphold human rights, says Mathilde. In their ceremony of investiture, the *Bashingantahe* promise to pursue justice and to protect widows and orphans. This appeals to an essential element of the Burundian tradition, *Ubuntu* ('humanity and justice'). Mathilde often refers cases of land disputes to their judgement. She also discusses with them the importance of protecting the rights of displaced people.

While tradition seems the most appropriate means to disseminate the Guiding Principles to the *Bashingantahe* and rural populations, it is also important to empower women and children and to promote self-confidence and dignity, argues Mathilde. Her NGO, Rainbow Center, discusses human rights issues with women's associations. It also runs youth groups, where young people receive food in exchange for the construction of houses for IDPs or for other work. Such work, she says, provides the pretext to discuss human rights and responsibility.

Like Jean-Paul, Mathilde is firm about the importance of children knowing



Erreta Zeender

their rights. Young people are often surprised to discover that education is not a favour granted to them but a right. They also learn that the administrator of the commune does not have the right to displace people except under exceptional circumstances, and that expropriation should be followed by compensation. In a hierarchical society like Burundi, young people discover that even the head of a community does not have the right to violate the freedoms of the citizens. Such knowledge can be helpful.

Principles must be locally owned

Michel-Ange, Jean-Marie and Mathilde each have their own ways of protecting the rights of displaced people, through theatre, education and dialogue. But their approaches have much in common. All three disseminate the Guiding Principles through participatory approaches and in Kirundi, the national language of Burundi. All three agree on the central role of women and children, who represent the majority of displaced people and who do not traditionally have the same prominence as men.

Fortunately, these efforts are not being made in a vacuum. In Burundi, local initiatives to disseminate the Guiding Principles have been supported by the international community. Since early 2001, international agencies, national authorities and civil society representatives have met regularly to assess concrete IDP situations and to improve the protection of displaced people. NRC, meanwhile, along with the UN Office for the Coordination of Humanitarian Affairs has organised training workshops to disseminate the Principles to the Burundian authorities, international agencies and local groups, including the representatives of displaced people, at national and provincial levels.

Supporting grassroots efforts is crucial to promote the ownership of the Guiding Principles at the local level. Integrating the Principles fully into local culture can give a stronger voice to women and children, and can create 'new traditions' of protection and integration.

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HIV and the internally displaced: Burundi in focus

by Raquel Wexler

"Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons." (Guiding Principles on Internal Displacement, 19.3)

While over 250,000 people in Burundi have died as a result of conflict since 1993, HIV/AIDS has become the country's primary cause of adult deaths and an important cause of infant mortality. In this small country of seven million, though the general population is as a whole vulnerable to HIV/AIDS infection and transmission, some groups are known to be more so. Among the prostitutes, truck drivers, refugees and repatriated who are known to be vulnerable, almost half a million internally displaced persons face considerable risks of HIV/AIDS infection. Acceding priority to the easy sell of traditional emergency assistance packages, the requisite attention, resources and programming for HIV interventions for the war-affected displaced have not yet been sufficiently available. In an attempt to formulate an appropriate response to HIV programming for IDPs, UNICEF Burundi conducted focus group research in four IDP sites. This article describes the nature of the problem and sets out broad areas for HIV/AIDS mitigation strategies.

Officially there were over 387,000 IDPs living at 226 sites in Burundi in May 2002.¹ These figures do not include the temporary displacements that follow the anticipation or launch of military and rebel attacks. Short-term, sudden acute displacements involving many thousands of people occur frequently throughout the country as uprooted families seek safety in schools, churches and military camps and with other

households. Such displacements can last from a few days to a few months and occur in areas of the country that are at times difficult for the humanitarian community to access, monitor rights abuses and provide needed assistance, creating a major challenge to the implementation of HIV-related interventions. Even so there have been concerted efforts on the part of some humanitarian actors to conduct assessments and facilitate HIV activities targeting the internally displaced.

Attitudes and practices

The limited available evidence suggests that IDPs may have heard of HIV but have little knowledge of how it is contracted or avoided. It is commonly believed that the primary causes of transmission are sharing razor blades and having multiple partnerships. Only one in 20 IDPs identifies condoms as a means of protection from an HIV/AIDS-infected partner. Although 80% know what a condom is, only 70% have ever seen, and less than one-fifth ever used, one. False beliefs and misinformation are common among the displaced, as one in five IDPs believes that HIV can be contracted by kissing or dining with an HIV-infected person. However, one message has hit home: more than 90% know that HIV/AIDS has no cure.²

Young widows are common within IDP communities, comprising more than one-quarter of all heads of households. These young unattached women search for sexual partnerships with both single and married men for



sexual fulfilment and for more children. Women comment that sexual relations provide psychological relief from daily stress. High fertility rates are commonplace with attendant consequences on the health of the women and their capacity to provide for their children. In an environment where women outnumber men, multi-partnerships are not only common but, to a certain extent, culturally accepted.

Male participants in the focus groups said women should be sexually available. Refusal to engage in intercourse may be interpreted as a sign of infidelity and result in physical violence – which is largely tolerated in Burundian society. Men confirmed that sexual intercourse is unprotected almost all of the time. While men noted the high number of undesired and unrecognised children in the sites, women drew attention to the high number of unresolved extra-marital paternity cases.

Child-headed households, highly vulnerable to exploitation, constitute more than 2% of all households in the two study areas. Some of these children rent out their house for sexual activities during the day while the adults tend to the fields. Promiscuity, sexual abuse and cases of sibling incest are reported.

Fleeing from poverty, young girls search for work in urban centres. Maturing rapidly in their new environments, many return to IDP

settlements after having numerous sexual partners, pregnant and/or in search of a husband. Such young women are stigmatised and ostracised. Young IDP men without work postpone marriage. Uncertain about their future and unable to sustain a family, they prefer non-committed sexual relationships. Unlike the mature women, who are fearful of learning their seropositive status and of community stigmatisation, youth spoke positively of voluntary testing. Many feel testing should be required by law before marriage.

Abrupt, temporary displacements inhibit access to land as former homes and fields turn into military zones. Kabezi, ten kilometres from Bujumbura and far outside the capital city's 'safe' perimeter, has been the locus of numerous confrontations since February 2002. The number of displaced rises and falls in concert with security conditions. As their families go hungry, men depart to Bujumbura in search of day-work. Insecurity may not permit a return to the site, resulting in nights spent away from partners. Women in Kabezi report that as a result their husbands can easily have unprotected sex with other women. Both women and men cite a high degree of distrust in their marriage partnerships. Suspicions often lead to arguments and violence.

Young IDPs note that although some reproductive information is passed on from mother to daughter and father to son, this is largely counselling to

avoid pregnancy; HIV/AIDS information is not shared between parents and their children due to ignorance and socio-cultural taboos.³ All focus group participants said that they did not have enough information on HIV/AIDS, though the women were better informed due to their contact with health care providers at antenatal consultations.⁴ They report that when humanitarian actors arrive at an IDP settlement they usually approach women's groups as an entry-point into the community. The women reasoned that "women are interested in health and men are interested in politics".

Opportunities for intervention

Despite the instability of conflict environments in Burundi and elsewhere, a number of HIV/AIDS interventions can be undertaken that focus on IDPs. Long-term institutional strategies for HIV prevention provide an important means to address HIV/AIDS mitigation for IDPs **before they are displaced**, as these activities are generally targeted towards improving access to essential information and HIV-related services for the general population. HIV/AIDS activities can be appropriately integrated with other interventions, i.e. food and water distribution; this requires coherent strategies and planning based on greater coordination of actors on the ground. The Guiding Principles on Internal Displacement should be circulated to affected populations and attention given to educating lawmakers, the military and humanitarian

actors about international standards to curtail and monitor rights abuses, and the role of Government as the guarantor of rights.⁵ Yet, whether interventions are short-term 'one-off' activities, medium-term or developmental in scope, it is important that there are adequate safeguards to ensure that communities take part in problem identification, delivery and assessment of interventions.

However, there can be no uniform approach to HIV interventions for the internally displaced. The following list of recommendations is not exhaustive and may be modified in response to constraints and opportunities within particular programming environments.

- HIV/AIDS and STD prevention and awareness-raising programmes and condom distributions should be developed for government and rebel combatants.
- The principal activities of parents and children within and outside IDP sites should be identified, including linkages to transit corridors and urban centres; high risk areas such as truck stops, bars and guest houses should be mapped.
- Gender-sensitive placement of latrines, water gathering points and land for cultivation should be promoted.
- Greater attention should be given to assisting child-headed households, reuniting unaccompanied displaced children and integration into foster families.
- There is little point of engaging the internally displaced in discussions on HIV prevention if condoms are not readily available; condom accessibility must be greatly improved.
- Contingency planning is essential to prepare for the mass return of refugees from neighbouring Tanzania in the event of the brokering of a sustainable cease-fire.
- Appropriate focal points should be identified in IDP sites for peer learning; youth clubs should be supported in which reproductive health issues could be discussed.
- Evaluations should be undertaken with the assistance of

external evaluators to ensure transparency and to inspire humanitarian actors to be more accountable; in-country partners may need training in developing appropriate measures of performance.

- Agencies should work with religious leaders to challenge prevailing attitudes towards HIV and domestic violence and to care for HIV-infected and HIV orphans.
- Reproductive health services should be available to the displaced so that women seeking antenatal services receive essential information on HIV prevention, Mother-To-Child-Transmission, and the identification and treatment of sexually transmitted diseases.
- HIV/AIDS information should be included in mainstream school curricula; where needed, emergency schooling should be established to provide normalcy to both children and their parents and to deter delinquent activity.
- Flexible communication strategies should be developed to facilitate community identification of problems, causes and appropriate responses, and to eradicate stigmatisation; training in interpersonal communication techniques may be required.
- Surveillance systems are needed to track trends in the spread of HIV and provide benchmarks with which to evaluate and plan; behavioural surveillance structures should also be supported to provide feedback on changes among high risk populations.

Resources

The international community has been wanting in its efforts to address HIV/AIDS prevention and program-

ming for IDPs, particularly in Burundi. The 2002 Consolidated Inter-Agency Appeal, the major funding window for UN and NGO operations in-country, included only three IDP projects with HIV/AIDS components and one to do with basic reproductive health services. Of \$295,000 requested by UNFPA in the 2002 Appeal, only \$50,000 has been donated. Oxfam GB received no funding for prevention, diagnostic and care activities for IDPs. Faring somewhat better, UNICEF requested \$700,000 for HIV prevention in general (to include IDP populations) but by September 2002 had been given only \$384,000, slightly more than half of the sum required.

This devastating HIV funding shortfall has compelled UNAIDS⁶ to rally humanitarian actors in country. During the preparations for the 2003 Appeal more than \$4m for HIV/AIDS programming will be requested. It is hoped that the improved collaboration and enthusiasm of implementing partners on the ground will be matched by donor contributions.

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1. UNICEF, OCHA, UNDP Survey, Preliminary Results, June 2002.

2. 'Ministère de la Santé Publique et UNICEF, Enquête Socio-Comportementale sur L'infection par le VIH/SIDA au Burundi dans la Population Sinistrée: Rapport Definitif', 2001 (pp26-27).

3. *ibid* (p23)

4. Public health structures are present, though their services are generally extremely limited, and not free, rendering health care through the public health system inaccessible to IDPs.

5. See FMR 15 pp43-45

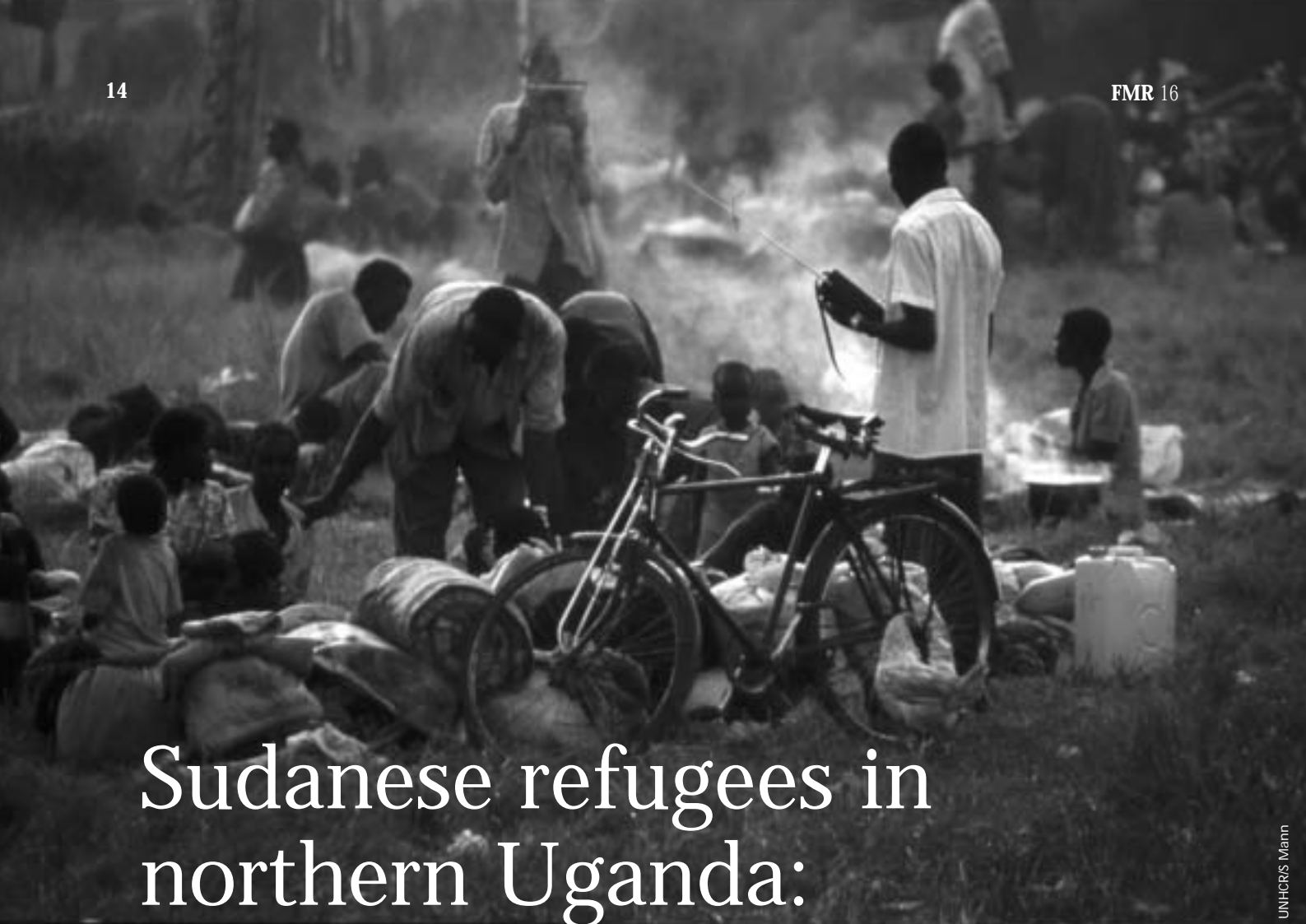
www.fmreview.org/FMRpdfs/FMR15/fmr15.17.pdf

6. UNAIDS is the joint UN programme on HIV/AIDS: www.unaids.org



UNICEF/HQ000-0090/Giamoco Pirozzi

A group of young people during a meeting of the UNICEF-assisted 'My Future is My Choice' youth health development programme, Namibia.



Sudanese refugees in northern Uganda: from one conflict to the next

by Emmanuel Bagenda and Lucy Hovil

Sudanese refugees in northern Uganda not only have to contend with the numerous problems associated with living in a settlement but also have to live with the daily threat of armed attack.

Sudanese refugees unpack their belongings having moved from Achol-Pii camp to Kiryandongo.

The example of one particular refugee settlement, Achol-Pii, in Pader district, reveals some of the specific problems that are created when refugees are forced to live in settlements in the midst of armed conflict.

Conflict and flight

The majority of the 174,000 officially recognised refugees in Uganda are from the country's northern neighbour, Sudan. They have fled from Africa's longest standing civil war, a war that has been characterised by its devastating impact on the civilian population. In accordance with Ugandan policy, which stipulates that all refugees and asylum seekers must

live in designated settlements, most Sudanese refugees live in camps or settlements, the majority of which are located in northern Uganda.

However, far from being located in a place of safety, Sudanese refugees in northern Uganda have been affected by the protracted series of armed uprisings and civil conflicts of which those of the Lord's Resistance Army (LRA) under the leadership of Joseph Kony have had the greatest impact. Whilst the LRA claims to be fighting the Ugandan government, it has, in fact, brutally targeted the civilian population of northern Uganda, killing and raping, looting villages and forcibly conscripting child soldiers. As a result, thousands have been dis-

placed and are living in so-called 'protected villages'. It is in this environment of insecurity that thousands of Sudanese refugees have been placed.

Achol-Pii refugee settlement

Achol-Pii refugee settlement has hosted refugees since the early 1960s. The most recent influx was in 1993 when there was an upsurge in fighting in southern Sudan between different Sudan People's Liberation Army (SPLA) factions. By early 2002, there were approximately 24,000 Sudanese refugees living in the settlement. In addition, Achol-Pii and the surrounding area have also hosted a number of communities of displaced Ugandans fleeing the war between the LRA and the government of Uganda (GoU). Achol-Pii settlement has become a melting pot for forced migrants fleeing different conflicts in the region.

However, the concentration of forced migrants was not reflected in the amount of protection offered, despite

the fact that, throughout the course of their brutal campaign, the LRA has not limited its attacks to Ugandan nationals but has also targeted various refugee settlements. On 13-14 July 1996, Achol-Pii settlement was subject to a particularly devastating rebel attack. On the first day, two drivers and two police officers were abducted and approximately 22

authorities, making it easy for the second LRA attack to be carried out. The LRA has since declared that it considers Sudanese refugees as legitimate targets for their attacks. Yet, although roughly one third of the 24,000 refugees displaced from Achol-Pii have since been transferred from Kiryandongo to the relative safety of Kyangwali settlement in Hoima District (Western Uganda), the government intends once again to move the remaining refugees back to northern Uganda, only this time to different settlements.

This decision has two implications. Firstly, it means that the refugees are being settled in a conflict zone where, quite clearly, their lives will be at risk. Secondly, the refugees, the majority of whom are Sudanese nationals, will be settled close to the border with the country from which they have fled. In both instances, international law is being violated.

The 1951 Convention on the Status of Refugees and other related instruments, and the 1969 OAU Refugee Convention, enjoin States to protect refugees from circumstances such as war and persecution which precipitated their flight from their home countries. To settle refugees in the midst of another similarly brutal conflict is clearly in breach of this obligation. The significance of this obligation was further underlined by the UNHCR Executive Committee, which categorically "condemns all violations of the rights and safety of refugees and asylum seekers and in particular, military or armed attacks on refugee camps and settlements." The Committee further urges States and other parties to promote measures "to enhance the protection of refugee camps and settlements".³ The onus clearly falls on the GoU to take all measures necessary to ensure the protection of refugees from LRA attacks.

In addition, relocating Sudanese refugees to settlements in northern Uganda places them dangerously close to the frontier with the country from which they fled. This contravenes Article II (6) of the Organisation of African Unity (OAU) Convention on Refugees, which states that "for reasons of security, countries of asylum shall, as far as possible settle refugees at a reasonable distance from the frontier of their country of origin."

The settlement of refugees in conflict zones also violates international law in another way, in particular under the rubric of state responsibility. Refugees from Achol-Pii have expressed their strong opposition to being relocated to settlements in northern Uganda, with many among them stating that, in such an event, they would rather return to Sudan. If the refugees in question were actually driven, by force of circumstances, to return to Sudan, this might amount to a violation of Article 33 of the 1951 Refugee Convention which prohibits the (direct or indirect) return or *refoulement* of refugees to the frontiers of territories where their lives or freedom would be threatened.

Settlement policy

The story of Achol-Pii settlement also reveals a deeper problem associated with the settlement policy itself. Quite apart from being a violation of refugees' right to freedom of movement, as enshrined in Article 26 of the 1951 Refugee Convention, the settlement structure is indefensible in at least two other ways.

Whereas the LRA attacks may be aiming to make a political point, it is also possible that they are precipitated by other factors, related to the settlement structure. In the context of northern Uganda, for instance, the structure effectively creates a concentration of people within areas that are already insecure. The presence of large numbers of unarmed civilians within a zone of conflict clearly presents a soft target for rebels to attack.

The settlement structure also conspires against long-term development

Furthermore, given the amount of internal displacement within northern Uganda and the resulting lack of alternative resources, the settlements become one of the few areas in which food can be obtained. The structure thus creates a resource base for the war economy, providing a reliable supply of foodstuffs, people and information.

The settlement structure also conspires against long-term development by disempowering refugees and restricting their freedom of movement. It is generally recognised that refugees can be - and should be regarded as - a potential resource, rather than a burden, for host states.

refugees are being settled in a conflict zone

refugees killed; on the following day, an estimated 76 refugees were rounded up and systematically shot, hacked or clubbed to death, with an additional 21 wounded. Calls to close down the settlement and relocate the refugees to a safer location fell on deaf ears.

Although protection was improved immediately following this attack, the area continued to be dominated by insecurity. The refugees' fear of further attacks proved to be well-founded. On 5 August 2002, LRA rebels once again attacked the refugee settlement, killing an estimated 60 refugees and abducting 19 people, including four staff members of the International Rescue Committee.¹ The settlement was consequently closed and the entire refugee population moved to Kiryandongo settlement in Masindi district.

Settlement of refugees in conflict zones

The aftermath of both attacks on Achol-Pii settlement has been marked by a government response that lacks careful analysis and violates fundamental human rights. For instance, despite the intensity of the first major attack in 1996, neither UNHCR nor the GoU saw fit to close Achol-Pii and relocate the refugees to a safer location. While additional army personnel were sent to defend the settlement, their presence was neither consistent nor sufficient either to reassure the population that a similar attack would not take place again or indeed to prevent a similar attack.

Further still, a study conducted in Achol-Pii in April 2002,² made it clear that the settlement was still vulnerable to attack and that, given the recent resurgence of the war in northern Uganda, the lives of the refugees and those in the surrounding area were in grave danger. These findings received little attention from the

In order for the development-potential of refugees to be gainfully exploited by a host state, refugees have to be allowed free integration among local communities (subject to minimum and necessary restrictions). A policy that indiscriminately confines refugees to rural settings, without taking into account their various backgrounds and potential, clearly does not fit in with this ideal. Likewise, the settlement policy stifles any initiatives that might come from within the local population, often creating, instead, tension between refugee and national communities.

In addition, the settlement structure is detrimental to the personal development of the refugees. By denying them access to areas in which they feel safe and placing them in settlements, the government and UNHCR erode the refugees' ability to make decisions for themselves regarding their own safety and personal development. This perpetuates a cycle of paternalism, ensuring that refugees continually rely on a system that has proved unable to provide for their protection. Moreover, the majority of the refugees do not have the means to leave the settlement as this would result in the total withdrawal of their assistance. They are therefore presented with the dilemma of either remaining in an area in which their lives are in danger, or leaving the

A food rations card is often the only identification refugees have. Kiryandongo, Uganda

settlement and trying to survive on their own.

Conclusion

From this brief analysis, two crucial conclusions emerge. The first is that settlement of refugees in conflict zones is a flagrant breach of international law. Second, the experience of the Achol-Pii refugees raises questions regarding the suitability of the refugee settlement structure, both in terms of protection and assistance. The decision by the GoU to relocate thousands of Sudanese refugees to another location in northern Uganda does not augur well for the future physical and material well-being of the refugees or that of their host communities.

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1. *The Monitor*, Uganda, 6 August 2002.
2. Between 17 April and 1 May 2002, the Refugee Law Project (RLP) of Makerere University undertook research in Achol-Pii refugee settlement. The findings were published in the RLP's fifth Working Paper - 'War as Normal, the Impact of Violence on the Lives of Displaced Communities in Pader District, Northern Uganda'.
3. Executive Committee Conclusion number 48 (XXXVIII) - 1987 on Military and Armed Attacks on Refugee Camps and Settlements (Report of the 38th Session: UN. Doc. A/AC.96/702, Para 206)

The African NGO Refugee Protection Network

The African NGO Refugee Protection Network was set up in March 2002 in order to pull together the results of research and practical assistance in a complementary fashion.

The Network's members - NGOs and academic institutions - come from countries in the East, Central and Horn of Africa region, including Ethiopia, Burundi, Kenya, Tanzania, Uganda, Sudan and Somalia. No dues are levied and the sole requirement for membership is active work in the field of forced migration. The Network operates out of the offices of the Refugee Law Project (RLP), Faculty of Law, Makerere University in Kampala, Uganda.

The Network currently focuses on providing the following services:

- website
- email listserv
- information sharing
- hosting web pages for member organisations
- facilitating research/links
- networking

The Network is also considering setting up a moderated e-discussion group and members have expressed an interest in carrying out joint projects.

Website: www.muklaw.ac.ug/anrpn
Email: coordinator@muklaw.ac.ug



Refugee management in Kenya

by the Refugee Consortium of Kenya

Kenya hosts approximately 250,000 refugees from over 11 war-torn countries.

The majority are from Somalia, Sudan, Ethiopia and the Great Lakes region. There are two official refugee camps in Kenya: Dadaab, close to the Somali border, hosts about 150,000 refugees; Kakuma, located in northern Kenya near the Sudanese border, hosts about 83,000 refugees.

The government implements a refugee encampment policy: once refugees have gone through the status determination procedures, they are obliged to reside in a camp while awaiting a durable solution. However, for a myriad of reasons (including insecurity in the camps, health problems and maladjustment to camp life), many refugees defy this requirement and make their way to urban areas. It is estimated that 30-50,000 refugees/asylum seekers live illegally in urban areas.

Asylum seekers are required to undergo status determination in Nairobi and during this time they are not under UNHCR protection. They suffer from lack of social assistance, harassment and extortion by law enforcement agents in addition to hostility from members of the public.

Responsibilities

Kenya has acceded to the 1951 Convention and ratified the 1969 OAU Convention and the Universal Declaration of Human Rights as well as other international human rights treaties. The National Refugee Secretariat (NRS) in the Ministry of Home Affairs is charged with the responsibility of managing the refugee situation. Although there is a bill pending in parliament, Kenya still lacks refugee-specific legislation. Without it, the protection inherent within these Conventions remains fundamentally elusive to refugees.

In a recent incident of influx of Somali refugees into Mandera in Kenya, the government refused to relocate the refugees to a safer site even though the temporary site where

the refugees were sheltering was only 500 metres from the border where fighting was raging. In addition, the local administration visited the site on several occasions, threatening the refugees with dire consequences should they refuse to return to Somalia. Most of the refugees were women and children. This obvious contravention of the principle of *non-refoulement* went unchallenged.

Legislation would certainly go a long way towards providing a clear framework for the protection of refugees. Under Kenya's new draft constitution, refugees are guaranteed the right of *non-refoulement* and parliament is charged with responsibility to enact refugee legislation within a year of the new constitution coming into force. In effect, the new constitution recognises the right to seek asylum as a constitutional right.

The government has to date abdicated its responsibilities

The government has to date abdicated its responsibilities and instead delegated responsibility to UNHCR. In addition to its own mandate of protection and provision of humanitarian assistance, UNHCR has accepted responsibility for receiving refugees, registration and scheduling appointments for status determination, conducting eligibility interviews, making decisions on eligibility, hearing appeals, making decisions on appeal and making camp referrals. UNHCR has, in effect, assumed the role of a government ministry and in so doing has seriously compromised its autonomy and its effectiveness in providing refugee protection.

Police harassment

One of the main problems faced by refugees is police harassment. The police carry out regular raids in refugee-dominated areas during which they have been known to search refugee homes, abuse, assault, intimidate and wrongfully arrest refugees. Many refugees are detained in police

cells for many days without being charged while others are forced to pay bribes to police officers to secure their release. Police blatantly disregard UNHCR documents indicating that the refugee/asylum seeker is known to the agency. Although UNHCR and the government have agreed to provide joint documents to refugees and asylum seekers, this initiative has been stalled for well over a year. Harassment, extortion and intimidation of refugees by police officers continue unabated.

The plight of asylum seekers in Kenya is particularly dire. While awaiting status determination, asylum seekers are de facto not persons of concern to UNHCR and thus have no access to social assistance or protection. They are open to police harassment, extortion, sexual assault, abuse and discrimination of every sort. The UNHCR branch office maintains that its mandate extends assistance to recognised refugees only. Realising their plight, there is need for the

agency to review its mandate and to provide the requisite protection and assistance to asylum seekers.

Attitudes towards refugees

Civil society in Kenya remains ignorant of the plight of refugees and this ignorance together with the currently depressed economy often results in xenophobia and hostility toward refugees. Although African cultures are renowned for their hospitality, this virtue has worn thin.

Experience has shown that in the run-up to elections many politicians will not hesitate to manipulate the refugee situation as an electioneering gimmick. Members of Parliament have been known to distort facts and stereotype and vilify refugees as the sole source of increased crime and insecurity, proliferation of illegal arms and scarcity of resources. They have even been known to point to humanitarian assistance to refugees in the camps as evidence that refugees allegedly enjoy a better lifestyle than the locals. Blaming refugees detracts

attention from their own responsibilities towards their constituents.

UNHCR and refugee protection

As the agency responsible for refugee status determination and resettlement processing, UNHCR has been overwhelmed in executing its mandate and its dual role has compromised its effectiveness. Asylum seekers must undergo individual status determination procedures in order to be eligible for UNHCR assistance. Unfortunately, this process can take six to eight months, during which time the asylum seeker has no access to social assistance, medical services, education or other basic amenities.

Resettlement came to a halt over a year ago in Kenya as a result of exposure of a long-running corruption scam involving payments for UNHCR resettlement assistance.¹ To date the process has not resumed and this has meant that many deserving cases are unattended, further compounding their already desperate situation. In the interest of refugee welfare, receiving countries need to press for the active re-commencement of the resettlement programme.

The corruption and sex scandals that have dogged UNHCR branch offices

continue to be a cause for concern.² No clear disciplinary action has been taken to address these abuses. The recently launched UNHCR Code of Conduct has been presented as a 'morally persuasive' document rather than a binding document for staff.

UNHCR in Kenya has been unreachable and inaccessible to refugees. Eligibility decisions are given in writing as is rescheduling of appointments. Interaction with refugees is kept at a minimum so that refugees neither have a forum where their questions may be addressed nor a means to question the process. On several occasions, NGOs have had to intervene on behalf of refugees and set up a meeting with refugee community representatives and UNHCR in order to address issues of concern. UNHCR remains ill informed on the refugee situation on the ground as a direct result of its distance from refugees, the very people it serves.

Having been given state support to take the lead in refugee protection, UNHCR must use its position to comprehend the dynamics of refugee protection and mobilise support for resources to effectively address the challenges of refugee protection in Africa. UNHCR must not resign itself to the status quo and remain inactive

in the face of state violation of refugee rights. It must take the lead in calling for respect for refugees and in exerting pressure for positive change.

Other actors

NGOs have made significant efforts to call attention to the refugee situation and to advocate for a positive response to refugee rights. One such example is the first ever joint workshop for Kenyan and Ugandan members of parliament organised in April 2002 by the Refugee Consortium of Kenya in collaboration with the Lawyers Committee for Human Rights (New York) and the Refugee Law Project in Uganda. The aim of the workshop was to educate, inform and raise awareness on pertinent refugee issues and the pivotal role that parliamentarians play in refugee protection. It was a successful initiative and demonstrated the clear need for such fora in promoting an environment conducive to effective refugee welfare and protection. This initiative is now being extended to other sectors such as the judiciary and law enforcement agents.

Recommendations

African governments' hospitality to refugees is waning. This is evidenced by stricter encampment policies,

Somali Bantu refugees line up for confirmation of transfer to Kakuma, for resettlement to USA.





Nuer women from southern Sudan, in Walda refugee camp, Kenya.

partiality in the protection of refugees and outright expulsion justified by exaggeration of the pressures exerted by refugees on struggling economies.

One of the major devices for improving the refugee situation is sensitisation. The key players in refugee protection – the police, the government and the judiciary – must be informed of and encouraged to accept their responsibility vis-à-vis refugee protection. Advocacy must be undertaken to get the judiciary to be more active in refugee protection. Civil society must also be sensitised through the media and civil education to eliminate xenophobia and promote adherence to human rights principles.

UNHCR must divorce itself from the dual role it has assumed in order to execute its mandate effectively. It must retain its autonomy if it is to speak out against government practices that harm refugee welfare and to be more proactive rather than reactive. UNHCR must remain relevant to the context. It must be flexible enough to respond to refugee protection needs, as the specific context requires. In particular, UNHCR's policies on protection must be tailored to address the peculiarities of the African refugee situation.

There is a need to actively pursue durable solutions for refugees. This includes promoting peace in the conflict-ridden regions from which the refugees flee. The Machakos initiative to bring peace to Sudan, coordinated by the Intergovernmental Authority on Development (IGAD)³, has given reason for optimism. Nonetheless, their weakness stemmed from the lack of involvement of refugees, educators, lawyers and business people in the

process. It is imperative that representatives of society at large – people who will actually build peace on the ground – be present at these talks.

Durable solutions in the form of local integration must also be explored, particularly for refugees with professional skills that can contribute significantly to the local society and economy.

In order for successful resettlement to occur, the relevant parties must function efficiently and with a well-informed perspective. We are currently witnessing the preparation for resettlement of 10,000 Somali Bantus to the US. There is a need to ensure that these refugees are prepared for the drastic change in their lifestyle and equipped with coping mechanisms for the migration.

The principle of burden sharing must not be neglected; host countries cannot be left to shoulder alone the impact of refugees. It is unrealistic for UNHCR and the international community to put pressure on African states to continue accepting refugees without addressing the daunting economic, social and security challenges that such a responsibility poses. UNHCR must use its unique position in refugee protection to translate verbal commitments to burden sharing into reality.

For further information about the Refugee Consortium of Kenya (RCK) email: refcon@icconnect.co.ke.

1. For details, see www.irinnews.org/report.asp?ReportID=20160.
2. See FMR15 pp16-19: www.fmreview.org/FMRpdfs/FMR15/fmr15.7.pdf.
3. See FMR15 p48: www.fmreview.org/FMRpdfs/FMR15/fmr15.19.pdf.

Human Rights Watch report on the plight of refugees in Nairobi and Kampala

Tens of thousands of refugees are living in terrible conditions and danger in the capital cities of Kenya and Uganda whose governments have failed to take minimal steps to protect and care for them, according to a report by Human Rights Watch (HRW)¹.

Refugees are forced to sleep in the streets or in squalid and overcrowded apartments in the poorest neighbourhoods of Nairobi and Kampala. They are subject to beatings, sexual violence, harassment, extortion, arbitrary arrest and detention by local criminals, persecutors who follow them from their native countries (especially state security agents from Rwanda, Ethiopia and DRC) and even the Kenyan police and Ugandan soldiers.

HRW takes to task not only the governments of Uganda and Kenya but also charges UNHCR with being "unresponsive" to the concerns of urban refugees. This is the consequence of a 1997 policy which gives preference to refugees living in designated camps and UNHCR fears that they may offend the two host governments which require refugees to live in camps.

The assistance provided to urban refugees by such organisations as the Refugee Law Project in Kampala or the Refugee Consortium of Kenya in Nairobi is, says HRW, "just a drop in the ocean ... these agencies can do little to protect refugees from violent attacks".

HRW calls on UNHCR and both governments to provide legal status to urban refugees and improve the status determination systems in both countries. Donor governments are urged to provide more resources for protecting and aiding refugees in urban areas and speeding up their resettlement in third countries.

1. The full 208 page report 'Hidden in Plain View' is online at: www.hrw.org/reports/2002/kenyugan/

On 6 December, HRW published a further warning that Kenyan police appeared to be using the 28 November attacks on Israeli tourists in Mombasa to justify a crackdown on refugees in Nairobi. Between 29 November and 5 December, police conducted three large raids and dozens of arbitrary arrests against refugees from Ethiopia, Somalia, Sudan and the Democratic Republic of Congo in several neighbourhoods of Nairobi.

Western Sahara and Palestine: shared refugee experiences

by Randa Farah



Still Pictures/Julio Etchart

*Polisario 27th
February camp,
Western Sahara*

As a student in 1977 I attended a meeting at which the Polisario representative urged students to assist yet one more struggle for liberation and self-determination. Although at the time most Arab students supported the Sahrawi cause, a minority, invoking notions of ‘Arab unity’, denounced Polisario as a ‘separatist movement’. Today, the Moroccan regime relies on similar slogans to deny the Sahrawi people the right to self-determination set out in a 1975 ruling by the International Court of Justice.

Twenty five years later, as I flew to Tindouf in the Algerian desert to visit the Sahrawi refugee camps, I wondered why I – as a Palestinian refugee researcher – had not made the journey earlier. As I pondered the question I felt that the silence of the sand echoed the disturbing silence in the Arab world on the urgent conflicts in Western Sahara and Palestine. Indeed, all those I met in both Palestinian and Sahrawi camps bitterly complained that the Arab world has

abandoned them, forgotten their existence or sided with their enemies.

Headed by the Frente para la Liberación de Sagiau al-Hamra and Rio de Oro (Polisario Front) and the Sahrawi Arab Democratic Republic (SADR¹), the refugees of Western Sahara are efficiently and highly organised, have democratic institutions and processes and a high level of participation in decision making. Laws and institutions guarantee social equality, including women’s rights, provide free education and health services and the right and duty to work. In general, the level of democratisation I encountered in the camps is unmatched elsewhere in the Arab world. Could the experience of the Sahrawi refugee-citizens and their mini state-in-exile provide a beacon of light amidst the bleak despair engulfing the Arab world?

Historical background

In 1884 Spain colonised Western Sahara. Prior to the termination of

Spain’s colonial mandate in February 1976, both Morocco and Mauritania made territorial claims which were rejected by the International Court of Justice (ICJ) in its verdict in October 1975. A UN Inquiry mission that visited the territory in May-June 1975 reported that the Sahrawi population had overwhelmingly expressed their wish for independence and that Polisario appeared as a prominent political party in the territory. On the same day, Morocco’s King Hassan II led a ‘Green March’ during which approximately 350,000 Moroccans crossed into Western Sahara, carrying a bizarre bricolage of white banners, American flags and the Holy Koran.

In 1991 the Security Council mandated a UN peace-keeping force (MINURSO)² to oversee a referendum to decide whether the Sahrawi people wished to integrate with Morocco or opt for independence. Morocco’s role in obstructing the referendum has been amply documented. The latest Moroccan autonomy proposals were aborted in July 2002, when the

Security Council adopted Resolution 1429 "underlining the validity of the Settlement Plan" and expressing its readiness to consider any approach which provides for self-determination.

The democracy of the desert: SADR and its citizens

The Moroccan takeover of Western Sahara led to the displacement of approximately 150,000-200,000 refugees. Many carry the memory of the American napalm and phosphorous bombs dropped indiscriminately on them by the Moroccan army as they fled in 1975. Four refugee camps and one unofficial settlement have been established in what is referred to as the 'uninhabitable' desert near the Algerian town of Tindouf.

The SADR - currently based in the camps - has successfully drawn upon democratic and egalitarian principles rooted in nomadic, Arab and Islamic culture and history. Islam, as practised by the Sahrawis, is tolerant and liberal. One of several examples of how SADR

has been able to draw upon local

traditions is its institutionalisation of women's rights. Traditionally, women have total autonomy in managing the daily activities in and around the tent. Any form of violence against women, verbal or physical, is condemned and the man is usually ostracised by society. Consequently, these incidents are so rare that the issue of domestic violence against women or children is almost non-existent.

However, the Sahrawi people are neither 'primitive' - as some orientalists would argue - nor 'communist'. They have developed livelihood strategies to adapt to the physical and political environment and respond to the Moroccan occupation by maximising what little resources they have. Their numbers are few as are their financial and material resources. They have to depend almost totally on humanitarian aid and a high level of efficiency, organisation and democratic mechanisms to be able to wage their political, social, economic and diplomatic battles.

Wilayas and camps

The Sahrawis refer to the camps as *wilayas*, or provinces, which in turn are subdivided into *da'iras*, or municipalities. Each *da'ira* is subdivided into several *hays*, or districts. The *wilayas* and the *da'iras* are

named after towns and areas

in Western Sahara, such as

Smaara, *al-Ayoun*, *al-Dhakle* and *Oauserd*.

Similarly, most Palestinian refugee camp areas are called after the villages of origin and/or main urban centres, such as *manteqat al-Quds*

(Jerusalem) and *al-Khalil* (Hebron), or significant events and symbols in the political history of Palestine. In both cases, the names of original places in the country of origin had been granted to the places of exile as a form of popular resistance against 'forgetting' and an affirmation of the inseparable relationship between those exiled and places in their homeland.

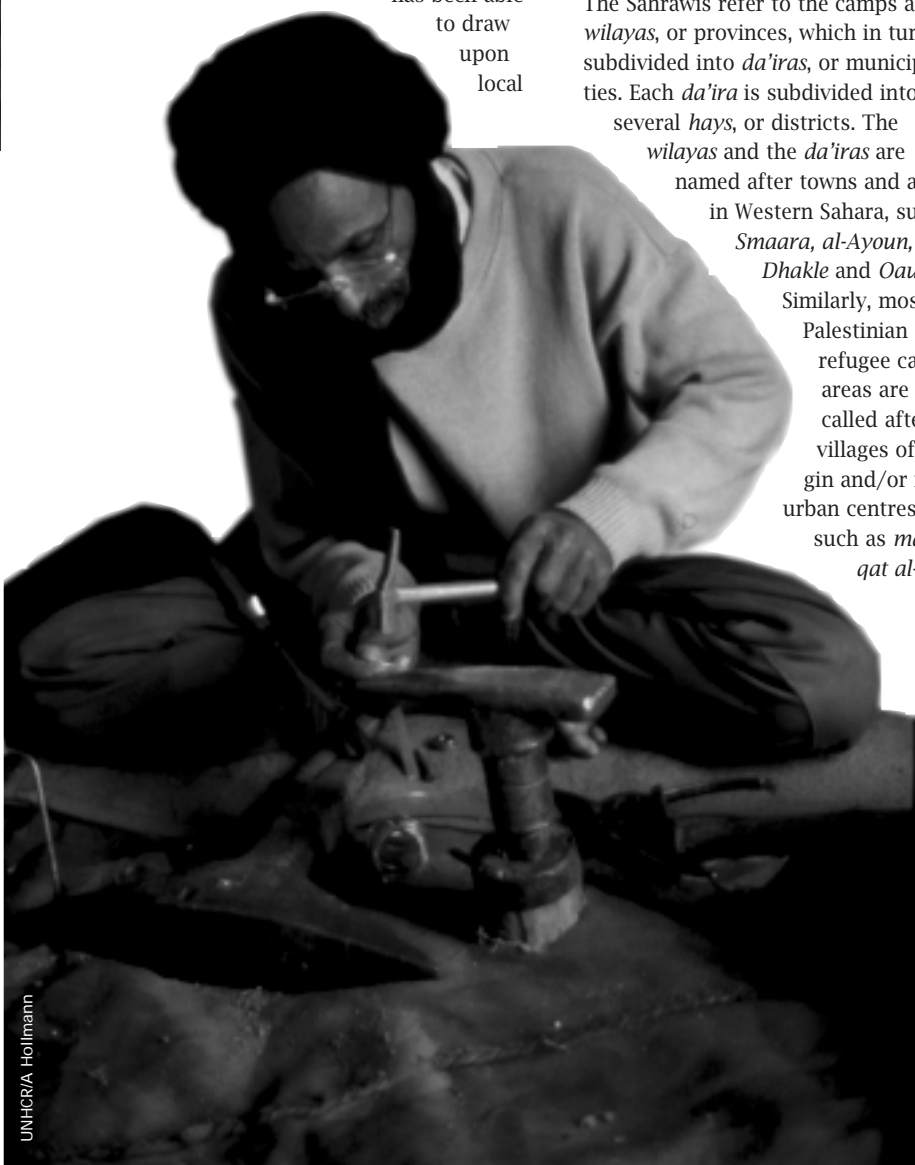
Over time most tents in the *wilayas* have been replaced with brick homes. The adobe huts have basic furniture, blankets and kitchen utensils. Despite the lack of public electricity in the camps, some families have acquired TV sets powered by solar energy in order to access the outside world. In Palestinian refugee camps, TVs are found in the majority of homes, one of the few affordable items for entertainment, especially for children.

Needless to say, there are important differences between the Sahrawi *wilayas* and the Palestinian refugee camps. Not least is the fact that the latter exist within or near urban centres whereas a massive desert separates the *wilayas* from Algerian urban centres and society. However, the underlying social and economic imperatives and dynamics in both cases are not as different as may at first appear.

In both cases, the communities are not and never were homogeneous. Sahrawis were never totally nomadic as by the 1960s a sizeable force was working in the phosphate industry. Similarly, in Palestine, though the economy was predominantly agricultural, a significant number of the *fellahin* subsidised their agricultural resources with mercantile activities, while others worked in urban centres as wage-labourers. In both cases the initial years of exile levelled the socio-economic status of the uprooted population and introduced new forms of differentiation.

Undoubtedly, humanitarian aid and its management procedures contribute to the emergence of social and economic variance among refugees. Thus some entrepreneurial Palestinians were able to fill a niche in the 'refugee market' by mediating between households and the United Nations Relief and Works Agency (UNRWA). New small merchants bought and sold rations, as some families needed cash while others needed more sugar or flour. A few of these

Saharawi refugee, Dakhla camp



entrepreneurs succeeded in generating capital and expanding. Commercial enterprises began to appear as some shelters were transformed partially or totally into little retail shops and today there are large markets in most Palestinian refugee camps. Needless to say, there are other factors that contributed to differentiation within Palestinian camps, such as the size of the household, the availability of members with marketable skills and labour markets, remittances from expatriates and social and political relationships.

In the Sahrawi community, although the distribution processes of humanitarian aid is egalitarian, nevertheless some households have economic advantages. A few families who served the Spanish colonial administration receive pensions which give them economic and social leverage. Others have relations abroad who send goods or cash. Already there are a few shops in the camps selling goods brought from Algeria, Mauritania and elsewhere. Through informal economic trade networks, the seeds of a cash economy and a market are beginning to emerge in the *wilayas*, mirroring similar processes in Palestinian camps.

Collective political mobilisation and socio-economic imperatives

New generations are being born in the *wilayas* and SADR's efforts to invest in their education have begun to bear fruit. Hundreds of students study abroad, returning with degrees in medicine, education, chemistry and the social sciences and with new ideas to contribute to the cultural and political life of the community. Children are participating in a Spanish programme, *Vacaciones en Paz*, under which thousands of Spanish families host Sahrawi children in their homes for two months every summer. The emphasis on education as a strategic objective for the Sahrawi people echoes the Palestinian strategy to redeem 'home' and 'homeland' and tackle poverty by acquiring education and political awareness.

The Sahrawi graduates work in the various *wilayas* and attempts are made to place the right person in the appropriate job. However, with the passage of time, especially with cut-

backs in international aid and stalemate in the political situation, a growing population of Sahrawis may be pressed to look for alternative social and economic possibilities. Underlying all these processes is the question of how to reconcile the growing social and economic needs of individuals with the collective political will in order to withstand the Moroccan tactics of procrastination and stalemate.

The Palestinian case provides insight, if not answers, to this issue.

Examining the Palestinian movement over five decades, it is obvious that a sense of collective belonging and mobilisation appear during some periods as intense and other times as subdued. This is due to the fact that the reproduction of identity is a political and ever changing dynamic that includes active agency but also external dynamics. The current *Intifada* has had a clear impact in reawakening a collective sense among Palestinians in the diaspora, most of whom have never seen Palestine. Those who are hoping that the passage of years will weaken the Sahrawis' collective resolve need only look at the Palestinian case to see that time and distance are no guarantees that conflict will disappear.

The UN, self-determination and 'autonomy'

Sahrawi refugees call 1975 the *al-ghazu* ('invasion'), paralleling the Palestinian *nakbah* ('catastrophe') of 1948. Since these traumatic junctures in the lives of the two peoples, numerous UN and international resolutions and declarations have been accumulating dust. Both the Oslo agreements and the Moroccan 'autonomy' proposal for Western Sahara violate principles of international law.

The right of the Palestinians and the Sahrawis to self-determination is a non-negotiable right enshrined in principles of international law. Indeed, it is a central principle in the UN Charter, as expressed in Article 1(2) and reaffirmed as a human right in Article 1 of both international covenants. In 1960, the UN General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples, which affirmed that "all peoples enjoy the right of self-determination".

The Zionist-Israeli argument that Palestine was not a nation state prior to the establishment of Israel and hence does not have a right to self-determination is invalid. In 1919 the Covenant of the League of Nations recognised the Palestinian people as an independent nation to be "provisionally" placed under the British Mandate, the British acting as a "custodian" to lead people "not yet able to stand by themselves" to independence.

The Oslo framework for peace provided for a form of Palestinian 'autonomy' or 'authority' with ultimate sovereignty remaining in the hands of the Israelis. The consequences of 'autonomy' have become clear to the Palestinians: Israeli



Still Pictures/Julio Etchart

land annexations have continued and the settler population doubled since the peace process began. The Moroccan-American autonomy option proposed for Western Sahara would have had similar consequences, leaving key matters such as defence, foreign affairs and the currency under Moroccan control.

The state, the nation and the nation state

The five million Palestinian refugees and exiles were marginalised in the Oslo negotiations and relegated as a 'final status' issue. They feel betrayed by the Palestinian Authority. Their political nexus in the form of the PLO-PA was torn away as a result of Oslo as refugees were abandoned to fend

stayed in Morocco. The 150,000 Moroccan soldiers in Western Sahara persecute those who oppose integration with Morocco or support the Sahrawi right to a referendum.

Article 49 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (12 August, 1949) clearly outlaws settlements: "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". The purpose of the Article is to protect the civilian population of an occupied territory and to reserve permanent territorial changes, if any, until settlement of the conflict. Both Israel and Morocco have violated the Fourth Geneva Convention by radically transforming the occupied territories by bringing in new settlers in order to change the demographic make-up of the territories under their occupation and to utilise the natural resources.

In both the Sahrawi and Palestinian cases it is difficult to think of repatriation and self-determination as mutually exclusive. Rather, they should be viewed as part of a larger political solution that amalgamates the two concepts and is solidly grounded in international law.

Berms, fences and borders

Western Sahara is split in two by the 900-mile long Moroccan *berm*, a defensive wall extending from the north-east corner of Western Sahara down to the south-west near the Mauritanian border. Built in the early 1980s, following advice given to Hassan II by Ariel Sharon, the *berm* is made of earth and reinforced with soldiers, anti-personnel and anti-tank mines, trenches and detectors. It has been estimated that 1-2 million landmines have been planted by Morocco. Ariel Sharon is now building a similar wall which will devour chunks of Palestinian land legally considered part of the West Bank. It too will be fortified with electric fences, trenches and motion detectors.

For 27 years Sahrawis have been separated from relatives and neighbours, some living under Moroccan occupation and others in the *wilayas* in Algeria, Mauritania and elsewhere. Palestinians too have not seen their relatives for decades. In Lebanon I

met a refugee who goes to the southern border fence to see if he can glimpse his original village across the border. When he cannot, he hopes a breeze originating in his land will blow his way.

Walls erected by occupiers are indicative of a culture of fear and are raised precisely because the occupier realises that their occupation is opposed by the rightful inhabitants. It is only a matter of time before the enclosed and imprisoned populations find ways to overcome the barriers. Occupying powers must reflect on history to realise that walls are no match for people's struggle for freedom. When will they realise the paradox and absurdity of negotiating peace while simultaneously building walls?

Conclusion

The Arab world should stand up for the rights of the Sahrawi people for self-determination and learn from the successful experiences of democracy and the building of civil institutions of this small but resilient people. If left to fester, the Palestinian and Sahrawi conflicts are threats to regional and global stability. It is time that the silence of the sand is shattered. Louder Arab voices must be heard calling for the universal application of international law to put an end to the impunity with which occupying powers strip occupied peoples of their rights to self-determination and return.

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This paper is based on a larger research project in which Dr Dawn Chatty, of the RSC, is the principal investigator. The author would like to express her gratitude to her Sahrawi hosts and to those who shared their ideas and experiences which helped her write this article.

The most comprehensive and regularly updated source of Internet information on Western Sahara is the Western Sahara Referendum Association (ARSO): www.arso.org/index.htm. Other Sahrawi links are on the FMR website at: www.fmreview.org/4DWSahara.htm

1. The SADR website is: www.arso.org/03-0.htm
2. The MINURSO website is: www.un.org/Depts/DPKO/Missions/minurso/body_minurso.htm

walls are no match for people's struggle for freedom.

for themselves. Israel's refusal to contemplate the right of return has been supported by the failure of the Oslo agreements to refer to UNGA Resolution 194 (III), which calls for their right of return, compensation and restitution. Oslo's emphasis on building state-like institutions in the statelet (22% of Mandate Palestine) granted to the Palestinian Authority ignored key questions fundamental to the Palestinian predicament.

Who was to represent the Palestinians in Jordan, Lebanon, Syria and the rest of the world? Settlers and settlements would have been a major hindrance to the contiguity of its territory. Schisms over political representation would have emerged between the PNA and host countries, especially Jordan - the only country to grant refugees full citizenship rights - where 40% of all UNRWA-registered refugees reside. The relationship between Palestinians living within Israel and the Palestinian state was undefined.

Mirroring the Israeli determination to create demographic facts, the Moroccan authorities have lured over 150,000 settlers into the occupied territory in order to change the results of the long-delayed referendum. As in the occupied Palestinian territories, settlements are heavily subsidised, giving the inhabitants considerably higher incomes than they would have enjoyed if they had

In 'closed file' limbo: displaced Sudanese in a Cairo slum

by Pascale Ghazaleh

Bus drivers idle their engines as they wait at the end of the highway leading to Cairo. Exhaust fumes swirling around them, fruit vendors preside indifferently over misshapen and rotting produce, shaded from the searing light by tattered umbrellas. A small Sudanese girl trudges past the vendors up the hill to Arba'a wa Nuss. The waste water trickling down the hill and the weight of her baby brother on her hip make the steep, rutted track harder to negotiate.

*Refugee families,
Arba'a wa Nuss,
Cairo*

Arba'a wa Nuss sits in limbo on Cairo's margins, an hour or more from the city's belly through grinding traffic. Its name - meaning four and a half in Arabic - refers to the distance in kilometres that separates it from the beginning of the Cairo-Suez road but most of its residents know it as Ezbat al-Haggana, after the camel-mounted guards who first settled in the area.

Sudanese uprooted by war or poverty have come to swell the settlement's population, directed here by relatives or compatriots who wait at Cairo's downtown train station for new arrivals from the south. These days, the refugees are keeping close watch on negotiations to end Sudan's 19-year civil war. Few have any hope that the talks will change anything.

Beyond city limits

Displaced Sudanese, especially black African Christians from the war-torn south of the country, live in many quarters of the Egyptian capital but

Arba'a wa Nuss is one of the few places where they have assembled in numbers large enough to make a visual difference. Most of the refugees here are poor. Most have little hope of leaving and still less to hope for if they stay.

The earliest inhabitants of Arba'a wa Nuss built houses on land owned by the military. Twenty years on, through *wad' yad* (roughly, squatters' rights), they have come to own these dwellings, and the government has granted the area de facto acknowledgment by including as many of its residents as it can count in the census and by extending a bus route to their doorsteps. Water and electricity supply, absent entirely until the mid-1990s, remains erratic. Yet marginality offers certain advantages to the desperate. Rents remain two or three times lower than the very cheapest rates elsewhere in Cairo, although affordable to the poorest only if four or more crowd into a couple of cramped rooms, or rotate the rent

according to the occasional work they find.

Counting heads

No one seems to know exactly how many people fleeing Sudan have ended up in Cairo. The mixed Egyptian and Sudanese population of Arba'a wa Nuss may be as high as a million. Claims by the Egyptian government that as many as five million displaced Sudanese currently live in the country are widely regarded as exaggerated. The Joint Relief Ministry (JRM), a coalition of churches that has been working with displaced Africans in Cairo since the early 1990s¹, registered 8,000 new arrivals from Sudan in 2000. Almost 6,000 Sudanese refugees are registered with the UNHCR office in Cairo, 68% of Egypt's recognised non-Palestinian refugee population.

However many there are, the Sudanese, especially those from the south, stand out on the city's streets,



Francis Dzikowski, 2002

taller and darker-skinned than the Egyptians waiting with them for the bus. The older women wear bright African wraps, the men dark trousers and white shirts. Teenage boys wear baseball caps and low-slung, oversized jeans and the girls skin-tight trousers and clattering jewellery.

While ethnicity and clothing combine to increase their visibility, enforced idleness makes the displaced easy targets for their hosts' potential hostility. Because non-Egyptians must obtain work permits, all but impossible for anyone not affiliated with a foreign company, many Sudanese are unemployed. With too much time on their hands and not enough money to feed their families, they feel trapped. Those who do find employment face another host of problems. Women who clean houses, cook and care for the children of wealthy Egyptians tell of their salaries being withheld, month after month. If they complain, employers threaten to call the police. The men might do odd jobs in offices, or serve in upmarket restaurants and coffee shops. They are usually impassive but resentment shows through tight-stretched smiles when colleagues address them as 'Chocolate'.

Race matters

Several incidents, including a street battle that brought the riot police out in force, have fuelled the feeling, widespread among the refugees and many of those who work with them, that Egyptians are racist toward black Africans. In the school built in Arba'a wa Nuss upon the initiative of the Sacred Heart Church, the displaced gather to tell their stories. "Our children are lost here," says one woman. "Society rejects them because of their colour, their clothes; they are chased away from shops. They can only relax here, among those of their race." Mark Bennett, JRM programme coordinator, estimates that black Africans in Egyptian society must cope with two sets of problems: first, as blacks ("the darker your skin, the less you are accepted") and, second, as foreigners, with limited access to services compounded by a lack of cultural and linguistic familiarity. Racism has grown as Egyptian workers displaced by more skilled labour return from the Gulf and are forced to compete with better-educated, multi-lingual Sudanese.

Anita Fabos, former director of the Forced Migration and Refugee Studies

(FMRS) programme at the American University in Cairo, notes that the plight of Sudanese refugees is symptomatic of a general "failure to deal with the reality that Egypt is a multicultural society. Neither the Egyptian state nor the media, nor society in general, recognises the right of foreigners to basic services," Fabos declares. However limited the resources available to the displaced, there is a real basis for resentment among their Egyptian neighbours. As recent visitors to Arba'a wa Nuss waded through the sludge past the auto repair stalls that line one of the main paths into the settlement, an Egyptian mechanic jeered: "Coming to see us?" Another replied: "It's the foreigners again. They'll be wanting the Sudanese. They're not about to give you anything, that's for sure."

Compounding the refugees' alienation, and aggravating latent antagonism from the host community, is the fact that almost 30% of the community consists of young single people who are unable to complete their education or find work. Sudanese youth must cope with the difficulties facing young people generally in Egypt, where unemployment and drastically limited prospects brew resentment in pressure-cooker conditions and where the security forces are quick to impute subversion to groups of aimless juveniles. Wider political developments can also trigger crackdowns on those whose official identity – or lack thereof – makes them automatically suspect. Palestinian university students in Cairo, routinely subjected to house calls or roundups, are frequent victims. The media, too, play a part in scapegoating refugees as drug dealers, prostitutes, drunkards or rapists.

unknown numbers wait in Egyptian jails for someone to realise they have disappeared

UNHCR estimates that some 200 people a year are arrested for lack of a residency permit. While forced returns to country of origin remain extremely limited, unknown numbers wait in Egyptian jails for someone to realise they have disappeared. Others are on the run from the authorities, their whereabouts unknown. Appalling stories of the torture of domestic servants, murder and theft of body organs circulate among the displaced Sudanese, fostering fear, anomie and insecurity.

Recognising refugees

Sudanese government soldiers kidnapped Wilson in 1987. He was 15. After killing his father they took him to a training camp and gave him weapons. Somehow managing to escape, he made it to Khartoum, found work at the YMCA and from there found his way to Cairo. Literate in Arabic, he found a menial job in an office. He applied to UNHCR for refugee status but was refused. To recount this event, he uses the two-word English phrase all Sudanese refugees in Cairo know and learn to hate: 'closed file'. These words change the course of a life, signal that it has tipped over the edge into illegality and inform the recipient that hope has ended. In legal terms, they mark the border between asylum seeker and illegal alien, the possibility of resettlement and the threat of deportation, the end of waiting and the beginning of indeterminacy.

Although it has signed both the 1951 UN Convention on the Status of Refugees and the 1969 Organisation of African Unity Convention, Egypt does not have an official policy on refugees. It has allowed other bodies, primarily UNHCR, to take responsibility for determination of their legal status, and eventually for repatriation or resettlement. Recognition of refugee status is a precondition for seeking asylum but if UNHCR rejects a petition and a subsequent appeal, a process that can take up to two years, the asylum seeker's case is closed. To regularise their status, rejected refugees must then pay fines for the months they have stayed in the country in excess of the duration their visa specifies – if they had a visa in the first place. Ten days before it expires, they must apply for renewal. "But

most are scared," explains Vincent Cochetel of UNHCR. "Other community members warn newcomers against contact with the authorities, so people place themselves in a position of illegality. It's a Catch-22 situation."

Refugee status determination (RSD) is among the points on which those working with the displaced disagree most sharply. The 1969 Convention (which counts as refugees those displaced by civil war or wars of colonial liberation, and allows for group,

rather than individual, recognition) defines as prima facie refugees those directly fleeing a war zone. Barbara Harrell-Bond, acting director of the FMRS programme, argues that Egypt, as a signatory to the Convention, "could grant prima facie recognition and get it over with." In contrast to the impossibly lengthy, tedious process would-be refugees must go through in Egypt, she points out that Iran, with four million refugees, "does not do individual status determination." In Yemen, too, Somalis are recognised on prima facie grounds.

"Why don't they move on?"

With a total backlog of over 17,000 cases, UNHCR seems to be doing both far more than it can and much less than is necessary. Harrell-Bond believes the agency is spending "too much time on resettlement" and not enough on defending refugees' rights. She argues that the RSD system itself is flawed as procedures recommended by UNHCR HQ in Geneva are not followed. For example, "no one is given a reason for rejection in a form that permits them to clear up misunderstandings adequately or bring new evidence to support an appeal."

The system consists of a 'durable solution' interview designed to determine whether the applicant can integrate in Egypt. The resulting file is then referred to the US, Canadian or Australian immigration authorities, whereupon the asylum seeker's case is no longer UNHCR's responsibility. Harrell-Bond, who believes that UNHCR should not be spending its scarce resettlement resources except when people are at risk, argues that embassies should do that work. Most importantly, she says, "it should not be doing status determination. It cannot protect refugees - which is its job - and at the same time be their judge and jury."

Perhaps surprisingly, Cochetel agrees. "This office was not meant to be what it is. UNHCR has been working in Egypt on refugee status determination procedures since 1954. It is filling a vacuum, determining status for the government by default because the authorities are not ready to assume responsibility. It is not natural for UNHCR to get involved in this field."

Cochetel lays at least part of the blame for the low success rate in claiming refugee status at the door of

the displaced themselves. In a bid to convey maximum need, "they advise each other on the process, and add fiction, extra elements. Because their stories are not credible, they are rejected," he maintains. Harrell-Bond, too, reports incidents of invented testimonies. In addition, UNHCR's admittedly restrictive definition of a refugee simply does not apply to many asylum seekers who have spent months or even years in IDP camps in Khartoum or Omdurman before coming to Cairo. "Why don't they move on?" demands Cochetel rhetorically. "They prefer illegality in Arba'a wa Nuss to the slums of Khartoum. No one forces them to come here." Harrell-Bond has a ready response: "These people ... are still afraid of genuine persecution in the countries from which they fled."

Assisting refugees

The JRM, an ecumenical association, receives limited resources from 32 donors, among them UNHCR. If the refugees in Arba'a wa Nuss need help, they turn to an explicitly Christian organisation whose interests may sometimes have little to do with the refugees' welfare. According to Harrell-Bond, one church offered to help fund the Sacred Heart school but on condition that all the Muslim students were expelled. The headmaster refused. A volunteer with a legal aid project affiliated to the Egyptian Organisation for Human Rights (EOHR)² recounts that Muslim refugees woke up one morning last winter to discover that blankets had been distributed to their Christian neighbours, while they had somehow been overlooked. The flip side, Fabos points out, is "that the state supports a Muslim Egyptian perspective through media coverage and various policies. This is obviously divisive."

Clientelism, agrees Cochetel, is characteristic of any religion and, while he is reluctant to "create religious dependence" through the supply of assistance, he cites practical considerations when explaining UNHCR's reliance on the church network. The churches were already active in the field. In the great Muslim versus Christian debate, it is easy to forget that there is also a threat to "the older African religions, for which survival is difficult in the religious environment here."

On the other hand, given that the vast majority of all refugees in Egypt are

Muslim, it may seem astonishing that civil society has done so little to respond to their needs. "Why are the mosques not doing anything?" Harrell-Bond wonders. The UN has met with Mohamed Sayed Tantawi, the sheikh of Al-Azhar, in an effort to change that. Some mosques have medical centres but provide health care on an individual basis and offer no outreach facilities. NGOs associated with the Islamist movement often have problems with the authorities and thus little inclination to expand their activities in any visible manner. Subject to the vagaries of the 'war on terrorism', they confine themselves to propounding Islamic charity for the numerous poor Egyptians. Secular human rights organisations also contend with draconian government restrictions and feel their primary mandate is to help Egyptians.

Conclusion

In the desolation of Arba'a wa Nuss, the displaced wait, trying to remember what pride was like. "We were not poor," says one of the women at the Sacred Heart school. "They should not think we had nothing. But we have lost all this: our land, our music, our songs."

The displaced often feel that their only hope is self-reliance. In 2000, a few of them formed a problem-solving committee and, with assistance from Egyptian and foreign psychiatrists, lawyers and social workers, began training volunteers, recruited principally among the 'closed files', asylum seekers rejected by UNHCR. "Once you know nobody will help you," says the organisation's coordinator in Arba'a wa Nuss, "you start learning to help yourself."

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1. For information on the work of the JRM, see www.geocities.com/jrmcairo/aboutUs.html
2. See www.eohr.org.eg.

See also Michael Kagan's report 'Assessment of Refugee Status Determination Procedure at UNHCR's Cairo Office 2001-2002' at www.aucegypt.edu/academic/fmrs/Reports/reports.html

Emergency preparedness in South Africa: lessons from the Zimbabwean elections

by Hernan del Valle and Tara Polzer

The presidential elections in Zimbabwe in May 2002 took place within a context of political violence, economic crisis and increasing food shortages. As conditions deteriorated and the possibility of a mass population exodus from Zimbabwe increased, neighbouring countries started preparations to deal with the possibility of a mass influx of refugees across their borders.

For South Africa, this was the first time it had faced such a challenge.¹ After a three month contingency planning process, however, by the eve of the elections the existing preparations only catered for 1000 people for three days, and there was no effective mechanism to provide the identified refugee reception camp with potable water, electricity, toilets, tents or food at short notice. If a mass influx of refugees had indeed occurred, South Africa's response would have failed to meet the basic needs of refugees.

Emergency preparedness for the Zimbabwean elections

Preparedness for emergency humanitarian assistance should be seen as a fundamental part of fulfilling a country's duty to provide refugee protection and levels of assistance that comply with international standards. The legal framework for refugee influx preparedness in South Africa is given by the Refugees Act of 1998, which includes a section on the reception and accommodation of asylum seekers in the event of mass influx (Article 35). The institutional emergency response structure centres on the National Disaster Management Centre which works with the police, defence forces and the National Intelligence Agency as well as other

government departments such as Health, Public Works and Education as needed.

In spite of the fact that political violence was widely predicted for the election period and food shortages were already developing, the South African emergency response institutions did not initiate a contingency planning process until encouraged to do so by UNHCR in December 2001. The Priority Committee on the Possible Mass Influx of Refugees was established by a Cabinet decision in early February 2002 to coordinate preparations at the national level. International and domestic NGOs were invited to participate from mid-February, i.e. only one month before the elections. Provincial and municipal contingency planning meetings only commenced in late February.

The final, very limited and incomplete contingency plan was presented to the provincial and the municipal planning meetings at the extremely late stage of 7-8 March: one day before the election weekend. What led to such late and incomplete preparedness?

Invisible influx?

First, there was lack of agreement among emergency response actors on what characterised the crisis at hand. Because of the official South African

position that there was no crisis in Zimbabwe, government departments were reluctant to admit the necessity for contingency planning. In addition, the expectation of a 'mass influx', even though this was never officially defined in terms of numbers or time-frame, diverted attention from an alternative possibility – an 'invisible influx'.

Official government figures suggest that there was no significant increase in border crossing from Zimbabwe into South Africa before or around the election. These figures have been used to suggest that no South African preparedness or response was, and is, needed. However, the statistics are contradicted by interviews from the border area with Zimbabwe where there is a consensus that a significant number of Zimbabweans have indeed crossed into South Africa illegally. They are probably not crossing en masse, and not across the main border stations, but rather in small groups all along the rest of the border thus remaining invisible to the South African authorities. An invisible influx is difficult to confirm empirically but, given the consistency of reports from the border and strong concerns about the validity of government migration statistics because of their composition and methodology², the scenario is quite probable. If an invisible influx is in fact taking place, the presence of additional illegal migrants could be placing considerable pressure on the South African social system without the support of organised humanitarian assistance or international help.

In assessing the need for further emergency preparedness activities, it is crucial to take into account all probable characteristics of the potential humanitarian crisis, including scenarios such as an invisible influx, so that appropriate interventions can be designed.

Clear decision-making structures

The second main constraining factor in the contingency planning process was a lack of clear leadership and decision-making structures. As determined by international law, the 'receiving' government has the duty to take the lead in providing protection and assistance in cases of refugee flows. In the context of the African continent, South Africa has very good pre-conditions to be able to fulfil this duty. South Africa itself is at peace and it has a formal national disaster management structure that has been tried and tested through domestic and regional interventions (although not mass refugee situations). However, government leadership was hampered in this case by political considerations, lack of clarity on a formal lead department, 'passing the buck' among different levels of government, and the pre-eminence of the military in South Africa's emergency response processes.

Government action in disaster preparedness is always highly political and was so in this case as well. Lack of political will to acknowledge the crisis brewing in Zimbabwe prompted top government officials to describe preparations as interference in the internal affairs of a neighbouring sovereign state that

would create tensions bilaterally and within the Southern Africa Development Community (SADC). Although the OAU Convention specifies that granting asylum (and by extension emergency preparedness) is a "peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State", political considerations vied with logistical imperatives and led to a distinct vacuum of political leadership for effective preparedness.

This was reflected institutionally as disagreement on which government department would be the lead institution in overall charge of the contingency plan. The consequence of this national level indecision was the devolution of decision making to provincial and municipal levels but without matching authority and funds. It was primarily for this reason that the concrete contingency plan was delayed for so long, and was limited to what could be financed from existing municipal funds (1000 people for three days). The South African Refugee Act allows for a great deal of political discretion in key areas of the emergency preparedness process, such as the precise role of the lead institution and relations between national, provincial and local government offices.

Consequently, lack of political will and commitment can easily jeopardise timely and effective decision making. South Africa needs to minimise its reliance on political discretion and strengthen autonomous systems and detailed frameworks.

A further leadership issue concerns the prevalence of the armed forces within disaster response in South Africa. The military was the main South African actor involved in the high profile Mozambican flood relief in 2000, and military responses to disasters were the norm during the apartheid regime. Due to the ambivalent role of the security forces (being key players in both refugee protection and the deportation process), their participation in the emergency preparedness process should be circumscribed to their comparative advantages and availability of resources to fulfil specific and limited roles within a civilian-run plan. The widespread perception - both among provincial government officials and defence force personnel - that all Zimbabweans are simply 'taking advantage' of the crisis situation to take South African jobs conflicted in this case with the legitimate right to protection.

A final crucial issue which constrained early decision making was

Villagers queue up for food distribution, near Chidobe, Zimbabwe, 2002



the lack of provision for emergency **preparedness** funding. While emergency **response** financing is provided for by various acts and funds, its release depends on the formal declaration of an emergency. Government departments, especially at the provincial and municipal levels, were very reluctant to spend money on preparedness, without the assurance that this would be reimbursed, thereby slowing down and limiting actual physical preparedness.

Effective coordination

Literature on disaster preparedness and response stresses the need for smooth cooperation among actors. In the South African case, relationships among actors are shaped by the twin legacies of international isolation and domestic political struggle, which have, respectively, led to a lack of awareness and expertise in international humanitarian and refugee law, standards and best practice, and a distrustful relationship between governmental and non-governmental actors.

Because of their general lack of operational expertise in humanitarian response, the role of indigenous NGOs within the emergency preparedness process was largely limited to observation and monitoring. This role was carried out both at the national and provincial planning stages, as well as during the actual election weekend and following weeks at the border post. While monitoring was very effective in the traditional NGO areas (such as legal support for asylum seekers,

NGOs ... did not have sufficient experience, resources or contingency plans

information dissemination to government and border officials, and advocacy for government action), it could not be fulfilled consistently in mass influx-specific ways, since there were not enough financial and personnel resources to monitor actual government actions along the border beyond the main Beitbridge border crossing. The realisation was expressed by all NGOs interviewed that they did not have sufficient experience, resources or contingency plans to be prepared for such an emergency. Concrete interventions offered on standby were mainly in the form of translators and volunteers for registration and distribution in the planned camp, all of which were not, in the end, called upon.



Part of the operational limitations was the strong local NGO focus on refugees' legal rights. While this is clearly an important issue, it is only part of the wider context of the crisis situation to which the emergency preparations needed to respond.

The implication is not that specialised advocacy NGOs should diversify their perspectives and activities but rather that all stakeholders should work to bring NGOs with more service- and welfare-oriented experiences and capacities into the emergency preparedness network.

The main role of UNHCR and the international humanitarian organisations involved (IOM, Save the Children UK, Oxfam, ICRC and JRS) was to transfer emergency expertise to South African actors. In addition to seconding experts and providing information materials, many of the international agencies committed some limited resources to ensure that emergency supplies were available. However, all international humanitarian actors made clear that they saw their own contributions purely as additional support in areas that the government was not able to cover.

Unfortunately, these efforts were not integrated into the government-led contingency plan. International agencies were perceived as a kind of fail-safe mechanism by some government actors, with the expectation that they would not let the situation deteriorate but they were only included in planning and information sharing on a need-to-know basis. From the perspective of the international humanitarian actors, their predominant focus tends to be crisis situations where the state is either exceptionally weak, extremely poor or has virtually ceased to function at all. Since none of these characteristics apply to South Africa, most international organisations found it difficult to justify to their own donors the necessity of spending resources for an intervention in this case.

Recommendations

Reports by international agencies have described the appalling extent and severity of the famine looming in the Southern African region. Assessments on the ground suggest that some 12.8 million people in the region are at risk of starvation, and nearly half the at-risk population live in Zimbabwe.

WFP rations being distributed in Thaba-Putsoa village, Lesotho, September 2002.

Within this context, it is unfortunate and incongruous that the preparedness process in South Africa was broken off a few weeks after the elections, on the basis that 'nothing had happened'.

Academics and NGOs should concentrate efforts on collecting more data on actual illegal cross-border flows to complement official statistics in order to establish whether there is, in fact, significant famine-induced displacement into South Africa. South African defence forces should contribute to this effort by disclosing their official statistics to help monitor border crossing as the effects of the famine deepen. There is a need to consider

there are major capacity-building needs within the South African government and local NGOs

the invisible influx hypothesis seriously, conduct relevant research to ascertain its probability, and develop responses to it. Within this context, the policy of continuing deportations of 'illegal immigrants' from Zimbabwe, at the same time as conducting emergency preparedness for a largely famine-based emergency, should be reconsidered. Although a mass influx has not occurred, individuals should enjoy protection and assistance based on need and regardless of the scale of the actual influx.

In relation to improved leadership, coordination and capacities for emergency response, there needs to be more regular communication between government and NGOs on disaster preparedness in order to increase mutual understanding. A new Disaster Management Bill was passed after the Zimbabwean elections. This is a valuable opportunity for the development of a detailed and practical National Disaster Management Framework that consolidates a clear division of responsibilities between national, provincial and municipal levels to avoid 'passing the buck'; it also underlines the need for humanitarian expertise in individuals delegated to be responsible for emergency response in each department. Civil society should be active in developing recommendations to be incorporated within this embryonic framework.

International donors should recognise that, in spite of a relatively developed government infrastructure and economy, there are major capacity-building needs within the South African government and local NGOs in terms of

emergency preparedness. South Africa has great potential to be a leader in quality emergency response for the region and in the continent. Donors should support international agencies working to build such a system in the country, as well as the South African government and local NGOs participating in emergency preparedness structures.

UNHCR, through its Emergency Preparedness and Response Section, should take the initiative to offer operation management tools and emergency management training to interested local NGOs, as well as financial assistance for intensive training and skills development, with

a strong focus on comparative advantages of specific organisations. In addition to the provision of assistance within Zimbabwe, UN agencies and international NGOs should remain involved in working in South Africa, developing partnership arrangements with local NGOs working close to the Zimbabwean border to ensure standby agreements that can be activated at a moment's notice in response to imminent and actual emergencies.

Furthermore, local service provision NGOs (water, sanitation, child welfare, education, food distribution, shelter construction) which may have no emergency intervention experience but do have technical skills that could be used to this effect should be identified, offered emergency training and brought into communication and collaboration with the emergency preparedness structures.

Finally, on a regional level, information should be shared with other SADC and donor countries on an ongoing basis, and a coordinated strategy for emergency response should be developed. It is essential to incorporate international and regional burden-sharing models and principles into this strategy.

The way forward

Incorporating the lessons learned from the Zimbabwean elections of 2002 can give a new scope for emergency preparedness and conflict prevention in Southern Africa. The South African case highlights the need to strengthen risk assessment through shared and complementary

information gathering, revise emergency decision-making procedures, streamline chains of command, determine financial models for funding preparedness, and establish a regular communication system among all stakeholders (governmental and non-governmental) to allow for familiarity, trust and smooth coordination.

As a leading partner in the region, South Africa's comparative advantages should be utilised for designing an effective response to the current crisis in the Southern Africa region. For all the efforts being made to address the crisis within Zimbabwe, including grain shipments and diplomacy, it is clear that a large sector of the population remains vulnerable to increasing hunger and malnutrition. Therefore, the lack of contingency planning for potential famine-induced displacement is a serious shortcoming. These lessons should be used to develop an integrated response based on a joint strategy between the South African government, international actors and civil society.

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RRP's *Emergency Preparedness Newsletter* links organisations working in emergency response in Southern Africa. To subscribe, send an email to witsrrp@mweb.co.za with the words 'subscribe Zimbabwe newsletter' in the subject line.

This article is a summary of a longer report available online at: www.wits.ac.za/rrp/emergency_preparedness_zim.pdf. The authors would like to thank the National Consortium for Refugee Affairs, the Foundation for Human Rights and the Ford Foundation, South Africa for their support. All opinions expressed in this paper are the authors' own.

1. Although South Africa has been surrounded by countries in conflict for decades, in many of which the apartheid regime was a significant player, there has been only one mass influx of refugees onto South African territory in recent history. However, this influx of Mozambicans in the 1980s was not responded to according to international norms by the apartheid government, which left the task of receiving 300,000 refugees to the then homeland governments of Gazankulu and Leboa. In practice, therefore, the brewing crisis in Zimbabwe is the first time South African institutions are faced with the need to prepare for and potentially succour refugees.

2. In practice that border is highly porous and there are reasons to believe that unchanging immigration statistics may reflect limited SANDF capacity rather than static cross-border flows.



IDP protection in Angola: has momentum been lost?

by Kamia Carvalho

The most overused word to describe Angola is 'potential'.

Blessed with petroleum, diamonds, gold and fertile land, this former Portuguese colony has the potential to be one of the richest countries in Africa. And yet, after four decades of war marked by terror tactics and scorched earth policies, the countryside is extensively mined and forced displacement has become part of 'normal' life for a sizeable proportion of the Angolan population. The shocking contradiction between its natural wealth and its actual poverty is highlighted by the fact that no fewer than 4.1m people – a third of the population – are officially recognised as IDPs.

The death of the UNITA leader Jonas Savimbi in February 2002 quickly led to an agreement between the Angolan government and the rebel group to end one of the world's longest running civil wars. Far from reducing the humanitarian problems faced by IDPs in Angola, the end of the war has brought out the stark reality of their plight. Of the many challenges facing Angola none is greater than that of reintegration and resettlement of IDPs.

Angola was one of the first states to use the Guiding Principles on Internal Displacement¹ as a basis for national IDP legislation. Examining the legal framework and the institutional structures being established for the resettlement of IDPs in Angola, this article explores whether the Principles are set to provide an effective means to improve conditions for Angola's internally displaced.

IDP legislation

Since 2000 the Angolan government has sought to provide better legal protection for IDPs. A workshop in Luanda – jointly convened by the Global IDP Project, the Ministry of Social Assistance and Reintegration (MINARS) and the UN Office for the Coordination of Humanitarian Affairs (OCHA) – developed a draft set of Minimum Standards for Return and Resettlement (MINOPS) as a first step towards bringing national IDP policy into compliance with the Guiding Principles.

In January 2001 a government decree clarified the state's responsibilities

towards the displaced population and established the *Normas sobre o reassentamento das populacoes deslocadas* (Norms for Resettlement of Displaced Populations). The Normas are significant in that they recognise that the Guiding Principles establish the general principles governing the treatment of IDPs, highlight that resettlement of IDPs must be voluntary and acknowledge that IDPs must be informed and involved in procedures for permanent relocation, land identification and distribution.

MPLA government troops, Luena, Angola.

Angola has the potential to become the leading global exemplar of how to use the Guiding Principles as a tool for better protection of IDPs. The reality, however, has been different as lack of effective implementation and new government preoccupations have impeded progress.

There has been considerable delay in preparing draft regulations to ensure application of the Normas. These regulations set out the role and the functions of the provincial authorities in relation to IDP resettlement and rules for identifying land issues.

The 2002 UN Consolidated Inter-Agency Appeal to donors² noted that

there was initial evidence that half the country's resettlement programmes were being implemented in accordance with the Normas. However, the end of the war in April saw a fundamental shift of policy focus as the demobilisation and resettlement of UNITA troops and their families were prioritised. National and international responses to the needs of ex-UNITA combatants and IDPs have been thrown into confusion. Initial estimates that there were some 40-50,000 UNITA soldiers to be assisted were shown to be inaccurate, as over 80,000 soldiers and 300,000 of their dependents flooded into the 42 reception centres.

Compounding the problem of lack of resources to provide food, water and sanitation for these unexpected numbers has been the tension between the Angolan authorities and international agencies seeking access to camps. The Angolan army initially undertook the demobilisation and it is currently the responsibility of the provincial authorities to carry out the resettlement programmes with support from the international community. There has been new emphasis on establishing sustainable peace with only minimal international 'interference'. The authorities imposed a deadline of 15 October 2002 for the end of the demobilisation process and the beginning of resettlement. Though the government has responded to concerns over the lack of assistance being provided by extending the deadline to December, the UN and NGOs are still sceptical.

As politics has become dominated by the cease-fire and the demobilisation

programme, it is clear that the Angolan authorities are prioritising assistance to ex-combatants rather than adequately addressing the urgent humanitarian needs of IDPs. The establishment by presidential decree in June 2002 of 'A National Commission for the Reintegration of Demobilised Soldiers and IDPs' highlights this trend. The Commission's role *vis-à-vis* IDPs is described as that of coordinator of the resettlement programmes and supervisor of the protection sub-groups. These groups, however, ceased meeting before the Commission's role was clarified, thus leaving a gap in the protection mechanisms at a crucial time for IDPs.

Institutional protection

The institutional protection for IDPs set up by the national authorities and the international organisations is a complex web of teams and subgroups. Provincial and municipal authorities are at the forefront of providing assistance to IDPs. While the Commission appears to have established structures and to be adopting a comprehensive approach to meeting the needs of IDPs, in reality the implementation of programmes is hampered by limited resources. Emphasis on the primary role of the provincial authorities as the implementers of resettlement programmes and enforcers of the Normas ignores the reality of the lack of adequate governmental capacity in some provinces.

The UN in Angola, partner of the central and provincial authorities, also has a crucial role in IDP protection issues. In July 2002 a damning report on the plight of Angola's IDPs contro-

versially stated that OCHA, designated as coordinator for humanitarian assistance and the lead agency on IDPs in Angola, did not have adequate expertise and staffing capacity to effectively respond to unfolding crises affecting IDPs.

Despite the criticisms it is important to recognise that OCHA is a crucial partner with the national authorities and NGOs in addressing the needs of IDPs. From OCHA's field advisors in the provinces (who monitor the conditions of the displaced) to their monthly reports on the humanitarian situation in all of the 18 provinces, OCHA is providing the tools for identifying what is happening and what needs to be done. A positive development has been the collaboration between the UN agencies and the government in developing provincial action plans for IDPs. These have emerged from provincial workshops attended by the military, judiciary, the Attorney General's office, the national police, MINARS, OCHA, UNHCR and community stakeholders. Benefiting from protection training, these groups have prepared tailored protection plans for the IDPs in their province which are then passed to the provincial governor for approval. In July 2002 thirteen of Angola's 18 provinces had approved plans in place. This demonstrates that there has been some attempt at improving the national response to the plight of IDPs.

The establishment of the UN Mission in Angola (UNMA) by the Security Council in August 2002 has also been a positive step, particularly with its focus on the protection and promotion of human rights. The Human Rights Division in the UN should play a pivotal role in efforts to better protect IDPs and other citizens by working with the government and local authorities to build capacity and raise awareness of human rights. This approach is often criticised for not protecting individuals in a more concerted manner but it is important to aid the development of better human rights standards in Angola as a whole. This should impact, directly or indirectly, on IDPs and thus improve the authorities' respect for the Normas.

The way ahead

The spontaneous return to their area of origin of some 750,000 IDPs has been met with both delight and concern. While this is a welcome sign that

Relief agencies are providing food to the most vulnerable people in displaced camps in Malange and Lunda Norte districts, north Angola.



freedom of movement within the country is finally being restored, there is concern over the return to areas which are heavily mined or lack infrastructure to accommodate returnees. Recent figures suggest that since the end of the war only 30% of the IDP returns have been compliant with the Normas.

Angola faces many challenges in respecting and implementing the Normas and the Guiding Principles. There is an urgent need for the donor community and the Angolan government to finance rebuilding and resettlement programmes. If peace is to be sustained it is essential that ex-UNITA soldiers receive vocational training and social assistance. Of equal importance, as quartering camps close and resettlement begins, is to ensure greater respect for the principles set out in the Normas. Shrugging off criticisms for its early closure of camps, MINARS maintains that it is on course to reintegrate soldiers and their families before commencement of the new school year in early 2003. MINARS is following a plan which focuses on emergency and rehabilitation work until 2005 when reconstruction is set to become the policy priority. However, the fluid political situation makes it impossible to predict when the humanitarian crises faced by IDPs and ex-UNITA soldiers will be adequately addressed and resolved.

Compliance with the Normas should remain the barometer for measuring the success of resettlement programmes. Despite a good start, Angola still has a long way to go. Ensuring respect for the Normas requires strengthening of effective institutional structures. Above all else, there must be political will to ensure respect for the law.

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The most comprehensive source of information on IDP issues is provided by the Global IDP project at: www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Angola

1. The Guiding Principles are online at: www.unhchr.ch/html/menu2/7/b/principles.htm.
2. See www.reliefweb.int/appeals/2002/presskit/angola/angola-cap2002-summary.pdf.
3. 'United Nations: Protect the Displaced in Angola', Human Rights Watch, Tuesday 5 March 2002.

Refugees and the African Commission on Human and Peoples' Rights

by Monette Zard in collaboration with Chaloka Beyani and Chidi Anselm Odinkalu

On paper, African refugees benefit from one of the world's most progressive protection regimes.

In reality, however, they face endless human rights hurdles involving forced return, discrimination, arbitrary arrest and detention, restricted freedom of movement and expression, and violations of social and economic rights.

Faced with an ongoing struggle to bridge the gap between theory and reality, advocates for refugees have the option of using Africa's human rights mechanisms innovatively to argue the case for refugee rights.

It is not that Africa is short of norms. Far from it; in many respects the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa puts the continent ahead of other regions. In addition to introducing an expanded notion of who is a refugee,¹ the Convention reinforces key refugee protection standards, including the closely linked principles of *non-refoulement* and voluntary repatriation. The Convention is an important regional complement to the 1951 Convention. Together, these instruments articulate an important set of standards regarding the treatment that refugees should expect to receive in exile.

The crisis facing refugees on the continent reflects rather a failure of implementation. A major weakness of the current international legal framework to protect refugees – one that was recognised during the ambitious UNHCR Global Consultations process – is the absence of any meaningful system of supervision, such as a court or treaty body, to ensure that States

abide by the letter and spirit of international refugee conventions.² International and regional human rights mechanisms – and in particular the African human rights system – may go some way towards making up for this lacuna by providing advocates with a complementary means to help refugees and asylum seekers actually benefit from rights they have on paper.

The centrepiece of the African human rights system is the 1981 African Charter on Human and Peoples' Rights³ and its principal overseer, the African Commission on Human and Peoples' Rights (ACHPR)⁴, which was established in 1987. Apart from Morocco all 53 African States have accepted the provisions of the Charter as formally binding. The legal framework established under the Charter offers refugees and asylum seekers (as well as the NGOs that represent them) the possibility of individually petitioning the ACHPR to seek protection of violated rights. This includes specific rights by virtue of being refugees and asylum seekers as well as more general human rights guarantees set out in the Charter. In fulfilling its central oversight role, the ACHPR takes into account the UN and OAU Conventions as well as other regional arrangements in which refugees have freedom of movement and residence in regions such as

ECOWAS under the Community of West African States.

Recourse to the ACHPR enables refugees and asylum seekers to bring claims against the host country where refugee law is deficient or inadequate, and opens up the prospect of claims against countries of origin on the basis of **continuing** violations of their rights based on the fact of persecution and flight to other States. Moreover African governments are required to ensure that the protection of the Charter is available to all persons within their jurisdiction, whether they are nationals or non-nationals. Governments are thus accountable before this system for how they treat not only refugees but also IDPs and migrants generally.

John D Ouko, a Kenyan student leader, was arrested and detained without trial for ten months in the basement cells of the Secret Service headquarters in Nairobi. Held in a two by three metre cell, he was subjected to physical and mental torture. Fleeing the country, he lodged a complaint against Kenya whilst residing as a refugee in the Democratic Republic of the Congo, alleging violations of certain rights under the African Charter. The Commission found that his persecution and flight from his country of origin had violated the African Charter's Article 5 (on respect for human dignity, protection from torture, inhuman and degrading treatment), Article 6 (on liberty and security of the person), Article 9 (on freedom of expression) and Article 10 (on freedom of association).

The African Charter is the gateway to the ACHPR and understanding how the rights articulated in the Charter can be put to work for refugees is the starting point for any advocate. Two general guarantees - the principles of non-discrimination and equality in Articles 2 and 3 - can be used to protect any rights that refugees or other individuals are entitled to. Responding to a complaint brought by the Organisation Mondiale Contre La Torture and others against Rwanda, the ACHPR found that the expulsion of Burundian Hutu refugees from Rwanda was a breach of non-discrimination under the Charter. The guarantee of non-discrimination can thus be used to protect refugees from discrimination on a wide variety of grounds including their status as refugees, their race, ethnic group, colour or gender. The principle of

equality and equal protection of the law offers refugees additional protection against mistreatment by the legal and institutional system of the State. When combined with the duty of States under Article 1 to take steps to implement the rights contained in the Charter, these provisions may provide advocates with an avenue by which to address problems commonly encountered by African refugees - the lack of national refugee legislation and appropriate documentation of their status - which in turn inhibit the enjoyment of many other Charter rights

Of the specific Charter rights that can be of use to refugees and asylum-seekers, the right to seek and obtain asylum has a number of elements that

advocates can seek to assert and develop before the ACHPR. The first and most important is that of gaining entry and access to the territory of the host State, including its status determination procedures, for the purpose of seeking asylum. The OAU Convention strengthens this principle by prohibiting States from rejecting asy-

lum seekers at the frontier or border. The 1951 Convention underlies the same principle under Article 31 by stating that asylum seekers should not be penalised for making direct illegal entry.

A second element of the right to seek and obtain asylum concerns lawful admission through obtaining or enjoying asylum in accordance with the laws of those countries and international conventions. This element depends on whether the asylum seeker meets the criteria for refuge as set out in domestic law and international conventions. One area of potential inquiry for advocates is whether state practice complies with both the Charter and international law on the issue of persecution. ACHPR decisions show that persecution is established by

reference to violated rights and subsequent flight.

Implied in the right to seek and obtain asylum is an obligation on States parties to the African Charter to establish institutions and fair procedures for status determination. Although the ACHPR has yet to rule on whether the due process guarantees contained in Article 7 would extend to status determination procedures, one can speculate that this would indeed be the case. This conclusion is fortified by the provision of Article 26 that requires States parties to "allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter." Fair procedures in this context would include extending legal assistance to refugees in status determination processes.

Article 5 of the Charter, which notes that every individual shall have the right to "respect of the dignity inherent in a human being and to the recognition of his legal status" and which prohibits "all forms of exploitation and degradation particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment", is also of particular importance to refugees. The Article prohibits States from expelling or returning anyone to a place where



For political reasons John K Modise was rendered stateless, stripped of his Botswanan nationality and deported to South Africa. South Africa in turn deported him to the then Homeland of Bophuthatswana which deported him back to Botswana. Unable to resolve the question of where to keep him, the authorities of Botswana kept Modise over a long period of time on a specially created strip of 'no-man's land' along the South African border. The ACHPR found that such enforced homelessness was inhuman and degrading treatment that offended "the dignity of human beings" and thus violated Article 5.

they are likely to be subjected to such treatment. Moreover, a violation of Article 5 (which clearly encompasses victims of rape and sexual abuse) also entitles the victim to the right to seek and obtain asylum.

Of particular note is the ACHPR's willingness to interpret Article 5 to include violations of social and economic rights. For instance, in the absence of an express guarantee of a right to housing in the Charter, ACHPR has based protection for such rights on the guarantee of human dignity, and the prohibition of torture, cruel, inhuman and degrading treatment.

Article 16 of the Charter articulates the right of every individual to enjoy the best attainable state of physical and mental health and the duty of States to take necessary measures to ensure this. Five related cases in

then confiscated by the government. At issue (at least in part) were the conditions of detention which some of these individuals encountered. In finding violations of Article 16, the ACHPR noted the lack of food, blankets, adequate hygiene and medical attention, the latter having led to the deaths of a number of prisoners. The Charter may thus provide an important avenue through which to raise a host of social and economic rights questions including the issue of sub-standard camp conditions.

Finally, the Charter might also be helpful in addressing restrictions on freedom of movement and residence within host states, which are an all too regular aspect of the lives of refugees and asylum seekers in Africa. Both the UN and OAU Conventions do allow for restrictions on the freedom of movement and residence of

refugees in the receiving States in order to ensure the safe location of refugees as well as to ascertain the identity of the refugee or asylum seeker. Such restrictions may be challenged before the ACHPR if they are so excessive as to deprive refugees of their freedom of movement within or outside the settlements and where they do not achieve the objective of safely locating refugees away from the border of their country of origin. In any hearing of this issue before the ACHPR, the receiving State would bear the burden of proving that restrictions on the movement and residence of refugees are necessary, justified and reasonable on acceptable grounds stipulated in human rights law, namely public order, public security and public health. Utilising the ACHPR to clarify where and when restrictions on freedom of movement are proportionate and justified under the law would render a significant

Mauritania alleged that between 1986 and 1992 black Mauritanians were enslaved, arbitrarily detained and routinely evicted or displaced from lands that were

contribution to the protection of refugees in Africa.

In conclusion, the African human rights system has much to offer those advocating better implementation of refugee rights. It is not, however, a panacea for all the ills facing Africa's refugees and asylum seekers. The ACHPR should be seen as a complementary source of protection for refugees. Taking a case to the Commission can be a lengthy and time-consuming process and can only be pursued when other domestic remedies have been exhausted. Success is not always guaranteed.

Prospects of success could be considerably enhanced where advocates work together nationally, regionally and internationally to research, compile and sustain a case before the ACHPR. Similar cooperation is necessary to maximise the advocacy impact of the eventual decision, whether positive or negative. Making use of institutions and mechanisms which African states have themselves established, and nurturing their ability to address the plight of refugees, would add an important weapon to the refugee advocacy arsenal in Africa.

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The authors are finalising a step-by-step advocates' guide on how to access and use the African Commission on Human and Peoples' Rights.

For a fuller development of the arguments in this article and wider discussion of Commission judgments see the authors' full unedited article at: www.fmreview.org/FMRpdfs/FMR16/fmr16Commission.pdf

1. To include those fleeing external aggression, occupation, foreign domination or events seriously disturbing public order (Article 1A).
2. UNHCR's limited supervisory function is articulated in Article 35 of the 1951 Convention.
3. For the full text of the Charter, see: www1.umn.edu/humanrts/instree/z1afchar.htm.
4. The Commission's website is: www.achpr.org.



Nangweshi camp for Angolan refugees, Zambia.

Yemen and refugees: progressive attitudes – policy void

by Nesya H B Hughes

Despite accession to the refugee Convention, the sources of codified law governing the practice of asylum in Yemen have remained limited.... Similarly, administrative capacity and policy formulation related to asylum seekers and refugees are still evolving.

'Yemen 2000 Annual Protection Report – Executive Summary', UNHCR Sana'a, Yemen

The Republic of Yemen is the only country in the Arabian Peninsula to have signed the Convention and the 1967 Protocol. Yemen's proximity to the troubled countries of the Horn of Africa and to neighbouring wealthy Gulf countries have led to its hosting a large number of refugees despite its status as one of the world's least developed nations. UNHCR regards the Government of the Republic of Yemen as having a very tolerant and progressive attitude towards refugees. Yet, as the quotation above indicates, problems hinder the full protection of refugee rights.

The dearth of academic studies on refugee issues in Yemen provided the impetus for this paper. It examines the legal and administrative context in which refugees are situated, the current socio-economic status of refugees and measures taken by government to assume responsibility for refugee affairs.

The legal and administrative context

Theoretically, the international and national legislations that codify refugee law and the administrative framework determine the status and rights enjoyed by refugees in the Republic of Yemen. In 1980 the Yemen Arab Republic (North Yemen) became a signatory to the 1951 Refugee Convention and its 1967 Protocol. When Yemen united in 1990 the People's Democratic Republic of Yemen (South Yemen) acceded to all

treaties to which the North was already a signatory.

Despite having signed the Convention there has been no significant progress on the creation of comprehensive national refugee legislation. Sources of national law governing the treatment of asylum seekers or refugees in Yemen remain limited to Article 46 of the Republic's Constitution which states that "no political refugee shall be extradited". The absence of national refugee legislation means that in legal terms asylum seekers and refugees are treated no differently from other non-nationals and are, for example, subject to laws pertaining to employment as foreigners.

In 1984 Ministerial Resolution No 10 was passed to establish a Department of Refugee Affairs within the Ministry of the Interior. However, the Resolution was never implemented and UNHCR, whose assistance Yemen requested after the large and sudden influx of Somali refugees in 1992, remains the only office to deal directly with refugee affairs.

The status of refugees in Yemen

The Government of Yemen's prima facie acceptance of particular groups and general tolerance towards asylum seekers represents a progressive open-door policy. Yet it has to date been unable to convert its international obligations towards the protection of refugees' rights into national level policy.

As of March 2002, there were 71,313 refugees registered with UNHCR, 92.5% of who were Somalis.¹ The Government of Yemen has recognised Somalis on a prima facie basis since 1992 and continues to do so. Yemen has previously also recognised on a prima facie basis 1,269 Ethiopians (officers and cadets from the former Ethiopian Navy forced to flee after the 1991 overthrow of the Mengistu regime) and 389 Eritreans who fled Assab following renewed Ethio-Eritrean conflict in May 2000.

Other asylum seekers must go through refugee status determination (RSD) conducted by UNHCR. In 2001, UNHCR Yemen had an overall recognition rate of 17%, excluding prima facie recognitions. It encourages local integration and repatriation as 'durable solutions' for refugees. In 2001, it only resettled 157 people to a third country, asserting that "a liberal interpretation of the [resettlement] criteria would produce a pull factor and undermine UNHCR policy".² It consequently reserves resettlement for vulnerable cases, including medical cases such as HIV sufferers (Yemen

'We are not moving forward and we are not moving backward. We can understand not being given political or civil rights in this country but [the Government of Yemen] cannot keep our economic or social rights from us. We cannot live this way.'

Ethiopian refugee and ex-Lieutenant in the Ethiopian Navy, who has resided in Yemen for the past 11 years.

reserves the right to deport non-nationals with HIV) and single female heads-of-household.

There is one camp in Yemen, the facility at Al Kharaz hosting 10,000 refugees near the southern port city of Aden. The camp admits recognised refugees only, which means that, pending RSD, refugees must find their own way. Due to its limited capacity, UNHCR encourages local integration and urban settlement, reserving the camp for "vulnerable refugees... who are unable to survive without international assistance".³ With the exception of the Al Basateen suburb of Aden, which hosts some 20,000 Somalis who arrived in 1992, refugees in urban areas tend to intersperse with the Yemeni communities.

Respecting the 1951 Convention, the Yemeni government permits refugees the right to work, education and healthcare but refugees face obstacles in securing these socio-economic rights. Refugees assert that the Ministry of Labour requires foreigners applying for

work permits to present a passport, which refugees obviously cannot do. It also requires a letter from a potential employer; refugees claim that employers will not do this as employing illegal labour permits them to pay lower wages. Unable to work, most refugees are also unable to afford education and healthcare. In addition, public hospitals will neither serve HIV patients nor, for cultural reasons, single females requesting reproductive or natal care. This is why the services provided by NGOs are in high demand, far exceeding their capacity.

Ten of the 11 NGOs that work with refugees in Yemen are implementing partners of UNHCR and, therefore, depend at least in part on UNHCR funding. This is unfortunate because UNHCR's diminishing budget from Geneva reduces these NGOs' funding as well. Limited funding has necessitated prioritising the most serious cases. UNHCR's assumption that camp refugees are less able to secure their rights has meant that more resources and services are provided in the camp than in urban areas. Urban refugees felt that this 'camp bias' marginalises them, 'punishing' them for their initiative to self-settle and contribute productively to the economy of their host country.

In Sana'a, the Yemeni capital, Ethiopians have established an Ethiopian Community Centre, while the Somali community has established the Refugee Community Centre, now attended by refugees from other nationalities as well. These two centres represent refugees' initiatives to support themselves. But they are the only ones of their kind and refugees assert that, while they provide some

support and comfort, they do not address the core socio-economic problems faced by refugees living in cities. Government and UNHCR

officials indicate that extra pressure is placed on NGOs to provide services because of the fact that many Somalis benefiting from these services are not refugees as defined by the 1951 Convention. Some officials believe that Somalis come to Yemen to take advantage of, among other things, healthcare services provided free of charge by NGOs. UNHCR has recommended that the Yemeni government cease *prima facie* recognition of Somalis in order to ensure that those who do benefit from services are actually refugees.

more resources and services are provided in the camp than in urban areas.

A further obstacle faced by refugees in securing their socio-economic rights is racial and cultural discrimination. Ethiopian and Eritrean refugees recount stories of harassment on the streets and several refugees testify to being victims of racial beatings. Non-Muslim, mostly Ethiopian or Eritrean refugee women, often face discrimination, particularly for not wearing the *hijab*. In addition, Ethiopian refugees – both men and women – assert that Yemenis have a preconceived notion of them as being promiscuous and they are, therefore, often accused of having AIDS. Racism prevents them from equal employment opportunities and their children are subject to racism in Yemeni schools. Most Somali refugees accept that Yemeni treatment of Somalis is better than that afforded to other Africans. This appears to be due to the fact that these two peoples share cultural traits – most Somalis are Muslim and many speak Arabic.

Perhaps the ultimate socio-economic and civil injustice feared by refugees is unfair detention and deportation. Notwithstanding the absence of data on the prevalence of detentions, refugees assert that the threat of it is real, in particular outside Sana'a. Municipal authorities do not appreciate the meaning of a refugee card. On the other hand, authorities do not appear to act strictly regarding deportation. Refugees believe that deportation is done on an entirely *ad hoc* basis and assert that detention is used primarily as a method to extort bribes from people.⁴



'In spite of many problems [with the transfer of responsibility], Yemen may be considered a pioneer in the Arab world for its efforts.'

Interview with Deputy Representative,
UNHCR Sana'a, 21.09.02

Transfer of responsibility

Since 2000, the Government of Yemen has taken measures to enhance the situation of refugees. It has established the National Committee for Refugee Affairs (NCRA) that is currently working on two projects with the aim of government assuming greater responsibility for refugee affairs.

The first is a pilot project, begun in May 2002, between UNHCR and the Yemeni government, involving the registration, issuing and extension of refugee cards. Until recently UNHCR was responsible for this administrative process. One benefit of involving the Government is that it has agreed to place the Republic of Yemen's emblem on the card. Refugees issued with the new card testify to fewer problems with the authorities because the new card now appears to carry greater credibility. UNHCR believes that government involvement in registration also builds confidence in the registration procedure so that authorities are more hesitant to arrest refugees arbitrarily.

The second NCRA project involves drafting national refugee legislation. Such legislation is necessary to avoid the possible contradictions between refugees' rights and the laws that apply to foreigners, under which refugees now fall.⁵ National legislation provides the means by which to translate international law into national level action.

Finally, UNHCR has trained government officials regarding refugee rights and permitted officials from the Ministry of Interior to attend RSD interviews – a bid towards confidence and capacity building in the RSD process. The UNHCR Representative has also met with the Chief of Justice to encourage the judiciary to respect the principle of *non-refoulement*.

However, greater training is necessary. Refugees believe that the greatest misunderstandings regarding refugee

affairs exist at lower government levels, including amongst municipal authorities and the Yemeni coast-guard. UNHCR recognises this, stating that "training of Immigration officers and coastguard personnel on refugee law is seen as one of the important objective [sic] in UNHCR strategy".⁶ However, no projects have been implemented to fulfil this strategy.

Refugees, NGO staff and academics alike express concern that since the events of 11 September 2001 the Government is abrogating from its human rights responsibilities in the name of national security. The authorities, now under pressure from the US to crack down on alleged terrorists, can use Article 33 of the 1951 Convention which permits it to deport refugees suspected of being a threat to national security.⁷ Greater training and monitoring on the part of the UNHCR is necessary to avoid any unjustified 'scapegoating' of refugees.

Conclusion

Although Yemen is signatory to the relevant international treaties that espouse a commitment to protection of refugee rights it has failed to translate this commitment into national level policy. Failure is most starkly represented by the marked absence of national refugee legislation, a void which means that refugees are often treated as foreigners. Despite this, UNHCR Yemen continues to 'offer' local integration as its primary 'durable solution'. Yet integration cannot be considered durable until national legislation is in place, as only national laws can provide the primary structure necessary to give people a real (and not theoretical) chance of integrating.

Other impediments exist that prevent individuals from successfully integrating and securing employment. On the other hand, interviews with refugees showed that individuals and communities have created their own support structures so that they are not entirely dependent on NGO, UNHCR or

government service provision. Nevertheless, the Yemeni government has made progress towards fulfilling its international obligation to protect refugees and assume responsibility for refugee affairs. The establishment of the NCRA, in particular, has been productive in catalysing government efforts.

Many areas of the refugee situation in Yemen need to be better understood. The heterogeneous nature of Yemen and the state's willingness to admit, but not to fully accept, asylum seekers make Yemen a complex and challenging refugee situation in the Middle East.

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1. These numbers refer only to registered refugees. There are additionally an estimated 300,000 more Somalis, 70,000 Iraqis, 2,000 Ethiopians and some Palestinians. Whether these individuals are refugees fleeing persecution or economic migrants is contested.
2. 'Donor's Meeting Yemen: Briefing Notes', 9 June 2002, UNHCR Sana'a, Yemen.
3. *ibid*
4. Yemen appears to maintain an open-door policy on its northern borders. Refugees testified that many cross into Saudi Arabia for work, returning sporadically and illegally to visit their families. The Yemeni government does not appear to monitor these northern borders strictly, claiming to not have the resources to do so. But the reasons are more complex. First, the border remains poorly defined and local tribes continue to dominate the region, hindering the government's control. Second, the return of illegal migrants is facilitated by people smugglers, often tribesmen of the area. Finally, Yemen maintains bilateral re-admission agreements with Saudi Arabia (and some European countries as well) to maintain good diplomatic relations because it is hoping to accede to the Gulf Cooperative Council. In addition, Saudi Arabia hosts over 200,000 Yemeni workers, many of whom reside illegally and who provide a boon to the Yemeni economy through remittances. Yemen does not want them expelled.
5. Currently, a refugee found guilty of a crime faces double sentencing by virtue of being a 'non-national/foreigner'. The first, derived from Yemen's criminal code, relates directly to the crime. The second, deriving from the law concerning non-nationals, is an automatic deportation sentence, thereby, violating a refugee's right to *non-refoulement*.
6. *ibid* endnote 2.
7. The Yemeni government is facing external pressure, particularly from the US government, to 'crack down' on potential security threats. At the time of writing, two Somalis – both of whom are allegedly trained pilots and aircraft engineers – had been arrested on security grounds and their whereabouts unknown.

Humanitarian crises: testing the 'CNN effect'

by Gorm Rye Olsen, Nils Carstensen and Kristian Høyen

"Lucky are the people of Yugoslavia and Somalia as the world's eyes rest on them. Condemned are the people of Juba ... It may be a blessing to die in front of a camera – then at least the world will get to know about it. But it is painful to die or be killed, without anybody knowing it."

Hand-written letter smuggled out from the besieged Southern Sudanese town of Juba, August 1992.

What determines the level of emergency assistance? This paper examines the hypothesis that the volume of emergency assistance generated by any humanitarian crisis is determined by three main factors working either in conjunction or individually. Quantitative and qualitative indicators from recent and ongoing humanitarian crises – both natural and conflict-induced – are used to ask whether the amount of emergency assistance depends on the intensity of media coverage, the degree of political/strategic interest of donor states and/or the level of stakeholder commitment (the strength of the network of humanitarian organisations operating on the ground).

The crises selected for analysis and comparison were selected for their diversity and their individual ability to substantiate each of the three competing explanations. Data has been gathered from the two major TV channels in Denmark and 23 leading newspapers in six states of the European Union and the US. OCHA and ECHO databases were used to approximately identify aid allocations.

Three determining factors

The link between media attention and political action – the 'CNN effect' – suggests that the media, particularly television, influence the decisions and foreign policy agendas of Western governments. It is commonly assumed that massive media coverage of a humanitarian crisis will lead to increased allocations of emergency

funds and improve the prospects of meeting humanitarian needs.

Academic literature, however, provides no substantial confirmation of the existence of a CNN effect. Studies indicate that the media have had an effect only in situations where the governments involved were lacking a clear policy. Cited 'proofs' of the massive influence of the media are the interventions in Iraqi Kurdistan in early 1991 and Somalia in December 1992. These seem to be exceptions to the rule since media coverage of human suffering only rarely leads to Western policy initiatives. Rather, there is a general tendency for politicians and governments to turn the media into their 'servants' by communicating the message of the government to the public.

If the mass media choose to focus massively on a crisis, a number of preconditions have to be fulfilled. The crisis has to be newsworthy and generate dramatic and emotive footage and stills. Moreover, a humanitarian crisis – particularly an African one – has to compete with emergencies in other parts of the world. Editors do not perceive it as 'news' when Africans kill each other. Neither is it 'news' for most mainstream media if Africa experiences yet another humanitarian disaster. The 'news attention cycle' is another factor; people in the North only pay attention to crises affecting distant people on a cyclical basis and rarely have an appetite for more than one crisis at a time.

A second possible explanation for the level of emergency assistance relates to the interests, especially security concerns, of donor governments. We may assume that emergency donors are basically motivated by the same kind of interests as when they grant long-term development assistance. These include security, trade, investment and wider political interests. According to the 'aid motivation literature', the allocation of development aid from major donor states tends to be motivated by their own national interests whereas donors such as the Scandinavians are mainly motivated by the needs of the recipients. A basic assumption of the donor interest explanation is that the amount of aid received by any low-income country is proportional to the level of interest of the donor. This paper assumes that the same relationship can be found in relation to emergency assistance: that donor interests play an important role in motivating decisions on granting aid to specific humanitarian crises.

As for the significance of stakeholder commitment, the mere existence of specialised humanitarian agencies, donor administrations such as ECHO, USAID and Danida, early warning systems, standards such as SPHERE, specialised information structures (IRIN, ReliefWeb) and coordination bodies such as OCHA, the Steering Committee for Humanitarian Response (SCHR) and the consortium of European Voluntary Organisations in Cooperation in Emergencies (VOICE) ensure some kind of basic response to most major or medium-size disasters.

The 'stakeholder commitment' argument can be exemplified by the situation in Sudan. Here, the UN, local and international NGOs, the state and rebel movements, and, to some extent, even donors are brought together in coordinated annual needs assessments, programme planning and fundraising efforts through the UN-led Operation Lifeline Sudan and the UN Consolidated Appeal Process. Other ongoing crises such as the ones in North Korea, the Western Sahara,

Congo-Kinshasa, Congo-Brazzaville and Tajikistan do have UN and international NGO presence but in these cases the number of actors is smaller, their interactions less coordinated and they form a much weaker 'humanitarian lobby' than is the case for Sudan and Angola.

Floods in Mozambique and India: media framing is all

Sampled TV stations and newspapers provided five times more coverage of Mozambique's January 2000 floods than they had of the cyclone which struck Orissa three months previously. It seems as if the intensity of media coverage explains why Mozambique received seven times as much aid as India. This was not proportionate to the death, destruction and humanitarian need. While in Orissa at least 10,000 died and 12.6 million were affected, in Mozambique there were only 800 fatalities and some 1.5 million temporarily displaced.

Why did the Orissa emergency not grab the headlines and aid? Media access was significant. Reporters were confined for days to the Orissa state capital while affected areas were declared off-limits. In Mozambique, by contrast, transport of reporters to the disaster zone was facilitated by the authorities, aid agencies and the South African Air Force. Unhindered access led to dramatic and compelling footage. Key to the development of Mozambique as a major news story was the framing of the media coverage. Never before had viewers seen a woman give birth to a child in a tree-top while helicopters hovered overhead or seen so many people whisked from treetops by helicopters. In Orissa, by the time the media was finally allowed full access to the worst-affected coastal areas, international interest had waned and dramatic footage was no longer to be had.

Africa versus the Balkans: small victory for humanitarian networking?

Examination of the media coverage of humanitarian crises in Kosovo, Sudan and Angola reveals an interesting but not surprising pattern. Kosovo won hands down. In the first quarter of 1999 there were some 5,000 articles on Kosovo but fewer than 450 articles on Angola and Sudan put together. Aid allocations to the Balkans tripled from 1998 to 1999. This appears to

confirm the assumption that media coverage is a decisive factor in relation to the allocation of emergency assistance. But is this really the case? While it is difficult to obtain accurate figures for the number of people in need, information from FAO/WFP crop assessments and UN CAP shows the magnitude of acute needs in the three emergencies:

- In early 1999, around 1.5 million people were directly affected by conflict in Kosovo. Some 900,000 fled to Serbia, Macedonia or Albania while a further 600,000 were displaced within Kosovo. In July 1999, most of these people started returning to Kosovo but they returned to towns and villages which were often partly or totally destroyed.
- An average of at least 2.4 million Sudanese were in absolute need of food aid during the period 1998-2001.
- Using a conservative estimate, between 1 and 1.8 million people were in need of food aid in Angola in the period 1998-2001. As with Sudan, ongoing conflict prevented humanitarian access to many areas, thus preventing proper assessment of need.

A short dramatic war and a refugee crisis in south-eastern Europe attracted five times as much aid per needy person as the protracted wars and humanitarian crises in Angola and Sudan. It should not be forgotten, however, that Angola and Sudan received a not insignificant amount of emergency assistance in 1997-2001 (\$90 to \$440 million per year) despite the absence of media coverage. The widespread conviction in the aid community that the Kosovo crisis 'stole' or diverted emergency assistance from Africa to Europe (the Balkans) is thus difficult to substantiate.

In the last five years Angola and Sudan have attracted significant levels of emergency assistance, albeit far below actual needs. This somewhat surprising observation can best be explained by an influential humanitarian presence and lobby networks. A large number of UN agencies and major international NGOs have been engaged in humanitarian operations in both Angola and Sudan for more than a decade. They have well-developed fundraising and advocacy tools, enjoy direct access to donor bureaucracies and work continuously with journalists to generate a low but constant level of publicity.

North Korea, Angola and Sudan: security rules?

From 1997 to 2001 (with the exception of 1998) North Korea received more emergency assistance than Angola and Sudan. The actual scale of North Korea's humanitarian crisis is unquantifiable. Although Pyongyang prevented country-wide needs assessments, data from FAO/WFP suggests that four to seven million North Koreans needed food assistance in 1998-2001. The official explanation of the occurrence of 'freak weather' masks the reality of a near bankrupt state rocked by the collapse of subsidised trading agreements with the former communist block. With the media denied access, it was hardly surprising that there was little coverage and that the news which did emerge was based on interviews with aid workers. Neither has there been stakeholder commitment; strict conditions imposed by the North Korean authorities have limited movement of agency staff and denied advocacy opportunities.

The reason why North Korea received relatively significant humanitarian assistance can best be explained by the strong security interests of the largest donor of food aid, the US, and the shared fears of China, Japan and South Korea of the development of North Korean nuclear capability and/or an outpouring of starving refugees.

Afghanistan pre- and post-11 September

Grossly insufficient levels of funding to Afghanistan throughout the 1990s can be explained by the lack of media attention combined with the absence of any real donor interests in Afghanistan. 11 September prompted a dramatic increase in assistance. In the final quarter of 2001, programmes in Afghanistan received \$433m, while in the previous three quarters they had only received \$232m. Security interests and the post-11 September explosion of media interest explain the growth in emergency assistance. Media coverage statistics confirm the view that it is actually the politicians, and in particular the US administration, who decide the agenda for international media attention. Correlation between the growth in the volume of emergency assistance and the American military intervention in Afghanistan is conspicuous. It could be argued that

emergency assistance to Afghanistan has been an instrument for crisis management.

Interestingly, in the years preceding 11 September, EU Member States were considerably more willing than ECHO to finance humanitarian assistance to Afghanistan. While there was a three-fold increase in ECHO funding to Afghanistan from 2000 to 2001, EU member States gave eight times more. This difference could be explained by a greater inclination of national donors to act in response to emergencies that receive media attention. It is also easier for national governments to find additional money during the financial year than it is for a multilateral donor like ECHO.

Conclusion

Of the cases analysed, only Mozambique supports the oft-repeated argument that media coverage is crucial in determining the level of emergency aid allocation. It seems that the media play a crucial role in influencing aid funding decisions only when there are no vital security issues at stake. In other words, natural disasters and complex emergencies have a greater tendency to become forgotten crises when Western governments have no vested security interests in the afflicted regions. Since many disaster-prone areas – especially in Africa – are of little strategic concern to Western decision makers and since media coverage is often very limited in connection with protracted conflicts, the factor that determines levels of emergency aid will often be the degree of stakeholder commitment – the strength and persistency of the network of humanitarian organisations operating on the ground.

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This is a greatly shortened version of a paper presented at a Conference on the Role of the Media, Decision Makers and Humanitarian Agencies in Copenhagen in October 2002. The full text is online at: www.forgottencrises.dk/ForGottenCrises_Conference_net.pdf.

Peace in the Middle East: getting real on the issue of Palestinian refugee property

by Scott Leckie

In October 2002, UNHCR issued a 'Note on the Applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees to Palestinian Refugees'.¹ This essentially re-affirmed the long-standing interpretation of the Convention that – with the exception of a select few who reside outside the immediate region – the five million Palestinian refugees² are excluded from the benefits from the Convention, and thus of direct protection assistance by UNHCR. Justifying these views on the fact that the UN Relief Works Agency (UNRWA) already provides 'protection or assistance' to the refugees, the international community has thus not only excluded the largest portion of the world's refugee population from the protection that only UNHCR can give but has also excluded the global refugee protection agency from being a key player in finding solutions to one of the oldest unsettled refugee problems in the world.

While it is understandable that some quarters may not wish UNHCR to take on the world's most intractable refugee issue, it is a travesty of the truth to argue that the four million registered Palestinian refugees in the five UNRWA fields of operation (Gaza, West Bank, Jordan, Lebanon and Syria) receive adequate protection from the agency. Not only does UNRWA itself assert that it does not have a protection capacity but the ineffectual institution meant to provide such protection under UN General Assembly Resolution 194 – the UN Conciliation Commission for Palestine (currently comprised of the US, Turkey and France) – is nothing less than a cruel joke. Here, in full, is the report submitted by the UNCCP to the General

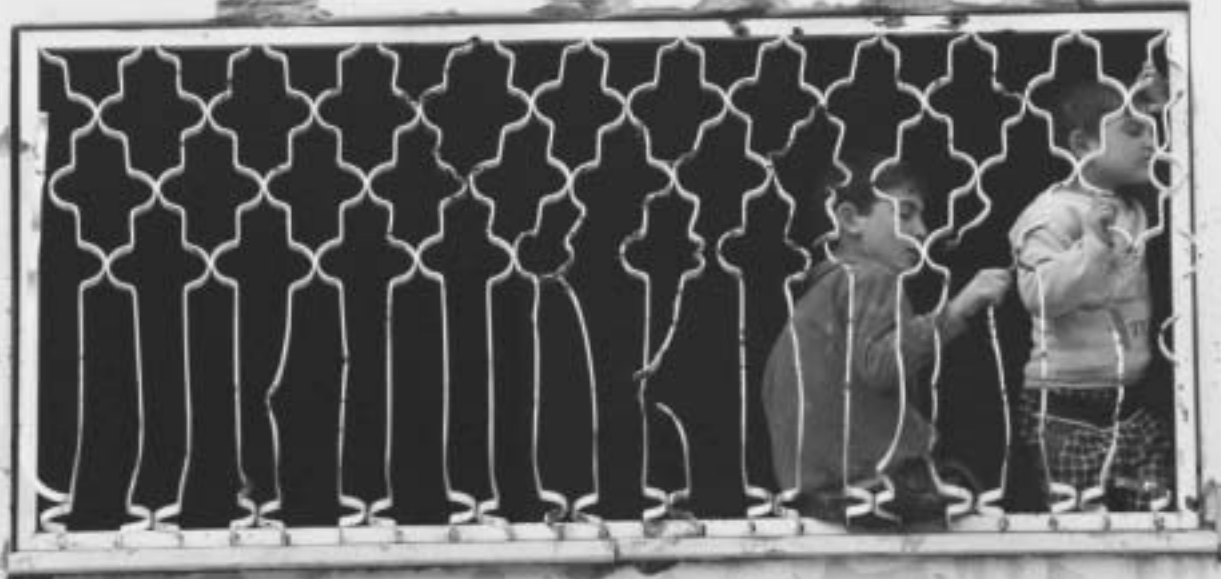
Assembly earlier this year:

In paragraph 2 of its resolution 56/52 of 10 December 2001, the General Assembly requested the Commission to report to the Assembly as appropriate, but no later than 1 September 2002. The Commission notes its report of 31 August 2002 (A/56/290) and observes that it has nothing new to report since its submission.

That's it. This is the entire report of the sole UN institution mandated to provide international protection for Palestinian refugees. A similar 'report' is provided each year to the General Assembly.³

Surely UNHCR could do better than this. Obviously, a simple assertion by UNHCR that the exclusion clause of Article 1D was no longer applicable, though highly desirable, would not of itself make a radical difference in the elusive search for a viable solution for Palestinian refugees. However, such a move would signal UNHCR's willingness to become a player in the process leading towards finding permanent solutions for all Palestinian refugees. It could also perhaps entice oil rich countries in the Middle East to increase their minimal contributions and thus lessen UNHCR's current financial woes.

UNHCR's renewed emphasis in recent years on solution-driven approaches to refugee situations – particularly voluntary repatriation, return and the restoration of housing and property rights – is ideally suited for helping to solve the refugee crisis affecting Palestinians. Refugees in Bosnia, Mozambique, Tajikistan, Kosovo, Rwanda and elsewhere have benefited



Still Pictures/Donald Boström

Jenin, Palestine, April 2002 greatly in returning to their original homes, thanks to the direct assistance and support provided by UNHCR.

We need to ask the broader humanitarian community, therefore, why Palestinian refugees are treated so systematically differently from all of the world's other refugee groups. On what grounds are Palestinians' rights to housing and property restitution so casually ignored? Is it because the challenge is so immense, that UNHCR risks failure from the start? Is it because large parts of the international community know that the extremist position taken by Israel towards Palestinian refugees is so entrenched that finding solutions for the refugees in a manner that is consistent with their rights is simply unachievable? Or is it because the international community simply cannot be bothered with such a difficult refugee population when UNHCR is preoccupied with financial crises and internal morale problems?

it seems the world simply doesn't care

Whatever arguments may be used to seek to justify the continuing lack of willingness to provide protection for refugees, many of whom have been displaced from their homes for more than 54 years, the fact of the matter is that, when viewed through the eyes of the refugees themselves, it seems the world simply doesn't care. Their exclusion from the protection granted under the Convention has the effect of encouraging other institutions and

governments (including those in the region that pay extensive lip service to the rights of refugees) to treat Palestinian refugees differently from other refugees, as if their predicaments and hardships were somehow less dismal than refugees elsewhere. To Palestinian refugees, political, legal or financial arguments are simply excuses for inaction, the result of which will be a prolongation of the injustice and misery they suffer each and every day they are prevented from returning to their homes, lands and properties. Any claim that Palestinian refugees are getting the support, protection and attention they deserve borders on the absurd.

Israel's theft of refugee property

The longstanding Israeli policy of destroying the lives and livelihoods of Palestinians and taking Palestinian homes and lands has been a core component of the ethnic cleansing that Israel has carried out for over five decades. Although often forgotten, it is vital to recall that when Israel was created in 1948 the Palestinian majority population owned more than 90% of the land, houses and properties in historic Palestine while Jews possessed less than 10%. Today that figure is almost precisely reversed, thanks to massive housing, land and property rights violations and other crimes carried out by Israel against Palestinian refugees. Over 500 villages have been destroyed by Israel in their haste to create 'so-called' facts on the ground

and to negate history. Today hundreds of thousands of Israeli Jews live as tenants of the Jewish Agency in stolen Palestinian homes. Some are still using furniture, books and family heirlooms left behind when the refugees fled to save their lives. Israel has never allowed any refugees to return to their homes and lands, nor has it paid compensation for these thefts or for the damage they have caused.

The restitution question remains very much an open one. Recent calculations put the total current market value of Palestinian land, housing and property stolen or destroyed by Israel at US\$250 billion. This figure does not include the billions claimed by such Palestinian refugee-hosting countries as Jordan.⁴

Successive Israeli governments have introduced laws that have sought to give some form of formal 'legitimacy' to this massive property grab. The innocuous name of Israel's 1950 Absentee Property Law belies the reality that it has provided a 'legal' basis for five decades of ongoing theft. Legal challenges against the 1950 law have repeatedly failed.

Tellingly, all of the so-called abandonment laws adopted by all sides during the war in Bosnia took as their guidance Israel's 1950 Absentee Property Law. Since the end of the Bosnian war, **all** abandonment laws have been relegated to the rubbish bin of history, comprehensively repealed and replaced by laws designed to ensure

enforcement of the refugee return and restitution provisions of the Dayton Agreements.

Housing and property restitution for all Palestinian refugees

There can be no prospect of a workable peace agreement until the return and property restitution question is properly addressed. Indeed, this is a major lesson of all post-conflict situations throughout the world: address restitution issues head on, and more likely than not peace will hold. Ignore it, and the war that was so hard to stop in the first place will be much more likely eventually to re-ignite.

In the case of Middle East peace, this would mean that part of any peace agreement between Israel and Palestine would, by necessity, include a detailed plan upholding the right of every Palestinian refugee to an effective remedy for the housing, land and property rights violations they have suffered. To date, most proposals for rectifying this massive illegal confiscation have centred either on the payment of non-defined amounts of financial compensation (the most progressive Israeli position) or on the full exercise of the right to return (the mainstream Palestinian position). Inadequate attention has been given to the policies, mechanisms, procedures and institutions that could be created to make the re-assertion of Palestinian housing, land and property rights a workable component of a permanent peace. If Palestinian refugees are to be accorded the rights to which refugees just about everywhere else are now entitled, then the refugee issue must be addressed through the lens of restitution and the rights to re-establish control over confiscated properties.

The Palestinians are hardly trying to break new ground. The right to return and the right to restitution of property have a long legal history, and have been most recently actualised in such places as Bosnia, Kosovo, Mozambique, South Africa, Tajikistan and throughout eastern and central Europe. The US has often provided political and financial backing for restitution. Nobody has done more to enshrine the establishment of the right to restitution of property than Jewish groups of Holocaust victims. Through phenomenal organisation and determination they have helped ensure that hundreds of thousands of people have been rightly allowed to return to, regain control over or be compensated

for property illegally confiscated during the Second World War.

The failure to address this issue in the case of Palestinian refugees means that there is no real movement forward and no reason to hope that the next agreement, whenever it is, can last. Unresolved housing, property and land disputes almost always have a nasty way of causing the next conflict, wherever this may be. So to ignore this question in the final status talks between Israel and Palestine – whenever these may occur – would be a recipe for future disaster.

Towards a restitution blueprint

If refugee rights are universal in nature – which they are surely intended to be – then Palestinian refugees need to be offered the same solutions that are routinely available to refugees elsewhere. This would include recognition that protecting the housing and property restitution rights of refugees is now the rule, not the exception. Not only has this right been affirmed on numerous occasions in UN resolutions addressing the Middle East conflict but so too have many peace agreements and voluntary repatriation agreements directly addressed the housing and property restitution rights of returning refugees. Various international legal standards also explicitly address these rights, and the UN recently proposed the appointment of a Special Rapporteur on the Restitution of Refugee Property to give even greater prominence to this issue. So many countries have undergone restitution processes in the past two decades, in fact, that a series of important lessons can be readily identified to enhance the effectiveness of future efforts at restorative justice.

What would it take, then, in institutional terms to ensure that Palestinians, like refugees from many other nations, were able to implement their rights to housing, property and land restitution?

A renewed peace process based on human rights: A rights-based approach to restoring the housing, property and land rights of Palestinian refugees, based squarely on basic principles of human rights and international law, provides the only reasonable and fair basis for a just and lasting solution. Both sides in whatever talks may eventually emerge – and they surely will, no matter how distant a prospect that may now seem – need to put human rights-consistent, practi-

cal, non-discriminatory and equitable proposals on the negotiating table that adequately address the restitution issue. It is hoped that the massive restitution benefits rightfully enjoyed by hundreds of thousands of Israeli and other Jews will infuse the restitution policies Israel places on the table. Likewise, it will need to be realised by the Palestinians that overly politicised rhetoric and diatribes will not lead to the development of viable restitution processes.

Inclusion of a detailed restitution arrangement within the peace agreement: All players – the UN, UNHCR, UNRWA, the EU, Russia, the US and others that will be involved with eventual peace talks, along with the Israeli and Palestinian delegations – should heed the lessons learned from other similar exercises, and include, in as detailed a manner as possible, the contours of the restitution rights, institutions, mechanisms and procedures within the eventual peace agreement itself. These decisions must not be delayed for some indeterminate time in the future, as was the case under Oslo. They must be included in the peace agreement itself.

A workable and independent restitution institution: Any peace agreement worthy of its name will need to create an independent institution to coordinate the entire restitution process. This institution must be entirely independent of both parties and be adequately supported – both financially and politically – by the international community. Important lessons can be learned in this regard from the Commission for Real Property Claims in Bosnia, the Housing and Property Directorate in Kosovo and the Land Claims Court in post-apartheid South Africa. The restitution institution would then coordinate all the bodies created to implement the restitution provisions of the eventual agreement. Needless to say, changes in Israeli law would need to precede any equitable restitution process; most notably, the Absentee Property Law would need to be repealed in full, just as the repressive laws preventing restitution in Bosnia, South Africa and elsewhere were repealed.

A fair and equitable claims process: Any restitution process must allow all Palestinian refugees and/or their heirs to submit a detailed restitution claim, within a defined time-frame, outlining the precise nature of the restitution remedy being sought by that particular individual or family. This would

include the right to submit a claim to an independent judicial body seeking the restitution of their original homes confiscated by Israel since 1947. This process would be legal in nature, rather than solely political, and would include the establishment of a judicial body independent of both the Israeli and Palestinian judiciaries but which had sole jurisdiction over all outstanding restitution claims and the power to enforce these decisions within Israel and Palestine.

A broad evidentiary base: In contrast to many other instances of ethnic cleansing, virtually all Palestinian owners and heirs whose properties have been stolen still possess titles, deeds, land documents, keys, photographs and other pieces of evidence proving their ownership. One of the few concrete things the UN has done to promote the rights of Palestinian refugees is to digitalise many of the property records held by the refugees, the results of which are now under lock and key in the UN in New York. Physical proof of rights, rather than military muscle, should form the basis for restitution decisions.

An enforcement procedure: Restitution has worked in Bosnia, South Africa, Tajikistan, Germany, Latvia, Czech Republic, the Chagos Islands, Hungary and many, many other places because effective enforcement mechanisms were in place, whether judicial or political in nature.

Having a pronouncement by a restitution institution for Palestinian refugees will not be enough for actual restitution to occur. Some form of powerful enforcement will need to be a central element within the process.

Protecting the rights of secondary occupants: For restitution to succeed, the rights of all secondary occupants (current occupants of Palestinian refugee properties) to re-housing must be respected and secured. No one – neither Israeli nor Palestinian – should end up homeless as a result of the restitution process.

A time limit to the process: As evidenced by the more than two dozen restitution programmes underway during the past decade, any Palestinian refugee restitution process will also surely take considerable time to implement in full. It will be one fraught with political and other tensions and tempers are sure to become frayed. These are challenges facing all restitution processes and will not be unique to the Middle East.

Conclusion

From the outside, it appears almost impossible for the average Israeli to come to terms with the fact that Israel has had to commit decades of human rights violations and other crimes in its attempt to create a so-called Jewish State (recalling that one million Israeli citizens are Palestinians). However, citizens of other nations have had to

acknowledge crimes committed by their own governments, whether these were committed long ago or in recent years. For Israel to survive as a nation at peace with its neighbours, Israelis and Jews everywhere need to recognise that stealing the homes, lands and properties of millions of innocent people is a price too high for the world to accept, and that this unprecedented theft is something that will never be forgotten by those who are still waiting for restitution.

Permanent peace will come when discrimination ceases and tolerance returns, systems of apartheid-style governance and military occupation are no longer accepted, and just and equitable solutions are found to meet the reasonable demands of Palestinians to return to their original homes. Bringing UNHCR into the process would be one more step likely to make Palestinian restitution rights a reality.

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For further information on fora available for Palestinian refugee restitution, see www.badil.org/Publications/Briefs/Brief-No.2.html and Al Awda, The Palestinian Right to Return Coalition www.al-awda.org.

1. To see the Note, together with commentary on UNHCR's revised interpretation of Article 1D, go to www.badil.org/Protection/Documents/Protect_Docs.htm.
2. For statistics on the total Palestinian refugee population, see www.shaml.org/resources/facts/palestinian_refugees_fact_sheet.htm
3. For a review of the inadequacy of the Commission see www.badil.org/Publications/Briefs/Brief5.pdf
4. See the excellent and very detailed article of Atif Kubursi 'Valuing Palestinian Losses in Today's Dollars' in *Palestinian Refugees: The Right of Return* (Naseer Aruri, ed), Pluto Press, London, 217-251. See also: www.passia.org/publications/bulletins/english_refu/REFUGEEES9.pdf

Jenin, Palestine,
April 2002



debate

In FMR 13, an article on 'Civil-military relations in Afghanistan'¹ raised concerns over the blurring of roles between military and humanitarian actors in Afghanistan. In this piece, Ted van Baarda and Larry Minear debate more fully the question of uniforms...

Military haberdashery in Afghanistan

Aid agencies acknowledge the contribution that soldiers can make in Afghanistan by reconstructing schools and roads but protest when US troops do aid work in civilian clothes and carrying weapons. Blurring essential distinctions between humanitarian and military personnel, they argue, puts professional aid workers at risk. By contrast, European military forces in the International Security Assistance Force doing civic action work wear uniforms throughout.

The laws of armed conflict, including the four Geneva Conventions on the Protection of Victims of War adopted following World War II, require combatants to be visually distinguishable from non-combatants. When 15 respected American aid agencies wrote to US Defence Secretary Donald Rumsfeld and National Security Advisor Condoleezza Rice to emphasise the risk posed to them by US servicemen doing civic action work in civilian garb, the Bush administration accommodated their request to the extent of requiring American troops dispensing aid in Kabul and Mazar to wear full military uniforms. Elsewhere, they would be expected to wear only a piece of their uniforms. Aid agencies view these concessions as inadequate. Three fundamental issues arise.

First, to be lawful according to international law, a combatant must wear insignia or uniform that distinguishes him or her at a distance from the civilian population and carry his/her weapons openly. US military personnel who wear civilian clothes and conceal their weapons while on duty risk losing their status as lawful combatants. That is the very point that US officials have themselves made in seeking to deny captured Taliban and al-Qa'ida forces prisoner of war status. But the Defence Department has its own concerns. "When the bad guys start wearing uniforms so that they can be shot at 300 metres", a US commander in Kabul states, "my guys will do so too". Yet the issue is fundamental. Although a uniformed combatant who fulfills the stated criteria may lawfully kill an enemy combatant, an American soldier in mufti may not necessarily do the same. Winning the war on terrorism by copying al-Qa'ida tactics may represent a Pyrrhic victory.

Second, international humanitarian law makes firm distinctions between humanitarian activities and military operations. According to the International Court of Justice, the former should comply with the Red Cross Movement's fundamental principles including independence from political considerations, neutrality with respect to issues at the heart of the conflict and impartiality (i.e. aid responses based on need rather than

political or other extraneous factors). In contrast, the military is not independent of but - in democracies, at least - subject to political control. Yet in Afghanistan, as earlier in Kosovo, US forces are belligerents. When American troops, civil affairs personnel and Special Forces carry out aid activities, considerations of humanity are not an end in themselves but a tool to advance military and political aims. As a result, fundamental principles may be eroded.

Third, humanitarian law specifies that just as military operations must be distinct from humanitarian operations, so too must their personnel. Humanitarian personnel are non-combatants and may not be shot at. As US servicemen in civilian clothes repair school buildings, they are likely to be seen as unlawful combatants or spies (one objective is, in fact, intelligence gathering) and become a legitimate target for hostile fire. The desire for camouflage endangers aid professionals of all nationalities who pride themselves on their transparency, and imperils those they assist.

Aid professionals have good reason to encourage the military to give top priority to ensuring security for Afghan civilian populations rather than doing hands-on relief work. The refusal of the US to join the new International Criminal Court and the Pentagon's rather loose interpretation of the laws of war may well call into question the desirability of further military-civilian cooperation.

Given the internationally recognised legal obligations of military personnel, it is not too much to insist that American soldiers dress properly for the aid jobs they tackle.

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1. FMR13 pp14-15. www.fmreview.org/FMRpdfs/FMR13/fmr13.5.pdf

Royal Marines, Kabul, 2002.





FMR 15 included two articles on the need to protect children from sexual exploitation and abuse in humanitarian crises. Since then, the UN has carried out its own investigation into the matter. Asmita Naik – author of one of the articles in FMR 15 – responds here to the UN’s report.

Opinion

UN investigation into sexual exploitation by aid workers¹ – justice has not been done

“Widespread sexual exploitation of refugees has not been confirmed,” according to the UN investigation into allegations brought forth last year concerning the abuse of refugee children in West Africa. As one of the team that carried out the original study², I find this conclusion implausible and misleading.

The UN claims the allegations in the original report cannot be substantiated – even though only a minority of the core complaints appear to have been fully investigated. The UN was given 64 pages of supporting documentation: core information comprising current allegations against 67 named aid workers, the names of over 40 alleged child victims, other useful contextual observations; secondary material included additional allegations that were either dated or less specifically identified, numerous reported incidents involving unnamed peacekeepers, and more general claims against particular agencies. The UN says it investigated 12 cases and appears to report back on no more than a possible 4 of the 67 main allegations. Under the circumstances, it does not seem quite appropriate that the remainder are dismissed in their entirety.

The implication, moreover, is that nothing can be substantiated because the information provided was useless. The allegations had come up unexpectedly during the course of a broad qualitative sociological study on sexual violence and exploitation commenced with no intention of investigating aid workers. Complaints were received from over 80 separate sources comprised of groups and indi-

viduals from 3 different countries and several camps – hundreds of miles apart. It seems unlikely that all those to whom we spoke committed a spontaneous but orchestrated act of perjury. Surely it was right to confidentially note their concerns and submit them to the UN for investigation?

Right it may have been, but welcome – it seems not. We now find our report rejected on a variety of unfounded and spurious grounds. For example, we are accused of providing a “few vague and dated examples” only – hardly a fair description of the supporting documentation; relying on “third party” accounts – we talked to victims and even suspects; including a miscellany of irrelevancies e.g. “war-related incidents”, “adult prostitution”, “locals and IDPs”, “nicknames”, “initials” etc – such information, if included at all, was carefully demarcated; and concluding that exploitation is “widespread” – we took care not to make such a judgement (however well-founded) in the assessment report. A motley collection of examples and case-studies are fed back to indicate that nothing could be proven. The common denominator of all these instances seems to be that they are the ‘exceptions which disprove the rule’, i.e. extreme or marginal cases that were not the mainstay of the report. For example, the UN implies that under-aged girls in our report were in fact grown women (but does not state explicitly that at least 40 girls under 18 were named in the report nor does it specify how many of these were actually traced and proven to be adults – relatively few, I suspect).

Instead of reaching for the heart of the matter and the 67 current allegations about aid workers, the UN seems to skirt around the edges, reciting obscure cases involving unnamed peacekeepers or dated and inherently difficult to prove allegations,

searching it appears for any means to undermine the original assessment. Virtually every sentence made about the West Africa report can be rebutted (with evidence in support). To me, the most unsavoury part of all this is that it is a huge denial of the victims and communities whose voices resound throughout the original study. I find the continual use of the words “rumour”, “gossip” and “stories” a particularly insulting denigration of the heart-felt concerns raised by these people.

After a litany of what appear to be disparaging comments about the assessment report, the UN does at least supply one objective reason for its apparent failure to verify cases: it’s difficult to find people as the refugee population is highly mobile. Yes especially given the several months that seem to have elapsed by the time the investigation began work on the ground. Tension was so great by then that few witnesses, no doubt, would have braved coming forward. Other reasons why the majority of allegations are side-stepped include (by deduction since it is never revealed) a very restricted terms of reference which can only have fully covered UN (and possibly even only UNHCR) staff, given the lack of authority to force an investigation into recalcitrant workers from other agencies. Internally displaced children are also excluded from the mandate which restricts itself to refugees; sex for money or other material exchange is left out (as if only sex for aid is a violation of the Convention of the Rights of the Child); and only two countries are properly covered (missing a much needed full enquiry in Liberia whose refugee camps, alongside those in Guinea, were said to harbour the most chronic and entrenched pattern of this type of abuse). Searching questions can also be asked about the investigation itself. Did it have the specialised methodology and skills to verify such cases? And was it independent enough of UNHCR to want to do so?

Despite these limitations, the UN itself appears to stumble across 43 new allegations – and then reduces these to 10 ‘provable’ cases. The UN



operating in a lawless environment certainly has greater success than the British police who estimate that only one in ten cases of rape are reported to them and of these, only one in seven ever results in a successful prosecution. Moreover, the UN notes that conditions are "ripe" for exploitation; its own cases prove graphic and startling reading; and it makes extensive recommendations – unjustified, one would think, for such a purportedly limited problem.

I have to conclude therefore that justice has not been done to the original report and the complaints raised therein. Its contents have been grossly misrepresented in my view and stand neither proven nor dis-proven for the most part. The array of information that emerged unexpectedly at the perimeter of our broad sociological study showed at the very least a significant and recurring pattern of behaviour which needed acknowledging and addressing – not playing down.

Moreover, the UN's own findings do not, to my mind, support a minimalist conclusion. If anything the total sum of the cases from both reports (67 + 43) signals a very worrying trend indeed. The new scandals in the refugee camps of Kenya, Zimbabwe and Nepal etc further fuel the supposition that this is a problem of global proportions. In short, I believe the UN report to be a whitewash and a travesty of justice for the victims.

So what recourse do the victims have? Little, it seems. The weakened legal systems in such war-torn countries mean de facto immunity, both for individuals from criminal prosecutions and for employers from negligence lawsuits. Furthermore, the UN and its staff apparently enjoy diplomatic immunity and more than ample protection from ever being made to answer for their actions.

Other forms of accountability, normal in any functioning democracy are also absent. Surely inter-governmental organisations, funded by the public to provide a public service and with political appointees at their helm,

should be subjected to the same scrutiny as national governments? The UN bureaucracy, existing in something of an international cocoon, is spared an inquisition from opposition politicians, disgruntled backbenchers, a dissatisfied electorate, vocal pressure groups, pundits, political satirists, public enquiries and a relentless tabloid press. The diplomatic and NGO community surrounding the UN, which had been moved at one stage to heated accusations behind closed doors, now appears virtually quelled into silence – just when it needs to speak up for the victims.

From the outset and to this day, this case highlights the desperate need for an independent mechanism of humanitarian accountability. The victims needed to have their concerns impartially investigated; they now deserve to have an independent review of the management weaknesses that seem to have led to this travesty. There would be much for such a body to review: a probe into the apparent misinformation which has circulated these past months and a fair hearing for all sides concerned would be good starting points.

The legitimate questions raised by the study about the responsibility of humanitarian agencies (the type of questions habitually asked about governments and corporations) are dismissed by the UN which instead rebukes us for having "unfairly tarnished the reputation and credibility" of UN and NGO workers. In my view, it is rather this attitude which taints the humanitarian world by implying that wounded egos are more important than the physical sanctity of a child. Surely this does a dis-service to those in the humanitarian sector who have tried to respond to this problem with integrity and makes their job on the ground even harder.

Asmita Naik

The foregoing is the opinion of the author alone, and should not be imputed to the publisher or others.

1. See Report of the SG on the activities of the Office of Internal Oversight Services 'Investigation into sexual exploitation of refugees by aid workers in West Africa', UN document number A/57/465 available at <http://www.un.org/Depts/oios/>

reports/a57_465.htm

2. I participated in the original study as a UNHCR employee. The original study has never been published but an official UNHCR executive summary of initial findings and recommendations is online at www.unhcr.ch/cgi-bin/texis/vtx/home/open-doc.pdf?id=3c7cf89a4&tbl=PARTNERS. The full study is variously referred to in this article as the "original", "assessment" or "West Africa" report or study.

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update

UNHCR/Default: Refugee Service

Why did they return? The mass return to Afghanistan from Pakistan and Iran

by Peter Marsden

Over the spring and summer of 2002, Afghanistan received a reported 1.8 million refugees returning from Pakistan and Iran. This was perceived by many Western governments, anxious to return their own Afghan refugee populations, as a massive vote of confidence in the new Afghan government established in the wake of the US-led military intervention of October 2001. It is clear, however, from a recent study undertaken by the Kabul-based Afghanistan Research and Evaluation Unit¹ that the reasons for return were far more complex and that refugees have returned to a situation which can barely sustain them.

Afghans sought refuge in Pakistan and Iran from the early 1980s onwards, in response to the Soviet military engagement, and there have been successive outflows over the course of the 1990s as a consequence of inter-Mujahidin fighting, the Taliban conquests of one city after another, Taliban restrictions on the population and the effects of the 1998-2001 drought. There have also been some returns, notably in 1992, when almost a million went back from Pakistan to mark the ending of the jihad against the Soviet Union following the collapse of the Soviet-backed government.

Iran has been placing steady pressure on Afghans to return since the three-year voluntary repatriation agreement, negotiated with UNHCR and the Afghan government in December 1992, failed to secure the return of more than a few hundred thousand out of its 2.9 million Afghan refugee population. This pressure has taken the form of a progressive withdrawal of entitlements to health and education services and the introduction of regulations to impose penalties on Iranian employers who employ Afghans. The Iranian police have also maintained a climate of fear through the use of arbitrary arrests and deportations of Afghans and the use of detention centres. These pressures have been compounded, this year, by



a sustained media campaign in which Afghans have been advised that it is now time to return to Afghanistan, that they will be provided with free transportation to their home areas and that the UN will be there to assist them on their return. Returnees are therefore aggrieved on arrival in Afghanistan to find that UNHCR is only making a contribution to their transport costs, not meeting the full costs, and that the UN is not resourced to provide assistance to more than a small fraction of the returnees and that even this is on a very limited scale. The Iranian government's media campaign has also had the effect of fuelling long-standing prejudice in the Iranian population so that Afghans have been subjected to much higher levels of verbal and physical abuse.

Pakistan received substantially greater assistance from the international community than was accorded to Iran. However, its tolerance also waned in the mid 1990s after donor support for food assistance and the provision of basic services to Afghan refugees effectively ceased in September 1995. A major downturn in support for the refugees occurred at the beginning of 2001, following a further large influx of refugees and the Pakistan government made the conditions for new arrivals extremely unattractive thereafter. This, combined with growing police harassment and the closing of one of the major camps, sent a powerful message that Afghans should not see themselves as having a long-term future in Pakistan. Then, when a repatriation agreement was drawn up

with UNHCR and the government of Afghanistan to provide assistance to up to 400,000 returnees from March 2002 onwards, Pakistan firmly closed its door on new arrivals. This change in the climate with Pakistan was compounded by concerted action by the Pakistan police to substantially reduce the Afghan refugee population in the cities of Pakistan, leaving those in the camps to be dealt with subsequently. Refugees were also encouraged to return by the media coverage of a donor conference held in Tokyo in January 2002 which gave the clear impression that a substantial amount of funding would be provided for the reconstruction of Afghanistan and that there would be plenty of jobs available. The reality has fallen far short of expectations. The fact that 1.5 million returned from Pakistan while fewer than 300,000 returned from Iran can be seen as reflecting the much greater ease with which Afghans can return to Pakistan. It would also appear that as many as half a million people returned immediately to Pakistan after claiming the assistance package. The numbers therefore need to be treated with some caution.

The AREU study poses the question as to whether UNHCR, by offering an assistance package, was lending legitimacy to a premature return programme. UNHCR is now taking steps to ensure that those considering return next year have more realistic expectations of what they will find on their return.

Peter Marsden is Coordinator of BAAG, the British Agencies Afghanistan Group.

Afghan returnees receive mine-awareness training, Pul-i-Charkhi distribution centre, Kabul.



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1. The **Afghanistan Research and Evaluation Unit (AREU)** is an independent research institution that conducts and facilitates action-oriented research and analysis to inform policy, improve practice and increase the impact of humanitarian and development programmes in Afghanistan. Fundamental to AREU's purpose is the belief that its work should make a difference in the lives of Afghans. AREU is the only humanitarian and development research centre headquartered in Afghanistan; this allows the unit both to produce valuable research and to ensure that its findings become integrated into the process of change taking place on the ground.

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All AREU publications can be downloaded at www.areu.org.pk. Hard copies are available by emailing areu@areu.org.pk or by contacting the AREU office in Islamabad: Tel: +92 (0)51 227-7260. Fax: +92 (0)51 282-5099.

UNHCR funding crisis?

By early December 2002, it was reported that UNHCR had received a record US\$317 million in pledges for 2003, amounting to one third of its overall projected requirements for the year.¹ UNHCR said that the pledges, which were made in response to its 2003 Global Appeal², were seen as a "good early signal" of donor support. "These initial pledges are higher than ever and they are generally more flexible – a sign that the donors heeded our call for early pledges with less earmarking for specific regions," said Anne Willem Bijleveld, UNHCR's Director of Communications and Information.

Despite the pledges for next year, however, High Commissioner for Refugees Ruud Lubbers added that a shortfall of about \$25 million was still faced for this year. "There is an urgent need to receive this amount," he said. Africa is the most needy area for 2003, requiring a total of \$325 million. \$112.8 million is required for East and the Horn of Africa, \$84.8 million for West Africa, \$82.5 million

for the Great Lakes region and \$38 million for southern Africa.

In November, it had been reported that UNHCR's funding crisis was adversely affecting the implementation of a wide range of programmes for the welfare of the world's refugees. Funding by donor nations for international refugee programmes had been seriously inadequate during 2002, triggering major assistance cut-backs in refugee camps around the world, according to the US Committee for Refugees.³ USCR reported that UNHCR was experiencing a shortfall of some \$200 million and that the organisation had severely curtailed programmes providing food, water, health care and education. The funding crisis had also forced dozens of relief agencies that depend on UNHCR funds to cut their services to refugees. For example, programmes to prevent sexual and gender-based violence against female refugees have been curtailed despite investigations this year pointing to the persistent problem of violence and exploitation committed against refugee women and girls.

1. See IRIN, UNOCHA's Integrated Regional Information Networks: www.irinnews.org. To receive IRIN reports via email, subscribe via www.irinnews.org or contact subs@ocha.unon.org.
2. See www.unhcr.ch and click on 'Global Appeal 2003' in right column.
3. USCR report (20 November 2002): see www.refugees.org/news/press_releases/2002/112002b.cfm

Filipinos displaced by war on terror

The Global IDP project has drawn attention to the plight of those displaced in 2002 by US-Philippine military operations against Muslim rebels in the southern island of Mindanao. It highlights the need to provide greater assistance to rebuild homes and livelihoods in a region torn by ethnic and religious conflict for three decades.

Thousands of villagers, mainly women and children, have been affected by military operations on the islands of Basilan and Jolo against the Abu Sayyaf Group (ASG). Although an August 2001 agreement between the

government and the Moro Islamic Liberation Front (MILF) led to the return of nearly a million people who had been displaced, tens of thousands are still displaced due to security fears and lack of support to rebuild their homes.

Displaced people, or 'evacuees' they are often called in the Philippines, mainly flee their homes lest they be caught in the crossfire or accused of supporting the MILF or ASG. Many have fled due to the impossibility of farming in heavily mined areas. Indiscriminate government shelling of rebel areas has caused widespread fear.

Displaced people and civilians face serious human rights violations perpetrated by the army and the rebels. International observers have noted that the Philippine military have been responsible for 'disappearances', arbitrary arrests of suspected ASG sympathisers and burning of houses. Further displacement is feared as the US and the Philippine army focus on Abu Sayyaf. Many observers question the alleged links between al Qa'ida and ASG used to justify the offensive, arguing that the ASG – notorious for ransom kidnappings and beheading of hostages – is a localised bandit group with no political agenda.

Prolonged residence in overcrowded evacuation centres without adequate health and sanitation services has exposed IDP children to measles, cholera, stomach disorders and upper respiratory problems. A third of children in the most affected regions of Mindanao are reported to be undernourished. Though assistance is being provided by the UN and NGOs, the government of the Philippines has made little effort to seek external assistance. Offers from donors to provide direct aid have been rejected as the government prefers resources to be channelled through state institutions.

Global IDP Project reports on the Philippines can be accessed at: www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Philippines. For further information, contact Frederik Kok, tel: +41 (0)22 799 0700; Email: frederik.kok@nrc.ch.



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Queen's Anniversary Prize for the Refugee Studies Centre



The RSC's contribution to the study of forced migration and refugees has been recognised by the Queen's Anniversary Prize for Higher and Further Education. The Prize is awarded every two years to 20 or so academic units that can clearly demonstrate the outstanding achievement and benefit of their work.

The RSC was commended on its central role in developing Refugee Studies as a distinct field of investigation; its work with UN agencies and international organisations; its teaching programme; the establishment of the world's leading library on forced migration and refugee issues; its wide range of publications, including *Forced Migration Review*; the development of Forced Migration Online; and the establishment of effective international networks.

1st Annual Student Conference on Forced Migration

22 February 2003 : Oxford

The organisation of the 1st Annual Student Conference on Forced Migration (organised by RSC students) aims to create a relaxed and supportive environment in which postgraduates can meet, present and share their research and their experience. To register, email fmsc03@hotmail.com with name, contact details (email/tel), univ/dept, programme and/or thesis title, year of study. Cost: £10 if registered by 31 January; £15 thereafter. Cost includes lunch.

Forced Migration Online : www.forcedmigration.org

FMO resources include: research guides; digital library of full-text documents; searchable web catalogue with descriptions of/links to relevant web-based resources; directory with contact details for related organisations; photo section; plus regularly updated newsfeed. Email fmo@qeh.ox.ac.uk for details.

Southeast Asia Regional School in Forced Migration

8-18 December 2003:
Chulalongkorn University, Bangkok

This Regional School, run in collaboration with the Asian Research Centre for Migration at Chulalongkorn University, aims to provide those who work with refugees and other displaced people in Asia and Oceania with a better understanding of the forces and institutions that dominate their world and the worlds of those who have been uprooted. Participants typically include host government officials, intergovernmental and non-governmental agency personnel engaged in planning, administering and coordinating assistance.

Enquiries to: SEA Regional School Administrator, Asian Research Centre for Migration, 7th Floor Prajadhipok-Rambhai Barni Building, Chulalongkorn University, Phythathai Road, Bangkok, 10330, Thailand.
Tel: +66 2 2187462.
Email: Ratcahda.J@Chula.ac.th.
or: SEA Regional School Project Manager, RSC (address above).
Email: sea.school@qeh.ox.ac.uk

The Rights of Refugees under International Law

26-27 April 2003 : Oxford

This weekend seminar focuses on the specific human rights to which all refugees are entitled under the 1951 Refugee Convention and its 1967 Protocol. Its goal is to equip policy makers, advocates and scholars with a solid understanding of the international refugee rights regime.

Instructor: Prof James C Hathaway, Director, Program in Refugee and Asylum Law, University of Michigan Law School. Fee: £130.
Contact Dominique Attala at rscmst@qeh.ox.ac.uk.

Palestinian Refugees and the Universal Declaration of Human Rights

10-11 May 2003 : Oxford

Through a mix of lectures, working group exercises and interactive sessions, participants engage actively and critically with the contemporary debates in the human rights movement and analyse the specific context of Palestinian refugees in the Middle East (Lebanon, Syria, Jordan, the West Bank, Gaza and Israel) in light of these debates. Instructors: Dr Randa Farah (University of Western Ontario, Canada) and Fiona McKay, LL.M (Lawyer's Committee for Human Rights, New York). Fee: £100.
Contact Dominique Attala at rscmst@qeh.ox.ac.uk or at the RSC address.

International Summer School in Forced Migration 2003

7-25 July 2003:
Wadham College, Oxford

This three-week residential course provides a broad understanding of the issues of forced migration and humanitarian assistance; participants examine, discuss and review theory and practice and develop communication and analysis skills useful for the workplace. Designed for managers, administrators, field workers and policy makers in humanitarian fields. Cost: £2300 (incl. B&B accommodation, weekday lunches, tuition fees, course materials, social activities).
Contact the International Summer School Administrator.
Tel: +44 (0)1865 270723.
Email: summer.school@qeh.ox.ac.uk

The Bob Johnson Scholarship

The RSC is delighted to announce the establishment of a new scholarship for a European student on its Master of Science course. The scholarship is the gift of Bruna Johnson, the widow of the Centre's most generous friend, Robert A Johnson. For more information, email rscmst@qeh.ox.ac.uk



UNHCR evaluation and research on refugee programmes in Africa

The African continent hosts the second largest refugee population of concern to UNHCR (3.3 million refugees) and is one of UNHCR's main areas of operation. The Evaluation and Policy Analysis Unit (EPAU) has, accordingly, undertaken a number of projects that deal with displaced persons in Africa. Below are details of some recent evaluations and other reports on refugees in Africa. In line with UNHCR's policy of full transparency regarding evaluations, all these documents are in the public domain and may be accessed at www.unhcr.ch/EPAU.

Evaluation reports

Since 2000, EPAU has issued eleven evaluation reports that touch directly on forced displacement in Africa. A number focus on protracted refugee situations; other topics include sexual violence, internally displaced persons and security.

- UNHCR and internally displaced persons in Angola: a programme

continuation review (G Bettocchi and A Jamal, May 2002)

- Responding to protracted refugee situations: Liberians in Ghana (S Dick, July 2002)
- Responding to protracted refugee situations: Liberians in Côte d'Ivoire (T Kuhlman, July 2002)
- A beneficiary-based evaluation of UNHCR's programme in Guinea, West Africa (T Kaiser, Jan 2001)
- The Sudan/Eritrea emergency: May - July 2000: An evaluation of UNHCR's response (A Jamal, Feb 2001)
- UNHCR's programme for internally displaced persons in Angola (A Jamal and O Stage, May 2001)
- Lessons learned from the implementation of the Tanzania security package (J Crisp, May 2001)
- The WHALE: Wisdom we have acquired from the Liberia Experience: Report of a regional workshop, Monrovia, Liberia, 26-27 April 2001 (J Crisp, May 2001)
- Evaluation of UNHCR's policy on refugees in urban areas: Case study of Cairo (S Sperl, June 2001)
- Evaluation of the Dadaab firewood project, Kenya (CASA Consulting, June 2001)
- Minimum standards and essential needs in a protracted refugee situation: a review of UNHCR's programme in Kakuma, Kenya (A Jamal, November 2000)

New Issues in Refugee Research Working Paper Series

This EPAU series covers a wide range of topics. A diversity of opinions is presented by UNHCR staff, lawyers, humanitarian practitioners and academics. Among recent papers focusing on Africa are:

- Separating ex-combatants and refugees in Zongo, DRC: peace-

This is a regular page of news and debate from UNHCR's Evaluation and Policy Analysis Unit (EPAU). For further information, or suggestions regarding this feature, contact Jeff Crisp, head of EPAU. Email CRISP@unhcr.ch

keepers and UNHCR's 'ladder of options' (L Yu, August 2002)

- Pastoral society and transnational refugees: population movements in Somaliland and eastern Ethiopia, 1988 - 2000 (G Ambroso, August 2002)
- Changing priorities in refugee protection: the Rwandan repatriation from Tanzania (B Whitaker, February 2002)
- Liberians in Ghana: living without humanitarian assistance (S Dick, February 2002)
- Mobility, territoriality and sovereignty in post-colonial Tanzania (S Van Hoyweghen, October 2001)
- Mind the gap! UNHCR, humanitarian assistance and the development process (J Crisp, May 2001)
- Humanitarian issues in the Biafra conflict (N Goetz, April 2001)
- Vital links in social security: Somali refugees in the Dadaab camps, Kenya (C Horst, April 2001)
- The humanitarian hangover: transnationalization of governmental practice in Tanzania's refugee-populated areas (L Landau, April 2001)
- Refugee aid and protection in rural Africa: working in parallel or cross-purposes? (O Bakewell, March 2001)





Angola: meeting the challenges of peace

The signing of the peace agreement between UNITA and the Angolan government in April 2002 revealed a tremendous humanitarian challenge in areas formerly occupied by UNITA. The Norwegian Refugee Council has given this work the highest priority but the funding situation for NGOs and the UN organisations in Angola is critical.

After 26 years of civil war the humanitarian situation in Angola is dire. Two million people are in need of humanitarian assistance on a daily basis. Many of those live in former UNITA-controlled regions. Prior to the signing of the peace agreement, humanitarian organisations had no access to these areas.

The Norwegian Refugee Council (NRC) is one of many NGOs that has made an extra effort to support the population in these areas. NRC has extended its activities to remote areas of the Cuando Cubango province in the southeast of the country, where food and non-food items, including agricultural tools and seeds, are being distributed to IDPs and families of former UNITA soldiers in cooperation with the World Food Programme.

Only 5,000 out of 80,000 ex-UNITA soldiers have been included in the Angolan army. It is crucial that these former soldiers are given an alternative to picking up arms again. The future for the ex-combatants is a key issue if peace is to be sustainable.

Because of lack of extra funding to assist people in areas that have recently become accessible to humanitarian organisations, it has been necessary for WFP to cut rations for IDPs already living in camps. These people will remain in need of humanitarian aid for a long time. There are four million IDPs in Angola, one third

of the entire population. Many have been displaced for decades. NRC has taken responsibility for the return process in three municipalities in the Huila province. Initially the government stated that all displaced people should return by 15 October 2002. This 'deadline' has now been postponed to the end of 2002. This schedule is not realistic, and NRC is working to ensure a voluntary return in security and dignity.

The security situation in the return areas is still fragile, especially in the southern part of the country, because of land-mines. It is essential that demining and infrastructure rehabilitation and reconstruction complement the return process. Angola is one of the few African countries to have developed Minimum Standards for Return and Development, modelled on the UN Guiding Principles on Internal Displacement.¹ However, the Angolan government has not been very good at putting its principles into effect. There have been examples of forced return, which is prohibited according

to international law and Angola's own Minimum Standards. It is therefore very important that NRC and the rest of the international community monitor the return process closely.

Many IDPs have lived in other parts of the country for long periods, and some prefer to settle there instead of returning home. This right is established in the UN Guiding Principles.

Since 1995 NRC has worked in the north of Angola, assisting Angolan refugees returning from DR Congo. In recent years the scope of repatriation has been limited but the number of returnees is expected to increase in the coming months. NRC is planning the repatriation in coordination with UNHCR and local authorities.

For further information on NRC's work in Angola, contact the Angola programme coordinator, Marit Sorheim. Email: marit.sorheim@nrc.no.

1. See the article by Kamia Carvalho on p31-33.



Global IDP PROJECT

Liberia: learning from a foretold disaster

Five years after Africa's oldest republic held the first elections in its 150-year history, Liberia's return to war has created a devastating humanitarian and human rights crisis that remains largely hidden from the outside world.

Liberia enjoyed two years of tenuous peace before fighting re-erupted at the end of 1999 after the rebel movement, Liberians United for Reconciliation and Democracy (LURD), struck from bases in neighbouring Guinea. Lacking defined leadership, the LURD's sole objective is to topple the government of President Charles Taylor. The conflict pivots around control of gold and diamond-rich areas in the region where the borders of Liberia, Sierra Leone and Guinea meet and has embroiled all three countries. Military claims on all sides are often hard to verify. The situation is complicated by reports of in-fighting between various pro-government militias.

The **Global IDP Project** is a project of the Norwegian Refugee Council and is administered through its Geneva office.

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In 2002 fighting spread and intensified, at times coming close to the capital, Monrovia. More than 180,000 displaced Liberians are living in camps around the country. Tens of thousands of others are seeking assistance from relatives and friends. Conditions are miserable: increasing numbers have taken shelter in public buildings and warehouses or are living in the open air. As many as 300,000 Liberians have fled to neighbouring countries. The number of civilians trapped inside conflict zones in the north and west of Liberia is unknown. Fleeing civilians report flagrant and systematic human rights abuses by all parties. An October 2002 Amnesty International report detailed forced recruitment, summary executions, arbitrary killings, torture, rape, abductions and detention. Attacks often entail massive looting sprees. What has been documented may be just the tip of the iceberg; insecurity and a climate of terror ensure that much of what happens in Liberia goes unreported.

Humanitarian agencies warn that an alarming number of IDPs are dying - principally of malaria and diarrhoea - as conditions worsen. "Compared with Liberian refugees, their situation is much worse", noted the International Rescue Committee in a recent health assessment.¹ Funding for humanitarian programmes in Liberia has been extremely poor, forcing agencies to reduce their services to the displaced. How was this nightmare allowed to recur? The warning signs of renewed crisis seemed clear enough. The main cause for concern should have been Charles Taylor, the megalomaniac warlord who in 1989 plunged Liberia into West Africa's bloodiest civil war since Biafra's attempt to secede from Nigeria. In 1997 the demagogic Taylor won the legitimacy he craved through the ballot box. Held in fear and awe by an impoverished and largely illiterate population, he had no need to rig the elections. Taylor was subsequently embraced not only by the majority of the Liberian people but also by his erstwhile foes, Nigeria and the United

States. Both had posited elections as a magic remedy for Liberia's ills and had an interest in being seen as a champion of democracy in Liberia - Nigeria to maintain its status as regional superpower after leading a peacekeeping force in the 1990s and the US out of a desire to rid itself of moral responsibility to its former colony. Taylor has seen off UN and Nigerian diplomatic and military initiatives to contain him. Donor antipathy is acute and humanitarian operations thus severely constrained. Once again the cost is borne by innocent civilians.

As a result, Liberia has a 'legitimate' government that does not tolerate challenge or dissent and a president with regional aspirations who has backed and continues to harbour armed dissidents bent on destabilising neighbouring countries. Massive refugee flows have resulted from the cycle of violence that ebbs and flows between Liberia, Sierra Leone, Guinea and now Côte d'Ivoire.

Liberia is not the first country to demonstrate the potentially disastrous consequences of engineering sham elections without addressing the causes of conflict. Unless the international community learns that there can be no quick-fix solution to a complex crisis which has uprooted hundreds of thousands of people and destabilised an entire region, it will not be the last. Without long-term engagement to find a durable political solution, further displacement, disease and death mortality will again be the sad and predictable outcome.

Claudia McGoldrick is an Information Officer at the Global IDP Project, Geneva. Email: claudia.mcgoldrick@nrc.ch.

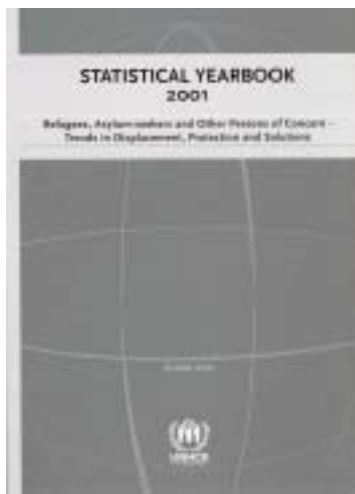
1. The IRC's report 'Health Assessment: Internally Displaced Camps in Liberia' can be found at <http://intranet.theirc.org/docs/LiberiaHealthAssessment.pdf>

The Global IDP Project's Liberia report is at www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Liberia.

publications

Statistical Yearbook 2001 Refugees, Asylum-seekers and Other Persons of Concern – Trends in Displacement, Protection and Solutions

Béla Hovy. UNHCR. 2002. ISSN 1684-9051. 165pp. Online at www.unhcr.ch/cgi-bin/texis/vtx/statistics (then click on box in righthand column).



Includes chapters on: populations, new arrivals and durable solutions; gender, age and location; government and UNHCR refugee status determination; asylum and refugee admission in industrialised countries; country indicators. Plus maps.

Free copies can be obtained by sending an email to hqcs00@unhcr.ch (Subject: 2001 Statistical Yearbook), for as long as stocks last.

The Internally Displaced People of Iraq

by John Fawcett & Victor Tanner. Brookings SAIS Project on Internal Displacement. October 2002. 54pp. Free. Online at www.brook.edu/fp/projects/IDP/articles/iraqreport.htm

This report is one of a series of publications and activities to focus attention on IDPs in areas largely closed off from view. Numbers of IDPs in Iraq continue to grow;

estimates range from 600,000 to 800,000 in the north of the country and up to 300,000 in the south. This report discusses why this state of affairs has come about, how effective attempts to help have been, and the role of the UN and the government of Iraq.

Contact: Gimena Sanchez-Garzoli, Brookings-SAIS Project on Internal Displacement. Tel: +1 202 797 6168. Email: gsanchez@brook.edu.

Adult Wars, Child Soldiers: Voices of Children Involved in Armed Conflict in the East Asia and Pacific Region

UNICEF. October 2002. 81pp. Free. Online at www.unicef.org/media/publications/adultwarschildsoldiers.pdf



Thousands of children are still being recruited – often by force – into state- and non-state armies in the East Asia and Pacific region. Based on interviews with 69 current and former child combatants from six countries (Cambodia, East Timor, Indonesia, Burma/Myanmar, Papua New Guinea and the Philippines), this UNICEF report provides often moving first-hand accounts of their experiences. It calls for the systematic demobilisation of all child soldiers; provision of support for their reintegration, with an emphasis on access to education and vocational training; and strengthening the capacity for provision of appropriate psychosocial care and support for former combatants.

Contact Mark Thomas, UNICEF EAPRO, 19 Phra Atit Road, Bangkok 10200, Thailand. Tel: +66 2 356 9407. Email: eapro@unicef.org

The Refugee Experience – a psychosocial training module



30-hour training package available via: www.forcedmigration.org/rfgexp

For those wishing to improve their competency in planning, implementing and evaluating psychosocial programmes supporting refugees. Also for those who do not necessarily have a professional background in the social sciences but who wish to gain insight into the psychosocial dimensions of working with refugees.

CD ROM and printed versions also available. Enquiries: Maryanne Loughry, Refugee Studies Centre (address on page 50). Email: maryanne.loughry@qeh.ox.ac.uk

HPN publications now on a free CD-ROM

A CD-ROM is available with publications from the HPN and the Humanitarian Policy Group at ODI. Hundreds of articles, research papers, briefing papers and good practice reviews chart the development of humanitarian practice and policy from 1994 to March 2002. The CD-ROM contains:

- 20 issues of the HPN newsletter and Humanitarian Exchange
- 38 HPN Network Papers
- abstracts of eight HPN Good Practice Reviews
- research reports, briefing papers and research summaries from the Humanitarian Policy Group

All HPN publications are available in English and French. Copies of the CD-ROM are free. Contact Alison Prescott at a.prescott@odi.org.uk or write to her at: ODI, Portland House, Stag Place, London SW1E 5DP, UK.

If you would like to publicise one of your organisation's publications or if you would like to recommend a publication for this page, please send us full details – and, preferably, a copy or cover scan.

Condemned to Repeat? The Paradox of Humanitarian Action

by Fiona Terry (*Médecins Sans Frontières*). Cornell University Press. 2002. 304pp. ISBN 0 8014 8796 X. \$19.95.

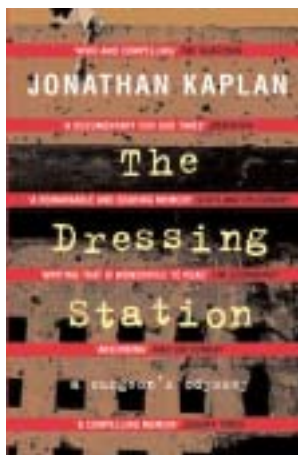


Fiona Terry was the head of the French section of MSF when it withdrew from the Rwandan refugee camps in Zaire because aid intended for refugees actually strengthened those responsible for perpetrating genocide. Humanitarian groups have failed, Terry believes, to face up to the core paradox of their activity: humanitarian action aims to alleviate suffering but by inadvertently sustaining conflict it potentially prolongs suffering. Terry examines the side-effects of intervention by aid organisations and points out the need to acknowledge the political consequences of the choice to give aid. *Condemned to Repeat?* focuses on four historically relevant cases: Rwandan camps in Zaire, Afghan camps in Pakistan, Salvadoran and Nicaraguan camps in Honduras, and Cambodian camps in Thailand.

Order from www.cornellpress.cornell.edu or any online bookstore or contact: Sales Department, Sage House, Cornell University Press, 512 East State St, Ithaca, NY 14850, USA.

The Dressing Station: A Surgeon's Odyssey

by Jonathan Kaplan. Pan Macmillan. 2002. 416pp. ISBN 0330 480790. £6.99 paperback.



This is not the usual sort of publication that readers find in this section of FMR but occasionally we (the Editors) like to recommend something a bit different. Surgeon Jonathan Kaplan has flown around the world on medical assignments, sewing people together whose lives and countries are being ripped apart – countries such as Kurdistan, Mozambique, Burma and Eritrea. *The Dressing Station* is described as "a book from the medical front line which shatters any preconceptions we may have about the nature of surgery... an unforgettable portrait of modern, global medicine." Order from any online bookstore or contact Bookpost: Tel: +44 01624 836000. Fax: +44 01624 837033. Email: bookshop@enterprise.net.

The Kyoto Symposium on Displacement in Africa Kyoto, Japan: Nov 2002

Kyoto University's Center for African Area Studies held an international symposium on the 'Multidimensionality of Displacement Risks in Africa' to analyse the underlying causes of displacement, identify the multiple risk groups, explore the multidimensional risks they encounter and discuss the means for counteracting displacement problems. The symposium organisers were Prof Itaru Ohta and Prof Yntiso Gebre.

Participants included prominent scholars and experts from Africa, Asia, Europe and the US: professors and/or researchers in universities and government institutions, policy makers from major international agencies such as the World Bank and UNHCR, and consultants. Based on their experiences as planners, policy makers, researchers, educators, coordinators and practitioners, the participants presented a wide range of analytical papers covering different aspects of displacement and impoverishment risks in Africa.

The Symposium has issued a summary including proposed strategies for researchers and practitioners. A more detailed report can be found at www.fmreview.org.

For more details, contact Dr Gebre at the Center for African Area Studies, Kyoto University, 46 Shimoadachi, Yoshida, Sakyo, Kyoto 606-8501, Japan. Tel: +81 75 753 7370. Email: gebre@jambo.africa.kyoto-u.ac.jp



UNHCR's RefWorld on CD-ROM re-launched

RefWorld 2003 is a comprehensive collection of reliable and up-to-date documents selected by UNHCR specialists from information partners throughout the world. Browser-based technology and a simple navigation structure provide rapid access to more than 70,000 full-text searchable documents ranging from country reports of governmental and non-governmental organisations to UNHCR policy and position papers and guidelines on the rights of refugees. Over 3000 cases of national and international jurisprudence and hundreds of maps not available on UNHCR's website can be accessed off-line together with UNHCR's entire library catalogue, containing more than 15,000 references to books, refugee magazines, articles, conference reports and the Refugee Thesaurus.

Price: the complete package of two sets of RefWorld 2003 CD-ROMs costs:

- \$150 for governments, UN agencies, academic institutions, libraries, bar associations.
 - \$75 for NGOs, legal clinics, individuals or lawyers involved in work with refugees/asylum seekers.
- 30% reduction for orders of 5 sets or more.

The first set of four CD-ROMs will be released at the beginning of 2003, followed by a second updated set to be published in autumn 2003. To order, or for more information, contact: UNHCR, Department of International Protection, Protection Information Section, Case Postale 2500, CH-1211 Genève 2, Switzerland. Tel: +41 22 739 8142. Fax: +41 22 739 7344. Email: HQPR11@unhcr.ch

Interns and refugees in Africa – an Alchemy experience

The Alchemy Project at Tufts University offers a rare opportunity for graduate students to obtain field experience in refugee situations. In 2001 Tufts' Refugees and Forced Migration Programme was given a grant to fund livelihood programmes in refugee camps and conflict-affected areas in Africa. Our goal is to support refugees' livelihood activities by providing a resource that is in very short supply in many refugee hosting areas: credit. Small loans – microcredit – help refugees get on their feet.

We began with seven microcredit programmes located in the Democratic Republic of Congo, Guinea, Liberia, Mozambique, Sierra Leone, South Africa and Sudan. Our loan programmes enable refugees to start such microenterprises as shoemaking, market stands or hairdressing salons. In rural areas rotating funds enable purchase of goats, chickens or bicycles. Programmes are experimental and flexible. Sometimes we have jettisoned the loan approach and given small grants to organisations or individuals with good ideas on how enterprises can reduce conflict in their communities. Once we simply gave cash to a rural hospital caught up in rebel fighting in the eastern Congo and desperate to pay its staff in order to keep going.

A key component of Alchemy is that graduate student interns from Tufts University spend part of the summer working alongside NGO partners.

In 2002...

Mehlaqa Samdani, a Fletcher student from Pakistan, went to Khartoum and later to Juba in southern **Sudan**, to look at two Alchemy programmes. Travelling by boat to a small village up the Nile from Juba, Mehlaqa visited our NGO partner, ACCOMPLISH, which is buying a fishing boat to rent out to people displaced by conflict in the DRC and the war in southern Sudan.

In eastern **Congo**, Ellen Kramer spent time in Goma where people had been displaced twice – first from the ongoing war and again by the lava which engulfed the town's business district

and residential areas. Ellen spoke with them about their access to credit and their dreams of engaging in economic activities once the World Relief microcredit project, which has shown remarkable success in neighbouring Rwanda, opens in Goma.

In Johannesburg, **South Africa**, Maura Nicholson and Kim Perez evaluated our programme for urban refugees with the Jesuit Refugee Services (JRS): "The internship experience at JRS far exceeded our expectations. We worked with a variety of refugee communities, women's groups and unaccompanied minors to get a well-rounded picture of a refugee's life and challenges in Johannesburg. The insights we gained through our fieldwork enabled us – jointly with the JRS Loan Officers – to restructure the Small Business Loan programme to better meet the unique needs of refugees in the city."

In Kinshasa,
Omekongo

Dibinga, the son of Congolese exiles, traced his roots back to the Congo and worked with JRS Kinshasa and a University of Kinshasa student to understand how best to implement our programmes in the western DRC. In **Mozambique**, Kathy Macias worked with World Relief to evaluate their very successful microcredit programme in the refugee camps outside Maputo. In **Sierra Leone**, Tim Nikula assessed our microcredit programme with American Refugee Committee and helped them develop an assessment tool that targets clients in war-affected areas.

All the interns agree that the opportunity to live and work with a relief organisation has been a valuable experience in learning about refugees and humanitarian assistance programmes. The Alchemy Programme is based on the belief that research and learning can be combined with programmes that provide essential cash and credit to refugees in protracted situations. Involving our students is a key part of this alchemy.

For further information, see <http://nutrition.tufts.edu/feature/alchemy.shtml> or contact Karen Jacobsen, Director, Refugees & Forced Migration Programme, Feinstein International Famine Center, Tufts University, Medford, Massachusetts 02155, USA. Email: Karen.Jacobsen@tufts.edu.



Hairdressing salon set up by Congolese refugees with microcredit assistance, Maputo, Mozambique, August 2002

Tsering Gellek