

FORCED MIGRATION

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review

Home for good?

Challenges of return and reintegration

plus:

- Darfur
- Australian asylum policy
- IDPs in North Caucasus
- Dam displacement in Sudan

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 Norwegian Refugee Council. The Spanish translation, *Revista de Migraciones Forzadas*, is produced by IDEI in Guatemala.

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from the editors

Welcome to those of you receiving
FMR for the first time.

The large number of articles received for this issue on **Home for good? Challenges of return and reintegration** highlights increased recognition of the need to develop sustainable policies for return and reintegration and greater cooperation between emergency and development agencies. Many thanks to

our special advisors – John Rogge of the Internal Displacement Division of the UN Office for the Coordination of Humanitarian Affairs (OCHA) and Betsy Lippman of UNDP's Bureau for Crisis Prevention and Recovery – for their invaluable input, for soliciting contributions from colleagues who were not yet familiar with FMR and to their organisations for providing significant financial support.

We have two contributions for our **Speaker's Corner**. Médecins Sans Frontières' explanation of why they pulled out of Afghanistan raises important questions for the future of the humanitarian community. Alex de Waal writes on the continuing humanitarian crisis in Darfur. If you would like to respond to any of the issues raised in these or other articles please contact us at fmr@qeh.ox.ac.uk. We have a new feature in this FMR: a double-page spread sponsored by Fritz Institute focusing on issues related to humanitarian logistics.

Many thanks to the readers in 43 countries who completed our **readership survey** questionnaire. We were delighted by the high response rate, your helpful suggestions and your kind words. We have learned much about you, our readers:

- There are far more of you than we imagined! On average, each copy of FMR is read by 19.4 people. We think our total readership is around 75,000 – making FMR the world's most widely-read publication on refugee and IDP issues.
- You use FMR as a one-stop shop: hardly any of you read any other publication on forced migration.
- Though many of you have computers, very few are able to access the Internet.
- Most of the small number of you who visit our English language website do not visit any other forced migration site.

A full report of the survey results is at: www.fmreview.org/readershipsurvey2004.pdf. Contact us at the address opposite for a hard copy.

In order to make it easier to access online information we have developed a complementary fast-access text-only site at www.fmreview.org/text.htm and will be distributing a CD-ROM with a range of useful information with FMR22.

Our December issue will focus on **education in emergencies and reconstruction** and FMR 23 (April 2005) on **asylum in Europe**. A call for papers for FMR 23 is on page 59 and online at www.fmreview.org/forthcoming.htm

With best wishes for your work

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



Corinne Owen

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Front cover photo: Kabul, Afghanistan - Shawn Baldwin (www.shawnbaldwin.com – email@shawnbaldwin.com).

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Making return and reintegration sustainable, transparent and participatory

by John Rogge and Betsy Lippman

This special FMR issue on the return and reintegration of people displaced by conflict or violations of their human rights outlines some of the many challenges that they face when making their decision to return. It also highlights some of the strategies employed by the authorities or agencies supporting the displaced in order to ensure that return occurs in safety and dignity and that reintegration and recovery are sustainable.

It is estimated that there are currently some 25 million people internally displaced in over 50 countries.¹ This represents an increase from 20 million in 1997 and 1.2 million in 1982. There are almost twice as many IDPs as refugees. In Sudan, which for more than a decade has had the world's largest IDP population, the ongoing Darfur crisis has added yet another 1.2 million in the past year alone. However, many of the crises that created displacement have ended and the displaced have returned home or are in process of doing so. Many of Angola's 3.5 million IDPs are currently returning, half of Sri Lanka's 800,000 IDPs have returned and, if the comprehensive Peace Agreement between the Government and the SPLM in Sudan is signed, as is expected later this year, a sizable proportion of Sudan's well over 4 million IDPs will also be on the way home.

The return of IDPs invariably means that two other groups of displaced persons also return - refugees and demobilised combatants. Moreover, many crises also produce significant diasporas of people who are not necessarily refugees. Hence, the numbers returning in a post-crisis situation can be very large. They usually have variable needs and may have diverse aspirations. The authorities or local populations may react positively or negatively to returnees depending upon the nature of the crisis and the alliances that the displaced are perceived to have had. For example, southern Sudanese now returning from Khartoum after some

two decades may well be viewed with suspicion by those who remained or even resented when they compete for access to limited resources and services on their return.

In an ideal situation, the return and reintegration of these diverse groups should be undertaken within an agreed framework adopted by national and local authorities, the international community, local civil society and the displaced themselves. The most successful return and reintegration processes have been those where 'pull' factors have been created in areas of origin through upgrading of basic services, creation of livelihood opportunities and, most importantly, the establishment of law and order. Returnees who have left their places of displacement because of 'push' factors - such as acute discrimination or overt hostility by local authorities or populations - often require special assistance and protection in areas of displacement, during - and even after - return.

While protection needs are normally associated with areas of displacement they often follow the displaced to their areas of return and are a key consideration for those returning and those that have remained behind. Muslim IDPs in Sri Lanka, for example, remain very wary about returning to the Jaffna peninsula. IDPs who have returned to their farms in eastern Uganda continue to fear abduction by the Lords Resistance Army and thus keep their children in the towns or in the camps to which



they had been displaced. Responsibility for providing protection falls on national and local government authorities but they often lack the will and/or the capacity to fulfil this responsibility. The international community can monitor and report incidences but is seldom in a position to take preventive action.

Protracted conflicts that produce large displacement invariably also produce massive destruction of infrastructure, decay in basic services and disruption to what may already be fragile economies. Agricultural land reverts to bush and large swathes of land may be contaminated with landmines and unexploded ordnance. When peace comes, and if security is re-established, there may be little for the displaced to return

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to. In many cases IDPs and refugees have lived in camps where they had access to at least minimal levels of health care, basic education, food security and potable water. Returning to areas where none of these safety nets exist makes sustainable reintegration a long and difficult task. The problem may be exacerbated by the fact that returnees have become dependent and may have developed wholly unrealistic expectations of support on return.

Compounding the problem is that local authorities in areas of return may have little or no capacity to manage an effective and efficient return and reintegration programme. They themselves may have been displaced and are usually left without sufficient resources. Building local capacity for governance, rule of law, mine clearance and development is currently a major and costly problem in areas of return in Angola and Liberia. But building capacity is key to longer-term development. Cambodia has showed how consistent effort and longer-time availability of resources can eventually reap dividends.

A major challenge of most post-conflict situations is that of creating an enabling environment for the return and reintegration of the displaced. Post-conflict environments are also environments awash with weapons, especially small arms. Establishing security and the rule of law is fundamental to a successful return and reintegration

process. Demobilisation, disarmament and reintegration (DDR) of combatants is a key component of this. Local warlord-led militias that are not demobilised can be the spoilers in a peace process. The return and reintegration of IDPs and refugees in Sierra Leone ran relatively smoothly because it was accompanied by a timely 'DD' process. However, the jury is still out on the 'R'. Much more work and analysis needs to be done on the 'R' part as it fundamentally impacts on the reintegration process of the displaced. Liberia and Sudan will provide ample learning opportunities in the coming years.

Property restitution issues and access to land are further necessary elements of an enabling return environment. Unless institutions or mechanisms are in place to deal with such issues disputes can rapidly escalate into conflict, especially if different ethnic or political groupings are polarised. Resolving land and property disputes is inevitably time-consuming, especially if records never existed or existed and have been destroyed during conflict or when traditional or legal authorities have limited capacity. Afghanistan exemplifies the acute complexities of this issue and the protracted time frame required for dispute resolution.

Sustainable reintegration is inextricably tied to rebuilding the social fabric and social capital of communities with an understanding of the causes of the conflict and a deter-

mined effort not to recreate these. Interventions must not privilege any category of returnee or privilege returnees vis-à-vis those that remained behind. This has often been the case with mandate-oriented agencies that work with specific target populations and receive funding in line with their mandates. Today there is much greater recognition by the humanitarian and development communities that programmes must take a holistic, integrated approach to communities. This can be done while still meeting the specific needs of particular members of a community such as child ex-combatants, women-headed households, orphans and others who require special attention. Facilitating inclusive, representative participation by the community in defining and prioritising its needs and implementing and evaluating projects based on these needs can affect both the sustainability of the interventions but just as importantly social cohesion - no easy task as communities form and reform with new arrivals. Real participation takes time but has a value well beyond the investment.

Many of the articles in this issue touch on the importance of ensuring genuine involvement by the people that the international community wishes to help. We must have the humility to remember that the best solutions often come from within, not from without.

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¹ See *No Refuge: the challenge of internal displacement*, UN, 2003. online at www.reliefweb.int/idp/docs/references/WebinfoOrder.pdf and *Internal Displacement: a global overview of trends in 2003*, online at www.idpproject.org/press/2004/Global_Overview.pdf

Landmines pose a serious threat to returnees in Afghanistan.



Protection and support of spontaneously returning Sudanese

by John Rogge

As Sudan's peace process inches forward, the spontaneous return of people displaced by the 21 year-long civil war and the demobilisation, disarmament and reintegration of combatants pose unprecedented reintegration challenges.

In May 2004, following protracted talks in the Kenyan city of Naivasha brokered by the Intergovernmental Organisation on Development (IGAD)¹, the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) signed a protocol which is expected to lead to signing of a comprehensive Peace Agreement some time later this year.² Since the beginning of 2004 some 100,000 IDPs have returned from the north to the south. Though the flow was slowed by the onset of the rainy season in June, it is expected to accelerate again in October when the rains end and especially once an agreement is signed.

It is unclear how many of Sudan's estimated 3.5 million IDPs (the world's largest internally displaced population) and over half a million refugees³ will be returning and over what time period. Planning figures agreed upon by the GoS and SPLM for expected returns during the first six to nine months following a comprehensive Peace Agreement are 950,000 IDPs and 50,000 refugees.⁴ To this must be added an expected 150,000 demobilised combatants. Those who have already returned, and the majority who are likely to return in the months following the Peace Agreement, will be returning spontaneously and independently rather than as part of any large-scale organised return. Returning refugees will be brought by UNHCR to dispersal areas in the south from where they will independently continue to their final destinations.

A factor influencing the SPLM's desire to encourage refugee and IDP return is the commitment in the peace protocols for elections to be

held within three years of the signing of the Peace Agreement. Elections will have to be preceded by a census which should resolve the vexed question of the population of the south – currently estimated at anywhere between 7 and 10 million. Larger numbers of IDP and refugee returnees would substantially increase the influence of the SPLM in the proposed government of national unity.

There remains considerable debate among UN and NGO personnel over the question of assisted versus unassisted returns. There is serious concern about limited capacity in the south to absorb large numbers of returnees and fears that mass return will trigger local conflict over access to already limited natural resources and services. Some incidents have already occurred in Rumbek and western Equatoria.

It is recognised that many of the displaced are very anxious to return and that unassisted returns over such great distances will create undue hardship for the returnees and could lead to some loss of life. The GoS and SPLM's joint plan for the immediate post-Peace Agreement envisages that return movements will initially be spontaneous. Both parties, and especially the SPLM, envisage an assisted return programme in the medium term once conditions in areas of return have been improved. Consequently, they have called upon the international community to provide life-sustaining assistance along the primary routes of return and to assist with the immediate reintegration needs in the primary areas of return. A medium-term return and comprehensive reintegration and recovery strategy, that also includes

provision for displaced people who do not wish to return, has yet to be finalised by both parties and will require assistance from the international community.

The journey back

The spontaneous return movements to the south, and within the south, will require support due to the enormous distances involved, lack of all-weather roads, absence of commercial transport and the need to undertake long and arduous journeys on foot. Commercial transport is available from Khartoum, and other northern towns, where most IDPs are located, to the main transit points into the SPLM areas. Almost all of the IDPs that have returned so far have reached these transit points using existing commercial transport facilities. However, they have often become stuck due to the expense or lack of onward transport or because of insufficiency of food and financial resources to continue their journeys

too many returning too quickly will risk seriously destabilising fragile local peace processes

on foot. A large number of returnees are stranded in the city of Kosti, 300km south of Khartoum, because many of the river barges required to transport them further up the White Nile are not functioning.

As the southern stage of most homeward journeys will be on foot the strategy being adopted is to ensure that essential material and protection assistance is available along primary routes of return. The availability of such services will be communicated to returnees at points of origin and at transit points where they enter the south. However, basic services and livelihood opportunities in potential areas of return are minimal or often non-existent and there is much concern that too many



returning too quickly will risk seriously destabilising fragile local peace processes. A worst-case scenario is that rapid mass return will simply result in a transfer of camps from the north to the south. Assistance provided to spontaneously returning persons must balance the need to provide life-saving assistance against the danger of creating a pull factor drawing people back to areas unable to sustainably absorb them.

Reintegration in areas of return

After over two decades of war, which totally reversed the limited development gains made during the eleven-year interlude of peace from 1972 to 1983, southern Sudan is today one of the least developed regions in the world. It has the world's highest infant and maternal mortality rates and some of the lowest adult literacy rates. There are hardly any trained health workers, access to potable water is rare and livelihood opportunities are confined to subsistence agriculture or pastoralism.

Returnees will be reintegrating among a population that has been acutely deprived for over two decades of access to even minimal levels of basic services and economic opportunities. Many will be perceived by local populations as having acquired 'foreign' values or as being politically suspect for not having supported the SPLM. Any assistance specifically targeting returnees and providing them with resources de-

nied to resident populations would be a recipe for friction and conflict.

Consequently, the GoS and SPLM's six-month strategy for the spontaneous return and immediate reintegration of the displaced, which is supported by the international community, places emphasis on area-based and community-driven support to the return process. All populations in areas of return will have equal access to services and opportunities provided to facilitate the reintegration process.

It will be vital to strengthen local dispute resolution mechanisms

The immediate needs are simply to provide basic services in health care, education, water and sanitation and ensure food supplies are made available and livelihood opportunities are supported. Local authorities have no resources to provide any of these needs and are therefore heavily dependent upon the international community. Moreover, the capacities of local authorities to manage the return and reintegration process are very limited and hence, parallel to the provision of basic services, there is also the need to create the machinery of governance. The process of sustainable reintegration and recovery will be dependent upon the establishment of the rule of law in an insecure region where small arms are ubiquitous. It will be vital to strengthen local dispute resolution mechanisms to solve disputes over access to land and claims for property restitution. At the moment

there are fewer than 20 judges in the SPLM-controlled south.

Reintegration and recovery will also require widespread mine action. Throughout the south, the government-controlled towns remain cut off from their SPLM-controlled hinterland by mine fields. Economic recovery of returnees in both the urban and rural areas will be dependent upon reconnecting towns with their hinterlands which will need extensive mine clearance.

The urban option

IDPs in Khartoum, and those in other northern towns, present a special problem. The majority have been in the north for a long time and many have been born there. Many are relatively integrated, usually employed - albeit often at minimal levels - and many have children in local schools. It is anticipated that many will adopt a wait-and-see attitude or will remain in the north indefinitely.

Some among them will want to return immediately as part of the anticipated post-Peace Agreement wave but much of this movement will be urban to urban. This is expected to be particularly the case for youths who have grown up in northern towns, for many demobilised combatants and for those repatriating from semi-urbanised camps such as Kakuma in Kenya. Livelihood opportunities will remain limited for some time and there is a risk that a sizable population of unemployed youth and young males, many of them able to access small arms, will jeopardise

IDP school on banks of Sobat river, southern Sudan



the fragile peace process. A few incidents have already occurred in Juba. Urban returnees must be provided with vocational training and assisted to establish new livelihoods.

The SPLM policy to channel as much of the return movement to areas of origin may run counter to the wishes of many returnees who will opt for return to urban areas. The Sudanese authorities and the international community must safeguard the right of all displaced people to return in safety and dignity based on a free and informed choice of their final destination. It is crucial that arrange-

ments are put in place to monitor the safety and dignity of return along the primary routes of return and to ensure that the returnees are able to reach the destinations of their choice in an unhindered manner. National, regional and local authorities have the primary responsibility to ensure that returnees are protected from all forms of human rights and physical violations.

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The views expressed here are personal and do not necessarily represent those of the UN.

¹ A regional organisation bringing together Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda. See: www.igad.dj

² The text of the Protocols are online at: www.igad.dj/pressroom/POWER%20SHARING.pdf

³ These numbers, especially for IDPs, are subject to considerable variation and exclude the IDPs and refugees currently created by the crisis in Darfur.

⁴ As indicated in *The Framework Plan for Spontaneous Return in Sudan*, GoS and SPLM, 13 July 2004. Many observers consider the actual numbers of IDPs to be less.

Dangers of de-linked peace processes

Prospects For Peace In Sudan is a monthly briefing on peace and conflict in Sudan published by Justice Africa.

The latest report warns that the Darfur crisis has brought the Naivasha process to a virtual standstill. Talks between the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) remain stuck on two key issues: the funding of the armed forces of southern Sudan during the interim period and the role to be played in the new security structure by members of southern militia who have supported the GoS.

The GoS is pursuing the high-risk strategy of seeking a solution on its own terms in Darfur, anticipating that international interests in the Naivasha process will allow it to prevail. The GoS has made only modest progress in implementing commitments in Darfur set out in the UN Security Council Resolution 1556 and has focused its efforts on building an international coalition opposed to sanctions. The GoS calculation is that the international community does not have sufficient

seriousness of purpose, will not risk derailing the Naivasha process over Darfur and that time is therefore on Khartoum's side.

While the GoS has facilitated improved humanitarian access to rebel-held areas of Darfur the government has been slow to present plans for controlling the Janjaweed. This is due to the fact that a large proportion of the Janjaweed, including its commanders, are part of the command structure of the Sudanese armed forces so that disarming them while also maintaining the pretence that they are an independent force represents political challenges.

The international community and many observers remain opposed to linking the Naivasha peace process with the African Union's peace talks at Abuja, Nigeria. In fact, argues Justice Africa, Darfur is no reason for delaying Naivasha. Naivasha remains the lynchpin of peace in

Sudan. Without its completion all other peace processes are doomed to failure. The completion of Naivasha will significantly change the political dynamics in Khartoum and make a settlement of all other outstanding issues and conflicts, beginning with Darfur and including the simmering discontent of the non-Arab Beja people who straddle both sides of Sudan's borders with Eritrea, Egypt and Ethiopia.

To subscribe to Justice Africa's Sudan email briefing, email: sudan@justiceafrica.org or visit www.justiceafrica.org. Alex de Waal, director of Justice Africa, analyses responses to the Darfur tragedy on p49.

Other sources of information are:

- UN Integrated Regional Information Networks (IRIN) www.irinnews.org/webspecials/SudanDarfur/default.asp.
- UN Sudan Information Gateway www.unsudanig.org
- GoS Washington Embassy www.sudanembassy.org
- Sudan People's Liberation Movement <http://splmtoday.com>
- Darfur Information Centre www.darfurinfo.org
- Darfur Information: www.darfurinformation.com
- Beja People www.bejapeople.com
- Sudan Justice and Equality Movement (JEM) www.sudanjem.com/english/english.html

Camp, El Geneina, Darfur



The 4Rs: the way ahead?

by Betsy Lippman and Sajjad Malik

The 4Rs (repatriation, reintegration, rehabilitation and reconstruction) is an integrated, inter-agency 'relief to development' approach for sustainable reintegration as part of transition.

Throughout the 1980s and 1990s UNHCR found itself increasingly challenged to ensure the sustainability of returns with regard to the extent and time-frame of its engagement in repatriation and resettlement. This led to the recognition that more effective sustainable reintegration and incorporation of the needs of returning refugees and other displaced people into longer-term national development plans would be addressed only if development-oriented actors were engaged much earlier in the process.

In 1999 UNHCR initiated the Brookings Process, a partnership with UNDP and the World Bank, to undertake, with donor support, a pilot integrated approach in Sierra Leone. While this early effort stalled, in part because it was perceived as too headquarters-driven and because of renewed civil war in Sierra Leone, its spirit of integrated planning remained very much alive.

The arrival of Ruud Lubbers as UNHCR High Commissioner re-initiated the focus on voluntary repatriation and reintegration as the preferred durable solution for displaced populations. Because of the clear repatriation, rehabilitation and reconstruction mandates of the three agencies, a new partnership was revived in March 2002. This resulted in the 4Rs and agreement was reached to select Sierra Leone, Sri Lanka, Afghanistan and Eritrea as pilots. However, there was never an intention to make this an exclusive agreement and other agencies (UNICEF, WFP, WHO, the International Labour Organisation (ILO), UNFPA, UN-HABITAT, OCHA and its Internal Displacement Division) soon joined the effort in recognition of the breadth and scope of activities needed to comprehensively address sustainable reintegration. The 4Rs is an approach to address the immediate, medium and longer-

term development needs of returning displaced people in a comprehensive and integrated manner. It is area-based and incorporates a community-driven approach and conflict-prevention lens. It additionally seeks to strengthen the linkages between communities and decentralised government and provides capacity building for local government administrations responsible for meeting the immediate and longer-term needs of receiving communities. Over time, it should link to national-level development priorities and budgets.

The 4Rs is, in essence, the reintegration piece of a general transition strategy for countries emerging from violent conflict. As such, it fits neatly within the UN's current efforts to address transition through the UNDG/ECHA (UN Development Group/Executive Committee on Humanitarian Affairs) Working Group on Transitions and has been lauded as a concrete attempt to operationalise and institutionalise UN inter-agency collaboration.

While some in the community of UN reintegration practitioners may consider the 4Rs a mere re-labeling of existing activities, there is broad agreement that the attempt to systematically institutionalise the process is important in developing a more consistent, reliable process to address the longer-term needs of returning displaced people in every situation of return. Former efforts, while positive, were often driven by

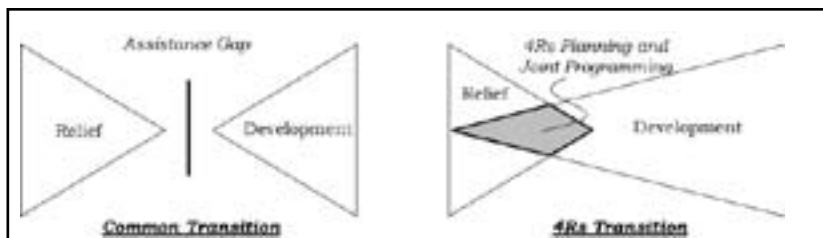
personality or by intersections of various agencies' interests limited to certain country contexts. The 4Rs attempts to make UN efforts less *ad hoc* and more predictable, thus ensuring that agencies involved in post-conflict activities engage, and continue to engage, in an integrated inter-agency planning process at both policy and practice levels.

Sierra Leone

The 4Rs was launched in Sierra Leone some four years after the signing of the Lomé Agreement; ideally, the integrated approach should be launched immediately after cessation of conflict. As part of the 4Rs process, in September 2003 the UN Country Team (UNCT) established a Transition Support Team (TST). The TST answers directly to the UNCT and works closely with the UN peace-keeping mission in Sierra Leone (UNAMSIL), all UN field units as well as government district councils and line ministries. It is planned to extend TST support from the initial three regions of highest returns (Kono, Kailahun and Kambia) to cover all regions.

Through the existing coordination mechanisms, TST Field Officers assess gaps in social services, livelihoods and capacity of government authorities at the local level. Specific gaps identified have often been simple but usually have longer-term implications. For example, the TST identified a critical gap in support to the surgical ward in Kailahun District Hospital as the NGO with emergency funding withdrew and long-term European Union funding was not yet available. TST intervention kept the ward open and prevented loss of the

The 4Rs attempts to make UN efforts less ad hoc





Refugees from Sierra Leone register for voluntary repatriation, BO Waterside camp, Liberia.

UNHCR/C Shirley

investment already made. In another example, recognising the lack of capacity in the 14 District Recovery Councils to use available data for prioritising spending, the TST in cooperation with partners provided training on planning, data handling and formulation of district-oriented transition policy papers.

Sri Lanka

Under the 4Rs programme supported by DANIDA in Sri Lanka, ILO, UNDP, UNICEF and UNHCR have adopted an integrated participatory area-based approach linked to the UN and national transition and recovery strategies. It has focused on three selected areas in north-eastern Sri Lanka to support the sustainable return of 345,000 IDPs and 5,000 returning refugees. The areas were chosen because of high levels of returnees, extensive physical destruction of infrastructure, the high degree of vulnerability and poverty and the need to balance support to areas controlled by the Sri Lankan government and by the Liberation Tigers of Tamil Eelam. Six core areas of intervention have been identified: protection; income generation; community infrastructure; health,

water and sanitation; education; and local governance capacity building. District situational analysis has led to inter-agency district work which outlines how the various agencies link, coordinate and phase in/out over time. The sequence of planned phase-in and phase-out is guided by the overall strategy of the UNCT. The area-based 4Rs approach is promoting cost-effectiveness through sharing of resources, security and technical expertise.

Lessons learned to date

We have realised the importance of:

- early engagement of development actors: if all agencies are involved in initial discussions on repatriation, recovery and longer-term programming, issues can be addressed to ensure that adequate linkages are forged between relief and development initiatives and that there is a smooth transition from the provision of humanitarian aid to sustainable reconstruction and development.
- national ownership and incorporation within national transition strategies
- early involvement of local government authorities in assessments, site visits and monitoring and evaluation: capacity should be built not only in displacement-related ministries but also in all state agencies with longer-term responsibilities.
- community participation: communities should be at the heart of the process, participating in assessments, implementation and monitoring and evaluation.
- availability and accessibility of resources: flexible funds must be made available to the development agencies in transition situations to act as quickly as the more emergency-oriented agencies to set up joint planning structures, open sub-offices (or share in the cost of joint offices), initiate early capacity building and mobilise communities.
- joint planning units, managed by the UN Resident Coordinator (head of the UNCT) to ensure multi-agency 'buy-in': these should eventually cease to exist as integrated planning becomes institutionalised.

- integrated donor support to unite agencies: several donors, specifically the Japanese, Norwegian and Danish, have encouraged a unified approach through innovative funding mechanisms that encourage integrated, joint UN agency proposals.
- flexibility: as post-conflict situations change – especially with regard to security – agencies and donors must remain adaptable and adjust programmes, staff levels and funding as required.
- mutual respect between headquarters and field staff: while agency staff on the ground are best placed to understand the local context and develop response strategies, headquarters staff often intervene as they believe they have a broader perspective. The best approach is a field-driven process in which field-based staff

initiate headquarters involvement by requesting necessary, targeted support.

- common information management systems that incorporate developmentally-relevant data from the outset: early involvement of government authorities in the collection, management and dissemination of information greatly benefits long-term capacity building. Sierra Leone's Information System (SLIS) provides a good example of a system with potential to address this data gap.

Where do we go from here?

The examples of Sri Lanka and Sierra Leone show promising results of UN inter-agency collaboration on comprehensive, integrated planning for sustainable reintegration of displaced populations in post-conflict countries. UNCTs in Angola, Burundi

and Sudan have requested assistance to develop their own integrated strategies and a 4Rs programme has begun in Liberia. In order to improve the prospects of success for new 4Rs initiatives in countries emerging from conflict, much more needs to be done to include NGO partners, record and learn from experience and develop useful tools for those responsible for their development and implementation.

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Restitution of land and property rights

by Anne Davies

*Property restitution is central to the successful return and reintegration of both refugees and IDPs. Without it, perceptions of injustice are perpetuated and underlying conflicts remain unresolved.*¹

Property restitution touches on all aspects related to successful return: protection, law and order, reconciliation and peace building, restoration of livelihoods, strengthening of local institutional capacity and, ultimately, the chance to bury past conflict and working towards a peaceful future.

This paper focuses initially on Bosnia and Herzegovina (BiH) where half the population was internally displaced or exiled during the conflicts of the 1990s. It draws lessons from property restitution efforts undertaken in Bosnia for application to newer post-conflict resolution situations, such as Afghanistan and Iraq, where the continued denial of property and occupancy rights risks prolonging conflict and blocking sustainable development.

Private ownership, enshrined in Article 17 of the Universal Declaration of Human Rights, is a concept understood and jealously upheld by individuals in most societies. Yet defining and proving ownership or right of use is not easy in countries such as Afghanistan and Iraq where 'property grabs' have become the norm, where the nature of property ownership and other rights relating to land and housing may be arbitrary, and where institutions are currently too weak to define the boundaries of property or provide definitive, non-controversial proof of ownership or rights holding.

Refugees and IDPs are particularly affected since the loss of rights, including property, has been either the cause of their flight or the main reason for their inability to return home. In order to end displacement and move towards a durable peace, it is essential to redress loss of property, housing and land rights.

Property restitution efforts in Bosnia

At the end of the Bosnian war in late 1995 the international community recognised that restitution of property rights (among others) could motivate thousands of displaced people to return home. The challenge to create conditions where people could return in safety and dignity was not underestimated. The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC), established in Annex 7 of the Dayton Peace Agreement in late 1995, was an innovative strategy to facilitate return by addressing the issue of property restitution. Annex 7 made an explicit link between the right to return to a former home of origin and to recover property lost as a result of hostilities. Its purpose was specifically to "receive and decide any claims for real property" where the claimant did not enjoy possession of that property or to receive "just compensation" for it. The authors of the Dayton Accords saw the CRPC as pivotal to refugees' and IDPs' decisions to return and recommence their livelihoods.

The CRPC's limitations soon became apparent:

- The proposed Compensation Fund never materialised due to donor unwillingness to provide resources.
- The CRPC had no enforcement mechanism and could not, by itself, assist people to recover their property rights (or deal with the problem of secondary occupants) and to return home.
- A decision made by the CRPC in favour of a particular claimant did not mean instant restitution of rights: it merely represented

the first step of what turned out, for many owners and rights holders, to be a long process to recover their rights.

- The CRPC did not provide for an appeals mechanism against its decisions, which put BiH in contravention of the European Human Rights Convention which it had signed up to.
- It was not supported by a national legal framework to resolve restitution cases, repeal provisions responsible for the loss of property rights, force local authorities to provide alternative accommodation for those in need and lay down enforcement procedures.
- The CRPC faced major teething problems: its low budget, slow access to municipal records, poorly kept pre-war records, illegal construction and bureaucratic and political obstructions hampered its ability to tackle the massive task of compiling a nationwide register of contested property.

However, due to the commitment of the international community to reverse ethnic cleansing by restoring property rights the CRPC was able to lay the groundwork for property rights restitution on a national scale. Despite its imperfections the CRPC was able, as its budget and staff resources steadily grew, to confirm whether in 1991 somebody had held the ownership of a certain property or occupancy right of a house or apartment and to provide owners/occupiers with a certificate, recognised nationwide, that would allow them to proceed to the next stage of having their property rights reinstated. Although many owners/occupiers encountered difficulties in actually repossessing their properties, or otherwise benefiting from the restoration of their rights, what the CRPC did was to restore those rights. People's motivation to stay the course - despite the frustrations

- was bolstered by their holding an internationally recognised legal document that local authorities could not take away.²

property rights restitution should be a nationally-owned and directed process

The next steps were also important. Because the CRPC was essentially an internationally imposed mechanism to fast track domestic legal procedures, it inevitably came up against the problem of implementing decisions on the ground because of the flawed national legal framework. Crucial to the success of the enterprise was the muscular determination of the international community to persuade the Bosnian authorities to repeal discriminatory laws drawn up during the war and draft a new national legal framework that recognised property rights existing prior to 1991. Then, implementation of CRPC decisions became possible and national enforcement mechanisms grounded in law could be enacted.

Gradually the combined efforts of international determination and the growing cooperation of local authorities led to an increasing number of property restitutions. By April 2004 over 90% of formerly displaced claimants have been able to recover rights on their pre-war homes.

The CPRC experience has highlighted the necessity to ensure that property rights restitution should be a nationally-owned and directed process.

While the international community can assist, it should refrain from imposing its concepts without thinking through how these can be implemented practically.

Could CPRC be a model for other countries?

Lessons learned in BiH appear not to be being heeded in Iraq where it is estimated that up a million people were displaced as a result of expulsion policies that the former regime used to remove opponents and

gain valuable land in the southern marshes and in the north. A worrying start was made when the occupation authorities established an Iraq Property Claims Commission (IPCC) in January 2004 with little Iraqi involvement. Experts working for the Coalition Provisional Authority (CPA) drafted a document and required the Iraqi Governing Council (IGC) to implement its provisions without paying sufficient attention to realistic enforcement mechanisms.

BiH experience shows that national institutions have to be instrumental in reallocating housing to those displaced by a returning owner or rights holder, since they are the ones in control of the municipality housing stock and able to mobilise the police to enforce evictions if necessary. Yet in Iraq national institutions will be hard-pressed to resettle the new 'displacees', as they are bound to under the terms of the IPCC. Those likely to be first in line for eviction by returning owners or legal rights

Capt Dan Stigall joins Iraqis in celebrating the opening of the Iraq Property Claims Centre, Tikrit, 25 May 2004.

HOME FOR GOOD?



Sgt W Wayne Marlow, 1st Infantry Division Public Affairs Office

holders – mostly Arabs allocated housing by the Baathist regime in areas populated by Kurds and Turkomen – will probably wish to be resettled in areas where they constitute a majority.³ It is not clear either whether the newly-trained Iraqi police force will have the requisite will or ability to carry out contentious evictions. Had more attention been paid to the Bosnian experience it would have been readily apparent to the architects of the IPCC that national involvement from the start is vital to successful implementation of the scheme. Nevertheless, imperfect though it may be, a start has been made.

The primary task of a Property Commission based on the BiH model is to collect property claims and sort them into cases that can be easily verified (and therefore on which decisions can be made immediately) and those where property is contested. In the latter cases, a formula needs to be agreed as to how ownership should be determined (unless such provisions are already in existing legislation). It is important to determine which family has historical rights to the contested property and which subsequent owners have a justifiable claim to compensation.

fundamental redesign of property legislation is necessary

Degrees of compensation must be formulated in a uniform and transparent manner so that, with an effective information campaign to prepare the ground, people do not feel they are being victimised by bureaucratic cronyism but rather recognise that the issue is being dealt in a uniform manner all over the country. Even in simple cases where claimants cannot prove ownership or occupancy rights due to absence of documentation, it is important to find a formula whereby proof can be established. Where property is contested, other legal mechanisms are necessary to arbitrate between contestants.

Restoring property in cases of contested rights, or in cases where the occupants refuse to vacate the

property because they have nowhere else to go, will take time. What is important is that the established mechanism uses national legislation and implementation procedures to address these issues.

In Afghanistan property restitution is even more complicated and contentious. According to a report published by the Afghanistan Research and Evaluation Unit (AREU)⁴ land tenure laws are complex, uncertain, incomplete and currently unenforceable. AREU warns that the approach taken by the Afghanistan Transitional Administration – to restore order in land ownership by seeking to return land to pre-1978 owners – is flawed. Many aspects of that pattern of ownership remain contested and played an unacknowledged role in generating conflicts. High rates of sharecropping by both landowners and the landless and the ambivalent status of mortgaged plots make a precise definition of ‘owners’ difficult. The little land policy planning undertaken by the ATA has been driven by the objective of helping foreign investors to secure land.

Although the Transitional Authority has created a court to hear land claims, it has not developed laws upon which the court can base its judgments. The inability of the ATA to extend its power beyond Kabul and the lack of a comprehensive legal framework will complicate property restitution for years to come. Until comprehensive mechanisms that are perceived as impartial and uniform can be put in place to address both issues, the roots of internal conflict in Afghanistan will remain.

The ATA has made a tentative start to sort out property claims by establishing ‘land tribunals’ in areas where circumstances permit them to operate and where local warlords are amenable to negotiation, reconciliation and the return of former inhabitants. While operating circumstances for property restitution are horrendously difficult it is encouraging that the approach to setting up the land tribunals has focused on the involvement and endorsement of local and national authorities.

However, AREU charges the international community with giving poor advice to the ATA. By its ‘light footprint’ approach the international community reinforces the perception that land ownership problems are too complex, bewildering or sensitive to be addressed.

Clearly the magnitude of the problem in Afghanistan, as well as in Iraq, will not be addressed by a CRPC mechanism alone. Most actors involved recognise that a fundamental redesign of property legislation is necessary for a long-term, durable solution of the problem that will combine reconciliation with restitution and re-allocation, including fair compensation for those who lose out. In both countries this will be an enormous undertaking and will take years to implement. The question is whether the international community will assist with the same level of determination and resources as it did in Bosnia.

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¹ For earlier FMR analysis, see FMR7 *Going home: land and property issues*: www.fmreview.org/mags1.htm

² Madeline Garlick ‘Protection for Property Rights: A partial solution? The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) in Bosnia and Herzegovina’, *Refugee Survey Quarterly*, Vol. 19, No 3, 2000.

³ See the report of Human Rights Watch, at www.hrw.org/english/docs/2004/08/03/iraq9174.htm

⁴ Liz Alden Wily *Land Rights in Crisis: Restoring Tenure Security in Afghanistan*, for the Afghanistan Research and Evaluation Unit, March 2003, www.areu.org.pk/publications/land/land.pdf

Post-conflict property restitution in Croatia and Bosnia and Herzegovina: legal rationale and practical implementation

by Rhodri C Williams

A human-rights based approach to post-conflict property restitution is likely to produce results that are more consistent, fair, effective and sustainable than those based purely on the 'right to return'.

Legally, the right to post-conflict property restitution derives from two independent rationales. The most commonly cited rationale is the 'right to return' whereby refugees and IDPs are entitled to return voluntarily not only to their country but to their actual home of origin. A parallel - rights-based - rationale derives from the necessity of providing adequate remedies to the victims of human rights violations. Paulo Sérgio Pinheiro, the UN Special Rapporteur on property restitution, has noted that "restitution as a remedy for actual or *de facto* forced evictions resulting from forced displacement is itself a free-standing, autonomous right."¹

While these two rationales are not mutually exclusive, practice in the former Yugoslavia indicates that the relative emphasis placed on the return vis-à-vis the human rights rationale for property restitution can greatly affect implementation. First, it can significantly influence choices about the inclusion (or exclusion) of various categories of property, an issue of particular importance where, as in the former Yugoslavia, some properties that clearly constituted pre-war 'homes' of displaced people were held under forms of tenure that fell short of outright ownership. Second, the rationale chosen for property restitution programmes can affect the procedural fairness with which property claims are handled.

Occupancy rights and double standards

In both Bosnia and Herzegovina (BiH) and Croatia, private homes will largely have been restored to their owners by the end of 2004. However,

restitution of a second category of property - socially-owned apartments - has been far more problematic.

Although such apartments constituted a lower percentage of the housing stock than private homes, their urban location and general high standard made them highly desirable. Most apartments were allocated by public employers to employees on the basis of an 'occupancy right', contingent on a 'use requirement' forbidding prolonged absence of the occupancy right holder. This was rarely enforced but was then revived in wartime regulations allowing empty apartments to be declared abandoned and re-allocated - typically on the basis of ethno-political cronyism - without regard to the wartime conditions that may have necessitated the flight of the previous residents.

In post-war BiH, new domestic property repossession laws again revived the use requirement as a 'return requirement', forcing apartment claimants to fulfil three conditions:

- claim within a set period (initially identical to that triggering cancellation under the pre-war use requirement)
- seek enforcement of a positive decision within a set period of receiving it
- physically reoccupy the apartment within a set period of its becoming available.

In the immediate post-war period, many displaced people were fearful of returning. The international community's initial support for measures ostensibly designed to force return waned as it became obvious that they were being applied

in a manner meant to permanently cancel pre-war occupancy rights, pre-empting any possibility of return in individual cases. By imposing amendments the Office of the High Representative removed most of the requirements in 2001, clearing the way for completion of a restitution process that has seen the return of almost 100,000 apartments in BiH. However, the original deadlines for claiming remained in force, thus preventing restitution and pre-empting return for as many as 9,000 displaced families. The question remains as to whether, from a human rights law perspective, the continued exclusion of those who failed to meet the claim deadlines represents a permissible limitation on the right to property restitution.

In Croatia, approximately 25,000 apartments occupied by minority Serbs before the war were reallocated during the conflict. Croatia refuses to consider restitution or even compensation for terminated occupancy rights based on its position that they are not 'property', despite contrary law and practice in neighbouring BiH.

Human rights interpretations applied in BiH are not binding on Croatia and the European Court of Human Rights in Strasbourg has not required Croatia to provide a remedy for terminated occupancy rights.² In any case the international community has no power to override the Croatian political system, as it can and does in BiH. Yet, the international community's apparent unwillingness to link restitution of lost occupancy rights to Croatia's candidacy for such multilateral institutions as the EU represents an apparent double standard, considering that BiH has faced unyielding international pressure to resolve property claims for apartments and private homes alike.

Ironically, Croatia's success in avoiding liability for terminated occupancy rights may rest in its portrayal of the issue as a matter of return, rather than human rights. Croatia has recently offered pre-war apartment residents eligibility for housing assistance programmes on the condition that they are willing to return to Croatia. In failing to provide restitution or compensation for lost apartments, the Croatian authorities have almost certainly minimised the likelihood that their pre-war residents would return. However, because Croatia is seen to offer assistance to those who, nevertheless, come back, low rates of return can be attributed to reluctance on the part of those displaced rather than failings of the authorities.

Return and procedural considerations

In BiH, the property restitution laws implicitly required claims to be processed in chronological order. International monitors in BiH endorsed chronology in keeping with general attempts to de-politicise return by emphasising the impartial 'rule of law' nature of property restitution. However, international monitors also demanded, as a matter of policy, that certain categories of claimants be 'prioritised' to repossess their homes, based on arguments that this encouraged return. The efficacy of this policy in promoting

return was debatable and evidence mounted that the discretion given by the international community to allow policy-based exceptions to chronology was being abused in order to protect politically-connected temporary occupants from eviction. Beginning in 2001, the international community espoused processing in strict accordance with law, clearing one of the last lines of obstruction to completion of the property restitution process.³

Conclusion

Practice in BiH and Croatia demonstrates two risks involved in basing post-conflict property restitution on a pure return rationale.

Firstly, it can foster conditionality of restitution on actual return, particularly where pre-war homes were held in conditional or informal tenure forms. In BiH, the resulting choice between immediate return to an uncertain security environment or permanent loss of one's pre-war home posed a risk of actually preempting return. In Croatia, placing conditions on benefits which then fall short of restitution has both discouraged return and distracted attention from the failure to provide a human rights-based remedy for mass dispossession of pre-war homes.

Secondly, the logic of promoting return can result in attempts to identify and prioritise repossession

of property for groups deemed likely to return or encourage return. Such policies can undercut the transparency, perceived impartiality and effectiveness of property restitution processes.

On the other hand, it should be emphasised that property restitution justified as a remedy to human rights violations presupposes free choice as to whether or not beneficiaries actually return. However, given that coerced return would in any case simply subject victims of human rights violations to further harm, property restitution programmes should be based on principles likely to ensure speedy, full and fair restitution of homes. BiH and Croatia may be seen as evidence of the effectiveness of a human rights-based approach.

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¹ 'The return of refugees' or displaced persons' property' by Paulo Sérgio Pinheiro, online at: [www.unhcr.ch/Huridocda/Huridoca.nsf/0/7893f45a0a2853a8c1256c080031227a/\\$FILE/G0213998.pdf](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/7893f45a0a2853a8c1256c080031227a/$FILE/G0213998.pdf)

² See www.echr.coe.int/Eng/Press/2004/July/ChamberJudgments290704.htm

³ See '12/9/2002 A New Strategic Direction' under Key Documents at www.ohr.int/plip.

Protecting displaced population from landmines – a call for joint action

by Sayed Aqa, Katrin Kinzelbach, Oren Schlein and Pontus Ohrstedt

In Colombia, as in many conflict and post-conflict states, the presence, or suspected presence, of landmines and UXO is one of the main obstacles to ensuring a safe and secure environment for returnees. A vigilant approach and greater coordination are needed.

Mines and unexploded ordnance (UXO) do not recognise cease-fires and peace agreements and pose serious obstacles to the safe return and reintegration of refugees and IDPs. Agencies providing assistance to refugees and IDPs have not always demonstrated the necessary awareness and expertise to protect displaced

populations from the landmine threat, putting people at great risk or resettling them in heavily mined areas where livelihood opportunities are scarce. An even more complex situation arises in protracted conflict situations. Colombia is a country that presents these very particular challenges.

Colombia, which has one of the world's largest IDP populations, is the only country in the Americas where landmines are still being laid on a regular basis. Since the 1990s some 2.5 million Colombians, predominantly in rural areas, have been displaced by armed conflict.¹ Since peace negotiations between the Colombian government and the Colombian Revolutionary Armed Forces guerrilla group (FARC) broke down in February 2001, non-state actors have increased their use of antipersonnel landmines to delay the advance of



Pontus Ohlstedt

IDP camp in Bocas de Opogadó, Chocó

the Colombian army. This practice has become an integral part of the guerrillas' current military strategy, despite the impact on the civilian population. Data on the extent of the UXO problem is unavailable but intensification of the conflict, including the aerial bombardment of guerrilla-controlled territories by the Colombian armed forces, has contributed to UXO contamination of large areas of the country.

At least 579 of 1,097 municipalities in 31 out of 32 departments are now mine-affected. According to the Observatorio de Minas Antipersonales (the national mine action authority established by the office of Colombia's vice-president), there was a 390% increase in landmine accidents between 2000 and 2003. During the first seven months of 2004 there were a total of 391 victims of antipersonnel mines, involving 124 civilians and 267 military personnel. The proliferation of mines is causing new displacement, denying farmers access to their land and blocking hopes for return and reintegration. Mines are found with growing frequency along rural access roads and even in school compounds.² Because there are hardly any markings of landmine-contaminated areas in the country, people such as IDPs who move through unfamiliar territories are at high risk. Moreover, a recent UNDP field mission confirmed the use of landmines to encircle an

IDP community that had recently returned to their place of origin in Oriente Antioqueño. Although the use of landmines by the guerrillas was intended to hinder the movement of paramilitary groups and the army and to hinder access to coca plantations, they also blocked local farmers' access to their land.

The government's policy of promoting IDP returns despite the reality of ongoing conflict has been questioned by the UN, particularly UNHCR, as incompatible with the principles of voluntary return in dignity and safety which are enshrined in the UN Guiding Principles on Internal Displacement.³ Of the 75 municipalities where IDPs returned between August 2002 and April 2004, 53 municipalities reported landmine incidents, out of which 35 reported landmine casualties. In total, 330 demining activities have taken place in these municipalities since 2002 and 28 suspected minefields were reported. Although each case must be studied in detail, these figures clearly suggest that landmines pose a significant threat to the security of the returning IDPs in Colombia.

The issue of landmines has only recently been recognised in Colombia as a major humanitarian and development problem. Awareness among the general public and state officials is limited, and coordination between actors has been poor. There is only limited information

sharing between the Observatorio and the Social Solidarity Network (SSN)⁴, the government agency in charge of registering displaced persons, assisting poor and vulnerable Colombians and planning reconstruction projects. Protocols for returnees require the provision of security clearances from the army but no information is systematically requested by the SSN of possible landmine contamination in returnee areas, either from the armed forces or the Observatorio. Military demining is undertaken but this does not necessarily meet international mine action standards for humanitarian demining, and the Observatorio is not involved at any stage of the clearance process.

It is essential that:

- the Observatorio and the army provide the SSN with updated information on actual and suspected mine-contaminated areas, especially in returnee areas
- protocols used by the SSN to govern the return of IDPs directly address the landmine issue and include detailed criteria for addressing landmine contamination in the returnee areas
- the armed forces do not provide security clearance for IDP return if the landmine issue is not addressed
- military deminers deployed to prepare for IDP return work with the Observatorio and adhere to international mine action standards
- emergency humanitarian mine action capacity be established in support of IDP return.

Humanitarian agreements with non-state armed actors to refrain from the use of anti-personnel mines present one of the best chances of reducing the threat to returning IDPs posed by mines. In the current political climate in Colombia this is a complex and difficult task. However, progress has been made through the work of Geneva Call⁵ and the Colombian Campaign to Ban Landmines⁶. In June 2004 they organised the first forum to bring together the Colombian government and non-state actors to discuss

humanitarian matters. A jailed leader of the National Liberation Army (ELN), the smallest of Colombia's three main guerrilla armies, was temporarily released from detention to come to the Colombian Senate to attend the forum. He renounced the use of landmines and called for an end to the country's violence.

Landmines and displacement

In order to protect displaced populations from the threat of landmines, it is imperative that aid organisations, government and community officials and others involved in resettlement and return programmes be fully aware of the threat that landmines and UXO pose to IDPs. The risky nature of mine action operations requires a much higher level of careful planning and a longer lead-time than, for example, food delivery and the distribution of tents.

Planning of IDP resettlements has not always met this challenge, and IDP and refugee camps have been established in areas contaminated by landmines and UXO. In 1993, for instance, the Sarshahi IDP camp outside Jalalabad in Afghanistan was established in a heavily contaminated area. More recently, camps for potential Iraqi refugees were established in mined areas inside Iran. Fortunately, few if any refugees actually populated these camps. Mine accidents can and have discouraged IDP and refugee return. For instance, the tragic death of Médecins Sans Frontières staff due to a landmine accident in the spring of 2004 in Angola had a major impact on the return of refugees and IDPs in that country.

In order to ensure the safety of IDPs in camps and in home communities after return it is important to:

- encourage timely communication and coordination among national and regional mine action authorities, mine action NGOs, aid agencies and government officials responsible for IDP settlement and re-settlement
- gather information on the location of mines and UXO from all armed protagonists, communities and NGOs before establishing camps: information must be cross-checked from multiple sources
- clear several kilometres of land around camps as refugees/IDPs must often wander far in search of firewood, scrap metal, water or pasture
- provide alternative sources of energy – such as solar cookers/ water heaters – to reduce foraging for firewood
- permit only accredited mine action organisations to remove mines, giving them sufficient advanced notice of work required and then allowing them sufficient time to do so
- recognise that demining teams work according to a schedule of priority tasks and may not, therefore, be immediately available to respond to emergencies
- ensure that the considerable expenses of mine action programmes are included in the budget of IDP programmes as well as in appeals to donors
- ensure that repatriation is preceded by public information and sensitisation campaigns and by clearance of areas of return and roads to be used by returning populations
- include a survivor assistance component in all reintegration support packages to ensure that landmine victims receive medical, psychosocial and vocational support.

Mine risk education (MRE) plays an important role in ensuring the safety of populations living in mine-affected areas. MRE should, therefore, form an integral part of all IDP programmes in mine-affected areas. MRE should not only cover basic precautionary behavioural rules but also sensitise displaced and returning populations to the particular nature of the landmine threat in their community. There have been instances of aid agencies using pre-designed MRE messages, including kits prepared for other countries, which have put people at high risk because the messages have not been appropriate for the intended communities. All MRE messages should be designed by professionals with a view to taking into account the unique environment, level of education of IDPs, and other cultural considerations.

Any person on the move in mine-affected environments is exposed to the indiscriminate threat posed by landmines and UXO. Large-scale population movements increase this risk, since they tend to be characterised by confusion and distress. The dangers posed by landmines and UXO extend beyond the displacement phase and continue to be severe during temporary settlements, as well as during the return or re-settlement of displaced populations. Key components of any effort to mitigate the consequences of landmine contamination on displaced populations are communication and timely and joint planning among all key stakeholders.

Especially in the case of protracted conflicts, such as in Colombia, it is crucial to analyse the landmine problem within the context of the broader conflict, linking mine action to other components of an integrated strategy. The eventual return of IDPs to their home communities can only be successful and sustainable if both security and socio-economic conditions are favourable in those areas where IDPs intend to re-establish themselves. Maintaining a vigilant approach to the landmine issue can help reduce mine accidents among displaced populations and ensure the eventual safe and sustainable return and reintegration of IDP populations.

This article was co-authored by Sayed Aqa, Katrin Kinzelbach and Oren Schlein of UNDP's Mine Action Team in New York (see www.undp.org/bcpr/mineaction) and Pontus Ohrstedt of UNDP's Colombia Country Office. Emails: sayed.aqa@undp.org; katrin.kinzelbach@undp.org; oren.schlein@undp.org and pontus.ohrstedt@undp.org. The views expressed are those of the authors and do not necessarily represent those of the UN or UNDP.

¹ See the Colombia country profile at the Global IDP Project, www.db.idpproject.org

² For more details, see www.mineaction.org/sp/countries/countries_overview.cfm?country_id=Colombia

³ See www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html

⁴ See www.red.gov.co/eng

⁵ See www.genevacall.org

⁶ See www.icbl.org

From emergency to development: assessing UNDP's role in Bosnia and Herzegovina

by Moises Venancio, Svetlana Pavelic, Sabina Zunic, Goran Vukmir and Massimo Diana

Since the Dayton Peace Accords of December 1995 ended three and a half years of conflict, UNDP has worked in Bosnia and Herzegovina (BiH) to facilitate return of displaced people, consolidate peace and lay the basis for long-term development.

The Office of the High Representative (OHR)¹ administers BiH. BiH is divided into two equal-sized entities, the Republika Srpska (which forms a semi-circular shape around the north and east) and the Federation (mostly populated by Croats and Muslims), both of which nominally work under the auspices of a weak State government. Security has returned and there is full free movement of goods and people throughout the territory. The international NATO forces are in the process of decreasing to half their strength by year end and a small European Observer Police Mission remains. As UNDP's latest quarterly early warning system report shows, the fear of a return to war, even if international forces pull out, has reduced drastically.

Just under half of the two million people who were internally displaced or made refugees have returned to their areas of origin. The fact that since 2000 most of those returning have been minority returns (i.e. people returning to areas where they belong to an ethnic minority) is a positive indication of the level of stability, security and reconciliation. Over 90% of claims for restitution of property have been settled.

In the early post-Dayton years, UNDP - like other organisations - focused on housing. However, UNDP did try to use more integrated approaches that stressed the need to ensure sustainable return from the onset. As such it introduced the area-based approach which linked local economic recovery, job creation and support to returnees as complementary activities to housing reconstruction. Infrastructure, microcredit and income generation projects were prioritised in municipalities along the inter-entity boundary line to provide rapid

job creation and encourage divided communities to work together around projects of common interest.

In 2001, as the perception grew that the humanitarian response to conflict in BiH was over, UNDP began designing medium-term strategies to ensure the long-term sustainability of return. These have involved integration of support at State, entity and local government level and fostering a new partnership between government, civil society and the private sector. In a complex governance structure the main focus has been on enhancing the capacity of local government.

In January 2004 the BiH Ministry for Human Rights and Refugees (MHRR) and other federal authorities took full control of the return process. They are now facing the related challenges of ensuring the safe return of the estimated 300,000 people shortly expected to return and promoting sustainable development. MHRR has developed a database with return-related information on all 147 BiH municipalities. Priorities are now determined by the BiH authorities and not the international community.

RMAP - local level rights-based development for all

The Rights-Based Municipal Assessment and Planning Project (RMAP)², a UNDP pilot project in partnership with the UN Office of the High Commissioner for Human Rights (OHCHR) and the BiH State Ministry for Human rights and Refugees (MHRR), is one of the first practical initiatives since the Secretary-General called on UN agencies to define and develop rights-based development approaches. Rights-based development places people as active participants and owners of develop-

ment and works to incorporate and respect human rights at every stage in the development process.

RMAP began with the reality that there was no meaningful dialogue between duty and claim holders, i.e. those charged under Dayton with responsibility for facilitating return and those with legitimate claims to assistance and restitution. Municipal development plans were not being developed on the basis of the needs and priorities of citizens, and coordination between municipalities, the Federation's cantons and entity agencies was often non-existent.

RMAP's original aim was to assess the capacity of governance institutions to contribute to policy dialogue. However, it was realised that assessment alone is not sufficient for promoting human rights and that rights-based development should include three phases: assessment, planning and implementation. The primary objective shifted towards employing the assessment process itself to encourage local governments to consult their citizens and to initiate dialogue on crucial human rights and development issues between all interested state and non-state actors.

A decision was made to work more slowly and to reduce the number of municipalities in RMAP from 48 to 25. Local and international development and human rights specialists liaise intensively with the staff of a particular municipality to assemble information on civil, cultural, economic, political and social rights. Issues range from women's equality and political participation to workers' rights and equal access to public services.

Rights-based assessments have now been carried out in eight Federation and eight Republika Srpska municipalities. RMAP is now being implemented through two parallel processes: assessments are continuing in additional municipalities while

trained staff in others are starting to prepare rights-based strategic development plans. Municipalities will formulate their own participatory development plans while RMAP teams will facilitate dialogue between the duty bearers and claim holders as well as build the capacity of the municipalities in terms of human rights, gender and development planning.

A recent report assessing RMAP's work in the assessed municipalities identifies key issues in seven sectors of public administration, civil society, economy, social protection, education, health and justice.

The report recommends that UNDP and others in the international community should:

- do more to ensure equal multi-ethnic access to all municipal services and decision-making processes
- promote reform in the sectors of education, health and justice
- more clearly define duty bearers' and claim holders' responsibilities
- guarantee extended and continuous levels of support to municipalities: without financial and moral support from higher levels of authority and donors, municipalities will be unable to fulfil their obligations and will not break free of constraints imposed by ethnic-based politics.
- encourage municipalities to fulfill their obligations even when support from higher levels is less than perfect.

According to the RMAP Project Manager: *"Change needs to start from within - not from outside. It needs to start from changing the attitudes of both the duty and claim holders."*

Empowering local authorities to oversee refugee/IDP return

The Sustainable Transfer to Return-related Authorities (SUTRA) project⁴ is a joint, innovative initiative of the EU, UNDP and MHRR undertaking, in cooperation with entity line ministries, to transfer the management of return to local authorities at central and municipal level. Seven pilot municipalities (Brod, Derventa, Dobo, Lukavac, Mostar, Travnik and Tuzla) are being enabled to coordinate, stra-

The most mined country in Europe

An estimated 670,000 anti-personnel mines and many types of unexploded ordnance (UXO) are scattered across 10,000 sites which together constitute 4% of BiH's land area. The mine threat in BiH is arguably among the most complex in the world given the fact that it is widespread, low density and has to be tackled in a complex governmental environment. Dangers are particularly acute in former front-line areas to which displaced people have been returning.

Responsibility for mine clearance is carried out by a number of bodies - Entity Armed Forces, commercial demining companies, international and national NGOs and Entity Departments for Civil Protection. The BiH government has been unable to generate sufficient resources to finance annual mine action targets. Limited funding has resulted in difficulties in obtaining de-mining gear and equipment, hampered the implementation of school-based mine-risk education and restricted provision of adequate assistance to landmine victims. The presence of mines inhibits the return of refugees and IDPs and restricts agricultural recovery, tourist potential and environmental rehabilitation. Though mine deaths are decreasing, in 2003 there were 23 fatalities.

UNDP has two major initiatives. The first is a national medium-term framework that supports a continued, coordinated approach to mine clearance at agreed levels throughout BiH. It is complemented by the Direct Demining Project (DDP) which provides for the restoration of access to, and functionality of, high-priority areas through mine clearance and/or area reduction in the Sarajevo area, while decreasing the number of mine related incidents and reinforcing indigenous mine-clearance capacity. However, funding shortfalls are a reality and much remains to be done if BiH is to achieve its target of becoming mine-free by 2010.

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tegitally plan and successfully manage the return, thus preparing them for full ownership of the process.

SUTRA, which was approved by the Peace Implementation Council (the international body that oversees the peace process in BiH) in December 2002, marks a historic departure. For the first time since Dayton, elected BiH representatives - rather than the OHR, UNHCR or NGOs contracted by donors - are setting the priorities for return assistance. Whilst all funding for return and reintegration projects used to come from outside, 54% now comes from BiH budgets. This is a major breakthrough in a country accused of typifying the dependency syndrome. The Swiss Foreign Ministry has noted that SUTRA's design, as a medium-term support facility for management and technical assistance, is an example which should be replicated to support the hand-over from international to national structures in other sectors.

The current SUTRA has led to a number of lessons learned and has

bolstered the confidence of the national authorities and the collaboration of the various government structures. The aim has now been to draw on this and to formulate a SUTRA II that fully reflects the experience to date and is both based on and reflects effective national ownership. SUTRA II has been shaped by an extensive stakeholder-driven process, led by the MHRR with support from UNDP. The process has worked in particularly close partnership with municipalities involved in Phase 1 and with civil society organisations. The fact that SUTRA II has reflected lessons learned should hopefully dispel the mistaken perception on the part of some decision makers, especially at municipal level, that SUTRA is primarily a return and reconstruction project.

Additionally SUTRA is playing a important role in defining the BiH arrangements for this sector and clarifying the roles and responsibilities of the different government layers so that the architecture of governance is maximally compatible with the future

requirements of European Union Structural Funds.

Srebrenica - litmus test for the return process

Srebrenica, site of the world's first UN Safe Area, saw Europe's worst post-World War II genocide. In July 1995 the Bosnian Serb army took control of the small spa town and over a period of five days systematically murdered over 7,000 men and boys. After the war, Muslim homes in Srebrenica were populated by Serbs who left areas - particularly around Sarajevo - which had become part of the Federation.

The UNDP Srebrenica Regional Recovery Programme (SRRP)⁵, UNDP's most significant and complex ongoing area-based initiative, represents an integrated, holistic approach aiming at laying the basis for local recovery and sustainable return to Srebrenica and neighbouring towns of Bratunac and Milici. SRRP links support for two-way return by promoting socio-economic recovery, restoring multi-ethnic communities and strengthening local government structures.

Since implementation began in October 2003 SRRP has worked to:

- support municipal government capacity to deliver customer-

oriented, efficient, effective, transparent and accountable local administration

- create conditions for sustainable economic growth
- strengthen the capacity of civil society to voice concerns and advocate for their constituencies in dialogue with local government
- integrate gender equity into all aspects of the society, ensuring active participation of women and men, different groups, social classes and age groups
- assist efforts to build a memorial centre and cemetery for massacre victims.

Most Serbs illegally occupying property have now been evicted and have left Srebrenica. As in other areas of eastern Republika Srpska returns of Bosniaks (Muslims) are particularly problematic and traumatic. However, dramatic progress has been made in the last year. According to UNHCR statistics, by March 2004 2,286 Bosniak ex-inhabitants had returned to Srebrenica, 2,337 to Bratunac and 1,290 to Milici. 42% of returnee families are female-headed.

Caught between the huge expectations created by SSRP and the slow arrival of pledged donor funds the programme team initially prioritised Quick Impact Projects (QIPs) to respond to the immediate needs of

vulnerable returnees and promote reconciliation. QIPs and follow-up Quick Impact Economic Projects (QIEPS) have laid foundations for medium- and long-term cooperation with the local authorities, civil society organisations and communities. All proposals have been reviewed, contracts tendered and money disbursed through transparent procedures which have made the three municipalities equal partners with international organisations. QIEPS have boosted the economy by funding small business development, providing vocational and business skills training. Twenty-six local organisations - including citizens associations, returnee associations, women and youth organisations and associations of persons with special needs - have received SRRP financial help. Roads, water supply, power grids, public buildings and other infrastructure have been rehabilitated. Additionally, UNDP has managed to raise funds for a project which will soon start offering micro-credit specifically tailored for female entrepreneurs.

Though Srebrenica remains haunted by its past, growing numbers of people are succeeding in their ambition to return to their land of origin. While security has tremendously improved in the last few years, mass unemployment, economic stagnation and the lack of a social welfare



system constitute today's grave threats to peace and reconciliation in Srebrenica region. Around 90% of municipality residents live below the poverty line.

Challenges and priorities

While security is no longer a problem, lack of economic development and weak municipal governance seriously hamper peace building, re-integration and reconciliation in BiH. UNDP and other agencies cannot, by themselves, solve the more structural economic and political issues which continue to hinder return.

BiH has maintained macro-economic stability. Inflation is less than 1% and the economy is estimated to have grown by 5% in 2003. The currency is stable, the banking sector is seen as a regional model and foreign direct investment increased by 70% in 2002. Remittances account for some 15% of GDP and significantly bolster the economy and prevent wider levels of poverty. Of crucial significance to future membership of NATO's Partnership for Peace is the fact that a federal defence ministry has been established with a unified chain of command for the country's three armies.

However, poverty and social hardship are widespread. Official per capita GDP (\$1,250) is only half the level of 1992. Estimates of the proportion of the population who are unemployed range between 16% and 44% and could worsen as privatisation accelerates. People are worried about the economy and doubt whether the government can improve things. A fifth of the population is estimated to live below the poverty line with Serbs, pensioners, middle-aged unemployed people, returnees, youth and Roma most affected.

The Dayton objective of reversing ethnic cleansing has yet to be achieved and may never be. While minority returns have increased significantly in recent years, a million people have not come home. It needs to be remembered that people were emigrating from BiH even before the war, particularly from Croat areas of what is now Republika Srpska. Many who have permanently settled in third countries will not exercise their right to return. The return of expelled Croats to northern Republic Srpska is particularly fraught with difficulties due to economic stagnation

and lack of access to adequate health and education facilities. While efforts to restore property have been generally successful it has become clear that in itself property restitution does not ensure socio-economic reintegration.

With some local exceptions, the participation of civil society in public affairs and their capacity to advocate and network is limited. The idea of partnership between civil society organisations and municipalities is very much in its infancy. Blame for slow progress in engaging civil society can be apportioned to the international community and weak and often dysfunctional government structures which have used community-based organisations mainly as an alternative service delivery mechanism. The legacy of the past Communist era lives on as locals are accustomed to heavy-handed intervention from the authorities and unused to engaging them in dialogue.

A key challenge is that while Dayton guaranteed the right to return it was silent on the right to stay. There is little point encouraging people to go back to unproductive areas or places they do not want to return to for obvious psychological reasons, yet there are few mechanisms to support people to stay put. This can lead to the emergence of a new marginalised class, particularly in urban areas.

Other significant challenges are:

- Fiscal decentralisation - a prerequisite for sound local governance - has barely begun.
- Lack of transparency and discriminatory practices in hiring practices especially affect minority returnee populations.
- Ethnic politics continue to influence development policies and ethnic identities still shape people's lives.
- Although the BiH Constitution includes basic international human rights guarantees there is no coherent, clear and binding legal framework indicating who is responsible for what when it comes to human rights issues.
- It is cumbersome and expensive to maintain the many tiers of government structures established by Dayton.
- Municipalities still lack resources and capacity to guarantee even fundamental rights and many

remain unwilling to take proactive action to support the return process and assist vulnerable minorities.

- Despite successful reforms the rule of law is weak and corruption, favouritism and influence-peddling are widespread.
- In many areas court structures and prosecutors' offices remain mono-ethnic.
- Newspapers, radio and television target the majority ethnic group and programming reflects the culture of the dominant group only.
- Education systems retain names, symbols and textbook contents which reinforce intolerance of cultural differences: decisions about the languages of instruction deter minority enrolments.
- Returnee families, particularly those which are female-headed, are often unable to provide educational basics for their children or access health services.
- Information is lacking about the demographic profile and socio-economic status of those who have returned.

Successful long-term consolidation of peace, development and formation of a multi-ethnic state inside the European Union will require continued high levels of external assistance. However, international assistance of \$270m to BiH in 2004 is only about a third of the level of the post-Dayton years. Without significant support there is a risk that Bosnia will continue to be a source of instability for the region and for Europe.

This article is authored by five UNDP staff members in order to highlight the difficulties and the constant need for cooperation in a country office that works in an ever-shifting and changing political and funding environment.

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¹ See www.ohr.int

² See: www.undp.ba/shprojects.asp?idItem=9

³ See [www.undp.ba/Publications/RMAP/Consolidated%20Report%20\(English\).pdf](http://www.undp.ba/Publications/RMAP/Consolidated%20Report%20(English).pdf)

⁴ For further information about SUTRA, see www.undp.ba/shprojects.asp?idItem=4 or contact Armin Sirco. Email: asirco@undp.ba

⁵ For more information, visit the SRPP website: www.srrp.undp.ba or contact the Programme

Learning lessons from IDP resettlement: villagisation in north-west Rwanda

by Stephanie Kleine-Ahlbrandt

Analysis of how the international community provided uncritical support for Rwanda's controversial villagisation policy highlights the need to improve protection for resettling IDPs, think more seriously about sustainable integration and improve inter-agency cooperation.

Following the rapid return to Rwanda of over one million refugees from the Democratic Republic of the Congo at the end of 1996, soldiers who had been responsible for genocide launched an insurgency in northwest Rwanda. The Rwandan army used brutal tactics to fight the rebels, killing, torturing and arbitrarily detaining hundreds of civilians. Violence employed by both parties led to a humanitarian crisis and extensive internal displacement. By the end of 1998, some 630,000 people – half the population of north-west Rwanda – were displaced.

By late 1999 security had improved and attention turned to solutions for the displaced. As most were unable to return home, international agencies and donors decided to invest massively in the implementation of a policy of collective resettlement or villagisation (*imidugudu* in Kinyarwanda).¹ This required tens of thousands of rural families to relocate into newly-established settlement sites scattered throughout the region, rather than return to their traditional hillside abodes. The government saw the sites as a solution to insecurity and a way to deny insurgents contact with civilians. For four years international agencies led by UNHCR, WDP and UNDP and with support from NGOs provided massive support to villagisation, helping to build over 250 communities with 85,000 houses.

Starting as an emergency project, *imidugudu* was plagued by problems, several of which resembled those of earlier villagisation experiments in Africa:

- The authorities failed to achieve their stated objectives and unrealistically applied scientific criteria to the neglect of local realities.
- Authoritative and top-down directives often amounted to coercion and involved numerous cases of forced relocation.
- Families were unwilling to relinquish former land and livelihoods but the authorities required them to abandon and even destroy their dwellings.
- The programme lacked legitimacy: villagisation's legal status was unclear as it was implemented by two Rwandan ministries without legislation or parliamentary discussion.
- International agencies failed either to adequately protect the rights of IDPs in the return and resettlement phase or develop a coherent inter-agency approach to the crisis.
- Opportunities to advocate for the implementation of international standards regarding shelter, land access, protection and consultation were not taken.
- Villagisation did not link relief with development as it failed to provide adequate water, sanitation, health and education services.
- Agricultural productivity and food security were undermined by the distance between villagisation sites and cultivated fields and the relocation of communities on flat, fertile areas – thus forcing them to use environmentally precarious hillsides for farming.

- Most fundamentally, the Guiding Principles on Internal Displacement (GPs)² – and the wide range of civil, political, economic, social and cultural rights they articulate – were not used to guide policy and practice.

These shortcomings were quickly highlighted in a series of evaluations commissioned by donors, UN agencies and NGOs. Yet, despite their findings, widespread international criticism of villagisation and its lack of a legal basis, the international community continued to offer significant support to its implementation. Their reasons for doing so were:

- a sense of responsibility and guilt for their inaction during the genocide and the resources they had unwittingly channelled to *genocidaires* using refugee camps in Zaire to launch raids into Rwanda
- the previous experience and expertise of many agencies in providing housing, a highly tangible and visible output
- the relatively straightforward process of raising funds for building accommodation in an increasingly competitive donor funding market.

coercion was still being employed to move individuals

At the end of 1999, international agencies finally became concerned enough about villagisation to develop a policy paper on the programme. This exercise presented an opportunity to articulate international standards relating to government-induced displacement. However, the final document released in February 2000, Common UN Framework for Assistance in the context of the Imidugudu Policy, was bland and vague – simply calling for more studies and

research. Most importantly, it failed to consider, much less apply, the relevant international norms, including the GPs.

UN inconsistency

In December 2000 Thomas Linde, the Senior Advisor on IDPs of the UN's Organisation for the Coordination of Humanitarian Assistance (OCHA), visited Rwanda. Linde's mission resulted in controversial and contradictory findings which were not endorsed by relevant UN officials charged with IDP responsibilities and which generated significant debate within UNHCR and OCHA. The most contentious finding involved the status of persons resettled by the government. Linde's report praised Rwanda for making efforts "in good faith" to establish a durable solution for formerly displaced people. Bizarrely, Linde claimed that only 6,340 persons could still be considered internally displaced but also estimated that up to 370,000 recently displaced families remained in a "situation of vulnerability".

At the same time, other evidence (from the US Committee for Refugees, a joint Rwandan Government/Brookings Institution study and the UN) concluded that at least 150,000 IDPs relocated to villagisation sites were in a situation of total dependency and that the Rwanda still had around 600,000 IDPs. Observers noted that many vulnerable displaced families were woman- or child-headed households, that coercion was still being employed to move individuals and that difficulty in reaching fields and insecurity over land tenure had caused a decline in agricultural production. Prematurely considering these individuals "resettled" was therefore not only erroneous but also minimised their acute needs and undermined their ability to access already dwindling emergency resources available as donors switched from humanitarian to development budget lines.

Relevance of the Guiding Principles

The most significant omission in the Linde report was the failure to refer to either relevant international law or the GPs as the legal framework for IDPs. This was all the more surpris-

ing as OCHA headquarters decided in 1998 to disseminate the GPs to all field staff and to support their use.

Villagisation violated many of the GPs:

- Principle 6(3): that displacement may last no longer than required by the circumstances - had there been UN advocacy on this principle, IDPs might have been allowed to return to their homes instead of being forced to remain in shelters without basic amenities.
- Principle 7: guarantees to be met in the case of decisions requiring the displacement of populations - advocacy would have supported criticism of the hasty and non-consultative manner used to implement villagisation.
- Principle 12: that IDPs shall not be interned in or confined to a camp; and if in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.
- Principle 14: that every IDP has liberty of movement and freedom to choose his or her residence.
- Principle 15: the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.
- Principle 18 : that competent authorities are obliged to provide food and potable water, basic shelter, appropriate clothing and essential medical services and sanitation.
- Principle 28(1): that competent authorities must provide means whereby the internally displaced can return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or resettle voluntarily in another part of the country.

Conclusion

Rwanda offered a golden opportunity to actualise the Guiding Principles. This was a case where a government had acknowledged the GPs as a legitimate set of international standards. International advocacy efforts would have been politically feasible and likely to produce results. International agencies provided much of

the material support for villagisation and had field staff working near and within sites who were well placed to monitor and ensure respect for the rights of the displaced.

we must continue to draw lessons from past protection and sustainable reintegration failures

Use of the GPs as the benchmark of international law stipulating the obligations of the government vis-à-vis IDPs would have strengthened criticism of villagisation and thereby possibly stimulated action to render it more humane. It may also have assisted in the development of a more coherent inter-agency approach to the crisis.

While steps have been taken since 1999 to strengthen the international response to situations of internal displacement, we must continue to draw lessons from past protection and sustainable reintegration failures. There is an urgent need to:

- disseminate the GPs more widely and ensure they are actually applied by policy makers
- provide government officials and UN and NGO field staff with GP training
- train headquarters staff to provide better support to field colleagues responding to internal displacement crises and sensitise them to the issues involved in internal displacement
- give headquarters staff in UN country teams sufficient authority to instruct agencies how to proceed and to support them when obstacles are encountered
- refrain from sending numerous UN envoys and missions to the same country or region and offering different recommendations.

As resources dwindle, the UN must enhance its effectiveness and credibility by better coordinating its responses to humanitarian crises. Internal displacement is likely to continue as one of the most pressing humanitarian, human rights and security issues confronting the international community for the foreseeable future. The Guiding Principles on Internal Displacement must serve as the lynchpin of every response to internal displacement.

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The views expressed in this article are purely personal.

For a comprehensive analysis of villagisation and flaws in international responses to internal

displacement, see Kleine-Ahlbrandt, S. *The protection gap in the international protection of IDPs: the case of Rwanda*, Graduate Institute of International Studies, Geneva, March 2004. Available online at: <http://heiwww.unige.ch/publ/workingpapers/04/wpaper1.pdf>

1 See FMR 7, Jon Bennett 'Forced relocation in Uganda, Rwanda and Burundi: emerging policy': www.fmreview.org/FMRpdfs/FMR07/fmr7.9.pdf

2 See www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html

The Forced Migration Online team at the RSC has produced a resource page on **Challenges of return and reintegration** to complement this feature section. See: www.forcedmigration.org/browse/thematic/return.htm

HOME FOR GOOD?

Arrival of return convoy at UNHCR transit centre in Byumba, Rwanda



Reintegration challenges for Burundi

compiled by the FMR editors

The Burundi government and the international community have failed to recognise the scale of the problems to be overcome in order to ensure the sustainable return and resettlement of refugees and IDPs.

Since the assassination in 1993 of Burundi's first democratically elected leader it is estimated that 300,000 Burundians have died as a result of conflict between the government and Hutu rebel groups seeking to put an end to the political dominance of the Tutsi minority. One in seven Burundians has been forced to leave home. Some 800,000 fled abroad, primarily to Tanzania. Many others, predominantly Hutus, were forcibly displaced ('regrouped', according to the language of social engineering employed by the Tutsi-dominated government) into squalid camps.¹

Prospects for the return of IDPs improved significantly at the end of 2003, following the signing in the Tanzanian city of Arusha of cease-fire agreements between the government and several rebel groups. At the same time, however, more people were displaced in Bujumbura Rural Province in the first months of 2004, as one rebel group, the Forces National de Liberation (FNL), refused to join the transitional power-sharing arrangement brokered by South Africa. With the overall increase of stability in the rest of the country, however, thousands of IDPs and refugees are returning home. The first soldiers of a UN peacekeeping force are being deployed.

Refugee and IDP return

According to UNHCR a total of 52,307 Burundian refugees have returned home from Tanzania since the beginning of this year, bringing returnee numbers since 2002 to 187,956. Even though return is 'voluntary', poor living conditions in the camps in Tanzania and active, if not coercive, encouragement by local Tanzanian authorities are clear push factors. Many repatriating Burundian refugees risk becoming IDPs upon their return as a result of ongoing insecurity.

Mkugwa refugee camp in Tanzania

By April 2004, the number of people in IDP sites - over 281,000 in mid 2003 - had halved. IDPs are returning because of improvement in security, in particular in the southern provinces that had experienced severe outbreaks of conflict. Some IDPs in the northern parts of Burundi - such as in Muyinga, a province where there were many civilian-led massacres in 1993 - think differently. Many are afraid of their former neighbours and prefer to settle down in their area of refuge, rather than return to their hills of origin.

Reintegration

While some IDPs wish to return home others prefer to continue to live in the special IDP sites. This raises the complex issue of whether the latter should be resettled in new sites in their areas of origin or whether existing IDP sites should be transformed into permanent villages. If the plans of the National Commission for the Rehabilitation of Disaster-affected People (CNRS) are implemented there is a risk of creating mono-ethnic segregated villages.

Land is in chronically short supply in Burundi - after neighbouring

Rwanda, it is Africa's most densely populated country. The vast majority of returnees and IDPs are dependent on agriculture for their survival. But with less than one hectare per person, there are grave doubts whether agriculture can viably sustain economic recovery.

Most IDPs and returnees will return to areas which have been severely affected by the war - lacking infrastructure and having suffered considerable damage to property. The Arusha peace agreement calls for the establishment of a compensation fund for the victims of the war, in particular for returnees and IDPs. At present, this fund does not exist because of a lack of money. Some assistance is given on an *ad hoc* basis, such as provision of iron sheets for roofing.

While the rest of Burundi is finally at peace, the situation in Bujumbura Rural, the province surrounding the capital, is very different. With persistent insecurity, and the presence of an active armed group, the provincial administration has no means to prevent displacement or work actively for the return and the reintegration of IDPs. With conflict continuing between the government's armed forces and the FNL, there has been a huge wave of new displacement - with currently some 50,000 people being newly displaced each month. Human Rights Watch alleges that both Burundian leaders and international actors are





so intent on pushing along a halting peace process that they are doing little about the ongoing military activities, recruitment and violations of international humanitarian law by all combatants in Bujumbura Rural.² IDPs in the most affected area in Bujumbura Rural - Kabezi - experience cyclic and repetitive displacements, in general lasting a month.

Janvier, Desiré and Vianney are three young men aged between 24 and 28. They live in Bujumbura Rural. They cannot remember how often they have been forced to leave their homes since the war started, nor how many times they have fled in 2004. Vianney tells what often happens: *"The people in my village take turns to conduct rounds at night. If for instance FNL has passed through the area in search for provisions or to conduct an attack, the women wake up their families and all the villagers flee before the army raids the area. They all believe that they will be killed if they stay. Often, when we return, houses have been burned or destroyed, and iron sheets and doors, as well as personal belongings, are stolen."* Grain stores are regularly destroyed or looted.

Uncertain future

Burundi is faced with the enormous challenge of reintegrating 1.2 million refugees, IDPs and demobilised soldiers, around 20% of the population of this chronically poor country. As the number of returnees grows, the Burundian government and the international

community must do more to ensure their effective reintegration. Major obstacles remain:

- Some armed groups have not signed the cease-fire agreement.
- Disarmament and demobilisation of ex-combatants are progressing but not the more important issue of integrating former rebels into the national army: the World Bank-backed disarmament, demobilisation and reintegration process (DDR) is faced with political obstacles.
- Antipersonnel mines planted by both rebel groups and government troops remain uncleared and there is a low level of mines awareness.
- Funding shortages, and a switch to support of programmes to resettle refugees, have led to reduction in assistance provided by international actors and local NGOs to the 140,000 people still living in IDP camps.
- The international community has not provided sufficient financial resources to establish mechanisms to support sustainable reintegration.
- Many rural families remain so poor that they have no mechanisms for coping with food insecurity: malnutrition rates are rising.
- Income generation schemes to enable rural people to diversify their livelihoods have not been established.
- The CNRS is not administratively and financially independent and lacks resources and capacity:

with only 21 staff members, it has had to focus its action principally on the returning refugees, to the detriment of the internally displaced.

- The transitional government and international community have failed to address the land issue: they need to establish land tribunals, clarify compensation criteria for expropriated families, set up compensation mechanisms and guarantee the land rights of widows.
- Communities affected by displacement are not being consulted about their futures.
- There is lack of clarity concerning international institutional responsibility for IDP issues: as UNHCR focuses on returning refugees, the UN country team has not demarcated which agency has lead responsibility for providing material assistance and protection to reintegrating IDPs.

Impunity casts a long shadow over the return and reintegration process

- There are growing fears that elections, scheduled under the Arusha agreement to be held before November 2004, will again provoke ethnic divisions.

Impunity casts a long shadow over the return and reintegration process. The Burundian military and opposition forces who committed serious war crimes, including civilian killings and rapes, have been given immunity from prosecution. In the absence of mechanisms to bring to justice those whose violent crimes caused their flight, and widespread problems of banditry, many are deterred from returning or fear future encounters with their assailants. Those displaced by violence in Burundi want to see justice done and the rebuilding of their country.

This article has been prepared with the assistance of the Norwegian Refugee Council. Information about NRC's Burundi programme is at www.nrc.no/NRC/eng/programmes/Burundi.htm

¹ See Susan Martin, *Burundi: Out of sight, out of mind*, FMR17, www.fmreview.org/FMRpdfs/FMR17/fmr17.10.pdf and the Global IDP Project's Burundi reports at: www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Burundi

² See hrw.org/backgrounder/africa/burundi/2004/index.htm

From warriors to peacemakers: people-to-people peacemaking in southern Sudan

by Michael Ouko

The People to People Peace Process, an initiative of the New Sudan Council of Churches, has been using traditional methods of conflict resolution to secure sustainable peace, return and integration for people caught up in the fighting in southern Sudan.

The world's longest-running civil war has pitted the largely Arab northern half of Sudan against the black African south on and off for over 40 years. More than two million people have been killed and over four million displaced.

However, conflict in Sudan is older than the independent state. Individual tribes have fought over cattle and grazing land for centuries, settling scores at the point of a spear. Pre-modern conflict in southern Sudan was characterised by restraints and obligations. The casualties were almost always men. Fighting for water points, grazing, fishing grounds, food supplies and cattle took place far away from villages. Children, women and the elderly were not targeted. Women were permitted on the field of battle to retrieve the wounded and could gather food and water from enemy territory. Enemies raiding food stocks would not take everything. Unarmed opponents were spared.

According to tradition, causing a death created spiritual pollution. A bit of the blood of any man speared to death was thought to be in the slayer and had to be bled out of the upper arm by a spiritual leader. Ghosts were believed to haunt anyone who killed in secret. However, death by bullets carries no such sanction. When one kills with a foreign weapon the ghosts of the dead will not haunt you. Rebel commanders argued to chiefs that a gun death carried no individual responsibility. Once removed from its moral consequences, killing became easier. Traditional cultures and livelihoods in the south have been devastated by modern warfare, conflict-induced famine, armed militia groups and proliferation of small arms and light weapons. When the southern rebel movement, the Sudan Peoples Libera-

tion Army, fragmented in the early 1990s inter-factional and inter-ethnic conflict erupted over much of southern Sudan. Weapons used against the northern army were turned on fellow southerners. Cattle raids spiralled into a cycle of attack, retaliation and revenge. Arguments formerly settled by fighting with sticks were decided with assault weapons. It is estimated that women now comprise 80% of the victims of conflict.

Resurrecting traditional conflict transformation systems

Since the late 1990s the Nairobi-based New Sudan Council of Churches (NSCC) and the Khartoum-based Sudan Council of Churches (which operates in government-controlled areas) have worked together to promote local peace building. NSCC has a deep religious commitment to justice and peace and believes that there is no conflict, whether latent or violent, which is so small that it can be ignored. The people-to-people peace initiative is a locally-owned process based on traditional methods of reconciliation in an environment where formal institutions are non-existent. Since the late 1990s locally-convened conferences have resolved a series of ethnic and communal conflicts and brought hope and stability to some of the areas most affected by hostilities. Formerly hostile communities have realised that peaceful coexistence promotes the establishment of sustainable livelihoods that create hope for a better future where the economic, political, social and cultural contribution of every citizen is valued and treasured. The first success came in November 1999 after six months of intensive work by the NSCC to challenge the Nuer and the Dinka to resolve their internal difficulties. Following a seven-day conference in Wunlit, peace was established between the Dinka and the Nuer. A Peace and Governance Council was formed to rebuild

the civil administration and police system, empower the traditional court system of chiefs, demobilise all children under 15 and establish water resources, schools, health facilities and food security to enable communities to sustain themselves.

Subsequent conferences have followed a similar pattern. NSCC support from foreign churches and donor agencies is used to facilitate construction of a peace village with accommodation for several hundred people who arrive at the site by plane, car and on foot. The conferences are open to anyone committed to peacemaking. To symbolise commitment to peace and unity a white bull is slaughtered at the beginning of each conference. The bull is believed to take a message to the spirit world announcing peace between the tribes. Spiritual leaders dance as they point sharp spears and shout directions to the animal about its mission.

Dialogue, ceremonies, prayer, storytelling, exchange of riddles, singing, dancing, cooking sessions, feasting and recounting of atrocities and



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violence continue for several days. All those who have been wronged are given time to share their story. Prior to departure, another bull is slaughtered. The peace village is left standing as a symbol of reconciliation.

After each conference, local abductions and raids have stopped, stolen goods and abducted people have been returned, trade between ethnic groups has resumed and intertribal courts have been set up to deal with treaty violators. Conferences, and the ongoing work of the peace councils they have spawned, have fundamentally contributed to the renaissance of notions of restorative justice, reconciliation, forgiveness and ethnic co-existence in southern Sudan.

In African jurisprudence you must restore harmony including the ritual calling on God and our ancestors to restore the relationships. When you fight with strangers you forget and go on. But when you fight with family it is very bitter. The Dinka and Nuer are one family. So the feud is bitter and it is very important to resolve.

Francis Deng, UN Secretary General's Representative on Internally Displaced Persons.

People-to-people peacemaking is a peace and reconciliation process between peoples with oral traditions which incorporates elements of Chris-

tianity and modern techniques of diplomacy and problem solving and reconciliation. People-to-people peace differs from arbitration, litigation and the formal court system as it:

- prioritises restoration of broken relationships and rejects 'modern' methods of coercion, imprisonment and execution
- does not permit a small elite group of representatives to articulate problem on behalf of aggrieved parties
- gives people affected by the conflict an opportunity to personally articulate their concerns in the presence of a facilitator who guides them to a mutually agreed outcome to restore broken relationships
- does not condemn law breakers to jail or death but provides them space for introspection and self-analysis
- provides a ritual environment which people in conflict can use to interact physically and emotionally and empathise with the worldview of the other
- commits offenders to providing compensation, paying fines and remaining outside the community until cleansed of wrong doing
- provides powerful constraints on future breaches of agreements: individuals fear being expelled and ostracised by councils of elders and spiritual leaders.

A calabash of water was brought with sesame seeds floating in the water. The seeds represent new life. Each person spits ritually into the gourd bowl. This symbolises the joining of life fluids with one another. The fine spray spittle represents the coolest part of the hot tongue that can be the root of conflict or contribute to healing and peace. We all came forward and washed our hands in the water. Then we took water in our cupped hands and threw water over each other. We were being sprinkled clean from the past sins and conflict and enabled to start anew.

There are now many committed individuals and civil groups articulating the significance of social harmony and peaceful coexistence among various and diverse communities in southern Sudan. Peace constituencies have played a major role in bringing southern and northern leaders round the peace table in the Kenyan city of Naivasha. The violent intra- and inter-ethnic conflicts that have decimated the social, economic and cultural foundation of south Sudanese communities have been transformed into spaces for mapping out opportunities for peace.

Though the north-south peace process is nearing completion, southern Sudan is still awash with weapons, many local conflicts and ethnic tensions remain unresolved and the unfolding humanitarian disaster in Darfur shows the intransigence of the Sudanese government and the extent to which it will go in bringing suffering on its own people. However the people-to-people peace process gives reason for hope. NSCC will continue to organise and facilitate more people-to-people peace conferences and lobby for the cessation of human rights abuses against the Sudanese people.

Community-supported peace structures to monitor and implement peace agreements offer excellent opportunities for affected communities to consolidate their own peace initiatives. Civic education and training on conflict transformation skills are valuable tools for internalising peace values and concepts in the hearts and minds of the people of southern Sudan.

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The return and reintegration of 'child soldiers' in Sudan: the challenges ahead

by Chris Robertson and Una McCauley

An evaluation of recent UNICEF support to child disarmament, demobilisation and reintegration (DDR) in southern Sudan analyses the impact of different ways of addressing demobilisation, care, return and reintegration of 'children formerly associated with the fighting forces' (CAFF).

International child protection agencies used to plan the return and reintegration of CAFF separately from other war-affected and vulnerable children and youth. Increasingly, such planning tends to be merged within a broader framework for a range of vulnerable children and youth.

In 2001-2003 some 20,000 children were removed in two phases from the armed forces of the main southern Sudanese rebel groups, the Sudan People Liberation Army (SPLA) and the Sudan People's Democratic Front (SPDF)¹. During the UNICEF-managed first phase, 3,551 children were demobilised from northern Bahr-el-Ghazal and evacuated to Rumbek where they remained in eight transit centres for six months before being returned to their homes. Responsibility for the second phase was transferred to the SPLA and SPDF. Approximately 16,500 children were locally demobilised and reunited with their families without the use of interim care or provision of individual reintegration packages. The relative success of the second phase demonstrated that a decentralised approach to demobilisation, undertaken simultaneously in many locations and using local staff who had received only essential training, could be made to work - and without recourse to interim care.

A number of factors contributed to the relatively straightforward process of getting children home during both phases. There was a general perception that the children had

been involved in a popular struggle. Many children serving in the armed forces had been based close to home and cohesive southern Sudanese kinship structures facilitated their reunification and initial reintegration.

Neither phase employed rigorous identification, documentation, tracing and reunification procedures traditionally followed in child soldier family tracing and reunification (FTR) programmes. Though largely successful, the 'high volume' approach to family reunification and return made it difficult to address individual needs or to integrate children's views into the decision-making process. This was especially the case where children may have had reservations about reunification with family members other than their parents.² However, this approach was probably the only realistic option given the numbers, timescales, logistical challenges, limited resources and absence of competent child protection agencies across much of the country.

Reintegration approaches

Discussion about reintegration pivots around the perennial debate about the provision of individual assistance to CAFF versus broader community-based reintegration approaches. Arguments in support of individually targeted assistance tend to revolve around two main issues: whether children need a financial or material incentive to persuade them to leave the military and, secondly, whether they need some targeted support to

help them begin to reintegrate. During the first phase children were given kits on arrival at the transit centres and on their return home. Real or perceived promises to provide community infrastructure in northern Bahr el Ghazal which would offer alternatives to the army were not fully realised. In contrast, in the second phase no individual benefits or packages were provided. This policy met with considerable opposition from the local implementers, the civil administration, the families and the children themselves. But while many children expected support, there appear to have been many other, more powerful, reasons for leaving the military than a one-off reintegration package. Reunification with their families, access to education and freedom from the risks and rigid discipline of the military were probably the most significant.

The challenges of social reintegration go deep

The issue of need is more complex. Poverty was often cited as a major factor contributing to voluntary recruitment and it is reasonable to assume that conditions at home did not improve during their time in the military. A returning child would be yet another person for the family to feed and support, and therefore targeted assistance might help in facilitating the child's acceptance. While initially most of the people interviewed favoured a package of some kind, evidence from Sudan actually indicates that other children may be in greater need. Recent evidence from Tam in Upper Nile shows that children being demobilised were generally well fed, shod and clothed while children in the general population exhibited obvious signs of malnutrition, were barefoot and few had clothes.

In southern Sudan the number of children who have deserted from the army is high - further evidence that incentives are unlikely to be necessary to entice children away. It also indicates that individual packages will miss a significant and equally needy group. Providing packages exclusively to children who have been demobilised is seen by some as a reward for involvement with the military, can reinforce the separateness of the ex-child soldiers and provoke resentment and discrimination.

Individual reintegration packages can also generate expectations of continuing support and reinforce dependency. Some children demobilised in the first phase later complained that their clothes had worn out and wanted to know why UNICEF had not replaced them.

When children and adults were asked to make choices about how limited amounts of money should be used, they almost always chose improved educational facilities and other initiatives targeting the whole community. Priority was given to getting all CAFF enrolled in school and initial enrolment during both phases was high. The inter-agency follow-up survey reported that 96% of children who enrolled were still in school by mid 2002 (6-12 months after demobilisation). Anecdotal evidence, however, suggests that actual drop-out rates were much higher.

This was due to:

- Fees: while initial exemptions were negotiated for some demobilised children these have not always been consistently sustained or implemented.
- Age differentials: many older children who spent a significant amount of time in the army missed out on their early years of education and were teased by much younger classmates.
- Curriculum content: a curriculum aimed at younger children may be irrelevant for older children, tempting them to leave to seek other opportunities.
- Vocational training: though in great demand, the range of skills taught in traditional vocational training schemes is often inappropriate in rural environments.

The challenges of social reintegration go deep. Some demobilised children described feeling useless, excluded, discriminated against and unfairly blamed for many community problems. Adults commonly

described behavioural problems and said that the children had become used to having their own way and quickly became frustrated and aggressive when thwarted. Many adults also complained that the children were idle and that their frustrations led them to rejoin the military or leave for urban areas under government control.

Many adults found it difficult to respond to these challenges. The most common response during interviews was that special centres or boarding schools should be created where the children could be 're-orientated' to unlearn bad habits. Some local education officials expressed the need to train and support teachers to cope with these children's challenging behaviour but had no specific ideas about how this might be done.

Reintegration challenges ahead

Future challenges for child DDR in Sudan are enormous. Lessons have been documented but must be learned. With a comprehensive peace agreement about to be signed it is likely that children from all forces will be given priority in national DDR planning and implementation. Both the main parties and all their allied forces are required to demobilise all children in their forces within six months of the comprehensive peace agreement. All other separated children being cared for by or working for members of armed forces and allied militia will be required to be registered for family tracing and reunification within that same period. The remaining number of combatant children is estimated at around 17,000. The relative ease with which children have previously reintegrated will be difficult to maintain.



Remaining young combatants are more likely to have experienced urban life, received financial payments while fighting or been exposed to or possibly converted to Islam. Many thousands will have fought on the 'wrong' side.

At one level local leaders say they do not expect problems absorbing these new children. *"They are all our children...it isn't their fault they have been fighting for the enemy... they were abducted...they had to eat..."* On further reflection, though, this view tends to change. Many are concerned about the impact of Islam and the need to 're-convert' children. Others blame the demobilised children for rising crime and localised conflict and suggest that priority needs to be given to increasing the capacity of the police and the prison service.

Child DDR in Sudan will place enormous pressure on existing infrastructure, particularly on the education sector. In addition to the need for innovative short-term programmes to address educational and other specific needs, there will be an urgent need to:

- address the broader social reintegration needs of both the returnees and the host communities
- develop a holistic, integrated strategy focusing on the needs of all vulnerable children
- involve the community - the children and their families - in identifying needs and developing appropriate responses
- support the development of local child protection structures, owned and operated by the community.

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¹ Now merged as the Sudan People's Liberation Movement (SPLM).

² See the recent multi-agency 'Separated Children's Study' re concerns about foster care within the extended family context.

Kids stripping off their fatigues and putting on civilian clothes at a demobilisation event.



Return and resettlement in Liberia

by Jessica Schultz

An Oxfam GB initiative to improve understanding of the concerns and expectations of Liberian ex-combatants offers lessons for sustainable reintegration assistance.

In preparation for working in post-conflict communities in several areas of Liberia, Oxfam GB consulted a sample of civilians, displaced persons and current and ex-combatants (using this category in its broadest sense to include anyone associated with the fighting factions - including porters, cooks and 'wives'). Oxfam also consulted those with experience of providing services to ex-combatants during a previous disarmament process in 1996-97.

Focus group and individual interviews identified local preconditions for sustainable return. All those interviewed said they would not want to return home with their families unless combatants were disarmed. They also called for the deployment of UN soldiers in villages of return, reintegration packages, shelter reconstruction materials, free and fair elections and education opportunities.

Key reflections on the reintegration process in 1996-97 were that:

- Programmes aimed only at ex-combatants divided communities and caused resentment.
- Local people did not patronise businesses run by ex-combatants.
- Skills training and vocational programmes, particularly for children, were too short-term to ensure sustainability; many were thus forced into continued dependence on their former military commanders.
- Commanders retained power through participation in programmes and even served as community spokesmen.
- Insufficient effort was made to persuade communities to take back children who had been involved with militias.

Most ex-fighters were hopeful about prospects for acceptance upon their return but realised that "those who did bad things" in their own villages would be unlikely to be accepted.

They accepted the difficulties of changing a culture of violence overnight. Children who are accustomed to responsibility, easy money and sex will have a difficult time returning to their previous lifestyles. There is great concern that kids will create gangs to replace their previous social networks. Abducted women and girls have limited options and many, particularly those with children, will remain with their partners. Women actively involved in fighting could be stigmatised and excluded from communal work.

Liberia, like other post-conflict states, is facing the challenge of how to hold thousands of perpetrators accountable while also honouring the victims and survivors, reforming institutions, and changing attitudes and the political culture. Encouragingly, over half of those interviewed supported the work of Sierra Leone's Special Court to prosecute those most accountable for war crimes and crimes against humanity. A few displaced women emphasised the need for public accounting of horrific events and forcing perpetrators to court to explain themselves. Almost everybody, including ex-combatants, agreed that ordinary combatants

should be forgiven after making a formal apology to their community.

Most Liberians appear willing to let bygones be bygones. Many agree with the sentiment expressed by a Liberian aid worker: "Grabbing people to investigate them would just stir things up. If you start pulling on a tree, the tree pulls the roots." However, armed combatants still maintain a visible presence in many areas. Some felt unable to comment on prospects for reconciliation and transition to peace. As one said: "We don't know what should be done now. After disarmament we will know what to do. Since they still have guns we cannot answer this question."

Many hopes now lie with the successful implementation of the disarmament and reintegration process. With so much at stake, it is essential to take account of the differing needs and expectations of the Liberian people, to ensure continuity between demobilisation and reintegration programmes and to establish structures and services in communities to help families to overcome the mental and physical stresses of reintegration.

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Male resident helping single women build their shelter, E J Yancy IDP camp, Liberia



A closing window? Are Afghanistan's IDPs being forgotten?

by Pete Spink

Afghanistan has developed a national IDP plan but, without resources, is failing to assist those who comprise three-quarters of the country's remaining IDP population – the Kuchi nomads.

In early 2004 it seemed that ethnic-based persecution and drought – the two main drivers of internal displacement in Afghanistan – had abated. Due to significant levels of return (and a stricter redefinition of what makes somebody an IDP rather than an economic migrant) an internally displaced population that had peaked at over one million in 2001 had been reduced to under 200,000. However, finding solutions for the remaining displaced population is fraught with complex obstacles. As the attention of the international community moves away from humanitarian assistance to development, the needs of IDPs are no longer a priority.

In April 2004 the government committed itself to an IDP National Plan to promote and accelerate return and sustainable reintegration of IDPs in villages of origin by 2007. The plan has brought together the Ministries of Refugees and Repatriation (MoRR), Frontiers and Tribal Affairs (MFTA) and Rural Rehabilitation and Development (MRRD) – itself no mean feat in Afghanistan. The plan has demonstrated government commitment and desire to play the lead role in addressing problems of internal displacement. It does not confine itself to caring for the currently vulnerable IDP caseload but looks forward to durable solutions.¹

The IDP plan distinguishes four groups of IDPs: Pashtuns displaced from the northern provinces; Kuchi IDPs displaced by drought from the Registan desert in the southern provinces of Kandahar, Helmand and Nimroz; Kuchi IDPs whose migratory routes encompass the pastoral lands in Ghazni, Uruzgan and Bamyan; and drought-affected non-Kuchis. These categories are not necessarily exclusive.

For the Pashtuns of the first category, the security situation has improved and they are no longer directly targeted as a result of their ethnicity. Pashtun representatives from IDP camps in the south and west have visited their areas of origin on UNHCR-led 'go and see' visits. While local power-holders have made statements encouraging return, the offers of return packages from UNHCR, the World Food Programme (WFP) and the International Organisation for Migration are insufficient. Returning Pashtuns still fear illegal taxation, forced recruitment and exploitation at the hands of military commanders in provinces where the central government struggles to impose its authority. The removal in May 2004 of the pro-Kabul governor of Faryab – a key province of potential Pashtun return – has sent a clear signal. Pashtuns in Faryab are not encouraging those who were displaced to return until there is disarmament and the establishment of the rule of law.

Life in the villages of Faryab is hard. It takes many hours on foot to reach the nearest school or clinic, access to clean drinking water is limited and groundwater is often too salty for either human or animal consumption. By comparison, in the IDP camps in the south, there is adequate provision of health, education and water, and security is not a concern. Displaced Pashtuns want to see evidence that the billions of dollars pledged to Afghanistan are having an impact in their districts. Faryab has so far seen very little.

Kuchis left in the lurch

Kuchis ('those who move' in Persian) is a term applied by outsiders to groups of tribal Pashtuns from southwestern and eastern Afghanistan who have migrated across large

parts of Afghanistan with herds of goats, sheep, donkeys and camels. Kuchis have traditionally lived in a symbiotic relationship with settled peasants. Kuchis sold young animals, dairy products, wool, sheepskins, meat and dung or bartered these goods for grain and other foodstuffs. Nomads made substantial contributions to the national economy. In the late nineteenth century, King Abdul Rahman created ethnic tensions by moving some Kuchis into northern areas populated by Tajiks and Uzbeks. With the collapse of the Taliban, many were forcibly displaced to camps in Herat.

The current drought ... has decimated flocks and turned self-sufficient people into casual labourers and beggars

Kuchis are not a separate, self-identified ethnic group. Their affiliation to their settled fellow-tribespeople was much stronger than any identity as 'nomads'. In the 1960s an estimated 2.5 million people spent at least part of the year living in tents – combining pastoralism with trading, smuggling, wage labour and land ownership. The migratory aspects of these livelihoods have been eroded by the growth of road transport, conflict, the presence of mines, US cluster bombs and other kinds of unexploded ordnance and by recurrent droughts. It is estimated that only a few tens of thousands now follow a nomadic life. The current drought, which began in 1999, has decimated flocks and turned self-sufficient people into casual labourers and beggars dependent on food assistance. Drought has baked winter grazing areas in the southern plains, forcing hundreds of thousands northward, but the snow-melt has failed to replenish rivers and summer pastures have also failed.

The fact that the Taliban had good relations with the Kuchis – both are ethnically Pashtun – has complicated matters. Under the Taliban some Kuchis returned to provinces that

had been battlefields during the war against the Soviets and subsequent civil conflict. Locals in those areas had converted the nomads' pasturelands to farming but the Kuchis reasserted what they believed to be their traditional rights to allow their animals to graze on post-harvest stubble. In some areas the Taliban encouraged the Kuchis to let their animals eat trees and tall grasses in order to remove hiding places for their opponents. The Hazara people of Afghanistan's central highlands accuse the Kuchis of complicity in massacres perpetrated against them by the Taliban and have cut off access to grazing land Kuchis have used for generations.

'Nomadism' was for most Kuchis an uncomfortable necessity rather than an essential feature of their identity. It would therefore be a romanticisation of their lifestyle to assume that all displaced Kuchis yearn to return to 'traditional' livelihoods. Most are now accustomed to accessible health and education services and the easy availability of water. Kuchis unable to return to the central highlands due to the hostility of the Hazara would like to be allocated land in

Kandahar - it is a right enshrined in the Guiding Principles on Internal Displacement that IDPs can settle in a location of their choice. However, the provincial government in Kandahar as well as surrounding communities are unwilling to let them do so.

Cycles of droughts and displacement are not a new phenomenon for the Kuchis. What is new is the availability of assistance and the impact this is having on the willingness to return. Many observers doubt whether anything can be done to re-establish the livelihoods of the Registan Kuchis until three or four years of good rain restore their range land.

Dogged efforts by a number of determined individuals, agencies and government civil servants continue to be made to find durable solutions to the Kuchis' dilemma:

- Cessation of assistance to IDPs in the Spin Boldak camps near the Pakistan border has eased tensions with local landowners: those Kuchis who have not secured regular income through trading are being offered the choice of relocation to Zhare Dasht camp, about 40km from Kandahar, or, for those who wish to return to places of origin, an attractive package of food and non-food items and provision of shelter, water and sanitation.
- In order to break the chain of dependency UNHCR and WFP are replacing relief food with food-for-work/training: experience from Maslakh IDP camp in Herat suggests that this can filter out vulnerable people in genuine need of assistance whilst those who have access to other economic opportunities do not present themselves for work. However, it is an enormous challenge to identify suitable and feasible projects that will provide enough work opportunities to sustain the whole IDP population.
- UNHCR and its partners have carried out research among displaced households in the camps in Kandahar and Helmand to identify willingness and capacity to return and the obstacles to be overcome.

IDPs in Kandahar, Afghanistan



- The Central Asian Development Group - with funding from UN Assistance Mission to Afghanistan (UNAMA) - has surveyed the depths of the water table, the condition of water sources and the availability of pasture in order to define the current and potential absorptive capacity for a return to the Registan.
- Cordaid, an international NGO, along with its national partner is working with the Kuchi shura (council of elders) on a pilot restocking and water-source rehabilitation project in the Registan.

Major problems remain:

- In drought-affected areas where permanently sedentary residents also face food security difficulties it is not feasible to offer assistance to IDPs only.
- The deteriorating security situation in the Kandahar districts of Panjwai and Maiwand - off limits to the UN since September 2003 - makes it almost impossible to access half the country's IDPs.
- Implementation of food-for-work projects depends on NGO and provincial government officials but in recent months several staff have been murdered - including Hajji Agha Hashimi, the tireless Director of the Department of Refugees and Repatriation in Kandahar.
- Many Afghan authorities and development agencies see IDPs as solely UNHCR's and WFP's responsibility.
- As Pakistan closes refugee camps established at the end of 2001 Kuchis could cross the border and attempt to join IDP settlements and receive assistance, rather than be relocated to other refugee camps in Pakistan with significantly reduced levels of assistance.
- In the southern provinces there is a risk of further displacement as the drought intensifies and more people move in search of water.

Time for action

Though there is increasing recognition that the sustainable return and reintegration of IDPs, especially the Kuchis, is a long-term development issue, the government and international community are doing relatively little. The six national priority programmes launched in 2003 were not accessible to IDPs in the camps or to Kuchi returnees. One new priority programme, the National Vulnerability Programme, will specifically target IDPs and Kuchis but only the extremely vulnerable. The National Solidarity Programme (NSP) targets areas of high refugee and IDP return but does not include the Registan as it does not have settled communities.

The inclusion of IDPs in existing flagship national development programmes is probably the only way to ensure they receive sufficient financial support. The World Bank-administered Afghanistan Reconstruction Trust Fund (ARTF) has stated its preference for funding to go to national priority programmes and has been reluctant to support the IDP National Plan as a stand-alone project. Political manoeuvring is also hampering the mobilisation of funds. Although the IDP Plan is an inter-ministerial effort, its reintegration activities fall under the mandate of the Ministry of Rural Rehabilitation and Development (MRRD). However, as ARTF resources are already supporting existing national programmes within MRRD there is a reluctance to offer support to another programme.

President Karzai has repeatedly emphasised that reducing the IDP caseload is a national priority. The IDP National Plan outlines the strategy for a return and sustainable reintegration but funding has not materialised. Four months after its public launch, only UNDP's Bureau for Conflict Prevention and Recovery has offered funding support for the Plan.

The distinction often made between 'conflict-induced' and 'drought-induced' IDPs is an oversimplification of Afghanistan's complex internal displacement problem.

Many drought-induced Kuchi IDPs may not have become displaced had conflict not destroyed their livelihoods. Today rainfall alone will not be enough to solve the plethora of problems confronting the Kuchis. There is a need for livestock, regeneration of pasture, provision of veterinary support, addressing land disputes, guaranteeing access to land and restoring fractured relationships with other ethnic groups. Since much of Afghanistan is suitable only for seasonal grazing the ecological niche for nomadic herding remains open.

The question of how to support alternative livelihoods for those Kuchis who do not wish to return to pastoralism can no longer be ignored by policy makers. The Afghan and Pakistan governments, UN agencies and NGOs need to initiate training and micro-finance programmes in refugee and displaced persons camps to prepare Kuchis for alternative livelihoods to nomadic grazing.

Solutions to the problems of displaced Kuchis remain elusive. If impetus is lost and if additional funding is not allocated to address the needs of IDPs and to support sustainable return programmes, the IDP caseload could increase. This would necessitate allocating more resources for care and maintenance - funding which should instead be invested in achieving durable solutions.

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This article was written in a personal capacity and does not reflect the views of MRRD or the UN.

For more information about the Kuchis, see www.refintl.org/content/article/detail/3017/ and http://traprockpeace.org/kuchi_nomads_marc_herold.pdf

¹ The Plan is online at: www.afghanistangov.org/resources/mof/PIP1383/1.4/ProDoc/english/AFG-04613.pdf

Uzbek IDPs in western Afghanistan: to move onward, to stay or to return

by Elca Stigter

Microanalysis of intra-household decision making and movement patterns of a segment of Uzbek IDP households in Afghanistan facilitates a better understanding of how complex migration processes are shaped by social, political and economic factors.

Research undertaken in 2004 (as part of a larger project on transnational networks, refugee return and labour migration)¹ focuses on two nearby compounds in an urban neighbourhood of the western Afghanistan city of Herat. The small sample of Uzbek IDPs who were researched are surrounded by indigenous Herati families and households from elsewhere in Afghanistan. All the Uzbeks are from Faryab province, 350 kilometres away in north-eastern Afghanistan, the majority from its main city, Maymana. Contacts with relatives are maintained via elaborate social networks. Relatives and neighbours from Maymana pass through Herat on their way to Iran, exchanging news and letters. The brother of one IDP works as a driver between Herat and Maymana and conveys remittances, relatives and goods.

The IDPs occupy the lower echelons of this Herati neighbourhood. Herat's economy is booming due to its position at the crossroads of trading routes with Iran and Turkmenistan. IDPs feel the consequences as the return of Afghan refugees from Iran pushes up the cost of renting property. One informant, Malika², reported that in March 2004 her household's rent almost doubled to \$US60 a month. IDP families note that displacement has invariably depleted their assets, giving them less flexibility in terms of expenditure and fewer resources to fall back on.

Male IDPs do a variety of unskilled jobs. They may earn two or three dollars a day but income is irregular. Masoud, Malika's husband, used to work in construction in Mazar-i-Sharif and in a brick-kiln factory in Iran. In Herat he bought a cart to push goods in the bazaar but fell ill

after five years and started selling potato pancakes made by his wife. It is a precarious livelihood. IDPs are harassed by the police and constantly risk fines, confiscation of goods and overnight imprisonment as a consequence of city directives restricting pancake sellers and other street vendors.

The Uzbek IDPs feel they are strangers in a foreign and often hostile urban environment. If in need, the families turn to each other, Uzbeks living elsewhere in Herat or those entrepreneurs in the bazaar that provide them with work or credit. They do not know the traditional neighbourhood representative (*wakil*). Women's contact with people beyond their compounds is limited as they are often busy with their household chores and home-based work to enhance their families' income. One Uzbek compound maintains good relations with two Herati neighbours - characterised by frequent visits and an exchange of small favours. Though only 50 metres apart the two Uzbek compounds have little contact with each other.

Decision making

Masoud's elaborate displacement history has been shaped by Afghanistan's period of conflict. After marriage, he continued moving between Maymana and elsewhere for mostly economic but also security reasons (including a spell in Iran) and, when the Taliban collapsed, travelled with his family to Herat. His movements and reasons for movement illustrate how IDPs move back and forth between the categories of returnee, IDP, labour migrant/refugee. Some Uzbek IDPs stayed throughout the years of

conflict within Afghanistan, while others went temporarily to Pakistan or Iran. Sometimes they returned to Maymana to explore options in their place of origin but lack of employment prospects or renewed insecurity meant they could not afford to stay. Herat was chosen because of its economic opportunities, because many men from Maymana were imprisoned there by the Taliban and because of its function as a transit point to Iran.

Malika narrates, "I was tired of travelling - that is why I stayed here. When I came, it was my decision not to go to Iran. After one month in Herat I realised that life outside of Afghanistan is not good." Since then they have stayed in Herat, sharing the rent with other families. By May 2004, however, the situation had changed. "Two families left and I feel alone. That is why I want to go back. I am tired of being out of Maymana, far from my sisters and brothers." Malika already pictures how she can bake bread to contribute to the household income, while her husband envisions his onward movement to Iran after having rebuilt his house for Malika.

IDPs move back and forth between the categories of returnee, IDP, labour migrant/refugee

Decisions to move on or stay put are interrelated with those made by others who share a compound. If they leave, the rent increases for families with whom they live and immediate emotional and economic support networks are diminished. Like Masoud and his family, some prefer to linger in this economically more disadvantageous situation to save more money before returning to Maymana.

One Uzbek woman clearly establishes the linkage between economic opportunities and home: "Wherever I can earn money and get food, there is my home." However, when she continues with her story, it becomes

clear that other reasons are at least as important; with her family around her in Maymana, her position vis-à-vis her disliked co-wife (who is not from Maymana) would be greatly strengthened.

Only one IDP family still dreams of going to Iran. For this family, return to Maymana, where rainfall is scant and five brothers would have to divide their small plot of family land, is not feasible. Despite having once been deported from Iran they are saving to try to rejoin male relatives on the other side of the border. In their letters they report that life in Iran is difficult because of the high rents and the absence of relatives but that it is easier to find a job than it is in Afghanistan.

Strategies used by IDP households are dependent on their positions within the extended family, their personal preferences, gender and age. While women talk about their personal wishes and the need for support from their own family, men emphasise their role as family protectors and providers. Ultimately the reasons for displacement, return and onward movement are often complex and sometimes contradictory in nature. One Uzbek girl recites her mother's continuous indecision: *"When I remember the bad days in Maymana then I prefer to stay here, but when I think about my relatives then I just want to go."*

Conclusion

Transnational and national networks can facilitate sustainable return but, at the same time, promote further displacement for economic reasons. While some IDP families will return to their place of origin, temporarily building on the resources and capacity of already present relatives,

others will remain where they are or plan to move across the border to join their relatives. Thus, individuals and households shift between different official categories at different times (IDPs, refugees, labour migrants).

Uzbek IDPs, like others, are continuously reassessing their options on the basis of different scenarios. The trigger to start moving again – and how, where to and for how long – can be influenced by violence and harassment, a lack of economic opportunities and gender and age-linked roles and responsibilities. They show a wealth of livelihoods strategies throughout their displacement history. Despite difficult living conditions, Herat appears to provide sufficient labour opportunities to enable them to provide for themselves, sometimes even allowing them to sustain family members in their town of origin.

At the same time push factors increase in the urban context of Herat, in particular as it becomes more and more difficult to find cheap accommodation. This, alongside a weakening of support networks, can accelerate the decision to return to their city of origin or push those with established kin networks in Iran to try to cross the border.

The notion of 'home' is defined differently at different times. Central in much of the decision making is the presence of family in the potential next destination. Further, intra-household dynamics play a key role in the decision making – in particular when different places are home to different people within a household. Uzbek women definitely have a say in this, and sometimes determine the decisions ultimately made.

Various discourses are used in Afghanistan with regard to refugee and IDP return, labour migration and reintegration. While acknowledging that different actors in Afghanistan are aware of the interrelationship between displacement (including labour migration), transnational networks and reintegration, there remains much to be done to make policies and practice more grounded in the daily realities of Afghans.

There is a need to:

- better understand power structures and social networks in particular urban neighbourhoods
- acknowledge and, if necessary, support the decision-making and income-generation capacities of women
- further strengthen overall development efforts in Afghanistan to increase employment opportunities for men and women
- recognise that different household members have different interests and attitudes to return, staying put and onward movement: information provided to household heads may not be in the interests of all members
- acknowledge the interrelationship between return (and 'reintegration') and the existence of nationwide and transnational social networks, which sustain populations either in the place of origin or elsewhere.

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¹ The case study reports will be available by October 2004 at www.areu.org.af.

² This article does not use the IDPs' real names.



Promoting sustainable return and integration of IDPs in Indonesia

by Patrick Sweeting, George Conway and Nabila Hameed

As the Indonesian government develops appropriate policies to address IDP needs and prevent future displacement, UNDP's work in the region has highlighted a number of challenges to be faced and lessons to be learned.

By the end of 2001, an estimated 1.3 million people were displaced in 14 of Indonesia's 28 provinces, mainly as a result of a wave of conflicts that erupted or intensified following the 1997 financial crisis and the fall of the Suharto regime in 1998. The eruption of these conflicts was linked to the more general conditions of political instability and change in the post-Suharto years and the initiation of a vast process of political reform and decentralisation.

Conflicts in Indonesia have been distinctly regional, with their own particular dynamics. Social conflict crystallised along religious lines in the Maluku provinces and Central Sulawesi. Ethnic conflict between indigenous Dayaks, Madurese migrants and Malays erupted in West and Central Kalimantan. The long-standing struggle with the militant separatist movement in Aceh also intensified. The overall caseload of displaced persons additionally includes East Timorese whose numbers, at their peak, reached 290,000 people. Once East Timor seceded from Indonesia, these people became internationally recognised as refugees, although Indonesia regards them as Indonesian citizens eligible for resettlement in Indonesia.¹

Since 2001, the level of violent conflict across the country has reduced significantly. Positive developments in most areas have created conditions conducive for addressing the IDP situation. However, recent episodes of violence in Maluku and Central Sulawesi demonstrate that significant risks remain and that there is potential for new displacement.

Patterns of displacement

The patterns of displacement in Indonesia have been as diverse as the conflicts themselves. Some displacement has been short-term, such as in Aceh where the separatist struggle has resulted in a pattern of people leaving their villages temporarily when violence escalated. By contrast, much of the displacement from the Kalimantan conflicts has become longer-term. The tensions between the indigenous population of inland Dayak, the Malay riverine people and Madurese settlers that inflamed the conflict remain largely intact and widespread return has not been a realistic option.²

In the provinces of Maluku and North Maluku, people were displaced to religiously segregated areas within the provinces or to neighbouring provinces, notably to North Sulawesi from North Maluku, and to Southeast Sulawesi from Maluku. The reconciliation process has been quicker in North Maluku than in Maluku, and returns to mixed communities have increased. However, most IDPs from Maluku in Southeast Sulawesi, and many from North Maluku in North Sulawesi, remain in these areas and have begun to integrate into local communities.

There are long histories of group migration across the islands, either through formal government 'transmigration' programmes or through spontaneous migration. While the transmigration programme was designed to relieve population pressures on Java and neighbouring islands (such as Madura), migra-

tion has also been caused by poor economic conditions, development-induced displacement and natural disasters. In many areas these migration patterns created new social and economic imbalances, led to disputes over land and access to natural resources, and fuelled competition for scarce employment opportunities between migrants and residents.

The more complex IDP situations tend to involve migrant groups who were displaced back to their areas of ethnic origin (such as the ethnic Madurese displaced from Kalimantan to Madura). Such IDPs face the dilemma of being unable either to return or to fully integrate into their places of ethnic origin - the latter because of having lived away for generations, having few family connections and being seen as competitors for employment and scarce resources.

Government response

While many IDP crises occur in the context of a failed state, Indonesia's state institutions have remained intact and most humanitarian support has been provided by the government, not the international community. Initial efforts focused on humanitarian assistance in the form of food, non-food items and shelter, in addition to provision of temporary health and education services. As most violence subsided in 2001 a three-pronged strategy - built around return, local integration and resettlement - was devised.

People do not give up hope of return quite so easily.

The policymakers' favoured option - return to places of origin - has required a desire by IDPs to return and a willingness of the local community to accept them back. In many areas, particularly Kalimantan, this is not the case. The option for IDPs

to integrate into the community to which they had been displaced is called 'empowerment' and has involved cash grants to start new lives and livelihoods. The third option - resettlement to new locations - has met a variable response. Many IDPs resettled (or maybe temporarily resettled) close to areas from which they had been displaced but few have been willing to resettle further away. It is still too early to say what may constitute temporary resettlement (or temporary empowerment) and what will become permanent resettlement. People do not give up hope of return quite so easily.

The National Coordinating Body for Disaster and IDP Management (BAKORNAS) is charged with coordinating management of the IDP situation at the national level, with equivalent coordinating bodies at the provincial and district levels (SATKORLAK and SATLAK). Different tiers of government and line ministries are responsible for implementing various parts of the strategy. However, as BAKORNAS has no control over sectoral budgets, coordination has been problematic.

The policy was implemented over the course of the next two years, resulting in a reduction of the number of IDPs by mid 2003 to approximately 500,000, almost one-third the amount at the peak of the IDP crisis. Beginning in 2004, the Government of Indonesia ended special assistance for the three options, instead preferring to address the needs of these former IDPs within general poverty alleviation strategies. It is yet to be seen if this approach will be successful.³

Challenges in implementing the IDP policy

Despite the government's overall accomplishments in addressing the IDP situation, the implementation of the policy was complicated by a number of factors:

- insufficient coordination between departments and between levels of government
- lack of information on the options available regarding opportunities for return or resettlement; IDPs also often knew little about conditions in their home

areas and, as a result, many opted to accept the government's 'empowerment' package, as it seemed to be the safest option.

- insufficient participation of target groups - resettlement sites were poorly planned, often too far for IDPs to access employment opportunities and markets
- poor coordination of responsibilities between sectoral agencies: some settlement sites lack essential services such as health and education and most new settlers have not received certification for the land and houses they are occupying or ID cards; this creates uncertainty about their futures and hinders access to public services.
- insufficient or inaccurate data collection, leading to unequal access to assistance and problems in monitoring resource allocation
- uneven distribution of assistance which has created resentment, accusations of corruption and demands from IDP groups for greater transparency
- tensions between IDP and host communities, especially in poor areas: in response, the state has, in some cases, provided support (eg housing) to locals as well.

The government shift in early 2004 from IDP-focused assistance to longer-term development may be appropriate for some con-

texts in Indonesia but has itself created another set of challenges. In particular, it is unclear what support will be available, and who will be responsible, for the remaining specific needs and vulnerabilities of IDPs. The problem of coordination and use of resources will not necessarily be solved, and may even be exacerbated, by this change of strategy.

UNDP engagement

In areas where return has been possible, such as North Maluku and Maluku provinces, UNDP has focused largely on addressing barriers to return by supporting government housing programmes, infrastructure rehabilitation, re-initiation of public services disrupted by conflict and support for resumption of livelihoods. The focus has been on public goods and services that benefit whole communities, and on facilitating participatory processes in which returning IDPs and home communities work together to achieve shared results.

Support for rehabilitation of damaged facilities has been coupled with training for service providers and facilitation of peace-building approaches to build trust and social cohesion. In Ambon City in Maluku Province, for instance, UNDP has worked with the municipality and Muhammadiyah, one of Indonesia's major Islamic

Returning IDPs in East Timor



organisations, to rehabilitate school facilities, launch 'reconciliation classes' with religiously mixed groups of students, support in-service training for teachers and school administrators and introduce peacemaking and tolerance into curricula.

In Maluku UNDP has been supporting an initiative by the International Catholic Migration Commission to strengthen civil society peace building by encouraging visits and joint meetings between returning IDP groups and home communities. These opportunities for dialogue can lead to action plans (to address barriers to return) that are presented to local government for support. This initiative has demonstrated the importance of working with traditional conflict resolution mechanisms at the community level in supporting IDP return and reintegration.

Where IDPs have voluntarily opted not to return to their places of origin, UNDP is also supporting resettlement or local 'empowerment' options. While settlement does not necessarily require the level of peace-building support involved in IDP return, programmes still need to address whole communities and not only IDPs. In NTT province, for example, where the government is resettling former East Timorese refugees who have opted to stay



New houses for IDPs in Ambon, Maluku Province

in Indonesia, UNDP is assisting the local government to mitigate the longer-term impact of IDPs on local development prospects and potential for future conflict, through facilitating consultation processes between former refugees and communities, and providing economic support benefiting both groups.

Lessons learned

Experience from working with governmental and other partners has highlighted a number of lessons:

- The government needs to be helped to learn from its own experience in order to improve capacity and develop more appropriate policies: this includes improved data collection, information management and coordination between departments and between levels of government, as well as information provision to ensure that IDPs are aware of their options.
- Planning processes need to include greater participation of communities and displaced persons, and the level of support needs to be balanced between IDPs and communities to avoid discrepancies and social tension.
- Capacity-building assistance should not only be directed to such emergency planning mechanisms as BAKORNAS, SATKORLAK and SATLAK but also to regular development planning structures to address longer-term monitoring and the need for development programming in affected areas.

- The government needs to be supported to develop better migration policies – including formal 'transmigration' programmes – in order to reduce scope for future conflict and reduce inequalities between migrant and indigenous groups.
- There is a need to proactively promote trust-building between returnees and their home communities, ensure that women are involved and use traditional systems of reconciliation.

A series of recent multi-stakeholder workshops supported by UNDP in a number of Indonesia's conflict-affected provinces has identified unresolved IDP contexts as a primary obstacle to future peace. These situations need to be resolved in as expedient and as sustainable a manner as possible to prevent a resumption of conflict.

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¹ At the end of 2002, UNHCR applied the cessation clause for East Timorese refugees in Indonesia, so that these persons are no longer considered refugees.

² See 'Going home of going away from home? The dilemma of Madurese IDPs' by Sheryl Sarigih Turnip, in *Researching Internal Displacement: State of the Art*, 2003, online at: www.fmreview.org/StateoftheArt.pdf

³ See FMR 17, Christopher Duncan 'Confusing deadlines: IDPs in Indonesia': www.fmreview.org/FMRpdfs/FMR17/fmr17.15.pdf



CAREERE



SEILA

CAREERE/Seila – foundation stone for a new Cambodia

compiled by the FMR editors

In the early 1990s Cambodia was fractured by violence, lack of social trust and deep suspicion of government. From origins as a post-conflict refugee/IDP repatriation and resettlement scheme, the CAREERE programme has evolved into a unique development process which mobilises local and international actors to tackle poverty and promote good governance in rural Cambodia.

Following an internationally-brokered peace agreement in 1991, UNDP launched the Cambodian Resettlement and Reintegration initiative to provide immediate post-crisis reconstruction and livelihoods support to rural communities of Cambodia where 85% of the population lives.¹ CAREERE initially sought to produce visible post-crisis improvements in communities most directly affected by the influx of IDPs and returnees from refugee camps in Thailand. Quick Impact Projects (QIPs) provided tangible benefits for local communities - roads, schools and wells - built, wherever possible, using local contractors and local labour who received on-the-job skills training. Though UNDP was aware of the need for a longer-term strategic vision, the first phase of CAREERE aimed to maximise short-term benefits for the rural poor during the 'settling in' period following the peace accord.

Initial targeting of villages was determined through a joint UNDP/UNHCR planning process based on returnee data, indicating that a substantial majority would return to the four north-western provinces where CAREERE opened operations. While access to some areas was limited by the continued presence of the Khmer Rouge, in later years opportunities for expansion of CAREERE reconciliation and reconstruction efforts arose as their cadres defected to the government.

Following Cambodia's first democratic elections in 1993, CAREERE began to confront the inherent unsustainability of a short-term, external implementation approach to rebuilding rural Cambodia. CAREERE was reconceived as an experiment in decentralised, participatory planning, financing and implementation of local development with a marked shift toward local capacity building and a transfer of responsibilities to Cambodians themselves.

CAREERE was renamed the Cambodia Area Rehabilitation and Regeneration programme (CAREERE2) and eventually became a support programme to the Cambodian government decentralisation initiative entitled Seila ('foundation stone' in Khmer Sanskrit). Seila was an outgrowth of CAREERE2 and has been an expression of national ownership of the principles and processes inherent in a decentralised approach to rural development. Seila, a collective undertaking of seven national ministries, has worked to break down barriers between ministries and promote joined-up, integrated government.

CAREERE2 provides intensive capacity building and investment resources but it is the national and local Seila structure, backed by government decree, that plans and implements development activities. Whereas CAREERE1 was short-term, materially oriented, flexibly responsive to local emergency needs but time-



limited in vision, CAREERE2 involved planning and financing for the long term, oriented towards local human resource development and good local governance.

Learning by doing and designing by using

CAREERE/Seila is a complex and ambitious attempt to bridge the divide between emergency assistance and development. The key operational device has been to constantly assess, learn, reflect, revise and adapt to the issues and challenges that emerge. Guided by four principles - dialogue, clarity, agreement and respect - Seila aims to create partnership between government and civil society. The idea is that decentralised and participatory rural development will lay a foundation for peace and socio-economic improvement. The goal of strengthening the coping capacities of the rural poor has been advanced by mobilising critical local economic inputs (including contractors and labour) and bottom-up integration of



local priorities into national planning and resource allocation processes.

Seila has prioritised both non-material and material aspects of poverty. During the first five years of implementation, 1996-2000, Seila piloted and strengthened new systems for decentralised and deconcentrated planning, financing and implementation in a third of the country's provinces and communes. The north-eastern province of Ratana-kiri was added to the original four (Banteay Meanchey, Battambang, Siem Reap and Pursat) because of its high concentration of under-served ethnic minorities, over-exploited natural resources and acute levels of poverty and isolation. Considerable emphasis was placed on the election of Village Development Committees (VDCs) to take the place of the top-down village leadership to which Cambodians were accustomed. Special attention was given to ensuring the inclusion of women through a quota system.

Seila has worked on many fronts: institutional and community

capacity building, delivery of services and investments, promoting democratic participation, fostering peace and reconciliation, poverty alleviation, support to the private sector, provision of non-formal education and training in gender awareness. The initial programme document was visionary in character and rather vague on practical details. Being experimental and adaptive, however, has necessitated a reflexive approach to changing strategies and policies. Seila was not based on a formal analysis setting out the relationship between various activities and development objectives. It broke with both the management culture within international development organisations and with the perception of typical management and political practices of Cambodian state authorities.

Under Seila's second five-year phase (2001-05), the programme has continued to support the design and implementation of the decentralisation policies. Villages, communes and districts have been assisted

to develop locally-owned development plans. The Partnership for Local Governance has become an important component. In addition, CARERE/Seila has been tasked with mobilising and coordinating external development assistance in support of the national decentralisation and deconcentration policies.

External advisors have gradually withdrawn from involvement at district and provincial level and by 2003 the government was managing Seila through appointed government committees at national, provincial and district levels and through elected members at commune level.

Proving the critics wrong

Central level politics that have slowed down many other development projects were avoided by CARERE by the initial focus on province and lower administrative levels. However, at the time this approach was controversial. The vision expected commune officials to change their behaviour from oppressors to agents of participatory development at a time when conventional wisdom among donors was that Cambodia's officials were irredeemably corrupt and lazy and that the entire administration was in moral decline following the breakdown of the previous planned economy and command structures. While this had a certain truth to it, local administrations were nevertheless extended enough trust to be nurtured into being the 'driver' of the new CARERE2/Seila programme. Most observers have been surprised by the readiness

the participatory process has at times been shallow.

of many commune and province officials to embrace opportunities provided by training, to change working practices and to take pride in becoming efficient and accountable managers.

For a while, the degree of genuineness of the CARERE2/Seila-established VDCs was one of the most debated development issues in Cambodia – and in general development literature. Critics have argued that the participatory process has at times been shallow. Women have

been poorly represented in the VDCs, the selection of candidates has often been steered, voter turnout low and projects were sometimes of relatively little importance for the village as a whole.

In general, however, although promotion of participation was not perfect and required high initial investment in technical assistance, it has had desirable long-term spin-offs. For the most part VDCs have been popularly elected, have been (semi-) independent from political manoeuvring and generally managed to perform their tasks. Their establishment and introduction of bottom-up decision-making has not caused major turmoil to either government officials or to the social structures of Khmer villages.

CARERE/Seila was also criticised for not taking enough account of maintenance of infrastructure and establishing designs and standards without coordination with other agencies. A more controversial and serious critique relates to the accusation that it has created parallel structures and has not been working through the existing governmental institutions. However, although new horizontal accountability and reporting structures were created they were at the same time under the control of the government authorities. These structures have now become the core in the provincial structural reforms which need to be pushed to completion.

the success of CARERE/Seila has prompted much sniping

Jealousies flourish in any donor community and the success of CARERE/Seila has prompted much sniping. Many point out that the programme is nowhere near sustainability – at least not when using the traditional definition of ‘sustainability’ as capacity for a national initiative to continue after the exit of the external assistance, or capacity to generate internal capital resources to replace the investment funds for local development coming from outside sources. However, in reality, hardly any major development projects in chronically poor Cambodia are sustainable in that sense. If sustainability is to be measured by the degree to which it has acquired a vital momentum of its own and is driven by Cambodian authorities then it is

highly sustainable. The degree of long-term commitment shown by CARERE’s major external donors is a testament to the sustaining power of a shared experiment that has produced sustained changes in local and national governance.

Sustainable reintegration: never a quick fix

After more than a decade of working with Cambodians to rebuild their ravaged country, CARERE has demonstrated how reflection, recognition of mistakes and willingness to reformulate objectives are required in order to constantly refocus activities to make reconciliation and reintegration sustainable. Time has been required not just to establish local confidence in the process but to convince a sceptical donor community to go on funding a costly experimental venture which lacked a detailed plan, could not produce quantifiable evidence of poverty reduction, nor for many years produce any material evidence of developmental ‘results’.

A history of this major, well-funded and well-documented international initiative shows the importance of open-mindedness and change. Managers recognised that:

- Initial failure to engage with local populations made it necessary to reformulate CARERE2 objectives to emphasise the importance of democratically electing commune councils in local areas.
- Earlier preoccupation with poverty alleviation had to give way to acknowledging the equal importance of promoting reconciliation, especially in areas long controlled by the Khmer Rouge.
- Sustainable poverty alleviation cannot be achieved without the improvement of local governance.
- The kind of staff most successful at forging relations with provincial and commune counterparts were not regular UN experts but a combination of international, national and Cambodian expatriate staff with a broad range of development experience, strong knowledge of local customs and history, fluency in the local language and commitment to recognising and building the capacities of Cambodians.

CARERE/Seila’s departures from prevailing paradigms can be summarised. The programme:

- did not include a detailed and concrete implementation plan in the original project document and did not use the logical framework format
- was in constant transition, operated in a policy void and yet was able to influence the development of policy
- used monitoring and evaluation systems which enabled input from national, local and community actors
- dared to trust people who did not have a credible record for this kind of operation – within the Cambodian state machinery as well as among expatriate staff
- assumed that deep-seated cultural traits could be partly reversed, or at least managed
- operated in the fuzzy midfield between politics and development activities
- has made the difficult transition from an emergency to a development approach
- worked with invisibles or softwares as development objectives
- spent resources on initial activities which many stakeholders, donors and observers judged to be unnecessary.

As CARERE/Seila has successfully straddled the divide between the emergency and development phases of a complex post-conflict environment, its key achievements have been to:

- create the conditions for broad-based participation among local and sub-national authorities in a way which has not posed threats to the central government
- reduce funding uncertainties by ensuring that predictable development investment funds are available, for which province, commune and village administrations are held responsible
- ensure that rural roads, schools, water supply schemes and irrigation have been designed on the basis of local assessments and that benefits have been spread to marginalised socio-economic groups
- foster attitudinal change among local officials: the civil administration has been transformed

from one uninterested in development and plagued by inefficiency to one staffed by decently-educated technocrats concerned with administering bottom-up processes and good governance

local democratic practices are slowly emerging

- confound those who believed that values of democracy and development are alien to Cambodian society.

Seila is scheduled to end in 2005. It has done much to promote empowerment, transparency and accountability and local democratic practices are slowly emerging at all levels of administration throughout Cambodia. However, major problems remain in what is still a desperately poor country:

- Chronic under-employment and unemployment in rural areas are exacerbated by cuts in civil service employment.
- High infant and maternal mortality rates, deaths from preventable diseases, the prevalence of water-borne diseases, malaria and TB and the spread of HIV/AIDS make Cambodia one of the unhealthiest countries in the developing world.
- Despite remarkable achievements, the education system – upon which the success of sustainable reintegration depends – remains in crisis: qualified teachers are in short supply, the low quality and the lack of relevance of education lead to high repetition and dropout rates and to inadequate levels of achievement and many rural schools are in an advanced state of disrepair.
- Seila was set up before the legislative framework for decentralisation and many aspects of deconcentration of government responsibilities remain unclear.
- Commune councils – which were democratically elected in 2002 – control few resources and have had very few service delivery functions devolved to them.
- Institutional arrangements for achieving more effective aid co-ordination for local government reform have not been finalised.
- Local officials are still required to account upwards to the higher levels in the ruling political party and administration, rather than

downwards to the communes and the public.

- In the aftermath of genocide and selective emigration of men, it is estimated that women comprise 56% of Cambodia's population, yet they remain grossly under-represented in decision-making fora.
 - Donor support to local government is often inconsistent and conflicting.
- Capacity building of commune councils is not necessarily based on an in-depth assessment of the effectiveness and impact of past training: thorough training in good governance principles is required to enable councillors to understand roles, functions, requirements and visions for development.

Is CARERE/Seila replicable?

The achievements of CARERE/Seila stand out against a background of many failed reconstruction initiatives elsewhere. Regular evaluations of the programme and retrospective analysis of its evolution suggest the need for reintegration programmes in other fragmented failed states to:

- be driven by a central vision that only harmonious and respectful relations between the state and civil society can promote prospects for alleviating poverty
- ensure a strong sense of ownership of reintegration and development processes at sub-national and local levels
- deliver a material product: a programme developing and establishing concepts and systems without an operational content making material changes to peoples' daily lives will have much less potential to make changes and impact
- question familiar procedures and reject ready-made models: CARERE2/Seila has rarely used preconceived models, systems and structures but rather developed the models with the stakeholder to fit local realities
- encourage donors to stay the course, commit themselves for ten years and explicitly recognise the difficulties of making predictions and prognoses: agencies should not overstress the need for specific statements of the impact and expected outcomes

of a project

- ensure a high degree of communication between stakeholders: without this, tensions between conservatively-inclined donors and CARERE2/Seila management could have led to destructive tension.

In post-conflict countries such as Cambodia – with a legacy of weak political and administrative structure, repressive central government and inability to generate funds for reintegration and reconstruction – the role of donors and their influence on the scope and approach to development has necessarily been strong. The reflexive approach to changing strategies and policies has at times led to 'change fatigue' but CARERE/Seila's experimental approach would not have been credible – and probably not successful – without constant change. CARERE's achievements challenge the belief that decentralisation can only work in an environment where central government is already strong. A pure technical assistance approach to decentralisation can have limitations but when coupled with capital injections at local level and a 'learning by doing' mentality, tangible benefits can result as local capacity is built.

Assistance in writing this article has been provided by Scott Leiper (Programme Coordinator for CARERE's Partnership for Local Governance Project. Email: scott@Seila.gov.kh) and Judith Karl (Senior Adviser, UNDP's Bureau for Crisis Prevention and Recovery, Geneva. Email: judith.karl@undp.org). Neither is responsible for the views expressed.

For more information, see the Seila and CARERE sites at www.Seila.gov.kh and <http://mirror.undp.org/carere> and evaluation reports at www.undp.org/governance/marrakechcdrom/concepts/Rudengren%20Learning%20by%20Doing.pdf and www.Seila.gov.kh/docs/MTR/MTRFINAL23feb04.pdf

¹ CARERE has been funded through UNDP core resources, international donors (particularly Sweden, Norway and the Netherlands), and benefited from the close partnership of the UN Capital Development Fund (UNCDF) through its innovative Local Development Fund facility. The programme has been executed by the UN Office for Project Services (UNOPS) with related components executed by the International Labour Organisation (ILO).

speaker's corner



Why Médecins Sans Frontières has pulled out of Afghanistan

by Anouk Delafortrie

A nametag, left on an empty white board in an empty office in Kabul. Handwritten in big curvy letters, it reads: Hélène MSF-H. The tag belonged to Hélène de Beir, who was killed on 2 June 2004 with four colleagues a few hundred kilometres from the office she used to pass by on her way to and from her project in Badghis province.

A few weeks after her murder Hélène's parents addressed MSF's General Assembly with a dignity, courage and wisdom almost superhuman for a couple who have lost a 29-year old daughter to an ideal. It is an ideal that almost seems anachronistic in today's polarised world, where the military disguise themselves as humanitarians and humanitarians snuggle up to those with a political or military agenda in return for steady funding.

Kenny Gluck, director of the project in which Hélène was working, believes firmly that "MSF is not willing to turn into an armed agency of medical providers. We believe in the humanitarian ideal that going unarmed into an area of conflict, trying to save lives, trying to alleviate suffering, is a reaffirmation of human dignity." Eight volunteers and many more national staff have been killed since MSF's creation in 1971. "It is the most horrible thing for us to endure", says Gluck. "Humanitarian assistance cannot be provided in a way which is entirely safe. By going to Somalia, to Congo or Afghanistan, our volunteers accept risks as part of their engagement with the people who are facing far greater risks. What we have to ask for is a framework of respect for the safety of our

volunteers and staff. In Afghanistan at the moment, with the killings, lack of governmental follow-up and explicit Taliban threats against MSF it is no longer there."

It would be dishonest to blame the killings on the coalition forces and the confusion which the US has sown by calling NGOs 'force multipliers' and 'members of a team against terror'. Responsibility for the killings of Hélène and her colleagues lies squarely with those who ordered them and carried them out. However, by embracing the concept of humanitarian aid as part of their broader strategy, Western politicians are spreading the idea that humanitarian agencies are no longer independent and neutral.

many spectators [are] unable to distinguish between groups of armed and humanitarian actors

Local commanders, extremist groups and coalition forces all profit by abusing the humanitarian aid effort. This is not a new phenomenon. What is new is the scale of the manipulation. This is perhaps exacerbated by the arrival of dozens of new NGOs, which are not necessarily committed to remaining independent from donors or neutral with regard to warring parties. This chaotic and rapid growth, along with the multiplication of UN peacekeeping missions, has left many spectators unable to distinguish between groups of armed and humanitarian actors.

In Afghanistan understanding and support for the great range of agencies working there is very limited. Ordinary Afghans describe the well-paid foreigners who flash past in \$75,000 Toyota Land Cruisers as the 'Toyota Taliban'. Coalition forces dis-

tribute leaflets in southern Afghanistan, with a picture of a young girl carrying a bag of wheat, which warns people that future aid supplies depend on providing information about the Taliban and al-Qa'ida. US and NATO soldiers perform non-military duties in civilian clothing and many NGOs are almost entirely dependent on US funding. No wonder that ordinary Afghans are confused.

There may not be much we can do to clear up the confusion but we owe it to Hélène, Fasil, Besmillah, Egil and Pim to press the Afghan government to prosecute their killers and the current climate of impunity. We have to press the Taliban to retract the accusation that MSF serves US interests and to withdraw threats against those who work independently and impartially to help vulnerable Afghans. At the highest political levels we must pressure the coalition, the UN and the NGO community to stop all acts which contribute to the confusion of identities and undermine respect for independent humanitarian action.

We must stay faithful to the ideal we all shared with Hélène. We recall the first steps MSF doctors and nurses took into Afghanistan in 1980, by mule train through gorges and over mountains, defying snow and wind, to be able to reach people cut off from help. Our work continued uninterrupted for 24 years despite mujahadiin wars, Taliban rule and Operation Enduring Freedom. We hope that one day MSF will be able to return to the side of the Afghan people.

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Darfur: no quick fix

by Alex de Waal

The people of the ethnically-diverse Darfur region of Sudan face destitution, hunger and infectious disease. In addition to 1.2 million displaced people living and dying in camps on both sides of Darfur's border with Chad, hundreds of thousands more are struggling to survive in their homes in the vast areas held by the rebel movements fighting the Khartoum government. Apocalyptic predictions of mass starvation were made after the 1984 drought - up to a million dead, aid agencies warned, if there wasn't food aid. The food didn't come, and many died - around 100,000 - but Darfur society didn't collapse because of the formidable survival skills of its people. They had reserves of food, they travelled huge distances in search of food, work or charity, and above all they gathered wild food from the bush. Today, food reserves and animals have been stolen. What use is the ability to gather wild grasses, edible roots and leaves if leaving a camp means risking rape, mutilation or death? Predictions of up to 300,000 famine deaths must be taken seriously.

A huge aid effort is grinding into gear. But the distances involved mean that food relief is expensive and unlikely to be sufficient. It's tempting to send in the British army to deliver food, but this would be merely symbolic: relief can be flown in more cheaply by civil contractors, and distributed more effectively by relief agencies.

The biggest help would be peace. In theory, there's a cease-fire; in practice, the government and Janjaweed are ignoring it, and the rebels are responding in kind. The government denies that it set up, armed and directed the Janjaweed. It did but the monster that Khartoum helped create may not always do its bidding: distrust of the capital runs deep among Darfurians, and the Janjaweed leadership knows it cannot be disarmed by force. The best, and perhaps the only, means of disarmament is that employed by the British 75 years ago: establish a working local administration, regulate the ownership of arms, and gradually isolate the outlaws and brigands who refuse to conform. It took a decade then and it won't be any faster today. Not only are there more weapons now but the political polarities are much sharper.

Another issue is human rights: investigating claims of genocide and who's responsible. This issue is best parked with an international commission - perhaps a special investigator from the International Criminal Court.

A political solution can be framed as these immediate issues are tackled. At the moment the sides are far apart, their public language one of mutual recrimination. In theory, a settlement of Darfur's provincial issues should not be too difficult. The rebels have no desire to purge Darfur of its indigenous black Arabs.

They do not seek self-determination or separation. Their demands, for equitable development, land rights, schools and clinics and local democracy, are perfectly reasonable. Formulae for provincial autonomy are also negotiable.

The Darfur process can be speeded up by implementing the Naivasha agreement - the internationally-brokered landmark agreement that lays out a formula for sharing power and wealth between the government of Khartoum and the Sudan People's Liberation Movement (SPLM). However, many of the Naivasha formulae, which were drafted on a simplified north-south dichotomy, must be revisited. Senior government jobs have been divided between the ruling Congress Party and southerners but who is going to stand aside to allow Darfur its fair share of representation?

Bringing the southern leader John Garang to Khartoum as vice president should bring dividends. Garang aspires to represent a coalition of all Sudan's non-Arab peoples, including Darfurians, and it will be politically impossible for him to endorse a war in Darfur.

The African Union has put 60 cease-fire monitors on the ground so far and, at the time of writing, 300 African troops are also on their way to ensure that the monitors can move in safety. The AU is negotiating an expanded force of 2,000 with a mandate to provide security for Darfur's terrified civilian populace. These troops, from Nigeria, Rwanda and Tanzania, could well be augmented by non-African soldiers under the same command. If they respect good local intelligence and a political process is afoot the hazards should be minimal. But reconstituting Darfur will be slow, complicated and expensive.

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*Kubum, Darfur,
August 2004*



‘Hanging out’ with forced migrants: methodological and ethical challenges

by Graeme Rodgers

Despite recent suggestions to the contrary, small-scale qualitative research involving interpersonal ‘hanging out’ with forced migrants is relevant, important and ethically desirable.

Recent reflections on the study of forced migration urge researchers to take a step back from the forced migrants whose plight we seek to describe and analyse. Stephen Castles has outlined a ‘sociology of forced migration’ situated in a ‘context of global social transformation’ and cautions against an overemphasis on the ‘subjective and cultural aspects of forced migration [which] neglect its structural dimensions’.¹ For Castles, the global forced migration crisis is largely the result of an international failure to manage global relations of inequality. Understanding and solutions need to be sought at this global level, beyond the localised experiences of forced migrants themselves.

In line with this suggestion Karen Jacobsen and Loren Landau have expressed concern over a prevalence of small-scale, qualitative studies in the literature on forced migration.² Such research, they argue, is often produced on the basis of poor designs, conducted over short time periods and drawn from small, haphazard and unrepresentative samples. They urge researchers to produce data that strives to be more representative, more objectively scientific and collected in ways that can be analysed more quantitatively.

This article re-asserts the continued relevance and importance of modest and small-scale qualitative approaches, generated largely through intensive informal and interpersonal interactions between researchers and the forced migrants. I refer to this approach as ‘hanging out’, as a kind of shorthand for participatory approaches but also as a reminder of the informal and everyday nature of the interactions and processes that allow us to

generate information. Such research can be conducted in ways that are methodologically sound.

Some consequences of survey-based studies of forced migration

In targeting the inherently subjective and methodologically unsound basis of much of the existing research on forced migration Jacobsen and Landau suggest that this should be replaced by the authoritative voice of hard science. In essence they argue that researchers should strive to establish “data sets” that are drawn from statistically “representative” samples. These would ideally have “control groups” and a reliable degree of “construct validity”. This is essential, they contend, to “replicate” and “validate” findings. But such a shift, away from exploratory, descriptive and qualitative approaches and towards more quantitative approaches, relies on a number of assumptions holding true. These include the following:

- that we – the community of researchers working in the area of forced migration – already know what the relevant questions are
- that the lives of refugees and IDPs are a largely irrelevant concern to researchers and aid organisations beyond the extent to which selected aspects may be recognised, measured and controlled as important ‘variables’
- that knowledge generated through scientifically reliable quantitative techniques will necessarily lead to better and more ethical policy decisions than subjectively-informed and inductively-derived ‘guesses’ that are characteristic of more qualitative understandings

- that the considerable cost and effort of producing statistically representative data in difficult field contexts are justifiable in relation to the benefits that forced migrants get out of a more scientifically precise understanding of their predicament.

The above assumptions could probably hold true – if refugee camps, resettlement camps, inner city slums and other environments occupied by forced migrants exhibited laboratory-like conditions. But they don’t. These environments are typically defined by social chaos and subversive economies where affected populations experience a profound sense of confusion and disorientation. Attempts to make sense of their predicaments through the imposition of neatly – even perfectly – designed surveys may completely miss this defining aspect of the social experience of forced migration and systemic order that is beyond the experiences of the people most affected.

By emphasising the measurement of the problems of forced migrants, crude quantitative research may obscure the politically uncomfortable origins of these problems, and optimistically advance technical interventions that address symptoms rather than causes. This can end up reproducing a highly problematic distinction between the ‘us’ – western institutions that respond to the ‘problems’ of the developing world – and ‘them’, the affected populations. Caught up in the language of science, knowledge of forced migration remains within the domain of the powerful interest groups that respond to it. This scenario can be avoided to some extent by paying more attention to forms of knowledge about forced migration that are generated through informal, interpersonal and ‘everyday’ types of encounters – or ‘hanging out’.

The methodological benefits of 'hanging out' with forced migrants

Knowledge generated through 'hanging out' with forced migrants can:

- keep open the channel for voices of forced migrants, without claiming to definitively represent them
- foster an appreciation for the complexity of forced migration, by sustaining some perspective on the multi-dimensional nature of forced migration
- open up some space for the 'problem' of forced migration to be configured in more locally intelligible terms, by permitting the simultaneous presence of multiple and contradictory experiences and perspectives
- sustain a humanism in research that is arguably essential for informing ethical and accountable policy decisions.

Local-level studies conducted on the basis of 'hanging out' do not necessarily overemphasise local cultural life, as Castles, Jacobsen and Landau seem to think. Indeed, 'hanging out' may reveal, perhaps

'hanging out' with refugees remains an indispensable research 'tool'

disturbingly, how political struggles of everyday life are linked to relationships and processes of global significance. Experiences of race and racism and debates over the meanings of globalised concepts such as human rights, gender and Islam, for example, are found in specific local contexts. Localised perspectives also facilitate important critical commentary on the politics of aid, which more scientific studies tend to exclude from the objects of their analysis.

However, there are also practical and institutional challenges to conducting and applying such research. These include:

- rendering research in a form that packages knowledge in ways palatable to policy makers and humanitarian workers
- the time factor: 'hanging out' may seem like a luxury when a humanitarian emergency

- demands a rapid response
- an institutionalised culture of 'parachute' research within academic centres on forced migration, where breadth is often valued over depth, as a marker of research expertise
- security dangers and discomforts of doing research in refugee settings.

Hardened humanitarian workers may recognise aspects of what I have described above as an elaboration of the more mundane aspects of their work that they take for granted. Indeed, whilst such personal 'intersubjective' experiences between humanitarian workers and forced migrants certainly feed into policy and practice to varying degrees, these are often in informal and unconscious ways. There is therefore considerable room for such information to be collected more systematically and used more authoritatively – both by professional researchers and others who spend their time 'hanging out' with forced migrants. Rigorously-generated qualitative perspectives are vital to informing our understanding of forced migration and cannot be improved by making them more quantitative.

The qualitative/quantitative distinction remains a valuable one and quantitative research remains crucial, depending on the question being pursued.

But if it is the task of social research (and I believe it is) to reveal something about the lived experience of forced migration, then 'hanging out' with refugees remains an indispensable research 'tool' that is essential to the formulation of informed, creative and self-critical responses.

Social distance and the ethics of 'hanging out'

Jacobsen and Landau correctly consider an ethical commitment to improving the lives of the people among whom we conduct our research as the second leg of a dual imperative on the part of social researchers – the first being a professional commitment to our craft. Contrary to many of the discussions on ethics that highlight limits on the more intrusive aspects of social research, my concern is to emphasise an ethical imperative to

conduct that research on the basis of 'hanging out'.

For Landau and Jacobsen, ethical practice demands the objectivity and neutrality of a true scientist. They do not, however, consider the broader potential ethical shortfalls of studying refugee camps as though they were scientific laboratories. This approach maintains a problematic critical distance (both social and physical) between 'us' and 'them'. It also fosters the illusion that the social worlds that we write about are socially and politically distinct from the institutions and political environments within which we produce our research. Far from simply being 'ethical', a positivistic approach to social research amongst forced migrants may unwittingly serve a highly polarising social agenda. By ignoring the link between knowledge and power, Jacobsen and Landau's suggestions limit the potential for researchers to speak out against the abuse of power that underpins major forms of displacement in the current global order.

In the wake of the US-led invasions of Afghanistan and Iraq, and resultant unprecedented levels of hatred and mistrust of the West, the role of the 'researcher as expert' is not only increasingly inefficient but also arguably deeply offensive and even threatening. This issue cannot be addressed by stepping back, by making our sample larger, more representative or more reliable. In the post-11 September world, 'hanging out' – with patience, time and personal interest in the lives of people among whom we conduct our research – encapsulates an important ethical imperative in its own right.

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¹ Stephen Castles 'Towards a Sociology of Forced Migration and Social Transformation', *Sociology*, 37 (1): 13-34, 2003.

² Karen Jacobsen & Loren B Landau 'The Dual Imperative in Refugee Research: Some Methodological and Ethical Considerations in Social Science Research on Forced Migration', *Disasters*, Vol. 27(3): 95-111, 2003 http://web.mit.edu/cis/www/migration/pubs/rrwp/19_dual.doc; Karen Jacobsen & Loren B Landau 'Researching refugees: some methodological and ethical considerations in social science and forced migration', New Issues in Refugee Research, working paper no 90, UNHCR, Geneva, 2003. See www.unhcr.ch/epau.

Compassion and pragmatism: softening of Australian asylum policy?

by Val Colic-Peisker

The Australian government has long been under pressure to soften its stance on asylum seekers; now it appears that economic pragmatism may be helping to turn the tide in asylum seekers' favour.

A debate on the treatment of asylum seekers has been raging in Australia for the last three years since the 'Tampa crisis' in August 2001 brought the issue into public focus. In August 2001, 433 people were rescued from a leaking vessel by the Norwegian freighter *Tampa* off Australia's north-western coast.¹ The Australian government did not allow the *Tampa* to berth in Australia and the asylum seekers were instead transported to several Pacific island countries where their refugee status was to be determined. Those who were found to be 'genuine refugees' were only entitled to a three-year temporary protection visa (TPV).²

Only weeks after the *Tampa* incident, the 11 September terrorist attack put another spin on the issue: asylum seekers were now associated with terrorism. The two events reinforced the fear of many Australians that aliens aspiring to an Australian visa could endanger Australian security and way of life.

The Pacific Solution

In late 2001 the 'Pacific solution' policy was officially enacted: asylum seekers were to be transported offshore while their claims for refugee status were processed.³ In addition, northern Australian small islands and reefs were legally excised from the Australian immigration zone so that 'boat people' could not claim asylum when they arrived there.

For several years, the Australian government and its Immigration Department remained unmoved in the face of internal and international pressures to soften its approach. The Australian navy was assigned to protect the northern borders; more islands were excised from the

Australia immigration zone in 2003⁴; and an inordinate amount of public money was spent on the Pacific solution (A\$2.8 billion in 2002-2003 - 150 times more than Australia's 2003 contribution to UNHCR).

The detention of asylum seekers - sometimes for years - has been the most contentious element of the

'queue jumpers', 'unauthorised' or 'unlawful' arrivals and, more broadly, as a threat to Australian sovereignty and values. A more compassionate minority, organised into a number of refugee-support groups, provided asylum seekers with political and practical support and opposed the policy of mandatory detention and temporary protection of refugees.

Harsh and expensive measures have been justified as deterring the 'queue jumpers' and curbing the activities of people smugglers, as well as



Nicholson of *The Australian* newspaper: www.nicholsoncartoons.com.au

Australian refugee policy, especially where it involves families with children. It has nevertheless been supported by both major parties in Australia. Some detention centres were located in the major Australian cities but most were in the remote outback or outside mainland Australia (Nauru, Christmas Island, Papua New Guinea's Manus Island) and thus far from the eyes of the Australian public. According to opinion polls, the majority of Australians supported the conservative government which presented asylum seekers as

admitting refugees to Australia through the 'front door' ('offshore') rather than having them arrive 'uninvited'. In April 2004, the Australian SBS television network broadcast a story about the Australian detention centre on Manus Island which had remained open for seven months to house just one Palestinian asylum seeker, at the cost of A\$23,000 a day. This young man, who spoke good English, explained that he had been recognised as a refugee by UNHCR but, with no resolution of his case in sight, was slowly going



Nicholson of *The Australian* newspaper: www.nicholsoncartoons.com.au

mad in isolation. The Australian immigration minister was adamant that he could not be admitted to Australia, while Papua New Guinea “did not accept refugees from terrorist countries”. In May, Australia’s immigration minister replied to repeated calls to free children from immigration detention by saying that “the Government did not want to send a message to people smugglers that if children were brought into the country, asylum seekers would not be detained”.

‘Onshore refugees’, that is, asylum seekers granted Australian temporary protection, are not entitled to the support provided through the government’s refugee resettlement programme (Integrated Humanitarian Settlement Scheme – IHSS) which includes free English tuition, on-arrival housing, employment assistance and immediate welfare rights. Refugees on TPVs are assisted by NGOs and local voluntary organisations, and are eligible to apply for a discretionary welfare benefit and to access Australia’s public health care system (‘Medicare’). They are not allowed to travel abroad (that is, they cannot re-enter Australia once they leave) or bring members of their families to Australia. Thus, they are stuck in the limbo of temporary protection, anxiously awaiting the final outcome of their application for permanent protection. In recent years, a considerable number of asylum seekers have eventually been deported back to their unsafe countries.

In 2003, however, there were signs that the tide of hostility towards asylum seekers might be turning,

as more Australians expressed their support for temporarily protected refugees threatened with deportation to Afghanistan, Iran and Iraq. Even the Australian government started showing signs of ‘softening’. What happened?



Rural support for refugees

In February 2003 several Australian newspapers published stories about the growing support for TPV-holding refugees in the small town of Young in inland New South Wales. Other isolated country towns followed suit. Many are the sites of abattoirs where TPV holders from Afghanistan’s persecuted Hazara community work as halal butchers. A new grassroots national initiative emerged, called Rural Australians for Refugees⁵, which by February 2004 had 68 local groups. Some rural local councils declared their towns to be ‘refugee-welcome zones’ and started lobbying the federal government to grant permanent protection to TPV holders. Activists collected signatures from the local residents in support of TPV holders under threat of deportation. In October 2003, the city council of Albany in Western Australia passed a motion to support the Afghan Hazara refugees’ claim for permanent residency. Their press release stated that a “large group of Albany residents, along with their councillors, are deeply committed to stopping deportation of their

Afghan residents”. The Council sent a letter to the minister for immigration highlighting the “economic and social benefit that the Afghans have brought to the community”.

Refugee supporters and sympathetic media observed that the support for asylum seekers came from unlikely quarters: rural areas where conservative or even xenophobic views were more likely to find support. Apparently, where moral reasons calling for humanitarianism and compassion could not penetrate the thinking of ‘ordinary Australians’, arguments expressed in dollars and cents were more convincing.

In February 2003 a Sydney academic reported that refugees had injected A\$2.5m into the local economy and saved the federal government A\$1.5 million by paying income tax and not claiming welfare benefits.⁶ The ‘secondary movement’ of refugees on TPVs out of the large cities to rural towns where full-time work was available revived local businesses struggling to find employees. Asylum seekers were ready to take jobs that locals did not want. Local communities, long suffering from depopulation, competed to welcome and keep ‘their’ refugees often by offering higher wages and better conditions. The flurry of social activism in support of refugees breathed new life into rural communities. The TPV holders, mainly single young men, took jobs in abattoirs and poultry plants, and proved to be exemplary farm hands and fruit pickers, providing a stable and reliable workforce.⁷ Afghan and other TPV holders have been described as “nice and peace-

compassion might be compatible with pragmatism.

ful” as well as “hardworking and honest” people who deserved a “fair go” and only wanted to “get ahead”. Many asylum seekers hoped, correctly, that their new employers would support their applications for permanent residency.

Compassion and pragmatism

The Australian government apparently realised that compassion might be compatible with pragmatism. In May 2003, a press release from the Minister for Citizenship and Multicultural Affairs entitled ‘Refugees to help build sustainable

regional communities' recommended that "refugees arriving in Australia be encouraged to settle in regional Australia in order to address the demand for less skilled labour in regional economies and to help humanitarian entrants achieve early employment".⁸ A recent press release from the federal Minister for Employment and Workplace Relations announced a pilot project to help 80 refugees find jobs. The project "will examine participants' skills and how these could be matched to local job opportunities".

refugees are increasingly seen as a potential benefit rather than as a threat

Since October 2003, Minister Vanstone has granted discretionary visas to 43 Iranians in detention, issuing some with permanent as well as temporary protection visas, which compares favourably with the record of her longer-serving predecessor Philip Ruddock. In June 2004 the Manus Island detention centre was finally closed and the lonely Palestinian asylum seeker admitted to Australia. Minister Vanstone also announced that 131 asylum seekers from the Nauru detention centre would be granted visas. Now only 12 Afghans - whose claims for refugee status had been rejected by the Australian government in 2002 - remain on the island but UNHCR determined that they are in need of international protection. The Pacific solution, although not officially discarded, seems to be gradually melting away. At the same time more detention centres on the mainland are also being closed (Port Hedland, Curtin, Woomera).

The fact that Ruud Lubbers, UN High Commissioner for Refugees, visited Australia in March 2004 is likely to have been instrumental in softening the Australian policy. Two days before his visit, Minister Vanstone announced an increase in Australia's refugee quota from 4,000 to 6,000, describing it as a "dividend" gained from the government's success in border protection which had "dramatically reduced the number of illegal arrivals". The pragmatic UN High Commissioner - who says that "it is more productive to work with the government than to criticise the government" - urged the immigration minister to grant permanent protection to refugees on TPVs who cannot return to their countries, and to allow overseas travel for TPV holders. He also suggested that the government give up the Pacific solution as very costly and "not very practical".

Conclusion

Of all the factors contributing to a softening of government stance towards asylum seekers and TPV holders in Australia - labour shortages and depopulation in rural areas, employers' economic interests, middle-class humanitarianism, lobbying from smaller Australian political parties and international pressures - the economic considerations seem to have been the most convincing. It may be too soon to declare the issue solved but it seems that refugees are increasingly seen as a potential benefit rather than as a threat, and that the remaining 1,011 people still in immigration detention at the end of June 2004⁹ may soon be given a chance to continue their interrupted lives.

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Australian asylum debate in perspective

At the time when the number of 'boat people' peaked (1999-2001), 9,233 people, mainly from Afghanistan and Iraq, arrived on northern Australian shores. According to UNHCR, 4,260 people applied for Australian asylum in 2003, compared to 61,050 in Britain and more than 50,000 each in France and Germany.

¹ See FMR 11, p40 www.fmreview.org/FMRpdfs/FMR11/fmr11.16.pdf

² Temporary protection (three years) was introduced in 1999 in response to the rising number of asylum seekers. For official information on TPVs see www.immi.gov.au/facts/64protection.htm. For an account of the social impact of temporary protection see Diane Barnes, 'Life devoid of meaning: living on a temporary protection visa in Western Sydney', University of New South Wales, Centre for Refugee Research, July 2003, at www.refugeecouncil.org.au/docs/current_issues/life_devoid_of_meaning.pdf

³ See FMR 15, p49 www.fmreview.org/FMRpdfs/FMR15/fmr15.19.pdf

⁴ See Department of Immigration, Multicultural and Indigenous Affairs: Australia's Excised Offshore Places, Fact Sheet No. 81 www.immi.gov.au/facts/pdf/81excised.pdf

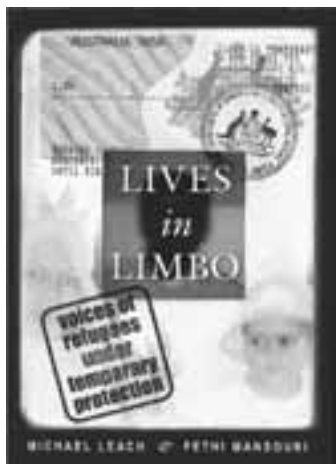
⁵ www.ruralaustraliansforrefugees.org

⁶ *Canberra Times*, 27 Feb 2003, p8

⁷ See Diana Glazebrook '(Temporary) resettlement after detention: Hazara refugees from Afghanistan in Australia', forthcoming early 2005 in Peter Waxman and Val Colic-Peisker (eds) *Refugee Resettlement in the West: Economic, Social and Cultural Aspects*, New York: Nova Science Publishers

⁸ Press release following 'Review of Settlement Services for Migrants and Humanitarian Entrants' report, May 2003, Recommendation 29.

⁹ See Australian Immigration Fact Sheet No. 82 at www.immi.gov.au/facts/82detention.htm



Lives in Limbo: Voices of Refugees under Temporary Protection

by Michael Leach & Fethi Mansouri. July 2004. 162pp. ISBN 086840599 X. A\$29.95.

In *Lives in Limbo*, 35 refugees, all temporary protection visa (TPV) holders and mostly from Iraq and Afghanistan, talk directly about their quest for asylum in Australia. They provide poignant details of persecution in their home country, their journey to Australia, prolonged periods of mandatory detention, and life under Australia's controversial temporary protection regime.

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Website: www.unswpress.com.uk

North Caucasus: upholding IDPs' right to 'voluntary' return

by Tullio Santini

Upholding the right of IDPs to be protected against forcible return or resettlement has been at the forefront of the humanitarian community's activities in the North Caucasus.

The resumption of hostilities in Chechnya in September 1999 led to the displacement of over 240,000 Chechen civilians, mainly into neighbouring Ingushetia. Shortly afterwards, Russian authorities – namely through the Federal and Ingush Migration Service (MS) – started urging IDPs to return to Chechnya. Pressure intensified in 2001, when the authorities reduced the provision of basic humanitarian assistance, stopped registering those newly displaced from Chechnya and intermittently cut off gas, water and electricity to camps in Ingushetia.

In May 2002 the government announced a plan to close all camps and return all IDPs to Chechnya by the end of September. The abrupt closure of two camps, hosting more than 2,000 IDPs, in July 2002 sparked strong protests from the UN, NGOs and human rights organisations. The UN's Emergency Relief Coordinator in New York added his voice to those who had expressed concern over the circumstances surrounding the closure of the two camps and called upon the Russian authorities to ensure that all actions would be taken to ensure the right of the internally displaced to a voluntary return, in safety and dignity.

Advocacy efforts were intensified when the authorities announced that another camp in Ingushetia (Aki-Yurt) would be closed by 1 December 2002. Despite representations from the UN and the EU and simultaneous press releases by UNHCR, Human Rights Watch and Amnesty International, the camp was dismantled and emptied as planned. No representatives from the UN or other humanitarian agencies were allowed to witness the closure process. The vigorous reaction of the international community, however, may well have contributed to the authorities'

subsequent decision to postpone to spring of 2003 their original plan to 'liquidate' all other five camps by the end of 2002.

Pressure on the remaining camps (hosting over 19,000 IDPs) resumed during the summer of 2003. The announcement of the closure of Bella camp coincided with a visit to Russia by the Representative of the UN Secretary-General on IDPs, Dr Francis Deng. In his end-of-visit press release, Dr Deng stated that he had been impressed by the positive policy statements made by the authorities but noted that his field visits had "revealed significant discrepancies between the positive official policy statements and the perspectives of the displaced" who remained "acutely apprehensive that the camps might be closed and that they might be forced to return to a situation in Chechnya which they regarded to be unsafe".

By the end of September the last IDPs living in Bella camp moved out. Once again, dismantling of a tent camp was preceded by intermittent cuts of essential utilities and occasional denial of access to humanitarian agencies. The number and intensity of search operations and arrests conducted by security forces (including in and around IDP camps and settlements) reached unprecedented levels, contributing to a heightened feeling of insecurity for Chechen IDPs.

While raising strong concerns at the pressure exerted on IDPs in Bella, the international community seemed to progressively recognise that the closure of the remaining camps was inevitable; it focused its efforts on obtaining the authorisation for IDPs to relocate to other camps or have access to alternative accommodation in Ingushetia and also on ensuring

that IDPs would be informed about the possibility of relocating to alternative shelters. Consequently, when Alina camp was closed at the end of 2003, UN agencies concentrated on monitoring the nature of the process and assisting with the preparation of alternative accommodation for the IDPs.

Bart and Sputnik camps were closed in March/April 2004. Ingushetia's last camp, Satsita, was closed in June. UNHCR staff who visited the camp daily reported that the authorities maintained utilities until the last of the 1,300 residents had left. All the families interviewed acknowledged that they were aware of alternative shelter options in Ingushetia.

The role of the international community

Some might argue that the humanitarian community has failed in its efforts to safeguard the existence of the camps and that what the authorities have implemented should be regarded, if not as a 'forced' return, as a 'strongly induced' one at least. However, it can also be argued that the continued and coordinated involvement of a range of international actors has, at least, led the authorities to:

- progressively refrain from overt intimidation, coercion and pressure
- slow down of the pace of a camp 'liquidation' policy that was, in all likelihood, irreversible: had the aid community failed to voice its concern and alarm, inhabitants of remaining camps may have been abruptly expelled in harsh winter conditions
- increasingly provide some advance notice of their closure plans
- let IDPs remain in Ingushetia and have access to adequate alternative shelter – a key benchmark to assess the voluntary nature of the return process



IDP women
talking to a
journalist in
Sputnik Camp,
Ingushetia

- allow humanitarian agencies the “rapid and unimpeded access” to the camps and the IDPs set out in principle 30 of the Guiding Principles on Internal Displacement – albeit with occasional obstacles.

Conclusion

The case of IDPs from Chechnya has helped define the meaning of ‘voluntary’ return. Humanitarian actors, in particular, have consistently reiterated that the notion of ‘voluntary return’ implies much more than the lack of physical coercion or overt intimidation but must also include:

- the consultation/participation of displaced people in the process of making decisions about their return, resettlement and reintegration
- provision of alternative options (including the possibility of remaining in their place of current sojourn) and assistance to make those options possible (including access to alternative shelter)
- provision of reliable information about the situation in the areas of origin.

The wide and flexible range of advocacy tools and tones utilised by the international community appears to

have had relative success. The UN and its partners sustained a certain degree of pressure on the Russian authorities, while reaffirming the international community’s readiness to assist the authorities and acknowledging their progress in addressing the complex IDP situation. The constructive tone used in official statements and correspondence seems to have effectively complemented the more vocal statements and reports issued by various relief and human rights NGOs.

Some have argued that this constant attention to the issue of IDPs in camps has been at the expense of other key issues, such as the protection of all conflict-affected civilians in Chechnya. This collective ‘protection gap’, however, should be realistically assessed in the context of the very limited degree of access, information and ‘leverage’ available to the humanitarian community and the impact of the 9/11 events on the international community’s attitude towards crises such as the one in Chechnya.

Although all camps have gone, in the North Caucasus the humanitarian community is still confronted with major challenges:

- preserving a ‘safe haven’ for the 49,000 IDPs who remain in Ingushetia
- reintegrating those IDPs who have returned (or will return) to Chechnya
- determining the future of those IDPs (about 20,000, mostly of Ingush origin) who plan to resettle in Ingushetia
- assisting the large number of people who remain displaced within Chechnya.

The humanitarian community’s mission to uphold the fundamental rights of the IDPs from Chechnya is far from over.

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The views expressed in this article are purely personal.

For the latest news on the humanitarian operations in the North Caucasus, see www.ocha.ru and www.reliefweb.int

The role of migrant organisations and personal networks in the Russian Federation

by Moya Flynn

As state assistance is limited, some migrants in the Russian Federation have set up their own organisations, which are proving to be a growing force for assistance, advocacy and reform.

The widespread upheaval brought about by the collapse of the Soviet Union in 1991 prompted ongoing large-scale population movements. The most significant is that of ethnic Russians and Russian-speaking people from the other former Soviet Republics to the Russian Federation. In the period 1991-2002 the Russian Federation registered some 1.5 million 'forced migrants' or 'refugees'. It is estimated that the total number of people who have arrived from the former Soviet republics is 8-10 million. As the state has only provided limited assistance a number of non-governmental migrants' organisations have emerged to try to fill the gap.

At the federal level there are three main Moscow-based NGOs: the Civic Assistance Committee (CAC), the Coordinating Council for Aid to Refugees and Forced Migrants (CCARFM),¹ and the Forum of Migrant Organisations. CAC was set up in 1990 to assist refugees fleeing violence in Azerbaijan. CCARFM was an off-shoot of CAC, formed in 1993 to unite other Moscow organisations providing assistance to refugees and forced migrants. The Forum of Migrant Organisations was created in 1996 as an umbrella organisation for the network of regional migrant organisations in the Russian Federation.

The federal-level organisations play an important role in welcoming migrants, representing their views and lobbying for adequate service provision and viable resettlement policies. They provide practical and legal assistance to individual migrants and to regional migrant organisations. Their involvement in the CIS Conference on Refugees and Forced Migrants held in Geneva in May 1996 and in the subsequent Programme of Action encouraged further NGO

development and stimulated the development of links between international, national and regional government and NGOs.

Initially hostile relations between the NGOs and Russian government bodies improved during the 1990s as a result of NGO efforts and their inclusion within institutional structures (which allowed limited participation in legislative development). However, the transfer of responsibility for migration affairs to the Russian Ministry of Internal Affairs in October 2001 – a move that was highly criticised by NGOs – led to a deterioration of relations between NGOs and the government.

Regional organisations

Regional migrant organisations are primarily the initiatives of migrants themselves and provide both practical assistance and effective advocacy. They provide general and legal information unavailable or difficult to access from state structures; small monetary payments, clothes or food vouchers; advice on employment and housing; and information about resettlement opportunities. They work to raise awareness of migrant issues within state structures, to direct state attention to areas of concern, to influence regional policy and practice and to present the arrival of migrants as regionally and nationally beneficial.

In Saratov and Novosibirsk there is a generally receptive policy towards in-migration. In Saratov the migration service recognises the need to work with the migrant organisations, acknowledging that they provide additional help to specific categories of migrants. Despite a general perception that the organisations are unprofessional and insufficiently informed, the migration service invited

them to participate in a Coordinating Council to foster government/non-governmental debate around the nature of regional policy towards migration.

In Samara, however, the migrant organisation *Samarskii pereselenets* faces an uncooperative and critical attitude from the migration service. Although invited to participate in a regional Coordinating Council set up in 1999, *Samarskii pereselenets* was frequently excluded from wider regional government debate. In Novosibirsk *Ruka pomoshchi* has had limited involvement in regional migration debates and the Novosibirsk migration service maintains that migration should remain a state concern. The negative attitudes of state structures towards migrants' organisations reflects the reluctance of the Russian state to accept a role for civil society in tackling social issues.

Securing funding to keep migrant organisations running is difficult and all depend on securing international grants. Links with Moscow-based organisations provide essential information and direct access to the wider federal and international migration regimes, which, in turn, facilitates recognition at the regional level.

Migrant perceptions

In the face of a confusing array of state structures and legislation concerning forced migrant resettlement, migrants see the organisations as a mediating structure between the individual and the state. They help facilitate a sense of socio-cultural belonging and security. Russians returning from the former republics of the Soviet Union experience not only the problems of physical displacement and subsequent resettlement but also cultural displacement. They are moving from a familiar environment to one which, because it is their 'historic homeland', is often

expected to feel like home but which in many ways is unknown and unfamiliar. The migrant organisations try to create an environment where migrants discover and foster feelings of common identity.

Many migrants, however, after experiencing government indifference, perceive migrant organisations as yet another official structure in which they have little faith. Ironically, the migrant organisations are sometimes criticised precisely because they are not official structures, and so lack real power to effect change or offer substantial help.

For some migrants, the organisations provide concrete help and support and the beginnings of a social network to help them cope with the experiences of displacement and dislocation. For many others, however, family and friendship networks are more important. Migrants often move to be close to family or friends who had previously moved to Russia and who can provide

information about employment and accommodation. Family and friends help maintain and recreate familiar habits, customs and traditions. Similarly, new friendships with other migrants, or relationships with old acquaintances that become closer through the experience of migration, help to foster feelings of familiarity and security.

Conclusion

The development and activities of regional and federal migrant organisations reflect major changes in Russia over the past decade:

- Although engagement of the migrant community with organisations at a regional level is sometimes limited, the organisations are themselves migrant initiatives and are a vital source of practical and psychological support.
- Migrant organisations and informal networks indirectly foster the building of connections with the state, contributing to the

regeneration of social, economic and political life.

- At both the regional and federal level, migrant organisations have had significant input into policy-making and legislative development and are influencing the nature of Russia's emerging migration regime.

Continued assistance (financial, material and information) by federal organisations, western donors and international organisations is essential in order to foster the growth of NGOs and to counter Russian government indifference, scepticism and hostility towards non-governmental actors.

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The Merowe Dam: controversy and displacement in Sudan

by Ali K Askouri

The Merowe Dam, now under construction on the Nile in northern Sudan, is a huge and controversial project that promises intensified social unrest and misery for the tens of thousands it will forcibly displace.

The idea of constructing a dam on the Fourth Cataract of the Nile, 350 km upstream from Khartoum, was first proposed by British authorities in the early 20th century. Due for completion in 2007, the massive dam will be 65 metres high, 9.2 km long and will create a reservoir approximately 170 km in length and 4 km wide. More than 50,000 small-scale farmers living along the Nile will

be displaced. Project planning has been non-transparent and people who will be directly affected by it have not had their voices heard. Dissent against this and other controversial dam projects in Sudan has met with harsh government repression. Resettlement procedures are in violation of the recommendations made by the World Commission on Dams.¹



Local protests have led to gross violations of human rights. Sudanese police dispersed a peaceful protest of men, women and children at Korgheli village with tear gas and live bullets. Organisers were arrested, detained and tortured. After 200 Hamadab families were forced to leave their riverside lands and relocate in the inhospitable Nubian desert Sudanese television showed government agents posing as affected people, agreeing to move peacefully and receiving money as compensation. The reality is that eking out an existence in completely barren land threatens the survival of the Hamadab people.

The Merowe Dam project was proposed, designed and implemented by an influential group within Sudan's autocratic military government who are promoting the privatisation of the country's electricity sector. It is hoped the dam will double Sudan's generating capacity. Project funds of \$1.5bn are to be provided by Middle Eastern financial institutions² and the Chinese and Sudanese governments. The state-owned China International Water and Electric Corporation is the main contractor for the dam, along with other Chinese firms and the German firm Lahmeyer International. The ten turbines are being supplied by the French firm Alstom. Merowe is the biggest international construction contract ever awarded to Chinese companies. All the foreign companies and funders are turning a blind eye to the fact that internationally accepted standards on human rights, resettlement and the environment are being ignored.

Social impacts

Some people are already being resettled, with poor results. Proposed resettlement sites are barren, windswept places with no groundwater supply – quite different from the villagers' current situation along the Nile. Soils in the resettlement area are poor.

"I belong to the Hamadab area. My people are now in the desert, except for those who were fit and moved to a shanty town on the outskirts of Khartoum. They have no water, no health services, no hope. It is a disastrous situation."
Dr Alfadil Mohammed Osman

In September 2003, a group of farmers returned from the resettlement site to their original villages when they realised how poor the area was for farming. The government met them with unprovoked violence, using live bullets and injuring many; they were forced back to the resettlement site by the police and security agents. Resettlers also expect to meet resistance from host communities. Earlier experiences in northern Sudan, where land on the river bank is extremely scarce, demonstrate that the movement of one group of people to a land owned by another community inevitably triggers social unrest. Over the years the affected population has offered to negotiate but the government has refused to meet their representatives. Instead, the government appointed its own agent to represent the affected people.

Within the government bureaucracy everything related to this project is decided by one man alone: the State Minister for Irrigation. Calls to ensure participation by affected people in the resettlement process have been rejected, and the individuals or organisations making the requests have been suppressed and prosecuted. Other affected people opting to take their grievances to court have been denied access to justice; a number of them have been arrested, detained and tortured.

A health impact study for the dam³ identified 20 major negative health impacts. The dam is expected to introduce or exacerbate such serious deadly diseases as malaria, schistosomiasis, river blindness and Rift Valley fever. The effects of the dam on the downstream population have been ignored. Thousands of small farmers living downstream will face difficulty in irrigating their plots due to lowering of the level of the Nile. Farmers will also be affected by a reduction in annual siltation.

The area where the dam is located is one of the oldest inhabited areas in northern Sudan. According to the Merowe Dam Archaeological Salvage Project "Very little archaeological work has ever been undertaken in this region but what has indicates the richness and diversity of human settlement from the Palaeolithic period onwards."⁴ The Sudanese National Corporation for Antiquities and Museums says that the project

will destroy archeological sites both directly through engineering and construction works and indirectly through environmental changes in the region.

Conclusions

Sudanese civil society groups and individuals have argued for years that this project should be postponed until peace is achieved, human rights and democracy are restored and the project's cultural, social and environmental impacts have been fully evaluated. The affected population is not asking for the project to be scrapped but only for a more equitable, transparent and participatory process in line with the recommendations of the World Commission on Dams. They call for:

- postponement of the project until it has been subjected to rigorous scrutiny and until its effects on both people and the environment have been thoroughly investigated and assessed
- the project design to be upgraded to match internationally accepted resettlement standards
- an updated review – by an internationally reputable firm – of the project's most troubling components and work already completed
- resettlement in one site in order to preserve community unity.

Ali K Askouri was formerly Senior Planning Officer at the Central Ministry of Planning, Sudan. He is currently President of the Leadership Office of Hamadab Affected People and Principal Coordinator of the Hamadab Dam Campaign, as well as a post-graduate student at London South Bank University. Email: bertait@fareah.fslife.co.uk

For more information, see the April 2004 issue of World Rivers Review (www.irn.org) and www.sudantribune.com/article.php?id_article=2714. An online petition to the President of Lahmeyer International is at www.petitiononline.com/hamadab/petition.html

¹ See www.dams.org and FMR12 Dilemmas of development-induced displacement www.fmreview.org/FMRpdfs/FMR12/fmr12contents.pdf

² Primarily the Arab Fund for Economic and Social Development and also the Abu Dhabi Fund for Development, the Saudi Fund for Development, and the Kuwait Fund for Arab Economic Development.

³ See William Jobin *Dams and Disease: Ecological Design and Health Impacts of Large Dams, Canals and Irrigation Systems*, 1999, 544pp, Routledge, ISBN 0419223606.

⁴ See www.sudarchrs.org.uk/page31.html

The challenge of internal displacement in Africa

by Bahame Tom Nyanduga

In June 2004 I was appointed by the African Commission on Human and Peoples' Rights as Special Rapporteur on Refugees, IDPs and Asylum Seekers in Africa. This is a broad and challenging mandate.

Article 12 of the African Charter states that:

- *Every individual shall have the right to freedom of movement and residence within the borders of a state provided he abides by the law.* (paragraph 1)
- *Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions.* (paragraph 3)

Paragraph 3 of Article 12 is a restatement of international refugee law principles. Paragraph 1 guarantees an individual the right to freedom of residence and movement in an African country. These are premised on the existence of conditions of peace, law and order. Internal displacement, on the other hand, is a creation of chaotic and lawless situations, and therefore a negation of the African Charter.

As Special Rapporteur on IDPs in Africa I face this paradox. Despite the clear guarantees, rights and freedom provided for under the African Charter and within the constitutions and laws of all African countries, the prevailing political and socio-economic conditions in many African countries militate against the enjoyment of these rights and freedoms. There are now some 13 million IDPs in Africa. Civil wars currently raging in northern Uganda and the Darfur region of Sudan, past civil wars in southern Sudan, the DRC, Sierra Leone and Liberia and the unresolved political crises in the Côte d'Ivoire and Somalia have all contributed to this tragic situation. Natural causes, hostile climatic conditions, civil strife and the trade in arms and diamonds have also contributed.

The search for solutions

Africa is addressing the good/bad governance issues, at both political and economic levels, through the establishment of African Union institutions and programmes. The Constitutive Act of the African Union has placed human rights at the centre of African political and economic programmes. The Peace and Security Council of the African Union, the New Partnership for Africa's Development and its African Peer Review Mechanisms are addressing peace-making, political and economic good governance issues, respectively.

African states and governments need to be sensitised about their obligations towards IDPs, and about IDPs' rights under the African Charter, their respective constitutions and national laws. Urgent attention should be directed at the root causes of displacement in Africa. The absence of a binding international legal regime on internal displacement is a grave lacuna in international law. The Guiding Principles on Internal Displacement should be developed further in order to reconcile the sovereignty issues vis-à-vis states' duty under international law to afford protection to IDPs when violations occur (such as in Darfur).

Conclusion

The African Commission is conscious of the need to further develop the Guiding Principles in order to

address the problem of internal displacement in Africa, in the same way that the 1969 Africa Refugee Convention was developed as a specific regional instrument, based on and inspired by the original 1951 Refugee Convention. As Special Rapporteur, this is both part of my mandate and a challenge.

Upon my appointment I received pledges of support from Dr Francis Deng (Special Representative of the UN Secretary-General on IDPs), the African Union Commission Chairperson and international, national,

internal displacement in Africa is a human rights problem of major proportions

governmental and non-governmental organisations. I am looking forward to working with all of them, to focus our energy and efforts on identifying critical issues for future management and resolution of internal displacement in Africa. I have already seen this process start, during a recent mission of the African Commission to the Darfur region. I am under no illusions that the situation of internal displacement in Africa is a human rights problem of major proportions, which demands our total attention.

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Toward new perspectives on forced migration in Southeast Asia

25-26 November 2004 : Jakarta

This international conference is organised by the Centre for Social and Cultural Studies at the Indonesian Institute of Sciences (LIPI) in collaboration with Refugee Studies Centre. The Asian Research Centre of Migration in Bangkok will also be participating. Supported by the Andrew D Mellon Foundation. For more details see www.rsc.ox.ac.uk/conf_conferences.html or contact Narola Das at narola.das@qeh.ox.ac.uk

Asylum and migration: policy and practice in the EU accession countries

A conference examining asylum and migration implications of the recent EU expansion (considering policies and practices of sending, receiving and transit states) took place in Prague, 5-6 June 2004. It was jointly organised by the Czech Helsinki Committee in Prague, the Human Rights Education Centre at Charles

University in Prague and the RSC, within the framework of the 'Hybrid information delivery for academics and practitioners in the field of forced migration in central and eastern Europe' project funded by the European Union. Over 70 people from 15 countries attended. *Conference papers are available at the FMO website: www.forcedmigration.org/conferences/prague2004/*

New on Forced Migration Online

Recent launches include new thematic research guides on 'Public Health' and 'Reproductive Health', revised resource pages on 'Emergencies' and 'Torture' and a new resource page on 'Return and Reintegration' to complement FMR 21. Regional research guides have been launched for Egypt, Ethiopia and Western Sahara. The latter is accompanied by the launch of a collection of photographs by the author, Danielle Van Brunt Smith, portraying life in the Saharawi refugee camps. See www.forcedmigration.org/

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FMR 23 : Asylum in Europe

Call for papers

The theme of the April 2005 issue of FMR, to be produced in collaboration with the European Council on Refugees and Exiles (ECRE), will be **asylum in Europe**.

Authors should give prominence to policy implications, lessons learned and recommendations for replication of good practice. We invite submission of articles which focus on:

- protection - temporary protection, complementary status, Europe's role in strengthening protection in regions of origin
- development of common EU standards/responsibility sharing
- interception outside the EU
- Convention Plus
- reception conditions
- detention
- refugee integration: what has Europe learned?
- country of origin information used for Brussels policy formation
- unaccompanied minors
- education
- impact of the anti-asylum rhetoric on community relations
- trafficking and people smuggling
- role of diaspora
- practical assistance and advocacy
- capacity building of East-Central European asylum agencies
- anti-terrorism's impact on asylum
- return and development: reintegration assistance for rejected asylum seekers
- impact of EU policy on Southern accession to Refugee Convention
- gender

Deadline for submissions: 15 January 2005. Maximum length (including endnotes): 3,000 words. Email: fmr@qeh.ox.ac.uk



Housing and reintegration of amputees and war-wounded in Sierra Leone

by Elise Schanke

A decade of civil conflict has left a trail of human devastation in Sierra Leone. The rebels' trademark of severing of limbs of innocent civilians has left thousands of amputees and war-wounded, most of whom face an unforgiving future with slim chances of securing an income for themselves and their families.

Many of the amputees have experienced humiliation and discrimination. In many parts of Africa, especially in remote areas, it is common to believe that diseases and handicaps are caused by evil spirits or witchcraft. Amputees and war-wounded are hence not only regarded as rebel victims but also as victims of demons/evil spirits. Without shelter and aid, many of them are subjected to a life as outcasts, abandoned by families and friends. The Norwegian government has provided approximately \$1.5 million for the amputees/war-wounded in Sierra Leone. The assistance has been channelled via the Norwegian Refugee Council.

The need for shelter

In NRC's needs assessment in July 2000 in the Murray Town camp (near Freetown) for amputees and severely war-wounded, most respondents ranked shelter second only to food as their most pressing need. Providing shelter has proved vital in terms of enhancing the victims' self-esteem and motivating them to work towards self-reliance. It is of great importance, therefore, that these vulnerable groups are prioritised by organisations when launching low-cost housing programmes. If not explicitly targeted, they are usually unable to participate in such programmes because of conditions set requiring input of capital and labour.

A project designed by NRC in consultation with the National Commission for Rehabilitation,

Reconstruction and Resettlement (NCRRR)¹ and the amputees/war-wounded themselves has provided shelter, resettlement and reintegration support for registered IDPs living in the Murray Town and Grafton camps. The philosophy of the project is: a house is more than a physical structure – it also symbolises identity and belonging.

Four representatives from the target beneficiaries became members of the project's coordination committee, in which NCRRR and UNOCHA also participated. Two of the local committee members became close implementing partners. Cause Canada² has funded reintegration services to all beneficiaries and Father Maurizio Boa has provided funds for some of the houses, furniture and wells in the resettlement communities. The project's successful implementation is in large part due to effective teamwork within the committee.

To date, 420 individuals and their families – in total about 4,200 persons – have been resettled in 50 locations in new homes and provided with reintegration support.

As word spreads that agencies are providing housing and assistance for camp amputees and war-wounded, other war victims – some seriously disabled and traumatised – emerge from hiding, seeking help. In addition, many amputees and war-wounded have returned from Guinea or Liberia. NRC is calling on donors to assist these 'hidden' IDPs and returnees. Unfortunately, the target group seems to fall between two strands of funding: relief work and long-term development. So far, only Father Maurizio has responded



Two of the youngest beneficiaries of the NRC housing, resettlement and reintegration project.

positively with funds for 85 more houses to be built.

Lessons learned

Effective multi-agency shelter programmes for amputees and war-wounded require:

- transparency in selection of programme beneficiaries
- extensive collaboration and teamwork
- close collaboration with the target group from the very beginning, and participation when possible throughout; for example, the amputee/war-wounded Drama Group played an important role in the sensitisation seminars in the communities as well as in the HIV/AIDS awareness campaigns.
- knowledge of the behaviour of people suffering from physical handicaps and post-war traumas
- cultural sensitivity
- knowledge of local social fabrics.

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¹ Now renamed the National Commission for Social Action (NaCSA): www.nacsa-sl.org

² www.cryfreetown.org/CauseSierraLeone.htm



International response to internal displacement: recent developments

During the first half of 2004, hundreds of thousands of people were newly displaced around the globe by civil wars, inter-communal violence and human rights abuses. The international community is struggling to fill the gaps left by national governments unwilling or unable to stop the violence, protect their citizens and provide them with adequate assistance. Recent developments point in the right direction but it remains to be seen what their concrete impact will be on the ground.

The UN Human Rights Commission in April requested the Secretary-General to establish a **“mechanism” to address the problem of internal displacement**, building upon the work of the Representative of the Secretary-General on Internally Displaced Persons. The mandate of Francis Deng, who was appointed Representative in 1992 and played an important role in promoting the development of more effective responses to internal displacement, expired at the end of July. As of late August, it was still unclear how the resolution would be implemented and who would head the mechanism.

UN agencies and other organisations involved in the international response to internal displacement adopted the first element of a **comprehensive IDP policy package** in May. This ‘road map’ details the steps necessary for the development of IDP strategies by UN country teams in countries affected by internal displacement. It has been sent out to UN humanitarian/resident coordinators for implementation; the full policy package, which will provide further guidance and tools, is expected to be adopted in September. The policy package could play an important role in ensuring that the UN and other organisations

address the protection and assistance needs of IDPs more systematically and consistently. But for that to happen, the UN humanitarian/resident coordinators must be held accountable for implementing their IDP-related responsibilities, and the different agencies involved must demonstrate full commitment to a genuinely collaborative response to internal displacement.

It is hoped that the recent strengthening of the **Inter-Agency Internal Displacement Division** (previously the Unit) within the UN Office for the Coordination of Humanitarian Affairs (OCHA) will contribute to increased accountability within the UN system and improved collaboration at field level. The Division, under the new leadership of Dennis McNamara, is to focus its efforts on a few priority countries where it can be expected to make a real difference in making the collaborative approach work, including Uganda, Somalia, Sudan, Liberia, Burundi and Colombia.¹

At the regional level, further progress was made with regard to promoting the **Guiding Principles on Internal Displacement**. The ministerial council of the Organisation for Security and Cooperation in Europe, the parliamentary assembly of the Council of Europe and the general assembly of the Organisation of American States formally acknowledged the usefulness of the Guiding Principles and called on member states to use them as a framework when dealing with internal displacement. In June, Africa’s Commission on Human and Peoples’ Rights appointed Bahame Tom Nyanduga of Tanzania as **Special Rapporteur on Refugees and IDPs** in Africa.²

The issue of internal displacement clearly remains high on the inter-

national agenda. With the proliferation of actors, however, there is an urgent need for more coordination and cooperation in order to avoid overlap and duplication – and it is crucial that these improvements be translated into concrete action in the field. Improving the international community’s ability to prevent internal displacement is an even greater challenge. The Global IDP Project will continue to support these processes by monitoring and reporting on situations of internal displacement, including national and international responses, conducting training to enhance local capacity to deal with IDPs, and advocating for the rights of the displaced.

¹ The Division’s website is: www.reliefweb.int/idp

² See article by Bahame Nyanduga on p58.

The Norwegian Refugee Council (NRC) works to provide assistance and protection to refugees and displaced people in Africa, Asia, Europe and the Americas. NRC was founded in 1946 in Oslo.

www.nrc.no/engindex.htm

The **Global IDP Project** is part of NRC and is an international non-profit organisation that monitors internal displacement caused by conflicts. The IDP Database provides public information about internal displacement in 50 countries.

www.idpproject.org

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The Brookings-SAIS Project on Internal Displacement



A recipe to end internal displacement

by Roberta Cohen



As the international community mulls over the criteria for ending internal displacement¹, a leading NGO in Sri Lanka has come up with a 45-page guide on how to do just that in its own country. *The Practitioner's Kit for Return, Resettlement, Rehabilitation and Development* of the Consortium of Humanitarian Agencies (CHA) outlines the steps for ending Sri Lanka's massive internal displacement and calls on the government and other major actors to reach that goal by 2006.

First, it urges a full and final peace process to pave the way for the returns of IDPs and refugees. Second, it warns that the mere act of return will not guarantee the end to displacement. Successful reintegration requires well-conceived and well-funded rehabilitation plans in which returnees receive adequate help upon finding their homes destroyed or occupied by others and their community's schools, roads and health systems heavily damaged. Third, relief and development aid must be closely integrated with mechanisms set up for the prevention of further displacement, the protection of the human rights and safety of the displaced, political reconciliation and the creation of

jobs. "Return," the *Practitioner's Kit* underscores, "can be as traumatic as displacement." The remedies should seek to prevent the conditions that caused the conflict and displacement in the first place.

The *Practitioner's Kit* draws from standards contained in the UN Guiding Principles on Internal Displacement, which it adapts to the Sri Lankan experience. Returns, it emphasises, must be voluntary, based on informed decisions about conditions in return and resettlement areas. They must take place in safety and dignity with the displaced given the opportunity to participate in their planning and management. IDPs must enjoy full access to public services, equality before the law and not be considered "enemies". They should have the right to recover their property and possessions or receive compensation, and should be assisted in transporting to their areas of origin assets required for their livelihood.

An end to displacement will also require:

- access to land, especially agricultural land, so that returning IDPs and refugees can sustain themselves, and a government mechanism set up to resolve land and property disputes
- replacement of lost documents, especially birth certificates and property titles
- help to displaced children to go back to school, providing them with books, supplies, uniforms and transportation
- accelerated de-mining efforts with all mined areas marked and greater awareness raised among returning populations to land-mines and unexploded ordnance
- minority protection, including the monitoring of their treatment and interceding with authorities when protective action is required

- non-discrimination in assistance provided so that no displaced person is marginalised
- inclusion of IDP women in decision making, providing them with social and economic opportunities, protecting them from sexual exploitation and violence and introducing programmes to integrate widows and female-headed households in areas of return
- establishment of a coordinating body to be accountable for return, resettlement and rehabilitation, including mediation and reconciliation between returning displaced persons and local residents, and skills development to make returnees self-reliant.

Making the reintegration of displaced populations a national priority will mean the strengthening of partnerships between national authorities, local government officials, the non-governmental sector, displaced communities, the media and the international community. It will also include holding insurgent groups accountable for standards of treatment of displaced populations.

Although light enough to carry around, the *Practitioner's Kit* bears a heavy message. It should help not only the Government of Sri Lanka but all governments and major actors to find the right solutions to ending mass displacement.

**Roberta Cohen is Co-Director of the Brookings Institution-SAIS Project.
Email: RCOHEN@brookings.edu**

The Practitioner's Kit is available online at www.humanitarian-srilanka.org and from Brookings-SAIS at www.brookings.edu/fp/projects/idp/idp.htm. Hard copies can be obtained from cdriest@brookings.edu: Brookings-SAIS Project on Internal Displacement, The Brookings Institution, 1775 Massachusetts Avenue, NW, Washington, DC 20036, USA.

¹ See FMR 17 www.fmreview.org/mags1.htm



Translating the 4Rs into an operational tool



UNHCR has published a **Handbook for Repatriation and Reintegration Activities** to assist UNHCR and partner staff to plan, implement, monitor and evaluate repatriation and reintegration activities. It replaces the agency's Operational Framework for Repatriation and Reintegration Activities.

The new Handbook translates the Repatriation, Reintegration, Rehabilitation and Reconstruction (the 4Rs)¹ component of the High Commissioner's Framework for Durable Solutions for Refugees and Persons of Concern (announced in May 2003) into an operational tool for the field. It incorporates latest thinking on transition issues by drawing on the work of the UN Development Group/Executive Committee for Humanitarian Affairs (UNDG/ECHA) Working Group on Transition Issues and the experiences of UNHCR, sister UN agencies and other partners.

The Handbook reflects the many field experiences in the 4Rs pilot countries - Afghanistan, Eritrea, Sierra Leone and Sri Lanka - as well as lessons learned during the eight country operations (Afghanistan, Angola, the Great Lakes, the Republic of Congo, Sierra Leone, Sri Lanka, Tajikistan and Timor Leste) which were reviewed by the working group in 2003.

The Handbook indicates UNHCR's strong commitment to joint assessments, planning and implementation with governments, sister UN agencies, donor agencies, multilateral institutions, NGOs and other partners. We increasingly realise that in the absence of such joint efforts, reintegration programmes may generate a great deal of activity but will not lead to lasting post-conflict recovery.

UNHCR hopes the Handbook will:

- make new concepts/approaches in transition and reintegration available to UNHCR field staff
- make our staff more credible partners in UN Country Teams (UNCTs) in post-conflict situations, especially now that UNHCR is a member of the UNDG
- assist the work of the UNDG/ECHA Working Group to strengthen and align existing UN planning tools, such as the Consolidated Appeals Process, and, where they exist, Common Country Assessments and UN Development Assistance Frameworks, in order to facilitate the transition from relief to development
- make the phasing in of development activities more predictable and clarify UNHCR's responsibilities vis-à-vis other humanitarian and development actors
- foster more inclusive partnerships
- improve the sustainability of joint interventions to find durable solutions for displaced populations.

The Handbook has three sections:

Part A explains the broader context within which repatriation and reintegration take place and how they relate to UNHCR's core mandate, the 4Rs and transition and development processes. It provides an overview of different humanitarian and development planning tools and processes and suggests how to link them to reintegration. Transition issues and associated challenges are set out.

Part B provides guidance on how to plan, implement, monitor and evaluate repatriation and reintegration activities based on the 4Rs concept. It emphasises the need for early commencement of reintegration planning and the importance of partnership with beneficiary communities, governments, UN agencies, donors, civil society organisations and the private sector on an integrated, area-based and participatory approach.

Part C discusses institutional support mechanisms, information management and the need to establish support mechanisms in the early stages of repatriation and reintegration operations.

The full text of the 265-page handbook is available online at www.unhcr.ch and will soon be available on CD-ROM. To complement the Handbook, training materials will be developed and a series of training workshops conducted.

There are plans to establish a knowledge network on reintegration issues in order to promote mutual learning and the sharing of experiences among all partners. Readers and field practitioners who use the Handbook are invited to share their views and experiences with the Reintegration and Local Settlement Section of the Division of Operational Support, UNHCR, PO Box 2500, 1211 Genève 2 Dépôt, Switzerland. Email: smalik@unhcr.ch; HQTS02@unhcr.ch

¹ See article by Betsy Lippman on pages 9-11.

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 Greta Uehling at UEHLING@unhcr.ch

Fritz Institute

Leveraging private expertise for humanitarian supply chains

by Anisya Thomas, Managing Director, Fritz Institute

In March 2004, Lynn Fritz, director general of Fritz Institute, and George Rupp, CEO of International Rescue Committee (IRC), received an enthusiastic response from the executive committee of the Board of Directors of the IRC when they reported on the successful private-public partnership between the two organisations. The private sector experts from Intel and Solectron¹, brought to IRC by Fritz Institute, had significantly streamlined procurement and created processes to significantly reduce response time. Their solution is expected to save the organisation \$300,000 in the first year of implementation alone.

How a private-public partnership improved response time

Senior IRC management in New York had come to realise that, as the number of people affected by disasters and humanitarian crises grew, IRC's ability to provide timely and effective relief was being stretched to capacity. Although IRC was responding to simultaneous crises in different parts of the world, its success depended greatly on the ingenuity and dedication of its staff. It was clear that systems and processes to support the staff were needed. Since most funding for relief is provided by government donors and is earmarked for direct relief, IRC now looked to the private sector for new ways to leverage their limited resources.

Identifying the problem

When George Rupp and Lynn Fritz met in September 2003, Rupp asked

Fritz Institute to find ways to improve its response time - the time it takes from the announcement of an emergency somewhere in the world to the arrival of staff and supplies to the affected population. In October, Mich Mizushima, Fritz Institute's chief logistics officer, met with IRC's heads of logistics and international emergency operations to assess the problem and define the objectives of the assistance they needed.

The group determined that IRC's procurement process was slowing the lead time for delivering emergency and relief supplies to the field. With 50 active suppliers and approximately 1,000 purchase orders for about 200 separate products, the current system was cumbersome, unwieldy and time-consuming. A random sampling of IRC's procurement log revealed that, depending on the location and the nature of the emergency, IRC's response time varied from as little as 24 hours to as long as 52 days.

To assess how much improvement was needed, Mizushima attempted to document IRC's current delivery time. However, she found that there was insufficient data to establish an accurate base-line response time. This led to formulating objectives with IRC's management to:

- dramatically improve the procurement process so that in-country delivery of supplies occurs within 72 hours of a needs assessment following an emergency;
- reduce the process of purchase requisition to purchase order

placement to 24 hours; and

- develop standards and tools so that improvements can be monitored and accurate data on all logistics functions gathered on an ongoing basis.

With these objectives established, Fritz Institute assembled the expertise required to develop solutions to IRC's problem. Jon Olson, Director of Global Logistics of Intel, and Jim Molzon, Vice President of Sourcing and Logistics at Solectron, were supply chain veterans who had helped their organisations become globally competitive through sustained supply chain excellence. As supporters of Fritz Institute's mission, they quickly agreed to Mizushima's invitation to join the IRC-Fritz Institute Supply Chain Assessment Team as volunteers. The team was rounded out by Jeri Driskill, an expert in supply chain analytics, who had worked for many years with Manugistics.

The supply chain assessment process

In November 2003, the Fritz Institute Supply Chain Assessment Team began a two-day review, analysis and solution-developing process at IRC's headquarters. An initial meeting was attended by all the stakeholders of the process, including representatives from finance, logistics, field operations, emergency relief operations, logistics, procurement and senior management. The goals of the assessment were clearly defined and representatives of all functions provided input to the process that followed. The Assessment Team then mapped out IRC's current supply chain processes, confirming with

stakeholders at each stage to assure accuracy. Through this process, the Assessment Team identified gaps, bottlenecks and redundancies.

Solutions and benefits

The Team then suggested an alternative process with a list of benefits to IRC and its beneficiaries associated with each recommended change. The key components of the supply chain solutions included several fundamental changes in the way the IRC manages its procurement process:

- It was proposed that the organisation move from *ad hoc* purchases to 12-month supplier agreements wherever possible.
- Agreements with suppliers were to be modified to include clauses for 36-hour delivery times in emergencies, which would eliminate the need for contingency stocks and therefore the network of warehouses.
- A standard catalogue was developed to facilitate the accurate communication of orders from the field, which were often incomplete.
- Standard measurements for reliability, responsiveness, efficiency and value of suppliers were introduced to monitor the supply chain activities and to highlight improvements and bottlenecks.

When the solutions were discussed with IRC staff, some of the recommendations initially met with resistance. For example, the recommendation to put a 'request for proposal' out on all commodities to find the suppliers who could deliver to different locations within a 36-hour time period met with a response that "this will not work in our industry" and "there are too few suppliers". Solectron's Molzon reassured IRC staff, saying that "I have done this many times before. If it does not work, we can always go back to the old way". All concerns were aired and discussed and the solution adapted accordingly.

The Assessment Team asked IRC's senior management to ratify and support the required changes. Subsequently, a plan for implementation was designed. Specific responsibilities were assigned across IRC departments and staff, and time-lines for execution were agreed. The IRC-Fritz Institute team agreed to meet once a month by phone to monitor progress and provide support.

This public-private partnership between IRC and Intel and Solectron, facilitated by Fritz Institute, was highly collaborative and rewarding to all concerned.

The partnership between IRC, Fritz Institute and private industry is an excellent model to enable the humanitarian sector to benefit from world-class best-known methods, and bypass many of the critical hurdles that top logistics and materials organisations have learned the hard way.

Jon Olson, Director of Global Logistics, Intel

The impact is already being felt and we are energised by the changes. I cannot begin to tell you how important that process has been to IRC.

Gerald Martone, Director of Emergency Response, IRC

At the end of the assessment at IRC's office, Assessment Team members walked away satisfied with the improvements that the collaboration had achieved in the logistics and supply chain activities based on proven experience and few new resources.

¹ a leading global provider of electronics manufacturing and integrated supply chain services

Fritz Institute brings private sector experts to enhance the performance of humanitarian organisations. These services are offered free of charge. For more information, please contact Anisya.Thomas@fritzinstitute.org.

Humanitarian relief: struggling to make the news agenda

According to a March 2004 study by Reuters AlertNet and Fritz Institute, a lack of reporters assigned to cover humanitarian crises, together with little or no funding available for field visits to crisis sites, means that humanitarian relief is low on the news agenda. Furthermore, many NGOs lack media skills and fail to make proper use of technology and resources available to them.

NGO field staff are often inexperienced in press relations and have only limited time available during emergencies. In the absence of funding for journalists' trips and timely information from NGO press officers, reporters are increasingly reliant on NGO websites but Internet technology is not being used to the fullest. Of the

32 websites covered in depth by the study, three lacked any contact names and addresses; only 17 described the organisation's background or included an archive of reports on current and past projects; and only a third included an archive of past press releases. Furthermore, few sites are organised so that Google and other search engines can search reliably beyond their home page - and few include links to and contact information on other agencies undertaking similar work or working in the same region. Journalists' frustration at these shortcomings may go some way towards explaining why 75% of respondents in the survey say that criticism and scepticism in the press about relief organisations have also increased.

Mark Jones of AlertNet comments: "Crisis fatigue and funding are undoubtedly difficult issues to overcome. However, what NGOs can control is their communications with press. Our research confirms that there is room for NGOs to improve on some of the very basics of media communications. Furthermore, the potential of Internet technologies has barely begun to be exploited by NGOs. Improving on these two areas could lead to a direct increase in recognition and coverage."

The full report, 'Towards New Understandings: Journalists & Humanitarian Relief Coverage', can be found at www.fritzinstitute.org/images/FLpdfs/Media_study_wAppendices.pdf

Individual hard copies of the study may be requested by email to sharon.reaves@fritzinstitute.org or by writing to Fritz Institute, Attention: Media Study, Three Embarcadero Center, Suite 1320, San Francisco, CA 94111, USA.

update

UNHCR/Jesuit Refugee Service

Diego Garcia: UK uses ruse to block right of return

Between 1967 and 1973 Britain forcibly removed the entire population of the Chagos archipelago in the Indian Ocean to make way for the construction of a US military base on the largest atoll, Diego Garcia. The British government has resorted to a little-used colonial power to overturn without debate a court judgement which had granted the Chagossian islanders the right to return to some of the islands. The UK claims that post 9/11 security considerations give priority to the alleged need for the islands to be used exclusively by US forces.

In a recent report the Minority Rights Group argues that the UK's extraordinary attempt to circumvent the law by overturning a high court decision creates an extremely dangerous precedent.

See the report at www.minorityrights.org/news_detail.asp?ID=277. The website of the displaced Chagossians is www.chagos.org

UN fiddles while Kosovan Serbs and Roma suffer

Five years after the conflict in Kosovo fewer than 10,000 of the 225,000 people forcibly removed from the region have returned home. This is in stark contrast to the high rates of return in Bosnia and Herzegovina.

In a recent report to the UN General Assembly, Norway's NATO ambassador Kai Eide criticises the UN for failing to offer adequate protection to the Serb and Roma minorities in the province. Human Rights Watch has rebuked the NATO-led KFOR force, the UN police and the locally recruited Kosovo Police Service for standing by in March as thousands of ethnic Albanians rioted, caused the deaths of more than 20 people, injured 900 and forced more than 3,000 to flee their homes. The UN, with a creditable record in peace-keeping, has proved hopelessly inadequate at governing a complex

society like Kosovo. According to Poul Svane, the Norwegian Refugee Council's resident representative in Kosovo, since the riots the UN has been incapable of action. Meetings on development of the province are characterised by lack of coordination and determination while the Albanian and Serbian leaders fight over influence and refuse cooperation.

After 1999 the reconstruction boom - fuelled by the arrival of donors and NGOs - conferred an air of prosperity. Since this cash injection dried up the economy has steadily contracted just as Kosovan refugees have been repatriated by their former host countries in Europe. As tens of thousands of school leavers enter the non-existent labour market every year, unemployment has reached 65%. The UN operation has stagnated and been unable to devolve political power. Little progress has been made on the difficult question of final status. The Albanians still seek outright independence while the Serbian government in Belgrade is prepared only to concede limited autonomy for Albanians. Instead of acting as a mediator, the international community is sitting on the sidelines.

Many Albanian refugees have invested in land in the province but will not return unless the economic situation improves. Return prospects for most Serbian refugees remain dismal. Difficulties with regaining abandoned and seized property, ethnically motivated violence and an unstable security situation prevent a larger return of refugees and internally displaced Serbs to the province.

Kofi Annan has appointed the Danish civil servant Soren Jessen-Petersen as his new representative in Kosovo. If he fails to facilitate the return of Serbs then Kosovo will continue its perilous drift towards partition, a process with the gravest implications for the stability of south Serbia, Macedonia and Bosnia and Herzegovina. The political implications of failure in Kosovo are grave. If a united international community is unable to improve matters in a relatively benign environment, what

chances of a divided international community succeeding in more hostile places like Iraq?

For more information about the international community's role in Kosovo, visit the websites of NATO's Kosovo Force (www.nato.int/kfor), the UN Mission in Kosovo (www.unmikonline.org), the UN Development Programme (www.kosovo.undp.org) and the Organisation for Security and Cooperation in Europe (www.osce.org/kosovo). Their work is critiqued at: www.guardian.co.uk/Kosovo/02759.450161.00.html and www.icg.org/home/index.cfm?id=2627&1=1

Expanded European Union failing to offer protection

At the Tampere Summit in 1999 EU leaders pledged that harmonisation of asylum and immigration laws would bring better protection for persons fleeing persecution. However, a report from the European Council on Refugees and Exiles (ECRE) argues that subsequent difficulties have been driven not by the tolerant spirit of Tampere but the desire of most European governments to keep the number of asylum seekers arriving as low as possible and by their concerns to tackle perceived abuses of their asylum systems. Countries have showed little sense of solidarity and pursued narrow national agendas at great cost to refugees and to the building of a fair and efficient European protection system. Instead of sharing responsibility between EU countries a disproportionate responsibility is falling on those EU members with southern and eastern EU external borders.

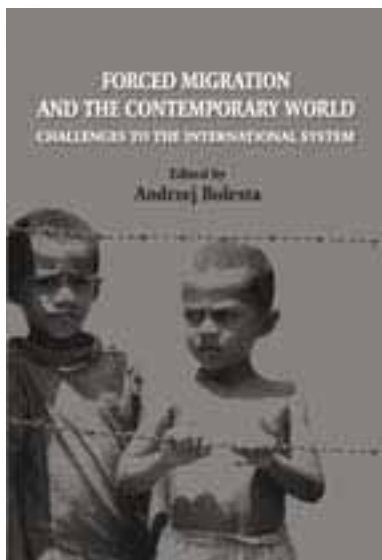
ECRE's report Broken Promises, Forgotten Principles is at: www.ecre.org/positions/Tampere_June04.pdf.

FMR 23, due for publication in April 2005, will examine a range of asylum issues. For further information, see p59 or: www.fmreview.org/forthcoming.htm

publications

Forced Migration and the Contemporary World: Challenges to the International System

ed Andrzej Bolesta. 2003. ISBN 83-88463-33-0. 280pp. HB.



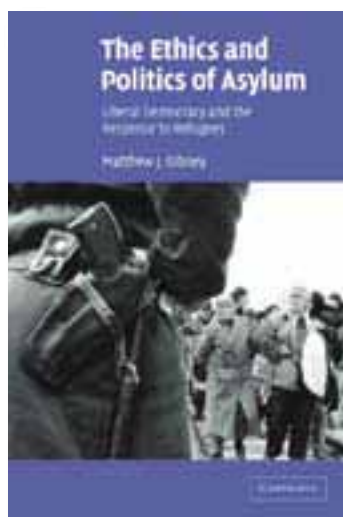
In this publication, Andrzej Bolesta, a Master of Studies graduate from the Refugee Studies Centre, brings together a collection of essays by the RSC's MSt students. They tackle a wide diversity of topics ranging from the UN convention relating to the status of refugees, the UN and the issue of IDPs, to the examination of US immigration detention policy. Case studies cover the social contract and refugee protection in Turkey and Germany, revitalising the rights of forced migrants in Islam, durable solutions for Mozambique and Kosovo, repatriation and reintegration in Afghanistan, the protection of displaced persons in East Timor and the socio-legal conditions of Palestinian refugees in Syria, Lebanon and Jordan.

Contact: bolesta@wspiz.edu.pl or *Libra*, Wydawnictwo i Drukarnia PPHU, 15-232 Białystok, ul Mickiewicza 66/1, Poland. Email: libradruk@wp.pl

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

The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees

by Matthew J Gibney. July 2004. 298pp. ISBN 0521009375. £15.99.



This publication draws upon political and ethical theory and an examination of the experiences of the US, Germany, UK and Australia to consider how to respond to the challenges of asylum. In addition to explaining why asylum has emerged as such a key political issue in recent years, it discusses how states could move towards implementing morally defensible responses to refugees.

Contact: UK Sales Department, Cambridge University Press, The Edinburgh Building, Shaftesbury Road, Cambridge CB2 2RU, UK. Tel: +44 (0)1223 326050. Website: www.cambridge.org

Forced Migrants in the New Johannesburg: Towards a Local Government Response

ed Loren B Landau. *Forced Migration Studies Programme*, Wits University. June 2004. 114pp. Online at: www.migration.wits.ac.za/FMNJ.html

This publication explores how South Africa's newly global cities can address and incorporate international migrants. *Forced Migrants in the New Johannesburg* outlines the responsibilities of local government towards asylum seekers and refugees and the benefits of inclusion for all city resi-

dents. This is followed by a series of short papers exploring specific issues: access to education, youth, health, housing, financial services, and forced migrants' relations to the police. Each of these papers offers positive recommendations to help build a safer, more prosperous and inclusive city.

Contact: FMSP, Graduate School for the Humanities & Social Sciences, University of the Witwatersrand, Private Bag X3, Wits 2050, Johannesburg, South Africa. Tel: +27 (11)717 4032. Email: migration@pghumanities.wits.ac.za

Refugees: Renewing the Vision

by Richard Williams. *Refugee Council*. 2004. 22pp. Online at: www.refugeecouncil.org.uk/downloads/policy_briefings/renewing_vision.pdf



This paper, developed by the UK's Refugee Council in partnership with leading refugee and human rights agencies, attempts to set out a positive, alternative agenda for improving the asylum system in Europe and in so doing provides a starting point for debate. It begins by establishing some key principles and approaches and goes on to indicate how they might be applied.

Contact: *Refugee Council*, 3 Bondway, London SW8 1SJ, UK. Tel: +44 (0)20 7820 3042. Email: marketing@refugeecouncil.org.uk

"In the bush I was allocated to a man to be his second wife. If you refused to show respect... you were beaten thoroughly."

Ugandan girl

"I was in the front lines the whole time. I used to be assigned to plant mines in areas the enemy passed through. They used us for reconnaissance and other things like that because if you're a child the enemy doesn't notice you much, nor do the villagers."

Former child soldier, Burma

"I was so afraid of dying. But my friends warned me that if the rebel commanders detected any fear in me they would kill me, so I had to pretend to be brave."

Ex-child soldier, Uganda

"The DDR programme is good. I am free from fighting and back with my parents."

Sudanese boy

"We are the seeds that will stop the war."

Mayerly Sanchez, Colombia Children's Peace Movement



Demobilisation ceremony, transit camp near Rumbek, southern Sudan.