

FORCED MIGRATION

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Return to peace: post-conflict realities

from the editors

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 three times a year in English, Spanish and Arabic by the Refugee Studies Centre/University of Oxford in association with the Global IDP Project/Norwegian Refugee Council. The Spanish translation, *Revista de Migraciones Forzadas*, is produced by HEGOA in Bilbao, Spain.

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Forthcoming features

December 2001: Development-Induced Displacement
April 2002: The Elderly

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In this FMR you'll find a few design changes. We hope they brighten up your reading and make it easier to locate and identify the different features.

If you're a regular reader of FMR, you may be interested to know how its reputation as a leading magazine on refugee and IDP issues is continuing to grow.

In the past twelve months the number of institutions and individuals receiving the English edition has increased from 1,792 to 2,655. Many large humanitarian agencies now take multiple copies to distribute to field offices and partners. We have also substantially increased the number of readers in the South – now 54.5% of the total. Meanwhile, distribution of the Arabic edition has expanded from 700 to 1,200. We are starting a new partnership in Guatemala to boost the readership of our Spanish edition.

We regularly receive positive feedback from readers. Among the comments received in the past year are:

"Always punchy, provocative and pertinent Essential reading for all practitioners, researchers and policymakers working in the area of forced migration."

"Your info is commendable in highlighting the striking concerns of refugees ... you are a partner in the conflict resolution/peace making camp."

"Congratulations! The issue of FMR on gender and displacement is really on the mark and peers have attested its high quality, relevance and clarity."

*Average daily traffic to our website (www.fmreview.org) has increased to 50 hits. The current and all back issues of *Forced Migration Review* are now online with download options for those of you with normal and fast internet access.*

Several readers, working where internet access is unavailable or prohibitively expensive, have asked about having back issues available on CD ROM. We are looking into the costs involved. If you think such a service would be useful, please let us know.

We are grateful that the generosity of our donors has enabled us to greatly expand the number of free subscriptions that we can offer to readers in developing countries. However, to help make FMR sustainable, we need to attract more paid subscriptions. If you are a Northern reader perhaps you could approach a university, library, NGO or government department to ask them to take out a subscription? Alternately, do send us the relevant contact details and we will post a complimentary copy and subscription information.

We hope you enjoy this issue's feature section on Return to Peace as well as the general articles. Many thanks to the Centre for Development Research in Copenhagen for enabling us to distribute Lars Buur's briefing paper on Truth and Reconciliation with this issue. If you require more copies, contact CDR at Gammel Kongevej 5, DK-1610 Copenhagen, Denmark (tel: +45 3385 4600; fax: +45 3325 8110; email: library@cdr.dk) or visit their website at www.cdr.dk.

And finally... The following issue – issue 12 – will focus on development-induced displacement and resettlement. The feature section of the April 2002 issue will be on the elderly, to coincide with the 2nd World Assembly on Ageing. Do get in touch if you would like to contribute an article or short report.



With our best wishes

Tim Morris and Marion Couldrey



Corinne Owen

Writing for FMR? Here are our submission deadlines:

Issue	Articles by	Information items by
12 : Development-Induced Displacement	1 October 2001	1 November 2001
13: The Elderly	1 February 2002	1 March 2002

Front cover: *Peace in Cambodia*, Howard J Davies

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Truth, justice and reconciliation in early post-conflict society

IRIS films

One of the greatest challenges facing a country after civil war is to find a way to peacefully coexist and rebuild with former enemies.

by Marcia Byrom Hartwell

In recent years it has been fashionable to discuss this process in terms of 'truth', 'justice' and 'reconciliation'. However, all these terms are open to subjective interpretation and take on different meanings in each post-conflict situation.¹ Citing the cases of Northern Ireland, Serbia and South Africa, this article explores the relationship between several concepts of truth, justice and reconciliation in the early post-conflict phase.²

Truth as acknowledgement

The desire for public acknowledgement of past events is strong among all groups in post-conflict populations. "Serbs need to know what was done in their name", said a Serb journalist who had witnessed the

Srebrenica massacre.³ For other Serbs it means public recognition for the many who risked much to protest against Milosevic and resist the draft. In a Catholic community in North Belfast, Northern Ireland, it was acknowledgment that "there was a war on" (April 2000) instead of continuing to refer to the last 30 years of conflict as the euphemistic 'Troubles'. This need for telling the truth as perceived by different groups is important for clarifying events and understanding both similarities and differences in the range of experiences during conflict.

The value of a forum for formal versus informal truth-telling has been somewhat misunderstood. While undeniably laudable in ambition and

scope, a major weakness of the 1995 South African Truth and Reconciliation Commission (TRC) was that the government used it to promote a forced reconciliation by dictating how participants should react to revelations. The emotionally charged Human Rights Violations hearings promoted an exclusively Christian view that "invoked notions of confession, forgiveness, sacrifice, redemption and liberation". They "became national rituals of 'reconciliation', forgiveness and truth-telling ... Like all rituals, they were met with a complex mixture of compliance, acceptance, indignation and resistance."⁴

Sometimes tensions are too high and the timing too soon (or too late) for a formal truth commission. In a country

Eunice Moya, whose son was killed by police, at the TRC hearings in Port Elizabeth, South Africa.

such as the UK, where many unanswered questions continue to exist questioning the extent of state, military and police collusion with Loyalist paramilitaries in Northern Ireland, there is common recognition that a formal truth inquiry could have a devastatingly explosive effect; a 'safer' vehicle for truth has begun to emerge in the form of legal inquiries. One is the ongoing Bloody Sunday Inquiry, a second inquest into an event that took place on Sunday 30 January 1972, when British army soldiers fired on and killed 13 unarmed citizens during a civil rights march in Londonderry/Derry. Another is the continuing inquest into the 1999 car bomb death of solicitor Rosemary Nelson, who received questionable protection by the police despite having long received death threats for defending Catholic Republicans in cases sensitive to the Royal Ulster Constabulary. Both cases have raised as many questions as answers by presentation of the facts.

Serbia has formed a TRC but it is widely believed to be a ploy by President Vojislav Kostunica to satisfy demands for accountability by the international community and at least two members resigned soon after their appointment. Meanwhile, perhaps more 'truth' has continued to be revealed through the Serbian Parliamentary debate on Slobodan Milosevic's extradition procedures, his removal to the Hague and the mixed reactions as his trial unfolds than might be expected to come from a formal commission.

Truth-telling on its own is not a panacea guaranteeing social healing and reconciliation. The real value of post-conflict public truth-telling, both formal and informal, is that it may function as a kind of public forum for acknowledging the almost inexpressibly deep anguish of loss, giving a common platform of dignity and respect for the experience of all.

Justice as fairness

In the aftermath of a violent conflict, there is a strong urge to move on quickly to the business of rebuilding lives. While slow moving formal trials serve a ritualistic purpose in much the same way as formal truth commissions, humans need a faster way to judge fairness of treatment in order to understand and develop their place in the new political, social and economic order. Much recent debate

has focused on the role of retributive justice in high profile war criminal trials but in early post-conflict situations there are two distinct views of justice being served: the external (the international community, including hostile countries) and the internal (the country's inhabitants).

In the case of Serbia, the external view has centred on the extradition and trial of Slobodan Milosevic for war crimes at the Hague. Internally, this action is seen as the price demanded by the international community in its desire to publicly humiliate the man who defied the West and instigated the break up of the former Republic of Yugoslavia. Most anti-Milosevic Serbs feel justice was sufficiently served by throwing him out of office and reforming a new government. Many now feel that it is time to find ways to address the real problems, such as finding a job that will earn a subsistence wage without having to work two or three legitimate jobs, or without being pushed toward the temptations of the black market.

In their quest for showy public trials, the international community may be overlooking the way perceptions of fair treatment shape the human sense of justice. Using past experience and current treatment as a basis for seeking and assessing fairness of future solutions, a number of studies have shown that the way groups perceive they are being treated feeds into a

"We simply have to learn to live together, otherwise we will continue to kill one another..."

process of cooperative or resistant behaviour that could strongly impact on a peace process. In other words, people are more willing to cooperate if they feel they have been treated fairly or less willing if they feel the opposite is true.

Some of the greatest post-conflict challenges to the rule of law have emerged in the almost universally controversial act of granting amnesty. The South African TRC amnesty given in exchange for testimony was challenged by the families of murdered Black Consciousness Movement leader Steve Biko and defence lawyer Griffiths Mxenge as denying their right to bring the men's killers to trial.

In Northern Ireland, where both republican and loyalist paramilitaries contributed to peace by supporting

cease-fires from within the Maze prison, it was understood that amnesties for all political prisoners would be made part of the 1998 Good Friday Agreement. It caused great controversy but there is little doubt that Northern Ireland would not otherwise have been able to continue on the road to a deal that has arguably supported the most lasting promise of peace for Northern Ireland seen this century.

Perhaps, as Susan Jacoby stated in her examination of the relationship between justice and revenge, for justice to be positively received in both private perceptions and public trials requires a "delicate balance between retribution and compassion ... Unrestrained retribution destroys the noblest human hopes along with human bodies; the absence of measured retribution leaves vindictive force in the hands of those who are unable or unwilling to restrain themselves".⁵

Reconciliation

Reconciliation, simply stated, can be seen as a fundamental process combining perceptions of truth and justice in a way that allows group and individual identities shaped by war to make a smooth transition to peace. The process of reconciliation strives for a balance between forgiveness and revenge to allow a compromise with which the majority, including security

forces as well as groups in direct conflict, can live. Or as Alex Boraine, Deputy Chair of the South African TRC, expressed it during a 1999 visit to Northern Ireland: "In Northern Ireland and in South Africa we simply have to learn to live together, otherwise we will continue to kill one another. That is the stark choice. We don't have to like each other but we have to coexist with mutual respect."⁶

Priority concerns of early post-conflict populations tend to be security, quality of life, justice and social issues. Ironically, one of the major internal Serbian post-conflict issues is refugees. Blamed for starting the war in Croatia and Bosnia in the early 1990s and in Kosovo in 1999, Serbia now has an estimated 900,000 Serb refugees (700,000 from Croatia/Bosnia; 200,000 from Kosovo), which

makes it host to one of the largest refugee populations in the region. Milošević refused to allow refugees to take Yugoslav citizenship, thus denying them jobs and property rights. Recent figures compiled by the European Union's Stability Pact for the Balkans has shown that only 3% of the refugees have a living standard above the average; the remainder survive in the grey economy. Their kiosks selling CDs, clothing and other items proliferate throughout the central areas of Belgrade. In Subotica, a Serbian city on the Hungarian border, refugees are seen as "a problem of social adaptation", not knowing "how to behave ... not used to hearing different language and different kinds of customs".

democratic government should promote their permanent settlement in Serbia. This would require additional resources to provide adequate accommodation, welfare assistance, and job creation schemes."

In Northern Ireland, reintegration efforts have been primarily focused on ex-combatant/prisoner paramilitary members. Complaints about use of EU funds to help Republican prisoners and their families at the expense of Protestants has been a sore point for many Protestants who perceive that they are on the losing end of the 1998 Good Friday Agreement. In reality, many residents on both sides of the conflict experienced internal displacement — either

— had failed to de-escalate growing tensions. Community leaders on both sides of the wall decided to create a new project that would give an equal voice and sense of empowerment to all individuals and groups. Creating a project of this nature in the environment prior to the 1994 cease-fires was highly unusual and extremely risky for all participants, requiring approval from community-based paramilitaries on both sides. The project, which is still going strong and is independent both of church affiliation and of external funding, considers itself to be part of an ongoing process of articulating the special economic, political and social needs of interface (borderline) communities.

Each country's culture and individual history of conflict will influence and shape the reconciliation process necessary for a sustained peace. Writing about recovering from genocide in Rwanda, Mahmood Mamdani asks, "Is a form of justice possible that is not at the same time victor's justice? Is a form of reconciliation possible that is not at the same time an absence of justice, and thus an embrace of evil?" His answer is an alternative version that he calls 'survivor's justice' which refers not only to surviving victims "but to all those who continue to be blessed with life in the aftermath of a civil war ... Where beneficiaries [of a dominant group's action] are many [as was the case with South Africa's white population], reconciliation has to be social to be durable, which is the same thing as saying there can be no durable reconciliation without some form of social justice. But where beneficiaries are few [and perpetrators many, as in Rwanda], the key to reconciliation is political ... The prime requirement of political reconciliation is neither criminal justice nor social justice, but political justice. It requires not only shifting the primary focus of reform from individuals to institutions, but also recognizing that the key to institutional reform is the reform of institutions of rule."⁸

Forgiveness and revenge

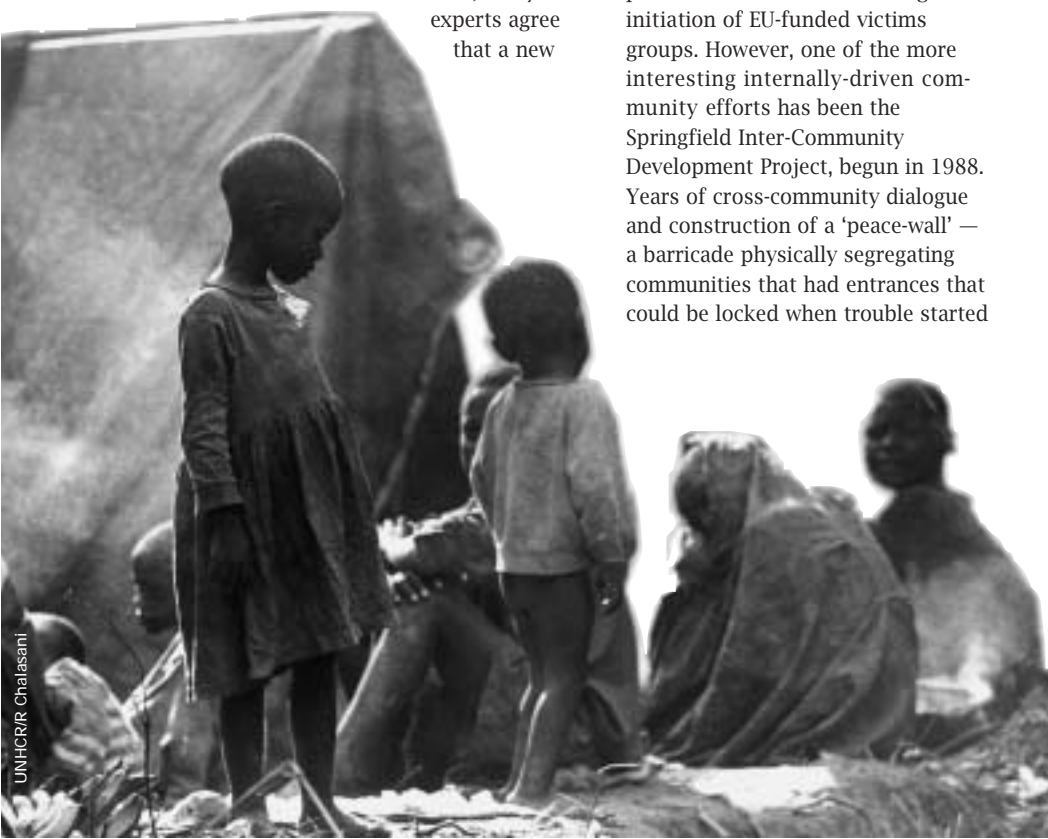
Finally there is the issue of forgiveness and revenge. These are a legitimate part of a reconciliation process that needs to be based on freedom of choice, not pressured expectation. One of the more relevant

"Is a form of justice possible that is not at the same time victor's justice? Is a form of reconciliation possible that is not at the same time an absence of justice, and thus an embrace of evil?"

A distinction was made between the rural and city refugees, with the urban ones cited as acclimatising more easily, while the rural ones are still living in local refugee camps with no land to till and no other adaptable skills. The issue of repatriation versus local integration is becoming more pronounced. The New Serbia Forum⁷ held in December 2000 (post-Milošević) stated that "If safe return is not possible for these groups in the foreseeable future, many experts agree that a new

by being burned out or through intimidation by their own or the opposing side — and were forced to move to safer areas within Northern Ireland. Many on both sides left Northern Ireland during the past 30 years, settling in Great Britain, the Republic of Ireland, France and the US; many young Protestants are still leaving.

For those who stayed, there have been many recent community efforts to promote reconciliation through initiation of EU-funded victims groups. However, one of the more interesting internally-driven community efforts has been the Springfield Inter-Community Development Project, begun in 1988. Years of cross-community dialogue and construction of a 'peace-wall' — a barricade physically segregating communities that had entrances that could be locked when trouble started



Rwandan refugees in Biaro Camp, Kisangani, Zaire, 1997



Truth-telling on its own is not a panacea guaranteeing social healing and reconciliation.

TRC chair Desmond Tutu and committee member Pumla Gobodo-Madikizela at the TRC hearings. This photo and the photo on page 4 are stills taken from *Long Night's Journey into Day*, a documentary on South Africa's Truth and Reconciliation Commission: see www.irisfilms.org/longnight.

descriptions linking forgiveness, revenge and justice has been developed by psychologist Robert Enright. Derived from a series of clinical studies, the first five of a six stage process depicts a 'pseudo' forgiveness — conditional justice headed toward forgiveness but bound by motives of revenge. The sixth stage is defined as genuine forgiveness — and arguably genuine justice because it is given freely without expected reparation. The offended acknowledge that they have been treated unfairly and have no duty to forgive but in a spontaneous act of compassion reach beyond 'a fair solution' to break the cycle of guilt, shame and rage.⁹

'Passive resentment', a condition when feelings between groups are strongly negative but not acted upon, seems to be one of the earliest stages of this process. Interestingly, it appears to go through a transition of its own, changing from an externally directed focus in the earliest days of peace, to a more introspective stance. When asked whether they thought they could forgive, the Serbian response in January 2001 (echoed by others) was: "I can forgive America [for the NATO bombing]. They're a superpower and that's the way superpowers act." (Kosovo Albanians were not mentioned in January and rarely mentioned during an April 2001 visit except to say that "Albanians and Serbs don't get along".) While in Northern Ireland in April 2000 (an especially tense time when the Northern Ireland Assembly had been suspended by London), the same question, posed further along in their peace process, to both Loyalist

Protestant and Republican Catholic working class communities in West Belfast was answered by looking inward, saying yes, they could forgive others in their community for bad treatment and for the coercion/protection by their own paramilitaries.

Conclusion

In the end it may be that the best truth and justice can offer to the process of reconciliation is to try and serve the needs of the majority while preserving the dignity of both perpetrators and victims. The external community needs to remember that peace can never be an assumed condition in a place where there has been war. The greatest contribution to be made by outsiders is to listen, observe and respond to articulated needs of post-conflict populations, rather than to outside assumptions. While the long journey out of the abyss is one that outsiders can support, it is a process that only former enemies can create. The formal and informal role of truth and justice will always be too much for some and too little for others but the internal will and determination to continue in spite of all obstacles appear to be the key to success.

Marcia Byrom Hartwell is currently in the late fieldwork/research stages of a D Phil in Development Studies, University of Oxford. Her work focuses on key issues and the way in which perceptions of justice impact on the processes of forgiveness and revenge in the early post-conflict period. Email: marcia.hartwell@wolfson.oxford.ac.uk

1. In this context, an early post-conflict society is described as one in which enemy groups have ceased fighting each other in direct combat on the 'ground' and have moved the fight to an institutional forum. Violence is common during this period as the intensity of street-fighting slows, transforming itself into punishment beatings and other forms of intimidation, used to settle old scores.

2. The personal quotes used in this article, unless otherwise cited, are the result of the author's fieldwork in Northern Ireland (1995, 1998-2000) and Serbia (2001).

3. January 2001 conversation in Belgrade.

4. Richard Wilson 'Human Rights, Reconciliation and Revenge', Sussex Development Lecture, 15 Feb 2001 (drawn from forthcoming book 2001 *The Politics of Truth and Reconciliation in South Africa*)

5. Susan Jacoby *Wild Justice: The Evolution of Revenge*, 1985, p335. Wm Collins & Sons & Co Ltd.

6. *All Truth is Bitter: A Report of the Visit of Doctor Alex Boraine, Deputy Chairman of the South African Truth and Reconciliation Commission, to Northern Ireland*, Feb 1999, NIACRO and Victim Support Northern Ireland.

7. The Forum is financed by the British and Swiss governments and administered by the British Association for Central and Eastern Europe.

8. Mahmood Mamdani *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, 2001, p272-3. Princeton University Press.

9. Robert D Enright, Elizabeth A Gassin & Ching-Ru Wu 'Forgiveness: A Developmental View', *Journal Of Moral Education*, 1992, Vol 21, No 2, p104-6.



Websites:

CAIN Web Service (Conflict Archive on the Internet): Northern Ireland
<http://cain.ulst.ac.uk/index.html>

European Union Special Support Programme for Peace and Reconciliation in Northern Ireland & the Border Counties of Ireland: www.eu-peace.org/

New Serbia Forum: www.newserbiaforum.org

Springfield Intercommunity Development Project: www.peacewall.org/



Reinventing communities: the resettlement of Guatemalan refugees

During the Guatemalan civil war, an estimated 150,000 people fled Guatemala to seek refuge in neighbouring countries (mainly Mexico) and one million became internally displaced.

by Julie de Rivero

The conflict also led to the death and disappearance of approximately 200,000 people between 1960 and 1996. It is estimated that 80% of these victims were of Mayan origin and that 440 Mayan villages were destroyed. The Guatemalan UN-sponsored truth commission concluded that the elimination of these populations constituted acts of genocide for which the state should be accountable. The militarisation of society was another grave consequence of the war. A total of 900,000 men and boys were forcibly enrolled in civil defence patrols (Patrullas de Autodefensa Civil), a paramilitary structure used by the army to control insurgency by permeating all spheres of communal, family and individual life. 'Model villages' and so-called development poles were created as a further form of control at the communal and local level, with military designated authorities. The Guatemalan civil war halted the development of civilian authority and institutionality, putting the armed

forces at the forefront of the state and society.

When formal negotiations for peace were initiated in 1990, the armed forces of Guatemala had practically won the military battle against the Guatemalan National Revolutionary Unit (Unidad Revolucionaria Nacional Guatemalteca, URNG). However, the end of the Cold War, the Central American peace process and the beginning of a process of democratisation in Guatemala prompted them to accede to the negotiation of a set of accords to put an end to armed confrontation. The accords provided for the demilitarisation of society (including the demobilisation of the URNG), the strengthening of civilian power and authority, democratisation and the development of a nation-state inclusive and respectful of cultural, linguistic and ethnic diversity. Furthermore, the accords provided for measures to redress social and economic inequity and promoted increased participation of the

population in the determination of development policies. The accords also sought the immediate cessation of fundamental human rights violations, the creation of a truth commission and the return and reintegration of uprooted populations.

The UN Verification Mission was set up to monitor the implementation of all the provisions of the accords. In fact, the Guatemalan experience is considered by many to be one of the most successful peace processes which the UN has monitored, as the actual armed conflict and massive violations of fundamental human rights were quickly put to an end when the peace process began. However, this should not overshadow the complexities of the transition to peace. It is within a very fragile process of democratisation, demilitarisation, economic and social reconstruction that most of the programmes of return and reintegration took place.

Resettlement and the power of the organisational experience

There were two distinct resettlement processes in Guatemala. The first wave of repatriations was sponsored by the Guatemalan government in 1986 and monitored by the army. Refugee families and individuals were offered amnesty in exchange for their return and were relocated to 'development poles', model villages and communities of origin. Known as repatriados (repatriates), these populations were influenced by military reintegration programmes and were forced to serve the paramilitary structures of the state in the framework of the military's counter-insurgency doctrine.

Dramatically different to the 1986 experience, the second wave of repatriations was the product of a negotiated settlement between the Guatemalan government and a representative body of the organised refugee populations in Mexico, known as the Permanent Commissions. It provided for the collective return of uprooted populations on the terms defined by the refugees and agreed upon with the government. These included their return in conditions of safety and the implementation of an integral reintegration programme, including access to land and credit. The first collective return took place in 1993, founding the Community of Victoria 20 de Enero in the

municipality of Ixcán-Quiché. The so-called retornados or returnee communities were accompanied by UNHCR, governmental and non-governmental institutions.

Furthermore, many spontaneous non-assisted individual or family repatriations occurred throughout the 1980s and 1990s, which are likely to be

Returnee and CPR communities engaged in promoting the implementation of the peace accords by becoming active participants in educational, health and productive integration programmes

unaccounted for in official government or UN statistics. Likewise, thousands of internally displaced persons (IDPs) remained anonymous due to their fear of persecution; whether they returned to their places of origin remains unknown. However, one distinct group of IDPs, known as the Comunidades de Población en Resistencia (Communities of Populations in Resistance: CPRs), which organised themselves collectively while in hiding, also negotiated their collective resettlement.

While the Accord for the Resettlement of Uprooted Populations did not provide for all the rights negotiated under the Permanent Commissions' accord with the Guatemalan government, particularly with regards to land and credit facilities, it did

benefit from the verification of the UN Verification Mission and included all resettled populations as potential beneficiaries. The Guatemalan experience proved that those who organised themselves achieved better levels of assistance from the government, NGOs and international agencies than those who remained dispersed and/or unaware of the benefits of the accords.

A clear example is that of the internally displaced CPRs who obtained land for resettlement and productive educational and economic reintegration programmes, as well as assistance for the documentation of their population, in contrast to the thousands of IDPs around the country who did not receive any assistance, on account of their anonymity. This was also true of those who negotiated their collective return versus those who returned before this framework existed, at an individual or family level or who repatriated in 1986.

Furthermore, organised returnees and IDPs, who had developed high levels of political awareness through organisation, also sought to participate proactively in local and municipal politics. The fact that they benefited from documentation programmes, which included women, quickly converted them into large numbers of potential voters and hence a population to reckon with at the local level. In municipalities with large numbers of returnee and CPR communities, these groups were able to define the results of local elections. In fact, a prominent leader of one of the CPRs was elected mayor in the last general elections.

Returnee and CPR communities also engaged in promoting the implementation of the peace accords by becoming active participants in educational, health and productive integration programmes, thanks to the experience they had acquired through exile. Their proactive approach towards the accords has been a key to their development and to the effective enjoyment of their rights.

Guatemalan returnees at Santa María Tzejá, near Cantabell



The empowerment of women through their organisation in exile also affected the role of women and their place in society once resettled. In many communities, however, there has been resistance to the new role that women would like to play. It would seem that women's organisations were accepted only while they served the common objective of return. Once resettled, women's organisations began to transform themselves, looking to strengthen the role of women in the community as well as to promote women's participation in decision making and in economic activities outside the home. In several extreme cases, the communal authorities opted to dissolve the organisations in which women participated because they did not belong to the organisational structure of the community and were not subject to communal (male) authority. In many cases, women have been forced to stand down from their activities and the problem of redefining their role in many returnee communities remains unresolved.

Reconciling differences

While organisation has been an important source of development for resettled populations, it also generated levels of assistance which accentuated already existing differences between groups.

In most cases, the areas resettled by the returnee communities had previously undergone a process of militarisation, aimed at destroying popular organisation and initiative. Militarisation had permeated culture and customs, putting military authority at the centre stage. Polarisation around returnee communities thus occurred because of an inherent mistrust felt towards them, accentuated when returnees received assistance, loans and reintegration programmes while the other communities did not.

Polarisation even created internal divisions in returnee communities. Those

with large numbers of demobilised guerrilla members were increasingly affected by these tensions, particularly when other members of the community began to seek or accept the support of the military authority in the area. In many cases, the logic of confrontation inherited from the war was used to redefine power relations in times of peace. The conversion of the former guerrilla into a political party was perceived by many forces as a threat to stability and control in the area.

Many returnees feared that, by acquiring political power, URNG members would again expose them to military threat.

Rumours of probable *coups d'état* and of the existence of new armed insurgencies further strengthened these fears.

Individuals' own expectations and interpretations of the past also played a role in these dynamics. Many related their exile to military aggression while others blamed the guerrilla for exposing them and then abandoning them when military forces retaliated. Many returnees also began to withdraw their support for those leaders who had negotiated their return, when their expectations of what life would be like in Guatemala were not met.

Most communities are still dependent on subsistence farming and outside aid to survive.

Returnees in Guatemala were faced with the task of reinventing their communities in a context of polarisation. This task often involved a reinterpretation of communal, family or personal history and often put the organisational structure created to achieve their return under scrutiny. The natural process of readjustment of these communities was further influenced by outside perceptions and interests. However, returnees remained committed to their communities and in some cases more moderate leaderships progressively emerged.

Challenges for the future

Perhaps one of the biggest difficulties that resettled people have confronted on their return is their economic and productive reintegration into society. Most communities are still dependent on subsistence farming and outside aid to survive. Their progress has been limited by the scarcity of alternative sources of employment in the regions of resettlement. These regions tend to be characterised by their inaccessibility and isolation, in geographic, commercial and political terms. Most communities lack access to commercial routes and centres, basic infrastructure and adequate state services (justice, security, health and education).

Resettled communities today face the structural inequities which have characterised Guatemala historically and which the Peace Accords seek to redress. There is hope that their proactive nature and involvement in local politics and decision-making mechanisms will further their quest for development at least at the



regional level. However, the burden of development lies on the state, which needs to recognise that population growth and the growing scarcity of productive agricultural land and alternative income-generating activities will continue to diminish this population's ability to survive and will increase the possibility of social conflict. The state must also officially recognise and repair the moral and material damage caused to the population during the war.

The resettled communities of Guatemala have already gone a long way in the process of reintegration, beginning to confront and reconcile their differences while constructing the basis for future social and economic development. Beyond these achievements, their effective integration as citizens of an inclusive nation-state is still to be achieved. This is part of a wider process of transformation which the country as a whole should undergo if it is to heal the social, economic, ethnic and cultural divide which was at the heart of the conflict.

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The opinions expressed here are personal and do not necessarily reflect those of the UN.

The complete report of the Commission for Historical Clarification (as it is officially known) can be found at: <http://hrdata.aas.org/ceh>. There is also a summarised version which includes the conclusions and recommendations of the Commission.



See page 46 for details of this and other Accord reports.

The UN Security Council addresses women's role in peace

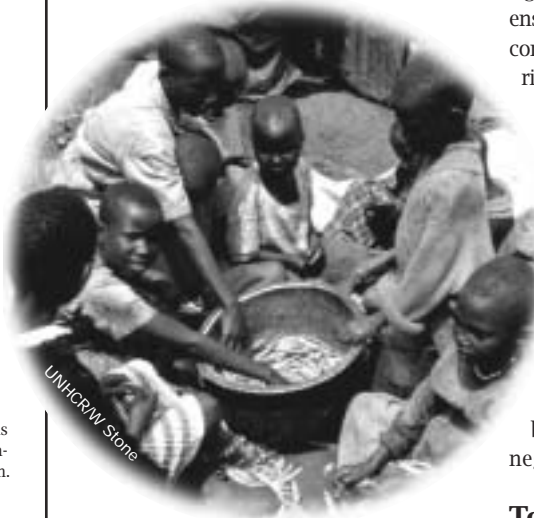
by Maha Muna and Rachel Watson

Perpetué Kankindi longs for an end to the seven-year civil war that has devastated her native Burundi.

She runs a successful animal husbandry project for women of all ethnicities at a time when divisions between the majority Hutu and minority Tutsi are bloodier than ever. She hopes that this project will offer a building block for security in the villages where she works.

the negotiations agreed to include three women politicians in their negotiating teams. Though the women participants served as observers, their presence indicated official recognition of their capacity for establishing and maintaining peace. They presented a unified platform on the Arusha Peace Agreement, including proposals to ensure a women's charter in the new constitution and recognition of women's rights to land and property.

IDPs in Gashi Kanwa area, Burundi



Meanwhile, on the international stage, in October 2000 the UN Security Council (SC) passed an historic resolution (SCR 1325) which finally recognises and encourages the efforts of women like Perpetué and her Burundian colleagues. It calls on UN member states not only to protect women in times of war but also to include them in peace negotiations.

Towards SCR 1325

Each woman in Perpetué's project is given a goat to rear, on condition that when the goat has a kid, the owner hands over the kid to a woman of a different ethnic group. The women — Hutu and Tutsi — also share seeds and harvests. "The women had to say hello to each other and manage the project together," explained Perpetué. "The Hutu women who were doing the harvest came to visit the Tutsi women in the village. Little by little the fear began to diminish."

Last year activist women's groups across Burundi successfully lobbied for and secured the right to participate in the ongoing peace talks. Some of the 19 political parties involved in

The resolution represented the effort of a broad coalition of civil society, UN and state actors: an NGO Working Group on Women, Peace and Security (whose members are Amnesty International, Hague Appeal for Peace, International Alert, Women's International League for Peace and Freedom and the Women's Commission for Refugee Women and Children), UNIFEM, the UN Division for the Advancement of Women and the UN Mission for Namibia. Together they built on gains made in preceding years and took the issue all the way to a SC resolution.

The NGO Working Group was concerned that while the SC had

previously made references to women's experience of war under the general umbrella of civilian victims of conflict, it had ignored the particular ways in which women are affected by war. The group stressed that women experience war differently. Women organise their families and communities to cope during war and displacement; women's networks are essential for solidifying peace and women have valid concerns that may not be discussed if only men come to the peace table.

2000 also saw the five-year review of the Beijing Platform for Action on gender equality, development and peace. The Platform's chapter on women and armed conflict clearly stated that lasting peace depended on the participation of women in all aspects of peace initiatives. It reiterated that humanitarian and human rights law demands the protection of women and their rights during armed conflict. This was an important reaffirmation that women's rights are human rights, as understood in various international human rights instruments.

During preparations for the Beijing review process, the SC marked International Women's Day in March 2000 with a statement noting that peace is inextricably linked to equality between women and men. The SC had already held several 'thematic debates' on such topics as civilians in armed conflict, children and the

ideally positioned to take this initiative since it had spearheaded the Windhoek Declaration and Namibia Plan of Action on Mainstreaming Gender in Peace Support Operations, both of which recognised the important role of women in conflict prevention and resolution and called for gender equality in peace support operations.

Getting female voices heard

Prior to the debate, women peace activists from war-affected regions around the world related their own experiences to members of the SC. Invoking the 'Arria Formula' which allows non-governmental representatives to share their opinions with the SC, women from Zambia, Somalia, Guatemala and Sierra Leone told Council members that while women were at the forefront of grassroots efforts to promote peace and reconciliation, they were rarely offered opportunities to participate in peace negotiations.

Faiza Jama Mohamed, a Somali activist, spoke of how Somali society is organised into clans and sub-clans of which women are not considered full members. They are thus excluded from fora where decisions to make war are taken and denied a role in peace negotiations. However, despite their exclusion, women in Somalia have gone to imaginative lengths to restore peace and security in their communities. One women's organisa-

tion collected funds to provide uniforms, food and salaries for the local police force and then rebuilt the police station. By their actions, the women ensured some protection against armed militia and robbers who had previously attacked villages with impunity.

Adoption of the resolution

The Arria session was followed by a two-day debate in the SC which led to the unanimous adoption of SCR 1325. The resolution calls for the inclusion of women in peace building, expresses concern at the adverse effect of conflict on women and urges specialised gender-sensitive training for all UN peacekeepers.



The language of the resolution moves beyond portraying women as vulnerable victims of war to acknowledge their role in supporting families and surviving armed struggle and their ongoing protection needs. It calls on all those involved in implementing peace agreements to protect the rights of women and girls under international law and to consider their special needs during repatriation, resettlement and post-conflict rehabilitation. All peace actors are urged to support women's initiatives for conflict resolution and to facilitate their involvement at all levels of peace negotiations.

The resolution validates and endorses the work of women like Mary Balikungeri, a Rwandan woman who established the Polyclinic of Hope, a hospital and training centre which promotes peace and reconciliation in a country torn apart by ethnic hatred. Mary recognised that long-term recovery for female genocide survivors would entail physical and psychosocial support and her project has gained international attention. Her Rwandan Women's Network has reached out to other women's organisations in neighbouring Burundi and the Democratic Republic of Congo and found common ground at a time when conflict still engulfs the region. She believes the challenge is how to translate the resolution into action on the ground. "I see the implementation at two levels. Locally we need to be better organised so that we can better understand, implement and monitor

Women in Somalia have gone to imaginative lengths to restore peace and security in their communities.

spread of HIV/AIDS. The UN itself had appointed and received regular reports from a Special Rapporteur on Violence Against Women and had developed a wealth of understanding relating to women's status and women's protection. At the same time, the Brahimi Report on UN Peace Operations and Graca Machel's review of the impact of armed conflict on children and women were under discussion.

The NGO Working Group worked closely with UNIFEM, the UN Mission for Namibia (a non-permanent member of the SC) and the Division for the Advancement of Women to table an open debate on women, peace and security in October 2000. Namibia was



such resolutions, and regionally and internationally we need to lobby strategically so that governments and the UN can implement this resolution. My dream is that our women politicians can encourage such strategies.”

Implementation challenges

This may be the major sticking point of SCR 1325. The challenge rests with the UN and its member states — its peacekeeping operations, its assistance organisations and SC missions — to follow through on promises and to translate good intentions into tangible improvements for women affected by war. Much remains to be done in such key areas as training for peace-keeping missions and moving towards gender-sensitive humanitarian programming.

There is no timeframe for the UN Secretary General to take the necessary steps to implement the recommendations in the resolution. As with many resolutions of this nature, the language used is woolly and tentative (using words like encourage, request and invite), indicating that the SC still has much to do to ensure that this resolution really is integrated into all the operational culture of the UN.

Currently women make up only 4% of military and civilian police personnel. None of the current cadre of 62 Special Representatives of the Secretary General are women. SCR 1325 requires the Secretary General to

report to the SC on ‘gender mainstreaming’ in UN peace operations. This will include the recruitment of qualified women for high-level posts at the UN and in UN peace keeping and peace support operations. It will also review support by member states for gender-sensitive training for peace keeping troops and civilian police units.

Refugee women have reported that civilian police forces overseen by the UN are poorly trained and inadequately supervised. In Kosovo and Bosnia, women have complained that some UN-supported civilian police officers use prostitutes and are sexually abusive towards the female members of the public they are supposed to be protecting. Training for police officers on gender issues such as sexual violence is vital. Codes of conduct need to be strictly enforced, and not just with the dismissal of the officers concerned. Immunity for UN staff accused of sexual violence needs to be addressed. UN staff who are responsible for protection must be held accountable for their transgressions.

On a more positive note, a month after the passing of the resolution, the UN’s annual appeal, the Consolidated Appeal Process, was launched under the theme of ‘Women and War’. All humanitarian assistance programmes receiving funding from this appeal should consider this theme, and ensure the participation and protection of women during and after conflict. When implementing programmes for demobilised combatants, UN agencies must consider the specific concerns and needs of women and children who had been abducted and enslaved by military forces.

Improved protection and increased participation have been proved to reduce the vulnerability of refugee women and enable them to contribute effectively to post-war reconstruction. Yet despite a proliferation of policies, guidelines and targeted programming, there remains a wide gap between what we know about improved protection and the realities that women face in refugee situations. SCR 1325 reinforces the guidelines and policies that oblige UN staffers to include women in refugee camp decision-making bodies, where they can ensure the improved protection, equal distribution of food and support critical reproductive health services.

The NGO Working Group is ensuring that the voices of refugee women feed directly into the monitoring process of the implementation of SCR 1325. The Women’s Commission for Refugee Women and Children is currently undertaking field research as part of a review of UNHCR’s Guidelines on the Protection of Refugee Women. The Women’s Commission also participated in a series of regional dialogues with refugee women which culminated in a Refugee Women’s Consultation whose findings and recommendations will be taken to the UNHCR Excom meeting in October 2001.

The NGO Working Group is pushing for another Arria meeting to again allow women activists to consult with SC members. A shadow report by NGOs on the implementation of Resolution 1325 will be released at the same time. Meanwhile the Working Group continues to work with local partners to monitor UN peacekeeping operations and to equip local organisations with better advocacy skills. Other NGO monitoring initiatives include a website tracking all UN documents relating to women, peace and security¹ and a gender audit of UN protectorates in East Timor and Kosovo.

Conclusion

While governments contend with international law and UN protocol, women around the world are continuing the struggle to maintain a safe environment for their communities and their children in the face of war. In Latin America, mothers, wives and sisters dared to question military juntas about their ‘disappeared’ relatives. In Mali and Liberia, women rallied together to call for disarmament. In the Philippines, women run peace zones around villages protecting their children. It is for these women — and all women in conflict zones — that we must ensure that SCR 1325 is not just filed away in UN offices but is actively implemented, with the encouragement and monitoring of all those who work to promote peace.

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The text of SCR 1325 can be seen at: www.un.org/Docs/scres/2000/res1325e.pdf

1. www.peacewomen.org

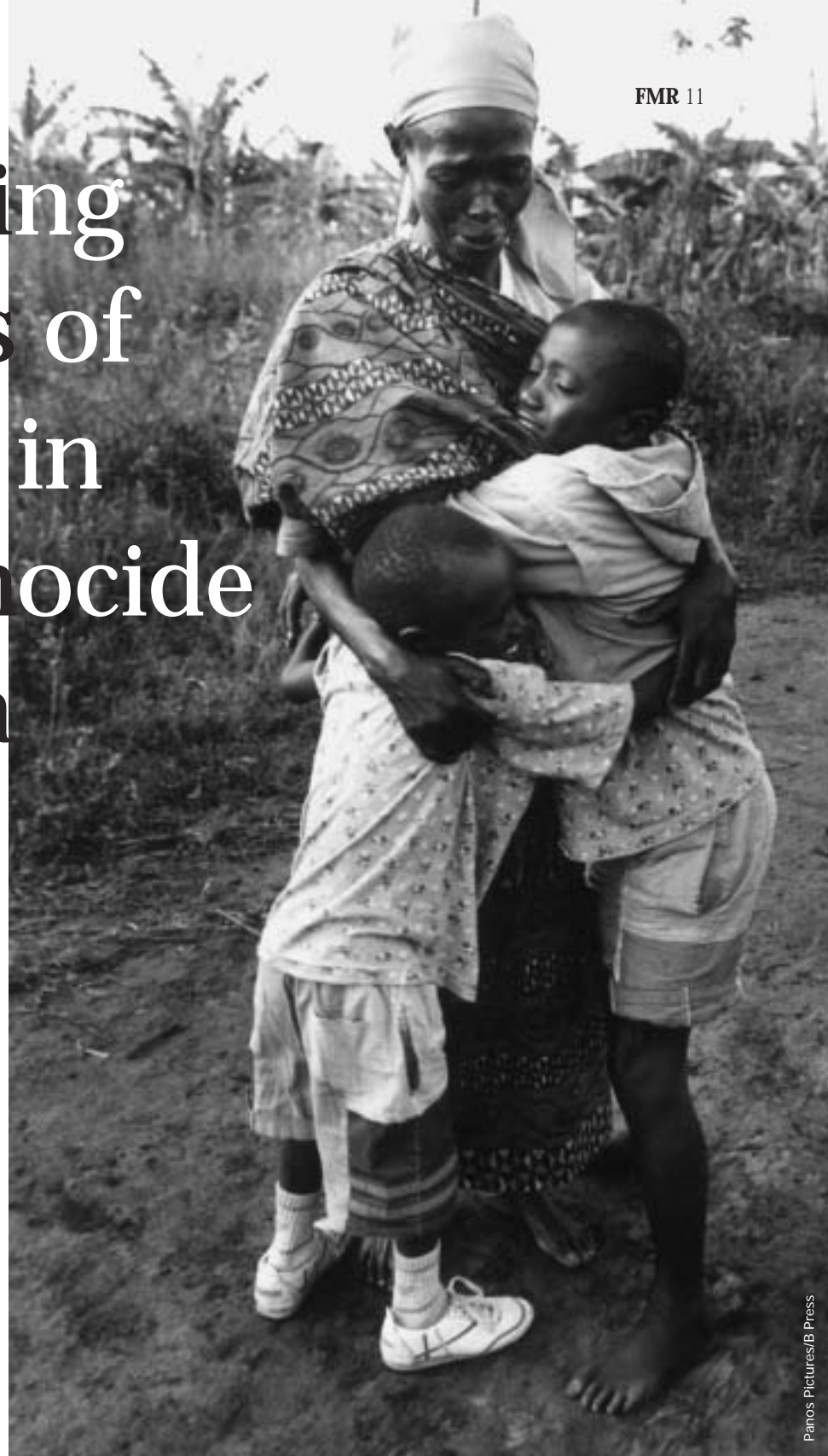
Redefining the roles of women in post-genocide Rwanda

by Diana Quick

In 1994 genocide shattered the foundations of Rwanda, unleashing violence, hatred and the murder of more than half a million people.

Reports from human rights and humanitarian organisations and global media helped communicate the tremendous pain endured by Rwandan women and girls targeted by gender-related violence.¹

Two years after the genocide it was estimated that 54% of the population were female and that 34% of households were headed by women (60% of female-headed households were headed by widows). The role being played by women and girls to redefine gender roles in order to participate alongside men in the rebuilding of Rwandan society has been little documented. Their remarkable courage gives reason for renewed hope after the tragic events in Rwanda. Through thousands of grassroots associations, connected by networks throughout the country² they have begun to rebuild their lives: reconstructing their homes, building centres for sur-



Egide, 14, and Mbonigaba, 8, are re-united with their mother after more than six months' separation.

vivors of genocide and rape, learning to read and write, returning to school, acquiring new skills, participating in political life and forming local businesses. This work is promoted by the Ministry for Gender and Women in Development (MIGEPROFE). Ministry representatives in each prefecture and commune work with local government officials to raise awareness of women's issues. MIGEPROFE also

works to support the women's grassroots organisations, 15,400 of which have been set up since 1994.³

The international community has played a key role in supporting women and their organisations. Among the initiatives are UNDP's Trust Fund for Women, USAID's Women in Development programme and UNHCR's Rwanda Women's Initiative (RWI). Launched by High Commissioner Madame Ogata during

the mass returns of refugees in 1996, the RWI was established to promote the 'empowerment of women' in economic, social and political life. Its objectives parallel those of the Bosnia Women's Initiative.⁴ Working across the country in partnership with women's associations and MIGEPROFE, the RWI has supported 'needs-based' projects in literacy and education, income generation and skills training. RWI has also supported psychosocial centres and helped rebuild women's centres and shelters. The RWI has also had a longer-term, more strategic focus, working to raise public awareness of gender issues by media campaigns, workshops and conferences and efforts to build the capacity of MIGEPROFE and women's associations.

A recent report by the Women's Commission for Refugee Women and Children highlights the strengths and weaknesses of RWI and draws out lessons for other post-conflict women's initiatives. Among the key findings are:

- With its powerful emergency response capacity, UNHCR is one of the UN agencies best equipped to quickly mobilise resources nationwide. Women's initiatives can enhance the agency's protection and assistance functions by fostering closer relations with return communities (experience has demonstrated that women are more willing than men to become involved in inter-ethnic activities); promoting women's participation in political institutions and the peace process; and supporting women's work that directly benefits the family and community.
- The role and scope of the Rwanda Women's Initiative is still not fully recognised or valued by senior UNHCR staff. RWI has not been prioritised at headquarters level where resource decisions are made. Despite the enormous promise shown by the RWI, at the end of 1997 funding was only

10% of that requested. The RWI's original vision had to be revised, severely limiting its scope and reach within rural areas.

- As Rwanda has moved from a state of emergency towards formulation of long-term developmental goals, RWI has worked toward meeting both women's immediate needs and building the capacity of government ministries and associations working with Rwandan women. The developmental impact of these efforts is perhaps under-appreciated.
- UNHCR's post-conflict work is enhanced when there is coordination with other in-country UN agencies.
- Articulation and communication of RWI objectives and results should be strengthened. Lines of responsibility for implementing and monitoring the objectives of RWI, as well as reporting on its impact, have been weak. Gender mainstreaming will not occur without greater coordination and collaboration between UNHCR field and HQ staff.
- Post-conflict women's initiatives offer scope for UNHCR to imple-

ment the agency's commitment to gender equality and improve its protection and reintegration capacities by involving local women and men, girls and boys.

- In order to bolster the relationship between women's initiatives and post-conflict gender mainstreaming, there must be greater clarification of the goals and objectives of Women's Initiatives in relation to UNHCR's mandate and more effort to resource specified resource and technical needs.
- The Women's Commission for Refugee Women and Children has found that although gender analysis was implicitly applied in women's projects, it has not been explicitly articulated in planning, reporting or evaluation.

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This article is extracted from *You cannot dance if you cannot stand: a review of the Rwanda Women's Initiative and the United Nations High Commissioner for Refugees' Commitment to Gender Equality in Post-conflict Societies* by Erin K Baines, Women's Commission for Refugee Women and Children, April 2001. 50pp. The full text is downloadable at: www.theirc.org/wcrwc/reports/reports.html together with *Rebuilding Rwanda: A Struggle Men Cannot Do Alone*, Women's Commission, June 2000.

1. Evidence in these reports aided the success of lobbying to persuade the International War Crimes Tribunal for Rwanda to include rape as a war crime.
2. See Catherine Newbury & Hannah Baldwin *Aftermath: Women's Organisations in Postconflict Rwanda*, Center for Development Information and Evaluation, USAID. Working Paper No 304, July 2000, p2.
3. *Ibid.*
4. The Bosnia Women's Initiative was created in 1996, with an initial \$5 million contribution from the USA, to provide opportunities for women in Bosnia Herzegovina to become full participants in the economic recovery of their country.



Joanne Omang

Problems or partners? Working with women to rebuild the Balkans

by Rachel Wareham and Diana Quick

Why have post-war reconstruction initiatives treated women as passive recipients of aid rather than as active partners?

Massive resources have been deployed in Kosovo as the UN Interim Administration in Kosovo (UNMIK) and the Stability Pact for South Eastern Europe have spear-headed reconstruction. How can NGOs and the donor community learn to work with local women and their organisations and facilitate their incorporation into decision-making structures?

These questions are at the heart of a gender audit commissioned by the Women's Commission for Refugee Women and Children and The Urgent Action Fund. Released during the Beijing Plus 5 conference in June 2000, it considers the extent to which women's social, economic, educational and political participation has been encouraged in both 'informal' civic fora and organisations, and at formal levels of power.

UNMIK has a mandate to oversee the development of democratic self-governing institutions. The gender audit found that few women have been appointed to key decision-making positions in these nascent institutions. UNMIK has tended to work with selected male power brokers and thus disempowered community leaders, local NGOs and wide sections of the community. Funding has been channelled through favoured umbrella groups, distorting the growth of local grassroots women's groups. UNMIK's work culture (involving duplication of effort, rapid turnover of international staff, inadequate planning, overdependence on international 'experts' and lack of transparency) has impeded trust and good working relations with Kosovars.

Further findings included:

- Though health care professionals have been sensitised to sexual and gender-based violence,

the focus has been on city hospitals to the detriment of the primary health care needs of women in rural areas.

- In education, UNMIK has focused on rebuilding damaged schools but given little priority to girls' attendance. High drop-out rates for female pupils as a result of the post-war economic situation have not been addressed.
- The delay in establishing a functioning legal system has effectively allowed some existing laws to remain in force, or allowed customary law to take precedence over statutory law.
- Women have been offered such gender-stereotyped training as hairdressing and sewing, rather than in wider skills proposed by local women's NGOs.
- Prostitution has increased due to the international presence. Despite regulations, trafficking has continued and prostitutes have sometimes been arrested.

67 year old Hamidu Aldzië, a Muslim Bosnian refugee, tells Bridget from the 'Women for Peace' group: 'I want to go back, to smell the land where they burnt my farm.'



The extensive set of recommendations called for:

- international agencies to ensure a more acceptable gender balance in their staffing arrangements and enforce codes of staff conduct
- documents to be available in Albanian and Serbian, with translation facilities improved (rather than holding English-only meetings in which few women can participate)
- training for less formally-educated women and encouragement of flexible working hours to ensure their economic participation
- greater funding for projects targeting women: while these may seem simple and have the 'disadvantage' of only being able to soak up small amounts of donor money, they have enormous political potential to promote peace and stability.

What has changed since the report was issued?

Responding to local and international lobbying, UNMIK has started to address issues of violence against women and trafficking. However, progress towards greater transparency and inclusion of local actors has been mixed, driven by the enthusiasm of individual staff members rather than by formal policy guidelines. Listening to and including local women in decision making is yet to make it onto the agenda.

There are still very few local counselors experienced in violence-against-women issues in Kosovo and none with professional qualifications in rape counselling. Services provided by such institutions as the Center for Protection of Women and Children and the Women's Wellness Centre are not accessible to many women as they exist in a limited number of locations. A recent decision to cut public sector health workers, including 'social nurses' being trained under a UNICEF project, will have a severe negative impact as these women provided counselling, support and effective intervention in countless cases of domestic violence, incest, date rape and potential violence against children and newborns.

Only two departments in the new administrative structure fostered by UNMIK have women co-heads. International organisations continue to exclude women. Local women complain that UNMIK and other

international agencies are reluctant to 'hear the truth' and quick to label them as harridans if they openly complain during meetings. Despite having indicated in advance a desire to meet local women's organisations, no meetings were arranged for a Security Council delegation which visited Kosovo in May 2001. Only at the very last minute, with less than 48 hours notice, were selected local women

UNMIK has not recognised that often the strongest and most experienced partners ... are local women activists.

invited. Despite constantly declaring a commitment to work towards a tolerant, secure multi-ethnic society in Kosovo, UNMIK has not recognised that often the strongest and most experienced partners best equipped to achieve this vision are local women activists.

Other UN agencies have a better record of working with local women. UNIFEM has set up fora through which local women and international actors can exchange views and experiences. It has gained the trust of local women, produced influential research reports¹ and provided leadership training for women in local government. UNHCR has emphasised women's needs through its Kosovo Women's Initiative, funded by the US government. Implemented largely by international NGOs, KWI has slowly evolved ways of valuing local women's interaction and heeding their opinions. Unfortunately, KWI funding is running out and may not be renewed. UNHCR plans an evaluation of the KWI in late 2001.

The progress of UNMIK in promoting women's equality has been limited because of the way that the mission was planned and initial budgets drawn up. While particular departments and individual staff members have tried to move UNMIK to address gender issues, they have generally been unable to overcome the constraint that resources were not allocated at the start and that plans simply did not include women. The key lesson from Kosovo is that gender has to be included in the plans and in the budgets at the very outset of any post-conflict reconstruction programme.

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This article builds on information contained in *Gender audit of reconstruction programmes in South Eastern Europe* by Chris Corrin, Urgent Action Fund and The Women's Commission for Refugee Women and Children, June 2000. Downloadable at: www.theirc.org/wcrwc/reports/reports.html

See also *Getting it right?* by Kvinna til Kvinna, a Swedish funding organisation supporting women's groups. Downloadable at: www.ikt.se/english/index.html.

1. *No Safe Place*, an assessment on violence against women, and *Women at Work*, an assessment on women and the economy, UNIFEM, April 2000, are available in English but neither have yet been published in Albanian or Serbian due to budgetary constraints.



Women at the Peace Table
UNIFEM. 2000. 58pp. ISBN 0 9679502 0 1. Free. Limited stocks available. Contact UNIFEM at 304 East 45th Street, 15th Floor, New York, NY 10017, USA. Also online at www.undp.org/unifem/resour.htm

See also *Building a Women's Peace Agenda*, based on discussions at the May 1999 Hague Appeal for Peace Conference. 2001. 74pp. Contact Hague Appeal for Peace, c/o IWTC, 777 UN Plaza, New York, NY 10017, USA. Tel: +1 212 687 2623. Email: hap@haguepeace.org.



Bosnia and Herzegovina - no future without reconciliation

The signing of the General Framework Agreement for Peace for Bosnia and Herzegovina (GFAP) on 14 December 1995 marked the end of a three-and-a-half-year conflict which caused 1.2m refugees to flee abroad and displaced a further 1.1m within Bosnia and Herzegovina.

by Walpurga Englbrecht

GFAP created an overall framework to reconstruct the country and reverse ethnic cleansing. Five years later there are, according to UNHCR estimates, some 300,000 Bosnian refugees in need of a durable solution and a further 518,252 people still registered as displaced. The ethnic map created by the conflict has not changed significantly as Bosnia remains effectively divided along ethnic lines.

Return and reconciliation remain highly politically charged issues at the heart of the causes and resolution of the conflict. Any return or reconciliation initiatives undertaken by the international community to achieve its political objective of reversing ethnic cleansing run counter to the ultimate goal of local politicians: maintenance of ethnically pure areas in which they can maintain political and economic dominance. Two diametrically opposed political objectives

continue to be played out.

The GFAP has established an almost entirely novel state structure, incorporating very few pre-existing institutions. The international community has had to operate through newly created local structures and a complex distribution of power and competence. UNHCR has to liaise with 14 legislators at state, entity and canton level in the Federation of Bosnia and Herzegovina. At state level, each Minister has two deputies and consensus is required for any decision. Institutions at entity and cantonal level are influenced by the still dominant ideology of ethnic separatism and by party politics which obstruct the functioning of state institutions. A number of existing laws concerning the return of refugees and IDPs are not in line with Annex 7 of the GFAP (which makes provision *inter alia* for the right to return, property restitution or compensation), the Bosnian

Constitution (an integral part of the GFAP) and other relevant regional and international instruments. The myriad of legislators and lack of political will severely hamper the international community's legal reform efforts. Without the High Representative's power to impose laws, there would still not be — just to cite one example — an adequate and efficient property restitution framework.

There has been progress in the overall implementation of the GFAP and analysts of the Bosnia peace process confirm that Bosnia has changed 'beyond recognition over the last two years'.¹ But this 'success' has been due more to pressure exerted by the international community than by any willingness of local authorities to comply with GFAP provisions. Within this bleak context, it is becoming ever more important to support reconciliation measures involving all levels and groups of society.

Return and reconciliation: not the same

The international community usually refers to return and reconciliation in the same breath. While the two are

inter-linked, there is a distinct conceptual difference. Political, legal and humanitarian return initiatives are needed to create a sound foundation on which to rebuild a war-torn society. It is also important to recognise the need to take care of the hearts and the souls of all those who have gone through years of conflict. For return to be sustainable there must be a complementary process of psychological moving on. Bosnia has shown us that this reconciliation component in post-conflict situations is highly complex and time-consuming.

Three phases of reconciliation can be differentiated. The first phase seeks to assist refugees and IDPs to renew contact with former neighbours and communities while the second facilitates return and peaceful coexistence between former 'enemies'. The final phase should include measures which contribute to the reconciliation of society. This represents a good model that could be applied in other post-conflict situations.

This article looks into some of the measures taken by the international community and also at grass roots level during these different phases. There is particular focus on the work of youth and the nascent Truth and Reconciliation Commission.

Phase I: Confidence-building measures

One of the main impediments to return recognised by the international community has been intimidation and lack of free movement. Three different systems of licence plates made it easy for police and nationalist to target those travelling between ethnic entities. In response, UNHCR and other international organisations initiated a series of confidence-building measures to encourage communication and reconciliation between the different ethnic groups.

During 1996 to 1998 bus lines crossing the Inter-Entity Boundary Line (IEBL) were used to compensate for the lack of security and the absence of public and commercial transport linking the Federation and the Republika Srpska. For many wishing to visit friends, relatives and former homes, this was the only safe method of travel. The High Representative's imposition of a common licence plate in 1998 led to a general improvement of freedom of movement and resulted in the restoration of commercial bus

lines on routes previously serviced by UNHCR. By December 2000, nearly two million IDPs had used the 54 IEBL bus lines.

'Go-and-see' visits, whereby displaced persons and refugees visit their former homes to see the situation at first hand, have proved to be labour-intensive and time-consuming. Some visits were cancelled for spurious security reasons or disrupted by angry crowds. Over time, however, with some successful assessment visits and the general improvement of return conditions, the ground has been laid for IDPs and refugees to visit their former communities without an escort.

Re-establishing contact and allowing refugees and IDPs the possibility of forming a first-hand opinion is of vital importance to kick-start reconciliation. While confidence-building measures have been questioned (in view of cost and the low return figures) it must be reiterated that while return and reconciliation are interlinked, they are two quite different processes. The 'returns' on investment in this type of reconciliation activities will be evident, if given enough time. Such first steps are the beginning of the continuum towards coexistence and reconciliation.

Phase II: Moving from contacts to peaceful coexistence

When IDPs and refugees return to areas where they encountered violence and witnessed atrocities and/or ethnic cleansing, they find themselves living next to their former enemies. To prevent renewed violence, it is important that action now focuses on assisting people to learn to live with and to accept each other. This reconciliation phase must involve all levels of society. Political and religious leaders, including those from the international community, have a key role to play in advocating respect and tolerance. It is important to demonstrate that communities can live together, that politicians from different entities and ethnic groups can reach out to each other and can stop using such pejorative terms for each other as *ustashi* and *chetnik*.

While it is important to target and to involve all levels of society it is particularly vital to engage youth. Unless they develop open and moderate attitudes, the long-term chances for a

democratic and stable Bosnia are slim. Young people in Bosnia have, to a large degree, grown up in an environment where basic values have broken down and might is seen as right. Many have been caught up in, or witnessed, atrocities. It is necessary to work with these young people and provide opportunities for them to interact with children from other ethnic groups.

One group doing so is Zemlja Djece (land of children), a Tuzla-based NGO which runs a network of youth centres. The agency stresses the need to provide a diverse programme of social, educational, cultural and recreational activities to children from all Bosnian communities while also providing psychological support and counselling to traumatised children. Other organisations have arranged inter-Entity activities for children

It is particularly vital to engage youth.

involving art workshops and summer camps. At one inter-Entity summer camp, 11 days of shared accommodation enabled students and teachers to start developing friendships. Other initiatives have focused on sports and music, such as War Child's 'Let Us Play' project² and the Pavarotti Music Centre in Mostar.

Efforts are being made by the Office of the High Representative in cooperation with other agencies to prevent nationalists using the education system to foster division and to bring together the three parallel education systems. In 2000 the High Representative obtained the agreement of Education Ministers in the Federation and the Republika Srpska to delete offensive references in textbooks which apportioned blame for aggression and war crimes to 'other sides'. In some municipalities in the Federation the 'two schools under one roof' policy is allowing Bosniak and Croat pupils and teachers to share educational facilities and organise joint extra-curricular activities. In the District of Brcko, progress has been made in establishing conditions for multi-ethnic education. Civic education classes discussing human rights are being set up. Efforts are being made to teach both Latin and Cyrillic alphabets and develop language modules which highlight the common linguistic heritage of the three peoples. Yet there has been resistance, particularly in Croat-administered

areas. In addition, most textbooks still refer to obsolete curricula and learning methodologies which can only be addressed through a comprehensive reform which will take up to five years.

Substantial and sustained external political pressure has had to be applied to push through these reforms in primary and secondary education. Much remains to be done to maintain momentum. Bosnia's under-resourced and poorly managed tertiary education system also needs to be fundamentally restructured.

Phase III: Moving from coexistence to reconciliation

It is generally held that reconciliation is impossible until the truth is known. It is important for people to know what really happened and who should forgive whom. In 1995 the then Bosnian President Alija Izetbegovic agreed to support an international commission of inquiry into the recent conflict in the former Yugoslavia. Only now after many years is the commission slowly becoming a reality. In May 2001 participants at a Sarajevo conference entitled 'An Idea Whose Time has Come: Truth and Reconciliation Commission in Bosnia and Herzegovina'³ supported the idea of establishing a Bosnian Truth and Reconciliation Commission (TRC). Although their names were on the list of speakers, no Bosnian Serb political or religious leaders attended the conference.

The envisaged activities of the TRC have been revised to ensure that it complements the work of the International War Crimes Tribunal for the Former Yugoslavia (ICTY). It is proposed that the TRC will provide: a) a forum for ordinary people from all sides to say what happened and to express their anger or guilt; b) a voice to the 'real war heroes' — those who, despite grave risks, resisted ethnic cleansing and protected or assisted victims from other ethnic groups; and c) an historical report, both positive and negative, proposing specific steps to restructure society, deal with past abuses and prevent their repetition.

The proposal has its critics. Human rights activists, relatives of victims and some politicians are asking who will appoint the commission members and what criteria will be used in selecting prospective witnesses. Some doubt whether a society where there

is still no rule of law and consensus on the recent past is ripe for a truth commission. Others contend that there is no alternative: establishing a TRC is needed to assist Bosnian society to come to terms with its past and reach such a consensus.

Justice Richard Goldstone, the ICTY's first prosecutor, has argued that a TRC is needed to help Bosnians "figure out how former neighbours and friends were driven to inflict such evil upon one another".⁴ Neil Kritz and Jakob Finci support the need for a TRC by reference to the German philosopher Karl Jaspers who articulated four categories of guilt — criminal, political, moral and meta-physical — with which German society

Calls for the TRC come when the impact of other such post-conflict commissions are being questioned

needed to grapple in order to deal constructively with the Nazi period.⁵ They argue that the ICTY addresses the first category of guilt but not the others:

"In contrast to a trial's focus on the specific crimes of individual perpetrators, truth commissions are commonly mandated to focus on the experience of the victims, and to analyse and report not simply on the facts of abuses suffered, but on the broader context in which they occurred, examining in particular the structural elements of government, of the security forces, and of other elements in society which made those patterns of violations possible in the first place. The Bosnian TRC will shine the spotlight on whole sectors that will never (and should not) be the focus of criminal prosecution ... In this way, the TRC process will help the people of Bosnia and Herzegovina to explore together what in their socio-cultural make-up resulted in the especially cruel and inhuman nature of this latest breakdown of their society, and thereby avoid the same mistakes in the future. This knowledge can only be achieved by self-examination."

The need for a TRC is made even more evident when one considers how inadequately Yugoslav society dealt with atrocities committed during World War II. Tito's 'brotherhood and unity' policy not only precluded discussion and the chance to heal wounds but it also allowed myths about wartime abuses to survive and

to be revived by nationalists in the 1990s.

The key is now to be able to engage all levels of society and to obtain sufficient support both from local politicians and the international community for the adoption of the draft Law on the Truth and Reconciliation Commission. The international community needs to identify a lead agency able to move forward this process. It is true that calls for the establishment of the TRC come at a time when the use and impact of other such post-conflict commissions is being questioned. In Bosnia is there any other way to address the existence of multiple 'truths'?

Conclusion

Bosnia has managed the step from conflict to co-existence and is, in some areas, ready to enter the third phase: reconciliation. Greater support from all politicians for the process is needed. Analysing the Bosnian political scene, reconciliation is rarely discussed. Asked why the public is silent on the issue of reconciliation, the sociologist and publicist Slobodan Nagradic answers: "For our politicians who win voters by their rhetoric of national homogenisation, reconciliation is a dangerous subject and they are unwilling to accept it ... It is absurd, but [black market] smugglers did more for reconciliation than politicians."⁶ Bosnia's future cannot be left to politicians who are more interested in personal power gains.



The international community must invest further in the country and assist in establishing structures needed for reconciliation. But the path from confidence-building to coexistence and then to reconciliation must be walked by the Bosnian people themselves. The key is working with young people and allowing them, through an operational Truth and Reconciliation Commission, to deal effectively with their past, thus ensuring reconciliation and a peaceful future.

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The views expressed are the personal views of the author, and not necessarily shared by the UN or UNHCR.*

1. See for example European Stability Initiative *Reshaping International Priorities in Bosnia and Herzegovina, The End of the Nationalist Regimes and the Future of the Bosnian State*, 22 March 2001, available at: www.esiweb.org/.
2. For more information see War Child 'Let Us Play - Peace and Reconciliation through Sports' at: www.warchild.org/projects/letsplay.html.
3. The conference was organised by the association Truth and Reconciliation and the Konrad Adenauer Stiftung.
4. Richard Goldstone 'Ethnic Reconciliation Needs the Help of a Truth Commission', *International Herald Tribune*, 24-25 October 1998, p6.
5. See Neil J Krizic and Jakob Finci *A Truth and Reconciliation Commission in Bosnia and Herzegovina: An Idea Whose Time has Come* (publication forthcoming), available at: www.angelfire.com/bc2/kip/engleski.html.
6. See Branko Peric *Waiting for the Commission for Truth and Reconciliation*, AIM Banja Luka, 28 January 2001.



Discontent with assistance to the Bosnian return process

by Guy Hovey

How sustainable are minority returns? What do the displaced themselves think of the return process and the programmes designed to facilitate return?

The international community has massively assisted efforts to enable the return of minority populations to their homes in Bosnia and Herzegovina, yet a survey from the United Methodist Committee on Relief (UMCOR) suggests that external assistance has often been misguided.

In order to understand better the predicament of minority returnees and to identify improvements in the system, UMCOR, with funding from the Dutch government, has since the beginning of 2000 been conducting an ongoing review of the return process. 2,500 returnee families from all areas of Bosnia have been included in the survey sample. All the families have received assistance from the Netherlands government via a variety of NGOs, local and national authorities. The survey identified many positive aspects of the return process as well as some negative.

The main finding was that of the houses surveyed in the review 17% were found not to be occupied by families once they had been rebuilt. 35% of families illegally occupy, without fear of eviction, both their rebuilt original home and the home of a displaced minority in a different area (the so called 'dual occupants'). When a returnee does vacate an illegally occupied property, the original owner often puts the house up for sale rather than return.

Researchers found that minority displaced people face a myriad of problems when returning to their

original home. While security is the greatest concern in such areas of continuing tension as Srebrenica, in general returnees cite fear of unemployment as their gravest worry. Minority unemployment far exceeds the national average of 45-60%. Poverty among returnees is so great that in some cases it has led to a 're-migration' of families to areas where they can find some work. The majority of families report that since they returned jobs, equitable policing, economic opportunities, accessible health care and acceptable education have been denied to them. These minorities often now live on the fringes of their new society.

The current approach to assisting returns includes 'sustainability assistance' via provision of small income-generating grants or agricultural assistance. UMCOR found that although returnees fully utilise this assistance, these inputs are often only sufficient for recipient returnee families to survive at an extremely low subsistence level. Those returnee families who have been back home for more than six months often identify the kind of assistance which would make their livelihoods sustainable but are unable to access further assistance from aid sources and do not qualify for micro credit. Many long-term minority returnees are disillusioned, trapped in poverty and feel abandoned by organisations who have ceased to have contact with them once they have signed off completed projects.

The survey has highlighted important lessons to be learned. Although there

Returnees to Sopi, Suva Reka region.

is an increasing rate of return to original homes, there is also a disregard of property laws and an inability or unwillingness on the part of the authorities to evict dual occupants. This requires urgent and robust action. The quantity of empty vacated housing in Bosnia and Herzegovina indicates that many people do not wish to return to their original homes and have put down new roots elsewhere where they are in an ethnic majority.

The international community and the Bosnian government need to address the growing problem of poverty and disillusionment which is spreading throughout returnee communities. There is a danger that if disillusionment grows it could be harnessed by nationalists with tragic results.

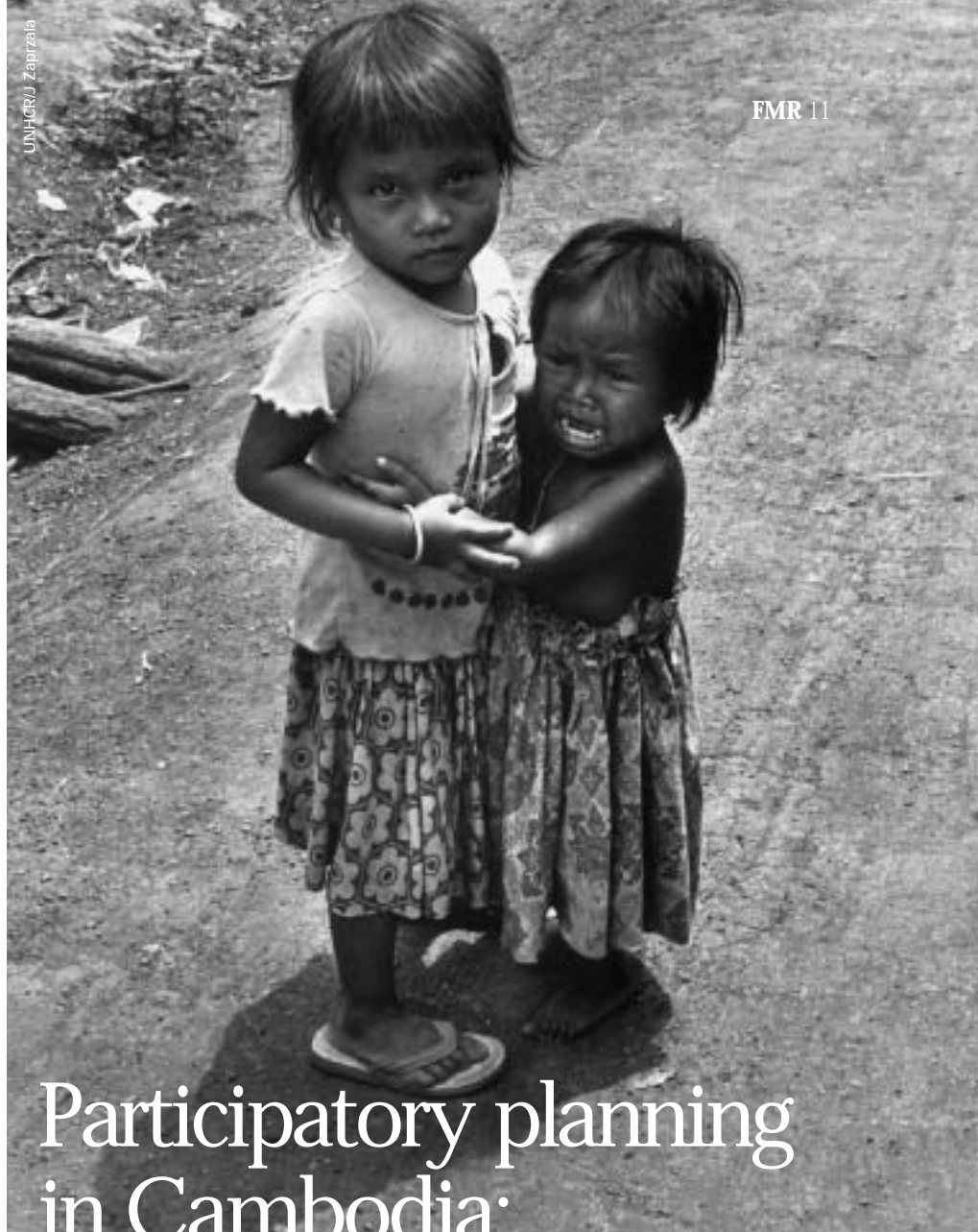
The term 'sustainability assistance' requires definition, understanding and application. UMCOR defines the term as 'provision of the opportunity for a returnee family to reach their own vision and goals in order that that family can develop within indigenously accepted norms'. In order to provide these opportunities donors should be encouraged to fund 'second tranche' sustainability inputs. There is a need for all agencies to work more closely with returnees, maintain links and work to empower them to take community action on community issues. This would strengthen communities and ease the feeling of 'abandonment' felt by some returnees.

In short, if Bosnia is to move from non-conflict to a state of peace, property laws need to be enforced and the views of minority returnees listened to. Both donors and implementers need to reflect and take a hard look at what they are doing to assist the displaced.

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For an extensive list of links relating to Bosnia and Herzegovina, visit the FMR website at www.fmreview.org.

Click on 'Links', then 'Displacement/Conflict/Countries Hosting Refugees' and then on 'Bosnia and Herzegovina'.



Participatory planning in Cambodia: reconciling communities

by Jon Bennett

Following 30 years of war and mass displacement, Cambodia is entering an era of relative stability. Political tensions have eased, refugees and internally displaced people have resettled and steady economic growth is forecast.

Signs of hope include the collapse of the Khmer Rouge (ending decades of civil war), Cambodia's entry into the Association of Southeast Asian nations (ASEAN) in April 1999 and the imminent trial of some former Khmer Rouge leaders.¹ Governance is high on the agenda of the new coalition government as donors push for reforms in judicial, civil, social and economic sectors.

Reconciliation within former Khmer Rouge areas has been pursued at a

very pragmatic level. There is no South Africa-style 'truth commission'. The main perpetrators of the late 1970s genocide are elderly men, most of whom live undisturbed in villages along the Thai border. The 'mixing' of government and former Khmer Rouge populations, accelerated since the absorption of all areas into government administration in 1998, takes place almost without incident. The most pressing issues are chronic poverty and how to bring participatory politics down to commune levels.

Building democracy

Since 1995 the government, supported by UNDP and bilateral donors, has been developing a decentralised and deconcentrated rural development model known as Seila ('foundation stone' in Khmer). Commune Development Committees (CDCs) have been key to the success of the Seila process. CDCs, comprising mostly elected members, develop three-year Commune Investment Plans which outline development priorities identified by villagers. These are then reviewed and prioritised against national development priorities. Crucially, this is democracy building 'with teeth': each CDC is given financial and in-kind resources to spend as it chooses. The principle of CDC ownership of projects is reinforced by a requirement that the commune contribute a minimum of 10% of the project costs through a mix of cash and labour.

Currently operational in five of Cambodia's 23 provinces, Seila is being adopted as national policy. In 2000, legislation was passed to lay the groundwork for

elected councils to become the backbone of local democracy, something not seen in Cambodia for generations. It is anticipated that by 2005 80% of rural communes will have implemented Seila. Once Commune Councils are elected, the Seila process will end but the structures put in place will remain.

Short-term planning is still deeply embedded in a society only just getting acquainted with the concept of participatory planning.

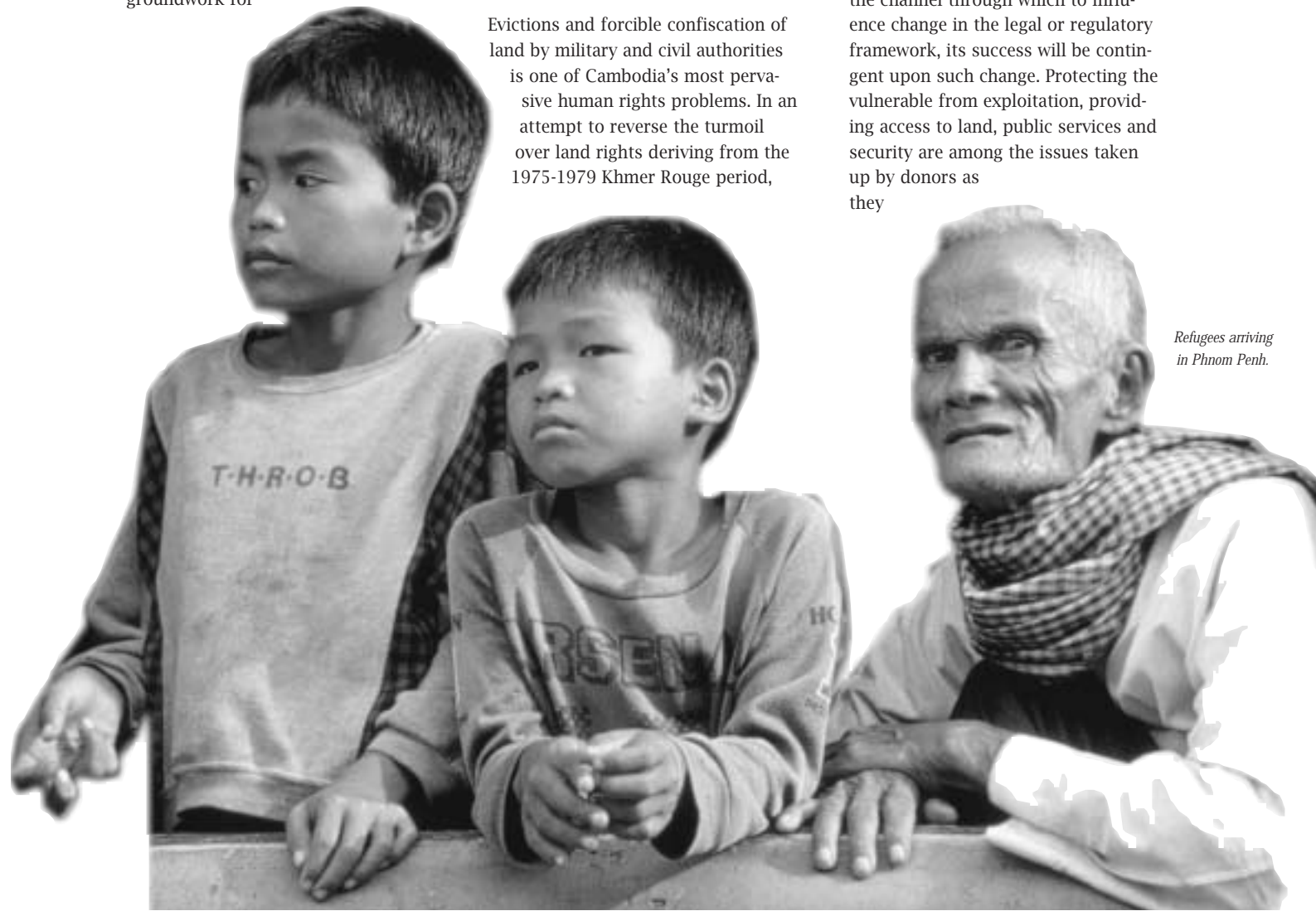
Building genuine and transparent local governance in a formerly centralised country which allowed little scope for community voices will be a slow process. Women's participation in CDCs has been limited. The requirement that candidates must run as individuals and not be affiliated to political parties will be hard to regulate in a nation infused with inter-party rivalry. The new legislation also calls for the dismantling of commune militias, criticised by human rights organisation for the use of intimidation and violence in previous elections.²

Evictions and forcible confiscation of land by military and civil authorities is one of Cambodia's most pervasive human rights problems. In an attempt to reverse the turmoil over land rights deriving from the 1975-1979 Khmer Rouge period,

the government attempted in 1989 to implement an effective land management policy by reintroduction of private ownership of land. The complexity and lack of clarity of the new regulations have given rise to conflicts, land seizures and encroachment and a high level of landlessness, especially among such vulnerable

groups as female-headed households and people with disabilities. Although technically only possession and use rights are embodied in law, people continue to sell and transfer land from one to another. Owing to the lack of distinction between common property and state property, millions of hectares of forest and agricultural lands have been granted to private companies and individuals for long-term investment and concession exploitation.

Though the Seila process is not itself the channel through which to influence change in the legal or regulatory framework, its success will be contingent upon such change. Protecting the vulnerable from exploitation, providing access to land, public services and security are among the issues taken up by donors as they



Refugees arriving in Phnom Penh.

invest in the legislative, policy and institutional framework of national and local government.

Donors are encouraged to align their existing programme to the Seila process and pledge themselves to multi-year investment in capacity building. Accordingly, the UN World Food Programme provides food resources to the CDCs which they can use as food-for-work in constructing much-needed infrastructure. Some 5,000 tonnes of food were distributed to food insecure households in Seila areas in 2001. The nutritional and 'income-transfer' value of this intervention is significant.

For WFP there has always been a difficult balance between project quality and distribution of a pledged food tonnage within a set period of time. Like food-for-work projects in many parts of the world, completion rates are sometimes disappointing as community leaders fail to honour contractual obligations. Maintenance of the infrastructure beyond the

project cycle has been generally poor. By staying in one area for a prolonged period of time, however, WFP hopes to overcome problems associated with one-off projects.

Short-term planning is still deeply embedded in a society only just getting acquainted with the concept of participatory planning. Critics worry about the level of dependency on external inputs to sustain a semblance of local democracy. The Seila programme has, in response, given equal priority to capacity building and investment. Provincial and District staff are trained as extension workers, and in turn train the Commune Development Committees in how to manage resources. The learning-by-doing approach to capacity building combines community management skills and development activities.

Seila is still in its infancy. Advocates are convinced it will prove durable, not least because of the enthusiasm with which it has been adopted even in the most remote areas of the

country. If it succeeds, it will be an interesting model for large-scale conflict resolution and reconciliation pursued through national policy.

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For further information, see links to Cambodian human rights organisations at: www.cambodia-hr.org/Index.htm and Jon Bennett 'Safety Nets and Assets: Food Aid in Cambodia', *Journal of Humanitarian Assistance*, April 2001: www.jha.ac/articles/a065.htm

1. Cambodia's National Assembly in July 2001 approved legislation establishing a UN-sanctioned tribunal that will try former leaders of the Khmer Rouge regime. The legislation must now be approved by the Senate and King Norodom Sihanouk.

2. See, for example, the Human Rights Watch 2001 Cambodia report: www.hrw.org/wr2k1/asia/cambodia.html

Rebuilding in Cambodia



The fragility of peace in the Chittagong Hill Tracts, Bangladesh

by Thomas Feeny

This year, Bangladesh celebrates its 30th birthday as an independent nation state. Compared to other countries in South Asia it is still a relative newcomer, and yet the journey so far has been difficult.

For over 20 years, 10% of the entire country was effectively shut down as a bloody insurgency was fought by tribal groups from the Chittagong Hill Tracts, who felt themselves severely threatened by the government's construction of a national, homogenous identity around Bengali Islamic values. Over 400,000 Bengali settlers were transferred to the CHT in the early 1980s — accompanied by approximately one-third of the entire Bangladeshi military for 'counter-insurgency measures' — and the issue of minority insecurity suddenly became an international concern. 30,000 people lost their lives as the politics of ethnicity and its related issues of territoriality, religion and culture within a 'one-nation' context were played out among the thickly forested hills. Only recently was an apparent resolution reached, in the shape of a Peace Accord signed by both government and tribal leaders on 2 December 1997. Since then, the Government of Bangladesh (GoB) has issued numerous assurances that "Absolute peace prevails in the CHT" and that "the people living there are not only happy, but jubilant. Life has returned to normal."¹

This paper sets out to refute these simplistic notions, not merely by

exposing the inadequacy of the Accord itself but also by showing how factors such as displacement, terrorism, communalism, militarisation, small arms and drug abuse continue to seriously destabilise the CHT. Even after apparent peace has been declared, conflict still persists in various forms at a micro level, and is likely to do so until larger issues securing constitutional protection of ethnic minority groups are addressed.

Background

The CHT has long been a problematic region of Bangladesh, firstly because of its strategic location between India and Burma and secondly because of its unique topography of thick forest. The ethnic inhabitants of the CHT are divided into more than a dozen different tribes (mostly Mongloid/Arakanese origin), and are completely different in appearance, language, religion and culture from Bengalis. While the region was afforded special autonomy under British colonial rule, after Partition it fell to Pakistan and was the target of ill-conceived development initiatives such as the 1963 Kaptai dam, which submerged 40% of the total arable land in the CHT and

displaced 100,000 tribals. After the 1971 War of Independence, the new GoB rejected requests by tribal leaders for autonomy and relocated 400,000 Bengali settlers into the CHT, intensifying competition for resources. Over 120,000 soldiers were also relocated to the CHT to 'protect' the new arrivals but in fact they simply joined forces in carrying out a variety of human rights atrocities against the tribal people, including more than 12 major massacres. Around 80,000 tribal refugees subsequently fled into the neighbouring Indian state of Tripura.

The Peace Accord

When the Accord was negotiated in December 1997, it included the following salient features:

- decommissioning and deposit of arms by Shanti Bahini (the tribal militant group) under a general amnesty
- rehabilitation of the international refugees and IDPs
- dismantling of non-permanent military camps and the return of soldiers to their regular barracks



Tom Feeny

Dighinala transit Camp, CHT

- self-government through district and regional councils
- land and resource rights
- recognition of the cultural identity of the indigenous people

There were also a number of important issues that the Accord did not address:

- The Accord is not protected by constitutional safeguards, and is open to amendment or revocation at any time.
- It makes no provision for environmental protection, despite long-term damage from uncontrolled resource exploitation.
- It ignores the issue of continuing infiltration of illegal settlers into the area.
- It makes no provision for social reconciliation between tribals and Bengalis.

The reaction to the Accord was very mixed. The Awami League (the ruling party at the time) refers to it as a mark of their success, while the BNP opposition refuses to recognise it. It has also caused rifts between tribal groups: while most support the PCJSS (their original political party who negotiated and signed the treaty), many have since transferred their loyalties to the splinter-group, the United Peoples' Democratic Front, who assert that full autonomy is the only satisfactory outcome. A violent power struggle has ensued, with each of the groups accusing the other of numerous attacks, kidnappings and killings. This 'internal terrorism' has not only strained the social cohesion of the tribal people but has also heightened levels of mistrust and suspicion between different communities.

Rehabilitation of refugees

The total funds allocated for rehabilitation of the repatriated Jumma refugees was Bangladeshi Taka 370 million (approx US\$6.5 million) comprising cash sums and minimal material assistance. Commitments for the creation of employment and provision of educational facilities were also set down in the Accord but there is very little information on their implementation or success so far. What is known is that many returnee families 'rehabilitated' from India are having great difficulty in rebuilding their lives, for a great deal of change was effected in their absence in terms of how the region operates both socially and economically. New demo-

graphic and economic pressures have introduced different agricultural methods and demands, and the traditional 'self-provisioning' economy of the tribals has been replaced by a market economy determined by external economic forces. Tribals lack the skill and knowledge base to participate effectively within this market, and have been marginalised to remote

Many returnee families are having great difficulty in rebuilding their lives.

areas of the CHT where traditional *jhum* (slash and burn) cultivation is still possible.

Land disputes

Prior to the conflict, tribal communities owned land on a communal basis, and very little documentation was deemed necessary. The new Bengali settlers introduced a new framework of land demarcation whereby written proof was required, which then led to widespread illegal 'land grabbing'. Many settlers used the conflict to 'negotiate' false contracts in the real owner's absence, while the minimal official documentation that did exist was destroyed in the looting and burning. Today, 3,055 repatriated families (25%) are still unable to reclaim their land, with 40 entire villages occupied by Bengali settlers refusing to leave.

Many families remain in Refugee Transit Camps, where three years have passed without any progress in their cases. Food provision has become a serious problem, and GoB assistance will soon finish. This is in sharp contrast to Bengali settlers living in cluster villages, who have been receiving food rations ever since they arrived. In Khagrachari district alone, where the majority of refugee transit camps are located, there are 80 Bengali villages holding 26,262 families, all of whom continue to receive free rations.²

The internally displaced

According to the GoB Task Force on Refugees in the CHT, there are still 128,364 internally displaced families throughout the region, of which 90,208 were classed as 'tribal' and 38,156 'non-tribal'.³ Failing to qualify for government rehabilitation ration packages, the majority of IDPs continue to suffer starvation conditions, with little or no access to any kind of service. In 1998, a Jumma

NGO, Taungya, reported on the IDP populations in Langadu thana and Baghaichhari thana in Rangamati district, where they investigated the deaths of 40 people from malnutrition and lack of medical facilities. Concern was also expressed a year later in the Report to the 17th Working Session of the Working Group on Indigenous Populations:

"Most of these displaced people are now living in remote and inhospitable hill and forest areas without a decent livelihood and with no access at all to health-care facilities from the government or other agencies. Many of these people have suffered from severe malnutrition, diarrhoea, dysentery and malaria... The condition of the children, mothers of infants and elderly persons is especially acute."

The GoB's expansion of 'Reserve Forest' areas in the CHT (where agricultural practices are forbidden and where even collecting fuelwood is a crime) also adds to the IDP population, and brings the land crisis to new levels of desperation. Almost the entire Khyang tribe has been evicted without compensation or assistance under this scheme, with tens of thousands of others also at risk.⁵

Communalism

Ethnic tension continues to make the CHT particularly vulnerable to incidences of communal violence, and personal security remains low. Numerous attacks upon houses, villages and temples have been recorded in the last few years, and small-scale disputes have quickly assumed much larger proportions, with a typical pattern of continued aggravated retaliation.

For example, on 6 April 1998, two Bengali children drowned while bathing in the Mayani river in the CHT. Officials who investigated their deaths announced they had died of natural causes but Bengali settlers staged a demonstration the next day, claiming the children had been killed by tribals. Four tribals were then attacked, prompting a protest meeting of tribals on 9 April. While returning home they were again attacked by settlers, and army soldiers, who set fire to many houses.⁶

Continued militarisation

During the conflict, the CHT underwent unprecedented heavy militarisation. In the early 1980s the total strength of the Bangladeshi army and auxiliary forces in the CHT was calculated to be over 120,000, which at the time provided for one armed soldier for every tribal person.⁷ Military presence infiltrated every pore of society, and the number of police stations in the region also doubled.

The situation post-Accord has not changed very much, and military presence has become a normal phenomenon of life in the CHT. Although Section 4 (17) of the Agreement provided for the removal of “*all temporary camps of army, ansar [paramilitary] and village defence force in the Chittagong Hill Tracts excepting Bangladesh Rifles (BDR) and permanent cantonments*”, it did not

tricts since the Accord, with small arms playing a prominent role. In February 2001 the lack of security in the CHT became an international concern when three foreigners were kidnapped by guerrillas while working on a project funded by the Danish government. Though they were eventually released unharmed, many innocent civilians fled their homes following military ‘rescue’ operations.

Drug abuse

It appears from a number of sources that the incidence of drug abuse in the CHT is increasing, notably among unemployed tribal youth.⁹ Although the Peace Accord provided that tribal adolescents would get special consideration in terms of finding jobs, little has been done and unemployment has become a huge problem. Most adolescents now spend their time drinking, smoking and hanging around in the

national security warranting forcible repression. In the case of the CHT, if the tribal peoples had been accorded basic constitutional recognition and authority concerning the development and exploitation of resources in their area, 20+ years of insurgency might well have been avoided. The problem now is that the very same factors that prompted the original conflict — displacement, ill-conceived development, communalism and resource competition — are once again creating unrest in the CHT.

Thomas Feeny graduated from Cambridge University in 1998, and worked as a volunteer in Tibetan refugee camps in Nepal before travelling to Tibet in late 1999. He spent just under a year working for the Tibetan Centre for Human Rights and Democracy in Dharamsala, Northern India, where he wrote a paper on Racial Discrimination in Tibet for the World Conference on Racism in South Africa 2001. Earlier this year, he conducted research in Bangladesh for the UNICEF ROSA project on Children Affected by Armed Conflict, and has just returned from presenting his findings at a regional conference in Nepal. He is currently working for INTRAC, editing a manual for NGOs working in conflict-affected areas.

The very same factors that prompted the original conflict ... are once again creating unrest in the CHT.

specify a deadline by which time this withdrawal should be completed. According to the CHT Commission, three years after the agreement only 32 military camps from over 500 have been dismantled.

Small arms

Bangladesh is sandwiched between the Golden Triangle and the Golden Crescent (the world’s largest producer of drugs and repository of small arms and light weapons respectively), without actually being the primary supplier or user of either. More than 20 insurgent groups are also active along its borders and a large number of the arms destined for these areas pass through the CHT.⁸

23 years of insurgency also brought a significant amount of small arms into the CHT, mainly from bases inside the Indian border. While some of these weapons were handed over to the government after the Peace Accord, a large number have been kept in secret caches, which have been sporadically looted since then. Increasingly easy access to small arms has caused the law and order situation in the CHT to deteriorate in many ways.

Incidents of abduction, highway robbery, killing and extortion have become rampant in the three CHT dis-

bazaars, and are particularly vulnerable to drugs. It has also been alleged that political groups such as the PCJSS give away money in order to attract supporters, and are indirectly helping to finance and prolong drug addictions. Some even suspect the police and military of actively encouraging drug abuse among tribal youths, benefiting both financially and socially by propagating the tribals as a dependent underclass, as well as justifying their own presence in the process:

“The military continue to spread it, and the police have chosen to ignore it. More and more tribal adolescents are becoming involved because it offers them an escape from the current futility of their situation. This is just one of the ways in which the military continues to oppress our people after the Accord.”¹⁰

Conclusion

Many of these problems relate to the difficulties experienced by all minority groups in securing their rights under majority rule. Ethnic minorities are often identified today as sub-national groups with potential for sub-state formation, and the response of government state machinery has tended to turn this into a threat to

1. Statement of the Press Wing, Prime Minister’s Office, Government of Bangladesh, ‘The Chittagong Hill Tracts: The Post Accord Situation’, 1999.
2. Statistics from the Jumma Refugee Welfare Association and the District Commissioner’s Office, Khagrachari, 1999.
3. Philip Gain ‘Facts that Count for the Chittagong Hill Tracts’ in Philip Gain (ed) *The Chittagong Hill Tracts: Life and Nature at Risk*, Society for Environment and Human Development (SEHD), July 2000, p120.
4. Intervention by Mr Mrinal Kanti Tripura, Secretary, Trinamul, Chittagong Hill Tracts, Agenda Item 6 (Indigenous Peoples & Health: Follow-up and Recent Developments) to the 17th Session of the Working Group on Indigenous Populations, Geneva, 26-30 July 1999.
5. See Philip Gain ‘Expansion of Reserved Forests Complicates Land Issues in the CHT’, Society for Environment and Human Development (SEHD), *Earth Touch*, No 5 October 1999, p26.
6. Information taken from CHT Commission *Life is not Ours: Land and Human Rights in the Chittagong Hill Tracts*, 2000, p42.
7. Survival International ‘Genocide in Bangladesh’, *Survival International Review*, No 43, London, 1984, p13.
8. See Dipankar Banerjee (ed) *South Asia at Gunpoint - Small Arms and Light Weapons Proliferation*, Regional Centre For Strategic Studies, Sri Lanka, 2000.
9. Interviews with Rupayan Dewan (CHT Regional Council) and Indrani Chakma (UNICEF), Rangamati, March 2001.
10. Interview with Rupayan Dewan, CHT Regional Council Member, 20 March 2001.

The UNHCR Peace Education Programme: skills for life

by Pamela Baxter

Although refugees are often the victims of ethnic, religious or political intolerance, they carry their own prejudices with them into exile.

This in itself often causes conflicts within the refugee setting. As a result, conflict within a refugee community is often driven by the politics back home and yet, when refugees are finally able to return home, they are expected to contribute directly to peace and reconciliation. It is against this background that UNHCR recently launched a unique project aimed at introducing peace education in refugee schools and communities alike.

What is peace education?

In the UNHCR Peace Education programme in Africa, 'peace' has been defined as a comprehensive 'proactive' or 'positive' peace. It is much more than an absence of war or violent conflict. It is a process of developing knowledge, skills, values and attitudes that lead to behaviour that promotes peace and encourages conflict prevention and minimisation.

Many NGOs and agencies, including UNHCR, have developed some sort of programme to reinforce the concepts of peace in developing countries. Most of these are in resource book form, where the teacher is given ideas and activities to incorporate into the curriculum. However, in developing countries, education systems generally offer a very formal examination-oriented syllabus; teaching and learning are reduced to memorisation and rote learning. While this may provide academic knowledge, it is less likely

"What started as the trading of insults between two groups of Sudanese refugees soon threatened to turn into a violent confrontation. Egged on by their leaders, more and more bystanders were drawn into the argument and the atmosphere became increasingly hostile. Yet there was a small group which stood aside and refused to be drawn into the conflict. The same happened on the other side: just a few followers who did not wish to take part. These two groups had the same approach, for they both had recently graduated from the peace education programme. They called themselves 'peacemakers'. Although small in numbers, it was their determination that prevented the argument from becoming violent and, soon after, everyone left to go home."

(Desalegn Adamu, Peace Education Assistant Counterpart)

to develop constructive attitudes or to modify behaviours. The elements of peace education — communication, cooperation, empathy, understanding emotions, problem solving, negotiation, etc — are not usually practised in any integral way. Students learn how to compete rather than how to cooperate. The agenda that refugee students (in particular) learn from home and from their previous experience in a violent society is to solve problems through violence. Moreover, there tends to be a strong cultural bias towards responsibility belonging

primarily to the elders or leaders; within a refugee setting, however, traditional problem-solving approaches break down. There is nothing to take the place of traditional methods except peace education.

Introducing peace education programmes

Following participatory assessments involving all segments of the refugee community in Kenyan refugee camps in late 1997 and 1998, the initial idea of introducing peace education into primary schools was soon extended — at their request — to include communities at large. The programme has since been replicated in seven other African countries with enthusiastic response from both the refugee and returnee populations.

The school component was first developed as a resource book but this was felt to be ineffective, as the teachers are often under-trained and the rigid syllabus makes it more difficult for them to effectively integrate a special topic into their normal teaching load. As a result, the school component was re-designed as a series of activities covering 14 concept areas in a format that allows it to be used as a separate subject within the curriculum. It develops the concepts in the same way that more traditional subjects are developed with a gradual increase in the complexity of the concept to match the child's development.



The philosophy of the community programme strongly emphasises outreach to the entire community to avoid the traditional (and often very limiting) idea of 'trickle down' where only community leaders are trained, on the assumption that they will then pass on to the communities what they have learned. Indeed practical experience shows that a) community leaders do not always pass on what they have learned; b) the same small group of people have access to all types of training offered to the refugee communities with very little perceived outcome or change in behaviour; and c) fragmentation of the communities in many refugee situations means that leaders do not have the same power and authority that they may have had traditionally, especially when these leaders are 'chosen' by UNHCR or the implementing partners.

In order then to reach a cross-section of the community, it was decided to use the 1:10 ratio for impact. This is based on the assumption that every person who graduates from the community programme has a contact circle of ten people and can, through their behaviour, affect the attitudes of these people. However, not all graduates change their behaviour. If it is assumed that only 50% of graduates will change their behaviour and talk to people about the skills they have acquired, then it will take 20,000 graduates to change the views of a refugee population of 100,000.

Both the school and community programmes are interactive and activity-oriented so that participants have a chance to internalise the necessary attitudes; a change in behaviour is then more likely. The school programme comprises a series of activities to develop the concepts necessary for peaceful and constructive behaviour, with almost no theory or academic approach. The community programme is discussion and activity oriented as adults usually have the concepts associated with peace but their skills are not generally refined. This programme consists of a 10 or 12 day workshop with follow-up meetings to deal with issues raised by the participants or with current problems in the camps.

This same philosophy has been used in the training of the teachers (for the school programme) and the facilitators (for the community programme). There are several 'phases' of training

to help the trainees develop the concepts themselves as well as developing the required teaching skills. Both teachers and facilitators are perceived as role models in the refugee situation and it is therefore important that they have adequate training and time to develop the concepts themselves.

Review of the programme

In Kenya, the current programme reaches 42,000 children each week in the refugee camps, with structured lessons on aspects of peace. In addition, more than 9,000 youth and adults have graduated from the community programme since its inception. However, constant movements (resettlement and repatriation) mean that the 1:10 principle has not yet had the desired effect.

In Uganda, Guinea, Ethiopia, NW Somalia and Democratic Republic of Congo, initial training workshops have been implemented and materials distributed to those implementing the programme. More than 680 staff and opinion makers in the refugee communities have undertaken these workshops in these countries. All of these programmes have been started between 2000 and 2001. In Liberia, more than 200,000 children have access to Peace Education programmes and almost 100 staff of implementing partners and refugee leaders have undertaken facilitator training so that the programme can be integrated into ongoing programmes.

There is a full range of materials now available for countries to implement the programme, available in English, French and Somali'.

Programmes such as peace education do need constant monitoring and careful planning. Before development of the programme there were two levels of research undertaken. The first was to conduct a baseline survey so that there would be something to measure against in terms of attitude change after implementation. The second was to work very closely with a wide range of refugees to determine what should be in the programme. At initial meetings in countries where there has been no pilot approach, it has not been necessary to conduct the research as it is accepted that the programme has been developed with and for the refugee communities in East Africa. (Interestingly, it is totally accepted in West Africa with no

modifications culturally, although some were anticipated.)

Lesson 1

Community work has to start from within: it cannot be imposed from the outside. One of the reasons for the success of this programme with the refugee communities is that they 'own' the programme because they were involved in its design. (This is true not only for the refugees in Kenya where the pilot programme was developed but in all the places of implementation because the initial workshops require the refugees' discussion and involvement.) It is essential that the workshops are facilitated in a collaborative way, utilising the skills and wisdom of the participants and building trust. In one workshop series, where the facilitator, though very committed, tended to 'preach' Peace Education, an evaluation comment was made that people needed time to think and discuss for themselves rather than be told.

What could we have done differently? Both teachers and facilitators are trained in the philosophy, methodology and content of the Peace Education programme. Those working in the programme, supervising and administering, should have the same skills, behaviours and attitudes that the programme is trying to instil. However, we cannot build capacity as quickly as the programme is being implemented. There are really only two choices: either a slower implementation to enable staff involved to internalise the philosophy and apply it in all aspects of their life (for most of us, a very long-term prospect); or the route we followed of allowing people to grow with the programme (reinforced by frequent training workshops and support monitoring).

Lesson 2

The programme as a pilot in Kenya was open to a range of problems common to pilot initiatives. Pilot programmes traditionally have access to funding not open to mainstream programmes so that it is always an additional project and therefore often marginalised. If attempts are made to integrate it, it is often seen as 'taking over' an on-going programme. In some situations, it may even become invisible and can be neither monitored nor evaluated. A separate pilot programme is very difficult to

transfer from pilot phase to mainstream. An extended pilot phase means that everybody concerned — refugees and staff — assume that the 'special' situation will always exist and they will resist the changes necessary for mainstreaming. The Peace Education programme suffered from marginalisation and, because components were created in response to demand, there was insufficient integration with existing programmes (eg teacher training or on-going community programmes).

What could we have done differently? Even though implementing partner staff and UNHCR staff were invited to workshops and trainings, this was only partially successful as there was no responsibility or ownership with these staff members. One of the great successes of this programme is the ownership expressed by the refugees themselves but perhaps that came at the cost of ownership by those responsible for implementing the programmes. In countries where the programme is simply being implemented rather than piloted, these problems do not exist as UNHCR simply offers the materials, training (if required) and support to establish the programme.

Lesson 3

There is a philosophical bias in the materials that is sometimes at odds with attitudes of implementation in the field. The UNHCR Peace Education programme is about sharing knowledge and taking responsibility — the essence being that peace belongs to every person and every person has the responsibility to be peaceful. The reality in the field however is that some people working with refugees (and some refugees themselves) do not view peace in this way. Some consider obedience to be all important and that a clear hierarchy is more important than increasing a knowledge base.

Peace education workshop on the topic of cooperation. Ifo camp, Dadaab, Kenya

The problem with this is that it depends on honourable leadership and a stable social situation: things that are often not available in a refugee situation.

What could we have done differently? Given that the refugees who have completed the course (including most community leaders) prefer the approach in the course and in fact have claimed that it is closer to their traditional methods of problem solving (a consensus approach), perhaps there is nothing different to be done. This is a broader problem than the implementation of Peace Education. The main focus of all humanitarian workers is to implement life-sustaining activities. When there is an extended refugee situation, it becomes important to nurture the people in more ways than providing food and shelter. But this is not well understood and we have a tendency to think for the refugees and so we do not listen effectively, we do not communicate clearly and we 'pass' on the problem rather than working through to a solution. In fact we do many of the things that Peace Education teaches people not to do! Perhaps if more work had been undertaken with the staff of both UNHCR and the implementing partners, this would have helped. But staff are reluctant to give the amount of time necessary to work through the programme and so staff workshops have tended to be about implementation of the programme rather than working through the concept areas in the programme.

For the future (and this is happening in new countries of implementation), staff of both UNHCR, the concerned implementing partners and government officials (where appropriate) undertake a Community Workshop as the introduction to the programme. This, combined with the offer to train facilitators and teachers of the imple-

menting partners, will use the lessons learned to good effect.

Lesson 4

Ideally, peace education should not be a 'stand alone' programme. Most of the concept areas in peace education are concepts associated with Life Skills² training and an integrated Life Skills programme would work on how to transfer skills and knowledge from the learning situation to real life. Given the context of refugee and returnee situations, however, it was felt that the Peace Education programme needed to focus specifically on the promotion of peace rather than the wider range of concepts of Life Skills. Although links have been made to some areas of Life Skills programmes, the Peace Education programme is currently still separate but makes extensive use of role plays and discussions of real situations to try to teach the transfer of peace education skills to real life.

What could we have done differently? Given that this was started as a pilot to answer a specific set of needs, it is probable that we could not have done any differently. While the ideal would be to have an integrated Life Skills programme, the refugee communities see peace as their greatest need. The future of the programme, as skills and behaviours are internalised, should be an integrated approach encompassing all the life skills. Peace Education is not a short-term or occasional programme. It requires a consistent programme to build and reinforce skills that will serve people all their lives.

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1. For details of materials, or to obtain them, please contact Pamela Baxter at UNHCR, PO Box 43801, Nairobi, Kenya. Email as above. Tel: +254 2 442052 ext 2743.

2. The term 'life skills' has been used by agencies to cover skills associated with functioning at a practical level in society. Sometimes it is attitudes and behaviours that are taught, rather than skills. Again, the attitudes and behaviours are to help the individual function better in a complex and changing society. The confusion with the term is that it refers to both these extremes, the common link being the functioning of the individual in society. If the second definition is used then the UNHCR Peace Education programme fits neatly as a life skills approach but with the rider that the refugees themselves felt the need to concentrate on Peace Education.



Resettlement:

a valuable tool in protecting refugee, internally displaced and trafficked women and girls

by Alice Edwards

‘Resettlement’ refers to the relocation to other countries of refugees who have sought refuge in a country where they continue to face risks to their “life, liberty, safety, health or other fundamental human rights”¹.

It provides individuals with the opportunity to restart and re-build their lives. It has been used successfully to resettle refugee women and girls who have been victims² of sexual or gender-related violence, including rape. This article outlines the grounds upon which resettlement is granted, noting the very individual nature of a claim but recognising its use in protecting refugee women and girls in general. It also considers resettlement-type solutions for

internally displaced victims of gender violence, and trafficked women.

Resettlement of refugee women and girls

Imagine the circumstances within the confines of overcrowded and tense Kosovo Albanian and Roma refugee camps on the outskirts of Sarajevo, Bosnia and Herzegovina. As well as the tensions related to the situation, a

significant number of women and girls³ must additionally deal with the trauma of having been subjected to sexual assault, rape or torture, in their home villages, while fleeing towards Bosnia or after arrival in the host country. In most cases, they endure their emotional suffering alone. It is nearly impossible to identify these specific types of trauma sufferers, as so many of the refugees show the strain of having survived the refugee ordeal. The agencies offering assistance are often too under-resourced to even attempt to do so.

Three sexual violence resettlement cases

The husband of a middle-aged woman of Roma ethnicity approaches UNHCR in one of the camps. Clearly distressed, he speaks of his wife who was gang-raped by armed Serbian militia in Kosovo, while she was hiding in their basement with their two small children. An interview with the woman reveals that she is not the only victim; the children were beaten and forced to watch the sexual torture. Counselling is offered to the family, while other options are considered.⁴

UNHCR hears of another woman of Kosovo Albanian ethnicity after a complaint is made that she has been beating her children. The young woman is unable to explain her actions, hides her face while speaking and often breaks down in tears. She says that she was captured by the Serb Army as she was trying to flee towards the border; she was taken into the mountains where soldiers repeatedly subjected her to rape over a three-week period. There were 12 other women with her. She is so ashamed that she is unable to tell her husband. Her aggression towards her children is based on her trauma and exacerbated by the poor camp conditions. Counselling is offered to the victim and her family but she rejects it, later denying, out of an intense shame, that anything ever happened to her. Solutions are sought.

A third case involves a slightly mentally handicapped Kosovo Albanian girl who has been raped outside the refugee camp. She was lured into the surrounding hills by four local youths and brutally gang-raped before the alarm was raised that she was missing. The refugees themselves orchestrate a search and stumble

upon her, naked from the waist down, still lying motionless on the wet ground. UNHCR is alerted and she is taken to hospital where a full medical examination is conducted. The local police are notified. When she is interviewed the next morning, due to the trauma she can neither sit still nor respond to any questions posed. The

The victim may face severe ostracism and possible rejection from her community.

bruising and cuts on her legs and arms are clearly evident. She is transferred for counselling. UNHCR staff chase up the local police to ensure that witness statements are taken and that the youths who were identified as fleeing the forest are interviewed. The local police refuse to act, stating there is too little evidence. No attempt is made by the police to take a statement from the girl. After weeks of effort in pushing the local police to investigate the case, alternative durable solutions are sought.

It is for these types of women that durable solutions are urgently needed, and for whom resettlement to other countries needs to be actively promoted.⁵

Resettlement is considered by UNHCR to be one of three key durable solutions available to refugees worldwide. The other two solutions are **voluntary repatriation** and **local integration**. By offering resettlement as a solution, one has *ipso facto* ruled out voluntary repatriation or local integration as solutions in an individual case. This is not to say that resettlement should be used as a solution of 'last resort'. Resettlement should be considered when "it is the best, or perhaps *only*, solution"⁶ in an individual case.

For example, it may be foreseen that eventual voluntary repatriation will be possible for a particular refugee case-load. However, realistically, such repatriation may take several years. In such circumstances, voluntary repatriation is not always the best solution for an individual victim of gender-related violence. Due to the unsatisfactory situation in the host country, a refugee may even 'choose' to return home prematurely, rather than remain there. This simply places a refugee in an even more precarious situation. Resettlement should be used to avoid such situations.

The resettlement criteria

Before resettlement can be considered, a positive refugee status determination is normally made, on any one or more of the grounds listed in the 1951 Convention Relating to the Status of Refugees.⁷ For the cases described above, the victims' refugee

claims would most likely be based on the ground of ethnicity (nationality), as they all belonged to an ethnic group subjected to persecution in their home country. The act of sexual violence in the first two cases is a manifestation of that ethnic persecution. It has been used as a tool of persecution, perpetrated by state or quasi-state actors. The state itself has done nothing to stop it and may have sponsored it. In the third case, the sexual act has occurred in the country of refuge and is used not in terms of her refugee claim but as part of her need for resettlement.

After a positive refugee status determination is made, the criteria for resettlement are applied against the background of each individual case. The two basic tenets are that (a) the refugee is considered unable to return to her country of origin in the short or long term and (b) the refugee is unable to remain in the country of refuge in the long term, although individual resettlement countries apply a wide range of different resettlement criteria. Unfortunately a plethora of criteria can work against women in need of resettlement. It would be preferable, therefore, if the UNHCR criteria could be applied fully by resettlement countries.

The first tenet establishing why a refugee is unable to return to her country of origin, in the short or long term, will differ in individual cases. Even if it is considered safe for the refugee group to return to its country of origin, other considerations must be given to victims of sexual or gender-related violence. The victim may face severe ostracism and possible rejection from her community; she may be verbally or even physically insulted by her neighbours or sometimes by family members. This is especially true in very traditional

societies. Upon return, she may be haunted by the events that occurred and the likelihood of re-traumatisation in such cases may be very real. In addition, in some circumstances, she may know or be known to the perpetrators and her physical safety could be threatened if returned. One or more of these circumstances provides a sound basis upon which a resettlement case could be brought. Determining that a refugee is **unable to remain in the country of refuge** in the long term recognises the fact that many refugee countries may not be able to offer the level of refugee protection required.



Many refugees from Kosovo were forced to leave their homes within minutes, often with little more than the clothes they wore.

Factors which may be considered in deciding whether a particular refugee is unable to remain in the country of refuge include: the country itself may be at war or recovering from war, and may be economically, socially and/or politically fragile; basic infrastructure, resources and psychosocial counselling may be virtually non-existent yet considered essential for the recovery of the victim; a neighbouring host country may be considered too close to the site of the violence for any meaningful rehabilitation; the victim may belong, as in the case studies, to an ethnic minority group in the host country which already suffers ethnic-

based tensions restricting integration and recovery; or there may be a lack of any effective immigration and asylum law or procedure to allow the refugee to be offered asylum for long-term settlement.

Personal circumstances or events may provide additional reasons why a victim is in need of resettlement. For example, the victim may belong to a mixed ethnic or religious marriage in which she or her husband are of the minority group in their divided country of origin or refuge; the victim may be a single mother or otherwise without family; she may have been rejected by her family; she may know the perpetrator(s) who continue to reside in her home neighbourhood; she may be pregnant as a result of rape; or she may have contracted a sexually transmitted disease as a result of rape. The age of the victim can also be a relevant consideration.

resettlement. Women should be counselled in this regard. Resettlement is not, therefore, a solution for all refugee women having suffered sexual or gender-related violence.

What impact does resettlement have on due process and successful prosecution of alleged perpetrators?

Resettlement may have the effect of preventing the prosecution of alleged perpetrators as it essentially removes the key witness from the scene. As in the first two case studies, where the violence was carried out in the country of origin or during flight, possibilities for effective judicial redress are minimal. In contrast, where the violence takes place in a host country, as in the third case study, all necessary steps need to be taken to pursue due process and to encourage local authorities to prose-

Flight paths can sometimes be more dangerous than the site of the violence itself.

It is equally important to recognise that victims of rape, as in the first case study, may also include the psychological victims, such as the children or spouse. After all, rape is often used not only to physically and psychologically terrorise the female victim but also to humiliate and psychologically destroy the male population who may believe that they have 'failed to protect the women'. In some cases, husbands have been forced to violate their own wives under threat of death.

The impact of resettlement on individual cases – is it the best solution?

Careful consideration must be given to the **impact of resettlement** on individual cases. Relocation from one culture to an entirely different one may not always be the best solution; it may even cause additional stress rather than alleviate it. Unfortunately, many refugees assume that their life will be better in a resettlement country without realising the radical new environment and the possible loneliness that awaits them. They may be ill-equipped to be removed from their extended family or community networks. Persons involved in resettlement must keep in mind all these factors as they propose persons for

cut. This must be balanced, however, against the needs of the victim to relocate, as well as her decision whether to assist with any criminal investigation or not.⁸ The fact that the host country is unable or fails to investigate these types of crimes can be another example of the lack of available protection in that country.

Internally displaced women and girls

Internally displaced persons may suffer the same level of persecution as refugees, although they may never have left their home country. There are two types of internally displaced: those who are displaced during war or war-like situations, and those who were refugees during war but who have since returned to situations of internal displacement. Being internally displaced means that they do not have access to the same legal regime or resources as refugees; in most cases they have substantially less. A lack of access to areas where the internally displaced live means that few or no international organisations operate in these areas. Persons can remain internally displaced many years after a conflict has ended. In Bosnia and Herzegovina, for example, there are still an estimated 500,000 or more displaced persons within the country.



Does resettlement apply to the internally displaced? Strictly speaking, these persons are not eligible for resettlement as they are not 'outside their country of origin'. Denying resettlement options to internally displaced women, however, fails to recognise that in many cases women are not able to escape persecution or to avail themselves of the protection of a neighbouring country. Flight paths can sometimes be more dangerous than the site of the violence itself. A woman may find herself trapped in a village held by rebel soldiers or detained in a concentration camp. It may be as simple as not having enough money to bribe a border official. There are a myriad of reasons why some persons who would otherwise satisfy the refugee definition are not able to reach relative safety.

In Bosnia, for example, where rape was used as a systematic weapon of war, many victims are still living in their own country; as a consequence, for varying reasons, many continue to live restricted, traumatised and often threatened lives. Sometimes, the simple removal of a victim from the scene of the violence can provide opportunities for meaningful recovery yet, due to the current resettlement criteria as well as the limited mandate of UNHCR, such removal is not available for individual cases, although it is recognised that these women are in need of a solution to their plight.

In order to include such cases, the resettlement criteria would need to be modified. The ultimate question becomes why the victim cannot remain in her home country. Reasons may include: that her recovery may be severely restricted due to the continuing threat of generalised violence or by threats of reprisals from the perpetrators who may still be at large; her psychological trauma may be exacerbated by remaining in close proximity to her home village or to the site of the violence; she may have no or limited actual or legal opportunities to relocate within the country; and her country of origin may be under-resourced to such an extent that the necessary medical and trauma counselling is not available.

Questions relating to the option of **internal relocation** will necessarily be raised in such cases and, as in asylum claims, the basic test should be whether it is **both possible and reasonable** for that individual to

relocate.⁹ Where internal relocation would lead to 'undue hardship' on the individual and her family, it would not be a suitable alternative.

Resettlement is not an attempt to usurp the responsibility of a particular state for taking care of its citizens. Resettlement should be an option for individuals where the state is unable or fails to fulfil its obligations and where the victims are considered to be in need of additional protection.

Trafficked women and girls

'Trafficked women' are women who have been recruited, transported, transferred, harboured or received, by means of the threat or use of force or coercion, abduction, fraud, deception, abuse of power for the purposes of forced prostitution, sexual exploitation, forced labour, or slavery or slavery-like practices.¹⁰ Trafficked women, like refugee victims of sexual violence, share the experiences of physical and psychological trauma. In reality, refugee women are particularly vulnerable targets of this type of criminal activity.

Some trafficked women may be able to mount valid claims for refugee status as a result of the trafficking experience and thereby benefit from resettlement as an appropriate durable solution in their case. For example, considerations of possible reprisals from the trafficking ring, or the likelihood of severe family or community ostracism, may amount to persecution in an individual case, coupled with the failure or inability of the country of origin to offer protection against such harm. In terms of resettlement, she may be considered unable to remain in the foreign country, due to limited integration prospects, including potential prosecution and/or detention by the local authorities for illegal entry or prostitution. Resettlement could be a suitable, if not the only, protection alternative available.

However, where a trafficked woman is not a refugee, the option of resettlement is not available as UNHCR's mandate does not at present extend protection to victims of trafficking who are not otherwise refugees. In such cases, the international community must facilitate effective witness protection schemes, which could include options for long-term settlement abroad.

Conclusion

The challenge of protecting women and girls against sexual and gender violence is an ever present one. Resettlement is only one solution available in individual cases where the victims are refugees. However, resettlement could equally be made available to internally displaced victims, who cannot otherwise be guaranteed legal or physical security in their home country. For trafficked women who are not otherwise refugees, options for long-term settlement may need to be considered within broader witness protection schemes.

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All examples cited are based on actual cases, with some modified details to prevent identification.

1. *Background Note for the Agenda Item: The Use of Resettlement to Address Durable Solution Needs*, Annual Tripartite Consultations on Resettlement, Geneva, 20-21 June 2001, p1.

2. The term 'victim' has been used throughout this article in preference to survivor, as a means of de-stigmatising the term.

3. The writer equally recognises that men and boys can be victims of sexual and gender-related violence.

4. In most countries, counselling is not usually an option.

5. The problems of female genital mutilation, domestic violence, child brides and abductions for the purposes of marriage are equally serious cases which should also be considered for resettlement.

6. *Resettlement Handbook*, UNHCR (revised) April 1998, Chapter 1, p1.

7. According to UNHCR, mandate refugees are also eligible for consideration for resettlement.

8. This article will not look into the responsibilities of UNHCR to an alleged perpetrator should he also be a refugee.

9. UNHCR Position Paper "Relocating Internally as a Reasonable Alternative to Seeking Asylum - (The So-Called "Internal Flight Alternative" or "Relocation Principle")", February 1999.

10. See *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime*, 15 November 2000, Palermo, Italy.



Protecting refugees in Dadaab: processes, problems and prospects

When I joined UNHCR I had lofty but imprecise ideas as to what my job would entail.

by Jelvas Musau

These were fundamentally borne of my academic grounding in UN law, international promotion and protection of human rights. I reminded myself of the basic principles of refugee protection in the 1951 Convention and read documents on UNHCR's evolving mandate. I saw the challenge as being all the more exciting because I would be helping to protect refugees: people who had fled their countries due to gross violation of their human rights. I felt rich in theory, raw and ready to grapple with practical issues.

UNHCR's mandate is the protection of refugees, and I was going to serve in the Dadaab protection unit. Dadaab, in an isolated region regarded by many Kenyans as a 'bandit zone', was under a constitutional state of emergency until the early 1990s. It has three refugee camps housing approximately 127,000 refugees from Somalia, Ethiopia, Eritrea, Sudan, Uganda and Congo, the overwhelming majority being Somalis.

Protection work in Dadaab centres around listening to and addressing refugee grievances; screening and registration of asylum seekers; assisting refugees in securing the available durable solutions (resettlement and voluntary repatriation); helping the government administration to, as far as possible, ease movement of refugees in and out of the camps through expeditious issuance of travel documentation and, more generally, monitoring and assisting refugees to secure fundamental human rights. From the outset, my colleagues within the unit drummed into me the maxim of protection practice: strive to be proactive but be prepared to react when necessary.

UNHCR as 'super government'

The protection unit in Dadaab is the *de facto* confessional for every transgression, past, perceived or potential, that afflicts the refugee. Paradoxically, most complaints against the Sub Office were levelled against the protection unit. Yet if refugees were to be

asked for the one unit that they would like to keep were all others to be scrapped, one could bet on their choosing protection. To the average refugee, having a complaint heard by the protection staff (especially the Protection Officer) meant they were halfway to getting it resolved. They imagine UNHCR to be a 'super government', operating above and autonomous of the government of Kenya.

The refugees see protection staff as private counsel.

The refugees see protection staff as private counsel, people to represent them in just about any problem. Protection in Dadaab is thus about dealing with the conventional and the unconventional and taking the flak for everything that the UNHCR office has failed to deliver and or has delivered unsatisfactorily.

For UNHCR staff it is a most edifying feeling when one sees the transformation in a refugee after the successful

resolution of a grievance. Getting there requires patience, listening and analytical skills, appreciation and accommodation of socio-cultural values, firmness on occasion and, for good measure, ability to deal with frustrations — time and time again.

The fact that Kenya has no legislation on refugees leaves almost every aspect of protection to UNHCR. Though a signatory to the relevant international conventions, Kenya is a dualist state in which treaties have to be incorporated into municipal law if they are to have domestic applicability. UNHCR thus finds itself walking the 'thin red line' between what is permitted under international agreement and what may be construed as treading on state sovereignty.

It is highly unlikely there will be a mass return from Dadaab.

Another challenge is posed by the fact that the camp is situated in a region predominantly inhabited by ethnic Somali nationals of Kenya. Sensing the prospects of resettlement, locals seek registration as refugees. Differentiating the genuine asylum seekers from the locals is highly problematic for they are the same people, belong to the same clans and have even inter-married.

Craving for resettlement takes precedence over all else in the refugees' daily lives. The majority see in it a gateway to some sort of paradise, the anticipation of which leads to anxiety. Almost every protection complaint ends with a request for a 'durable solution' — in other words, resettlement.

Incredible and well-rehearsed tales of complaint are routinely made. To avoid the dangers of banding genuine cases with unfounded yarns, I often give the benefit of doubt to the refugees even when everything in me feels otherwise. Sometimes I have my doubts vindicated when some of the conspirators give themselves away during a later inquiry.

Traditions and transgressions

Cases of insecurity and conflict have intricate roots. Dealing with them requires great tact. For fear of revenge, some remain unreported. It is not uncommon for criminal transgressions within the camps to be

resolved by the traditional *maslaha* system presided over by elders. In most criminal matters *maslaha*, with its emphasis on community rather than individual culpability, does not serve the cause of justice.

Women and children — especially the girl-child — suffer from negative customary and traditional values and practices. Male domination is manifested in cases of forced marriages, girls prevented from going to school and women excluded from community decision-making structures such as the *maslaha* courts. It is often the case that husbands sell part of the ration given to the family in order to purchase the recreational drug *miraa* (khat).

While female genital mutilation (FGM) is not reported by many refugees as being an issue of concern, the few isolated cases that come up are significant. Mostly a parent or parents protest against their child suffering the procedure and thus pit themselves against the rest of the community. The few reported cases are probably but the tip of the iceberg. The Somali community is a closed one as far as religion and customs are concerned and camp life only makes people more insular. While the National Council of Churches of Kenya, the CARE Refugee Assistance Programme, the UNHCR Community Services unit and the Legal Consultant try to stress the dangers of the practice and to initiate programmes to give FGM practitioners alternatives means of earning income, it is clear that much remains to be done. The protection challenge has to face the reality that FGM is a communally accepted practice. Efforts to provide special protection to the few who have chosen to dissent need to be handled in such a manner as not to create uproar and discord within the wider community.

UNHCR and implementation partners are making major efforts at affirmative action. At all levels some form of gender representation is in place. On many occasions ration cards are issued to women. Female income generation projects are being supported with funding from organisations such as the Ted Turner Foundation.

However, gender mainstreaming is a very distant dream. Inexcusably barbarous acts of sexual and gender violence continue to occur in Dadaab.¹ Measures to address gender disparity are perceived by men as disempowering. There have been acts of antagonism and retaliation from aggrieved men who perceive that women are getting preferential treatment. Accustomed to being regarded as the breadwinner, protector and head of the family, they feel disempowered. It is one thing to decree that structures should have female representatives/leaders and quite another for those so chosen to be effective or their efforts appreciated. Entrenched traditional values will not be modified or changed unless the people who hold the reins of community power and influence are on board.

What of the future?

There has been a surge of optimism that a government is re-establishing itself in Mogadishu but those that hold the guns are not in it. The root causes of clan conflict in Somalia have not been satisfactorily addressed. Some refugees may return but as long as repatriation is dependent on the voluntary will of the refugee, it is highly unlikely there will be a mass return from Dadaab.

Most of those in the Dadaab camps have been fully dependent for a decade. Some move, interact and trade, albeit illegally, with brethren in Somalia and use their refugee status as a safety net with which to gain provisions. A class of refugees has emerged with well-entrenched commercial operations within the camps, with the local community and across the Kenyan border — usually without the consent, or knowledge, of the Kenyan authorities or UNHCR. Adept at political machination, they have the means to destabilise camp life and post-repatriation settlement initiatives. They represent a security challenge.

For others, prolonged dependency is leading to lethargy. The many youngsters that have been born and schooled in Kenya may not want to go to the unknown — and their parents may be wary of taking them to a country where the prospect of stability seems like a mirage. Part of the protection challenge is to develop strategies to deal with the lassitude.

Developments within the UN and prevailing international politics will inevitably affect Dadaab. Since the bungled peacekeeping mission to Somalia in 1993, the world community has become increasingly indifferent to the Horn of Africa generally and Somalia in particular. With the UN strapped for resources and the US failing to pay its dues, resources are likely to dwindle further. Somali refugees in the Dadaab camps will remain forgotten.

Conclusion

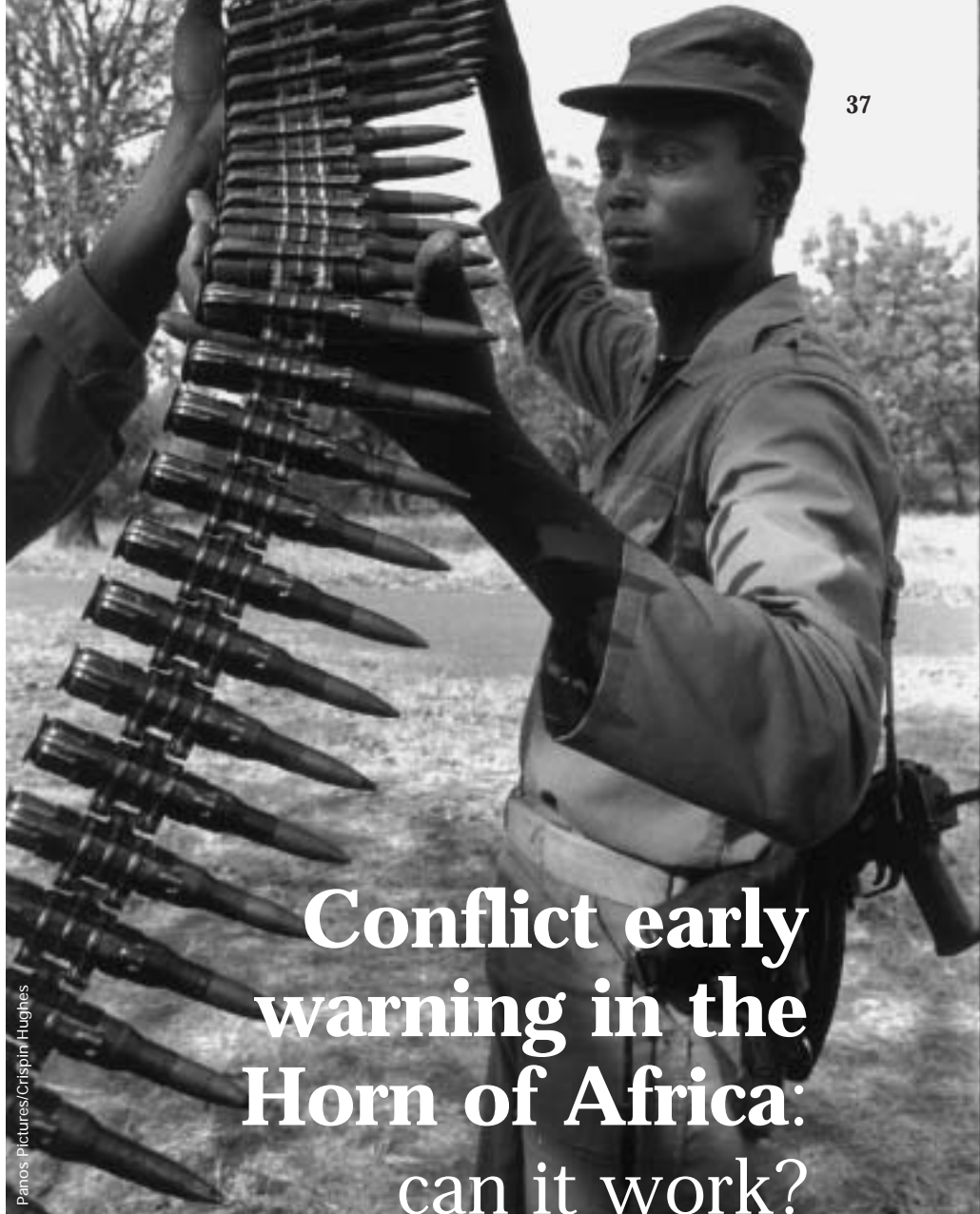
For me, Dadaab has been a great but tough experience, a training period where theory and practice have met. For the refugees, living in a camp is itself of concern — but even worse are the conditions of the site in an arid region where most economic activity is not viable and the infrastructure shambolic. Of course it is true that provisions of food, education and health for the refugees qualitatively surpass those enjoyed by many Kenyans living nearby. The difference, however, is that the refugee community is almost wholly dependent on alms. The reality of life in Dadaab constantly reminds refugees that they are victims tugging at the end of a lifeline.

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1. See also Peter Mwangi Kagwanja, 'Ethnicity, gender and violence in Kenya', FMR9, pp22-25.

For further information on Somali refugees in Dadaab, see also: Cindy Horst *Vital links in social security: Somali refugees in the Dadaab camps, Kenya*, UNHCR Working Paper No 38, April 2001:
www.unhcr.ch/refworld/pub/wpa-pers/wpno38.pdf

Médecins Sans Frontières has recently drawn attention to looming food shortages in Dadaab unless donors strengthen the food pipeline provided by the WFP. MSF nutritional data indicate that over the past six months food distribution to the camp population has diminished by 35%, resulting in a 172% increase in malnutrition among children under five. Traditional donors such as the EU, Japan and the UK have not pledged further assistance to this increasingly ignored 'old case-load'. See www.msf.org



Panos Pictures/Crispin Hughes

Conflict early warning in the Horn of Africa: can it work?

by Sharon Rusu

Is it possible to warn about violent conflicts, prevent them before they escalate and reconcile the warring parties?

Protracted social conflicts do not erupt overnight. They are the result of a slow accumulation of tensions and hostilities built up over time. In the Horn of Africa an innovative early warning mechanism being explored by the Intergovernmental Authority on Development (IGAD) could provide a pointer for similar conflict-prone regions.

There are three key aspects of a more proactive international system of conflict warning: placing people at the centre of rights-based approaches; promoting, testing, implementing, monitoring and evaluating methods of addressing and resolving the origins of conflict; and, thirdly, making conflict prevention an integral part of a policy process which automatically

involves senior ministers and high-level diplomats at the outset of trouble.

The Inter-governmental Authority on Drought and Desertification (IGADD) was created in 1986 to coordinate efforts to prevent drought and desertification in the Horn. It became increasingly apparent that IGADD was a forum through which wider political and socio-economic issues could be dealt with in a sub-regional context. International and regional evaluations of crises in the Great Lakes, Sierra Leone, Sudan and Somalia resulted in recommendations to develop a regional conflict early warning capacity. In 1995 the heads of state of the member states agreed to revitalise the agency. Renamed the Inter-

Governmental Authority on Development (IGAD), it was given a mandate to address broader development issues in the region. Headquartered in Djibouti, IGAD has seven members — Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda.

The issues of conflict prevention, management and resolution have emerged as part of its widened role. In March 2000, IGAD commissioned the Forum on Early Warning and Early Response (FEWER) to undertake part of a feasibility study that will form one of the five components of a broader conflict prevention programme for IGAD.

Constraints and limitations – and ways of addressing them

In a region with recurrent internal and external conflict (IGAD members have gone to war in recent years) there are great constraints on IGAD's capacity to fulfil a conflict prevention, management and resolution mandate. The IGAD Secretariat has limited capacity to undertake conflict early warning initiatives. There are no mechanisms to involve member states in consultations and negotiations or allow for the participation of civil society in peace promotion. There are no credible mechanisms for regional responses to cross-border humanitarian emergencies.

The IGAD Secretariat, along with IGAD member states, regional organisations and their partners, identified criteria to address these limitations. These involve: integrated approaches to the prevention of conflicts involving all levels and groups in society in the region; decentralisation of decision-making among IGAD member states; development of common information policies, information systems and analytical reporting on forthcoming crises for IGAD decision makers; capacity-building measures (individual or institutional) including a human resources development programme; more effective monitoring and evaluation of activities and impacts.

The method adopted for the project was participatory and interactive, linked to a series of workshops bringing together participants from all member states to ensure that the final report incorporated the views of a wider audience of civil society, academia and governments. National consultants drawn from IGAD member states were used for the case

studies. The result was a conceptual model and recommendations on what role IGAD could best play in the early warning and conflict management field. An implementation plan followed in November 2000. After discussion with IGAD, it was agreed that full implementation would wait pending further consultation with stakeholders in member states to explain fully the objectives, structure and working methods proposed for the conflict early warning and response mechanism (CEWARN).

A workshop in Nairobi in May 2001 resulted in agreement to continue to explain the purpose of CEWARN and to expand agreed 'entry points' (such as conflict in pastoral areas, cattle rustling and arms smuggling) for operationalising CEWARN. It is initially proposed that CEWARN will comprise a unit within the IGAD secretariat that is small and professionally staffed. Its purpose will be to link up with and tap already existing and developing capacities for early warning in member states.

To take the initiative forward, the media and government institutions have key roles to play as do local and international NGOs and academic institutions. Building collaboration with these actors is essential for developing institutional capacities and linkages with civil society. International NGOs can play a role in capacity building, facilitation and northern advocacy but should not lead the process. A free press is essential; IGAD member states should be encouraged to achieve the aim of a free and uncensored press that is underpinned by a professional, regulated and unbiased media.

Future challenges

Does IGAD's mandate overlap with that of the Organisation of African Unity? Despite years of effort, the OAU has not yet fully implemented early warning and risk assessment capabilities. Though progress has been made in institutional capacity building, the nature and extent of most conflict prevention activities in the Horn continue as individual efforts. IGAD is slightly ahead, however, in that it has moved beyond discussion and planning to actually attempting to establish CEWARN.

Lack of a tradition of press freedom, transparency of association and

information sharing is a major constraint. Gaining support and implementing a shared information collection and analysis system will be problematic. Though some mechanisms do exist, efforts to harness various peace-building initiatives in the interests of broader objectives at various levels of society are lacking. As long as they remain unsupported by legal mechanisms and institutional frameworks, local mechanisms for peace building will continue to lack authority outside a small circle of civil society.

Although it is too early to draw conclusions, it is inevitable that IGAD will face difficulties in implementing a conflict early warning mechanism. Some member governments themselves took office through violence and view violence as an inevitable and necessary condition of power. As parties to the agreement establishing IGAD, member states are committed to achieving peace and security in the Horn. A major challenge will be to translate member state commitment to conflict prevention and management into action.

The region's chronic economic crises are linked to ongoing conflict, environmental challenges and persistent and recurring droughts. Breaking this cycle is essential to the promotion of peace, security and stability in the region. The challenge is to inspire a resoluteness of purpose and collective political will to build a common preventive capacity. If the cycle of protracted violence is to be broken, the ultimate challenge for IGAD will be to convince member states that working cooperatively to activate CEWARN is central to their individual and collective interests and for those of the region at large. The challenge for the international community will be to resource and monitor the process and learn from unfolding lessons.

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The IGAD website is: www.igadregion.org. Information about FEWER can be found at: www.fewer.org.

Mind your language: the semantics of asylum

by Stephen Moss

Our confusion over the language of asylum reflects our confusion over the issue itself.

In its report last Saturday¹ of William Hague's² speech on asylum policy, the *Times* referred to 'asylum seekers' in its first paragraph; 'immigrants' in its second; and 'refugees' in its third. The terms appeared to be used interchangeably.

The *Guardian* library has resolved the conundrum to its own satisfaction. Everyone gets put into a file called 'refugees', with the exception of high-profile individuals in well-publicised

cases who are seeking political asylum in the UK. The library has decided that the term 'asylum seeker' is bogus, rather than the bona fides of the claimant. Refugee organisations have drawn the same conclusion. There has been no obvious rush to rename themselves: the Asylum Seeker Council would not have quite the same ring to it.

seeker, and the media quickly latched on to the change of nomenclature. Significantly, it will enter the online version of the Oxford English Dictionary later in the year. The term 'asylum seeker' was first used in the *American Political Science Review* in 1959 and was a cold war creation: most asylum seekers were political dissidents from the Soviet Union. Refugees were quite different: people displaced in large numbers by war or famine. 'Refugee' is a word

'Refugee' is a word that evokes immediate sympathy; 'asylum seeker' is a colder, more bureaucratic term.'

cases who are seeking political asylum in the UK. The library has decided that the term 'asylum seeker' is bogus, rather than the bona fides of the claimant. Refugee organisations have drawn the same conclusion. There has been no obvious rush to rename themselves: the Asylum Seeker Council would not have quite the same ring to it.

'Asylum seeker' is a term that gained currency in the 90s. In 1990 references in the *Guardian* to 'refugees' outnumbered references to 'asylum seekers' by 10 to one. Last year it was less than two to one. This year the ratio is even closer. In 1999, across all papers, the ratio was six to one in favour of refugees. In 2000, references to refugees halved, while references to asylum seekers doubled.

It is not easy to identify when the change occurred, though two stories in the *Guardian* on women displaced by the war in ex-Yugoslavia suggested a change in usage in the first half of the 90s. The unquestioned 'refugee' of 1993 had become the 'asylum seeker' of 1994. Flight, in the latter case from Sarajevo, was no longer sufficient for a person to qualify for refugee status; bureaucratic unease about growing numbers claiming to be refugees had produced the new category of asylum

that evokes immediate sympathy; 'asylum seeker' is a colder, more bureaucratic term, and it is convenient for the Home Office that the latter is now increasingly favoured.

The term is abused on all sides. Those on the right no longer even have to use the word 'bogus'; their tone suggests that they consider all asylum seekers bogus. But some of those entering the UK are also to blame for bringing the term into disrepute: many people who are clearly on the move for economic reasons claim to be asylum seekers. The latter are really 'illegal immigrants', though that is a horribly Powellite³ term redolent of fear and xenophobia that should also be consigned to history. The linguistic solution is perhaps to phase out both 'asylum seeker' and 'illegal immigrant', and use only 'refugee' and 'migrant'. So farewell, 'asylum seeker'. Is it too late for the OED to rescind its decision to give the term its seal of approval?

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This article appeared in the *Guardian* on 22 May 2001 and also in *Welcome to Britain: A special investigation into asylum and immigration*, published by the *Guardian* in June 2001 which presents a wide range of reports first published as



part of a three day series in the *Guardian* from 20-23 May. Thirty *Guardian* writers investigate the issue of asylum, focusing on aspects such as the humiliation of living on vouchers, the truth about trafficking, the history of Britain's immigration policy, the impact on developing countries of the brain drain and the reality of life inside Britain's most notorious asylum detention centre. 100pp. £4.50 (£5.00 incl p&p). To order a copy of *Welcome to Britain*, telephone +44 (0)870 727 4155 or write to: The *Guardian*, 119 Farringdon Road, London EC1R, UK.

1. May 2001.
2. Previous leader of the UK Conservative Party.
3. Enoch Powell - former Conservative Party member of parliament (and minister) who in 1968 condemned multiracial immigration into the UK.

Next issue of FMR includes feature on development-induced displacement and resettlement

For the last four years, a team of specialists has been busy with a research project on development-induced displacement and resettlement (DIDR), under the auspices of the Refugee Studies Centre and funded by DFID. Development undertakings involve the displacement or resettlement of some 10 million people per year, usually with negative consequences. The RSC project is geared towards improving outcomes in such situations and making policy recommendations in this regard.

Issue 12 of *Forced Migration Review* will include a feature on DIDR, including an article on the RSC project as a whole.

update

UNHCR/Isaiah Refugee Service

UNHCR slashes budget

When former Dutch Prime Minister Ruud Lubbers took over as High Commissioner at the beginning of this year, UNHCR's budget planners predicted that once again several donor governments would not pay the total sum that they had pledged. Lubbers, by training an economist, has decided to cut staff and operations by 15%. He argues that it is better to face reality and cut in a planned way rather than to follow the practice of previous years and freeze programmes and activities once the money runs out.

Unlike other major UN agencies, UNHCR is dependent on voluntary contributions. 96% of UNHCR's work is funded by 14 governments and the European Union. The largest contributors since 1995 have been the USA (28.7%), the European Union (15.2%), Japan (14%), Sweden (6.4%), Netherlands (5.8%), Denmark (5.2%), Norway (4.7%) and the UK (4%). France and Italy (each paying just over 1%) and Germany (2.2%) are among the major industrialised countries regarded as underfunders. Whereas the European Commission and EU member states provided 54% of UNHCR's funds in 1995, they provided only 32% in 2000. Lubbers has noted that the US contribution, while generous, falls slightly below the \$1 per capita that he hopes to receive from wealthy countries. Several Nordic countries currently exceed that standard. Lubbers is outspoken in criticising governments for not giving enough.

UNHCR is cutting its total budget from more than \$950m to \$850m and axing some 600 jobs. Almost three quarters of funding in Africa is being slashed. In Africa UNHCR will probably have to cut important health, water purity, family planning and HIV/AIDS protection programmes. Most of these cuts will flow down to NGOs that act as UNHCR implementation partners.

In at least 10 countries — Benin, Cameroon, Chad, Gambia, Kuwait, Mali, Niger, Swaziland, Togo, United Arab Emirates and Vietnam — it plans to close offices completely. Rachel Reilly, Refugee Policy Director for

Human Rights Watch, says such closures will affect stranded urban refugees. "In some countries, like Gambia, Benin, Chad, Mali, we know there are asylum seekers coming from far afield — from countries like Iran and Iraq — who are in desperate need of protection. They will arrive and find there are no UNHCR offices to go to. And often the cuts are being made in countries which do not have in place their own asylum-determination procedures and where refugees really are at serious risk of arrest, detention, and even deportation."

Currently a quarter of those assisted by UNHCR — just over 5 million — are IDPs. Lubbers says that some IDPs are in large programmes in such places as Guinea where they cannot be split from refugees and are funded together as one programme. Their funding is assured. A second set of IDP activities is classed as 'special projects' and are brought directly before donors, who decide to fund them on a case-by-case basis. This year, donors have agreed to fully fund programmes for IDPs fleeing long-running conflicts in Colombia, Eritrea and Sri Lanka. Their failure to provide cash for Angola, however, has caused widespread disquiet in the aid world.

For further information see www.unhcr.ch/fdrs/ga2001/funding.pdf

Cambodia refouling Montagnard refugees to Vietnam

A number of indigenous minority tribes in Vietnam's Central Highlands are collectively known as Montagnards. They became embroiled in the war in Vietnam when many were recruited into the US Special Forces and were subsequently evacuated to the US. In February 2001 thousands of Montagnards demonstrated in Kontum Province against land confiscation and religious repression (most are evangelical Christians). The severity of the Vietnamese crackdown caused large numbers to flee to Cambodia. While a few have been given asylum in the US (angering the government of Vietnam), some 400 are believed to remain in Cambodia.

Cambodia, despite being one of the very few southeast Asian states to have signed the 1951 Convention on the Status of Refugees, has come under intense Vietnamese pressure to deport the refugees. In May at least 89 people were forcibly repatriated to Vietnam despite commitments made by Cambodia's Prime Minister to respect the principle of *non-refoulement*. After being handed over to Vietnamese police, they were handcuffed and taken away. Human Rights Watch has voiced serious concern about their whereabouts and safety as the Vietnamese Criminal Code provides for harsh punishment for non-violent political activity deemed to be 'anti-government'. Although Vietnam, Cambodia and UNHCR have met in Hanoi to discuss the issue, the Vietnamese government continues to deny UNHCR or other humanitarian organisations access to the Central Highlands.

For further information see www.montagnards.org

Grim prospects for Palestinian refugees in Lebanon

The political, economic and social exclusion of the 400,000 Palestinian refugees in Lebanon has reached unprecedented heights with the passing of a new property law.

Constraints on the employment of Palestinians go back to the beginning of exile in Lebanon. Palestinian refugees are barred from the professions, a wide range of skilled and semi-skilled work and public sector employment. Discriminatory labour laws mean that Palestinian workers, regardless of level of education, are mostly unemployed. A diminished Palestinian professional and trading stratum has survived through sharing with a Lebanese 'partner', accepting lower wages or staying within camp boundaries. Much property owned by Palestinians has never been registered. Palestinian civic rights are constricted by laws and practices aimed — though this is never explicitly stated — at making life so unbearable that many leave. Guest workers from Sri Lanka or Ethiopia have more civic rights than Palestinians.



“Whoever wins, Palestinians lose” is an apt summary of the role of pawn and scapegoat played by Palestinians in Lebanon’s complex political arena. The Intifada has produced changes in media depiction of Palestinians but has not made life in squalid and overcrowded camps any more bearable. President Lahoud has vied with other Arab leaders in glorifying the Intifada while the Lebanese army siege of the camps in the south remains as tight as ever. Ex-PLO representative Shafiq al-Hout has summed up the contradictions of Lebanese policy: “With Palestine, against the Palestinians”.

A new threshold of exclusion has been reached with the recent passing by the Lebanese parliament of a law banning ownership of real estate by “anyone who does not have citizenship in a recognized state”. If left unamended, the law will mainly affect Palestinians forced by low income and need for UNRWA services to live in the camps. Because camp boundaries are non-expandable, and repair or expansion of dwellings is restricted (building materials may not legally be brought into camps), Palestinian families have hitherto sought to accommodate their increasing families by trying to buy apartments or plots of land outside camps. This will now be illegal, as will mechanisms to inherit existing property.

For further information on Palestinian refugees in Lebanon see the website of the Bourj al Shamali camp: www.bourjalshamali.com/english/hist/hcam.htm

The Tampa: the Olympic Nation wins gold for xenophobia

by Winton Higgins

In late August the Norwegian freighter Tampa responded to an Australian request to assist a sinking ferry carrying 433 asylum seekers. The captain rescued them, signalled that the refugees were in distress and made for Australia’s nearby Christmas Island. What happened next beggared his and the world’s imagination. Threatened with naval action, the Tampa was boarded by the Australian army who refused the captain

permission to land his distressed passengers. He had unwittingly sailed through a time warp, back to colonial, racist Fortress Australia and the White Australia Policy. He had also sailed into a major diplomatic incident. His most significant cargo turned out to be about the only chance of re-election the rightist Howard government could conjure up.

What the captain and the world saw was a rich country with a relatively small influx of asylum seekers defying morality and international law by callously refusing to help Afghan refugees. Australians saw a whole lot more. John Howard has consistently opposed meaningful multiculturalism and Aboriginal reconciliation. He unfurled his assimilationist vision called One Australia in 1988. Eight years later a splinter group from his own party stole, embellished and rebadged the vision as One Nation, a new populist-right party that has since made major inroads into the government’s electoral base. Now the government wants to outflank One Nation by outbidding it for the racist vote. It has succeeded brilliantly. According to opinion polls, 75% of Australians supported his decision to make the refugees (literally) stew in the sun on the Tampa’s scorching deck. The opposition Labor Party has limply gone along with Howard, looking unsuccessfully for its own share of the xenophobic vote.

This electoral ploy has been long in preparation. The government has gradually intensified its demonisation of asylum seekers, as ‘criminals’ and ‘queue-jumpers’ who are mounting a veritable invasion (see FMR issue 8 pp31-34). It has revived old nightmares of the Threat From The North – the teeming, barbaric Asian hordes hungrily eyeing Australia’s wide-open spaces. It is a rare case of a government, rather than the media, initiating a moral panic.

Uniquely for a developed country, Australia throws all asylum seekers, including children, into detention centres. Situated in remote desert regions, these are run by the US jail tycoon, George R Wackenhut.

This ‘ethnic caging’, suggests Australian anthropologist Ghassan Hage, starkly demarcates who is inside and who is outside Fortress Australia.

Australia’s violation of its responsibilities as a signatory of the 1951 UN Convention contrasts with its hospitality to war criminals. Of the thousands of killers who have found a place in the country’s post-war migration programme, not one has ever been deported or convicted. The comparative treatment of refugees and war criminals points to a deeply rooted moral nihilism in the national culture, one which the Howard government ruthlessly exploits.

Because of their wealth and stability, Western countries bear a special responsibility towards refugees. As they grope towards some way of shouldering it, they can expect no solidarity from Australia. No matter who wins the election at the end of the year.

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For updated news of Australia’s refugee policies see: www.wsws.org/sections/category/news/au-immi.shtml. See also: www.dev-zone.org/links/Afghan_Refugees/

FMR web links

For the Internet’s best set of links to sources of information on refugees and IDPs, visit our links section at

www.fmreview.org/2links.htm

If you would like to add or suggest a link please contact the Editors. Email: fmr@qeh.ox.ac.uk



Global IDP PROJECT



A new UN response to IDPs?

It is clear that a new IDP Unit will soon be set up in the Office of the Coordinator for Humanitarian Affairs (OCHA). Despite a rocky start, when some of the American NGOs dismissed the proposed unit as an empty gesture, there is reason for cautious optimism; at least having a dedicated IDP unit within the UN system is better than having no unit. What the humanitarian community and member states need to do now is ensure that the unit will make a difference and that we do not lose sight of the ultimate objective — to improve response to the internally displaced.

The recent pressure for the UN to improve its response to the internally displaced can be traced back to early 2000 when the US Ambassador to the UN at the time, Richard Holbrooke, after visiting Angola and witnessing first hand the deplorable conditions

facing the displaced, demanded a reassessment of the institutional structures to deal with the problems of internal displacement. In response, the UN created the Senior Network, headed by a Special Coordinator on Internal Displacement.¹ The Senior Network was made up of all members of the humanitarian community including the UN, NGOs and the Red Cross Movement. Through country visits, inter-agency teams reporting to the Senior Network were asked to assess the humanitarian response at the local level and provide recommendations for improvement. The Senior Network was also asked to provide recommendations for long-term improvements to UN response.

Various Senior Network missions to Eritrea/Ethiopia, Burundi, Angola and Afghanistan were carried out over the past year and an Interim Report of the Senior Network has now been presented and accepted by the UN Inter-Agency Standing Committee and the UN Secretary General, Kofi Annan.

The centrepiece of the report is the creation of a dedicated six person IDP unit within OCHA which would provide expertise, training and guidance to humanitarian agencies involved in IDP crises. The unit, which would be staffed by secondees from the UN and NGOs, would also continue systematic country reviews and further develop inter-agency policy. Secondly it has been proposed to deploy IDP field advisors on a case-by-case basis to support the Humanitarian Coordinator/Resident Coordinators (HC/RC) and country teams to respond to crises of internal displacement. The last proposal contained in the report was to create a rapid funding capacity to fill gaps in assistance to the internally displaced on a short-term emergency basis.

The challenge at this point will be to ensure that the unit will make a difference in changing some of the systemic problems affecting UN response to internal displacement. Protection — something sadly lacking for IDPs — is at the top of the list of priorities for the new unit to address. Other serious gaps in the international response at the field level also

require immediate attention such as the lack of capacity and coordination among UN agencies. In terms of assistance to the internally displaced, the persistent short supply of non-food items, especially shelter, has been highlighted by the report to the IASC and Secretary General. Other expected challenges for the unit to address will be to develop predictable and sustained donor response for humanitarian crises.

The first challenge however will be getting the Unit operational in spite of the serious doubts about the level of UN commitment to both the process and the new unit. The sensitive nature of the problem coupled with historical concerns regarding mandate and turf appeared have contributed to a rather restrained response to the Unit so far by other UN agencies. What is clear, however, is that if the Unit is to have any impact at all it needs to be able to call attention to problems as well as suggest solutions. Allowing the Unit the degree of autonomy required to perform this task is something other organisations are reluctant to consider lest it be their mistakes which are brought to light.

It is not just the NGO community and the UN that need to invest in the new Unit. For many of the changes to take place, all actors — especially member states and donors — will need to support the Unit, both politically and financially. Donors will need to ensure that the resources are available and that the agencies within the UN system demonstrate real commitment.

It is highly recommended that, after the Unit has been operational for at least a year, there should be a transparent performance review under which the Unit and the whole humanitarian community are assessed on their ability to make a difference. We had better get it right since there may not be another chance in the foreseeable future.

by Marc Vincent, Coordinator of the Global IDP Project

1. Dennis McNamara has recently been replaced in the post of Special Coordinator by Kofi Asomani, formerly of the Centre for Humanitarian Dialogue and UNHCR.

The Directorate

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

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Donors

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Website

Visit our database on internal displacement and get more information about the Global IDP Project on www.idpproject.org

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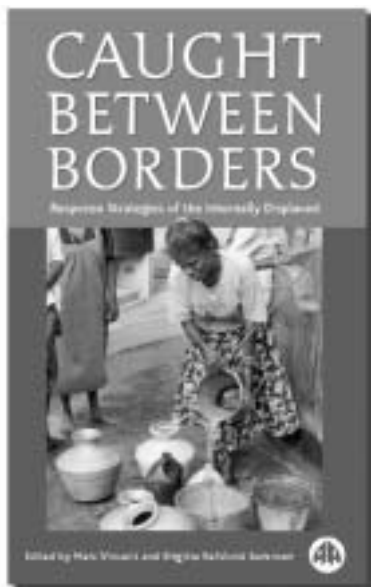
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Forthcoming!

Caught Between Borders: Response Strategies of the Internally Displaced

Edited by Marc Vincent and Birgitte Refslund Sorenson



Published by Pluto Press in association with the Norwegian Refugee Council. 336pp. ISBN 0 745318185. £16.99/US\$23.95.

In this book, to be published shortly, the authors begin to identify cross-cultural patterns of internally displaced people's coping strategies, examine whether these strategies are effective and highlight to what extent they are dependent upon culture or the experience of displacement. Case studies include Afghanistan, Angola, Burundi, Burma, Colombia, Georgia, Sri Lanka, Serbia, Sudan and Uganda.

Contact Pluto Press at 345 Archway Road, London N6 5AA, UK.
Tel: +44 (0)20 8348 2724.
Fax +44 (0)20 8348 9133.
Email: pluto@plutobks.demon.co.uk.
Website: www.plutobooks.com.

Global IDP Database

The database of the Norwegian Refugee Council/Global IDP Project now has comprehensive reports on internal displacement in 35 countries. In addition to updates of earlier reports, there are new studies of displacement in Algeria, Bangladesh, Cyprus, Guinea, India, Iraq, Kenya, Lebanon, Syria and Turkey.

Reports can be downloaded from the Global IDP Project website at www.idpproject.org.

UN authorises working paper on Property Restitution for Refugees and other Displaced Persons

by Bret Thiele¹

The issue of refugee and IDP return received attention by the UN Sub-Commission on the Promotion and Protection of Human Rights, which met for its 53rd session from 31 July to 17 August 2001. On 16 August the Sub-Commission appointed one of its members, Prof Paulo Sergio Pinheiro, to author a working paper on the topic of the return of refugees' and displaced persons' property.² This working paper will not only provide an examination of current international, regional and national standards relating to property restitution but will also lay the groundwork for a more comprehensive examination of this matter.

It is envisaged that the working paper will focus heavily on housing restitution for returning refugees and displaced persons. Issues to be covered will include an analysis of the role housing restitution plays in ensuring the safe and dignified return of displaced persons to their homes and when compensation in lieu of restitution is appropriate.

Prof Pinheiro has solicited input from the Housing and Property Restitution Programme of COHRE (the Centre on Housing Rights and

Evictions) and is expected to present his working paper when the Sub-Commission reconvenes for its 54th session in August 2002. COHRE hopes that the working paper will bring increasing attention to the issue of housing and property restitution with the aim of better protecting the millions of refugees and IDPs presently displaced from their homes.

1. Legal Officer, COHRE.
2. See UN Doc E/CN.4/Sub.2/DEC/2001/122 (2001).

Housing and Property Rights for IDPs: where to go from here?

On 3 July 2001, in Geneva, development practitioners, housing rights advocates, IDP experts and representatives from humanitarian organisations met to discuss the key housing and property issues relating to the rights of IDPs and to develop improved institutional and legal mechanisms for addressing these often overlooked areas of concern. The meeting was organised by the Centre on Housing Rights and Evictions (COHRE) and the Global IDP Project. The 6-page summary of the meeting lists 11 recommendations for research and action.

To obtain a copy, contact COHRE at 83 Rue de Montbrillant, 1202 Geneva, Switzerland. Email: sleekie@attglobal.net. Tel/fax: +41 22 734 1028. Website: www.cohre.org.

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www.qeh.ox.ac.uk/rsc

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Tel: +44 (0)1865 270722.
Fax: +44 (0)1865 270721.
Email: rsc@qeh.ox.ac.uk

Harold Koh to give 2001 Harrell-Bond Lecture

Wednesday 17 October, 5pm :
Examinations Schools, Oxford

Harold Hongju Koh, the Gerard C and Bernice Latrobe Smith Professor of International Law, Yale Law School (and former US Assistant Secretary of State for Democracy, Human Rights and Labor), will be giving this year's Harrell-Bond Lecture. His lecture is entitled 'Why nations obey international law: a view from the trenches'. All welcome.

For more details, visit the RSC website at www.qeh.ox.ac.uk/rsc or email Dominique Attala at rscmst@qeh.ox.ac.uk

Palestinian Refugees and the Universal Declaration of Human Rights

Weekend workshop : 11-12 May 2002

This two-day workshop places the Palestinian refugee case study within the broader context of the international human rights regime. It examines, within a human rights framework, the policies and practices of Middle Eastern states as they impinge upon Palestinian refugees. Through a mix of lectures, working group exercises and interactive sessions, participants engage actively and critically with the contemporary debates in the human rights movement and analyse the specific context of Palestinian refugees in the Middle East (Lebanon, Syria, Jordan, the West Bank, Gaza and Israel) in light of these debates. Led by Dr Randa Farah (Palestinian social anthropologist and QEH Research

Associate, currently assistant professor of anthropology at the University of Western Ontario, Canada) and Fiona McKay LL.M (qualified solicitor

and international human rights lawyer, currently Deputy Director of the Kurdish Human Rights Project). Venue: Queen Elizabeth House, Oxford. Fee: £100 (including course materials, refreshments and light lunch).

For further information, contact Dominique Attala at the RSC address (above) or on rscmst@qeh.ox.ac.uk.

RSC Wednesday seminars on forced migration

A regular series of seminars on various issues related to forced migration takes place on Wednesday evenings during term time from 5pm. The list of speakers/subjects is posted on the RSC website. If you wish to be on the mailing list for the new list, by either email or post, please contact Dominique Attala (details above).

MSc in Forced Migration 2002-2003

New Graduate Studies Prospectus and application forms now available. Applications to be completed and returned before 15 January 2002. For an application pack, please contact Graduate Admissions (not the RSC) at: University of Oxford, 18 Wellington Square, Oxford, OX1 2JD, UK. Email: graduate.admissions@admin.ox.ac.uk.



Children and Adolescents in Palestinian Households in the Middle East

The *Lessons Learned Report* of this RSC project (Children and Adolescents in Palestinian Households in the Middle East: Living with the Effects of Prolonged Conflict and Forced

Migration) is now available in a combined English/Arabic edition. The study, funded by the Andrew Mellon

Foundation, bridges the theoretical and applied divide which is common to much of the research directed at Palestinian children and adolescents in the Middle East. It integrates a research design with a practical agenda to improve delivery, policy and programming. This research approach, which crosses a number of disciplinary divides, has been a positive learning experience for the researchers, practitioners and sampled population of children, adolescents and caregivers. Its findings should result in improved project, policy and programming delivery as well as a transferable good practice guide for refugee children and adolescents throughout the world.

For copies please contact Dawn Chatty at the RSC address or email dawn.chatty@qeh.ox.ac.uk.

International Summer School 2001

The RSC's International Summer School in Forced Migration aims to give those who work with refugees and other forced migrants a better understanding of the forces and institutions that dominate their world and the world of those who have been uprooted. The overall intention is to help sustain a culture of the 'reflective practitioner' and to give practitioners the opportunity to practice and develop skills useful in the workplace.

The Refugee Studies Centre held its 12th International Summer School from 2-20 July 2001. 74 participants of 30 nationalities working in 36 countries attended the event. Participants included senior government officials from central and local government departments, UN workers, and staff from other international humanitarian aid organisations, national and specialist NGOs, and faith-based organisations.

"...as the course continued, I realised the richness and resourcefulness of the different participants. Each brought in a wealth of experiences to share and

injected practical applications of what we were learning in class."

The Summer School covered topics ranging from 'Conceptualising forced migration' and 'The globalisation of forced migration?' through 'Psychosocial needs and experiences of refugees', 'Coordination and health policy in a refugee setting', 'Asylum policy and international refugee law', 'Negotiating institutional responses' to 'Lessons learned'.

*"In terms of course content, I was impressed with the diversity of issues being addressed and their significance to the general topic of forced migration. Each module provided unique challenges through thought-provoking lectures, readings, plenaries and group discussions... the simulation negotiation exercise on East Timor was so real that I will approach any negotiations in my daily work with knowledge that there are many sides to the same coin."**

Every year one or two topics emerge as a particular interest to the participants of the summer school. This year one of the primary themes was the need for legal protection and humanitarian assistance to those falling outside the traditional refugee regime, in particular IDPs.

Lecturers and seminar leaders at this year's Summer School included Fred Ahearn, Jon Bennett, Chaloka Beyani, Stephen Castles, Guy Goodwin-Gill, Irene Kahn, Maryanne Loughry, Neil Macfarlane, Susan Martin, Toby Porter, Derek Summerfield and David Turton.

Next year's Summer School takes place from 8-26 July 2002 in Wadham College, Oxford. Fee: £2,250 (incl B&B accommodation in Wadham College, weekday lunches, tuition fees, course materials, social activities).

Applications should be made as soon as possible to secure places.

Contact the International Summer School Administrator at the RSC (address on p44).

Tel: +44 (0)1865 270723.

Email: summer.school@qeh.ox.ac.uk.

*The RSC would like to thank Peter Muturi for permission to include sections of his report written at the conclusion of the Summer School.

Southeast Asia Regional School in Forced Migration

3-13 December 2001 : Chulalongkorn University, Bangkok

The Refugee Studies Centre, in collaboration with the Asian Research Centre for Migration of Chulalongkorn University, Bangkok, is pleased to announce the 1st Southeast Asia Regional School in Forced Migration.

The Regional School aims to provide those who work with refugees and other displaced people in Asia and Oceania with better understandings of the forces and institutions that dominate their world and the world of those who have been uprooted. Participants will leave the Regional School with insights into:

- different views on the nature of forced migration
- the historical context of forced migration and its location within regional and global processes, with particular emphasis on Southeast Asia
- the multi-faceted realities faced by forced migrants and how these are represented

- contemporary responses to forced migration, at institutional and ground levels

Participants will typically include host government officials and inter-governmental and non-governmental agency personnel engaged in planning, administering and coordinating assistance. There are places for a maximum of 40 participants in 2001.

Website: www.qeh.ox.ac.uk/rsc/sea

Some bursaries are available for participants from China, Cambodia, Laos, Myanmar, Thailand and Vietnam. Enquiries about the course and requests for application forms should be addressed to:

either: The SEA Regional School Administrator, ARCM, Institute of Asian Studies, 7th Floor Prajadhipok-Rambhai Barni Building, Chulalongkorn University, Phayathai Road, Bangkok 10330, Thailand. Tel: +66 2 218 7462. Fax: +66 2 255 1124. Email: Ratchada.J@Chula.ac.th.

or: The SEA Regional School Project Manager, RSC (address p44). Tel: +44 (0)1865 270723/270726. Fax: +44 (0)1865 270721.

Nashra Al-Hijra Al-Qasriya and Revista sobre Migraciones Forzadas

Forced Migration Review is also printed in Spanish and Arabic.

All subscriptions to the Arabic and Spanish editions are free of charge.

If you would like to receive one or the other, or if you know of others who would like to receive copies, please send us the relevant contact details. Email the Editors at fmr@qeh.ox.ac.uk or write to us at: FMR, Refugee Studies Centre, QEH, University of Oxford, 21 St Giles, Oxford OX1 3LA, UK.



Forced Migration Review is funded mainly by grants from institutions and agencies involved in development and humanitarian work. We would like to thank the following organisations for their commitment to Forced Migration Review in 2000 and 2001:

AUSTCARE
 Danish Refugee Council
 European Commission
 Lutheran World Federation
 Norwegian Refugee Council
 Oxfam GB
 SCF (UK)
 The Ford Foundation, Cairo Office
 UK Department for International Development



publications

Accord series: An International Review of Peace Initiatives



Published by Conciliation Resources, these reports provide detailed narrative and analysis on specific war and peace processes. Issues published to date on Tajikistan, Sierra Leone, Northern Ireland, Georgia-Abkhazia, Mindanao, Cambodia, Sri Lanka, Mozambique, Guatemala and Liberia. Price per issue £15/\$25 (+ 10% for UK and 25% for outside UK postage & packing). Subscription: 1 year (3 issues) £40/\$68.

For more details, see www.c-r.org/accord/index.htm or contact Conciliation Resources at 173 Upper Street, London N1 1RG, UK. Tel: +44 (0)20 7359 7728. Fax: +44 (0)20 7359 4081. Email: accord@c-r.org.

The Current Situation of Internally Displaced Persons in Kenya

by Prisca Mbura Kamungi.
March 2001. 33pp.

This document reports on research carried out in February 2001 to:

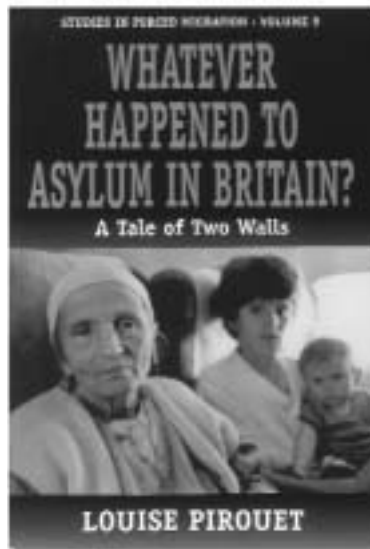
- determine the major existing and emerging sources of conflict and population displacement in Kenya
- establish the current number of IDPs in Kenya
- assess the current human rights situation of those still displaced

nine to ten years after the conflicts following Kenya's transition from single-party system of government to multi-partyism

- determine the specific issues and obstacles that hinder return
- assess the present peace situation in previously affected areas to highlight warning signs of future potential violence.

Available at www.jesref.org/info/research/ken-idp.htm or from Amaya Valcarcel, Jesuit Refugee Service, c/Pablo Aranda 3, 28006 Madrid, Spain. Email: amaya.valcarcel@jesref.org

Whatever Happened to Asylum in Britain? A Tale of Two Walls



by Louise Pirouet. *Studies in Forced Migration Volume 9*. 2001. 212pp. ISBN 1 57181 468 X. £13.50/\$19.95.

This book is based on visits to places where asylum seekers are detained, on working with lawyers representing asylum seekers and on a close knowledge of many of the refugee organisations. It argues that Britain should not throw away a reputation for providing a place of safety for the persecuted and the chance of welcoming people who have much to contribute to national life and culture.

Contact Berghahn Books at: (UK & Europe) 3 NewTec Place, Magdalen Road, Oxford OX4 1RE, UK. Tel: +44 (0)1865 250011.

Fax: +44 (0)1865 250056. (US & Rest of World) 604 West 115th Street, New York, NY 10025, USA.

Tel: +1 212 222 6502.

Fax: +1 212 222 5209.

Website: www.berghahnbooks.com.

Caselaw on the Refugee Convention: The United Kingdom's Interpretation in the light of the International Authorities

by Mark Symes, Legal Officer, Refugee Legal Centre. May 2001. 344pp. Price (incl post/packing): UK £40; EU £41; US/Canada £44; Australia/NZ £45; rest of world - price on application.

This is a guide to the judicial approach to the aspects of the Refugee Convention which most often occupy practitioners: the inclusion, cessation and exclusion clauses (article 1) and the prohibition upon *refoulement* (article 33). The focus is on the current state of UK law, drawing together decisions of the higher courts and of the Immigration Appeal Tribunal, viewed in the broader context of decision making abroad.

Orders to be paid for in advance by cheque/credit card. Contact: the Refugee Legal Centre, Sussex House, 39-45 Bermondsey Street, London SE1 3XF, UK. Fax: +44 (0)207 378 1979. Email: eis@refugee-legal-centre.org.uk Website: www.refugee-legal-centre.org.uk

Internal Displacement in the Americas: Some Distinctive Features

by Roberta Cohen & Gimena Sanchez-Garzoli, Brookings-CUNY Project on Internal Displacement. May 2001. 23pp. Online at www.brook.edu/fp/projects/idp/articles/idamericas.htm.

Whether in Central America or Peru in the 1980s and early 1990s, or today in Colombia, internal displacement in the Americas has pronounced features that distinguish it from other parts of the world. This report focuses on some of the innovative solutions devised by the peoples and governments of the region which may be helpful not just to those working on problems of forced displacement in the Americas but also in other parts of the world.

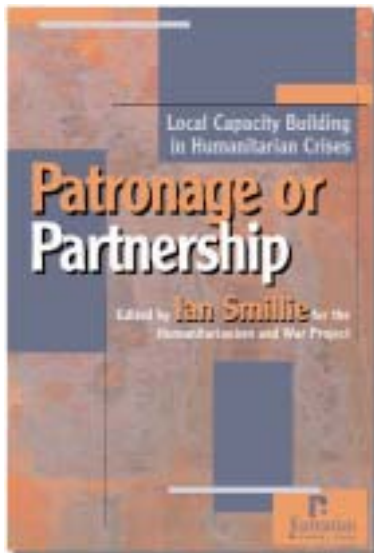
Contact: The Brookings Institution,
1775 Massachusetts Ave NW,
Washington DC 20036, USA.
Email: gsanchez@brook.edu.
Tel: +1 202 797 6000.
Fax: +1 202 797 6004.

Copies in Spanish can be obtained
from UNHCR Costa Rica at
cossa@unhcr.ch.

At the Brookings website, see also
'Report of the International Colloquy
on the Guiding Principles on Internal
Displacement', Vienna, Austria.
September 2000.

(www.brook.edu/fp/projects/idp/confereferences/vienna200009/summary.htm)

Patronage or Partnership: Local Capacity Building in Humanitarian Crises



Edited by Ian Smillie for the
Humanitarianism and War Project,
Tufts University. May 2001. 224pp.
Paperback: ISBN 1 56549 129 7;
US\$25.95. Hardback: ISBN 1 56549
130 0; US\$60.00.

Patronage or Partnership looks at
capacity building in emergency and
post-emergency situations. Strengthening
local capacity is easier said than done and
this book examines the tradeoffs
between outsiders doing something in
the midst of an emergency, on the one
hand, and building longer-term local
skills, on the other, with case studies
from Mozambique, Bosnia, Sierra Leone,
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Email: orders@edspubs.co.uk.
Website: www.eurospan.co.uk.

Burundi: Prospects for Peace

by Filip Reyntjens, Minority Rights
Group International. November 2000.
ISBN 1 897693 53 3. 32pp.
£5.95/US\$10.95. Online at
[www.minorityrights.org/publications/
index.html](http://www.minorityrights.org/publications/index.html) (click 'online reports').

This report analyses events in
Burundi, from the transition to
democracy, through to the 1993 coup
and its aftermath. It charts the course
of the peace negotiations, highlighting
the issues that must be faced if
Burundi is to move towards peace and
rebuild the lives of its people. The
report includes recommendations,
aimed at the Burundian government
and the international community, to
support peace and stability and
human rights for all.

Contact: Minority Rights Group
International, 379 Brixton Road,
London SW9 7DE, UK.
Tel: +44 (0)20 7978 9498.
Fax: +44 (0)20 7738 6265.
Email: minority.rights@mrgmail.org.
Website: www.minorityrights.org.

Music CD Refugee Voices: Building Bridges



UNHCR. June
2001. £12.95.

Building Bridges marks
the first ever World Refugee Day on
20 June 2001. It was produced for
UNHCR under the musical direction of
Senegalese musician Youssou N'Dour
with the involvement of musicians
from nine African countries, all of
whom have experienced exile or
displacement. Singing in English, French

and several African languages, the
artists tackle ethnic violence, forced
displacement, exile and other issues,
highlighting the rifts that have rocked
their continent but also showing the
role that music could play in reconcil-
iation. All the artists have given their
musical contributions free for this
production and proceeds from the
sales of the CD will go towards
refugee education.

For more information, visit
www.unhcr-50.org/refv/irefv.html.
To order a copy, visit
www1.sternsmusic.com.

Exile Images CD ROM now available

Exile Images — the photo agency
established by photojournalist
Howard Davies — has recently pro-
duced a CD containing over 1,650 of
the photo library's images, the majori-
ty of which relate to refugees and
displaced people. Key word search-
able. For PC or Mac. Picture
researchers/users can order a free
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www.exileimages.co.uk.



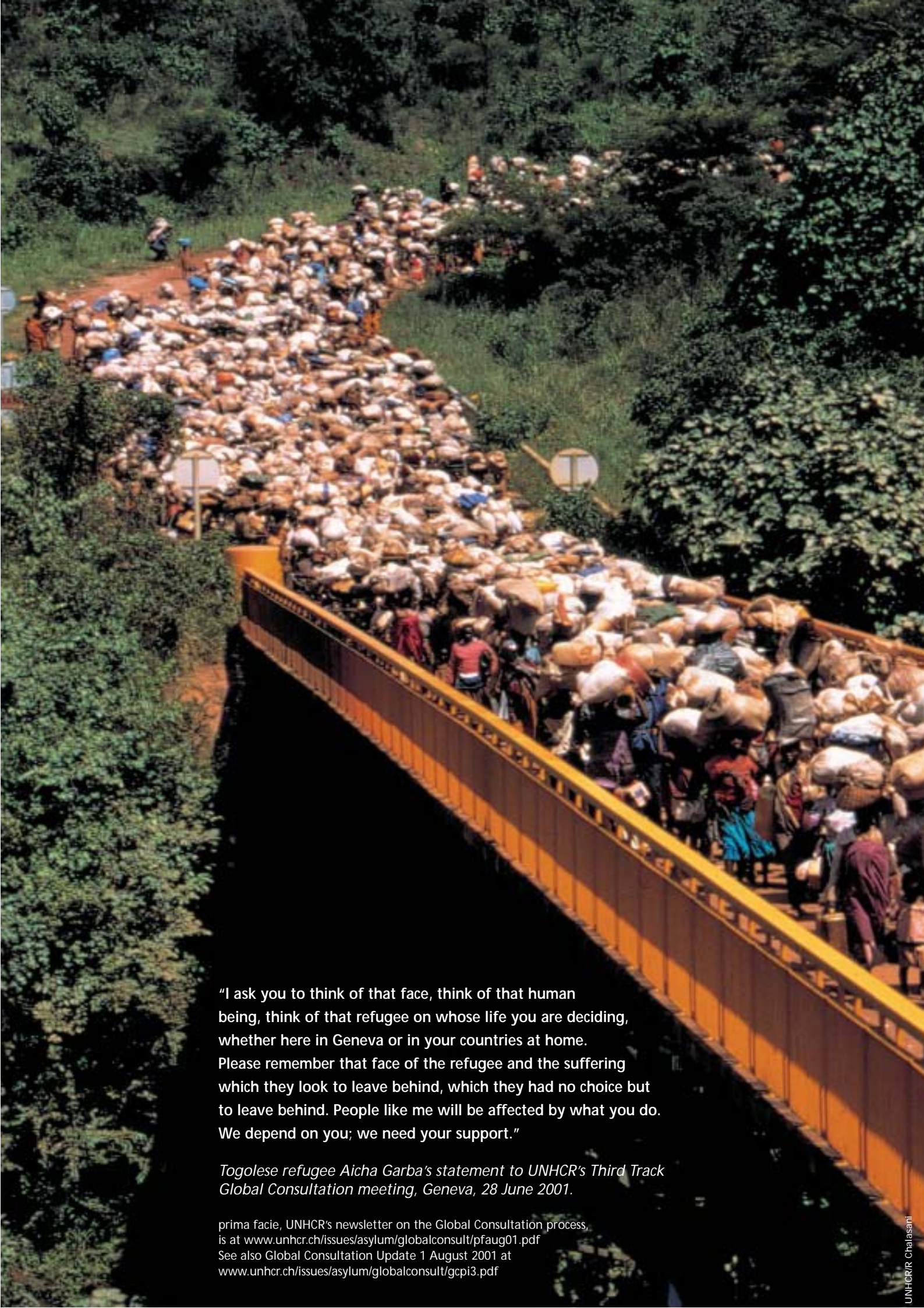
Talk Back

The Newsletter of the International
Council of Voluntary Agencies (ICVA)

Volume 3-4, 12 September 2001,
includes reports on the latest IDP mis-
sion to Colombia, the role of the
military in refugee camps, the role of
information in peace processes,
Chechnya, and changing the approach
to capacity building. It also includes a
longer focus on Indonesia and, in the
editorial, suggests that the next
Nansen medal (awarded to an individ-
ual or organisation that has acted in
the spirit of the first High Commis-
sioner for Refugees, Fridtjof Nansen,
by defending the rights of refugees)
should be awarded to the crew of the
Norwegian ship, the Tampa (see p41).

Talk Back is available on the ICVA website:
www.icva.ch. Or you can subscribe by email-
ing talkback@icva.ch. Talk Back is available
in French and Spanish.

Back cover: Returning refugees cross Rusumo bridge,
the border between Tanzania and Rwanda.
UNHCR/R Chalasani



"I ask you to think of that face, think of that human being, think of that refugee on whose life you are deciding, whether here in Geneva or in your countries at home. Please remember that face of the refugee and the suffering which they look to leave behind, which they had no choice but to leave behind. People like me will be affected by what you do. We depend on you; we need your support."

Togolese refugee Aicha Garba's statement to UNHCR's Third Track Global Consultation meeting, Geneva, 28 June 2001.

prima facie, UNHCR's newsletter on the Global Consultation process, is at www.unhcr.ch/issues/asylum/globalconsult/pfaug01.pdf
See also Global Consultation Update 1 August 2001 at www.unhcr.ch/issues/asylum/globalconsult/gcpi3.pdf