

# FORCED MIGRATION

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1998  
January - April

incorporating the RPN

review

published by the Refugee Studies Programme in association with the Global IDP Survey

## Internal displacement



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Special feature on IDPs: China,  
southern Africa, Colombia

see pages 4-16

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New asylum legislation in Ireland,  
Uganda and France

see pages 17, 20 and 27

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issues in the return of refugees and  
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emergencies

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PLUS regular features: publications,  
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**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 Programme/University of Oxford in association with the Global IDP Survey/Norwegian Refugee Council. The Spanish translation, **Revista de Migracion Forzosa**, is produced by HEGOA, Bilbao/Spain.

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#### Forthcoming features:

**May 1998: camps/temporary settlements**  
**September 1998: urban issues**

We encourage the submission of material in English, Spanish or Arabic, relating to the special feature of each issue or any aspect of forced migration. Please contact the Editors for a Guide for Contributors.

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# from the editors

## Welcome to the first issue of **Forced Migration Review**

incorporating the RPN - the Refugee Participation Network newsletter - and published in association with the Global IDP Survey of the Norwegian Refugee Council.

We are delighted to be working in collaboration with the Global IDP Survey. We aim to complement each other's work, extend our readership and coverage and, above all, integrate issues relating to both refugees and IDPs, working together to ensure that these are high on the international agenda. This first issue carries a special feature on IDPs and there is more information about the Global IDP Survey on page 41. Selected Global IDP Survey publications are available free of charge to all subscribers to the Review (see pages 34 and 41).

This issue also ushers in a new era of subscriptions! This has long been in the pipeline in order to underpin the future of the publication. Many readers will qualify for a free subscription. Others will be asked to pay a small annual fee. All our subscribers need to complete and return the enclosed subscription form.

**Forced Migration Review** is now supported by an Editorial Advisory Board and a full list of members can be found on page 6. Members of this Board are actively involved in, and advise the Editors on matters relating to, the development of **Forced Migration Review**, including the review of submitted papers.

Although the words 'participation' and 'network' are no longer an explicit part of the title, it is still integral to our work to encourage participation by all sectors of our readership, and to offer networking services to our subscribers. We welcome articles



photograph: Tamsin Salehian

(3000 words maximum), reports, letters, research findings and news items on any subject relating to forced migration. Please contact the Editors for a Guide for Contributors. Each issue of **Forced Migration Review** will include a feature on a particular topic: the May 1998 issue will feature camps/temporary settlements, and the September issue will carry a special feature on urban issues (deadline for submissions: 1 July).

**Forced Migration Review** is your forum for debate and for sharing experience. Please use it, and help improve policy and practice for the benefit of refugees and IDPs throughout the world.

With best wishes,

Marion Couldrey  
Sharon Ford  
Editors

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# Forced migration within national borders: the IDP agenda

by Jon Bennett

The growing number of people displaced within their own borders presents one of the greatest challenges to the international community.

**I**nternal displacement is not a new phenomenon, although the recent spate of activity and analysis of the issue might have you believe so. When the UN Charter and Refugee Conventions were being drafted in the middle of this century the ratio of internally displaced persons (IDPs) to refugees globally was similar to that of today. What has changed is the number and severity of internal wars and a corresponding increase in the presence and coverage given to forced migration by the international humanitarian community. There are still some countries (such as China and Burma) where IDP estimates are too inaccurate to warrant serious demographic inclusion; nonetheless, a conservative global figure of internal displacement would be about 20 million, about 30 per cent higher than the more accurate refugee estimate.

IDPs are those in need of assistance and protection as a result of coercive displacement within their own national borders. More specifically, the current working definition of IDP is:

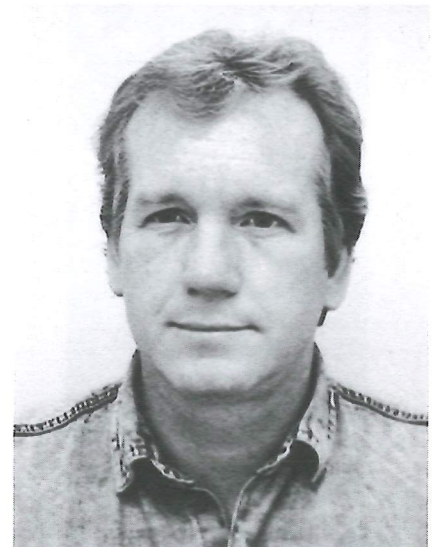
*'Person or group of people who have been forced to flee or to leave their homes or places of habitual residence as a result of, or in order to avoid, in particular, the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.'* [1]

The qualifier 'in particular' allows circumstances other than those listed to

be taken into account; for instance, development-induced displacement where coercion is involved. Generally, the definition would not include economic migrants, refugee returnees under UNHCR programmes or those receiving adequate state compensation and protection following natural disasters or relocation for development purposes.

The category IDP is an uncomfortable one for aid organisations to work with, for there is no institution that deals specifically with the phenomenon of internal displacement and no discrete set of laws which apply to IDPs' situation. For the UN specialised agencies, refugees are the responsibility of UNHCR, children of UNICEF, food of WFP, and so on. IDPs are 'internal refugees' whose plight highlights the grey areas of international law and assistance.

Human rights abuses occur mostly in countries where internal conflict is a precursor to a disintegrated state and where the rule of law has been lost. Access to populations (and therefore accurate estimates of figures) has been either difficult or denied. Moreover, in the wake of Bosnia and Somalia, military intervention to protect civilians, always selective, is increasingly less likely. Humanitarian agencies are forced to weigh up benefits against costs as never before. Little wonder, then, that internally displaced people, often unable or unwilling to run the gauntlet of refugee existence in a neighbouring country, are some of the most vulnerable individuals in contemporary crises.



Jon Bennett, Global IDP Survey

The growing number of internally displaced people also results from changing priorities within the international humanitarian regime. The current preoccupation with limiting refugee flows and avoiding long-term settlement has resulted in a policy shift towards 'internalising' displacement. Thus, greater efforts are made to keep people within their own countries, even if they are away from their original homes. In the post-Cold War period, containment and conflict management are beginning to replace reception and sanctuary in another country. UNHCR has been forced to undercut its own protection mandate in certain key instances. Though not explicit, the principle of voluntary return has been abandoned in favour of managed repatriation reinforced by 'safe area' return.

In the current geo-political climate UNHCR has few alternatives. In Zaire, for instance, it was left with having to choose between two uncomfortable options: either attempt to rescue and repatriate refugees to some unsafe areas of western Rwanda, or leave them to their fate in the forests of Zaire. This particular crisis highlighted

more than ever before the changing realities on the ground and the unwillingness of UN member states to strengthen UNHCR's hand in doing what it should do best: protecting displaced civilians.

The point here is not whether refugees are given adequate provision to return, nor whether they are, in fact, safe. What is at stake is the element of personal choice and voluntary movement of individuals. Increasingly, the agenda is being set not by refugees, but by tripartite agreements between UNHCR, receiving and host governments. Quick answers are sought at a time when the international community is increasingly disengaged from seeking viable political solutions to complex emergencies. At the UNHCR Executive Committee meeting in 1997, states were castigated over their failure so far to give interpretative guidance on issues of protection, and their increasing tendency to "tip the balance towards state interests to the point where protection...is seriously marginalised". [2]

It is worth remembering that UNHCR, by its own admission, accounts for a relatively small number of the 20 million IDPs worldwide. The number of internally displaced people 'of concern' to UNHCR in 1996 was only 4.85 million, of which a mere 1.53 million were assisted. This is not to deny that other UN agencies - particularly UNICEF, WFP, UNDP and WHO - were collectively assisting much larger

numbers than this. Yet none have the protection apparatus and mandate of UNHCR. The UN Secretary-General, Kofi Annan, in his programme for reform in July 1997 cited the challenge of providing protection, assistance and reintegration, and development support for IDPs as an example of a humanitarian issue that falls between the gaps of existing mandates of the different agencies. [3]

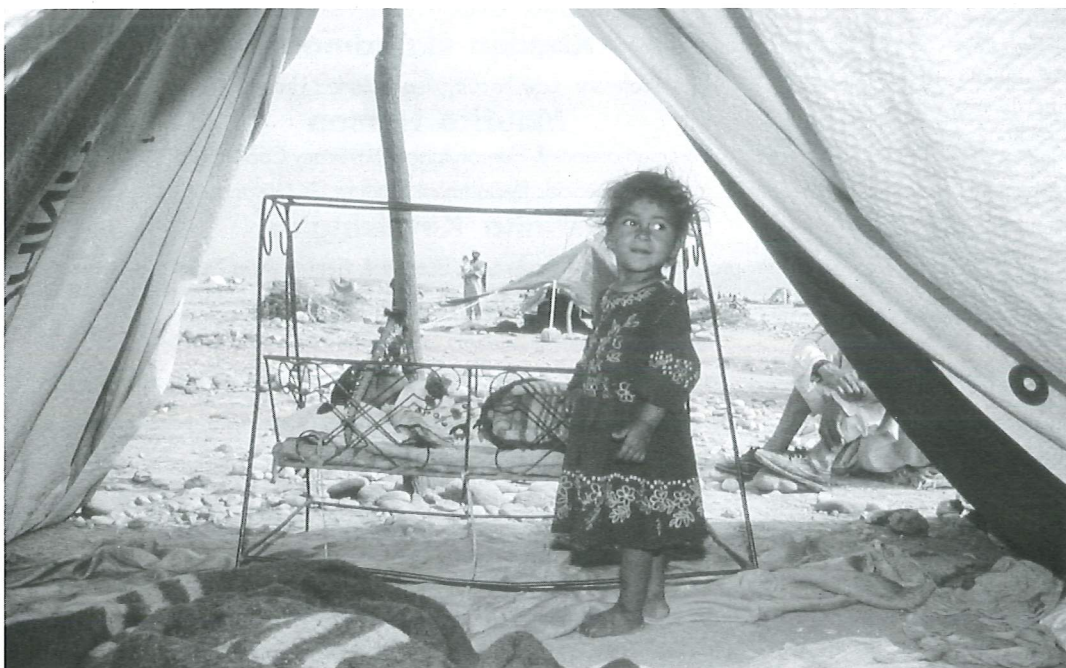
The term IDP is implicitly conservative, for it recognises borders and upholds the responsibility of governments to protect all people within those borders. In reality, the most common cause of internal displacement is precisely the opposite: people are forcibly uprooted (often by the very government charged with their protection), move *en masse* to and fro between borders, become a 'shield' for insurgent activities and are subject to harassment and human rights abuses. Finding the balance between effective international protection and assistance for the displaced while upholding state responsibilities goes to the very core of current debates concerning IDPs. Efforts to prevent refugee flows have led to solutions being sought at the source of conflicts, even if this means overriding a country's sovereign rights. This in turn raises the stakes, for aid organisations themselves become

part of the political equation and find it increasingly difficult to argue their neutrality.

To some extent, the plight of IDPs serves to highlight the growing redundancy of the legal apparatus available for their protection. The Geneva Con-

*...the plight of IDPs serves to highlight the growing redundancy of the legal apparatus available for their protection.*

ventions of 1949 and their Additional Protocols of 1977 make allowance for protecting civilians in internal conflict, but they were formulated when conventional war was the norm and when the task of disseminating the rules was easier. In 1992, the newly-appointed UN Secretary-General's Special Representative for IDPs, Francis Deng, began compiling legal norms applicable to IDPs. He found a significant number of gaps in existing human rights and humanitarian law and has urged that a new set of Guiding Principles be formulated specifically for IDPs. Drafting new international laws would be complex and take many years. The Guiding Principles represent a compromise alternative which, though not binding, will provide a normative framework and a benchmark by which governments and international aid organisations can gauge progress in the protection of



IDP camp in Afghanistan

photograph: UNHCR/S. Wilson

IDPs. The only solution at present lies in a more stringent application of existing international laws and more consistent monitoring of abuses.

The recent restructuring of the UN will leave the coordination of assistance and protection for IDPs in the hands of the Emergency Relief Coordinator,

## *The much used equation 'presence equals protection' no longer bears close scrutiny.*

one of Kofi Annan's inner 'cabinet'. The 'lead agency' model in which resource allocation, monitoring and reporting on IDPs is coordinated through one designated UN agency in an emergency is the most workable option. A common criticism of the UN system, however, is that relief provision often becomes a substitute for adequate protection of civilians. Indeed, it can even be an unintended hazard, as in Liberia in 1996 when civilians receiving food aid were killed by armed looters. The much used equation 'presence equals protection' no longer bears close scrutiny. International presence may still curtail some of the worst human rights abuses but usually only beneath a certain threshold of violence and even then only where the 'rules of war' are minimally recognised.

By 1997, there was an emerging consensus over what kind of realistic objectives can be met in the next few years. A new UN agency is unlikely to be created and there will be no new laws as such on the statute books. Civil and political rights will be pursued by specialised human rights agencies such as the Commission on Human Rights or NGOs. In practice, the best one can hope for is better coordinated monitoring of human rights by the NGOs, governmental and inter-governmental agencies in the field.

Crucial to effective institutional response to IDPs is the collection and dissemination of accurate figures and a more comprehensive methodology for assessing gaps in assistance and protection for the people affected. IDP reporting has been bedevilled by disputed definitions, poor collection methods, and lack of clear indication

as to who is responsible for this. Counting IDPs is notoriously difficult, not least because governments, the UN and NGOs employ different definitions according to the specific population categories each identifies, organisational capacity and, in the case of governments, the level of political inclusion they are willing to accept.

Counting IDPs can raise the political hackles of governments and is not an easy exercise for the UN itself.

To overcome this constraint and to fill a much-needed gap in

information, the Norwegian Refugee Council in 1997 launched the Global IDP Survey as an independent focal point for statistics, facts and comment on internal displacement. The programme comprises a database, country profiles and a forthcoming comprehensive global survey (available free of charge to interested *Forced Migration Review* subscribers). It will also be involved, through a

series of regional conferences, in the dissemination of 'good practice' guidelines and training initiatives. The intention is not to highlight IDPs as a discrete category of people needing attention; rather it is to underline the existing protection and assistance regime applicable to all civilians (especially those displaced) and to argue for greater attention to be paid to the particular needs of those forcibly uprooted in their own country.

**Jon Bennett is the Director of the Global IDP Survey, a project of the Norwegian Refugee Council. The Global IDP Survey website is at: <http://www.sol.no/nrc-no/idp.htm>**

### Notes

- [1] This is a working definition developed over time by the UN's Special Representative on IDPs and used by the Global IDP Survey. The UNHCR definition is slightly more restrictive, with an emphasis only on those who would be 'Convention' refugees had they crossed a border.
- [2] Statement to the 48<sup>th</sup> Executive Committee by Dennis McNamara, Director of the Division of International Protection, UNHCR, 16 October 1997.
- [3] UN Secretary-General's Report to the General Assembly, July 1997 (A/51/950, para 186).

### *Forced Migration Review*

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We would like to welcome all the members of the Editorial Advisory Board and look forward to working together:

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# The Three Gorges: the unexamined toll of development-induced displacement

by Martin Stein

In China, the context of forced displacement in its broadest sense centres on four issues: (1) coercive displacement for development; (2) political persecution resulting in controlled displacement; (3) massive labour dislocations; and (4) disaster-induced displacement. This article looks at the role of the state in displacement, focusing on the first of these issues: development-induced displacement.

## Introduction

The Chinese context highlights grey areas in the adopted definition of displacement, in particular with reference to unrecognised methods of persecution capable of impelling displacement. In recent years, however, complete and accurate reporting on this and other facets of China's human rights situation has been impossible, since most of those Chinese networks which made it their cause to verify reported rights violations are now suppressed. For this reason, one of the few remaining diplomatic measures available to the international community to draw attention to China's internally displaced person (IDP) problem would be to broaden the inclusiveness of its IDP criteria.

The uniquely omnipotent state security apparatus in China is fully capable of suppressing major internal displacement and cross-border refugee flight from regions fraught with dissent. Geographical barriers

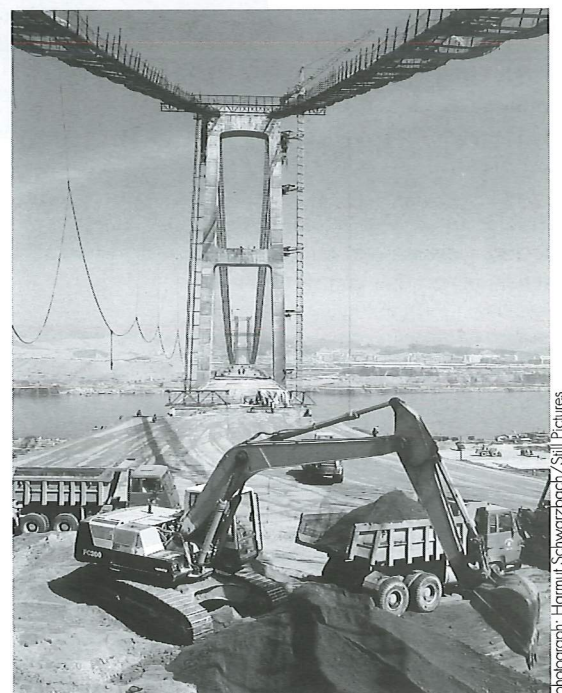
against exit are also significant deterrents. Those fleeing Tibet must endure a perilous journey for up to four months exposed to freezing temperatures. Xinjiang's borderlands with Central Asia are also predominantly impassible, and the border with Pakistan is now being

Furthermore, where displacement is officially benign in intent - as it is in forced displacement for development - the outcome may be politically coerced. In the first 40 years after the 1949 revolution, China resettled an average of 800,000 people per year for development purposes, some voluntarily, many not. In recent years the average has undoubtedly risen, since the current operation displacing 1,200,000 or more people from the Three Gorges Dam area is the largest dam resettlement in history. In involuntary resettlement, the government's frequent resort to the Public Security Ministry causes intimidation of those displaced so that the operations appear orderly. In the case of voluntary resettlement, which occurs

*"A painstakingly choreographed ballet of bulldozers and dumper trucks will today seal in just six and a half hours the fate of millennia of Chinese history - and set up a colossal gamble for the future. As a cascade of concrete and rock plugs the last 40 metre gap in a barrage across the Yangtse River - the first stage of the world's biggest and most controversial dam - China's most ambitious project since the Great Wall will pass the point of no return."*

The Guardian,  
8 November 1997

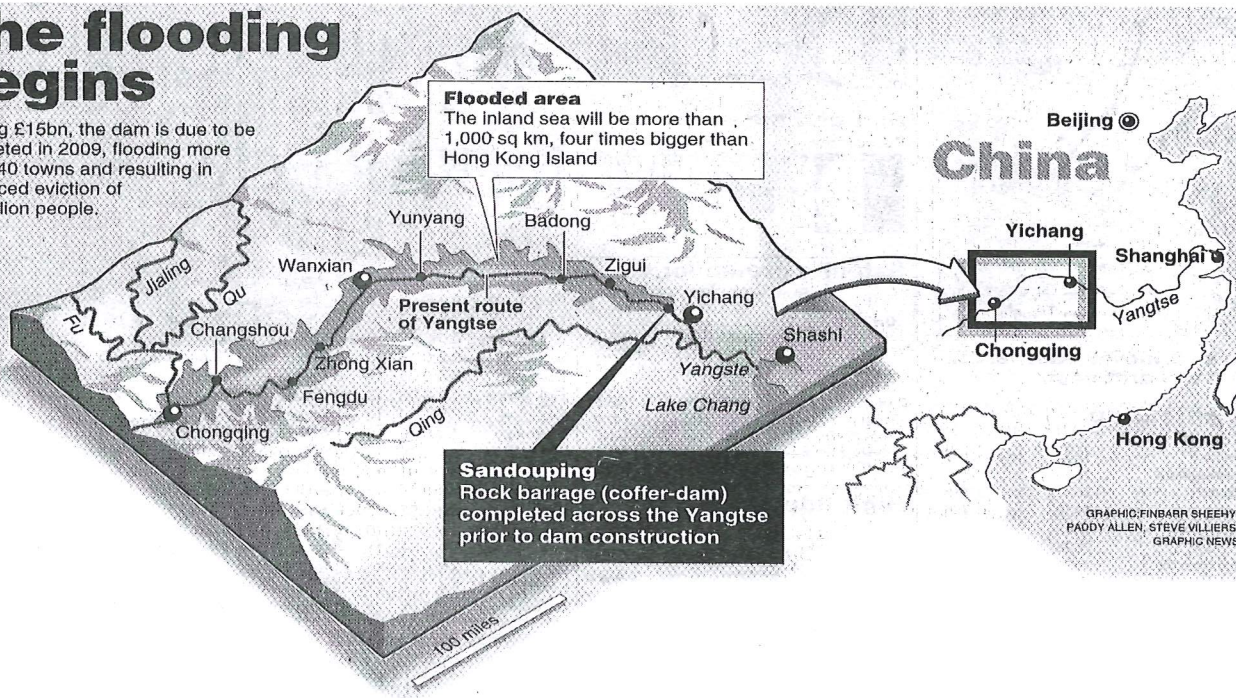
barricaded with barbed wire. *Refoulement* has occurred among small numbers of refugees who recently entered Pakistan, and bilateral security cooperation on suppressing dissident groups has commenced with CIS governments. The government engages in patterns of political persecution that lead to controlled displacements within its borders, but many such instances probably go unreported.



photograph: Harmut Schwarzboach/Still Pictures

# The flooding begins

Costing £15bn, the dam is due to be completed in 2009, flooding more than 140 towns and resulting in the forced eviction of 1.2 million people.



source: © The Guardian, 8 November 1997

mostly in anti-poverty operations, international monitors privately concede that 'voluntary' has a different meaning in the Chinese context, where strong state inducements deprive those affected of the option of appeal.

## Coercive developmental resettlement

The Three Gorges Dam displacement is four times more extensive than the world's previous largest development-related population displacement, which was also in China. The operation will displace the populations of 17 cities and 109 towns, forcing 1,200,000 or more people to comply without appeal. World Bank evaluations of other recent large-scale dam resettlements in China indicate a persistent pattern of failures:

'Failure to involve local people in selecting designs led to a near-universal rejection of the contractor-built houses...' (Daguangba)<sup>1</sup>

'Resettlers are experiencing very high unemployment rates and most remain dependent on government grain rations...' (Yantan)<sup>2</sup>

'60 per cent of the resettled residents still live below the poverty level...' (Wuqiangxi)<sup>3</sup>

Furthermore, many of those shunted aside for dams built at the beginning of the People's Republic are still pro-

testing quietly at their continuing state of immiseration, particularly at Dongpinghu in Shandong (which resettled 278,000), Xinjiang in Zhejiang (306,000), Sanmenxia in Henan/Shanxi (319,000), Jinzhai in Anhui (100,000), Xinfeng in Guangdong (293,000), and Danjiangkou in Hubei (383,000).

The World Bank cites a Chinese study, measuring the effects of dam construction over 30 years, which states that only one third of those resettled had 're-established their lives at satisfactory standards'; another third returned only 'subsistence livelihoods'; the remaining third were 'mired in

and the suppression of the aggrieved, stem from the incapacity of local economies around dams to sustain those who are displaced. The Three Gorges displacement is unlikely to have a better record on income rehabilitation than previous projects which were handled poorly.

## Urban resettlement

The Three Gorges operation will submerge 1,600 enterprises and factory towns. Displacement to urban areas will be dependent on the employment absorption capacity of (i) subsidised start-up enterprises which have a high risk of failure and (ii) internationally non-competitive, debt-ridden state en-

*Various journalistic accounts suggest that announced compensation payments serve as a lure, while promises are frequently not kept.*

poverty'<sup>4</sup>. The Government has a stronger record on urban resettlement, rural transport and rural industry-related resettlement, which less frequently jeopardise resettler incomes, are managed locally, and are less frequently constrained by political commands. Yet China's dam resettlement problems are acute.

The reasons for immiseration, besides the style of decision-making

terprises, with already mounting job redundancies. The displacement coincides with the closure of some major state enterprises and mass lay-offs that are expected to spread pervasively though the Chinese economy. In the medium term, before bankruptcies set in, market pressures will force managers to cut wages, putting the original workers in the industry at risk of impoverishment as well. Dams and reservoirs in China, as elsewhere,



are generally rarely located where market conditions are favourable, but rather 'are typically found in rugged terrain distant from major markets'<sup>5</sup>. In the Three Gorges area, the Government has elevated Chongqing to the status of municipality on a par with coastal cities like Beijing, Shanghai and Tianjin, and exempt from prior central approval for private investments. However, there are limited prospects for attracting outside investors: the planned Yangtze cargo passage is at least 15 years away. For a further two decades, the Three Gorges

these populations are included in the budgets of the resettlement compensation schemes in any significant way.

### Compensation and appeals

Finally, it is not clear that the government's planned compensation for the Three Gorges displacement will materialise as announced. By early 1996, roughly 7.5 per cent of the resettlement funds had been spent in displacing only 1.5 per cent of the targeted population. One study projects a maximum cost of displacement of

195 billion yuan, although only 40 billion is budgeted<sup>6</sup>. Various journalistic accounts suggest

that announced compensation payments serve as a lure, while promises are frequently not kept.

While appeals and protests appear appropriate over the Three Gorges and other displacement operations, the government effectively suppresses the rights of displaced communities. First, the 1991 reservoir resettlement regulations explicitly exempt all China's dam resettlements from developmental goals, stating that the provisions for resettlement must only be adequate 'to ensure that the life of the relocatees will gradually reach or surpass their previous standard'. Second, enforceable legal guarantees for the dislocated populations cannot be found in the state resettlement regulations for the Three Gorges (or presumably for other dam resettlement operations in China). Third, the World Bank found that virtually all legal channels for appeal are cut off in state-mandated projects like dams, since 'those elements of resettlement judged to be matters of state policy (including overall compensation levels) remain beyond challenge'<sup>7</sup>. The World Bank's own assessment of the record of the Chinese legal process on resettlement issues suggests that the state wilfully silences appeals: 'The records do not distinguish those who won total or partial vindication of their claims from those who received no satisfaction...the final resettlement agency offer in the mediation process is rarely modified.' Fourth, the World

Bank found that conditions do not allow the establishment of credible independent displacement monitors in China: 'A review of such monitoring activities undertaken as part of this overall resettlement review reveals not a single successful effort.'

Past dam displacements have been politically incendiary. The Sanmenxia, Xinanjiang and Danjiangkou dams built in the 1960s each displaced 300,000 or more people, producing not only widespread impoverishment but a persistent movement of petitioners (*shangfang*). Even China's smaller dams, resettling only several hundred people, such as the Xinhua Reservoir in Wushan County and Baishi Reservoir in Zhong County, according to unnamed security officials, 'have constantly been the cause of frequent mass disturbances of no small scale'<sup>8</sup>.

Passive resistance to the resettlement conditions include the outright refusal to leave and the refusal to take up new jobs. A few prominent cadres are among those dissidents imprisoned for their opposition to the Three Gorges Project, including Li Rui, Mao's former secretary and a vice-minister of water resources, and journalist Dai Qing, author of the banned exposé *Yangtze! Yangtze!* Dai Qing's *The river dragon has come*, published November 1997, recounts more recent opposition to the Three Gorges resettlement conditions. Within the government, there is substantial silent opposition to undertaking the Three Gorges Dam operation on grounds of both the conditions of displacement and the expected environmental damage. Put before the National People's Congress in 1992, an unprecedented one-third of the cadres cast their votes in opposition to it or abstained<sup>9</sup>.

### Conclusion

Many findings - including those of the World Bank - suggest that resettlement in China often implies abandonment of a very large portion of those displaced to conditions of chronic immiseration. Thus, while development-induced displacement falls technically outside the definition of IDPs currently used in the United Nations, there are problems occurring on a massive scale as a result of poorly conceived safeguards and a pervasive lack of administrative responsiveness to aggrieved groups. If coercive factors are not noted, administrative

## ...the World Bank found that virtually all legal channels for appeal are cut off in state-mandated projects like dams

area will remain an inland market, difficult to access for those industries evaluating the local investment potential.

### Rural resettlement

Those displaced to rural areas face equally unfavourable economic prospects. In most dam displacements, rural populations are relegated to slopes and ridges, available only if they were unable to support a farming population in the past. In the Three Gorges area, only 37,000 acres of new land have been reclaimed against 74,000 to be submerged. Many of the displaced are being squeezed onto higher elevations around the reservoir, where already 30-50 per cent of land is cultivated on slopes greater than 25 degrees, suggesting serious soil erosion and productivity problems for both the displaced and prior residents. The state also plans an unsustainable farming mix. Citrus production, deemed a panacea, will suffer at the altitude of the new displaced communities, subject to frost in the hard inland winters. Additionally, depressed citrus producer incomes were already common in China prior to the Three Gorges plan, due to over-reliance in other areas where income-rehabilitation projects have been needed. Further compounding the immiserating effect of the displacement is the burden born by long-standing neighbouring farming populations from heightened price competition; very few of

forces at work in displacement appear perfectly above board and sincere. In reality, there is an enormous capacity for persecution operating *sub rosa* in displacement issues.

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The Global IDP Survey's *Internally displaced people: a global survey* (1998) handbook includes a report by Martin Stein on the four aspects of internal displacement in China, as mentioned in the introduction to this article. More details on page 41.

For more information on the Three Gorges:  
International Rivers Network, Three Gorges Campaign: <http://www.irn.org/programs/3g/>  
Probe International, Three Gorges Campaign: <http://www.nextcity.com/ProbeInternational/ThreeGorges/>

Notes

1. World Bank Environment Department 'Resettlement and development: the Bankwide review of projects involving involuntary resettlement', 1986-1993, 8 April 1994, 6/11.
2. Yo Kimura and Lee Travers, World Bank China and Mongolia Department, 'China involuntary resettlement', 8 June 1993, p37.
3. 'Wang Maolin addresses Hunan resettlement conference', Hunan Ribao, 15 November 1996, p1.
4. 'Selected essays on reservoir resettlement and poverty alleviation', Ministry of Water Resources Resettlement Office, October 1988, p142
5. Yo Kimura and Lee Travers, 'China Involuntary Resettlement', World Bank China and Mongolia Department, 8 June 1993, p37.
6. Samuel Wang, 'Migration for flood control', *China Strategic Review*, No 3, April 1996
7. Citations and quotations from Yo Kimura and Lee Travers, as above, p12.
8. 'Three Gorges Resettlement expected to spawn massive civil unrest', *Three Gorges Backgrounder* No 26, Probe International, 15 March 1995.
9. Audrey Topping, 'Ecological roulette: damming the Yangtze', *Foreign Affairs*, September/October 1995.

Articles in *Forced Migration Review* can be accessed and downloaded from the FMR pages at the RSP's website at: <http://www.qeh.ox.ac.uk/rsp/>

# National response to inte

In many cases the international community acts to protect and assist the world's internally displaced people in the absence of responsible and effective national action.

This is, at least partly, because countries experiencing crises of internal displacement are unlikely to possess national institutions capable of effectively providing their displaced citizens with the necessary support. Strengthening national capacity for response is essential in order that governments themselves can assume immediate responsibility in humanitarian emergencies without having to depend on external aid. In countries experiencing political and economic upheaval, the very act of establishing an institution is significant, as it constitutes government acknowledgment of the problem of internal displacement. The efficacy of a nation's response can be influenced by several factors:

## Ethnicity of the displaced people

In cases where government actions have caused the displacement of particular ethnic groups (such as in Sudan, Burma and Turkey) reliance upon these same governments to help those displaced becomes questionable. Authorities may be more easily motivated to assist people who belong to the same ethnic group as the state's majority: in Cyprus, for example, Greek Cypriot and Turkish Cypriot authorities created assistance programmes for displaced members of their respective ethnic groups on the island [1].

## Political considerations and biases

By contrast, political considerations have precluded the Azerbaijani government from taking an active role in

assisting its displaced citizens, although they are ethnic Azerbaijanis. While local people have received those displaced with hospitality, the Government of Azerbaijan has not taken steps to further local integration, and seems to prefer that these people remain displaced until settlement of the dispute with Armenia allows their return to Nagorno-Karabakh and surrounding areas [2].

In Colombia, many in the government view internally displaced people with suspicion, and some officials even consider those displaced to be subversives [see Seán Loughna's article on pp 15-16]. Despite the creation of a plethora of agencies to address human rights and displacement issues, political attitudes have contributed to a "conspicuous gap between intentions and performance" [3].

In Peru the state is preoccupied with curbing urbanisation. Consequently, the government's single agency designated to assist internally displaced people, the Project of Support to the Repopulation (PAR), assists returnees and internally displaced people who agree to return to rural areas, but not those who choose to resettle in other areas. It has even pressured some communities to return home despite precarious conditions [4].

## Coordination and liaison of efforts

The creation of 'focal points' within governments to deal with displacement promotes coordination and facilitates UNHCR's ability to communicate effectively with governments,

# Internal displacement

by Jennifer McLean

rather than having to face a confusing and time-wasting array of bureaucracies [5]. In Tajikistan, the existence of the Tajik Central Refugee Department made it easier for UNHCR, together with government officials, to undertake operations to provide assistance to the nation's internally displaced people.

In Sri Lanka, the focal point is the Ministry of Reconstruction, Rehabilitation and Social Welfare (the MRR&SW). One MRR&SW programme coordinates the relief effort by the government and international community and maintains hundreds of camps and welfare centres which serve over 250,000 internally displaced people. Bureaucratic obstacles and aid diversions have sometimes undermined the effectiveness of the MRR&SW, and the government has been known to restrict assistance to displaced Tamils [6]. Nevertheless, Sri Lanka on the whole provides a good example of a government which has assumed responsibility for its displaced people and returnees, and established effective national institutions to address their needs.

*The international community has a clear stake in persuading nations to improve their response to crises of internal displacement...*

## International community involvement

The international community can, in most cases, provide support by encouraging governments to develop and strengthen national institutions and, where possible, by monitoring the activities of these institutions. Georgia's Coordination Bureau for

International Humanitarian Aid (CBIHA) was established in 1995, with funding from international organisations, to assist all categories of needy people in Georgia. The agency is mandated to coordinate all international organisation and NGO programmes, and with the support of the International Organisation for Migration, the UN Department of Humanitarian Affairs and the Norwegian Government, publishes a monthly report which reviews aid programmes in Georgia and includes useful commentary on current assistance [2].

The Programme of Action produced at the May 1996 CIS regional conference on displacement discusses the importance of establishing high-level migration agencies to "develop policy and coordinate all relevant governmental bodies" [7]. It emphasises that such bodies could be of great help in targeting humanitarian assistance and facilitating the work of international organisations and NGOs. International organisations are invited to develop technical cooperation programmes to assist CIS governments in strengthening their management capacities and developing their information systems.

The situation of internally displaced people will obviously be affected by a government's motivation in creating national institutions, and the political will for implementing the mandates of these institutions. The international community has a clear stake in persuading nations to improve their response to crises of internal displacement and also to assume greater



IDPs from Lachin, Nagorno-Karabakh, at Adghebedi, Azerbaijan

photograph: UNHCR/M. Allard

responsibility for their own IDPs. Stronger national institutions would reduce the risk of dependence on external assistance and ease coordination difficulties between governments and international agencies. Above all, more responsible institutions would help ensure that internally displaced people are not overlooked.

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# Living in the shadows: internally displaced people in southern Africa

by Marion Ryan Sinclair



photograph: Cill de Vlieg/Atropix

The Centre for Southern African Studies at the University of the Western Cape has recently begun a research project designed to investigate the extent, conditions and prognoses of internally displaced people (IDPs) in southern African countries.

For decades the southern African region has been plagued by political crises which have generated huge populations of IDPs. The great majority of these populations remain, even today, undeclared and unassisted. But over the last few years, and led largely by the emergence of democracy in South Africa, awareness has grown that the official secrets of the past must come to light. The ending of civil wars in Angola and Mozambique, the growing acceptance of a human rights agenda for the region, and a regional resolution to develop along lines of democracy and participation, have produced a new commitment to an honest appraisal of

past liabilities. While there is growing conviction that the situation of IDPs across the region should be addressed, very little hard information is available to inform the development of intervention strategies. This is a legacy of both a difficult research environment and a largely hostile officialdom.

The problem of IDPs exists across the whole southern African region. In South Africa itself two distinct sources of dislocation have been apartheid policies of forced removal and government-sponsored ethnic violence, which together have created an IDP population estimated by the US

Committee for Refugees to number approximately 500,000 people [1]. Over the years, civil wars in Angola and Mozambique have generated millions of displaced people. In Malawi the burden of hosting Mozambican refugees led to a situation where native Malawians became impoverished and sometimes even displaced because of the burden of accommodating refugees with little international assistance [2, 3]. Tanzania experienced two decades of internal displacement problem following the villagification exercises of the 1970s. In Zimbabwe, the Zanu massacres in Matebeleland generated large but unreported displacement of people, many of whom remain displaced today [4]. The Democratic Republic of Congo (formerly Zaire) - the newest member of the Southern African Development Community - is recovering from months of civil war which have left uncounted numbers displaced.

While most countries across the region have well defined positions on refugee assistance, none has begun to address the needs of IDPs. The South African refugee policy is considered comparatively liberal in its acceptance of refugees and the rights of asylum seekers, yet ignores those displaced within its own borders. This neglect raises the question of the motive behind guarantees of assistance to international refugees: is this simply political, serving to convince the international community that South Africa does indeed respect human rights and customary international law? The continued neglect of IDPs also suggests that the current government is either unable or unwilling to deal effectively with continuing ethnic violence within the country.

While the problem of IDPs is normally viewed from a regional or even national level, the most profound impacts are commonly manifest at a

local level. In South Africa, the region of Kwazulu-Natal has generated the highest numbers of IDPs over the late 1980s and early 1990s. The vast majority of these uprooted people have fled to the metropolitan areas of Durban and Pietermaritzburg, and it is largely in the urban fabric of these two cities that the impact of forced migration is felt. Yet, paradoxically, it is here that those displaced tend to become invisible, partly of their own volition and partly because research and political agendas have decreed that they are not a priority.

In the case of Durban, tens of thousands of IDPs [5] have been absorbed into the city, significantly boosting the homeless population and the level of unemployment and giving rise to conflicts over limited work opportunities, food and shelter. In the absence of official sources of assistance to IDPs a number of small private organisations have emerged from among the people themselves. These offer little more than a common sense of history and experience, though at least one of the organisations offers more technical and practical assistance in the form of skills training and accommodation services. For the newly-arrived IDP, accommodation and work are the two immediate challenges, while the long-term need to deal with the psychological effects of the violence that

precipitated their flight is left unexplored. For the great majority of these refugees this need remains unaddressed even after many years in the city.

Neglect of IDPs can be attributed in part to the great obstacles involved in gauging the extent of the problem.

refugees and IDPs, this question of government responsibility will need to be addressed, and community costs for past assistance appreciated and, where necessary, compensated.

In almost all cases, IDPs' own governments have failed to provide them with basic assistance and protection,

*...displaced people arouse only temporary interest, with public attention waning fast and extended concern conspicuous by its absence.*

There is also, however, a widespread and surprising unwillingness to confront this issue. For the most part, displaced people arouse only temporary interest, with public attention waning fast and extended concern conspicuous by its absence. For those displaced there is almost always a long-term legacy of poverty and loss of family and community, and little or no assistance to deal with the extensive material and psychological impacts. The denial of official recognition of IDPs across southern Africa has meant that the burden of caring for them has tended to fall heavily on local communities. In effect, those displaced have commonly sought asylum with local communities rather than with the state, or have simply struck out on their own. Governments in the region have got away both with creating huge IDP populations and also subsequently with ignoring their material needs - at great cost to many local communities. As the governments of the region move towards adopting international standards of assistance to

either because of a lack of resources or because of the political expedience of ignoring their plight. The situation is compounded not only by the frequent restriction of information in the media, which entrenches their position of international neglect, but also by the fact that no international legislation or customary international laws provide for external forces to come to their assistance.

International recognition of the existence of IDPs in southern Africa, their numerical significance and the human rights abuses that they represent is of paramount importance. Public awareness remains low, primarily because no watchdog organisations have taken it upon themselves to publicise the issue or lobby support. At a global level, however, IDPs are slowly gaining political



photograph: Afrapix

sympathy. There is growing pressure on the UN to redefine the mandate of UNHCR to include IDPs, despite a more conservative lobby arguing for the increased restriction of UNHCR duties to address international refugees exclusively. This debate looks set to continue for the foreseeable future, remaining an academic matter at least until more funds are made available for humanitarian operations. In the interim, and in spite of the lack of a clear mandate for action towards IDPs, the UN and other agencies have occasionally played a highly important role in assisting those internally displaced. Examples include cross-border operations (such as those in Afghanistan, and Sudan [6]), *de facto* extended UNHCR mandates to include IDPs and repatriated refugees (for example in Mozambique and El Salvador), and the interventions of the

International Committee for the Red Cross.

While isolated examples of assistance to IDPs do provide necessary protection and relief, they are neither sufficient nor strategically effective. In the words of Lance Clark "As long as we treat each of these instances as isolated cases and therefore continue to apply *ad hoc* rather than systematic responses, we are condemning millions of people every year to unnecessary suffering" [7]. The call for the UN to establish a body mandated to continue and extend such work is clearly sadly belated.

The major logistical obstacles to providing assistance to IDPs derive from the fact that while international refugee agencies have a mandate to assist the dispossessed and displaced, they

can do so only on request and only where those displaced have crossed state lines. While there have been calls for a common regional position on international refugees within southern Africa - although the political and economic realities of the region make this unlikely and possibly unwise at present - the treatment of IDPs is ultimately a question of domestic policy. This, in turn, depends on the willingness of governments in the region to acknowledge the IDP problem in their respective countries.

South Africa is currently in the convoluted process of devising a Refugee Bill and whilst this does not explicitly address the requirements of IDPs, the associated climate of public interest in issues of displacement in general presents a timely opportunity for the IDP issue to be addressed at both a public and an official level. The ultimate aim should be to enact new legislation to protect and assist IDPs, and to gain commitment from the Government to tackle the problems which may give rise to new flows of IDPs in the future.

In considering parallel legislation to address refugees and IDPs, an important caveat is made - namely that it is necessary to equalise the treatment and consideration of both groups. The idea is not to insist that IDPs deserve more assistance, or that they are somehow more significant because they are local, but to bestow equal status and aid on all who have been forced to relocate, regardless of origin or final location.

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# Colombia: a search for peace in the midst of conflict

by Seán Loughna

After three decades of armed conflict in Colombia, communities of (IDPs) and others threatened by the violence are trying to stop the killing in their communities and prevent further displacement by publicly declaring themselves neutral to the conflict. The first of these 'communities of peace' was San José de Apartado in the war-torn region of Uraba in the north-west of the country. Most of the 300 or so residents of this community (subsequently swollen to 800) were people who had fled violence elsewhere and moved into homes abandoned by people fleeing San José de Apartado for the same reason. In March 1997, the community collectively decided not to carry arms and not to support or associate itself with any armed group. By publicly rejecting all the groups in conflict, however, the people of San José have left themselves open to intimidation by all sides and are protected by none. The security of such communities seems to be highly dependent upon a permanent, visible international presence. Within the first three months of their declaration, 37 members of the community were killed following withdrawal of support by a foreign NGO. A number of national and international NGOs (including Oxfam and Médicos del Mundo) have subsequently offered their support to this initiative, providing accompaniment and emergency supplies, which appears to be providing a degree of protection.



photograph: James Hawkins/Oxfam

Colombia is home to Latin America's longest running internal armed conflict: at least one million Colombians are displaced within their own country, according to figures published by the Catholic Church in 1997. In some departments, including those bordering Ecuador, Peru and Venezuela, at least 20 per cent of the original population have been displaced. More people were displaced in Colombia during 1996 than in Burundi, Rwanda or Zaire during the same period, but Colombia's *desplazados* have received little attention, even from fellow Colombians.

About 60 per cent of Colombian IDPs are women, many of them widows and single mothers with their children. Of these, about a quarter are the main wage earners of their families. Seventy-two per cent of IDPs are under 25 years of age and over 40 per cent are peasants. The Colombian Episcopalian Conference estimates that over 72 per cent of IDPs in the country have not received any kind of assistance or support.

In the absence of agrarian reform, Colombia has long been characterised

by land invasions and social conflict. There have been three phases of large-scale internal displacement of Colombians this century. In the first of these, between 1948 and 1965 and culminating in the period known as *La Violencia*, 300,000 people were killed and as many as two million more were uprooted as the two dominant political parties struggled for power. In the wake of *La Violencia*, the two parties formed a pact to exchange power every six years. Often viewed as the origin of the current 'crisis of legitimacy' in Colombia, this arrangement effectively resulted in the exclusion of all other political actors and fuelled the rise of the insurgency movement. The second phase occurred during the 1970s as a result of the repressive measures taken by the state to counter growing insurgency. This period saw the emergence of paramilitary units, or private armed groups, which concentrated their military activities against the left-wing guerrillas and others seeking socioeconomic reform. The most recent phase of displacement coincides with the growth of the cocaine and heroin cartels during the 1980s which, like cattle ranchers and mineral dealers, have

formed powerful alliances with the security forces, paramilitary groups and/or guerrillas.

Caught in the crossfire of the persistently worsening conflict, non-combatants are increasingly targeted. Much of the conflict is fought by proxy, with all sides trying to secure the active support of the civilian population, forcing them to take sides or to flee. Many of those displaced have fled from areas of intense guerrilla and paramilitary activity. But the regions from which people are being displaced are also generally rich in agricultural and other natural resources. When people flee, local landowners and national or multinational investors are then able to appropriate, or acquire at minimal cost, the land left behind. In recent years the guerrillas' main incentives are also less ideological than economic: they seek greater control over territory and national resources, and influence over the population. Consequently, displacement is no longer a by-product of the conflict but a key objective in the war tactics of all sides.

Whereas displacement has tended in the past to affect individuals and families, more recently entire communities of up to 4,000 people have been fleeing *en masse*. Most tend to seek the anonymity of bigger towns or cities, where they usually end up in one of the already overcrowded shanty towns. Here there are few, if any, basic services and little opportunity for employment. Many lack the correct legal documents which enhances their vulnerability. Wherever they relocate to, IDPs may be labelled as 'guerrillas' or 'guerrilla sympathis-

*...displacement is no longer a by-product of the conflict but a key objective in the war tactics of all sides.*

ers' simply because they fled from areas with a guerrilla presence. Consequently, they are often reluctant to talk about their history and from where they came.

It is not uncommon for IDPs to have been successively displaced two or three times. Furthermore, intra-urban



Colombia: areas of internal displacement

displacement has been on the increase since 1995. In these cases, mainly young people from impoverished neighbourhoods in the main cities are forced to move to other districts by the police, armed forces and paramilitaries as part of a campaign of 'social cleansing'.

Despite the rhetoric, the Colombian Government's promises to assist IDPs

have been woefully inadequate. Although 'well packaged', the government programme CONPES (Consejo Nacional de Política Económica y Social) has minimal operational impact due to insufficient resources, a lack of experience of working with IDPs and non-cooperation with other national and international actors. There is a

large and diverse collection of NGOs which play a crucial role in protecting and assisting displaced people; their efficacy, however, is restricted by poor coordination, fragmentation and the repression they endure at the hands of the military and/or paramilitary forces. The Church is by far the most important institution assisting IDPs in Colombia and the only source of support in some of the conflict zones. It has implemented some key initiatives such as the 'pastoral dialogue for peace' projects and is frequently the preferred channel for international aid.

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source: The State of the World's Refugees 1997/98, © UNHCR by permission of Oxford University Press



# Human rights have no borders

by Maura Lean

A key challenge facing the Irish people today is to build an Ireland in which the values of multiculturalism and inclusion are recognised and practised.

The number of refugees world wide has grown from 8 to 15 million in the last decade. In this context the much publicised rise in the number of asylum seekers coming to Ireland, from 424 people in 1995 to 3,883 people in 1997, is minuscule. The increase, however, has been accompanied by growing levels of racism and xenophobia.

The Irish State has a responsibility under international law not to tolerate racism. Much of the coverage of refugees in the media and some of the comments made by candidates during the June 1997 general election campaign contrast sharply with the spirit of inclusion and human rights which lies behind the designation of 1997 as European Year against Racism. Headlines such as 'Refugees spark housing crisis', 'Crack-

down on 2,000 sponger refugees', and 'Refugee rapists on the rampage', create an erroneous impression of refugees over-running the country, and equate being a refugee with being a criminal.

## Ireland - from island of exiles to an island mentality

Over one million Irish-born people live overseas, most of them in Britain, the USA, Australia and Canada. Tens of thousands of others live throughout Europe, Africa and Asia. An estimated seven million people have left this country since the 17th century and it is estimated that 70 million people around the world identify with Ireland [1]. In the 1980s a generation of Irish saw the Morrison and

Donnelly visas, permitting quota allocations of Irish people to work in the United States, as a passport to economic wellbeing and opportunity in the USA. Yet, in contrast, before the second world war Ireland closed its doors to Jews. The gains which Jewish migrants subsequently brought to Ireland in the 1940s and 1950s were quickly obvious. Countries of origin of asylum seekers coming to Ireland now include Romania, Algeria, Somalia and the Democratic Republic of Congo (formerly Zaire).

In the *Voice of Refugees* magazine earlier this year Khalid Ibrahim, co-ordinator of the Association of Refugees and

Asylum Seekers in Ireland (ARASI), wrote "Irish people have been respected all over the world for two main reasons. Firstly, they have no colonial history. Secondly, they have suffered from being an oppressed nation... They have emigrated worldwide... Irish culture is very rich and has left its effect on the culture of many countries. We hope that some of our culture can be accepted and celebrated beside the Irish culture" [2]. Such hopes contrast sharply with the present reception for asylum seekers at state level and in parts of society.

## The White Paper on Foreign Policy and the 1996 Refugee Act

In March 1996 the then Irish Government published its first ever White Paper on Foreign Policy. It states that Ireland's development policy will place "renewed emphasis" on "responding to the growing number of refugees and displaced persons" [9.18]. In an assessment of the White Paper [3], Andy Storey notes that it is overtly concerned with the plight of refugees internationally but has little to say regarding the situation of refugees coming to Ireland. He points to a surprising omission: the chapter of the White Paper which deals with human rights (chapter 8) makes no reference to refugees despite the widespread worsening violation of refugees' and asylum-seekers' rights throughout the world. By not approaching this issue from a human rights perspective Ireland risks undermining its credibility in other international fora on human rights. The White Paper's discussion on the need for more open and transparent EU procedures on asylum and immigration [3.207] is overshadowed by its emphasis on issues such as drugs, immigration, extradition and organised crime. By including the issue of asylum within this context a clear association is made with

Zlata Filipovic, an author, was airlifted out of Sarajevo and now lives in Dublin.

photograph: Derek Speirs/Report



criminality rather than with human rights.

Ireland's 1996 Refugee Act sets out procedures to deal with refugee claims and states refugees' rights. Although some aspects of the legislation have been criticised, its impact, if implemented, is regarded by the Irish Refugee Council (IRC) and others as broadly positive. It includes rights to reside, to health care and to social welfare, and access to the courts. It states that asylum seekers must be informed on arrival of their right to consult a solicitor. If a person is not granted refugee status they can still be allowed to stay on humanitarian grounds if they are fleeing famine or disaster, although their rights and benefit entitlements are not specified.

However, by 1 September 1997 only five sections of the Act had been initiated and, arguably, only two of the five implemented sections had changed procedure in any significant manner. A central pillar of the Act had also crumbled. An injunction taken out by a former Minister for Justice, Patrick Cooney, prevented the appointment of a Refugee Commissioner, the independent determination body conceived to make application recommendations to the Minister. (It has since become clear that the large backlog of cases awaiting finalisation - currently over 4,000 - necessitates the appointment of several Refugee Commissioners [4].)

A major shortcoming of the Act is that asylum seekers still do not have the right to work, which affects their ability to be self-sufficient and to contribute to Irish society whilst their application is being processed - and this can currently take up to between two and three years. A further shortcoming of the Act is its inadequate provision for interpretation facilities. It states only that there will be interpretation, where possible, for refugee determination procedure (see Section 8, sub-section 2; Section 11, sub-section 2; and Section 16, sub-section 11d). In this context opportunities for refugees to use their skills to help each other should be utilised. The creation of ARASI increases the scope for this,

giving refugees and asylum seekers a body which may be directly involved in advocacy and facilitating links with local community organisations.

### **The legal situation of asylum seekers and refugees**

The 1951 Refugee Convention states that refugees should not be penalised for entering a country illegally. Back in 1993 an inter-departmental committee on non-Irish nationals recommended that the existing administrative arrangements should be placed

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*...the only comprehensive legislative procedural statement which exists in Irish law is one dedicated to making it easier to remove applicants from the State rather than one guiding the positive identification of protection needs.*

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on a statutory footing with the important addition of an appropriate appeals authority. However, recent moves to deal with illegal immigration give cause for concern regarding the fate of refugees seeking asylum in Ireland.

On the last day in office of the previous government (25 June 1997) the then Minister for Justice put in place new port of entry procedures between the Republic of Ireland and the UK which effectively ended the right to travel freely between the two countries. UNHCR promptly expressed its concern that these new port of entry procedures for dealing with asylum seekers do not meet with Ireland's international obligations, and asked for their suspension. The operation of non-admission procedures such as those under the June 1997 Ministerial Order, without review procedures and safeguards, can result in the erosion of the central international legal right to seek asylum, and can violate the principle of *non-refoulement* now enshrined in both national and international law.

Since the Dublin Convention came into force on 1 September 1997, any asylum seeker has a right to appeal if his or her application is rejected at the port of entry on the basis that he or

she had an opportunity to apply for asylum in another EU/Dublin Convention country. The Dublin Convention also sets out the procedure for determining whether an applicant may be returned to another European state. It is, however, ironic that the only comprehensive legislative procedural statement which exists in Irish law is one dedicated to making it easier to remove applicants from the State rather than one guiding the positive identification of protection needs.

Legal aid must be made available at the point of entry and be available throughout the examination procedure. Adequate legal aid is essential to asylum seekers in order to offset their lack of knowledge of the Irish legal system and of their rights as asylum seekers, and the difficulties inherent in operating in a foreign language. The

termination, due to lack of resources, of the Refugee Legal Project of the Irish Refugee Council which provided a basic legal advice service on an interim basis, means that the only state legal aid available to asylum seekers is IR£120 (IR£1 is currently US\$1.36) towards legal costs. The actual cost of making legal representation on behalf of asylum seekers is much greater, requiring expertise in refugee law and case preparation and the use of translation and country of origin research facilities. Furthermore this limited state legal aid is only available at the appeal stage, when an application has already been made and been refused. The lack of resources being made available for this area can only indicate a very low level of priority being attached to allocating resources in defence of basic rights.

On 10 December 1997, in a letter to UNHCR, the Department of Justice set out new draft procedures for dealing with asylum applications. There is, however, concern that these procedures place the implementation of the Act on an even more distant footing. Particular concern surrounds the proposal that, during the interview process, the asylum applicant may be accompanied by a representative who cannot, however, answer questions for the applicant or intervene in any

way. The representative is to be given the opportunity at the end of the interview to make briefly any points which are considered necessary. There are some doubts as to whether such an approach is legal.

### Access to state benefits

Much has been made of the costs imposed on the Irish state by the arrival of increasing numbers of asylum seekers with an estimated annual figure of IR£12 million [5]. Moreover, the visibility of asylum seekers in welfare queues, and alarmist newspaper headlines bemoaning the cost of this, have contributed to the projection of a negative image of refugees and asylum seekers. The following facts give a more accurate picture of the situation:

◆ Asylum seekers are not allowed to take up employment despite many of them being highly skilled and

◆ Asylum seekers have been accused of taking local authority houses from needy Irish families on waiting lists when in fact they are not even eligible to apply for local authority housing. Because of the shortage of available accommodation, as well as a reluctance on the part of many private landlords to accept foreign tenants or tenants claiming Rent Supplement, immigrants reluctantly remain homeless in emergency accommodation for weeks or months on end.

### An agenda for action and understanding

◆ Ireland is the only EU state which has yet to ratify the *Convention on the Elimination of all Forms of Racial Discrimination*. Ratification of this, and the *Convention on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (1984), must be a top priority in advance of next year's

for the reception of refugees in consultation with statutory bodies and NGOs.

◆ The time taken to process asylum applications needs to be reduced, especially in view of the fact that asylum seekers are not able to seek employment in the interim. An incentive to process applications speedily, and thereby save public money, would be to introduce a proviso that in the event of their applications taking longer than six months to process, asylum seekers would be entitled to seek work pending a decision on their case.

◆ The Government should set up an appropriate body to advise and recommend on the full range of measures needed to receive and absorb those refugees whose applications are approved. Such preparation will require action on a number of fronts,

**Dr Luo Jin Shang is a Vietnamese doctor of Chinese origin, with nearly 40 years experience as a practitioner of both Western and Chinese medicine. "I like the Irish people. They are very friendly, just like the Vietnamese. My main regret is that I cannot work as a doctor here... if I don't do anything with my medical skills, my life will lose its meaning..."**



photograph: Derek Speirs/Report

qualified and capable of making a valuable contribution to our society. Neither are they entitled to unemployment assistance or to benefits based on pay-related social insurance contributions. However, an asylum seeker may claim the same weekly Supplementary Welfare Allowance (SWA) as Irish citizens - and in November 1997 some 2,400 asylum seekers were in receipt of SWA benefits - which is recognised officially as still leaving recipients living below the poverty line.

session of the UN Commission on Human Rights.

◆ The 1996 Refugee Act represents a major step forward and has the potential to place Ireland at the forefront of progressive international law and practice on asylum. However, despite being passed with all-party support 18 months ago it has been only very partially implemented. The Government should take action to implement the Act without further delay and in so doing develop a coherent programme

including economic, legal, cultural, political and educational. The experience of other European countries should be carefully examined.

◆ It is of great concern that racism has become increasingly manifest in the form of physical assaults on and threats, written and verbal, against asylum seekers. The Government, and indeed all politicians, should speak out to diffuse the current climate of rising racist tension.

◆ This tension provides a special challenge for the provision of an appropriate education campaign on the promotion and protection of human rights. This should include the schools, the non-formal sector, the media and the general public. This would be particularly timely as Ireland's former President, Mary Robinson, in her capacity as High Commissioner for Human Rights has recently assumed particular responsibility on behalf of the UN in the field of human rights education.

As one of the world's richest nations, the Irish government has a moral obligation to assist in tackling the problems of conflict and lack of development which generate refugees.

In Ireland, as in many other places, millennium fever is beginning to take off. As a society we must ask ourselves what kind of Ireland do we want for the new millennium. A key challenge is to build an Ireland where the values of multiculturalism and inclusion are recognised and practised. Refugees and asylum seekers can, if given the chance, contribute greatly to our society with their skills, experience and energy while adding to our cultural diversity. Recent European history has shown that anyone can become a refugee. It behoves us all to guarantee the highest levels of protection for those that do.

**Maura Leen is Policy Analyst with Trócaire.**

Trócaire and the Irish Commission for Justice and Peace recently launched a joint policy document entitled *Refugees and Asylum Seekers - A Challenge to Solidarity* which contains 11 key recommendations relating to asylum seekers in Ireland. The document is available (cost IR£2 plus post and packaging) from: Trócaire, 169 Booterstown Avenue, Blackrock, Co Dublin, Ireland. Tel +353 1 2885385; Fax +353 1 2993577/2836022; Email [info@trocaire.ie](mailto:info@trocaire.ie) Website <http://www.trocaire.org>.

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photograph: Derek Spearis/Report

**Somali family outside their home in Dublin**

# Uganda: the 1996 draft Refugee Bill

The Ugandan government is in the process of re-drafting its domestic law on refugees. In October 1997, a group of 36 academics, refugees and practitioners met at Makerere Institute of Social Research to discuss the 1996 draft 'Refugee Bill'. Concerns raised included the following points:

**1** The draft law fails to protect the fundamental right to freedom of movement provided in Article 26 of the 1951 Refugee Convention; instead, it allows the relevant Minister to specify certain areas in Uganda where refugees may not reside, without requiring him or her to show demonstrable grounds.

**2** The draft law restricts refugees to settlements without allowing them the freedom to choose to integrate locally, despite the provisions of the Ugandan Constitution; and it fails to mention the need for facilitating the naturalisation of refugees as a 'durable solution' (Article 34, 1951 Refugee Convention). The structure of refugee administration, as laid out in the draft, will also inhibit integration as it places the administration of refugees in a central government ministry instead of placing it within the context of Uganda's local council system or channelling external funds through the relevant line ministry departments so that Ugandans as well as refugees would benefit from the expansion of services.

**3** The draft does not include the right to a fair hearing (Articles 28 and 44, Uganda Bill of Rights; Article 10, Universal Declaration; Article 7(1), African Charter on Human Rights) nor does it include the right to 'access to courts' (Article 50, Ugandan Constitution; Article 16, 1951 Refugee Convention). The mention of such rights as freedom of religion, rights pertaining to juridical status including freedom to acquire movable and immovable property, and certain welfare rights pertaining to education, housing and public relief, are neglected.

The group was concerned about what role civil society should play in promoting the rights of refugees and has forwarded a letter to the Ministry of Local Government proposing that the debate be opened up and consultation widened to include representatives of all the interested parties, including academics, NGOs working with refugees, human rights organisations, and representatives of the refugee community itself.

The group, chaired by Nathan Twinomugisha, director of the Legal Aid Project, continues to meet on a regular basis to discuss various aspects of refugee law. For more details, contact: Barbara Harrell-Bond, RSP, QEH, 21 St Giles, Oxford OX1 3LA, UK. Fax: +44 1865 270721. Email: [barbara.harrell-bond@qeh.ox.ac.uk](mailto:barbara.harrell-bond@qeh.ox.ac.uk)

# Bosnia and Herzegovina: problems and progress in the return process

by Carl Hallergård

More than half of the population of Bosnia and Herzegovina was displaced by the conflict that ravaged the country from 1992 to 1995. Only 15 per cent have so far returned to their places of origin.

The efforts of the international community are increasingly focused on measures helping the return process. These efforts are urgent, as the continued large-scale displacement is a heavy burden on a country struggling to recover from a particularly violent and destructive conflict. The urgency does not mean, however, that less emphasis should be placed on return to places of origin. Reconciliation and normalisation are more likely to be achieved by the reintegration of shattered communities than by ethnic division and separation.

## Large-scale displacement

The pre-conflict population of Bosnia and Herzegovina was close to 4.3 million. The conflict displaced almost 2.5 million people, of which roughly half sought refuge abroad. At the peak of displacement, Bosnia and Herzegovina had a population consisting of about two million 'remainees', while more than one million were internally displaced. Displacement therefore touched a large part of the population, and most, if not all, regions are currently hosting IDPs in abandoned private or collective accommodation.

Many municipalities include significant numbers of IDPs, in some cases numbering more than half the current population. This of course has political, social and economic consequences.

## The return process

Despite the international community's explicit objective of return of both refugees and IDPs, actual returns have consistently fallen short of expectations. In 1996, UNHCR had foreseen the return of 870,000 persons: 500,000 IDPs and 370,000 refugees. In fact, by the end of 1996, only 88,000 had returned from abroad and 164,000 from inside Bosnia and Herzegovina, bringing the total for 1996 to 252,000.

Even the more modest forecasts for 1997 have proven over-optimistic. Instead of a foreseen 200,000 returns from abroad, estimates in late 1997 were for between 100,000 and

120,000 returns by the end of the year. Still, the repatriation from abroad outnumbers returning IDPs, which by late 1997 amounted to 90,000. Many of the refugees returning from abroad are unable to return to their places of origin, and thus become IDPs instead. The returns that have taken place so far are mainly so-called 'majority returns' [1], either to former front-line areas which again have become safe, or to areas which were transferred from one entity to the other in the Dayton Peace Agreement. These areas include the surroundings of Sarajevo, the area around the former Gorazde enclave, and 'the Anvil', south of Banja Luka, which was handed over to Republika Srpska. Return movements from abroad have been largely concentrated into urban areas (Sarajevo) and the westernmost part of Bosnia, around the city of Bihac.

## Socioeconomic turmoil

The conflict in Bosnia and Herzegovina followed a logic of ethnic separatism, between Orthodox Serbs, Catholic Croats and Muslim



'Bosniacs'. The ethnic differences in the pre-conflict society did not, however, correspond to social, cultural and economic differences within the population. While it is not uncommon in multi-ethnic societies that certain professions and positions are held by

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*...significant progress in the return process cannot be achieved without minority return*

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people with specific ethnic origin, this was generally not the case in Bosnia and Herzegovina. Although rural villages were often mono-ethnic, neighbouring villages were commonly dominated by differing ethnic groups.

The displacement of more than half of the population and the attempt to reorganise the country along ethnic lines has therefore led to social and economic turmoil. Large urban populations currently find themselves displaced to rural areas, such as the many Serbs that left Sarajevo for Visegrad, Zvornik and Bijelina in eastern Bosnia. At the same time, the

Muslim population in rural eastern Bosnia is currently displaced to Sarajevo and its surroundings, and living in the houses and apartments of the Serb population that left. The different habits, clothing and behaviour of the urban and rural populations currently living side by side is a constant source of hostility. The simultaneous population movements in both directions have led to a socially explosive mixture of urban and rural people in both city and countryside.

Economically, both population groups are outside their natural 'economic habitat' and their skills are not properly utilised. This misfit between skills and situation is probably one of the main reasons for the slow economic recovery.

Furthermore, displaced people constitute an easy target for political manipulation and propaganda. They are frustrated by the hostility of the original population around them and discriminated against by local employers, and displacement is increasingly felt as a profound injustice. Hostility towards the other side is therefore easily drummed up by nationalist politicians, who present ethnic separation and independence as the natural

solution. Paradoxically, internal displacement is also one of the main impediments to the return process. As most displacement is of ethnic origin, significant progress in the return process cannot be achieved without minority return, that is the return of Bosnian Serbs to the Croat-Muslim Federation, of Bosnian Croats and Muslims to Republika Srpska, and of Croats and Muslims within the Federation.

Resistance towards such minority returns is mainly found among those displaced, who not only fear having to leave current accommodation when original home-owners return, but who also oppose the right to return of other ethnic groups when that right is not extended to them. Much of the violence and upheaval that has accompanied attempts at minority return so far is the work of displaced people. On some occasions, political agreement on minority return has been reversed after violent protests by local IDPs.

The continued large-scale displacement is therefore at the root of many of the social, economic and political difficulties that hamper the recovery of Bosnia and Herzegovina. In addition, the nature of the problems described above is such that without



photograph: Howard Davies

significant progress on minority returns, the risk of political and social unrest is likely to increase.

### **Positive conditionality**

The first important step to assist the return process taken by the international community was in Sintra in June 1997, at the ministerial meeting of the Peace Implementation Council. It was decided to link international assistance efforts at the local level to the acceptance of returns, in particular of minorities.

This 'positive conditionality' is increasingly being implemented. In practice, it means that the rehabilitation of housing, schools, health facilities, water and electricity supplies, as well as programmes of income generation and local capacity building, is

The Serb population left Vogosca just before the transfer, many going to Visegrad in eastern Bosnia. Many of the displaced Muslim families returned to Vogosca after the transfer and there are still empty houses that can be repaired to allow the return of the Serbs. The Muslim Mayor of Vogosca is in favour of the return of the Serbs, as rumours are that the production in the big car factory in Vogosca is about to start again and many of the key engineers and employees were Serbs.

However, the municipality also houses many women and children from Srebrenica and earlier attempts at so-called 'look and see visits' with buses from Visegrad to Vogosca have failed, due to violent protests from the Srebrenica women [2]. Individual visits have been successful, however, and the repair of houses and the return of the first Serb families is underway in a project implemented by the French NGO, Equilibre, and funded by ECHO. Although the returning families feel threatened by the Srebrenica women, their

Muslim neighbours have welcomed them back and promised to give them the necessary protection. They prefer their original Serb neighbours to the women of Srebrenica.

A second example concerns Stolac, south of Mostar. In early 1996 UNHCR, with support from ECHO, initiated one of the first pilot projects of minority return within the Federation. In Stolac, the Muslim and Serb populations had been chased during the conflict by the Bosnian Croat army and their houses had been largely destroyed or were occupied by displaced Croats from central Bosnia. The pilot project included the repair of one hundred destroyed houses for the return of Muslim families displaced to east Mostar.

Throughout 1996 the return was violently opposed by local authorities and IDPs, and even the cleaning out of rubble in the destroyed houses was sabotaged. Political pressure at higher levels did not appear to have an effect.

Then, in the spring of 1997, the attitude changed. The destruction

stopped, and the selected houses could be cleaned out and repaired by a mixed Croat-Muslim work force from Mostar. The one hundred families are now returning to their homes in Stolac, as are additional families outside the project. Incidentally, the return of Serbs to Stolac has also started.

Although it is difficult to refer the change in attitude to a particular cause, the possibility for the displaced Croats to return to their homes in central Bosnia was probably significant. In fact, in Kakanj, a currently Muslim-dominated municipality north-west of Sarajevo, a small project implemented by Comitato di Bergamo and funded by ECHO, foresees the return of displaced Croats, not only from Stolac but also from Capljina and Drvar. The possibility of return has aroused so much interest in Drvar (a city in western Herzegovina with a 90 per cent Serb pre-conflict population and currently an entirely Croat population) that there are high hopes that Serbs from Drvar currently displaced to the Banja Luka area will also be able to return home.

### **Time for change**

These are just two examples of what is almost a countrywide change in attitudes in Bosnia and Herzegovina. It is taking place primarily at municipal level, and does not always correspond to similar political changes at higher levels. Even in Republika Srpska, which remains officially opposed to minority return, possibilities seem to be opening up in the Banja Luka area.

The threat to stability and peace comes not from a reintegration of the three ethnic groups, but from continued large-scale internal displacement. Rapid solutions to the delay in the return process, such as the relocation of returning refugees or the permanent settlement of IDPs in majority areas, will only lead to a blockage of the whole return process. Tensions between the original population and the relocated IDPs will remain high and the willingness of the original minority population to return home will be drastically reduced.

It is therefore crucial that the recent breakthrough is acted upon quickly by the international community, as it holds promise for real political change and normalisation in Bosnia

## *The threat to stability and peace comes not from a reintegration of the three ethnic groups, but from continued large-scale internal displacement.*

made conditional on the acceptance, by the municipality, of the return of minorities.

In part as a consequence of this policy, more and more municipalities are changing their attitude towards the return of minorities, even when higher echelons of political authority (cantonal or entity level governments) still officially oppose such returns. Minority returns are now seen as a way of also improving living conditions for the majority population, which otherwise remains without such assistance. The number of minority returns is still limited, but the political importance of this breakthrough should not be underestimated. A couple of examples illustrate both the change and also the remaining difficulties.

### **Two examples**

Reference was made above to the displacement of Serbs from Sarajevo to eastern Bosnia, and of Muslims from eastern Bosnia to Sarajevo. Vogosca is one of the suburbs of Sarajevo which was transferred to the Muslim-Croat Federation in the Dayton agreement.

and Herzegovina. The temptation to choose alternative solutions, however attractive they may seem in the short run, should be resisted.

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This article is based on the experience of the European Community Humanitarian Office (ECHO) in Bosnia and Herzegovina, which supports the return process and in particular the return of minority populations. The opinions expressed, however, are those of the author and do not necessarily represent the views and policies of the office.

Source: UNHCR 'Information notes - Bosnia and Herzegovina, No 12/96 - 2/97 December 1996/February 1997', p2, published by UNHCR Office of the Special Envoy to former Yugoslavia.

#### Notes

[1] In the case of 'majority returns' returnees are of the same ethnic group as the majority of the current population in the area to which they are returning. 'Minority returns', conversely, are those in which returnees will be in a minority, as an ethnic group, within the current population of the area to which they are returning.

[2] An estimated 7,000 people, largely men and boys, are still missing following massacres in eastern Bosnia by the Bosnian Serb army.

### **Sixth IRAP Conference, Gaza, 13-16 December 1998**

The sixth IRAP Conference, organised by the International Association for the Study of Forced Migration (IASFM), will be held 13-16 December in Gaza Town. The local sponsor is the Gaza Community Mental Health Programme. Persons wishing to organise workshops on a particular theme and/or those wishing to present papers should send an abstract to: Karin Geuijlen, Tolsteegsingel 52, 3582 AM Utrecht, The Netherlands. Email: Geuijlen@FSW.RUU.NL It is expected that funding will be available for some presenters of papers. Those wishing to receive further information should contact: Wolfgang Bosswick, Managing Director, European Forum for Migration Studies, University of Bamberg, Katharinenstr 1, D-96052 Bamberg, Germany. Tel: +49 951 37041. Fax: +49 951 32888. Email: wolfgang.bosswick@sowi.uni-bamberg.de

The IASFM now has legal status and welcomes members. More details can be found at [www.uni-bamberg.de/~ba6ef3/iasfm.htm](http://www.uni-bamberg.de/~ba6ef3/iasfm.htm)

# Managing the return of

In the early stage of the war in Bosnia and Herzegovina (BiH), a difficult debate took place between the European governments, UNHCR, ICRC and other organisations regarding the fate of those displaced by the war. Finally, the European nations reluctantly agreed to provide refuge but they warned that the refugees would have to return to Bosnia as soon as the war ended.<sup>1</sup>

During 1996, the international community implemented numerous housing programmes in an attempt to facilitate the return of both refugee and internally displaced populations. In the 22 municipalities identified by UNHCR as priority return areas, about 23,800 housing units were repaired. After this commendable effort, however, there were still 66,000 units to be repaired in these 22 target areas alone. It cost about \$270 million to achieve this result while the cost of rehabilitating the housing stock to its pre-war level would reach between \$3 and \$4 billion. At the level of today's commitment by all contributing countries, only one fifth of the damaged housing stock would be rehabilitated by the end of the three-year plan (1996-98) adopted by the donor community.<sup>2</sup> Yet it is in the context of this housing shortage that several European countries are planning to encourage their Bosnian and Herzegovinan refugees to return home. A rapid and massive return of refugees in the immediate future would create social and political conditions likely to weaken the peace process.

The return of refugees planned for coming years will be difficult for several reasons:

The first obvious reason will be logistical. The planned return will attempt, in a relatively short period of time, to reverse the population exodus that took four years of war to complete. The administration of such a large movement of population - which includes provision of support and projection of needs for schools, health services, jobs, property rights, identification papers and so on - would be daunting for any society and will be particularly challenging for one coming out of a devastating four-year war.

A second reason will be psychological. When repatriated, refugees will leave their relatively comfortable asylum environments to return to a war-torn country with a fragile civil society and economy. Although enormous progress has been made, the BiH state is not yet able to provide all the services its citizens expect, such as education, health and public utilities.

The third problem will result from the sheer number of internally displaced and refugee individuals in comparison with the number of dwellings

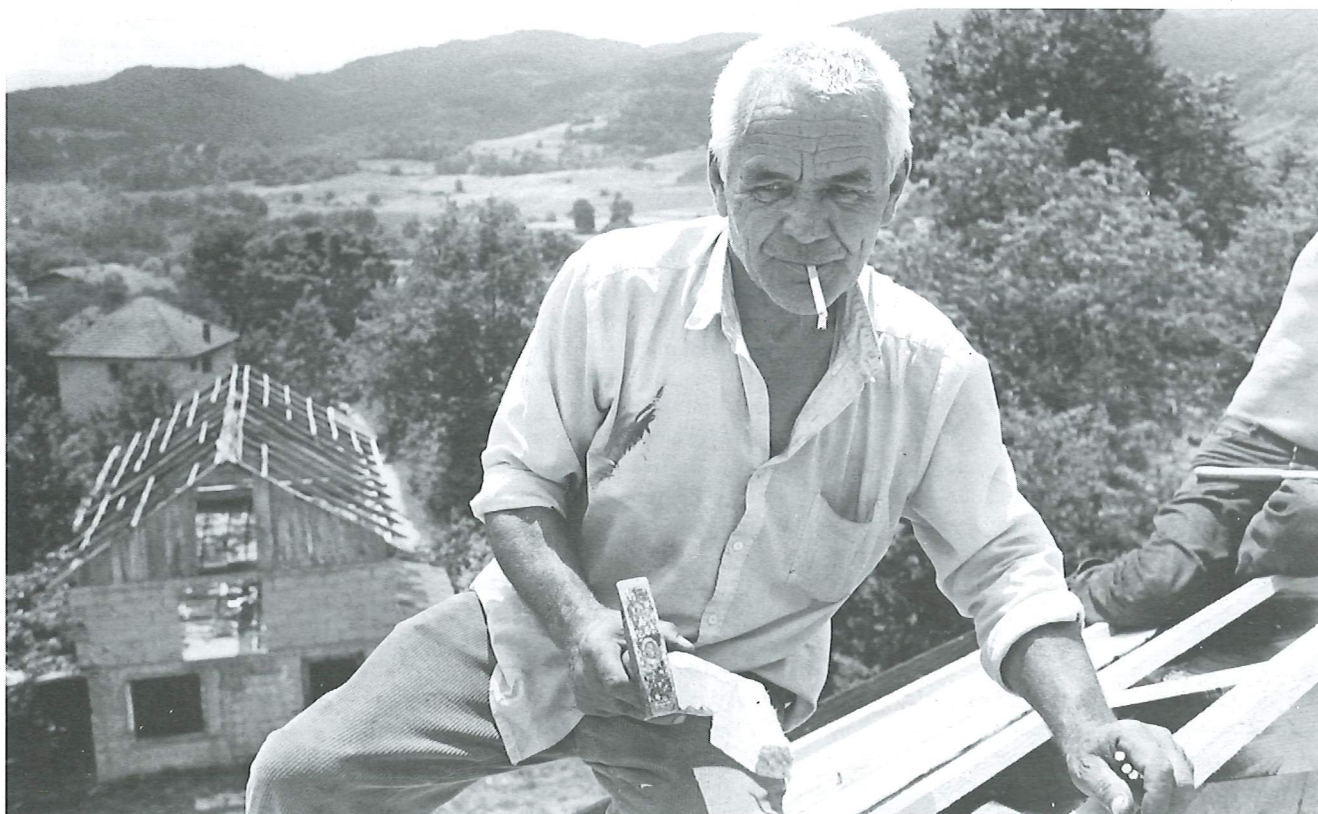
*The issuing of grants to returning refugee families exacerbates economic inequalities and is socially and politically risky.*

which are physically and politically available. Of the one million internally displaced Bosnians who fled their destroyed or captured homes, some occupied the dwellings abandoned by other similarly displaced families and by over a million refugees, others moved in with families and friends, while the rest found accommodation in public buildings transformed into IDP centres. For tens



# refugees to Bosnia and Herzegovina

by Richard Jacquot



photograph: Howard Davies

of thousands of 'minority'<sup>3</sup> families, going back is not an option, either now or in the near future, regardless of the fact that their houses are habitable. Nearly half the total population of BiH cannot return home because their dwellings are occupied, damaged, destroyed or not accessible for political reasons.

The fourth reason for complexity in returning the refugees relates to the process that must be followed in order to return the displaced populations in an orderly manner in the complex environment of BiH. To reverse the population transfer caused by the war, the housing effort would need to concentrate on the rehabilitation of the vacant and damaged houses of the displaced families. As the displaced families returned to their rehabilitated homes, they would

vacate housing spaces. These housing spaces would then be reoccupied by the original inhabitants or by families who cannot return to their homes for political reasons. This housing effort will have to contend with ownership and minority rights, freedom of movement and expression, and other complex issues.

The fifth problem will be to facilitate returns while accounting for the differences in war experience and in the level of assistance provided to the refugee, internally displaced and remaining populations. Those who remained or who were internally displaced have experienced four years of atrocities and privations caused by a brutal war that specifically targeted civilians. In many cases, they have lost key family members and have been left without the financial

resources necessary to rebuild their houses and lives. These people will resent the fact that refugee families, who were at least partially spared the war experience, could make many of them homeless yet again. They will also resent the fact that, while many refugee families will be returning from overseas with assets, savings, and grants from their host countries, they themselves have received little or no assistance. It is quite clear that a return policy which ignores the internally displaced and remaining populations' experience would create or exacerbate animosities among the beneficiaries. This in turn would have a direct bearing on BiH's future social and political stability.

With these problems in mind, it is possible to outline a broad strategy for the return of refugee families. As

the housing space of refugee families is occupied by internally displaced families, the return effort should concentrate on helping those internally displaced families to rehabilitate their houses. Once they move into their rehabilitated houses, they will vacate housing space for returning refugee families. This would be easier to accomplish than attempting to match refugee families currently living in countries of asylum with the housing spaces in need of rehabilitation.

In addition to shifting the rehabilitation focus from refugee to internally displaced families, European nations should link refugee returns to the housing programme's achievements. If the first step of the return process is to move internally displaced families back to their original dwellings, European countries should time the return of refugee families to match the return of the internally displaced families. Ideally, this would be toward the end of the Bosnian summer or in early autumn, in order to make best use of the spring and early summer to repair and build housing spaces. In addition, the construction period should be used by the implementors, the government and the municipalities to organise and manage the population influx.

The distribution of grants to refugee families should be discontinued or seriously reduced. The issuing of grants to returning refugee families exacerbates economic inequalities and is socially and politically risky. It is also an inefficient use of financial resources. To rehabilitate an abandoned or damaged dwelling costs on average an estimated 15,000 DM.<sup>4</sup> Host country grants to returning refugee families reach up to 15,000 DM per family. As a result, the donor community has spent 30,000 DM to create one housing space and return one internally displaced family and one refugee family to their original or new homes. If, instead of giving a grant, the European country were to earmark the same amount for housing reconstruction, then, for that 30,000 DM, two housing spaces would be created and up to two internally displaced and two refugee families would be returned to their original or new homes. Of course, each of these solutions offers several possible combinations, but the second solution which does

not include any grant is fairer and more efficient.

This strategy does not address the numerous issues related to ownership and minority rights, freedom of movement and expression, the level of destruction, and other problems, all of which will have a direct bearing on the return process. Reconstruction programmes in difficult environments such as BiH should start with limited goals and incorporate the lessons learned in follow-up programmes as they become increasingly complex and expensive. In BiH, physical destruction, political instability, economic collapse and social tension all contribute to the complexity of the reconstruction programme. Returning a Serb family to a Muslim controlled area or a Muslim family to a Croat controlled area is more complex than building or repairing a house. The programme would start with 'majority returns' and move to include more and more 'minority returns', learning valuable lessons along the way. As well as developing in complexity, the follow-up programmes will also become increasingly expensive - because the first dwellings being repaired are the least damaged. As reconstruction proceeds, the dwellings being repaired in year two will be more seriously damaged than those of year one; eventually, only totally destroyed dwellings will be left to be replaced, and that will be the most expensive part of the programme.

Nevertheless, this strategy reflects important realities that must be taken into account to ensure the long-term success of the return process. Ultimately, cooperation and coordination among government agencies, beneficiaries, donor and implementing partners are crucial to ensure the success of the return of refugees. Such an approach has demonstrated its effectiveness and efficiency during the USAID/OFDA 1996 housing programme. It should be continued and perfected in the future.

**Richard Jacquot has been managing emergency relief operations since 1984 for the International Rescue Committee and other US NGOs, most recently in Bosnia and Herzegovina. He is also a lecturer in International Relations at San Francisco State University**

**and has written an article comparing housing projects in Kurdistan, Azerbaijan and BiH. Contact: 3450 Sacramento St, Box 107, SF, CA 94118, USA. E-mail: 102416.2620@compuserve.com**

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- <sup>2</sup>. 'The priority reconstruction program: from emergency to sustainability', *Reconstruction sector report*, vol 3, November 1996, p1, European Commission, EBRD and the CED.
- <sup>3</sup>. Minority and majority are relative terms. A Muslim in Zenica is part of the majority and members of the other two groups - Serb and Croat - are minorities. But a Muslim or Croat living in Banja Luka is a member of a minority as Banja Luka became a Serb controlled town as a result of the war.
- <sup>4</sup>. Based on USAID/OFDA (Office of Foreign Disaster Assistance) 1996 housing project that rehabilitated over 2,500 houses. This figure is currently used by other donors such as UNHCR to plan housing projects.

## RRN

### Relief and Rehabilitation Network

The RRN seeks to improve policy and practice in humanitarian action, offering a source of information, a forum for the exchange of analysed experience, and a resource for professional development. The RRN currently reaches over 600 members in over 80 countries and is expanding. The RRN produces three types of publication: a Newsletter three times a year, between four and six Network Papers, and one or two Good Practice Reviews per year. All are available in English and French, and contributions in these languages are welcomed. Annual membership is £25 but a limited number of free memberships is available.

Several RRN publications are of direct relevance to those working on forced migration. Good Practice Reviews have been produced on water and sanitation in emergencies; emergency supplementary feeding programmes; general food distribution in emergencies; seed provision during and after emergencies; counting and identification of beneficiary populations in emergency operations (including registration); and temporary human settlement planning for displaced populations in emergencies.

For more details about publications and membership, contact the RRN at: Overseas Development Institute, Portland House, Stag Place, London SW1E 5DP, UK. Fax: +44 171 393 1699. Email: RRN@odi.org.uk. Website: <http://www.oneworld.org./odi/rrn>

# The view from the battlements: community work on the fringes of Fortress Europe

by Michael Collyer

It is a French peculiarity that the immigration debate is so politicised. Assuming that it is passed in early 1998, the French Draft Bill on Entry and Sojourn of Foreigners will be the 25th change to the original 1945 legislation.

Recent legislation, notably the laws commonly referred to as *loi Pasqua* (1993) and *loi Debré* (1997), have been widely criticised though they have not been more severe than immigration legislation elsewhere in Europe. On the other hand the French authorities have been inconsistent in their treatment of asylum. Particular criticism has focused on lack of recognition of asylum seekers fleeing persecution from non-state sources (eg [1]) - including refugees from Algeria and the former Yugoslavia - and a lack of clarity in the asylum system which Brachet [2] describes as a conscious policy decision, calling it 'clandestine asylum' (*asile au noir*).

## The 'summer of regularisations'

The *Projet de loi Chevènement* (*Projet de loi relatif à l'entrée et au séjour des étrangers en France et au droit d'asile*), named after the Minister of the Interior Jean-Pierre Chevènement, is part of the second stage of legislation introduced by the government of Lionel Jospin after their election victory of 1997. A preliminary stage was the publication of a set of criteria [3] in June 1997 which defines whether a foreign national living illegally in France is eligible for temporary residential status (*carte de séjour* of five or ten years). The publication of these criteria provoked a period of intense activity among the clandestine residents of Marseille, which became known as the 'summer of regularisations'. The application dead-

line was 1 November 1997 and all those who applied have now received a date for interview.

The guidelines, however, make no mention of asylum. They target immigrants who have been living in France illegally for a number of years and meet certain conditions which indicate a level of integration. These people, sometimes referred to as '*sans papiers*', fall into two groups. One group is those who have not sought asylum as they do not expect to get it although they fled their country principally for political reasons. The strict deterrents of *loi Pasqua* and *loi Debré* often have the effect of encouraging immigrants to enter and remain in France illegally rather than seeking asylum. The second group are those who have been through the application procedure for asylum and, though refused, have not been expelled from French territory. This is often simply because the immigration authorities have lost contact with them but in many cases it amounts to tacit acceptance that they cannot be forcibly returned to their country of origin for humanitarian reasons. A recent report to the *Assemblée nationale* stated that there were as many as 200,000 failed asylum applicants still living in France (quoted in [2]), though many believe this to be an exaggeration.

The case of Akhmad illustrates the situation of those who have preferred not to seek asylum. He is Algerian, of Touareg origin. Since 1991 only between one and four per cent of Algerians who have made a request for asylum have received it [4]. Touareg are Muslim but are often targeted by Islamic groups in Algeria for their interpretation of Islamic law. Akhmad felt himself to be particularly vulnerable since he had also been an officer in the Algerian army, seen as the enemy by Islamic groups. He had not been the victim of any direct persecution but certainly had legitimate cause for concern. He came to France clandestinely four years ago. Last year he heard that his entire family had been killed in a nocturnal raid on their village. Despite this he was well aware that he stood very little chance of receiving asylum and preferred to remain clandestine. Previous French asylum legislation did not recognise persecution by 'non-state agents' such as Islamic groups in Algeria as grounds for granting refugee status.

There is a category of temporary 'territorial asylum' for Algerians but the criteria governing it are unpublished, largely discretionary and seem only to apply to Algerians who entered France officially. Since January 1994, 2,500 Algerians have been granted this form of asylum [4] which allows only very limited possibilities for work.

Akhmad has decided to

apply for temporary residency under the June 1997 guidelines.

Farika applied for asylum in 1993 when she arrived from Bosnia. Refugees from the former Yugoslavia were not recognised as fleeing government persecution so very few qualified for

*Since 1991 only  
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have received it*

refugee status. In contrast to Algerians many were granted temporary protection. Farika was given a permit for three months, which was not renewed. When that expired she remained in France. She is Muslim and comes from Banja Luka in what is now the Serb-controlled Republika Srpska, and is still unwilling to return. She, and many others like her, remain *sans papiers* in France. Farika too has made an application for temporary residency under the June 1997 guidelines.

### **Asile au noir**

The authorities are well aware of the existence of these *sans papiers*. Farika pays her electricity bill and receives regular visits from the police to her squatter apartment. Ahkmad is registered for free medical assistance at the hospital. Now and again each will be asked for their papers on the street during police controls and both have spent the night in a police station only to be released in the morning. This sort of attitude could be considered as a kind of benevolent humanitarian tolerance. Amnesty International recently made a request that no Algerian be forcibly returned to Algeria [5]. Similarly, UNHCR has stated that the return of Bosnians should not be hurried until their security can be assured

(in [4]). Even so the State makes no provision for them. They live by begging and undeclared work. They have no security and at every contact with the police it is impressed upon them that their continued freedom is just because someone or other 'is in a good mood' and that next time they may not be so lucky.

Olivier Brachet, links this situation to "a veritable regime of clandestine asylum (*asile au noir*) in France, ...

the considered and known effect of a policy which is obviously applied unsystematically" ([2] p20). Manifestations of this policy range from temporary protection measures such as the territorial asylum in the case of the Algerians to a toleration of illegal residency. It is: "A policy of discouragement of migration which ... aims to make the situation very difficult for those who it is thought will grow weary of the struggle and leave, or disappear, but not without communicating to other potential candidates an impression of the difficulties encountered" ([2] p22). Rules governing this policy are unpublished and

confidential. A clearly stated set of regulations could result in the positive encouragement of asylum seekers whereas this discretionary case by case approach ensures that asylum requests continue to decline.

I see a lot of evidence of *asile au noir* through my work in the community.

## ***The idea that asile au noir is a conscious policy decision and not an accidental oversight is gaining ground.***

France recognises valid humanitarian reasons for not forcibly returning a certain number of illegal immigrants but at the same time it is not prepared to take responsibility for them. In the cases of Ahkmad and Farika, and many others like them, this implies a tolerance of their clandestine existence. Two reasons are apparent for this. The first, as Brachet suggests, is a wish to discourage further immigration. The number of Algerians seeking asylum has declined from a maximum of 2,303 in 1994 to 643 in 1996 [4], despite the further deterioration of the situation in Algeria. Secondly there is an awareness of the growing national hostility towards immigrants (the National Front gained 15 per cent of the vote in the 1997 elections) and it is felt that a clear support of the rights of asylum seekers would result in a loss of electoral support. There is obviously a strong argument for the fact that tougher immigration restrictions fuel racist feeling by criminalising immigrants, but it is rarely interpreted in this way.

### **The *Projet de loi Chevènement*, October 1997**

The guidelines of June 1997 were the first step in a new programme of legislation introduced by the administration of Lionel Jospin. The Draft Bill, which is strongly based on a policy report by the political scientist Patrick Weil [6], was presented to the *Assemblée nationale* on 15 October 1997. It was passed at its first reading in December 1997 and will probably be passed without any significant changes at the second (final) reading in February 1998. There are several disappointing omissions from this law. It was, for example, generally expected that *loi Pasqua* and *loi Debré* would be repealed, but no provision



Parc Bellevue estate in Marseille

photograph: Michael Collyer

has been made for this. However, two important changes are currently foreseen in the asylum system.

Firstly the difference between the right to asylum and general immigration policy has been clearly established. Previous legislation was criticised for considering asylum as an element of immigration policy, rather than a separate human rights issue. Secondly territorial asylum, incorporating residency for one year with the right to work, will be granted to several hundred people who are not eligible for asylum under the Geneva Convention. Not only does the State have fewer obligations towards refugees in this category but it has retained "the prerogative of sovereignty to be able to attribute territorial asylum according to its own criteria and its own will" ([6], p. 55). At this stage criteria of application are no clearer; discretion, flexibility and the mood of any par-

connected to the light in the stairwell. Their existence is extremely insecure; if they do not find work on the market, or have a bad day begging, they do not eat. On the other hand, many of the children go to one of the local schools and health provision is generally available through local charities. However the neighbourhood is very poor and local services are overstretched at the best of times. These refugees are forced to depend on the goodwill of small local charities. Immigrant associations in Marseille are extremely competent but they do no outreach work. I have met many refugees involved in administrative processes they barely understand. Although they can be put in touch with more experienced help, an *ad hoc* approach is far from ideal and many potential difficulties, such as poor health and transport problems, may prevent them from seeking qualified assistance.

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*It seems, for the moment, that France is stuck with a system of begrudging tolerance.*

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ticular official on any particular day will all remain important factors in granting this type of asylum.

So the system of *asile au noir* will remain in place. A group of well respected refugee organisations continues to call for completely open frontiers [7], although this is a practical impossibility. Even more modest proposals, such as the suggestion of the European Council on Refugees and Exiles for a broader definition of refugee [8], would currently include most of the population of Algeria of 27 million. It seems, for the moment, that France is stuck with a system of begrudging tolerance.

### **Implications for community work**

There are about a hundred individuals with no official revenue living in the estate where I work in Marseille. Many of these are families with young children. Materially their standard of living is alarming. The squatter apartments frequently have no running water and the only source of electricity is often a single cable precariously

The idea that *asile au noir* is a conscious policy decision and not an accidental oversight is gaining ground. There is growing frustration in the neighbourhood in which I work, because small local associations whose employees are unqualified and inexperienced in refugee work are having to cope with a situation that requires a national or European solution. Refugees themselves are bewildered that their very existence is not acknowledged by a country where they have been living for a number of years. At the same time everyone, both the refugees and the local community, is afraid to protest too loudly in case the result is the swift expulsion of the people concerned. Everything is undertaken cautiously which perhaps makes us all conspirators in the *asile au noir* system. If *asile au noir* is to be considered a solution to the delicate balance between humanitarian action and public relations that any government feels obliged to undertake, its costs must be more widely recognised. The *loi Chevènement* still has the potential to do this but, for the moment, it seems the most hopeful possibility is that the guidelines of June 1997 will be applied leniently.

**Mike Collyer is an outreach community worker for ATD Quart Monde in Marseille.**

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## **An Najah University, West Bank: Study of Involuntary Migration**

The Academic Programme for the Study of Involuntary Migration (APSIM) was founded in 1994 at An Najah National University, Nablus, West Bank. The multi-disciplinary programme researches and documents involuntary migration. In April 1995, at the first meeting of the UNESCO/UNITWIN network, APSIM was designated the regional centre responsible for the coordination of refugee studies among participating institutions in Palestine.

The programme has encouraged the introduction of two courses on involuntary migration into the An Najah curriculum and maintains a library of books and research papers on Palestinian, Tibetan and Kurdish refugee issues. APSIM has also organised several national conferences on various aspects of the Palestinian refugee problem. APSIM now publishes an academic journal, in Arabic and English, entitled *Involuntary Migration*, which addresses a wide range of issues pertaining to Palestinian refugees. Articles relevant to the academic discussion of Palestinian refugees are welcomed (maximum of 8000 words).

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# Refugee crisis in the Great Lakes: have any lessons been learned?

by Flora MacDonald

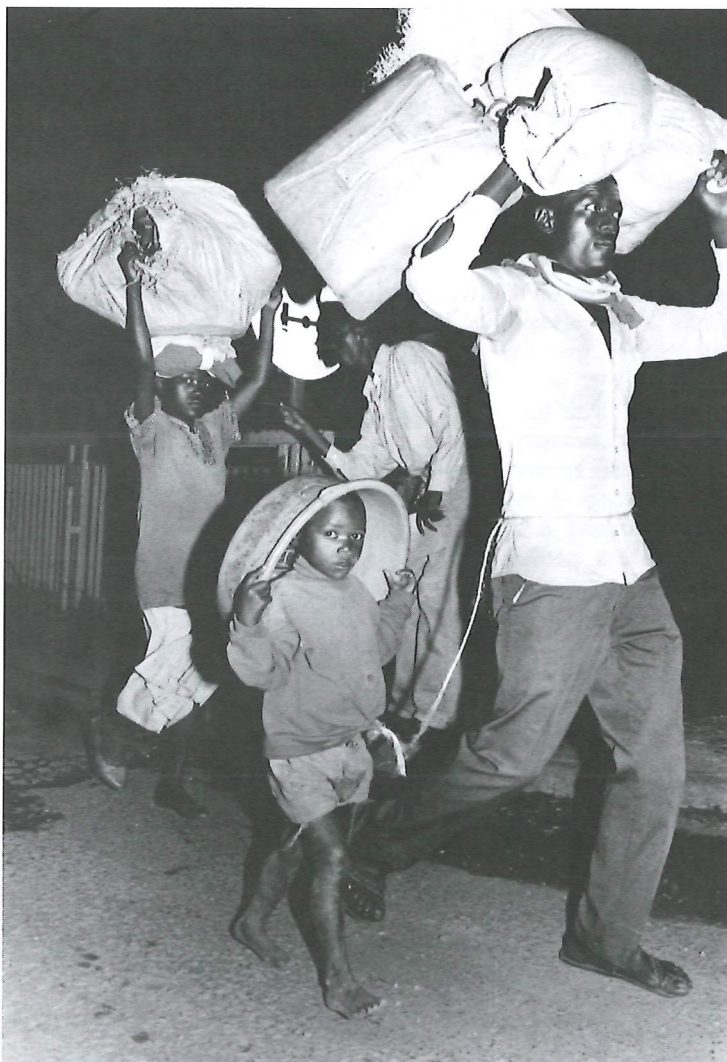
The following is an extract from the address given by the Honourable Flora MacDonald, former Canadian Foreign Minister, at the 12th Annual Human Rights Lecture hosted by the Refugee Studies Programme on 12 November 1997. The extract focuses on her recommendations for action.

**T**he words 'Rwanda' and 'genocide' are inextricably linked for all time, signifying one of the most horrifying chapters in human history. In a three-month period, from April to July 1994, an estimated one million Rwandans were massacred. Collectively, the international community turned away and watched the horror from the sidelines. International inaction meant that genocide was not prevented, was not stopped once started - and finally allowed those responsible to escape.

That should have triggered a multitude of questions and a rapid and forceful response. It did neither. Questions as to whether there had been sufficient warning of the impending catastrophe came much later. And there is little sign of planning or corrective action to ensure that accurate intelligence is available to counter such disastrous events in the future. What lessons have we learned from this ongoing tragedy, and what action can realistically be taken?

## ◆ Early intervention

Many of the recent human rights tragedies of Central Africa, including the genocide in Rwanda, could have been prevented. The world had ample advance warning. Intervention and action at an early stage would have saved hundreds of thousands of lives. General Dallaire, commander of Unamir, has commented that with 5,000 troops and a clear mandate, he could have prevented most of the killing. There is nothing new in this lesson. It has been brought home time and time again in humanitarian crises and human rights emergencies the world over. Still, however, states fail to take timely and decisive action to avert the tragedies; instead they wait until the cost and implications of intervening become prohibitive and complex.



Rusomo bridge,  
the border  
between  
Rwanda and  
Tanzania, 1996

photograph: Howard Davies

The failure to intervene early in dealing with camp security is yet another stark example. A comprehensive and cooperative international effort at the outset, to ensure that arms never made it into the camps, that armed refugees and human rights criminals were excluded from refugee status and separated from the other refugees, that camps were located in secure areas sufficiently removed from the border, and that there was an adequate civilian policing presence trained in human rights and ready to respond to security concerns would have gone far to mitigate the enormity of the genocide. None of that happened. States can no longer afford to hesitate.

#### ◆ **Absolute ban on arms transfers to the area**

Over the past three years, Amnesty International has published reports about and initiated various campaigns against the scandalous international arms trade that has flourished in Central Africa. The proliferation of light weapons and associated military equipment in the region was a major contributing factor to the human rights crisis in general, and the escalation of security problems in refugee camps in particular. There are a number of concrete measures that can be taken to ensure that arms transfers of this nature do not contribute to human rights abuse and put refugees in danger. Governments must enact adequate laws to criminalise any involvement in illegal arms transfers and must also conduct thorough investigations of any reports that their nationals or registered companies are involved in such transfers. Individuals who are involved must be brought to justice. International arms monitors should be placed at all or at least the most important key ports of entry in the region.

#### ◆ **International protective presence**

UNHCR has recently again called for the establishment of some kind of standing police or quasi-military force to assist in dealing with crises of the nature it has faced in Central Africa. It is evident that a strong international presence of some kind,

including in refugee camps, was very much needed to monitor human rights and protect all non-combatants in the region. At the very least, human rights monitoring can play a crucial role in this regard. These would, however, need to be assured freedom of movement throughout the region and be given authority to intervene with those in control of territory, to seek action when human rights are violated.

The recommendations being put forward by a number of countries including my own [Canada] for a rapid reaction capability within the UN must be given serious consideration. There are two arguments for such a capability: first, the record of international crises points to the need in certain cases to respond rapidly and with

Human rights abuses are the crucial early warning signals of a troubled state. As the UN High Commissioner for Refugees, Mrs Ogata, has often said, "Today's human rights abuses are tomorrow's refugees."

force; and second, the operational integrity of such a force requires that it not be assembled on an *ad hoc* basis or in haste. A standing force may well be a necessity for effective prevention.

#### ◆ **Justice**

Efforts to enforce or restore security in refugee camps must be firmly grounded in a system of justice. First, there must be active and ongoing investigations to ensure that human rights criminals and other criminals are identified and apprehended. Anything else simply reinforces impunity and encourages further human rights violations and common crimes.

When well-founded accusations of genocide or other crimes are made against individuals, they must be turned over to authorities who will ensure that they are properly charged and then promptly brought to trial. It is not acceptable to accuse individuals and then simply hold them in

detention, without charge or trial - such as is now occurring in the overcrowded prisons of Rwanda.

The international criminal tribunals set up to investigate criminal violations in the former Yugoslavia and Rwanda genocides, while making valiant efforts to carry out their mandates, are *ad hoc* in nature and lack consistent mandates and the necessary resources to do their work expeditiously. The need for a permanent international criminal court to deal with human rights criminals has never been more pronounced, more critical, than at present. The working group established by the security council to examine this issue should conclude its efforts rapidly, with concrete recommendations to accelerate this goal.

#### ◆ **Reform of the security council**

There is a compelling need to enlarge and modernise the security council to ensure that its membership reflects the world of today rather than that of 1945. Africa has no permanent member on the security council and its membership in any capacity is infrequent. At the time of the outbreak of conflict in the former Yugoslavia, Europe had two permanent members on the council and a great deal of clout. Not surprisingly, reaction to the Bosnian crisis was almost immediate; reaction to deal with the crisis in the Great Lakes region of Africa took months to surface.

The security council should consider the setting up of a humanitarian subcommittee, charged with the responsibility of fully informing the council of developments and concerns regarding the humanitarian dimensions of increasingly numerous complex emergencies. Such a forum should make provision for the voices of non-governmental organisations to be heard on a regular basis. These organisations, rooted as they are in the activities of local communities, could be an effective medium to ensure early warning to key decision-makers.

# Responding to crises in the African Great Lakes

by Glynne Evans



photograph: UNHCR/26112/12, 1996/R. Chelassani

A recently published Adelphi Paper examines the international responses to the ethnic conflict in Burundi and Rwanda from 1993-97 and its overspill into neighbouring Zaire. This extract provides details of four concrete proposals.

## A UN Centre for Conflict Analysis

Before coherent response to conflict is possible, clarity and unity of understanding among key international players are essential. A practical proposal to counter the time pressures and to promote unity of understanding would be to set up a Conflict Analysis Centre (CAC) within the UN Secretariat, possibly reporting directly to the Secretary-General. This would be responsible for policy analysis, not operations, and its success would be measured by the extent to which its work informed policy decisions across the world. It would require a dedicated Assistant Secretary-General, with good credentials as an academic and diplomat, at the centre of a team drawn from a

variety of disciplines, including diplomacy, political science, the UNDP, the media, the military, business and psychology. Such a unit would provide the intellectual framework for policy response, whether by the UN, the OAU, NATO, the OSCE or the Association of South-East Asian Nations (ASEAN) Regional Forum (ARF) in a contact group.

The Centre's advice would be independent; hence ideally it should be funded voluntarily by states and foundations, rather than from the UN regular budget. Indeed, a direct (and not exclusively funding) link with a respected external organisation could help protect the CAC from the normal push and pull of the UN business. Structures would be light; the CAC would commission studies from

acknowledged experts in whatever field it thought relevant. Conflicting points of view, not uncommon among academics, could be used to positive effect to establish the parameters of the problems.

The Centre would:

- ◆ track academic work and policy responses, not least in the areas of future conflict;
- ◆ promote lessons learned, seminars and workshops;
- ◆ conduct a dialogue; and
- ◆ build good working relations with other international organisations and arrangements, including the OAU, the ARF, NATO, the World Bank and the EU planning cell.

The experience of skilled negotiators would be recorded and synthesised. Once its quality and links with other bodies were established, the CAC could supersede or at least inhibit some of the competition between international organisations that has been so marked a feature of international response to conflicts.

## Enhancing abilities to respond to internal conflict

Internal conflict is complex. Lessons that could be applicable from Bosnia to Burundi may fail to be learned or effectively used because of a lack of consistent cross-fertilisation within a foreign ministry, between military and civilians, or between organisations and governments and expert external analysts. The Scandinavians have developed a useful pattern of roving ambassadors for peacekeeping and for Africa. This enables the individuals to travel widely, learn by direct experience, maintain useful personal contacts with the NGO community, and be aware of developing lateral



trends, whether on the ground or academically. US special envoys are traditionally more targeted on a country or a specific negotiation, for example in Mozambique. An EU special envoy, also sent to a particular area, represents an embryonic common foreign and security policy, which has yet to prove itself operationally and may thus have less influence than an emissary from one of the major players, such as the UK, France or Germany.

It has perhaps not been coincidental that Norway, not a member of the EU, has so regularly backed productive track-two negotiations. The Norwegian parliament directly assigns part of its aid budget to its Foreign Ministry for conflict management and activities relating to peacekeeping. With a political ambassador with a wide-ranging remit freed of the need for traditional bureaucratic brokering on expenditure in foreign policy, Norway is able to respond swiftly, without publicity and to good effect, as it did in the Middle East and in Burundi through discreet funding for San Egidio. The model could be followed more widely. The UK, in turn, since 1993 has developed a widely acknowledged model for 'peacekeeping training' jointly between the Foreign Office and the Army Staff College at Camberley. This is designed to break down communication barriers between, for example, military and diplomatic personnel, UN officials, NGOs and the media who might be present on the ground in responding to a conflict situation. They work together in groups, under pressure, to develop the mix of responses to a complex scenario. Although national responses differ, key international players should be readier to draw in expert experience from outside, rather than to assume that their own colleagues have covered the ground.

### **Doctrinal responses to internal conflict**

In a situation like that in Burundi, projecting overwhelming force and air power does not deliver peace. Heavy manpower on the ground is needed to protect one group of civilians against armed attack from others in an ethnically mixed environment. This is unlikely to be available from the West. The complexity of a 'humanitarian intervention', as in eastern Zaire, may not be fully understood at the political level. Since there will be further such

proposals, writers of military doctrine could usefully bring out the implications, in terms of large and long-lasting deployments, and the alternatives of taking sides by backing a local figure or of indirectly supporting local action. Another option may simply be to observe or 'bear witness'. Amnesty International reports, even on Burundi, have had an impact. Unarmed observers such as those of the OAU or the UN human-rights monitors in Rwanda, may be better placed to inhibit generalised abuse than structured units, and tend to be more reliable than some of the less experienced NGOs.

### **Collaborating to promote policies for peacebuilding**

An imaginative plan for peacebuilding, reconciliation through reconstruction and economic integration throughout the sub-region - and allowing for the return of the remaining refugees - could be the key to stability in the African Great Lakes. Neither the UN nor the EU alone coped comfortably with the policies of overlapping internal conflicts. UN strength, with the OAU in support, could lie in gathering international backing for an overall peace settlement and in fielding a strong human rights monitoring team for the entire sub-region. The UN family should also work together with the World Bank to provide the analytical framework for a sub-regional plan encompassing economic development, an effective indigenous system of justice to end the culture of impunity, and the return of refugees. Such a task-force-based approach should be standard practice and should be brought into play when the new Conflict Analysis Centre identified the potential for violent social conflict. In contrast to the somewhat aspirational aims of the EU and its continuing focus on emergency assistance during the period 1994-97, real European strengths in terms of development aid, technical assistance and trade preferences could also support such a plan. Pending such a plan, donors should be able to deploy modest 'rapid-reaction finance' for immediate needs to help fragile governments create an effective judiciary and police force, financial and taxation structures and to start rebuilding a shattered economy.

### **Conclusion**

Between 1994 and 1997, key players in the African Great Lakes appeared to lose confidence in the West's commitment to help find solutions to their problems. Guilt over the genocide in Rwanda provoked a huge outpouring of humanitarian assistance rather than any political creativity in ad-

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**'The UN like a successful corporation, must periodically adapt its product line to changing demands.'**

Former UN Under-Secretary-General for Peacekeeping, Kofi Annan, 1996.

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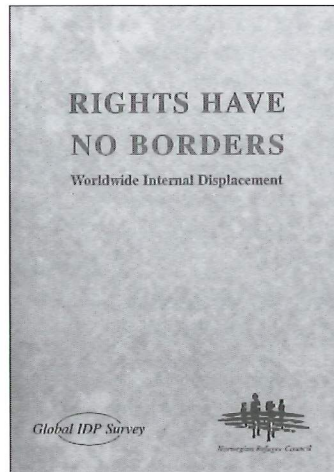
dressing the problem of the refugee camps and fundamental instability. Western attention was fitful and too often prompted by media interest, lapsing when the pictures were absent from the television screens. Instead, a group of powerful leaders in the region demonstrated their clear determination to start setting the agenda themselves. Museveni, Kagame, Kabila (and even Meles) had long-standing ties and had all come to power by a military route. These were 'home-grown' solutions from decisive leaders. Traditional Western patterns may be inappropriate here. Instead, non-party democracy and a strong element of sub-regional cooperation, politically and perhaps economically, may be the models for the future.

***Glynne Evans is the British Ambassador to Chile. She wrote Responding to crises in the African Great Lakes while on sabbatical at the International Institute for Strategic Studies in 1996-97. The opinions expressed in the paper are the author's own and should not be taken as an expression of British government policy.***

Extract from Adelphi Paper 311, International Institute for Strategic Studies, 1997. ISBN 0-19-829403-4. £14.99. Published by Oxford University Press, Gt Clarendon St, Oxford OX2 6DP, UK. Extract by permission of OUP. It may be reproduced for personal use. For any other use, please obtain permission from OUP or a licence for restricted copying from the Copyright Licensing Agency, 90 Tottenham Court Road, London W1P 9HE, UK.

**Rights have no borders: worldwide internal displacement**

Global IDP Survey/Norwegian Refugee Council. 1998. 123pp. ISBN 82-7411-064-1.

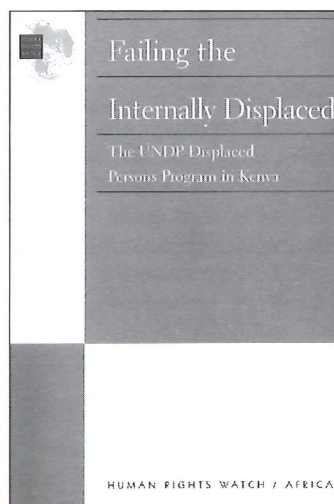


In November 1997, the Norwegian Refugee Council hosted an international conference in Oslo which explored issues relating to internally displaced people worldwide. The conference sought to identify problems specific to IDPs which might otherwise be neglected both by governments and by international aid agencies. This conference publication presents papers by Francis Deng (The international dilemma of internal displacement), Jon Bennett (Internal displacement in context: the emergence of a new politics), Daniel Helle (Enhancing protection), Dennis McNamara (UNHCR's protection mandate), Roberta Cohen (Protecting internally displaced women and children), Birgitte Refslund Sørensen (Self-help activities), Binaifer Nowrojee (Human rights and UN programmes: a Kenya case study) and Kristi Anne Stølen (Research on displacement). The introduction to the book indicates some of the institutional activities to be undertaken in the coming years to strengthen protection and advocacy work on behalf of IDPs. Participants used the conference as an opportunity to set an agenda for the institutions concerned and the introduction includes a summary of action points.

**This publication is available free of charge to FMR subscribers; see enclosed subscription leaflet. Or contact: Global IDP Survey/NRC, Chemin Moïse-Duboule 59, CH-1209 Geneva, Switzerland. Tel: +41 22 788 8085. Fax: +41 22 788 8086. Email: [idpsurvey@nrc.ch](mailto:idpsurvey@nrc.ch)**

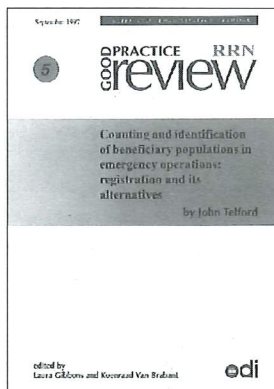
**Failing the internally displaced: the UNDP displaced persons program in Kenya**

Human Rights Watch/Africa. 1997. 150pp. ISBN 1-56432-212-2. \$15.00/£7.95.



Between 1993 and 1995, UNDP administered a programme to return an estimated 300,000 persons who were driven off their land by state-sponsored 'ethnic' violence. The Kenyan government instigated the violence after being forced to concede to a multiparty system in order to punish and disenfranchise ethnic groups associated with the opposition, while rewarding its supporters with illegally obtained land. Throughout the UNDP programme, and since, the government has obstructed efforts to return the displaced to their homes. The government is responsible for harassing the displaced and those who assist them, while allowing the perpetrators of the violence to enjoy impunity. In terms of offering effective assistance, protection and reintegration to the thousands of internally displaced Kenyans, UNDP's record fell far short of what it could, and should, have been. This report, written by Binaifer Nowrojee, underlines the fundamental importance of incorporating human rights considerations into international programmes for IDPs, and identifies ways that UNDP, and the UN as a whole, can strengthen future implementation. Contact Human Rights Watch at: 485 Fifth Avenue, New York, NY 10017-6104, USA. Tel: +1 212 972 8400. Fax: +1 212 972 0905. Email: [hrwnyc@hrw.org](mailto:hrwnyc@hrw.org) or at: 33 Islington High Street, London N1 9LH, UK. Tel: +44 171 713 1995. Fax: +44 171 713 1800. Email: [hrwatchuk@gn.apc.org](mailto:hrwatchuk@gn.apc.org) Website: <http://www.hrw.org>

**Counting and identification of beneficiary populations in emergency operations: registration and its alternatives**  
by John Telford. RRN Good practice review 5. 1997. 110pp. ISBN 0-85003-253-0. £10.



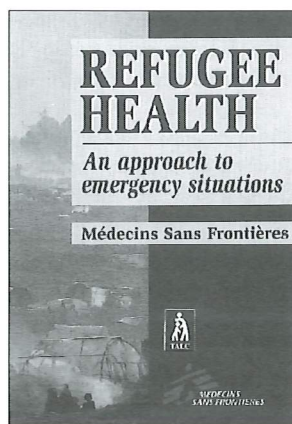
This good practice review aims to stimulate discussion as to what constitutes 'good practice' in the quantification, identification and registration of recipients in humanitarian assistance operations. It discusses registration and alternatives in relation to IDPs as well as refugees and those displaced by natural disasters. Contact: RRN, ODI, Portland House, Stag Place, London SW1E 5DP, UK. Tel: +44 171 393 1674. Fax: +44 171 393 1699. Email: [rrn@odi.org.uk](mailto:rrn@odi.org.uk)

**Forced Migration Monitor**  
published bimonthly by the Forced Migration Projects (Open Society Institute), New York. The Forced Migration Projects were established to monitor circumstances in different regions of the world in order to provide early warning of forced movements of people, as well as to identify the social, economic and political conditions which cause such dislocations. 8pp. Free. Contact: Forced Migration Projects, OSI, 400 West 59<sup>th</sup> Street, 4<sup>th</sup> Floor, New York, NY 10019, USA. Tel: +1 212 548 0655. Fax: +1 212 548 4676. Email: [refugee@sorosny.org](mailto:refugee@sorosny.org) The Forced Migration Projects also publish occasional special reports, such as **Protecting aid workers: prospects and challenges** in September 1997, and an electronic bulletin, **FM Alert**, found at: [www.soros.org/migrate.html](http://www.soros.org/migrate.html) For hard copies of recent FM Alerts, see contact details above. To receive the Monitor and FM Alert by email, send a message to [majordomo@soros.org](mailto:majordomo@soros.org) with the message: subscribe osi-migration <your email address> and your name. Leave subject field blank.

**Issues of refugees and displaced (Qadaya allajieen wannaziheen)**  
Refugees, Displaced Persons and Forced Migration Studies Centre (RDFSC) at Yarmouk University.  
This is a 12-16 page newsletter published quarterly in Arabic. It aims to raise awareness of global issues relating to refugees and IDPs. Free. Contact: Anwar Quraan, Director, RDFSC, Yarmouk University, Irbid, Jordan. Tel: +962 2 271100. Fax: +962 2 274682. Email: [anwarqu@yucc.yu.edu.jo](mailto:anwarqu@yucc.yu.edu.jo)

**Population issues and the situation of women in post-conflict Guatemala**  
by Seán Loughna and Gema Vicente. 1997. 58pp. ISBN 92-2-110620-9.  
Women's situations and gender perspectives constitute a major challenge in the war-affected context and require serious consideration in any policy framework. This study on Guatemala shows the complexity of the issues and was prepared as an input to the International Labour Organisation's Action Programme on Skills and Entrepreneurship Training for Countries Emerging from Armed Conflict. Contact: ILO Publications, CH-1211 Geneva 22, Switzerland.

**Refugee health: an approach to emergency situations**  
by Médecins Sans Frontières. 1997. 380pp. ISBN 0-333-72210-8. £5.85.



This book is intended for professionals involved in public health assistance to refugees and displaced people. It deals with a wide variety of specific refugee health issues and discusses the priorities of intervention during the different phases of a refugee crisis, from emergency to repatriation. Contact: MSF, 124-132

Clerkenwell Road, London EC1R 5DL, UK. Tel: +44 171 713 5600. Fax: +44 171 713 5004.

**Refugees in Europe: the hostile new agenda**  
by Danièle Joly with Lynette Kelly and Clive Nettleton, Minority Rights Group International. 1997. 44pp. ISBN 1-897693-61-3. £4.95.



This report outlines the history of refugee policies, details recent new developments and provides an explanation of the current refugee situation in Europe. Charts and tables provide up-to-date statistics. The report concludes with a series of recommendations for action. Contact: MRG, 379 Brixton Road, London SW9 7DE, UK. Tel: +44 171 978 9498. Fax: +44 171 738 6265. Email: [minority.rights@mrg.sprint.com](mailto:minority.rights@mrg.sprint.com)

**The settlement of the Vietnamese in London: official policy and refugee responses**  
by Tom Lam and Christopher Martin. 1997. 58pp. ISBN 0-946786-16-X. £6.50.  
The story of Vietnamese resettlement is as remarkable as their initial flight from their homelands. Tom Lam and Christopher Martin report how they have fared in their integration into a society very different from their own. The study goes beyond the particularities of the Vietnamese in the UK, asking questions such as: How did a group without any prior link in the UK establish itself? What role did their own resources and initiative play in this process? What did integration mean for such a group, and how can refugee policy and practice be improved in the light of the Vietnamese experience? Contact: School of Education, Politics and Social Science, South Bank University, 103 Borough Road, London SE1 0AA, UK.

# Conferences

## **CIS migration conference follow-up, Geneva May 1996**

by Arthur C Helton,  
Director, Forced Migration  
Projects, Open Society Institute

The CIS conference on migration-related issues produced a Programme of Action to manage and prevent forced migration in the former Soviet Union.<sup>1</sup> Despite the relatively low priority given to the conference process by the CIS and western donor states 1998 should offer opportunities to international and non-governmental organisations to undertake substantial initiatives to ease the hardships of forced migrants in the region. Although the \$88m 1997 joint appeal by UNHCR and IOM has only attracted about \$25 million, UNHCR has received \$850,000 of the \$1m it sought for an NGO Fund, designed to develop activities in the region's independent sector. UNHCR and IOM are preparing separate appeals for 1998 for a total of nearly \$50 million. Given the measured donor response over the past year, the activities contemplated next year are likely to be more streamlined.

NGO involvement in the follow-up process continues to be controversial. For example, in early December 1997, UNHCR and the Organization for Security and Cooperation in Europe's Warsaw-based Office for Democratic Institutions and Human Rights convened a meeting of government officials to discuss residence registration procedures in CIS countries. Unfortunately, no international NGOs were invited to attend, suggesting that NGO involvement in the follow-up process is to be limited and segregated, laying the foundation for polarisation and non-cooperation in the region.

A potentially more positive development for the independent sector is the establishment of an NGO follow-up committee com-

posed of working groups on institutional frameworks, emergency and humanitarian assistance, solutions for dislocated persons, prevention, early warning and refugee protection. In this connection, the Open Society Institute's Forced Migration Projects have agreed to lead the working group on institutional frameworks to promote the reform of laws governing registration and taxation of NGOs in the member states of the CIS. Burdensome registration and taxation laws throughout the CIS severely hinder the ability of NGOs to operate. Reforming these laws would create a better operating environment, promoting the capacity of local NGOs. Greater NGO activity, in turn, would stimulate the development of a vibrant civil society.

The Forced Migration Projects are planning, with UNHCR and the Council of Europe, to convene four conferences in 1998 in the region - in Russia, Ukraine, Caucasus and Central Asia - to support these goals. The ultimate objective is to establish a network of national task forces composed of representatives from government agencies, NGOs and international organisations; these will be mandated to design and implement tax and registration laws (in their countries) that are more conducive to NGOs.

The implementation of the CIS Conference's Programme of Action is at a crossroads. It is currently in danger of becoming yet another lost opportunity to address the hardships occasioned by the implosion of the Soviet Union. The CIS conference follow-up process will surely fail without significant enhancement of NGO engagement and sustained donor backing.

<sup>1</sup>. See report on CIS Conference, Global IDP Survey newsletter, Autumn 1997, p7.

## **Eritrean Refugee Conference Khartoum, Sudan 6-7 July, 1997**

The first Eritrean Refugee Conference took place in Khartoum, Sudan, in collaboration with the Disaster Management and Refugee Studies Institute (DIMARSI). Participants included representatives from 27 refugee settlements, urban refugee groups, international and local NGOs and

academics. The conference covered issues such as the psychological and social impact of displacement and the issue of voluntary repatriation. For a copy of the conference report, contact: DIMARSI, PO Box 8300, Imarat, Khartoum, Sudan. Fax: +249 11 271843.

This Consultation, hosted by the Government of Austria, was attended by some 30 legal and field experts involved with IDP norms and good practice. A team of international legal experts, under the direction of Dr Francis Deng (UN Secretary-General's Special Representative on IDPs), has prepared a set of draft Guiding Principles based on the Compilation and Analysis of Legal Norms applicable to IDPs which was submitted through the Commission on Human Rights in 1996. This former work has been distilled into a 12-page document comprising 30 Principles. The purpose of the Vienna Consultation was to finalise this document.

The 30 Guiding Principles will be presented to the Commission on Human Rights in March 1998. It is not a legally binding document, nor a Declaration, and therefore does not require formal endorsement by UN member states. Principles relating to the protection and assistance of IDPs often point to the responsibility of governments; the document does not, however, mention the issue of sovereignty, thus avoiding potential objections by governments. Rather, the Guiding Principles pertain to either customary law or to provisions already contained in international humanitarian law and human rights law. In this respect they are simply a re-affirmation of existing norms with particular emphasis on the plight of internally displaced people.

The Vienna Consultation began to look at how best to disseminate the Guiding Principles to the actors involved: governments, aid agencies and IDPs themselves. UN agencies - notably UNICEF, UNDP and WFP - will incorporate them into their existing field practices and manuals. Inter-governmental agencies and NGOs are likely to welcome the accessibility of the language and brevity of presentation. A series of regional workshops is planned through the new IDP Consortium (see details on page 41). Finally - and perhaps most importantly - efforts will be made to build on ICRC's experience in disseminating legal norms to soldiers, local officials and IDPs themselves. The ultimate test of the Guiding Principles will be the extent to which they empower IDPs, prevent human rights abuses and promote more acceptable approaches by all actors towards displaced people worldwide.

## Expert Consultation on the Proposed Guiding Principles on Internal Displacement Vienna, Austria 17-18 January, 1998

by Jon Bennett, Director,  
Global IDP Survey



Mother and child,  
Western Sahara

photograph: Julio Eichary/Sill Pictures

# Letters

Dear Editor,

In RPN issue no 21 (April 1996), p 30, Augustin Velloso wrote about education in the 'Saharawi Arab Democratic Republic'. I find that the 'background' of this article reflects exactly and only Polisario's thesis. So, I would like to make some important points clear:

1. There was indeed an agreement in Madrid which ended the Spanish occupation of the 'Western Sahara'. Although many Moroccan people were not in favour, Morocco accepted the partition with Mauritania to demonstrate its good will to those who were too readily listening to Algeria accusing Morocco of hegemony. Faithful to its commitment to the peaceful settlement of disputes, this was not the first time that Morocco negotiated with Spain for the return of a part of its territory: it did so in 1969 when recovering the enclave of Ifni, south of Agadir, and it is still proposing to do so as regards the Mediterranean enclaves of Ceuta and Melilla, and the Jaafarine Isles, still under Spanish colonial rule.
2. Furthermore, in conformity with UN General Assembly resolution 1514 (XV) 1960 on self-determination, the president and many members of the Local Assembly (Jemaa), the representative body of the population, renewed their allegiance (baia) to the King of Morocco, making it clear they were Moroccan.
3. The refugee problem did not stem from the fact that "the Saharawi people began a war for self-determination and thousands of civilians fled to the safety of Algeria ..." but rather because a small minority of

the population, specifically, a political and armed movement formed at the height of the Cold War at the instigation and with the support of Algeria, pushed those civilians out of their homes, either by telling them tales of would-be coming atrocities and massacres by what Velloso called "the Moroccan military invasion", or by force.

4. As regards this latter point, whenever a country, be it Morocco or any other, recovers parts of its territory, it is quite normal for that state to send military troops and set up military garrisons, as well as establishing public services and civil servants. But when Morocco found that its neighbour, although it always claimed the contrary, was really intervening in this affair not only by arming Polisario but also by sending soldiers (some of them made prisoners in Amgala), it sent more troops.
5. If Spain, following negotiation with Morocco, were to withdraw from Ceuta, Melilla and the Jaafarine Isles, would Morocco be expected to refrain - because of the emergence of a movement such as Polisario - from sending military troops, police and other civil servants in order to effectively exercise its sovereign rights, and would Morocco be requested to organise a referendum? If so, the UK should have demanded the same of China in the case of Hong Kong ... But for what? To continue, consciously or unconsciously, to apply that old colonial political device 'divide and rule' which has enjoyed such historical success in shattering the international community, notably within the developing countries.

El Arbi Mrabet, Dean of Faculty of Law, Oujda University, Morocco.

# Research Research

## **People who stay: migration, development and those left behind**

Most migration research has focused on those who leave their homes, by choice or force, for new places of work or residence. There has been much less attention paid to those who remain behind, even though such people are an integral part of any migration. This project is a comparative study of 'economic' and 'forced' migration, focusing on the development prospects of those left behind, and their relations with the people who leave. The study will investigate household migration strategies, how much choice households and individuals exercise in the decision to move or stay, the effects of out-migration on relations within and among communities and households, and the impact of financial and other transfers between migrants and those who stay. As well as addressing development issues associated with migration, the study will contribute to current debates about voluntary and involuntary migration and about diasporas and transnational communities. Fieldwork will be carried out in Ghana and Sri Lanka in 1998, with library studies of other countries in Africa, the Middle East and Asia for comparative purposes.

Directed by Dr Nicholas Van Hear, the research will involve a team of researchers in Oxford and the field. The project began in October 1997 and will run for two years. It is funded by the Leverhulme Trust. Contact: Nicholas Van Hear at the RSP (contact details on page 2).

**A summary of current RSP research will be published in the next issue of FMR.**

## **Humanitarianism and War Project: new round of research**

Following the end of the Cold War, formidable new challenges confront humanitarian agencies. A review of innovations devised by such agencies to address these challenges will be the focal point of research by the Humanitarianism and War Project during the next few years. The Project is based at Brown University's Thomas J Watson Jr Institute for International Studies in Providence, USA. The aim is to analyse creative solutions to post-Cold War challenges in ways that lend themselves to discussion among practitioners and wider adoption by their agencies.

The new research is organised topically in three clusters. The humanitarian interactions cluster is examining the challenges of orchestrating emergency action and safeguarding human rights in the delivery of relief assistance. Humanitarian politics analyses the difficulties of protecting space for humanitarian activities and of maximising the contribution of such work to the easing of conflicts. Humanitarian impacts reviews creative programmatic efforts linking emergency relief with reconstruction and development work and strengthening local institutions. Spearheading the work are, respectively, Giles Whitcomb, a former UN official and now private consultant; Neil MacFarlane, an Oxford University professor of international relations; and Ian Smillie, a private analyst of development issues.

The project will build on earlier studies conducted since 1991 on humanitarian responses to crises in the Persian Gulf, Central America and the Caribbean, Cambodia, the former Yugoslavia, the Great Lakes region of Africa and the Horn, and the Caucasus. In addition to updating itself on recent developments in these areas, it

may examine several newly-emerging conflicts as well. Refugees and internally displaced populations will figure prominently in the research. It will examine, for example, experience since 1994 in the Great Lakes region, reviewing the difficulties of safeguarding human rights while providing assistance to uprooted populations.

Project co-directors Larry Minear and Thomas G Weiss plan a series of regular policy dialogues with international aid groups in Europe and North America, continued publication of occasional papers, and adaptation of research findings for use in training courses. Additional information (including status reports on recent activities and a list of current and forthcoming publications) is available from its new web site at [http://www.brown.edu/Departments/Watson\\_Institute/H\\_W/](http://www.brown.edu/Departments/Watson_Institute/H_W/)

## **The right not to be arbitrarily displaced**

The March 1998 session of the UN Commission for Human Rights will have before it a study on the right not to be arbitrarily displaced (UN doc.E/CN.4/1998/53/Add.1) which has been prepared by the Representative of the Secretary-General on IDPs, Dr Francis Deng. The study examines the extent to which existing international law provides protection against arbitrary displacement. It concludes that the legal basis for providing protection against displacement could be strengthened significantly by articulating a right not to be arbitrarily displaced. Doing so would serve to define explicitly the general rule already inherent in international law that forced displacement may be undertaken only exceptionally and, even then, is subject to several limitations, including that it may neither

be effected in a discriminatory manner nor arbitrarily imposed. The impermissible grounds and conditions of displacement as well as the minimum procedural guarantees that must be complied with in order for it to be lawful should be clearly set out. The articulation of a right not to be arbitrarily displaced would serve the important preventive purposes of raising awareness of the need to provide protection against unlawful displacement and of providing the legal basis for preventive action.

For more information, contact: Erin Mooney, Human Rights Officer, UN High Commissioner for Human Rights, Palais des Nations, CH-1211 Geneva 10, Switzerland. Tel: +41 22 917 3528. Fax: +41 22 917 0092. Email: [emooney.hchr@unog.ch](mailto:emooney.hchr@unog.ch) A copy of the report will be available on [www.unhchr.ch](http://www.unhchr.ch)

### **Reintegration of internally displaced female headed households, Ethiopia**

The International Labour Organization (ILO) and the Ethiopian Ministry of Labour and Social Affairs (MOLSA) studied the marketable skills and reintegration potential of 3,874 female headed households in 17 resettlement camps in and around Addis Ababa. The camps shelter some 55,000 IDPs who had been living in Eritrea until 1991. A workshop in December 1997 held at the UN Economic Commission for Africa, and attended by the UN, NGOs, MOLSA and donors, considered how to proceed with future reintegration activities. The study found a high level of motivation among female-headed households to reintegrate. It measured the level of potential for success based on literacy, age and health, and also looked at resources and funding, training and education, credit access, job creation, planning and advocacy, social mobilisation via media, and follow up. MOLSA and ILO are to form a Steering Committee to pursue the implementation of the recommendations of the report and workshop. ILO and MOLSA have also produced a video to raise awareness of the plight of IDP female-headed households. Documents from the workshop are available from: NGO Networking Service, Inter Africa Group, PO Box 1631, Addis Ababa,

Ethiopia. Fax: +251 1 517554. Email: [iag@telecom.net.et](mailto:iag@telecom.net.et) For further information on the ILO/MOLSA report, contact: Yoggi Bakker, ILO, Addis Ababa, Ethiopia. Fax: +251 1 513 363. Email: [iloaddis@telecom.net.et](mailto:iloaddis@telecom.net.et)

### **Childhood and human rights in armed conflicts: Colombia**

Directed by Mariano Aguirre of the Centro de Investigación para la Paz (Centre for Peace Research) in Madrid, Spain, this project aims to promote respect of children's rights in armed conflicts. It has three main aspects: i) a case study in Colombia, ii) support

of Colombian NGOs in order to provide concrete alternatives for children who are forcibly recruited (by rebel and government forces) to be child soldiers, and iii) an educational campaign via publication of a handbook, press articles, and a pamphlet for distribution in schools and to NGOs, as well as via international radio programmes. The project will be conducted in collaboration with the Programa de Reinserción and the Observatory of Conflicts, both in Bogotá. For more information, contact: Jéhane Sedky-Lavandero, CIP, C/Duque de Sesto 40, 28009 Madrid, Spain. Tel: +34 91 431 0280. Fax: +34 91 577 9550. Email: [cip@ran.es](mailto:cip@ran.es)



### **Non-neutral humanitarianism: NGOs and the Rwanda crisis**

*by A Storey*

NGOs play an increasingly important role in humanitarian work, and the impact of their activities is often non-neutral in relation to the conflicts which underlie crises. This was the case in the Rwanda crises, during which some NGOs lent support to the forces of the genocidal Rwandan regime through their choice of where to work; the type and organisation of support offered; and some of the public statements made by NGO representatives. This article documents how this process occurred, and concludes with recommendations for avoiding such problems in the future. Published in: *Development in Practice*, Vol 7, No 4, November 1997, Carfax Publishing Co, PO Box 25, Abingdon, Oxon OX14 3UE, UK. Tel: +44 1235 521164. Fax: +44 1235 401550.

### **The risks and reconstruction model for resettling displaced populations**

*by Michael Cernea*

Involuntary population displacement and resettlement, entailed in development programmes, have world-wide relevance and require policy-guided solutions. Using empirical data, the author constructs a theoretical model of displacement and reconstruction. It captures the socio-economic content of the process and identifies its key risks. Conversely, the model suggests that reconstructing and improving the livelihood of those displaced require risk reversals through explicit strategies backed up by adequate financing. Flawed approaches to reconstruction and the intrinsic limitations of cost-benefit analysis are discussed. Published in: *World Development*, Vol 25, No 10, 1997, Elsevier Science Ltd, The Boulevard, Langford Lane, Kidlington, Oxford OX5 1GB, UK. Tel: +44 1865 843404. Fax: +44 1865 843986.

[Abstracts courtesy of Oxfam UK/Ireland Library.]

# COURSES



## 1998 International Summer School 6-31 July (full-time)

The Summer School aims to provide those working with refugees and other forced migrants with a wider understanding of the interlocking institutional framework that dominates their world and the world of those who have been uprooted. The objectives of the Summer School are to provide participants with: a multidisciplinary framework; a comparative perspective on issues; a forum for the analysis of problems in assistance programmes; and the sharing of successful experiences. Participants are expected to include senior and middle level governmental officials, inter-governmental and non-governmental agency personnel engaged in policy-making management and implementation of assistance for forced migrants. Fee: £1,950 (including bed/breakfast accommodation). Venue: Ruskin College, Oxford.

## The Rights of Refugees Under International Law 9-10 May 1998 (full-time)

This workshop begins with a critical appraisal of those aspects of international human rights law that may be universally invoked by refugees and all other persons. Its conclusion is that while universal human rights law is the undeniable core of the general international law that speaks to the concerns of refugees, its protective ambit is exceedingly modest. Refugee rights in international law are then traced from their origin in the law on aliens, through to codification in the present Convention and Protocol relating to the Status of Refugees. Against this historical backdrop, the centrepiece of the workshop is a detailed and case study-based examination of refugee-specific human rights. Fee: £100 (excluding accommodation). Venue: Queen Elizabeth House, Oxford.

**Professor James C Hathaway,**  
Osgoode Hall Law School, York University, Canada

## Asylum in a Frontier-Free Europe 26-27 September 1998 (full-time)

The 1951 Geneva Convention has long ceased to be the only instrument governing asylum in Europe. Safe third countries, the Dublin Convention, Schengen, the Treaty of Maastricht and the European Convention on Human Rights must also be considered. This workshop will also look at important recent developments from the European Commission and Court of Human Rights and the Committee on the UN Torture Convention, and will examine the application of the Schengen and Dublin Conventions across Europe. Fee: £100 (excluding accommodation). Venue: Queen Elizabeth House, Oxford.

**Nuala Mole, Director, the Aire Centre, London**

### For further information and an application form, please contact:

The Coordinator, Education Unit, RSP, QEH, 21 St Giles, Oxford OX1 3LA, UK. Tel: +44 1865 270723 Fax: +44 1865 270721 Email: rspedu@ermine.ox.ac.uk

## Master of Studies in Forced Migration

From October 1998, the RSP will offer a nine month Master of Studies (MSI) in Forced Migration. This is a postgraduate degree course grounded in a multidisciplinary approach that includes the perspectives of anthropology, law, politics and international relations. It will include courses and seminars on:

- ◆ Introduction to the study of forced migration
- ◆ International and domestic politics of forced migration
- ◆ International human rights and refugee law
- ◆ Nationalism, regionalism and ethnicity in the explanation of human displacement
- ◆ Research methods
- ◆ Issues and controversies in forced migration

Enquiries should be addressed to:  
Graduate Admissions Office, University Offices, 18 Wellington Square, Oxford, OX1 2JD, UK. Tel: +44 1865 270055  
Email: graduate.admissions@admin.ox.ac.uk

## Visiting Fellowships

Visiting Fellowships at the RSP are open to senior and mid-career practitioners and policy makers who wish to spend a period of study and reflection in a conducive academic environment, and to academics and other researchers who are working in fields related to forced migration. Each Fellow will normally be assigned an academic adviser and will be expected to undertake a specific programme of self-directed study or research. Fellowships may be held for one, two or three terms in any one academic year. There will normally be no more than ten Visiting Fellows in residence at the RSP at any one time.

For more information, please write to:  
The Visiting Fellowships Administrator,  
RSP (address on inside front cover).  
Email: rspedu@qeh.ox.ac.uk





Norwegian Refugee Council

# Global IDP Survey



Norwegian Refugee Council

The Global IDP Survey comprises a programme of activities, of which collaboration on *Forced Migration Review* is one. This news page will provide a regular update on our work and you are welcome to contact us at the addresses below.

## Programme of activities

The Global IDP Survey is a major focal point for information and advocacy on protection and assistance for internally displaced people. The project comprises:

- ◆ A worldwide database on IDPs for the humanitarian community;
- ◆ The publication of our first comprehensive reference book - *Internally Displaced People: A Global Survey* - in June 1998 including country-by-country IDP issues and thematic chapters on issues common to all countries (available free of charge to FMR subscribers);
- ◆ A series of country profiles looking at protection and assistance needs for IDPs;
- ◆ A series of regional conferences to disseminate our work and that of our partners, including that of the office of Francis Deng, the UN's Special Representative on IDPs;
- ◆ The formation of a new IDP Consortium of three of the lead agencies dealing with advocacy and information on IDPs (see 'Regional Conferences' section, below).

## IDP database

In December 1997, the Global IDP Survey was requested by the UN's Inter-Agency Standing Committee to build a country-by-country database of figures and descriptive analysis of issues relating to IDPs. Although undertaken in close collaboration with the UN Office of the Emergency Coordinator, this is an independent NGO project. A consultant has begun a six-month feasibility study and field-test of the database. If successful, the Global IDP Survey will then house the database in its Geneva offices. It will have a direct link to the public domain through the UN's *ReliefWeb*.

## Regional Conferences

The Global IDP Survey/Norwegian Refugee Council, the Brookings Institution Project on Internal Displacement (Washington, co-directed by Roberta Cohen and Francis Deng), and the US Committee for Refugees (Washington) have formed a new IDP Consortium with a view to coordinating activities and undertaking joint promotional and research work in the future. In 1998, the IDP Consortium will be responsible for a series of regional conferences in South Africa (with the International Development Research Centre, Canada), Asia, Horn of Africa (with UNHCR), North America, and the UK (with the Overseas Development Institute). The conferences will address international and regional IDP protection and assistance issues.

## The Directorate

The Global IDP Survey, as a project of the Norwegian Refugee Council, is administered through its Geneva office. Its staff are located on several sites in Europe and it has some 40 correspondents and consultant writers worldwide. It also has an academic Advisory Board of 15 leading experts in the field of forced migration.

## Staff

Director: Jon Bennett  
Managing Editor: Janie Hampton  
NRC Representative, Geneva Office:  
Brita Sydhoff  
Administrator/Project Officer,  
Geneva: Gry Sando

## Global IDP Survey donors

Department for International Development (DFID), UK; Ministries of Foreign Affairs - Norway, Denmark, Netherlands, Switzerland; International Development Research Centre, Canada; Norwegian Church Aid; Rädda Barnen, Sweden; Redd Barna, Norway; World Vision International; Individuell Människahjälp, Sweden; UNICEF; UNDP; WFP.

## Website

The Global IDP Survey website includes a full IDP bibliography and can be accessed on:  
<http://www.sol.no/nrc-no/idp.htm>

If you wish to receive Global IDP Survey publications and are not already on the mailing list for *Forced Migration Review*, please contact either of the following addresses:

**Global IDP Survey**  
**Chemin Moïse-Duboule 59**  
**CH-1209 Geneva**  
**Switzerland.**  
**Tel: +41 22 788 8085**  
**Fax: +41 22 788 8086**  
**Email: [idsurvey@nrc.ch](mailto:idsurvey@nrc.ch)**

**Global IDP Survey**  
**84 Sandfield Road**  
**Oxford OX3 7RL, UK.**  
**Email:**  
**[jon.bennett@dial.pipex.com](mailto:jon.bennett@dial.pipex.com)**

# THE SWEETNESS OF BEING A REFUGEE

I'd like to be a refugee  
'Cause if I were one  
I would be the king of the world  
I would go wherever I want to  
I would fearlessly knock at every door  
I would be assisted by whosoever  
I would be cared for by everybody  
I would inspire compassion in people's hearts;  
Truly,  
I'd like to be a refugee.

Because I'd be a citizen of the universe  
My world would be geographically unlimited  
It would be a world of fantasy and wonder  
Whose doors would be all ajar when I come in  
Whose priorities would be directed to my miseries  
Really,  
I'd like to be a refugee.

Because my mum and dad have been refugees  
My brothers and sisters also  
Kings and monarchs  
Great scholars and presidents  
All have been refugees  
So,  
Let me also be a refugee  
And share their life experience ...

I'd like to be a refugee  
But of course  
Not any kind of refugee:  
I'd like to be a free refugee  
Free from pressure whatsoever  
Free from feelings of being an outcast  
and an intruder in the human community  
Free from begging  
Free from lying to obtain any favour  
Free from any oppression yoke  
Free from some people's stereotypes  
That a refugee is a citizenshipless citizen  
A heartless human being

A consciousnessless conscience  
An unbearable burden  
A society dirt and toy  
A spier and a spoiler  
And what not ...

Let me be a refugee  
But not any brand of refugee:  
I'd like to be a refugee-witch;  
Telling the world its contradiction and vagaries  
Challenging its unfairness  
Its mindlessness  
Its savage and crooked nature  
Teaching the world the bitter and yet naked truth  
That whether black or white  
Coloured or Indian  
Yellow or whatever  
Rich or poor  
Old or young  
We all belong to the family of Humans.  
Did I say humans?  
No, sorry  
The world of potential refugees  
Or better than that  
The world of refugees to be.

So let me become again a free man  
(Just the way I was born)  
Not a gnawn-conscience liar  
Not a manacled slave  
Not a social garbage  
Not an intruder and a foreigner  
Not a refugee  
But a human being ...  
If incapable  
Help me at least be  
A nice  
Legal and protected refugee ...  
That's the one I'd like to be  
And that would be, I reckon  
The mere sweetness of my being a refugee ...

*Augustin Nsanzineza Gus*