

FORCED MIGRATION review

issue 30
April 2008

Burma's displaced people

*plus our general articles section
and regular contributors:*

UNHCR, Brookings-Bern,
RAISE Initiative, NRC,
IDMC and RSC



from the editors

Forced Migration Review

Forced Migration Review provides a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and internally displaced people, and those who work with them. It is published in English, Arabic, Spanish and French by the Refugee Studies Centre, University of Oxford. FMR was launched in 1998 in partnership with the Norwegian Refugee Council.

Editors

Marion Couldrey & Maurice Herson

Assistant Editor (Arabic edition)

Musab Hayatli

Coordinator

Heidi El-Megrissi

Forced Migration Review

Refugee Studies Centre
Department of International Development
University of Oxford, 3 Mansfield Road,
Oxford OX1 3TB, UK

Email: fmr@qeh.ox.ac.uk

Tel: +44 (0)1865 280700

Fax: +44 (0)1865 270721

Skype: fmreview

Website

www.fmreview.org

Copyright and disclaimer

Opinions in FMR do not necessarily reflect the views of the Editors, the Refugee Studies Centre or the University of Oxford. Any FMR print or online material may be freely reproduced, provided that acknowledgement is given to the source and, where possible, the FMR URL and/or the article-specific URL. We welcome comments on the content and layout of FMR – please email, write or use the feedback form on our homepage.

Designed by

Art24

www.art-24.co.uk

Printed by

Image Production

www.imageproduction.co.uk

ISSN 1460-9819

Front cover photo:

Villagers fleeing after learning of approach of Burmese army soldiers. Picture provided by the Free Burma Rangers, which provides media free of charge to help the people of Burma.

FMR encourages organisations and individuals to share their expertise and experience so that others might benefit. But how do you share research findings, lessons and examples of good practice when any dissemination of information might put you, your staff and your partners – and other local people – at risk?

FMR is no stranger to this problem but this issue's feature section on Burma has, not surprisingly, proven more sensitive in this respect than any other we have worked on. We are therefore all the more grateful to our authors for their contributions and to all those who are helping to disseminate this issue around the world.

Special thanks go to Inge Brees, guest editor for the Burma feature section, whose assistance has been invaluable. We would also like to thank those agencies that have provided funding specifically for this issue: DanChurchAid, DFAIT Canada, International Rescue Committee, UK Department for International Development and ZOA Refugee Care.

We are publishing this issue in Burmese as well as our usual four languages: English, Arabic, French and Spanish. If you would like more copies or could help distribute copies in any of these languages, please email us at fmr@qeh.ox.ac.uk.

The English edition of this issue is online at www.fmreview.org/burma.htm. We would be very grateful if you could forward this link to anyone you think might be interested – and include details of this Burma issue in any relevant resource listings. Many thanks.

All other language editions can be found via our website at www.fmreview.org

We understand that unfortunately some of our regular readers did not receive the last issue of FMR, with its feature theme on humanitarian reform. If you did not receive that issue but would still like us to send it to you, please let us know. Alternatively, it is available on our website.

Forthcoming issues:

- FMR 31: feature theme 'Climate change and environmental displacement', due out September. Details at www.fmreview.org/climatechange.htm.
- FMR 32: feature theme 'Statelessness', due out January 2009. The call for articles is at www.fmreview.org/statelessness.htm. Deadline for submissions: 6 October 2008.
- FMR 33: feature theme 'Protracted crises', due out May 2009. The call for articles will go online in due course at www.fmreview.org/forthcoming.htm

As usual, each issue will have space for a range of articles in addition to the feature theme. We welcome articles on any subject relating to forced migration and are particularly keen to publish more articles reflecting the perspectives of individuals and communities directly affected by displacement. Please email us with your proposals.

If you would like to receive email notification of new calls for articles and posting of latest issues, email us to request our occasional email alerts.

With our best wishes for your work.

Marion Couldrey & Maurice Herson
Editors

We are grateful for support received in 2007–08 from:

Austrian Development Agency	International Organization for Migration, Iraq	Spanish Agency of International Cooperation
Brookings-Bern Project on Internal Displacement	International Rescue Committee	Swiss Agency for Development and Cooperation (SDC)
Catholic Relief Services	Islamic Relief	Swiss Federal Department of Foreign Affairs
Concern Worldwide	Norwegian Ministry of Foreign Affairs	UNDP BCPR
DanChurchAid	Norwegian Refugee Council	UNDP Sudan, Governance and Rule of Law Unit
Danish Refugee Council	OCHA Displacement Protection and Support Section	UNFPA
Department for International Development (DFID)	OCHA Humanitarian Reform Support Unit	UNHCR
DFAIT Canada	Qatar Charity	UNICEF
DHL	RA International	Women's Commission for Refugee Women and Children
Feinstein International Centre, Tufts University	Reproductive Health Access, Information and Services in Emergencies (RAISE) Initiative	World Food Programme
Government of Qatar	Save the Children UK	World Vision Australia
International Federation of Red Cross and Red Crescent Societies		World Vision International
		ZOA Refugee Care



Refugee
Studies
Centre

Burma's displaced people

Forced displacement of Burmese people	
Inge Brees	4
Burma: in urgent need of change	
Douglas Alexander	6
The international community's Responsibility to Protect	
Kavita Shukla	7
Landmines: reason for flight, obstacle to return	
Yeshua Moser-Puangsuwan	9
Forced relocation in Burma's former capital	
Donald M Seekins	10
Under attack: a way of life	
David Eubank	10
State of terror: women at risk	
The Karen Women's Organisation	12
Carving out humanitarian space	
Jean-François Durieux and Sivanka Dhanapala	13
Defining 'forced migration' in Burma	16
Humanitarian aid to IDPs in Burma: activities and debates	
Ashley South	17
Supporting IDP resistance strategies	
Poe Shan K Phan and Stephen Hull	18
Responses to eastern Burma's chronic emergency	
The Thailand Burma Border Consortium	20
Reproductive health in Burma: a priority for action	
John Bercow	22
A sense of home in exile	
Sandra Dudley	23
Technology in the borderlands	
Rachel Sharples	24
Neglect of refugee participation	
Marie Theres Benner, Aree Muangsookjarouen, Egbert Sondorp and Joy Townsend	25
Community-based camp management	
Sally Thompson	26
Access to justice and the rule of law	
Joel Harding, Shane Scanlon, Sean Lees, Carson Beker and Ai Li Lim	28
Invisible in Thailand: documenting the need for protection	
Margaret Green, Karen Jacobsen and Sandee Pyne	31
Burmese asylum seekers in Thailand: still nowhere to turn	
Chen Chen Lee and Isla Glaister	33
Rohingyas and refugee status in Bangladesh	
Pia Prytz Phiri	34
Without refuge: Chin refugees in India and Malaysia	
Amy Alexander	36
Migration and trafficking: putting human rights into action	
Nikolas Win Myint	38
Asia's new boat people	
Chris Lewa	40
Myanmar's forgotten people	
Nyi Nyi Kyaw	41
Difficult to remain: the impact of mass resettlement	
Susan Banki and Hazel Lang	42

Karen voices on resettlement	
The Karen Women's Organisation, with Sarah Fuller and Eileen Pittaway	45
Educational change in a protracted refugee context	
Marc van der Stouwe and Su-Ann Oh	47
To Sheffield with love	
Patricia Hynes and Yin Mon Thu	49
Additional resources	52

General articles

Palestine refugees in the contemporary context: a view from UNRWA	
Karen Abu Zayd	53
Improving Kenya's response to internal displacement	
Alex Otieno	55
GBV in post-election Kenya	
Jane Some	56
Brazil: ten years of refugee protection	
Maria Beatriz Nogueira and Carla Cristina Marques	57
Counter trafficking in Japan	
Naoko Hashimoto	58
Medical examinations within EU asylum procedures	
Erick Vloeberghs and Evert Bloemen	60
Tertiary refugee education in Afghanistan: vital for reconstruction	
Claas Morlang and Carolina Stolte	62
Measuring the enjoyment of rights in Colombia	
Jacob Rothing and Marco Romero	64
Faith, relief and development: the Sri Lanka experience	
Guy Hovey and Amjad Saleem	66
New UK underclass	
Demelza Jones	68
RSC – Humanitarian space in a fragile state	
Simon Addison	69

Feature: IDPs in peace processes

A seat at the table for IDPs	
Donald Steinberg	70
Involving IDPs in the Darfur peace process	
David Lanz	71
The displacement-peace nexus	
Khalid Koser	73
RAISE – The value of rapid RH response	
Diana Barnes-Brown	74
NRC – Azerbaijan: internally displaced amidst a booming economy	
Petr Kostohryz	76
IDMC – Bearing witness to displacement in Georgia	
Anne-Sophie Lois	77
UNHCR – Local integration: reviving a forgotten solution	
Alexandra Fielden and Jeff Crisp	78
Endnote – Clowns in Damascus	
Sybella Wilkes	80

Forced displacement of Burmese people

Inge Brees

This issue of FMR aims to help bring the crisis of forced displacement of Burmese people back into the international spotlight.

With the 'Saffron Revolution' of September 2007, Burma was catapulted into the centre of international attention. It was briefly headline news as people monitored the regime's response and watched for hints of progress towards democracy and the restoration of rights. With little action on either front (and no visible resurgence of violence or protest), interest has since waned.

The September protests, led by Buddhist monks, were sparked by a sudden increase in oil prices which had a serious impact on the already impoverished population. After a few days, the government violently ended what it called the "disruption of stability". Governments around the world condemned the crackdown and the UN Secretary-General sent Special Representative Ibrahim Gambari to negotiate with the Burmese rulers. At the same time, however, China and Russia used their right of veto in the UN Security Council to block discussion of matters which they considered to be internal to Burma, no 'threat to international security' – and therefore outside the mandate of the Security Council.

Most reports on Burma explain that the conflict started in 1988 when the Burmese junta cracked down on nationwide demonstrations. But is that really when it all started? How about the moment when the army took power in 1962? Or before that, after independence from the British in 1948, when some of the ethnic minorities were granted autonomy while the plight of others was ignored – who then, predictably, took up arms to fight this inequality? Stating that conflict only started in 1988 ignores the call for (cultural) autonomy by the ethnic minorities

that started decades earlier. What is certainly true is that refugee and IDP numbers rose considerably at the end of the 1980s, in the aftermath of the demonstrations of 1988, and with the loss of territory by the ethnic armies and the country's growing economic emergency.

Today, displacement is widespread. In June 2007, the ICRC issued a rare public condemnation of the Burmese military government's actions, saying that they have "helped to create a climate of constant fear among the population and have forced thousands of people to join the ranks of the internally displaced, or to flee abroad." Close to half a million people have been displaced internally over the last decade on the eastern border alone. In addition,



millions of Burmese have crossed into neighbouring countries. In Thailand there are an estimated two million Burmese trying to make a living. If they are fleeing armed conflict or political persecution, they can receive protection and assistance in refugee camps. Those who fled after November 2005, however, are ineligible for protection, due to the moratorium on refugee registration. They have no choice but to stay outside the camps, where they are considered illegal migrants, subject to arrest and deportation.

There are good reasons why Thailand maintains such a strict demarcation between refugee and migrant status. Those inside the camps not only get protection and assistance but also have access to resettlement programmes – a recognised pull factor. Thailand has had to carry the burden of refugee inflows from neighbouring countries for decades and prefers to keep tight control on its ability to respond according to its own interests. That is why Thailand has still not signed the Geneva Convention and why they call refugees 'temporary displaced persons fleeing fighting', to emphasise that their stay in Thailand will come to an end as soon as conditions in Burma are conducive to return.

The exact number of Burmese refugees in other countries bordering Burma is unknown but Bangladesh, India, China and Malaysia have all had to deal with substantial influxes of Burmese citizens. As Thailand receives the bulk of the refugees and is the base for the vocal Burmese opposition, many of the articles in this issue of FMR focus on the Thai situation and the ethnic Karen. This should not be seen to underplay the plight of Burmese refugees in other countries or IDPs in other areas inside Burma. There is simply less information available on them – a gap that needs to be addressed.

In terms of durable solutions for this refugee population, the current focus is on resettlement. As a form of responsibility sharing, several Western countries have agreed to accept groups of Burmese refugees. This is resulting in large-scale movements from the Thai camps to the West, with some additional cases from Bangladesh

and India. Several articles in this issue explain how resettlement, while ensuring protection for the refugees concerned, raises issues for community management of the camps and is causing tensions within the refugee population.

Thoughts on other durable solutions, such as repatriation or local integration, are missing, however. Even if repatriation is currently impossible, agencies should at least consider the possibility of unexpected changes in Burma which would lead to massive population movements. Early planning is imperative. At the same time, more thought should be given to the alternative solution of local integration. Although most host countries are against this option, my own research indicates that many Burmese people are already integrating, against the odds, and are an economic asset to their host countries. An open debate on all durable solutions and immediate improvements to the 'closed' camps are urgently needed for the sake of both the Burmese refugees and their host populations.

Given that Burmese people are displaced throughout the region, this humanitarian crisis will require regional solutions. UNHCR could be encouraged to set up a consultative committee involving all refugee-receiving countries to discuss and coordinate a common approach towards Burmese refugees – even if a comprehensive plan of action is currently impossible due to the actions of the Burmese junta. But, as Loescher and Milner state, this is only part of the solution: "A humanitarian response to the needs of refugees in the region is not a substitute for engaging in the question of resolving the conditions in the country of origin that continue to force refugees to flee."¹ The efforts of the UN Special Representative to push for dialogue between the different stakeholders in Burma are essential if Burma's large-scale displacement is ever to end. But from his latest visit to the country in March 2008 it is clear that the prospects for genuine dialogue remain gloomy.

In January 2008 the junta suddenly announced that the National Convention had drafted a Constitution, on which the Burmese

population has to vote in a national referendum. Elections will be held in 2010. Finally a positive move? Maybe so, but with a lot of caveats. Opposition to or campaigning against the National Convention and the referendum are regarded as treason, and incur a penalty of several years' imprisonment. Additionally, opposition leader and Nobel Peace Prize Winner Aung San Suu Kyi is barred from taking part in the elections because of her marriage to a British citizen. When Gambari requested that international monitors be allowed to observe the referendum, this was immediately rejected and he was accused of bias in favour of the opposition. The carving out of both humanitarian and political space thus so far remains extremely difficult.

We would like to express our thanks to the numerous academics, UN agencies, NGOs and human rights organisations who have written for this issue – and to the refugees and IDPs themselves who wrote from inside the conflict zones and the refugee camps to make sure their views were heard.²

Inge Brees (inge.brees@ugent.be), guest editor for this issue, is a doctoral fellow at the Conflict Research Group, based at the University of Ghent in Belgium (www.conflictresearchgroup.be). She is currently conducting research on livelihoods of both camp and self-settled refugees in Thailand.

1. 'Protracted refugee situation in Thailand: towards solutions'. Presentation given to the Foreign Correspondents Club of Thailand, 1 February 2006.

2. For their protection, the names of most refugee contributors have not been given; these articles have instead, at their request, been attributed to their organisation.

Burma v Myanmar

Using the name Burma, rather than the official name Myanmar, is a politically sensitive choice, as the opposition and several Western countries refuse to recognise the name change instigated by the junta. Most Burmese people still use the old name in private conversations, which is why 'Burma' is used here. Contributors to FMR were free to choose which name to use. The term 'Burmese' is used for any person originally coming from Burma, while the term 'Burman' is used for people from the ethnic majority group.

Burma: in urgent need of change

Douglas Alexander

Last September, world attention focused on Burma's 'Saffron Revolution' and its brutal crackdown by the country's military regime. The protests were sparked by ever-deepening poverty and people's frustration with years of political repression and economic failure.

Refugees who have fled Burma can testify to the brutality of the regime. In January, I visited the Mae La refugee camp in Thailand, just five miles from Burma, and heard from dozens of the junta's victims. When the camp was first established in 1984 it sheltered 1,100 refugees; today it holds more than 40,000 people.



Marc van der Stouwe

Many spoke to me about having no community to return to because the army had burned down their villages. One father of three said he had to flee Burma because the military tried to force him to work for free carrying their equipment. The only choice open to him was either to agree or pay off the army. However, with no money, he tried to hide. But with the military raiding the homes of those who do not pay up, sometimes three or four times in one night, he was left with no option but to take his family and flee to Thailand. Sadly, similar stories of forced labour were a familiar theme during my visit.

One woman had organised an armed group of mothers to protect their villages from forced labour. A widow, she took her three daughters across the border when the military began to target them. Each family had a tale to tell about protection money being extorted from them by the military or, in some cases, by the ethnic militias. They talked of villages being destroyed, systematic rape, chronic poverty, a lack of work and no access to health care or education. Despite the cramped conditions and rationing of food, at least the children had schools to go to in the refugee camp, and the Camp Council gave people a degree of democracy which they were denied in Burma. In every refugee camp I have ever visited, including those in Darfur, the vast majority of the people wanted to go home. But in Mae La, fewer than half of the refugees I spoke to said they wanted to go back. Even those who hoped to return said there was no point until democracy had been established.

That is no surprise considering millions of people inside Burma lead a very harsh life indeed. Surrounded by some of the world's most dynamic economies, a third of Burma's people live on less than 30

cents a day. Ten per cent do not have enough to eat, half of the country's 20 million children do not complete primary school, and 70% of people are at risk from malaria. In October, I announced a doubling of the UK's aid to Burma, from £9 million in 2007-08 to £18 million a year by 2010. We will do this by expanding on our work which has already proved effective. That includes caring for refugees on Burma's borders and internally displaced people inside the country; increasing the number of children able to complete primary school; helping to fight the main killer diseases of malaria, TB and HIV/AIDS; improving income-earning opportunities for poor rural families; and strengthening civil society organisations. We will continue to work through UN agencies and NGOs, so that none of our aid is channelled through the Burmese central government.

Burma's absence from the headlines since October does not mean that anything has improved. At the time of writing this article in February, Aung San Suu Kyi remains under house arrest. The opposition is denied a role in drafting Burma's new constitution, and detention of its activists continues. The regime has described the September protests as "trivial". Setting a timetable for a referendum and subsequent elections means nothing if all opposition is suppressed.

Dialogue with Ibrahim Gambari, the UN Secretary-General's Special Envoy, has yet to make real progress. The international community, including China, India and the ASEAN countries, must back the UN's efforts as a matter of urgency. As the old guard clings to power, we must hope that younger elements within the Burmese regime realise that their rule will not stifle the need or demand for change.

Douglas Alexander MP is the UK Secretary of State for International Development (www.dfid.gov.uk).

Refugee school, Thailand.

The number of refugees continues to grow, despite 7,000 of Mae La's inhabitants being relocated to other countries last year. Some of those who remain have been there since the beginning; others have risked their lives crossing the heavily mined border in recent weeks and months.

The international community's Responsibility to Protect

Kavita Shukla

In the face of continuing grave violations of human rights by the Burmese government against its own civilians, it is imperative that the international community start to respond to Burma in terms of the Responsibility to Protect (R2P) principle.

Burma today has one of the worst forced migration crises in the world. More than 50 years of conflict and human rights violations have led to widespread forced migration: at least one million people internally and more than a million refugees to the neighbouring countries of Bangladesh, China, India, Malaysia and Thailand. Far from assisting and protecting those who have fled their homes, the Burmese government is the biggest perpetrator of human rights violations in the country. The ethnic minority population of Burma, particularly the at least half a million people displaced in the eastern part of the country, remain exceptionally vulnerable to violations of international humanitarian and human rights law. These grave violations continue to draw little attention from the outside world, despite an increasing momentum in recent years of the international community's collective 'responsibility to protect' civilians.

In ethnic minority areas where pockets of armed conflict continue, especially along the eastern border, government forces have been responsible for widespread persecution, torture, extrajudicial executions, forcible conscription of children, rape, demolition of places of worship and forced labour. Government forces have also carried out forced displacement of civilians in a counter-insurgency programme known as the 'Four Cuts', which aims to cut off the supplies of food, funds, recruits and information to the resistance groups.

The deliberate targeting, persecution and forced displacement of ethnic minority civilians by the Burmese government are not isolated or

sporadic events but widespread practice and an integral part of the Burmese government's strategy to maintain its control and as such are tantamount to crimes against humanity. To a lesser extent, human rights abuses are also being committed by ethnic armies fighting government forces. Hundreds of thousands of people have been left with no choice but to flee their

to IDPs within their jurisdiction. They also grant displaced persons the right to request and receive protection and assistance from national authorities. The Principles underline the right of international humanitarian organisations to offer services to support IDPs, and emphasise that a government should not arbitrarily withhold consent to such aid, especially when it is itself unable or unwilling to provide the needed assistance.

In the case of Burma, where the national authorities are largely responsible for the displacement, the IDP issue has acquired political



Free Burma Rangers

areas of origin in search of safety. Even in areas where armed conflict has come to an end, human rights violations by the army continue, causing ongoing displacement.

The Guiding Principles on Internal Displacement¹ – the international framework for protection of and assistance to IDPs – are founded on the concept of sovereignty as entailing responsibility. They affirm that national authorities have the primary duty and responsibility to provide assistance and protection

sensitivity. The government refuses to acknowledge the existence of IDPs and has no programmes to identify or assist them. International humanitarian agencies can provide some protection merely by their presence. In western Burma's Rakhine State, for example, where there are international aid agencies, there has been a reduction in violations. However, international humanitarian agencies are denied permission to reach IDPs and other vulnerable populations in the conflict and border zones of eastern Burma.

Villagers in flight, October 2007.

The International Committee of the Red Cross was the only agency with independent access to these zones but since political changes led to the Burmese government – currently known as the State Peace and Development Council (SPDC)² – becoming even more isolationist in 2004, it too has been facing many new restrictions on access. The small amount of assistance that does reach this area arrives from community-based organisations in Thailand that undertake cross-border trips to reach the displaced population. This type of aid violates the principle of state sovereignty but remains the only way to reach this population.

In very few countries in the world has forced displacement on such a large scale elicited such a limited response from member states and agencies of the UN. Many members of the international community remain unaware of the scale of atrocities. Virtually all international efforts to resolve the country's political and human rights crises have focused on the conflict between the military regime and the pro-democracy forces. The conflict between the Burman-dominated central government and non-Burmans, which has triggered most of the displacement in Burma, has largely remained on the sidelines.

Despite most of the international community's frustration with the Burmese government, Burma's powerful neighbours and trade partners China and India generally back the SPDC. The Association of Southeast Asian Nations (ASEAN), a regional forum of which Burma is a member, also avoids holding the government accountable for its transgressions and tends to strongly support the concept of non-interference in the country's internal affairs.

Responsibility to Protect

Since the Rwandan genocide, the international community has started taking on greater responsibility in certain situations where sovereign governments are failing in their duty to provide for the security and wellbeing of their people. For decades, in accordance with the UN Charter's Article 2.7, which emphasises the principle of non-intervention in matters that would fall under the domestic jurisdiction of any

state, the international community had been reluctant even to speak about situations in which people were suffering appalling human rights violations in an environment of impunity for the perpetrators. In recent years, however, there has been an evolution from sovereignty as an absolute concept towards sovereignty as a responsibility to protect civilians and prevent grave violations and mass atrocities.

According to the R2P principle, sovereign states have primary responsibility for protecting their own people from genocide, war crimes, ethnic cleansing and crimes against humanity, and it is only when they are unwilling or unable to exercise that responsibility that responsibility shifts to the wider international community. The action required by R2P is overwhelmingly preventive and involves building state capacity, remedying grievances and ensuring the rule of law. If, however, prevention fails, R2P requires whatever economic, political, diplomatic, legal, security or, in the last resort, military measures as are necessary to prevent mass atrocity.³

At the World Summit in 2005, the world's governments agreed to the R2P principle and to take collective action, in a timely and decisive manner, through the Security Council on a case-by-case basis should national authorities fail to protect their populations from atrocity crimes. The 192 heads of state who signed the World Summit Outcome Document⁴ also recognised the Guiding Principles as an important international framework for the protection of IDPs and resolved to take effective measures to increase their protection.

Through its Resolution 1674 of April 2006, the Security Council acknowledged that the deliberate targeting of civilians and other protected persons and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security. The Security Council noted that it would be ready to consider such situations and, where necessary, to take appropriate steps.

Acting on R2P

However, the resolution has so far not been translated into real action, and there is still little agreement on how this principle should be applied. There also remain serious divisions within the Security Council between Western nations that view massive atrocities as a threat to international peace and security, and countries such as China and Russia which agreed to the World Summit Outcome Document and supported Resolution 1674 but which still promote the sovereignty argument above R2P.

In the case of Darfur, actions are increasingly being framed in terms of the responsibility to protect. Security Council Resolution 1706 was the first to cite and apply the R2P concept to a specific situation, while Resolution 1769 emphasised the importance of protecting civilians and humanitarian workers. Many sub-Saharan governments have strongly defended the R2P principle in the case of Darfur. Divisions in the Security Council, however, have hampered strong collective action on Darfur.⁵

The situation in Burma was not seen as falling within the purview of the Security Council until September 2006 when it was voted onto its formal agenda. This vote came after years of Burmese government refusal to abide by resolutions of the General Assembly and the Commission on Human Rights that called for national reconciliation and democratisation. Since 2004, the government had denied entry to the Special Envoy of the Secretary-General on Burma, and the Special Rapporteur on Burma had been denied access to the country since 2003. There was a sense that all efforts outside the Security Council had been exhausted.

The optimism which followed Burma reaching the agenda of the Security Council was short-lived, as permanent members Russia and China vetoed the first ever Burma resolution in January 2007 that, among other demands, called upon the government to stop all attacks on ethnic minorities and to offer unhindered access to humanitarian organisations. This was the Council's first multiple veto since 1989. In their statements, China and Russia argued that the situation in Burma was not a threat to peace and security in the

region, and that the Security Council was not the place to discuss the internal affairs of a state. Although China and Russia acknowledged that Burma was facing a serious human rights and humanitarian situation, they emphasised that the Human Rights Council, which has no binding powers, was the best venue for action on Burma. The vetoing countries made no reference to any collective responsibility to protect the population of Burma.

In September 2007, the largest pro-democracy demonstrations in two decades rocked Burma and the subsequent government crackdown made the country the focus of renewed international attention. Following intense diplomatic pressure, the SPDC allowed the Secretary-General's Special Adviser and the Special Rapporteur into the country in late 2007. After much wrangling, the Security Council passed a presidential statement deploring the violence against peaceful demonstrators and calling

for a genuine dialogue with all concerned parties and ethnic groups to achieve an inclusive national reconciliation. There was no mention of the protection of ethnic minority civilians who have experienced decades of violence and forcible displacement, and who may be continuing to experience extreme danger and hardship.

Although the crackdown on Burmese democracy activists appears to have diminished, government forces are continuing to target civilians in Burma's ethnic minority areas as part of their counter-insurgency tactics and are committing human rights violations with impunity. There is concern that as memories of the 'Saffron Revolution' fade and the Burmese government makes token gestures of permitting a political dialogue, the Security Council will once again view Burma as a low priority, more appropriate for other UN bodies to tackle. It is imperative that the Security Council start to see Burma in terms of the R2P scenario.

If the R2P concept can be brought up in the Security Council in the case of Darfur, there is every reason for it to be raised in connection with Burma. International divisions may make progress difficult but if Security Council members continue to ignore the international community's obligation to ensure the protection of civilians from mass atrocity crimes in Burma they will be setting a very poor precedent for a responsibility which all governments have agreed upon in principle.

Kavita Shukla (kshuklaus@yahoo.com) is a researcher on Burmese refugees and internally displaced persons.

1. www.brookings.edu/projects/idp/gp_page.aspx
2. Formerly known as the State Law and Order Restoration Council (SLORC).
3. Gareth Evans, 'The Limits of State Sovereignty: The Responsibility to Protect in the 21st Century', Neelam Tiruchelvam Memorial Lecture, International Centre for Ethnic Studies, Colombo, 29 July 2007.
4. <http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement>
5. Roberta Cohen, 'Humanitarian Imperatives are Transforming Sovereignty', *Northwestern Journal of International Affairs*, Winter 2008, p6.

Landmines: reason for flight, obstacle to return

Yeshua Moser-Puangsuwan

Burma/Myanmar has suffered from two decades of mine warfare by both the State Peace and Development Council and ethnic-based insurgents. There are no humanitarian demining programmes within the country.

It is no surprise that those states in Burma/Myanmar with the most mine pollution are the highest IDP- and refugee-producing states. Antipersonnel mines planted by both government forces and ethnic armed groups injure and kill not only enemy combatants but also their own troops, civilians and animals.

There is no systematic marking of mined areas. Mines are laid close to areas of civilian activity; many injuries occur within half a kilometre of village centres.

Although combatants have repeatedly said that they give 'verbal warnings' to civilians living near areas which they mine, no civilian mine survivor interviewed by the International Campaign to Ban Landmines reported having had verbal warnings.

Much work needs to be done in advance of any return of IDPs or refugees in order to map and mark mined areas, educate returnees and control return movements. The reality is, of course, that thousands, if not hundreds of thousands, of IDPs will return home whenever they think it may be safe to do so in order to secure land and rebuild their lives. No organisation can stop them from doing so.

Humanitarian organisations must encourage a moratorium

on new use and insist that all areas be marked, in a similar and unambiguous way, by all combatants, and that civilians with knowledge of mined areas of the country should be trained to do this now. This will have both a preventative and an awareness-raising impact, and will help reduce to the lowest possible level the number of casualties that will inevitably occur.

Yeshua Moser-Puangsuwan (yeshua@icbl.org) is a researcher and editor for the International Campaign to Ban Landmines' Landmine Monitor (www.icbl.org/lm).

The Burma landmines report is at <http://www.icbl.org/lm/2007/burma.html>.

Forced relocation in Burma's former capital

Donald M Seekins

The population of Yangon has experienced coercive resettlement on a truly massive scale under military rule.

During the period 1958-60, the caretaker government of General Ne Win made Burma's armed forces – rather than elected representatives – responsible for governing Yangon (Rangoon), Burma's largest city and the country's capital until the State Peace and Development Council (SPDC) moved its seat of power to Naypyidaw in 2005. The government established three new townships near Yangon to which 167,000 people, one sixth of the city's population of one million, were involuntarily relocated.¹ The government claimed that resettlement was necessary because the tens of thousands of people fleeing insurgency in the countryside who had become squatters in the city posed a threat both to public health and to law and order. Deeply resentful of having lost their former homes, the residents of the new townships put up strong resistance against the Ne Win regime during 1988's Democracy Summer.

In response to the demonstrations in the summer of 1988, the State

Law and Order Restoration Council (SLORC, renamed the SPDC in 1997) seized power. Within a year it had established ten new satellite towns with a population of almost half a million, most of whom had been forcibly resettled. Many were squatters but others were owners of substantial housing who were being punished by the SLORC for actively supporting the 1988 demonstrations. Not only did they lose their old homes but they were forced to pay for plots of land and materials to build new houses in the outlying areas, which generally lacked electricity, water and other amenities. There were few employment opportunities in the satellite towns, obliging the relocated people to make long and costly commutes into central Yangon to work in the informal economy.²

Today, resettled people live crowded together in simple houses made of thatch and bamboo, the poorest of Yangon's poor. They were hardest hit by the August 2007 increase in fuel prices that sparked nationwide

anti-government demonstrations the following month, since the cost of food and public transportation skyrocketed. With its 'huts to apartments' scheme, the SPDC claims to have placed many squatters in new multi-storey housing on the site of or near their former dwellings. However, forced relocation in Yangon, Mandalay and other cities in central Burma continues today; victims of fires, for example, are not allowed to rebuild their old neighbourhoods and residential areas are cleared to make way for new roads, apartments and shopping centres. This is an environment where the land rights of ordinary citizens, whatever their ethnicity, remain unrecognised.

Donald Seekins (kenchan@ii-okinawa.ne.jp) is Professor of Southeast Asian Studies at the College of International Studies, Meio University, Nago, Okinawa, Japan.

1. Centre on Housing Rights and Evictions (COHRE), *Burma: Displacement and Dispossession, Forced Migration and Land Rights*. November 2007, pp95-98.

2. 'Interviews in Satellite Villages', *Dawn News Bulletin*, vol. 2, no 14 (July 1990), pp3-9.

Under attack: a way of life

David Eubank

Much of what is happening in the conflict zones of eastern Burma is difficult to capture with photos, video and reports. It is a slow and insidious strangulation of the population rather than an all-out effort to crush them.

Burma's rulers have divided the country into three zones: white – those areas under their total control; brown – contested areas; and black – areas over which they have no control. Black areas are designated 'free-fire' zones where the Burma army can kill anyone it comes across. The area described in this article is a black zone.

In the Karen and Karenni States of eastern Burma, the Burma army regularly launches sweeping operations, involving up to four battalions, in villages and areas where resistance is active and where IDPs are suspected to be hiding. The soldiers will often mortar and machine-gun the village first and then enter the village to harass civilians,

loot homes, beat, rape and torture indiscriminately, and sometimes burn homes or entire villages. Landmines are then laid in the village and on the routes that villagers use in and out of the village. If a villager is seen, he or she is shot on sight.

During these sweeps, resistance fighters will try to protect the population. Skirmishes may only last a few minutes but they can buy time for people to escape into the jungle with some belongings before the soldiers arrive. On being attacked, villagers will flee into the jungle, to

prepared hiding places if possible. They flee with only what they can carry – their infant children, some utensils, a blanket or two for the entire family, some plastic sheeting and a few days' supply of rice. Once the troops return to their camps, the villagers try to return to or near their fields and villages. During the current offensive, which began in February 2006, there have been many Burma army units attacking on different fronts. As one resistance leader said, "The last few months, the Burma army has attacked so much that many of the hiding places were overrun. Many people were scattered in the jungle. Now it is a little better as the Burma army is busy building up their new camps. But when they are finished with the new camps they will come again. This is a very bad offensive for us all and we do not know how we will manage it. But we must try and we will not leave our homes."

Villagers are also forced to clear landmines and act as human shields around bulldozers to help the army improve road networks. Forced labour is common, with many villagers forced to act as porters, subject to harsh treatment and not infrequent execution.

We had gathered together from ten surrounding villages for a prayer meeting when the Burma army forces appeared and captured some of us. We were tied up, beaten and punched. Then we were given electric shocks to our body. My friend Saw Gwe was killed. I managed to escape. The Burma army accused us of being in the resistance but we are not. We are farmers. We now cannot stay here and so we will go to a refugee camp.

*Saw Nu Nu, a Karenni man
who is now an IDP*

Why do the Burmese soldiers come to burn our villages? We do not go to burn theirs. Why do they want to come and bother us? We only want to have our farms, do our work and live in peace. Our life in the mountains is already very hard. Why do they want to make it harder?

Karenni pastor



Some of those whose villages were attacked return to the same site, rebuilding their houses. Many others remain on the run, go into hiding or attempt to flee the country altogether. Some set up camp in less accessible places where they struggle to eke out an existence.

The village of Maw Tu Der in northwestern Karen State, for example, was burned down by the Burma army in 2004. The villagers have been in hiding in the jungle since then. They have built rough shelters hidden in the trees near trails that have deliberately been kept small and difficult to travel on. They have some kind of security due to the difficulty of access and the help of the local resistance forces (mostly providing early warning of troop movements) but food production has plummeted and there is little cash to purchase clothes, blankets, cooking utensils and farm implements.

Their health has suffered dramatically because they have too little to eat, are more exposed and share inadequate water sources. There is no clinic nearby and Burma army patrols make regular access by medical teams difficult. The Free Burma Rangers, Karen Human Rights Group¹ and the Back Pack Health Worker Team² have extensively documented this direct correlation between Burma army oppression and the ill-health of the population.³ It is only through the efforts of the resistance groups – who provide information, communication, transportation, logistical and security support – that any humanitarian relief can reach those under attack.

During the current offensive, over 370 villagers have been killed in the northern three districts of Karen State and over 30,000 have been displaced, many of whom are now in hiding. Over 60 new Burma army camps and three new roads have been built. The slow but unrelenting attacks and the building of new camps and roads seem to be driven by a plan to dominate, chase out or crush any Karen people in these areas. This is the largest offensive against the Karen people since 1997. The scale of displacement and destruction is large and each death an irreplaceable loss.

The disruption of food production, burning of homes and the shoot-on-sight orders of the Burma army have made staying in their homeland untenable for thousands more. Of the more than 30,000 displaced, over 7,000 people have already left their homes for the Thai border. The people here need food, medicine, shelter and help to rebuild their homes, schools and lives. They also need immediate protection and the freedom to return to their homes.

David Eubank (eubank@pobox.com; info@freeburmarangers.org) is Director of the Free Burma Rangers, which provides emergency assistance and human rights documentation in the conflict zones of Burma (www.freeburmarangers.org)

1. www.khrg.org/

2. www.geocities.com/maesohtml/bphwt/

3. See article by Heather Rae 'Internal displacement in eastern Burma', FMR 28 www.fmreview.org/FMRpdfs/FMR28/25.pdf and the Back Pack Health Worker Team's 2006 report on 'Chronic Emergency: Health and Human Rights in Eastern Burma' at www.geocities.com/maesohtml/bphwt

Villagers forced to carry loads for the Burma army, June 2007.

State of terror: women at risk

The Karen Women's Organisation

Two reports researched and written by the Karen Women's Organisation – *Shattering Silences in 2004* and *State of Terror in 2007*¹ – document the wide range of human rights abuses against Burmese women and girls.

The abuses were perpetrated across Karen State as part of the sustained campaign of terror by the SPDC (State Peace and Development Council). The reports focus in particular on the abuses experienced by women and girls and draw on over 4,000 documented cases of human rights abuses – in particular those of rape, sexual abuse and forced labour. Forced labour is itself often committed in conjunction with other human rights violations such as rape, beating, mutilation, torture, murder and denial of rights to food, water, shelter and legal redress. The cases documented cover a 25-year period from 1981 to 2006 but the human rights abuses continue today.

Rape

Rape has been used and continues to be used as a method of torture to intimidate and humiliate the civilian populations. Many of the rapes are perpetrated by senior military officers or done with their complicity. The perpetrators are aware that most of the civilian population will be too afraid to complain or that their complaints will not be taken seriously. As a consequence, the rape of women and girls across Karen State and in other states by SPDC soldiers and officers continues with impunity. Recorded cases of rape include the rape of children and of Buddhist nuns.

In a recent case a 25-year-old woman was gang-raped by soldiers. Three SPDC soldiers came to the village. They asked the village chief to give them one Karen woman. They threatened to kill the chief if he did not send for her. The soldiers took the woman to the nearest bush and two of them raped her.

Two young women describe their ordeal at the hands of a soldier. "The soldier ordered us to go with them and we did not even know where we were going. He said "Don't cry

or I will kill you." We walked to a valley and he said we should stop there. He ordered us to take off our clothes. At first, we dare no, then he made his voice strong and we took off our clothes. He lay down with his gun just beside him. He raped me first. He made my friend just lie down beside him. After he raped me, he raped my friend. After a while he raped us again." No action was ever taken against him.

In another district, a young woman was gang-raped by four soldiers in her home. After raping her, they killed her by shooting into her vagina. No action was taken.

Village chiefs are at constant risk of abuse and torture for failing to meet SPDC commands. Now, however, in the absence of men, it is often the senior women who take on this role. They of course face the additional risk of being raped or forced to engage in sex with SPDC soldiers as the price of protection for themselves, their families and communities.

Forced labour

Women and girls from across Karen State report having been forcibly recruited to help build roads and bridges, clear landmines and carry military supplies. They are at particular risk since men and boys flee the villages and hide in the jungle to avoid arrest, torture or killing. Those forcibly recruited include aged and frail women, pregnant and breast-feeding women, and schoolgirls as young as 11. Many women taken as porters are also raped.

"I had to go as a porter for one month. Every day we had to carry up the mountain and down again. I was sweating and couldn't breathe because I am very old and the soldiers prodded me with their guns because I am slow. I felt like my heart was breaking."

Recommendations

The KWO requests the assistance of the international community in the implementation of the following recommendations, calling on:

- the SPDC to stop all forms of sexual violence and all other forms of human rights abuses against women and girls, in particular in the ethnic areas of Burma
- the Royal Thai government to ensure survivors of rape and sexual violence fleeing to Thailand have access to adequate health and psychosocial support systems
- the international community to provide secure refuge and timely and appropriate service provision in countries of first asylum and upon resettlement to women and girls who are survivors of rape and sexual violence, and to ensure that refugee women and girls at extreme risk are provided with appropriate protection and support including case management, safe housing and, if appropriate, resettlement under UNHCR's women at risk programme

Formed in 1949 and with a membership of over 30,000 women, the Karen Women's Organisation (www.karenwomen.org) is a community-based organisation of Karen women working in development and relief in the refugee camps on the Thai border and with IDPs and women inside Burma. The KWO also encourages awareness of women's rights and promotes women's participation in community decision making and political processes.

The Karen Women's Organisation would like to thank all the women who contributed, shared their testimonies and gave their time and energy to inform the report from which this article is taken. Special thanks to Linda Bartolomei, Eileen Pittaway and Colleen Bartolomei of the UNSW Centre for Refugee Research.

1. www.karenwomen.org

Carving out humanitarian space

Jean-François Durieux and Sivanka Dhanapala

Agencies working inside Myanmar to assist forcibly displaced people work within an extremely constricted operational environment. Despite occasional glimmers of hope, carving out sufficient humanitarian space to meet urgent needs remains an uphill struggle.

On United Nations Day, 24 October 2007, in Yangon, in the immediate aftermath of events that had for a while put the country on the front pages of international media, the Resident/Humanitarian Coordinator of the UN system in Myanmar read out a statement on behalf of the UN Country Team (UNCT)¹. Among other things, it said:

“[T]he peaceful demonstrations that followed the sudden hike in fuel prices on 15 August [...] clearly demonstrated the everyday struggle to meet basic needs, and the urgent necessity to address the deteriorating humanitarian situation in the country. These are the same messages that the United Nations Country Team in Myanmar has been endeavouring to bring to the Government’s attention for some time.”

In the charged atmosphere prevailing at the time, this statement raised alarm in government circles, especially the Ministries of Foreign Affairs and Planning, whose responsibility it is to rein in the UN agencies and international NGOs operating in the country. The Ministry of Foreign Affairs promptly issued a note of protest as well as a detailed refutation of the UNCT’s claim of a “deteriorating humanitarian situation”. Furthermore, the Ministry accused the Resident/Humanitarian Coordinator of “acting beyond his capacity by issuing the statement” and concluded that “the Government of the Union of Myanmar does not want [the Coordinator] to continue to serve in Myanmar, especially at this time when the cooperation between Myanmar and the United Nations is crucial”.

This over-reaction is, sadly, the reflection of an operational environment that is severely constrained as a result of two abiding assumptions in the military regime’s ideology: firstly, that the UN agencies and international NGOs are used “by some big powers against the host country”² and, secondly, that there is no armed conflict anywhere in Myanmar and hence no internal displacement of potential concern to the international community.

Insiders and outsiders

As though such challenges were not serious enough, humanitarian organisations operating within Myanmar have also been criticised by agencies and Burmese opposition groups based in Thailand (and by the opposition groups’ supporters in the West). To their credit, Thai-based humanitarian actors, including those providing essential relief to stranded and displaced populations across the border in south-east Myanmar, have historically played a crucial advocacy role on behalf of the victims of military ruthlessness



Medical treatment for IDPs in eastern Burma.

and abuse in Myanmar. It is thanks to their cross-border ventures, and to the testimonies of refugees, that the phenomenon of internal displacement in the south-east has been documented, quantified and brought to the world's attention. Regrettably, this powerful advocacy was, at times, also used to discredit the efforts of those agencies who were pursuing, from within Myanmar, similar humanitarian objectives through other means and under a different set of constraints.

By the end of 2003, though, a glimmer of light began to appear within this rather gloomy picture. The appointment of Khin Nyunt as Prime Minister proved to be a significant turning point. Within a context of 'pacification' of border areas but also as a gesture of goodwill towards the international community, the Prime Minister opened up a number of areas in the east and south-east to international organisations for the provision of humanitarian and community development assistance.

Thus, in 2004, the UN obtained a qualified green light to assist returning IDPs to areas of potential refugee return. The authorities were careful not to use the term IDPs but rather referred to "those returning to their homes within Myanmar".

Retrenchment

This era of relative optimism and expansion came to a rather abrupt end in late 2004/early 2005. With the removal and incarceration of Khin Nyunt in October 2004, the regime started swinging resolutely back to its tested ways, shutting down the few avenues through which the international community had come closer both to a humanitarian dialogue with the authorities and to the affected populations themselves.

At the end of May 2005, the new Minister of the Interior reassessed his ministry's relations with humanitarian organisations. UNHCR was denied permission to undertake any further expatriate missions to the south-east. ICRC was informed that its activities in the border areas would be subjected to intense scrutiny, as they appeared to be "illegal" (meaning, based on verbal agreements only). The watchword of the new era was clearly suspicion.

Government counterparts, including the traditionally more understanding Ministry of Health, played the card of caution. The Minister of Economic Development and National Planning seized the opportunity to re-affirm his authority over international agencies, a process which led to the issuance of the controversial Guidelines on Cooperation in February 2006. In response, the UNCT submitted to the Minister and other counterparts a set of Guiding Principles for the provision of humanitarian assistance, describing both the objectives and the modus operandi of the UN in Myanmar as essentially humanitarian.

This ever more constrained operational environment coincided, sadly, with an apparent increase of humanitarian needs in parts of south-east Myanmar. The removal of Khin Nyunt had also presented a serious set-back to the tentative peace process with Karen insurgents, and the military forces on both sides prepared for confrontation again. The spark came in the final months of 2005 in the hilly areas of Eastern Bago Division, provoking an army offensive of proportions unseen for many years and displacing thousands of civilians.

Neither the UN nor ICRC got access to these troubled areas. In July 2006, the Prime Minister turned down the Assistant High Commissioner for Refugees' plea for an inter-agency mission to the area in order to assess the humanitarian needs resulting from "insurgency and counter-insurgency measures". During the same period, the government deployed extraordinary public relations efforts to convince the international community, through its representatives in Yangon, that the situation was under control, and to counter what it called the propaganda of the Karen National Union (KNU). In the same breath, the government blamed the insurgents for any suffering inflicted upon the civilian population. It also accused the KNU of forcibly displacing populations out of their villages and into KNU-controlled areas (including refugee camps in Thailand) – which at least was an acknowledgement that forced displacement was a reality.

Further south, the latter part of 2005 and 2006 witnessed some tentative humanitarian advances, as well as

setbacks. ICRC proved increasingly unable to operate according to its standards and by the end of 2006 the only field missions the agency carried out were related to its programme of prosthetic rehabilitation, the beneficiaries of which were Myanmar military as well as civilians. UN agencies managed to complete their 2005 micro-projects and even, in some cases, to strengthen their presence but only through their local staff.

Eventually, in April 2006, UNHCR secured a fresh legal basis for its programme in the south-east by signing a Letter of Understanding (LOU) with the Ministry for Progress of Border Areas and National Races (whose Burmese acronym is *Natala*). According to the terms of this document, which was renewed for two years in mid-2007, the target groups of this programme in the south-east are "communities affected by population movements" and agency staff should be given unhindered access to project areas, subject only to considerations of staff safety. UNICEF also opened a sub-office in the capital of Mon State; however, it has not been able so far to post an expatriate there on a permanent basis.

Natala is a relatively new player, and remains a modest one, in south-eastern Myanmar. There, as elsewhere in the country, it is the Ministry of Health that has the largest number of operational partnerships with the UN and international NGOs. As a result, it is in the health sector that humanitarian assistance is most developed in the south-east – although it is far from compensating for the dearth of public services.

Coordination

Since late 2004, flexible coordination mechanisms have brought together all members of the humanitarian community in the south-east, mainly in order to exchange information and initiate a 'mapping' of actors and activities. This information was fed into the work of the Population Movement Working Group (PMWG), established within the UNCT at the end of 2004. The PMWG commissioned a major study on internal displacement and in-country migration, which introduced a much needed typology of population movements and made a number

of concrete recommendations to the UNCT.³ The report provided an impetus to consult more with community-based organisations (CBOs) and to assess which of these were best placed and equipped to reach out to isolated communities.

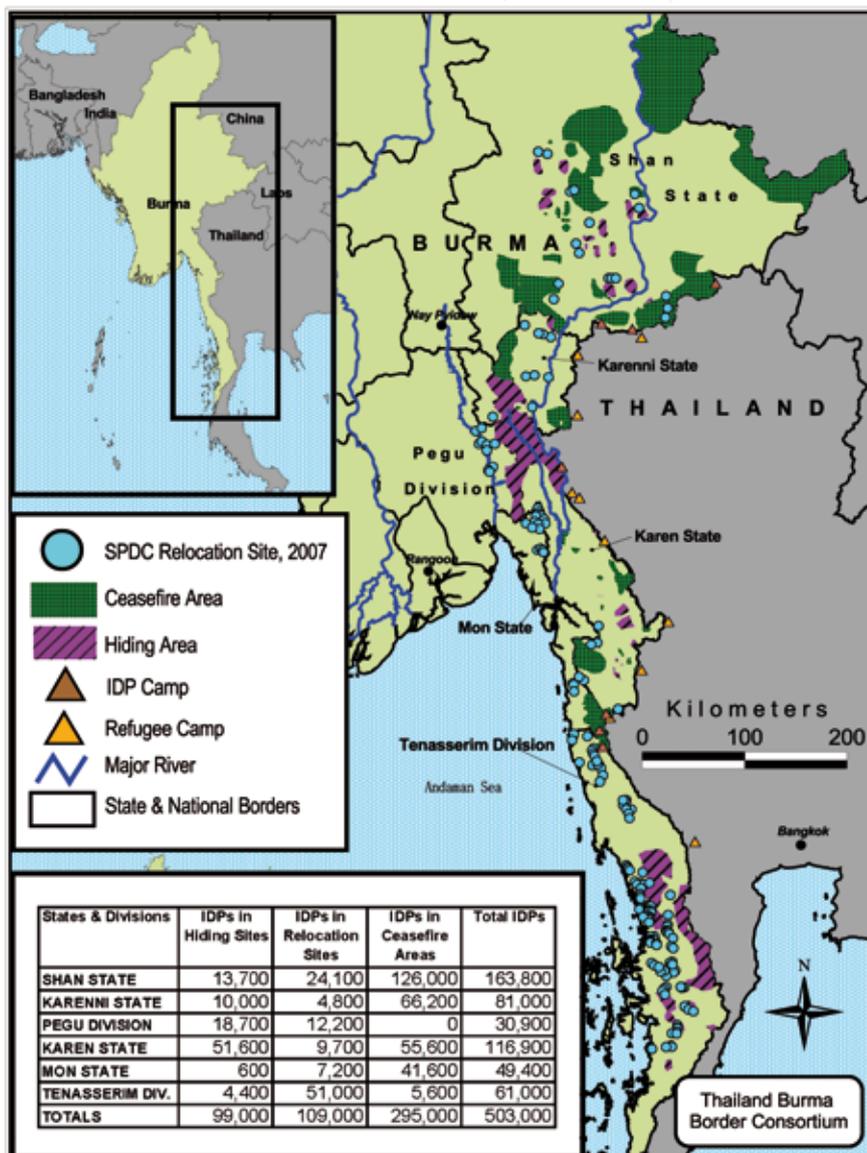
The establishment of the Humanitarian Coordinator function within the UN framework in Myanmar spurred on the establishment of the inter-agency standing committee.⁴ This in turn allowed for the inclusion of NGOs as an important voice in deliberating humanitarian strategies. While not all NGOs and CBOs could openly participate in these processes, innovative ways of safe consultation with them have ensured that they were heard.

The PMWG report, coinciding with TBBC's 2005 report on IDPs,⁵ also provided the occasion for a first structured exchange of views, in Bangkok, between the Myanmar UNCT and those doing cross-border work out of Thailand. These exchanges were to be continued, and their frequency and depth improved with time. By 2007 these 'convergence' meetings, as they came to be known, were organised thematically – with health, education, livelihoods and protection each addressed in its own right. It is reassuring to see that, between the 'insiders' and the 'outsiders', complementarity rather than competition has become the order of the day. Suspicions linger on, though, as evidenced by the fact that, so far, very few international NGOs based within Myanmar have welcomed the opportunity to interact with Thai-based agencies.

More significantly, the UN still has to find ways to bring IDPs and other vulnerable populations in the south-east out of the most pernicious form of 'invisibility', namely the denial of their plight, if not of their very existence, in the junta's official discourse.

The angry reaction to the UN Day message of October 2007 contains a bitter irony; while emphasising the need for greater cooperation

Relocation Sites, Hiding Areas & Ceasefire Areas in Eastern Burma, 2007



between Myanmar and the UN aid system, the regime brutally closed the door on attempts at a humanitarian dialogue, which the now ousted Resident/Humanitarian Coordinator had vigorously pursued throughout his tenure. That military regimes loathe being taken to task in public statements is nothing new. This does not mean that humanitarian principles cannot be used, even in Myanmar, in innovative ways. Carving out humanitarian space will remain a core mission of the UN and its partners in Myanmar.

Jean-François Durieux (jean-francois.durieux@qeh.ox.ac.uk) was UNHCR's Representative in Myanmar from May 2005 to September 2007. He is now a Lecturer in International Human

Rights and Refugee Law at the Refugee Studies Centre, University of Oxford. Sivanka Dhanapala (dhanapal@unhcr.org) is UNHCR's Senior Regional Durable Solutions Officer in Kabul, Afghanistan.

This article is written in a personal capacity and does not necessarily reflect the views of the UN.

1. The UNCT comprises FAO, ILO, IOM, UNDP, UNFPA, UNHCR, UNICEF, UNODC, UNOPS, WFP and WHO.

2. Ministry of Foreign Affairs, Response to the Statement of the UNCT in Myanmar, 31 October 2007.

3. Ashley South 'Burma: The Changing Nature of Displacement Crises', RSC Working Paper 39, Feb 2007: www.rsc.ox.ac.uk/PDFs/WP39%20Burma%20AS.pdf

4. Wherever there is a Humanitarian Coordinator, OCHA requires that there should also be an inter-agency coordination committee modelled on the IASC (www.humanitarianinfo.org/iasc), which includes, in addition to UNCT members, the Red Cross movement and major NGOs.

5. 'Internal Displacement and Protection in Eastern Burma', 2005: www.tbcc.org/idps/report-2005-idp-english.pdf

Defining 'forced migration' in Burma

Most Burmese people fleeing their homes do so for a combination of reasons. The root causes for leaving, however, determine which 'category' they belong to: 'internally displaced persons' (IDPs) or 'economic migrants'. There is some discussion as to whether people leaving their homes due to exhaustion of livelihoods options are IDPs according to the Guiding Principles on Internal Displacement¹ – or not. Ashley South and Andrew Bosson present their views below.

By analogy, this debate can be extended to Burmese people in exile. Are Burmese people outside refugee camps 'economic migrants' or 'self-settled refugees'? The article 'Invisible in Thailand' (pp31-33) sheds more light on this.

Towards a typology of forced migration in Burma

Ashley South

One can broadly define three types of forced migration in Burma, according to the causes of population movement:

Type 1: Armed conflict-induced displacement: this is either as a direct consequence of fighting and counter-insurgency operations, or because armed conflict has directly undermined human and food security, and is linked to severe human rights abuses. This type can be found across Karen State, in eastern Tenasserim Division, southern Mon State, southern and eastern Karenni State, southern Shan State, and parts of Chin State and Sagaing Division.

Type 2: Military occupation- and development-induced displacement: this is generally caused by a) confiscation of land – following armed conflict – by the Burma army or other armed groups, including for natural resource extraction and infrastructure construction, and b) predatory taxation, forced labour and other abuses. All the border states and divisions are affected by militarisation and/or 'development'-induced displacement, as are a number of urban areas (including in the context of developing tourism and 'urban renewal').

Both of the above two types of displacement are products of conflict. Type 1 is directly caused by armed conflict; type 2 is caused by latent conflict or by the threat of use of force. As such, they constitute forced migration, and cause internal displacement (as defined in the Guiding Principles).

Type 3: Livelihoods vulnerability-induced displacement: this is the primary form of internal and external migration within and out of Burma. The main causes are inappropriate government policies and practices, limited availability of productive land and poor access to markets – all leading to food insecurity and lack of education and health services. Such people make up a particularly vulnerable set of economic migrants.

Ashley South (lerdoh@yahoo.co.uk) is an independent writer and consultant on humanitarian and political issues in Burma and South-East Asia. For more information, see his report 'Burma: The Changing Nature of Displacement Crises', Refugee Studies Centre Working Paper No 39, Feb 2007, online at www.rsc.ox.ac.uk/PDFs/WP39%20Burma%20AS.pdf.

The role of coercive measures in internal displacement in Burma

Andrew Bosson

Forced migration in Burma may be caused by a single event such as a natural disaster, a military attack or a relocation/eviction order from the military or civil authorities for military, infrastructure or commercial purposes. Typically, these events affect whole villages or communities or sections of towns, and are relatively sudden.

More commonly, however, displacement is caused by a series of events, including coercive measures imposed by the authorities such as forced labour, land confiscation, extortion and forced agricultural practices. These measures, which constitute serious violations of human rights, typically act cumulatively over time, reducing the family's resource base, and thus its income, until the household economy collapses and leaving home becomes the best or only option. This process first affects the poorer families, though the whole community may gradually migrate over a period of years. This pattern of 'gradual displacement', in which people tend to leave as individuals or as family groups, may be recognised in regions of current conflict and in the cease-fire areas as well in as the rest of Burma. The coercive measures operate in, are affected by and exacerbate a situation of widespread poverty, rising inflation and declining real incomes.

In other words, people leave home due to a combination of interconnecting coercive and economic factors. One has to consider the whole process leading to displacement rather than a single, immediate cause. Where coercive measures are involved, which is generally the case in Burma/Myanmar, the resulting population movement falls squarely within the scope of the Guiding Principles on Internal Displacement, even if the situation that actually triggers movement – frequently food insecurity – may also be described in economic terms.

Andrew Bosson is an independent researcher. He is the author of 'Forced Migration/Internal Displacement in Burma with an Emphasis on Government-Controlled Areas', a report written in May 2007 for the Internal Displacement Monitoring Centre. Online at www.ibiblio.org/obl/docs4/IDMC-Burma_report_mai07.pdf Andrew Bosson's analysis is developed further at www.ibiblio.org/obl/docs4/IDPs-Coercive-measures2008-03-17.pdf as well as in the IDMC report referred to above.

1. www.brookings.edu/projects/idp/gp_page.aspx

Humanitarian aid to IDPs in Burma: activities and debates

Ashley South

There is a need for greater understanding and coordination between groups working inside Burma and those operating cross-border.

The majority of assistance and advocacy – and most research – regarding forced migration in Burma has focused on the situation in armed conflict-affected areas along the Thailand border. As international agencies do not have direct access to conflict-affected parts of eastern Burma, they provide aid in partnership with local agencies.

Assistance for displaced people inside Burma, sent from Thailand or other neighbouring countries, is by definition illegal as it challenges the sovereignty of the Burmese government (which most cross-border actors in fact consider illegitimate). Some cross-border activities are carried out from Bangladesh and India (very limited amounts of relief and documentation on human rights) and also from China (including low-profile medical assistance). Most Thailand-based cross-border groups work in Karen areas but also in Mon and Karenni States; security and local capacity constraints mean that much less work is undertaken in Shan State.

Cross-border programmes provide aid which may be characterised as impartial – inasmuch as it is distributed according to need – but it is far from neutral.

Cross-border aid networks are closely associated with armed opposition groups, on which they rely for security and logistical arrangements. In fact, most cross-border personnel are members (or affiliates) of insurgent organisations. A number of local NGOs and CBOs are also engaged in human rights documentation and advocacy work, and capacity building with a range of opposition groups.

As Burma's ethnic insurgency groups lost control of their remaining

'liberated zones' in the early/mid-1990s, civilians displaced by armed conflict could no longer settle behind the frontlines of conflict, and IDP numbers increased substantially. With the help of international NGOs and donors who had been supporting refugees in Thailand for decades, Karen and Mon IDP assistance programmes were established. By April 2002, the annual cross-border aid budget had grown to \$1m, distributed through local Karen and, to a lesser extent, Karenni and Shan groups.

Short-term humanitarian aid was intended to supplement villagers' rice-sharing and other coping mechanisms, offering them a chance to reconstruct their communities once the immediate crisis had passed. In 2005 several cross-border groups began to implement a range of community-based development initiatives, stimulated by the injection of significant new US government funds for cross-border work. Several of these organisations also implemented sometimes quite extensive health and education programmes in partnership with local communities.¹

Working inside Burma

International relief and development projects in Burma are still spread very thinly. Yangon-based international organisations and UN agencies generally take a long-term incremental approach to expanding access into conflict-affected parts of the country, starting programmes in areas adjacent to state capitals and gradually moving into more remote locations, although not in the most severely conflict-affected areas. Over the past few months, however, the military government has moved to further restrict the activities of most humanitarian agencies in the country.

Very few international organisations operating in government-controlled areas of Burma implement programmes that specifically target IDPs. In part, this is due to the sensitivity of the issue; in part, it reflects a lack of appreciation of the nature and extent of the displacement crises in Burma.

From the late 1990s, international organisations in Burma began to realise the benefits of working in partnership with local NGOs and CBOs in order to gain access to vulnerable and remote communities. During this period, a variety of civil society groups emerged within and between ethnic nationality communities inside Burma, in part as a result of the series of ceasefires negotiated between the government and most armed groups. These civil society networks include religious groups and traditional village associations as well as more formal organisations.

Such local actors often have access to conflict-affected areas beyond the reach of international organisations. Their relief and development activities take the form of self-help initiatives, undertaken by extended family and ethnic clan networks, as well as more systematic programmes implemented by CBOs and local NGOs. Relief aid usually consists of food, medical supplies (including mobile outreach teams) and community rehabilitation development activities. In particular, three separate church-based networks working with IDPs have developed sophisticated capacities to assess needs and to monitor and evaluate the impacts of assistance.

Local community leaders – who are able to engage with those holding power (eg Burma army and ceasefire group commanders) – also undertake important protection work to improve conditions for vulnerable communities. Their interventions may involve persuading

authorities not to relocate civilians nor to demand forced labour from a village or to allow humanitarian access for international or, more often, local NGOs and CBOs.

Civil society actors may also pass on human rights information to contacts in Yangon or Thailand. Such informal 'protection and advocacy networks' help reduce the incidence of human rights abuses as, for example, army commanders may be reluctant to use forced labour in areas where this fact is likely to be passed onto advocacy groups in Thailand.

Conclusion

Agencies working outside Burma, especially opposition groups in exile and their support and lobbying networks, should be encouraged to gain a better understanding of the important assistance and protection work undertaken – despite government restrictions – by local civil society actors in Burma. Organisations working from inside Burma cannot afford to be as bold in their advocacy roles as those based in Thailand and overseas. However, the presence of local and international agency personnel in

conflict-affected areas can help to create the 'humanitarian space' in which to engage in behind-the-scenes advocacy with national, state and local authorities.

Ashley South (lerdoh@yahoo.co.uk) is an independent writer and consultant on humanitarian and political issues in Burma and South-East Asia.

1. The total amount of aid provided by international organisations in Burma is approximately \$250 million (less than \$5/person), while the budget of international agencies on the Thailand border is about \$50 million – for a refugee population of approximately 150,000 people – of which some \$7 million is spent cross-border.

Supporting IDP resistance strategies

Poe Shan K Phan and Stephen Hull

Whether in hiding or living under military control, displaced villagers of Karen State and other areas of rural Burma have shown themselves to be innovative and courageous in responding to and resisting military abuse. They urgently need increased assistance but it is they who should determine the direction of any such intervention.

A common external misrepresentation of the conflict and displacement in eastern Burma is one which narrowly depicts a civil war between the SPDC army and armed opposition groups like the Karen National Liberation army (KNLA), with civilians as unintended victims and displacement a side-effect of the armed conflict. A closer examination of the situation, however, which listens to what civilians themselves are saying, shows that this is not the case. Rather, the SPDC army has overwhelmingly focused its military campaigns against civilian communities and in many cases has actively avoided KNLA patrols.

Military units of the SPDC active in Karen State depend for their day-to-day operations on labour, money, food and other supplies extracted from the local civilian population through various forms of forced labour and extortion. In non-military controlled areas, especially the more mountainous regions of northern Karen State, the SPDC army

has had difficulty enforcing such demands and has therefore sought to forcibly transfer the disparate rural communities into contained relocation sites where they can be more easily exploited. This strategy has undermined villagers' livelihoods by preventing them from travelling to work or trade and by requiring that they submit their money and resources to military personnel and take time away from their own occupations in order to meet SPDC demands for labour. These inter-related abuses have combined over time to exacerbate poverty, increase malnutrition and worsen the region's humanitarian crisis.

Aware of conditions of life under military control, many villagers have therefore chosen instead to go into hiding. By evading demands and restrictions, villagers not only claim their right to be free from such abuse but also weaken the operations of local army units and thus frustrate the spread of militarisation over Karen State. The SPDC, in turn, has

deemed those villagers in hiding to be enemies of the state, targeting them as such in military campaigns, shooting them on sight and burning down their homes, fields and food stores.

IDPs as political actors

Most displaced villagers in Karen State could, in principle, go to live under SPDC rule. The fact that so many civilians remain displaced in hiding sites is indicative of villagers' aspirations to live free from oppressive military control and their success in resisting the SPDC army's efforts to enforce this control. Fleeing into the forest is thus not an act of fear and helplessness but a courageous way of resisting SPDC rule. Those unable to flee resist in different ways, employing daily acts of subtle subversion and non-compliance in order to mitigate or wholly avoid the demands and restrictions put upon them.

Along with the act of flight itself, villagers in hiding have developed additional response strategies. For example, those remaining in their villages but expecting to have to flee hide rice stores at secret locations in the forest and build concealed shelters to which they can escape should SPDC troops suddenly arrive. Using advanced warning systems to relay messages between communities,



Displaced villagers fleeing the SPDC in Toungoo District.

villagers can learn of the impending arrival of troops and thereby gather belongings and head into the forest prior to the actual arrival of soldiers. Upon reaching relatively secure hiding sites, displaced communities are quick to re-establish schools to educate their children and provide some measure of structure despite the disruptions of a life on the run. Villagers share rice with others who have been unable to bring along sufficient reserves. If they expect to remain for a longer period at one hiding site, villagers often establish small hillside paddy plots or cultivate cardamom, betel nut and other crops which, being relatively small and durable, are practical trade goods for displaced communities.

Using traditional knowledge of their environment, villagers have been able to concoct natural remedies for a variety of ailments out of locally available ingredients. As the SPDC enforces heavy restrictions on travel and trade, the establishment of temporary and covert 'jungle markets' allows displaced villagers in hiding to trade with those living under military control. Displaced villagers also actively seek out local aid groups providing cross-border medical, educational and nutritional support. Civilian lookouts monitoring the military presence at their abandoned villages inform others if and when army patrols move on, allowing for a possible return to reclaim their homes and land or at least to fetch items left behind.

In the context of the SPDC's efforts to control and exploit the civilian population and villagers' efforts

to resist this control, the pursuit of subsistence, healthcare, education and other social programmes outside of military control becomes a highly political act. As such, aid to displaced communities likewise becomes a political act. Where aid programmes support IDP efforts to survive in hiding, they directly challenge the regime's efforts at civilian control and the SPDC views such aid with hostility. Acknowledging the right of displaced people to resist military abuse is a necessary aspect of trying to address their various needs. External intervention which seeks the return, resettlement and reintegration of displaced communities to SPDC-controlled villages and relocation sites and provides aid through SPDC channels would strengthen the SPDC and weaken the villagers. In contrast, aid delivered directly to civilian communities outside military-controlled channels strengthens the position of the villagers in relation to the military.

Village agency

While international awareness of the human rights situation in rural Burma has increased in recent years, it has tended to favour a simplistic view of villagers as helpless 'victims' who lack the knowledge and means to address their own needs. Thousands of interviews with local people conducted by the Karen Human Rights Group (KHRG¹), however, make it clear that villagers in rural Burma have strong views about what needs to be done to improve their situation and how these aims can be practicably realised. In response to what villagers were telling us, KHRG introduced its 'Village Agency'

project in 2005. This project has two components: firstly, to document – along with the abuses which rural people face – their stories about the efforts they make to resist this abuse and, secondly, to help villagers identify and strengthen their resistance strategies.

In our Village Agency workshops, with the help of KHRG field researchers as facilitators, villagers discuss their perceptions of human rights and local events, are introduced to basic international human

rights norms and explore how these relate to their own situation. They are encouraged to recognise and discuss what they are already doing to respond to and resist human rights abuses and, finally, to discuss ways to strengthen, extend and implement local strategies. The objective is not to 'teach' villagers about human rights but to get them thinking more consciously about human rights, to help them recognise the ways they are already claiming their rights and to catalyse discussion on ways to strengthen their strategies. The hope is that these workshops will kick-start a process where villagers will regularly discuss and share approaches amongst themselves, trying out new ones as appropriate.

The more villagers strengthen their own strategies to claim their rights, the more they will be seen as actors participating in the processes and decisions which affect them. In turn, local and international actors will be encouraged to work in ways that strengthen villagers' own strategies, rather than imposing strategies upon them.

Poe Shan K Phan (poeshan@khr.org) is the Field Director of the Karen Human Rights Group (KHRG www.khr.org) and a former IDP from eastern Burma. Stephen Hull (stephen@khr.org) is a researcher for KHRG. Thanks to KHRG staff member Jennifer Haigh for her assistance.

For email updates on new KHRG reports, please visit www.khr.org.

1. www.khr.org

Responses to eastern Burma's chronic emergency

The Thailand Burma Border Consortium

Humanitarian agencies and community-based organisations are working in partnership to assist remote communities in the most contested areas of eastern Burma.

Humanitarian responses to this chronic emergency have come both from agencies based inside Burma and from agencies based in neighbouring countries and working discreetly across national borders. Government restrictions on programmes and travel by international staff in remote areas were formalised in a set of guidelines for humanitarian agencies in 2006. These government regulations have particularly restricted agencies that prioritise the field presence of expatriate staff as a protection strategy.

Ironically, the contraction of humanitarian space may present opportunities for agencies based inside Burma to reinforce coping strategies by focusing more on developing national staff and partnerships with community-based organisations. Just as cross-border operations have primarily been implemented by community-based organisations for over a decade, humanitarian responses into conflict-affected areas from agencies based in country are also now more dependent on local capacities. The international community is now dependent, for example, on surveys conducted by community-based organisations to gauge the level of vulnerability in contested areas.

There is a challenge how to increase humanitarian space in the areas of ongoing conflict of eastern Burma. For agencies and governments in dialogue with the military junta, this requires an extension of geographic access and the relaxation of restrictions on monitoring, as well as policy-level dialogue about protection of civilians from systematic violence and abuse. Until such concessions can be secured, the main way of reaching the most

vulnerable communities in eastern Burma will remain cross-border.

Cross-border assistance

Agencies based inside the country can reach more stable areas, including some internally displaced communities in government-controlled relocation sites and ethnic ceasefire areas, but the scale and scope of this assistance remain limited. Cross-border aid not only reaches these areas but is also the main means of accessing communities hiding from SPDC patrols in more unstable areas. In 2007, approximately US\$7 million was channelled into cross-border initiatives supporting livelihoods, health care, education, human rights, environmental protection, independent media and community rehabilitation.

The largest sector of cross-border assistance is support for livelihoods, including both food aid for IDP camps situated close to the border, and cash transfers for communities deeper inside Burma. The benefits of cash transfers include ease of mobility, speed and security, allowing beneficiaries rather than the aid agencies to prioritise their needs, and supporting peace building by reinforcing remote markets which maintain economic and social links across political conflict lines.

The other two main sectors are health and education. Just as humanitarian agencies based inside Burma provide technical support to relevant SPDC ministries, some cross-border assistance is implemented through, and develops the capacities of, the ethnic nationalities' own formal health and education departments. This is complemented by non-formal approaches to health and education such as support for traditional birth attendants, monastic

schooling and early childhood development programmes.

Smaller amounts of assistance are channelled towards the protection of civilians caught in conflict and the promotion of civil society. As the 'citizen-journalists' of the independent media disseminated uncensored news during the Saffron Revolution in 2007, so ethnic community-based organisations have resisted the suppression of fundamental civil and political rights inside Burma by working cross-border to document gross human rights abuses. Despite the ongoing conflict, in some communities it has also been possible to supplement emergency relief activities with social capital development and the rehabilitation of natural, physical or social assets.

Given the military regime's lack of political legitimacy, even UN agencies in Burma have challenged the relevance of neutrality as a guiding principle.¹ The use of armed escorts to secure access for delivery of some cross-border assistance is another aspect of this debate. The UN Office for the Coordination of Humanitarian Affairs (OCHA) has recognised that exceptional circumstances exist where armed escorts are necessary for humanitarian convoys.² The context in conflict-affected areas of eastern Burma embodies these exceptional circumstances and justifies the use of armed escorts. During the past few years, similar circumstances have led NGOs to use armed escorts to deliver humanitarian aid into northern Iraq, Somalia, Chechnya and northern Kenya.

Strategic challenges

Cross-border aid programmes into eastern Burma have responded to the challenge of ensuring that aid is not inadvertently prolonging violence and abuse in three main ways. Firstly, the larger programmes are based on formalised agreements in which basic humanitarian principles and respective responsibilities



Committee for Internally Displaced
Karen People (CIDK/P)

IDPs in
hiding,
eastern
Burma,
2007.

are clarified. These agreements acknowledge that the relevant ethnic opposition party is to secure access, while decisions about the distribution of aid are the independent domain of the local humanitarian agency. Agencies also need to redouble their efforts in promoting awareness among armed non-state actors of their obligations under international humanitarian law. Secondly, risk assessments prior to, and conflict impact assessments after, the distribution of aid monitor whether there have been negative repercussions for villagers instigated by any of the armed groups. Thirdly, independent field surveys have been conducted with both beneficiaries of programmes and non-beneficiaries to get a clearer picture of the impact of cross-border aid. These surveys identified strong and positive impacts in mitigating conflict and promoting local capacities and linkages for peace.

Among the institutional challenges is the promotion of information sharing and coordination between humanitarian agencies based on both 'sides' of the conflict, that is, in-country and cross-border. While there is currently minimal overlap in existing services, this is more

due to restrictions on access and funding than to active coordination. The level of trust and dialogue between humanitarian agencies across the national borders has increased significantly over the past few years. However, efforts need to be strengthened to overcome ongoing constraints such as logistical difficulties (including restrictions on visas and censorship), political risks (by association with 'government informants' or 'rebel sympathisers') and budgetary concerns (arising from 'competing' for funds).

For donors, a strategic challenge remains how to reconcile funding needs for nation-wide poverty alleviation programmes and for emergency responses to the chronic protracted conflict in eastern Burma. The sheer size of the population impoverished by decades of poor governance needs to be balanced against the humanitarian imperative to prioritise resources for the most vulnerable groups. Pending a political solution, it would be short-sighted to confine cross-border agencies to emergency relief responses. Instead, the potential for any future transition from relief to development assistance to sustainable livelihoods

will be best served by developing a continuum of response capacities on both 'sides' of the conflict.

Meanwhile, with the international community dependent on ethnic community-based organisations to reach and assist the most vulnerable groups in eastern Burma, it is essential that donors and UN agencies recognise and support these local capacities for cross-border aid. It is equally vital that diplomatic pressure for the expansion of humanitarian space in conflict-affected areas is intensified.

This article was written by the Displacement Research Team (tbbcbkk@tbbc.org) of the Thailand Burma Border Consortium (www.tbbc.org). The TBBC comprises 11 international NGOs providing food, shelter and non food items to refugees and displaced people from Burma. TBBC also engages in research on the root causes of displacement and refugee outflows.

1. UN Country Team, 22 April 2005, 'Strategic framework for UN Agencies in Myanmar, Yangon'. www.unicef.org/about/execboard/files/Myanmar_UNDAF.pdf
2. UN OCHA, 14 September 2001, 'Use of Military or Armed Escorts for Humanitarian Convoys: Discussion Paper and Non-Binding Guidelines' www.who.int/hac/network/interagency/GuidelinesonArmedEscorts_Sept2001.pdf

Reproductive health in Burma: a priority for action

John Bercow

With per capita expenditure on health in Burma estimated at less than \$0.50 per year,¹ it is not surprising that health status in Burma is lower than elsewhere in the region. This is particularly true of reproductive health.

There is an urgent need for improved reproductive health services in Burma. At 360 per 100,000 live births² the estimated maternal mortality ratio is lower than for a number of other countries in the region but there is widespread belief that this number is not a true representation of the maternal deaths in the country. Contraceptive use is also low, with large regional variations; women in those areas most affected by conflict are less likely to use a modern contraceptive than those living in the central plains region. In Arakan (Rakhine) State, where many people are displaced from their homes or are returnees from refugee camps in Bangladesh, the contraceptive prevalence rate among married women is particularly low.

The government of Burma has stated that it is committed to achieving the Millennium Development Goals (MDGs) by the target date of 2015 and that reducing maternal mortality by 75% (MDG 5) is a priority for action in 2008. However, reproductive health (RH) services in Burma are predominately through private provision and therefore only accessible to those able to pay. There are limited services available in rural areas and the areas along the borders are particularly poorly served.

Despite the government's stated policy of focusing on MDG 5, one of the major barriers to contraceptive use is the government's stance in favour of raising the birth rate. In a recent speech, the Chairman of the State Peace and Development Council clearly indicated the desire for a much larger population, referring to a "projected population of 100 million" (almost double the current estimated population). It is not surprising, therefore, that contraceptives are

not widely available in government health centres and that the private sector is reported to be the main source of contraception. This is particularly relevant to women living in conflict-affected States and the border areas where private practitioners and private clinics are less likely to be available and where few international agencies are able to work. There are also tight restrictions on the use of permanent methods of family planning.

Without access to family planning services women tend to have babies too young, too close together, too many and too late – the four main factors which increase the risk of maternal and child death. Lack of family planning also leads to unplanned pregnancies, which may result in unsafe abortion. Despite efforts by a number of international and national agencies, HIV prevalence is among the highest in the region.

SRH services on the border

Reproductive health needs are being addressed by a number of agencies working on the Thai-Burma border, though these are often limited to reaching only those refugees living in camps. There have been significant improvements in the camps since the late 1990s. For example, emergency obstetric care is now available in most sites 24 hours a day, seven days a week. However, use of contraceptive methods is still low. High levels of unsafe abortion are reported, with correspondingly high levels of morbidity and mortality.

There is a particular need for sexual and reproductive health (SRH) education. Many refugees have only limited knowledge of basic methods of contraception and how to protect themselves from sexually transmitted

infections and HIV. Young women are particularly vulnerable, as they are at risk of being forced to work in one of the many brothels located in western Thailand.

Reproductive health needs of both internally displaced populations in Burma and refugees in Thailand and Bangladesh are far from being met. There is a need to:

- support development of human resource capacity as well as provide supplies and equipment
- develop or update relevant policies and guidelines
- encourage the Burmese government – despite its pro-natalist stance – to recognise the importance of family planning in reducing maternal mortality.

Policy response

The British government is one of the largest donors to Burma. Its Department for International Development (DFID) works with UN agencies, international and local NGOs, rather than funding the government of Burma directly, in order to ensure that funds are not diverted to support the repressive and illegitimate regime.

In 2007, the International Development Committee³ of the British parliament held an inquiry into DFID's assistance to Burmese IDPs and refugees along the Thai-Burma border which published its recommendations in October 2007.⁴ The report highlights key areas where support is needed, including in sexual and reproductive health.

Both the Global Fund to Fight AIDS, TB and Malaria and the Fund for HIV and AIDS in Myanmar (FHAM)⁵ reflected the need to work through national and international NGOs but recognised the challenge of achieving the national-level coverage required to meet the

needs of the most vulnerable when operating through NGOs.

Donor recognition of the need to support community-based organisations and NGOs inside Burma marks something of a shift in policy. As with IDPs elsewhere in the world, it is those not living in camps and not recognised as displaced who are most excluded from access to services.

The International Development Committee recommends a quadrupling of aid for Burma. The real challenge for donors, however, is to find effective development partners able to provide good SRH services within the country in addition to those NGOs working across the Thai-Burmese border.

John Bercow (BERCOWJ@parliament.uk) is a Member of the

UK Parliament and is Chairman of the All-Party Parliamentary Group for Democracy in Burma. He is also a member of the UK's International Development Committee.

1. www.burmacampaign.org.uk/total_report.html#8
2. UNFPA, 2007
3. www.parliament.uk/parliamentary_committees/international_development.cfm
4. www.publications.parliament.uk/pa/cm200607/cmselect/cmintdev/1070/107002.htm
5. <http://myanmar.unfpa.org/projects.htm>

A sense of home in exile

Sandra Dudley

Material objects and the physical actions of making and using them are a fundamental part of how forced migrants, far from being passive victims of circumstance, seek to make the best of – and make a home in – their displacement.

The Karenni are the second largest grouping remaining in camps in Thailand and by late 2007 numbered around 23,000, about 13% of the total Burmese refugee population.¹ Humanitarian conditions in Karenni State are by all accounts dire, even by Burma's low standards.

The Karenni refugee leadership is dominated by the Karenni National Progressive Party (KNPP), which has remained committed to armed opposition to the Burmese regime. There are also various other armed groups vying for control of territory, resources and people inside Karenni State. High-minded ideology is often lost as conflict and its civilian consequences become a way of life and ultimately contribute to patterns of displacement. In the four years between 1996 and 2000, for example, it is estimated that more than 15% of Karenni State's population were displaced because of military activity.²

The basic structure of assistance provision to Karenni refugees has changed relatively little in the past 12 years, despite increases in the refugee camp population, camp mergers and the tighter physical and legislative confinement of all border refugees since 1998. The increasing impact of UNHCR's large resettlement programme, whilst an understandable approach

to a prolonged refugee situation, has also augmented anxieties and tensions within the camp. Unsurprisingly, Karenni refugee life is increasingly problematic – and, as a result, all agencies appear variously to be identifying and seeking to address a significant rise in both mental ill-health and social and legal problems.

'Materialising' exile

Displacement inevitably complicates and changes people's relationships with objects and places, as well as with each other. In order to live as 'normally' as possible within a new place, Karenni refugees seek to make it as familiar in material ways, and as like the old, as possible. In so doing, they are attempting to connect two points in space (the refugee camp 'here' and the pre-exile 'there') and two time periods (the displaced 'now' and the pre-migration 'then'). The connections are continually being renewed through ritual practices, clothing, food and myriad everyday activities.

Essentially, this is about creating a sense, however flawed, of 'home' – somewhere people feel is comfortable and intrinsically linked to who and what they perceive themselves to be. While it is unhelpful for relief agencies and anthropologists alike to idealise the worlds that refugees have left behind, refugees

often do precisely that. It renders the experience understandable and the present more bearable.

The cultural experience of displacement is reflected in how refugees act in the physical world of which they are a part. How, for example, does life in the camps relate to cultural aesthetics about the 'right' or 'best' way to live and feel? In what ways do the memories and imagination of the home that has been left behind influence the ways in which refugees seek to create a sense of home in the camp? What particular material objects and aspects of the physical environment (if any) are important in these processes, and why? What does it physically feel like to be a refugee?

At least three elements in human interaction with the physical world have become particularly significant in Karenni forced displacement. Firstly, opportunities to repeat physical actions familiar from the past, such as building houses and other creative processes possible in the camp, are important – and not only because they ameliorate the boredom and anxiety of displacement and provide necessary physical objects. They may be comforting in their familiarity, enable the structuring of time, and provide distraction and a sense of doing the best one can. They also allow the continued development and practice of valued skills. Furthermore, the reassurance provided by utilising subconscious cultural knowledge to use one's body in established ways, while hardly unique to



Suthep Kritsanavarin for TBBC, 2007

Karenni refugees in Site 1/Ban Mai Nai So refugee camp, Thailand.

refugees, does have particular importance in forced migration as another means of simultaneously preserving continuity with the pre-exile past and adjusting to the loss of some of life's rhythm. Indeed for Karenni refugees, being busy, be it in making things such as textiles or baskets, teaching or cooking, is

a key component of mechanisms for coping with displacement.

Secondly, material forms such as photographs can stand for past personal and communal experience and create connections with that past. Many people possess photograph albums, for example, which include

images not only of friends and activities in the camp but also of persons and places significant in life before displacement. The value of such artefacts is evident in both their continued existence in the refugee camp and in the ways in which they are kept and frequently engaged with in private or with visitors as a springboard for remembering and re-telling the past.

Thirdly, as well as being an important vehicle for memory and link to the past, photographs and other personal objects, as with building houses in a familiar style and weaving traditional textiles, also enable Karenni refugees partially at least to colonise or possess a new place within which they otherwise feel inadequately at home.

A better understanding of these cultural and material processes would contribute to more effective and sympathetic assistance for refugees.

Sandra Dudley (shd3@le.ac.uk) works in the Department of Museum Studies, University of Leicester.

1. Thailand Burma Border Consortium 2007 'Burmese border refugee sites with population figures: November 2007', www.tbtc.org/camps/2007-11-nov-map-tbbc-unhcr.pdf
2. Human Rights Watch 2007 'Burma: army attacks displace hundreds of thousands' <http://hrw.org/english/docs/2007/10/25/burma17168.htm>

Technology in the borderlands

Rachel Sharples

Displaced Karen in the borderlands are taking advantage of new technology not only to maintain connections with their homeland but also to inform the international community of human rights violations.

A key connection between the borderlands and homeland is their shared subjection to atrocities arising from military conflict. Displacement has provided opportunities and space to advocate against human rights violations – and this has been facilitated in particular by the presence of international networks and new technology in the borderlands. These have

provided previously unimaginable opportunities to access the international community, including UN mechanisms, sympathetic governments and funding sources. By accessing international networks the Karen are able to appeal to a wider audience while at the same time maintaining a close geographical and emotional attachment to their people and culture. At the same time they have learnt a number of skills – including the ability to negotiate complex global structures and to communicate cross-culturally – which will serve them in an increasingly globalised community.

New technologies such as blogs, websites and multimedia have allowed Karen activists to reach more diverse audiences with targeted messages. In turn, increased knowledge of Karen injustices, whether it is a sympathetic audience or an audience that can equate it with their own experiences, has created networks of solidarity.

Rachel Sharples (sharples.rachel@gmail.com) is a PhD student at RMIT, Melbourne. She is studying how displacement has impacted Karen constructs of identity and culture along the Thai-Burma border.

Neglect of refugee participation

Marie Theres Benner, Aree Muangsookjarouen, Egbert Sondorp and Joy Townsend

The participation of affected populations in planning or implementation of humanitarian aid in conflict or post-conflict situations has too often been neglected.

There has been a notable progression to systematic aid dependency among the Myanmar refugees living in nine camps along the Thai-Myanmar border. Refugee participation shifted from self-reliance for shelter and food to the current situation in which the refugees have become fully dependent on the international community for their living in Thailand, tempered by partial self-management of their own health care, education services and food distribution.

The first documented Burmese refugees arrived in Thailand in 1976, scattering to several small so-called 'displaced persons camps' along the Salween river that forms the border. Camps held between 300 and 2,000 refugees, who made their living by trading goods. At first, aid agencies provided essential drugs, vaccines, basic health-care training and services, as well as certain basic commodities. During the mid-eighties the refugees continued to be able to earn their own income, and retained control over their housing and most of their food supply. They were able to plant their paddy fields and vegetables across the border in Myanmar and to raise domestic livestock in the camps. Assistance was minimal, and mainly organised and managed by the refugees themselves.

The large increase in the number of refugees entering Thailand after 1988 and again in 1994-95 resulted in a more systematic 'top-down' approach, providing health care, shelter and nutrition, with planning and implementation mainly through NGOs, who were requested by the Royal Thai Government to increase their services in order to avoid outbreaks of disease. These services included implementation of a health surveillance system, provision of essential drugs, immunisation against communicable diseases, treatment of the most problematic diseases such as diarrhoea, malaria

and tuberculosis, laboratory training and services, training of refugees in health-care services and management, water supply and sanitation. NGOs also needed to provide food supplies and shelter as the refugees were no longer allowed to organise their own. The level of humanitarian assistance was not allowed to exceed the living standards of the Thai host communities, in order to avoid inequalities.

There was a consolidation of the camps in the late 1990s, resulting in larger camp settlements with up to 45,000 refugees in the largest camp. The number of camps was reduced from 29 in 1994 to nine camps by 2007. Additional stringent movement restrictions set by the host government resulted in increased confinement in the camps with limited work and educational opportunities, which has led to almost complete dependence on aid over the last five years.

Income was and is still only possible for the refugees working with one of the 19 aid agencies providing humanitarian assistance, or from daily labour work in the camp. Although many refugees have been trained with support from the Royal Thai Government, donors, local and international and NGOs in aspects of health-care management, education, food distribution and camp management, very few refugees are now able to earn an income working outside this structure.

Over the years some small refugee community-based groups have been established and supported, including the Karen's Women Organisation and the Karen Women's Education Group, which are mainly engaged in women's and adolescents' health and education, and which operate more or less independently of the international NGOs. They depend on donor commitment and availability of funds

as well as on the international NGOs' philosophy regarding participation of those affected by conflict.

This refugee population has therefore moved from relative independence in the early years to an almost total dependency on aid. Refugee 'participation' has been reduced to providing staff for health and education services and food distribution – to the administration of activities rather than the design and planning of programmes. If this is to be avoided here, and in other protracted refugee crises, the international community and host governments need to pay far greater attention to:

- involving refugees early on in the planning and designing of programmes
- providing work opportunities to ensure self-sufficiency and reduce aid dependency
- ensuring that aid supports the integration, rather than isolation, of refugees, with an emphasis on building trust, synergy and good relationships between refugee and host communities.

Marie Theres Benner (mariet.benner@malteser-international.org) is a Senior Health Coordinator for Malteser International (www.malteser.de/61.Malteser_International). Aree Muangsookjarouen (aree@searo.who.int) works on Burmese migrant and refugee health issues with the World Health Organisation in Bangkok. Egbert Sondorp (egbert.sondorp@lshtm.ac.uk) is a Senior Lecturer on Conflict and Health, and Joy Townsend (joy.townsend@lshtm.ac.uk) is Emeritus Professor of Primary Health Care, both at the London School of Hygiene and Tropical Medicine (www.lshtm.ac.uk).

The views expressed in this article do not necessarily reflect those of the organisations.

Community-based camp management

Sally Thompson

In 1984, 10,000 refugees crossed from Burma into Thailand seeking temporary refuge. No one imagined then that refugees would still be arriving almost 25 years later.

Villagers fled as whole communities, negotiated land with local Thai authorities and established themselves in camps around their traditional village leaders. The Thai government invited NGOs already providing assistance to Cambodian, Laotian and Vietnamese refugees to respond to this new caseload – on condition that assistance was minimal and low key, nothing which would encourage more refugees into the country or which would raise the profile of the people fleeing from Burma.

NGOs coordinated through the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT)¹ to provide basic relief assistance and services through refugee committees initially appointed by the ethnic political groups. The refugees used systems that they had brought with them. They set up camp committees and health and education departments. They built warehouses, maintained monitoring systems and built upon their community networks for justice and social welfare. Teachers from within the communities taught in their own languages. Health agencies provided training to community health workers to treat common diseases in the border areas.

For ten years this model was seen as ideal: refugees taking care of their day-to-day lives, Thai authorities providing local security, and international NGOs providing minimum assistance. The refugees remained close to the border and their intent was to return as soon as the situation allowed. The ethnic nationalities still controlled territory adjacent to the border, which acted as a buffer zone between refugees across the border and advancing Burmese army troops. The refugee programme was extremely lean,

cost effective and with minimal international staff, in stark contrast to the high-profile assistance programmes coordinated by the UN on the Indochinese border. If change had come in Burma, refugees would have been able to return relatively unaffected by their stay in Thailand.

UNHCR was largely absent throughout this period. There was no official screening process. Refugees crossed the border, entered the nearest camp, reported to the refugee camp committee and were generally added to the camp register. NGOs accepted these figures and provided support for services accordingly.

The Burmese army gradually gained nominal control over the homelands of the ethnic nationalities in the border areas; no longer was the border a safe haven. Between 1995 and 1998, 12 camps were attacked and burnt, resulting in a shift in Thai policy. Containment became the order of the day and whereas camps had been spread far and wide along the border, now they were consolidated and fenced in. From a situation of relative self reliance, the refugees were on the road to dependency on external assistance.

Village communities turned into urban centres as camps expanded from a maximum of 6,000 people then to an average of 17,000 today. Mae La, the largest camp, holds 45,000. Anyone caught outside the camps was considered an illegal migrant. With access to asylum no longer assured, the need for UNHCR became essential.

After the Thai army forcibly pushed back a group of new arrivals, UNHCR negotiated a Memorandum of Understanding and was given a mandate for protection and monitoring, while coordination of

services remained under CCSDPT. In coordination with the Thai authorities, UNHCR organised the first registration for 15 years. This was a turning point for the refugee camp committees who had been reporting the population figures on a monthly basis. Although some NGOs and donors had been sceptical of the committees' reporting standards, the registration came within 5% of their reported population figures, thereby raising the credibility of the camp committees.

The model under review

The policy for 10 years was non-interference in order to maintain traditional culture, minimise the effect of displacement and leave people ready for return. In reality it was leaving people behind as the world around them continued to move forward. It failed to recognise that their situation had fundamentally changed and that different skills were needed to meet the responsibilities placed upon them. Instead it 'preserved' a culture and tradition which clashed with the more progressive thinkers in the camps who wanted to move ahead.

Community-based organisations (CBOs) were given training to enable them to effectively implement services supported by NGOs but the skills required to deal with the wider needs of a community were largely ignored. Camp committees, section leaders, women's and youth organisations were all expected to be mediators, negotiators, counsellors, managers, administrators and accountants, translators and trainers, as well as being the interface with the NGOs, the donor community and the Thai authorities. The required skills base was huge.

Increased demands from the international community for accountability, transparency and the fulfilment of minimum standards for humanitarian responses challenged the NGOs to review the model. While new



Mae La
Oon refugee
camp,
Thailand

arrivals continued to enter the camps, the focus was on monitoring and standardising systems. The camps' supply management, while in many respects perfectly adequate, no longer met procedures required by donors for tendering, quality control and monitoring. Thus began a long process of re-design, training and implementing new systems to fit with the global humanitarian community's expectations. The systems had functioned on trust and informal agreements. Rejection of these systems implied a breakdown in trust which then had to be re-established.

Camp Management Project

In 2004, the Thailand Burma Border Consortium (TBBC) agreed with the Karen and Karenni Refugee Committees to set up a Camp Management Project that would acknowledge the true cost of demands placed upon the camp committees. Support was needed for a number of areas, such as a core budget to cover administrative and management costs (for example, office supplies, communications and transport) and stipends for staff. Not only were staff not being sufficiently rewarded for their work but the lack of funding left them feeling undervalued. For years the camps were run by 'volunteers'. It was the medical agencies who first began paying stipends in an attempt to retain trained staff. Staffing and stipend levels have now been determined camp by camp and responsibilities

formalised. In addition to the formal needs of the camp, support was also needed for activities such as liaison with local Thai authorities and host communities, security, and cultural and religious occasions.

The Camp Management Project supports relationships with local communities whose land provides them with sanctuary. It helps to maintain relationships with local authorities and it provides support for CBO activities which in turn help to strengthen the voices of others in the community. Currently, women hold 28% of camp committee positions and participation of women in food distributions has been increased to 35%.

Both formal networks and partnerships have evolved, with NGO coordination through CCSDPT well established from the beginning. UNHCR's late entry 14 years into the refugee crisis heightened the need for partnerships. With no implementing partners initially, their dialogue was largely with the local Thai authorities, alienating the very people they had come to protect. The merits of partnership were soon clear and UNHCR and the NGOs established protection working groups from field level to national level, including camp-based organisations committed to sharing responsibility for protection. The focus was on practical protection in the field but has since widened to address policy

issues such as birth registration, administration of justice and ensuring the civilian character of the camps. The inter-dependency between NGOs, CBOs, UNHCR and the Thai authorities is evident through a host of coordination meetings at camp, provincial and national levels, ranging from coordination of services through child protection, resettlement, donor interests and general information updates.

Long-term confinement without gainful employment has given rise to increasing social problems from rising domestic violence to substance abuse to youth gangs, which in turn require more skills in handling. The camps have been accused of being lawless. The refugees' response was "we have our laws but they can be very harsh". The camp justice systems are in the process of aligning customary law with national and international law, in cooperation with the Thai Ministry of Justice.

All of these initiatives require human resources in the camps where the percentage of skilled and educated people is relatively small (only 2% of the camp population have any further education). If there are to be genuine community-based programmes, then efforts have to be made to ensure that NGOs provide capacity-building support not only for the skills required to deliver humanitarian assistance but also for the skills to promote



Karenni
Refugee
Committee
meeting,
Site 1, Mae
Hong Son
Province,
Thailand

Suthep Kritsanavarin for TBBC

greater community representation and to address issues arising on a daily basis, from family disputes to negotiations with local authorities.

The need for adequate capacity-building programmes has been accelerated by the opening up of opportunities for third country resettlement. The impact on community-run systems is proving to be a significant challenge. The very people responsible for implementing the programmes – the educated, the skilled and the community leaders with years of experience – are the first to go. By the end of 2008 approximately 70% of NGO and CBO staff will have had to

be replaced. Technical resources are also necessary. NGOs all use computers, email, trucks and phones. More emphasis should be placed on ensuring that camp management staff can meet the responsibilities expected of them. Finally, if refugees had more freedom of movement and refugee organisations had some status then this would open up opportunities for them to engage in the wider discourse of the humanitarian and donor community.

Community-based camp management has focused on keeping refugees in control of their own situation and as autonomous as possible. It has moved from complete 'hands off'

to compliance with international standards and procedures. Systems continue to evolve. The NGO community needs to build on the incredible coping skills that refugees possess. With appropriate support the communities will continue to address the daily realities of camp life where the possibility of return is unlikely in the near future and where new arrivals continue to crowd into the already overcrowded camps.

Sally Thompson (sally@tbbc.org) is Deputy Executive Director of the Thailand Burma Border Consortium (www.tbbc.org).

1. www.ccsdpt.org/

Access to justice and the rule of law

Joel Harding, Shane Scanlon, Sean Lees, Carson Beker and Ai Li Lim

Due to the nature of displacement and encampment – entailing resource scarcity, geographic isolation, restricted mobility and curtailed legal rights – refugee victims of crime often have inadequate legal recourse.

Historically, Thai officials overseeing the refugee camps on the Thai-Burma border have assigned a fairly high degree of responsibility for handling

some crimes or civil disputes to the refugee leadership. This excludes serious crimes, such as murder, rape, drug offences and human

trafficking (although even in these categories in practice many cases to date have not been referred or reported to Thai police by refugee leaders, except where Thai citizens are involved). Whilst this approach may be seen as laudable in terms of empowerment, the dispute resolution mechanisms that have emerged in the camps are less than perfect.

Camp justice officials are influential in their communities and often have significant practical experience in dispute resolution through their work in camp. Under the overall authority of the Ministry of Interior, refugee leaders have, generally speaking, tried to administer camp affairs fairly and, considering the scale of the challenge, have done a great deal with limited resources. However, they themselves agree that they often lack the capacity to administrate justice effectively in the camps.

Against this backdrop, in 2005-06 UNHCR and the International Rescue Committee (IRC) developed a legal assistance project.¹ The Royal Thai Government saw merit in the proposed project and played an important role in establishing an advisory board to oversee implementation and provide support to activities. In August 2006, a Working Committee, including relevant Thai government departments, UNHCR and IRC, approved a comprehensive assessment of the administration of justice in three pilot project sites in order to better understand a) the security and protection-related concerns of camp residents and b) access to justice and the rule of law as experienced by the refugee community and leadership. This Access to Justice Survey involved 2,299 respondents, with in-depth interviews and focus group discussions.

Key protection concerns that emerged were: alcohol and drug abuse; fear of the Burmese military; inability to access food entitlements; physical violence in the community in general and rape specifically; lack of proper documentation; deportation; inability to access justice; and incidents involving Thai security volunteers (Or Sors). These protection and security concerns are not particularly surprising as they reflect concerns common to protracted, closed camp situations where movement and work are restricted.

Some groups, those usually designated as vulnerable, feel less confident in the ability of camp institutions to resolve disputes fairly. Although consensus building and support from the community can be strengths of the dispute resolution

methods applied by some camp institutions dealing with justice, community-driven outcomes can put weaker residents at a disadvantage.

Women are significantly more threatened by violence in the camp, and in particular by gender-based violence. Marital status has a strong impact on the security of refugees in the camp. Divorced, separated and unmarried refugees feel more vulnerable to certain risks, particularly exploitation for goods and services and physical abuse. Widowed respondents also reported more difficulties in the camp; they are more concerned, for example, about access to food rations than their married counterparts.

Access to justice

Contrary to popular belief, the majority of respondents want a criminal justice system capable of a vigorous response to, punishment of and prevention of actual crime, rather than a focus on compromise, financial compensation or mediation. There are manifold barriers to achieving this, however.

Many people do not know whether and when Thai law applies to them, or do not clearly understand the rules applied by camp justice or have confidence in them. This lack of knowledge acts as a barrier to accessing justice for three main reasons. Firstly, it makes it difficult for refugees to regulate their behaviour according to the law and to know what kind of judicial response to expect. Secondly, refugees have little idea of the legal procedures they should follow inside or outside the camp, resulting in the choice of inappropriate fora for pursuing justice. Finally, their lack of knowledge of basic legal rights also means that refugees are more vulnerable to abuse or exploitation in the system and are less likely to receive a fair trial, whether as victim or defendant.

A major barrier in the camp justice system is the institutions' lack of capacity to deliver appropriate judicial processes and outcomes to complainants and defendants, particularly in relation to more serious crimes. Camp justice officials are easily pressured by influential refugees. They lack

training and their task is made more difficult by confusing and inappropriate laws. Camp justice officials are unanimous that there is an urgent need for legal reform.

The constraints of encampment often do not allow justice officials to deliver the outcomes expected by the community. Camp detention facilities are more like holding cells, inappropriate for long-term detention. Heavy fines or compensation orders are not realistic in the camp context as few have the capacity to pay.

Some refugees complain that camp justice institutions do not satisfactorily protect vulnerable groups such as women, the poor and ethnic minorities. In most instances, survivors of crimes have no choice but to continue sharing the same neighbourhood as the perpetrators, months and years after the criminal incident. In many cases, perpetrators are not prosecuted for the crimes they commit or may be released without significant punishment. In some cases, due to a lack of capacity on the part of camp leaders to handle violent criminals, and a preference for dealing with them within the refugee community, cases have been referred to representatives of ethnic opposition groups in camps. These groups sometimes also act as an ad hoc appeal forum for camp residents who are dissatisfied with the decisions made by leaders in camp.

The camp institutions struggle to deliver justice to their constituents while judicial institutions provided by the host government remain, in practice, difficult to access. Refugee respondents to the survey report that they are deterred from accessing the Thai legal system for various reasons, such as language, lack of transport, fear of reprisal, concern about the police reaction and ignorance of the system. They may also fear shame or community rejection if they report a crime outside the camp. Moreover some camp officials may be reluctant to allow cases to go outside the camp. Some Thai officials may be reluctant to assert jurisdiction due to resource or workload implications.

The roles and responsibilities of the various camp authorities dealing with these issues are ill-defined and in some respects overlapping. Camp

Awareness-raising session on legal assistance centre services and Thai law, Mae La camp, Thailand.



IRC staff

residents are also unclear about the demarcation between the jurisdiction of the camp and Thai judicial systems. Following discussion of this issue in various meetings and conferences, the Thai authorities have indicated that the national justice system would focus on prosecuting serious crimes, with the camp justice systems continuing to deal with civil disputes and minor crime (although exact distinctions between these have still to be clarified).

There is a gap, however, between desired outcomes and what is feasible. Camp residents overwhelmingly prefer camp justice structures to resolve disputes, even for serious crimes such as murder. But for murder, most respondents felt that the appropriate penalty was 10 years or more in prison – or the death penalty. Neither of these punishments can be delivered by the camp fora – but they are within the legal power of Thai authorities and the de facto power of the ethnic military groups across the border.

Camp governance structures are ill-equipped to deal with children in conflict with the law – although children feel more susceptible to violence and a substantial majority of all rape and attempted rape victims are minors. GBV survivors

generally are often denied justice or dissuaded from accessing justice because of camp officials' lack of sensitivity and/or capacity, and the community emphasis on reconciliation and compromise that puts pressure on women to accept inadequate judicial outcomes.

Ethnic minorities in the camps can also have different experiences of the overall accessibility, efficacy and fairness of camp justice and security institutions, and some have voiced less confidence in camp structures that are commonly dominated by members of majority ethnic groups.

Conclusion

The survey results should not be interpreted as a failure of refugee leaders in their efforts to administer justice in camps. Indeed, there are many examples where mediation has been conducted adeptly using an impressive range of techniques to help parties reach mutual understanding. However, without clear guidelines or standards, this varies greatly from case to case and between different mediators and justice officials. Bearing in mind that refugee leaders have previously had very few external resources, either technical or material, to support them in the administration of justice inside the camp, and

given the size of the communities, they have done their utmost to cope in an extremely complex and sensitive protection environment.

Since the assessment, IRC has been able to implement activities focused on addressing gaps identified in the survey, such as: direct service provision of legal advice assistance; mediation and arbitration training for leadership; training and awareness on Thai law; civic education for youth; material and technical support to justice and security officials; legal and rights training for Thai security volunteers; and the development of community service orders with justice committees in camp. Thus far, stakeholders are highly engaged in the project and have received it with enthusiasm and support.

Joel Harding (joel.harding@theirc.org) is Legal Assistance Project Coordinator. Shane Scanlon (shane.scanlon@theirc.org) is Legal Assistance Manager for the International Rescue Committee, Thailand (www.theirc.org/where/the_irc_in_thailand.html). Sean Lees, Carson Beker and Ai Li Lim were all project fellows during the assessment and survey phase.

1. Previously funded by the Italian government and UNHCR, now co-funded by UNHCR and Austcare/DIAC, the Australian Department of Immigration and Citizenship.

Invisible in Thailand: documenting the need for protection

Margaret Green, Karen Jacobsen and Sandee Pyne

The International Rescue Committee (IRC) has conducted a survey to document the experiences of Burmese people living in border areas of Thailand and assess the degree to which they merit international protection as refugees.

IRC is concerned that there are significant numbers of Burmese living in Thailand who qualify for and deserve international protection and assistance but who do not have access to proper registration processes. Without a transparent, humane and lawful asylum policy for Burmese people entering Thailand, it is impossible to estimate the percentage of bona fide refugees within the group of migrants who have left Burma for other reasons. The lack of systematic data to document the reasons people flee Burma provides the Thai authorities with the excuse to treat those Burmese living outside the refugee camps as mere economic migrants, subject to deportation. It also weakens the leverage that agencies working with the Burmese living in Thailand have to advocate on their behalf.

Since 1988, over one million Burmese citizens have left the country without permission, although it is a crime to do so. Even though they have fled one of the most repressive countries on earth, the overwhelming majority of Burmese in Thailand have either no legal status or only temporary migrant worker status. They live on the peripheries of Thai society, often working in unsafe conditions, underpaid and at risk of trafficking and exploitation. They are subject to Thailand's 1979 Immigration Act, which considers all undocumented aliens (including those in need of asylum) to be 'illegal immigrants' subject to deportation. Thailand's aggressive deportation policies contravene not just the 1951 Convention but also the principle of *non-refoulement*, which applies to all countries and forbids them from returning an asylum seeker to a country or territory where s/he has a well-founded fear of persecution.

The US, Canada, Australia, Sweden, Norway and others have determined that many Burmese do have credible, well-founded fears of persecution according to the international refugee definition and have offered them asylum, or an opportunity to re-settle. The Thai government, however, steadfastly refuses to acknowledge international legal standards governing the identification and treatment of refugees, instead viewing the application of external standards or norms as an encroachment on Thai sovereignty and contradictory to national interests.

Thailand has not ratified the 1951 Convention, nor has it created domestic legislation that would provide the framework for the determination of refugee status and the corresponding body of rights that accrue to bona fide refugees. Although the government permitted the establishment of rudimentary camps along its border for Burmese "fleeing fighting", fewer than one-tenth of Burmese in Thailand have been able to access the camps. The camps exclude certain minority groups altogether, and lack a fair and fully functioning admissions board to screen and admit newly arriving Burmese who qualify. UNHCR is no longer permitted to conduct individual status determination interviews in Bangkok as it once did on a limited basis.

In an effort to underpin its advocacy efforts with accurate data, IRC collaborated with Karen Jacobsen of Tufts University to conduct a survey of Burmese people living outside the camps in three sites in the Thai-Burma border area: Chiang Mai, Mae Hong Son and Mae Sot. The surveys reveal significant

differences in the demographic and socio-economic make-up of the three sites. Respondents were selected through a randomised sampling technique and interviewed about a) their experience in Burma – why they left home, whether they had experienced violence related to the conflict, and whether they had been internally displaced in Burma before coming to Thailand – and b) their experience in Thailand, including return movements to Burma, humanitarian assistance received and treatment by Thai authorities.

We divided reasons for leaving Burma into four categories:

- conflict-related reasons: where respondents mentioned any direct or indirect experience of violence, torture, forced labour or armed conflict.
- economic reasons: where respondents only mentioned economic factors, such as seeking employment.
- education or family reasons: where respondents said they left Burma to follow a relative or in search of educational opportunities for their children.
- other reasons (ie not included in above).

Experiences in Burma

Most respondents provided multiple reasons for flight. When people mentioned conflict-related reasons, we inferred fear on the part of respondent, which is an essential component of satisfying the refugee definition. During the survey testing phase it became clear that respondents would not answer questions about their political views or specific activities in Burma because they worried that their families would get into trouble if the SPDC found out. While additional data on this topic would have enriched the findings, we deemed



Burmese migrant worker in Thailand.

it unethical to probe too deeply in this area. Given this reluctance, it is likely that our results are skewed and that more respondents experienced violence and conflict than were willing to say so.

Our findings suggest that a great number of Burmese people currently living in Thailand without legal protection merit further investigation as to their refugee status; and that only a small number of Burmese who warrant refugee status and attendant services actually receive any aid or protection either from the Thai government or from international aid agencies.

The findings indicate that significant numbers of people from ethnicities and faiths that have long endured

persecution are present in Thailand. For example, 64% of respondents in Chiang Mai reported Christianity as their faith. It is clear that many unprotected Burmese once lived in areas significantly affected by conflict. In all three sites, most respondents gave multiple reasons for leaving Burma but in both Mae Hong Son and Chiang Mai more than 50% of respondents mentioned flight from violent abuse, forced labour or the destruction or forced appropriation of their livelihoods or property as a reason for their flight.

Reasons for coming to Thailand were significantly related to ethnicity. In Mae Sot, Burmese were more likely to cross the border to Thailand for economic reasons only, with only 15% citing reasons related to the conflict in Burma. Other ethnic groups cited conflict more frequently. In each site, significant if varying numbers of people reported experiencing violence, either towards themselves or witnessed perpetrated on others – another strong indication that they deserve refugee protection. Of those targeted by violence, 22% in Mae Sot and 62% in Mae Hong Son attributed it to their political activities.

Experiences in Thailand

Respondents in all sites had most of their immediate family members with them in Thailand. Very few had lived in a refugee camp and around 80% in each site had received no assistance at all. The frequency of return trips to Burma could be another telling factor of migrants' fear of their homelands; most respondents in Mae Hong Son and Chiang Mai and 52% in Mae

Sot had never made a return trip. In Chiang Mai, 38% of respondents said it would not be possible to return to Burma even if they wished to do so.

In an effort to gauge interest in durable solution options, participants in Mae Hong Son and Chiang Mai were asked about resettlement elsewhere. In Mae Hong Son, only 10% said they would prefer to resettle in a third country. In Chiang Mai, when asked where they would like to be living in three years' time, 44% said they would like to be in a third country, 27% would like to stay in Thailand and 26% would like to return to Burma.

Recommendations

Clearly, each Burmese citizen's story is different but many stories share similar threads of violence, displacement due to conflict, and fear of return. These potential refugees lack adequate access to assistance or protection in accordance with international refugee standards. Therefore, the IRC has the following recommendations:

- The international community must increase support for essential services to bona fide (albeit currently unrecognised) refugees. Thailand should not have to shoulder the responsibility of hosting the Burmese refugee population on its own.
- Thailand must take steps to ensure that (unrecognised) refugees can access essential services without fear of harassment, arrest or deportation.
- Thailand must cease its deportation practices unless or until the individuals at risk are first given an opportunity to state their claim for asylum, in a fair and informed process.
- Thailand must create a fair and accessible refugee status determination procedure, either for individual or large group prima facie determinations.
- Thailand must confer legal status on recognised refugees and provide proof of that status.
- Thailand should, within a prescribed time frame, regularise

refugees' status in Thailand so that they may eventually become permanent residents or citizens.

Margaret Green-Rauenhorst (margaret.green@theirc.org) is Senior Technical Advisor-Protection/Rule of Law in the International Rescue Committee's Governance & Rights Unit (www.theirc.org). Karen Jacobsen (karen.jacobsen@tufts.edu) is Director of

the Refugees and Forced Migration Program at Feinstein International Center, Tufts University (http://fic.tufts.edu). Sandee Pyne (sandee.pyne@thailand.theirc.org) is Advocacy Coordinator for International Rescue Committee, Thailand.

The full results of the survey are online at <http://fic.tufts.edu/?pid=76>. The survey data, on which this report was

based, are available for researchers who wish to conduct further analysis. To obtain the Excel data base, contact Karen Jacobsen at karen.jacobsen@tufts.edu.

The IRC would like to thank Research Fellows Julia Fisherman and Lindy Worsham and our community partners without whom this research would not have been possible.

Burmese asylum seekers in Thailand: still nowhere to turn

Chen Chen Lee and Isla Glaister

Until the Thai authorities and UNHCR can provide an asylum process that is systematic and fair, as opposed to one that is conditional on particular events and dates, the current asylum system will offer nothing more than pot luck.

If there is one positive result from the Burmese junta's brutal response to the peaceful demonstrations in Yangon in September 2007, it is the re-opening of registration by UNHCR for new asylum seekers from Burma. This comes after a hiatus of two years beginning in November 2005 when UNHCR, at the request of the Thai authorities, stopped registering anyone from Burma who sought asylum and international protection in Thailand.

Up until January 2004, UNHCR had been able to conduct full Refugee Status Determination (RSD) for Burmese asylum seekers. Due to the Thai authorities' wish to retain greater control over the asylum screening process, asylum seekers arriving from Burma after January 2004 could only register with UNHCR and obtain a slip (hence now commonly referred to as 'slipholders'). Those arriving since November 2005 have had no opportunity to register or receive any form of documentation or protection.

Previously, there were three groups of slipholders, based in Bangkok, Mae Sot and Kanchanaburi provinces, comprising a total of 10,887 people.¹ In September 2006, more than 2,000 slipholders were transferred to camps in Tak province and underwent

the Thai asylum process known as the Provincial Admissions Board (PAB). All now have recognition as camp refugees. However, for the remaining slipholders, despite ongoing discussions between UNHCR and the Thai authorities, none has been transferred to a camp. The majority of asylum seekers have remained without protection since the beginning of 2004.

On 15 September 2007, UNHCR re-opened registration for all those arriving in Thailand after this date for reasons related to the protests in Yangon. However, as with the previous batch of slipholders, the new slips offer no legal status in Thailand and do not grant any rights; they are only proof of their registration with UNHCR and merely represent a request to the Thai authorities not to arrest or deport the bearers.

In the last few years, international organisations, including the Jesuit Refugee Service (JRS), have been advocating for slipholders and non-slipholders alike to undergo national screening for refugee status and admission into the nine official camps along the border. Recommendations have been made to the Thai government to allow registered Burmese asylum seekers to stay temporarily in Thailand and for

assistance to be provided to them by UN and other relief agencies. So far, advocacy efforts by UNHCR and a handful of international organisations have met with limited success.

A 2005 report² by JRS and the International Rescue Committee (IRC) on the conditions of Burmese slipholders in Thailand found that almost all of the 353 individuals surveyed had experienced persecution in Burma and risked serious human rights violations if they were to return. As they did not possess legal documents, they would be regarded by the Thai authorities as illegal immigrants and were therefore subject to arrest, detention and deportation. In order to survive, many of them ended up working illegally in Thailand, often in exploitative conditions. Unlike camp-based refugees, refugees and asylum seekers living in urban areas are not able to receive basic services from NGOs. Many of them do not have adequate shelter and food, and are frequently arrested and have their money and property confiscated.³

The provision of slips to the September protestors is welcome. It gave hope that those with genuine asylum claims could now register with UNHCR again and that eventually the Thai authorities would reactivate the PAB system to screen all Burmese asylum seekers. Although established in 1999, the PAB has been largely dysfunctional in practice. This is partly due to the fear that accepting the current

caseload would create a pull factor for more arrivals from Burma.

For those asylum seekers who fled Burma in the aftermath of the September crackdown, and who have been issued temporary registration slips by UNHCR, it still remains uncertain when or if they will be screened by the PAB.

However, for the thousands of slipholders and others who had been anticipating a change in policy and greater international attention to their plight, UNHCR has made it clear that they will have to continue to wait.

There is a danger that unless the Thai government allows the new arrivals to be screened for refugee status soon, a new group of Burmese slipholders will be created, adding to a backlog of those who are still waiting for some form of durable solution.

The greatest concern is for those who have had no access to a process of registration and therefore have no protection and no hope of asylum. Undocumented, unwanted and largely invisible, these Burmese slipholders and asylum seekers will continue to live on the fringes. It remains to be seen whether the crack opened up by the September protests

in Burma for Thailand and the international community to redress their situation will lead to significant improvement and a better future.

Chen Chen Lee (chen@jrs.or.th) is Information and Advocacy Officer and Isla Glaister (isla@jrs.or.th) is Mae Sot Programme Coordinator for the Jesuit Refugee Service Thailand (www.jrs.or.th)

1. Email exchange with UNHCR Bangkok, October 2007

2. *Nowhere to Turn*, Jesuit Refugee Service and International Rescue Committee, 2005. www.reliefweb.int/rw/RWB.NSF/db900SID/RMOI-6E83HG?OpenDocument

3. See article by Vera den Otter on 'Urban asylum seekers and refugees in Thailand', FMR28: www.fmreview.org/FMRpdfs/FMR28/27.pdf

Rohingyas and refugee status in Bangladesh

Pia Prytz Phiri

The Rohingya refugees from northern Rakhine State in Myanmar are living in a precarious situation in their country of asylum, Bangladesh, but have seen significant improvements in recent times.

In 1991 some 250,000 Muslim Rohingyas were recognised as refugees on a prima facie basis by the Government of Bangladesh. The vast majority were repatriated by the Government of Bangladesh to Myanmar in the following years, leaving only two of the 20 refugee camps in existence. For the last 16 years, a residual number of approximately 27,000 Rohingyas have been living in two refugee camps in the southernmost tip of the country, near Cox's Bazar.

Bangladesh is neither a signatory to the 1951 Convention relating to the Status of Refugees nor to its 1967 Protocol and has not enacted any national legislation on asylum and refugee matters. Nevertheless the government, on its own initiative, recognised the Rohingya arrivals in 1991 as refugees and has, in partnership with UNHCR, been providing them with assistance to this day.

It is significant that Bangladesh has acceded to several of the existing

international rights Covenants and Conventions¹ and has provisions within its Constitution that uphold the rights and duties within the UN Charter and further safeguard the legal protection of non-citizens within its territory². As a result, it recognises a body of international law which provides the framework for protecting refugees.

The difficulty lies in ensuring compliance and sustainability in the standards of protection when there is no law regulating refugee status itself. The situation of the Rohingya refugees demonstrates the challenges in providing protection in an ad hoc, arbitrary and discretionary system. Although 16 years have passed, Rohingya refugees are still denied freedom of movement, the right to work and the right to education – and thus are denied the chance of self-reliance and self-determination. Refugees are forced to engage in clandestine activity, working illegally and for low wages. They have been denied the opportunity to develop, to learn

and to better themselves, restricted until recently to informal education classes taught by refugee volunteers with limited courses and grades.

UNHCR in Bangladesh has had some success lobbying for the improvement of standards across all sectors by strongly advocating to bridge the discrepancy between international protection principles and practice on the ground. The agency reached landmark agreements with the previous government in 2006, before recent political events and the declaration of a state of emergency. The present interim government is also showing very positive signs of engagement with refugee issues.

What can be observed thus far are milestones in negotiations between the government and UNHCR which are changing the shape of the delivery of protection. First, in 2006, the government agreed to allow UNHCR to construct new shelters for refugees in both camps, recognising the abysmal conditions of the current structures which fall below international standards. The maintenance of the shelters built in 1992 had been restricted by the government to the bare minimum for fear of promoting any form of permanent presence of the refugees.



Burmese refugee children play in front of new houses built with UNHCR funding in Nayapara refugee camp, Bangladesh, February 2008.

Since that agreement was reached, UNHCR has been successful in starting to raise funds – and construction in the two refugee camps has begun. It is hoped that both camps will have new accommodation facilities by end of 2009.

A second major recent achievement was that, for the first time in the history of UNHCR's operation in Bangladesh, resettlement to a third country was used to provide protection and a durable solution for some. Twenty-three refugees were resettled to Canada in 2006 and a further 79 in 2007.

The agreement to re-settle was piloted by UNHCR in part to lobby the government to allow more skills training and enhanced education facilities. As a consequence, the government in 2006 agreed to allow skills training and an increase in the number of courses as well as the grades taught in schools. Although this progress still does not reach

the level of international standards, it certainly points in the right direction. Since the first successful resettlement to Canada, resettlement for those refugees in urgent need of protection has been negotiated with other interested countries; both New Zealand and the UK have confirmed an intake for 2008.

A further development of great significance has been agreement with the Government of Bangladesh in 2006 to allow other UN agencies and NGOs to work in the refugee camps, bringing expertise in the different sectors.

Nevertheless, there is still some way to go before the refugees are able to enjoy the rights they are due under international law. UNHCR Bangladesh has made its position very clear that the status quo is simply untenable. The provision of external assistance for a period of 16 years without progress to, and attainment of, self-reliance is

contrary to the principles of refugee protection, human rights and human dignity. The need to engage in dialogue with the Government of Bangladesh and other stakeholders to discuss durable solutions for the Rohingyas continues. It is too early to predict the outcome of discussions but what is extremely positive at this stage is that both UNHCR and the government agree on the importance of taking a more holistic longer-term perspective to resolving the plight of the Rohingya refugees.

Pia Prytz Phiri (BGDDA@unhcr.org) is UNHCR's Representative in Bangladesh (www.unhcr.org/country/bgd.html).

The views expressed are those of the author and do not necessarily represent the views of UNHCR or the UN.

1. www.un.int/bangladesh/misison_arc/treaty_adherence.htm

2. Articles 25, 31 & 32 of the 1972 Constitution

Without refuge: Chin refugees in India and Malaysia

Amy Alexander

Most Chin refugees have never set foot in a refugee camp; they live as urban and undocumented refugees in India and Malaysia.

Like many other ethnic nationalities in Burma, widespread human rights abuses have caused tens of thousands of Chin from Burma's western hills to flee Burma in search of survival elsewhere. While Thailand plays host to a majority of Burma's refugees, the Chin population in Thailand

Chin live along the Indo-Burma border. A smaller number journey onward to New Delhi, hoping to gain UNHCR protection. Both locations provide little protection for Chin refugees and daily existence is fraught with difficulties and hardships.

UNHCR and are awaiting refugee status determination. In mid 2006, UNHCR also began resettling the Chin to third countries.

Obtaining refugee status through UNHCR, however, has become increasingly difficult for the Chin community in India. Most Chin live in Mizoram, where UNHCR is not operational. As a result, Chin living in Mizoram seeking UNHCR recognition must make an arduous and expensive journey to Delhi.

Once registered, they are required to remain in Delhi, where it is difficult to make a living and assimilate culturally.

Further limiting the accessibility of refugee status for the Chin, UNHCR recently announced the closure of general registration in September 2007. Only 'priority' cases or those considered especially vulnerable, such as pregnant women, the elderly and the infirm, are now eligible for registration. 'Non-priority' cases will have to wait until the general registration

process re-opens, which is unlikely to happen soon.

Life for Chin refugees in Delhi is extremely difficult as they must compete for limited resources with the local poverty-stricken population who are struggling for their own survival. To address the growing needs of the refugee population, UNHCR, in coordination with implementing partners, had developed a network of social service programmes in financial support,

Chin weavers in Mizoram, India, where they live and work.



remains very small. Most Chin instead seek refuge in India and Malaysia. There they face challenges distinct from those faced by their compatriots living in Thailand.

Chin refugees in India

A majority of Chin forced to flee Burma cross into neighbouring India and settle in the Mizoram hills, which are adjacent to the Chin Hills. Although it is impossible to accurately determine their true number, it is estimated that 60-80,000

Since India is not a signatory to the 1951 Convention Relating to the Status of Refugees or the 1967 Protocol, there is no procedural mechanism for providing official protection or benefits to refugees living in India. UNHCR, however, does have a presence in India and continues to register, recognise and resettle Chin refugees. Of the 1,800 Chin living in Delhi, 1,000 have been granted refugee status by UNHCR. Another 300 Chin cases have been registered by

education and health. This included, firstly, a short-term subsistence allowance for newly recognised refugees. In 2003, however, UNHCR began to phase out this allowance, cutting amounts by half after six months and eliminating it altogether after one year. This shift in policy fails to account for the realities of refugee life in Delhi, where self-reliance is not feasible for most of the refugee population.

Secondly, it includes a salary top-up scheme under which UNHCR agreed to supplement the salaries of refugee workers to bring them up to the official Delhi poverty line. However, since August 2007, no new applicants have been accepted into the programme. Meanwhile, the top-up scheme has in effect created a secondary labour market, where employers have grown accustomed to paying lower wages for refugee workers. Without continued supplementary payments by UNHCR, Chin labourers can expect to consistently earn less than the local population for the same work.

A third form of assistance is provided by the Young Men's Christian Association (YMCA) to cover the educational expenses of school-aged refugee children. But these subsidies are calculated based on the cost of attending government schools, where it is almost impossible for refugee children to meet the admissions criteria. Meanwhile, the subsidies are insufficient to cover the cost of private schools. As a result, many are left without an education.

The fourth programme seeks to address the health and medical problems suffered by refugees due to their poor living conditions in Delhi. Language barriers and intense discrimination inhibit Chin patients from receiving prompt or proper treatment in local hospitals. The Voluntary Health Association of Delhi (VHAD) had been responsible for providing basic health-care services to refugees in Delhi. However, in early 2007, VHAD closed its doors due to a lack of resources. Medical care is now prohibitively expensive for Chin refugees living in Delhi.

In addition, tension with the local population is an enormous obstacle to achieving self-reliance for the

Chin in Delhi and Mizoram. In Delhi, discord between the Chin and the local population is accentuated by the general lack of resources. As they compete with the locals for scarce commodities, the Chin live in constant fear of eviction, physical violence and other abuses. Most abuse is perpetrated with impunity, either because it is unreported or through a lack of law enforcement.

In Mizoram, despite Mizos and Chin sharing common ancestry, discrimination is pervasive. In the past, the Young Mizo Association (YMA), a non-political but extremely influential civil organization in Mizoram, targeted the Chin, leading to several crackdowns against them. The most serious incident occurred in 2003 when the YMA forced thousands of Chin back to Burma. Possibly indicating an easing of tension between the Mizo and Chin, in October 2007 the Mizo demonstrated alongside the Chin in their calls for change in Burma. Nevertheless the Chin continue to fear more evictions and forced deportations by the Mizo.

Chin refugees in Malaysia

Due to substantial militarisation along the Indian border, many Chin fear the dangers associated with crossing into India. So, despite the distance, Malaysia has become a destination for the Chin and currently hosts some 23,000.

Like India, Malaysia is not a signatory to the Refugee Convention or its 1967 Protocol and since the beginning of 2006 the general registration process has been closed. As the exodus of Chin to Malaysia continues, more and more Chin find themselves waiting to be registered. Holding UNHCR documents at least provides hope of resettlement to a third country even if it provides no guarantee of protection or access to benefits in Malaysia.

The majority of Chin refugees live in devastating poverty in extremely cramped accommodation in the capital, Kuala Lumpur. Others live in makeshift camps outside the city or in the distant Cameron Highlands, where they work for low wages on farms, with unreliable water supplies and inadequate protective gear.

Harassment and abuse by the authorities is a daily reality for the

Chin in Malaysia. In addition to raids on neighbourhoods and workplaces, immigration officials approach and threaten individuals in public areas. Those unable or unwilling to pay bribes risk arrest, detention or deportation. Refugees who are detained in Malaysia are often kept in overcrowded, unhygienic cells. They are inadequately fed and given little access to basic amenities. Illness is common. Complaints of harassment and physical abuse by guards and officials are widespread.

Chin refugees are not allowed to work in Malaysia and are relegated to the informal work sector. Fewer than one third of the Chin community in Malaysia are employed while those who secure employment are often subject to exploitative employers and abusive working conditions.

Basic health services are provided through mobile clinics to both urban refugees and those living in the jungle camps. Médecins Sans Frontières (MSF) had been operating in Malaysia providing translators and reimbursements for hospital care until early last year when it withdrew its operations.

Conclusion

Tens of thousands of Chin have fled torture, persecution and the threat of death in Burma. They take great risks, endure extreme hardships and confront dangerous challenges in the hope of finding refuge somewhere. What they find in India and Malaysia, however, is a lack of legal recognition, limited access to UNHCR protection, and difficulty in obtaining work, receiving an education and accessing health-care services and acceptable living accommodation. Like their brothers and sisters from Burma living in Thailand, the Chin in India and Malaysia are living without true refuge.

Amy Alexander (amyalex_thailand@yahoo.com) is the Advocacy and Campaigns Coordinator for the Chin Human Rights Organisation based in Chiang Mai, Thailand (www.chro.org).

CHRO is grateful to all those in the Chin communities who generously shared their time, stories and experiences which formed the basis for this article.

Migration and trafficking: putting human rights into action

Nikolas Win Myint

Across Myanmar people are on the move, both inside the country and across its borders, either pushed by necessity or pulled by the prospect of a brighter future. For many, these hopes are at least partially fulfilled. For some, however, this migration brings them face-to-face with exploitation, abuse, disease and even death.

Human trafficking – the modern-day slave trade in women, children and men – occurs around the world but the limited data available shows south-east Asia to be a particular hub. Within this region, Myanmar is a key country of origin, with people being trafficked into both Thailand and China. It is not known how many people fall victim to this crime each year but estimates range from 3,000 to 30,000.

coercion (force or the threat of force) or deception; and, thirdly, the purpose of trafficking, which is exploitation, be it sexual or labour exploitation.¹ We speak of trafficking only when all three of these elements are present.²

Using this definition, trafficking is not always a clear-cut crime. Often people may move willingly, even into labour situations that might be considered exploitative, as a relative

Migration and trafficking

There are many different ways in which people are exploited, and just as many ways in which people are trafficked. Trafficking is fundamentally a crime against an individual, and, as with other crimes of this nature (murder, rape, kidnapping), it is difficult to generalise about it. Nonetheless, based on interviews with trafficking victims and perpetrators as well as victim service agencies and law enforcement personnel, an overall picture of trafficking in Myanmar emerges, which is mainly one of migration gone wrong.

Myanmar, located at the nexus of ancient trading routes, has long seen migration. Today, economic

disparities in the region fuel cross-border migration by many young people in search of more promising futures. Most of this migration does not lead to trafficking. For some, however, the migration process goes terribly wrong and they find themselves at the mercy of traffickers. Sometimes these are brokers that take people to destinations different than those agreed; sometimes they are employers who coerce victims into exploitative work. While the sexual exploitation of women through forced prostitution has garnered

many of the headlines, there have also been reports of trafficking for labour exploitation involving both women and men in factories, as well as of men into the fishing industry.

Alleviating poverty at home may remove some of the impetus to migrate but much migration is driven by the perception of relative economic differences, the gap between opportunities at home and perceived opportunities abroad. The goal of responsible anti-trafficking interventions should thus not be to stop movement but to stop trafficking.

This Burmese woman, who escaped after being trafficked into a garment-making sweatshop, is now learning traditional crafts in the government-run Baan Kredtrakarn shelter in Bangkok, Thailand.

Few perhaps would expect much to be done about this crime in Myanmar. Not only is human trafficking driven by poverty and relative economic differences, which are not easily remedied, but fighting human trafficking also requires a complex response, including respect for human rights and the rule of law, across many government departments and non-governmental service providers. In its annual report on human trafficking, the US State Department gives Myanmar the lowest grade, a Tier 3 placement, stating that the government had failed to address human trafficking. Yet a small group of anti-trafficking workers, along with supportive government policies, have been able to make a significant difference in recent years.

In the Convention against Transnational Organized Crime, trafficking is defined as consisting of three distinct elements: firstly, the act of trafficking, which can be recruitment, transport or harbouring of a person; secondly, the means of trafficking, which must involve either



Key Chermush for the US State Department.

improvement over their present situation. Alternatively, people might be deceived into situations with lower pay, longer hours or worse conditions than those they agreed to; yet as long as they stay in these circumstances without being forced to, it is not legally trafficking. Conversely, people may initially migrate voluntarily but later fall into a trafficking situation. Implementing this legal definition in practice has been a central challenge of anti-trafficking interventions. Nonetheless, it is imperative to do so to ensure that protection and assistance are available to those most in need.

Recent years have seen a number of encouraging developments in this regard in Myanmar. Significant progress has been made both in keeping migrants safe and in providing support for victims of trafficking. Myanmar's Anti-Trafficking in Persons Law, enacted in September 2005, provides specific legal protections for victims of trafficking, including immunity from prosecution and legal, financial and medical assistance as needed. The law also aims to make it easier for victims to access assistance, while reducing fear of police and immigration officials.

At the same time, since 2005, a number of prevention campaigns have been initiated on long-distance buses and at highway bus terminals. Trained facilitators are educating people not only about the risks and dangers of trafficking but are also providing information about basic rights, useful contacts and key phrases. Initially begun in bus stations around Yangon, this has now been expanded to the city of Mawlamyine, a transit hub near the Thai border. Trafficking videos are shown and pamphlets distributed to passengers on buses bound for the border. In 2006, this initiative reached over half a million people.

In parallel with these efforts to make migration safer, efforts are also underway to increase the protection and assistance available to victims of trafficking. One promising initiative has been an effort to build on the Border Liaison Offices (BLOs) – border offices established through cooperation with the UN Office on Drugs and Crime (UNODC) to combat drug trafficking – to extend their mandate to cover human trafficking. In this task, the primary focus is not on stopping people from crossing the porous borders but rather to facilitate cross-border cooperation between government agencies to help victims of trafficking return home safely. Working with immigration, police and social welfare officials on both sides of the border, the BLOs now provide services to victims of trafficking to help them on their journey.

At the end of that journey, local and international NGOs are being encouraged and given the necessary

space to provide assistance to trafficking victims, through counselling, financial and medical support, family tracing and vocational and livelihood training. With training provided to a wide range of community-based organisations, local communities are increasingly empowered to combat the trafficking taking place in their midst.

Lessons learned

Dedicated workers at all levels – community organisers, government officials, UN and NGO workers – have brought this system to life and have made it work. Yet a key condition for bringing human trafficking out of the shadows was to secure acknowledgement by the Myanmar government of this problem – and the desire to do something about it. Both are in some measure linked to an innovative regional process in which the six governments of the Mekong Sub-region, supported by technical experts provided through the UN, pledged to work together to combat the problem of human trafficking. This process, known as the Coordinated Mekong Ministerial Initiative against Trafficking, or COMMIT Process, was formally launched in October 2004 by Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam.³

COMMIT served not only as official recognition of human trafficking as a pressing problem in Myanmar but, by bringing the country into a regional partnership to address the problem, it also provided a platform for action. The COMMIT process built up a network for government officials from across the region to share their experiences and thus facilitated early adoption of international best practices in Myanmar. This has provided the necessary space for NGOs and UN agencies to work on human trafficking in Myanmar and has also created support inside the government for a victim-centred approach, including far-reaching provisions for the protection of trafficking victims. Finally, by including regular evaluations of progress at inter-governmental meetings, the process led to competition among the six governments which has proven useful in maintaining momentum in the fight against trafficking.

While these are encouraging developments, much remains to be done. The challenges ahead for the anti-trafficking community in Myanmar are, at least, three-fold:

- Ensure that help is targeted towards those who need it the most.
- Reduce the number of people trafficked through effective prevention interventions: debate continues as to whether the focus of prevention should be at source or destination, along transit routes or at border towns and other points between.
- Coordinate anti-trafficking activities to ensure complementarity in approaches: the Myanmar government has drafted a National Plan of Action in consultation with UN agencies and victim protection agencies.

Much remains to be done in the fight against human trafficking, and the current response is far from perfect. Nonetheless, in an environment where humanitarian assistance faces a challenging operational and political environment, the initiatives against human trafficking are a welcome ray of light. The fight against human trafficking is also a fight against HIV, against corruption and against organised crime. Even more importantly, it is a fight for human rights, for personal freedoms and for the rule of law. Progress may be slow, and it may be small – but it should not go unnoticed.

Nikolas Win Myint worked in Myanmar from 2003 to 2007, most recently as Country Programme Manager for the UN Inter-Agency Project on Human Trafficking in the Greater Mekong-Subregion (UNIAP www.no-trafficking.org). This article is written in a personal capacity and does not necessarily reflect the views of the UN.

1. Complete definition at: www.unodc.org/unodc/en/treaties/CTOC/index.html See also FMR 25 on 'People trafficking: upholding rights and understanding vulnerabilities' at www.fmreview.org/FMRpdfs/FMR25/FMR25full.pdf

2. The exception to this are children under the age of 18, where the means becomes irrelevant as governments decided in the Convention that minors cannot consent to such actions, nor anyone on their behalf.

3. See article by Susu Thatun of UNIAP 'Mekong sub-region committed to ending trafficking', FMR 25, www.fmreview.org/FMRpdfs/FMR25/FMR2509.pdf

Asia's new boat people

Chris Lewa

Thousands of stateless Rohingyas are leaving Burma and Bangladesh, dreaming of a better life in Malaysia.



Boat people arrested in Thailand 2008.

On 25 November 2007, a trawler and two ferry boats carrying some 240 Rohingyas being smuggled to Malaysia sank in the Bay of Bengal. About 80 survived; the rest drowned. A week later, another boat sank, allegedly fired at by the Burmese Navy. 150 are believed to have perished. Many Rohingyas are ready to embark on a risky sea journey in order to escape oppression, discrimination and dire poverty. On 3 March 2008, the Sri Lankan Navy rescued 71 passengers, most of them Rohingya, from a boat that had drifted for 22 days in the Indian Ocean with a broken engine. Twenty had already died from starvation and dehydration.¹ The Arakan Project² estimates that, from October 2006 to mid March 2008, more than 8,000 boat people departed mostly from the coast of Bangladesh towards Thailand and then Malaysia, including about 5,000 during the sailing season from the end of October 2007 to the present.

The Rohingya are a Muslim minority group numbering some 725,000 and inhabiting North Arakan (Rakhine) State, adjacent to Bangladesh. They are related to the Chittagonian

Bengali in terms of ethnicity, language and religion. The Rohingya were rendered stateless by the Burma Citizenship Law of 1982.³ Gross human rights abuses and discriminatory practices against them since then include severe restrictions on their movements, requirement of special permission to marry, confiscation of land, forced labour and arbitrary taxation as well as neglect of health and education services.

Bangladesh was the destination of two mass exoduses in 1978 and 1991-92 of a total of 250,000 Rohingya refugees, each followed by a repatriation exercise often conducted under duress. To date, 26,000 remain in Bangladesh in two official refugee camps supervised by UNHCR. An estimated 200,000, including many repatriated refugees who then fled for a second time, have settled in precarious conditions in villages and semi-urban slums outside the camps or in an unofficial makeshift site near Teknaf, with little or no access to humanitarian assistance and protection.

Migratory movements of Rohingyas beyond Bangladesh are nothing new. For decades, smugglers and traffickers have sent Rohingyas to Saudi Arabia, Pakistan and the UAE where many obtained a temporary permit to stay. At the end of 2005, 11,000 were also registered for temporary protection with UNHCR in Kuala Lumpur, Malaysia, although Saudi Arabia remained the

preferred destination. Travel agents in Bangladesh arranged 'Bangladeshi passports', Hajj or Umra visas to Mecca and air tickets. The trip was usually paid for by migrants' relatives who had already settled there.

In previous years, several boats had carried Rohingyas to Malaysia via Thailand but their number swelled considerably from the end of October 2006. While the human rights situation in North Arakan remains a constant push factor, there has been no significant deterioration which would explain this sharp increase in boat people but rather the combination of several pull factors. Tighter security measures implemented by Bangladesh following the nation-wide bombing campaign by Islamic extremists in 2005 made the procurement of Bangladeshi passports very difficult.

This coincided with stricter regulations governing the issuing of visas plus reinforced immigration control at airports in Saudi Arabia. As other alternative migration routes are now virtually closed to the Rohingyas, Malaysia is currently the only affordable Muslim destination and the sea voyage the only option for leaving Bangladesh and Burma without travel documents.

Malaysia: primary destination

In August 2006, Malaysia started registering Rohingyas for residence/work permits. Although the process was soon suspended due to allegations of fraud, rumours of registration and job opportunities in a booming economic environment spread like wildfire among Rohingyas in North Arakan and Bangladesh. Local smuggling and recruiting networks in North Arakan and Bangladesh swiftly emerged. Two deals are offered to prospective candidates: sea passage to the shores of southern Thailand for less than US\$300 or an all-inclusive package up to the final destination in Malaysia for between \$700 and \$1,000. Most boat passengers are males aged between 18 and 40 but children as young as eight have been found among them.

The route, which for most starts in North Arakan with a brief transit in Bangladesh, passes through Thailand and continues overland to Malaysia. The sea crossing lasts about one week. As most, if not all, boats are captured upon arrival, the itinerary via Thailand is deemed safer. Arrest in Malaysia would mean a longer detention period and eventual deportation across the border to Thailand. Complex networks of smugglers and brokers, mostly but not exclusively Rohingyas, are involved at various levels in transporting Rohingya from North Arakan to Bangladesh, from Bangladesh to Thailand and, finally, overland from Thailand to Malaysia. The networks operate in collusion with law enforcement personnel in these four countries.

Until 21 March 2007, boat people arrested along the coast of South Thailand were briefly detained and subsequently deported 'informally' into a cease-fire zone in Burma close to Mae Sot. Brokers would release them upon payment of a

fee of around \$700 and carry them across Thailand to Malaysia. The Thai authorities later attempted to deport a few directly into the hands of the Burmese immigration authorities, probably as a test case, but these deportees were pushed back to Thailand the following day.

However, since the onset of the new sailing season in November 2007, the whereabouts of the boat people after initial detention remain unknown and a matter of serious concern. It is believed that the Thai immigration authorities hand them over to brokers in south Thailand who allegedly detain them near the Malaysian border until a fee is paid for them to be smuggled across. As on the Thai-Burmese border, brokers on the Thai-Malaysian border routinely beat their detainees to pressure them into arranging payment. Those unable to pay have reportedly been sold to plantation owners or fishing boats as bonded labour. Many ultimately reach Malaysia and find jobs as illegal migrants but many also disappear on the way. As the number of boat

departures continues to rise, more and more families are desperately seeking news of missing relatives.

Responses in the region

The Burmese regime does not appear interested in stemming the movements of Rohingya boat people. In 2007, some boat people caught in Burma were briefly detained and released – after payment of a bribe – or simply towed back towards Thai territorial waters. However, more recently, a couple of boats landed on the Burmese coast and boat people were given seven-year jail sentences for having re-entered the country illegally.

So far, Bangladesh has only taken minor steps to counter the smuggling of Rohingya boat people. Since October 2007, Bangladesh law enforcement agencies have intensified raids at departure points and at Burmese border crossing points. A few people were even pushed back across the Naf River to Burma. Usually only passengers are caught – not the smugglers themselves, who

Myanmar's forgotten people

Nyi Nyi Kyaw

The Rohingyas have a history which dates back to the beginning of the 7th century when Arab Muslim traders settled in Arakan (Rakhine).

They were recognised as an indigenous ethnic group by the U Nu government during the parliamentary era in the 1950s but lost their political and constitutional identity when the military government of General Ne Win promulgated the Citizenship Act of Burma in 1983. This effectively denied the Rohingyas recognition of their status as an ethnic minority group. Harsh discrimination against them soon followed.

The military junta maintains a clearly articulated stance on the Rohingya people. In a press release issued by the Ministry of

Foreign Affairs of Myanmar on 26 February 1992, the government declared: "In actual fact, although there are [135] national races living in Myanmar today, the so-called Rohingya people is not one of them. Historically, there has never been a 'Rohingya' race in Myanmar."

In response to criticisms from the UN Committee on the Rights of the Child in April 2004, the junta stated that it had granted full and equal treatment to the Rohingyas, as with other races, in matters relating to birth and death registration, education, health and social affairs. Moreover, the junta also mentioned that the Rohingyas are listed as a Bengali racial group and recognised as permanent residents of Myanmar.

However, in practice, the rights of the Rohingya population

remain greatly restricted. The presence of UNHCR and some other international NGOs in northern Rakhine State can help ameliorate the current plight of the Rohingyas but without political will from within the Myanmar military government, their plight cannot be resolved.

Nyi Nyi Kyaw (nmkster@gmail.com) is an MSc candidate (International Political Economy) at the S Rajaratnam School of International Studies (RSIS), Nanyang Technological University, Singapore. A Muslim native of Myanmar, Nyi Nyi Khaw lived all his life in Myanmar before moving to Singapore to do his MSc. A longer version of this article first appeared online in February 2008 at: www.rsis.edu.sg/publications/Perspective/RSIS0122008.pdf

pay kickbacks to the authorities to operate freely. Brokers who have been arrested are soon released.

Thailand, as a transit country, faces a particular challenge. The Thai authorities perceive the Rohingyas as a threat to national security. 'Informal deportation' in the form of a transfer to brokers who will move them to Malaysia appears to be the order of the day, an approach that is exploitative rather than punitive. However, such a response is likely to create an additional pull factor.

Malaysia's promise to issue work/residence permits to Rohingyas appears to have vanished; the registration process has been indefinitely postponed and is unlikely to resume. Crackdowns against illegal migrants, which include refugees, are commonplace. UNHCR ceased the registration of Rohingyas for temporary protection at the end of 2005 and has yet to restart it.

These maritime movements present a serious challenge in a region where protection mechanisms for asylum seekers are already weak and where there is an ever shrinking space for UNHCR to exercise its mandate. None of the concerned countries has ratified the Refugee Convention nor have they enacted any domestic legislation for the protection of refugees. They identify these movements as the smuggling of economic migrants and are not prepared to view the Rohingya boat people as asylum seekers and to allow

UNHCR's involvement. There is no doubt that Rohingya boat people embark on these perilous journeys in order to escape systematic oppression, discrimination and human rights violations, and not only for economic reasons. One could thus argue that the Rohingya boat people are 'persons of concern' on a prima facie basis.

These irregular movements by boats are generally identified as human smuggling rather than trafficking because they fail to meet all three conditions of the Palermo Protocol⁴ definition of trafficking: a movement, a means (deception or force) and delivery into a situation of exploitation. However, if brokers who receive them in Thailand or in Malaysia are forcing them into forced labour or slavery as defined in the Protocol, it would be trafficking. Thailand has signed but not ratified the two Protocols on trafficking and smuggling and recently passed a new anti-trafficking domestic law. Malaysia is not party to any of these international legal instruments. Nevertheless, all concerned countries have ratified the Convention on the Rights of the Child and children should be protected under the provisions of this convention. The fact that the Rohingyas are stateless further complicates this issue and exposes more acutely the inability of the international community to address their plight and to protect them.

Because of its international mandate to protect refugees and

stateless people, UNHCR should be involved and, in collaboration with receiving countries, seek appropriate solutions for them. Adequate protection strategies should take into account the legitimate concerns of these governments about irregular movements but should also guarantee the rights of the Rohingya boat people.

Chris Lewa (chris.lewa@gmail.com) is coordinator of The Arakan Project, a local NGO dedicated to research and advocacy on the Rohingya minority of Burma.

On 28 March 2008 the Thai Prime Minister announced that Thailand was exploring the option of detaining Rohingya boat people on a deserted island. "To stop the influx, we have to keep them in a tough place. Those who are about to follow will have to know life here will be difficult in order that they won't sneak in," he said. See www.bangkokpost.com/290308_News/29Mar2008_news03.php

1. See www.unhcr.org/news/NEWS/47cd360411.html

2. The Arakan Project is a research and advocacy NGO based in Thailand primarily focusing on the plight of the stateless Rohingya in North Arakan State of Burma. Papers and reports produced by Chris Lewa are available on the Online Burma Library www.burmalibrary.org

3. The 1982 Citizenship Law defines citizens as members of ethnic groups that have settled in Burma before 1823, the start of British colonial rule in Burma. The Rohingyas do not feature among the 135 'national races' listed by the government and are therefore rendered stateless.

4. Trafficking and smuggling protocols at www.unodc.org/unodc/en/treaties/CTOC/index.html#Fulltext

Difficult to remain: the impact of mass resettlement

In a context where the durable solutions of repatriation and local integration are not available, resettlement has become increasingly attractive.

"Chuwa ma yeh, ga ma ye" is an expression in the Karenni language that translates roughly as "between a rock and a hard place" or, more accurately, "difficult to move forward, difficult to go back." The phrase aptly characterises the emotions of many

of the 145,000 refugees on the Thai-Burmese border who, after decades of living in refugee camps with their eyes metaphorically turned towards Burma, are now being offered the possibility of resettlement to a third country. In 2007, more than 14,000

Susan Banki and Hazel Lang

refugees from the camps resettled to third countries and as many as 20,000 are expected to resettle in 2008.

On the one hand, it is difficult to move forward; refugees are understandably anxious and confused about what life in a new country will hold if they choose to resettle. Most recognise that even the best educated among them will experience

grave social, economic and cultural challenges, particularly at the outset. On the other hand, it is not only difficult but virtually impossible to go back. Given the abuses and intransigence of the Burmese military junta, refugees cannot return home at the present time.

One might add a third component to the Karenni phrase: difficult to remain. Although refugees in camps in Thailand have been the beneficiaries of assistance from more than twenty humanitarian organisations, living in legal limbo has taken its toll. At present, camp residents are restricted in their movements and few are permitted to leave the camps to pursue livelihoods or continue education.

However, as the resettlement programme gains momentum, it is important to remember that not every refugee will resettle. Refugees who will never resettle, or who will resettle in some years' time, deserve the attention of practitioners and policy makers, because their protection needs in the short and long term are even greater than those who resettle. For this reason, the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT¹), the coordinating body for NGOs operating on the Thai-Burmese border, commissioned a report to determine the impact of resettlement on the remaining refugee population.²

The research indicates that, first, while resettlement has done much to boost the hopes of those who are resettling, many of those who remain have experienced a loss of morale as their friends and colleagues depart. Resettlement has sapped the energy of those refugees who have been working for change in Burma, and has done nothing to improve conditions for those internally displaced in Burma.

Second, while resettlement is taking place en masse, a higher proportion of educated, skilled and experienced refugees have resettled first, relative to the rest of the population. This is partly because some resettlement countries have tended to select refugees for resettlement based not on their status as refugees but on their 'integration potential' – which

generally translates as the best educated and most highly skilled.

Furthermore, one method of prioritising applicants, the 'first in, first out' approach, meant that those who had been in the camps the longest were the first to be resettled. These individuals strongly correlate with the most educated and skilled camp residents, and in the early stages of resettlement this further reinforced the rapid depletion of skilled workers from the camps.

Loss of capacity

It is true that the US group resettlement approach, which has a relatively speedy resettlement process and for which there is neither a quota for the total number of refugees to be accepted nor 'integration potential' criteria for acceptance, should eventually redress the disproportional drain of skilled leaders from the camps. As UNHCR has noted, the demand for services in the camps will decrease as the population decreases significantly. But in some camps, the damage has already been done, and is nearly irrevocable.

As the skilled and educated leave, it is increasingly difficult to find replacements within the existing population, which is placing a strain on service delivery in the camps. Since refugee camps are not an open labour market, there is only a limited supply of skilled workers for essential jobs – including vital leadership jobs. In some camps, particularly those where the resettlement process started before the US adopted its group resettlement approach, virtually every person with higher secondary education is already employed. Camp leaders and experienced administrators have left these camps in higher proportions as well. This has had its strongest impact on two sectors of camp life: the health sector and the education sector.

In the health sector, the departure of many highly trained refugee health staff has severely affected the ability of health NGOs to deliver good

quality health care. Non-refugee doctors (generally Thai or expatriates) supervise the refugee staff and provide training but the day-to-day activities of the health agencies currently rely on refugee staff. Training new staff members takes not only time – eighteen months for medics and between nine months and one year for maternal health workers – but experience. Newly trained recruits, even if they have the time to receive the full term of training, are poorly positioned to serve as leaders in the health sector. One camp has already had to close one of its primary health centres because of



staff departures. Another camp has reported high increases in the number of referrals its staff are making to nearby hospitals because of a lack of capacity in the camps. As the number of medical staff falls, so the risk of public health crises in the camps rises.

In the education sector, teachers are resettling in relatively higher numbers as well. Finding good teachers has always been difficult, even prior to the start of resettlement, and will continue to be so. Of greater concern, however, is the loss of supervisors, school principals, subject coordinators, teacher trainers and

A young Burmese refugee files documents of identification for her resettlement file, Mae La refugee camp, Thailand.

other long-serving education staff. Many of these individuals have been trained in key education tools such as curriculum development, classroom management and school supervision. The loss of personnel who can provide educational guidance heightens the problem of losing long-serving teachers, influencing the quality of teaching, monitoring and training.

The education sector is also affected by resettlement for two other reasons. First, as teachers receive lower remuneration than other NGO workers, losses in other sectors will compound the shortages in the education sector, as teachers will be tempted to move into empty, higher paid jobs. Second, the capacity-building approach adopted by education agencies was designed with repatriation in mind, specifically to empower refugees to conduct their own trainings, monitoring and reporting. This very approach now makes the education system more vulnerable to decline.

The camp administrator sector has also felt some of the effects of resettlement, though not to the same extent. Here the impact of resettlement on the number of staff of Community-Based Organisations (CBOs) has been manageable to date, given the way their structures allow for the relatively smooth succession of staff in these roles, although gaps in key personnel have resulted in heavier workloads for remaining committee members. Overall, comparatively small numbers of their staff have departed or applied for resettlement.

As the overall pool of skilled, educated and experienced people in the camp decreases, NGOs search out the best available staff – and will inevitably compete for qualified camp-based people serving in CBOs. People recruited to work full-time in NGOs will have less time to dedicate to working with CBOs, which generally do not pay stipends.

It is not only in Thailand that resettlement has negative implications – particularly in the short term – for the remaining refugee population. Refugees from Bhutan living in Nepal are poised to resettle en masse, and other refugee groups may also turn

to resettlement as the most feasible durable solution. Our research indicates that, in the short term, mass resettlement increases the needs of the remaining population as refugee camps require more training input to replace departing skilled workers. The following recommendations were developed specifically for the refugee population on the Thai-Burmese border, and incorporate additional recommendations from UNHCR.³ Many of these suggestions are already being taken up. In other mass resettlement situations, similar recommendations may be appropriate.

- Encourage donors to fund training and capacity-building programmes and initiatives for inexperienced and new staff in the camps.
- Implement trainings for new replacement workers as early as possible and pursue 'shadowing' with a pool of available individuals.
- As early as possible, undertake a survey of skills and employment abilities of the refugee camp population in order to identify refugees who could be included in a pool of replacement staff.
- Recruit camp workers from among new arrivals in the camps and from the local (Thai) population.
- Promote, as much as possible, an open and predictable resettlement process so that refugees know how long it will take for resettlement to occur, and agencies involved in delivering assistance in the camps know when their staff will be departing.
- Streamline service delivery by reassessing the assistance needs of the camps, combining some facilities and simplifying management structures.
- Encourage skilled refugees to relocate between camps.
- Consider seeking voluntary commitments from refugees, in cooperation with the resettlement country, that they will delay their resettlement for a certain period of time, or until replacements have been fully trained.

- Encourage the host country to expedite permission for refugees, expatriate workers and local staff of NGOs and CBOs to work in and travel between camps.
- Encourage longer-term contracts for expatriate and national staff to ensure continuity in the system.
- Advocate for greater integration of remaining refugees into national health and education systems, in addition to formal approval of livelihood programmes inside and outside the camps.

There have been some positive benefits of resettlement, such as a decrease in camp overcrowding, more remittances, increased opportunities for positions for younger refugees and streamlining of camp services. But for many of those who remain, particularly in the short term, the depletion of skilled workers in the camps has exacerbated the difficulties of camp life. Predicting how and when the gaps will occur, and planning for the future, will help to alleviate at least one of the consequences of resettlement.

Susan Banki (s.banki@griffith.edu.au) and Hazel Lang (hazellang@yahoo.com.au) are both research fellows at Griffith University in Australia (www.griffith.edu.au), where they are currently engaged in a three-year Australian Research Council project exploring protracted displacement in Asia. The linkage partner for the project is Australian NGO Austcare (www.austcare.org.au).

This article is based on research commissioned by the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT). However, the analysis, conclusions and recommendations are those of the authors only and do not necessarily reflect the views of the members of CCSDPT.

1. www.ccsdpt.org

2. Report by Susan Banki and Hazel Lang, 'Planning for the Future, The Impact of Resettlement on the Remaining Camp Population', July 2007; online at www.tbhc.org/resources/2007-07-ccsdpt-resettlement-impact-study.pdf. The findings summarised in this article incorporate comments by UNHCR from their assessment of the original report: UNHCR, 'Assessment of Recommendations Relating to the Impact of Resettlement on the Remaining Camp Population in Thailand', October 2007.

3. Ibid, and Herve Isambert, UNHCR, 'Impact of Resettlement on the Health Sector in the Thai/Myanmar Border Camps: Towards a Strategic Approach', September 2007.

Karen voices on resettlement

The Karen Women's Organisation, with Sarah Fuller and Eileen Pittaway

With little support and often under threat, members of the Karen Women's Organisation have conducted research, provided programmes and support, and challenged the wisdom of international NGOs and UNHCR.

In 2005 the Royal Thai Government eased restrictions and allowed resettlement from the camps on the Thai-Burmese border to countries in the West. The impact of resettlement in the camps has been of great concern to the Karen Women's Organisation (KWO)¹ for several years. They want the voices of the refugees, in particular refugee women, and of their community-based organisations to be heard in discussions on the provision of durable solutions. Sadly, refugee women have to scream to be heard whispering.

As a result of the ongoing conflict, persecution and human rights abuses suffered by the Karen people, caused by the SPDC and ongoing encampment in Thailand, resettlement was requested by local refugee-run Community-Based Organisations (CBOs) on behalf of some refugees in the camps. Approximately 4,500 refugees were resettled to several third countries in 2006, and up to 15,000 by the end of 2007.²

Since the resettlement programme began, the situation in the camps along the border has worsened significantly; as many key community members were speedily resettled, camp facilities and services suffered from lack of structure and capacity. Various reports compiled by NGOs detail some aspects of the consequences – but mainly present the NGOs' and UNHCR's views.



IOM, 2007/MTT+02T9/Thierry Falisse

They do not look at resettlement from a cultural identity perspective and they do not show the full impact of resettlement on people living in the camps. Despite the fact, for example, that rape and sexual violence are part of the SPDC's strategy and a big problem in the camps, there is little acknowledgement of gender issues in the reports.

Refugees' voices

The KWO and the Karen Refugee Council (KRC) are part of the refugee entity; we are from the camps and we

are refugees. The people in the camps need us to be a voice and to speak out on their behalf. The authorities (donors, UNHCR, supporters) need to talk to the people in the camp and they do that through us. However, when we look at ourselves we are weak because Thailand is not a signatory to the Refugee Convention and has no obligation to support refugees or even accept them. They do not want to jeopardise their relationship with the de facto government in Burma but they do have humanitarian obligations. As a result, we can work and live here but we are kept in hiding. They will seldom permit foreigners into the camps, especially the media. We are always cautioned to be discreet when speaking with foreigners.

We have lived in these camps for 20 years. The conditions are very poor. What has kept people going is hope – and the belief that one day we will return to our homeland, to a peaceful and democratic Burma. We have kept these dreams and have fought to educate our children and maintain a community structure which would sustain them when they return.

The introduction of the resettlement programme is a major challenge to that dream. While the Karen community fully supports the rights of its people to seek safety and security in a third country, this comes at a high cost. It challenges the struggle we have been engaged in for the past 20 years and the meaning of this to so many families. This is causing a deep loss of hope and grief for a homeland that may never be regained.

A Burmese refugee weeps as a relative leaves Mae La camp to start a new life in a third country.

"Our home is not home anymore; our beautiful land is no longer beautiful. This is why we called for resettlement for our young Karen people."
Karen Refugee Activist

Initially people wanted repatriation. This is not possible – but people need a place to belong so we were the first to call for resettlement, especially for the young people who need good education. Education in the camps stops at level ten, which is not enough. We do not worry about the old people. Our concern is the young people; they are our future and they need citizenship and a place to belong where they are treated as human beings. Some young people have been in camp for 20 years.

Resettlement has become a love/hate issue for us. On the one hand it can provide good opportunities, including education. On the other hand, however, our camps need harmony and organisation and skilled people. We don't want to object, because we called for this and it will be good for those resettling, but it has left the community without resources and support and fearful for the future. All the educated and skilled people are being taken. From what we hear, their skills will be of little use to the country they are going to but they are important here. People think that if they have been teachers in the camps they can be teachers in the new country but it does not happen like that. And for those left in the camps it is having a terrible impact on health and education.

We already struggle for our identity and our freedom, and we are losing this even more through all the people who are leaving. Community structures are falling apart because everyone is waiting for resettlement. It is causing a lot of stress and conflict within families. Some family members wish to resettle while others wish to stay. We still need to consider those refugees who remain here. It is the people who can speak out and have capacity who are leaving. Those left are illiterate, simple, hidden people. They will have no voice. Some of us need to stay because we need to help and work for the people here.

Journey to the new country

For those who opt to resettle and are selected, the process of resettlement itself is often traumatic. IOM and the NGOs in the camps do not tell the community the negative aspects of a country or the challenges.

People choose quickly because they are encouraged to put their names down. The process happens very fast and then they find themselves in the third country and many want to come home again.

CBOs report that there is insufficient time allocated and information provided for pre-departure briefing. Only three days' orientation is provided – insufficient for covering all the information needed to facilitate a dignified, positive and stress-free transition to a new life. Many refugees have lived in these camps for much of their lives. They have not been to doctors' surgeries, driven cars, lived in Western-style houses; they do not speak English and know little or nothing about the culture or laws of their destination. If they had more information, they could make better decisions.

Something else that is needed is gender sensitivity from staff and translators. Refugee women report that they have to sit in public waiting rooms and are not given the option to have a female translator or a female doctor for medical check-ups.

As conflict continues in Burma, more refugees are seeking entry to the camps. Fearing that resettlement is becoming a 'pull factor', the Thai government has closed the border with Burma, and UNHCR is not registering new arrivals. Those newly arriving have generally spent long periods in hiding in the jungle before crossing the border. Their health is not good and they are suffering from malnutrition. But they receive no food rations nor health services. There is not enough food in the camps for everybody and this is causing great hardship.

Recommendations

The Karen CBOs and Karen leaders do not wish to stop people resettling to third countries but they do want concerns openly discussed in order to maximise the possibilities for successful resettlement. We recommend that:

- third country governments, UNHCR, IOM and other agencies a) consult with Karen leaders to discuss the whole process of resettlement before implementation and b) plan how best to handle the negative consequences of resettlement
- all information be made available in the Karen language
- resettlement country governments provide information about their country's resettlement policies to the Karen CBOs
- general information about third countries and their social welfare, political and legal systems be provided, in a way that is accessible for rural refugees from extremely isolated situations
- the experiences and circumstances of families already arrived in third countries be reported back to the Karen community in Thailand – including both positive and negative aspects
- the process of resettlement be slowed down so that refugees have more time to make decisions and sufficient time to hand over their work to others and so that the community has time to train replacements
- an in-depth evaluation be conducted of the impact of resettlement on the community remaining and funding be allocated to enable CBOs to provide intensive training for new staff in the community to replace those leaving to resettle.

The Karen Women's Organisation (www.karenwomen.org) is a community-based organisation of Karen women working in development and relief in the refugee camps on the Thai border and with IDPs and women inside Burma. The KWO also encourages awareness of women's rights and promotes women's participation in community decision making and political processes.

Eileen Pittaway (e.pittaway@unsw.edu.au) works at the University of New South Wales Center for Refugee Research, Australia (www.crr.unsw.edu.au). Sarah Fuller (sarahbfuller@yahoo.com.au) was an intern and student at the Center.

1. www.karenwomen.org

2. www.tbcc.org/resources/2007-6-mth-rpt-jan-jun.pdf

Educational change in a protracted refugee context

Marc van der Stouwe and Su-Ann Oh

The provision of education in the refugee camps along the Thai-Burmese border has evolved over 20 years, adapting its purpose, expanding its reach and improving its quality and relevance.

Throughout this time, political uncertainties, protracted and constant refugee flows, and a changing policy environment have affected refugees' access to education, the quality and relevance of the education they receive and their ability to use the skills and knowledge acquired for income generation and community development.

In this article, we look at education provision in the seven predominantly Karen refugee camps. The Karen Education Department (KED), which is linked to the Karen National Union (KNU¹), plays a role in policy making and implementation in these camps. The education system is funded by a range of organisations and implemented by local NGOs (eg the Karen Women's Organisation and the Karen Youth Organisation) and international NGOs (eg ZOA Refugee Care and International Child Support).

There are approximately 115,000² residents in the seven predominantly Karen camps, about 54,000 of whom are children and young people. There are roughly equal numbers of men and women in the camps, whose populations range from about 4,000 to 45,000. The diversity in geographical location, population density, population groups and community organisational abilities pose distinctive challenges to providing and coordinating relevant and good quality education across seven widely spread camps.

The Royal Thai Government (RTG) has overall authority over the refugee camps and it enforces policy and implementation. It allows international and local NGOs to provide resources, services and capacity building to support education in the camps.



Marc van der Stouwe

Range of educational services

The general education system consists of nursery, primary, secondary and post-secondary schools. The RTG's policy on education in the camps only allows education up to the post-secondary level as security concerns prohibit anyone from leaving the camps to pursue their studies.

The school curriculum is approved by the KED and textbooks are constantly being updated and made relevant to the camp environment. Children study three languages (Karen, Burmese and English), science, maths, geography, social science and health.

Registration figures, however, show that about 18% of the children in the camps were not attending primary

or secondary school in the 2007-08 academic year. The more than 1,500 teachers are paid meagre wages. They also face noisy and overcrowded classrooms, few resources and mixed ability classes. Many of them strive to teach well but are constrained by lack of experience and know-how.³

Learning programmes are provided for adults and young people who are not attending school. These include courses in literacy (Skaw and Pwo Karen), languages (English and Thai), vocational skills (such as agriculture, sewing and cooking), crafts (soap-making and knitting) and community skills (HIV, mine risk, domestic violence), and limited general education in night schools. Participants gain valuable skills and knowledge but the opportunities for refugees to earn a livelihood with these skills are sorely lacking. The Thai government refuses to allow them to leave the camps and the

camp economy is too small to support such a large number of tailors, welders and cooks. However, in 2007, after concerted lobbying, ZOA Refugee Care – in partnership with UNHCR – received approval from the RTG to begin an unprecedented pilot project allowing 80 refugees to set up agricultural activities just outside Mae La refugee camp and to sell their products in a market outside camp. The involvement of Thai Ministry of Education (MoE) vocational colleges as well as the participation of local Thai villagers has contributed to the RTG accepting this new initiative.

From emergency to protracted refugee context

After years of trial, error and practice, educational services

Secondary school student in Mae Ra Ma Luang Camp, Mae Hong Son Province, Thailand.

are now provided in a relatively effective and efficient manner, with high levels of commitment and involvement from the camp communities. However, NGOs have worked according to a traditional basic service delivery approach, despite the fact that the refugees have been living in the camps for many years. This situation now requires longer-term development and educational strategies which emphasise enhanced quality of education and sustainability over basic service delivery.

The provision of basic services such as school construction and school supplies, however, cannot be neglected, because refugees live in camps where there is minimal interaction with local Thai communities and travel outside the camps is forbidden. Consequently, they are fully dependent on external organisations for even the most basic forms of support. To complement this basic service delivery, more resources have had to be made available for longer-term interventions in educational content areas such as teacher training, curriculum and materials development, and capacity building of education management staff.

The focus on these long-term capacity-building initiatives at the camp level serves the dual purpose of addressing both educational quality and sustainability. Progress can be made on further improving the quality of teaching and learning through new and innovative interventions that are increasingly delivered in partnership with specialised institutions and individuals, including the MoE. Sustainability in a protracted refugee context is a complicated issue, as the refugee context is not meant to be sustainable. In contrast with the KED, whose institutional future is highly uncertain, those actors currently playing a role in education management at the camp level are likely to be similarly involved in community education management in the future, whatever that future holds: repatriation to Burma, resettlement to a third country or integration into Thai society. That is why educational NGOs have shifted their approach from a restricted focus on building the capacity of

KED as an institution to a multi-level capacity-building approach with a stronger emphasis on strengthening capacities at the micro (camp) level.

Resettlement

The resettlement of an increasing number of refugees to third countries has had a major impact on camp communities and the education system in particular. Among the refugees opting for resettlement is a disproportionate number of better qualified people, including education workers. Although resettlement can offer excellent opportunities, it does make the implementation of educational activities in camps particularly complicated. It is difficult for NGOs to continue programme implementation at existing quality levels as many educational staff members are leaving the camps during training or just after having been trained. A completely new and inexperienced group of education workers has to be trained quickly in order to ensure the continuation of service delivery, with the risk that they too will leave in the short- to medium-term.

Possible initiatives to consider in order to address these concerns include:

- the establishment of 'crash courses' in teaching skills so that new teachers can start classroom teaching as quickly as possible
- complementing the existing cascade training model with a more direct NGO presence in the camps, such as field-based trainers providing intensive ongoing support and coaching to new and inexperienced teachers
- an intensification of recently established peer training mechanisms.

Apart from trying to adjust existing programmes to deal with the impact of resettlement, NGOs have also been looking to establish new activities for refugees planning to resettle in order to better equip them for life in a Western country. Examples of this are the vocational training and non-formal education projects established by ZOA Refugee Care. Discussions are taking place with the Thai MoE and other local service

providers to set up short-term courses to prepare refugees for jobs – such as in the catering and care sectors, where reports from resettled refugees indicate that employment opportunities are more likely to be – and to provide them with recognised certification. It has also set up an English learning programme in all camps to provide refugees with basic English skills for resettlement. Interest and participation in the newly established programme are very high.

Policy change and advocacy

If the RTG is unwilling to allow refugees to engage in economic activities or to access services outside the camps, the current mechanisms of service provision and the lack of sustainability of interventions will remain. There are some signs of changes in its approach, however. The RTG is gradually accepting that the refugee situation is likely to continue for the foreseeable future and the MoE, in particular, appears open to improving the educational opportunities of displaced persons as part of its commitment to achieving Education for All (EFA) goals.

NGOs along the border have responded by complementing their roles of 'basic service providers' and 'capacity builders' with a third role as 'lobbyists and advocates'. They are actively working to influence decision making within the RTG so as to improve the quality of life of refugees in the areas of education, training and livelihoods. In such lobbying and advocacy activities, a special focus on the further opening up of the camps is needed, to ensure that refugees can leave the camps to benefit from educational opportunities and/or to allow new educational opportunities to 'move into' the camps.

Currently, the KED uses its own curriculum, which is predominantly based on the Burmese curriculum but which has adopted many components from curricula from other parts of the world. This has resulted in a curriculum lacking coherence among grades and subjects, lacking relevance to the local context and often lacking quality. Additionally, the curriculum is not accredited; when students finish their education they receive a certificate that has no value outside the camps. Based on initial discussions with

the MoE, there now seems to be a willingness to identify options for certifying the camp curriculum while keeping as much of the current local content as possible. This is a highly politicised process, with sensitivities among both the RTG and the refugee communities. However, the refugees now have opportunities that were previously out of reach.

Recent discussions have also been held with the RTG to consider options for refugees to access higher education opportunities. An initial eight refugee students are to be permitted to study in Thai universities, paving the way for other refugee students in the future. Access to distance education in the refugee camps is more complicated, as more players are involved and

RTG approval for internet access is required (a politically sensitive issue). Advancement on this front is expected to take more time and to require continued lobbying by NGOs and other actors.

Conclusion

Individuals and organisations working along the border are striving to provide relevant and good quality education within considerable policy and practical constraints. Given the protracted nature of the situation, however, it is now increasingly necessary to work beyond the relief model and to make strategic decisions based on developing the camp communities and their education system. Moreover, it is imperative to work proactively, lobbying and advocating for educational rights and

provision, and linking this directly to policy changes in Thailand.

Marc van der Stouwe (mpvdstouwe@hotmail.com) led and advised on a large-scale education and training programme for Burmese refugees in Thailand, implemented by ZOA Refugee Care (www.zoa.nl) from 2003 to 2007. Su-Ann Oh (suann.oh@gmail.com) is a sociologist specialising in refugee education and has been working as a research consultant to NGOs along the Thai-Burmese border since 2005.

1. www.karen.org/knu/knu.htm.
2. TBBC Burmese border refugee sites with population figures: January 2008 www.tbcc.org/camps/populations.htm.
3. Oh, S-A, Ochalumthan, S, Pla Law La and Htoo, J. (2006) 'Education Survey 2005', Thailand: ZOA Refugee Care. www.burmalibrary.org/show.php?cat=2020.

To Sheffield with love

Patricia Hynes and Yin Mon Thu

Some 174 refugees from the Thai-Burma border have been resettled in Sheffield in the UK between May 2005 and September 2007. Better preparation and more practical assistance could have eased their integration into British society.

Since March 2004, the UK has run a resettlement programme, known as the Gateway Protection Programme, for 'quota refugees'. Refugees are selected by UNHCR field officers and arrive in the UK with permanent legal status. To date, refugees from Burma, the Democratic Republic of Congo and Liberia have arrived through this programme and have been accommodated in cities such as Sheffield, Hull and Norwich.

The majority are from the Karen ethnic group who have lived in refugee camps along the Thailand-Burma border. The rest are from other groupings including Mon, Pa'O and Rohingya as well as Burmese students in opposition to the military regime who fled to the border areas following a national uprising in 1988 and who are recognised as Persons of Concern to UNHCR.

The UK government works with three UK organisations – the International Organization for Migration,² the Refugee New Arrivals Project and the Refugee Council – to facilitate this resettlement. Once in the UK, the Refugee Council provides casework, housing and interpreting support to new arrivals for the first 12 months, in collaboration with Sheffield Community Access and Interpreting Service (SCAIS) and a housing association, Safe Haven Yorkshire. At the end of the 12 months, support is provided by local Citizens Advice Bureaux (CAB), the Northern Refugee Centre and the government's Sure Start programme.

There is no doubt that the resettlement of Burmese refugees allows for lives to be rebuilt and dignity to be regained. The camps in Thailand are rigidly controlled environments with serious gaps in services – particularly those services relating to protection, education and training, and the significant mental health needs of refugees suffered as a direct result of the prolonged nature of the conflict and lives lived in refugee camps. Refugees arriving in Sheffield have an opportunity to emerge from the camps' environment

Resettled Burmese refugees, including co-author Yin Mon Thu, adjusting to life in Sheffield, UK.



of disempowerment but the effects of life in the camps impacts on the resettlement process and this needs to be taken into account when providing support arrangements. Although some counselling services were available for the resettled refugees, the waiting times and difficulties accessing this care were problematic. Extra funding is needed for counselling to help people deal with the trauma they have experienced.

Better orientation and information about rights and entitlements upon arrival in the UK could have increased their confidence

– such as knowing that they had a right to use interpreters or could ask for help. Some months after arriving in Sheffield, one female refugee who needed repairs to the electricity supply in her new accommodation commented:

“I don't want to keep complaining to them. I am afraid to receive their anger and I am afraid they will ignore my requests because I keep complaining.”

This lack of confidence and their fear of authority of any kind are a barrier to accessing other services necessary for settlement. The need for resettlement aid agencies to factor in this fear factor became clear early on in the process and it was widely considered that the 12 months of support offered initially was inadequate.

Over time, three main challenges were evident during this early period of resettlement. These are: language issues; problems with technology; and difficulties associated with living within a different culture and new environment.

“The UNHCR field officer turns up and refugees in the camps have to make this life-changing decision with no knowledge or facts about the countries they can go to.”¹

Language issues

As with many other asylum and new migrant arrivals within the UK, language acts as a barrier to communication, even though some language training is provided before arrival. People are made aware of emergency telephone numbers, for example, but clear explanations of when to use them and what to do and say once their call is answered were missing in the training. Communication when dealing with benefits agencies was also reported as an issue, as were dealing with problem or noisy

“I told the truth to the benefits agency they cut my benefit straight away for not looking for a job.”

Needing to prove intention to find a job is particularly difficult in these cases. If the officer they encounter at the Job Centre is particularly stern, and interpreters are not available, this puts pressure on the individual and may lead to misunderstandings and the ending of benefits. If a refugee finds unskilled employment, their inability to understand safety regulations may become an issue. Those providing refugee employment and training in the UK should be aware that refugees coming from Thailand have had little opportunity of working, as restrictions on refugees working outside camps were strictly enforced. The scale and range of obstacles facing refugees being resettled in an industrialised country without training for the employment sector need to be borne in mind.

Many refugees may need to re-skill or gain accreditation

for skills already gained – which can be both demoralising and disempowering. Even when they have the required skills, the maze to accreditation or further training again acts as a barrier. As one Karen refugee woman explained:

“I worked for almost 20 years as a qualified midwife in the camp but here I feel almost like a disabled person.”

Technology

Moving from a refugee camp where water is carried from wells every day to a country where hot and cold water run out of a tap is easily accepted. However, the technology involved in banking, computing or using the internet takes time to learn. Not all banks accept Home Office papers proving residence in order to open a bank account, something essential for receiving benefit payments. Basic banking transactions such as



IOM 2007/MTH0229/Thierry Faïsse

neighbours, buying bus tickets and following directions or signs.

The provision of English language classes is central. Those arriving around the UK's September enrolment date can access classes, with childcare available for those in receipt of benefits. Refugee Council volunteers assisted with language homework and extra learning support. Children enrolled in certain schools were eligible for Ethnic Minority Assistance Support (EMAS). But these places were not always close to their homes so they needed to travel by bus, again experiencing communication problems.

The language and employment issues are inextricably linked. One Karen man reported:

“I cannot speak English. It means it is difficult to find a job. When

paying in money or using automatic machines to withdraw money proved difficult to learn. Refugees who had been used to using cash in camps did not automatically trust the banking system, sometimes preferring to keep their cash more readily accessible.

For some new arrivals, it took around six months to become fully familiar with using kitchen appliances. Learning how to open doors on buses and trains and use lifts or escalators also took time. A system of volunteers available during the initial stages of resettlement would have helped refugees meet these daily challenges.

Unchanged gender roles for new arrivals and the need to cook, wash, feed children, clean and shop meant that women had fewer chances to develop these skills or further their education. Projects to address this and women's empowerment would be beneficial. For older women, building confidence in use of technology is essential.

Most of these considerations have been well documented before and many of these points should be known. Failure to address them early on has contributed to the social worlds of Burmese refugees becoming smaller and smaller. Because of problems with transport and technology, some individuals become afraid to venture out of their houses and have to rely on other members of the group. The desire to live in close proximity to other Burmese refugees is therefore unsurprising and is comparable to the energy and effort previous groups refugees have put into secondary migration to be close to community members.

A different culture and environment

"You all right, love?" Refugees arriving in Sheffield are familiar with the word 'love' in English, relating this to personal relationships. Upon arrival in Sheffield, however, they were surprised to find locals putting this word at the end of greetings and many were uncomfortable with this. Whilst this may seem to be a minor cultural adjustment, for many new arrivals it was difficult.

After the initial shock and adaptation to the UK weather, the task of

understanding the laws, systems and unwritten rules of a society follows. People experience loss of status (especially for those who had been fully employed within the camps), shifting gender roles and different cultural norms. For a Burmese or Karen woman, shaking hands and receiving a stranger's hug, especially if the stranger is male, is completely alien. Seeing people kissing in public or women with short skirts will shock new arrivals, male or female, as commented on by one man:

"I feel really shy when they kiss in front of me at the bus stop and I don't really know where I can hide my face."

The realisation that health and education are free is good news for all but the refugees need to adjust to different customs – such as those surrounding ante- and post-natal care. Traditionally, Burmese post-natal care involves women staying in the house for 45 days and following specific health treatments such as eating plain food; the UK's focus on post-natal depression is not something Burmese women will have encountered previously. Furthermore, appointment times with doctors is a new concept and a motto has developed within the community of 'Do it or cancel it' following several missed appointments.

Depression, loneliness and a lack of social support have all been identified but a stigma around mental health remains and counselling is often declined in favour of pills. This is due in part to translators coming from within the community and refugees' fear of having their problems made public.

Information about the laws surrounding child protection or domestic violence is provided prior to arrival but it has been found that the serious consequences of these laws are not fully understood. Workshops to discuss these issues would require sensitive handling but would assist in the process or resettlement.

The challenge of developing a sense of belonging whilst maintaining an identity rooted in the customs of Burma is not easy. In contrast to provisions for these Burmese refugees, the Lao, Vietnamese and Khmer refugees who were resettled

in the US during the 1980s received six months' intensive language training and cultural orientation prior to departure, covering most of the issues highlighted within this article. Better orientation for resettlement for Burmese refugees should be prioritised if this particular durable solution is to be given its best chance of success.

Policy recommendations

- Provide better information to refugees about resettlement countries prior to arrival.
- Provide good quality, accessible information about rights, entitlements and regulations upon arrival.
- Provide extra funding for counselling services throughout the process.
- Extend the initial 12-month period of support.
- Use refugee advocates during the initial stages to help with bureaucracy and daily practical challenges.
- Set up projects to address women's empowerment and training.
- Provide accessible skills training for employment.
- Regularly evaluate the aims and successes of the Gateway Protection Programme.
- Develop culturally sensitive access to mental health professionals.
- Provide workshops in domestic law involving child protection and domestic violence on arrival.

Patricia Hynes (t.hynes@mdx.ac.uk) worked on the Thailand-Burma border between 1996 and 2000. Yin Mon Thu (soa07ymt@sheffield.ac.uk) has worked alongside the new arrivals in Sheffield since 2005.

This article is based on the observations, interviews and experiences of both authors and does not represent the views of any organisation.

1. Conversation with NGO employee, Thai-Burma border, March 2007.

2. www.iomlondon.org

Additional resources

Please refer to individual articles for links to many organisations, reports and websites. Below we list some additional links to resources on Burma and displaced Burmese.

A useful portal with links to Burmese organisations, Burmese support organisations worldwide and sources of news about Burma and displaced Burmese:
www.burmacampaign.org.uk/links.html

The Online Burma/Myanmar Library is an annotated, classified and hyperlinked index to full texts of documents on the Internet. It also houses a collection of articles, conference papers, theses, books, reports, archives and directories: <http://burmalibrary.org/>

Amnesty International, Amnesty International Report 2007
<http://thereport.amnesty.org/eng/Regions/Asia-Pacific/Myanmar>

Assistance Association for Political Prisoners, *The Darkness we see: torture in Burma's interrogation centres and prisons* www.ircct.org/Default.aspx?ID=159&M=News&PID=549&NewsID=1005

Burma Economic Watch
www.econ.mq.edu.au/burma_economic_watch

CCSDPT and UNHCR, *A Draft Comprehensive Plan Addressing the Needs of Displaced Persons on the Thailand/Myanmar (Burma) Border in 2006/7, CCSDPT, Bangkok* www.tbcc.org/resources/2007-2008-ccsdpt-unhcr-comprehensive-plan.pdf

Center for Public Health and Human Rights, Johns Hopkins Bloomberg School of Public Health, *The Gathering Storm: Infectious Diseases and Human Rights in Burma*
www.hrcberkeley.org/pdfs/BurmaReport2007.pdf

Centre on Housing Rights and Evictions (COHRE) *Displacement and Dispossession: Forced Migration and Land Rights in Burma* www.cohre.org/store/attachments/COHRE%20Burma%20Country%20Report.pdf

Global Health Access Programme (focus on health in ethnic minority areas within Burma and along Burma's borders):
www.ghap.org/reports/

Huguet, J and Punpuing, S *International Migration in Thailand, 2005*
www.iom-seasia.org/resource/pdf/SituationReport.PDF

Human Rights Watch

- ***Crackdown: Repression of the 2007 Popular Protests in Burma* vol. 19, no. 18 (C), December 2007.**
- ***Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma.* October 2007.**
- ***Out of sight, out of mind. Thai policy towards Burmese refugees and migrants***

All their publications are listed at:
http://hrw.org/doc/?t=asia_pub&c=burma

International Crisis Group

- ***Burma/Myanmar: After the Crackdown.* January 2008**
- ***Myanmar: New Threats to Humanitarian Aid.* December 2006.**

All their publications are listed at:
www.crisisgroup.org/home/index.cfm?id=2958&l=1

Internal Displacement Monitoring Centre, Myanmar (Burma): *A Worsening Crisis of Internal Displacement.* March 2007.

www.internal-displacement.org/myanmar/overview
Other reports are to be found at:
www.internal-displacement.org/countries/myanmar

Migrant Assistance Programme Foundation (activities with migrants on the Thai-Burma border):
www.mapfoundationcm.org/resoure/eng2.html

Refugees International

- **Therese M Caouette and Mary E Pack *Pushing Past Definitions: Migration from Burma to Thailand, RI and Open Society Institute.* 2002.** www.refugeesinternational.org/files/3074_file_burma.pdf
- ***Ending the Waiting Game: Strategies for Responding to Internally Displaced People in Burma, 2006.*** www.refugeesinternational.org/content/issue/detail/8705

Thailand Burma Border Consortium (TBBC)

- ***Internal Displacement in Eastern Burma: 2007 Survey*** www.tbcc.org/idps/idps.htm
- ***Burmese border refugee sites with population figures: November 2007*** www.tbcc.org/camps/2007-11-nov-map-tbbc-unhcr.pdf,

TBBC resources are to be found at:
www.tbcc.org/resources/resources.htm

UNHCR

- ***UNHCR Global Appeal 2008-2009 (Myanmar, pp247-250)***
www.unhcr.org/home/PUBL/474ac8dde.pdf
- ***Livelihoods Programme for Refugees. Executive Summary.* 2007.**
www.unhcr.org/publ/PROTECTION/4691ec6f2.pdf
- **Pia Vogler, *In the absence of the humanitarian gaze: refugee camps after dark*, New issues in Refugee Research: Research Paper No. 137, December 2006, UNHCR Policy Development and Evaluation Service**
www.unhcr.org/research/RESEARCH/457ff97b2.pdf

Palestine refugees in the contemporary context: a view from UNRWA

Karen Abu Zayd

Serious deprivations feature regularly in the lives of Palestinians and Palestine refugees. Among them, measures restricting or prohibiting the movement of people and goods stand out as particularly severe – and are in blatant contravention of human rights provisions.

There are 4.4 million refugees registered and residing in the countries and territories served by UNRWA (UN Relief and Works Agency for Palestine Refugees in the Near East), in addition to four to five million Palestinians living in the diaspora, almost all of whom identify themselves firmly as Palestine refugees.

In the West Bank, the illegal separation barrier divides and isolates Palestinian communities, stifling livelihoods and affecting or preventing hundreds of thousands of people from reaching their jobs, families, markets, schools and hospitals. The barrier and its regime of permits, security checks, towers, trenches and electronic fences constrict movement to a point where normal Palestinian life has become a thing of the past. The West Bank is splintered into multiple enclaves, with Palestinian movement between sections strictly controlled.¹ By contrast, the million and a half Palestinians of Gaza are held captive as a whole. They are free to move within Gaza but prohibited – with very few exceptions – from leaving it. Human rights instruments state that everyone has the right to leave any country, including his or her own, and to return to that country. Many Palestine refugees, particularly those in Gaza and the West Bank, are denied that right.

Since last June there has been a 70% reduction in the supplies coming into Gaza. The World Food Programme reports that by the end of 2007, only just over half (56.5%) of the territory's food needs were met. Owing to a lack

of fuel and spare parts, public health conditions have declined steeply as water and sanitation services struggle to function. The electricity supply is sporadic and for some 210,000 of the poorest people, piped water is available for no more than two hours a day. In mid-November 2007, the World Health Organization reported that Gaza had less than one month's supply of 91 essential drugs and necessary medical supplies.

are imposed also on bringing cash into Gaza, thereby crippling the banking system, impeding the inflow of badly needed remittances and forcing normal business activity to grind to a halt. Furthermore, seriously ill patients have been prevented from obtaining the care they require in Egypt, Jordan or Israel. Several thousand more Gazans are languishing in limbo in Egypt, having been denied entry into Gaza since the Rafah crossing was closed in June.

In November 2007, the Palestinian Federation of Industries reported the closure of 95% of Gaza's factories and workshops, swelling the ranks



Due to almost daily electricity cuts, Palestinian families in Gaza often have to eat their dinner by candlelight.

The humanitarian and human development work of UNRWA and other agencies and the private sector is hampered by the closure of Karni and Sofa crossings, Gaza's main access points for goods. Projects valued at over \$370 million have been suspended, of which some \$93 million are UNRWA's and another \$120 million those of other UN agencies. Restrictions

of the unemployed by 80,000. More than 30% of Palestinians now live below the poverty line. In Gaza, 80% of the population is now receiving humanitarian aid. The World Bank conservatively estimates unemployment at 44% in 2007.²

Statistics alone, however, cannot convey the misery, frustration and poverty that threaten to engulf Gaza



Victoria Hazou/RIN

A Palestinian woman carries a container of food she purchased in Egypt after crossing through a destroyed section of the border wall between the Gaza Strip and Egypt, January 2008.

and parts of the West Bank. Statistics also do not speak to the potentially irreversible damage being done to the economic foundations of the occupied Palestinian territory (oPt). Investors and entrepreneurs are moving their capital to Jordan, Egypt and elsewhere, and skills lost from long periods of unemployment are not easily regained. In addition, tens of thousands of Palestinians are applying to emigrate – a new phenomenon and a sad indicator of their living conditions.

The size of the funding pledges made at the Paris conference in December 2007 – totalling \$7.4 billion, almost \$2bn more than the amount requested – reflects the international community's recognition of the scale of the challenge and the imperative of solid economic and fiscal foundations for the oPt. They imply an acknowledgement of the indivisibility of security, socio-economic stability and the peaceful resolution of the Israeli-Palestinian conflict. However, a more explicit focus on fulfilling the rights and freedoms to which Palestinians are entitled under international law is

also needed. Without a cessation of hostilities and a significant increase in the level of respect for human rights, efforts towards economic revival will, at best, be fraught.

Issues outstanding

One outstanding question relates to the identity of the Palestine refugee. If the political challenges were resolved and a just settlement agreed, by what criteria would Palestine refugees be identified? UNRWA's refugee rolls and the over 16 million records in the Agency's archives (currently being digitised under the Palestinian Refugee Records Project) would certainly be the first port of call. These records would be an indispensable resource for tracing family histories, tracking property titles and verifying individual residence in mandate Palestine prior to 1948.

An issue of possible contention is whether the international community could deny or exclude from the benefit of a just solution those who maintain their claim to be Palestine refugees and yet are outside UNRWA's refugee records. The list of such claimants could be long. It would include refugees who are registered by states and governments but not by UNRWA; those who are registered neither by UNRWA nor any state, such as the so-called 'non-ID Palestinians' (as those in Lebanon); and those Palestinians who fall within the terms of the Statelessness Convention. It would include those who for a variety of legitimate reasons cannot provide documentation to meet the UNRWA definition (proving that their normal place of residence was Palestine during the period of June 1946 to 15 May 1948, and that they lost both home and livelihood as a result of the 1948 conflict).

A second outstanding issue is that of refugee representation. A prominent failing of peace processes to date has been the practice of shying away from issues deemed too thorny. The preference has been to concentrate small steps in areas where progress has been thought possible and to postpone all others to the indefinite future. One outcome of this approach has been to shunt the refugee issue into the shadows where it has more or less languished for six decades. This inclination to disown the refugee issue has as its corollary the

silencing of the refugee voice and a disregard for refugee choice.

Under the universal refugee protection framework, informed individual choice is the foundation on which durable solutions are identified and applied, and this principle should equally benefit Palestine refugees. Indeed, given the complexities of return and settlement issues in the Palestinian context, informed choice must be the essence of any effort to sift through and clarify the range of varying Palestinian expectations and rights. And yet the reality of representational needs has not been reflected in practice, as witness the trend of peace proposals negotiated mainly by non-refugees. There is talk of resolving the refugee issue but there is no system or mechanism in place to solicit, record and respond to the views of Palestine refugees.³

The way forward is towards Palestinian self-determination, and just and lasting solutions to the plight of refugees through an informed choice. But first, and more immediately, what are needed are open borders, freedom of movement, access for goods and people, and, above all, a unified government equipped, willing and able to represent, protect and defend Palestinian and Palestine refugee interests.

Karen Abu Zayd is Commissioner-General of UNRWA (www.un.org/unrwa). For more information please contact c.xenaki@unrwa.org.

This article is extracted from a paper given at the International Association for the Study of Forced Migration conference, January 2008, Cairo. Full paper online at: www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-7AWFEG?OpenDocument

See also Greta Gunnarsdóttir's article 'UNRWA: assisting Palestine refugees in a challenging environment': www.fmreview.org/FMRpdfs/FMR26/FMR2604.pdf

1. See article by David Shearer 'Territorial fragmentation of the West Bank' in FMR 26 at www.fmreview.org/FMRpdfs/FMR26/FMR2610.pdf

2. 'Prolonged Crisis in the Occupied Palestinian Territory: Recent Socio-Economic Developments', UNRWA, November 2007 www.un.org/unrwa/publications/pubs07/RecentSoEcDev.pdf

3. The power of informed Palestinian voices was demonstrated in 2004 and 2005 by the Civitas Project www.nuffield.ox.ac.uk/projects/Civitas/index.aspx

Improving Kenya's response to internal displacement

Alex Otieno

Over 300,000 Kenyans were displaced by post-election conflict between December 2007 and January 2008. Kenya needs a coherent policy and capacity building for addressing internal displacement.

Kenya's December 2007 presidential and parliamentary elections were highly contentious and within a few days of the announcement of Kibaki's re-election as president, communal violence spread across the country. Within a few weeks it had led to over 1,200 deaths and over 300,000 internally displaced people (IDPs).¹

The capacity of the government, faith-based and relief organisations to meet the needs of IDPs was surpassed as the number rose during the weeks that followed the outbreak of violence and reprisals. Crowding and inadequate water and sanitation supply in camps made IDPs susceptible to a range of diseases. Insecurity and violation of IDPs' human rights by both state and non-state actors were evident when two camps in the Rift Valley Province were attacked in January 2008.

While the UN Emergency Relief Coordinator, John Holmes, described the situation as a humanitarian crisis, Kenya's Minister for Special Programmes ordered the disbanding of IDP camps with offers of food aid to IDPs but no guarantee of their security. Walter Kälin, the UN Secretary-General's Representative on the Human Rights of IDPs, raised concerns regarding the responsibility of both the international community and national authorities to ensure that IDPs are free to choose where to reside: "You can only freely choose if you have different options available."

The importance of rapid and timely action by the government to reduce vulnerability of IDPs to rape and other forms of sexual and gender-based violence cannot be overstated. A June 2007 report by the Internal Displacement Monitoring Centre² of the Norwegian Refugee Council to the Committee on the Elimination of Discrimination against Women had noted that the rights of Kenya's women and girl IDPs were being violated, although they are protected under CEDAW – which Kenya ratified in 1984. And a UN-NGO report released in March 2008 highlighted the

dramatic increase in rape and sexual abuse during and since the post-election violence.³

State obligations

In December 2006 Kenya signed the Security, Stability and Development Pact for the Great Lakes Region. The Protocol on the Protection and Assistance to Internally Displaced Persons arising from Article 13 of the Pact mandated the incorporation of the Guiding Principles into domestic law. It addresses the protection of the physical safety and material needs of IDPs and obligations to prevent and address causes of displacement. However, Kenya lacks legal and institutional frameworks defining and recognising IDPs since it has not made the Guiding Principles on Internal Displacement national law. Broadly, Kenya urgently needs to:

- tackle the corruption that marred previous attempts to compensate IDPs by developing a transparent policy environment and building institutional capacity
- develop a policy for the restitution of lost property, especially land and housing
- ensure access for and safety of aid workers in times of crisis; groups such as the Kenya Red Cross were unable to access IDPs during the violence because of barricades erected on some main roads.
- target external support for capacity building and policy development to allow the rapid deployment of state service delivery functions
- prioritise the training and retention of professionals in fields such as security and policing as well as health and human rights in order to deal effectively with gender-based violence
- train civil servants working in relevant ministerial departments in the relevant international guidelines and standards

- integrate refugee and IDP studies into university curricula in relevant disciplines in order to foster broader sensitivity to international standards and to professionalise humanitarian response
- develop systems for accurate reporting and needs assessment, including use of geographic information systems
- facilitate collaboration – among actors such as the Kenya Red Cross Society (KRCs), the government and faith-based groups – and coordinate service provision.

Alex Otieno (Otieno@arcadia.edu) teaches in the Department of Sociology, Anthropology and Criminal Justice and the MA Program in International Peace and Conflict Resolution at Arcadia University, US.

1. See IRIN country report www.irinnews.org/country.aspx?CountryCode=KE&RegionCode=EAF

2. www.internal-displacement.org

3. See following article and www.ohchr.org/Documents/Press/OHCHRKenya-report.pdf

Environmental lessons

Peter Njehia, Chief Procurement Officer of the Kenyan National Environment Management Authority, has commented on the environmental impact that displacement can cause. In order to meet basic needs in unfamiliar circumstances, Kenyans displaced by recent violence have had a negative impact on the environment through, for example:

- degradation of forests (mainly to get firewood for their domestic use) in the areas that they have run to for safety
- improper disposal of human waste, which in some IDPs camps led to outbreaks of communicable illnesses
- keeping their domestic animals in open areas in urban settlements.

An important lesson, especially for developing democracies, is that internal conflict can lead to disturbance of already fragile environments.

GBV in post-election Kenya

Jane Some

An assessment by three agencies has found that the risk of rape and sexual abuse remains high for thousands of young girls and women displaced by Kenya's post-election crisis.

Detailing the findings of the rapid assessment of gender-based violence (GBV) suffered in camps,¹ the UN Population Fund (UNFPA), the UN Children's Fund (UNICEF) and the Christian Children's Fund (CCF) said the women had repeatedly expressed fears of sexual violence because of makeshift sleeping arrangements, where men and women were forced to sleep under one tent or out in the open. They also voiced concerns about lack of regulations

community- and camp-based programmes to prevent and respond to cases of sexual violence.

The agencies said the exact number of cases of sexual assault in IDP camps was difficult to ascertain, not only because the camps lacked standardised reporting mechanisms, but also because of challenges associated with acknowledging victimisation. These include the availability of services, the level of awareness about the value of medical assistance, the degree of trust in police and other security-related issues, as well as the cultural acceptability of disclosing rape.

The preliminary findings of this assessment confirm initial reports from Nairobi-based hospitals that sexual violence has increased during the post-election crisis that began on 30 December 2007. Evidence suggests that perpetrators are exploiting the conflict by committing sexual violence with impunity, and efforts to protect or respond to the needs of

women and girls are remarkably insufficient. The report notes that sexual violence not only occurred as a by-product of the collapse in social order during the post-election period but was also being used as a tool to terrorise individuals and families and precipitate their expulsion from the communities in which they live.

The agencies made several recommendations aimed at protecting young girls and women from GBV. Camp-based and community-based measures would help deliver minimum interventions to prevent and respond to sexual violence during emergency response. They

would also shift humanitarian interventions to national government and non-government structures to facilitate the move from humanitarian to development actions as IDPs return home in some areas and to transitional settlements in others. The report's recommendations include:

- providing support to the relevant government ministries and institutions to integrate prevention of GBV and gender equality concerns into their emergency plans of action and improve their capacity to address the problem of sexual violence
- introducing coordination mechanisms for prevention and response programming at the provincial and district levels
- training camp-based staff in GBV prevention and response standards
- ensuring sufficient police presence in the camps, including female police, and allocation of technical and financial resources to security personnel to address violence against women and girls
- improving multi-sectoral prevention and response to GBV at the community level, through sustained support to sectors such as health, legal/justice, security and psychosocial, with a special focus on gaps such as availability of forensic examiners, legal aid services and judicial response
- conducting widespread community education aimed at prevention and ensuring survivors know how and where to access services.

Jane Some (Jane@irinnews.org) works for IRIN, the humanitarian news and analysis service of the UN Office for the Coordination of Humanitarian Affairs. IRIN's IDP/refugee coverage page is at www.irinnews.org/Theme.aspx?Theme=REF

1. The full report is online at www.ohchr.org/Documents/Press/OHCHRKenya-report.pdf



IRIN/Julius Mwelu

People displaced by post-election violence, Nairobi, Kenya.

in the camps, allowing men from the outside to enter unchecked by camp officials. In Nairobi in particular, women reported fears about sexual victimisation linked to camp design and services, including lighting, water/sanitation facilities, and availability of firewood.

The assessment was conducted in North Rift Valley, South Rift Valley, the Coastal Region, Nairobi and Central Province. It examined the nature and scope of sexual violence during flight, as well as within the IDP camps and alternative settlements. The assessment also evaluated the capacity of both

Brazil: ten years of refugee protection

Maria Beatriz Nogueira and Carla Cristina Marques

The international solidarity and responsibility sharing evident in refugee protection in Brazil contrast sharply with the restrictive trends seen in many other countries.

In 2008, the Brazilian National Committee for Refugees (CONARE) celebrates its 10th anniversary. Created by the 1997 Refugee Act, CONARE is an inter-ministerial and inter-institutional body which works to determine refugee eligibility, promote refugee-related public policies, design and evaluate resettlement activities and regulate the legal framework for asylum in Brazil. The Committee comprises representatives of the ministries of Justice, Foreign Relations, Labour, Health and Education, plus the Federal Police Department and Caritas Arquidiocesana, an NGO long engaged in refugee protection and assistance in the country. UNHCR has observer status.

As the first forum in Latin America where government, civil society and the UN work together to design refugee policies and procedures, CONARE has a lot to celebrate. The 1997 Refugee Act was the first legislation in South America to consider “severe and generalised violations of human rights” as legitimate grounds for refugee status and became a model for other countries in the region.¹ UNHCR considers the asylum procedure in Brazil one of the fairest and most democratic in the world.

The Act has been further clarified and expanded by CONARE. In particular, one subsequent resolution expands refugee status to family members.² Not only are a refugee’s legal companion and under-aged children eligible for refugee status but also parents and under-aged orphan siblings, grandchildren, great-grandchildren, nephews and nieces. In this, CONARE went beyond what is required by the 1951 Convention and has promoted a broader notion of the refugee’s right to family life.

Eligibility decisions made by CONARE have recognised gender-based persecution, given special consideration to children and other vulnerable groups, and acknowledged the complementarity between asylum and internal displacement.³ The Committee also chose not to abide by new legal doctrines such as ‘internal flight alternative’ and ‘safe third country’, so as to preserve a case-by-case approach to dealing with each situation.

Asylum and integration

According to the Refugee Act, asylum seekers in Brazil enjoy rights to work and temporary residence and are entitled to use the public health and education systems until a decision on their cases is reached. They are also permitted to move around freely within Brazil. Assistance during the asylum procedure is provided by a network – the largest refugee support network by far in Latin America – of some 96 civil society organisations, in close partnership with the government and UNHCR. Shelter, language classes and some free legal aid are offered to claimants in several states. CONARE has prioritised training of those involved in the asylum process. In 2007, the Committee’s technical staff, with UNHCR, travelled around the country doing capacity building on the national eligibility system with NGOs and federal police officers. This has led to significant improvements in the quality of the refugee determination procedure.

A reflection of the fairness and professionalism of the asylum system has been the increased number of people seeking protection in the country. In 1998, when CONARE was newly formed, Brazil had 1,991 recognised refugees within its borders. That number increased to

2,884 in 2002. Now, Brazil hosts 3,857 refugees of 70 different nationalities.

Social and economic integration has been the biggest challenge to date. Although refugees are entitled to all basic public services, some of their specific needs and vulnerabilities are not being met. UNHCR tries to address these needs and for years has been the main funder of shelter and local integration programmes, with its contribution complemented by government funds of US\$ 470,000 for 2005-07. These resources are transferred directly to Caritas Arquidiocesana which implements social integration activities for refugees, such as Portuguese lessons, psychological assistance and employment training. Food, health care and financial support may also be provided for up to six months.

The private sector is beginning to be involved in local integration initiatives. Professional capacity building has been offered by the National Associations of Enterprise (SENAI) and Commerce (SENAC), while the Chamber of Commercial Entrepreneurs (SESC) incorporates refugees in its health and education programmes, as well as offering technical training.

Finally, integration is also boosted by the inclusive nature of Brazilian legislation. In contrast with many other countries which operate temporary protection schemes, forced removals and restrictions on permanent residency, refugees in Brazil are allowed to apply for a permanent visa and for citizenship after six years of residence in the country.

Resettlement

Brazil has been strengthening its position as an emerging country of resettlement. Since the signing of the Resettlement Agreement between the government and UNHCR in 1999, the country has resettled 373 people of seven different nationalities.

CONARE prioritises the protection of two distinct vulnerable groups: refugees without legal and physical protection, and women at risk. The special attention to vulnerable women, particularly women heads of household and/or victims of violence, has rendered extremely positive results in terms of local integration. It is estimated that 20% of resettled refugees in the country are women heads of household.

In 2004, in the framework of the Mexico Plan of Action for Strengthening the International Protection of Refugees in Latin America,⁴ Brazil proposed a pioneering regional initiative called the Solidarity Resettlement Programme. Grounded in principles of international solidarity and responsibility sharing, the Programme invites countries to offer resettlement to refugees presently hosted by those countries which are disproportionately affected by massive flows in the region – such as Ecuador and Costa Rica which receive large contingents of people fleeing from Colombia.

This Programme has not only succeeded in boosting resettlement in countries such as Chile and Argentina but has also significantly strengthened the Brazilian initiative. In a decentralisation effort, 22 cities across the country have become part of the Solidarity Resettlement Programme, plus 80 new partners from the private and public sectors. New resettlement missions to Ecuador

have been scheduled and CONARE regularly approves refugees from Colombia for admission.

Another ground-breaking innovation of the Brazilian programme has been the emergency resettlement procedure, set up in 2005, whereby refugees at immediate risk can have their resettlement applications examined within approximately 72 hours. If resettlement is agreed, their arrival in Brazil takes place within a maximum of seven days. Since the end of 2007, 60 cases have been successfully presented under this procedure.

With solid resettlement experience in Latin America, CONARE has since decided to expand its programme beyond the region's borders. In 2007, a group of 108 Palestinian refugees arrived in Brazil from the Ruweished camp in the Jordanian desert, fleeing persecution in Iraq and having been denied protection by several traditional countries of resettlement.

Future challenges

Despite ten years of positive developments, many challenges remain, the biggest being refugee self-sufficiency and sustainability. Deficiencies in education and professional training make it difficult for some refugees to find proper jobs or earning opportunities in the country – something of course shared with some Brazilian nationals.

Decentralisation of refugee care is also a big challenge for a continent-

sized country like Brazil. New investments, partnerships with local governments and public information campaigns are being implemented in order to improve the quality of refugee reception and assistance in all parts of the country, as well as to optimise asylum proceedings and local integration.

In sum, the Committee's main challenge is to reduce refugee exclusion from full integration by facilitating their access to social benefits as well as by encouraging further involvement of the private sector. We believe the tripartite structure – government, civil society, UN – established for the implementation of refugee policy in Brazil is CONARE's biggest asset and a possible model for other national committees around the world.

Maria Beatriz Nogueira (mb_nogueira@yahoo.com) is Associate Researcher of the Institute of International Relations, University of Brasilia, and Technical Advisor to CONARE. Carla Cristina Marques (carla.marques@mj.gov.br) is a Resettlement Officer at CONARE.

1. See José H Fischel de Andrade and Adriana Marcolini, 'Brazil's Refugee Act: model refugee law for Latin America?', FMR 12: www.fmreview.org/FMRpdfs/FMR12/fmr12.13.pdf

2. The extension of the condition of refugee to family members is enshrined in article 2 of the Law 9.474/97.

3. CONARE (2007) O reconhecimento dos refugiados pelo Brasil: comentários sobre as decisões do CONARE, Brasília, CONARE/ACNUR.

4. Full text at www.acnur.org/biblioteca/pdf/3453.pdf See also William Spindler, 'The Mexico Plan of Action: protecting refugees through international solidarity', FMR 24: www.fmreview.org/FMRpdfs/FMR24/FMR2438.pdf

Counter trafficking in Japan

Naoko Hashimoto

It has been three years since Japan launched its first National Action Plan of Measures to Combat Trafficking in Persons.

The International Organization for Migration (IOM)'s involvement in the problem of human trafficking in Japan dates back to 1996 when it published a report exposing the unacceptable situation of Filipino women trafficked to Japan. That report and earlier warnings by NGOs received little public attention. In 2003, however, the UN Committee on the Elimination of Discrimination

against Women¹ recommended that the Japanese government increase its efforts to combat human trafficking and in 2004 the US Department of State's annual Trafficking-in-Persons Report² dishonourably listed Japan in the Tier 2 Watchlist, triggering a greater readiness on the government's part to acknowledge the problem of human trafficking in Japan.

An Inter-Ministerial Task Force, established in April 2004, adopted the National Action Plan in December of that year and the Plan came into force in April 2005.³ Meanwhile, the Japanese parliament approved the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) Supplementing the UN Convention Against Transnational Organized Crime.⁴ A number of laws and regulations were amended over the

following months to prevent human trafficking, to protect trafficked victims⁵ and to criminalise the act of human trafficking – unusually rapid action for the Japanese government, particularly given the high sensitivity attached to human rights issues of migrants in Japan.

Representing the human rights and the best interests of each victim, IOM has set up a broad range of protection and assistance activities for victims in Japan in coordination with other concerned parties⁶ while in the countries of origin IOM's work emphasises the need to empower survivors in order to facilitate recovery and rehabilitation as well as to prevent them being re-trafficked and to provide alternative livelihood including the option of regular migration.

Victim identification: a challenge

IOM has helped 128 victims identified in Japan to voluntarily return to and reintegrate in their country of origin over the last three years. No-one knows the actual number of trafficked people in the world⁷ but the number is low considering that more than nine million non-Japanese persons entered Japan during 2007 alone.

Conditions in Japan are conducive to attracting traffickers: such as limited legal opportunities for migration, increasing demand for cheap labour in some service sectors and Japan's significant economic advantage over most of its neighbours. One can assume that this small number of identified victims does not reflect the true reality but rather reflects the difficulties associated with outreach to potential victims and victim identification given the ever more sophisticated control techniques employed by traffickers.

All the victims identified are women and girls. This confirms the strong gender-stereotype attached to trafficking in Japan, even though not all these were subject to sexual exploitation; some were exploited for their labour. Contrary to the general expectation that many victims would be rescued from the red-light districts in Tokyo, most victims were working in bars and pubs in smaller cities and towns and many victims were found in rural areas.

The majority of victims come from either the Philippines or Indonesia, with a handful of victims from Thailand and a few from Colombia, China and the Republic of Korea. This is contrary to the general expectation that the majority of victims would be Colombian, Filipino and Thai, and indicates how quickly traffickers adapt to the development of counter-trafficking measures and shift their trafficking routes and target countries.

The types of visa used to enter Japan were mostly 'entertainer's visa' or 'temporary visitor's visa'. After the government revised its visa procedures, the number of victims entering Japan as 'entertainers' fell by 75%. More recently, there has been an increase in the number of victims using a 'spouse' visa – which makes it more difficult for the authorities to detect possible or de facto trafficking cases since they would need to intrude into people's private lives. Surprisingly, the majority entered Japan with authentic passports and other immigration documents, suggesting that tightening up of immigration controls alone cannot eliminate the phenomenon of human trafficking.

Victim identification involves far more than an interview through an interpreter. It involves gaining the trust of someone who has been tortured, traumatised and brain-washed by traffickers not to trust any authorities. It involves giving them time to recover to a point when they are willing to reveal their secrets to a stranger. It involves listening – and helping them to retrieve some control over their life in an alien environment. The IOM *Handbook on Direct Assistance for Victims of Trafficking*⁸ has been translated into Japanese for this purpose.



Strengthening counter-trafficking measures

IOM suggests the following measures to further strengthen the actions that Japan is taking against human trafficking:

- Train more staff working for National Police Agency and Immigration Bureaux in victim identification.
- Provide and train bilingual case-workers and counsellors, and ensure closer, flexible cooperation between public shelters and private shelters run by NGOs, as the latter often have trained and qualified bilingual case-workers.
- Diversify activities for survivors in shelters: victims, even those contributing to prosecutions, are forbidden by their temporary residence status from securing paid work. They should be entitled to work for decent wages, attend educational activities and receive vocational training. This would

Educational DVD developed by IOM Bangkok, translated into Japanese.

encourage survivors of trafficking to cooperate with law enforcement agencies, in turn increasing the prosecution of perpetrators and preventing future trafficking cases.

- Ensure that prosecutions are based on a human rights perspective and a victim-centred approach: victims contributing to prosecutions put their own safety and security – and that of their families and friends – at risk but very few are accompanied by case-workers or lawyers representing their rights, and they are therefore hampered from making informed and independent decisions.
- Introduce measures for cases where the victim is unable or

unwilling to return: if counter-trafficking measures are not to be seen as another form of anti-migration or refugee containment, clearer and more flexible strategies are needed to enable local integration or third-country resettlement of victims who have a ‘well-founded fear’ of retaliation by perpetrators, persecution by their society of origin, or any other form of serious human rights violation in the event of return.⁹

Naoko Hashimoto (NHASHIMOTO@iom.int), a former student at the Refugee Studies Centre, is Programme Coordinator of IOM in Tokyo (www.iomjapan.org).

This article reflects the personal

opinions of the author and does not represent the official views of IOM.

1. www.un.org/womenwatch/daw/cedaw/committee.htm
2. www.state.gov/g/tip/rls/tiprpt/
3. For details of the National Action Plan, see www.mofa.go.jp/policy/i_crime/people/index_a.html
4. Text of protocol online at www.unjin.org See also FMR 25 on ‘People trafficking: upholding rights and understanding vulnerabilities’ at www.fmreview.org/FMRpdfs/FMR25/FMR25full.pdf
5. Victims: while most individuals trafficked are in fact ‘survivors’ of an extreme situation, the term ‘victims’ is used in this article, in accordance with the relevant international legal instruments.
6. More details of IOM’s counter-trafficking activities in Japan are available at www.iomjapan.org/act/trafficking.cfm
7. See Richard Danziger ‘Where are the victims of trafficking?’, FMR 25, online at www.fmreview.org/FMRpdfs/FMR25/FMR2504.pdf
8. Available at http://iomjapan.org/archives/IOM_HandbookonVictimAssistance.pdf
9. For more details of the asylum-trafficking nexus, see UNHCR Guidelines on International Protection: www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=443679fa4

Medical examinations within EU asylum procedures

Erick Vloeberghs and Evert Bloemen

The Care Full initiative – a joint project of Pharos, Amnesty International (Dutch section) and the Dutch Council for Refugees – seeks to create more awareness of the importance of medical considerations in the asylum procedure.

Many asylum seekers suffer from health problems arising from their flight and the violence that preceded it: most often problems of physical movement and mental and psychiatric problems such as depression, fear and post-traumatic stress disorder (PTSD). Research on Iraqi asylum seekers showed a high incidence of psychiatric illness (42%) among asylum seekers that recently arrived in the Netherlands. Of this group, one quarter suffer from depression and approximately another third from PTSD. It is clear that these psychiatric problems were present during the asylum hearings and that they interfere with the outcomes of those hearings, resulting too often in a rejection of the application for asylum.

In the Netherlands, as elsewhere in Europe, medical and psychological knowledge and tools are little

used in the appraisal of an asylum application. Physical scars, medical and psychological complaints as well as accompanying behavioural and socio-cultural problems are often not examined. The asylum authorities appear not to consider the possible relation of these health problems with experiences of violence and torture.

Medical and psychological research in the field of traumatisation indicates interference with memory and incapacity to recall events. As a consequence some asylum seekers are unable to give a complete and coherent account of their flight. The story the asylum seeker tells to the authorities during the hearing is pivotal, frequently meaning the difference between a residence permit and expulsion. In other cases asylum seekers will remain silent about what happened in order to protect themselves against painful memories,

or they may find it indecent to talk about the events because it is culturally inappropriate to do so.

Impediments to giving a proper account

A Togolese woman applies for asylum in The Netherlands. During her interview she cries and tells the interviewing officer that she does not feel in good health, that she has difficulty sleeping and is fearful of men and of loud noises. She says she is confused about what exactly happened to her. Although the asylum authorities push her to describe her experiences, she says she cannot talk about them.

The Immigration and Naturalization Service (IND) rejects the application. Because the woman did not submit any documents to support her claim, the IND does not deem her asylum story credible. She is placed in detention awaiting deportation. In the detention centre she is visited by a doctor who diagnoses depression and severe anxiety. It is difficult to diagnose her properly because of her emotional instability, her lack of concentration and her inability

Istanbul Protocol

The Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) published by the UN has been developed by medical and legal professionals and human rights organisations. It provides guidelines for examinations and for documenting torture and ill-treatment.

It is considered international accepted good practice to make explicit provision – alongside the legal investigation – for a (forensic) medical and psychological examination. Protocol online at www.pharos.nl/uploads/_site_1/Pdf/Documenten/istanbul%20protocol.pdf

or unwillingness to respond to questions. The doctor treats her with psychiatric drugs. Deportation, however, cannot be arranged so she is released from detention and lives illegally in the Netherlands. Two years later she is hospitalised in a psychiatric clinic for aggressive behaviour and hallucinations. The clinician diagnoses chronic PTSD with psychosis. During the treatment in the clinic she is able to tell her story of ill-treatment and rape by the military forces in her home country.

The psychiatrist contacts the lawyer and sends him the appropriate medical information. The lawyer starts a new asylum application explaining the link between the traumatic events she was not able to recount during the first asylum interview and her psychiatric condition. Because of treatment received, she is able to recount her whole story during the interview for her second asylum claim. Within a few months the IND grants her asylum.

This case reflects the culture of disbelief among asylum authorities in Europe, within which the asylum seeker has to prove that they were tortured, raped, or beaten. It is not always possible, for example, for women who have been raped to talk about this at the first interview. In fact, can a woman be expected to talk about these things at all, when she sometimes dare not even tell her own husband, in case he rejects her?

Memories of traumatic events such as torture can be incomplete. There is evidence that asylum seekers experience a phenomenon known as ‘boundary restriction’ – a narrowing of focus that causes a failure to remember information that is on the visual or acoustic periphery of the traumatic experience. Asylum authorities, however, often question

asylum seekers about peripheral details of traumatic events such as the number of persons or windows in the room where the torture took place, the colour of the uniforms or the wall, the date or duration of events, and then draw conclusions about credibility on the basis of these details.

Care Full initiative

The Care Full initiative was launched in 2006. It aims to improve refugee status determination (RSD) procedures for victims of torture and ill-treatment by encouraging authorities to take better account of the psychological, socio-cultural and physical factors that inhibit asylum seekers from presenting a coherent and complete history of their experiences. The initiative stresses the need for a full examination, conducted in accordance with guidelines set out in the 1999 Istanbul Protocol on the investigation and documentation of torture. It argues that any medical or psychological conditions must be given proper weight within the process of refugee status determination.

In 2006 the Care Full Initiative published *Care Full: Medico-legal reports and the Istanbul protocol in asylum procedures*¹ which included chapters on the physical after-effects of torture and ill-treatment; psychological and psychiatric factors affecting the ability of asylum seekers to speak about their experiences during the asylum procedure; an assessment of the use in ten European countries of medical reports in the asylum procedures; the use of medical reports at the European Court on Human Rights and by the Committee Against Torture (CAT); and the use and impact of the Istanbul Protocol in asylum procedures.

In early 2007 the Initiative published a set of Principles and Recommendations² – distributed

to NGOs in Europe and endorsed by 35 organisations – to bring to the attention of politicians and policy makers, both nationally and internationally, the need for medical and psychological examination in the asylum procedure.

A common European asylum system

Given current attempts to harmonise asylum procedures across Europe, Care Full’s goal has been to search for and promote ways for the Istanbul Protocol to become an integral part of asylum procedures in Europe. European Community law recognises the particular needs of survivors of torture and addressing their particular needs is a major element of the European Commission’s plans for the next stage of the creation of a common European asylum system. Member States, however, are far from meeting the standards they have set.

In the EU Qualification Directive (which Member States should all have incorporated into national law by 10 October 2006) there are implicit and explicit references to the use of medical examination and medico-legal reports. UNHCR, in its reaction to the EU Green Paper on the future of the Common European Asylum System, declares itself to be “concerned that vulnerable asylum seekers and refugees are not always properly identified... The use and weight of medico-legal reports in asylum procedures vary widely.” After referring to the Istanbul Protocol, UNHCR also states that “initiatives aimed at identifying and developing good practices to address these challenges would be highly desirable.”³

In short, UNHCR and many NGOs in Europe believe that including proper medical examinations and requiring a medico-legal report in refugee status determination would improve the process. It would most certainly reduce the number of appeals as well as the number of revised asylum determinations based on medical facts that are presented at a later date. Furthermore, asylum seekers would feel that their experiences and situations were being recognised – which might in turn help them regain a sense of justice, acceptance, well-being and health.

Signing up to the Care Full initiative

Organisations outside Europe are also welcome to sign up to the Care Full *Principles and Recommendations*. Supporting organisations are listed in this document – which is regularly updated and can be used throughout Europe to lobby on the national level. Please contact Erick Vloeberghs at e.vloeberghs@pharos.nl.

The Care Full Initiative is currently focusing on:

- raising awareness among EU politicians, governments and medical professionals in order to work towards incorporation of medical examination and the writing of medico-legal reports within the asylum procedure
- developing at the national level (in the Netherlands) a procedure based on the Istanbul Protocol guidelines to incorporate a medical and psychological examination into asylum procedures
- supporting and developing initiatives to train staff of asylum authorities in the medical and

psychological aspects of RSD and in early identification of vulnerable asylum seekers.

Erick Vloeberghs (e.vloeberghs@pharos.nl) is Head of International Affairs and Evert Bloemen (e.bloemen@pharos.nl) is a medical doctor and trainer/advisor at PHAROS (www.pharos.nl).

1. René Bruin, Marcelle Reneman & Evert Bloemen (2006) *Care Full: Medico-legal reports and the Istanbul protocol in asylum procedures*, Utrecht/Amsterdam: Pharos/Amnesty International/ Dutch Council for Refugees.

2. *Principles and Recommendations* (2007) www.pharos.nl/uploads/_site_1/Pdf/Documenten/Care%20Full%20Principles%20%20Recommendations.pdf

3. The UNHCR reaction to the Green Paper can be found at: http://ec.europa.eu/justice_home/news/consulting_public/gp_asylum_system/news_contributions_asylum_system_en.htm

Tertiary refugee education in Afghanistan: vital for reconstruction

Claas Morlang and Carolina Stolte

Since 1992, UNHCR has been implementing the Albert Einstein German Academic Refugee Initiative (DAFI), a German government-funded programme to provide tertiary education for refugees in countries of asylum. Afghans have comprised the largest group of DAFI students.

The capacities of tertiary institutions within Afghanistan are very limited and, with some three million Afghans still in Pakistan and Iran, the need for higher educational opportunities – via DAFI or other avenues – for Afghans in neighbouring countries remains high.

Afghanistan has been a focus of the DAFI programme from the outset, with enrolment of students from Afghanistan reaching a peak of 447 in 2003.¹ External factors, however, inevitably influence the programme. As a result of the mass return of Afghans since 2002 the overall number of students enrolled in Iranian and Pakistani universities has fallen considerably. Iran stopped admitting new Afghan tertiary students in 2004 as a result of an active repatriation policy. This policy was lifted in 2007 and Iran is currently the country receiving the highest number of Afghan refugee students. In 2005, due to an overall gender

imbalance in the DAFI programme and as UNHCR tried to specifically target girls' education, only female students were permitted to enrol in the DAFI programme in Pakistan.

The available level of funding set the overall targets for the programme in this and other regions. Host countries need to have policies that are compatible with the needs of refugees. If refugees are not allowed to enrol in university, need special permission or are charged a prohibitive 'international' student rate, implementing a scholarship programme becomes considerably more difficult. Globally, the average cost of each DAFI student is approximately \$2,000 per annum.

To ensure the long-term success of the Afghan intervention, numerous challenges have been addressed. DAFI has focused on motivating female participation in the programme, seeking gender parity.

In recent years female enrolment among Afghan refugee students has increased. Women now comprise 54% of Afghan DAFI students, considerably above the global average of 39% in 2006. These women are role models for Afghan women and girls; their example may help to promote education and motivate families and girls themselves to further their own education.

Lack of coordination among donors supporting tertiary education for Afghans has been a problem. A large number of education advisors and funding agencies adopting different approaches have created competing structures to support refugee programmes outside the country. This has led to fragmentation and confusion within the Afghan education system, complicating education and return for young refugees.

UNHCR and partners realised the need to counsel each refugee on their future studies and plans and have organised workshops in countries of asylum on a range of subjects, from job market information and HIV/AIDS awareness to general questions regarding return to Afghanistan.

Evidence of success

As part of a global assessment of DAFI's impact, in 2007 UNHCR sent a questionnaire to ex-students.² Responses from the Afghan cohort show the direct link between a refugee programme focused on tertiary education and national reconstruction. By educating Afghan refugees in neighbouring countries, DAFI has provided them with the skills needed for sustainable return and made the move back home a more viable option for the future for many students and their families. The impact of returned university graduates on the reconstruction of Afghanistan is clearly visible.

Refugees who have received a university education in the region have both the skills and the entrepreneurial willingness to return early. This has helped to bring academically qualified human resources to an area that has experienced a considerable drain of vital brainpower. While there was still considerable room for individual choice, students were encouraged to undertake much needed employment- and development-oriented degree programmes. As a result, the different fields of study and, subsequently, work within the Afghan group of DAFI students currently represent a broad spectrum, reflecting all needs of a country which did not have proper functioning universities for a number of years.

The majority of returned graduates now work in Herat or Kabul. Over 70% work as civil servants or as NGO managers, with the remainder in the private sector. Research indicates that Afghanistan faces an acute lack of qualified managerial personnel. As a result of DAFI encouragement, around a quarter of DAFI's Afghan students now focus on management and economics studies. Another area of special intervention has been support of rural communities and long-term food security. DAFI has supported many students to study agriculture, especially in Faisalabad in Pakistan. Approximately 20% of the Afghan students are currently enrolled in subjects related to agriculture/fishery and forestry.

Examples of the success of the programme can be found at all levels of Afghan society. One DAFI

graduate is the deputy director of the Ministry of Counter Narcotics, another heads Afghanistan's National Assembly and another works for the National Standards Authority. A number of DAFI graduates are in senior positions in NGOs, providing expertise on human rights, gender issues, humanitarian interventions and social service delivery.

"DAFI scholarships have made a substantial contribution to the education and development of many young, talented refugees, enabling them to expand their horizons and explore their potential. Through the scholarships for higher education, DAFI has given thousands of young men and women the means to break the cycle of violence and deprivation.

During my missions abroad I have met DAFI scholars and graduates on several continents and have seen firsthand their experience put to work for the good of the community. The value of this education cannot be overestimated. It gives refugees the hope to imagine a brighter future for themselves and their communities and the skills and determination to realise their goals."

António Guterres, UN High Commissioner for Refugees

Conclusion

Tertiary refugee education is not a priority compared with the other levels of education, especially primary. However, research into 15 years of experience with the DAFI scholarship programme has proven that the benefits for development are high. Scholarship programmes can and do work, provided they are carefully implemented and funds efficiently allocated. It makes sense for refugees to study in countries that are close to their countries of origin – both in geographical and cultural terms as it makes returning home more likely. Funding for tertiary education must be geared towards sustainable results.

Students will benefit most from courses that teach them to work with regionally available resources. Especially in the cases of medicine and engineering, it is counterproductive to learn to handle equipment and materials that will

be in short supply once graduates start working in their communities. UNHCR does not fund scholarships for multi-year courses like medicine; they are too expensive and tie up funds for too long. On the other hand, UNHCR does fund paramedic courses because graduates deliver valuable services. A similar cost-benefit consideration applies to post-graduate studies. Instead of paying for one student to get a PhD, it makes more sense to help two students reach a first degree.

Unsurprisingly, three quarters of global refugees educated by DAFI report earning above average incomes. However, the benefits of tertiary refugee education transcend the individual student as they greatly benefit communities and nations emerging from conflict. The return of qualified human resources to a post-conflict area is a vital component for durable reconstruction.

The Afghan example shows that tertiary refugee education can directly contribute towards reconstruction in a country that still struggles with protracted conflict. The fact that, globally, 94% of returning DAFI graduates find employment back home highlights the need for their skills. The fields of study chosen by Afghan students, the sectors in which they have found employment and the gender balance among refugee students are all positive indicators of future change. UNHCR has shown that in Afghanistan, as elsewhere, refugee scholarship programmes are highly relevant and that all forms of humanitarian intervention must be linked to long-term development.

Claas Morlang (morlang@unhcr.org) is UNHCR's Education Officer, Geneva. Carolina Stolte (stolte_carolina@yahoo.com) is completing a PhD at Leiden University. This article is written in a personal capacity and does not necessarily represent the views of UNHCR.

For more information about DAFI see: www.inwent.org/ez/articles/065278/index.en.shtml. The November 2007 evaluation of DAFI is at: www.unhcr.org/protect/PROTECTION/47b4083d2.pdf

1. In 2006, 1,067 DAFI students from 37 countries were enrolled in courses in 38 countries.

2. www.unhcr.org/protect/PROTECTION/4603d6954.pdf

Measuring the enjoyment of rights in Colombia

Jacob Rothing and Marco Romero

Colombian law protects the fundamental rights of IDPs but the country lacks policies to guarantee respect for those rights. This structural gap is recognised by the Constitutional Court, the highest judicial organism of the state, and recent developments offer hope of change.

Colombia has a long history of conflict-induced displacement. Most displaced persons, estimated to be as many as four million,¹ seek refuge internally, in a constant flow from rural areas to the fringes of

rights, including those pertaining to education, health, work, income generation and physical safety. They declared the problems so severe that it amounted to an unconstitutional state of affairs. Two structural problems

population. In other words, the Court demanded that the government diagnose the problem, respond to it and establish mechanisms to monitor the effectiveness of policies.

The government dithered in deciding on adequate outcome indicators, making it impossible for the Court to assess progress. The Court asked the Civil Society Monitoring Commission, the Inspector General's Office, the Human Rights Ombudsman, the Comptroller General of the Republic and UNHCR to provide technical documents to help establish outcome indicators. Based on the input from these organisations, the Court then established a series of guidelines for the indicators, including that they should be quantifiable and comparable, providing information about IDPs' lives and living conditions rather than institutional aspects of the government's performance.

Firstly, the Court said the indicators should allow measurement of progress in overcoming the problems and identify obstacles hindering the adoption of remedial measures. The indicators should thus say something meaningful about the impact of government policies. If the policies are unsuccessful in changing the lives of IDPs for the better, the indicators should signal ways to improve them.

Secondly, the indicators should measure the fulfilment of the policies' goal, namely the realisation of IDP rights and, in particular, the effective enjoyment of rights in every phase of displacement. The specific needs of particular groups such as children, women, the disabled and indigenous communities should be considered.

Thirdly, the indicators should be significant. They should provide information about essential, rather than dispensable, aspects of IDP rights and the policies' impact on them. This is a key concept, since monitoring is a demanding and expensive process. In addition, the



EC/ECHO/Karin Michotte

IDP settlement, Magdalena (Sierra Nevada), Colombia. Colombia's expanding cities. In 1997 Congress passed a law which granted extensive rights to IDPs. Successive governments, however, failed to implement the law, limiting themselves to providing humanitarian aid to fewer than 30% of IDPs and having marginal impact on improving education and health provision. Between 1997 and 2003, the Constitutional Court ruled 17 times that the fundamental rights of IDPs were violated.

In a landmark ruling in 2004,² the Court concluded that local and national authorities in different parts of the country had failed to protect a wide range of fundamental

were identified. Firstly, the resources assigned by the government were insufficient to fulfil its obligations under international and national law. Secondly, institutional capacities on all levels were insufficient to attend to the needs of the displaced population.

Rather than initiate criminal prosecution of individual officials who had not fulfilled their obligations, the Court instructed the government to find the necessary resources and to provide detailed information regarding IDPs and policies relating to them. Most notably, it ordered the establishment of outcome indicators for the effective enjoyment of rights of the displaced

selection of indicators should not depend on what information is accessible but on IDP rights. Nor should IDPs be simply incorporated into existing government programmes aimed at the general population.

IDP rights

Two Court Orders adopted indicators for the right to housing, health, education, food, income generation, identity, economic stabilisation, and the right to life, integrity and liberty.³ However, other outcome indicators have yet to be developed and there is still a lack of clarity with respect to the relation between the different phases of displacement. While significant improvements have been made in the access to rights for IDPs during displacement, only modest changes have been made in the phases of prevention and durable solutions.

With more than 200,000 people forcibly displaced every year in Colombia, there is an urgent need for policies to prevent further displacements taking place. The government understands prevention as having or regaining control over territory. While the presence and proper functioning of civilian state institutions are key ingredients of this policy, military operations are often their only expression. Furthermore, while military control is an important preventive factor, it also can be part of the problem as armed activity significantly increases the risk of displacement. Thus, the emphasis on a military rather than a civilian presence in conflict zones and the failure to design an efficient early warning system must be dealt with in order to provide a comprehensive prevention policy. Meanwhile, the highly politicised nature of such a policy seems to make the Court reluctant to take a stand on the issue. This is perhaps against the Court's better instincts but it could also be interpreted in light of their desire to look for consensus wherever possible.

The discussions regarding the establishment of outcome indicators for comprehensive reparation have not been straightforward because they reflect controversial political issues nationwide. In the light of continuing expulsions of the civilian population by paramilitary groups or their successors, it is difficult to ask victims to cohabit with the perpetrators

and to trust in guarantees that there will be no repetition of crimes. But despite a questionable demobilisation process and the fact that paramilitary forces continue to exercise political and social control through the use of violence in large parts of the country, the construction of effective reparation policies for the IDP population should be a priority for at least the next 10-15 years. The establishment of outcome indicators for the right to reparation is a significant part of that effort.

The main indicator of effective enjoyment proposed by the government in March 2007 is defined as: "Persons who request it can access the mechanisms of justice, restitution and protection."⁴ The proposed complementary indicators measure the ratio of people who are able to access mechanisms of justice compared to those that request it – and the ratio of those displaced persons or ethnic communities who have their property legally protected compared to those who apply for such protection. Lastly, the government suggested including the right to family reunion through an indicator which would measure those who had received financial support to reunite with their family as compared to the total number of people who had applied for such support.

The Attorney General's Office, however, commented that access to justice does not necessarily amount to reparation and that the indicator should instead be oriented towards access to mechanisms of justice which can achieve reparation. In the view of the Civil Society Monitoring Commission and UNHCR, the indicators proposed by the government emphasised only some components of comprehensive reparation, namely truth and justice, but did not measure the extent to which the IDPs were indemnified for material and non-material losses as a result of their displacement. UNHCR also pointed out that an indicator cannot be expected to measure a policy in which the question of how to repair the damages caused by the violation has not been defined. Instead UNHCR recommended some elements which could be the subject of monitoring by indicators, including equal treatment for IDPs compared to other victims of serious crimes, the

degree to which the IDPs participate in programmes designed to assist them, access to legal assistance and access to mechanisms for demanding restitution of goods and land.

After considering these observations, the Constitutional Court rejected the government's indicators because they excluded essential aspects of the right to reparation.

What's next?

If this process is eventually successful, it will represent important achievements. Colombia's justice system will have gained substantial legitimacy, legal complaints mechanisms will have demonstrated their efficacy, and the Colombian state will have acquired important experience as to how to undertake social policy development during a humanitarian crisis. Conversely, if the rights continue to be unfulfilled at current levels, this process will lay bare the government's incapacity to deal with the conflict's humanitarian consequences, and the situation is likely to deteriorate further.

Meanwhile, the Court's indicators provide a detailed and extremely useful tool which all donors should incorporate into their humanitarian strategies in Colombia – and the whole process offers valuable lessons for policymakers elsewhere

Jacob Rothing (jacob.rothing@nrc.org.co) is an advisor at the Norwegian Refugee Council (NRC) in Colombia. Marco Romero (marcoromero@codhes.org) is President of the Consultoría para los Derechos Humanos y Desplazamiento (CODHES) and a leading member of the Civil Society Monitoring Commission, commissioned by the Constitutional Court to monitor the development of Colombia's IDP policies.

Court Orders relating to the establishment of the indicators can be found at www.codhes.org, www.nrc.no and www.idmc.org.

1. The government has only been registering IDPs over a 10-year period. The numbers registered over 20 years by the Consultoría para los Derechos Humanos y Desplazamiento (CODHES) indicate more than four million IDPs.

2. Constitutional Court ruling T-025/2004_

3. AUTO 109/2007 and AUTO 233/2007

4. Court Order 109 of 2007: 20

Faith, relief and development: the Sri Lanka experience

Guy Hovey and Amjad Saleem

A strategic partnership between the United Methodist Committee on Relief (UMCOR)¹ and Muslim Aid (MA)² in Sri Lanka, now formalised into a worldwide partnership agreement, offers a model for effective, community-based, culturally appropriate and sustainable assistance provision.

In 2006, a deterioration of security in North East Sri Lanka was beginning to put a strain on the already fragile ceasefire between the government and the LTTE (the Liberation Tigers of Tamil Elam). On 2 August the Muslim majority town of Muttur (in Trincomalee District) was attacked and besieged by the LTTE. Efforts by aid agencies, the UN and the Red Cross to negotiate a humanitarian corridor into the town came to nothing. A few days later, most of the inhabitants fled. Diverted from their preferred destination by military action, the IDPs walked to the Sinhalese majority town of Kanthale, an area already experiencing inter-ethnic tensions because of the proximity of fighting. Local government authorities were unable to cope with the needs of the IDPs, who numbered some 57,000.

With the influx of tens of thousands of IDPs, the Kanthale area, already an under-resourced region, was extremely tense and violence was common. Most NGOs had left but UMCOR and MA were still working in the area. As the crisis developed, the two agencies gravitated towards each other and within a couple of days were working together, setting up a joint field office and warehouse, and sharing staff, vehicles, aid supplies and logistical support. They and their local partners responded to the crisis by providing emergency water, shelter, medical, food and non food items for IDPs and, later, logistical support and coordination assistance for the international NGOs.

This partnership enabled economies of scale and effective coordination but also had some other, unexpected outcomes. Both agencies worked in coordination with their respective

faith and community leaders and councils to coordinate the mobilisation of thousands of volunteers who brought food and non food relief items to the IDP camps and distribution centres. MA engaged with the imams, the coordinating council for Muslim theologians and communities, discussed the impartial nature of humanitarianism with them and vouched for UMCOR staff's neutrality. Discussions centred on the imperative of both faiths to serve humanity and reduce the suffering of the disadvantaged. This was language which people could understand and relate to. UMCOR did the same through local Methodist priests in Christian areas – and with Hindus whom the priests knew. Soon those villages where UMCOR workers had been held at gunpoint and attacked by villagers a couple of weeks previously welcomed both UMCOR and MA staff.

MA and UMCOR jointly approached the local Buddhist chief monk to ask for help in bringing aid to the beleaguered Buddhist community – a community which was suspicious of NGOs and other ethnic and faith communities. The chief monk was surprised by the joint approach by organisations whose faiths are commonly portrayed by the media as enemies (and therefore perceived as such by communities) but agreed to speak with his constituents; inter-faith cooperation flourished around the humanitarian relief efforts, with the Buddhist temple becoming an aid distribution centre.

This partnership continued once the emergency was over and the security situation had improved. When the IDPs were able to return home some months later,

both organisations provided reconstruction and other return assistance. Following the emergency response, the two partners reviewed their joint operations, identifying key attributes of the partnership as well as wider opportunities for how faith-based organisations (FBOs) can work together to improve operational effectiveness:

The ability to work effectively in an insecure environment:

The sight of two different FBOs working together had a calming effect in many conflict-affected communities. It is doubtful if this could have been achieved in such a short space of time without local faith leaders being engaged by an FBO with which they could identify.

The ability to work for common causes:

The common belief in serving humanity contributes to the ability to work together and can largely eliminate the competitiveness over resources in relief and development.

Working within networks:

Religions offer cultural, social and political networks unsurpassed by any other. An FBO can 'plug into' this network, gaining immediate access to faith leaders – community 'gatekeepers' – and thus an entry point to communities.

Sustainable empowerment and programming:

In traditional societies, making sustainable progress in empowering minorities and vulnerable groups (such as women) without exposing them to danger is difficult. However, although some faith leaders may wish to preserve traditional roles, most have the wellbeing of their communities at heart and can be agents for change. By working with these leaders, a long-term process of empowerment in its truest sense was initiated. The long-term presence of faith representatives in communities enables relief and

development programmes to be supported long after the original implementing partner has left.

Peace, reconciliation, respect and understanding:

Peace does not emanate from high-level political agreements but from communities on the ground. One of the most surprising aspects of the partnership was that it was the first time the majority of people had witnessed different faiths working together in a tangible manner. This is perhaps the area within which this partnership will be most effective – acting as a link between inter-faith dialogue and communities, translating rhetoric into practical action which demonstrates the benefit of dialogue to disadvantaged communities.

Challenges

Cooperation between the two NGOs has developed beyond Sri Lanka and on 26 June 2007, following intense negotiations, a worldwide partnership agreement was signed in the House of Commons in London. However, the partnership has not been welcomed unanimously and various problems were encountered during negotiations:

Formalising the partnership:

The success of joint programming often depends on relationships between individuals, making partnership vulnerable. The concern that the Sri Lankan experience owed more to personal friendships between staff members of Muslim Aid and UMCOR was discussed and a pilot joint funding application was initiated in Indonesia where the two organisations had not been thrown together by force of circumstance. It was found that, with the leadership of the two organisations explaining in detail the partnership and the ideals behind it, the application process and all the joint assessments that this entailed proceeded smoothly and lasting links were made.

Resistance from the supporter base:

Within all faiths, as in secular society, there is a wide spectrum of opinion. The negative reaction of some people in the Christian community in the US can be viewed on various blogs while some in the Muslim community have reportedly voiced comparable opinions. This

is only to be expected. It was found that many misunderstood the nature of the FBO – as a professional relief and development organisation as opposed to a proselytising agent. The dissension, however, provided an opportunity for people to discuss the changing face of relief and development and the importance of inter-faith partnerships.

The erosion of identity:

Concern was voiced that the partnership would dilute the Islamic identity of MA and the Christian identity of UMCOR – that the coming together of the two would produce a compromised organisation not at ease with itself. This is a valid concern. However, the partnership comes together mainly around operational and advocacy issues. While the partners may disagree on theological issues, there are many more areas concerning the world's disadvantaged that they do agree upon.

The distraction of faith leaders:

Some community faith leaders were exposed to the international humanitarian field for the first time and, recognising its potential, became involved in NGO work. Their involvement caused concern that they were being taken away – at a time of crisis – from ministering to the spiritual needs of their communities. Clearly a delicate balance between the two needs to be identified early in an operation to operationalise a 'do no harm' approach.

Keeping the partnership relevant:

The Sri Lanka experience demonstrated that the success of the partnership was its relevance to communities and that high-level dialogue, although crucial, has limited meaning at grassroots level. As the partnership model is taken up, analysed and debated by academia, governments and other interested parties, a challenge will be to ensure that it remains practical, relevant and rooted in communities.

Next steps

The idea of faiths operating together is not new³ but has to date largely been limited to inter-faith dialogue and some cross-funding initiatives. In Sri Lanka the UMCOR-MA partnership demonstrated that there is a huge untapped potential in engaging with faith. The two organisations believe



that faith represents a significant pillar of grassroots relief and development which has remained sidelined due to its potentially sensitive nature. However, virtually all faiths, however different they may be theologically, have a common purpose to serve humanity and aid the disadvantaged.

During an aid distribution to IDPs from Muttur and to the host population in Kanthale, north eastern Sri Lanka.

The Commonwealth Foundation in the UK invited UMCOR and MA to present their partnership model at the 2007 Commonwealth Heads of Government meeting in Kampala where it generated significant interest. Over the coming 12 months the partners will be rolling out and further developing the model with the assistance of academics, practitioners, faith leaders and communities. 2008 will see joint country directors' meetings, further meetings between senior, middle and lower management, joint activities at the field level and joint partnership projects with communities of all ethnicities in Sudan, Lebanon, Sri Lanka and Indonesia.

This partnership is not exclusive and is open to all non-proselytising faith-based organisations. The longer-term vision is for a consortium of FBOs working together at the community level to bring relief, development, peace, reconciliation and mutual respect and understanding in a world where faith is increasingly manipulated as a tool to drive conflict rather than resolve it.

Guy Hovey (guy@umcor-regional.org) works for the United Methodist Committee on Relief (and was in Sri Lanka 2006-07). Amjad Saleem (amjad@muslimaid.org) has been the Muslim Aid Country Director in Sri Lanka since 2005.

1. <http://new.gbgm-umc.org/umcor/work/fieldoffices/partners/muslim-aid/>

2. <http://ramadan.muslimaid.org/Page170.asp>

3. eg Geneva-based Action by Churches Together (ACT) International <http://act-intl.org/>

New UK underclass

Demelza Jones

People seeking asylum in the UK are at great risk of social exclusion but successive government asylum policies have aggravated rather than alleviated this problem.

Over the last decade, the UK government has identified tackling social exclusion as a central objective, setting up a Social Exclusion Unit and in 2003 launching the National Action Plan (for Social Inclusion). A 2004 report by the Unit identified people seeking asylum in the UK as amongst those most at risk of social exclusion¹ and a joint study by Oxfam and the Refugee Council in 2002 concluded that “asylum seekers are forced to live at a level of poverty that is unacceptable in a civilised society.”² Asylum seekers with an ongoing claim are entitled to a weekly amount of benefit which falls below the UK poverty line. The result is hunger, and inability to buy clothes or shoes, pay fares to attend appointments, or make phone calls to stay in touch with friends and solicitors.

In 2006 I interviewed four asylum seekers and one person who had been granted refugee status. Grace from Zimbabwe was anxious about paying for transport. The timing of her compulsory reporting sessions with the Immigration Directorate requires her to travel on public transport at peak times, costing around £5 a week: “£5 sounds like nothing, but when you have [only] a small amount to start with, it is a lot.” In order to obtain cash for transport, Patrice from Côte D’Ivoire is forced to sell the vouchers which are his only entitlement, sometimes to unscrupulous neighbours for significantly less than their value: “Sometimes I get desperate – but if I don’t report to the Immigration office, I am breaking the law.”

Those falling foul of the asylum legislation commonly end up unsupported and destitute, either sleeping rough or staying illegally with other asylum seekers in often overcrowded accommodation, reliant on handouts from friends or charities. The level of social exclusion caused by destitution can lead to severe exploitation. A 2006 Amnesty International report found that some interviewees had turned to prostitution, and that “young girls were possibly given floor space in exchange for sexual favours”³, whilst Edem, a very vulnerable young man from Sierra Leone, indicated that he had

entered into an exploitative relationship with an older man, exchanging sex for food and clothing. Vulnerability to highly exploitative illegal employment in the informal sector is another issue of concern.

A contributing factor to social exclusion amongst asylum seekers is the denial of the right to work, causing severe implications for them, both materially and in terms of their participation in UK society. Lack of access to the workplace makes it difficult for adult asylum seekers to interact with the general population, leaving them socially isolated and aggravating feelings of marginalisation and exclusion. It also leaves those who do achieve refugee status ill-prepared for participation in society through the employment market, as has been the case for Sami from Kurdistan. During our discussion he bemoaned his lack of success with job hunting, blaming his two-year absence from the workplace whilst he was seeking asylum: “At home I did the same job for years. Here it is different, with long forms and interviews. If I had got involved with this when I arrived, then fine – but now I am starting from scratch.” Yolanda, a highly qualified medical professional from Cameroon, shares his frustration: “To not be able to share your skills is depressing. Maybe if we were allowed to show our skills, people would not despise us.”

In addition to these material forms of exclusion, the portrayal of asylum seekers in the UK media is overwhelmingly negative, consistently portraying people seeking asylum as ‘cheats’, ‘liars’ and ‘scroungers’. And far from challenging media misrepresentation, successive British politicians have even led and legitimated public hostility.

Short of deportation, the most extreme form of exclusion from society is imprisonment. Indeed, around 14% of asylum seekers in the UK are detained in Immigration Removal Centres at some stage during their claim. These centres, while officially not prisons, are indistinguishable in practice, as

reflected in Sami’s description: “I felt like I was in a prison – all these procedures...taking finger prints, photos...” This equation between detention and criminality is keenly felt by many detained asylum seekers who cannot understand what crime they have committed to warrant their detention.

Another practice more commonly associated with criminals was experienced by Grace, who was fitted with an electronic ankle tag on arrival in the UK. Immigration officials did not explain to Grace why she was being tagged, and she spent her first weeks in the UK wondering what crime she had committed. She described feeling humiliated and stigmatised by the tag, which was clearly visible and provoked curiosity and animosity amongst both other asylum seekers and members of the host community. “The only things I had brought to wear were skirts so everybody could see it... People were staring in the street. Even the other women in the building were asking me ‘what did you do wrong?’.”

The experiences of social exclusion described by Patrice, Grace, Yolanda, Edem and Sami are far from unusual. Exclusion results from negative views of asylum seekers as a threatening and burdensome ‘other’ by the media and politicians, and as a consequence of government asylum policies which create hardship and which limit social inclusion through enforced poverty, equation with criminality, and denial of the right to work and contribute meaningfully to the host society.

Demelza Jones (demelzajones@hotmail.com) has recently completed an MA in Global Citizenship, Identities and Human Rights at the University of Nottingham, UK, and has been working with refugees and people seeking asylum on community projects in central England. Names of interviewees and their countries of origin have been changed.

1. www.cabinetoffice.gov.uk/upload/assets/www.cabinetoffice.gov.uk/social_exclusion_task_force/publications_1997_to_2006/tackling.pdf

2. Penrose, Jan, 2002 *Poverty and Asylum in the UK*. London: The Refugee Council and Oxfam. p4

3. Amnesty International, 2006 *Down and Out in London: The Road to Destitution for Rejected Asylum Seekers*, p15: www.amnesty.org.uk/content.asp?CategoryID=10682

Humanitarian space in a fragile state



Simon Addison

Circumstances in Burma highlight the difficulty of maintaining humanitarian space in so-called 'fragile states'.

The difficulties faced by humanitarian agencies in Burma are far from unique to that country. In Burma, Iraq, Darfur, Uganda, Chechnya and other countries, the space for humanitarian action is being increasingly restricted, due either to increasing violence against humanitarian aid workers or to increasingly hostile state regulation of the action of international agencies or, as in Burma, to a combination of both these factors. The strategies being adopted in response bear remarkable similarities in different settings. In particular, the increasing use of 'remote' approaches to operational intervention is striking.

In Burma, the lack of access to vulnerable populations has led to the development of cross-border interventions through networks of local staff, agents and partner organisations. In Iraq, insecurity and restrictions on the movements of international staff members have prompted agencies to develop operational strategies that depend upon local community organisations to undertake the planning and implementation of relief activities. In northern Uganda, Darfur and Chechnya, international agencies have adopted 'remote control' methods of intervention whereby relief operations are implemented by local teams who are coordinated from a 'safe' location at some distance from the actual site of intervention.

'Remote' interventions may appear to be the best and most pragmatic approach to fulfilling the humanitarian imperative under highly constrained circumstances. In addition, it could be said that, by drawing on and developing local capacities, these interventions can improve levels of local participation and ownership, and thereby lay the foundation for a sustainable

transition from relief to development while simultaneously sowing the seeds for a gradual democratic transformation of society.

Humanitarian action in Burma has become politicised to a remarkable degree as it is now bound up with the overarching agenda of the UN to promote deep-seated economic and political reform, which is seen as fundamental to addressing the 'root causes' of the humanitarian crisis. Thus the humanitarian has become almost indistinguishable from the political in what has been called the "UN cacophony" on Burma, whereby almost every issue area is placed firmly under the umbrella of democratisation.

With the developing norm of the Responsibility to Protect, it appears likely that such approaches will become more common. From Sudan to Somalia, and from Iraq to the Democratic Republic of Congo, the international community is increasingly seeking to link the humanitarian agenda with the need for state transformation and the development of good governance. But the potential dangers associated with seeking to link the political to the humanitarian are significant, and may have serious impacts upon humanitarian space itself if such linkages are seen to challenge the sovereign power of the state in question.

Humanitarian operations using local proxies might also put both beneficiaries and local staff in danger of violence or political persecution. And while the use of local civil society may be seen as an effective means of empowering local civil society and building a possible movement for change from the grassroots, under authoritarian conditions

such as those found in Burma such approaches may directly expose local civil society actors to oppression.

Such political interventions and innovative approaches to finding humanitarian space raise a number of challenging questions about the appropriateness of these forms of intervention when considered from legal, political or even humanitarian protection perspectives. Joining up research on rights and related issues across institutional (academic, advocacy, practitioner and policy) and geographical contexts would help strengthen international understanding of the human rights, development and engagement challenges facing the international community in Burma and elsewhere.

Simon Addison (simon.addison@qeh.ox.ac.uk) is Senior Research and Policy Liaison Officer at the Refugee Studies Centre (www.rsc.ox.ac.uk).

This article draws upon discussions that took place during a workshop entitled 'Displacement and Humanitarianism: A Permanent Crisis in Burma?' that was hosted by the Refugee Studies Centre on 29 February 2008. A selection of papers from the workshop will be published, including in the RSC Working Paper Series.

The main presentations focused on regional powers, the role of the UN, protection and human rights, chronic emergency in eastern Burma, activities and debates relating to humanitarian assistance to IDPs, the role of cross-border approaches, and statelessness. The workshop was organised by Eva-Lotta Hedman (eva-lotta.hedman@qeh.ox.ac.uk), Senior Research Fellow at the RSC.

The analysis here is that of the author and does not necessarily reflect the views of the participants at the workshop.

A seat at the table for IDPs

Donald Steinberg

Excluding IDPs from peacemaking and post-conflict reconstruction means that the issues of greatest interest to them – resettlement, rebuilding of basic social services, clearance of landmines and security sector reform – are often ignored by the armed combatants participating in the talks.

Early returns of IDPs are often pushed by impatient negotiators seeking good news from stalled processes but the premature return of displaced persons in the absence of security and sustainability can lead to new displacement and further instability. IDPs themselves are best positioned to know when it is wise and safe to return. They know what they need in terms of assistance packages, training opportunities, transport and rebuilding of basic social services.

Sidelining of IDPs means that they often view peace processes as belonging to armed combatants, not to themselves. They thus will not serve as a countervailing force to press combatants to meet their commitments. As the following article by David Lanz shows, the exclusion of Darfur IDP representatives at the Abuja talks was a key reason for their failure.

In the absence of IDPs at the table, too often maniacal combatants – such as Angola's Jonas Savimbi, Sierra Leone's Foday Sankoh and Uganda's Joseph Kony – claim to represent 'the disempowered people' in peace negotiations. Frequently, their first demand is for amnesty for all crimes that they, their supporters and the opposite side committed during the conflict. Such amnesties too often mean that men with guns forgive other men with guns for crimes committed against powerless civilians. Amnesties can put a cynical cancer in the centre of a peace process, ignore IDP rights for compensation and property restitution, and undercut rule of law and justice after the guns go silent.

In addressing these issues, many questions need to be answered.

■ Who should speak on behalf of IDPs?

The leaders of the communities from which the displaced came may have been killed, displaced or discredited, and IDP camps do not generally have the stability to elect their own leadership. Those who present themselves as leaders in IDP camps may not be innocent victims but perpetrators of violence – such as in secured areas of Rwanda following the 1994 genocide.

■ How can IDPs be empowered to contribute to peace negotiations?

Typically, IDPs from marginalised groups, such as the Afro-Colombian community in Colombia, lack the skills needed to participate in diplomatic negotiations. Training for their participation is essential, and must take place early and in a culturally appropriate manner.

■ When is IDP engagement most important?

Issues such as compensation for displacement, accountability and restoration of land rights are particularly tense, and can disrupt fragile peace processes if introduced too early. Some have suggested that these questions should wait until negotiation of a ceasefire and an agreement on the disarmament and demobilisation of armed forces.

■ How can IDP engagement facilitate post-conflict civil society?

Innovative programmes to use IDPs as planners, implementers and beneficiaries of resettlement and reconstruction programmes can help strengthen civil society.

The lack of local pressure to include IDPs in these processes means that the international community must often take the lead to ensure their participation. We need not be diffident when advocating IDP engagement in the face of claims that we are meddling in internal affairs. Today, internal disputes invariably represent threats to international peace and security as waves of instability flow easily across porous borders. Today's IDP is tomorrow's refugee, and insecure areas within countries quickly become breeding sites for international trafficking in arms, persons and drugs, and potential training sites for terrorists.

As international mediators press for IDP engagement, they must receive the full backing of the UN Security Council, UN peacekeepers and all UN humanitarian agencies. They must all reiterate that IDPs are not mere victims of conflict but an essential piece of the puzzle in making and sustaining peace. Peace processes must benefit from their knowledge of local conditions, their power to generate civil society support for agreements, their willingness to return and rebuild stable societies, and their commitment to the future of their countries. In the pursuit of peace, we must make them part of the solution, not part of the problem.

Donald Steinberg (dsteinberg@crisisgroup.org) is Vice President for Multilateral Affairs for the International Crisis Group (www.crisisgroup.org). The ideas outlined here are more fully developed at: www.crisisgroup.org/home/index.cfm?id=5263&l=1

Involving IDPs in the Darfur peace process

David Lanz

The UN estimates that there are 2.4 million IDPs in Darfur – over one third of the total population. There can be no meaningful peace process without their involvement. Giving IDPs a formal seat in official peace negotiations is problematic but there are other ways to ensure their participation.

IDPs were only marginally involved in the protracted negotiations in the Nigerian capital, Abuja, which after seven rounds of talks concluded with the Darfur Peace Agreement (DPA) in May 2006. The DPA has not been implemented and it may have made things worse. The Abuja process was deeply flawed, a textbook example of how not to arrange peace negotiations. The final text¹ was written entirely by the African Union mediation team and its Arabic version made available to the parties only a few days before the expiration of an unrealistic deadline imposed by the UN Security Council. In order to close the deal, high-level representatives from the US and UK flew into Abuja to twist arms. No space was given for the parties to shape the agreement or to get input from their constituencies. In the end, the Sudanese government and Minni Minawi (the leader of a faction of the Sudan Liberation army/Movement – SLA/M – one of the main rebel groups locked in conflict with the government) signed while Abdel Wahid, Minawi's rival and the original leader of SLA/M, and Khalil Ibrahim, leader of the Justice and Equality Movement (JEM), refused.

The Abuja talks were not inclusive. While some civil society groups were present, their degree of independence and representativeness was highly questionable. IDPs in Darfur were neither informed nor consulted. Within a few days of signing, large and at times violent demonstrations against the DPA erupted in camps across Darfur. IDPs complained that the agreement did not sufficiently address their security concerns, nor provide adequate compensation for those who have lost their houses and land in the course of the conflict. The protests were probably encouraged by Abdel Wahid and his supporters among the Fur – Darfur's largest non-Arab group. However, it was clear that all IDPs, regardless of their tribal origin, felt that the DPA did not address their concerns and were angry at their exclusion.

Their frustration highlights the main recommendation arising from a recent report from the Brookings-Bern Project on Internal Displacement. 'Addressing Internal Displacement in Peace Processes'² makes a general case for involving IDPs in peace processes. There are three specific

reasons why this is crucially important in Darfur: the massive scale of the displacement; the centrality of land dispossession in conflict and any long-term resolution; and the politicisation of IDP camps as a result of efforts by the government of Sudan and the rebel movements to win support and secure military advantage.

Involving IDPs in the Darfur peace process is not idealism or part of an activist agenda. It is based on the pragmatic realisation – and lessons learnt from the DPA – that sustainable peace will only be possible if concrete solutions are found for IDPs. Their needs must be satisfied and they must feel they are integrally involved. The UN Special Envoy to Darfur, Jan Eliasson, and his AU counterpart, the Tanzanian diplomat Salim Ahmed Salim, seem to have understood this. In the beginning of their post-Abuja re-launch of the peace process, they made a deliberate effort to reach out to IDPs. They visited camps and held talks with IDP representatives so as to better grasp their interests and expectations. There now seems to be consensus on the principle that IDPs do need to be a part of the peace process. The real difficulty, however, is figuring out how to involve them.

Multi-track diplomacy

Peace processes consist of multiple actors and 'tracks'. Track One diplomacy refers to official negotiations between conflict parties; Track Two involves unofficial interactions between influential actors from civil society; and Track Three covers grassroots conflict resolution initiatives. The challenge in Darfur and elsewhere is to combine different tracks and to ensure complementarity.

Following the failure in late October 2007 of peace talks in the Libyan city of Sirte, Eliasson and Salim now face the challenge of developing a multi-track approach that satisfies the needs of IDPs without jeopardising the process. Logically, it seems desirable to give IDPs a seat at the negotiating table. However, as Donald Steinberg, Vice President of the International Crisis Group, points out: "there may be occasions where it is wise to include only the principal armed parties in the initial stages of a peace negotiation, as long as it is clear that the voices of other key actors – including IDP representatives – will be heard and heeded shortly thereafter."³

In Darfur, the formal inclusion of IDPs in official peace talks raises two significant problems. Given their lack of experience, IDP representatives would be susceptible to manipulation. They could become proxies in a power struggle between the government and the rebel movements, unable to independently defend the interests of their constituents. Furthermore, it would be

very difficult to identify legitimate IDP representatives. A microcosm of Darfuri society, IDPs are extremely heterogeneous – divided regionally, politically and between tribes. Selecting a small number to represent IDPs at peace talks could exacerbate tensions.

An alternative to direct Track One participation is to establish a parallel civil society forum for IDPs and other civil society groups. This forum – and its component thematic working groups – could work alongside official negotiators. Its decision-making power and coordination with Track One negotiations would have to be clarified. A parallel civil society forum would enhance the legitimacy of the peace talks, provide valuable thematic input and keep parties in check, preventing them from negotiating an incomplete and unsustainable pact between warring elites. The selection of IDP and civil society representatives remains tricky but, given that the parallel forum could accommodate a relatively large number of delegates, the AU-UN joint mediation team should be able to manage it.

Parallel Track Two initiatives are crucial. These should involve IDPs alongside other local government officials, tribal leaders, academics, partners of Sudanese and international humanitarian organisations, and representatives of women and youth groups. They would meet on a regular basis to exchange views and build trust. They could help the high-level mediators build grassroots support for the peace talks. The Civil Affairs Section of UNMIS has suggested that Track Two meetings be held separately for IDPs, tribal leaders and other civil society groups in each of Darfur's three regional capitals – El Fasher, El Geneina and Nyala. Their precise structure as well as the lead organiser is yet to be decided. What matters is that Track Two initiatives complement official negotiations and that those who participate are as representative and independent as possible. It will also be important to ensure their safety.

Eliasson and Salim should engage IDPs as frequently and regularly as possible in the build-up to any actual peace talks. AU-UN mediators need to travel to IDP camps, interact with camp leaders, brief them of higher-level developments and ensure their input. Transparency and regular dissemination of information

are particularly important if the peace talks take place outside of Darfur. Otherwise it will be easy for opportunistic rebel leaders to spread misinformation and mobilise IDP opinion against them. It will also be important not to arouse unrealistic expectations of what peace negotiations can achieve. Otherwise, the UN and AU will lose credibility among IDPs in the long run.

If a peace deal is reached, it is likely that details about implementation will be determined by a range of oversight committees focusing on property claims, compensation, disarmament and reconstruction projects. These matters are of direct concern for IDPs and Darfuri civil society and they must be given real decision-making powers.

Conclusion

Whether a peace deal will be reached remains highly uncertain. The rebel movements are fragmented, the Sudanese government is reluctant to re-negotiate the DPA and the international community is struggling to adopt a common position. However, there is no alternative to negotiating. A Kosovo-like military intervention, as demanded by some Darfur advocates, is unlikely to materialise and even if it did would probably make matters worse in the long run. Sustainable peace in Darfur has to be the result of a legitimate political process, built on a compromise that takes into account the needs of all stakeholders, particularly IDPs. The AU-UN mediators appear to have learned from the failure of the DPA, and their effort to reach out to IDPs is encouraging. However, the involvement of IDPs needs to be broadened and their participation acknowledged as an intrinsic part of the peace process. Otherwise, a chance for peace may be squandered.

David Lanz (david.lanz@swisspeace.ch) was a researcher with the UN Mission in Sudan (UNMIS) and currently works for swisspeace in Bern, Switzerland (www.swisspeace.ch). This article is written in a personal capacity and does not represent the views of either UNMIS or swisspeace.

1. www.unmis.org/english/dpa.htm
2. www.brookings.edu/reports/2007/09/peaceprocesses.aspx
3. Donald Steinberg, 'A Seat at the Table: The Role of Displaced Persons in Peace Talks and Peacebuilding', www.crisisgroup.org/home/index.cfm?id=5263&l=1

IDPs in
Darfur



The displacement-peace nexus

Khalid Koser

Resolving internal displacement is inextricably linked with achieving lasting peace.

In some countries the sheer scale of displacement is so significant that it is unrealistic to plan for a peaceful future without incorporating IDPs' needs and ensuring their active participation. Unfortunately, however, IDPs are often ignored in peace processes.

Helping displaced populations to return and reintegrate can both address the root causes of a conflict and help prevent further displacement. The return of displaced populations can be an important signifier of peace and help validate the post-conflict order. IDPs can be active in local politics and can also make an important contribution to the recovery of local economies. In some countries the displaced have become parties to the conflict, and their inclusion is therefore necessary for conflict resolution.

All this is also true of refugees but IDPs often have additional needs that require specific attention during peace processes. IDPs often remain close to the zone of conflict and more vulnerable to violence. Provision of humanitarian assistance to IDPs is often more difficult. Unlike refugees, they are not singled out for specific protection in international law. Furthermore, IDPs need shelter, may be unable to replace official documents and often encounter problems recovering land and property.

As the previous article by David Lanz noted, there are significant obstacles to ensuring IDPs' participation in high-level Track One negotiations. They often lack sufficient education, political skills and legitimate leaders. There can be reprisals when IDPs organise themselves. To work round such constraints Track Two peace negotiations have gained legitimacy. Track One often relies on Track Two to provide local insights and a less formal forum for problem solving. Track Three – grassroots initiatives – provides the greatest scope for IDP participation but its impacts on national-level negotiations are usually limited and by itself cannot guarantee effective representation of IDPs' concerns.

Where the direct participation of IDPs in peace negotiations is not possible, desirable or effective, an alternative is for international mediators to prompt political leaders to incorporate displacement issues in peace negotiations. This worked in Mozambique and Bosnia. It requires mediators who understand the specific concerns of IDPs and have time to consult with them. A complementary strategy is to focus on the legal rights of IDPs using international, regional and national mechanisms. UN agencies and other international and national actors can provide information on displacement issues to Track One actors.

Engaging with the concerns of the displaced in peace negotiations – whether directly or indirectly – is only the first step in ensuring that peace processes address them. It is critical that peace agreements clarify the political, legal and humanitarian obligations of governments towards IDPs and clarify roles and responsibilities in relation to durable solutions. Displacement issues also need mainstreaming in the peace-building phase, when it is especially important to provide security; solve property-related problems; encourage reconciliation; undertake post-conflict reconstruction; and ensure a political transition to an effective and legitimate government.

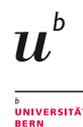
IDPs have formed effective coalitions with other groups in Track Two/Three negotiations in several countries:

- In Colombia, many IDPs feel the peace process is not real as violence is ongoing and IDP leaders still being assassinated. They have no trust in formal state mechanisms. Recently some IDP organisations have joined with non-IDPs to press for truth, justice and reparations. There are new initiatives to ensure displaced women get a seat at the negotiating table.
- In Georgia, self-organising IDP groups are engaging in the search for durable solutions after years of displacement. Despite hostility from hardline politicians, they have forged Track Two diplomacy with civil society leaders in the breakaway regions of Abkhazia and Ossetia and are pushing for greater civic rights.
- In Sri Lanka, Track One has failed. Numerous grassroots peace initiatives have not formally included IDPs, and women and children are particularly excluded. Tracks Two and Three offer potential to ensure greater IDP representation.
- In South Sudan, people-to-people Track Three initiatives launched by civil society and displaced people helped show that negotiations can work and paved the way for eventual Track One success – the 2005 Comprehensive Peace Agreement which ended Sudan's protracted North-South conflict.

Khalid Koser (kkoser@brookings.edu) is the Deputy Director of the Brookings-Bern Project on Internal Displacement. The Project's publication 'Addressing Internal Displacement in Peace Processes, Peace Agreements, and Peace-Building' is at www.brookings.edu/reports/2007/09/peaceprocesses.aspx



**Brookings-Bern
Project on Internal
Displacement**



**UNIVERSITÄT
BERN**



Reproductive Health Access, Information and Services in Emergencies

The value of rapid RH response

Diana Barnes-Brown

Despite many challenges, life-saving reproductive health care can be effectively mobilised at the onset of crises, even when conditions are far from ideal.

For many years, reproductive health (RH) care was rarely regarded as a routine component of humanitarian medical response. More recently, humanitarian agencies have begun adopting practices that enable the integration of RH care into response strategies but there is still much to be done before RH care provision is considered part of the standard response in emergencies. To facilitate this process, the Reproductive Health Access, Information and Services in Emergencies (RAISE) Initiative provides both immediate and long-term assistance to humanitarian agencies working to provide RH services in the field. This article describes three situations in which RAISE has supported emergency provision of RH care at the onset of crises, at project sites in Kenya, Bangladesh and the Democratic Republic of the Congo (DRC).

Kenya

In the wake of the post-election violence and social unrest in Kenya, hundreds of people have lost their lives and approximately 300,000 have been displaced. Access to RH services has been disrupted for many. RAISE is supporting Marie Stopes Kenya (MSK) to work with the Kenya Red Cross Society and other partners to provide vital RH services in camps in Nairobi and in Rift Valley province. Humanitarian agencies are also referring survivors of gender-based violence (GBV) to MSK's centres for emergency medical treatment, including emergency contraception, post-exposure prophylaxis to minimise HIV transmission and treatment for sexually transmitted infections (STIs). Women are now visiting service sites to request contraceptive pills, injectable

contraceptives, hormonal implants, intra-uterine devices and emergency contraception. MSK is also supplying large numbers of condoms. In addition, many expectant mothers in the camps are receiving antenatal care and voluntary HIV counselling and testing services.

Staff have faced a number of challenges in the delivery of these services. One of the main barriers has been the lack of consistent supplies, due to the violence and insecurity. In addition, movement between regions has posed difficulties for MSK staff because of security concerns. Within the camps, insecurity at night makes it difficult and unsafe to respond to emergencies and to ensure that women have access to skilled attendants during delivery. In some camps, the camp organisers are uncomfortable with, or opposed to, the use of certain RH services, such as family planning, and this has been an additional barrier.

Bangladesh

On 15 November 2007 Cyclone Sidr hit the coastal areas of Bangladesh, devastating homes and harvests. By the end of December, an estimated 8.9 million people had been affected by the cyclone – with 3,347 dead and over 563,000 houses destroyed or severely damaged. Maternal health care in the two coastal districts of Borguna and Patuakhali was poor even before the cyclone, with 90% of all deliveries taking place at home and more than 50% of deliveries attended by non-medically trained birth attendants.¹

Save the Children USA used financial support from the RAISE Emergency Fund to implement components

of the Minimum Initial Service Package (MISP) for Reproductive Health in Crisis Situations² in the wake of the storm. The objectives of the programme are 1) to increase access to skilled birth attendance and to emergency obstetrics care, 2) to ensure that universal health precautions are practised in all health facilities where Save the Children works and 3) to ensure continued availability of family planning methods. Project activities include identification, recruiting and training of Community Health Volunteers; ensuring availability of drugs and medical supplies; registration of pregnant and lactating women; supply of clean delivery kits (with information on how to use them) to women who are visibly pregnant; provision of newborn kits; and provision of transportation for emergency obstetric cases.

The programme had significant success, reaching more than 70% of the target population of visibly pregnant women and providing 6,000 out of a target 8,315 pregnant women with clean delivery kits. Medical supplies and drugs were provided for mobile clinics. In addition, Save the Children was able to mobilise more resources and funding to expand its emergency health response to cyclone-affected areas in Patuakhali and Borguna districts. Although five emergency obstetrics cases were successfully referred for care to the district hospitals, there is still concern that, with so many home deliveries, pregnant women in medical distress may not have full access to referral services and emergency obstetrics care.

DRC

Despite movements forward in the peace process for DRC, North Kivu province remains one of the most unstable and insecure areas in the country. The recent escalation of

fighting in the area is expected to uproot a large number of people. In response, Merlin (UK-based NGO) is using support from the RAISE Emergency Fund to provide RH services to people who have been displaced during intensification of the civil unrest and armed conflict in the region. Specifically, the programme supports two RH objectives: 1) to increase awareness and knowledge regarding the causes, consequences of and appropriate responses to GBV, HIV and AIDS, and other STIs and 2) to increase the technical capacity of Ministry of Health and community leaders in the prevention of and response to these. These activities complement Merlin's ongoing efforts in the management and referral of women with obstetric complications and women in need of family planning services.

Merlin held a series of focus group discussions with men, women and adolescents, which highlighted challenges in identifying causes of GBV and possible support and services for survivors. Both men and women tended to view women as being to blame for sexual violence, due to provocative dress and men's inability to control their sexual urges. Adolescent males reported that rape was a result of girls refusing sex, and some participants in the female focus groups indicated that there should be no interventions to address sexual violence, as drawing attention to the issue would simply result in further violence. The nearest hospital for treatment for survivors of sexual violence was reported as too far away for many women to reach. In addition, the focus group participants asked for family planning and HIV prevention services to be made available at the local health centre. In this case, treating both the causes and consequences of sexual violence has presented a complex set of factors with which field staff must contend.

Emergency realities

None of the challenges presented above are unique to their settings. For example, insecurity can have a major impact on the supply chain, with roads closed, whole regions inaccessible, and raids and looting of hospital pharmacies and other places where crucial supplies are kept. In addition, the imposition of night curfews prevents women being attended during delivery at night and does not allow for referral to EmOC services when an obstetric complication occurs. Coordination of supplies and movement in convoys can help to reduce the risk of ruptures in the supply chain.

In times of conflict, community leaders often act as gatekeepers, with considerable control over which services may or may not be provided, and which agencies or organisations may or may not be providers. As a result, access to RH services may not be allowed – even when providers have the capacity and training to provide them. Working closely with communities and their leaders, as well as with camp organisers, can help ensure that all RH services are available.

Availability of trained and experienced staff is a major challenge for all agencies responding to humanitarian disasters. It has long been recognised that there is a need

for emergency response rosters. However, many of the staff on these rosters may be neither skilled in RH nor aware of the need to provide RH services at the outset. As needs assessment progresses in subsequent stages of projects, it is necessary to supplement gaps in appropriately trained staff as soon as qualified and available candidates can be identified.

Coping with challenges such as those described above provides valuable lessons to be learned. In spite of the difficulty experienced while attempting RH service provision, however, all three sites discussed have succeeded in making services available where they would otherwise have remained unavailable or inaccessible. The process of recording and responding to emerging challenges will help staff and administrators to better understand what is needed to address similar challenges in the future.

Diana Barnes-Brown (db2472@columbia.edu) is Technical Writer/ Editor for the RAISE Initiative. For more information on the RAISE Emergency Fund or referral to partner programme contacts, please contact George Patterson, Grants Manager, at the RAISE Initiative (gp337@columbia.edu).

1. Bangladesh Demographic and Health Survey preliminary report 2007
2. www.rhrc.org/MISP/

Reproductive Health in Emergencies Conference 2008



JUNE 18 - 20, 2008 • Speke Conference Centre
Munyonyo, Kampala, Uganda

Reproductive Health in Emergencies Conference 2008 will bring together a wide range of actors from the fields of reproductive health (RH) in emergencies, global RH, humanitarian assistance and development to contribute to the expansion of comprehensive RH services in crisis settings. Reproductive Health in Emergencies Conference 2008 invites participants to join this important dialogue and help to ensure that refugees and internally displaced persons (IDPs) receive the comprehensive RH care to which they are entitled.

To register, please visit www.RHInEmergenciesConference.org

Organised by the RAISE Initiative in collaboration with the RHRC Consortium

RAISE

RHRC
CONSORTIUM

Azerbaijan: internally displaced amidst a booming economy

Petr Kostohryz



**NORWEGIAN
REFUGEE COUNCIL**

Although the number of IDPs in Azerbaijan continues to be among the highest per capita in the world, the Norwegian Refugee Council (NRC) is leaving Azerbaijan in 2008, after 13 years of operations there.

Despite the booming economy, Azerbaijani IDPs continue to rank among the most vulnerable social groups, largely dependent on external assistance. What is now required, however, is a gradual shift to assisting the IDPs on the same basis as other vulnerable people within broader social development and poverty reduction strategies. NRC's decision to leave Azerbaijan is based on the acknowledgement that most of the assistance required now is beyond its mandate and expertise.

framework and a comprehensive state IDP strategy aimed at improving living conditions and employment. The government provides monthly allowances to over half a million displaced people, distributes food – with the World Food Programme – to some 270,000 people, pays for domestic utilities and winter fuel, and provides for several tax exemptions for IDPs. Within the housing programme some 70 collective centres have so far been rehabilitated and 56 new settlements constructed

Armenia and Azerbaijan are technically still in a state of war. Their conflict over Nagorno-Karabakh halted with a 1994 ceasefire with the province and surrounding districts fully or partially remaining under Armenian control. There are 686,586 IDPs from Nagorno-Karabakh and surrounding occupied territories in Azerbaijan.

NRC's decision to leave was primarily motivated by Azerbaijan's economic growth and the state's substantial investments in IDP-related programmes. There is therefore a diminishing need for NRC to substitute for government assistance. In addition, there is limited potential to contribute to durable solutions as long as the status of the disputed Nagorno-Karabakh region and the ongoing Armenian occupation of the surrounding territories give little hope for return, and while resettlement is perceived as temporary and local integration is not promoted by the authorities.

The last few years have seen a significant increase in the government's programmes and in their willingness to allocate funds to address the needs of the displaced population. With the benefit of increased oil revenues, the government has been able to introduce an extensive legal IDP

with individual houses for over 15,000 families; this programme will continue until 2011. The government has even contributed financially to one of NRC's shelter projects.

These genuine positive efforts notwithstanding, Azerbaijan is still a country in transition, with remarkable resources but limited technical capacity to make best use of the financial and human potential available. Further assistance and guidance is needed in several areas, primarily in:

- reducing the dependence of IDPs on external assistance through more emphasis on enhancing their economic opportunities and including them more fully in national social and economic development plans
- ensuring that IDP wishes are taken into account when programmes on their behalf are being

developed and implemented, especially programmes that involve their relocation

- removing practical and institutional barriers and practices that may be perceived as discriminatory, in order to further enhance the rights of IDPs to become fully-fledged members of Azerbaijani society. Among these barriers are: the inflexible system of registration of IDPs based on their place of origin instead of their actual residence, having separate schools and the construction of new settlements in remote areas.

Azerbaijan has already done much to address the needs of IDPs but still has a long way to go. While a lasting and peaceful solution to the Nagorno-Karabakh conflict may still remain elusive, all displaced people need to be given the opportunity to enjoy decent and dignified lives, and to develop their skills in preparation for eventual return. The human potential of IDPs in Azerbaijan is enormous. It is up to the authorities to channel it in directions that will be beneficial for the overall growth of the country.

Petr Kostohryz (petrk@nrc-az.org) is Country Director for NRC's Azerbaijan office (www.nrc.no/?did=9168609).

The Norwegian Refugee Council (NRC) works to provide assistance and protection to refugees and displaced people in Africa, Asia, Europe and the Americas. www.nrc.no/engindex.htm

The Internal Displacement Monitoring Centre (IDMC) is part of NRC and is an international non-profit organisation that monitors internal displacement caused by conflicts.

www.internal-displacement.org

Contact : IDMC, 7-9 Chemin de Balaxert, 1219 Chatelaine, Geneva, Switzerland. Email: idmc@nrc.ch

Bearing witness to displacement in Georgia



Anne-Sophie Lois

The IDP Voices Project tries to give some idea of the personal reality of the loss of close family members in conflict, the loss of all your belongings and being uprooted.

Tens of thousands of internally displaced people (IDPs) from Georgia's secessionist territories of Abkhazia and South Ossetia have been waiting more than a decade for a solution to their displacement following conflicts which broke out in the early 1990s. Over 240,000 IDPs found refuge in the region bordering Abkhazia and in the Georgian capital, Tbilisi. Many of them still live in precarious conditions in former hotels and public buildings, dependent on meagre state benefits. During the past few years, some 45,000 people have returned to the Gali district in eastern Abkhazia, despite the poor conditions and economic prospects.

A Heavy Burden, Internally Displaced in Georgia brings the reality behind these facts to life.¹ Published at the end of April 2008, it brings together 13 individual accounts from Georgia, Abkhazia and South Ossetia. The stories address universal human experiences and responses rather than specific political issues. By reading what the displaced people themselves want to tell us, we may learn what is important to them and what issues particularly concern them. The interviews allowed the displaced individuals to direct the course of the narrative and have allowed unexpected facts and ideas to emerge which challenge generalised notions of displacement.²

The stories in *A Heavy Burden* reveal issues that go beyond typical assistance and protection needs and touch on values, identity, feelings and emotions. Most narrators said they felt relieved or even privileged to be able to tell their story to an attentive and sensitive listener; however, some acknowledged that it was also difficult to recount painful experiences. Some

narrators stated that they were afraid to talk much about these experiences but found it to be of great value.

The title *A Heavy Burden* comes from the great weight of trauma that most narrators reveal. After years of displacement, narrators still need to share their sense of loss and their continuing grief that they could not carry out traditional mourning ceremonies and processes. How can you come to terms with your loss if your loved ones cannot be buried next to their ancestors on their own land, as tradition requires? In these stories we also meet strong women and men who have found their own coping mechanisms and strategies to move forward.

The interviewees were selected from NGOs working with IDPs and communities affected by conflict and forcible displacement. The project gave them the opportunity to develop oral testimony skills to collect and compile the life stories. Together they identified themes, ethical guidelines and appropriate security policies to protect everyone involved in the project. They were also trained to manage the psychological impact of the process on the narrator and themselves.

One of the narrators described the interview process. "Only after talking about our own tragedies did we truly learn about each other... It took time to trust each other. It was when we believed that we understood each other's pain, when this moment came, that we could sit down and talk openly – without aggression, without accusations." Creating space for this dialogue is of the utmost importance in the process of healing the wounds of the displaced people themselves and of the peoples of the region.

It is our hope that that this book will be widely circulated and used by governments, regional organisations, the UN and other international agencies, NGOs, civil society actors, researchers, students and, last but not least, IDPs themselves, to give them a deeper understanding of the concerns of the people displaced in Georgia. Without really listening to people affected and engaging them in the development of programmes, there is little chance that realistic durable solutions will be developed.

Anne-Sophie Lois (anne-sophie.lois@nrc.ch) is Director of the IDP Voices Project, IDMC (www.idpvoices.org and www.internal-displacement.org).

1. *A Heavy Burden, Internally Displaced in Georgia: Stories of People from Abkhazia and South Ossetia* is being published in Georgian, Russian and English jointly by IDMC in Geneva, the Norwegian Refugee Council in Georgia and Panos London's Oral Testimony Programme. Its stories join those of displaced Colombians at www.idpvoices.org.

2. 59 interviews were completed, 29 of which were selected and edited for the website and 13 for the book.

Internal Displacement: Global Overview of Trends and Developments in 2007

In 2007, the number of people displaced within their countries by armed conflicts and violence passed the 26 million mark, according to IDMC's annual overview launched on 17 April. IDPs in over 50 countries faced continuing attacks as well as hunger, disease and the effects of inadequate shelter. Millions fled their homes in 2007 to escape long-standing internal conflicts, while millions more continued to endure protracted displacement with few prospects of return or resettlement. The report is online at: www.internal-displacement.org.



Local integration: reviving a forgotten solution



Alexandra Fielden and Jeff Crisp

A combination of historical trends, the changing policies of governments and renewed efforts by UNHCR have all begun to strengthen the potential of local integration as a lasting solution for refugees.

In April 2001, UNHCR published a research paper on the local integration of refugees in developing countries. Its title was *The Forgotten Solution*. A year later, an NGO statement to the Global Consultations on International Protection made a very similar assertion: "Although local integration is always listed among the three durable solutions, in fact it is rarely used in cases of mass influx and has, in that context, almost become a 'non-solution'."¹

As these statements suggest, the potential of local integration as a solution to refugee situations has received relatively little attention in recent years. Indeed, from the early 1980s onwards, states and UNHCR alike progressively adopted the position – perhaps even a dogma – that repatriation constituted the only viable solution for the vast majority of the world's refugees. Thus, in 1996, UNHCR's Executive Committee adopted a Conclusion that stated very clearly – if somewhat ungrammatically – that voluntary repatriation was "the most preferred solution" to refugee situations.

A forthcoming study from UNHCR's Policy Development and Evaluation Service (PDES) puts such statements in a new perspective.² For a start, the study points out that local integration has never been quite as forgotten as many analysts have assumed it to be.

While the number of refugees who have benefited from this solution may be modest in comparison with those who have been able to return to their country of origin, different forms of local integration have provided a solution for exiled populations throughout the world. These include, for example, groups of Guatemalan

and Salvadorean refugees in Belize, Costa Rica and Mexico; Tajik refugees in Kyrgyzstan and Turkmenistan; Vietnamese refugees in China; Afghan refugees in India; Irian Jayan refugees in Papua New Guinea; and refugees from former Yugoslavia in Serbia and Montenegro.

The PDES study also draws attention to the fact that there is no real logic in confining the discourse on local integration to refugees in developing countries. While detailed statistics are difficult to establish, it is evident that many of the asylum seekers who have been granted refugee status in the industrialised states of Europe, North America and the Asia-Pacific region have become naturalised citizens of their asylum countries. According to information received from the Canadian government, for example, "about 50% of cases of asylum seekers are approved and over 90% of these go on to become permanent residents."

An even more striking finding of the study is the extent to which local integration is beginning to find its way back onto the international refugee policy agenda. In 2005, for example, the UNHCR Executive Committee agreed upon a Conclusion on Local Integration which underlined the need for comprehensive approaches to refugee problems, and which emphasised "the important place which local integration can have in such comprehensive arrangements." The same Conclusion also "urges states and UNHCR to continue working proactively on local integration where appropriate and feasible and in a manner that takes into account the needs and views of both refugees and their hosting communities."

Since that Conclusion was established, some significant developments have taken place in the implementation of this approach, especially but not exclusively in Africa. By far the most significant example in this respect is to be found in Tanzania, where the government has recently reversed a longstanding policy. This had insisted that refugees and their descendants who arrived from Burundi in the early 1970s would eventually have to repatriate, even if they had been born in Tanzania, had spent the whole of their life in that country and had achieved a high level of social and economic integration there.

With the introduction of a new and radically different policy, initiated by Home Affairs Minister Joseph Mungai, the '1972 Burundians' have now been offered the opportunity to acquire Tanzanian citizenship. According to UNHCR, which has undertaken a general census of the refugee population and a comprehensive individual registration exercise, some 170,000 refugees, around 80% of the population, seem likely to avail themselves of this opportunity. A key factor in the implementation of this initiative will be the response of donors to a UNHCR appeal requesting some \$16 million for activities in support of the local integration and naturalisation of the refugees.

According to the research undertaken by PDES, Tanzania is not alone in its readiness to reconsider the solution of local integration. In Angola, for example, the authorities have indicated their willingness to give permanent residence rights to some 14,000 refugees from the Democratic Republic of Congo, while local integration opportunities appear to be opening up for Congolese and Chadian refugees in Gabon.

In Namibia the government has suggested the establishment of a pilot local integration project

for an initial 500 of the Angolan refugees in the country. And in West Africa, host countries such as Côte d'Ivoire, Guinea, Liberia and Sierra Leone have all recently expressed a readiness to consider the local integration of refugees originating from within the ECOWAS region.

While these initiatives are all in their early stages, the solution of local integration appears to be finding its way back onto the international agenda. A number of different factors appear to have prompted this development.

Global refugee numbers have gone down in recent years, creating a more positive environment for solutions than existed in the 1990s, when the world experienced a spate of massive armed conflicts and cross-border population movements which were perceived as a serious threat to local and regional security. Now that many of those conflicts have been brought to an end and large numbers of refugees have been able to return to their countries of origin, governments of refugee-hosting states have perhaps been able to adopt a more positive attitude towards the continued presence

and local integration of the much smaller 'residual refugee caseloads' that remain in their territory.

At a time of rapid globalisation and mass international migration, there also appears to be an emerging consensus concerning the ineffectiveness of policies which insist that everyone should live in their country of origin and, if they have been forced into exile, return to that country. This is especially the case when the people concerned are young people who have never lived in their putative 'homeland'.

Finally, there is reason to believe that UNHCR itself has recently played a valuable role in drawing international attention to the problem of protracted refugee situations and underlining the need for them to be addressed in a vigorous and innovative manner.³

That has not always been the case. In 1995, for example, the organisation published a book entitled *The State of the World's Refugees: In Search of Solutions*, which remarkably failed to make a single substantive or positive reference to local integration. Now that this issue has attained a more prominent place on the

organisation's list of priorities, it is to be hoped and expected that this solution will no longer be as 'forgotten' as it was in previous years.

Alexandra Fielden (fielden@unhcr.org) and Jeff Crisp (crisp@unhcr.org) work in UNHCR's Policy Development and Evaluation Service

1. NGO Statement on local integration, Global Consultations on International Protection, 22-24 May 2002. Available at www.icva.ch/doc0000865.html

2. *Local integration: capitalizing on the potential of a solution to protracted refugee situations*, by Alexandra Fielden, Policy Development and Evaluation Service, UNHCR.

3. For a compilation of the studies that UNHCR has undertaken on this issue since 1999, see www.unhcr.org/research/46adfe822.html.

FMR International Advisory Board

Although the Board members' institutional affiliations are listed below, they serve in an individual capacity and do not necessarily represent their institutions.

Diana Avila

Diálogo Sudamericano

Paula Banerjee

Mahanirban Calcutta Research Group

Amelia Bookstein

Save the Children UK

Nina M Birkeland

Norwegian Refugee Council

Mark Cutts

OCHA

Henia Dakkak

UNFPA

Edmund Jennings

Internal Displacement Monitoring Centre

Rachel Hastie

Oxfam GB

Frances Nicholson

UNHCR

Khalid Koser

Brookings-Bern Project on Internal Displacement

Erin Mooney

ProCap/UNHCR

Bahame Tom Nyanduga

Special Rapporteur on Refugees, IDPs and Asylum Seekers in Africa

Dan Seymour

UNICEF

Richard Williams

Independent Consultant

Roger Zetter

Refugee Studies Centre

MCRG Course on Forced Migration

1-15 December 2008

Kolkata, India: Mahanirban Calcutta Research Group

This annual short course is intended for younger academics, refugee activists and others working in the field of human rights and humanitarian assistance for victims of forced displacement. It will be preceded by a two-and-a-half-month-long programme of distance education. Full details of curriculum and application requirements/procedures are at www.mcrg.ac.in.

Applications/enquiries to forcedmigrationdesk@mcrg.ac.in or Mahanirban Calcutta Research Group, GC-45, First Floor, Sector-III, Salt Lake City, Kolkata 700 106, West Bengal, India. Applications must be received by 31 May 2008.

CAMP MANAGEMENT TOOLKIT 2008

Available in May

The inter-agency *Camp Management Toolkit* has been revised, and its 2008 version will be available in hardcopy, including Toolkit CD (contact camp@nrc.no), and online (www.nrc.no/camp) at the end of May 2008. Taking a comprehensive and holistic look at camp management as a recognised and vital humanitarian sector, the *Camp Management Toolkit* incorporates a wide range of relevant information on various aspects of camp operations, particularly the roles and responsibilities of a camp management agency.

Published by the inter-agency Camp Management Project 2008 (NRC, UNHCR, DRC, IRC, OCHA, IOM) through the Norwegian Refugee Council.



Brigitte Auger

UNHCR community centre in Saida Zeinab.

Clowns in Damascus

Sybella Wilkes

UNHCR first learned about the positive benefits of clowns when a local troupe was hired for World Refugee Day 2007 to perform in the tense and unhappy waiting room at the main refugee registration centre in Damascus. UNHCR staff noticed that the children were more relaxed during the registration appointment.

UNHCR asked the independent international group, Clowns Without Borders,¹ to review the first show, which focused on informing parents and children that all Iraqi children have the right to attend school. Clowns Without Borders then returned in November to offer further training to the clowns. Their leader,

Christina Aguirre, spent time getting to know Iraqi children in order to help design the shows. "When you see a child in the street here, all you see are a lot of problems and no happiness," said Aguirre. "But when we put on our red noses and play with them, they forget their problems for a little while."

At a community centre in Seida Zeinab, one of the main Iraqi refugee areas in Damascus, a crowd of children burst out laughing as two clowns squirted each other with water and made flowers out of balloons. "It was beautiful," said

Rodeen, a young Iraqi girl with a beaming smile on her face.

Sybella Wilkes (wilkes@unhcr.org) is UNHCR's Public Information Officer based in Damascus.

Refugee registration in Syria

UNHCR has registered close to 250,000 Iraqi refugees throughout the region, including 165,000 in Syria out of an estimated Iraqi population there of between 1.2 and 1.4 million people. The number of applicants in Syria continues to increase and, in order to expand outreach, UNHCR has established mobile registration and assistance teams.

The waiting period for non-urgent registration interviews in Syria has been cut to two months, while applicants with specific needs – requiring early registration – are fast-tracked. But while the waiting period for registration of new asylum seekers has been significantly reduced, concern is growing in Syria over the re-registration of Iraqis. The approaching expiry date of vast numbers of certificates issued during the massive influx which began in March 2007, and the backlog which will result from it, will put considerable pressure on interview capacities in the coming months.

There has been a notable rise in the number of applications by people recently arrived in Syria. Many of them, however, are not arriving for the first time but are back after a tentative return to Iraq – where they found the situation less safe than expected.



Brigitte Auger

UNHCR registration centre in Douma.

When UNHCR put out a message that it was looking for clowns to perform a regular show at the registration centre, as luck would have it, three Iraqi actors who had worked in a clown troop in Iraq came forward.

1. www.clownswithoutborders.org