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Dilemmas of development-induced displacement



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Older refugees/IDPs
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Front cover: *Three Gorges Dam*,
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from the editors

Enclosed with this issue is a supplement reporting on a seminar convened by the Norwegian Refugee Council in Oslo on 9 November. Entitled **Response Strategies of the Internally Displaced: Changing the Humanitarian Lens**, the seminar brought together leading figures in the international community who are working to raise the profile of IDPs and to promote recognition of the Guiding Principles on Internal Displacement. Both FMR Editors took part in this important event in the development of the IDP movement. We are pleased that FMR has been selected to publicise the findings and recommendations of the workshops and plenary sessions.

The NRC's new publication **Caught Between Borders - Response Strategies of the Internally Displaced** (edited by Marc Vincent and Birgitte Refslund Sørensen, Pluto Press, London) was launched at the seminar. It should be in every library!

While in Oslo we signed an agreement extending our cooperation with the Norwegian Refugee Council, without whose support FMR would not exist. From this issue, each FMR will have two pages of NRC news.

Please also find enclosed with this issue of FMR a reminder to **renew your subscription for 2002**. Please use the renewal form or email us as soon as possible to confirm whether you wish to continue to receive FMR. We run FMR on a very tight budget and sending out reminders uses up valuable resources. Subscription rates remain the same. **You need to renew even if you receive FMR for free.**

We are currently working on production of an extended additional issue focusing on **Afghanistan** and the impact of the tragic events of 11 September on refugees and IDPs. This is a joint initiative with the Migration Policy Institute in Washington (www.migrationpolicy.org).

We still plan to bring out issues on the **older refugees/IDPs** and on **children**. Let us know if you would be interested in writing or if you know of potential contributors. Perhaps you can suggest aspects you think should be covered?

Would you like to contribute to our **Debate section**? In recent years **development-induced displacement and resettlement** have been highly controversial. Do you disagree with a point of view expressed in an article in this issue? If so, let's have your views.

Our very best wishes for 2002.

Marion Couldrey & Tim Morris
Editors



Steinar Sortie, Secretary General, Norwegian Refugee Council, with FMR editors, Oslo, November 2001.

Writing for FMR? Here are our submission deadlines:

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TEHRI DAM PROJECT
IN THE SERVICE
OF NATION

Development, displacement and ethics

by Peter Penz

One of the social costs of development is that dams, roads, ports, railways, mines and logging displace people. In all cases displacement raises important ethical questions. What is owed to people who are displaced? Under what conditions can development that includes displacement be justified? What kind of ethical analysis can provide justification for displacement-inducing development?'

Three ethical perspectives

Three broad theoretical perspectives can be used to test the justification of development-induced displacement. Their respective central values are the public interest, self-determination and

equality. The public interest perspective is given concrete expression by cost-benefit analysis. The criterion is that of net benefits to the population as a whole. Negative side effects, including displacement, are treated as costs and the question is whether the benefits of the project or policy

exceed such costs. Questions of compensation and distribution are treated as separate, political matters. It is possible for those displaced to become worse off, for these costs to be taken into account, and yet for the project or policy to generate positive net benefits. Such a line of reasoning lay behind the statement of Jawaharlal Nehru, India's first Prime Minister, that people displaced by dams had to make such sacrifices for the good of the country.

Self-determination, on the other hand, is more an issue of freedom and control. In its libertarian form, which focuses on the self-determination of individuals, displacement – at least of property owners – is necessarily immoral. There is also a communitarian interpretation of self-determination, which is violated by the coercive removal or forced migration of whole

communities. This can be a promising antidote to heavy-handed and business-privileging development from the top. However, it is also too crude on its own. It ignores broader public-interest considerations, such as improved living conditions resulting from the electricity and irrigation provided by dams.

One way out is for public authorities to convert opposition to consent by those required to move by offering them sufficient compensation to move voluntarily, so that they are, ultimately, not displaced. There is much to be said for this approach. But it cannot be ignored that such an approach gives to those required to move the power to capture some of the benefits from the project by demanding much higher compensation than is needed to merely not be worse off. This could make the project too costly to finance or at least deprive others of a fair share of the benefits.

Moreover, development projects and policies can also be justified on the basis of reducing poverty and inequality, the concerns of the third perspective, egalitarianism. Development-induced displacement can conceivably reduce inequalities if it primarily benefits the poor and puts the burdens on those who are better off. However, horizontal equity among the poor will be violated when some disadvantaged groups benefit while others are harmed by being displaced. This can be partly resolved by adequate compensation but equal sharing requires also that those displaced share in the benefits of

development, not simply receive compensation. At the same time, equality requires that displaced communities are not the only ones to benefit from development.

Can these three perspectives be brought together? One way of doing this is to require self-determination by resettling populations only on the basis of negotiations and consent but not as an unqualified right to veto development activities. Public-interest and distributive-justice considerations are ethically relevant. When, however, such considerations override consent, full compensation is required (if necessary, determined by fair adjudication). If a certain development proposal cannot meet these requirements, it must be deemed unjustifiable in terms of the ethical considerations employed here.

Indirect displacement and sovereignty

Two further matters, which introduce complications, are those of indirect displacement and sovereignty.

Displacement is indirect when primary causal agents cannot be identified due to environmental, economic and other kinds of systemic interaction. In such a case, the burden of ethical responsibility falls on state authorities. State sovereignty is another complication in the equation of causal agency with ethical responsibility for displacement. One plausible position is to say that responsibility for managing development falls entirely on domestic development agencies and that foreign development actors (whether businesses, other states or NGOs) merely have a responsibility to abide by the laws and directives of the host state.

Such a limited interpretation of the responsibilities of external actors can readily be challenged. Development NGOs and national and multinational development agencies normally have

a mandate to assist only ethically justifiable development. Such mandates require them to apply ethical conditionality when assessing projects. The business community is similarly obliged to exercise ethical conditionality. The ethical responsibilities of the business community do not change when enterprises cross borders. When under-resourced, fallible or corrupt development authorities permit displacement-inducing development, foreign participants, even when their mandates are to make profits, are morally required to attend to the displacement effects of development and assess them in terms of the ethical justifiability of such development.

Conclusion

Applying ethical analysis to displacement-inducing development moves the treatment away from simple moralism. It recognises ethical complexity, including the possibility that such displacement may be justified if certain conditions are met. The public interest and poverty reduction, on the one hand, and self-determination and individual rights protecting against harm and coercion, on the other, stand in tension with each other. The former ethical considerations may justify certain development activities and policies even when they displace people.

Against this prescriptive pressure, self-determination and individual rights act as counterweights but do not make all displacement unjustifiable. They do, however, serve as more than simply compensation and resettlement requirements. They may be sufficient to reject development proposals and plans, even when approved on public-interest grounds.

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¹ These questions are being addressed by two research projects based at the Centre for Refugee Studies at York University in Toronto. The research projects are analysing the ethical responsibilities of authorities concerning development-induced displacement specifically in India and exploring general international responsibilities in the development process when foreign states, businesses and NGOs are involved. For details, see www.yorku.ca/crs/edid.htm.



“If you are to suffer, you should suffer in the interest of the country.”

Jawaharlal Nehru, India's first Prime Minister, speaking to villagers who were to be displaced by the Hirakud Dam, 1948.

Improving outcomes in development-induced displacement and resettlement projects

compiled by Chris de Wet

The annual displacement by development projects of some ten million people has immense socio-economic and human rights consequences. Resettlement guidelines formulated by funders, governments and international treaties have achieved only limited success in reversing these negative consequences.

Not all private sector funders or governments respect guidelines. Neither international law nor national legal systems make adequate provision for 'development oustees'. Poorly informed and planned, non-consultative and badly implemented resettlement projects continue to result in impoverishment and social disruption and to provoke resistance. In order to inform policy making, the Refugee Studies Centre undertook a four-year (1997-2001) development-induced displacement and resettlement (DIDR) research project funded by the UK's Department for International Development. Systematic literature surveys were undertaken of published and unpublished sources, including academic research, international funding agencies' resettlement guidelines, national and state resettlement policies, relevant international treaties and legal cases and literature from NGOs and social movements. Interviews were also conducted with a range of academics, officials, implementing agents, NGOs and activists in Brazil, Canada, India, Switzerland, Uganda and the US.

Brief summaries of the main findings and policy implications of the four desk studies undertaken by the project are below.

Addressing policy constraints and improving outcomes in DIDR projects

by Alan Rew, Eleanor Fisher and Balaji Pandey

The extent and the negative consequences of DIDR indicate serious policy failures with implications for the scope and limits of development policies and their implementation. Explanations of DIDR's dismal record typically appeal to the absence of national legal and policy frameworks and political will to redress the needs of the displaced. The nature of 'the DIDR problem' is more fundamental, as it is inherent in the institutional process of resettlement and rehabilitation itself. Implementation is inherently problematic. Almost always, an 'implementation deficit' obstructs the hypothetical smooth translation of policy into action as policy gets transformed by the very process of implementation.

The normative frameworks formulated by high level policy makers do not necessarily involve clear policy goals for they have to be broad enough to reconcile divergent and even contradictory political positions. This paves the way for differing interpretations of policy further down the bureaucratic hierarchy.

Resettlement and rehabilitation policies are coordinated and implemented at the level of government departments and district administration. There are weaknesses in the chains of communication and decision making due to work pressures, insufficient capacity and problems of coordination between agencies. Though resettlement officers cope as best they can, the result is invariably the development of *ad hoc* institutional arrangements. Local officials exercise considerable discretion as they develop operational routines. This allows for cutting corners and corruption. For the affected population, the local resettlement officer is the government; his or her decisions are policy. Implementation takes on a life of its own.

At the national level, policy reform requires greater clarity and specification of goals as well as the development and enforcement of a coherent vision and framework of DIDR policy issues around human rights, sustainable development and poverty elimination. This framework should incorporate the perspectives of affected people. Donors could facilitate the reform process by paying closer attention to the way rights and entitlements are safeguarded in major development projects.

Lines of authority and responsibility need to be clarified between central, state or provincial and local governments, as well as between government and the private sector interests which are increasingly becoming involved in DIDR projects. At the ground level, the discretion exercised by local officials could be kept in check by monitoring by civil society groups and

NGOS – which would require a financial and political commitment by government to the institutions of civil society.

Addressing legal constraints and improving outcomes in DIDR projects

by Michael Barutciski²

Neither the areas of international law that address forced migration (ie refugee and humanitarian law) nor formulations concerning IDPs offer much protection to people displaced by DIDR projects. DIDR occurs in the name of an ostensibly greater good. The government causing the displacement is also responsible for ensuring the protection of the people it has displaced. International treaties (such as the International Covenant on Economic, Social and Cultural Rights) offer only limited protection to DIDR displacees. Not many countries have incorporated these provisions into their national legal systems, and states have considerable discretion in determining the nature of consultation and participation regarding affected people.

European Community aid grants stipulate that the recipient state should uphold the human rights provisions of the Fourth Lomé Convention. However, enforcement remains problematic, as evidenced by the eviction of tens of thousands of people from the Kibale Game Corridor in Uganda, in violation of Lomé IV provisions.

Resettlement impoverishes people by taking away their political power

Perhaps the most promising development at the international level has been the 'soft law' of the resettlement guidelines drawn up by international funders which makes loans dependent upon borrower countries respecting the rights of those to be displaced. Foremost among these is the World Bank's guidelines on resettlement³ which require consultation with the affected people, and their planned resettlement, compensation and rehabilitation.

However, even with a body as powerful as the World Bank, the fundamental problem remains one of enforcement. The fact that the World Bank has an

explicitly non-political mandate means that it may lack the means effectively to confront governments which ignore its guidelines.

At issue is respect for the rights of DIDR displacees. These rights are frequently abused because of a problematic internal relationship between states and individual citizens. International law recognises that states should be allowed to solve their internal problems by themselves, and is unlikely to sanction intervention in DIDR projects which are ostensibly in the national interest.

Effective legal action at international level requires mechanisms which allow for individual complaints and which create sufficient pressure to ensure respect for basic norms. The World Bank's Inspection Panel is the first forum where private parties can hold an international organisation accountable. The effectiveness of such mechanisms depends on the preparedness of international organisations to jeopardise economic projects in the interests of human rights. This may depend on public pressure and the acceptance that human rights make good economic as well as moral sense.

However, their essentially non-political mandates limit the extent to which financial institutions can link loans to human rights. Governments making loans and providing aid are able to take open political stands and to push for such conditionalities. An international alliance of funding and other institutions would provide for greater authority and enforceability. The European Parliament's call for internationally accepted monitoring mechanisms is a positive step in this regard. Public pressure and access to legal procedure increases participation and accountability, and government agencies such as DFID could also consider further support for NGOs and pressure groups, providing human rights and legal support to those in danger of displacement.

Toward local level development and mitigating impoverishment in DIDR

by Dolores Koenig⁴

Recent attempts to understand why resettlement outcomes have not

shown anticipated improvements have been inadequate because they have focused on the economic aspect, neglecting the political. They have concentrated on the resettled communities themselves, neglecting their relationship to their wider regional and national systems. Cernea's risks and reconstruction model has been extremely useful in identifying the risks inherent in resettlement⁵ and in suggesting ways to deal with these risks so as to reconstitute economic livelihoods and socio-cultural systems. It has, however, been less effective at addressing such political aspects of DIDR as differences in power among people in affected communities, the human rights of the displaced, their local autonomy and control, and their ability to affect their interactions with national institutions – all of which are integral to sustainable development. Resettlement impoverishes people by taking away their political power, notably to decide how and where to live. It disrupts the control that a local social group has over its social institutions, and increases their political marginalisation. People lose resources (ie become impoverished) because they lack the cultural, economic, political and social capital to make their claims and rights heard effectively.

The fact that the state often serves as both implementer and referee in resettlement situations puts it in a powerful position. However reluctantly, states do respond to pressures. The question becomes one of how to integrate resettled people into their national political and economic systems so that they can put pressure on their governments and increasingly participate as equal citizens.

Key constraints on resettlement projects failing to achieve their goals include:

- weak, authoritarian and uncommitted implementing institutions lacking a clear mandate, organisational capacity and sociological skills to oversee resettlement
- the complexities inherent in the resettlement process – with which weak implementing institutions are even less able to deal
- resistance, which may even further compromise project capacity

This study argues that the best way to address such constraints is via a more democratic, participatory approach to project planning and implementation. Effective participation involves the ability to influence decisions and proceedings throughout the project. This in turn requires: i) a free flow of information at all stages, ii) a clear set of operating rules that are understood and adhered to by all parties and iii) all parties having the skills to operate on equal terms in an open-ended negotiation process where the outcomes emerge from the process. While risky, this approach yields returns, as genuine participation helps secure consensus, reduces conflicts and delays, and makes for more realistic planning and goals.

Many projects have failed because they have not been flexible enough to adapt to differing needs or unexpected developments. Care must be taken to provide a wide range of resettlement and compensation options, designed to take account of the diversity of constituencies within a resettled 'community'. Project officials also need to be recruited from a range of backgrounds, so as to provide a wide bank of skills and experience to deal with anything that may come up. Project flexibility also requires more generous funding: World Bank evidence shows that well-funded

projects were essentially free of major problems.

Resettlement is an inherently complex process. While a participatory, flexible and open-ended approach to planning and implementation may appear risky and expensive at the outset, any other approach seems almost certain to fail, and in the end to be much more costly overall.

Displacement, resistance and the critique of development: from the grassroots to the global

by Anthony Oliver-Smith⁶

Resistance may be seen as a response to the often appallingly bad consultation, baseline research, planning and implementation of resettlement projects and highlights serious shortcomings in the thinking behind such projects. At a deeper level, resistance signifies that development itself has become a contested domain, an argument involving many voices and perspectives, notably those affected by displacement and their allies. Resettlement projects have become the sites in which various interests, and models of development and the environment, are being contested. Resistance may be seen as part of a discourse about rights: those of state and capital to develop versus those of

peoples targeted to be moved. Underlying resistance is the perception that the most vulnerable are forced to bear an unfair share of the costs of development – which is seen as a violation of basic human rights. Recent thinking has established links between the concepts of rights and of risks. When people assess risk to be more than is culturally acceptable (ie what they regard as their rights), or when they redefine such acceptability, resistance is likely to result. A rights and risks approach (as advocated by the World Commission on Dams) allows for the inclusion of symbolic and affective, as well as material, concerns. Constituencies differentiated by age, gender or wealth are affected and respond in different ways. Such an approach heightens our understanding of the cultural and identity dimensions of resistance to resettlement.

DIDR gives rise to a complex tapestry of cultural and human rights and project-initiated risks. Exclusively economic value orientations, such as cost-benefit analyses, with assumptions about commensurability between different kinds of goods, cannot address that complexity. Cultural resources are not amenable to such an equation, which is resisted by people at risk of such loss. The insistence on commensurability is an

Medha Patkar and Narmada protesters confront Justice Kurdukar, Grievance Redressal Authority of Maharashtra



assertion of political power and not an economic achievement – which evokes the counter-assertion of resistance.

Resistance acts as an initiator of social change. Crises are times of fluidity, redefining a variety of internal and external relationships. Women, most notably Medha Patkar of the Save the Narmada Movement⁷, have played an active role in resistance to DIDR.

Women have played an active role in resistance to DIDR.

The proliferation of organised social movements, together with the new communications technology, has seen local DIDR resistance being taken up by first world activists and promoted in wider fora, with websites⁸ becoming a key feature of DIDR resistance. Such assistance is not always disinterested, with transnational groupings using resistance to specific resettlement projects as a platform to attack Western development ideology.

Resistance is mostly an uneven power struggle, with movements needing to mobilise to improve their chances. Effective mobilisation requires a democratic and pluralistic political climate with a free flow of information. While it may carry heavy costs, and often does not succeed in stopping resettlement, resistance may still succeed both in improving the terms of resettlement and developing valuable experience in dealing with outside agencies. At a wider level, resistance movements have influenced global dialogues on development and changes in policy or practice in specific countries or institutions.

Policy relevant lessons emerging from the project

At the national level, policy reform requires:

- greater clarity and realism in the formulation of policy goals
- the development and enforcement of a coherent and shared policy framework, clearly stipulating requirements for resettlement to be undertaken as development, and addressing the issues of inalienable human rights, sustainable development goals and the elimination of poverty

- clarification of the role and obligations of the private sector

At the international level, the promotion of the rights of development displacees requires:

- accessible mechanisms, allowing for the lodging, and following up, of individual complaints (governments making bilateral loans are better placed to establish such mechanisms and to link aid and human rights, as they are not limited by non-political mandates)
- support for the European Parliament's proposal for international fora and funders to cooperate in establishing internationally accepted and sanctioned mechanisms for monitoring development projects
- support from DFID and other donors for NGOs working for the rights of development-displaced people

To ensure genuine participation and improve project outcomes, policy reform requires:

- a democratic participatory approach to project planning and implementation involving:
 - authentic participation which involves the ability to influence decisions
 - decision-making criteria which move away from the purely economic to more dialogic, consensual considerations
 - recognition of resistance as a legitimate form of expression in the dialogue about development options
 - re-examination of the criteria allowing the state to relocate people and appropriate property
 - development of skills necessary for all parties to engage in open-ended negotiation as equal parties
 - free flow of information at all stages of a development project which may cause resettlement
- a wide range of resettlement and compensation options, involving:
 - approaches designed to open out choices, allowing people to mix and match options to their needs

- appropriate and just forms and levels of compensation determined in genuine consultation with affected people
- options that will not increase economic differentiation, while yet encouraging the rich to invest in the resettlement area

- a flexible, learning-oriented approach to settlement projects, involving:

- projects designed so as to be able to adapt as unexpected developments occur, and in response to ongoing input by affected parties
- the necessary range of skills in the implementation team, as well as sufficient funding, to allow for flexibility

- the integration of resettlement projects into ongoing regional development initiatives for optimum efficiency and synergy

All the above considerations must be informed by the suggestion by the World Commission on Dams that "an approach based on 'recognition of rights' and 'assessment of risks' (particularly rights at risk) be developed as a tool for future planning and decision making".⁹

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1. Centre for Development Studies, University of Wales, Swansea. The full report is at www.qeh.ox.ac.uk/rsc/rerep8.html.
 2. Formerly at the Refugee Studies Centre, University of Oxford. The full report is at www.qeh.ox.ac.uk/rsc/rerep7.html.
 3. See www.displacement.net/OP412_901.pdf.
 4. Department of Anthropology, American University, USA.
 5. Michael Cernea 'Risks, Safeguards and Reconstruction: a Model for Population Displacement and Resettlement' in M Cernea and C McDowell (eds) *Risks and Reconstruction: Experiences of Resettlers and Refugees*, World Bank, 2000, Washington DC (see p 15 & 47).
 6. Department of Anthropology, University of Florida.
 7. See www.narmada.org.
 8. See, for example, that of the International Rivers Network www.irn.org.
 9. See *Dams and Development: a New Framework for Decision-Making*, Earthscan, 2000, London, p206. The report can be downloaded at www.dams.org/report.

Policies and practice in Three Gorges resettlement: a field account

by Shawn Steil and Duan Yuefang

The Three Gorges Project on China's Yangtze River is the largest and perhaps most controversial development-induced displacement project in the world. Official estimates place the resettlement population at over 1.2 million by 2009.¹

The displacement process is guided by China's 'developmental resettlement' policy that aims to maintain or enhance the living standards of resettlers. Implementing this policy on such a massive scale is an increasingly difficult challenge for the Chinese government.

Given the international controversy surrounding the project, conducting research and exploring cooperative means of promoting resettlers' livelihoods is a challenge of its own. The authors undertook fieldwork in a variety of resettlement areas and interviewed national, regional and village offices and urban and rural resettlers. This article presents a preliminary overview of the implementation of resettlement policies and offers recommendations for improving the work through its final phases.

The challenge of rural resettlement

According to the Changjiang (Yangtze River) Water Resources Commission, the rural population represents 40% of the total resettlement population but will, it is proposed, receive less than 20% of the resettlement investment. The project has pledged to ensure that the average amount of land per person will be maintained after inundation. With a shortage of arable land, a struggling physical and economic environment and an under-developed infrastructure, the challenge to successfully resettle the displaced is considerable.

In the Three Gorges, as with other poor areas of China, male members of the household often find work out of the village. With farming becoming less popular and profitable for

younger people, the rural population is ageing. Most family representatives participating in interviews were over 50. Each of the participants faced different situations and different challenges, all of them daunting. What stood out most was the stoicism with which they are facing unexpected challenges. They will need more than personal courage, however, if they are really to maintain or improve their standards of living

New policies, uncertain impacts

From 1992 Premier Li Peng's resettlement policy emphasised simply opening up land and moving the displaced to higher ground within their home counties. At least 60% of rural resettlers were expected to continue in agriculture. The policy was lauded for its social sensitivity as resettlers remaining within their own counties would be protected from the social and economic risks of being moved far from their homes.

It was not until 1998 that the central government began to acknowledge that deforestation in the Yangtze basin was responsible for serious

flooding. It has since begun to accept not only that there is insufficient suitable land in the region to relocate rural resettlers but also that currently cultivated land must be reforested in order to prevent further erosion and flooding. This realisation has led to major policy changes limiting the amount of land available for resettlers and placing greater emphasis on distant resettlement.

Reforestation of cultivated land

Three Gorges Resettlement regulations have been amended to prohibit the opening of new land for resettlers on slopes greater than 25° (those particularly vulnerable to soil erosion). The *tui geng huan lin* or Reforestation of Cultivated Land policy stipulates that **existing** cultivated land at this incline must be returned to forest. Government officials and academics involved with the resettlement defend the earlier resettlement policies and argue that the change in approach is a natural occurrence. In the West, they point out, increasing awareness of environmental issues has similarly precipitated policy shifts. While these policy changes are needed to ensure the long-term sustainability of the Three Gorges, they bring new and unanticipated challenges to resettlement work.

In the early 1990s, one community invested a significant portion of resettlement funds in opening new slope land for resettlers. The land, however, has proved unproductive and too difficult to farm and has been rejected by resettlers. Now, with its slope of well over 25°, it must be returned to forest or orchard use, and the resettlement funds put into the land cannot be recovered. The resettlers waiting for compensation land now must prepare to farm only that land remaining above the inun-

dation line. In some townships in the Three Gorges, large proportions of the currently cultivated land are steeper than 25°. Though farmers support the policy to reforest the land, having seen in some cases the depth of the soil in their fields drain away from 100cm to 20cm, they are concerned about how they will support themselves after inundation without enough land to earn a living.

The reforestation policy allows for flexibility in meeting the targets and offers economic incentives. Farmers interviewed in one resettlement area reported that they would receive a small cash subsidy and eight years of rice subsidy if they returned the land to natural forest, and five years of rice subsidy if they returned the land to fruit orchards. Overall, of the fields that are above 25° in slope, 80% must be returned to natural forest but 20% may be converted to fruit orchards to allow farmers to make some income while partially protecting the soil. In reality, however, our investigations revealed no farmer willing to convert their land to natural forest. Even those who were willing to convert some of their land to orchards were concerned about how they would get by with the reduction in income and food supply, especially after inundation claimed their best land and their subsidy ran out.

The response to increasing production and income insecurity for rural resettlers varies in different areas. In some areas, farmers moonlight as migrant labourers. In other areas, especially those with older populations where migrant labour is not common, local leaders are under pressure to provide alternative sources of income for the displaced. In Zigui, one resettlement village has resorted to buying out a

bankrupt brick factory from the township government. But enterprises in the Three Gorges are not usually successful and it is uncertain whether the village will succeed where the township has failed. Another nearby village already suffers from massive debt due to failed commercial and development enterprises. The many officials and academics interviewed are generally sceptical about the prospects for developing new rural employment enterprises.

Waiqian yimin – distant resettlement

In the midst of this new awareness of the environmental and economic limits of the Three Gorges, the government has increased compensation and other incentives for displaced people to move out of their home communities. Officially, there are plans for 125,000 resettlers – about 10% of the total – to be moved out of the Three Gorges reservoir area. According to most academics and some senior officials interviewed, even this number is far too low.

The quota for the number of people who must be displaced outside of the county has been determined in order to guarantee that the amount of arable land per person remains the same after inundation. It falls upon the township-level Resettlement Bureau officials to decide who must move away and, ultimately, to persuade them to actually leave. The pressure upon these officials is enormous and under this system it is impossible to address individual circumstances.

In one case, a family was being encouraged to move out of the county to the village in which the husband had employment. The family was reluctant to leave their home village with an elderly family member and would have readily given up their

Distant resettlement: resettlers wait by the riverside for boats to carry them and their possessions away from their ancestral villages to towns and cities in more prosperous areas of China.



entitlement to new land in return for being allowed to merely rebuild their home nearby. However, the rules of resettlement requiring displaced people to be given land and obliging the resettlement official to meet his quota resulted in a stressful impasse.

Resettlers are being moved *en masse* to locations in Shanghai, Guangdong and all over China. A combination of the increased compensation and a realisation of the difficulty of remaining in the Three Gorges are persuading some resettlers that distant resettlement is their best option. These added incentives and the other additional expenses of distant resettlement will undoubtedly raise resettlement costs. The resettlement budget finalised in 1993 is intended to be a fixed amount and there is some disagreement among senior officials on whether or not the budget will have to be increased.

***Dui kou zhi yuan* – partnership support**

With rising costs and a shortage of local resources, the Partnership Support policy encourages development support links between Three Gorges and other regional governments. The 19 counties to be affected by the Three Gorges inundation are partnered with a province or municipality outside the affected area. Enterprises in partner administrative units are being offered financial incentives to open branch operations in the resettlement communities. While the intent of the Partnership Support policy is to boost economic development in the resettlement areas and create jobs for resettlers, there are no firm requirements to hire resettlers. Our interviews with managers of Jiangsu province factories in Zigui County revealed that the primary reason to establish a partnership enterprise was to answer the central government's call to assist in the resettlement. Interviews with county government officials suggest that favourable tax policies and the expectation of other financial and service incentives play a significant role in the decision to establish enterprises in the Three Gorges.

Though measuring success in maintaining or enhancing the living standards of resettlers requires further research, it is already clear

that the results are uneven. Thus Zigui County enjoys a number of newly established enterprises providing apparently viable employment to resettlers. Its fortunate location close to the Three Gorges Project construction site and relatively developed infrastructure and transportation links enable Zigui to persuade firms from the rich eastern province of Jiangsu to invest. By contrast, in Kaixian, a poor and isolated county in the reservoir area in Chongqing municipality, the results of the Partnership Support policy have not been so promising. Officials from Kaixian County lamented that their official partner was in western Sichuan and that they could not attract more economically viable enterprises from the east. As China shifts towards a 'socialist market economy', the success of even the state-mandated Partnership Support programme will rely on market forces and profit margins.

Prospects for international support

With such a staggering number of people to be displaced and resettled, high goals set by the Chinese government for the reconstruction of their lives and limited resources with which to achieve these goals, it might be assumed that international assistance in the resettlement would be welcome. The Chinese government, however, is determined to go it alone. Senior officials at the State Resettlement Bureau have only agreed to support technical research. The Chongqing municipal government recently posted regulations prohibiting any 'individual' research or consulting in the Three Gorges area. Further work is thus required to create an enabling environment in which investment, either private or public, can assist resettlers.

Despite restrictions, there is an eagerness at the local level to engage in international cooperation. In Kaixian County, a relatively flat area along a northern tributary to the Yangtze River, government officials are keen to work with foreign researchers to address environmental problems. With a yearly fluctuation in water level of up to 35 metres and the prospect of a developing swamp increasing the incidence of water-borne disease for the 600,000 people who are due to reside there, Kaixian

officials are working hard to find suitable solutions. They hope to involve foreign resources in their environmental protection plans.

The Chinese government recently announced a large-scale survey to examine the protection of resettlers' rights in the Three Gorges.² While this is certainly a welcome development, an opening to independent research would increase international confidence in the resettlement work and perhaps attract international resources – something that will increase in importance with China's economic reforms and recent entry into the WTO.

Policy recommendations

The Partnership Support policy may serve as a model for other resettlement projects. The policy establishes working relationships that provide local governments and economies with specialised support. Initial indications are that large-scale investment schemes would be favoured over grass-roots ventures. After further study, it may be conceivable to expand the programme internationally. Countries such as Canada, which is involved with the Three Gorges Dam project, might provide consulting and additional financial incentives for Canadian firms who guarantee to provide training and employment for the displaced.

Almost all of the farmers interviewed agreed that the subsidies for the Reforestation of Cultivated Land policy were too low. They additionally feel that it is important to address the low productivity of the existing land above the final inundation line and to provide irrigation to help them withstand drought. Despite plans for a massive reservoir below them, the farmers fear having insufficient water.

Foreign or domestic finance could increase subsidies or provide saplings for planting. The World Commission on Dams has suggested that resettlers should share in the benefits of development projects, including irrigation water and electricity. Pumping water up slopes for irrigation is expensive and requires external resources. International partners might consider providing investment and expertise to develop irrigation systems in exchange for subsidised electricity

from the Three Gorges Project to run pumping stations.

New pressures caused by the shift in policy towards distant resettlement have been exacerbated by the *hukou* (household registration) system. Local officials have not met their quota until the resettlers' *hukou* has been transferred to another county. In some areas, migrant labour exists but because social services and other rights are linked to the *hukou* system, natural out-migration is not a feasible solution for the resettlement. *Hukou* system reforms are underway in China but need to be speeded up, especially in the Three Gorges, in order to provide resettlers with more freedom of mobility to control their own supported distant resettlement.

Distant resettlement is likely to continue to increase, along with pressure and tension between officials and resettlers. While many resettlers expressed some willingness to resettle outside the area, others resent the higher compensation for distant resettlers. There are higher costs, both economic and social, entailed in distant resettlement, and the risks include growing discontent and dissent.

Conclusion

The uprooting of the lives of resettlers is a reflection of the rapid change taking place all over China. As economic

reform speeds ahead of political reform, centralised decision making cannot always keep up with changes in local realities. While great efforts are being made in the massive undertaking of Three Gorges resettlement, there is enormous pressure on the government apparatus at various levels to achieve the still ambiguous 'developmental resettlement'. Increased transparency plus participation of the displaced in the decision-making process might diminish much of this pressure.

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1. This includes population growth during the expected 17 years of project construction.
2. Three Gorges Probe, September 20, 2001, www.probeinternational.org/pi/3g

Dams in China

The official Three Gorges website is at: www.ctgpc.com/html/information/english/eng01.htm.

See also the National Research Centre for Resettlement (NRCR) at Hohai University, Nanjing: www.chinaresettlement.com/index.htm.

The World Commission on Dams Report on China is at www.dams.org/studies/cn.

Critiques of the Three Gorges and other Chinese resettlement programmes are presented by:

Probe International at www.probeinternational.org/pi/3g/index.cfm;

the International River Network at www.irn.org/programs/threeg;

Human Rights China at www.hrichina.org/reports/3gorges.html;

Flood Wall St at www.floodwall-street.org; and

Human Rights Watch at www.hrw.org/press/2001/04/threegorges0420.htm.

Creating poverty: the flawed economic logic of the World Bank's revised involuntary resettlement policy

by Theodore E Downing

In 1990 the World Bank set out a landmark involuntary resettlement policy that has subsequently been emulated and cross-referenced. Since 1998 the Bank has asked NGOs, government agencies and other interested parties to provide feedback on a series of draft revisions. Despite objections that the final revision weakened the existing Operational Directive, the new policy (OP/BP 4.12) was adopted by the Bank Board in October 2001.¹

The Bank has played a lead role in recognising the intrinsic risks in

forced displacements. Its in-house Impoverishment Risks and Reconstruction model developed by Michael Cernea has been extensively tested and elaborated. OP/BP 4.12 acknowledges impoverishment risks in its first paragraph but fails to propose measures to address them. Instead, it falls back on the same flawed economic analysis and methodologies that have been responsible for decades of unacceptable performance. By narrowly focusing the Bank's client's responsibility on compensation for loss of land, the revisions sidestep the need for viable rehabilita-

tion of the innocent victims of development-induced displacement. If its intention is to implicitly address risks, then why did the new policy fail to proscribe the analytical tools and commensurate financing to avoid them?

OP/BP 4.12 confuses restoration with development. While one section calls for the displaced to be project beneficiaries, another allows borrowers the option of merely restoring pre-displacement livelihoods and standards of living. The original policy set a higher standard, as it stipulated that

"all involuntary resettlement should be conceived and executed as development programs with resettlers provided sufficient investment resources and opportunities to should share in project benefits." Why has this been excluded? Might this be a move to narrowly define or transfer liability?


OP/BP4.12 arbitrarily limits the cost of resettlement to "direct economic and social impacts" resulting from the project's taking of land, relocation of shelter and loss of assets and income sources. The revised policy permits the borrower to define their liability and responsibilities by drawing an arbitrary "direct/indirect" distinction. This leads to an understatement of total project costs. The policy ignores Bank and academic research that finds externalised costs, such as reintegration, repositioning of communities, loss of food security and ill health, are real and calculable. The correct, economic litmus test should be: if the costs would not have accrued without the project, then they are project costs and must be factored in.

OP/BP 4.12 requires neither an assessment of impoverishment risks nor a socio-economic analysis of potential impacts. In its 1994 Bankwide Review, the Board discovered that dismal performance of a decade of its projects was due to their failure to deal with these risks. OP/BP4.12 merely directs Bank staff to review the risk that the borrower's resettlement plans will not be inadequately implemented. By focusing on risk as a measure of poor project performance, it avoids the multifaceted, impoverishment risks facing the displaced.

OP/BP4.12 excludes the critical costs of reintegrating and restarting disrupted economies, social institutions and educational systems. It prioritises compensation over mechanisms to jump-start damaged socio-economic systems. The earlier recognition of the "stress of being uprooted" has been narrowed to "psychological stress", thus excluding other documented social, environmental and economic stresses that often accompany displacement. The revision adopts an antiquated variant of cost benefit analysis that lacks a distributional analysis of gains/losses and does not use the local region as a unit of analysis. Why has the Bank retained a

International Network on Displacement and Resettlement

INDR is a virtual, global communications network of scholars, practitioners and policy makers attempting to mitigate development-induced impoverishment.



The INDR website is at: www.displacement.net.

Other sites relating to development-induced displacement include:
Friends of River Narmada: www.narmada.org
International Rivers Network: www.irn.org/index.html
Dams and Development Project, United Nations Environment Programme (UNEP): www.unep-dams.org
World Commission on Dams: www.dams.org

methodology that its own studies have found to be flawed?

The new policy institutionalises a negotiating system that potentially violates human rights. Lack of information and legal representation has consistently undermined the capacity of project-affected people to understand and negotiate for their economic reconstruction. OP/BP4.12 hierarchically 'consults on', rather than 'consults with', people affected by development projects. In a memorandum to the Board, World Bank President James D Wolfensohn has explicitly denied indigenous peoples the right of prior, informed consent.² Why does OP/BP4.12 permit the Bank to underwrite the borrower's costs of negotiating with the displaced but not *vice versa*?

In preparation for the Bank's promised future review of its revised policy, I suggest they adhere to the precautionary principle and avoid actions that might cause harm. They should a) finance risk assessments, b) opportunely inform people of the risks and possible mitigations, c) provide independent, competent legal representation and d) arrange for

independent and transparent monitoring of all development-induced, displacement projects. They should also e) protect those at risk by introducing 'induced-displacement insurance' as a safety net – in case their policies do not work. This innovation would lead underwriters and the market to nudge borrowers to mitigate and avoid known risks. With so many actions possible, why are Bank management and staff idly standing by as the displaced are being submerged into development-induced poverty, contradicting the Bank's primary goal of poverty reduction?

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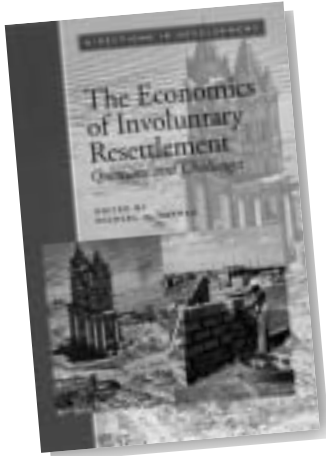
1. For an overview of the consultation process, see www.ciel.org/lfi/wbinvolresettle.html.

2. See www.displacement.net/OP412_901.pdf

Literature on development-induced displacement and resettlement

The research literature on development-induced resettlement has increased by leaps and bounds over the last decade. Two recent volumes, which bring together multi-disciplinary contributions by a large number of scholars, are the World Bank publications *The Economics of Involuntary Resettlement: Questions and Challenges* (edited by Michael M Cernea) and *Risks and Reconstruction: Experiences of Resettlers and Refugees* (edited by Christopher McDowell and Michael M Cernea).¹

The Economics of Involuntary Resettlement



This is the first book in the resettlement literature which is devoted to the economic issues involved in processes of development-triggered forced displacement and relocation. In the introductory chapter Michael Cernea sets out two basic arguments. First, the economics of displacement and resettlement have been neglected by academic researchers and practitioners, a neglect that has resulted in gaps in economic analysis of displacement and the economic/financial remedies to it. He notes that sociological/ anthropological learning on resettlement is so far ahead of economic knowledge that it has created a dysfunctional gap in understanding which affects policy and practical action. Second, he contends that the economic methodology used in World Bank, donor or government-financed projects to analyse costs, compensations and expenditures for displacement/resettlement is based on conventional cost-benefits analysis (CBA) and is obsolete. It is not suited to analysis of displacement which entails distribution differentials in both costs and benefits. The use of CBA, he argues, leads to underestimates and to chronic under-financing of resettlement operations, vastly contributing to their frequent failures.

These charges are supported by a contribution from the British economist, David Pearce. From the

perspective of welfare economics, Pearce draws parallels between resettlement economics and environmental economics and criticises the unsatisfactory treatment of externalities in resettlement projects. He makes important policy and methodological recommendations for improving the economic and financial foundations upon which development-triggered displacement and relocation are predicated.

The other chapters, authored by John Eriksen and Maria-Clara Mejia, deal with Asian rural resettlement and urban resettlement in Latin America. They provide convincing empirical evidence of flaws in the economic planning for resettlement operations. An Indian anthropologist, Lakshman Mahapatra, tests the Impoverishment Risks and Livelihood Reconstruction (IRLR) model of resettlement against empirical findings about displacement-induced impoverishment processes in India. The book concludes with a contribution by a political scientist, Warren van Wicklin, who suggests how resettlement policies can better mobilise budgetary resources for resettlement and the new resources created by the project itself in order to improve the economic conditions of the resettlers and enable them to share in developmental benefits.

The book provides a perspective on resettlement's inner dynamics and suggests analytical tools and policy solutions to challenge the premises and to improve the resources and outcomes of involuntary resettlement processes. It is now up to economic researchers to respond to the questions and challenges raised in this volume.

Risks and Reconstruction: Experiences of Resettlers and Refugees

This massive volume, centered around the IRLR model, provides guidelines for risk identification and prediction,

risk intensity diagnosis and counter-risk mitigatory action. The book developed out of a major international conference organised by the Refugee Studies Centre in 1998 to discuss the content and functions of the IRLR model and to explore whether the model and its key components can be also employed to analyse refugee and other displacement processes.

The volume has eight sections. Following Cernea's opening chapter outlining the IRLR template, each main feature of the model is treated in a pair of studies, one written by a resettlement expert and the other by a scholar in the refugee field. Voutira, Harrell-Bond, Green, Kibreab, Sørensen, Hirschon and Wolde-Selassie contribute studies primarily about conflict-caused and politically-caused refugees, while Nayak, Lasailly-Jacob, Meikle, Zhu, Mejia, Fernandes, Koenig and other researchers employ the IRLR approach to examine major development-caused resettlements in China, India, Argentina and Africa.

The diversity of case studies powerfully indicates that in most cases displacement does indeed lead to impoverishment and that systematic risk analysis and identification are indispensable. A novel contribution of this book is the treatment of post-displacement reconstructive strategies drawing on the IRLR approach. This aspect has been historically under-treated in the resettlement literature which has been short of positive, successful experiences to report on. Resettlers' access to natural resources under common property and issues of community re-articulation are discussed.

The volume both presents a range of comparative studies and outlines dialogue and debate between different viewpoints, some complementary, some opposed. The book can be used by teachers, researchers and students of forced migration. Practitioners can use its insights and hypotheses to develop operational goals.

1. For ordering details, see page 47.



Harikrishna

Development-induced displacement: internal affair or international human rights issue?

by Bjorn Petterson

If the exact number of conflict-induced IDPs is unclear (most observers agree there are 20-25 million), the number of those displaced by development projects is even harder to estimate.

Extensive research findings presented by the World Commission on Dams have shown that between 40 and 80 million people have been forced to leave their homes as a result of the construction of large hydroelectric dams alone.¹

In 1994 the government of India admitted that 10 million people displaced by dams, mines, deforestation and other development projects were still 'awaiting rehabilitation', a figure regarded as very conservative by most

independent researchers. In China the government has admitted that 7 million development-induced IDPs lived in 'extreme poverty' in 1989.²

When the lives of so many people are being disrupted, why is there such deafening silence surrounding development-induced IDPs? During the last decade the UN has gradually paid more attention to conflict-induced displacement, belatedly recognising that IDPs are just as vulnerable as refugees and by far outnumber those

who have fled across a border. What is now required to direct the international community's attention to the development-induced displaced? Will they remain silent victims of government and corporate neglect? This article draws attention to forced displacement as a violation of human rights, looking both at how development at projects cause displacement and the widespread neglect of displaced populations in need of resettlement and restitution of livelihoods.

The UN Guiding Principles and development-induced displacement

Francis Deng, the UN Secretary General's Special Representative on

Narmada protesters outside Congress Party headquarters, Mumbai, Sept 2001.

IDPs, has been instrumental in drawing international attention to the plight of conflict-induced IDPs. His work has contributed to the improvement of government and UN responses to conflict-induced IDPs. The set of international norms – the UN Guiding Principles on Internal Displacement – developed by him and his legal team may not be international binding law but are based on international human rights and humanitarian law.

In order to see what scope there is for the Principles to be used to address the plight of development-induced displaced persons, we need first to determine if the Guiding Principles actually apply to development-induced IDPs. A quick reading of the definition of a displaced person in the Guiding Principles shows this is not immediately apparent. It states that:

“Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”

However, the expression “in particular” before the listing of the causes indicates that the list is not exhaustive. Francis Deng and Roberta Cohen have argued that the construction of hydroelectric dams could be considered a “human-made disaster” and therefore that those displaced fall within the definition in the Guiding Principles.³

The case for arguing that development-induced displacement is clearly covered by the Principles is bolstered by Principle 6.2(c) which reads:

“The prohibition of arbitrary displacement includes displacement: [...] (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests [...]”

But what is meant by the ambiguous concept of “compelling and overriding public interests”? Who has authority to adjudicate that “compelling and

overriding public interest” can justify forcing people off their lands?

Walter Kalin, one of the drafters of the Guiding Principles, has suggested that “development-related displacement is permissible only when compelling and overriding public interests justify this measure,

that is, when the requirements of necessity and proportionality are met”.⁴ For an interpretation of the last concepts, the “requirements of necessity and proportionality”, Kalin refers to the World Bank’s Operational Directive 4.30 on Involuntary Resettlement⁵ and the OECD’s Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects.

However, though these guidelines provide excellent guidance to governments, aid agencies and lenders on involuntary resettlement and rehabilitation of populations displaced by development projects, they do not shed further light on the issue of “necessity and proportionality”. These concepts are therefore left to be worked out by those who should apply the Guiding Principles: governments, non-state actors, UN agencies and the Representative of the Secretary General himself.

Deconstructing the language of development-induced displacement

Because “overriding public interest” and “necessity and proportionality” determine whether forced displacement of a population as a consequence of an infrastructure project is a human rights violation or a legitimate development project, it is important to reflect on these words. We need to continue challenging the assumptions behind the words used to justify large-scale forced displacement.

Who is “the public”? If we accept that international human rights are universal in scope it follows that the “public” is the whole population in a given area and not only the economic and political elite. To take the example of India (where more than 80% of rural households have no electricity) one could argue that expanding the electricity supply network in rural

areas would be more “necessary” than producing more electricity for a mostly urban elite.⁶ This argument is backed by the World Commission on Dams’ conclusion that large dams “produce benefits that accrue to groups other than those who bear the social and environmental costs”.⁷

why is the UN so hesitant to address the issue?

Could “proportionality” be made more quantifiable? In the case of a hydroelectric project the authorities could determine a “justifiable” number of households-to-be displaced per projected megawatt produced. Of course, such a cynical method of determining proportionality assumes that the electricity produced will benefit the population equally – clearly not the case where a small minority enjoy access to electricity.

If the displaced are not properly resettled and their capacity to earn a living is not restored to them, it becomes irrelevant if the project forcing them off their land is of an “overriding public interest”. It is still the reality that their rights have still been violated.

UN lack of interest in development-induced displacement

It has been left to NGOs, the media and academics to probe the government-inflicted human rights abuses related to development-induced displacement and to highlight the plight of millions of IDPs forced off their land. If, as we have seen, the Guiding Principles and binding international human rights law⁸ prohibit forced displacement (conflict- or development-induced) not justified by overriding public interest, why is the UN so hesitant to address the issue? How can the international community justify, for example, the fact that in Georgia UNHCR has for the past decade attended to the needs of 272,000 relatively well-off conflict-induced IDPs while at least 21 million development-induced displaced in India are not even an issue to UNHCR (or to any other UN agency)?

Governments naturally fight harder to maintain the concept of national sovereignty when the perpetrator of displacement is the state itself. Governments are generally more likely

to allow the international community access to displaced populations when the majority of IDPs have been displaced by non-state actors as in Colombia or Angola. When, however, the state is heavily involved (as in Burma, China or Russia), access is very limited. This lack of access is, to some extent, now being challenged by the UN in situations where the victims are displaced by conflict. We are yet to see similar UN pressure when displacement occurs as a result of development projects.

Development-induced IDP populations are found in countries which are State Parties to important UN human rights conventions. As part of the periodic reporting and review process of the implementation of these conventions, the UN should solicit country-specific information on forced displacement. The Committee on Economic, Social and Cultural Rights has included such requests in their reporting guidelines issued to states but has received very little information on forced evictions. Furthermore, in order to assess the

Committee on Economic, Social and Cultural Rights on issues of particular importance for the fulfillment of these rights. It would therefore be appropriate for the Committee to solicit and analyse reports from both the government and from NGOs on the consequences of large-scale development projects in China.

If these rights are being violated in the context of internal displacement, it would be useful for the Committee members in their analysis and review procedures to make use not just of the relevant articles of Covenants but also the UN Guiding Principles on Internal Displacement.

national sovereignty comes with certain human rights responsibilities

The reason for this indifference is to be found in the UN's interpretation of: i) a legitimate development project of overriding public interest, protected from international interference by the concept of national sovereignty, and ii) a human rights violation of concern to the international community. In the case of India, are we not clearly looking at the latter? Interpreting the displacement of millions of people in terms of national sovereignty, the UN has not addressed the issue with the government of India or, for that matter, with any other government.

Is it not time to more energetically pursue UN Secretary General Kofi Annan's idea that national sovereignty comes with certain human rights responsibilities towards the citizen of a truly sovereign country?⁹ The argument made by the US Committee for Refugees in relation to conflict-induced displacement in India is just as valid in relation to development IDP: "India cannot, however, fail to take steps to protect and assist the displaced, prevent others from doing so, and yet reject the international community's humanitarian interest in the fate of those affected."¹⁰

UN human rights mechanisms and development-induced violations

If UN agencies are not yet convinced that development-induced displacement often amounts to a human rights violation, they should at least use existing human rights mechanisms to require governments to provide information on the fate of development-induced IDPs. Some of the largest and most neglected devel-

opment-induced IDP populations are found in countries which are State Parties to important UN human rights conventions. As part of the periodic reporting and review process of the implementation of these conventions, the UN should solicit country-specific information on forced displacement. The Committee on Economic, Social and Cultural Rights has included such requests in their reporting guidelines issued to states but has received very little information on forced evictions. Furthermore, in order to assess the

conditions under which these persons are resettled (if at all), the fulfillment of these citizens' economic, social and cultural rights after displacement should also be analysed. Article 12 of the UN International Covenant on Civil and Political Rights (ICCPR) covers the right to liberty of movement and freedom to choose one's residence and the UN Human Rights Committee is monitoring its implementation. The Indian government had to present its next periodic report under the ICCPR before the end of 2001 and should be encouraged to address the issue of those who have had their right to freedom of movement violated through forced displacement. The Committee should also request that NGOs, in accordance with common practice, submit information on this specific subject.

India is also a State Party to the Convention on the Elimination of Racial Discrimination. It should thus be asked to explain to the Committee on the Elimination of Racial Discrimination why 40-50% of the development-induced population is made up of *adivasi* tribal people when *adivasis* only comprise 8% of the Indian population.¹¹

China, which became a State Party to the UN International Covenant on Economic, Social and Cultural Rights this year, will similarly have to report on the status of these rights and should be encouraged to address the situation of forced evictions and development-induced IDPs. As with the ICCPR, it is common practice that national and international NGOs inform the members of the

The increased attention to human rights violations stemming from development-induced displacement does not have to be limited to these three conventions. All six of the UN's treaty-monitoring bodies could be used to gain a better understanding of the phenomenon.¹² Monitoring mechanisms not linked to specific human rights conventions (UN working groups, special representatives and special rapporteurs) should similarly be encouraged to address the issue.

The Secretary General's Representative on Internal Displacement should play a key role in addressing and clarifying the difference between a development project of "overriding public interest" which properly resettles the displaced and a forced displacement which violates international human rights. Such guidance would be well received by the international community, currently confused by the fact that the UN Guiding Principles cover development-induced displacement but the activities of the Representative do not.

Given his current workload and the very limited resources at his disposal, it would not be realistic to ask the Representative to address country-specific situations of development-induced displacement. However, he could play a very important role in drawing the attention of the Working Group of the UN Inter-Agency Standing Committee to the plight of development-induced IDPs. This would enable appropriate member agencies of the IASC to explore ways of including development-induced IDPs as beneficiaries of protection and assistance activities.



Friends of the River NARMADA

नर्मदा की घाटी में
अब लड़व जागि है
चलो उठो, चलो उठो,
रोकना विनाश है।

Such a human rights approach could prove fruitful. State Parties to the international Covenants have, of their own free will, agreed to a review of the implementation of these human rights instruments. It has become common practice for committees monitoring the Conventions to include in their Concluding Observations concrete recommendations on how UN agencies can contribute to an enhanced fulfilment of specific rights. The Committees are thus able to recommend that governments approach, for example, UNDP to offer support for resettlement of development-induced IDPs or UNHCR to offer protection to this same population. The international community is beginning to recognise misguided 'development projects' which displace millions of people and destroy their livelihoods for what they really are: violations of human rights.

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1. World Commission on Dams (WCD) *Dams and Development*, 16 November 2000, p104. Report available at www.dams.org/report.
2. International Rivers Network/Human Rights in China 'Major Problems Found in Three Gorges Dam Resettlement Program', March 12, 1998, p7.
3. Nuclear or chemical accidents would be other examples of 'human-made disasters'. Francis Deng and Roberta Cohen *Masses in Flight*, p16-17.
4. Walter Kalin *Guiding Principles on Internal Displacement - Annotations*, p17.
5. Now being converted to an Operational Policy / Bank Procedure (OP/BP 4.12). See <http://lnweb18.worldbank.org/essd/essd.nsf/All/ECC741F851ED3CA852567ED004C9BE8>
6. The Indian writer Arundhati Roy argues that the benefits of dams, including increased drinking water supply, do not benefit the poor. Roy *The Cost of Living*, p94-95. See also WCD 'Profile of

beneficiaries', *Dams and Development*, 16 November 2000, p125.

7. WCD *Dams and Development*, 16 November 2000, p120.

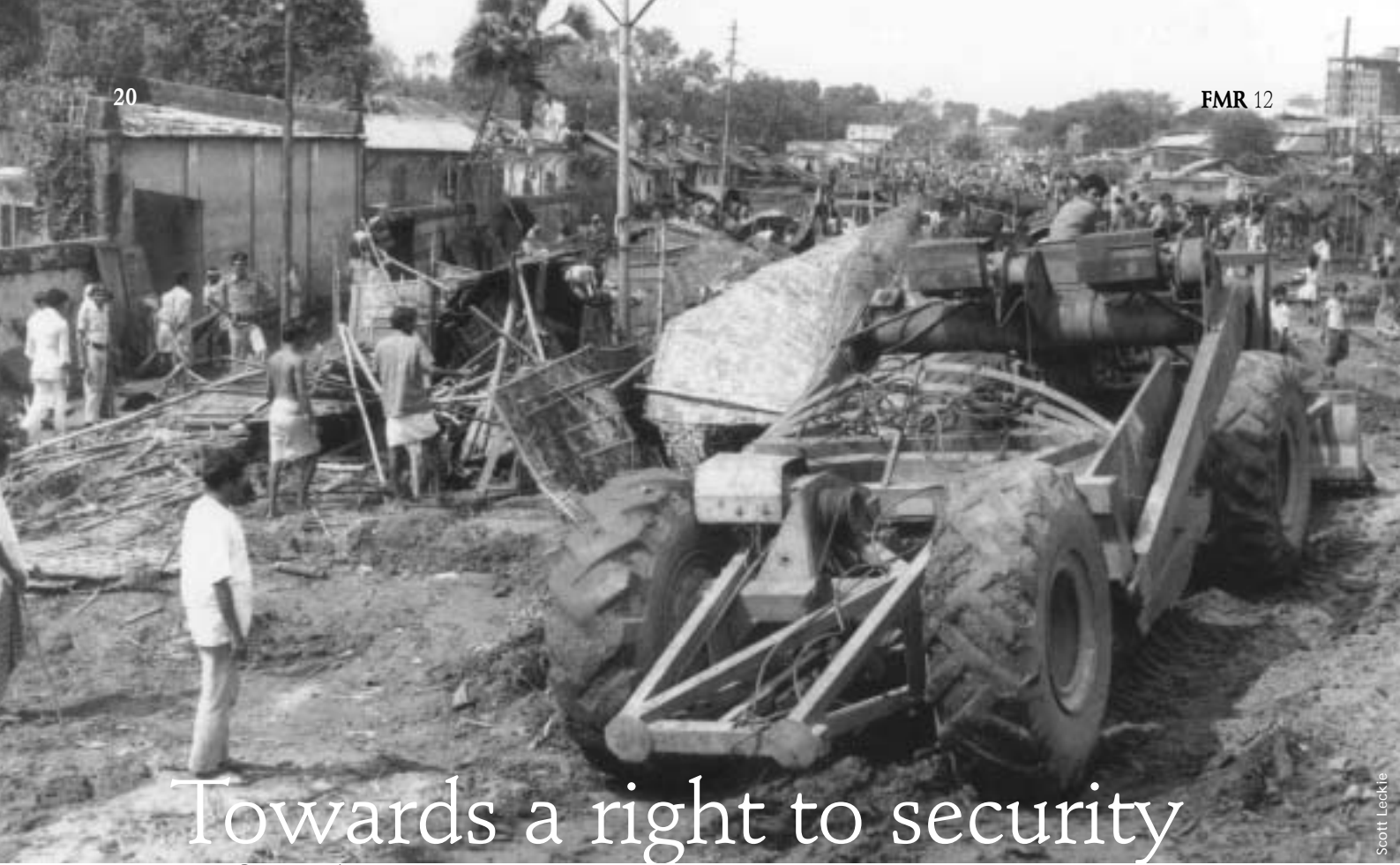
8. See, for example, the right to liberty of movement and freedom to choose one's residence (International Covenant on Civil and Political Rights, Article 12, or the Universal Declaration of Human Rights, Article 13).

9. See for example: UN Secretary General, Kofi Annan, in *The Economist*, 18 September 1999.

10. US Committee for Refugees *Northeast India's Hidden Displacement*, 2000, p19.

11. Amnesty International, India *Persecuted for challenging injustice - human rights defenders in India*, 26 April 2000, Part III, Section 3.

12. UN Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee against Torture, Committee on the Elimination of Discrimination against Women, Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child.



Towards a right to security of place

by Scott Leckie

As the previous article has indicated, the success of the IDP advocacy community has had considerable success in raising the profile of IDPs and in advancing institutional attention to internal displacement. The focus, however, has been almost entirely on conflict-related displacement. All the country reports from the Secretary-General's Special Representative on Internal Displacement and the Senior Inter-Agency Network on Internal Displacement have concerned states currently or recently engaged in some form of major armed conflict. What about the millions of people displaced each year outside the context of armed conflicts, in particular those subjected to forced evictions or development-based displacement? This article argues that they should also be considered as IDPs.

The Guiding Principles on Internal Displacement clearly provide sufficient grounds for action on their behalf. Principle 6 (2c) specifically asserts that the prohibition of arbitrary displacement includes displacement "in cases of large-scale development projects that are not justified by compelling and overriding public interests".

Extending the definition of an IDP may appear academic and premature when we consider the very limited assistance that can currently be accessed by the world's IDPs. This is not necessarily the case. Identifying which groups of victims of human rights violations are to be considered as IDPs can have a bearing both on the degree of international interest they attract and whether or not their rights are respected, enforced or subject to effective remedy.

If, for example, a displaced woman is viewed as an IDP, she may stand a better chance of receiving humanitarian and legal assistance and ultimately perhaps also benefit from rights to have her property later restored to her. If, however, she is considered to fall outside the definition of IDP she may be left to fend for herself. If her experiences are essentially the same, and the rights violations she suffers more or less equivalent to those of a recognised IDP, should it really matter whether the cause of her displacement and current misery was conflict or a development project?

A forgotten category

Has the emphasis on conflict-induced displacement over the past decade

indirectly resulted in very large numbers of people being excluded from efforts to protect and monitor the rights of IDPs? Many of those forced to permanently vacate their homes as a result of development projects, slum clearance operations, urban renewal and redevelopment measures, city 'beautification' schemes, compulsory purchase orders, arbitrary land acquisition, expropriation measures ('eminent domain') or land disputes have escaped the attention of the IDP movement.

Persons evicted due to pressures of 'development' suffer very much in the same way as persons traditionally classified as IDPs. MIT's Balakrishnan Rajagopal has recently coined the term 'development cleansing' to describe processes involving direct or indirect violence, the loss of homes, lands and property due to circumstances beyond the owner's control, severe declines in their living standards and appalling housing and living conditions during their displacement. In some respects evictees may suffer even worse fates than conflict-related IDPs. Those evicted in the name of development are often prevented from organising resistance, are specifically targeted by those wishing

to take over their homes or lands and, most importantly of all, are almost never able to claim, let alone exercise, restitution rights to the housing or land from which they were evicted.

Viewed in terms of human rights violations, particularly housing rights violations, it would appear difficult to justify the continued exclusion of development-induced IDPs either on legal or on humanitarian grounds. While there may be practical obstacles to systematically considering the rights of all arbitrarily displaced persons, do we not have legal and moral obligations to do so?

Implications of expanding attention to evictees

What would be the consequences and challenges of expanding the work of the IDP movement to include evictees and victims of development-induced displacement?

It is clear that the recognised global IDP population would grow. We should not be daunted by this challenge but embrace the opportunity to provide graphic evidence of the fact that the severity and scale of the global displacement dynamic are far greater than has been commonly assumed. By expanding the population of concern we would make major strides towards ensuring that all displaced persons are given the international attention and assistance they deserve.

Opportunities to prevent displacement would increase. Almost all instances of development-induced displacement and forced evictions are planned or foreseen in law or policy. They are often publicly announced prior to being carried out. It is common for executive or ministerial decrees, judicial decisions or military orders to be issued prior to an eviction or for planned evictions to be included within announced government development programmes. These features substantially increase the possibilities of preventing displacement before it is carried out. Treating non-conflict-induced evictees as IDPs would enable the UN to play a much more pro-active role in stopping evictions before they are carried out. If the OCHA Network or the Special Representative were to get involved in cases of planned forced eviction, the preventative capacity of the position would surely be greatly enhanced.

New emphasis on housing rights

While all types of displacement ultimately involve the loss, whether continuous or temporary, of the right to reside within a particular home in a particular place, forced evictions are intended to be permanent. It is for this reason that the bulk of UN pronouncements on forced evictions have taken place within the context of violations of the right to adequate housing.²

The international normative framework for addressing these types of evictions and development-induced displacement using human rights principles is clearly in place. The past decade has been witness to significant advances in housing rights law and to the human rights features of the forced eviction process.³ In addition to more widely known standards (including the Guiding Principles), a far lesser known set of very detailed Comprehensive Human Rights Guidelines on Development-Based Displacement, approved by a UN expert group in 1997, provides extensive coverage on how evictions should be treated when they coincide with development projects.⁴ These Guidelines are as legally binding as the Guiding Principles (in that neither have been formally approved by states, even while both are a reflection of existing international law), and could easily be incorporated into the work of the IDP movement as a means of applying more stringent human rights norms to non-conflict-induced displacement.

The IDP advocacy movement increasingly recognises that housing is a major assistance need for IDPs. Taking housing rights seriously could form a central element of the regular need to move programmes from relief to development. An initial meeting exploring the link between housing rights and IDPs was held in July 2001 and found considerable scope for focusing attention on the housing dimensions of displacement.⁵

Giving teeth to a right to security of place

Should the IDP movement go down the path indicated above, it may be useful to reflect on one further notion, which could be labelled a right to security of place. Rather than

developing a negatively defined 'right not to be displaced, a more affirmative right to security of place would be an amalgam and convergence of civil, political, economic, social and cultural rights directly linked to preventing and remedying displacement. It would recognise that everyone everywhere has an enforceable and defensible right to physical security and rights to housing, property and land, including rights to security of tenure. Security of tenure is a relatively new term to the human rights community and the IDP movement but one with tremendous potential in terms of preventing arbitrary displacement or eviction before it occurs. The right to security of place would be as relevant to times of peace as it would be to times of armed conflict or humanitarian disaster.

Such a right makes no presumption that one form of tenure is necessarily preferred over another. In other words, owners, tenants, traditional occupants, squatters and all other types of tenure groups could be protected. The right to security of place would go beyond security of tenure alone. The stability of the home would form the starting point from which supplementary rights spring. Such a right to security of place would strengthen the rights of all IDPs by providing a conceptual means to plug the gap in the interest and institutional protection given to those forced from their homes due to forced evictions and development-induced displacement.

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1. Balakrishnan Rajgopal 'The Violence of Development', *Washington Post* (8 August 2001).

2. Scott Leckie (1999) 'New United Nations Regulations on Forced Evictions: General Comment No. 7 Strengthens Right Not to be Evicted' in *Third World Planning Review*, vol. 21, no. 1, February 1999, pp. 41-61.

3. See COHRE 'Sources No. 3 Forced Evictions and Human Rights: A Manual for Action', 1999, Geneva.

4. In June 1997, UNHCHR-convened seminar adopted a far-reaching document entitled Comprehensive Human Rights Guidelines on Development-Based Displacement (contained in UN document: E/CN.4/Sub.2/1997/7). Some of its more innovative concepts include: the obligation of maximum effective protection against displacement, the obligation to prevent homelessness, the obligation to expropriate only as a last resort, the right to the integrity of the home, and legal assurances of security of tenure.

5. Housing and Property Rights for IDPs: Where to go from here?, 3 July 2001, sponsored by COHRE and the Global IDP Project.

Dignified village life for the displaced

by Ghassen Fardanesh and Bryan Walker

Adi Walker

In Sri Lanka, the ethnic conflict has continued for nearly 20 years with about 60,000 killed and nearly one million displaced within the island.

Some have been displaced repeatedly. Changes in the position of the forward defence lines continue to displace families in large numbers. Many thousands have left the island altogether.

About 200,000 IDPs live in government welfare centres; the rest have been accommodated by family and friends. The problems associated with long-term living in welfare centres include the development of dependence, learned helplessness, feelings of hopelessness, loss of self-esteem and breakdown of social norms. Alcoholism, drug abuse, depression, suicide and crime increase. Women and children are particularly affected as they may also be subjected to physical and sexual ill-treatment. Attendance rates at school are lower than average. Lack of privacy, participation, income-generating activities, health care facilities, play space and cultural activities in any form exacerbates feelings of worthlessness and lack of dignity. Public health conditions, particularly in rainy seasons, cause health hazards and poor living standards.

UNHCR and other humanitarian organisations do what they can to help improve the lives of those who

are subjected to such indignities. Worldwide there are no international laws which make provision for IDPs. Although UNHCR's mandate relates to refugees, in Sri Lanka UNHCR has a special responsibility to provide protection and security for the internally displaced. Most government and non-government agents now agree that welfare centres do not provide durable solutions; resettlement or relocation are the only satisfactory alternatives.

The role of internationally agreed standards

The application of the Sphere Minimum Standards and the Guiding Principles is of great importance for IDPs.

The purpose of the Sphere Humanitarian Charter and the Minimum Standards is:

"to increase the effectiveness of humanitarian assistance, and to make humanitarian agencies more accountable. It is based on two core beliefs: first, that all possible steps should be taken to alleviate human suffering that arises out of conflict and calamity, and second, that those affected by a disaster have a right to life with

dignity and therefore a right to assistance". [authors' emphasis]

The Guiding Principles on Internal Displacement were set out in 1998 by the UN Secretary-General's Special Representative on IDPs, Francis Deng. The 30 Principles are arranged in five sections which attempt to establish political and social rights for IDPs based on existing international humanitarian law and human rights instruments:

1. general principles (eg rights of protection)
2. protection from displacement (eg exploration of all feasible alternatives)
3. protection during displacement (eg freedom from rape, torture, etc)
4. humanitarian assistance (eg without discrimination)
5. return, resettlement and reintegration (eg voluntary return **with dignity**)

People have a right to life with dignity, both during and after displacement. Dignity means being **worthy of respect** and is often harder to safeguard than any other right.

Difficulties in safeguarding dignity

There are many factors that militate against the safeguarding of dignity during and after displacement. These include: the arrival of huge numbers of people at short notice, inadequate preparation on the part of concerned

agencies and governments, and a lack of awareness of humanitarian rights on the part of both beneficiaries and agencies. Flight in emergency circumstances is often accompanied by panic and shock. Material possessions, clothing or other indicators of worth or dignity may be left behind in the exodus. In the confusion of mass influx, dwellings may be constructed without proper regard to site planning. Lines and rows of identical homes may make registration, assessment of needs and distribution of relief items easier but this arrangement is a far cry from the 'soul' of the village or town left behind.

The same geometrical approach to site planning is also commonly used in resettlement as land can be distributed easily and fairly. However, at the same time, this can mean that the sense of community and the need for privacy are lost; and the distance to lifeline provision, especially water, may be inconvenient or even dangerous for the water carriers, particularly for women and children in the hours of darkness. Even during daylight children may not have convenient access to play areas within sight of elders, and adults may not have social areas for informal or formal meetings. These conditions contribute to the lack of soul in the displaced community and to the loss of dignity.



needs without regard for the provision of a psychologically suitable environment. Often displaced people remain in this situation for far longer than initially anticipated. In several centres, residents and host communities thought that the arrival of some thousands of people was a brief, temporary situation. In many cases, however, the people are still there after more than ten years.

Where consideration has not been given to the provision of a cultural environment in which a balance of traditional activities can continue, societal norms may crumble. The lack of employment opportunities, leisure

supporting the government in its responsibility to care for IDPs. Complex economic forces, security restrictions and other factors compound the difficulty of enforcing the Sphere Minimum Standards and applying the Guiding Principles. In few of the IDP camps are there any conditions conducive to life with dignity.

A solution

In November 1999, through escalation of hostilities, many families were displaced from their homes, moving to safer areas in Vavuniya District. They received emergency assistance, including shelter, water, sanitation and non-food items. In time many returned home but some 1,000 people were unable to do so. Permanent accommodation had to be provided. As the emergency had passed, there was time to give greater consideration to site plans. The main aim was to provide a sustainable solution, which allowed a comfortable access to assistance while emphasising a communal life quality that approximated to a dignified 'village' lifestyle.

Poor living conditions in IDP camps.

In discussion with those who were unable to return home, some compromises had to be reached in balancing cultural traditions, health, safety and protection. The following criteria were adopted during the planning and implementation stages:

- Allocation of space should conform to Sphere Minimum Standards.
- Each family should have a private and a common area. The common area should be kept clean and vehicle free; the private area could be used for domestic purposes and include a small vegetable garden.
- Front entrances should not face each other.
- Close proximity of private areas should give a feeling of family closeness and security.
- Wells should be situated in the centre of the 'village' so that they are near to and visible from the huts. This arrangement should be convenient and safe.
- The number of latrines should conform to Sphere Minimum Standards in location and distance from the wells while being near to the huts.
- Education should be accessible.

family and community facilities and conditions should be conducive to a dignified lifestyle

In the areas administered by the Ministry of the North in Sri Lanka, there are ongoing attempts to settle people back in their homes and to find permanent solutions for them. However, in many cases (eg where landmines remain uncleared or where adverse political pressures prevail), plans must instead focus on relocation. Many are forced to remain in welfare centres or camps. Currently in Sri Lanka there are about 400 such camps. In the Jaffna Peninsula alone, over 150,000 people (one in three of the population) are displaced. A small percentage are accommodated in about 150 camps while the rest have found space with friends and relatives in overcrowded conditions. The fact that many of the government welfare centres were set up quickly and, it was thought, only for a temporary period means that the focus is on supplying urgent physiological

provision or traditional cultural activities leads to altered behaviour patterns. Ten year old children consider their lifestyle to be 'normal' and for them 'habilitation' (it cannot be called 'rehabilitation' because they have known no other circumstances) becomes extremely difficult. Even adults may become 'institutionalised' and dependent on government hand-outs or international NGO provisions. Facilitating an appropriate environment is essential if some approximation to a balanced cultural and social life is to be achieved and maintained. Only then can reintegration of the displaced community into the stable wider community be easily arranged at a later date.

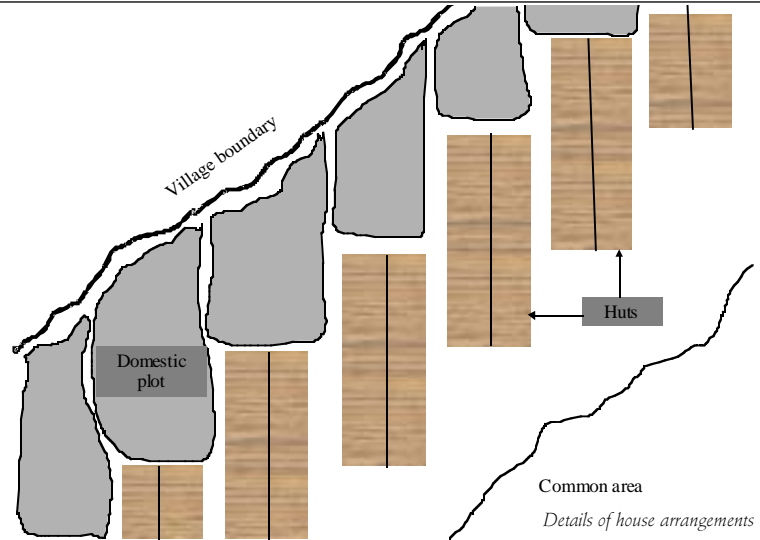
Displacement continues and UNHCR, with other UN agencies and NGOs, has responsibility for providing protection and assistance lifelines while

- All residents should be encouraged to participate in the design and implementation of the plan.
- Communication and movement, within and between groups in the community, should be easy.
- A drive-in area for aid workers' vehicles should be clearly visible from all the huts and provide a sense of security rather than intrusion.
- Wherever possible, adjoining land should be available for cultivation and income generation purposes.
- There should be generous tree planting for produce and shade to enhance and beautify the environment.
- As far as possible, family and community facilities and conditions should be conducive to a dignified lifestyle.

Several similar solutions have been implemented on different sites. These have all included the arrangement of huts in a herring-bone formation around a U-shape that encloses a large, safe communal area for recreational purposes. This layout ensures a level of privacy while allowing the development of a community spirit. The implementation of this programme has provided for the basic needs of IDPs and has helped create a dignified lifestyle comparable to that of a village community.

Practicalities

The relocation camp shown on page 22 is one of several which have been constructed with the collaboration of the residents. Their inclination initially was to construct barriers or fences between the dwellings in order to achieve some privacy. However, with encouragement, they could see that



the herring-bone formation of the huts ensures that people cannot see directly into another house when leaving their own. The absence of fences allows for interaction between families and the development of a community spirit. It also saves space. At the back of each house there is an area which is demarcated by the back of one house, the side of another and the perimeter fence. This gives some privacy for domestic functions. The arrangement also protects the vegetable garden from animal damage. The location of the site close to the road aids the access of children to local schools and adults to employment elsewhere.

In accordance with local tradition, diviners were used to confirm the presence of underground water but the actual position of the wells was determined with maximum protection and convenience in mind. Drain-off water from the wells can also be directed for irrigation purposes to minimise water waste. Keeping the

common area free of vehicles ensures the safety of children. Confining humanitarian vehicles to the front area allows each arrival to be seen by any or all of the residents and this adds to their feeling of security. This feeling is further enhanced by a sense of belonging through a large sign board facing the road which indicates the name of the village and the sponsorship of

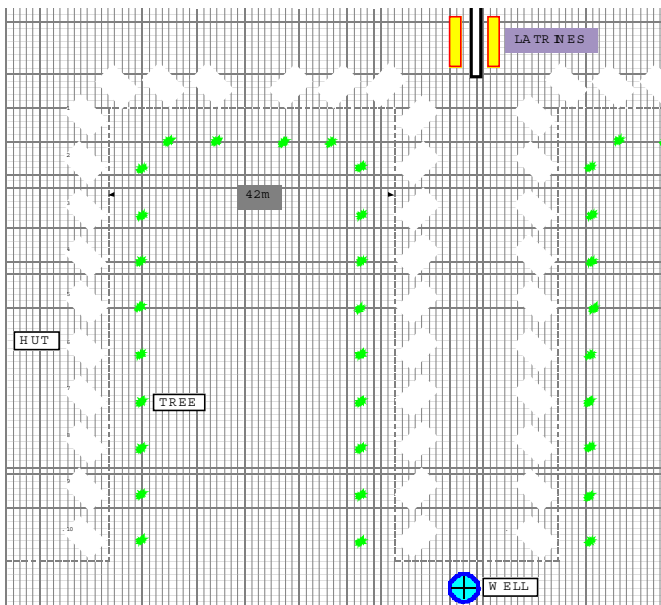
UNHCR (for protection purposes).

The plan's design and implementation were not based on Western concepts of architecture and space but allowed scope for new ideas based on the wishes of the residents. The overall evaluation of the scheme is best reflected by the comments of the beneficiaries:

- "Closest thing to home."*
- "We feel comfortable and looked after."*
- "A sense of belonging."*
- "We have open space and more resistance to disease."*
- "We are together but have our privacy as well."*
- "We can look at our children at play while at home."*

One site is arranged to face the sunset. Everybody can enjoy the unobscured view. The children can play safely, supervised at a distance. Water and toilets are within safe and easy reach. The adults and the elderly are secure. In many respects the community is established and developing. It is beginning to feel like village life once again.

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Plan of hut arrangements

Trafficking, smuggling and human rights: tricks and treaties

by Anne Gallagher

Through the adoption of two new treaties on trafficking and migrant smuggling, states are attempting to curb the growing influence of organised criminal groups on international migration. The risk of human rights being marginalised in this process is, unfortunately, a very real one.

Each year, an unknown number of people are 'smuggled' or 'trafficked' across international borders. Smuggled migrants are moved illegally for profit: they are partners, however unequal, in a commercial transaction. All going well, their relationship with the smuggler ends at the destination country and they may even manage to survive the ordeal with only financial damage.

By contrast, the movement of trafficked persons is based on deception or coercion and is for the purpose of exploitation. The profit in trafficking comes not from the movement but from the sale of a trafficked person's sexual services or labour in the country of destination. Most smuggled migrants are men. Most trafficked persons are women and children.

In November 2000, the UN General Assembly adopted two new international treaties (protocols): one on smuggling of migrants¹, the other on trafficking in persons². The treaties are actually part of a package of legal instruments which were developed by the UN's Crime Commission to deal with the growing problem of transnational organised crime. The parent instrument of this package is the UN Convention Against Transnational Organised Crime – also adopted by the General Assembly in November 2000³. Both protocols have attracted a large number of signatures and are expected to come into force in the next few years.

They did not emerge in a vacuum. Trafficking and migrant smuggling are now high on the international agenda for a range of reasons. Humanitarian concern – especially for trafficked women and girls – is one factor. However, in many cases, and particularly on the part of the major destination countries, attempts to counter trafficking and smuggling seem to be motivated by a growing intolerance of all forms of irregular migration. The connections between trafficking, smuggling and irregular migration have made it difficult to persuade governments to place individuals and their rights at the centre of this debate.

The Trafficking Protocol

The purpose of this treaty is to prevent and combat trafficking in persons, especially women and children. Its main emphasis is on strengthening cooperation between countries. The Protocol requires States Parties to:

- criminalise trafficking and related conduct as well as impose appropriate penalties
- facilitate and accept the return of their trafficked nationals and permanent residents with due regard for their safety
- when returning trafficked persons, to ensure that this happens with due regard both for the safety of the trafficked person and the status of any relevant legal proceedings
- exchange information aimed at identifying perpetrators or victims of trafficking, as well as methods and means employed by traffickers
- provide or strengthen training for law enforcement, immigration and other relevant personnel aimed at preventing trafficking as well as prosecuting traffickers and protecting the rights of victims
- strengthen border controls as necessary to detect and prevent trafficking
- take legislative or other appropriate measures to prevent commercial transport being used in the trafficking process and to penalise such involvement

Trucks arriving in the UK being checked for asylum seekers, Dover, 2001.



- take steps to ensure the integrity of travel documents issued on their behalf and to prevent their fraudulent use

The protocol contains a number of victim protection measures but most of these are optional. States Parties are to undertake the following in **appropriate cases and to the extent possible under domestic law:**

- protect the privacy of trafficking victims and ensure that they are given information on legal proceedings and facilities to present their views and concerns during criminal procedures against offenders
- consider implementing a range of measures to provide for the physical and psychological recovery of victims of trafficking
- endeavour to provide for the physical safety of trafficking victims within their territory
- ensure that domestic law provides victims with the possibility of obtaining compensation
- consider adopting legislative or other measures permitting victims of trafficking to remain in their territories temporarily or permanently in appropriate cases with consideration being given to humanitarian and compassionate factors
- endeavour to establish policies, programmes and other measures aimed at preventing trafficking and protecting trafficked persons from re-victimisation
- endeavour to undertake additional measures including information campaigns and social and economic initiatives to prevent trafficking

The Smuggling Protocol

In contrast with trafficked persons, smuggled migrants are assumed to be acting voluntarily and, therefore, in less need of protection. Accordingly, the primary emphasis of the Migrant Smuggling Protocol is on strengthened border controls – particularly in relation to smuggling by sea. For the first time in international law, States Parties are specifically authorised to intercept certain vessels suspected of carrying smuggled migrants. They are also required to:

- criminalise the smuggling of migrants as well as related offences including the production, provision and possession of fraudulent travel or identity documents
- take steps to ensure the integrity of travel documents issued on their behalf and cooperate with each other in preventing their fraudulent use
- provide or strengthen specialised training for immigration and other officials aimed at preventing, combating and eradicating migrant smuggling
- adopt appropriate legal and administrative measures to ensure the vigilance of commercial carriers such as airlines in preventing migrant smuggling, to guarantee their liability and to provide for sanctions in the event of complicity or negligence

The Protocol includes a number of provisions aimed at protecting the basic rights of smuggled migrants and preventing the worst forms of exploitation which often accompany the smuggling process. While these

are nowhere near as comprehensive as the protections contained in the Trafficking Protocol, they are nevertheless important.

When criminalising smuggling and related offences, States Parties are required to establish, as aggravating circumstances, situations which endanger the lives or safety of migrants or entail inhuman or degrading treatment, including for exploitation. Migrants themselves are not to become liable to criminal prosecution under the Protocol for the fact of having been smuggled (although this provision would not prevent a State from prosecuting a smuggled migrant for violation of national immigration laws). All appropriate measures must be taken to preserve the internationally recognised rights of smuggled migrants, in particular, the right to life and the right not to be subjected to torture or other cruel, inhumane or degrading treatment or punishment. Smuggled migrants must also be protected from violence and those whose life or safety has been endangered by reason of having been smuggled must be assisted.

Outstanding issues

The development and adoption of agreed definitions of trafficking and migrant smuggling is a major achievement of the two protocols. While the final definitions may not be perfect, they are close enough. Incorporation of a common understanding of trafficking and migrant smuggling into national laws and policies will enable states to cooperate and collaborate more effectively than ever before.

Trafficking in Persons is:

“ ... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, Article 3(a).

Common definitions will also help to overcome the serious problems which now exist in relation to data collection and analysis.

However, the extent to which the two protocols actually contribute to eliminating trafficking and migrant smuggling remains uncertain. The protection provisions of both instruments are weak and, as noted above, mostly optional. Certainly, they do

identify irregular migrants as having been smuggled rather than trafficked. There is already plenty of anecdotal evidence indicating that this is already occurring. The possibility of individuals being wrongly identified was not even considered during the drafting process – despite the best efforts of a coalition of UN agencies. Nor was there any acknowledgement of the fact that someone can be a smuggled migrant one day and a traf-

for many governments, trafficking and smuggling are issues of crime and border control, not human rights

not add substantively to what is understood as the minimum core rights to which all human beings are anyway entitled. On a practical level, this deficiency is likely to undermine the law enforcement objectives of the protocols by ensuring that people caught up in trafficking and smuggling networks have little incentive to cooperate with national authorities. Without such cooperation, it is likely that traffickers and smugglers will continue to operate with impunity.

Even more importantly, the protocols contain no guidance on how trafficked persons and smuggled migrants are to be identified as belonging to either of these categories. The Canadian Refugee Council has picked up on this issue: “If authorities have no means of determining among the intercepted or arrested who is being trafficked, how do they propose to grant them the measures of protection they are committing themselves to?”¹ The regime created by the two protocols (whereby trafficked persons are accorded greater protection and therefore impose a greater financial and administrative burden on States Parties than smuggled migrants) creates a clear incentive for national authorities to

ficked person the next. These failures are serious and are likely to compromise the practical value of the protocols’ already weak protection provisions.

While most governments are unwilling to accept any limitation on their ability to repatriate or turn back smuggled migrants, the issue of repatriation of victims of trafficking is a more sensitive and controversial one. The UN High Commissioner for Human Rights has expressed the view that “safe and, as far as possible, voluntary return must be at the core of any credible protection strategy for trafficked persons. A failure to [provide] for safe (and to the extent possible) voluntary return would amount to little more than an endorsement of the forced deportation and repatriation of trafficked persons. When trafficking occurs in the context of organised crime, such an endorsement presents an unacceptable safety risk to victims”.⁵ The identification of an individual as a trafficked person should, at the very least, be sufficient to ensure that immediate expulsion against the will of the victim does not occur and that necessary protection and assistance are provided. The Trafficking Protocol does not meet even this minimum standard.

The special case of refugees and asylum seekers

An increasing number of refugees are currently being transported across borders by smugglers and (less frequently) by traffickers. The consequences are usually severe. UNHCR is not alone in noting that “...an asylum seeker who resorts to a human smuggler seriously compromises his or her claim in the eyes of many States ...lead[ing] to an imputation of double criminality; not only do refugees flout national boundaries but they also consort with criminal trafficking gangs to do so”⁶.

During the protocol negotiation process, a number of international agencies (including UNHCR and the UN High Commissioner for Human Rights) recognised the danger of further limitations to the rights and opportunities of individuals to seek and enjoy asylum from persecution in other countries. They argued that: (i) illegality of entrance into, or presence on, the territory of a state should not adversely affect a person’s claim for asylum; and (ii) smuggled migrants and trafficked persons should be given full opportunity (including through the provision of adequate information) to make a claim for asylum or to present any other justification for remaining in the country of destination.

While there was resistance to insertion of such specific protections, the drafting committee for the two protocols finally agreed to include a broad savings clause in both instruments to the effect that nothing in them will affect the rights, obligations and responsibilities of states under international law, including international humanitarian law, international human rights law, and, in particular, refugee law and the principle of *non-refoulement*.

Smuggling of Migrants is:

“... the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.”

Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime, Article 3(a).

It remains to be seen whether the savings clause is enough to prevent the two protocols from being used to undermine the already precarious refugee protection regime. The border control provisions in both instruments are especially worrying. Border enforcement measures such as readmission treaties, carrier sanctions or the posting of Airline Liaison Officers abroad are now routinely used by governments of the major destination countries. This is despite the fact that such measures risk denying *bona fide* refugees the chance of escaping persecution. Rather than addressing this conflict, the two protocols contribute to confusion by endorsing strengthened border controls while at the same time nominally upholding the right to asylum.

Time for an honest look at trafficking and smuggling

The past few years have shown how easy it is to discuss trafficking, smuggling and the broader problem of irregular migration in a human rights vacuum. The failure of the two Protocols to include mandatory protections provides a strong indication that, for many governments, trafficking and smuggling are issues of crime and border control, not human rights. In countries of destination, people trying to move across their borders illegally are widely considered to be law-breakers, undeserving of compassion or support. Those who are tricked or coerced into moving and exploited upon arrival may be viewed more sympathetically but are nevertheless routinely prosecuted for minor offences and quickly deported.

Many governments ignore the fact that irregular migration (including trafficking and migrant smuggling) happens because of the enormous difference between the number of people who wish (or are forced) to migrate and the legal opportunities for them to do so. There is a growing body of evidence that severely restrictive immigration policies are more likely to fuel organised, irregular migration than to stop it. Tighter law enforcement controls on smuggling and trafficking push individuals and smaller, informal operators out of the market – helping to create a monopoly for the best and most sophisticated criminal networks.

International action to end organised, irregular movement also ignores the fact that traffickers and smugglers service a market in which there are both buyers and sellers. The growth in trafficking and smuggling reflects not just an increase in ‘push’ factors from countries of origin but also the strong pull of unmet labour demands – particularly in the informal sector. While cracking down on illegal migration, governments in the main destination countries have done little to address the insatiable demand for cheap labour and cheap sex which makes trafficking and smuggling so profitable in the first place. At best, this is misguided. At worst, it is actively hypocritical.

Conclusion

The world’s migration management systems are in crisis. They are failing to meet the needs of governments, business and, importantly, the migrants themselves. The growth in smuggling and trafficking is a direct consequence of the global failure to manage migration and deal with its root causes. While new international laws will never be enough, they can be important tools for change. Despite their imperfections, the new treaties on trafficking and migrant smuggling are a small step forward. For the very first time, the parameters of acceptable responses to trafficking and smuggling have been established. There is now a standard against which laws, policies and practices relating to trafficking can be judged.

Attention should now focus on ensuring that human rights are not marginalised any further. By definition, trafficked persons are victims of serious human rights violations. Smuggled migrants are often fleeing human rights violations or situations of extreme violence or poverty. The connection between human rights and abusive forms of migration such as trafficking and migrant smuggling makes it especially important that those working to promote the rights of migrants and refugees take up this issue. The human rights community in particular has a special responsibility to ensure that trafficking and smuggling are not seen only as problems of migration, problems of public order or problems of organised crime. These perspectives, are, of course,

valid and important. However, as the UN Secretary-General has noted, in developing realistic and durable solutions we must be prepared to look further – to the rights and the needs of the individuals involved.⁸

People have always moved and will continue to do so. However, it is the ‘survival migrants’, including asylum seekers, who are the most likely to be trafficked or smuggled because they are the ones who have fewest choices. Lack of human security and gross inequalities within and between countries are still the main reasons why people take dangerous migration decisions. Until genuine efforts are made to deal with the root causes of forced migration, the international community will stand no chance of developing credible, effective solutions.

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See also: Anne Gallagher ‘Human Rights and the new UN Protocols on Trafficking and Migrant Smuggling: a Preliminary Analysis’, *Human Rights Quarterly*, Vol 23, 2001.

1. Text available from: www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_smug_eng.pdf

2. Text available from: www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf

3. Text available from: www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_eng.pdf

4. Canadian Council for Refugees ‘Migrant Smuggling and Trafficking in Persons’, 20 February 2000, available from <http://www.web.net/~ccr/traffick.htm> (accessed Oct 2001).

5. UN Doc. A/AC.254/16, para. 20.

6. Erica Feller ‘The Convention at 50: the Way Ahead for Refugee Protection’, *Forced Migration Review*, issue 10, pp6-7.

7. *ibid*

8. UN. Doc. E/CN.4/Sub.2/2001/26, July 2001, para 25.

Angolan IDPs resolving conflicts

by Steve Utterwulghe

On the rare occasions that Angola makes the international headlines it is usually to inform the world what a terrible place it is.

Statistics on mine fatalities or infant and maternal mortality dominate opening paragraphs. This is all for the good. The world should indeed know what has been going on in Angola for the last 30 years. However, it is possible amid the gloom to find encouragement.

There are up to four million IDPs in Angola. While most live in camps, others have fled to Luanda and provincial capitals. Living conditions are hard: limited access to water, no electricity, few schools for children, ill-equipped or non-existent health posts, promiscuity, insecurity and violence. Many displaced people depend on humanitarian aid to survive.

IDPs face a plethora of additional problems that few organisations consider as priorities. They have left their homes because they are victims of the

long-lasting war between governmental and UNITA forces. Most have had to flee to avoid being robbed, harassed, abducted or killed. Every displaced person carries a burden of traumatic experience. Many have lost everything, witnessed massacres, lost track of parents and children (sometimes permanently) and ended up far from home. Some have been living in camps for many years and may have been displaced up to five times.

It is hardly surprising that violence is ubiquitous in crowded camps in which traumatised and uprooted people are forced to compete for scarce resources. Conflicts arise between people from different provinces, between young and old, members of different churches, displaced and resident populations, IDPs and the military, IDPs from different camps and between people within camps.

Disputes sometimes centre on the distribution of humanitarian aid. Some fights are fuelled by alcohol.

Empowerment and conflict resolution

Should not humanitarian institutions be as involved in trying to deal with the conflicts and violence faced by IDPs as they are in delivering basic humanitarian assistance? If one does not address violence affecting IDPs, any solution reached at a higher polit-

IDPs must feel empowered

ical level will be unsustainable. Displaced people are an integral part of civil society and should be included in all peace and reconciliation processes. Hopefully, one day IDPs will be able to return home. When they do, land, property and ethnic-related conflicts will confront them. Engaging IDPs in conflict resolution activities stimulates reflection and provides skills to reduce tension, avoid violence and resolve conflicts. Today's conflict resolution is tomorrow's conflict prevention.

While humanitarian intervention is often necessary it must not create a culture of dependency. Humanitarian actors and international donors should acknowledge the need to invest proactively in long-term sustainability. IDPs must feel empowered. The feeling of being assisted, victimised and, in the end, frustrated only generates depression, lethargy and a sense of abandonment. 'Beneficiaries' and 'victims' need to become 'partners'.

Communities have always had the creative means to reduce daily tension and violence.

The Centre for Common Ground (CCG) has been working in support of national reconciliation in Angola since 1996. CCG has adopted a multifaceted approach in its work with Angola's displaced population. IDPs are being equipped with the skills and means to act as civil society actors; by building the capacity of the displaced population, leaders and potential leaders are able to organise themselves in order to constructively present their concerns to the authorities.

CCG and IDPs have established councils in the many camps of Luanda and Bengo Provinces. Each *nucleo* is composed of around 15 IDPs and has a coordinator who is him/herself displaced. The overall objective of the *nucleo* is to establish a recognised group of men and women able to play a positive role in daily camp life. They not only serve as the link between CCG and the camp leaders chosen by the government or between CCG and the individuals of the camp but also play a decisive role in trying to resolve conflicts, working effectively with adversaries and local authorities.

Communities have always had the creative means to reduce daily tension and violence. These strategies must be encouraged and developed. In many cases, however, these conflict-solving mechanisms have been overlooked, as war-related trauma and damage have forced individuals and households to focus on their own immediate interests. Training sessions in conflict resolution are aimed at encouraging displaced people to use conflict resolution mechanisms, traditional and modern, to reduce tension, avoid violence and resolve conflict in a non-violent way. Basic skills training

is provided as well as training for trainers. The ultimate goal is to have a strong *nucleo* with members acting as mediators in the community.

Paulo Freire taught us that "dialogue is the encounter of men in order to transform the world". Bringing people together around a specific topic with a productive facilitation process aiming to build consensus can provide transformative energy to participants. Dialogue is not only a trauma-healing technique for some individuals but is also the archetype of the notion of praxis. Reflection is only the appetiser for a hungry intellect. Praxis, or reflection with appropriate action resulting from active dialogue, is the substantial food that will give force to the body of an eventual common understanding and problem-solving process.

The role of theatre and the media

CCG has trained two local theatre troupes in conflict resolution and interactive theatre. IDP actors play stories told by participants. The telling of a story creates empathy and releases the heavy burden and pain related to a traumatic past. Conflict resolution theatre creates empathy between displaced people from different camps, different populations within camps and between IDPs and local residents. CCG plans to use interactive theatre with former child soldiers and war-affected youth in order to share experiences of war and dissuade those who might be lured by the prospect of taking up arms.

In Angola, and in other countries where it works, CCG uses the media to disseminate messages about alternatives to conflict. The power of peace-building media is immense. TV documentaries, conflict resolution soap operas and radio programmes can transform attitudes. Recognising that in Angola IDPs seldom have an opportunity to use their voice outside their community, CCG has initiated a project that allows IDPs to be heard on radio. Call-in shows include guests from diverse social sectors. To enable the participation of camp residents, CCG distributes wind-up radios.

Rights and concerns

Conflict resolution must be linked with promoting knowledge of, and respect for, human rights. Displaced people generally lack the confidence or the initiative to claim their rights. Thus CCG is working with UNHCR to disseminate the Guiding Principles on Internally Displaced Persons in IDP camps. However, simply to teach people their rights without building a capacity to talk about, defend and present those rights in a non-adversarial way is like giving a fisherman a net with gaping holes. Rights have to be respected; if they are not, individuals must be able to demand respect of their rights in an appropriate way, ie non-violent and strategic.

The project has been successful. IDPs from a camp requested that CCG facilitate a workshop involving civil servants, police, church representatives, IDP camp coordinators chosen by the government and IDP coordinators from CCG nuclei. IDPs reported that for the first time they could really talk to officials about their rights and deplorable living conditions in a non-adversarial and constructive way. To maintain the momentum generated by the gathering, participants agreed to meet on a monthly basis to continue talking about issues of concern. In the words of a displaced person from a camp in Bengo Province: "CCG gives us more food than the humanitarian organisations. You feed us with skills that will help us throughout our lives."

Investing in the future

In addition to the delivery of essential humanitarian aid, the international community must be creative in its efforts to find a peaceful solution to the years of conflict in Angola. We must invest in the Angolan people, many of whom are displaced, and build on their capacity to transform the prevailing culture of war into a culture of peace.

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Unaccompanied young man being interviewed by a Refugee Council advice worker

Social work with unaccompanied asylum-seeking young people

by Ravi Kohli

In the UK there are currently some 5,000 unaccompanied asylum-seeking young people who are being looked after or supported by local authorities.¹

Many of them are cared for by social workers who are legally obliged to ensure that they receive the same quality of care and protection that indigenous young people with similar needs would receive. In some respects these young people present a fresh version of familiar challenges and dilemmas for social workers. Separation and loss are fundamental parts of any unaccompanied child's story, as for many young people that social workers care for. Providing care and protection to unaccompanied asylum seekers from overseas, however, presents a number of additional, different challenges.

Many of them have faced, and still face, great uncertainties: in relation to their past, often as suddenly uprooted migrants; in the present, as young people who may not always receive high quality substitute care; and in the future, as asylum applicants waiting to hear about their bid for citizenship. They have to survive in an

unfamiliar context, with strange habits, rules, language and customs. Their families may have sent them far away to escape danger, leaving the young people with a complex and sometimes burdensome message about what their families think about them. The young people may or may not know what they have to do for themselves. The stages of arrival, settlement and achieving citizenship may test their resilience in profound ways as they integrate into new environments and move away from the old.

Achieving citizenship is not enough. They may, like other migrants, have been urged by their families to succeed academically and financially. Unlike economic migrants, however, their asylum claims may be jeopardised by revealing any economic sub-text to their flight. They may have learned to present the simplest, most acceptable version of their reasons for flight and thus may become silent about the complex circumstances of

their departure. Social workers need to ask themselves:

- How can we learn about an unaccompanied asylum seeker's life before separation?
- How should we deal with silence?
- How can we meet the needs of unaccompanied minors for a family, a social network, health care, education and a durable sense of self worth?
- Do we know enough concerning the legal, political and research issues related to refugees?
- How can we plan for resettlement, reunification with families of origin, or, where necessary, repatriation?

Current evidence suggests that the chronic uncertainty about getting refugee status so dominates the lives of unaccompanied young people that it undermines their confidence about the future.² Social workers familiar with the need to think about threats of social exclusion for young people leaving care are faced with the additional challenge of denial of citizenship for at least some of their unaccompanied young people.

To assess how social workers are responding to these challenges, I interviewed 35 local authority social workers working within four rural and urban Social Services departments in the UK. Interviewees were asked to describe and analyse their practice in relation to one unaccompanied asylum seeker in their care. The young people they chose to discuss come from Somalia, Eritrea, Ethiopia, Afghanistan, Sri Lanka, Kosovo and Albania. Their ages range from 14 years to 18 years, with an average age of just under 16 years. Two thirds are male, reflecting a general trend for boys, rather than girls, to seek asylum in Britain. The vast majority have been granted temporary admission while their claims are examined. Only one child in four actually gains leave to remain.

Social workers offer threads of connection

Indigenous young people of concern to social workers usually suffer from a harmful family environment and/or a materially impoverished context. However, for many of the unaccompanied minors coming to the UK, it is chronic civil unrest that has threatened them, not material or emotional deprivation.

Silence

What sense do the young people make of being sent so far away from harm, and home? I found that few social workers know. This is not because they have not asked the child but because they do not get an answer. Young people reject attempts to engage them in life story work. Many do not know where their families are

UNHCR
Armenia/Mariam
Galstyan, aged 10

and have no contact with them. These asylum seekers, unlike indigenous young people, do not provide social workers with parental names and dates of birth, family composition and precise addresses or telephone numbers for family members. Social workers are aware of the young people's reluctance to talk to them as authority figures and understand their fear that disclosure could result in expulsion. Silence can be a predominant feature of their relationship with the social worker. Trust comes slowly, sometimes over years. Information emerges in dribs and drabs. Social workers are aware of the costs and benefits of silence. Silence brings security; leaks mean danger. But silence can also be a burden. Through having been sent to safety, the child may feel discarded. And being sent away while the family remains may leave the child deeply worried about the family's well-being – and guilty at having reached safety.

The social workers respond to silence in different ways. Many wait, knowing the importance of balancing what to ask with how to ask and when to ask. Despite a reluctance to act as immigration officers, others worry about the authenticity of a child's claim if silence is a predominant feature.

Any migrant, whether economic or political, faces a dilemma in balancing integration into the host society with 'disintegration' from the society left behind. Social workers offer threads of connection. For example, they pursue information about missing family members via the Red Cross tracing service (if the child consents). They take the young people to eat

'home food' in restaurants. They provide dual language dictionaries and cookbooks, prayer mats and copies of the Koran and long-distance phonecards. They help young people make contact with same-

S is a 16 year old Ethiopian boy whose father was politically active in opposition to the Ethiopian government. One day S's house was attacked by government soldiers. His father was shot in the neck and died. His mother committed suicide on the same day.

S escaped. The house was ransacked. An aunt helped to get him out of the country. On arrival in the UK he was referred by Immigration to Social Services. After living for a while in a young people's home he was diagnosed as suffering from post-traumatic stress disorder for which he received effective help from the local Child and Adolescent Mental Health Services. He has recently moved on to independent living.

Described as a humorous and friendly young man, he still suffers from the trauma of his pre-flight experiences. On a recent visit, his social worker visited him in his new flat and asked about an empty photo frame on the mantelpiece in the front room. S said that one day he hoped to get a photograph of his mother and father. Then the frame would be filled with their picture.

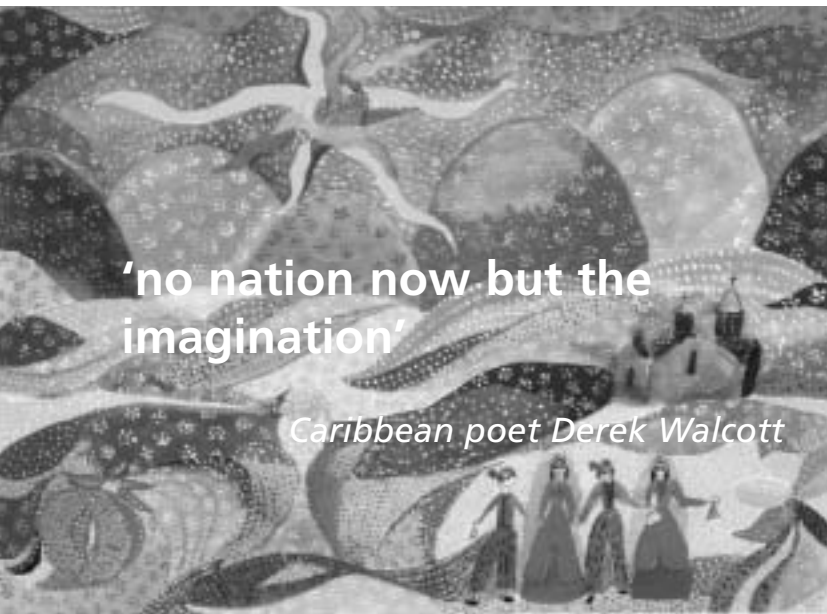
culture organisations. They work closely with key workers or foster carers who offer not just consistency and regularity of contact but who frequently provide the basics of care for the young people.

Resilience, vulnerability and living with uncertainty

Social workers interviewed report that for both practical and sentimental reasons they enjoy their work with unaccompanied young people more

'no nation now but the imagination'

Caribbean poet Derek Walcott



than they do with UK young people. These young people seem to offer a degree of refreshing hope in comparison to the more dour set of challenges set by local young people.

Asylum-seekers are seen as robust, self-motivated and committed to making the best of their circumstances. They want to do well educationally and are caring and careful. Once settled in placements, they make good, reliable and affectionate relationships. There are unaccompanied young people who shout for what they need, lose sleep, break things that belong to them and put relationships and laws to the test but they are a minority. For the majority of young people episodes of acute distress, and resultant medical and psychotherapeutic interventions, are rare. This worries some social workers who fear this cloak of civility masks inner distress at the uncertainty in their lives.

In fact – and surprisingly given the level of complexity used by some practitioners in thinking about these young people – practicality also sometimes overrides their own need to access research in relation to refugees, or training, or specialist supervision, consultation and networking. Many of them work in the absence of detailed policy related to unaccompanied young people.³ Instead they use their own personal and professional experiences to give shape to their practice. Sometimes this narrow reliance on one's own resources feels insufficient, particularly for the minority of workers who have helped to develop practice guidelines within their agencies. Many appear to plough a lonely, if effective, furrow.

Repatriation, reunification and rehabilitation

None of the young people in the research group has achieved refugee status. Some have been given Exceptional Leave to Remain on humanitarian grounds. Others have just begun the application process. Nevertheless, all the workers interviewed insist that the young people do not want repatriation; they long for refugee status. Their dogged determination to 'get an education'

and to become 'somebody' is emphasised by those young people who have been in the UK for a number of years.

Perhaps because they wish the best for the young people themselves, very few social workers anticipate the consequences of repatriation. However, young asylum seekers approaching adulthood are, unlike their indigenous peers, at risk not just of social exclusion as they leave care but also of having citizenship denied to them. I concluded my interviews with social

K, a 17 year old, had been separated from her family in Africa for six years when, out of the blue, she received a letter from her father. The social worker explained:

When I met her the following week, I said, "if you'd like to share the letter with me, I'd like to see it". "I don't have it," she said. "I've burned it". It turned out that her father had written a bit about himself. He is now married and has two young children, one of whom is called K after her. It's quite incredible the emotional impact something like that has on how she feels, separated from him. He has another K there now, and he said that he had not been able to make contact with her before because of the situation in her home country.

After all this, she said to me, "But I've written him a letter anyway – do you want to see it?" When she showed me the letter I was practically moved to tears. She said over and over in the letter: "I love you so much. There's not one day that goes by that I don't think about you, and you'll always be my dad, no matter what".

workers by asking them if they knew with whom young people in their case-load would have a sense of connection when they have grown up. The answer is far from clear.

Conclusion

Survival for the young people means dealing with uncertainty in a robust fashion. For social workers good practice means finding a balance between the universal and specific needs of their charges. It means taking a sensitive approach to their burdens, neither rushing for information, nor denying its long-term importance. Good practice also means providing connections at a level that is tolerable and meaningful for each individual child. Often social workers work alone, without the benefits of clear guidance from policy or research. Their potential to sustain good practice by using a web of connections rather than relying on solitary efforts has yet to be exploited. Similarly the potential of each child to reconnect with his/her family, safe in the knowledge they have actually gained asylum, is yet to be fulfilled.

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1. Audit Commission 2000 *Another Country – implementing dispersal under the Immigration and Asylum Act 1999*, The Stationery Officer. Stone R *Young people first and foremost: meeting the needs of unaccompanied asylum-seeking young people* Barnardo's, London, 2000. The young people come from many countries, with large representations from former Yugoslavia, Afghanistan, Somalia, Sri Lanka, Turkey, China, Iraq and Angola. Other countries include Albania, Eritrea, Sierra Leone, Iran, Ethiopia, Rwanda and Romania. They are primarily located in London and elsewhere in southern England where major ports of entry are located.

2. Russell S *Most vulnerable of all. The treatment of unaccompanied refugee young people in the UK*. Amnesty International, 1999.

3. The Department of Health keeps no details of the type and quality of care received by unaccompanied minors, nor a central register of the number of cases being dealt with by local authorities. Practice guidance is available (*Unaccompanied Asylum-seeking Children – A practice guide/training pack*, Department of Health, 1995) but requires updating, and national dissemination and promotion.

Separated children seeking asylum: the most vulnerable of all

by Kate Halvorsen

In recent years an estimated 20,000 separated children (primarily from Africa and Asia) have sought asylum in western and central Europe.

Many travel for the same reasons as adult asylum seekers – to escape armed conflict, persecution, severe poverty and deprivation – and some are recruited by traffickers either in their country of origin or *en route*. Some also flee child-specific human rights violations or family abuse and neglect. Many of these children face a highly uncertain and volatile future in Europe where there are many gaps in protection policies and practices.

Refusal of access and detention of children

The term 'separated child' describes those children under the age of 18 who are outside their country of origin and separated from both parents or from their legal or customary primary caregiver. Some separated children are totally alone while others may be travelling with extended family members or other adults. While these children may appear to be 'accompanied' when they arrive in Europe, the accompanying adults are not necessarily able or suitable to assume responsibility for their care.

many western and central European states refuse separated children admission and several detain separated



A tall well-built boy aged 16 arrived from Southern Africa. The many hardships he had experienced made him look very mature. The border official did not believe he could be only 16 and so he was sent to an asylum centre for adults. After a week at the centre the boy managed to speak with a worker there and told him he was only 16. Eventually he was sent to see the doctor at the centre. The doctor took an x-ray of his wrists and gave him a brief physical examination. He asked him no questions apart from his name, date of birth and country of origin. The bone atlas reference the doctor used was based on the development of a group of Caucasian children, dating back some 20 years or more. The doctor's report stated that, given the boy's physical maturity and bone development, it appeared likely that he was over 18 years of age but that he could not be certain.

children. In France separated children are regularly detained in the 'waiting zone' at Charles de Gaulle airport for up to a month or more. In Germany separated children may be detained in the 'airport procedure' and in detention centres. Switzerland also applies an airport procedure – involving detention – to some separated children. The UK previously detained many separated children (76 detained in 1997-98¹) but this situation has since improved. Some countries have made progress in limiting or banning

UNHCR has now collected statistics from 27 countries on the numbers of separated children who applied for asylum in 2000. This needs to become regular practice for all countries.

Identification involves two main aspects: determining whether the person is under 18 and whether the person is actually separated. Concerns have been expressed regarding some age assessment and determination methods. Such methods, which should only be applied if there is doubt about the age, should take into consideration the maturity and mental development of the child as well as physiological characteristics. Children should be given the benefit of the doubt. In reality, many countries apply age assessments which use only physiological measurements (such as x-rays of collarbones and wrists and dental examination). Disturbingly, in a few countries it appears that age assessment may be being used to exclude children from special attention as separated children.



When a 14 year-old girl from West Africa arrived without papers, unable therefore to prove that she was a minor, she was placed in immigration detention. She did not understand why she was in detention and felt she was being treated like a criminal. She was lonely and depressed – and found the European food difficult to eat. She stopped eating and stayed in the room she shared with three adult women. Eventually the detention officer brought her to the doctor who gave her anti-depressant pills – which made her feel disoriented and sleep for hours. Finally she was given a lawyer's card by another detainee. The lawyer came and asked her for money. She had none. At one point she was so desperate she asked to go back home but then changed her mind. A fellow detainee wrote a letter for her and she sent it to an agency that helps refugees. They found her a good lawyer who immediately started proceedings to get her released from detention.²

UNHCR recommends that separated children should not be refused entry, detained or returned without necessary safeguards in place. However,

the practice of detention of separated children, but it still occurs. More changes are needed in order to get rid of this practice completely in Europe.

Most children arriving in Europe these days are accompanied by an adult but the exact nature of the relationship to

the adult(s) must be assessed carefully by experts: trafficking is a serious problem in all countries in Europe these days.

Family tracing: essential for all children

One of the first actions taken on behalf of a separated child should be to trace the family in order to establish contact and explore the long-term possibility for family reunification. Tracing is undertaken in several European countries, but nowhere is it done systematically. Tracing is normally done at the request of the child itself or by an NGO or government agency. Concerned agencies do not undertake family tracing unless it is specifically requested by the child him/herself lest any information they obtain about the family, relatives or country of origin be abused by authorities implementing refugee determination procedures or used to immediately return the child.

Tracing needs, nevertheless, to be stepped up, done systematically for all separated children, and coordinated at national and international levels. Mechanisms must be put in place to protect the data from being misused.

Guardians for all children

Appointment of a guardian to protect and advise a separated child is essential in order to safeguard their rights. Most countries have guardianship systems. In some countries separated children seeking asylum are referred to the national system of guardianship, or there may be a special guardianship arrangement for

held by an individual or by institutions such as NGOs or semi-governmental agencies. In some countries, guardians are responsible for a very large number of children (up to 200 in Italy), while in others it is less (25-30 in Germany).

Guardianship systems need to be harmonised to ensure that:

- all separated children have guardians appointed
- appropriately trained guardians are appointed within a month
- guidelines are developed for all guardians

Access to asylum procedures

In all western and central European countries separated children are legally entitled to apply for asylum or to have their guardians do so on their behalf. In practice, however, a number of children never access asylum procedures. They may not know how to apply, be in the wrong place, fail to meet application deadlines or be wrongly advised not to apply by those who consider they are sufficiently protected within the child welfare system. Guardians may not be willing to apply on their behalf. In those countries, most notably in southern Europe, where it is believed that all separated children are best protected in the child welfare system, they are not encouraged, or not given the opportunity, to apply for asylum. There needs to be awareness raising among government staff, policy makers and practitioners about the fact that separated children who need protection as refugees should go through the asylum procedure.

Legal representation: greater training and awareness-raising needed

Although most countries recognise the need for separated children to receive legal advice on asylum applications, legal representatives are not routinely appointed. In some states they are only appointed at the appeals stage. Frequently there is a charge for their services. The quality of legal representation is a central concern. Sometimes lawyers are appointed who have no prior experience in representing a separated child's case. They may not know how to communicate with a child, how to elicit relevant information or even the specific guidelines and rights of children in asylum procedures. More special training and awareness raising needs to be done among lawyers who represent separated children.



he solicitor was very busy and made one call, then said: "You must wait; you must leave now." I did not finish what I wanted to say."³

Refugee status determination: children or adults?

Very few separated children are recognised as refugees in any European country. Most of them, however, get permission to stay temporarily or permanently on humanitarian or some other grounds. There are very few examples of enforced returns of rejected child asylum seekers. Problems arise, however, when children with temporary permission to stay turn 18, are considered adults and are thus placed at risk of deportation. A few countries, such as Spain, have until recently had strategies to 'freeze' asylum applications submitted by separated children until they are 18 in order that they can be processed as adults.

A particular concern is that child-specific forms of human rights violations must be taken into consideration when determining refugee status. Children may have the same grounds for being recognised as refugees as adults. They might also have experienced violations of child rights which fall within the scope of the Refugee



A 14 year old girl was fleeing from the Great Lakes region with her mother and siblings, helped by an agent. Her father had been arrested and disappeared. As they were attempting to leave the country by taking a boat across a river to a neighbouring country, the girl's family was arrested at the last minute but the agent managed to get the girl to safety. Once in Europe the girl expressed her fears about the fate of her family. The social worker contacted the Red Cross to see if there were any messages from the girl's family but there were none. The worker then contacted the International Social Service who carried out their own investigation. Eventually, the girl was told that her family house was empty and the whereabouts of her family unknown.'

children seeking asylum. In most countries guardians are appointed but not necessarily for all children and not necessarily in a timely manner. Guardianship responsibility is either

If they do not do so, they will not attain the legal status that they need in order to access appropriate services and long-term benefits as refugees.

Convention. These include forced recruitment into armies, female genital mutilation, forced labour, forced prostitution and other sexual exploitation, and forced marriage. In cases where there are reasons to believe that such violations have taken place, a proper assessment should be conducted as part of consideration for refugee status.

Long-term solutions

Although most countries currently recognise very few separated children as refugees, very few or none are ever returned to their country of origin. Consequently, of the three main durable solutions – remaining in the country of asylum, resettlement in a third country (normally on family reunion grounds) and return to country of origin – the overwhelming majority remain in the country of asylum, many with an indeterminate temporary status which lacks any long-term security. Although very few are returned to their country of origin, it should be assessed whether it is in the best interests of a child to return. Most countries lack procedures to determine the best interests of the child for those who are not seeking asylum or for those who have been rejected as refugees. With the exception of Denmark, Sweden, the Netherlands and Italy, European states lack programmes to return separated children which include all the necessary safeguards according to international standards.

Several steps need to be taken.

- Long-term solutions need to be identified much more quickly than at present.
- Systems to establish the best alternative in the best interests of the child need to be put in place.
- Return programmes that make return a viable long-term solution should be established.
- Programmes to assist children to reintegrate upon return and to monitor the reintegration should be established in countries of return.

Separated Children in Europe Programme

In an effort to address various gaps in policy and practice concerning separated children, UNHCR and Save the

Children launched the Separated Children in Europe Programme⁴ in 1998. It aims to ensure that principles and standards concerning the rights of separated children are upheld through the promotion of a common policy and commitment to good practices at national and European levels. Currently covering 28 countries in western and central Europe, the programme in its present form is due to end in late 2002.

One of the first activities of the Programme was production of a Statement of Good Practice in 1999. Primarily based on UNHCR's Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum (1997) and the UN Convention on the Rights of the Child (1989), it has become the most important tool in the implementation of the Programme.⁵ Programme activities have included a number of awareness-raising and capacity-building initiatives as well as lobbying at both national and EU levels. The situation of separated children in each country covered by the Programme has been documented in Country Assessments which compare the reality in each of the 28 states with the standards set out in the Statement. Based on these reports and on other country-specific information gathered, it has been possible to identify gaps and concerns in current national practices and to promote changes.

Conclusion and recommendations

Recently the Programme has documented a number of positive changes which have improved or developed EU and national legislation and practice. New draft legislation developed by the European Commission relating to reception standards, asylum procedures, family reunification, refugee definition, temporary and subsidiary forms of protection is very encouraging. Once adopted, these instruments will be binding on Member States. They contain many of the provisions for the protection of separated children advocated by the

Programme.

Momentum needs to be maintained. Similar legislative progress is now required in non-EU countries. Programme experience has shown that even where there is good legislation in place (as in some Central European states) it is not necessarily implemented. Enforcement needs to be addressed as a priority. We must recognise that separated children, the most vulnerable of all asylum seekers, need to be given special attention (in terms of both financial and human resources) by policy makers and practitioners.

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See also: Sandy Ruxton *Separated Children Seeking Asylum in Europe: a Programme for Action*, Separated Children in Europe Programme, UNHCR/Save the Children, Stockholm 2000.

1. Reported by Amnesty International.
2. This and the two subsequent case-examples in this article are from *Training Guide*, Separated Children in Europe Programme, Save the Children and UNHCR, Brussels, 2001.
3. From *Young separated refugees in Oxford* by Kate Stanley of Save the Children, 2001, p48.
4. For further details see the Programme's website: www.sce.gla.ac.uk.
5. The Statement asserts principles such as the best interests of the child, the principle of non-discrimination and right to participation before listing good practices promoted by the Programme. See: www.sce.gla.ac.uk/Global/English/StatementGoodPract.htm



The Separated Children symbol is reproduced from a calendar by the Association for Preventative and Voluntary Work, Ljubljana, Slovenia and is reproduced by kind permission of the former President of the Association, Gorana Flaker. The original was a painting by a refugee child from Bosnia, Osman Islamovic. He called the picture 'Peace and War'.



Brazil's Refugee Act: model refugee law for Latin America?

by José H Fischel de Andrade and Adriana Marcolini

Although actively involved in the establishment of the League of Nations, Brazil withdrew from this organisation in the mid-1920s. Thus it did not participate in the international movement for the protection of refugees victimised during the inter-war period. Those refugees who arrived in Brazil during that period were granted ordinary migrant status. Similarly, at the end of the Second World War when refugees, mostly from Eastern Europe, resettled in Brazil they were not recognised and documented as refugees but rather as ordinary migrants.

Brazil ratified the 1951 Refugee Convention in 1960 and its 1967 Protocol in 1972 but legal and political reasons prevented non-European refugees from enjoying asylum in Brazil. Brazil opted for alternative (a) of the 1951 Convention Article 1, B (1): only refugees coming from Europe were entitled to be granted protection in its territory. During the 1970s the Brazilian military dictatorship had

little inclination to protect left-wing asylum seekers persecuted in other Latin American countries. There were, however, very few reports of *refoulement*; most Latin American asylum seekers were resettled in Europe.

In order to address the resettlement of these refugees, UNHCR established an office in Rio de Janeiro in 1977. The Brazilian government accepted UNHCR's presence but did not grant it the status enjoyed by international organisations. Those who managed to arrive in hope of receiving refugee status were granted only a tourist visa and were sent to other countries for resettlement. Approximately 20,000 Chileans, Bolivians, Argentineans and Uruguayans were resettled in Europe, Canada, New Zealand, Australia and the United States.

This resettlement effort was made possible by the work of UNHCR in Rio de Janeiro and by the efforts of the former Archbishop of São Paulo, Cardinal Paulo Evaristo Arns. Cardinal

Arns was a key advocate of human rights, deeply compassionate towards the plight of refugees and unstintingly supportive of UNHCR. In recognition of his important contribution to the protection of refugees, he was awarded the Nansen Medal in 1985, an honour conferred by UNHCR on those whose work in favour of refugees is outstanding and deserving of international recognition.

Due to UNHCR intervention, and on an exceptional basis notwithstanding the geographic limitation under the 1951 Convention, the Brazilian government accepted in 1979 and 1980 about 150 Vietnamese refugees ('boat people') rescued by Brazilian ships. Eventually they were granted ordinary migrant status.

UNHCR's presence was officially accepted and recognised in 1982. After 1984 non-European refugees were allowed to stay in Brazil for a period not limited by resettlement opportunities and were granted

Neves Domingos Tandu, a refugee artist from Angola now living in Brazil.

documentation issued by UNHCR and endorsed by the federal police. The national authorities indicated their understanding that the refugees were UNHCR's responsibility, not Brazil's. In 1986, with UNHCR assistance, some 200 Iranian Bahais, comprising about 50 families, were resettled in Brazil as migrants.

The Refugee Act is the first comprehensive refugee law in South America.

When UNHCR's office moved from Rio de Janeiro to Brasília in March 1989, relations with the Brazilian authorities were finally regularised. Following this relocation, the government declared in December 1989 its option for alternative (b) of the 1951 Convention Article 1, B (1), thus removing the geographic limitation and making it possible for refugees from any part of the world to be recognised under Brazilian law. In December 1990 Brazil withdrew the reservations to articles 15 and 17 of the 1951 Convention. This meant that refugees (at the time only a small caseload of some 200 people) were now able to enjoy rights of association and paid employment.

This situation was considerably altered by the resumption of the civil war in Angola at the end of 1992 and the arrival by air of 1,200 Angolans who had obtained tourist visas but who then applied for asylum. Although they did not meet the classic 1951 definition of a refugee (most were not fleeing individual persecution but the consequences of conflict and widespread violence), the government applied a broader definition of a refugee, inspired by the 1984 Cartagena Declaration.¹ The Angolan asylum seekers were recognised as refugees and enjoyed the same rights as Convention refugees. The application of this expanded definition also took place with regard to about 200 Liberian asylum seekers who applied for international protection in Brazil. As a result of the broader definition of refugee, by mid-1995 70% of the caseload in Brazil (around 2,000 refugees) enjoyed refugee status.

The 1997 Brazilian Refugee Act

In accordance with its commitment to human rights the government of President Cardoso (himself a political

exile in Chile in the 1960s) sent the Refugee Act Bill to the National Congress in May 1996. Drafted in close collaboration with UNHCR, it was signed into law in July 1997. The Refugee Act is the first comprehensive refugee law in South America. It reproduces the classic definition enshrined in the 1951 Convention

that an individual shall be recognised as a refugee if "due to severe and generalized violation of human rights, he or she is compelled to leave his or her country of nationality to seek refuge in a different country".

Also significant is the establishment of the National Committee for Refugees (*Comité Nacional para Refugiados - CONARE*). Composed of representatives of the Ministries of Justice, Foreign Affairs, Labour, Health, Education and Sport, the Federal Police Department and an NGO involved in refugee assistance and protection, CONARE brings together all those actively involved with refugee issues in Brazil. UNHCR actively participates and enjoys observer status at CONARE meetings.

CONARE assists the process of determining eligibility. Each asylum seeker is interviewed by a CONARE staff member who prepares an interview report and lists respective eligibility opinions. These are then presented at CONARE sessions when eligibility decisions are made. Establishment of an appeals procedure is being envisioned. A further progressive development is that the success of asylum applications is no longer announced in the official government gazette but is directly communicated to applicants.

Refugees in Brazil today

2,700 families from 47 countries currently have legal refugee status in Brazil. Most are African, the great majority (some 1,600) from Angola and smaller numbers from West Africa. Approximately 70 Iraqis and 100 citizens from former Yugoslavia have also been granted refugee status. It is expected that continued conflict

and resultant massive displacement in Colombia will greatly increase the small number of Colombians currently holding refugee status.

Once an asylum seeker is granted refugee status in Brazil, s/he is issued with an identity card and has the right to public medical assistance, to study and to work. As a result of local integration strategies, most refugees are incorporated into public and private social programmes. After six years in Brazil, a refugee can apply for a permanent visa (thus becoming an immigrant) and for Brazilian citizenship. On a case by case basis, a refugee can, for a certain period, receive financial help equivalent to Brazil's minimum wage, approximately US\$70 per month. It is disbursed by Caritas, the Catholic NGO that has been UNHCR's implementing partner since 1977.

With its vast territory, population of 170 million and ethnic diversity, Brazil, despite its economic difficulties, is able to absorb and offer opportunities for those who wish to stay. A society which is a mixture of (among others) indigenous Indians, Africans, Italians, Germans, Hungarians, Czechs, Poles, Spaniards, Portuguese, Lebanese, Japanese, Korean, Chinese and Ukrainians is

There is a widespread growing public awareness of human rights.

open and tolerant towards the arrival of immigrants and refugees. Substantial sections of the political élite and intelligentsia were themselves exiled and are therefore sympathetic to the need for receiving and protecting those fleeing persecution.

Refugee issues have acquired growing importance in Brazil since the return to civilian rule in 1985. Article 4 of the new Constitution adopted in 1988 recognises human rights as a guiding principle of Brazil's international relations. There is a widespread growing public awareness of human rights. Such a climate enables such initiatives as that undertaken by the city of Passo Fundo which in 1998 accepted and gave tertiary employment to a persecuted Cuban writer and became the first city in the Americas to join the Cities of Asylum Network.

Launched in 1994 by the International Parliament of Writers with the support of the European Union, this network aims to protect and support persecuted writers.²

A new initiative: the resettlement programme

Articles 45 and 46 of the Refugee Act enshrine the voluntary character of resettlement and the need for planning, coordination and determination of responsibilities. UNHCR's Resettlement Section places high priority on the consolidation and strengthening of programmes in the current emerging resettlement countries: Argentina, Brazil, Chile, Benin, Burkina Faso, Ireland, Iceland and Spain. In November 2000, a consultant resettlement expert started work in UNHCR's Regional Office in Buenos Aires. His task is to work closely with government and non-governmental partners in Brazil, Chile and Argentina in planning and implementing resettlement programmes.

As part of this initiative, in March 2001 a UNHCR mission visited four Brazilian cities selected by the Ministry of Justice to take part in pilot refugee resettlement projects overseen by CONARE. Brazilian authorities are concerned to ensure that refugees are well received by the local communities and are successfully integrated. Positive contacts have been made with representatives of civil society to explain the resettlement initiative and to seek support. It has been agreed

that projects will be small: each of the four selected cities will at most receive 30 refugees each. In the initial phase, the Brazilian authorities plan to receive some 120 refugees per year. The programme does not fix any quota by nationality but has established that the first group will be composed of Afghans. They were due to arrive in October 2001 but post-September 11 security concerns have led to postponement of their arrival to early 2002.

Conclusion

Once a temporary haven for asylum seekers, Brazil became a refugee-receiving country and is today a resettlement option in its own right. These developments flow from the democratic process and human rights improvements – including the drafting of a Plan on Human Rights – that Brazil has undergone since its emergence from dictatorship in the mid-1980s. UNHCR has actively moved forward the process. Brazil's Refugee Act is a modern and coherent legal instrument, in harmony both with the practice carried out by the national authorities and with international and regional norms. The Act's resettlement provisions are the basis of a new phase in refugee protection in Brazil. Many hope that it will serve as a starting point for harmonising policies and legal instruments for refugee protection throughout Latin America.

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See also J H Fischel de Andrade 'Regional Policy Approaches and Harmonization: A Latin American Perspective', *International Journal of Refugee Law*, vol. 10, n. 3, 1998, pp389-409.

1. For details see www.asylumlaw.org/docs/international/CentralAmerica.PDF.

2. See www.autodafe.org/cities/cities.htm. The Cities of Asylum network currently includes 27 Cities. Since 1995, the Cities of Asylum network has enabled the International Parliament of Writers to host authors from Algeria, Cuba, Iraq, Iran, Kosovo, Nigeria, Serbia, Sierra Leone, Uzbekistan and Vietnam. The writer hosted in a City of Asylum is considered to be an ambassador of his/her own language and culture, a symbol of an open and multicultural citizenship, and an active witness of dialogue between cultures.

Luzimambo Bamoka, a refugee from the Democratic Republic of Congo, now living in Brazil.



update

Radical reforms to UK asylum law – vouchers to go

by Sandy Ruxton

Two years after its introduction the UK government has announced that it is to scrap the controversial voucher scheme for supporting asylum seekers (see FMR 7 p37). Increasing evidence had emerged of the stigmatising and humiliating impact of vouchers on asylum. The system had also been fatally undermined by a sustained campaign led by Oxfam GB, the British Refugee Council and the Transport and General Workers Union. From late 2002 vouchers are to be replaced by smart cards which will serve both as ID and a means to enable asylum seekers to obtain weekly cash allowances at post offices. Many details of the new system have yet to be clarified but it is clear that asylum seekers will continue to receive only the equivalent of 70% of existing income support payments for UK citizens.

David Blunkett, the Home Secretary, has also announced the government's intention to change the system of dispersing asylum seekers away from London and the South-East, to establish a system of permanent refugee resettlement in the UK and to introduce some form of 'green card' scheme for labour migration.

While these changes have been broadly welcomed, considerable concern surrounds the proposed reforms. The Chief Executive of the Refugee Council has said that "Blunkett's statement raises as many questions as it answers". The government plans to establish four 750-bed pilot 'accommodation centres' in which applicants' claims for asylum will be processed. It is feared that asylum seekers' freedom of movement will be restricted and their access to good quality legal, education and health services will be undermined. The proposed location of the centres away from large towns or cities also increases the likelihood of social isolation.

More worryingly, the number of detention places will be increased by 40% to 4,000 places. The decision to rename



Exile Images/Howard J. Davies

detention centres as 'secure removal centres' reflects the government's resolve to meet a significantly expanded target of 30,000 removals per year. There is a clear danger that such a steep rise will inevitably lead to some asylum seekers being returned to countries where they face persecution and human rights abuses.

The Home Secretary has also announced that he intends to exclude suspected terrorists from the UK asylum process and to extend his power to detain by derogating from Article 5 of the European Convention on Human Rights. Civil liberties groups have condemned the proposals for seriously undermining the protection of human rights and stigmatising all asylum seekers as potential terrorists.

The overall effect of the proposed legislation is to once again revise Britain's asylum system – the fourth restructuring in less than a decade. One important test of its effectiveness will be whether implementation matches up to the rhetoric of radical reform. Previous initiatives have been poorly designed, introduced too quickly and inadequately resourced.

It will also be essential to ensure that the increased emphasis on security is not pursued at the expense of providing adequate protection for asylum seekers. The overwhelming desire of successive governments to deter asylum seekers from coming to the UK has already prompted the introduction of a panoply of 'tough' measures. Instead of further punitive knee-jerk policies we need a coherent system which is fair, long-lasting and in line with the UK's international obligations.

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Ministerial meeting on refugees: bright future for the Refugee Convention?

UNHCR has hailed the success of an unprecedented meeting held in Geneva in December 2001 to reaffirm global commitment to the

principles of the 1951 Refugee Convention. High Commissioner Ruud Lubbers described it as the "most important meeting on refugees" in half a century. The ministerial-level conference attended by 156 countries adopted a declaration which committed signatory nations to "implement our obligations under the 1951 Convention and/or its 1967 Protocol fully and effectively" and which hailed the "relevance, resilience and enduring importance" of the treaty.

The Conference (at which FMR 10 was included in participants' packs) was held under the auspices of UNHCR's Global Consultations initiative. Lubbers rolled out the Agenda for Protection, a series of follow-up activities which will serve as a guide to governments and humanitarian organisations in promoting greater overall refugee protection throughout 2002. There will be five major areas of concentration including strengthening the implementation of the Convention, ensuring protection of refugees within broader migration movements, improving burden sharing among receiving nations, handling security-related concerns more effectively and redoubling efforts to find long-lasting solutions for refugees.



A sombre Human Rights Watch report, issued to coincide with the conference, contrasts with UNHCR's upbeat tone. HRW documents how six core principles enshrined in the 1951 Convention are regularly violated. It warns that US and UK anti-terrorism measures following the events of September 11 threaten to further erode core refugee protection standards. Introducing the report, Rachael Reilly, HRW Refugee Policy Director, says "it is ironic that the very same states that conceived the 1951 Refugee Convention fifty years ago are now the main culprits in whittling away this important human rights instrument".

For information on the Global Consultations and the Agenda for Protection see www.unhcr.ch/cgi-bin/texis/vtx/global-consultations. The Human Rights Watch report can be accessed at: www.hrw.org/press/2001/12/refcon1211.htm.

Ilisu Dam: victory for campaigners

Balfour Beatty, the main construction firm bidding to construct Turkey's controversial Ilisu Dam (see FMR 7 pp37-38), has joined other multinational companies and pulled out of the project. If built, the proposed dam will destroy the town of Hasankeyf and leave 78,000 local residents homeless. Many believed the dam is part of the Turkish government's wider plan to ethnically cleanse the area of its Kurdish population. Environmentalists, archaeologists, human rights groups and the downstream riparians (Iraq and Syria) have all condemned the project. Austria's VA Tech is now the only foreign partner left in the consortium assembled to bid for the \$1.5 billion project.

In a statement welcoming Balfour Beatty's announcement, the Kurdish Human Rights Project said the sustained campaign against the Ilisu Dam has sent a strong message to British companies and the government about the ethics of providing export credit guarantees to companies engaged in development projects in countries with poor records of respecting human rights and resettling the forcibly dis-

placed. Friends of the Earth argues that the story of the Ilisu Dam project shows the need for laws which require British companies to adopt clear ethical and environmental standards.

For further information, visit the websites of the Ilisu Dam Campaign: www.ilisu.org.uk and the Kurdish Human Rights Project: www.khrp.org.

Kuwaiti Bidoon

by Abbas Shiblak

The 'Bidoon' is a term used in the Arabian Gulf states for residents without nationality. The phenomenon emerged as a result of state formation and the introduction of the European notion of citizenship in diverse and basically semi-nomadic societies where until recently the continuous movement of tribal peoples across the borders with neighbouring countries has been an accepted fact.

The Bidoon of Kuwait are the largest such group. In early 1990, their number was estimated to be more than 220,000. Until the invasion of Kuwait by Iraq in August 1990, most of those serving in the Kuwaiti army and police force were Bidoon. Considered permanent residents, they were exempted from visa restrictions and enjoyed full social and economic rights.

Political turbulence and subsequent military conflict raised suspicions in parts of the government concerning their loyalties. Restrictive measures were imposed in 1985, social and economic rights were denied and secure residency became uncertain. Following the liberation of Kuwait in 1991 the government refused entry to large numbers of returnee Bidoon who had either been captured by the Iraqis or, like other Kuwaitis, had sought refuge in neighbouring countries. There are currently around 120,000 Bidoon living in Kuwait.

In 1991 the Kuwaiti Ministry of Home Affairs set up a special unit, the Central Committee, which has complete authority to investigate, regulate and grant

naturalisation, issue visas, give permission to stay and issue deportation orders. Bidoon have come under intense pressure to renounce claims to Kuwaiti nationality and have been asked to show another passport in order to be allowed to stay in the country. According to human rights agencies, some Bidoon have been forced to obtain false foreign passports in order to avoid deportation or family dispersal. Those Bidoon who currently live in Kuwait are denied the right to employment, travel, free medical care, registration of marriages and, in some cases, possession of a driving licence.

Law No 22 issued in June 2000 provides for the naturalisation of 2,000 Bidoon each year. Human rights groups and those Kuwaiti members of parliament wishing to solve the Bidoon issue have seen this as a step in the right direction but even then it can only partially resolve the problem for many Bidoon. The conditions and the criteria laid out by the Ministry of Interior are so restrictive that fewer than 20% of the Bidoon are eligible to apply. Even those who are entitled to apply are not necessarily granted naturalisation and could easily be arbitrarily denied nationality.

The stateless Bidoon of the Gulf are included in the general international legal regime that was created for the protection of refugees and stateless persons. They are effectively stateless and need protection as long as they have no citizenship or their citizenship is in dispute. The Kuwait government, however, is a non-signatory of the 1951 UN Convention on the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

For further information see the Kuwait report of the US Committee for Refugees: www.refugees.org/world/countryrpt/mideast/kuwait.htm and visit the Kuwait Bidoon Human Rights Organisation at <http://home.swipnet.se/~w-79939/newsach7.htm>.

Abbas Shiblak is the principal researcher of the project on statelessness in the Arab world hosted by SHAML, the Palestinian Diaspora and Refugee Centre (www.shaml.org). Email: shib@dircon.co.uk



NORWEGIAN REFUGEE COUNCIL

Marit Hernas



Ten years on high alert

*NORSTAFF
worker and
Kenyan colleague*

NORSTAFF, the world's first civilian standby force, is the backbone of the Norwegian Refugee Council's emergency roster. At any one time there are some 100 Norwegian professionals involved via NORSTAFF in UN and other international humanitarian emergency operations.

In 1991 the humanitarian catastrophe suffered by the Kurds in northern Iraq after the failure of their uprising against Saddam Hussein captured international attention. Nordic countries were asked to contribute to the resulting UN operation. In October 1991 NRC signed an agreement with UNHCR to establish a permanent standby force of at least 100 professionals ready to be deployed anywhere in the world within 72 hours. An additional 100 people are on standby to be deployed within three weeks. All personnel on the roster are in regular employment while on standby. Each individual's employer has an agreement with NRC allowing their staff to leave within 72 hours. NRC fulfils employer obligations to the civilian staff on assignment, thus minimising the administrative workload of its

partners. There are currently 600 people from 25 different professions on the roster.

NORSTAFF's initial objective – to get trained people in place during critical early phases of emergency aid operations – remains unchanged. During the last decade Norwegians have been sent on over 4,000 missions in conflicts in Africa, Asia, Latin America and Europe. The skills of the standby force have become more diversified with increasing demand for highly qualified experts, particularly within logistics and communications. The original NRC-UNHCR cooperation has been expanded. NRC now has personnel deployment agreements with eight UN agencies. Personnel have also been sent to serve with the Organisation for Security and Co-operation in Europe (OSCE), the Norwegian government and various NGOs.

Drawing on the NORSTAFF model, in 1995 NRC and Oslo University's Institute for Human Rights reached an agreement with the Norwegian Ministry of Foreign Affairs to establish a force to monitor respect for human rights. This standby force, NORDEM, has deployed personnel

who have participated in election monitoring and investigations of war crimes and other serious human rights abuses.

In 1995 NRC also initiated the establishment of an African force, NORAFRIC. To recruit for this force, NRC has advertised in African newspapers. At present NORAFRIC has participants from seven African countries who have not only been deployed to operations in Africa but also in Europe.



NORWEGIAN REFUGEE COUNCIL

visit

www.nrc.no/engindex.htm

Global IDP PROJECT

A thousand new IDPs a day in Colombia

by Bjorn Pettersson, Global IDP Project

In September 2000 the Senior Inter-Agency Network on Internal Displacement was set up to review and improve the international response to IDP protection and assistance. The Network, made up of senior representatives of concerned agencies, has since visited a number of countries affected by the phenomenon.¹ In August 2001, the Network carried out a mission to Colombia in order to evaluate the protection and assistance needs of IDPs and the responses provided by the UN, NGOs and the Colombian government. Among the issues addressed in the comprehensive mission report are the absence of a common UN strategy on

displacement, the lack of support to IDPs during the period following the emergency phase, the need for overall improvement on protection, and weak UN-NGO coordination and NGO-government collaboration. These recommendations need to be followed up by the UN country team and by the Senior Network.

It is clear that the UN has not yet fully appreciated the scope of the ongoing displacement and the urgent necessity to drastically reduce displacement. Since 1985, the number of IDPs in Colombia has increased steadily. For the last four years approximately 300,000 Colombians have been displaced every year.² If current trends continue (which seems likely) then it will soon become irrelevant to talk about improved return and resettlement programmes. The sheer number of new IDPs will have overwhelmed the capacity of the Colombian government, even with international support. Assuming that the internal conflict will continue, large-scale return will be made impossible by the difficult security situation in most areas of expulsion. Furthermore, resettlement possibilities will be hampered by an inefficient land reform process which in recent decades has done little to impede the concentration of land ownership into the hands of rich landlords and drug barons.

What can be done?

The Colombian government and the international community must acknowledge that forced displacement can only be prevented by addressing the causes of displacement. The immediate cause is not the conflict *per se* (relatively few people flee combat) but the gross violations of human rights and international humanitarian law (IHL) which take place in the framework of the war. This has been acknowledged by Colombian as well as international human rights organisations. Increased respect for human rights and IHL is therefore key to reducing displacement. While we need

to support every effort to achieve a durable peace we must make sure the Colombian government forcefully addresses the identified causes of displacement. Unfortunately, this is simply not happening at the present.

The mission noted that the Colombian government is collaborating closely with those UN agencies providing assistance and building IDP capacity. Such cooperation is not, unfortunately, extended to the UN High Commission for Human Rights (UNHCHR) which for the last four years has produced extensive reports on the structural obstacles to full enjoyment of human rights in Colombia. UNHCHR's extensive practical reports and recommendations have either been ignored or forcefully contested by the Colombian government. Regrettably, UNHCHR's periodic 'early warnings', drawing the government's attention to foreseeable human rights violations in the provinces, have not been acted upon in a timely and efficient manner.

The international community – including UN agencies, NGOs and interested international donors – should therefore provide more explicit and forceful support to UNHCHR. The international community must tell the Colombian government that it cannot continue to pick the 'softer' support offered by the international community (assistance and capacity building) while ignoring UNHCHR recommendations on the kinds of human rights improvements necessary to prevent displacement. It is no longer acceptable that state institutions should work with UNHCR, UNICEF and other UN agencies to provide material aid to IDPs while the Colombian government fails to cooperate with UNHCHR on issues of crucial importance to the prevention of displacement.

1. Reports can be accessed at www.idpproject.org/links_UN.htm#16.

2. The Colombian NGO CODHES reported that 317,000 persons were displaced during 2000 (CODHES 2001, Boletín 35). See: www.codhes.org.co.

The Directorate

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

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Website

Visit our database on internal displacement and get more information about the Global IDP Project on

www.idpproject.org

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The Refugee Studies Centre's 20th Anniversary

The Refugee Studies Centre was founded by Barbara Harrell-Bond in 1982, making it 20 years old this year. The Centre's research, teaching and publishing work is dedicated to the promotion of better policies and practical solutions for the estimated 40 million refugees and displaced people in the world today.

In October 2001 the RSC launched a new scheme for those wishing to support this work: **Friends of the RSC**.

Friends of the RSC receive regular publications from the RSC, as well as a subscription to FMR. They are invited to an annual Friends' Seminar and are offered additional opportunities to meet both staff and distinguished lecturers informally. They receive advance notice of open lectures and seminars, including an invitation to the opening lecture at the annual International Summer School. The RSC encourages Friends to contribute their own perspectives on the issues of forced migration.

Cost of being a Friend:

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Life	£500	£750

*Joint membership applies to two people with a single mailing to one address.

For further information please contact Sharon Ellis on rsc@qeh.ox.ac.uk

The Afghan crisis: the humanitarian response

On 2 November 2001 the Refugee Studies Centre held an emergency round table to provide an opportunity for over 60 experts on forced migration, humanitarian aid and Afghanistan to discuss the causes and consequences of the humanitarian crisis in the region. The constructive exchange of experience and expertise was aimed at raising issues of importance

and areas for further consideration for actors involved in the provision of assistance.

Special FMR issue on Afghanistan

In collaboration with the Migration Policy Institute in Washington, FMR is publishing (in May 2002) an additional issue focusing on the aftermath of September 11, the war in Afghanistan, the consequences for refugees and internally displaced people, and the impact on Western refugee policy. Contributors to this edition will include academics, UN staff, international and local NGO staff, and government and media representatives. To order a copy in advance, email the Editors at fmr@qeh.ox.ac.uk.

Palestinian Refugees and the Universal Declaration of Human Rights

Weekend workshop:
11-12 May 2002

This two-day workshop places the Palestinian refugee case study within the broader context of the international human rights regime. It examines, within a human rights framework, the policies and practices of Middle Eastern states as they impinge upon Palestinian refugees. Through a mix of lectures, working group exercises and interactive sessions, participants engage actively and critically with the contemporary debates in the human rights movement and analyse the specific context of Palestinian refugees in the Middle East (Lebanon, Syria, Jordan, the West Bank, Gaza and Israel) in light of these debates. Led by Dr Randa Farah and Fiona McKay. Venue: Queen Elizabeth House, Oxford. Fee: £100 (including course materials, refreshments and light lunch).

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

International Summer School in Forced Migration

8-26 July 2002

This three-week residential course provides a broad understanding of the issues of forced migration and humanitarian assistance; participants examine, discuss and review theory and practice. Designed for managers, administrators, field workers and policy makers. Includes lectures and seminars by international experts, small group work, case studies, exercises, simulations and individual study. The course is held at Wadham College in the heart of Oxford. Course fees: £2,250 (includes B&B accommodation in Wadham College, weekday lunches, tuition fees, course materials and social activities).

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

Email: summer.school@qeh.ox.ac.uk
Tel: +44 (0)1865 270723

The Refugee Experience: a psychosocial training module

Updated/revised version now available



This 30-hour training module is aimed at humanitarian

assistance workers wishing to improve their competences in the planning, implementation and evaluation of psychosocial programmes. Sensitive to resources in the field and issues of accessibility, the module has been prepared in three formats: print, CD ROM and an Internet version.

For further details please contact Maryanne Loughry at the RSC. Email maryanne.loughry@qeh.ox.ac.uk.

Website: www.forcedmigration.org/rfgexp/

Conference Announcements

Women, Migration and Human Rights

13-14 March 2002 : Faculty of Law,
Casablanca University, Morocco

This conference is being organised by the Casablanca UNESCO Chair on Migration and Humanitarian Law, the Study and Research Centre on Migration and Humanitarian Law (CERMEDH) and the Postgraduate Programme on Migration and the Law. The main themes of the conference are:

- relation between women's migration and human rights
- women migrants in their host countries
- refugee and displaced women

The Conference will be followed by the meeting of the Governing Board of the UNITWIN/UNESCO Network on Forced Migration on 17 March.

Contact: Professor Khadija Elmadmad,
BP 5039, Maarif, Casablanca 20101,
Morocco. Tel: +212 6131 1042
Fax: +212 2236 5937
Email: khadijaelmadmad@yahoo.fr

International Symposium on Resettlement and Social Development

12-14 May 2002 : Hohai University,
Nanjing, China

This conference will focus on: resettlement policies in theory and in practice; resettlement income and livelihood restoration; resettlement economics; social analysis, evaluation and monitoring of resettlement. Study tours to the Xiaolangdi Dam Project and Three Gorges Dam Project will be held for participants after the Symposium. 20-30 participants from the World Bank, the Asian Development Bank, USA, UK, Germany, the Netherlands, India, Turkey, Brazil and Egypt have been invited, as well as some 40 senior officials, experts and authors from China.

The Symposium is organised by the National Research Centre for Resettlement.

For more information, visit www.chinaresettlement.com or contact Professor SHI Guoqing, National Research Centre for Resettlement, Hohai University, Nanjing, PR China. Email: shiguqing@hotmail.com

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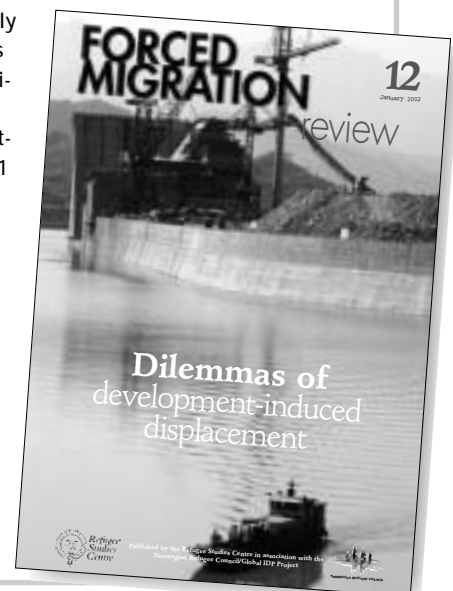
Forced Migration Review is also printed in Spanish and Arabic.

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

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

Forced Migration Review is funded mainly by grants from institutions and agencies involved in development and humanitarian work. We would like to thank the following organisations for their commitment to Forced Migration Review in 2001 and 2002:

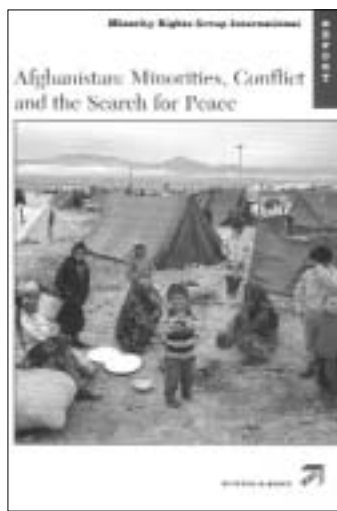
AUSTCARE
Danish Refugee Council
Lutheran World Federation
Norwegian Refugee Council
Oxfam GB
Radda Barnen
SCF (UK)
The Ford Foundation, Cairo Office
UK Department for International Development



publications

Afghanistan: Minorities, Conflict and the Search for Peace

by Peter Marsden. *Minority Rights Group International*. November 2001. 36pp. ISBN 1 897693 34 6. £6.70, including p&p (£6.95/US\$11.75 outside UK/Eire).



The US-led air strikes on Afghanistan that began on 7 October 2001 are only the latest episode in a conflict that has lasted 20 years. This report situates Afghanistan in its regional and international context. It explains the political, social, religious and ethnic factors underlying the country's recent history, debunking some of the simplistic and stereotyped views of the country and its population. The report also gives a detailed picture of the interaction between domestic conditions and foreign interests that led to the rise and dominance of the Taliban. It describes the impact of prolonged conflict on the people of Afghanistan and the way in which the conflict has become ethnicised. It ends with a set of recommendations to prevent the escalation or perpetuation of the conflict.

Contact *Minority Rights Group International*, 379 Brixton Road, London SW9 7DE, UK.

Email: minority.rights@mrgmail.org.
Website: www.minorityrights.org.
Tel: +44 (0)20 7978 9498.
Fax: +44 (0)20 7738 6265.

Evaluating International Humanitarian Action: Reflections from Practitioners

edited by Adrian Wood, Raymond Apthorpe and John Borton. August 2001. 222pp. ISBN 1 85649 976 6. £14.95.



In this book, ALNAP (Active Learning Network for Accountability and Performance in Humanitarian Action) presents an examination of the experiences of those practically engaged in humanitarian programme evaluation, and the lessons learned about the evaluation process. The case studies are on Somalia, Horn of Africa, Cambodia, Rwanda, West Africa, Tajikistan, Papua New Guinea, Hurricane Mitch and Kosovo.

Contact *Zed Books Ltd*, 7 Cynthia Street, London N1 9JF, UK.
Email: hosie@zedbooks.demon.co.uk.
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Tel: +44 (0)20 7837 8466.
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In the US, contact *Palgrave*, 175 Fifth Avenue, New York, NY 10010, USA.
Tel: +212 982 3900.

New Issues in Refugee Research

The Evaluation and Policy Analysis Unit (EPAU) at UNHCR recently published four new Working Papers from its New Issues in Refugee Research series:

- No 47 Citizenship and statelessness in South Asia by Gerrard Khan
- No 48 Arguing about asylum: the complexity of refugee debates in Europe by Niklaus Steiner
- No 49 Mobility, territoriality and sovereignty in post-colonial Tanzania by Saskia Van Hoyweghen
- No 50 The state of asylum: democratization, judicialization and evolution of refugee policy in Europe by Matthew J Gibney

The papers can be accessed via www.unhcr.ch: click on Research/Evaluation, then Evaluation and Policy Analysis, then New Issues in Refugee Research. To receive copies of these papers please contact EPAU at hqep00@unhcr.ch.

Selected Bibliography on the Global Crisis of Internal Displacement

by Gimena Sánchez-Garzoli, *Brookings-CUNY Project on Internal Displacement*. Dec. 2001. 73pp. Free.

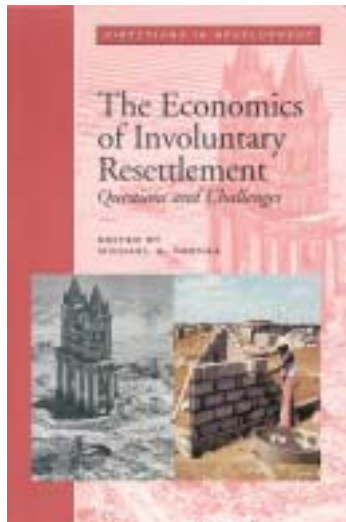
This bibliography of materials on IDPs contains more than 800 items. The bibliography includes various thematic categories: basic texts and sources of information, web resources, early writings on internal displacement, general overview of displacement caused by conflict and human rights violations, displacement caused by development projects, legal framework including the Guiding Principles on Internal Displacement, institutional framework, vulnerable groups, protection strategies, return, resettlement and reintegration, and development strategies. Geographical categories include region-specific listings for Africa, the Americas, Asia, the Middle East and Europe and 56 individual country listings. Although the majority of items listed are in English, some Spanish publications are also included.

Please forward any items for inclusion in future editions to: Gimena Sánchez-Garzoli, Research Analyst, Brookings-CUNY Project on Internal Displacement, 1775 Massachusetts Ave, NW Washington, DC 20036, USA. Email: gsanchez@brookings.edu. Available in hard copy (from above address) and in PDF format at www.brookings.edu/fp/projects/idp/resources/bibliography.htm.
Tel: +1 202 797 6000.
Fax: +1 202 797 6004.

World Bank publications as featured on page 15.

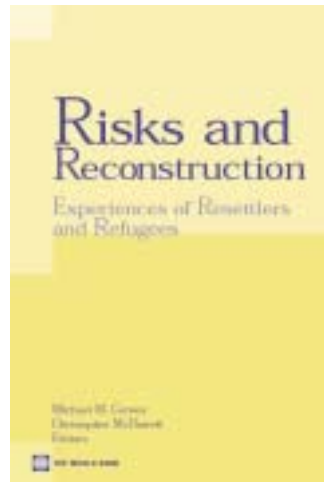
The Economics of Involuntary Resettlement: Questions and Challenges

Edited by Michael M Cernea. *The World Bank, Washington DC. March 1999. 272pp. ISBN 0 8213 3798 X. US\$20 (discounts available – see below).*



Risks and Reconstruction: Experiences of Resettlers and Refugees

Edited by Michael M Cernea and Christopher McDowell. *The World Bank, Washington DC. April 2000. 504pp. ISBN 0 8213 4444 7. US\$25 (discounts available – see below).*



Discounted prices: Readers with a shipping address in a developing country receive a 75% discount and those with a shipping address in a Middle Income country receive a 35% discount. If ordering on-line this discount is automatically calculated depending on the shipping address.

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Building a better future: older people in Serbia

by Bo Priestley, with Paul Hinchliff and Nadia Saim. *HelpAge International. November 2001. 22pp. Free. Available in English and Serbian.*

The 1991-95 conflict that erupted in the wake of the dissolution of former Yugoslavia, and the subsequent redrawing of national boundaries, has had a widespread impact on older Serbs. Many of those who fled their homes in Bosnia-Herzegovina and Croatia, or who were internally displaced by the 1999 conflict in Kosovo, still live in Serbia's collective centres, or in rented accommodation that they can barely afford. *Building a better future* highlights the situation of older Serbs, as citizens, refugees and displaced people, and puts forward practical suggestions for action to improve their welfare and well-being in the future. It offers a quick snapshot of key issues and aims to a) identify practical ways to meet older people's needs in community and camp settings; b) present the voices of some older Serbs and the organisations that work with them; and c) explore older Serbs' contributions to their families, communities and society.

Contact: *HelpAge International, PO Box 32832, London N1 9ZN, UK.*

Tel: +44 (0)20 7278 7778.

Fax: +44 (0)20 7713 7993.

Email: hai@helpage.org

Website: www.helpage.org

Refuge

Canada's Periodical on Refugees

Refuge is an interdisciplinary journal published four times a year by the Centre for Refugee Studies, York University. The journal aims to provide a forum for discussion and critical reflection on refugee and forced migration issues.

Recent Articles Featured in Refuge

Benevolent State, Law Breaking Smugglers, and Deportable/Exportable Women

Sunera Thobani

UNHCR's Global Consultations

Judith Kumin

Refugees, Rights and Human Security

Colin Harvey

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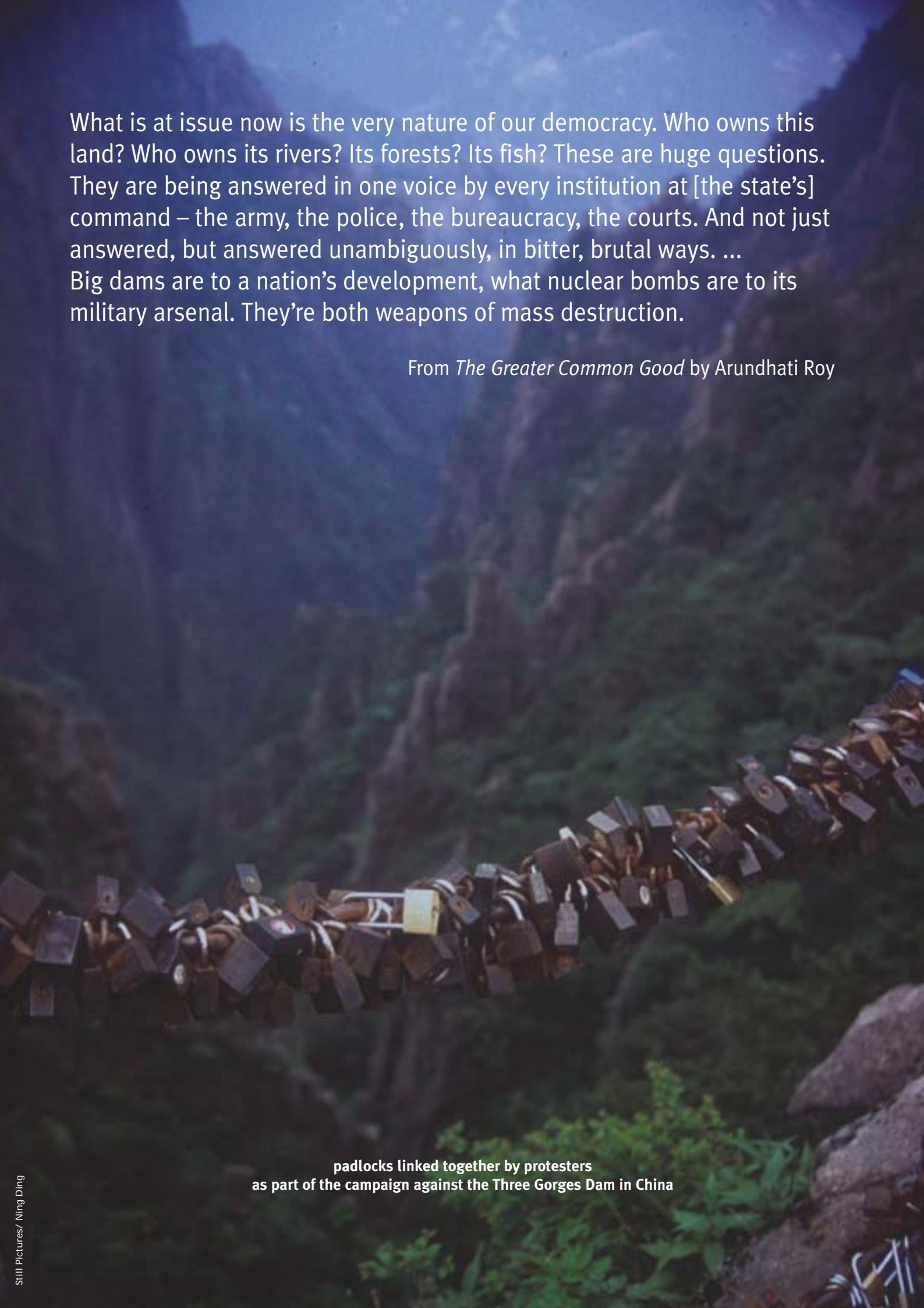
In Canada: \$75 Canadian for Institutions and \$60 Canadian for Individuals

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Email: refuge@yorku.ca • Tel: +416 736-5663 • Fax: +416 736-5837 • website: www.yorku.ca/crs/refuge.htm

A photograph of a mountain valley with a chain of padlocks hanging across the foreground. The background shows a deep valley with a river winding through it, surrounded by steep, forested mountains. The lighting is somewhat dim, suggesting dusk or dawn. The padlocks are of various colors and are linked together, forming a chain that stretches across the lower part of the image.

What is at issue now is the very nature of our democracy. Who owns this land? Who owns its rivers? Its forests? Its fish? These are huge questions. They are being answered in one voice by every institution at [the state's] command – the army, the police, the bureaucracy, the courts. And not just answered, but answered unambiguously, in bitter, brutal ways. ... Big dams are to a nation's development, what nuclear bombs are to its military arsenal. They're both weapons of mass destruction.

From *The Greater Common Good* by Arundhati Roy

padlocks linked together by protesters
as part of the campaign against the Three Gorges Dam in China