

FORCED MIGRATION

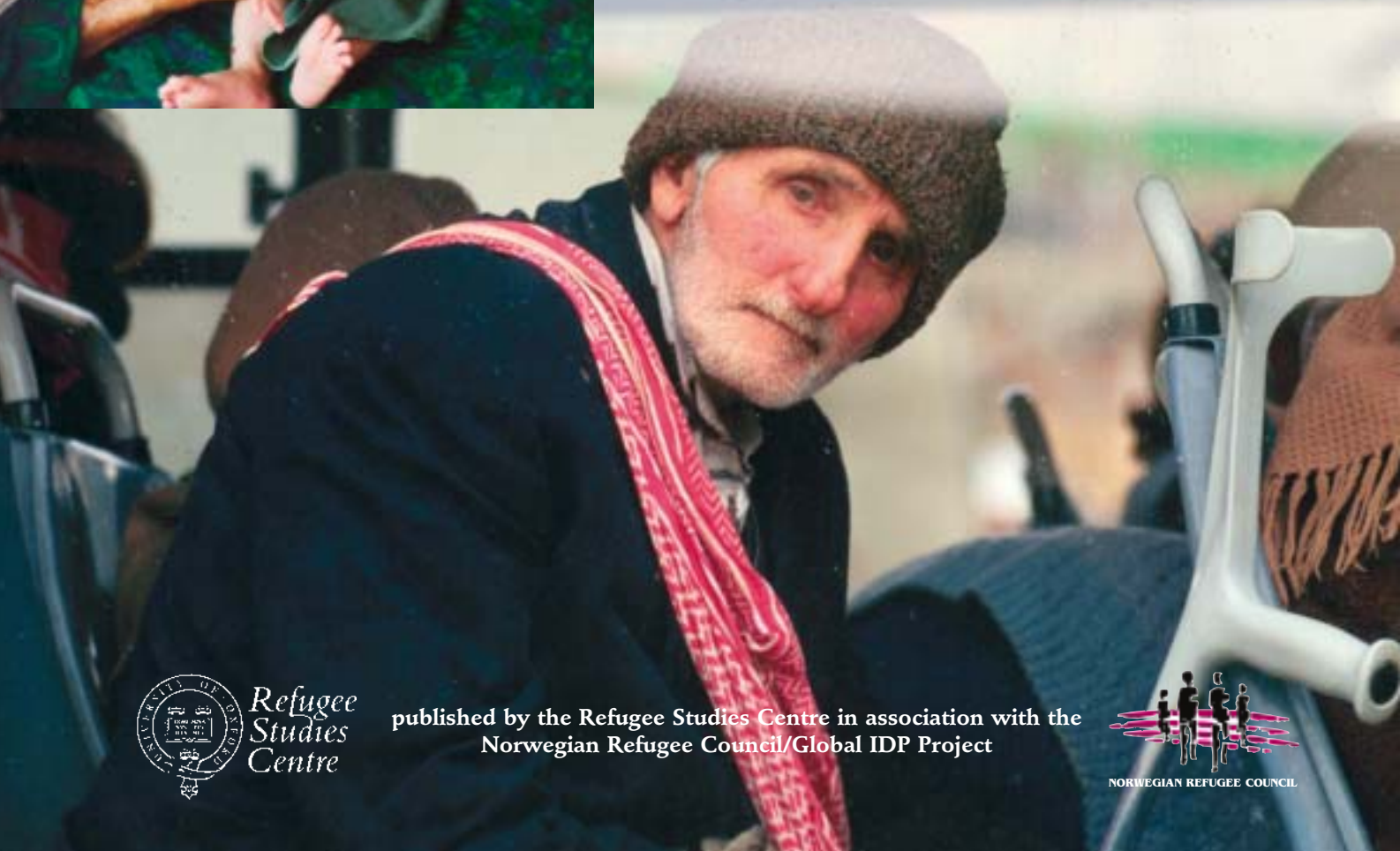
14

July 2002

review



Older displaced people: at the back of the queue?



from the editors

Forced Migration Review

provides a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and internally displaced people, and those who work with them. It is published three times a year in English, Spanish and Arabic by the Refugee Studies Centre/University of Oxford in association with the Global IDP Project/Norwegian Refugee Council. The Spanish translation, *Revista de Migraciones Forzadas*, is produced by IDEI in Guatemala.

Editors

Marion Couldrey &
Dr Tim Morris

Subscriptions Assistant

Sharon Ellis

Forced Migration Review

Refugee Studies Centre,
Queen Elizabeth House,
21 St Giles, Oxford, OX1 3LA, UK
Email: fmr@qeh.ox.ac.uk
Tel: +44 (0)1865 280700
Fax: +44 (0)1865 270721

Global IDP Project

Chemin Moise-Duboule 59
CH-1209 Geneva, Switzerland
Email: idpsurvey@nrc.ch
Tel: +41 22 799 0700
Fax: +41 22 799 0701

Subscription rates

Individuals £15/US\$22/€24
Institutions £25/US\$36/€41
FREE for: residents of developing countries, refugees/IDPs and students/unwaged.
See subscription form in centre of magazine.

Copyright and disclaimer

Material from *Forced Migration Review* may be freely reproduced but please acknowledge the source. Photographs should only be reproduced in the context of the articles in which they appear (and credited). Material and information contained in *Forced Migration Review* are the opinions of the authors and do not necessarily reflect the views of the Editors, the Refugee Studies Centre or the Norwegian Refugee Council.

Forthcoming features in 2002

Children
Root causes

Website

www.fmreview.org

Designed by Colophon Media.
Printed by LDI Ltd on environmentally friendly paper.

ISSN 1460-9819



Our special issue '**September 11th: Has anything changed?**' (issue 13) was launched in June at events in both Oxford and Washington DC.

If you know of individuals or organisations whom you think would like to

receive a copy of *FMR13*, please let us know or direct them to our website (www.fmreview.org). If you would like to respond to any of the views expressed, please write (no more than 500 words) for the Debate section of issue 15.



Corinne Owen

When we decide on a theme for the feature section of *Forced Migration Review*, we advertise it in advance in *FMR* and send out calls for papers. Our announcement that *FMR15* (due out September) would include a feature section on **younger refugees/IDPs** has produced a flood of offers of articles. Thanks to additional funding being provided by UNICEF we will be expanding *FMR15* to 60 pages to accommodate more of the articles than we would otherwise be able to publish.

In disturbingly stark contrast, our earlier calls for papers on **older refugees and IDPs** – the theme of this issue – produced hardly any response at all. And yet, as Flora MacDonald, former President of HelpAge International, points out in her article, "To age is a universal and personal experience ... the rights we talk about and espouse, or deny, are our rights now and in the future." It is clear that older people are all too often bypassed by humanitarian assistance efforts. The articles included here focus on the positive contributions that older refugees and IDPs can and do make to community life and how agencies need to consult them and build on their experience.

Issue 16, due out in December, will include a feature theme on **root causes of displacement**. If you are interested in contributing to *FMR16*, please email us or write to us at the address opposite. Deadline for articles is 1 October though it is always helpful to hear in advance what you plan to write about.

Finally, a **question for all our readers**.... If we were to put all back issues of *Forced Migration Review* (for our three language editions) on a CD ROM, would it be of use/interest to you? Would you be prepared to pay? If you could email us (fmr@qeh.ox.ac.uk) or write to us to give us a quick response, it would be very helpful. Thank you!

With best wishes.

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

Front cover photos: Man in bus - Blace refugee camp, Macedonia-Kosovo border, 1999: Exile Images/Howard Davies • Woman and baby: Exile Images/Howard Davies

contents

Older displaced people: at the back of the queue?



General articles

Encouraging agencies to pay attention to the needs, knowledge and experience of older people 4
by HelpAge International

Legal protection of the vulnerable: the case of older IDPs 8
by Flora MacDonald

New commitments for older displaced persons 11
by Erin Mooney

Developing guidelines for the protection of older people in humanitarian emergencies 14
by V Vijayakumar

Building on the past, rebuilding the future: older refugees and the challenge of survival 15
by Jacinta Goveas

Focusing on older refugees 17
by Linnie Kesselly

Personal reflections from an older refugee 19
by Ephrem Habyarimana

The breakdown of cultures in refugee camps 20
by Jose Eruesto

Facing adversity together: stowaways and helpers in Sangatte 21
by Henri Courau

Who should watch over refugee law? 23
by James C Hathaway

Improving resettlement support for Kosovan refugees in New Zealand 27
by the Auckland University of Technology Refugee Research Group

The role of the state in refugee integration and settlement: Italy and the Netherlands compared 30
by Maja Korac

Counting the cost: refugees, remittances and the 'war against terrorism' 32
by Cindy Horst and Nick Van Hear

Female genital mutilation, asylum seekers and refugees: the need for an integrated UK policy agenda 35
by Richard A Powell, Amanda Lawrence, Faith N Mwangi-Powell & Linda Morison

IDPs and mobile livelihoods 36
by Finn Stepputat and Ninna Nyberg Sørensen

Debate

Involuntary resettlement in China: a model of good practice? 38
by Brooke McDonald and Michael Webber

Regular features

Conferences 39
Update 40
Refugee Studies Centre 42
UNHCR – new! 43
Norwegian Refugee Council 44
Global IDP Project 45
Publications 46



Encouraging agencies to pay attention to the needs, knowledge and experience of older people

by HelpAge International

When communities are displaced by conflict or forced to leave their homes because of natural disasters, older people are often left behind or neglected.

Jezercja, Kosovo, 1998

Aid agencies also make choices, performing a form of 'triage' in which the needs of older people are considered of less importance than, for example, those of women and children. In research carried out in 1999-2000 on emergency responses in natural disasters and conflicts, HelpAge International (HAI) found that older people commonly have specific needs as frailty, lack of mobility and chronic health problems can become acute and life-threatening in a crisis. At the same time, older people may take on new responsibilities, looking after children whose parents are dead or absent and caring for relatives who are ill or have disabilities.

The research also found a mismatch between aid agencies' ideas of what older people need in emergencies and what older people themselves see as most important. Older people ranked their most acute problems in descending order as income, access to health services, shelter, food and nutrition, and isolation/separation from families. Aid agencies, on the other hand, iden-

tified older people's main problem as food and nutrition, followed by isolation/separation and access to health services, making almost no mention of income issues.

Since that time, HAI has worked to encourage other organisations involved in relief and rehabilitation to include older people in needs assessments, planning and programmes, stressing the importance of looking across generations at support mechanisms in families and among neighbours or communities. The following are some examples of approaches that HAI has used to raise awareness and to encourage both local and international NGOs to take account of older people's needs and contributions.

Accurate information

A crucial first step is to establish what older people's needs are in each particular emergency situation. Rapid needs assessments in the field allow relief workers to identify vulnerable older

people. Nutrition surveys usually leave them out, focusing on the under-fives as the most vulnerable group. Older people have specific nutritional requirements relating to compromised digestive systems and dental problems, yet these are rarely taken into account in planning food distributions. Emergency health personnel may be able to establish what the main needs are in a community but older people are often under-represented at emergency clinics because they are often unable to reach the centre, or cannot stand in line for hours. Most of all, older people are rarely asked about their needs, nor are they consulted on their knowledge of community relations or experience from previous crises.

older people are rarely asked about their needs

HAI has developed rapid needs assessment questionnaires which can be used at both community and camp level and which are geared to identifying older people's needs and vulnerabilities. The forms, used successively in Orissa, Mozambique, Kosovo, Gujarat and recently Goma, have been revised and adjusted according to experience and changing circumstances. Experience in Gujarat and Mozambique showed the value of

providing initial training for local organisations, community members and volunteers embarking on this work.

The main questionnaire asks whether the older person has any kind of support, whether s/he is living alone or with family members, or if s/he is caring for other family members. They seek to establish what level of mobility and independence an individual has: whether s/he is able to collect water and wood, prepare food, visit neighbours, and go to the market. The questions also cover health problems specific to older people, in particular joint pain, respiratory and digestive problems, and swollen feet. Housing conditions are investigated and recently questions have been added to help identify psychological and social problems. A separate form focuses on rebuilding livelihoods, particularly the needs of older people and their families for shelter and income.

Support for vulnerable older people, both during the emergency relief phase and in subsequent rehabilitation programmes, needs to ensure that the older person's family is also included. HAI has learned from experience that singling out older people can cause resentment in hard-pressed communities, and may expose them to abuse. Generally speaking, if the older person, with support, can contribute more effectively within their family, assistance is likely to be welcomed and their status improved.

After the recent lava flows in Goma, HelpAge International's local partners, community members and volunteers undertook surveys of Goma town, Nkamira Camp and three rural districts near Goma after receiving training in working with older people in the field. Given the long-running conflict in the region, a large, though uncertain, proportion of those displaced by the lava had already been displaced by conflict, with many families split up. The surveys indicated high levels of vulnerability among older people, confirming anecdotal evidence that little attention had been paid to their difficulties. In the camp and in the rural areas, a large proportion — more than 60% — of older people were living alone. An even higher proportion had no support for key activities such as cooking and gathering fuel and water. Severe nutritional deficits were indicated by older people's own accounts. The basic

needs surveys, however, also revealed patterns of difference. In the camp, where rates of malnutrition were very high, older men outnumbered older women 62/38%, in contrast to all the other locations where older women formed the majority of older respondents.

One weakness of these rapid needs assessments is that they do not necessarily provide explanations for such variations. They provide a vital starting point but follow-up work is always needed. There are also as yet unresolved questions on how best to gather information on highly sensitive issues, such as HIV/AIDS. Older people may be infected or be looking after infected family members or their orphans. Such is the stigma attached to HIV/AIDS that direct questioning may not give an accurate picture.

Working with other NGOs

HAI's original research identified the need to develop advocacy and awareness-raising with other national and international NGOs, UN agencies and government bodies. A key goal is to encourage agencies that do not specialise in working with older people to become more aware of their needs, and either address them within their own programmes or identify them to more specialised agencies such as HAI.

One of HAI's needs assessment forms asks UN agencies and international NGOs to identify any vulnerable older people found in their areas of work, and to say whether these older people have any support. If they are not supported, HelpAge International attempts to provide that support, or to provide advice to organisations already working with other groups. Training and capacity building with local partners and communities help these local organisations to continue both programme work with older people and advocacy with the aid community after the immediate crisis is over.

After the major floods in 2000 in Mozambique, HAI was able to collaborate, at a practical as well as advocacy level, with other NGOs, both national and international, and with local authorities. HAI urged agencies to assess the most vulnerable older people and their needs not in isolation but as part of a family or community unit. Vulnerable individual checklists and village assessment forms were

distributed at inter-agency coordination meetings in Maputo during the crucial first weeks of the emergency. These continued to be used for communities in Gaza Province as a guideline for best practice, for monitoring and on-going assessment purposes, raising awareness of older people's needs and ensuring these are met in areas that HAI could not reach.

Raising the profile of older people's needs had an impact on local government authorities as well. "The presence of HelpAge International and its constant pestering at meetings meant that we simply could not ignore our older people," said Camilo Chone, Deputy District Administrator of Chokwe. "The younger people were wondering why you were targeting these people and started to take notice. Older people told me how good it was to be recognised. They felt less depressed and wanted to help with distributions."

HAI established a working relationship with several international agencies providing support direct to older people and was also able to strengthen and improve the capacity of local partner organisations VUKOXA and APOSEMO and their network of volunteers. Throughout the emergency, it provided training workshops on Participatory Needs Assessments, advocacy and community awareness-raising on the needs of older people in an emergency situation, and helped strengthen the partners' administrative and financial capacity.

In Goma recently, HAI has found greater difficulty in engaging with INGOs and international agencies. Receptiveness to the approach as used in Mozambique varies according to the situation on the ground and the degree of coordination established within the aid community.

A further problem is HAI's own capacity. In Kosovo, for example, expectations were raised among local and international organisations which proved beyond HAI's capacity to meet. HAI also needs to develop more effective monitoring of the outcomes of its advocacy to other NGOs. Sometimes it is not clear whether agency responses are a direct result of HAI's advocacy work or because of other factors, internal to aid agencies themselves.

Long-term needs

Getting international organisations and NGOs to engage with issues relating to older members of refugee and IDP communities is also important in situations where displacement lasts for long periods of time, where economic and social difficulties become critical.

Their most common concern was insecurity.

In Serbia, older refugees from Bosnia and Croatia (who first fled during the Balkan wars of the early 1990s) still live in collective centres where they feel invisible and isolated. Some of these older refugees attended a workshop held in Belgrade in June 2001, organised by HAI, which brought them together with representatives from the collective centres, national and international NGOs, UNOCHA and UNHCR.

Many of the older refugees want to move out of the collective centres but do not have any money or prospect of finding housing. Their most common concern was insecurity. They cannot claim their pensions from their country of origin while they are living in Serbia. Some would like to return to their original homes but are too aware of the continuing fear and hostility towards Serbs in Bosnia and Croatia; furthermore, there is little legal information or advice for older people who would like to return. Food assistance is comprehensive and effective but older people are particularly vulnerable to the problems faced by Serbs generally — the high cost of living, shortages of heating fuel and

deteriorating medical care. For older people with chronic illnesses, medicines are only available at high prices from private pharmacies.

Older people have little confidence in the government, which they feel has scant interest or knowledge of the problems and circumstances of older people. They would like to see the government expanding employment and income-generating opportunities for both older and young people, to enable families and older people to rely on their own resources.

The older participants also asked NGOs to include older people in all their programmes and organise training, in particular relating to healthy diet and social rights. International NGOs said the seminar was the first opportunity they had had to listen to what older people have to say.

Participation and self-reliance

When displacement and economic disruption persist for an extended period, the need to involve older people and their organisations is of equal importance. In Juba, southern Sudan, older people have become directly involved in needs assessment, distribution of assistance and planning.

The conflict and repeated population movements in southern Sudan have separated families, breaking down the support mechanisms that have traditionally provided care for frail older people. Conditions within Juba itself are gradually

deteriorating, as access to farming land, shelter materials and inputs for traditional trades and handicrafts are being reduced. The general humanitarian crisis has been aggravated in recent years by harvest failures and annual flooding.

International and local NGOs have provided essential food and medical care, especially to the displaced population, but they have not catered specifically for older people. HAI began a nine-month emergency programme in Juba in July 1998 to distribute items such as seeds, tools and household equipment, to build houses and pit latrines and to rehabilitate water pumps and wells. It also provided training to older people and project workers to enable them to represent the needs of older people.

The programme started by bringing together older people and partner NGOs. Older people were invited to meetings at each of 23 existing distribution centres. They were encouraged to form committees for each centre to agree priorities for aid and decide the best way to organise services, keeping in mind the needs of disadvantaged older people.

Their involvement was backed up by training providing by HAI, particularly in developing criteria to assess vulnerability and needs. Older people were also included in training for NGO, government and UN staff which focused on older people's needs in conflict situations and how to ensure their participation.

The work of the committees has improved older people's capacity to assess their own situation and to lobby on their own behalf. The 23 committees decided to form a coordinating committee to deal with problems, coordinate activities and represent older people to the regional government and international donors. Some NGOs even complain that older people were becoming too vocal and that HAI is empowering them too much.





HelpAge International/Lesley-Anne Knight

In addition to promoting their welfare, "the project helped the older person's image greatly", according to Samson Kwaje, 65 year old committee chairman. "They can dress well on social occasions, they feel well.... Those without shelters are sheltered, sanitation has been taken care of [and] the project has brought craft skills."

programme was then established in Dohuk and New Kirkuk governorates to provide psychosocial and health care, plus other forms of practical support, to the most vulnerable older people and their families. In 1999/2000, the programme adopted a more developmental approach, with a three-year plan to raise the profile of older people and ensure that they are actively included in the social and economic life of their community.

The economic future of the region remains uncertain so that poor older people are likely to remain a highly vulnerable group. The goal of the programme is to create sustainable support systems at local level for older people. HAI itself aims to withdraw from northern Iraq within three

controlled northern Iraq, most advocacy has been directed towards the two Kurdish regional administrations, as few INGOs remain in the region.

The problems of displacement date back to the Iraqi government's *Anfal* campaigns of the 1980s which distorted family structures and left older people very vulnerable.¹ Many years of displacement, war and economic sanctions have left a legacy of psychological problems associated with loss of family members and homes and the day-to-day problems of surviving in a precarious economy.

HAI has been working in northern Iraq since 1997. The programme began by distributing relief materials and rebuilding houses in the governorate of New Kirkuk.

A home visiting programme was then established in Dohuk and New Kirkuk governorates to provide psychosocial and health care, plus other forms of practical support, to the most vulnerable older people and their families. In 1999/2000, the programme adopted a more developmental approach, with a three-year plan to raise the profile of older people and ensure that they are actively included in the social and economic life of their community.

years, handing over the home visiting programmes to local government and community support networks. This involves mobilising and training older people themselves, as well as local government staff and community groups. Local media campaigns are being used to raise public awareness and interest local government officials in the issue.

Conclusion

The process of including older people in emergency responses and in rehabilitation and recovery programmes for refugees and the displaced is a slow one. NGO, UN and government staff on the ground may be convinced of the importance of including older people in their programmes, acknowledging the contribution that they make, but this may not immediately be reflected in wider agency policies. Some international agencies have worked out clear policies at head office level but these take time to filter to the field. HAI too has to develop and refine its methods of information gathering and advocacy, learning from its experience in the field. The goal is for older people to be able to participate and contribute during conflict and crisis. Their current neglect mirrors wider attitudes to ageing, which also need to change.

HelpAge International (www.helpage.org) is a global network of not-for-profit organisations with a mission to work with and for disadvantaged older people worldwide to achieve a lasting improvement in the quality of their lives.

Contact: Nadia Saim, Emergencies Programme Officer (nsaim@helpage.org) or Sarah Graham-Brown, Media Officer (press@helpage.org) at HAI, PO Box 32832, London N1 9ZN, UK. Tel: +44 (0)20 7278 7778.

Village elder, reviving agriculture after the floods in 2000, Mabunde village, Gaza province, Mozambique

The process of including older people ... is a slow one.

Every crisis has its own particular profile and demands, and ways of working have to adapt to differing situations. When international NGOs are involved, it is important to influence their perceptions of vulnerability to include older people. In Kurdish-

1. See *Forced Migration Review* issue 13, p46.

Legal protection of the vulnerable: the case of older IDPs

by Flora MacDonald

Rahma, a 77 year old woman from northern Iraq, lives with her son's widow and four grandchildren in Shorish collective town. Before, she lived peacefully with her husband, her four sons and only daughter in her original village where they owned a piece of agricultural land, 40 head of sheep and a few cattle.

In 1988 the war started in Rahma's area and the Iraqi military forces attacked them and controlled the whole region including her village. They captured 28 young men, among them her four sons. As a result, Rahma tells us, her husband became deeply depressed and later died of sorrow and sadness. The military operation was called the Anfal campaign. Till now she does not know anything about the fate of her disappeared sons. The army forced Rahma, her son's widow and four grandchildren to settle in Shorish.

Her son's widow has to leave home and go to nearby villages to work for a daily wage, staying there for more than two months to earn some money to keep them alive. "During this period of time", Rahma says, "I stay at home alone crying and even singing some times in sorrow, especially when I go to bed. I try to keep my patience and to release my sorrow and sadness but I do not know how to manage all this".

Stories such as Rahma's are increasingly common as the number of older IDPs grows. The world's population is ageing at an ever faster rate, with the relative increase in the older population most noticeable in the developing world. With women's life expectancy still exceeding men's by an average of five years, and the propensity of women not to remarry once widowed, the oldest in many parts of the world are predominantly women. A majority of the displaced are female.

Older people such as Rahma are affected by and cope with natural and conflict-induced emergencies and their aftermath on a daily basis across the globe. They are present in the ruins of villages and towns; they are to be found hiding in the abandoned countryside, in trails of refugees trekking to safety, under collapsed buildings, and seeking refuge from floods. They are left to guard property, look after grandchildren, and care for the sick and wounded. Their personal safety can be severely compromised by revenge attacks, looting and indiscriminate violence.

Older people should be supported, yet the experience of HelpAge International (HAI) indicates that older people are all too often bypassed by humanitarian assistance efforts. They often sacrifice their own needs for those of the young and are at the bottom of the priority list in

the planning and implementation of emergency programmes. Older people are often not consulted about their needs and how to address them.

Lack of data

A critical challenge facing all agencies is the lack of reliable data concerning actual numbers, location and make-up of the displaced population. Although estimates exist suggesting older people now make up between 10-30% of displaced people, we need specific information on where they are, how many of them there are, their gender, ethnicity, socio-economic and employment status, and the conditions in which they live. This can only be achieved through wide consultation with affected populations and inter-agency co-operation. The Best Practice Guidelines developed by HAI¹ contain examples of surveys and needs assessments that should be carried out with disaster-affected populations in order to collect this essential data.

We also need to gather accurate and reliable data on the gendered make-up of the internally displaced population. The gendered effects of conflict mean that young and adult men may be more likely to be targeted by armed groups and to be killed, recruited or flee. This may leave older men as the head of a three-generation household. More often than not it is women, and, increasingly, older women, who are left to care for the

orphans left behind by conflict. Without better understanding of the gendered experience of displacement and the gender and age composition of affected populations, appropriate interventions cannot be designed.

Older people are invisible

Because they often do not flee but remain in their homes, older IDPs are frequently invisible. Facing physical and mobility constraints that make leaving home difficult, they are reluctant to leave the house, land and livestock which are their principal assets. Such a situation was brought out by a report by the Project Counselling Service² on displacement in Colombia. Following a massacre of 26 people in a community in the Putumayo in 1999, all but 160 of the original 2,300 inhabitants fled. Older people comprise the majority of those who remain. In Colombia, as elsewhere, for reasons of safety of humanitarian staff, access to rural conflict zones is difficult. Services therefore do not reach these older people, leaving them further marginalised at a time when their needs are most urgent.

Food distribution programmes and medical services tend to require the attendance of, rather than delivery to, the beneficiaries. Older persons often cannot access services, especially if they have caring responsibilities and physical mobility constraints. Older



people of ethnic minorities or indigenous groups frequently suffer marginalisation because they face linguistic barriers with humanitarian assistance staff and are without the support of younger family members acquainted with the dominant language. Services for trauma counselling and post-traumatic stress disorder are rarely provided for older people in emergency-affected populations. Fear of violence, theft or other abuses can itself reduce mobility and independence for people of all ages but women and older women are particularly affected.

Neglected capacity and resources of older IDPs

The knowledge, skills and capacities of IDPs can, and in fact do, support relief efforts. HAI research in Rwanda found that older people played important roles in community conflict resolution and reconciliation, in leadership of community self-help groups and with their families as carers of grandchildren and property. Similarly, older persons' self-help groups in Sudan, supported by HAI, provide a valuable service to the community, through identifying vulnerable older people and distributing relief aid. Unfortunately, assumptions and societal stereotypes that portray old people as a burden are exacerbated in times of emergency. International humanitarian agencies demonstrate only limited recognition of the practical and material contribution older people are making.

Respecting the rights of older IDPs

To age is a universal and personal experience. Therefore, the rights we talk about and espouse, or deny, are our rights now and in the future. Legally, older people enjoy the same rights as the rest of the population. In practice, however, older people often fail to benefit from the human rights provisions currently in place. Older people's rights are all too often denied or sidelined, especially in emergency situations.

Is the life of an older person worth less than that of younger people? Apart from violating the universal human right to life, such a valuation would fail to take account of the rights of older people and the important roles played by older people. Older people should have equal access to all services and the means to resettle, and their specific needs relating to shelter, nutrition, health and mobility must be taken into account.

A principal problem for many displaced persons relates to legal identity papers as many IDPs suffer the loss or theft of their papers in natural hazards or conflict situations. One of the first exercises of humanitarian agencies is, therefore, to register people and issue them with some form of ID. In such circumstances, older people will often need special help as they frequently have never been issued with legal docu-

ments, including birth certificates. The absence of papers should not be used to deny their entitlement to services and assistance.

When borders are redrawn as a result of conflict, people often find themselves outside the borders of their country and their nationality under question. A case in point, which has not received adequate attention in debates relating to involuntary displacement, stems from the collapse of the former Soviet Union and the massive forced populations movements into 'Mother Russia' of ethnic Russians no longer welcome in such new states as Uzbekistan, Tajikistan and the Ukraine. This presents a particularly difficult situation for older people who may have been born and lived all their lives in the former Soviet republics. Evidence from HAI partners in the region suggests that, since the old Soviet passports were revoked on the collapse of the Soviet Union, older people who were born outside its current boundaries are experiencing great difficulty in obtaining new Russian passports. This has serious consequences for their potential to exercise their rights, especially those related to housing, social services and pensions. This is a situation that needs serious attention in order to establish the real conditions in which these people exist.

Much of the discrimination facing older people in general, especially those in developing countries, is connected to the lack of proof of active citizenship. The human rights discourse is fundamentally based on the idea of citizenship and the rights of the individual to seek support and protection from their state. Under these circumstances, having a legal piece of paper that attests to one's status as a citizen is essential for things as basic as the right to vote, access to social security and the guarantee of free passage within one's own country. Older people without legal papers therefore face particular problems. Issues relating to property and inheritance rights come into play in the relocation of returnees. Illiterate older people are particularly vulnerable under these circumstances. It is essential that appropriate action be taken to ensure that the rights of older IDPs are not abused or manipulated by authorities or other family members.

More must be done to guarantee the security of IDPs upon relocation or return and to provide compensation for the losses they have incurred. For example, of the thousands of people who were displaced during the Rwanda genocide, untold numbers of women were raped by soldiers infected with the AIDS virus. As a result, many women of all ages in Rwanda today are dealing simultaneously with the trauma of rape and the virus. Exact numbers of older women infected by the virus are not known. Older women caring for victims of AIDS and for grandchildren left behind when parents were killed require humanitarian support, legal protection and development aid.

The negligence of governments and the international community to include and address older people as equal citizens in times of displacement has serious consequences for the ability of older people to exercise their rights. This is related to the extent to which older people's rights are respected, prior to the emergency, by the community, by the family and indeed by themselves. Poverty and social exclusion play an important role in determining older people's ability to exercise their rights. It is fundamental that human rights legislation is applied equally to all persons and that the discrimination faced by older people, often as a result of the negative stereotypes of old age, is addressed in a way that guarantees equal access to assistance, opportunity and development for all.

International tools for the protection of people of all ages

The Guiding Principles on Internal Displacement clearly state that no discrimination of any kind, including age, should influence the delivery of relief operations and they make explicit mention of 'the elderly as entitled to protection and assistance required by their condition, and to treatment which takes into account their special needs'.³ The 1948 Universal Declaration of Human Rights applies to older persons as much as to anyone else. We may ask, however, whether or not the application of this declaration across age groups is universal. Older people are covered under international humanitarian law, and

the Geneva conventions (1949) make specific mention of them. However, they do not figure as a 'vulnerable' group in the additional protocols (1977), and thus they do not receive special attention, unlike women, children and the disabled. Implicitly, older people could be part of two of these protocols but explicit reference would have to be made to older people, and action monitored and reported on, so that their needs and participation are not sidelined.

Building on Madrid: where do we go from here?

Why is it that older persons and ageing — as an issue both for relief and development — are not higher on the humanitarian agenda? The UN has been concerned about ageing since the first world Assembly on Ageing in Vienna in 1982 where it adopted the Plan of Action on Ageing. In 1991 the UN drew up a set of Principles for Older Persons to which a number of governments have signed up.⁴ The UN also designated 1999 as the international year for older persons. However, the Principles are not yet legally binding and true commitment from member states to implementing them has been slow.

In April 2002, a new International Plan of Action on Ageing was agreed at the Second World Assembly on Ageing in Madrid [see box on this page and Erin Mooney's article pp11-13]. The challenge now is to ensure that governments meet the commitments made in Madrid. As those who stand to be most affected, older people and their organisations have a vital role to play in getting their governments to act on the recommendations set out in the Plan, and in monitoring progress. The Plan does not commit governments or the international community to providing additional resources for implementation. This means ensuring that resources are made available from in-country poverty reduction programmes.

HAI seeks to bridge the gap between international laws and regulations on paper and their implementation through concrete domestic action to comply with them; and between humanitarian relief and welfare assistance and long-term sustainable peace and development for a society of all ages. To make this a reality, compre-

The International Plan of Action on Ageing at a glance

Strengths

- ✓ sees population ageing as an 'enormous potential', not a burden
- ✓ affirms that poverty of older people must be addressed in line with the Millennium Development Goal to halve world poverty by 2015
- ✓ emphasises older people's rights and participation in development processes
- ✓ covers issues of concern to older people in poorer countries

Weaknesses

- ✗ provides no additional resources for implementation
- ✗ lacks mechanisms for implementation and monitoring

hensive and reliable data is needed on the actual situation of old and ageing people around the world, particularly in conflict and emergency situations. This is essential so that programmes and policies can be adequately designed, targeted and implemented to enable the full participation, inclusion and protection of older people.

The Hon Flora MacDonald, former Canadian foreign minister, was until recently Chairperson of HelpAge International. Among the NGOs she is currently involved with are CARE Canada, Partnership Africa-Canada, World Federalists of Canada and the Canadian Council for Refugees.

Email: flora@intranet.ca

*For more information, contact the UN Programme on Ageing, Division for Social Policy and Development, Department of Economic and Social Affairs, United Nations, DC2-1370, New York, NY 10017, US.
Website: www.un.org/ageing*

1. For further information about the *Best Practice Guidelines* see: www.helpage.org/images/pdfs/ODmanual/ODintro.pdf

2. The Project Counselling Service website is at www.infotext.org/pcs

3. *Guiding Principles on Internal Displacement* No. 4.1&4.2

4. For the text of the Principles see: www.un.org/esa/socdev/iyop/iyoppop.htm#Principles

New commitments for older displaced persons

by Erin Mooney

Among the many issues on the agenda of the Second World Assembly on Ageing, held in Madrid in April 2002, that of older refugees and IDPs occupied an important place.

Convened at the request of the UN General Assembly, this inter-governmental meeting was organised to assess the progress made in implementing the 1982 Vienna Plan of Action on Ageing adopted at the first Assembly and to take into account new challenges that had arisen.

Only one of the Vienna Plan's 51 recommendations directly addressed the issue of displacement:

As far as possible, groups of refugees accepted by a country should include elderly persons as well as adults and children, and efforts should be made to keep family groups intact and to ensure that appropriate housing and services are provided.¹

In advance of the Second World Assembly on Ageing, the UN Secretary-General, in a report entitled, *Abuse of Older Persons: Recognising and Responding to Abuse of Older Persons in a Global Context*, underscored that this follow-up meeting should devote much more attention to issues of displacement. "The special needs of displaced older persons," he pointed out, "are rarely provided for in humanitarian relief plans" and, particularly in camps, "older persons may be marginalised in food and health care distribution."²

There is much to suggest that the Second World Assembly did indeed heed the Secretary-General's call to focus greater attention on the special needs of older refugees and displaced persons. The Madrid International Plan of Action,³ adopted by consensus at the meeting, contains a number of commitments for improving responses to the special needs of older

refugees and internally displaced persons. Particularly noteworthy are the 18 recommendations regarding emergency situations, which are grouped under two broad objectives.

The first objective is to ensure "equal access by older persons to food, shelter and medical care and other services during and after natural disasters and other humanitarian emergencies." To this end, states have recommended 12 specific actions:

- take concrete measures to protect and assist older persons in situations of armed conflict and foreign occupation including through the provision of physical and mental rehabilitation services for those who are disabled in these situations
- protect, assist and provide humanitarian assistance and humanitarian emergency assistance to older persons in situations of internal displacement in accordance with General Assembly resolutions
- locate and identify older persons in emergency situations and ensure inclusion of their contributions and vulnerabilities in needs assessment reports
- raise awareness among relief agency personnel of the physical and health issues specific to older persons and of ways to adapt basic needs support to their requirements
- ensure that appropriate services are available and that older persons have physical access to them, and that they are involved in planning and delivering services as appropriate
- recognise that older refugees of different cultural backgrounds growing old in new and unfamiliar surroundings are often in special need of social networks and of extra support and aim to ensure that they have physical access to such services
- make explicit reference to, and design national guidelines for, assisting older persons in disaster relief plans, including disaster preparedness, training for relief workers and availability of services and goods
- assist older persons to re-establish family and social ties, and address their post-traumatic stress
- put in place post-disaster mechanisms to prevent the targeting and financial exploitation of older persons by fraudulent opportunists
- raise awareness and protect older persons from physical, psychological, sexual or financial abuse in emergency situations, paying particular attention to the particular risks faced by women
- encourage a more targeted inclusion of older refugees in all aspects of programme planning and implementation, *inter alia* by helping active persons to be more self-supporting and by promoting better community care initiatives for the very old
- enhance international cooperation including burden sharing and



coordination of humanitarian assistance to countries affected by natural disasters and other humanitarian emergencies and post-conflict situations in ways that would be supportive of recovery and long-term development

Also relevant to situations of displacement is the Plan of Action's objective of "enhanced contributions of older persons to the re-establishment and reconstruction of communities and the rebuilding of the social fabric following emergencies." A number of actions are suggested:

- include older persons in the provision of community relief and rehabilitation programmes, including by identifying and helping vulnerable older persons
- recognise the potential of older persons as leaders in family and

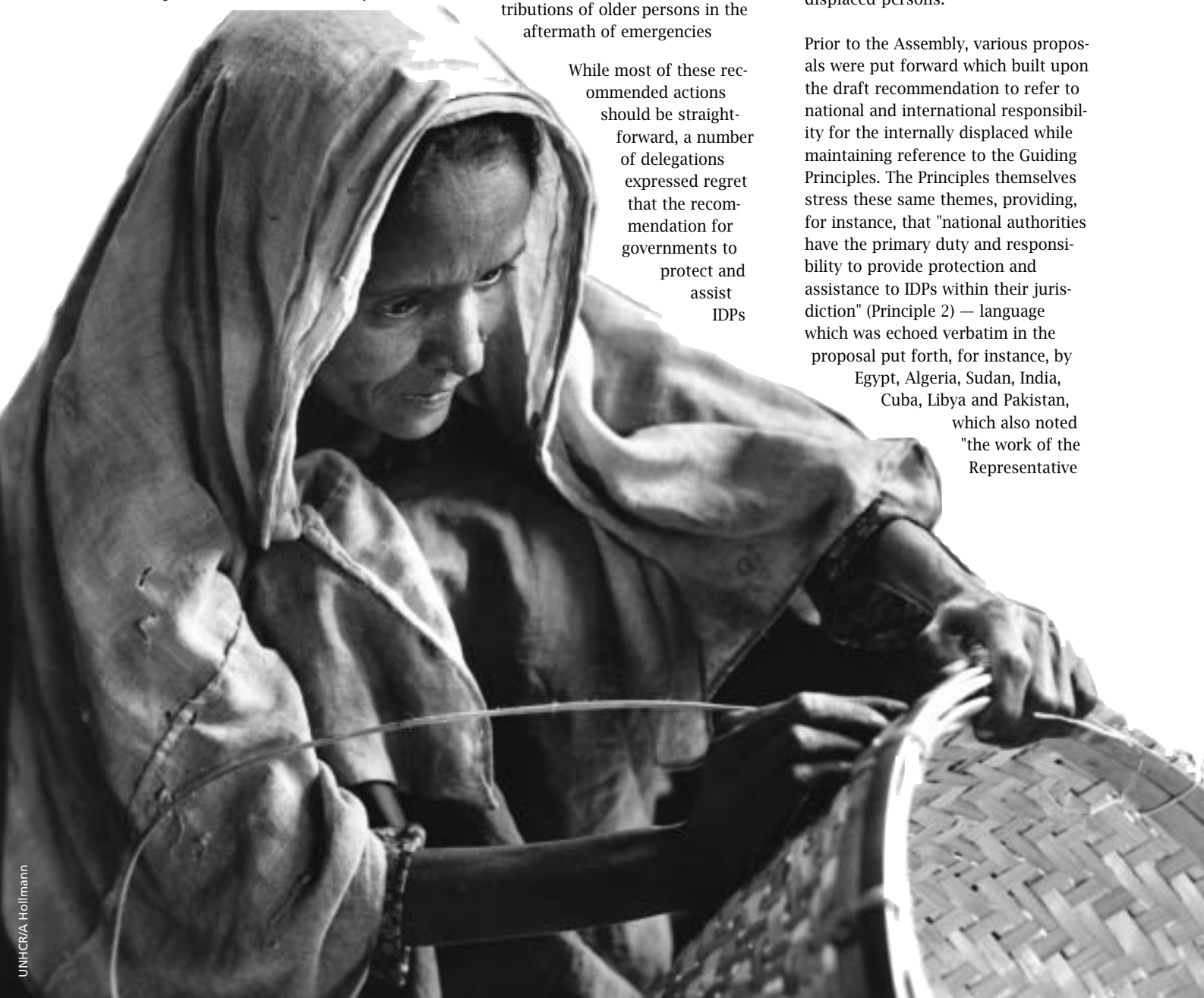
community, for education, communication and conflict resolution

- assist older persons to re-establish economic self-sufficiency through rehabilitation projects, including income generation, educational programmes and occupational activities, taking into account the special needs of older women
- provide legal advice and information to older persons in situations of displacement and dispossession of land and other productive and personal assets
- provide special attention for older persons in humanitarian aid programmes and packages offered in situations of natural disasters and other humanitarian emergencies
- share and apply, as appropriate, lessons learned from practices that have successfully utilised the contributions of older persons in the aftermath of emergencies

While most of these recommended actions should be straightforward, a number of delegations expressed regret that the recommendation for governments to protect and assist IDPs

did not more clearly articulate the potential concrete actions which could be taken to help them, reflecting both the central responsibility of national authorities and the supporting role that could be played by the international community.⁵ An earlier draft had more specifically called on governments to "take into account the Guiding Principles on Internal Displacement, which include special mention of older persons".⁶ The Guiding Principles note that they are to be applied without discrimination, including on the basis of age, and that certain IDPs, including elderly persons, "are entitled to protection and assistance required by their condition and to treatment which takes into account their special needs."⁷ The Principles, it was pointed out at the Madrid meeting, already "have proven to be a useful tool" for national authorities, international agencies and NGOs in helping older displaced persons.⁸

Prior to the Assembly, various proposals were put forward which built upon the draft recommendation to refer to national and international responsibility for the internally displaced while maintaining reference to the Guiding Principles. The Principles themselves stress these same themes, providing, for instance, that "national authorities have the primary duty and responsibility to provide protection and assistance to IDPs within their jurisdiction" (Principle 2) — language which was echoed verbatim in the proposal put forth, for instance, by Egypt, Algeria, Sudan, India, Cuba, Libya and Pakistan, which also noted "the work of the Representative



of the Secretary-General in developing a compilation and analysis of legal norms and the development of guiding principles on internal displacement.¹⁰

Though the Plan of Action, which was revised in many respects before being adopted by the Assembly, in the end does not contain express reference to the Guiding Principles, the call for governments to protect and assist IDPs "in accordance with General Assembly resolutions" goes beyond the draft language of simply "taking into account" the Guiding Principles. The most recent GA resolution on IDPs, which it was noted should be the point of reference for the Plan of Action, *inter alia* notes with appreciation that an increasing number of states, UN agencies, regional bodies and NGOs are making use of the Principles and encourages the further dissemination, promotion and application of the Principles, including through regional seminars as well as support for capacity building in their use. As noted above, the Madrid Plan of Action also calls for legal advice and information to be provided to older persons in situations of displacement.

The Guiding Principles have now been translated into over two dozen languages. It is important that dissemination efforts recognise the unique needs of older displaced persons, for instance by publishing large-print, easy to read versions of the Principles. Mobile awareness-raising programmes and legal clinics would also be important for reaching out to older persons among the internally displaced. The Plan of Action notes that lack of access to legal protection often exacerbates abuse and violence directed at older women.¹¹ Because older persons often serve as highly respected formal and informal community leaders, who provide guidance and leadership particularly in peace and reconciliation efforts, engaging them in the promotion and use of the Principles can be critical



not only to their own welfare but that of IDP communities as a whole.

Other objectives contained in the Madrid Plan of Action are also of tremendous relevance to efforts to improve responses to the needs of older refugees and IDPs. The commitments concerning income generation, education, food, housing, physical and mental health care, HIV/AIDS, disability and protection from neglect, abuse and violence also merit the attention of all actors engaged in addressing the plight of older refugees and IDPs. In summary, the Second World Assembly on Ageing and its resulting Plan of Action mark significant progress in focusing greater attention on the special needs of older refugees and displaced persons and in elaborating a number of commitments by states. While the Plan of Action places primary responsibility for its implementation upon governments, it also recognises the critical role of NGOs and civil society, as well as international and regional organisations. Indeed, the recommended actions provide important guidance as to how

international humanitarian and development agencies, human rights bodies, NGOs, civil society groups and others concerned with the plight of refugee and IDPs can better attend to the compelling, but long overlooked, needs of older displaced persons.

Erin Mooney is Deputy Director, Brookings-SAIS Project on Internal Displacement which recently relocated to John Hopkins University. Email: emooney3@jhu.edu

1. Recommendation 43, *International Plan of Action on Ageing*, adopted at the World Assembly on Ageing at Vienna, Austria, and endorsed by the UN General Assembly in resolution 37/51 (1982), available at: www.un.org/esa/socdev/ageing/ageipaa.htm
2. *Abuse of Older Persons: Recognising and Responding to Abuse of Older Persons in a Global Context*, Report of the UN Secretary-General to the Commission for Social Development, acting as the preparatory committee for the Second World Assembly on Ageing, UN Doc E/CN.4/2002/PC/2 (9 January 2002), para 15.
3. *Madrid International Plan of Action on Ageing 2002*, adopted at the Second World Assembly on Ageing, Madrid, 12 April 2002, advance unedited copy available at: www.un.org/ageing/coverage/index.html
4. *Madrid Plan of Action*
5. See "Governments Affirm Concept of Society for All Ages," press release from Second World Assembly on Ageing, SOC/M/22, 12 April 2002.
6. *Draft international plan of action on ageing, 2002*, UN Doc. A/CONF.197/3/Add.2 (6 March 2002), para 55(a).
7. *Guiding Principles on Internal Displacement*, Report of the Representative of the Secretary-General on IDPs, Francis M Deng, to the UN Commission on Human Rights, UN Doc E/CN.4/1998/53/Add.2, Principle 4.
8. Statement by the delegation of Canada to the Second World Assembly on Ageing, 12 April 2002.
9. See, for instance, UN Doc A/CONF.197/3/Add.5.
10. *Ibid.*
11. *Madrid Plan of Action*, para 99.

Revista sobre Migraciones Forzadas

A separate website for the Spanish edition of FMR is currently being developed at:

www.migracionesforzadas.com

Developing guidelines for the protection of older people in humanitarian emergencies

by V Vijayakumar

The international community's recent commitment to addressing the issues facing older people, reflected in the designation of 1999 as the International Year of Older Persons, has begun to influence the work of humanitarian agencies.

UNHCR, the UN Office for the Coordination of Humanitarian Affairs (OCHA), the Red Cross Movement and HelpAge International are among those who have attempted to incorporate programmes and policies directed towards older people, to develop training modules and best practice guidelines and to consult older people in programme design.

UNHCR's policy has been formulated in the hope that 'future efforts on behalf of older persons will have become so well integrated into all aspects of protection and programme planning and implementation that a separate policy on Older Refugees will cease, in time, to be necessary'.¹ It can be argued that policy responses arising from the recognition of the needs of older refugees have only taken a few relevant variables into consideration. Have best practice guidelines been formulated only on the basis of one or two studies? Is UNHCR's policy on Older Refugees therefore misconceived?

An effective and meaningful policy perspective for international agencies, national governments and NGOs can be developed only by analysing individual population movements and by addressing the specific needs of the older people under those conditions. There is a need to consider:

- resettled older refugees in developed countries and their needs
- repatriated older refugees in their country of origin

- older refugees in protracted refugee situations
- older immigrants in developed countries
- older IDPs
- older people in other humanitarian emergencies.

Protracted refugee situations and resettled refugee situations provide the best opportunities to meaningfully identify and address the needs of older refugees. Needs to be identified may include: i) psychosocial well-being; ii) post-traumatic stress disorder; iii) failing health and medical assistance; (iv) opportunities to practise religious beliefs; v) education vi) language skills; vii) transportation; viii) caregivers; (ix) malnutrition; (x) leisure and recreation; (xi) involvement in community work, and others. Agencies need to go beyond the 'basic needs approach' and address empowerment issues by enabling older people to participate in decision making and use their skills in income-generating projects and day-to-day camp management.

Particular responses to older refugees within a restricted right conferred under Article 24(1)(b) of the Convention on the Status of Refugees and other older people under Article 25(1) of the Universal Declaration of Human Rights as well as under Principle 4(2) of the Guiding Principles (developed by the Special Representative to the Secretary-General on Internally Displaced Persons) could be meaningfully

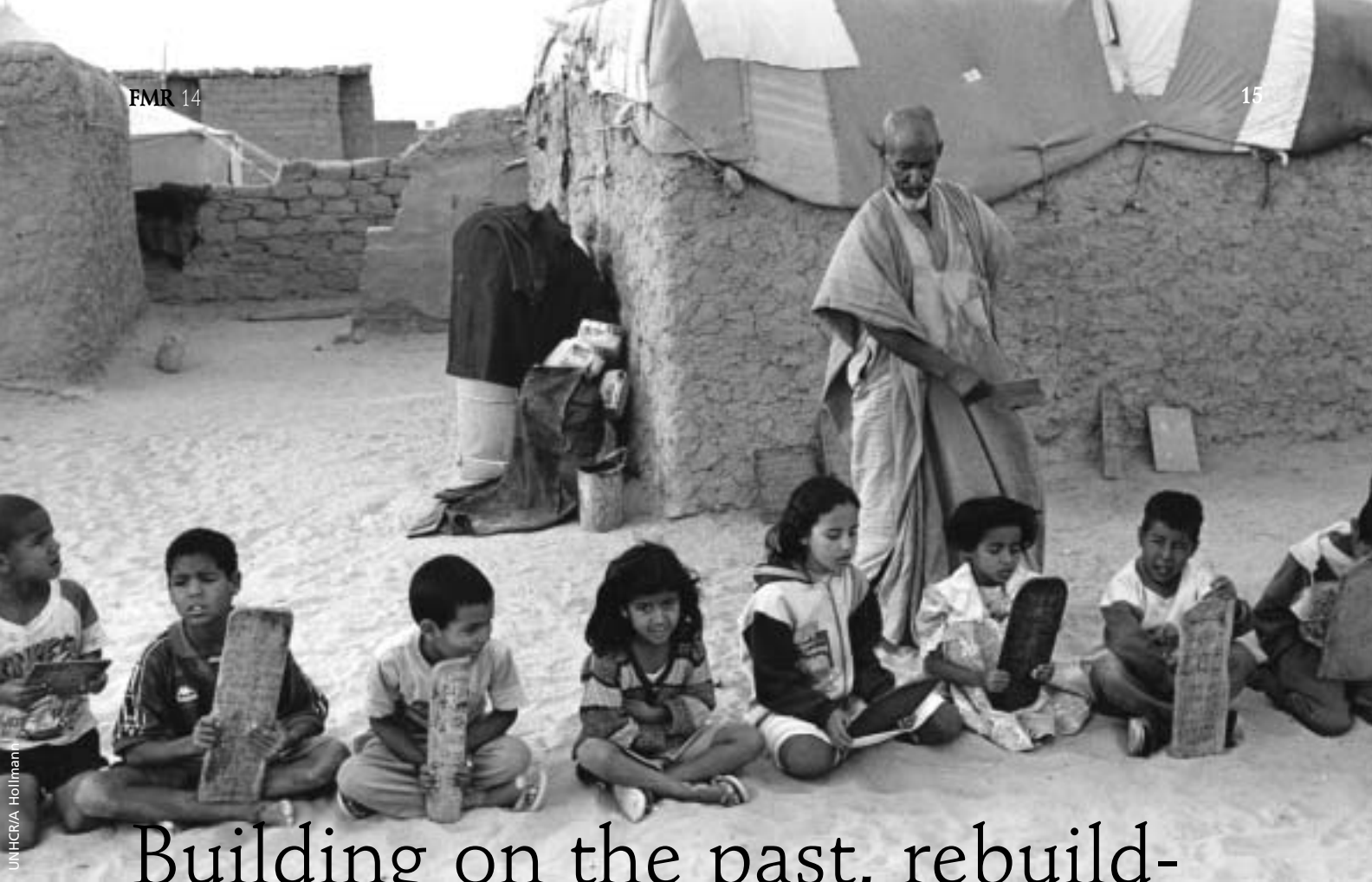
addressed only under these circumstances. It may also be possible to invoke other international Human Rights instruments to protect the rights of the older displaced people.

While it is necessary to address the special needs of older refugees, IDPs and asylum seekers, it is the protracted nature of long-term refugee and resettlement situations which allows sufficient time to properly get to know older people, their needs and capacities. We need a holistic approach which takes into consideration the importance and relevance of all players, including the refugee communities. Comparative analyses are required to identify common factors and ways of addressing them and in developing good practices.

What is needed is a much wider consultation process involving international agencies, national governments, academics and the media. This would, in turn, facilitate the development of more appropriate public policy by resettlement states, international agencies and the NGOs, prevent duplication and promote more effective cooperation and coordination.

V Vijayakumar is a Visiting Scholar and International Liaison Coordinator for Asia at the Centre for Refugee Studies, York University, Toronto, Canada. He is a Professor of Law at the National Law School of India University, Bangalore, India and administered the UNHCR Chair on Refugee Law until March 2001. Email: vkumar@yorku.ca

1. 'Older Refugees: Looking Beyond the International Year of Older Persons', UNHCR, 7 February 2000, Standing Committee Document symbol: EC/50/SC/CRP.8. Also see www.unhcr.ch/cgi-bin/texis/vtx/print?tbl=EXCOM&id=3ae68d0f8



Building on the past, rebuilding the future: older refugees and the challenge of survival

by Jacinta Goveas

Refugee movements project vivid images of people, all their worldly possessions being carried, sad tired faces, swollen feet, dragging themselves along a long road to an uncertain future. Less often seen are the thousands of exhausted older refugees¹ struggling to keep up, tense and bewildered. What does their absence say about what we see and how we see them? What are the consequences when we ignore the contributions which older refugees can make?

According to UNHCR's report to the Standing Committee in 2000, entitled 'Older Refugees: Looking Beyond the International Year of Older Persons', older refugees form a much larger proportion of the UNHCR caseload than is usually acknowledged, ie approximately 8.5% of the overall population. This figure may even be higher than 30% for some caseloads.² The majority of these older persons are women.

When 1999 was declared as the International Year of Older Persons agencies scrambled to demonstrate that older people were represented in all aspects of their work. Beautiful photography and artwork, policies and best practices appeared to remind us that crises know no age barrier. As a result of the work done during that year, the UN finally developed a Policy on Older Refugees, recognising that though they were always present in refugee crises they were rarely visible.

When it comes to addressing the needs of older refugees, programming options are often limited. Most agency staff are conscious of the shortage of time, the enormity of the issues facing refugees, scarcity of funding, and pressure from donors and host governments to show results. UNHCR has developed the People-Oriented Planning framework,³ which is meant to reveal a snapshot of refugee communities and their gender and age composition in order to ensure that programmes effectively address needs

while reflecting refugees' traditions and cultural practices. However, emergency situations tend to put all the best of intentions on the back burner. *Ad hoc* arrangements tend to become the norm.

In order to ensure that immediate needs are met effectively, community structures emerge. These structures are generally set up by the aid agencies in order to facilitate easier distribution of material assistance. They are usually not the structures that the refugee communities themselves use. Field surveys in several refugee situations attest to the fact that these structures even fail to ensure that the needs of all refugees are met equally. Predictably it is the most vulnerable, especially those who are unaccompanied, who get marginalised. Older refugees and those who are alone are very aware of the vulnerability of their situation. However, like most other refugees they hesitate to seek help or complain, or to report theft of property, their concerns

Older teacher keeps a group of Saharawi refugee children busy in Samara Camp, Tindouf, Algeria.

about security or their health needs, fearing that to do so would reflect on their communities.

There is a major tension between maximising results (and writing them up in reports) and actually using principles set out in agency documents and best practice guides. These manuals require that all staff must first learn about the community: their age, gender and ethnic characteristics, the causes of their displacement, their survival strategies and what binds them as a community.

Agency assumptions

A kind of neo-colonialism permeates the delivery of assistance and protection. International agencies tend to import their own organisational and cultural practices. Most staff either come from or are trained in countries far from those where refugees originate or have sought refuge. The concept of 'field work' is as ambiguous and foreign as the language and cultures of the people they work with. This attitude is also reflected in how older refugees are perceived in terms of tangible and measurable social 'usefulness'. Western emphasis on utility is at odds with the new and emerging consciousness of the need to 'be', a dominant feature of most non-Western cultures, particularly with regard to older people.

Refugee situations are often seen as opportunities to introduce new practices (such as empowerment of women, livelihoods skills and new health practices) and to challenge such harmful old ones as female genital mutilation. While agencies acknowledge that initiatives are more likely to be sustainable if communities are involved at all levels, it is common to perceive all older people as obstacles to change. The basic premise underlining this attitude is that anything old will keep the community from progress; only new ways will move them forward and will signify progress.

Another common assumption is that nothing is possible without the benevolent presence of international and national agencies. While this may be true when it comes to the provision of material assistance and protection, there are many other ways in which communities are able to sustain their sense of self. In the endless succession of agency reports and surveys

focusing on capacity building it is rare to find any recognition that refugees belong to communities with histories, traditions, beliefs and practices.

Also of concern is what I would call the 'racialisation of emergency responses'. The refugee crises which brought older refugees onto agency radar screens were in the Balkans and Eastern Europe. Here there were people with lifestyles and expectations very different from those of the 'traditional' African or Asian refugee. They were used to receiving more institutional assistance and were more clearly able to articulate their needs and demand assistance. Resources were made available to assist them and agencies were willing to speak up and ensure that their needs were identified and addressed. As a result of this interest and level of funding, the special needs and concerns of specific groups of refugees were brought to the attention of the donor community and service providers.

Towards consultation, inclusion and empowerment

If refugee agencies are genuinely committed to partnership with older refugees there are many questions they need to ask themselves. How do we interpret needs? Who interprets for whom? What form does consultation take? Who consults whom? How? Who is included? In what? Who decides who needs to be included? Who decides who is left out?

Agency staff need to realise that, while most cultures venerate older people as founts of wisdom and repositories of knowledge, those who work in refugee situations can all too readily assume that old people are a burden, one more worry for the community to have to contend with. Agencies need not only to stop looking for ways to 'deal' with the 'problem' of older refugees but also to cease regarding them as 'very vulnerable', a group of incapable people who need to 'be taken care of' and 'managed'.

How can we put refugee communities in the driving seat? The most effective way would be to use the basic principles of community development, to examine the capacity of communities to identify their own concerns, issues and needs, and to work with agencies. Effective community-building initiatives must acknowledge that the

refugee situation is not 'normal' and that older people have a crucial role to play in re-building 'community'.

Agencies can support refugees in maintaining their traditions and culture in order to create better conditions for the refugees to return home to. If refugee agencies are sincere in their desire to use community development principles, there must be changes not only in the attitudes of individual staff but also in organisational culture. The role and place of every community member, and refugees' inherent right to determine the path of their own lives, have to be acknowledged and celebrated.

The loss of community, history and tradition leaves people without a context within which to exist. In situations of uprootedness a community-based focus which builds on their history and knowledge not only maintains well-being but also enables refugees to draw on traditions to sustain their sense of self and hope for the future. Older refugees should play a key role in this process. They have the knowledge, skill and ability to hold communities together. They can draw on many past experiences and memories to remind their people that they have surmounted other difficulties and survived. To exclude them or minimise their contributions is a loss not just to the communities but also to agencies which claim to be helping them.

Jacinta Goveas is a student of York University in Toronto. This article draws on experience of six years' work for UNHCR as Community Services Officer. Email: jgoveas@yorku.ca

1. The World Health Organisation definition of an older person is a person over 60 years of age. However, given the different circumstances of people's life situations, the application of the UNHCR policy respects factors such as life expectancy and cultural norms that differ from region to region.
2. UNHCR statistics usually focus on recognised, registered refugees and, in some instances, on IDPs. In reality, however, there are a fair number of legitimate refugees and internally displaced who may not get counted.
3. UNHCR developed a framework for working with refugees called People-Oriented Planning (POP) in the early 90s, primarily to ensure that issues related to gender were recorded and addressed. However, the framework is a useful tool to develop an effective snapshot of the entire refugee population and can be adapted and expanded quite easily to include other areas of relevant information. Over the years, hundreds of UNHCR, partner agency and government staff all over the world have been trained both in the principles and practice of POP and in training others in its use. The framework has been going through a revamping over the last few years.

Focusing on older refugees

by Linnie Kesselly

The continent of Africa – and the country of Uganda in particular with its large number of people affected by HIV/AIDS – presents a particular case when it comes to the role of older people within their communi-

In Africa, it is frequently older people who are left to nurse their own dying children and then to take care of their orphaned grandchildren.

In Uganda, the total number of older refugees is 3,536, out of which 1,728 are female; they make up 1.9% of the total refugee population (of 179,736 refugees). Older refugees face the discrimination suffered by most refugees but are in an even more difficult socio-economic position. This is why it is important to tackle marginalisation of older refugees and learn from innovative practices to enable them to live full and valued lives.

Do relief agencies listen to older people?

In Africa older men and women are regarded as the 'wise' people in their communities and are generally consulted on important issues. Similarly, in refugee settlements, agencies wishing to set up programmes and projects often consult with the older people who serve as leaders or representatives of their respective communities. Such people may also

older refugees are often pillars of community life

assist in the registration process of unaccompanied minors and separated children when they arrive in camps and other refugee settlements, as they represent the various tribes, clans or ethnic groups. Within a refugee settlement older refugees are often pillars of community life, respected for their knowledge and experience; agencies wishing to work within these settlements should indeed consult with them.

The introduction of the age category of 60 and above in UNHCR statistics reflects increased global attention to

this population.¹ Older refugee women are among those who receive the most assistance as they fall within the category of Extremely Vulnerable Individuals (EVIs) entitled to special attention. In the settlements, houses are built and renovated for older refugees by other refugees or by youth groups. They receive food and nutritional supplements as well as such non-food items such as blankets and utensils. Older refugees who are heads of household receive extra benefits in order to be able to take better care of their dependants.

Tackling marginalisation

Age prejudice continues to prevent older people from fully participating in the development of their societies. Myths and misconceptions create the image of older people as unproductive, helpless, weak or disabled, forgetful and unable to learn new skills or absorb new information.

Community-based measures are vital in tackling marginalisation and misconceptions. A training workshop in Nairobi in March 2001 discussed what needs to be done: outreach, use of existing community structures such as church groups, neighbourhood groups and other mechanisms to identify older people, and the management of their special needs through family case management. There needs to be sensitisation and awareness-raising procedures for refugee communities, agencies and social workers to enable them to take better care of older refugees, as well as creating awareness of issues which affect them.

Furthermore, appropriate legislation needs to be established and implemented.² Increased involvement of the government and agencies working with refugees would create an environment in which policies and

legislation could provide an effective framework. Most importantly, it would allow older refugees to contribute to activities which affect them as well as encouraging groups of them to work together to help themselves.

Innovative practices

There have been certain measures taken in Uganda and throughout Africa to overcome such marginalisation; those that have led to the increased capacity of older refugees to make their voices heard and to help them help themselves should be replicated.

A few years ago in Uganda, a 'desk' for older people was created in the Ministry of Gender, Labour and Social Development, culminating in the recent appointment of a minister responsible for older people and people with disabilities.³ Such a process has facilitated increased dialogue between the government and older people, including older refugees. Similar dialogue in Ghana has led to free provision of medical attention to those over 72 years of age.

Other innovative practices implemented by HelpAge International could be replicated for refugees. In Uganda, HelpAge International supports old people's homes, day care centres and older groups involved in economic pursuits such as rearing dairy cows. In other countries of Africa, the organisation has met basic needs and provided income-generating activities, literacy and numeracy activities and horticulture for older people and their families.

UNHCR in Uganda has also incorporated and involved older people in similar programmes. There are home visits by community outreach groups to provide support to people in their homes and to provide training to families to assist older family members. Furthermore, there has been participation of older refugees in various training activities targeting not only older people but other community members as well. Such training has focused on issues such as: gender awareness, the rights of children,

leadership, income-generating activities, self-reliance, community-based rehabilitation, mental health and psychosocial support, girls' education, sexual and gender based violence and adult literacy and numeracy.

Conclusion

UNHCR and other agencies recognise older refugees as a vulnerable population, deserving, and indeed requiring, special attention. New initiatives are serving older refugees in various ways, bringing hope that they may be able to participate more actively in the development of their society, provide for dependants and lead a full and valued life. With their knowledge and experience, older refugees play a valuable role in their respective communities, a fact that that should be reinforced by the work of UNHCR and its partners.

Aids orphan being cared for by her grandfather.

Linnie Kesselly is UNHCR's Senior Community Services/Education Coordinator, Kampala, Uganda. Email: KESSELY@unhcr.ch

1. *Women, Children and Older Refugees: The Sex and Age Distribution of Refugee Populations with a Special Emphasis on UNHCR Policy Priorities*, Population Data Unit, Population and Geographic Data Section, UNHCR, 19 July 2001, Geneva.

2. See HelpAge International's *Ageing in Africa*, Issue 11, February 2001, for discussion of legislation to ensure the establishment of formal and informal social security systems and increased access of older people to health and rehabilitation services.

3. See HAI pamphlet 'Special Report of the 22nd Ordinary Session of the OAU Labour and Social Affairs Commission 19-24 April 1999, Windhoek, Namibia: Cooperation between Help Age International Africa Regional Development Centre and the Organisation of African Unity in the Problems of Ageing in Africa', p12.

Please consider writing for FMR!

If you have experience of refugee and/or IDP programmes on the ground which you think would be of interest and use to others, please do consider writing for FMR. Successful projects? Problems encountered which you have learned from? Useful insights? Good practice developed? Experience, expertise and understanding need to be shared - for the benefit of all.

You may think you don't have time to write an article, or you may be concerned that your English is not good enough. We, the Editors, are more than happy to discuss your ideas and we will offer as much help as we can. We can even draft articles from your notes or reports, for your approval. And we are ready to correct your English as much as necessary so please don't let that put you off! Articles can be any length up to 3000 words.

We have themed sections for each FMR (see page 2) but we also include articles on any subject relating to forced migration. If you have something important to share, then share it!

Email us at fmr@qeh.ox.ac.uk or write to us at FMR, Refugee Studies Centre, QEH, 21 St Giles, Oxford OX1 3LA, UK. Fax: +44 (0)1865 270721.



Personal reflections from an older refugee

by Ephrem Habyarimana

UNHCR/R. Chalasani

An older person forced to leave his residence finds himself in an unusual and unstable living context which renders him more vulnerable.

I can confirm this from my own experience living for three years 1994-1996 in two massive Rwandan refugee camps in eastern Zaire. At that time I also worked for UNHCR in humanitarian assistance.

Older refugees have special needs but seem to be ignored by humanitarian workers. Most older refugees are physically exhausted and require special and permanent care that cannot be assured by a non-trained person. Care to older people can consist of healthcare, help with cleaning and feeding or companionship. As funding is not provided, there are no NGOs with multi-disciplinary programmes to cope thoroughly with older refugees' problems. During my time in the camps in Zaire I did not see any organisation working principally to assist older refugees.

Most emergency projects deal with health care, sanitation and food distribution in refugee camps. These services commonly do not discriminate by age of beneficiaries and particularly do not often target older refugees. One example can be food distribution. Older people are not able

to queue for long periods of time, a frequent occurrence when food is distributed to sectors of camps. Then most older people would not attend food distribution sessions. A family member or any acquaintance can sometimes be requested to help an older refugee, either for free or for a payment. These payments often involve a certain portion of the food, thus penalising the older refugee.

Older persons are often physically too exhausted to walk longer distances. When groups of IDPs are dispersed, it becomes particularly difficult to reach older people as humanitarian workers are unable to reach areas where fighting is raging. In most instances, older IDPs are left to fend for themselves and receive no humanitarian assistance.

Older refugees will continue to be marginalised by relief agencies as long as special funds are not provided to take care of them nor special programmes set up. To increase the confidence of older refugees in relief agencies they should be headed by mature coordinators. Assistance to older refugees should also be

integrated with their regular immediate carers or family members. Older but still active people could furthermore be involved in all efforts aimed at structuring camps, distributing food and in the kind of ongoing casual work that is frequent in refugee camps. Getting them involved would help integrate older refugees into camp life and decrease their marginalisation.

Older people have much experience which could be of help in managing refugee camps. They know their native society well. They can provide a reliable source of information which relief agencies should rely on in designing emergency programmes. From older people agencies could

special programmes... should be headed by mature coordinators

learn the type of food to distribute, the way to present themselves and to win the acceptance of beneficiaries, how to prioritise humanitarian interventions and how to arrange the spatial structure of camps.

Dr Ephrem Habyarimana is a PhD student in genetics at Tuscia University, in Italy.
Email: h.ephrem@libero.it
Tel. +39 3487433742

Kasese refugee camp, Kisangani, Zaire, 1997.

The breakdown of cultures in refugee camps

by Jose Eruesto

Viewed as both a way of preserving customs and of passing down tradition and values, interaction between older and younger generations is a vital component of life in Africa. In Angola, traditions which are most commonly handed down range from marriage ceremonies to the worship of gods to circumcision.

For many Angolan refugees, however, this is fast disappearing. The prolonged conflict in Angola and the consequent forced migration of millions have drastically reduced the level of interaction between older and younger people. The setting up of community schools, for example, has lessened the role played by the older members of society in the lives of the youth, as they are no longer perceived as the bearers of wisdom and advice. As in many other parts of the world, they are also often seen as old-fashioned and outdated, their views and principles conflicting with those being taught at school.

In addition, members of all ethnic groups are placed together in refugee camps. Mayukwayukwa camp in Zambia, for example, sees Mbundas, Kaluchazis and Lubales (to name but a few) living side by side. As youngsters from all groups mix together, it is virtually impossible for the older members of these various ethnic groups to pass on customs and values specific to them. Adding to these difficulties is the length of time refugees have spent in other countries; they begin to adopt the views and opinions of the people around them which contradict those of new arrivals from Angola.

Changes to customary practices include the following.

Marriage

Food and gifts often make up the dowry for brides in Angola. Due to harsh economic conditions, however, large sums of cash are often demanded by refugees before agreeing to

marry. Whereas young girls would often live with their fiancés until they were old enough to get married, today shortages in food rations make this impossible.

Hunting, fishing and farming

Livelihoods which families practised in Angola cannot be followed by refugees in Zambia due to lack of access to land and strict regulations preventing refugees fishing from the waters of the Zambezi River.

Nzango

This meeting place where members of the community, young and old, would eat, tell stories, discuss important matters, pass on skills and settle disputes was crucial to community life in Angola. Refugees, however, have no such place to congregate and interaction between older and younger generations is limited to the nuclear family. Skills that would have been taught to boys are no longer relevant, negating the role of older male members of the family. Thus it often becomes the duty of the women to teach both girls and boys.

Leadership

Gender roles in Angola's patriarchal society are clear but for refugees this framework is lost. As people are appointed to lead refugee communities (it is important to note here that the method of selection is highly questionable) and NGOs focus largely on empowering women, the traditional male role soon disappears and men can start to feel worthless and insignificant. The loss of this established structure in which each member of society has a certain role to play can have many repercussions for refugees returning to Angola.

Circumcision

This tradition has survived better than any other as it is practised in

other African countries, including Zambia. Nevertheless, there are differences in the way in which it is carried out. The minimum age in Angola is 12 whereas boys as young as 6 are circumcised in Zambia. As circumcision is perceived by Angolans as a boy's passage into manhood, they believe he should be at the age of puberty when it is done.

Worshipping gods

Refugees have largely been converted to Christianity, eradicating their former belief in and worship of various gods, such as the gods of rain and fortune.

Although Angolan customs and traditions amongst refugees have changed significantly or have been lost altogether, many young refugees appreciate and value their importance in understanding their roots and making them who they are. As one young

"The past is always the key to the future".

woman from Mayukwayukwa camp says, "The past is always the key to the future". These youngsters are keen to regain what is lost and pass it on to future generations. For as long as the above factors apply, however, this would appear to be highly unlikely.

Jose Eruesto, a radio broadcaster from Huila Province, Angola, has been living in Mayukwayukwa Camp, Zambia, since October 2000. He can be contacted via Christian Outreach Relief and Development (CORD), a British NGO implementing Community Service programmes with Angolan refugees in Mayukwayukwa and Nangweshi Camps, Western Province, Zambia. Contact: Jane Travis, Refugee Programme Officer, CORD, 1 New Street, Leamington Spa, Warwickshire, CV31 1HP, UK. Email: jtravis@cord.org.uk. Website: www.cord.org.uk.

Facing adversity together: stowaways and helpers in Sangatte

by Henri Courau

Since its opening in 1999, more than 55,000 people have passed through Sangatte.

Designed to house 800 people, in mid 2002 it accommodated some 1,300 people with irregular status. Of the 50 or so nationalities represented, the group of Iraqi Kurds is the largest, followed by Afghans and Iranians. The weekly influx of 500 arrivals varies according to the world situation. 95% of the residents of Sangatte are single men, their average age 23 years. Many left home at the bidding of their families, fleeing human rights abuses. They are free to come and go as they wish. Only the 'sans papier' are allowed to enter the camp; security personnel exclude all journalists, photographers, sightseers and wepons.

Sangatte is the final stop before the migrants' journey to England - the Eldorado which has beckoned through the months and years they have been travelling. Most have spent between £5,000-£10,000, been repeatedly stopped at borders, frequently had to retrace their steps and often been imprisoned. They have become accustomed to preserving their anonymity. On arrival in Sangatte they never divulge their real names.

The account related to me by an Arab Iraqi doctor is typical. Fleeing persecution by the regime of Saddam Hussein, for six months he hid in the roof of a school in Iraq, surviving on rice and biscuits, his only entertainment the lessons of the children below. Each night he would emerge, waiting for the chance to slip across the border to Turkey. Now, like all the rest, he leaves Sangatte each night to try his luck again.

Whether they can be termed political refugees or economic migrants is hard to tell. All have escaped from their country of origin in pursuit of a better, safer future. Their oft-repeated desire is to "live as a normal person". For them England is wrapped in a paradisiacal halo: *"The British, they give you*

hotel, good food, people happy to receive you... Tony Blair is waiting for us".

The large group of unaccompanied minors in Sangatte represents a particular burden for the French Red Cross, which runs the camp. The Red Cross is legally responsible for those under the age of eighteen. Hardly any of the 250 minors declare themselves as such and try to persuade reception staff that they are adults. Frequently, however, when asked for their year of birth they give themselves away.

Inside Sangatte

Sangatte is a warehouse of 25,000 square metres. Previously used during the construction of the Eurotunnel, it has been requisitioned by the French government to house migrants attempting to cross the Channel, rather than leaving them to sleep in the streets of Calais. Inside, migrants live in tents or, for the more fortunate, cabins.

The hub of social life in Sangatte tends to be the informal market organised by migrants, which provides food and items not available from the Red Cross. Unlucky men, returning hungry after unsuccessful nights, console themselves with sandwiches, bottled drinks, biscuits, nuts, cakes and cigarettes. Pens, phone cards and shortwave radios also change hands in 'Middle Town', the name the migrants give to the large open space in the middle of the Sangatte hangar. Away from the eyes of the staff, one can find other items for sale: blankets, beds, clothes, shoes, a clean set of sterile clothes distributed for those who have scabies, or a coveted place in a cabin. Bets can be placed on the outcome of football or volleyball matches organised by the migrants of different nationalities.

'Middle Town' is adjacent to the Red Cross offices, the canteen, clinic and washing block. Children play, while

men watch French television, joke, haggle and trade. Many of the goods on sale have been passed through holes in the walls of the hangar to escape detection by the security authorities at the gate.

England at all costs

In late afternoon the daily dance begins. Dozens of people file out of the gate hiding about their persons the Red Cross blankets they will use for protection against the cold and the electrified barbed wire, some biscuits and coca-cola for the journey, a bottle in which to urinate in case they are confined in a truck for a long time. Many wear several pairs of trousers, shirts and sweaters, carrying in their backpacks all their worldly possessions. They plan to discard the soiled outer layer of clothing in order to present a neat appearance on arrival in England.

By ten at night the first of the 'taxi police', the name the migrants give to the police vans, arrive at Sangatte and disgorge those caught before they have boarded a truck. They shrug philosophically. *"No chance today, police control very strong. Tomorrow, inshaallah!"*

The crossing of the channel becomes ever more complicated as French railway officials, the police, the Calais harbour authorities and the shipping companies devise increasingly rigorous controls and stratagems to uncover the law breakers. The migrants regard football matches as one of the best opportunities to cross undetected, as French police are known to remain glued to their small screens.

Smugglers

After a while it is easy to recognise the people smugglers. They live in Sangatte but do not eat in the canteen, have mobile phones and are the only ones to return from Calais harbour often and with smiles on their faces. Most have papers legalising their status in the UK or a Schengen country. Connected to transnational smuggling networks, they

employ agents within the camp who pick out potentially wealthy arrivals. They are forever on the lookout for businessmen, educated people and traders able to fork out the £300-£700 demanded for a passage to England.

The migrants consider the smugglers the lowest of the low. Smugglers escort clients to the trucks and can at times go out of their way to help them. One was said to have helped a migrant in a wheelchair get to England at no charge. But for the most part they are without scruples and do not hesitate to dispose of those who threaten their interests, even if means sending them to England without making money out of them.

Each national group of smugglers has its own territory. Calais harbour is the domain of the Kurds and is vigorously defended against the Afghans, with whom there was a major confrontation in May. The tunnel is open to all, a place of menace with terrifying dogs and electrified barriers and the risk of either being killed by a passing train or thrown from the train they have managed to board.

Warning sign on fence surrounding Eurostar terminal, Calais, France. April 2002.



The French Red Cross

The French Red Cross maintains a team of social workers to assist any migrants wishing to apply for asylum in France. The social workers regularly attend training sessions and hold seminars about asylum procedures. They spend a considerable amount of time chatting with people, trying to defuse tensions, assisting the most vulnerable residents and providing a link between the migrants and the camp management. They have, however, few opportunities to provide asylum counselling. A mere 400 people, 0.8% of the total number passing through Sangatte, have applied to remain in France. Many of these claimants abandon their claims and go to England and, if the UK rejects them, are subsequently unable to return to France or any other Schengen state.

The Red Cross has no previous experience of managing a facility such as Sangatte; indeed, it is unprecedented in the entire history of the modern institution of asylum. Working there is highly stressful. Rumours about what is to happen to the centre and the plans of the authorities are constantly circulating. The staff and the

Red Cross are vulnerable to the misrepresentations, lies and innuendo of the media. Situated as it is at the crossroads of Europe, the camp is constantly in the limelight. Easy transport links to Paris, London and Brussels mean that journalists and photographers are always at the gate, pestering staff to let them in.

Professional and personal tensions are rife within management and various teams of staff. Complaints, backstabbing and score-settling are common. On my first day in Sangatte when I asked a colleague for advice I was told: "If you have any ideas, just forget them." It was disappointing to see how a group of humanitarian workers could become so embittered.

For the staff, any initial illusions that refugees are docile and grateful recipients of assistance give away to compassion fatigue. Many come to regard refugees as inherently dishonest and subversive. When tempers flare it is common to hear the migrants exclaim: "Hey! We are not animals!" Once I witnessed the refusal of migrants to vacate their cabin so that it could be cleaned. Fearing that they would be expelled from their cabin, they met the insistence of the staff with a volley of standard French insults. The conflict escalated and a staff member snapped back with the retort: "I like Saddam Hussein!"

Gift and power

Legal and illegal activities establish the power relations within the camp. Aside from the power that the Red Cross officials wield over the migrants, the migrants themselves are stratified according to who receive items from the staff and who do not. A similar hierarchy has emerged among the staff. These three axes of power — between the Red Cross and the migrants, and within the circles of the migrants and the staff — are thus shaped by the relations of giving, withholding and receiving. It shapes the way each group represents and misunderstands the other, with instability and reversal of authority a constant risk.

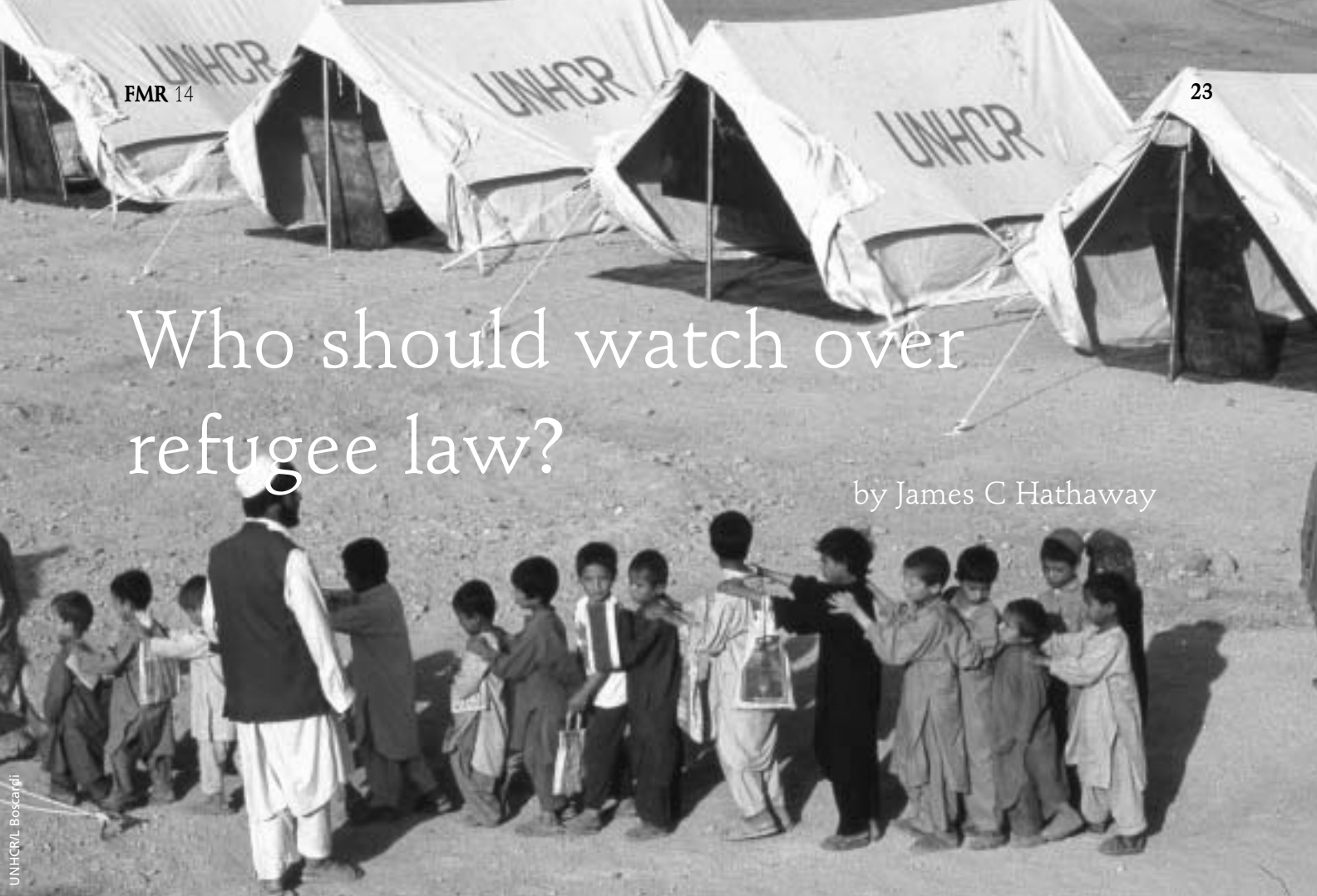
The two populations, helpers and migrants, never have the time or the opportunity to get know each other or to weave social links. The migrants have their own management system, shaped by their needs and their burning desire to reach England and leave France, but it is regarded as illegal by the Red Cross. For the Red Cross officials, life goes on. The migrants remain travellers, nomads, driven by the same hopes as the thousands who have passed through Sangatte before them.

Henri Courau is a PhD student in Anthropology at the Ecole des Hautes Etudes en Sciences Sociales, Paris, and associated to the research unity 102 of the Institut de Recherche pour le Développement (IRD): Intervention publique, espaces, sociétés. He is currently working for the French Red-Cross in Sangatte. Email: henricourau@yahoo.fr

Who should watch over refugee law?

by James C Hathaway

UNHCR/L. Boscajgij



On 13 December 2001, states committed themselves" ... to consider ways that may be required to strengthen the implementation of the 1951 Convention and/or 1967 Protocol".¹ It is wonderful that after half a century we may finally be on the verge of taking oversight of the treaty seriously.

I am concerned, however, that having watched this matter languish for 50 years, activists may now feel the need immediately to build on this new commitment by endorsing some kind of a mechanism — even if only a minimally effective one — for overseeing the Refugee Convention. I worry that we may allow ourselves to be rushed into embracing a particular model for oversight of refugee rights in order to lock in at least some progress on this issue, only to find that we have committed ourselves to an approach that, in the long run, really is inadequate.² While there is of course the possibility that a minimalist project may provide the experience and confidence needed to move in a more ambitious direction in the future, there is also the possibility that states will take the view that, having established a minimalist mechanism, they have 'dealt with the

supervision question'. Thus, they might argue, there is no need to revisit the issue, at least in the foreseeable future.

We simply cannot afford to sell out the future of refugee protection in a hasty bid to establish something that looks, more or less, like an oversight mechanism for the Refugee Convention.

To be clear, this debate is not about how to stay on top of UNHCR as an agency. UNHCR has a mandate that is much broader than supervising the Refugee Convention. In recent years, its work as a humanitarian relief agency has, in fact, come to overshadow its core protection functions. Its work on behalf of the internally displaced has in many instances eclipsed its primary duty to protect refugees. It has often taken on roles that put it

into the realm of the political, notwithstanding its explicitly non-political mandate. While there can and should be initiatives more effectively to supervise UNHCR as an agency, these are matters which, to my mind, are logically entrusted to UNHCR's executive committee (EXCOM) or indeed to the UN Economic and Social Council (ECOSOC). We should not allow the question of how best to oversee the Refugee Convention to be redirected towards difficult but distinct questions of supervising UNHCR's compliance with its broader statutory mandate, much less of how to monitor the various jobs it has taken on outside its mandate.

On the other hand, it is equally wrong for UNHCR to attempt artificially to cut off debate on the appropriate range of potential mechanisms to oversee the Refugee Convention by reliance on its institutional authority under Article 35 of the Refugee Convention.³ As we all know, UNHCR has a special responsibility under Article 35 to "supervise the implementation" of the Refugee Convention. But this provision does not create a monopoly on treaty oversight in favour of UNHCR. To the contrary, the Convention, as an international pact, is the responsibility of the states that signed it.

Temporary schools provided by UNHCR, New Shamshatoo Camp, Pakistan

As the mechanisms for enforcement of the Convention itself make clear, it is states that have the fundamental right and duty to ensure that other states actually live up to their obligations under the Refugee Convention. There is nothing in Article 35 which precludes the states that are both the objects and the trustees of the refugee protection system from deciding to establish an arms-length mechanism to provide general guidance on, and oversight of, the Refugee Convention. Indeed, a move in this direction is precisely what I believe is required now.

Establishing an oversight mechanism

In considering this task, a first question must surely be: why is it that the Refugee Convention, virtually alone among major human rights treaties, still has no free-standing mechanism to promote interstate accountability?

In part, it is a question of history. The Refugee Convention was the second major human rights treaty adopted by the UN, having been preceded only by the Genocide Convention. It is noteworthy that the Genocide Convention, like the Refugee Convention, is not externally supervised. In part, then, the absence of an external supervisory mechanism for the Refugee Convention is simply a reflection of the historical reality that, in the late 1940s and early 1950s, the entire idea of interstate supervision of human rights was new, potentially threatening and not truly accepted by states. Yet with the adoption of the human rights covenants and more specialised treaties beginning in the mid-1960s, the establishment of an independent mechanism for interstate oversight of the human rights treaties has become routine. Unless there is some good, principled reason why refugee law should be immune from this general commitment, it is high time to reverse the historical aberration by bringing the commitment to oversight of refugee law into line with the practice in human rights law more generally.

The role of UNHCR

It might be suggested, however, that it was — and is — the existence of a UN High Commissioner for Refugees that distinguishes refugee law from every other UN human rights project. Only in refugee law is there an international organisation assigned exclusively to supervise implementation of the

treaty. At best, other UN human rights treaties can rely on the recently established, generic authority of a (grossly under-funded) UN High Commissioner for Human Rights to support the efforts of part-time supervisory bodies. Because refugee law has its own institutional guardian in the person of the High Commissioner, it might be thought that any additional mechanism for oversight would be superfluous.

I believe that this would be a tragic error of judgement. UNHCR clearly makes some essential contributions to oversight of the Convention via its supervisory authority codified in Article 35. In particular, the Department of International Protection (DIP) has real expertise in assisting governments to draft policy and legislation, in engaging directly and indirectly in defensive case interventions, and in organising and conducting refugee law outreach and training. DIP's role is complemented by the critical function of UNHCR's Executive Committee, which symbolically reaffirms the commitment of states to refugee law and provides democratic legitimacy to the agency's work. There is therefore no need for a mechanism of international oversight to take on any of these roles.

But there are also some things that are usually understood to be central to a meaningful project of international oversight that UNHCR does less well and is perhaps not ideally positioned to take on. In practice, neither DIP nor EXCOM has done enough to provide systematic, non-crisis policy guidance on the substance of

refugee law, carefully anchored in the real context of protection challenges. There has been a lack of leadership in the design of mechanisms to implement burden and responsibility sharing so as to enable the imperatives of refugee law duties to be reconciled to the political and social realities of asylum states. There has not really been a genuinely inclusive range of voices, including those of refugees themselves, brought into the supervisory process. And not enough efforts have been made to empower local institutions to make enforcement of refugee rights meaningful in a way that no international institution can ever aspire to do. These are all examples of the kinds of work which, in most other contexts, are entrusted to an autonomous supervisory body. Beyond the importance of setting reasonable expectations for the sorts of supervisory tasks that UNHCR should itself be expected to take on, there are two more fundamental reasons why vesting UNHCR with sole responsibility to oversee the Refugee Convention is not a credible proposition.

UNHCR is no longer at arms length from the implementation of refugee protection.

First, UNHCR has been fundamentally transformed during the 1990s from an agency whose job was, in large measure, to serve as trustee or guardian of refugee rights as implemented by states to an agency that is now primarily focused on direct service delivery.⁴ Simply put, UNHCR is no longer at arms length from the implementation of refugee protection. In most big refugee crises around the world today, UNHCR is — in law or in



UNHCR staff warn returning Kosovan refugees of the danger of landmines and booby traps.



Medical care for new arrivals from Zaire, Nyaragusu camp, Kasulu District, Tanzania, 1996.

fact — the means by which refugee protection is delivered on the ground. UNHCR therefore faces a dilemma. Either it must return to concentrating on the implementation of its core supervisory responsibilities (leaving to others what has become the majority of its operational mandate) or it must concede that it cannot ethically supervise itself and endorse the establishment of a genuinely arms-length body to ensure the oversight of the Refugee Convention.

Second, the difficulty with relying solely on UNHCR to oversee the Refugee Convention is that it encourages states to avoid the meaningful accountability between and among themselves that is at the root of the entire international human rights project. Because states presently take little if any direct responsibility for ensuring that their fellow states live up to international refugee law obligations, the dynamic of persuading, cajoling and indeed shaming of partner states — so critical to the success of the international human rights project in general — is largely absent in refugee law. It is simply too easy to leave the task to UNHCR.

Yet, as we all know, UNHCR is not really in a position to apply meaningful forms of pressure on states. UNHCR is, after all, an entity with a tiny core budget and is effectively dependent on the annual voluntary

contributions of a very small number of powerful states, virtually none of which has been predisposed to empower UNHCR to act autonomously to advance a strong regime of interna-

It is critical that we take the time to learn the lessons of treaty oversight in other parts of the UN system

tional refugee protection. Yes, these states have been generous in providing funds for refugee relief and for humanitarian assistance. Too often, however, they have either avoided or, on occasion, evaded UNHCR's insistence on the importance of protection principles. Recent tragic events off the coast of Australia and the legally indefensible domestic reaction to the attempt to bring international law to bear on Australia are more than adequate testimony to this problem.

Moreover, because UNHCR is, and will remain, politically and fiscally constrained by design, it cannot reasonably be expected to provide the sort of strong voice in favour of unflinching attention to refugee protection that is now required. There may also be no good reason to compromise UNHCR's on-the-ground efforts to promote implementation of the Refugee Convention — which do frequently require compromise and even expediency in the interest of saving lives — by forcing that same organisation to be the source of cri-

tique and broad guidance on acceptable international practice under the Refugee Convention. Nor may it be reasonable to expect UNHCR, as an interstate organisation, to devise the sorts of complex political mechanisms — involving international burden and responsibility sharing — that are critical to the continued effectiveness of refugee law in the modern world.

In short, those of us concerned to advance refugee protection would be ill-advised to limit the scope of our thinking to models that are housed within, or functionally intertwined with, the work of UNHCR as an international organisation. By the same token, UNHCR as an organisation would be ill-advised to insist that any mechanism to reinforce oversight of the Refugee Convention be situated within its walls. To do so may simply constrain its operational effectiveness in protection and other fields, and reinforce the current sense of despair among many UNHCR staff whose expectations are not matched by either political independence or fiscal autonomy.

The way forward

In light of these realities, we should not rush from celebration of the critical commitment to enhanced oversight of the Refugee Convention secured in Geneva to embrace any particular model for oversight of the treaty. It is critical that we take the time to learn the lessons of treaty oversight in other parts of the UN system.⁵ In particular, the successes and failures of the six major UN treaty bodies provide a wealth of information, both for and against particular modes of oversight, which we ignore at our peril. At a time when the chairpersons of all of the UN human rights treaty bodies insist on regular coordination and mutual learning, it would be sadly ironic for those of us in the refugee protection community to rush forward to embrace any model not predicated on an intimate knowledge of the range of potential protection options.⁶ [See box on next page.]

Nor should we allow ourselves to be intimidated by institutional insistence that oversight of the Refugee Convention be a function exclusively of UNHCR. The High Commissioner's duty to supervise implementation of the Convention and the more general obligation of State Parties to take collective responsibility to oversee their treaty obligations are, in fact, compatible — not mutually exclusive — responsibilities.

As no precise model of oversight for the Refugee Convention will be adopted imminently, there is no need to rush to embrace any particular approach. Having waited 50 years, it is better to take the time to engage in a solid, broadly-based initiative to build a mechanism of oversight that will withstand the test of time. We must commit ourselves to a process

of learning the lessons of human rights history and thinking hard and creatively about the context-specific goals of overseeing refugee law. Only on the basis of such a process will we be able to put forward a model for serious, genuinely responsive oversight of the Refugee Convention.

James C Hathaway is Professor of Law and Director, Program in Refugee and Asylum Law, University of Michigan, and Senior Visiting Research Associate, Refugee Studies Centre, Oxford University.
Email: jch@umich.edu

1. Declaration adopted in Geneva at the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, at para. 9.

2. A proposal for an 'advisory group' of experts reporting to the High Commissioner was circulated

by several Geneva-based NGOs in late 2001. NGOs meeting during the ICVA-sponsored consultation in December 2001 welcomed the proposal as a boost to the Office's efforts but adjudged it an insufficient mechanism to oversee the Convention: <http://www.icva.ch/cgi-bin/browse.pl?doc=doc00000503>.

3. UNHCR took the position at the Global Consultation roundtable convened at Cambridge in July 2001 that no new supervisory body or mechanism should be created. The resultant conclusion was that "... identification of appropriate mechanisms should seek to preserve, even strengthen, the preeminence and authority of the voice of the High Commissioner. Anything that could undermine UNHCR's current Article 35 supervisory authority should be avoided."

4. James Hathaway 'New Directions to Avoid Hard Problems: The Distortion of the Palliative Role of Refugee Protection', *Journal of Refugee Studies*, 1995, 8(3), pp288-294.

5. See Philip Alston and James Crawford eds *The Future of UN Human Rights Treaty Monitoring* (Cambridge University Press, 2000). Professor Walter Kälin's study of supervisory options for the Refugee Convention (prepared for the Global Consultation process) helpfully applies some of these lessons to the refugee context.

To advance this critical inquiry, ICVA and the University of Michigan's Program in Refugee and Asylum Law have established a collaborative project and prepared seven discussion papers that draw together some of the history of oversight of human rights treaties.

Working Paper No 1 takes up the question of state reporting requirements, regularly reviewed through a 'dialogue of justification' between the supervisory body and states, supported by strong non-governmental input. It emphasises the value of carefully targeted, thematic reporting, rather than routine, generic reports; and outlines a well-prepared and forward-looking process of review.

Working Paper No 2 looks at the possibility of a complaints mechanism under the Refugee Convention, and recommends a selective, group-based petition system as a means of injecting the voices of refugees directly into the supervisory process.

Working Paper No 3 takes up the often-overlooked value of 'general comments' issued by human rights treaty bodies to codify their work on particular legal issues, which have had extraordinary value in influencing the work of domestic courts and tribunals. It recommends a staged process to conceive and review general comments, including an open debate in which NGOs and IGOs would participate actively.

Working Paper No 4 proposes that the supervisory body have an auxiliary investigative capacity to supplement its reporting, complaints and general comments functions. It stresses the importance of direct access to evidence on the ground as critical to the credibility and effectiveness of the supervisory body.

The final three papers speak to the process of overseeing the Refugee Convention:

Working Paper No 5 draws the lessons from other treaty bodies' experience in involving both national and international NGOs in their work, and of linking the work of a supervisory body to the possibility of direct enforcement by judges and human rights commissions in state parties.

Working Paper No 6 recognises the importance of avoiding overlap between the work of a supervisory body for the Refugee Convention and that of other UN human rights treaty bodies, and proposes careful mechanisms of both close and diffuse cooperation with these and other oversight bodies to inspire them more effectively to take up the cause of refugee protection in their own work.

Working Paper No 7 makes the case for differentiating the protection work of UNHCR from that of an independent supervisory body for the Refugee Convention, and explains why it is in the best interests of both UNHCR and of states to commit themselves to an arms-length mechanism to oversee the Refugee Convention.

All of these papers may be accessed via www.icva.ch/cgi-bin/browse.pl?doc=doc00000505.

Improving resettlement support for Kosovan refugees in New Zealand

by the Auckland University of Technology Refugee Research Group

UNHCR/LeMoyné

New Zealand is one of a small number of countries accepting regular quotas of refugees mandated by UNHCR.

In 1999, UNHCR appealed for additional assistance for refugees fleeing the political crisis in the Balkans. The Albanian community in New Zealand also asked the government to help with the evacuation of their relatives from war-torn Kosovo. In response, the government agreed to accept Kosovan refugees in addition to its annual quota. Those with relatives in New Zealand were offered permanent residence under a special emergency programme. The Albanian community residing in New Zealand had to make a commitment to act as sponsors for the refugees, organising accommodation and giving resettlement support.¹ The New Zealand offer of permanent residency was accompanied by the option of an assisted return airfare home. (Most other countries offering assistance provided only temporary protection, with refugees sent back — sometimes forcibly — to Kosovo after the war.)²

On arrival, the refugees attended a short government-funded programme

which included English language classes, life in New Zealand orientation, health care and counselling, a resettlement grant for purchase of furniture and household necessities, a loan to cover bonds for rental accommodation, and automatic entitlement to an emergency unemployment benefit. The government also provided funding to assist local schools to provide special English teaching for Kosovan children and advice and support for their teachers.

Public interest was high when the first group arrived in Auckland. The Kosovans were greeted with great fanfare at the airport, not only by friends and relatives in the local Albanian community but also by the Prime Minister and other ministers, members of parliament, local dignitaries, Maori tribal representatives and a host of journalists. The media coverage also generated a generous community response. Donations, such as electrical goods, teddy bears, bedding and clothing, flooded in for

these first arrivals.³ The degree of public compassion for and interest in the Kosovan refugees, however, diminished with subsequent arrivals, mirroring the diminution of media attention.

Kosovan refugees, 1999

Researchers examining the effectiveness of the reception programme interviewed refugees between six and twelve months after their arrival.⁴ The accounts which emerged highlight the difficulties of cultural adjustment and the factors which have helped overcome the barriers to acculturation.

Problems of cultural adjustment

Difficulties of cultural adjustment reflected the high levels of stress and emotion associated with living through a war, arriving in a new country and being reunited with family. In addition, the change in status from independent, professional, home-owning citizen to unemployed tenant refugee unfamiliar with the language made adjustment to life in New Zealand more problematic.

Arrival in New Zealand was an emotional time for the refugees. They were thrilled to be reunited with

friends and family and there was an overwhelming sense of relief at being away from the traumas of war:

"I came to a new place where you saw no weapons, no army... I felt I could breathe... it was a psychological relief, my dream was being fulfilled — light and beauty on all sides."

However, for some, the welcome itself was rather traumatic; the strangeness of the place made them anxious and they were aware of themselves generating curiosity "like rare animals in a cage":

"The first thing that offended me was the presence of TV cameras and journalists that took pictures of us... They should have given us time to prepare ourselves psychologically... because at that very moment... you are not any more you. You are just a refugee, nothing else."

Despite anxieties associated with the move to a new country, expectations had been that the Kosovan refugees would fit relatively easily into New Zealand society. They shared a

European heritage with the majority of the host population and came from a developed country where home ownership was common. A significant proportion of the refugees was highly educated and came from professional occupations.⁵ At the time of their interviews, however, most of them were still unemployed, living in rental accommodation and dependent on the government for financial support. Although the children had settled relatively easily into their schools, the adults had much more difficulty in adjusting to life in New Zealand:

"Life is going on out there without you. You are and are not in New Zealand. You have to be more connected to the people and the community..."

Their self-esteem and identity related to owning their own home:

"It is the tradition of Albanians to feel comfortable in their own house. A house that is his own property. Whether the home is one, two or three stories, or just a cottage, an Albanian feels all right in his own property only."

There was a pride associated with their professional skills:

"We are people that if we were skilful in our profession we were proud of that... So it is very hard when you come with all that experience somewhere, that you need to start from the beginning to show them who you are."

And it was important for them to feel that they were making a contribution to society:

"The people of Kosovo are vital, hard-working, and the feeling of expectation, waiting and being a person who consumes goods created by someone else from the national income is different from the feeling when a person contributes to the creation of the national income."

They also believed that work is important for personal well-being:

"My motto is that no matter how old a person is, he should continue with his work... When a person just sits all the time... then illness, aging and death will reach him earlier."

Kosovan refugee children, New Zealand



They were used to being independent and strong. However, their position as beneficiaries meant that they were unable to be proper role models for their children:

"Children like their parents to be strong. You have to be as an example... You are a mother that cannot find a job, behaving like a beneficiary. This is terrible."

The refugees realised the importance of acquiring the language — *"When you can't speak the language, it is like being deaf."* — and were grateful for the steps taken by the schools to assist their children to settle in. However, they contrasted the way in which their children had advanced in English with their own problems with the language:

"They helped my kids a lot too. They didn't know even one word of English. ... the teachers were so kind to them. Now my kids speak English very well. And they say to me always: 'Please don't speak English, because you don't know how to.'"

They also saw the connection between their financial situation, their difficulties with learning English and the lack of jobs:

"We have no money because we have no work. We have no work because we do not speak the language. We do not speak the language because the classes have been delayed, and our retraining has been so slow."

Their financial insecurity prevented them from being able to experience aspects of New Zealand culture, or from exploring the country:

"We can't ever go to a movie. I can't mention the theatre. It's impossible to buy a book or a professional magazine. And I can't even think to go to a museum or an art gallery. We are not able to attend cultural events in Auckland, and we can only dream of going to Wellington."

Generally they felt very conscious of their lack of status and a sense of not belonging:

"It is true that we have a physical security here but in our souls we suffer. Most of us while we were in Kosovo used to have a good reputation. This is an issue of dignity. Here no one knows us."

Assistance towards cultural adjustment

There were a number of aspects which the refugees identified as having a positive effect on their resettlement, such as the help given by staff at the schools, the support of their relatives and sponsors, and the efficiency and friendliness of the staff at the reception centre:

"I never thought it would be done so fast... All paperwork was done in one week — community card, bank card, all these things. In one week, we were ready to go to our homes and continue life. All of us had been ill, leaving a war, irregular food, living with NATO supplied lunch parcels, and then in a week we were cooking our own food."

And the orientation programme provided proved very useful:

"The orientation programme... was an incredible help to us because it taught you about life in New Zealand, rights and obligations towards the state... It helped us not to make beginners' mistakes."

Suggestions for improvements

We need to listen to the suggestions for improvements in resettlement which the refugees put forward. They include:

- more focus on children and youth support
- loans for purchase of homes
- grants for tradespeople to buy their own tools
- a central system for accessing second-hand goods
- recognition that the right to work is a basic human right
- schemes, with financial incentives, to enable qualified refugees to work in a voluntary capacity to acquire job experience and improve language skills
- greater matching of refugees' work skills with training opportunities
- vocation-related English language training
- an Office of Refugee Research to ensure that improvements to the resettlement process are identified and taken forward

Postscript

For some of the refugees, the challenges of settling in New Zealand were too great and the urge to return home irresistible. In August 2000, 100 returned to Kosovo, taking advantage of the airfare offered by the New Zealand government. Some of the metaphors used by the refugees to describe the difficulties of cultural adjustment describe their feelings very well:

"When I am out of my homeland I feel like a bird in a foreign place."

"If you take a hedgehog out of the bush and put him on the asphalt, after a few seconds he will go back to the bush."

For those who stayed, unemployment remains a significant issue. The refugees' proposals for solutions to some of the problems need to be heard at a level where they will have an impact on effective settlement provisions and policies in New Zealand.

This article was written by a team of researchers at the School of Education and Social Sciences, Auckland University of Technology, Auckland, New Zealand: Heather Devere, Teuta Kajtazi, Man Hau Liev, Lumi Mazllom, Keryn McDermott, Qemajl Murati and Jane Verbitsky.
Email: heather.devere@aut.ac.nz

1. New Zealand offered to take 200 families or up to 600 refugees. In all, 404 Kosovans opted to come to New Zealand.

2. Canada, the US and Ireland were exceptions to this.

3. In addition to donations of material goods, many New Zealand communities undertook fundraising for Kosovan refugees both in New Zealand and in the crisis zone itself.

4. For details of the research methodology see Keryn McDermott 'The Evolution of a Cross-Cultural Research Model Appropriate for the Exploration of Refugee Resettlement', paper presented to the New Zealand Action Research Network Conference, 18 September 2000.

5. For example, there were 5 dentists, 7 doctors, 5 nurses, 17 school teachers, 4 university professors, 12 engineers, 4 lawyers, 3 accountants and 2 film directors.

The role of the state in refugee integration and settlement: Italy and the Netherlands compared

by Maja Korac

Refugees from former
Yugoslavia

In the course of research in 2000-2001 among refugees from former Yugoslavia in Italy and the Netherlands, I met a Bosnian medical doctor in Amsterdam. This 35 year old fled to the Netherlands in 1992, became a Dutch citizen and was working as a hospital doctor. He was among those refugees, I thought, who were very successful in reconstructing their lives in a new society. When I asked him, however, about his experience of integration he said:

I am employed in a Dutch medical firm, I speak the Dutch language well, my child goes to a Dutch school and soon he will speak Dutch better than his mother tongue but we live here a parallel existence because we do not have real contact with Dutch society. We are neither accepted nor rejected. I have a flat in Amsterdam, I live here, but I do not have any ties with Dutch people. I do what I am told to do, and everything proceeds according to 'integration' rules that we 'refugees' have to follow. We did not have to integrate really, you see; we just had to do what we were told.

The Dutch model of reception and integration of refugees is based on a number of state interventions intended to meet the immediate needs of refugees and to facilitate their gradual integration into Dutch society. Those seeking asylum in the country usually experience a two-stage admission and reception procedure involving an up to 48 hours in an investigation centre followed by a stay of several months in an asylum centre. For some, in cases when a provisional permit to stay is granted, the reception procedure involves a third stage. This stage usually lasts up to three years and provides housing and a modest allowance but no practical help to integrate into Dutch society such as professional language training or the right to re-train and to work. This phased state-led settlement process



may last for years. Thus, it took the Bosnian doctor seven years to obtain refugee status, learn the language and get his diploma recognised in order to continue with his profession. Meanwhile, relaxation of naturalisation policies allowed him to obtain citizenship.

Research reveals that refugees from former Yugoslavia who are now in Rome experience different admission and reception systems and settlement problems. A 29 year old Bosnian man who had just graduated from an Italian university explained the difficulties he had encountered since fleeing to Italy in 1992. Almost immediately after his arrival he was granted a temporary permit allowing him to stay, study and work. His first months in exile were a constant struggle to find shelter, to earn enough to sustain himself and to learn the language. He even had to spend some nights at a Rome train station because he had nowhere else to go. Between 1992 and 1999 he worked as an assistant in a photo-shop gradually saving enough to afford to study part time. Since graduating in 1999 he has been employed in his profession on a short-term contract basis. When I met him after eight years in Italy he still had a humanitarian residence permit.



He explained his situation in Rome in the following way:

The only time I do not feel at home in Rome is prior to the expiry date of my residence permit to stay. Then I really feel a foreigner. Otherwise, I feel at home. My social contacts have always been almost entirely with Italians, except that my partner is also from Bosnia. I feel that I belong here in many ways and Italians accept me as such. But when I am faced with state institutions, I feel humiliated and that is when I feel that I do not belong here.

Hardly any of the refugees I interviewed in Rome had Italian citizenship. Almost all had temporary, humanitarian permits to stay which are usually granted without any

lengthy determination procedure and which include the immediate right to work and study. However, the vast majority received no assistance to settle in Italy and therefore encountered profound problems in making ends meet during their first years in Rome. It was particularly difficult for those with small children and for older people to survive in the city and most had left before my research took place. While refugees I interviewed prized the right to work, they also argued that it was the lack of an initial reception system which forced them to become self-sufficient even though it meant accepting menial work unsuited to their education and skills. For those whose education had been interrupted, cost was the major factor leading to their delaying or abandoning the continuation of their education. A majority had lowly-paid jobs in the service sector.

Hardly anyone felt that they had succeeded in settling in Italy or could plan for the future. When asked to define the losses involved in their flight and exile they all mentioned the lack of economic welfare and their uncertain prospects rather than social isolation. A few, like the 29 year old Bosnian man mentioned above, who might be considered 'successful' because they eventually succeeded in getting jobs suited to their skills, spent approximately the same number of years struggling to integrate into the labour market in a meaningful way as their counterparts in Amsterdam. Unlike those in Amsterdam, however, refugees in Rome developed considerably strong social ties outside their ethnic groups through informal day-to-day contacts in their neighbourhoods, at work and through many other social encounters with Italians. Some refugees in Rome — in contrast to those in Amsterdam — had found local partners or spouses.

A majority of the refugees interviewed in Amsterdam stayed at asylum centres for several months, sometimes over a year. Most of them, including older people, the less-educated or those with small children, felt that their pressing initial needs were met reasonably well during the first stages of the admission and reception procedure. However, they almost unanimously described their experience at asylum centres as a waste of time because of the limited rights of access to language and vocational

training and the humiliating experience of isolation from the 'outside world'. This gave rise to feelings of alienation from the receiving society which subsequently increased as they failed to establish closer ties with the Dutch.

Conclusion

The testimony of the refugees I encountered attests to the fact that integration, as it is perceived and desired by the refugees themselves, is about functional aspects such as education, re-training and employment, as well as other aspects of social participation in the wider society. Refugee narratives document their need to become part of the social fabric of life of the receiving societies through contacts and communication with the native population, while retaining a sense of their distinct identity. They also show their conscious effort to establish such contacts, and different levels of success among the refugees in Amsterdam and Rome in achieving this important goal of integration. Although the nature of the cultures and life-styles of both the countries of origin and the receiving societies played a role in the process of wider social integration this research also revealed the importance of the character of the policy and reception systems in Italy and the Netherlands.

The lack of state-organised initiatives in Rome forces refugees to rely on their personal skills and resources in order to enter Italian society. Their contacts with Italians are not mediated through professional social service providers as they are in the Netherlands. In Italy, encounters with the new environment are spontaneous and individualised and allow greater scope for fulfilling refugees' individual needs. This type of social encounters with Italians helps guard against a perception that the native and the new culture are set in opposition. This strengthens the adaptability of refugees in Rome to the new environment as it encourages openness to cultural differences.

Dutch policies essentially approach integration as a process in which refugees are policy objects rather than a vital resource. As a result, many remain unemployable and dependent on social funds or stay unemployed because they are not motivated to enter the labour market and earn

more than they can get from benefits. Many more are not able to continue with their professions not so much because their skills are not needed in the Dutch labour market but because of the many structural barriers that prevent their entry. Even those who may be considered successful remain in many ways excluded from society. While it may be argued that Dutch policy interventions address many of the requirements identified by refugees as important for integration to begin, they do not in themselves make refugees feel integrated as they do not provide a strategy for wider social inclusion.

Disadvantages involved in the lack of an organised programme of assistance and integration of refugees interviewed in Rome, although profound, also entailed potential advantages because the absence of a programme permitted and indeed enhanced their personal agency in reconstructing their lives. This, however, should not be understood as an apology for the absence of a strategy for integration. Rather, this is a call to rethink the structural limitations inherent in the currently prevailing state-controlled and phased approaches to assisting and integrating refugees in receiving societies. Current EU efforts to harmonise entry procedures and reception and settlement systems make it even more important to rethink current policy directions. It is important, therefore, to examine not only how governments manage large influxes of refugees but also how these policy instruments — or their absence — help or hinder the process of social inclusion from the point of view of refugees themselves. Furthermore, research findings strongly indicate that settlement policies should provide strategies for wider social inclusion and integration. Without such strategies, even after gaining full citizenship rights, newcomers will remain fundamentally excluded from society no matter how well they are integrated into the labour market.

Maja Korac was a Senior Research Officer at the Refugee Studies Centre, University of Oxford, from 1999 to 2001. She is currently preparing a book on her research in Italy and the Netherlands.
 Email: maja.korac@qeh.ox.ac.uk

Counting the cost: refugees, remittances and the 'war against terrorism'

by Cindy Horst and Nick Van Hear

Could there be a better way to create more hardship, more instability and more potential refugees, while increasing the appeal of extremism, than to cut off the money transfer lifeline to Somalia by shutting down remittance agencies?

On 7 November 2001, Somalis around the world were shocked to find that the *hawilaad* offices they use to send remittances to their relatives were on the list of organisations suspected of links with Osama Bin Laden and al-Qa'ida. Without any warning, Al Barakaat offices around the world were forcibly shut down, their assets confiscated and telecommunications lines cut as part of the 'global war against terrorism'. US officials justified these measures by claiming that tens of millions of dollars a year were moved from Al Barakaat to al-Qa'ida but produced little evidence to support this allegation. This article looks into an aspect of the closure that has been largely neglected: the consequences for ordinary Somalis.

The *hawilaad* system

Derived from an Arabic word, *hawil* in Somali means transfer — usually of money or responsibilities. The *hawilaad* is an informal system of value transfer that operates in almost every part of the world. It is run by Somalis and mainly used by Somalis, for business transactions and to send remittances to relatives. It works remarkably simply. If a Somali man in Minneapolis or East London wants to send money to his mother in Nairobi or Mogadishu, he presents the amount of money to be transferred to the financial broker in his town, providing full details of himself and the recipient. The financial broker then sends a fax, telephone message or email to the Nairobi or Mogadishu office, where the mother will be contacted as soon as possible. She goes personally to the *hawilaad* office and has to provide the full details of the person she thinks has sent the money, as well as

proof of her own identity. If the information corresponds to what the sender has given, she will receive her money, within only a few days of it being sent. Accounts between the different *hawilaad* offices are later levelled out through sending cash or through trade in consumer items, gold or other commodities.

Most of the Somali money transfer business is handled by three main companies: Al Barakaat ('Blessings'), Dahabshil ('Melted Jewellery') and Amal ('Trust'). Though these started to operate in the late 1980s, the transfer system has a long history in Somalia. Remittances have long played an important part in the country's economy, since a large number of Somali nationals have emigrated elsewhere in search of better opportunities, work, business or education.

Somali migration and remittances

In the last 30 years there have been two main forms of movement out of Somalia, resulting in the formation of a large and influential diaspora. From the early 1970s, many Somalis went as migrant labourers to work in the Gulf States during the oil boom of that time. Some 150,000-200,000 did so annually in the 1970s, while by the end of the 1980s between 200,000 and 375,000 were working in oil-rich Gulf states. The outbreak of civil war in 1988 and the inter-clan fighting after the fall of Siad Barre in 1991 displaced hundreds of thousands of Somalis within the country and drove many others to leave for Ethiopia, Kenya, Yemen and other neighbouring countries, as well as further afield to the UK, Italy, the Netherlands,

Scandinavia, Canada, the US and other Western states. While accurate numbers cannot be established, by 2000 there were thought to be some 300,000 displaced people within Somalia, about 400,000 refugees in Africa and Yemen, and more than 70,000 refugees in Western countries, out of a total diaspora in Western countries of perhaps 200,000.¹

As the forms of Somali migration have diversified, so too have the sources of remittances. While figures are only rough estimates, from the late 1970s up to \$300 million was remitted annually, about two-fifths of GNP. In the 1980s this rose to \$370 million, with migrant workers in the Gulf accounting for about 75%. From

about \$500 million may be remitted to Somalia annually

the later 1980s and in the 1990s, the wider diaspora, partly formed by refugee outflows, accounted for a greater proportion of remittances. Currently about \$500 million may be remitted to Somalia annually and perhaps the same amount to Somaliland.²



Cindy Horst

From the 1970s, Somali traders began to collect hard currency from migrant workers in the Gulf and to use it to purchase commodities for sale in Somalia. The equivalent in Somali currency or goods was then handed over to the migrants' family and kinsmen. The first version of this was known as the 'franco-valuta' system: this was banned in 1982, partly because it circumvented the control of the Barre regime. It was supplanted by the *hawilaad* system, encouraged by the collapse of Somalia's formal economy and the burgeoning of the informal sector. Both systems were based on two essential characteristics in Somali culture: strong kinship ties and high rate of mobility. Although family members often move in different directions and may thus find themselves far apart, they still carry a strong responsibility to assist each other.

Hawilaad and Somali refugees in Kenya's Dadaab camps

The *hawilaad* system has been of great importance in the lives of many Somalis, including refugees. For those in the three camps around Dadaab in north-eastern Kenya, survival is a daily struggle in an arid environment. The international community hands out rations of maize and at times wheat flour or beans every 15 days but these last only about ten days. Firewood is distributed a couple of times a year as well but amounts are far from sufficient. Besides, people have other needs that are not catered

for through handouts. It is very difficult to find additional sources of income in the area. Those who came with their own resources may have been able to set up a small business. Others have managed to bring livestock or have bought it in Dadaab. Ecological constraints and insecurity hamper agriculture. Salaried employment is largely confined to jobs available with relief and development agencies working in the region. Mostly, people are involved in such petty trade activities as weaving, baking, brewing tea, selling small quantities of camel milk, sugar or tea leaves or collecting firewood. Profits are minimal and risks may be high: when women go into the bush to collect firewood, for instance, they run the risk of being raped by *shifto* or 'bandits'.³

Receiving a monthly allowance of \$100 a month from a relative in Toronto or Nairobi therefore makes an immense difference to refugees in Dadaab. Even if that person is not in a position to send remittances on a monthly basis, at least he or she can be called upon in times of contingency, like illness or death. Yunis Ahmed was a refugee in his mid-forties, living in Dagahaley camp. He had worked for the agencies as teacher and translator on a number of short-term assignments.

He lived in the camp with his aged mother, close to the house where his brother stayed with his wife. The brother was having mental problems that were aggravated to the point where he became a danger to his wife, threatening to kill her. Yunis tried to do whatever was in his power, even giving up his teaching position; he went to the local hospital for assistance but was told that they could do nothing for his brother. When matters got out of hand, he contacted a cousin in Nairobi who passed the message to their relatives in different places around the world, collecting \$100 from one family, 3,000 Kenyan shillings from another, and so on. Eventually, he was able to send a total amount of \$600, which Yunis used to take his brother to Nairobi for treatment.

Beneficiaries and benefits

The majority of the refugees are not as fortunate as Yunis, having no relatives to assist them when they need it.

However, even though the proportion of refugees who do receive remittances may only be 10-15%, others benefit indirectly from the existence of the *hawilaad* in the camps. Those who receive a regular or occasional amount mostly share this with others; money enters the camp economy, which benefits shopkeepers and businessmen; and those who can afford it occasionally employ others as domestic workers or for construction work. Thus, even the poorer segments of the population may eventually benefit from the *hawilaad* system.

Habibo Omar, a woman from the Bantu minority in her late thirties, learned through a radio conversation with her brother in Kismayo, with whom her disabled daughter was staying, that the security situation was worsening there. She borrowed 1,000 Kenyan shillings in the market, giving her ration card number as security, then travelled to Mombasa to find work as a maid. A Somali woman employed her and after one month Habibo was able to send back the 1,000 shillings she borrowed. Another three months later, she had saved enough money to send to Kismayo to urge her brother to come to the refugee camp with her disabled daughter.

the remittances transferred give people a choice

Among the many advantages of the *hawilaad* are that the system is much faster and cheaper than conventional ways of transferring money. Besides, in many instances these conventional means cannot be used — for example, when sending money from Dadaab to anywhere in Somalia. The system is relatively safe in a rather insecure area, since travellers do not need to carry their money but can simply transfer it to their place of destination.

Beyond helping Somalis to survive, the remittances transferred give people a choice. The money can be invested in business, or used to assist others or for children's education. The recipient can decide to use it to move: away from insecure areas, towards economic opportunities, towards a better life or family members, elsewhere in the world. These resources give refugees in difficult conditions the capacity to assist themselves. This capacity has been greatly undermined by the closure of Al Barakaat.





Exile Images/R. Chalasani

Remittances, terrorism and refugee livelihoods

A few years ago, the Ministry of Justice in the Netherlands carried out a study on informal value transfer systems (IVTS) and criminal organisations.⁴ The conclusions are highly relevant for the closure of the *hawilaad*: "IVTS are by no means infested or controlled by criminals, but rather they are one of numerous alternatives available to criminal organisations. Many others resort to IVTS simply to transfer money to their relatives because they follow cultural traditions or services are faster, cheaper, less bureaucratic and more convenient than any other alternative. Before implementing drastic measures against IVTS, more solid evidence of negative consequences is required. The legislative arsenal in the West can adequately deal with those who have committed crimes, and Western governments have already attempted to render IVTS more transparent by requiring them to get a license and report unusual transactions of certain magnitude. After all, criminals are the main problem, not the way they move their money."

Terrorist networks may well have used the *hawilaad* system, as have Somali warlords buying weapons and sponsoring war, but, as UN agencies

and others in Somalia have attested, the system is mainly used by ordinary Somalis, including refugees, with no such connections.

Life in the Horn of Africa is often life on the margins, and assistance from outside is needed for survival. The Somali economy as a whole, and Somali refugees in particular, are highly dependent on remittances. Urban households, including those in refugee camps, are the main beneficiaries of remittances, which may account for between 20 and 60% of household income. While there is an urban bias, some remittances are redistributed among people in rural areas.

About \$60 million was injected into the Somali economy in 2000 through international aid (EIU 2001). In contrast, between \$200 million and \$500 million may have been transferred to Somalia through the *hawilaad* system, and these funds reach many more people than does international aid. There are other *hawilaad* companies still operating, and new telecommunications and internet companies are emerging, but none of them has the reach of Al Barakaat; besides, many of them depend on infrastructure owned by Al Barakaat. Alternatives might be found but would probably involve higher costs and risks. The refugees

in the Dadaab camps in Kenya are among those who will end up paying the highest price of the measures taken against the *hawilaad* in the name of the 'war against terrorism'.

Cindy Horst is a PhD candidate at the Research Institute for Global Issues and Development Studies, University of Amsterdam. UNHCR Working Paper 38 (available online at www.jha.ac/articles/u038.pdf) has further details of her research in Dadaab. Email: C.Horst@inter.NL.net

Nick Van Hear is a Senior Researcher at the Centre for Development Research, Copenhagen, Denmark. Email: nvh@cdr.dk

1. UNHCR *The State of the World's Refugees*. 2000, Oxford: OUP; US Committee for Refugees *The World Refugee Survey 2000*, Washington DC: USCR; J Gundel *The migration-development nexus: Somalia*, 2002. Copenhagen: Centre for Development Research working paper.

2. L Ahmed 'Remittances and their impact in post-war Somaliland', *Disasters*, 2000, 24, 2, pp380-389; Economist Intelligence Unit. *Country Report: Somalia*, 2001, EIU: London. Gundel is also a source on remittances.

3. For further information about life in Dadaab, see J Musau *Protecting refugees in Dadaab: processes, problems and prospects*, FMR11, pp34-36.

4. N Passas *Informal Value Transfer Systems and Criminal Organisations. A study into so-called underground banking networks*. Onderzoeks - notities 1999/4. Ministerie van Justitie, Den Haag.

Female genital mutilation, asylum seekers and refugees: the need for an integrated UK policy agenda

by Richard A Powell, Amanda Lawrence,
Faith N Mwangi-Powell and Linda Morison

Asylum seekers and refugees in the UK often receive inadequate or culturally insensitive care.

A group at particular risk, especially in largely monocultural areas outside London to which refugees are being dispersed, are girls and women who have undergone, or are at risk of undergoing, female genital mutilation (FGM).

FGM is the range of procedures (performed for cultural rather than therapeutic reasons) involving partial or complete removal of female genital organs. As a result of migration and refugee flows, the practice of FGM has now extended beyond the 28 African countries in which it is traditionally practised and affects as many as 140 million women and girls worldwide.

The degree of physical and psychological health problems associated with FGM vary according to its type.¹ Immediate effects can include pain, injury to adjacent tissue, shock, infection, urinary retention, and haemorrhaging resulting in death. Long-term morbidity consequences can be severe and include: urinary incontinence, recurrent urinary tract infection, pelvic infections resulting in infertility, menstruation difficulties, fistulae of the bladder or rectum, sexual dysfunction and problematic pregnancy and childbirth.

researchers estimate that there are 3,000-4,000 new FGM cases in the UK every year

Although FGM was made illegal in the UK under the 1985 Prohibition of Female Circumcision Act, evidence suggests that it still takes place. While estimations of FGM prevalence are essentially speculative, researchers estimate that there are 3,000-4,000 new FGM cases in the UK every year. FORWARD, an FGM-focused NGO, estimates there are 86,000 first generation immigrant refugee/asylum-

seeking women and girls in the UK who have undergone FGM. Numbers are increasing with the influx of asylum seekers from Somalia, Sudan and Sierra Leone. There have been no prosecutions of FGM practitioners.

Despite commendable work, existing UK FGM programmes lack the rigour, multi-agency coherence and funding needed to address asylum seekers' and refugees' needs satisfactorily. What is required is an integrated policy agenda capable of meeting these girls' and women's needs. This agenda should cover the training of professionals, research, community education and the development of culturally sensitive health services.

The problem of caring for those affected by the practice increasingly falls on UK health, education and social services professionals and on the police, who, for the most part, are poorly trained and ill-equipped to deal with such cases. Much more needs to be done to research the extent of FGM, train professionals, educate communities and develop culturally sensitive health services.

The psychological consequences of FGM require investigation. They are likely to be worse for girls and women living in a society that regards circumcision as abnormal rather than a means of enhancing social status. The opinions and attitudes of FGM-practising communities must be heard and understood if professionals are to appreciate why the practice continues.

In a number of cases in the UK, avoidance of FGM has been one of the reasons for a successful asylum claim. To evaluate these claims compassionately and fairly, immigration officials,

barristers and solicitors need to receive adequate and appropriate FGM education to make informed judgments and represent their clients effectively in court.

Specific child protection guidance should be made available to all professionals potentially involved in identifying the risk of FGM. All referrals of suspected or actual FGM from health personnel, teachers, friends or relatives should be treated seriously, irrespective of how vague the suspicion. FGM specialists should be appointed in every health authority and referral and information exchange systems established. Asylum seekers arriving from countries where FGM is practised should be given leaflets in relevant languages with information on how to access available services. Female interpreters need to be available to translate medical terms in a form understandable to FGM victims.

The increased number of asylum seekers and refugees from FGM-practising countries arriving in the UK means the practice will not disappear gradually. More professionals will encounter women and girls who have either been, or are at risk of being, mutilated. Using rigorous evidence-based research, these professionals must be educated about FGM and feel technically equipped to provide suitable support to meet existing health needs.

Richard Powell is a Consultant Researcher in Sexual & Reproductive Health, London.
Email: r.powell@scmh.org.uk

Further information about FGM can be obtained from the Foundation for Women's Health, Research and Development (FORWARD), 6th Floor, 50 Eastbourne Terrace, London W2 6LX, UK.
Tel: +44 (0)20 7725 2606.
Fax: +44 (0)20 7725 2796.
Website: www.forward.dircon.co.uk

1 There are four types, ranging from the pricking, piercing, stretching or incision of the clitoris and/or labia to the excision of part or all of the external genitalia and stitching/narrowing of the vaginal opening (infibulation).

IDPs and mobile livelihoods

by Finn Stepputat and Ninna Nyberg Sørensen

A recent research project has examined the relations between internal displacement and migration in the Peruvian Andes in the second half of the 20th century and the difference that the introduction of the IDP concept has meant for understanding mobile populations.

Findings suggest that programmes for assistance to IDPs should take into more account the degree to which mobility forms part of people's livelihood strategies before, during and after violent conflicts.¹

'Tourists' or returnees?

Back in 1999, in a migrant neighbourhood in Huancayo, a city of 1 million inhabitants in the Central Andes, a government official meets with a group of IDPs. A couple of teachers among them have organised a group of 40 families for their return to the villages they left between 1983 and 1992, when the war between the army and the Maoist guerrilla movement, the Shining Path, wracked the region. By the mid 1990s, between 300,000 and 600,000 people had been internally displaced. In general, people left their rural villages to seek refuge in towns and cities, although these too were affected by the conflict.

IDPs, Peru

In Huancayo, the group discusses the procedures and criteria of return with the government official. He represents the Programme for Support to the Repopulation of Peru (Programa de Apoyo al Repoblamiento, PAR³) which was formed in 1994, partly in response to pressure from international and national organisations that wanted the government to recognise the problem of forced displacements in Peru. The rapid deterioration of living conditions in the cities is a driving force behind the urge to organise assisted returns and PAR is the only potential source of support in this process.

The main subject of discussion is the government's condition that only families who leave in order to settle **permanently** in the village and become 'active *comuneros*' (members of the peasant community) will receive support. In several return destinations, returnees have been characterised as 'tourists' because

they did not stay in the villages but returned to the cities. At the meeting, the mothers argue that they have to stay in the city where their children attend school. Everybody knows about the inferior quality of the village schools and secondary schools are hard to find. The men want to be able to leave the village for different tasks.

However, the official insists: "Father, mother, children, the entire group — that is what we call a family. ...this is the objective." Thus, he argues, the returnees will not be successful in developing their village livelihoods, nor will they receive governmental support for this, unless the families settle permanently and together exert pressure for improvement of the school and other services. The official asserts that more returns will follow. "Yeah," the women giggle, "returns to the city".

Mobile livelihoods

The discussion reveals different problems in the perception of IDPs and delivery of assistance to them. Return to villages with poor services, no electricity, struggles over access to former land and communal pastures with low productivity is very difficult for people who have spent up to 15 years in the city. A less obvious problem, however, is the common underestimation of the degree to which mobility forms part of livelihood strategies in general, and in particular in the Andes.

Historically, the population has lived highly mobile lives. During the 20th century, temporary migration to the jungle, coastal plantations, mines and Lima enabled an increasing number of the villagers to establish themselves in the city of Huancayo and combine rural and urban livelihoods. Today only the poorest families do not engage in seasonal migration and most influential families have dual residence. Thus, *comuneros* may live in the village as well as in the city. They just have to attend the general assemblies and present themselves or a substitute for the general work turnouts in order to keep up entitlement as members of the peasant community.



In line with this long tradition, many of those planning now to return do not intend to do so on a permanent basis. Rather they would strive to re-establish and incorporate rural elements into their livelihood strategies, while maintaining their links and bases in the city.

Forging an identity as IDPs

Only a few of the people planning to return had previously been organised as IDPs, and most had only recently identified themselves as such — if at all. As in most other situations where displacement takes place, it has been dangerous to be associated with the armed conflict in Peru, and to be

mobile livelihood practices are common ways of dealing with the conditions of life in the Andes

'desplazado' meant to be poor, destitute, marginal, uneducated and rural. People who were eager to become socially mobile, and particularly those who had previous urban links and experience, would therefore not readily identify themselves as *desplazados*.

However, on the basis of the assistance to needy people in the marginal neighbourhoods in Huancayo during the violent conflict, organisations of 'migrants' did emerge, usually around soup kitchens. Until the early 1990s, the churches and NGOs did not use the concept of IDPs although they were looking for ways to distinguish conflict-related from pre-conflict migration.

Learning that elsewhere some international agencies and NGOs were using the IDP concept was a revelation. The sense of international and juridical backing and the resources that came with the internationalisation of the assistance contributed to the growth of activity of IDP organisations in Peru in 1992-93, producing a "fever of organisation", as leaders tell with hindsight. For them, the recognition and ensuing resources meant that they gained new experience, training and knowledge.

However, it was difficult to maintain IDP organisations. Membership dwindled as they did not deliver substantial material support. NGOs had problems keeping people in income-generating projects since they — and in particular the younger men

— tended to migrate to a variety of destinations in Peru in search for employment. For the NGOs that were most deeply committed to the cause of the IDPs, the 'dispersal' and 'instability' of the members were detrimental to the attempts to forge a strong political claim for recognition of the IDPs and the massive human rights violations to which the displaced population bore witness.

The contradiction of mobility and assistance

These cases of IDP organisations and IDP returns in Central Peru point to a contradiction in the institutionalised attention to IDPs (and refugees as well) that developed during the 1990s. State agencies and

NGOs dealing with these issues emphasise the organisation, stability and place-boundedness of IDPs as a precondition for recognition, support and development. However our research suggests that mobile livelihood practices are common ways of dealing with the conditions of life in the Andes and many other regions at the edges of the world economy. These practices are sometimes valued and appreciated, at other times deplored, but they are almost always necessary. Thus, rather than regarding displacement and return as absolute, one-directional moves in people's lives, a focus on networks and mobile livelihoods may be a better way to help people affected by violent conflict to move beyond emergency relief.

The post-conflict dynamics in rural Peru, as in many other regions, are highly complex; the assisted returns of IDPs add to this complexity and risk provoking new social conflicts. To avoid this, it may be a better idea to support IDPs, impoverished migrants and 'stayees' not as separate categories but as part and parcel of a common process of recuperation and reconciliation. Confronted with serious conflicts in return villages, the PAR programme offered token support to the rural communities to which IDPs returned but with little or no reflection as to how the extended social networks spanning rural and urban sites could be supported and strengthened as a means of increasing production in the area.

Thus, the most serious problem of the whole recovery process has been the lack of support for production and development of productive potentials in rural areas of the Andes. In the words of the Peruvian analyst Carlos Monge, the Fujimori government considered the region as a 'giant soup kitchen', where only relief programmes and some social infrastructure were provided. Under these conditions, the idea of linking relief and development is rendered meaningless.

Conclusions

The research project has pointed to some problematic conceptions regarding IDPs. As has been pointed out elsewhere, it may be difficult to make clear-cut distinctions between compulsive and voluntary migration.⁴ People may leave as IDPs but *en route* and over time they may become difficult to distinguish from other migrants as their choices of destinations are shaped by economic or livelihood considerations or by previously established migration patterns. Others may leave as migrants but are caught away from home, becoming displaced *en route*. In any case, analyses of the conditions and prospects for displaced people should consider the importance of mobility before, during and after violent conflicts, as mobile livelihoods and extended social networks seem to hold opportunities for development in fragile ecological zones such as the Andes.

Finn Stepputat and Ninna Nyberg Sørensen are Senior Researchers at the Centre for Development Research, Copenhagen, Denmark. Emails: fst@cdr.dk; nns@cdr.dk

1. The research project was based in the Centre for Development Research in Copenhagen and funded by the Centre and the Danish Council for Development Research. Results have been published in the article 'The Rise and Fall of the 'Internally Displaced People' in the Central Peruvian Andes', *Development and Change*, 2001, vol 32 no 4, pp769-91, and in two chapters by the authors in *Work and Migration: Life and livelihoods in a globalizing world* edited by Ninna Nyberg Sørensen and Karen Fog Olwig, 2002 (London: Routledge).

2. See the PAR website: www.promudeh.gob.pe/PAR/index.htm

3. See the PAR website, as above.

4. See for example Nicholas Van Hear *New Diasporas: The Mass Exodus, Dispersal, and Regrouping of Migrant Communities*, 1998, London: UCL Press.

Involuntary resettlement in China: a model of good practice?

by Brooke McDonald and Michael Webber

The World Bank has been lavish in its praise of Chinese resettlement policies,¹ citing procedures for the involuntary resettlement of people affected by large development projects as a potential model for other developing countries. However, good policy does not necessarily transpose into good practice and evidence is needed to support claims of successful resettlement. A review of the existing literature and our own fieldwork indicate that there is little independent evidence to support such a claim. In China, as elsewhere, the *a priori* assumption that development-induced displacement will lead to a deterioration in people's conditions of life (an assumption supported by studies of the kind reviewed in FMR12) can only be disproved if there is reliable data. In China, such reliable data are hard to find.

Lack of independence

Few independent socio-economic studies at the grassroots level of development displacement and resettlement have been undertaken in China. Most accounts of resettlement outcomes in China come from World Bank reports or the Chinese government. However, the Bank's studies have generally not been conducted by independent agencies but by institutions with close links to Chinese government agencies that are involved in the dam building.² After searching for such literature in Beijing, Hong Kong and Melbourne libraries, we found only eighteen independent publications concerned with involuntary resettlement. Whilst all the papers cited specific examples of involuntary resettlement, only five of the eighteen showed evidence of primary data collection and of these only one described its methods. Hence, it seems there is a lack of independent data to back the claims made by the World Bank that Chinese resettlement is a 'model.'

Even when independent researchers enter the field to collect their own data on resettlement, the fieldwork environment makes the collection of

independent data difficult. Professor Cao of the Shanghai Social Development Research Institute found that in Henan, "Local officials don't want outsiders, be they journalists or high ranking officials, talking to local people."³ Cao remarks that Chinese villages are kept closed by local officials. If researchers do manage to gain entry to a site they are often accompanied by officials; but many Chinese villagers will not talk openly with a cadre present. Hence, interviewees often go into 'public meeting mode' in which answers reflect the party line. With independent access to resettlement study sites so limited, there is doubt about the capacity of social research to identify accurately the outcomes of resettlement.

Statistical reporting

The World Bank has rated the accuracy of household surveys in Chinese resettlement projects as far above that normally found in the Third World. However, false reporting of statistics amongst government officials in China is common, as the village deceives the township, the township deceives the county, in deception upon deception when a report moves up the government hierarchy — a process in which officials create figures and figures make official careers. According to *Liaowang Weekly* 18, a State Statistical Bureau survey found 60,000 instances of illegal actions in producing statistics.

McDonald's attempt to collect independent data in rural Henan indicates that it is probable that officials have provided false statistics during the monitoring of the Xiaolangdi resettlement. She undertook a socio-economic survey of two resettlement villages in Henan province. The accuracy of data collection was hampered by a village official insisting on distributing the questionnaires himself. Later, a resettlement official from the County Resettlement Office was found to be completing the questionnaires himself. (After objections, the official did agree to distribute the questionnaires throughout the village.) Many completed questionnaires were altered

before being returned, alterations that were made in the same pen and the same writing.⁴

Unsure of the implications of the altered results, McDonald created two data sets to assess the outcomes of resettlement. In one village, the alterations made no difference to the aggregate response about area farmed, income and grain production. In the other village, the villagers' apparent responses indicated a deterioration in the quality of their lives, as assessed by these variables, whereas the official responses indicated that the quality of their lives had improved.

The system of statistical reporting is responsible for many falsified statistics. The government has a hierarchy of officials extending from the central government level to the provincial, township and village levels. Objectives are set at one level of the hierarchy and then made the responsibility of lower levels. However, the same levels of government are responsible for statistical reporting, up the hierarchy. Such coincidence of objectives and data collection creates a difficult environment in which to gather accurate data.

Problems in past resettlements

One of the major reasons for the 'success' of Chinese resettlement according to the World Bank is that China has developed sophisticated, binding policies and procedures for each of the sectors involved in resettlement. However, a reasonable policy does not necessarily mean good resettlement practice. Recent resettlement projects executed under the national policy (such as the Three Gorges Project) have had well-documented shortcomings — not the type of 'model' that other countries should emulate.⁵

It is well known that the resettlement at the Three Gorges Dam is marred with problems, the impacts of which are felt by the two million people to be relocated. Problems include human rights violations, official cover-ups of inadequacies and failures, falsification

of figures, endemic corruption, misuse of resettlement funds, discrimination against rural resettlers, and lack of proper efforts to inform or consult with resettlers. Human rights are being violated, inadequacies covered up, figures falsified and resettlement funds misused by corrupt officials. Earlier this year two farmers who helped organise petitions against corruption were reported missing.⁶

McDonald's (2000) study of the Xiaolangdi resettlement also uncovered flaws that further contradict the claim that China could be a resettlement model. The resettlement has had largely negative effects. Displaced households have lost family tombs, suffered from food insecurity, had to put up with unhealthy water quality, received less farming land than they used to have and seen their incomes decline. They have been inadequately compensated for their losses. Only one of the World Bank's criteria of a model resettlement was met at both villages.

Conclusion

Both the Chinese government and the World Bank have strict policies about procedures that should be followed to plan resettlement and about the criteria that should be met. However, good policies do not of themselves ensure good implementation. Therefore, good data is required in order to evaluate the effects of resettlement. In China, the data with which resettlements have been evaluated generally leaves much to be desired. As elsewhere, resettlement seems commonly to be a cost against a project, not a net benefit.

Brooke McDonald is completing a PhD at the School of Anthropology, Geography and Environmental Studies (SAGES), University of Melbourne. Email: b.mcdonald1@pgrad.unimelb.edu.au. Michael Webber is Professor of Geography, University of Melbourne. Email: mjwebber@unimelb.edu.au

1. "Resettlement in China is now generally considered to work well and even adds to project benefits, while resettlement elsewhere has been problematic and a source of friction" (*Resettlement and Development: The Bankwide Review of Projects Involving Involuntary Resettlement 1986-1993*, World Bank Environment Department, Washington, 1994a: 4/16).

2. S Woodman *Comments on World Commission on Dams' China Country Review Paper* (May 2000). See www.irn.org/programs/threeg/0005.woodman2.htm

3. J Cao 'China Along the Yellow River - A Scholar's Observations and Meditations on Chinese Rural Society - Reading Notes for Book One' *Shanghai Wenyi Chubanshe*, September 2000.

4. B McDonald *Global policy - local implications: a study of the Xiaolangdi resettlement, China*, BSc Honours thesis, University of Melbourne, 2000.

5. On which, see S Steil and Y Duan 'Policies and practice in Three Gorges resettlement: a field account', *Forced Migration Review* 12: pp10-13, 2002.

6. J Becker 'Three Gorges Petitioners held by police', *South China Morning Post*, 21 March 2001. See www.irn.org/programs/threeg/010328.petheld.html

Conferences

Forthcoming

Refugee Education Trust Symposium

18-19 September 2002 : Geneva

The First International Symposium on Post-Primary Education for Refugees is being organised by the Refugee Education Trust (RET). RET was created by Mrs Ogata, former UN High Commissioner for Refugees, to provide quality post-primary education for refugees in developing countries. The aims of the Symposium are:

- to reaffirm the urgent need for more and better post-primary education for refugees
- to exchange information and experience, and enhance cooperation
- to improve our knowledge of post-primary education for refugees
- to take stock of good practices and recommended practical measures

For more details, contact Ann Avery, RET, PO Box 48, CH 1211 Geneva 20, Switzerland.

Tel: +41 22 739 8238.

Fax: +41 22 739 7394.

Email symposium@r-e-t.com

Website: www.RefugeeEducationTrust.org

IASFM 8th Biennial Conference

5-9 January 2003 : Chiang Mai, Thailand

The International Association for the Study of Forced Migration's 8th International Conference on Forced Migration is organised in cooperation with the Asian Research Centre for Migration, Chulalongkorn University. The conference will focus on 'Forced Migration and Global Processes' with three sub-themes: i) Forced migration and development; ii) Forced migration and human rights; iii) Forced migration and security. There will also be 'ideas in progress' sessions.

The Andrew W Mellon Foundation has recently awarded \$100,000 to IASFM to support an IASFM secretariat to be located at the Refugee Studies Centre in Oxford. The goals of the IASFM are twofold:

- to promote and increase scientific knowledge of forced migration
- to advance the understanding of appropriate and effective practice concerning forced migration

The new secretariat will work towards:

- development of formal, individual and institutional links between members
- increase in membership numbers

- establishment of a differentiated membership fee structure
- coordination of the organisation of the IASFM's biennial conference

Visit www.iasfm.org for further details.

Report

Roundtable on Internal Displacement

March 2002 : Chicago

Pax International, in partnership with the Global Law and Policy Initiative of Chicago-Kent College of Law, hosted an open roundtable discussion in Chicago in March 2002 to discuss and bring attention to the issue of internal displacement. Panelists Dean Henry H Perritt Jr, Dr Marc Sommers, Professor Douglass Cassel, Professor Bartram Brown, Dr Luke T Lee, Larry Ekin and others examined the magnitude of the situation, the distinct problems of IDPs, ways in which to enhance their human rights and legal protections, and how concepts of sovereignty apply, and contemplated the case for the creation of an international convention on IDPs.

A 5-page summary of the discussions is available. Full texts of the presentations will also be published. Visit www.paxinternational.org or contact Pax International at 100 Maryland Ave NW, Washington DC 20002, US. Tel: +1 202 543 4347.

update

UNHCR/Jasur Refuges Service

Displacement of Muslims in Gujarat continues unchecked

Army intervention may have ended pogroms against the Muslim minority in the western Indian state of Gujarat but the number of Muslims in IDP camps continues to grow. It is estimated that 116,000 Muslim IDPs are sheltering in 107 camps. Official toleration of recent events awakens the suspicion that radical Hindus, and supporters in the police and state government, are trying to drive the state's five million Muslims (10% of the population) out of the state and into neighbouring Pakistan.

While the suspected Muslim ringleaders of the massacre of 58 Hindu pilgrims on a train near Godhra which triggered the larger rioting were quickly arrested, none of the Hindu militants behind the subsequent anti-Muslim rioting have been detained. Six thousand members of the Home Guards, a supposedly impartial auxiliary civil defence force in Gujarat, also belong to Hindu paramilitary organisations. The assertive Chief Minister Narendra Modi has shrugged off protests from the national Human Rights Commission and spoken of the need to "teach the Muslims a lesson". Indian Prime Minister Vajpayee only visited Gujarat one month after the violence and displacement began and has not criticised his BJP colleague. A campaign of intimidation continues against NGOs which engage themselves on behalf of the Muslim minority. There is official tolerance of campaigns to boycott Muslim businesses.

Unlike previous waves of religious violence in Gujarat, this time round the authorities show little inclination to get on top of the situation, arrest ringleaders, punish compliant officials or provide humanitarian assistance on a non-discriminatory basis. Human Rights Watch has called on the national and state governments to comply with domestic and international law, restore security, allow access to UN and other humanitarian agencies and end the environment of impunity in Gujarat.

HRW urges India to scrap the Prevention of Terrorism Ordinance that is discriminatorily applied against Muslims in the state of Gujarat and elsewhere. UN human rights bodies and experts should be allowed access, including the Secretary-General's Special Representative on Internally Displaced Persons.

For further information, visit the site of India's National Human Right's Commission: www.nhrc.nic.in and see HRW's report on State Participation and Complicity in Communal Violence in Gujarat at www.hrw.org/reports/2002/india.

The Loya Jirga: Afghanistan on the road to recovery?

Under the terms of the Bonn Agreement of 5 December 2001, an Emergency Loya Jirga took place in Kabul from 11-19 June. One thousand of the 1,051 participants were elected. They included 200 women. Their primary purpose was to select a transitional government for Afghanistan for the next 18 months.

Encouragingly, the event passed off without major incident and provided a unique opportunity for power holders and representatives of civil society to meet. The new cabinet endorsed by the delegates offers a degree of continuity, with Hamid Karzai being elected President, 13 of the 31 portfolios remaining in the same hands and a further six ministers remaining within the cabinet with new portfolios. All the major power holders and ethnic groups are represented, both through the ministerial portfolios and through the appointment of five Vice-Presidents. There are three female cabinet members. The cabinet includes a number of people who have been active in civil society organisations.

Less positively, the Loya Jirga format did not allow debate on the suitability of names put forward for official posts. Efforts to agree on the formation of a legislature failed. The intimidatory tactics adopted by some power holders during the electoral process were in evidence at the Loya

Jirga. Many of the delegates demonstrated great courage in speaking out on human rights issues but may have overstepped the mark and be at risk on their return to their home areas. There was much frustration that the Loya Jirga was effectively lending a seal of approval to decisions made elsewhere. Supporters of the former King, Zahir Shah, were unhappy that Zalmay Khalilzad, the Special Representative of the US government, announced prior to the Loya Jirga that Zahir Shah would not be a candidate for the position of head of state. The final choice of cabinet members also failed to satisfy those Pushtuns fearful of the prominent role played by members of the former Northern Alliance in the interim administration. The re-appointment of General Fahim in the Defence Ministry, and his designation as one of the Vice-Presidents, has been badly received. Preferring not to be based in Kabul, the Uzbek warlord Abdul Rashid Dostam declined a Cabinet post. One of the Vice-Presidents, Haji Abdul Qadir, one of the few Pushtuns in the administration, was assassinated a month after the Loya Jirga.

The Loya Jirga seems to have created an interim government which reflects existing power-holding arrangements at the local level. It is also a government which is being careful not to disregard Islamic values or conservative opinion. Whether the Loya Jirga will be regarded as a milestone on Afghanistan's road to peace will depend on the ability of the Transitional Islamic State of Afghanistan to bring the regional power holders into an acceptance of the value of operating within a national framework and also on its ability to encourage adherence to internationally-accepted human rights standards.

Human Right's Watch Loya Jirga report is at www.hrw.org/press/2002/04/qna-loyajirga.htm and that of EurasiaNet at www.eurasianet.org/loya.jirga. For frequently updated information on Afghanistan, subscribe to the British Agencies of Afghanistan Group (BAAG) monthly newsletter. Email: baag@refugeecouncil.org.uk. Also see the Afghanistan links on the FMR website at: www.fmreview.org/4DAfghanistan.htm



Global Consultations on International Protection: 3rd Track

by Fred Roberts

Hosted by UNHCR's Department for International Protection (DIP), the Global Consultations process aims to revitalise the international protection regime, paying particular attention to issues not adequately covered by the 1951 Convention or its 1967 Protocol. The 'third track', using the framework of UNHCR's Executive Committee, has produced a degree of consensus on protection aspects of mass influx situations, individual asylum systems and the asylum/migration nexus. The final meeting of the third track concerned the different 'durable solutions', refugee women and refugee children.

Voluntary repatriation remains the preferred solution for the majority of refugees. Discussions focused on the concept of safe, voluntary return, what constitutes a conducive environment for sustainable return and the responsibilities of host states, UNHCR, other agencies and donors in post-conflict recovery scenarios. UNHCR was encouraged to play a predominantly catalytic role, focusing on protection, standard setting, advocacy, monitoring and effective partnerships. More guidance on legal issues such as land and property rights was also requested. The NGO position was that anything less than voluntary return would violate the essential principle of *non-refoulement*. The UK drew attention to the protection needs of those who do not return.

There were several references to protracted refugee situations: the distant prospect of voluntary return did not justify lengthy 'warehousing' of refugees; conditions were likely to worsen over time due to host country and donor fatigue. More effort should be made by all concerned both to

avoid the creation of protracted situations by looking for durable solutions from the outset, and to help resolve them, including through diplomatic means.

The need for international protection through resettlement exceeds the number of places available through existing quotas. States were urged to initiate or expand resettlement programmes, and to work together, with UNHCR's assistance, to establish more consistent, efficient resettlement procedures. Aside from the duty to provide protection, this would help demonstrate to countries of first asylum that richer states are willing to share responsibility. In this way, the asylum institution would be preserved, and the viability of other solutions would be reinforced.

Local integration represents an attractive solution where repatriation is not an option, although host countries are often unwilling to grant the rights to free movement, work, land, citizenship, etc. This solution could be promoted by ensuring that refugee and host areas are incorporated into national development plans, with donor support. Working examples can be found in Zambia, Uganda and Ethiopia.

In lieu of local integration, there is a compelling rationale for enabling increased self-reliance of refugees as a dignified, sustainable alternative to dependency. DIP suggested that "a self-reliant community could replace 20 protection officers". In this context, UNHCR could usefully develop understanding of the concept of social (rather than legal or physical) protection.

There was consensus that UNHCR still needs to address the protection of refugee women and children more centrally. A strong framework of guidelines and evaluation recommendations exists, with some

encouraging examples of good practice. However, implementation remains inconsistent; implementing partners and donors share some responsibility for this.

Conclusions from the process, in the form of recommendations for action, have been summarised in a shared 'Agenda for Protection' to be presented to UNHCR's Executive Committee in October. Further, inclusive working groups are expected to discuss implementation and address new issues as they arise. Advocacy groups can help to ensure that joint action to strengthen the international protection regime ensues.

Background on the process is available on UNHCR's website: www.unhcr.ch. Fred Roberts works at the Conflict and Humanitarian Affairs Department at the UK Department for International Development.

FMR Editorial Advisory Board

Although the EAB members' institutional affiliations are listed below, they serve in an individual capacity and do not necessarily represent their institutions.

Jon Bennett

Oxford Development Consultants

Stephen Castles

Refugee Studies Centre

B S Chimni

Jawaharlal Nehru University

Maurice Herson

Oxfam International

Fred Roberts

DFID

Michael Kingsley-Nyinah

UNHCR

Erin Mooney

Brookings-SAIS Project on

Internal Displacement

Bonaventure Rutinwa

University of Dar es Salaam

Dan Seymour

UNICEF Consultant

Marit Sorheim

Norwegian Refugee Council

Laurence Whitehead

University of Oxford

Stacey White

Global IDP Project

Richard Williams

Refugee Council, UK



Ruud Lubbers, High Commissioner for Refugees, addressed RSC staff and students on 5 July at the RSC offices, Oxford. Left to right: RSC Director Stephen Castles, MSt student Sarah Cross, Ruud Lubbers, MSt student Leander Kandilige.



Refugee Studies Centre

www.rsc.ox.ac.uk

Refugee Studies Centre,
Queen Elizabeth House,
21 St Giles, Oxford OX1 3LA, UK.
Tel: +44 (0)1865 270722.
Fax: +44 (0)1865 270721.
Email: rsc@qeh.ox.ac.uk

Harrell-Bond Lecture 2002 27 November, Oxford

'Human trafficking and smuggling: implications for the refugee protection system', to be given by Professor Vitit Muntarbhorn of the Law School, Chulalongkorn University, Thailand.

International Summer School in Forced Migration July 2003, Oxford

The Refugee Studies Centre's three-week residential summer school is designed for upper and middle managers of intergovernmental organisations, NGOs and government organisations and researchers involved with assistance and policy making for refugees and other forced migrants. Through lectures, group work, simulations, debates, individual study and discussion, participants will examine contemporary responses to displacement at institutional and ground levels. The course will be held at Wadham College, University of Oxford.

Contact: Sally Lane at RSC (address above)

Tel: +44 (0)1865 270722

Fax: +44 (0)1865 270721

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

Forced Migration Online A world of information on human displacement

Launch: 21 November 2002

Forced Migration Online (FMO) will provide instant access to a wide variety of online resources concerning the situation of forced migrants worldwide. Designed for use by practitioners, researchers, policy makers, students or anyone interested in the field, FMO aims to give comprehensive impartial information and to promote increased international awareness of human displacement issues. FMO will offer a host of key published and unpublished literature (both current and historical); specially commissioned guides written by subject experts; selected web resources; an

organisations directory and other useful resources. Content will include:

- a digital library of full-text documents which can be read online, searched and printed as required
- thematic and country/population-specific guides to research on forced migration issues with pointers to further information available on the web
- a searchable web catalogue with descriptions of relevant resources in the field of forced migration and links to those resources
- a news feed with regularly updated highlights
- a directory of key organisations
- visual materials
- back runs of academic journals
- online teaching resources

FMO will be hosted by the Refugee Studies Centre but will rely upon a network of international partners to make it a truly global resource. Funding has been provided by from the Andrew W Mellon Foundation and the EU. For further information, please contact: fmo@qeh.ox.ac.uk

The FMO Digital Library was launched on 21 June 2002 and is available at www.forcedmigration.org

ReliefSim

FMO together with Technology Assisted Lifelong Learning (TALL), University of Oxford, and the Columbia Center for New Media Teaching and Learning (CCNMTL) at Columbia University have received

major funding from the Andrew W Mellon Foundation for two-year joint pilot study which began in January 2002. This study will evaluate, design and ultimately deliver simulation models for training humanitarian workers in the procedures needed for the management of complex emergencies, in particular in refugee situations.

Effective emergency relief demands fast and informed decision making, in-depth knowledge of the needs and problems of affected populations, strict prioritisation of key tasks and implementation of acknowledged minimum standards in health care, often in the direst of circumstances. With so much at stake, practical, professional and comprehensive training of humanitarian workers is essential. With this in mind and taking into account the current shortfall in training of this type, FMO, TALL and CCNMTL plan to develop computer simulations of emergency settings. These will provide practitioners and students with the opportunity to solve problems, analyse situations, recommend future actions and deal with complex environments such as establishing new relief camps.

ReliefSim will adhere to best pedagogic practice in eLearning and support the minimum standards of the Sphere Project, Médecins Sans Frontières' *Refugee Health* and the UNHCR's *Handbook for Emergencies*.

Contact Marion Manton at marion.manton@conted.ox.ac.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 2002:

Danish Refugee Council
Ford Foundation, Cairo Office
Lutheran World Federation
Norwegian Refugee Council
Oxfam GB · Save the Children Netherlands
UK Department for International Development





Real-Time Evaluations

A real-time evaluation (RTE) is a timely, rapid and interactive review of a fast evolving humanitarian operation undertaken at an early phase. Its broad objectives are to gauge the effectiveness and impact of a given UNHCR response and to ensure that its findings are used as an immediate catalyst for organisational and operational change.

Criticism of UNHCR's response to humanitarian needs during the 1999 Kosovo operation prompted the agency to introduce RTEs in order to be able to undertake rapid, analytical evaluations of ongoing emergencies and provide suggestions for improvement at a time when they can still make a difference.

In June 2000, the Evaluation and Policy Analysis Unit (EPAU) issued a provisional RTE framework. To date RTE missions have assessed programmes in Sudan/Eritrea, Angola, Pakistan, Iran and Afghanistan. Recent UNHCR experience has demonstrated that RTEs have many advantages in terms of speed, impact and partnerships. Within the organisation the RTE concept has quickly become accepted by managers and staff at all levels. Among UNHCR's key external stakeholders (donor states, NGOs and other UN agencies) the introduction of RTEs has been welcomed as an indication of the organisation's commitment to transparency and enhanced operational effectiveness. EPAU is working to develop the RTE methodology and share UNHCR's experience with partner organisations.

An RTE is not simply a cut-down version of a conventional humanitarian evaluation; rather it is interactive and intended to provide immediate inputs into an ongoing operation. An RTE should be able to analyse an emergency response on the basis of a

number of benchmarks, including UNHCR's protection mandate, policy statements, sectoral and thematic guidelines, the standards set out in the organisation's *Handbook for Emergencies* and the specific objectives of the operation in question. An RTE will seek to analyse difficulties and find effective responses and to capture examples of good practice and incorporate them in planning, programming and training activities.

An RTE should be launched as soon as a new emergency has occurred or appears imminent. Initially, the evaluators will be active participants in the crisis cell established for the emergency, collecting and reviewing relevant documentation on a systematic basis. Evaluation teams interview senior managers and establish contact with key offices and personnel in the field. The evaluators' role is not simply a passive or analytical one as they use their skills and experience to provide advice to emergency managers and alert them to impending problems. Before they leave a field location an RTE team holds an interactive debriefing with UNHCR staff and, if possible, with representatives of partner organisations. Back at HQ they quickly provide debriefings to the High Commissioner and other members of senior management, to Executive Committee members and to NGOs.

A real-time evaluator should be familiar with emergency operations and evaluation methodologies.

While external participation in a real-time evaluation should not be excluded, the team leader will ideally be a UNHCR staff member but not one normally attached to EPAU.

UNHCR has found that the advantages of an RTE can be summarised in three words: timeliness, perspective and interactivity. Findings are quickly made available to a wide range of stakeholders in time to make a difference to an unfolding operation. Real-time evaluators have been directly involved in the emergency planning process and in facilitating and sustaining dialogue between field and HQ staff. Skilled real-time evaluators are able to approach an emergency from an informed perspective, bringing knowledge and lessons from past emergency evaluations into the evaluation process and its transparent outputs.

RTEs are not risk free. Time for consultation with beneficiary populations is limited. A narrow focus on UNHCR's own operations can detract from a system-wide perspective. There is a risk of placing controversial findings in the public domain at a time when UNHCR is engaged in delicate negotiations with states and other actors. Despite these limitations, however, UNHCR has found RTEs to be a valuable new tool which we will continue to develop.

This is the first of a regular page of news and debate from UNHCR's Evaluation and Policy Analysis Unit (EPAU) which will appear in FMR. For further information, or suggestions regarding this regular feature, contact Jeff Crisp, head of EPAU. Email: CRISP@unhcr.ch



NORWEGIAN REFUGEE COUNCIL

Bargaining away the rights of Palestinian refugees: the role of Norway

Palestinians constitute the world's oldest and largest refugee population. Of the almost four million registered as refugees by the UN, 850,000 live in Gaza (where they make up the great majority of the Palestinian population) and 600,000 on the West Bank (where they are a minority).

Living conditions for Palestinian refugees are wretched. 46% of West Bank families and 65% of those in Gaza live below the poverty line. Freedom of movement within the occupied territories and to Israel is denied. Worst off are the 400,000 refugees in Lebanon. Confined to camps, they are denied access to education, business and employment opportunities (see FMR 11, pp40-41). Though life for the 400,000 refugees in Syria is easier, none have been granted citizenship or the right to vote. Most of the 1.6 million Palestinian refugees in Jordan have become Jordanian citizens and are granted basic civil and political rights.

Within refugee law, the Palestinians' position is unique as they were forced to flee prior to the drafting of the 1951 Refugee Convention and the establishment of UNHCR (see FMR 13, pp44-45). However, numerous international legal instruments are of relevance to their plight. The Declaration of Human Rights states that all persons have freedom of movement, freedom to choose his or her place of residence within a country's borders and the right to leave any country and to return to his or her own country.

The Palestinian refugees' right of return is explicit in UN General

Assembly Resolution 194 of 11 December 1948 which establishes that every Palestinian refugee who wishes to return to his or her home must be allowed to do so and that those who choose not to exercise this right should receive financial compensation. As it has been endorsed more than a hundred times since 1948, the resolution can be considered to have become part of international common law.

Determined to maintain its Jewish character, Israel — by virtue of the 1950 Israeli Law of Return and other discriminatory legislation — is today an ethnocracy in which one ethnic group is in a position of official supremacy. In the last decade Israel has welcomed nearly one million people from the former Soviet Union, a large number of whom have settled in the occupied territories. In defiance of both international humanitarian law and the spirit of the Oslo peace process, Israel has strengthened its occupation.

Norway, the US and most other actors in the Middle East silently accept Israel's ideology and ignore the obvious rights of Palestinian refugees. Their double standards are beyond dispute. Why were the EU, USA and NATO so committed to minority return to Bosnia? Why did they go to

war to stop the displacement of Kosovan Albanians? Why was there never any doubt that one and a half million Hutus should return to Rwanda only a short while after one of history's bloodiest genocides?

The close historical ties between the Norwegian and the Israeli Labour party allowed Norway to play a prominent facilitatory role in the Middle East peace process. However, far from advancing the chances of return for Palestinian refugees, Norway may have made it more unlikely. Faced with the unwillingness of the US or EU to put pressure on Israel, Norway has acquiesced in allowing refugee rights to become a negotiation issue, equating withdrawal from the occupied territories and establishment of a Palestinian state with refugees relinquishing their right of return.

The Norwegian Refugee Council is committed to the Palestinian refugees' absolute right of return. All Palestinian refugees should have the right to decide whether or not they wish to return to their place of origin, settle in the country of exile or be resettled in a third country. NRC believes that these rights are inalienable and should not be subject to political negotiations for peace. We call on the Norwegian government to do all that it can to place Palestinian refugees on the agenda of the international community. NRC maintains that it is unrealistic to believe in the prospects for peace and development in the Middle East unless the refugee problem is solved in accordance with international law.

visit

www.nrc.no/engindex.htm

Global IDP PROJECT

Israel's internally displaced

by Greta Zeender

During the war between the new state of Israel and neighbouring Arab nations in 1948-49 some 600-700,000 Arabs who had lived in the British mandate of Palestine were driven from or fled the region and became refugees. A further 46-48,000 Arab villagers were displaced within Israel and they and their descendants now number 150-200,000 people. About 70,000 Bedouin, many of whom were displaced in 1949 in the south of Israel, are also counted as internally displaced by organisations defending the rights of Arab citizens of Israel. The Druze community was spared displacement. Some 90% of the internally displaced people were Muslim. Meanwhile, during the period 1947-50, Israel absorbed approximately 600,000 Jewish refugees.

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

Staff

Project Coordinator: Elisabeth Rasmusson

Database: Andreas Danevad

Information Officers: Christophe Beau, Frederick Kok, Greta Zeender, Johannes Klok, Cathy Benetti, Claudia McGoldrick

Training & Protection: Bjorn Pettersson,

Advocacy & Publications: Stacey White

Donor Relations: Catherine Hubert

Donors

Canada, Denmark, Norway, Sweden (SIDA), Switzerland, UK-DFID, ECHO, International Development and Research Centre - Canada, Norwegian Church Aid, World Vision, Save the Children UK, UN agencies and private donors.

Website

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

www.idpproject.org

If you have any questions or comments, please contact us at:

Global IDP Project

Chemin Moise-Duboule 59
CH 1209 Geneva, Switzerland
Tel: + 41 22 799 0700
Fax: + 41 22 799 0701
Email: idsurvey@nrc.ch

UN General Assembly Resolution 194 (A/RES/194(III)) affirmed in December 1948 that "refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or authorities responsible." Over half a century later those people displaced from their villages in Israel and resettled in other towns are still hoping to return home.

Under Israeli land law, particularly the Absentee Property Law of 1950, land abandoned in 1948 has become state land. From 1945 to 1966 the areas in which 90% of Israeli Arabs lived were placed under military administration, limiting their inhabitants' freedom of movement. Israel began renting land to the displaced in 1949 with priority given to poor villagers who had surrendered to the Israeli army. Israel hoped that by renting land where the displaced had resettled they would discourage hopes of return. While in some cases the displaced rented land without problems, in many cases they faced opposition from their Jewish neighbours. Others declined the chance to rent, fearing that to do so would jeopardise their claim to their own land.

While many displaced still possessed land titles, this was not the case with the Bedouin who traditionally had not registered their property with the British or Ottoman authorities. A series of Israeli laws formalised the confiscation of Bedouin land. Many Bedouin in the south of the country were ordered to move into a closed area where they remained under military administration until 1966. Many are now settled in 'unrecognised villages', communities declared illegal by the National Planning and Building Law of 1965, receiving no municipal services and subject to the constant risk of demolition.

From the 1970s to the 1990s, the Israeli government planned and built seven new towns for the Bedouin. According to advocates for the Bedouin community, the Bedouin have not been sufficiently involved in their planning and there has been insufficient consideration paid to their lifestyle and traditions. Compensation received in exchange for giving up their land and building a new house in the towns is viewed as too low. While the towns built for the Bedouin community offer better access to health and education services than is available in the traditional Bedouin settlements, the quality and level of services are inferior to those in adjacent Jewish towns.

Most of those displaced in 1948 and their families live, like the rest of the Arab population in Israel, in Arab towns with little or no Jewish population, where they have usually set up their own separate neighbourhood or in 'mixed' Arab-Jewish towns. Many live in the most impoverished and overcrowded neighbourhoods of these towns.

Many displaced have appealed to Israeli courts against land confiscation but the process is slow and the level of compensation often not considered sufficient by the recipients. Supreme Court decisions to allow the former inhabitants of Kafar Bir'em, Ikrit and others to return to their villages have not been acted upon.

Greta Zeender is Information Officer (Middle East & Africa) at the Global IDP Project, Geneva.
Email: greta.zeender@nrc.ch

Reports on internal displacement in 30 countries (including the Israel report of which this is a summary) can be accessed at www.db.idpproject.org/Sites/idpSurvey.nsf/w/Countries/

Arab Israeli organisations campaigning on behalf of the internally displaced and residents of unrecognised villages include:
Adalah (www.adalah.org)
The Association of Forty (www.assoc40.org)
The Galilee Society (www.gal-soc.org)
The Arab Association for Human Rights (www.arabhra.org)

publications

Refugees and AIDS: What should the humanitarian community do?

Women's Commission for Refugee Women and Children. January 2002. 36pp. Free.



This has been published under the auspices of the Inter-agency Working Group on Reproductive Health in Refugee Situations. It aims to stimulate policy makers, managers and implementers to strengthen their response to HIV/AIDS. Key resource materials are listed.

Contact: WCRWC, 122 East 42nd Street, New York, NY 10168-1289, USA. Tel: +1 212 551 3111. Email: wcrwc@womenscommission.org. Website: www.womenscommission.org www.rhrc.org/resources/gbv

Humanitarian Action: Improving Performance through Improved Learning

ALNAP Annual Review 2002. 232pp. ISBN 0 85003 586 4. £15 (excluding p&p).

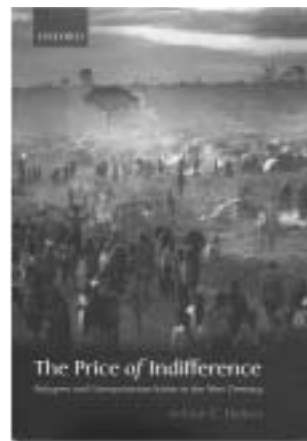
Each ALNAP Annual Review contains a synthesis of the findings of evaluations of humanitarian action and a meta-evaluation assessing the quality of individual reports. This 2002 Review covers 46 individual evaluations and nine synthesis reports, providing a mirror by which the humanitarian sector can reflect on its performance and on the quality of its current principal tool for accountability and learning — evaluation. The focus of this year's Review is on learning to improve performance.

Contact: ALNAP, c/o ODI, 111 Westminster Bridge Road, London SE1 7JD, UK. Tel: +44 020 7922 0300. Fax: +44 020 7922 0399. Email: alnap@odi.org.uk. Website: www.alnap.org.

The Price of Indifference: Refugees and Humanitarian Action in the New Century

by Arthur C Helton. Council on Foreign Relations. March 2002. 314pp. ISBN 0 19 925031 6 (paperback): £14.99. ISBN 0 19 925030 8 (hardback): £45.00.

This book analyses refugee policy responses over the past decade — including the crises in Bosnia, Cambodia, East Timor, Haiti, Kosovo, Rwanda and Somalia — and calls for specific reforms to make policy more proactive and comprehensive.



Contact: Oxford University Press, Great Clarendon Street, Oxford OX2 6DP, UK. Tel: +44 (0)1536 741727. Website: www.oup.co.uk

The Need for a More Focused Response: European Donor Policies Toward Internally Displaced Persons (IDPs)

by Philip Rudge. Brookings-CUNY Project on Internal Displacement/Norwegian Refugee Council/US Committee for Refugees. January 2002. 36pp. Free. Also at www.brook.edu/dybdocroot/fp/projects/idp/articles/EuropeanDonors.htm

This report examines European donor response to internal displacement in Colombia, Sudan, Chechnya/Ingushetia and Afghanistan, and focuses especially on the European Union and Norway.

Contact: Brookings-SIAS Project on Internal Displacement at 1775 Massachusetts Ave NW, Washington DC 20036-2188, USA.

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

*Casualties of Aboriginal Displacement in Canada - Myriam Denov and Kathryn Campbell
Children Asylum Seekers Face Challenges in the United States - Andrew Morton and Wendy A. Young
Migration, Refugees, and Racism in South Africa - Jeff Handmaker and Jennifer Parsley
Detention of Asylum Seekers in Mexico - Gretchen Kuhner*

SUBSCRIPTION INFO:

INSTITUTIONS \$75 · STUDENTS \$36* · INDIVIDUALS \$60 · SOUTHERN RATE \$25**

Rates for subscriptions in Canada are payable in Canadian dollars. Rates for subscriptions outside of Canada are payable in US dollars.

*Students must provide copy of student card. ** National or regional institutions, as well as individuals, based in the South.

CONTACT:

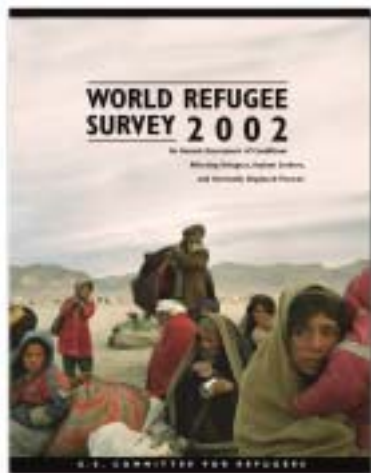
Editor in Chief: Sharryn J. Aiken · Centre for Refugee Studies · York University · 322 York Lanes
4700 Keele Street · North York, Ontario · M3J 1P3 · Canada

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

Tel: +1 202 797 6145.
 Email: GSANCHEZ@brook.edu.
 NRC Global IDP Project, Chemin Moise-
 Duboule 59, Geneva CH 1209,
 Switzerland.
 Tel: +41 22 799 0700.
 Email: idpsurvey@nrc.ch

World Refugee Survey 2002

US Committee for Refugees. June
 2002. 309pp. \$25.



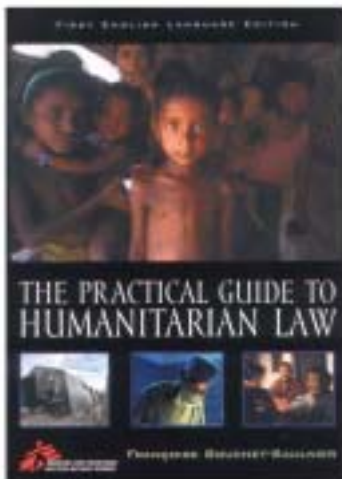
The most comprehensive report available on refugees, IDPs and asylum seekers worldwide. In addition to USCR's country-by-country analysis, the Survey includes comprehensive statistics as well as articles examining the impact of 11 September on refugees and asylum seekers.

Contact: Publications, USCR, 1717
 Massachusetts Ave, NW, Suite 200,
 Washington, DC 20036, USA.
 Tel: +1 1 800 307 4712
 Email: uscr@irsa-uscr.org
 Available online: [www.refugees.org/
 WRS2002.cfm](http://www.refugees.org/WRS2002.cfm)

The Practical Guide to Humanitarian Law

by Françoise Bouchet-Saulnier. March
 2002. 489pp. ISBN 0 7425 1063 8.
 £27.00 (paperback).

This publication explains the terms, concepts and rules of humanitarian law in reader-friendly A-Z entries. Aimed at NGO and government relief workers, peacekeepers and legal professionals. Françoise Bouchet-Saulnier is Legal Director for the Médecins Sans Frontières Foundation in Paris.



Contact: Rowman & Littlefield
 Publishers Ltd. In US, tel (800) 462-
 6420 or email custserv@rowman.com.
 In UK, tel 01752 202301 or email
orders@plymbridge.co.uk.
 See www.rowmanlittlefield.com for list
 of international distributors.

Recent Commentaries about the Nature and Application of the Guiding Principles on Internal Displacement

Brookings-SAIS Project on Internal
 Displacement. April 2002. 33pp. Free.

This report comprises three sections:

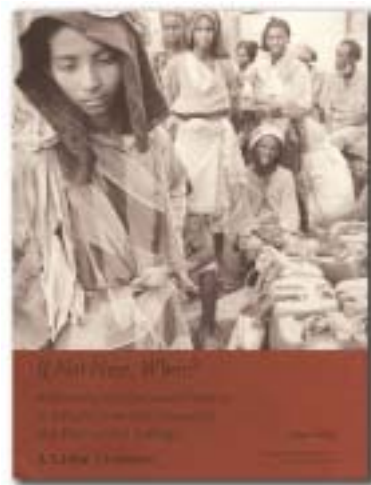
- I. 'How Hard is Soft Law? The Guiding Principles on Internal Displacement and the Need for a Normative Framework' by Walter Kälin, Professor of Constitutional and International Public Law, University of Bern, Switzerland.
- II. 'The Normative Framework on Internal Displacement — Excerpt from the Report of the Representative of the Secretary-General to the UN Commission on Human Rights: Mass Exoduses and Displaced Persons' by Francis M Deng, Representative of the Secretary-General on IDPs.
- III. 'The Guiding Principles: How do they support IDP Response Strategies?' by Roberta Cohen, Co-Director, The Brookings-SAIS Project on Internal Displacement.

[Walter Kälin's presentation is also available at www.brook.edu/dybdocroot/tp/projects/idp/articles/WKPresentation12-19.htm. Roberta Cohen's article is also available at www.fmreview.org/oslo/osloidp.pdf.]

Contact: Brookings-SAIS Project on
 Internal Displacement, 1775
 Massachusetts Ave NW, Washington
 DC 20036-2188, USA.
 Tel: +1 202 797 6145.
 Email: GSANCHEZ@brook.edu.

If Not Now, When? Addressing Gender-based Violence in Refugee, Internally Displaced, and Post-conflict Settings: A Global Overview

by Jeanne Ward. Reproductive Health for
 Refugees Consortium. May 2002. 123pp.
 ISBN 1 58030 017 0. Free. Also available
 at www.rhrc.org/resources/gbv.



This report is one of several outcomes of a two-year global Gender-based Violence Initiative spearheaded by the RHR Consortium and aimed at strengthening international and local capacity to address GBV in refugee, IDP and post-conflict settings. It includes 12 country profiles from around the world. Other outcomes of the Initiative include a web-based bibliography of GBV resources (www.rhrc.org/resources/gbv/bib) and a field manual for assessment, programme design and evaluation (publication later this year).

Contact: Jeanne Ward, GBV Research
 Officer, Reproductive Health for
 Refugees Consortium, WCRWC,
 122 East 42nd Street, New York,
 NY 10168-1289, USA.
 Tel: +1 212 551 2734.
 Email: Jeanne@the IRC.org.
 Website: www.rhrc.org/resources/gbv

In their own words:

"Support us where we are strong, not just where we are weak."

Rwanda

"It seems that young people are frightened of becoming old but I think that they should be more worried about not reaching old age."

Guatemala

"They [the aid agencies] make me feel like a flat bicycle tyre."

Tanzania

"I need money to buy seeds that could support me and make me self-dependent. But the money lenders often charge prohibitive interest rates, while the NGOs and credit institutions refuse to lend money to old people even though I am able to work hard to yield good results."

Cambodia

"I feel that I have got an account for the future, which is my cow, because now I have repaid the loan and the cow is worth 3,500 dinars. This is like an insurance for me. I also feel happy when my family say to me 'this is your cow'. I spend my spare time taking care of it and collecting grass for it."

Iraq

These testimonies of older displaced people are taken from reports and publications on the website of HelpAge International: www.helpage.org