

## Who protects refugees?

*Includes articles on:*

- Asylum in the UK
- South Lebanon
- Refugee protection in east Africa
- IDPs in Peru
- Use of UNHCR guidelines on the Thai/Burma border
- Australia's immigration programmes
- UNHCR at the crossroads
- Protection of refugee women
- Role of NGOs as partners

*plus:*

- research abstracts
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The RPN aims to provide a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and people who work with refugees.

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Cover: Zairian refugee protesting against the Asylum Bill outside the Home Office, London, UK. Photo: Carlos Reyes-Manzo/Andes Press Agency.

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# From the Editor

This RPN looks at the protection of refugees and the internally displaced in a number of situations and focuses on the challenges facing UNHCR, the international 'protector of refugees'. Ghaith Al-Omari is the Guest Editor for this issue.

## For future issues:

The RPN is soliciting articles on the following themes:

- ❖ the role of the military in humanitarian work
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- ❖ community-based organisations: their role, work and influence
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With best wishes.

Marion Couldrey, RPN Editor

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At the RSP we often hear about widespread use of guidelines, codes of conduct, training and information dissemination among agency people on the ground. When our staff go to the field, however, they frequently meet blank looks. 'What guidelines?' 'RPN?' We want to ensure that the information and experience contained in the RPN get to the field and are *used*.

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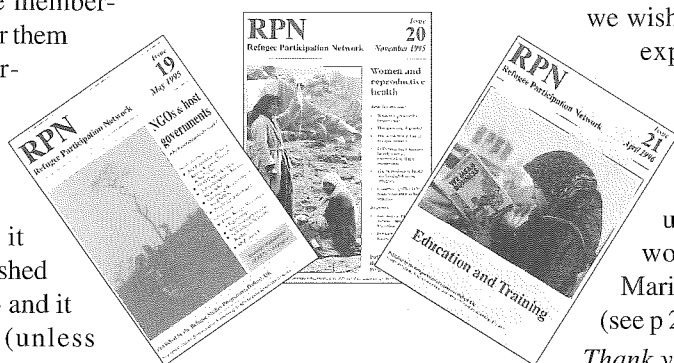
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Please help us in this work. Contact Marion Couldrey (see p 2 for details).

Thank you.



## RPN back issues : themes

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# Protection: the need for a human rights-based approach

by Ghaith Al-Omari (*Guest Editor*)

Protection could easily qualify as one of the most widely manipulated terms regarding refugees.

While there is general agreement that the minimalistic traditional concept of recognition and a travel document is largely outdated, at least in theory if not always in practice, the agreement ends here.

One of the major shortcomings of protection is the lack of linkage to human rights. It seems that the regime for protecting refugees has developed in isolation from the human rights regime. Indeed, perfectly commonsensical statements such as 'refugees are human beings with human rights' have come to verge on heresy.

The implications of this disjunction can be seen clearly in many of the contemporary practices of refugee protection. It has enabled governments to resort to restrictive interpretations of the 1951 Convention without reference to the wider body of human rights. Indeed, it is this understanding of protection that allows for large scale detention, whether in the form of camps or detention centres, deprivation of means of livelihood through the denial of welfare and the right to work, and policies of non-admission, to mention but a few contemporary trends. Such practices would clearly be impermissible under a human rights regime that takes account not only of civil and political rights but also of economic, social and cultural ones.

It is this dehumanisation that allows for terms such as 'temporary protection' to remain in the current debate. After all, it is not conceivable to talk about *temporary* human rights. Protection, viewed as a right, would be granted as long as it is needed. Viewed as an act of charity, however, it has become attached to specific time periods rather than need. The lower standard of rights usually granted to temporarily protected persons is another result. The resulting uncertainty and insecurity would amount,

if not legally then morally, to inhuman and degrading treatment.

Closely connected to this concept of protection is the nature of solutions. It is conventional wisdom, repeated as a mantra, that 'voluntary repatriation is the most preferable durable solution'. As a descriptive statement, this is highly plausible. After all, who would dispute a rational decision by an autonomous individual to return to her country? The problem, however, is that such a statement is not descriptive but rather prescriptive. It becomes a basis for policies that require validation through tangible results to be presented in annual reports and funding documents. Voluntariness becomes a negotiable term, with ranges of meaning that fall short only of a gun to the head.

This view of protection gives legitimacy to terms like 'compassion fatigue'. (In a rights oriented regime, would 'obligation fatigue' have found its way into the public discourse?) 'Compassion fatigue', coupled with xenophobia, further erodes the concept of protection. In such a political atmosphere, the emphasis shifts to containment rather than protection. 'In-country protection' or the meaningless 'right to remain' become the terms of reference. Root causes become the focus of the debate (and the money). The fact that protection was initially conceived as a surrogate, yet necessary, measure to deal with the immediate ramifications of a breakdown of legal order, and the fact that it complements rather than excludes parallel, but separate, action to resolve root causes is forgotten. By a distortion, the two terms become mutually exclusive. The latter cannot be achieved at the same time as the former. To resolve root causes, people lacking protection are *forced* to exercise their right (read *duty*) to 'remain' or 'return'. Asylum, even when it is the only effective means of protection, becomes a non-option.

At a time when the political expedience of granting protection is diminishing, a reconceptualisation of protection is necessary. If this exercise is to be



effective, the link to human rights is a must. The need for protection arises in response to human rights violations, and the solution could only be the provision of human rights to those who seek them. What is in question here is a right, not an act of charity. Charity, beside being demeaning to the recipient, is easily open to manipulation. As a right, protection entails responsibilities common to all states. These responsibilities should be clear: provision of full protection and human rights to all who need it. In this regime, there is no room for differentiated responsibilities. 'Containment for money', where rich states pay (whether called aid or burden sharing) less affluent ones to keep the refugee away is not only morally objectionable but also unsustainable.

Human rights organisations should play an active role in this process of reconceptualisation. The traditional exclusion of refugees from the mandates of such organisations has contributed to the conceptual separation of refugee protection from human rights. While recent initiatives by human rights organisations such as Amnesty International and Human Rights Watch are encouraging, more extensive efforts are still needed within the human rights community to achieve effective results.



*Ghaith Al-Omari was a lecturer in the Law Department at Yarmouk University, Jordan; he was an RSP Visiting Study Fellow 1995/6 and is currently studying for his DPhil in socio-legal studies.*



# Outcasts in a foreign land

by Louise Pirouet

*This article is taken from The Tablet newspaper, 20 July 1996.*

This is a clear and simple way for Christians to put their faith into practice.' The Revd Lance Stone, minister of the United Reformed Church, Hackney, east London, was referring to the ecumenical venture centred on his church which was helping a new group of destitute and homeless people. These are people who are seeking asylum, but who passed through immigration controls before making application for asylum, or people who have been refused asylum and are appealing against that decision.

The Government has removed from them the right to claim social security benefits while they await the outcome of their applications for asylum. Legally, they cannot work and they can claim nothing from the State. They are outcasts, not only from their own countries but also in Britain.

Among those who have publicly stated their opposition to the removal of benefits are the Social Services Advisory Committee, The United Nations High Commission for Refugees, two Appeal Court judges, the refugee agencies, Amnesty International, the Archbishops of Canterbury and

Westminster and the Moderator of the Free Church Federal Council.

There can be no doubt that in helping these refugees a number of Christian groups in London, Edinburgh and other large cities have found a new way of responding to Jesus' injunction: 'I was a stranger and you took me in ... in as much as you did this to the least of my brethren, you did it to me'. By their actions, such groups have helped to avert a major tragedy, so far. Not that Christians or members of other faiths have been alone in giving this help.

But perhaps things are more complicated than Mr Stone suggested. Issues of justice are also involved. Averting a tragedy has, in a way, let the Government off the hook. Had Londoners, for instance, been confronted with people starving on the streets, public opinion might have forced the Government to think again. The humanity of those who have helped out has, in some measure, covered up the inhumanity of the legislation, which is not to say that charity was misplaced. It most clearly was not.

We must take the issue of justice further. As Earl Russell has pointed out, the 1993 Asylum and Immigration Act upholds the right to seek asylum and incorporates the 1951 UN Convention on Refugees into British law. The denial of benefits threatens the right to seek asylum, though the Government refuses to admit this.

The Government undermines the right to seek asylum by making it virtually impossible for people who are deprived of benefits to pursue an asylum claim properly. Quite apart from the acute anxiety and ill-health which will result from destitution, it is difficult to see how someone who may be without food and reduced to sleeping rough (and in spite of charitable initiatives, some people have been) can be expected to find advice and to pursue an asylum claim, since this involves being able

to give an address so that one can be called for interview or for an appeal hearing. And where can such people find the money to pay the fare needed to attend the interview? The Home Office has stated categorically that such practicalities are no concern of theirs. Yet if an asylum seeker fails to attend interviews, his claim will be automatically rejected.

Further, what the Appeal Court judges described as the government's 'uncompromisingly draconian' measures are supposed to be directed only against 'bogus' asylum applicants. Genuine asylum seekers will not be affected, Parliament and the public have been repeatedly told. In fact, nearly three-quarters of those recognised during the first four months of 1996 as Convention refugees were people who applied, not as they passed through immigration controls on arrival, but afterwards: precisely the people who will be penalised by loss of benefit as a result of the new legislation; not 'bogus' but genuine asylum seekers. This, too, will seem to most people who honestly try to think through this issue to be manifestly unjust.

The Government's action is also intended to save money: one fifth of one per cent of the total social security bill. But this is not primarily a matter of money: it is primarily a matter of justice. And, yes, justice costs money.

The Archbishop of Canterbury opened a debate recently in the House of Lords about the nation's morality. Less than a week later, the House of Commons failed its first ethical test when it passed these inhumane measures into law and threw out a Lords amendment which would have given asylum seekers three days after arrival in which to claim asylum without loss of benefit.

Charity to asylum seekers must now be continued, but it is even more important for the sake of the nation's moral well-being that a way be found of restoring justice to these marginalised people in our society.



*Louise Pirouet is a joint coordinator of Charter 87 for Refugees.*



*Refugee Arrival Project advice worker talking to newly arrived asylum seekers from West Africa at Heathrow airport, UK. Photo: Howard J Davies.*

# UNHCR at the crossroads: who's in the driving seat?

by Robin Davies

Voluntary repatriation is recognised as the most desirable way of handling refugee problems. But the word desirable presupposes that there has been a fundamental change in conditions in the country of origin. It is axiomatic that, if there was no tangible change, or if it was only marginal, refugees could not be expected to return. Today's world presents, however, a disturbing number of cases where the pressure to repatriate has grown even when the situation is less than optimal.

This obviously presents a policy dilemma for UNHCR, the international organisation charged with care and protection of refugees. How far has it accepted the implications of the new situation? A recent article by the organisation's Director of Protection throws some light on the problem.[1] However, in observing that '...international refugee protection.. is at a crossroads with states often sending mixed signals about what should be done', it does not go far enough. Refugees, states hosting refugees and non-governmental bodies concerned with their care can also claim to be receiving mixed signals from UNHCR about voluntary repatriation and its implications for protective follow-up.

Changing circumstances have clearly called into question UNHCR's traditional guidelines regarding voluntary repatriation. They have even brought about a *de facto* change in its application in some operations, to the point where 'voluntary' has become a euphemism for 'no real alternative'. The implications are serious both for UNHCR's main mandate - protection - and for the cost of future refugee operations.

Until UNHCR places squarely before its member governments the circumstances provoking this switch in policy and the conclusions to be drawn from it, the communication problems referred to above will continue.

The issue can be simply stated. Voluntary repatriation is a cornerstone of UNHCR; it is even mentioned in the Statute of the

High Commissioner's Office. The provision is unequivocal. Repatriation should only be done voluntarily, in safety, and where the refugee is fully informed, pre-return, of the conditions in his/her country of origin. The last point explicitly requires UNHCR to be satisfied that there is a marked improvement in the home country in comparison with that which provoked the exodus in the first place. Because returnees automatically lose their status as refugees on return, this so-called certification of 'new normality' by UNHCR is rightly seen as *the* guarantee *sine qua non*. If the change in circumstance is not observable and unlikely to be durable, there would be no point in the refugee returning. But this also poses a problem. Must UNHCR wait passively for conditions to change or, given today's pressures, has it a new duty to try to promote the minimal change deemed acceptable? If so, who is the ultimate judge?

## The Rohingya refugees: *cause célèbre*

The Rohingya refugees, a vulnerable Muslim minority who fled Buddhist Myanmar for Bangladesh, have now become a mini *cause célèbre*. With UNHCR a seeming hostage to the current position, it also highlights an issue that has much broader implications.

The situation is as follows. Between the end of 1991 and mid 1992, some 250,000 refugees fled Myanmar's Arakan peninsula and were given shelter on neighbouring Bangladesh territory. By November 1995, only around 52,000 refugees remained but they pose a potential problem for UNHCR which has, since mid 1992, accepted responsibility for assisting and organising their repatriation. This has been a difficult task, complicated initially by unacceptable levels of coercion by the Bangladesh government and then by acceptance and status verification difficulties posed by the Myanmar authorities.

Bangladesh's official policy, understandable in a poor and densely populated

country, is that all refugees should be repatriated by the end of 1995. The necessary corollary is their total and speedy acceptance by Myanmar authorities. If not forthcoming, and the two sides remain obdurate, UNHCR will find itself in an acute dilemma. Put bluntly, unless it withdraws, UNHCR may find itself either having to redefine 'voluntary' repatriation or be party to pseudo-ethnic cleansing.

UNHCR's possibilities of influencing the situation are somewhat limited. Neither country is a signatory to the key 1951 Convention Relating to the Status of Refugees nor its 1967 Protocol. In addition, the lapsing of the Memoranda of Understanding (MOU) that regulated UNHCR's relations with the two governments further reduced whatever legal leverage the organisation had previously. More seriously, UNHCR has since been excluded from the two governments' ongoing discussions on the refugee question.

The other dilemma, first raised with respect to the earlier repatriation of a substantial number, was whether refugees were really returning to a situation different from that which they escaped from and whether they were adequately briefed beforehand.

Important NGOs maintain that, despite the freeing from house arrest of Aung San Suu Kyi and the alleged ending of forced labour, the background conditions for the Rohingya refugees have not substantially improved. Myanmar is still ruled by the State Law and Order Restoration Council (SLORC), the military junta, and has yet to receive a clean bill of health from human rights organisations. In particular, in early 1995, the UN Special Rapporteur for Myanmar drew attention to the 1982 Citizenship Law which still has discriminatory effects on Muslim Rohingyas in the Arakan. The general impression that 'nothing much seems to have changed' was also the view of a later article in the *Economist* [2].

Nevertheless, UNHCR has gone ahead. While acknowledging that the Myanmar

situation is not optimal, UNHCR believes that the permission granted it by SLORC to maintain a physical monitoring presence in the Arakan is a guarantee of good faith. The logic of this view has caused UNHCR actively to promote the en masse return of refugees under its auspices. As an additional inducement, though the organisation is not concerned with long term development *per se*, it is seeking funding for projects to attempt to 'anchor', economically, the returnees. But the question remains: what happens once repatriation is over, when UNHCR pulls out and can no longer be seen as a conduit for further largesse?

The point about adequate prior briefing remains contentious. A survey in the camps by Médecins Sans Frontières/Holland raised legitimate concerns regarding the level of information and its presentation to a largely illiterate group. It also indicated that a considerable majority did not wish to go back at that time: findings later substantiated by the US Committee for Refugees. Subsequent attempts at clarification suggest a temporary blip in communications between UNHCR and NGOs, its main implementing partners.

Rohingya refugees still in Bangladesh raise important issues for the future which can be posed as a series of questions.

### **Dilemma for UNHCR: who decides and who protects?**

How can UNHCR hope to influence governments in a refugee operation when it has no legal instrument to which to hold them? When one government insists that refugees have to return (there being no third country for resettlement), despite the firm principle of non-refoulement (ie no forcible return), and the government of the country of origin drags its feet, what should UNHCR do? Accept that it, rather than the refugees, should decide the moment of their return? What about the refugees who, at the end of the day, refuse to return for justifiable reasons? Does UNHCR have, in both cases, an alternative to accepting *de facto* redefinition of 'voluntary' repatriation?

When the host government insists that refugees must go, and when the numbers are such that traditional individual interviewing to assess voluntariness is

logistically difficult, is it acceptable that UNHCR should devise more accelerated procedures?

Problems also arise with respect to protection, UNHCR's traditional responsibility. Protection was previously seen as a task within the host country. When refugees are encouraged to return, through being given the impression that there is no other alternative despite no real change of circumstance in the country of origin, what does this do to the protection issue? As already noted, refugees lose their refugee status on return, which means that they fall under their country's jurisdiction. In such cases, can UNHCR still claim to have a protection role? How effective can it be? As the previously agreed MOU with the SLORC permitting UNHCR's presence in a monitoring role with free access to the returnees has lapsed, can UNHCR still claim a legal mandate in Myanmar? Can it really guarantee effectiveness, in such circumstances?

Clearly, it cannot. Ensuring adequate protection in the country of origin, where a returnee becomes subject once again to its laws and legal institutions, is surely more a question for the UN Centre for Human Rights, in which case UNHCR should be bound, at least morally, to see that such supervision is set in place before relinquishing its protective role.

When there is a stand-off, as with the Rohingya issue, what should UNHCR do? Consider offering a 'cash sweetener' to the host government to resettle those refugees who cannot/will not return? Or offer an incentive project package to persuade the government of the origin country to remove obstacles to full repatriation? What if the authorities' attitude is akin to playing poker with UNHCR? Not an unreasonable hypothesis. In practice, a stalemate poses little problem for the governments concerned as UNHCR's presence guarantees continuing funding for refugee care and maintenance projects: money that has been an important cash input into areas, on both sides, of extreme poverty.

The combined amount since the beginning of the operation together with the donor appeal for Myanmar already totals US\$100 million [3] - a considerable sum compared to UNHCR's Cambodian appeal of US\$121 million for a much larger

number of returnees. When there is such an impasse and neither government has any real incentive to change the status quo, should UNHCR await donor fatigue or itself set a financial time limit?

### **Judge and jury**

The UN High Commissioner for Refugees recently posed a key question: "How do we seize the political impulse for solutions while retaining the humanitarian imperative for protection?"

However, the refugee situation in Bangladesh (Rohingya), Nepal (Bhutanese), Mexico (Guatemalan) and especially Zaire (Rwandan), conclusively prove the extent to which UNHCR is constrained by the government of the country in which it is operating.

UNHCR is renowned for its flexibility in being able to adapt to difficult situations in a state of flux. But what happens when, in responding to 'political impulse for solutions', it finds itself obliged to adopt a policy of expediency that calls into question long-established international principles? When, by having to develop new criteria, it finds itself both judge and jury?

Without more clarity and guidance at member government level, UNHCR may continue to find itself burdened with incompatible responsibilities and thus a convenient scapegoat to all those who ignore the new constraints it faces and adopt a 'holier-than-thou' attitude.



*Robin Davies lectures in economics at Webster University, Geneva. Previously he spent 25 years in the GATT Secretariat as Senior Economist specialising in the problems of developing countries. He recently worked in Cambodia and Bangladesh and is now a consultant in Sarajevo.*

1. 'UN's refugee protection agency is at a crossroads', by Dennis McNamara, *International Herald Tribune*, 24 October 1995.
2. *Economist*, 4-10 November 1995:69.
3. Compiled from data provided from UNHCR Branch Office, Dhaka, Bangladesh, plus two UNHCR Myanmar appeals, 1994/5-96/97.



# Use of UNHCR guidelines for the protection of refugees from Burma: a more practical collaboration with NGOs needed

by Jennie McCann

Thailand has hosted refugees from Cambodia, Vietnam, Laos and Burma for more than 20 years. While refugees from Indochina have remained the dominant caseload, a continual influx of refugees from Burma, particularly since 1988, has demanded an increasing degree of attention from the Royal Thai Government (RTG) and international humanitarian organisations. In contrast to the Indochinese refugee caseload, the RTG has refused to authorise the official presence on the Burma border of the usual 'protector of refugees', UNHCR.

As a consequence, the refugees have been denied the international protection and assistance to which they are entitled under the United Nations 1951 Convention on the Status of Refugees [1]. By 1996, the Burma border caseload had grown to 98,000 refugees living in more than 25 refugee camps and includes three major ethnic groups spread along the 1,500 kilometre Thailand/Burma border: the Mon in the south, the Karen in the central and the Karenni in the north. In the enforced absence of UNHCR, in 1984 a consortium of NGOs, the Burmese Border Consortium, was invited by the RTG to provide temporary emergency relief assistance to 9,000 ethnic minority refugees from Burma.

A positive result of the assistance structure has been that a low-cost, effective and non-intrusive programme has been developed between the NGOs and the refugee communities. In addition, however, the responsibility of ensuring the protection of these refugees has fallen to the NGOs, who have neither the authority nor the power to secure it. While the RTG has allowed UNHCR limited access to the refugee camps, UNHCR must first apply for special passes which take a minimum of two weeks to process, often issued after the initial emergency has subsided.

The NGOs, both individually and through the Committee for Coordination of

Services to Displaced Persons in Thailand (CCSDPT)[2], have approached UNHCR to urge action in light of the protection needs of refugees on the Thailand/Burma border. Although UNHCR remains constrained by the RTG, there are inherent mandate issues which are its responsibility to address. UNHCR could have facilitated, and now should facilitate, discreet activities to which the Thai authorities would probably not object. Unfortunately UNHCR has shown little initiative in the field to exercise its mandate to protect refugees or to implement activities which would strengthen the NGOs' ability to provide some level of protection. UNHCR cannot address the protection needs of refugees in repatriation sites or refugee camps to which UNHCR does not have regular access, without the assistance and collaboration of the NGOs who are authorised by the RTG to provide services there.

## Current situation

The refugee population exploded after 1988 when the Burmese government crushed peaceful pro-democracy demonstrations throughout the country. The Burmese junta, the State Law and Order Restoration Council (SLORC), then attempted to regain control of the border states where many political activists and students sought asylum with the ethnic groups who had been struggling for self-determination since the mid-twentieth century. SLORC has waged an ongoing offensive against the ethnic populations which has resulted in a steady increase in the number of new refugees: 1992 - 68,000; 1993 - 72,000; 1994 - 77,000; 1995 - 92,000; June 1996 - 98,000. The ethnic groups have come under increasing pressure from SLORC to sign cease-fire agreements, while SLORC pursues a campaign of forced labour, mass relocations and other human rights abuses.

The Mon refugee camps in the south were considered by the Burmese and Thai governments as a hindrance and disruptive to

the economic viability of the area (ie the gas pipeline currently under construction and logging concessions). As a consequence, the Mon leadership was put under tremendous pressure to sign a cease-fire agreement and to relocate the refugees to designated sites across the border in Burma [3]. This relocation was completed between October 1995 and April 1996 in the absence of a political settlement with SLORC and without any international agreement providing for voluntary return, monitoring or relief and reintegration assistance. At the same time, new Mon refugees were still arriving in Thailand, fleeing human rights abuses in Burma.

## UNHCR guidelines on voluntary repatriation and protection

The arrival in May 1996 of the newly published *UNHCR Handbook on Voluntary Repatriation: International Protection* (referred to henceforth as *The Handbook*) was received with much interest. *The Handbook* is particularly relevant to the concerns addressed by CCSDPT and the possibility that repatriation (forced or other) will continue to be on the Burma caseload agenda. *The Handbook* consists of guidelines which have clearly not been followed in the case of the Mon refugees. It also poignantly indicates how UNHCR has failed to protect other refugees from Burma in Thailand, by highlighting activities which it has not facilitated.

There has been little effort by UNHCR to provide the various refugee groups with guidance on protection and repatriation issues. Even though the Mon National Relief Committee has requested several times that UNHCR assist them in implementing a repatriation which is in line with international standards and is monitored by an international observer, UNHCR claims that early communication from the Mon leadership indicated the 'voluntariness' of the move and that it was unable to fulfil their request. To date, there has been no attempt by UNHCR to monitor

or do follow-up with the group after their return to Burma. Now UNHCR-Thailand says that the Mon are no longer their concern since they have returned to Burma. However, according to *The Handbook*, a cessation of refugee status is not automatic upon repatriation.

'A mere - possibly transitory - change in the facts surrounding the individual refugee's fear of persecution, which does not amount to a fundamental change of circumstances, is not sufficient to make this clause applicable. A refugee's status should not in principle be subject to frequent review to the detriment of his or her sense of security, which international protection is intended to provide.' (p 9)

According to *The Handbook*, UNHCR should address safety issues en route to the new sites (p 12). However, UNHCR did not even question the refugees in order to assess the physical safety issues or constraints of their journey. The NGOs do not know whether UNHCR approached the RTG with any concerns with regard to the movement of a large group of what UNHCR officially views as 'prima facie refugees'. Furthermore, it is unclear whether UNHCR assessed the durability of the 'repatriation'. Rather, UNHCR seems to have used its lack of mandate by the RTG in order not to engage in simple protection activities. The 'essential pre-conditions' (p 16) to be met before UNHCR will promote or support voluntary repatriation movements did not exist before the Mon relocated back across the border, yet UNHCR did not object to the movement.

It also remains unclear what UNHCR has done with regard to persuading SLORC to allow UNHCR a presence in the areas of return. It appears that this proposition was rejected by SLORC until the conclusion of the Rohingya repatriation programme [4]. However, there is no end in sight to that massive undertaking and, in the meantime, the repatriated Mon remain isolated and without access to international monitoring. Nor has UNHCR coordinated with or consulted the NGOs in a substantive manner on setting up systems under which a proper international response could be organised.

*The Handbook* assumes that refugees are aware of their right to be protected. How-

ever, there is no access to such information in the isolated jungle areas where the refugee camps are located, nor in the rural mountainous areas from which they came. Infrequent high profile visits by UNHCR to the refugee camps do not constitute an adequate attempt to 'promote the principles and objectives of international humanitarian and human rights law, and to ensure humanitarian access'. (p 30)

UNHCR's contact with the ethnic minority refugee groups along the Thailand/Burma border is infrequent and often only at the request of the NGOs and in reaction to a crisis. According to *The Handbook*:

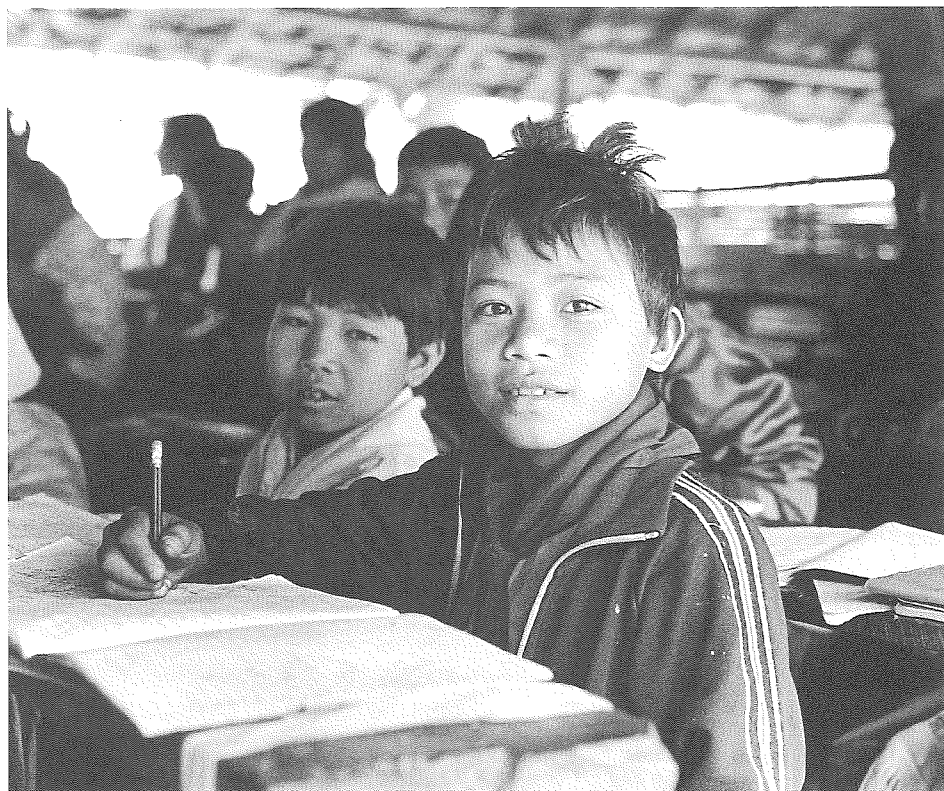
'UNHCR should, to the extent possible, keep channels of communication open with all parties to the conflict pertaining to a refugee situation in order to be able to work actively towards creating conditions conducive for return rather than waiting passively for conditions to change so that refugees can volunteer to return.' (p 30)

Educating and informing refugees about what rights they have is an implicit task of UNHCR. If constrained from doing so, UNHCR should provide guidance to the NGOs to facilitate this effort.

In some cases, UNHCR hindered contact between NGOs and high level delegations even though the NGOs are in regular contact with the refugees concerned and therefore have better access to information. Preventing NGOs from meeting UN delegations could be construed as blocking information on which decisions favourable to the refugees could be made.

NGOs are infrequently mentioned in *The Handbook* even though they have become an integral part of service and protection structures in most refugee situations. In the manual's 178 pages, UNHCR dedicates only two pages to issues of NGO coordination, in a two page chapter entitled 'Interagency and NGO Cooperation' (p 107).

UNHCR-Thailand seems unaware of how to begin to engage in a partnership with the NGOs, particularly with those with whom it does not have a donor relationship. This is of course an initiative that requires commitment from both NGOs and UNHCR. During the High Commissioner's keynote address at the opening ceremony of the 1994 PARinAC Global Conference [5], she committed UNHCR to a coordination process while admitting that



Karenni refugees from Burma living in Camp 3 refugee camp on the Thai/Burma border. Photo: Howard J Davies.

it would not be an easy task for either UNHCR or NGOs:

'Our recommendations should have a positive impact on our relationship, and contribute to the achievement of our common goal of providing viable solutions... It will require substantive efforts by both UNHCR and NGOs, including changes in both thinking and approach, and a willingness on both sides to meet our respective responsibilities.'

During the two years since the PARinAC conference conclusions, the UNHCR/NGO coordination and partnership effort has not been successful in Thailand. It is vital, however, that the effort to coordinate is not abandoned. Since it is unlikely that the RTG will allow UNHCR unfettered access to the refugee camps along its western border and equally unlikely that SLORC will authorise access to the Burma/Thailand border through UNHCR's official delegation in Rangoon, working with NGOs is the most viable alternative. The NGOs are clear that UNHCR is an integral player in the provision of protection for refugees and so call upon UNHCR to acknowledge its responsibility and to play an active leadership role in protection issues.

## Recommendations

At the request of CCSDPT, UNHCR has agreed to establish a working group of UNHCR/NGO participants to identify strategies which could strengthen UNHCR's ability to implement its protection mandate [6]. Below are some recommendations for improving protection for refugees from Burma for UNHCR and NGOs to consider:

- NGOs should ensure that they are fully informed about UNHCR's mandate and should approach UNHCR with constructive proposals relating to those areas which they feel need to be strengthened. The proposals should be well thought out, practical and able to be implemented given the reality of UNHCR's lack of authorisation by Thailand and its sensitive relationship with SLORC.
- UNHCR and the NGOs must build a relationship based on trust and cooperation. This effort may include asking each other for clarification on information and

its sources and/or discussing why the information may be considered confidential.

- The UNHCR/NGO Working Group in Thailand should meet monthly until some activities have been accomplished, after which less frequent meetings should continue to facilitate the collaboration effort.

- UNHCR should work with the NGOs in setting up realistic, low profile activities to improve UNHCR's access to the refugee groups and to information available on the border.

- UNHCR should help the NGOs improve their protection role in the absence of UNHCR. Manuals such as *The Handbook* and other UNHCR materials could be useful tools; simple distribution of manuals is not enough.

- UNHCR should work with the NGOs to assess other basic protection criteria and to improve strategies of service implementation which will take into account methods for ensuring that vulnerable groups are provided with adequate access to services and protection (ie women, single heads of household, unaccompanied minors, the disabled, etc).

- The Working Group should identify ways to improve communication between UNHCR and the NGOs, entailing substantive consultation, not just an exchange of information.

- The Working Group should identify appropriate, discreet ways for the NGOs and embassies to convey to the RTG their support for UNHCR's efforts to increase protection activities with refugees on the border.

- UNHCR should discuss with NGOs the concept of Quick Impact Projects and what options there may be for those refugees who plan to repatriate or who have already repatriated to Burma (ie the Mon).

- UNHCR and NGOs should agree to disagree when necessary so as not to get bogged down in what may seem like irresolvable issues.

The need to coordinate is high priority for both the NGOs and UNHCR and should be given adequate time and attention. The result will be an increased level of protection for refugees: a shared objective.



*Jennie McCann is a former Ford Foundation Fellow at RSP. While working as director of a humanitarian assistance programme in Thailand (1992-1996), she also served as chairperson of CCSDPT from June 1995 to June 1996.*

1. Thailand is not a signatory to the 1951 Convention on the Status of Refugees but has upheld the standards of the Convention in the Indochinese refugee caseloads.

2. CCSDPT was established at the urging of the RTG Ministry of the Interior in 1975 as the official NGO coordinating body for all agencies authorised by the RTG to implement programmes with refugees in Thailand.

3. Mon refugees moved to resettlement sites which are in Burma but still in close proximity to the Thailand border. No Mon refugees have actually repatriated to their pre-flight residence; hence the movement is actually a relocation of refugee camps.

4. Since 1992 UNHCR has been facilitating the repatriation of 250,000 ethnic Rohingya refugees from Bangladesh back to Arakan state, Burma.

5. Partnership in Action (PARinAC) is a consultation process initiated by UNHCR and International Council of Voluntary Agencies (ICVA) to identify strategies to strengthen coordination between NGOs and UNHCR and was concluded at a conference in Oslo in June, 1994. The conclusions were supposed to be the subsequent guidelines for UNHCR and NGOs to strengthen their working relationship.

6. The first UNHCR/NGO Working Group met in June 1996; NGO participants were disappointed that it was used purely for exchange of information. The second meeting was scheduled for August.

## ISIS Refugee Project Bursary Fund

For bona fide refugees and asylum seekers who have either *official refugee, leave to remain, exceptional leave to remain* or *temporary admission* status who have been accepted into one of the following courses of study:

**Refugee Studies Programme**, University of Oxford  
- Foundation Course  
- short courses

**Housing Studies Unit**, School of Planning, Oxford Brookes University  
- Certificate in Tenant Participation  
- Post-Graduate Diploma in Housing  
- short courses in housing

**First bursaries (of £750 each) will be given in September 1997.**

Contact: ISIS Refugee Project, c/o International Association for Religious Freedom, 2 Market Street, Oxford OX1 3EF, UK.



# Refugee protection and security in East Africa

by Bonaventure Rutinwa

A recurrent issue in refugee protection is the increase in insecurity in the areas they inhabit. 'Physical protection of refugees and displaced persons in camps can be problematic even in 'normal' circumstances' [1]. In East Africa, the increase in crime is playing a paramount role in determining the response of the host states.

Both Kenya and Tanzania, the major host states in the region, have responded to the deterioration in security by closing borders, calling for forcible repatriation and threatening, or actually, expelling refugees. While the concerns of states may be legitimate, the measures taken in response are unfair and illegal.

They are unfair because deterioration in camp security is often a result of the failure of UNHCR and the host states to disarm refugees and the concentrating of refugees in camps. Both contribute to increased criminality; camps allow refugees to regroup, train and attempt to launch attacks on the country of origin from the camps.

They are illegal because they contravene provisions of refugee law regarding the right to seek asylum and *non-refoulement*. The solution to security problems is to make sure all refugees are disarmed upon admission into the host country and to ensure as much as possible that refugees are not concentrated in one place, especially in border regions. The international community must cooperate with host states to ensure that these measures are achieved.

## The pattern of refugee movement and settlement

Forced migration in East Africa exhibits certain peculiar features which have implications for security and physical protection of refugees. First, refugees seek protection in countries neighbouring their countries of origin. At the end of 1995, Kenya hosted approximately 225,000 refugees (including some 170,000 from Somalia and 40,000 from Sudan); Tanzania hosted slightly more than 700,000

refugees (including some 500,000 from Rwanda, 180,000 from Burundi and 15,000 from Zaire); and Uganda hosted some 230,000 refugees (including approximately 210,000 from Sudan, 15,000 from Zaire and 5,000 from Rwanda).

Under the OAU Convention on Refugees, to which all these East African countries are party, grant of asylum to refugees is supposed to be a peaceful and humanitarian act, not to be regarded as an unfriendly act by any member State [2]. In reality, granting asylum to refugees is resented by both host states and countries of origin and this has implications for security and the physical protection of refugees.

Refugees in East Africa are usually settled in large camps a short distance from the border. These refugees come from war situations where weapons are readily available. Most refugees from Rwanda, for example, arrived en masse which made it difficult for Tanzania to disarm or settle them in a manner that took account of security considerations.

According to the Lawyers Committee Report, the deployment of international forces in Somalia in Operation Restore Hope (subsequently UNOSOM) had the effect of driving armed Somalians into the border areas and, subsequently, Kenyan refugee settlements; Kenyan security personnel, relief workers and supplies have all been victims of attacks: 'A particular problem has been the high incidence of rape among refugee women, often coupled with extortion'[3]. In January 1993, at least 18 people, including several Kenyan guards, were killed in cross-border raids when armed men attacked refugee camps in search of food and vehicles.

In Tanzania, the influx of Rwandese refugees after the 1994 genocide caused great insecurity and instability in the border areas, particularly in Karagwe and Ngara districts. Within one year, Tanzania's hospitality to refugees had left over 70 innocent Tanzanians killed by refugees, and 2,500 livestock and other property worth

more than 150 million shillings stolen in Kagera region alone. In addition, the presence of the refugees caused tension in the relations between Tanzania and Burundi and, to a certain extent, Rwanda. Its new government suspected that the refugees were regrouping and training to attack their country of origin, a suspicion which was not wholly unfounded [4].

As a refugee-producing and host country, Uganda has had an even more complicated experience with the security consequences of forced migration. Throughout the eight years of Amin's rule, the country went to war with Tanzania a number of times, several times triggered by attacks by Ugandan refugees from Tanzanian soil. These wars led to severe casualties on both sides and to a situation of perpetual hostility between Tanzania and Uganda which did not abate until Yoweri Museveni came to power.

During Museveni's presidency, it was Uganda's turn to become the base for refugees attempting voluntary repatriation by force. In October 1990, the Rwandese Patriotic Front (RPF) invaded Rwanda. The manoeuvres soon proved catastrophic for the residents of Kabaare in Uganda who suffered serious socio-economic upheaval over the following four years: 'Commerce was disrupted with the closure of the border, property destroyed and many people were forced to flee from the cool highland district as Rwanda Defence Forces (of mainly Hutus) shelled rebel RPF positions'[5]. The invasion led to a state of hostility between Rwanda and Uganda and transformed Rwanda's civil-ethnic war into a regional security issue.

## Implications for refugee protection

The first and ultimate casualty of wrong policies is the legal and physical protection of all refugees. At various times, East African countries have responded with border closures to prevent further influx of refugees, threats to expel and calls for repatriation of refugees, regardless of

conditions in the countries of origin. In January 1993, after a series of armed attacks, the Kenyan Government asked the UNHCR to repatriate all of its Somali, Ethiopian and Sudanese refugees in the country, arguing that the number of refugees had seriously compromised the security of the country. A similar call has been made more recently by Members of the Kenyan Parliament from both the ruling party KANU and the opposition, following acts of banditry and violence in refugee camps in Northern Kenya.

Internal and external insecurity was one of the main reasons which led Tanzania to close its border with Rwanda and Burundi. Despite repeated appeals by the international community (and occasional relaxation of its stance), Tanzania has maintained its position and there are reports that some refugees who were turned back at the Tanzanian border have been killed upon return to Burundi.

Insecurity in camps has also caused NGOs to reduce the number of their staff or completely halt their aid programmes to refugees. In May 1993, *Médécins sans Frontières* (Belgium) withdrew most of its women workers from camps in north-eastern Kenya after reports of a high incidence of assaults on refugees and aid workers.

Aid workers in northern Uganda have been subjected to a series of assaults including abductions and robbery; as a consequence, Oxfam, the largest NGO operating there, recently decided to withdraw staff.

The existence of criminals in refugee camps does pose a moral dilemma for humanitarians. Many organisations battle with their consciences over whether to assist camps accommodating criminals or to refuse aid to such refugee groups. There is evidence also that aid given to refugees has been converted by criminal fugitives among them for buying arms to continue subversive activities.

Certain donors have decided not to extend aid to refugees in camps when there is the slightest evidence they are being used as recruiting and training grounds for militia. In one case, the Lutheran World Federation had to use its reserve funds to maintain its assistance operations in northern Kenya; donors withheld money after a journalist reported that the camps were being used for military training, despite LWF's assurance (based on evidence) that they were not.

### **Appraisal of host government and donor reactions**

Host governments and donors are rightly concerned with the internal and external

insecurity caused by large influxes of refugees in host countries. However, it is not fair to blame refugees only and take punitive measures against them. As noted, the insecurity in such situations is very much a result of the policy of placing refugees in large camps located on borders. The camp setting facilitates infiltration by criminal elements, makes refugees, aid workers and aid supplies easy targets, and facilitates military recruitment and training of refugees within camps. The location of camps along borders encourages cross-border raids as well as the use of camps by fighters for 'Rest & Recuperation'.

It is also unfair for host governments to take restrictive measures against all refugees or for NGOs to withdraw aid because of the presence of criminals in camps; the overwhelming majority of refugees are innocent and law abiding persons. It is as wrong to impose collective sanction on all refugees simply because there are a number of criminals among them as it would be to punish an entire village simply because there were some criminals living there who could not be identified. Imposition of collective punishment is contrary to a well respected principle of justice that it is better to let one criminal free



*A food distribution 'corral', Benaco camp, Tanzania. Photo: Horizon, BBC2.*

than to punish ninety-nine innocent persons.

The problems of criminality in refugee camps is often a result of members of the host population who exploit the presence of refugees to increase their criminal activities. Criminality on the part of refugees may also be a function of their complete destitution and lack of gainful employment, the result of confinement in camps.

Confining refugees in camps is unlawful as it denies them freedom of movement; as such, it violates Article 26 of the UN Refugee Convention. Moreover, freedom of movement is typically a pre-requisite for the enjoyment of other refugee rights such as employment, education, association, etc, which are also guaranteed by refugee and human rights instruments.

## Recommendations

As argued above, the problem of security has as much to do with the policies and practices of protection as with criminal elements among refugees themselves. Therefore, the first step in addressing this problem is to rethink these policies and practices.

1. In order to minimise problems of international security, host states should implement Art II(6) which provides that: 'For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin.' This will minimise, if not prevent, cross-border raids into refugee camps. It will also make it difficult for camps to be used as a base for launching attacks (on their country of origin), thus removing the possibility of potential inter-state conflict.

2. Host states should also refrain from providing bases from which refugees could launch attacks on their country of origin. Such attacks, which in many instances have the tacit and even military support of the host state, violate basic norms designed to ensure stability in relations between states.

3. To address internal security, host countries should disarm refugees and, wherever possible, avoid putting refugees in camps. Where this is not possible, host countries should endeavour to ensure that refugee

camps are small enough to be properly and securely managed.

4. Donors should not withdraw aid simply because it may benefit criminal and armed elements or because of security threats to relief agency staff. Instead, they should seek alternative means of increasing security for their staff and property.

Implementation of the above recommendations will require human, financial and technical resources which the East African countries do not have. Therefore, if these countries are to implement the recommendations, they must receive assistance. The issue of the incongruity between the physical protection duty of host states in Africa and their lack of capacity to discharge it was discussed by the Symposium on Refugee Protection in Africa which made the following recommendation:

*The international community, the United Nations High Commissioner for Refugees, and other relevant organisations, should support and assist host governments in fulfilling their responsibilities towards refugees in a manner consistent with the principles of refugee law on the one hand, and legitimate national security, social and economic interests on the other hand. In particular, financial, material and technical assistance should be made available to:*

*(iv) enable Governments to respond effectively to situations which may contribute to a deterioration in security, law and order in the refugee-hosting areas. In this regard, priority should be placed on isolating and disarming individuals or groups among the refugee populations who may be armed and threatening the lives of innocent refugees, local citizens, and humanitarian personnel, or engaging in other criminal acts.*

*Further to the preceding recommendation, to trace and impound for safe custody or destruction, dangerous weapons illegally circulating or hidden in refugee-hosting areas. [6]*

This matter was also addressed by the joint evaluation of emergency assistance to Rwanda, which recommended that:

*In situations where the international community has assumed humanitarian responsibility at refugee and/or IDP camps,*

*the following action with respect to camp security measures should be taken:*

*a) Give UN peace missions authority and appropriate means to ensure protection, in coordination with host governments or otherwise, of camp populations and staff of relief organisations.*

*b) Work with host governments to take other measures, such as disarming camp residents, separating genuine refugees from those not entitled to refugee status, barring arms trading, preventing military training of residents, expelling hostile leadership from camps, halting the operations of hate media, and splitting up large camps into smaller ones at a greater distance from the border.*

*c) Advise official and non-governmental agency staff on prudent patterns of behaviour that will not invite security problems as well as on how effectively to maintain an open and continuous dialogue with the beneficiary community. [7]*

This is a sound and comprehensive recommendation which, however, ought not to be limited to camps receiving international humanitarian assistance. The UN should extend assistance whenever asked to do so by host countries, particularly in situations of mass influx of refugees from war.

Similar proposals were made more recently by the United States at the Rwanda Round Table in Geneva where Mr MacCall, Chief of Staff of the US Agency for International Development stated that his country considered that the solution to insecurity in camps lay in closing camps in unstable regions and repatriating their occupants voluntarily or relocating them to smaller camps further away from the border [8].

Implementation of the above proposals is essential for the safety and wellbeing of refugees, aid workers and host states. Anything that needs to be done to ensure that host states are able to continue to provide protection and security must be seen as a joint responsibility of the international community.



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[See over for footnotes.]



## Community Services and repatriation: *article excerpt*

Christian Outreach's Community Services programme in the Ngara camps for Rwandan refugees focuses on supporting the refugee population in looking after vulnerable groups, encouraging community organisation and serving the varied needs of the camp. [See article by Richard Reynolds in RPN 18, pp 24-6.]

The programme is now under threat. While UNHCR in Ngara has been very supportive, it appears that there is some debate at Geneva level as to its usefulness; the programme may be closed or drastically reduced. One criticism expressed is that it discourages repatriation since it supports the maintenance of 'comfortable living conditions' for refugees in Tanzania, thereby hindering repatriation. If the conditions in the camps are made as difficult as possible, then the refugees will 'voluntarily' return. This view is worrying in its lack of grasp of what repatriation involves and certainly raises concerns regarding the search for a long term solution to the Rwandan situation.

Repatriation involves a conscious choice by refugees to return to their country. Evidence indicates there needs to be the right conditions in the refugees' country of origin and also the ability on the part of the refugees to make the decision to return.

While the decision to become a refugee is often made suddenly, in fear, and corporately, the decision to return has to be made slowly and often alone.

The approach of Christian Outreach is, firstly, to support a large number of community groups and initiatives; while these often have specific purposes (eg care of the elderly), they also enable groups of refugees to meet and discuss. If the conditions for repatriation do improve, the refugees will be more able to make the difficult decision to move from the certain to the unknown. In contrast, the neglect of such community groups leaves refugees alone or dependent upon the political



Women's community group, Kahindo refugee camp, Goma, Zaire.  
Photo: Richard Hanson/Tear Fund.

groupings within the camps and upon the NGOs.

Secondly, the approach adopted by Christian Outreach incorporates the idea of development. A development philosophy, as opposed to relief mentality, can ensure that the communities within the camp population can develop themselves and their capacities, both for the duration of their time in the camp, dealing with the many vulnerabilities they suffer, but also for the future when they have repatriated. Strong, self-supporting and self-respecting communities, where participation by all levels of the population has been developed, will be of positive influence on their return to their country of origin.

Having been involved with the Community Services programme from the beginning, we had a sense of excitement that UNHCR was adopting a more developmental approach to emergency situations. However, the recent debate suggests that UNHCR is reverting to a more short term and financially expedient approach.

UNHCR seeks to protect the rights of refugees and in our view one of the fundamental rights is the freedom to choose.



*From 'Should community services be cut?' by Dr Richard Reynolds (Country Director) and Pete Baynard-Smith (Community Services Coordinator) of Christian Outreach in Ngara, Tanzania. Views expressed are those of the authors and not necessarily those of Christian Outreach. Dr Reynolds has also co-authored another paper, entitled 'Development in a refugee situation: Musuhura Hill Rwandan refugee camp - one year on', a follow-up to his article in RPN 18; this paper focuses on the impact of the community services programme on the refugees' dignity and the implications for the participation of more refugees during the emergency and maintenance stages of a refugee camp. Contact: Dr Richard Reynolds, Christian Outreach, PO Box 164, Ngara, Tanzania. Or via e-mail on: pbs@tearfund.dircon.co.uk (c/o Pete Baynard-Smith).*

Footnotes from Rutinwa article (previous page)

1. *Relief and Rehabilitation Network* (16), 'The Joint Evaluation of the Emergency Assistance to Rwanda: Study III Principal Findings and Recommendations', ODI, June 1996:26.
2. OAU Convention Governing Specific Aspects of Refugee Problems in Africa, 1969, Article II(2).
3. *African Exodus: Refugee Crisis, Human Rights and the 1969 OAU Convention*, Lawyers Committee for Human Rights, June 1995:64.
4. Rutinwa B 'Tanzania's response to the Rwanda emergency' in *Journal of Refugee Studies*, Vol 9, No 3, 1996 (forthcoming). See abstracts on p 32 of this RPN.
5. Special correspondent 'Museveni attacked over Rwanda', *The East African Chronicle*, week ending 3 May 1996, p5.
6. Okoth-Obbo G 'The Addis Ababa Document on Refugees and Forced Population Displacements in Africa', reproduced in *IJRL*, special issue July 1995:300.
7. Erikson J et al *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience, Synthesis Report*, p56.
8. MacCall R *US Statement at the Rwanda Round Table*, 20-21 June 1996, Geneva, p4.

# Refugee women: in special need of protection

by Diana Quick

Refugees are, by definition, vulnerable. Refugee women and girls are doubly vulnerable. They are in special danger from the time they are forced to leave their homes, during flight, and in camps and other places of asylum. At risk not only from actual or potential human rights abuses, conflicts and other acts of aggression, they are also subject to physical and sexual abuse and exploitation, as well as sexual discrimination in the delivery of goods and services. Abusers may be military personnel from the host country and resistance forces, as well as male refugees. Women and adolescent girls whose husbands or fathers are dead or missing are particularly vulnerable.

Assistance organisations have always recognised that refugees need protection against forcible repatriation, armed attacks or unjustified and unduly prolonged detention. They have always made the rapid provision of food, shelter, clothing and health care a priority. However, it is only in the last ten years that the special needs of refugee women have been widely recognised and, under pressure from refugee and non-governmental advocates, steps taken at the international level to address these needs.

'Refugee women must be part of the process of analysing their own problems, identifying the solutions, and implementing the remedies', says Julia Taft of InterAction. 'Without their full participation, they cannot adequately be protected, nor can satisfactory solutions be found for their problems and those of the refugee community.'

However, the reality often paints a different picture.

## Matters of day-to-day survival put refugee women at risk

Refugee women are often put in particular danger by the very design of refugee camps. Sometimes, for example, unaccompanied women and girls live in communal housing that provides no privacy. Basic services and facilities such as latrines and

water collection points are frequently located at an unsafe distance from where refugee women are housed, while poorly-lit camps allow attacks to take place with relative impunity. Landmines are sometimes to be found on the perimeters of camps, even when refugees, usually women, must go beyond those borders to obtain firewood or other items.

Around the refugee camps in Tanzania, hundreds of refugees walk the hills, carrying wood on their heads and in their arms. Most of them are women and children. As the area surrounding the camps becomes stripped of trees, the refugees must travel further and further from the camp sites. And as they walk greater distances, women and girls are being raped and attacked.

Even the way in which basic assistance - food, shelter, education, income - is provided can make refugee women vulnerable. 'Mothers literally worked themselves to death trying to care for their families', says Barbara Smith, Director of Public and Mental Health at the International Rescue Committee, who visited Kibumba refugee camp near Goma, Zaire, in July 1994. Only those people who could endure walking long distances (up to 17 miles without food, water or even shoes) and waiting for hours (including standing in line over-



Collecting firewood, Benaco camp, Tanzania. Photo: Howard J Davies.

night) for food, water and shelter materials survived. 'Frequently there were fist fights and riots with machetes at the distribution points', continues Smith. 'People who could not fight or who could not endure the arduous physical tasks required for survival had no recourse but to find a spot to lie down and, usually, to die. Young, healthy members of the Rwandan military invariably were the winners when it came to getting food and water.'

Decisions about food distribution are generally made by international organisations in consultation with male leaders of the refugee sites. Yet these men may have little understanding of the needs and circumstances of those who cook the food or feed their families - that is, the women. As a result, the food distribution procedures and contents may be inappropriate. For instance, beans might be distributed, which must be soaked overnight and cooked for three hours, when there is not enough firewood for fuel or even enough water to drink.

In some circumstances, food distributed through male networks is diverted to resistance forces or sold on the black market, with women and children suffering as a result. In other situations, food is used as a weapon by blocking distribution to civilian populations. In still other cases, male distributors of food and other items require sexual favours in exchange, or women are forced into prostitution or other exploitative activities to earn income to buy food on the black market. When women oversee the distribution of assistance items, these types of incidents occur far less frequently. For example, a UNHCR report notes that in one camp in Malawi many women complained they were being deprived of rations and were under pressure to give sexual favours or money in exchange for food. When more women were employed at the point of distribution, such abuses were greatly reduced [1].

Often in refugee settings, women's specific health care needs are overlooked,

including even the most basic requirements. According to a UNHCR brochure: 'A quarter of some refugee women's lives are wasted because they are denied an item as essential as cloth for use as sanitary napkins. That oversight can force women to spend one week of each month in their shelters, unable to take their children to the clinic or supplementary feeding centres, to gather firewood or perform other necessary chores.' Where cultural roles demand that women alone take responsibility for these chores, the impact of confining a woman to her home for one week each month has severe consequences for her entire family.

Reproductive health care services and mental health counselling are also severely lacking in most refugee settings. The shortage of female health workers only exacerbates the situation (especially where women may be cared for only by male family members or by other women).

Another fundamental need of many refugee women, particularly heads of households, is sufficient income to support their families. Although relief agencies supply basic needs, refugees need money to supplement what is provided. Access to skills training and income-generation programmes are especially important for women and the extent to which refugee women are potential earners has often been under-estimated. If refugee women do not have sufficient income, they may be forced to turn to prostitution and are more vulnerable to sexual exploitation.

UNHCR and NGOs have implemented many programmes to help women's income-generating activities but a number of problems have limited the success of these attempts. Generally, these programmes target marginal economic activities, such as handicrafts, for which there is often not a sustainable market. For the most part, women have not been involved in some of the larger sustainable projects that focus on reforestation, infrastructure development or agricultural activities. In many of the cultures from which refugee women come, women are traditionally involved in these activities but relief workers' biases about women's traditional roles may constrain choices.

Women should not be thought of solely as the beneficiaries of humanitarian

assistance programmes. They must also fully participate in their design and implementation.

### **UNHCR guidelines provide link between assistance and protection**

For most of the history of refugee relief - and in many cases still - assistance has been the primary concern during an emergency. Inter-governmental and non-governmental agencies have traditionally concentrated on the provision of food, shelter, clothing and health care, with little or no concern for protection. The fact that, in the process, certain groups have been made vulnerable to abuse or neglect was, for a long time, ignored. Refugees are legally protected by a series of international agreements, including the United Nations Convention Relating to the Status of Refugees (July 1951) and its 1967 Protocol, the Universal Declaration of Human Rights (1948), the 1949 Geneva Conventions and the 1966 Human Rights Covenants and the Convention on the Elimination of Discrimination against Women. In addition to international law, the national law of the country of asylum governs the protection of refugee women. The physical protection of refugees, however, was not covered by international agreements.

In the mid 1980s, realising that the organised participation of refugee women in protection and assistance activities would bring important benefits to the women, their families and the refugee community as a whole, some refugee advocates began to lobby for international action on the needs of refugee women. Following the Third World Conference on Women in Nairobi, Kenya, in 1985, the NGO International Working Group on Refugee Women was formed. The Geneva-based Working Group was among the first organisations to point out the problems and protection needs of refugee women. 'Violence against refugee women had to be taken seriously', says Elizabeth Ferris, Convenor of the Working Group from 1985 to 1989. 'There needed to be a move from legal to physical protection. While there are still some UNHCR staff who do not see rape as a protection issue, over the past ten years there has been a mindshift in UNHCR. The *Guidelines on the Protection of Refugee Women* reflect this.'



*Woman weaving at a women's centre for the internally displaced in Tuzla, Bosnia.*  
Photo: UNHCR/R LeMoyne.

The Working Group lobbied for the appointment of a Senior Coordinator for Refugee Women at UNHCR and the creation of the position in 1989 was a major step forward for the protection of refugee women. Ann Howarth-Wiles, who has filled the post since it was created, was instrumental in the development of the 1990 Policy on Refugee Women and the 1991 *Guidelines on the Protection of Refugee Women*.

The Guidelines provide information on practical ways to implement the recommendations in the Policy. Written after consultation with UNHCR field workers, government agencies, non-governmental organisations and refugee women, the Guidelines state that: 'Protection cannot be seen in isolation from the mechanisms that are established to assist refugees. From the initial decisions that are made on camp design and layout to the longer-term programmes to assist refugees in finding durable solutions, the choices made in the assistance sectors have profound effects on the protection of refugee women. UNHCR has the responsibility, as part of its protection function, to ensure the non-discriminatory access of all refugees to its assistance.' (UNHCR *Guidelines on the Protection of Refugee Women*, 1991:47, para 77)

As well as laying out the protection needs of refugee women, the Guidelines serve the operational purpose of helping field



staff identify the specific protection issues facing women so that programmes can reflect their needs and concerns. The Guidelines contain an assessment of the protection problems faced by refugee women and propose solutions. They give concrete recommendations on how to involve refugee women in decisions affecting their security and how to identify particularly risky situations. The Guidelines suggest mechanisms to improve the reporting of physical and sexual protection problems and programmes for improving protection. They propose improvements in camp design and implementation of assistance programmes to ensure greater safety. Much of what the Guidelines contain is simply common sense, such as the recommendation to 'assess and make changes needed in the physical design and location of refugee camps to promote greater physical security. Special measures that may need to be implemented include security patrols; special accommodation if needed for single women, women heads of households and unaccompanied girls; and improved lighting.' (UNHCR *Guidelines*, 1991:33, para 45)

### **Implementing organisations fail to follow guidelines**

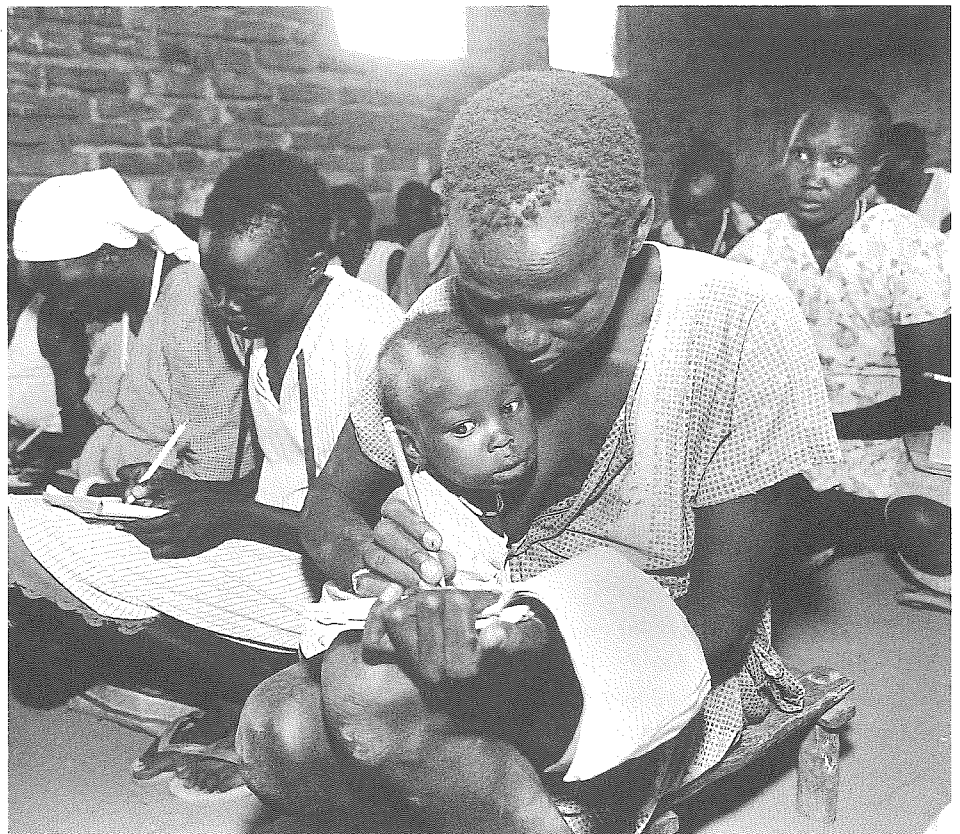
The Guidelines are widely seen as a step in the right direction. However, the success of the Guidelines will only be illustrated when they move from paper to practice. Often in a refugee emergency, when most people are concentrating on the provision of food, shelter, clothing and health care, the Guidelines are forgotten. In addition, many UNHCR staff members have little or no knowledge of the policy and a very limited or distorted understanding of its implications for their work. Some people question the commitment of UNHCR senior management to the policy and feel that the Guidelines have not yet become an integral feature of the organisation's structures, procedures and activities. Ann Howarth-Wiles believes that UNHCR and governments should make implementation of the Guidelines part of their contracts with implementing agencies and that NGOs have a special responsibility to report on how they are ensuring the physical protection of women. She recognises that the Guidelines will only be implemented if people are held accountable, which is currently not the case.

The lack of human and financial resources only compounds the problem. While the number of refugees continues to grow, UNHCR's budget for training has been reduced. Many advocates for refugee women are strong proponents of the People-Oriented Planning (POP) programme as a training tool to be used in conjunction with the Guidelines. POP encourages field staff to know the demographic composition, socio-economic structure and culture of a refugee population, so that appropriate and effective programmes can be established for all refugees, particularly women. It emphasises the importance of establishing direct contact with refugees and encourages the UNHCR and NGO agencies to maximise the participation of women in the administration of camps and the development of assistance programmes.

'Non-governmental organisations have to be more proactive in People-Oriented Planning and train more trainers', says Howarth-Wiles. 'Also, NGOs should monitor reports on implementation of the Guidelines and notify UNHCR when they are not being implemented. A great deal is in the hands of NGOs.' When agency staff do try to implement the Guidelines,

there is sometimes initial hesitation on the part of the refugees. However, with encouragement, women can be brought into leadership roles and encouraged to be decision makers.

Even in countries where the cultural dominance of men is strongly entrenched, the organisation of women's groups has proved to be an effective means of improving the protection and assistance available to them. In one setting in Africa, programmers decided to include women in the major refugee leadership councils. This attempt was met with complete resistance on the part of both men and women refugees who said that, in their tradition, 'Kings are born, not made'. Nonetheless, through further consultation and listening, UNHCR staff were able to identify a range of traditional activities in which women played a leading role. Using these modalities, it was possible to increase their participation in a politically meaningful and culturally appropriate way [2]. 'We have to talk with refugee women', says Elizabeth Ferris. 'Refugee women will tell you about cultural differences; they will tell you whether they are food providers, farmers or teachers. We need to form collaborative relationships.'



*Women's literacy class for refugees in Kakuma camp, Kenya. Photo: UNHCR/L Taylor.*

## Expanding the use of the guidelines

The UNHCR Guidelines now need to be updated to include issues of reproductive health, female genital mutilation, repatriation, gender-based persecution and asylum claims. But, at this point, they are the best available and should be implemented. Some NGOs are integrating this issue into their work. Oxfam is including training on gender issues in its programmes and the International Rescue Committee reports that it is instituting People-Oriented Planning as a training tool for staff in the field. In an effort to improve implementation of the UNHCR Guidelines, the Women's Commission for Refugee Women and Children has undertaken a three-year project to promote the participation and protection of refugee women. The Commission has asked representatives of UNHCR and NGOs (eg CARE, Catholic Relief Services, Church World Service, InterAction, International Medical Corps, International Rescue Committee, Save the Children and World Vision) to serve on an advisory committee. This committee will explore ways to implement the Guidelines and review efforts to involve refugee women in planning and implementing relief activities.

In its fact-finding missions to refugee sites, the Women's Commission is looking into whether, and how effectively, the Guidelines are being implemented. Delegations talk with NGO and UNHCR field workers, suggesting changes to improve the situation of refugee women.

With the commitment of inter-governmental agencies, NGOs and refugees, women can play a more active role, which will bring about improvements for all refugees. Women refugees are not helpless victims. They have an important role to play as decision makers and policy makers, and their rights must be protected.



*Diana Quick is Public Affairs and Communications Specialist for the Women's Commission for Refugee Women and Children in New York.*

1. *Review of the Implementation and Impact of UNHCR's Policy on Refugee Women*, 1993:29.
2. *People-Oriented Planning At Work: Using POP to Improve UNHCR Programming*, 1994:30

## Protection of refugee women :

The Women's Commission for Refugee Women and Children is currently examining the extent to which inter-governmental and non-governmental relief agencies, as well as refugee women, are aware of the Guidelines, to what extent they are being followed and the applicability of the Guidelines in different types of settings. The findings of three of the case studies are outlined below.

### 1. Rwandan refugee camps

\* Women and girls (as young as 12) collecting wood are being raped and attacked. They have to go further and further from the camps as the immediate surroundings are stripped.

Crisis Intervention Teams (CITs) are now being deployed to assist victims of violence and collect data on cases. CITs are responsible for referring individuals for appropriate medical, legal and material support. In some camps, the refugees have divided themselves into three groups: men, boys, and women and girls. Each group takes it in turn to send fifteen or so members to pick up wood: a much more satisfactory arrangement.

\* Lack of access to food and water is a common problem. Men are usually put in charge of food distribution and women frequently receive inadequate or inappropriate rations. NGOs are now working with women's and youth groups, establishing kitchen gardens and poultry raising.

\* Sexual exploitation of women and girls is widespread (sexual favours in exchange for improved access to food and clothes).

\* Domestic abuse is also on the rise. Men with nothing to do spend days drinking. A group of refugee women said their greatest need was employment for their husbands.

*Conclusion:* The Guidelines are not being followed. Refugee women are at risk in all areas of protection covered by the Guidelines except for provision of health care services.

### 2. Former Yugoslavia (Bosnia)

The safety and protection needs of refugee women in former Yugoslavia were acute when their villages came under siege during periods of ethnic cleansing. The obligation of the international community was to enforce the rule of international humanitarian law and prevent the massive violations against women that took place. After failing to prevent these crimes, the emphasis shifted to providing psychological support to the victims of rape. Many question the appropriateness of these interventions.

\* The refugee women in Zenica who fled Zepa and Srebrenica had not had news of their husbands and sons; it was feared that most of them had been killed. The women advised the delegation that they very much wanted to engage in some type of work, especially knitting, sewing and cooking.

\* The refugee women and children were living in collective centres with totally inadequate facilities; the depressive atmosphere, lack of privacy and inadequate sanitation reinforce the loss of self-esteem and degradation that these women had already experienced. Improvement in such areas as securing privacy for women in the bathrooms, toilets and showers, and even small curtains around their sleeping bunks would foster a sense of dignity. These efforts are not secondary to the relief effort but are primary, as maintaining mental health would improve the overall physical health of the refugee women, as well as their ability to care for refugee children and their elderly family members.

\* The women, many of whom were pregnant or lactating, claimed they were not receiving medical or prenatal care; their children had been denied access to

## implementation of UNHCR guidelines

'Protection cannot be seen in isolation from the mechanisms that are established to assist refugees. From the initial decisions that are made on camp design and layout to the longer-term programmes to assist refugees in finding durable solutions, the choices made in the assistance sectors have profound effects on the protection of refugee women.' *UN Guidelines on the Protection of Refugee Women.*

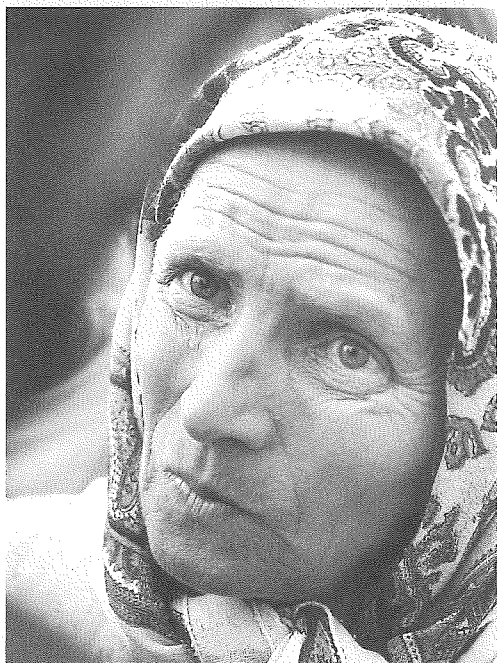
paediatric clinics; and they could not afford medicines or supplementary food rations.

\* On the issue of food distribution, the problem was not so much the predominance of male-dominated food distribution as in many camp settings but rather the lack of control refugee women had in food preparation. Again, the issue of physical and psychological needs are closely linked, as the women felt great degradation at being fed poorly-prepared food from large communal kitchens in which they had no involvement.

*Conclusion:* As in Mozambique, most relief workers did not consider the Guidelines in former Yugoslavia or were not aware of them.

*Anxious relatives hope for news as a soldier from the Bosnian army reads the names of men known to have survived the fall of the eastern enclave of Srebrenica.*

*Photo: UNHCR/R LeMoynes.*



### 3. Mozambique

In this post repatriation society, there is a prevalence of female-headed households.

\* Women generally are not recruited for jobs with remuneration; those who work with NGOs are mostly recruited as volunteers. This makes it very difficult for women heads of households. Also, without capital, women cannot start income-generating projects.

\* Women have not benefited from training programmes in refugee camps and are therefore severely disadvantaged in seeking paid or volunteer positions in their home country.

\* Food insecurity continues: more than 90% of rural women in Mozambique are subsistence farmers and there has been persistent drought in many areas.

\* Most rural Mozambicans have limited access to health facilities; both distance and costs are deterrents.

*Conclusion:* Although women are a significant part of the population targeted for assistance, UNHCR did not use its Guidelines nor circulate them during repatriation or reintegration activities in Mozambique.

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*Full copies of reports from the above delegations are available. Contact: Women's Commission for Refugee Women and Children, 122 East 42nd Street, 12th Floor, New York, NY 10168-1289, USA. Tel: +1 212 551 3088.*  
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## Protection in camps



### News from RPN readers in Arua, Uganda

*You might have heard of some increased 'rebel' activities around Rhino Camp.*

*..last week, a group of 60 'rebels' out of uniform first looted a clinic in Ikafe and then, at 3pm, ambushed and killed the Camp Commandant - the young and personable Mr Patrick Tumwa\* - together with 13 soldiers he had driven to Yumbe to bring as reinforcements.*

*Now Rhino Camp has 200 soldiers, spread a bit thin across three camps and this compound, and probably making an attack on this camp all the more attractive to the 'rebels' because of their weapons and uniforms...*

*Increasingly believable rumours have it that at least two largish groups of 'rebels' - have been killed by the army.*

*Apparently Sudan does not want them anymore; Zaire would shoot them as well and they have not made up their mind about officially surrendering to the army.*

(September/October 1996)

\*  
Patrick Tumwa participated in RSP's 1996 Summer School and the staff of RSP would like to express their great sympathy for his family and colleagues.

# Displaced and dispossessed: Peru's internally displaced face hardship and insecurity whether they return or not

by Seán Loughna

Although the 'dirty' war which ravaged Peru during the 1980s and early 1990s is largely regarded as over, the social and economic conditions that contributed to the emergence of conflict are now even more pressing than ever. By not adequately addressing the endemic poverty and discrimination that Peru's internally displaced people (IDPs) and returnees face, the Government of Peru runs the risk of provoking a resurgence in violence. The government is not only failing to provide socio-economic security for these people but is also jeopardising their physical well-being. In his report published in January 1996, the Representative of the Secretary-General of the UN, Francis Deng, highlights protection and assistance for Peru's IDPs as a priority for government action [1].

Fifteen years of war between revolutionary armed opposition groups, principally *Sendero Luminoso* (Shining Path) and the military and security forces, have taken their toll mainly on the civilian population. A Maoist party emerging from the country's remote and poorest regions, *Sendero* alienated most of its potential support by its indiscriminate attacks against the rural population which it claimed to be representing. The government largely failed to intervene and protect these marginal sectors of society. When the military response did come, it was equally ferocious in its violence against civilians. These people were seen as legitimate targets by both sides in the conflict. Massacres, by *Sendero* and by the security forces, of entire communities who refused to take sides in the conflict are well documented.

An estimated 27,000 Peruvians died in the violence and almost a million people were internally displaced, of whom at least 600,000 remain so. The vast majority of the IDPs are rural peasants who took refuge in the towns and cities.

## Return or remain?

The weakening of *Sendero* since their leader's capture in 1992 and the resulting improvement in the security situation, combined with the intolerable living conditions in some receiving cities, have encouraged people to return to their places of origin. In addition, the government has tried to encourage the return process by offering assistance to those who go back, while offering nothing to those who remain. IDPs most willing to return are those closer to their homes and more recently displaced.

According to government estimates, about 200,000 to 300,000 of Peru's IDPs will remain where they are; others believe the figure will be higher. Reasons for deciding to remain include poor education, lack of fertile land and the extent of poverty, neglect and hopelessness of rural life. By fleeing, many have lost what little land they did have. At least in urban areas there is work to be found, however poorly paid it might be. In addition, despite government rhetoric to the contrary, the political violence has not completely ceased, with attacks on the civilian population continuing in the highland regions of Ayacucho, Huancavelica, Apurímac, the central jungle areas and the Alto Huallaga.

The internally displaced in Peru are the poorest of the poor. In some displaced indigenous communities, as much as 80% of the population suffers from malnutrition. The greater availability and selection of foods in urban centres are another reason for many displaced families not wanting to return. During the 1980s, there was a negative growth in GDP, increasing unemployment and underemployment. The government has taken a hardline approach in trying to cut inflation and resolve the country's debt crisis.

Women suffer particularly from marginalisation and discrimination, as

well as from domestic violence which, with escalating unemployment and male alcoholism, is worse than ever. The systematic use of violence against women by both sides in the conflict has reduced but not ceased; according to Deng's report, displaced women continue to be exposed to sexual abuse and aggression and in some areas women working in the fields still face significant security risks. Others particularly at risk are indigenous people, human rights activists, union members and displaced community leaders.

Pressure from the security forces to return home is being applied to some communities, despite precarious security conditions and unsuitable living conditions. There have been allegations that in some cases this pressure is being applied in order to monitor the reaction of the armed opposition groups. Returnees are often resented by members of the community who did not flee; those who remained see themselves as having endured more by staying and yet are often not provided with the assistance that the returning community receives.

## Human rights abuses by the government

The government's draconian anti-terrorist measures have resulted in numerous complaints of human rights abuses. Many IDPs are being held arbitrarily and for prolonged periods in prisons, either waiting to be charged or awaiting trial on terrorist charges. However, many of these detainees are eventually released due to lack of evidence or because their detention was the result of an administrative error. As a result of the conflict, many people, especially IDPs who fled for their lives, have no personal identification papers. Persons lacking this documentation are immediately under suspicion and males among them are subject to conscription.



In rural areas there is a dearth of legal representatives who are able to protect the rights of the impoverished majority.

### Support for returnees

According to the government-sponsored agency responsible for aid to the displaced, *Proyecto de Apoyo a la Repoblación* (PAR - Project of Support to the Repopulation), 250,000 displaced persons (41%) have returned; 140,000 through organised, government-assisted programmes and 110,000 spontaneously. On the other hand, members of the non-governmental *Mesas sobre Desplazamiento* have claimed that only some 20% (120,000) have returned and no more than another 10% are likely to do so. The *Mesas sobre Desplazamiento* (hereafter *Mesas*) are working groups on the displaced, at national and regional level, and include grassroots organisations of displaced communities, church groups, local and international NGOs, representatives of international organisations and, occasionally, government representatives.

But now the rural communities have needs beyond basic protection from violent attack. Insufficient agricultural production by returnee farmers has rendered them unable to support themselves and their families and has resulted in them leaving their homes once more. A whole package of social and economic assistance is required, including health and education, without which returnee families are likely to leave again for the towns and cities. This assistance needs to be long term, not restricted to a few days or weeks as is currently often the case.

PAR has been criticised for not consulting with displaced persons, NGOs or church groups working with the displaced and returnees. The authorities have little knowledge or understanding of rural areas and this has led to them providing inappropriate assistance as well as being seen to be working with the 'wrong side', causing resentment. It is crucial that the govern-

ment identifies who the most needy are and what it is they lack. Assistance programmes are not tailored to specific needs but designed on a national scale. As a result, people receive food which they do not know how to prepare and tools unsuitable for the land which they are working. Many of the government's assistance programmes place too much emphasis on infrastructure; new roads are of little use if the price of produce in the area is too low or if there is no access to credit or technology.

The IOM conducted studies in Peru during 1994 and 1995, devising a list of components necessary for a return project to be successful and to prevent further displacement. The list of recommendations included conducting an official evaluation prior to reintegration to assess the minimum conditions required for self-sustenance and self-protection; the possibility of detecting imminent conflicts; the demilitarisation of civilian security forces; and the



Peruvian woman and child. Photo: Richard Stanley/Oxfam.

establishment of democratic institutions for the resolution of conflict.

### The role of UNHCR and other international agencies

Since 1991, UNHCR has explored possibilities of prevention of displacement in Peru but has not become directly involved because of the limitations of its mandate. It also considers itself unable to add substantively to the humanitarian efforts of other UN agencies active in the country. These other activities include UNDP support for government programmes including PAR, as well as direct assistance for various poor communities (IDPs and returnees among them), and WFP assistance for governmental and non-governmental relief efforts. In addition, UNICEF runs a variety of food, health and education programmes for orphaned and displaced minors. The ICRC has played a crucial role throughout the conflict in protecting displaced people, which included providing emergency food assistance when no other agency was able to.

### The role of the Self-Defence Committees and organisations of displaced persons

The civilian *Comités de Autodefensa Civil* (CACs - Self-Defence Committees) are generally credited with playing the larger part in defeating *Sendero*, although they have received no compensation or official recognition for their crucial role. Their presence in rural areas has provided the security for families to return. However, allegations of human rights abuses levelled at them in the earlier years of conflict have continued, though at an abated rate. CACs often demand that returnees seek their permission to return, may insist that a fee is paid or may even prevent them from returning. Increasingly, they are arming themselves to protect their communities, leading to an increasing potential for violent confrontation, both within and between communities. On the other hand, the State's moves to decommission arms from the CACs have been criticised as premature and motivated by an urge to declare the war as over and won. The State's incapacity to protect returnees and prevent militarisation of social activities has been blamed on its institutional weakness.



*Displaced people from Ayacucho have formed a community kitchen to improve nutrition. Photo: Larry Boyd/Oxfam.*

In some areas CACs form an integral part of the reconstruction process, including the establishment of civil institutions and democratic processes. Many are elected by their peers and become respected community leaders. They act, in effect, as a much needed rural police, funded by the community and under the authority of the municipal government. By not recognising the law that permits service in the CACs as constituting military service and by forcibly recruiting from their ranks, members of the military have been jeopardising the security of some communities.

Organisations of displaced people emerged at the provincial level in 1987 and began working with local NGOs and *Mesas* from whom they receive advice and minimal funding. In April 1996, the National Coordinating Body for Organisations of Internally Displaced People and Communities in Reconstruction staged the First National Congress of Internally Displaced People, held in Lima. The Congress issued a number of demands upon the government including the introduction of legislation recognising displacement as a social issue; the inclusion in the government's assistance programmes of representatives of the organisations of the displaced; and the

formulation of policy at the regional level and its coordination at the national level, in collaboration with NGOs and others working with IDPs and returnees.

In recognising the lack of protection available for the displaced population, the national *Mesa* has put forward a Proposal of Attention and Integral Protection for the rights of the displaced population and laws to protect those unjustly detained or without the correct documentation. It argues that displacement in Peru is a direct consequence of the conflict, a lack of respect for human rights and socio-economic disparities between different areas and different socio-ethnic groups. The decisions of IDPs over whether to return to their places of origin or to settle elsewhere should be respected and supported by the government and those organisations helping them.



*Seán Loughna is Research Assistant at the RSP. He has written articles on several Latin American countries and is currently undertaking fieldwork in Guatemala.*

1. Report of the Representative of the Secretary-General Mr Francis M Deng, submitted pursuant to the Commission on Human Rights Resolution 1995/57; *Profiles in Displacement: Peru*. 4 January 1996.

# Caught between two fires: who can protect the population of South Lebanon?

by Lina Abu-Habib

*Besieged and under fire, the civilian population of South Lebanon has had to pay the price of war and is still paying the price of peace. This article looks at the plight of this community and the total failure of all forms of international protection.*

Since the early 1970s, the people of South Lebanon have suffered air raids, attacks and counter attacks, death, injury and mass displacement, and have experienced marginalisation and impoverishment over the years.

## UNIFIL mandate

In 1978, following the first Israeli invasion of South Lebanon, the first UNIFIL [1] contingent was deployed in the South to occupy what was to become a UN 'buffer zone' between the Israeli occupied parts of South Lebanon, known as 'the security zone', and the rest of the South [2]. The UNIFIL mandate involved, *inter alia*, protecting the civilian population, ensuring that all parties abide by agreed cease-fires, overseeing the implementation of UN resolution 425 stipulating the total withdrawal of Israel from occupied areas in South Lebanon, and providing humanitarian assistance to the afflicted population. Since 1978, the UNIFIL mandate has been systematically renewed.

UNIFIL was, however, unable to prevent or block the Israeli invasion of 1982. Its presence then was totally ineffectual. Its internationally recognised territory and its mandate to act as an interposition force were violated and it was unable to prevent the detention and execution of thousands of Lebanese and Palestinian civilians.

After that date, and following the Israeli retreat to the 1978 'security zone', UNIFIL focused on trying to prevent the two warring parties, Israel and Hezbollah, from using the UN territory for military purposes, and on protecting the civilian population.

This also failed to a large extent as Hezbollah consistently infiltrated UN



*Settlement for unregistered Palestinian refugees, Al-Wasta.  
Photo: Pat Simmons/Oxfam.*

territory and conducted military operations targeting the security zone and northern Israel. These operations resulted in prompt retaliation by the Israeli army. Initially, Israeli retaliation concentrated on attacking Palestinian targets, whether military or civilian. The Lebanese population suffered numerous casualties and saw its livelihood gradually being destroyed by the Israelis and the Palestinian military. After 1982, Hezbollah became better organised and better armed; it intensified its military operations and became yet more effective in hitting Israeli military targets - and civilians.

Both parties totally disregarded the UN mandate and the agreed UN buffer zone. Hezbollah argued that resistance was internationally recognised as a legitimate act while Israel claimed the right of self-defence and pursuit of aggressor.

## Civilians and refugees caught in the crossfire

Caught in the middle of the crossfire were the Palestinian and Lebanese civilians. However, more recently, the Lebanese civilian population became the main

victims of Israeli retaliation attacks. Indeed, it became the declared policy of the Israeli government to target Lebanese civilians and infrastructure in order to force the Lebanese government to put an end to Hezbollah attacks.

During the summer of 1993, Israel conducted a large scale military operation, the largest since the invasion of 1982, which resulted in the rapid displacement of tens of thousands of Lebanese families. Losses in human lives and in means of livelihood were innumerable; houses, agricultural fields and cattle were destroyed and thousands of people found themselves unable to support their families, with little prospect of any form of compensation.

UNIFIL could do little to prevent this. Similarly, three years later, it again could do little to prevent a major new offensive, nicknamed 'Grapes of Wrath'.

## 'Grapes of Wrath'

In April 1996, a couple of months before the Israeli elections and when the peace process was at a stalemate, Israel decided to put an end to Hezbollah attacks on

northern Israel. 'Grapes of Wrath' deliberately targeted the Lebanese civilian population. The operation was rapidly extended to reach major infrastructure targets in the heart of the country where a vital power plant was shelled and severely damaged. Although thousands fled the areas under fire in South Lebanon, many decided to stay. Most of these, mainly women, children and the elderly, sought refuge within the UNIFIL compound in the village of Qana. On 26 April, that same compound - known, as a subsequent UN investigation was to reveal, to house civilian refugees - was directly shelled by the Israeli army. More than a hundred died; even more were injured. Explanations such as the alleged presence of a Hezbollah position behind the compound were given by the Israeli authorities to justify the attack.

Although a cease-fire agreement was subsequently reached and is now monitored by a five nations committee, attacks and counter attacks have not ceased to claim still more lives of innocent civilians. There are no guarantees that what happened in Qana will never be repeated.

The findings of the UN investigation caused considerable international outrage

and diplomatic embarrassment for Israel. This provided little compensation, however, for the families of the dead who by now had lost faith in any international interventions designed to protect them against such aggression.

### Failure of the UNIFIL mandate

Although others may disagree, the failure to implement the UNIFIL mandate is largely due to Israel's refusal, under different pretexts, to comply with it. Had the international community been stricter in putting pressure on Israel (such as, for example, in the case of Iraq), UNIFIL might have been more successful in fulfilling its protection mandate.

The case of the Lebanese in South Lebanon is not unique and is not the only instance where civilians have been used as human shields by one party and as scapegoats by the other. Refugee safe havens have become burial grounds in other situations, with internationally recognised UN forces virtually unable to protect the victims.

In this setting, it is difficult to state categorically whether or not interposition forces can be of use. In the case of South Lebanon, despite major obstacles, UNIFIL

has significantly boosted the economy of what was an economically inert region and has provided some form of livelihood for thousands of families. At present, UNIFIL is providing welcome health and other social services to the population. On the other hand, it was far less successful in fulfilling the other aspects of its mandate, especially the protection of civilians. The military from both sides have demonstrated many times that they can violate UN territory and attack civilians whenever they please.

Who then is ultimately responsible for protecting civilian refugees? If the UN cannot provide a safe sanctuary, then who can? Is it an immutable fact that, at times of war, there is nobody who can protect civilians?



*Lina Abu-Habib is a programme officer with Oxfam UK and Ireland in Lebanon.*

1. UNIFIL: United Nations Interposition Forces In Lebanon.
2. The Israelis retreated after the 1978 occupation but maintained a hold on a strip of border land in South Lebanon which came to be known as the 'security zone'.

The physical protection of the individual in a country of asylum is a *lacuna*. Protection cannot be limited to the narrow interpretation of the UN definition of a refugee which is essentially that the sacrosanct principle of non-refoulement be respected. Protection in these terms involves encouraging states to respect their obligations to give asylum. It more or less stops there.

*But for the individual refugee, the problems more or less start there, when the person is not refouled and is going to face a future of uncertainty.*

The real problem is that the individual, be he refugee or returnee, has to depend on the state for protection. The state: '...the monster that we have created ... which has further monsters at its disposal, like the notion of sovereignty and question of national security - all the arguments you hear from a Minister of the Interior, or a policeman, or a soldier.'

Adapted from the transcription of a presentation  
by Zia Rizvi, in 'Giving refugees a voice',  
*Disasters*, 8 April 1984.

### Safe havens?

In June 1992 Save the Children UK commissioned Dr David Keen (Queen Elizabeth House, University of Oxford) to undertake research into commitments made by the international community to the Iraqi Kurds, especially in 1991, and the extent to which they were met. The creation of a safe haven for the Kurds was 'a bold and unprecedented challenge to national sovereignty and was hailed as breaking new grounds in humanitarian assistance'. Dr Keen's report assesses the adequacy of the systems of international protection and assistance that were created in the wake of the 1991 exodus and repatriation.

*The Kurds in Iraq: how safe is their haven now?* by David Keen. June 1993. 74pp. ISBN 1-870322-657. £5.00. Published by Save the Children, 17 Grove Lane, London SE5 8RD. Tel: +44 171 703 5400.



# Is Australia closing the doors on refugees seeking protection?

by Roxie Orr

As the conflicts around the globe create ever greater numbers of refugees seeking protection, Australia is narrowing the gap through which refugees can squeeze. Traditionally, Australia has been renowned for providing one of the largest resettlement programmes for refugees. This situation has changed recently with the new policies of the Liberal government, elected earlier in 1996 with a large majority. One of the promises on which the new government was elected was to maintain the existing humanitarian and migration programmes: the 'refugee component of the programme [Refugee and Humanitarian Assistance] will not be reduced' (Coalition statement on Immigration). It has been reduced.

## Onshore and offshore quotas

Australia's current Humanitarian Programme comprises *offshore* and *onshore* components. The offshore programme is concerned with persons overseas seeking protection in Australia and is subdivided into the Refugee Programme, the Special Humanitarian Programme and the Special Assistance Category.

For 1996/1997, the Humanitarian Programme for offshore refugees has been reduced from 15,000 to 10,000 places. Places for 2,000 people (coming from Bosnia-Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Slovenia, and Former Yugoslav Republics of Serbia and Montenegro) which had been 'borrowed' from the potential quota for 1996/1997 for use in 1995/1996, have now been brought forward again to 1996/1997.

The onshore programme is a new component of the Humanitarian Programme, instituted by the current government, in which 2,000 onshore places have been allocated for refugees seeking asylum. The provision of this new policy, however, is that if the number of people who are granted onshore protection exceeds the 2,000 quota, then places to meet the extra requirements for onshore



*Advice session at the START project, counselling refugees who have experienced trauma, Sydney, Australia, 1990. Photo: Howard J Davies.*

positions will be taken from the offshore quota, thereby reducing the chances of refugees outside Australia seeking protection. The reverse is not the case, as pointed out in the August 1996 issue of the RMS NEWS (National Council of Churches in Australia Refugee and Migrant Services): 'It is interesting to note the lack of a provision that, should all of the 2,000 onshore places not be filled, the remainder will be allocated to the offshore component of the programme.'

Capping the onshore numbers disregards the possibility of new crises, such as Tiananmen Square when large numbers of Chinese in Australia sought *sur place* protection for fear of persecution on return to China. Should another incident of this nature occur, there will be a drastic reduction in the number of offshore positions.

## Asylum seekers' benefits cut

An increase in funding to accelerate processing of asylum claims is a wel-

come initiative, provided that the funding is used to employ additional civil servants to facilitate asylum seekers' cases. The cost of this 'additional' funding however, has been the discontinuance of funding to the Red Cross for the Asylum Seekers Assistance Scheme. The scheme provided a fortnightly benefit for the living costs of asylum seekers, who were able to access free legal services such as Legal Aid and Refugee Advice and Casework Services offered in Adelaide, Melbourne and Sydney. The funding cuts prevent asylum seekers from appealing against primary decisions from the courts refusing them asylum. Currently this affects many Timorese refugees in Australia whose claims for protection are being rejected on the basis that they are Portuguese.

To make matters worse, current discussions suggest that the option of Federal Court Review of the Refugee Review Tribunal may be removed, preventing asylum seekers from having

their cases reviewed. It would still be theoretically possible for asylum seekers to take their case to the higher court but, in reality, asylum seekers generally do not have the resources for this.

### Detention of 'boat people'

Onshore asylum seekers who did not clear immigration at the port of entry include refugees arriving by boat. Detention of 'boat people' continues to mar Australia's reputation in terms of respect for civil, political and human rights. The government coalition supports mandatory detention of illegal immigrants, into which category 'boat people' fall. However, there is no requirement that the refugees should be advised of their legal rights upon entry to Australia. Unless 'boat people', immediately incarcerated upon arrival, actually request legal aid or the assistance of the Human Rights and Equal Opportunities Commission, these services are not provided. It is unlikely that 'boat people' will have arrived fully briefed on their Australian legal rights!

Asylum seekers who actively seek Federal Court review or the Minister's leave to stay on humanitarian grounds can remain in detention for up to a year or longer. Some Chinese who have not provided personal details have been detained for four years. The current review of the Onshore Refugee Division of the Department of Immigration and Multicultural Affairs is addressing the decision making process for immigration and improving the productivity of the Refugee Review Tribunal. It is possible that decision making will be speeded up. Given that it is already fast by international standards, there is a concern that this will result in an erosion of quality.

Onshore asylum seekers who have not cleared the usual immigration system are detained in special centres where they may not leave unless under escort. They are guarded by the Australian Protective Services, which are also responsible for the security of politicians, airports and commonwealth buildings. This form of 'protection' gives new meaning to the term of 'protective custody' and questions should be asked as to why the Australian population requires protection from refugees.

### Beyond Australia's human rights laws

Over a year ago there was an enquiry into detention which produced a number of recommendations that have not been implemented. The current debate has sunk to a new low. It is more concerned with a proposed Bill to remove the Department of Immigration and Multicultural Affairs from accountability under the Human Rights and Equal Opportunity Act and the Ombudsman Act, than with the rights of refugees. The Minister for Immigration and Multicultural Affairs supports this proposed legislation. Should it pass, the Human Rights Commissioner, Chris Sidoti, is concerned that the Department of Immigration will be in the first stage of being placed outside Australia's human rights laws. The consequence of this is that protection of refugees will no longer be an obligation of the Department of Immigration and Cultural Affairs.

In its own words, the government coalition 'strongly reaffirms its continuing commitment to an Australian immigration policy and programme that is best suited to both our national interest and our international responsibilities'. Despite some positive changes in the current humanitarian policy, the refugee quota for people seeking protection in Australia has been reduced. Would it be fair to speculate that this reduction is in Australia's national interests? Narrowing the gap between the doors risks neglect of Australia's international responsibilities.



*Roxie Orr is currently a Visiting Study Fellow at the RSP and has recently researched the current refugee situation in Australia.*

### Acknowledgements and sources

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### Working for refugees at the international level

*Extract from briefing paper and action alert by Quaker United Nations Office, September 1996*

Due to the growing complexity of humanitarian emergencies, UNHCR's mandate has been gradually expanded to include 'persons of concern' - those who actually benefit from their protection and assistance activities. There are officially 27.4 million such people: refugees who have left their country, those who have been able to return, those who never left but are displaced within their own country, and 'others'.

UNHCR is guided by an Executive Committee ('Excom') which concerns itself with the material assistance programme of UNHCR, provides advice and makes decisions which set important international refugee standards. Excom meets each October in Geneva; there is also a Standing Committee which meets quarterly to 'facilitate discussion of protection, programme and financial issues'.

QUNO is concerned that NGOs have insufficient participation in these committees. NGO involvement is important. Firstly, Excom decisions and conclusions set important international refugee standards; Excom could benefit from the experience of NGOs. Secondly, the Standing Committee now has the 'authority to adopt decisions and conclusions on matters included in its annual programme of work'; NGOs should be present where the decisions are made. Thirdly, that programme of work in 1996 included important issues of concern and relevance to NGOs.

QUNO urges a more relevant and participatory role for NGOs at the Excom and is making the following specific recommendations:

1. Access to the Standing Committee for a flexible and appropriate number of NGOs.
2. Official Excom documentation should be accessible to NGOs prior to the annual plenary meeting and quarterly meetings of the Standing Committee.
3. Time should be allocated in above meetings to oral contributions by NGOs.
4. Written NGO contributions should be circulated to Excom members in advance of meetings.

QUNO encourages national refugee NGOs to urge their governments to raise these concerns in Geneva, particularly through the Excom of UNHCR.

# A critical difference: an NGO perspective on the role of NGOs as partners in providing assistance to refugees

by Brian Neldner

*In this article, Brian Neldner responds to issues raised in RPN 19 (NGOs and host governments). He discusses the nature of the NGO-UNHCR partnership and the significance of the NGO contribution to refugee work, concluding that NGOs have made - and will continue to make - a critical difference.*

Much has been said and written about the role of NGOs with regard to refugees. There is the question of NGOs and the UNHCR, NGOs and governments and the way NGOs relate to the refugees themselves. The current interest in NGOs might suggest that NGO involvement in refugee work in any consequential way is a new phenomenon or that NGOs are now emerging as the preferred channel for humanitarian aid to refugees. In reality, NGOs have been working with and for refugees at an international level long before governments did so. Indeed, the appointment of Fridtjof Nansen, the very first High Commissioner for Refugees, by the international (governmental) community was at the urging of voluntary agencies.

## The NGO-UNHCR partnership

That NGOs were to have a role in the work of UNHCR as presently constituted is clearly seen in the instruments that established the office within the United Nations. The first paragraph of the Statutes of the office (UN General Assembly Resolution 428 (V) of 14 December 1950) states that:

The United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting governments and, subject to the approval of the governments concerned, private organisations to facilitate the voluntary repatriation of such refu-

gees, or their assimilation within new national communities.

A number of NGOs or groupings of NGOs have been active partners with UNHCR since its inception. The International Council for Voluntary Agencies (ICVA) was established by the agencies cooperating with the UN system in aiding refugees or migrants.

NGOs believed that they had a definite and distinctive role to play in the provision of refugee aid but they also recognised the complementarity and clarity of the role of UNHCR and host governments. At that time we emphasised that NGOs provided a people-to-people approach, they could act with flexibility, their inputs were pragmatic and task orientated, and they could provide a prompt response. The dialogue has been updated in the PARinAC process [see note 5 on page 10] but the issues are not new nor can they be resolved once and for all if the involvement of NGOs in refugee work is to retain its vitality.

I believe that in the intervening period NGOs have shown that they are able to make a critical difference by the nature of their contribution (ie by the four attributes listed above), although they are not always able to do so in all circumstances.

## The NGO contribution

I see that NGOs can continue to make a critical difference in three main areas:

- 1. NGOs can provide services with a more human face, complementing the macro-services provided by the international (UN related) community or governments.**
- 2. NGOs can raise issues of policy and practice for the benefit of those affected by forced migration in the appropriate international circles and fora and with the relevant governments.**

Attention should be focused on an agreed definition of voluntarism, not only by governments and their law makers and administrators but also by people working within the sector themselves. A recent initiative in this direction is the **Code of Conduct for Disaster Response** which is quoted and commented upon in the May 1995 issue of RPN (No 19). Unfortunately the names of the other six international umbrella networks (in addition to the International Red Cross Movement) which jointly sponsored the Code of Conduct are not mentioned in the RPN article; their inclusion would have indicated that it already has a wide acceptance among established agencies. They are Caritas Internationalis, Catholic Relief Services, International Save the Children Alliance, Lutheran World Federation, Oxfam and the World Council of Churches. Together with the International Federation of the Red Cross and Red Crescent Societies they comprise the **Steering Committee for Humanitarian Response**.

This committee concerns itself with policy and strategic questions relating to humanitarian aid and, since the early 1970s, has been an avenue for dialogue with the UN system with regard to emergency response. Much activity centred around the process of creating the UN Department for Humanitarian Affairs in the hope of seeing an effective coordinating mechanism in the UN for response to natural and complex disasters. As I chaired a number of the meetings of the Steering Committee to review and accept the Code, let me add that our aim is to promote a *voluntary* self-regulatory code. It will take time but there is a precedence in the way that professional codes of conduct, such as in medicine and law, have evolved over time.

In the ongoing discussions about 'northern' and 'southern' NGOs, what is often overlooked are these *international* NGOs or alliances of NGOs which may also be

## A critical difference...

described as families of NGOs. Most of the organisations which sponsored the Code of Conduct are in fact international NGOs. It may be that most of the financial resources come from the North but governance has long included representatives of the constituencies from the South and most of these organisations actively strive to ensure that this is so. This is certainly the case in the organisation from which I have recently retired, the Lutheran World Federation.

### Awareness building

A traditional role for NGOs has been building awareness of the needs of refugees and this must continue. This has often helped the High Commissioner and has been particularly effective in bringing matters to the floor of the Executive Committee which governments may have been reluctant to consider or when it was considered to be outside the mandate of the committee.

During the early 1980s, for example, it was considered out of order to raise the issue of 'root causes' at the Executive Committee of the High Commissioner's programme. A way round this was found: by including it in the ICVA statement, it could not be ruled out of order by the chair of the meeting. The present High Commissioner now makes this a major point of her own statements and

many governments include it in their interventions.

### Women refugees

It took three years of consistent advocacy by NGOs (through ICVA and the NGO working group on refugee women) to get the women's issue the attention it deserved [see article by Diana Quick in this RPN, p 15]. It resulted in the decision to appoint a focal point in the office of UNHCR for women refugees at a senior staff level and the requirement that UNHCR must report annually to the UN General Assembly on the implementation of the provision.

### Asylum and repatriation

Another issue where I believe NGOs can make an impact is to give attention to the concept of asylum. Much is heard today of *temporary* protection and even the present High Commissioner finds it necessary to report when certain governments have given temporary asylum to particular groups of refugees pending their return to their home countries. The right of asylum is enshrined in the Convention and subsequent instruments without any time limit being a condition, while repatriation, integration or resettlement are given as solutions. Asylum and temporary protection must be kept apart to ensure that the protection, which UNHCR is to provide, and the solutions, which UNHCR is to seek, are not merged: otherwise the grant-

ing of asylum may become conditional on the prior availability of one of the solutions, such as repatriation. It will require concerted international action, with burden sharing, so that countries where displaced people are found are aided economically to make it practically and politically possible to integrate them or accept their return.

How can Tanzania, for example, which is known for its policy of generous asylum since independence, absorb almost a million Rwandese refugees? It has obligations and pressures from its own people whose service institutions have been swamped and whose agricultural land has been over-run. Tanzania would need massive additional development support to absorb the new population; the present rate of return is lower than the monthly birthrate in the camps, despite constant urging for their early return. A comprehensive approach is needed, covering the needs of the refugees for their settlement or repatriation or a combination of both, as well as the needs of the host community in the country of asylum or origin to make integration politically possible.

When the 1980 and 1985 resolutions on voluntary repatriation were being passed, the NGOs pressed hard for an emphatic affirmation of the principle that repatriation must be voluntary. NGOs can now make a critical difference in ensuring that negotiated repatriation does not negate the principle of voluntary repatriation.

NGOs strongly contested the rule limiting the High Commissioner's involvement in repatriation exercises to one year, which had become a doctrine in the secretariat of the High Commissioner. We called for a longer term involvement to ensure safe return and successful integration. This is particularly important where there has not been a complete change of government or a change in the nature of the state. In Namibia, for example, repatriation went relatively smoothly while in neighbouring Angola the process is much more complex because it involves a continuing civil war.

**3. NGOs can work to address human suffering in areas or with people who do not fall within the limits set in international instruments or protocols, and in cases of low-profile emergencies.**

NGOs can make a critical difference by working in situations where UN and

### Protection of the fugitive

Church agencies and other faith communities have a tradition of aiding refugees which goes back to distant history. In old Testament times there is an injunction to the Israelites to set aside seven cities of refuge for the strangers among them. Cities gave refuge to the Huguenots (eg Geneva and Berlin) while in Latin America the Bishops gave sanctuary to runaway slaves and others fleeing the Spanish colonial authorities.

On the archway to a side door of the cathedral of Santa Domingo in the Dominican Republic, built during the time of the governorship of the son of Christopher Columbus, there is an inlaid silver cross. If this was reached and touched by a fugitive, he could not be turned over to the authorities before his case was heard by the bishop.





governmental agencies have not been able to function. There are many examples of this in the past and they are likely to occur in the future.

In Cambodia, for more than a decade after the fall of Pol Pot no UN aid was possible because the government of the day was not recognised by western governments. India and the East Block provided governmental aid; apart from that, only NGOs and the International Committee of the Red Cross were able to assist. A decision to create the first NGO consortium was made in Oxford, UK, on the very day in September 1979 when the horrors of the Pol Pot regime were first made public in one of the London papers. For over a decade it was only these channels that provided assistance to the people of Cambodia.

Another example is that of providing food in the conflict areas of Ethiopia during the late 1980s. Voluntary agencies provided food aid to famine and civil war victims in and around Ethiopia while official aid channels anguished about the implications of working with the regime of Mengistu. A group of church agencies operating as the Joint Relief Partnership was able to

provide aid to up to two million people in disputed areas over a period of several years, moving convoys of food some four hundred kilometres into conflict zones when it was not possible for either the Red Cross or the UN system to do so. Initially organised and implemented by international church agencies, responsibility shifted within eighteen months to local church structures using local personnel. This was possible because a) we had dependable local structures right down to the village level to provide adequate control to satisfy donor governments, b) we had the confidence of both sides to the conflicts and c), being of an NGO nature, we were not bound by the definitions of international instruments or diplomatic protocol and procedures. In this situation NGOs made a critical difference.

#### **The 'silent' emergencies**

If emergencies attract the media, it can result in massive and immediate resources for humanitarian response, as we saw in the case of Rwanda. But what of the countless small emergencies which don't make the television headlines? There is a challenge to the NGO community to address



*Food aid in Ethiopia in the 1980s.  
Photo: Jon Bennett.*

the needs of these 'silent' emergencies which will not easily be met through media exposure.



*Dr Brian W Neldner is the former International Director of the Lutheran World Federation's humanitarian aid programme and was a Visiting Research Fellow at RSP in 1996.*

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*Austcare/Australian Council For Overseas Aid*

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*Lutheran World Federation*

*Oxfam UK and Ireland*

*Reproductive Health for Refugees Consortium*

*Save the Children Fund (UK)*

*The European Community*

*United Nations Population Fund - UNFPA*

# Research: abstracts and updates

## An assessment of HIV prevention interventions with refugees and asylum seekers with particular reference to refugees from the African continent

by Krishna Maharaj, Ian Warwick and Geoff Whitty, Health and Education Research Unit. Report commissioned by the Ethnic Minorities Unit, the Department of Health. 1996. Contact: HERU, Institute of Education, University of London, 55-59 Gordon Square, London WC1H 0NT, UK. Tel: +44 171 580 1122. Fax: +44 171 612 6819.

The report arose from a research project funded by the Department of Health to identify the HIV prevention needs of refugees and asylum seekers, especially those from the African continent. The report is divided into five sections. Section 1 reports on findings contained in a series of articles and reports, some of which were concerned with general health and health related needs of refugees, others focusing more specifically on HIV prevention issues. Section 2 outlines the findings from interviews with key informants, identifying barriers to effective work and suggesting ways they might be addressed. Section 3 reports on consultation meetings with refugee community organisations. In section 4, a number of case studies document HIV prevention work being undertaken by selected organisations. The final section summarises key ways in which HIV prevention with refugees and asylum seekers might be focused and offers recommendations to those commissioning and providing services.

## Do refugees belong in camps? Experiences from Goma and Guinea

by Wim Van Damme, Public Health Research and Training Unit, Institute of Tropical Medicine, Nationalestraat 155, 2000 Antwerpen, Belgium. Published in the *Lancet* 1995, 346, pp 360-362. Paper also available in French.

Events in Rwanda in 1994 attracted much media attention and controversy. Some commentators emphasised the underlying demographic causes, others the political or ethical aspects; the handling of the

cholera epidemic was criticised; and neutrality, coordination and accountability were analysed in an earlier *Lancet* editorial which questioned whether Goma might trigger a fresh approach to such disasters. With the exception of Barbara Harrell-Bond, however, no-one seems to have questioned the assumption that refugees belong in camps. Van Damme believes the fate of the refugees in Goma illustrates the limitations of the refugee camp approach. Alternative approaches, as applied in Guinea, should be considered. Since 1989, some 500,000 refugees from Liberia and Sierra Leone have settled spontaneously in Guinean border villages. No camps were created. Those villages that welcomed refugees received support and, instead of creating parallel refugee health services, refugees were given free access to existing services, supported by UNHCR. In some areas supplementary health posts were created, offering free health care for all inhabitants. Van Damme discusses the role of refugee camps since 1971, details the alternative approach of Guinea and suggests that refugee health policies should be reviewed.

## Incorporation and exclusion: the life cycle of Malawi's refugee assistance programme

by Roger Zetter, Editor, *Journal of Refugee Studies*, and Deputy Head of the School of Planning, Oxford Brookes University, Oxford, UK. Published in *World Development*, Vol 23, No 10, 1995:1653-1667.

This paper reports RSP research which explored the dynamics of institutional relationships in assistance provision to 1.2 million Mozambican refugees in Malawi. Three phases were identified. An innovative model of assistance delivery, integrating refugees and hosts in a development-orientated programme, was established in the early phases. This avoided the 'parallel' structures of orthodox relief operations. Within the context of its political economy, the Government of Malawi successfully mediated competing interests. Incrementally, the host government lost this autonomy; this is explained in terms of pressures to introduce foreign NGOs which adopted a conventional relief model



Katale camp, Goma, Zaire. Photo: UNICEF/DO194-0285/Betty Press.

focusing only on refugees and emergency assistance. With extensive repatriation the programme is winding down. This paper discusses the lessons learned.

**Refugee survival and NGO project assistance: Mozambican refugees in Malawi**

by Roger Zetter, Editor, *Journal of Refugee Studies*, and Deputy Head of the School of Planning, Oxford Brookes University, Oxford, UK. Published in *Community Development Journal*, Vol 31, No 3, July 1996:214-229.

This paper reports RSP research which examined the impact of NGOs' income generating projects on the livelihood of Mozambican refugees in Malawi. Five limitations were identified: unresponsiveness to local economic conditions and skills; inadequate methods of recruitment; production, business plan and marketing constraints and lack of sustainability; limited participation and the imposition of management ideologies; gender inequalities and inadequate gender-related policies. The analysis of these shortcomings offers guidance to the mobilisation of projects aimed to help refugees generate cash in future large-scale situations.

**The temporary protection of refugees: a solution-oriented and rights-regarding approach**

A discussion paper prepared by the Refugee Law Research Unit, Centre for Refugee Studies, York University, 4700 Keele Street, North York, Ontario M3J 1P3, Canada. July 1996. Part of the research project 'Toward the reformulation of international refugee law', sponsored by the Ford Foundation.

This paper begins by examining the temporary/permanent dichotomy that has developed in refugee protection and highlights the international legal standards, particularly in the Refugee Convention, that establish the temporary nature of refugee protection. It examines temporary protection in practice and sets out a 'principled and pragmatic approach' for a rights-regarding and solution-oriented temporary protection policy, covering standards of

treatment and refugee rights; preparation for return; duration of temporary protection; permanent status for vulnerable groups and residual cases; and repatriation.

**Use of Geographical Information Systems (GIS) and Global Positioning Systems (GPS) in site planning and monitoring of environmental impacts of refugees**

by Jean Yves Bouchardy, Information Officer (Environment), Office of the Senior Coordinator on Environmental Affairs, UNHCR, Case Postale 2500, CH 1211 Geneva 2 Depot, Switzerland. Tel: +41 22 739 7963. Fax: +41 22 739 7301. E-mail: Bouchard@unhcr.ch

The forced migration of hundreds of thousands of people does not take place without environmental consequences; indeed, a high population concentrated in a limited space (ie a refugee camp) inevitably leads to environmental problems: deforestation; destruction of grasslands and animal habitats; and problems related to health, water and sanitation. These can then have harmful consequences for the refugees. UNHCR has created an environmental database to assist in the selection of refugee settlement sites and has developed the use of 'high tech' tools such as GIS, GPS and remote sensing (satellite imagery). In the domain of refugees and environment, these tools are relatively new.

This paper discusses the potential use of these techniques, emphasising their relevance to the refugee situation, planning operations and the environment. Most of the data is already accessible by computer (ie in digital format) and can be shared via the World Wide Web.

The paper concludes that it is important to consider how these tools can be better used in refugee situations (bearing in mind their limitations) in relation to the environment but also with regard to other issues such as site planning, management of refugee camps and contingency planning.



RSP research publication

**New diasporas: the mass exodus, dispersal and regrouping of migrant communities**

by Dr Nicholas Van Hear, RSP. Contact: UCL Press Ltd, Gower Street, London WC1E 6BT, UK. Tel: +44 171 380 7707. Fax: +44 171 413 8392. E-mail: m.alexander@ucl.ac.uk £12.95. ISBN 1-85728-208-6.

The outcome of research on the forced mass exodus of people of migrant origin, the book charts the connections between migration crises and transnational communities - their formation, their demise and their re-making in the ever more volatile world migration order. It explores ten migration crises in Africa, the Middle East, Asia, Europe, Central America and the Caribbean. Written for those concerned with the social, economic and political implications of migration worldwide, the book synthesises approaches to both 'economic' and 'forced' migration up to now largely insulated from one another. This book is part of a series on World Diasporas edited by Professor Robin Cohen, Warwick University, and will be published simultaneously (early 1997) with Professor Cohen's *Global diasporas: an introduction*.



**Ongoing research: request for information**

**The strategies of local political and social actors facing the new generation of UN peacekeeping missions: how grassroots processes may reconstruct the UN action.**

The first phase of this research included a comparative study of El Salvador, Cambodia and Haiti. In the second phase, the case studies are Somalia, Bosnia-Herzegovina and Mozambique. If you have any information, document or comment on interaction between the UN missions and the local people in these countries, please contact Beatrice Pouligny-Morgant at the Institut d'Etudes Politiques, 10 impasse Onfroy, 75013 Paris, France. Tel/fax: +33 1 45891098.

## The Rwandan Emergency: Causes, Responses, Solutions?



A special issue of the *Journal of Refugee Studies*  
(Vol 9, Issue 3, September 1996; edited by Rachel van der Meeren)

### Rwanda: genocide and beyond

by Filip Reyntjens

Out of five factors underlying the violence in Rwanda in 1994, two are shared with other African countries: the destabilising effect of political transition, and the control of the state as a stake for political struggle. Three other factors are specifically Rwandan: the bipolar ethnic situation, the combination of a strong state and a socially conformist population, and the war waged by the RPF. The paper argues that violence has been political rather than ethnic and that the country is likely to face a prolonged period of destabilisation if no political solutions are found.

### Three decades in exile: Rwandan refugees 1960 - 1990

by Rachel van der Meeren

In 1960, in the pre-independence Hutu revolution in Rwanda, around 100,000 Tutsi became refugees in the four neighbouring countries, Tanganyika, Uganda, Burundi and the Congo. The paper analyses and compares the experiences of the refugees in each country.

### Beyond durable solutions: an appraisal of the new proposals for prevention and solution of the refugee crisis in the Great Lakes region

by Bonaventure Rutinwa

The new proposals include: confining refugees in safe zones within the countries of origin; settlement in host states in return for development assistance; placing Rwanda and Burundi under external administration or federating them with Tanzania and Uganda; and forming a regional economic zone to address the supposed economic causes of the political problems. These proposals are considered unlikely to work; the more realistic measure is to strengthen the existing mechanisms of conflict prevention, and to institute a fair system of sharing the refugee burden once forced migration has occurred.

### Humanitarian aid and health services in Eastern Kivu, Zaire: collaboration or competition?

by Philippe Goyens, Denis Porignon, Etienne Mugisho Soron'Gane, Rene Tonglet, Philippe Hennart and Henri Louis Vis

The condition of the Zairean health services in Eastern Kivu and their response to the influx of Rwandan refugees are described, showing that the contribution which they made could have been much greater if coordination with the humanitarian aid agencies had been more effective.

### The voluntary agency response and the challenge of coordination

by Rudolph von Bernuth

The paper argues that the main failure of the international community's response was in the political, diplomatic and military, rather than the humanitarian domain. Intense competition for funds among over 200 NGOs involved in the region, and their failure to coordinate, proved seriously

detrimental to the relief effort. The Rwandan emergency showed that NGOs now face the choice of self or external regulation.

### The Tanzanian Government's response to the Rwandan emergency

by Bonaventure Rutinwa

Tanzania's earlier role in Rwandan affairs as a neutral mediator and host to refugees has changed as a result of the detrimental impact of successive waves of refugees and its own changing politics. The implications for Rwanda, the region and the international community are drawn out.

### The regional response to the Rwandan emergency

by Odhiambo Anacleto

The paper details the contributions of Uganda, Tanzania and Zaire to meeting the needs of Rwandan refugees over the years, and the problems of sustaining this contribution in future. Secondly, it analyses the social polarisation in Rwanda which led to the present crisis, and the sharp divisions which now exist both within the country and among the refugees in exile.

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# Conference reports

IRAP : 9-12 April 1996

The fifth meeting of the International Research and Advisory Panel for Forced Migration (IRAP) took place in Eldoret, Kenya, 9-12 April 1996.

Some 150 participants from 31 countries attended. Refugee practitioners working directly in the field on behalf of government or voluntary agencies were well-represented.

This was the first IRAP meeting to be convened by the International Association for the Study of Forced Migration (IASFM), rather than by the Refugee Studies Programme. Hosted by the Centre for Refugee Studies at Moi University, it was also the first to be held outside Oxford, UK.

Proceedings opened with a keynote address on the theme of 'Challenges facing the international refugee regime', delivered by Mohammed Hamdan (President of the Hashemite University in Jordan) on behalf of His Royal Highness Crown Prince Hassan bin Talal of Jordan. The meeting was structured around five main themes: 'Forced migration and environmental change', 'The reception and representation of refugees in host countries', 'Gender issues in forced migration', 'Unaccompanied minors' and 'Repatriation and reconstruction'.

Three general comments concerning the presentations and papers may be made. First, there was a fairly even balance between North and South, in terms of presenters and the geographical focus of papers. Second, the proceedings were genuinely multi-disciplinary. No single discipline dominated and indeed a number of disciplines which have been poorly represented in previous IRAP meetings made a stronger showing this time, most significantly medicine and psychology. Third, the field was demonstrated to be highly responsive to contemporary changes in the global refugee crisis. At the same time, however, retrospective, long term and longitudinal studies figured much more highly than has been reported during previous IRAP meetings.

The closing address by Art Hansen (University of Florida) on 'Future directions in the study of forced migration' left delegates in no doubt that this is not a time to be complacent about our field of endeavour. Under his presidency of the IASFM, IRAP 6 is currently being planned for 1998.

Office-holders of IASFM were elected. They are: Art Hansen - President (re-elected); John Okumu - Vice-President; Wolfgang Bosswick - Secretary; Loes van Willigen - Treasurer. For information on IASFM and the IRAP meetings, contact Wolfgang Bosswick at the European Forum for Migration Studies, Katherinen Str 1, Bamberg D-96052, Germany. Fax: +49 951 37041. E-mail: wolfgang.bosswick@sowi.uni-bamberg.de

*Report by Khalid Koser, Rapporteur for IRAP 5*

## Inaugural Meeting of the UNESCO-UNITWIN Network on Forced Migration : April 1996

The RSP is working to promote the development of university research and teaching programmes in countries affected by forced migration, through staff development fellowships and collaborative research and teaching. An important development has been the establishment of the UNESCO-UNITWIN Network on Forced Migration. At present, the Network links RSP to universities in Jordan, Kenya, Morocco, Mozambique, Palestine, South Africa and Tanzania. The Inaugural Meeting was held in April 1996, hosted by the Centre for Refugee Studies at Moi University, Kenya. A Board was elected, consisting of representatives of each institution. The Secretariat is currently located at RSP; funding will be sought for a free-standing Secretariat in future.

Landmines : May 1996

*Report on the final session of the review conference of the UN Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects: 22 April - 3 May 1996, Geneva. Participants: 51 states parties; 35 observer states; UN and intergovernmental agencies; 70 NGO observers.*

Given the need to address the wide spread humanitarian problems being caused by landmines, efforts were concentrated on Protocol II governing the use of landmines, booby traps and other devices. The Amended Protocol II was adopted on 3 May 1996.

The main amendments strengthen the weak instrument agreed in 1980 but do not yet approach a comprehensive ban on antipersonnel landmines called for by the Secretary-General and which all members of the General Assembly (1995) urged as an 'eventual goal'.

The Final Declaration, adopted on 3 May, expresses the grave concern of the Conference for the long term human suffering caused by landmines and reaffirms its commitment to work for the elimination of antipersonnel landmines, to cooperate in mine-clearance and to continue the review process of the Convention and its protocols as a step towards the eventual elimination of antipersonnel landmines. It urges all States not yet party to the Convention and its annexed protocols to accede to them as soon as possible and calls for the next formal review to be held in five years time.

The Final Declaration, while not legally binding, is politically binding and, because of this, is significant for the continuing work towards a total ban and the elimination of all antipersonnel landmines.

*This is an excerpt from a report by Patricia Pak Poy of the International Campaign to Ban Landmines, Australian Network, GPO Box 9830, Adelaide SA 5001, Australia. Fax: +61 8 223 3880.*

# Reviews

## The reality of aid, 1996: an independent review of international aid

This is the fourth annual edition of a survey of the performance of the 21 countries of the OECD Development Assistance Committee (DAC) - the 'rich north' - from the point of view of NGOs based in the North and South. The text compares declared targets with actual disbursements of aid. Within the last five years, all OECD donor countries (except the USA) reaffirmed their commitment to the UN aid target of 0.7% GNP. Yet, in 1994-95, the world's richest nations further slashed their aid to the world's poorest countries to just 0.3% of GNP on average, the lowest level for 20 years.

Debate over aid quality is as lively as ever and *The Reality of Aid* presents an alternative, critical examination of the reality behind the rhetoric of development assistance. NGOs have always advocated people-centred aid, highlighted in recent years by a call for investment in human capacities as opposed to purely economic investment. Donors are beginning to assimilate NGO thinking into official rhetoric and project design but, as case studies in this book testify, they have a long way to go in terms of approach and expertise.

*The Reality of Aid* not only provides a set of clearly presented graphs and commentary; it also provides an opportunity to influence policy makers, inform southern governments and partners, and make transparent what is otherwise obscured by rhetoric or bureaucratic inertia. Written by authors from each of the countries under review, it pulls few punches: for instance, the text on Germany's aid states that 'the fact that Government policies continue to accept and to enhance corruption in foreign countries is highly alarming'.

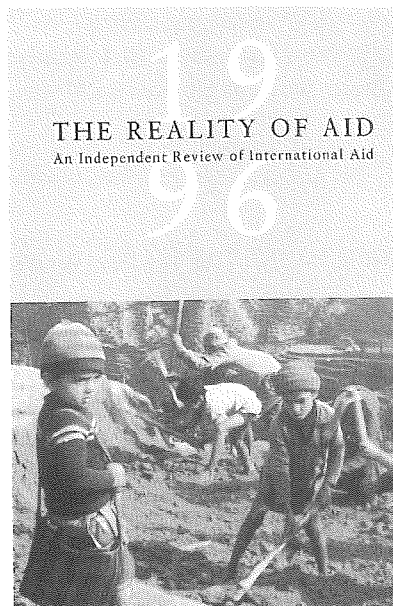
In addition to the country studies, Part I includes an analysis of the impact of the Copenhagen World Summit for Social Development; it also looks at international debt, landmines and the impact of conflict.

Part II for the first time solicits views from the South: from Cambodia, India, Peru, Zimbabwe, Central and Eastern Europe and Fiji. This new section will be expanded upon in the coming years. In future, it would be interesting to read southern comment not only on DAC bilateral aid but also on the performance of northern NGO partners.

*The Reality of Aid* is an excellent production that encourages a wider debate on the status and future directions of international aid; it is increasingly regarded as indispensable reading for those wishing to map recent trends in development and relief aid.

Reviewer: Jon Bennett, Research Associate.

Edited by Judith Randel and Tony German, Development Initiatives (for Eurostep and ICVA). 1996. 244pp. ISBN 1-85383-292-8. £14.95. Published by: Earthscan Publications Ltd, 120 Pentonville Road, London N1 9JN, UK. Tel: +44 171 278 0433. Fax: +44 171 278 1142. E-mail: [earthinfo@earthscan.co.uk](mailto:earthinfo@earthscan.co.uk)



## Why don't you go back?

by Yilma Tafere, Ethiopia

Please don't ask me  
'Why don't you go back?'  
Do you think I like staying?  
For twelve grains of beans,  
two weeks rations,  
to stay without soap,  
suffering malaria and typhoid,  
here in the bush,  
with wind, dust, blowing trumpet,  
where nature is playing,  
its ugliest games.

Do you think I like staying?  
Seeking second hand clothes,  
if I could help myself,  
if I could re-build my homeland.  
Do you think I like staying?  
Without my wife, husband, children,  
my father, mother, sister, brother,  
family,  
without feeling homesick

.....  
Please don't ask me  
'Why don't you go back?'  
I would if I could.  
World humanitarian community:  
understand that  
it is not simple, nor easy,  
avoiding past memory.  
I can't remove from my mind,  
my traditional culture,  
my sentimental torture,  
the folktales of childhood,  
never old, never dead,  
stamped in my mind.

I have normal feelings,  
I suffer for dignity.  
Please, don't kill my broken heart,  
by asking me  
'Why don't you go back?'  
I will if I can.  
I wouldn't stay a moment,  
when the new dawn comes.

**Tiltingcages: an anthology of refugee writings**

**Tiltingcages** (edited by Naomi Flutter and Carl Solomon) is a newly released collection of poems and short stories, written by refugees in Kakuma refugee camp in north-west Kenya.

In early 1995 eight young Australians, selected by UNHCR and supported by AusAID, spent six weeks in Kakuma refugee camp: part of what is now a global Camp Sadako programme. **Tiltingcages** is the outcome of a 'Workshop for Writers' which these volunteers ran for the editors of KANEBU, a newspaper produced for and by the refugee communities. The participants of the workshop plus other camp inhabitants contributed the poems and stories of **Tiltingcages** which is divided into four chapters dealing with homelands, the flight into refuge, Kakuma camp and hopes for the future.

*Through the 'Workshop for Writers' project... participants immersed themselves in the personally enriching experience of writing. They became part of the process of breaking down barriers to communication between people of different backgrounds within the camp. ...I commend to you the wonderful, moving poems and stories contained in this volume.*

Eric Ellem, National Director, AUSTCARE

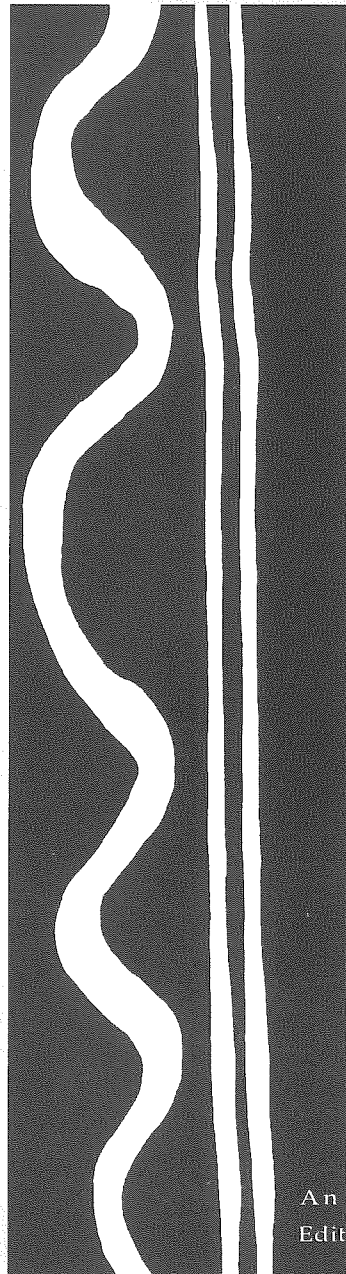
Sales of the book will raise funds for KANEBU, to enable the purchase of printing equipment and stationery. Available through: UNHCR Public Information Office, Case Postale, Geneva 2 Depot, CH-1211 Switzerland (price SF20) or: AUSTCARE, Locked Bag 15, Camperdown, NSW 2050, Australia (price AU\$20).

**The day I ran**

*by John Kibira, Rwanda*

It was sudden, like lightning in the sky.  
 The sky changed, the sun was like a moon.  
 The day became dark under the sun.  
 Water tasted bitter as if mixed with ash.  
 Forests became desert, nowhere to hide.  
 Man was wild like a wild monster.  
 Mothers forgot children, scattered like  
 the ice of the rain.  
 Wombs burst due to the fear of the firing.  
 Roads became narrow, like a cotton thread.  
 Tears flew, like the waters of the Nile.  
 The world changed as if it was the end.

*Design taken from Sudanese Nuer Tribe wall paintings on huts at Kakuma.*



To date, four issues of the RPN have been translated into Spanish: RPNs 18, 19, 20 and 21. The Spanish RPN mailing list is growing rapidly and we are delighted at the response. Funding has just been secured for the next three issues.

**Please help us expand the Spanish network.**

If you have field offices or partner organisations in Spanish-speaking countries who would be interested in receiving a copy, please contact Carlos Puig at HEGOA (details below) or Marion Couldrey at RSP.

We are also keen to encourage the submission of articles, reports and letters (in Spanish or English) relating to Latin America/Caribbean and other Spanish speaking regions.

Carlos Puig coordinates the Spanish RPN. Contact him at: *HEGOA, Facultad de Ciencias Economicas, Lehendakari Agirre 83, 48015 Bilbao, Spain. Tel: +34 4 4473512 Fax: +34 4 4762653 E-mail: HEGOA@GN.APC.ORG*

**E-mail discussion list  
 FORCED MIGRATION**

The RSP runs a discussion network entitled 'Forced-Migration' with the aim of encouraging greater exchange of information and to promote discussion on refugee and forced migration issues. If you have an e-mail address and you would like to join our discussion group, follow these instructions:

1. *Send a message to:*

- mailbase@mailbase
- for JANET users in UK
- mailbase@mailbase.ac.uk
- for overseas users

2. *In the text of the message, and not in the subject field, write the following:*

Join forced-migration first name last name (eg: Join forced-migration John Smith)

# Publications

Publications are arranged in alphabetical order under three headings: Newsletters, journals and magazines; General publications; and On the Web.

## Newsletters, journals and magazines

**Austcare News** is published three times a year by Austcare. It includes reports and reviews of Austcare's programmes with refugees, plus features on specific topics. ISSN 1035-0519. 8pp. Annual subscription: Aus\$5. Contact: Austcare, Locked Bag 15, Camperdown, NSW 2050, Australia. Fax: +61 2 550 4509.

**Boiling Point** is the biannual journal of the Intermediate Technology Development Group's Energy Programme of GTZ. Number 37 (June 1996, 40 pages) focuses on 'Household energy in emergency situations'. It includes an article on 'energy options for refugee camps' and articles relating specifically to Tibet and Kenya. This issue is accompanied by a 12-page UNHCR supplement on energy use in refugee camps. No subscription but donations welcomed. Contact: Boiling Point, ITDG, Energy Programme, Myson House, Railway Terrace, Rugby CV21 3HT, UK. Fax: +44 1788 540270. E-mail: itdg@gn.apc.org [ITDG's Technical Enquiry Unit can also be contacted on these numbers if you have enquiries about stoves or household energy.]

**DHA News** is published five times a year by the UN's Department of Humanitarian Affairs. Approx 40pp. Free. Also available on Internet: <http://www.unicc.org> Each issue has a specific focus and includes articles and updates, plus news from DHA. Contact: DHA, Palais des Nations, CH-1211 Geneva 10, Switzerland. Tel: +41 22 917 1234. Fax: +41 22 917 0023. Email: dhagva@dha.unicc.org

**Red Cross, Red Crescent** is the magazine of the International Red Cross and Red Crescent Movement and is published four times a year in English, French and Spanish. Themed issues include articles, short reports and a new resources list.

## General publications

Free. ISSN 1019-9349. Contact: Red Cross, Red Crescent, Box 372, CH-1211 Geneva 19, Switzerland. Fax: +41 22 733 0395. Email: geary@ifrc.org

**Conflict resolution: a review of some non-governmental practices** by Dr Eftihia Voutira and Shaun A Whishaw Brown, *Refugee Studies Programme*. 1995. 50pp. ISBN 91-7106-374-9. £5.00. Contact: The Nordic Africa Institute, PO Box 1903, S-751 47 Uppsala, Sweden. This is a review of the literature and practices of UK NGOs involved in conflict resolution, conflict resolution training and preventive diplomacy as NGOs report them. It incorporates some information on such work from outside the UK and has general implications for all organisations working in this field. This is Report No 4 in a series of Studies on Emergencies and Disaster Relief published by the Nordic Africa Institute in cooperation with the Swedish International Development Co-operation Agency. [See RPN 19 for details of Reports 1, 2, and 3; RPN 21 for Report No 5.]

**False images: the law's construction of the refugee** by Patricia Tuitt. 1996. 196pp. ISBN 0-7453-0745-0. £12.99 pb. Contact: Lisa Jolliffe, Pluto Press, 345 Archway Road, London N6 5AA, UK. Tel: +44 181 348 2724. Fax: +44 181 348 9133. Taking the UK as a paradigm to construct a detailed overview of refugee law and policy in Western Europe, Patricia Tuitt, a barrister and lecturer in law at the University of East London, examines the significance of the term 'refugee', the reduction of the refugee to a legal definition and the distinction between 'legal' and 'de facto' refugees. The book also provides a comprehensive assessment of the UK's Asylum Act and examines the legal aspect of asylum seeking, the legal specifics of persecution, the concept of asylum and the right of challenge.

**Moving stories: a young person's guide to refugees in today's world** by Moira Halliday, Sarah Hargreaves and

Jill Rutter, British Red Cross. 1995. 103pp. £5.00. Contact: BRC, 9 Grosvenor Crescent, London SW1X 7EJ. Tel: +44 171 235 5454. Fax: +44 171 245 6315. Written specifically for 14-19 year olds, this activity pack looks at how and why people become refugees and at the effects that this can have on their lives. It also explores the roles of the British Red Cross and the International Red Cross and Red Crescent Movement in relation to refugees and their needs. The four sections (each with information sheets and activities) cover: an introduction to refugees; refugees in today's world; refugees in Britain; and what you can do. The pack follows a logical order, based on the journey of the refugee.

**Mozambique - rising from the ashes** by Rachel Waterhouse. *An Oxfam country profile*. 1996. 64pp. ISBN 0-85598-341-8. £5.95 pb. Contact: Oxfam Publishing, 274 Banbury Road, Oxford OX2 7DZ, UK. Tel: +44 1865 313922. Email: [publish@oxfam.org.uk](mailto:publish@oxfam.org.uk) This book explains the background to the civil war which ended in 1992, examines its impact on the lives of Mozambican citizens and looks at the new struggle: to repair the shattered fabric of their lives and forge a truly Mozambican nation. (Other titles in this series: Bangladesh, Burkina Faso, Ethiopia, India, Nepal, Pakistan, Rwanda, Senegal, Sudan, Vietnam and Zimbabwe.)

**Refugee repatriation during conflict: a new conventional wisdom** edited by Barry N Stein, Frederick C Cuny and Pat Reed. 1995. 226pp. Contact: Centre for the Study of Societies in Crisis, 3511 North Hall Street, Dallas, Texas 75219. Tel: +1 214 526 6268. Fax: +1 214 522 9332. This publication gathers 14 papers presented at the 1992 symposium on 'Refugee repatriation during conflict'. The purpose of the symposium was to discuss the need for a 'new conventional wisdom' regarding repatriation, to offer recommendations regarding the parameters of a new approach to repatriation and to stimulate the exchange of views and suggestions concerning the development of this new approach. The papers include 'Refugee protection and repatriation: a critical view' by Arthur C Helton, two



on refugee women and several case studies (Tigray, Sudan, Ethiopia, Tanzania and Liberia).

**Refugee-run education: the Somali refugee primary school in the Republic of Yemen** by Helena Gezelius, Radda Barnen. 1996. 27pp. ISBN 91-88726-42-8. Contact: Radda Barnen, 107 88 Stockholm, Sweden. Tel: +46 8 698 9000. Fax: +46 8 698 9012. Also available on Internet: <http://childhouse.uio.no/raddabarnen/> In spite of a lack of school books and school buildings and as well as civil war and displacement, a team of refugee teachers has succeeded in keeping the Somali Refugee Primary School running and to develop it into a community school. This case study is based on a report by the teachers that documents their experiences from 1992-1995. It illustrates one way of meeting refugee children's right to education. It also shows how a school can help to promote the psychosocial wellbeing of its pupils and contribute to a sense of community in a camp with refugees from various parts of a war-torn country.

**The road to protection: a refugee policy review** by Frits Florin, Dutch Refugee Council. 1996. 34pp. Contact: Dutch Refugee Council, PO Box 2894, 1000 CW Amsterdam, The Netherlands. Tel: +31 20 688 1211. Fax: +31 20 688 2181. In Western Europe, the climate for a rational public debate on granting asylum is unfavourable. Clarity is needed so that a rational foundation can be laid for future policy. This paper explores the history and dilemmas of asylum provision and offers a framework for debate and a vision for the future. The emphasis is placed on political and policy aspects, rather than legal ones.

**War, exile, everyday life: cultural perspectives** edited by Renata Jambreski Kirin and Maja Povrzanovic. 1996. 301pp. ISBN 953-6020-07-6. Contact: Institute of Ethnology and Folklore Research, Kralja Zvonimira 17, PO Box 287, HR-10000 Zagreb, Croatia. E-mail: [institut@maief.ief.hr](mailto:institut@maief.ief.hr) Fax: +385 1 440880. These 21 articles are based on the papers presented at the international conference on 'War, exile, everyday life', Zagreb, 1995, including one on 'Refugees

and the challenge of reconstructing communities through aid' by Dr Harrell-Bond. Arranged in five sections, the articles explore 'Aid strategies', 'Facing despair', 'Memory and experience', 'From therapy to art' and 'Challenges for anthropology'.

**World Disasters Report 1996 International Federation of Red Cross and Red Crescent Societies.** 178pp. ISBN 0-19-829079-9. Available in English, French, Spanish, Arabic and Japanese. Contact: IFRC, PO Box 372, 1211 Geneva 19, Switzerland. E-mail: [walker@ifrc.org](mailto:walker@ifrc.org) Tel: +41 22 730 4222. Fax: +41 22 733 0395. Launched in 1993, this publication focuses on all aspects of disaster cause and effect and the growing millions of people affected by such events. It covers: 1. Key issues, focusing on global food security and population movements; 2. Methodologies, including developmental relief and organisation of food aid; 3. Year in Disasters 1995, such as aid trends, Kobe, DPR Korea and Rwanda; 4. Disasters database; and 5. IFRC, plus Code of Conduct update.

### On the Web


#### El Porvenir

RPN 16 included an article about Guatemalan refugees in Mexico and their preparations for return. In 1993 a group of these young refugees started publishing a newspaper, *El Porvenir*. Over the last three years it has become a systematic chronicle of the progress and problems, successes and failures of one group of refugees united by their determination to return as an organised group to their chosen area in Petén, Guatemala. *El Porvenir* has just taken its place on the World Wide Web: <http://www.antenna.nl/porvenir/> This coincides with a change of focus for the newspaper; it is no longer a 'refugee' newspaper but has become the mouthpiece of the returnee communities in northern Guatemala. Those interested are invited to read it and make contact.



### Do you have reports to share or publications to advertise?

The RPN aims to promote the exchange of information between its members.

All too often, useful information is kept in a filing cabinet instead of being shared with other people working in the same field. If you would like wider dissemination of, for example, a new piece of research undertaken or your latest project report, let us help... 

If you produce or know of any publications which might be of use and interest to other RPN readers, please send details (and preferably a copy) of the publication to the Editor (address on page 2).

*Please remember to include details of any price/subscription charges plus the address and telephone/fax numbers for obtaining the publication. Is it available on the Internet?*

Any publications sent to the Editor will be kept in the RSP Documentation Centre for reference purposes.

**Deadline for the next issue of the RPN is 1 January 1997.**

### Information for those establishing libraries on forced migration

As more universities establish teaching programmes on issues related to refugees/forced migration, the RSP receives requests to help in obtaining such literature for libraries. While we can send pro forma invoices for materials we publish, we are not able to supply them for other publishers. We suggest you make use of a reputable book collecting/searching agency or a good book shop.

# RSP courses and news

## Islam, Human Rights and Refugees

22-23 March 1997

Weekend seminar by Professor Khadija Elmamad, Professor of international law, human rights and refugee issues at the Faculty of Law, Economics and Social Sciences at Casablanca University.

The seminar will explore:

\* the situation of refugees (Moslem/non-Moslem) seeking asylum in Islamic states

\* comparisons between Islamic law on asylum, practices in Moslem states, and international law relating to human rights and refugees

Fee: £100 (excluding accommodation)  
£20 unwaged

## Creating a Humane Immigration Regime

14-18 April 1997

1-week short course

This course will offer an opportunity to examine the necessary constituents of an effective but humane immigration regime. Will review on a comparative basis: the principle components including border control measures; the legislative framework; enforcement procedures; effective complaint mechanisms against misconduct by immigration officials; an appellate system; the treatment of illegal entrants, including the case for and against detention; and special categories such as exempt workers, family members and students.

The course will also look at international law standards and related issues such as nationality and asylum law, relationship of immigration staff and other public services, and integration of immigrants. The main focus will be on drawing up 'best practice' from countries with established immigration systems.

Fee: £250 (excl accommodation/meals)

## The Law of Refugee Status

6-7 June 1997

Weekend training course by Professor James Hathaway

This comprehensive workshop on the scope of the refugee definition gives participants the opportunity, through a mix of lecture and working group exercises, to grapple with difficult issues of application of the legal norms in the context of factual scenarios based on actual refugee claims.

Fee: £100 (incl lunch; excl accommodation)

## International Summer School

1-25 July 1997

4-week residential course

This course offers an opportunity for those who work in humanitarian assistance to share, learn and reflect. It aims to provide an understanding of the experience of forcible displacement in its many aspects - political, legal, cultural, socio-economic, psychological and organisational - through a multi-disciplinary and comparative approach. In this context, participants can examine, discuss, review and assess the role of aid in practice.

Fee: £1950 (inclusive of College bed and breakfast accommodation)

*For further information and application form, please contact:*

The Education Unit, RSP, 21 St Giles, Oxford OX1 3LA, UK.

Tel: +44 1865 270723

Fax: +44 1865 270721

E-mail: [rspnet@vax.ox.ac.uk](mailto:rspnet@vax.ox.ac.uk)

*For more details, see the RSP*

*WWW home page on:*

*<http://info.ox.ac.uk/~rspnet/>*

## Documentation Centre

The Documentation Centre's collection now numbers over 26,000 items. Thanks to the bibliographic catalogue being available on the World Wide Web, more people now have access. The catalogue can be accessed through the link on the RSP home pages on <http://www.ox.ac.uk/depts/rspnet> or through the address assigned to the catalogue: <http://www.rsl.ox.ac.uk/cgi-bin/rspnew.tcl> The Web catalogue has a user-friendly interface and enables the user to conduct Boolean searches.

The advent of the Internet has introduced large amounts of information relating to refugee issues. In an attempt to navigate electronic sources, the Documentalist, Sarah Rhodes, has created a bibliography of relevant websites. This was given as a paper at the Unesco/UNITWIN meeting held at Moi University, Kenya, in April 1996. It is published in *Information Development*, Vol 12, No 3, September 1996, under the title 'Electronic information sources on refugees and forced migration'.

The quarterly accessions list of new publications is available via e-mail. Please provide the Documentation Centre with your address for the latest list.

## News of RSP fellows

Catherine Savary, Visiting Study Fellow 1992/3, is now working in the Office of the Secretary General, International Federation of Red Cross and Red Crescent Societies, in Geneva.

Flemming Nielsen, Visiting Study Fellow 1993/4, has taken two years' leave from the Danish Emergency Management Agency to work for the UN Department of Humanitarian Affairs in Geneva. He is programme officer in the Field Coordination Support Unit; this new unit aims to support, with human and technical resources, the coordination role of DHA in the field.

# Join the Refugee Participation Network...

The Refugee Participation Network is a network of some 3,100 individuals and organisations in 127 countries, bringing together researchers, policy-makers, refugees and those working on the ground with refugees. Members receive the RPN newsletter which is published three times a year and includes articles and reports, book reviews, letters and updates on publications, forthcoming conferences, etc. Themes are advertised in advance and members are encouraged to contribute.

Membership is free but we urge all of you who can afford it to pay a voluntary subscription of £20 (US\$30) a year. A subscription of £40 (US\$60) would cover the subscription of someone less able to pay. (If possible, please pay by sterling cheque or draft drawn on a bank in the UK.)

*If you would like to join, please complete and return the form below.*



**Yes, I would like to join the Refugee Participation Network!**

I enclose a voluntary contribution of:      £20       £40       other

Please make cheques payable to Refugee Studies Programme. Tick if you require a receipt:

Name \_\_\_\_\_ Job title \_\_\_\_\_

Organisation \_\_\_\_\_

Address \_\_\_\_\_

Town \_\_\_\_\_ Country \_\_\_\_\_

Tel \_\_\_\_\_ Fax \_\_\_\_\_ E-mail \_\_\_\_\_

We produce directories of members to facilitate networking. *Please tick any of the following that apply to you:*

## 1 Organisation

Researcher/academic	RE	_____	Inter-government agency	IA	_____
Student	ST	_____	Government	GT	_____
Journalist/media	JO	_____	Trust/foundation	TR	_____
Refugee	RG	_____	Library/documentation	LI	_____
Non-governmental (NGO)	NG	_____	Educational institution	EI	_____

## 2 Work

Education	ED	_____	Mental health	MH	_____
Community development	CD	_____	Protection/asylum	PR	_____
Income generation	IG	_____	Emergency relief	EM	_____
Agriculture	AG	_____	Camp administration	CA	_____
Health and nutrition	HN	_____	Resettlement	RS	_____
Environmental displacement	ET	_____	Development-induced displacement	DD	_____

## 3 Region of work/interest

Africa	AF	_____	Middle East	ME	_____
Asia	AS	_____	North America	NA	_____
Europe	EU	_____	Pacific	PA	_____
Latin America/Caribbean	LA	_____	Worldwide	WL	_____

*Return form to: RPN, RSP, QEH, 21 St Giles, Oxford OX1 3LA, UK. Fax: +44 (0)1865 270721*



# In memoriam: Erskine Childers

Erskine Childers III, son of former Irish President Erskine Childers, died (aged 67) of a heart attack on 25 August 1996 while attending the 50th anniversary congress of the World Federation of United Nations Associations (WFUNA) in Luxembourg.

After qualifying in modern languages at Trinity College, Dublin, Erskine Childers went on to study politics and international relations at Stanford University in California. By the age of 21, he was travelling the world as vice-president of the United States National Students' Association.

There followed a 22-year career in the United Nations, including nine years in Asia. Five months after retiring from the UN in 1989, he was appointed Secretary-General of WFUNA.

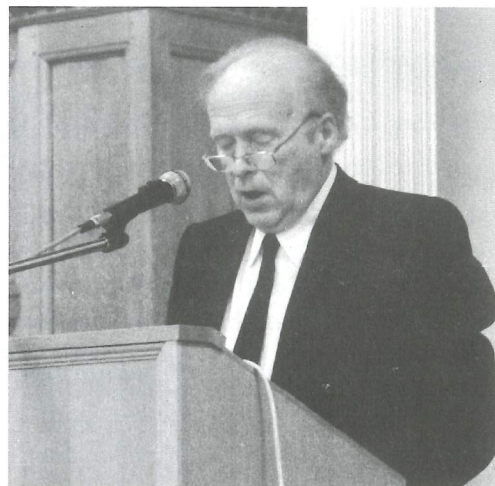
He wrote and lectured widely on UN matters, particularly on the role of the UN in

peacekeeping and on the need for reform of the UN's structures.

In November 1994, Erskine Childers delivered the annual RSP Human Rights Lecture in Oxford, UK. In his address he spoke of the importance of academic research:

*Something is stirring too in the academic forest; but here it is not a question of a first time but of an awakening from a long drowsiness. I do not apologise for appealing here to academic communities to restore that high level of interest, research and policy analysis which marked their response to the world organisation in its early years.*

*... the example of this University supporting a Refugee Studies Programme, the quality and incisiveness of whose research has to be respected among national and UN officials, is exactly the kind of engagement that we need from academia about all-gain truly global policies and institutions that can bring hope to a world gripped in dangerously tight chain reactions.*



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