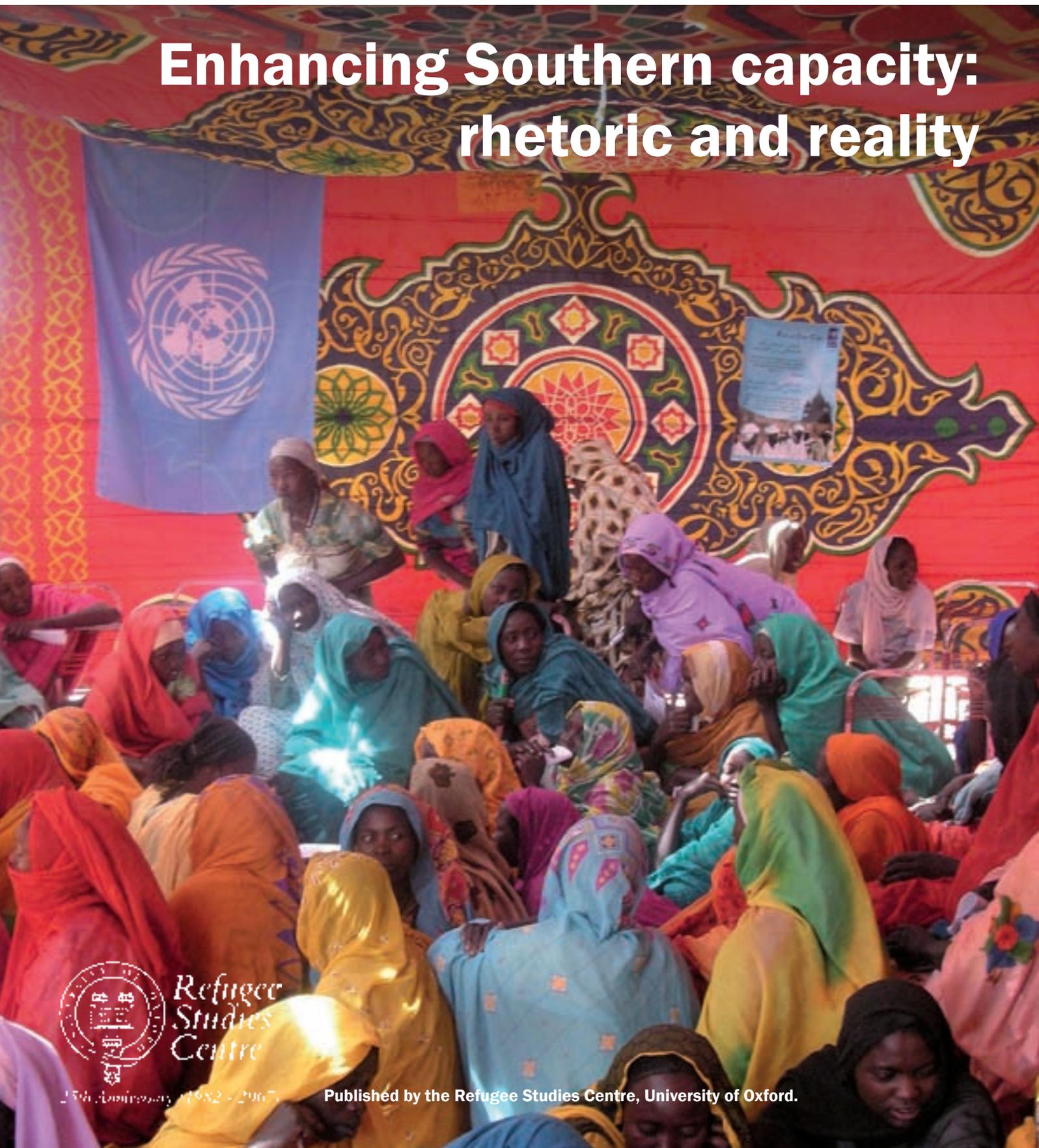


# FORCED MIGRATION review

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## Enhancing Southern capacity: rhetoric and reality



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## Forced Migration Review

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

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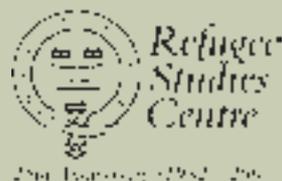
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Corinne Owen

# from the editors

Virtually every humanitarian agency talks about their commitment to building – or enhancing – Southern capacity. Several readers and advisors encouraged us to produce an issue looking at the complex issues around this much-used but rarely-defined term. To our surprise, our call for papers did not produce the flood of articles we expected. The only previous occasion on which we received so few theme articles was when we published an issue focusing on older displaced people. Perhaps this tells us something about lack of fit between rhetoric and reality? Do international agencies still define 'capacity building' in a way which implies that Southern recipients have no capacity to start with? Is the capacity-building industry a North-driven, patronising and uni-directional transfer of knowledge? Is there genuine commitment to helping nationally-based organisations respond to future crises? The articles in this issue address these and other questions.

Apologies for the delay in getting this issue of FMR to you. In view of the gravity of the humanitarian crisis in Iraq we prioritised the special issue – 'Iraq's displacement crisis: the search for solutions' – which is being distributed with this regular FMR.

If you are reading our magazine for the first time you may be interested to know that FMR is published in English, Arabic, Spanish and French by the Refugee Studies Centre of the University of Oxford. It is distributed without charge to 174 countries and the full text of all issues is online at [www.fmreview.org](http://www.fmreview.org). If you read this but are not on our mailing list and your organisation would like to receive hard copies of future issues, please use the tear-off form on the back cover or contact us (details opposite). We will need to know your name, organisation's name, full postal address and which language edition you wish to receive.

FMR 29, to be distributed in October 2007, will focus on humanitarian reform. The theme of FMR 30, to be published in the New Year, is environmental displacement. Information about future issues is at [www.fmreview.org/forthcoming.htm](http://www.fmreview.org/forthcoming.htm).

FMR is totally dependent on grant income, receiving only logistical support from the University of Oxford. If you are able to support us – or can give us funding advice – we would like to hear from you. We are always keen to keep costs to a minimum. If you no longer wish to receive FMR please let us know.

As always, we are keen for FMR to present the voices of displaced people. We would like to increase the number of articles written by those directly affected by forced migration. Don't be put off writing for us if English is not your first language. We are more than happy to work with you to help develop your ideas into an article format in order to share your experience with others.

With best wishes

Marion Couldrey & Tim Morris  
Editors, Forced Migration Review

**This is the last FMR I will be co-editing. After eight extremely rewarding years I have decided to move on. I am confident this magazine will continue to play the vital role within the international humanitarian community which has made it such a pleasure to work for the FMR team, with authors and with you, the readers. With my best wishes to you all.**

**Tim Morris ([tim@timmorris.info](mailto:tim@timmorris.info))**

**The FMR Co-Editor job will be advertised in due course on the FMR website. For any queries, please contact [fmr@qeh.ox.ac.uk](mailto:fmr@qeh.ox.ac.uk).**

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# Time to reassess capacity-building partnerships

by Brooke Lauten

**Since 2001 the Watchlist on Children and Armed Conflict has worked with local civil society organisations, child protection networks and grassroots organisations to build capacity to monitor and respond to abuses of children's rights. Through our capacity-building partnerships, we work to shift the power structure that defines the roles of national and international NGOs in humanitarian programming.**

'Capacity building' is often defined in a way which implies that international organisations/agencies are 'investing' and national organisations are 'developing'. In an effort to recognise the added value that national organisations can offer to their international counterparts, the capacity-building discourse has begun to shift away from the investing/developing model and towards a conversation on partnerships. By focusing on ways in which both the international and national organisations can work as 'partners', organisations on both sides hope to address what one expert referred to as the 'asymmetry of power': relationships in which "the northern organisation can do to the southern organisation what the southern organisation cannot do to the northern organisation."<sup>1</sup>

However, despite recent efforts to partner with and expand the capacity of local organisations, humanitarian action remains, in large part, driven by international NGOs. If international organisations are serious about strengthening and expanding the role of local organisations in humanitarian response, they must critically examine the structure of current partnerships and seek ways to foster a more equitable relationship through which both the international and the national partner benefit.

Humanitarian policymakers and practitioners have increasingly come to view the development of 'partnerships' between national and international civil society

organisations as a key element of responding to humanitarian crises. The structure of these working relationships varies significantly across agencies. Most commonly, an international NGO holds the operational reins while the national organisation functions as an 'implementing partner'. This type of partnership tends to extend the reach and staffing capacity of the international organisation, allowing the international NGO to implement programmes quickly among a large population. Because local NGOs are not likely to face as many bureaucratic obstacles to bringing staff into areas of the country affected by crisis, and agency policy often allows national staff to work and travel in areas where international staff cannot, implementing partnerships have become essential for the timely delivery of aid in large-scale humanitarian crises.

However, these 'partnerships' are typically less effective in enhancing the organisational capacity of the national partner. Implementing NGOs rarely have a major role to play in determining the design or strategy behind a programme they are tasked with executing. While the national implementers are often consulted as the project evolves, formal decision-making authority rests exclusively with the international NGO. While in some cases the technical capacity of the national NGO is enhanced through the execution of a project, strengthening technical capacity is rarely the primary objective of an implementing partnership.

## Government and civil society partnerships

As part of an effort to facilitate a transition to post-conflict programming, international humanitarian organisations have also begun to employ capacity-strengthening partnerships with host governments and related ministries. Although the initial humanitarian crisis is almost always accompanied by a partial or complete breakdown in the government's ability to provide services to its citizenry, the rebuilding of the capacity of the government has come to be seen as an essential step towards recovery from a continuing current crisis and prevention of future crises. However, simply strengthening the skills of the government does not necessarily create an accountable government. In partnering with government agencies, it is essential that humanitarian agencies do not ignore partnership opportunities with national organisations. A strong civil society provides an important check on government power. In cases where humanitarian agencies do not match efforts to improve government functioning with efforts to build up local civil society, they neglect the notion of government responsibility to its citizenry.

In order to fill this gap, some international NGOs have initiated operational partnerships with national NGOs. Unlike an implementing partnership or a partnership with a government agency, an operational partnership is designed to allow two independent organisations to work actively and collaboratively toward shared goals. This type of arrangement almost always emphasises transparency, equity and complementary strengths, and typically includes regular meetings and carrying out joint project activities. Ideally, both the national and international NGO engaged in the partnership benefit from the arrangement. Through

partnership, the national NGO offers the international NGO greater informational and geographic access to the affected population. Additionally, national NGO involvement often ensures significant local buy-in to programmes, making the programmes in which they are involved more sustainable. Conversely, the international NGO can extend its global reach, can often offer an increased level of security for the national NGO by ensuring that attacks on facilities and programmes will be noticed by the international community, and can provide the national NGO with technical and financial assistance.

Despite clear benefits to both parties engaged in operational partnerships, control over the relationship typically rests squarely with the international NGO. The international NGO almost always has greater access to resources than the national NGO. Due primarily to this access, the international NGOs are more often likened to donors than to true partners by the national NGOs. In fact, when used by many local organisations throughout the world, the word 'partner' is largely synonymous with 'international

NGO donor'. While the discourse around partnership continues to focus on equality, the practical barriers to achieving true parity between national and international NGOs are rarely addressed. In order for the international NGO to move away from a donor role, operational capacity-building partnerships must be approached holistically, with sensitivity to past experience, current needs and the envisioned future of the organisation for which capacity is being created.

### Whose vision?

In humanitarian contexts, many local NGOs begin their work as implementing partners of large international NGOs. In such cases, the organisational 'vision' of national NGOs is driven almost exclusively by the needs of the international NGOs. By continuing to operate at the behest of the international organisations, recently established national organisations ensure a continued flow of funding. However, while responding to the operational needs of international organisations allows national organisations to

compile a patchwork of activities they are capable of implementing, it leaves less opportunity for national organisations to establish their independent mission and goals.

While any organisation – national or international – will inevitably follow funding sources, building expertise within civil society requires operational focus. National NGOs must actively use available resources to develop their operational strategy. They can network with other national NGOs to learn from their experiences and they must investigate means to earn money locally.<sup>2</sup> In cases where capacity-building initiatives allow implementing agencies to begin independent activities through operational partnerships, both the international and national partner must make a concerted effort to ensure that programmatic goals are independently initiated and shared. In other words, programmatic vision must come as much from the national organisation as the international organisation.

Once mutual objectives are established between organisations, it is essential that capacity-building



*As part of UNHCR's community empowerment projects, workers build a school and pass on their construction skills to younger returnees in Gbarlatuah, Bong county, Liberia.*

efforts respond to capacity needs. Operational partnerships often focus on building programmatic capacity. The international organisation provides technical and financial support to a national NGO in order to build local expertise in a particular thematic function (such as child protection, health or women's issues). While improvement in programmatic capacity is essential, programmatic capacity building must be mirrored with an equivalent build-up in administrative capacity. Without the strengthening of administrative systems, any organisation will eventually become overwhelmed by increased programmatic demands. Thus operational partners should strive to link increased programmatic capacity with capacity-building support in programme management, project cycle management, the establishment of financial systems and other administrative functions.

### Funding barriers

While operational partnerships are often limited by the focus of the capacity-building activities, the funding structure for these activities also poses significant barriers to the effective development of the national organisation. In most organisational partnerships, the national organisation is supported through a small grant from the international partner. These grants range in size but rarely exceed \$50,000 and are typically \$5-30,000. In a newly formed partnership with a recently established national organisation, a \$5,000 grant often constitutes a significant portion of the national NGO's operating budget. Furthermore, \$5,000 is typically a negligible sum for the international partner. Thus, as 'seed funding' for a partnership, small grants can be ideal. On the one hand, they provide national organisations with limited funding history reasonable flexibility to build either programmatic or administrative capacity. On the other, a \$5,000 grant poses limited financial risks for international organisations in the event the partnership does not progress as originally envisioned.

Unfortunately, even when national organisations are able to prove their effectiveness in using small grants,

many have difficulty attracting donors who are willing to provide more than \$30,000 per grant to support the national NGO's activities. This unwillingness is due in part to the fact that small grants are typically focused on supporting the functioning of a national organisation rather than its growth. As noted above, the focus on programmatic capacity building often limits the degree to which national organisations can strengthen administrative systems, particularly their financial management systems. Donors will simply not provide larger funds to organisations which do not have such systems in place. Because national NGOs often do not meet the 'standards' to be eligible for greater funding, even the most successful among them are limited to receiving a plethora of small grants in order to grow. The most successful national organisations are often able to sustain their operations with these small grants. However, because their attention is divided among so many international 'partners', it is extremely difficult for them to grow to a point where they will be eligible to compete for the same funding that is granted to the large international NGOs.

The unwillingness of international NGOs to expect success from their partners also cripples the development of the national NGO. Too often, the small grant scheme assumes that failure will be the likely outcome of a partnership project. By keeping the grants short-term and small-scale, any fallout from a capacity-building project can be absorbed by the international organisation. However, by exclusively focusing on its own ability to tolerate loss, the international organisation often ignores opportunities to increase the absorptive capacity of the national organisation. If an operational partnership is to be effective, both partners must consider the ways that funding structure impacts the future of the respective organisations. As the national NGO partner experiences increased success, it can and should be held to progressive standards of project evaluation. Likewise, the international NGO partner should respond to increased national NGO performance by facilitating funding opportunities which extend beyond small grants.

### Conclusion

Most international humanitarian NGOs focus on crisis response in countries where national governments are unwilling or unable to provide adequate support to their citizenry. In any country where they operate, the ultimate goal of international humanitarian organisations is to transition responsibility for their beneficiaries back to national governments and civil society. As such, operational partnerships between international and national NGOs are created to facilitate the replacement of the stop-gap efforts by the international organisation with equally effective, long-term, sustainable efforts of the national organisation. With appropriate attention given to shared priorities, increased programmatic and administrative capacity and the progressive accountability of both the national and the international NGO, an operational partnership can function as an effective vehicle for promoting local civil society in a crisis-affected country. Ultimately, these efforts will allow nationally-based organisations to respond to future crises in their country and to define and achieve their country's development objectives.

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*For more information on Watchlist's work with local organisations, see [www.watchlist.org/advocacy/policystatements/the\\_power\\_of\\_partnership.pdf](http://www.watchlist.org/advocacy/policystatements/the_power_of_partnership.pdf)*

1. Charles Elliot as quoted in Postma, William (1994) 'NGO Partnership and Institutional Development: Making it Real, Making it Intentional', *Canadian Journal of African Studies*, Vol. 28, No 3. p 450
2. Postma, William (1994) 'NGO Partnership and Institutional Development: Making it Real, Making it Intentional', *Canadian Journal of African Studies*, Vol. 28, No 3. p 453

# Impact of the tsunami response on local and national capacities

by Arjuna Parakrama

**The largest ever evaluation of an international humanitarian response found that most lives were saved by affected and neighbouring communities in the immediate aftermath of the December 2004 tsunami. When the international community bypassed or appropriated local and national response, the impact was inefficient in terms of cost, effort and time.**

The Tsunami Evaluation Coalition (TEC)<sup>1</sup> highlighted the disparity between the stated policies of international humanitarian actors and the operational realities in terms of direct execution, engagement with local capacity and community participation. It showed that when the aid system is under pressure in crisis situations, the imperative to deliver services is dominant.

There was lack of engagement at the earliest stage with community-based and local non-governmental organisations (CBOs and NGOs). Many of these had played a major role during the search-and-rescue phase but were marginalised during the relief process. Relations had become strained, or capacities weakened, by the time agencies sought their cooperation in the recovery phase. CBOs and NGOs became contracted organisations, corruption spread and inappropriate forms of leadership were able to flourish.

Specific aspects of the response that undermined local capacity include 'poaching' of staff from other organisations, especially local NGOs, and burdensome requirements for reporting. There was too much emphasis on speed and profile, leading to unnecessary and wasteful use of expatriate staff, many of whom had little relevant experience and were at a disadvantage in addressing the highly complex social structures of communities in the region. Structurally, this reflects an underestimation of local capacities,

which were generally coping with most of the immediate problems.

Within the humanitarian system, the tsunami disaster demonstrates the problem of the 'mega response' from the Western public. The way in which the humanitarian sector is funded, by sudden inputs following public appeals, encourages an emphasis on rapid service delivery, exaggeration of the agencies' own importance and understatement of the role of local people. The unprecedented level of global public donations made the international NGO sector the key player in the international tsunami response, both in absolute terms of size of country budgets and in relative terms compared with the UN and bilateral agencies.

## Pressure for results

With this new role should have come a responsibility to strengthen partnerships with national and local authorities and to join with others in creating new formal mechanisms for collaboration and accountability. Information could have been handled far more strategically, so that affected people were able to assert their needs and speak on equal terms with aid givers. INGOs were slow, however, to adapt to this new reality, and remained in competitive and target-driven mode until quite late in the response. There was strong pressure for 'results' from the headquarters of international agencies. Even among field staff there was a tendency to

underestimate local capacity and give excessive importance to the delivery of external assistance. This is a process that re-confirms itself. By ignoring local capacity, the role of external aid is made to seem all the more important. The more external aid there is, the more local capacity is undermined. The hitch is that, having started off in such a way, relationships and strategies then fail to develop more positively during the recovery phase.



There has been a tendency for international agencies to strengthen centralist structures and processes. In most cases their main concern was to secure an agreement with the national authorities. They were less likely to make formal, or even informal, arrangements at the local level, and therefore might not have been able to recognise or respond to the subtle interplay of power that surrounded the relief operation. International agencies tended to exploit what capacity they could find in the relief stage and then were surprised to find that this local capacity did not conveniently transform itself into a suitable tool for recovery and reconstruction. Instead, local capacity was undermined, issues of inequality and marginalisation became more intractable and distrust developed. Agencies

*Fishermen return to the sea after the tsunami, Nilaveli beach, north of Trincomalee, Sri Lanka.*



RIN/Edward Parsons for EPA

Two Sri Lankans take on the grim task of removing bodies for burial in the immediate aftermath of the December 2004 tsunami.

found themselves supporting elites and unable to address the problems of marginalised groups.

Strengthening capacities is not simply about supporting institutional structures but a more complex political process that involves the empowerment of poorer and more excluded people so that when disaster strikes they have a valid claim on their community, local officials and national government.

### Policy versus practice

This evaluation highlights the disparity between the stated policies of international humanitarian actors and the operational realities. The principles are lofty but the practice is often very different. When the aid system is under pressure in crisis situations, the imperative to deliver services predominates; in contexts such as the tsunami response where there was an unprecedented flow of resources, the key factor of success appeared to be the ability to spend money quickly, not wisely.

A fundamental re-orientation of the humanitarian sector is required

to recognise that the ownership of humanitarian assistance rests with the claim-holders – i.e. that local capacities are the starting point, that long-term sustainable risk reduction is the aim and that the role of other players is to support. Only when vulnerable people take control of their environment will they escape from vulnerability. Otherwise they will simply be dependent on fickle Western public responses and the reliability or otherwise of international aid.

There is a need to rethink the end goal of humanitarian assistance and move from a service delivery approach to a capacity-empowering framework. The TEC team highlighted the need for international humanitarian agencies to:

- engage with local and national capacities and have clear partnership strategies and develop local partnerships from the start
- realise that the process of relief is not politically neutral: it has profound effects on issues such as inequality, marginalisation, social organisation and political rights
- pay attention to social inequalities, exclusion and hierarchies
- work to enable marginalised groups to improve their position in relation to communities, and communities in relation to district and national authorities
- institute procedures for making grants for longer time periods even from the outset of an intervention
- develop protocols to prevent 'poaching' of staff and to ensure local capacity is not undermined
- critically examine reporting requirements
- ensure women are represented in all decision-making bodies affecting them.

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1. [www.tsunami-evaluation.org/NR/rdonlyres/8E8FF268-51F0-4367-A797-F031C0B51D21/0/capacities\\_final\\_report.pdf](http://www.tsunami-evaluation.org/NR/rdonlyres/8E8FF268-51F0-4367-A797-F031C0B51D21/0/capacities_final_report.pdf)

# Local versus international response: call for humility

by Bambang A Sipayung

**In Indonesia it is easy to tell who works for an international NGO for they stand out with their organisational tags and memory sticks. Many Indonesians crave jobs with international NGOs (INGOs) but do these organisations transfer knowledge and skills to local NGOs? Or do they simply poach their staff and undermine voluntarism?**

The tsunami which hit Aceh in December 2004 and the earthquake which struck near the Java city of Yogyakarta in May 2006 were not just tragedies and opportunities to display solidarity. For Indonesians with knowledge of English and technical capacity they were job opportunities. The dramatic influx of INGOs has transformed the landscape for NGOs and social activism in Indonesia. In the process, humanitarianism is in danger of becoming just another industry.

In Aceh and Yogya the influx of INGOs has been unprecedented. In the first six months of the tsunami response, over 600 were registered in the province of Aceh. It was, a

friend noted, a veritable supermarket of NGOs, each with their own mandates and procedures. The first thing they each did was to search for accommodation, warehousing and local staff. Rental costs in Banda Aceh rose ten-fold. English-speaking Indonesians found themselves sought after and head-hunted. Many left NGOs and the civil service to work with INGOs. Some who got jobs with international agencies had no experience of social activism nor ever been employed by an NGO.

Coordination meetings were all the rage. As they were invariably

conducted in English, and used the terminology of disaster response with which local people were unfamiliar, it was hardly surprising that local NGOs soon lost interest. Most stopped attending and developed their own links with particular INGOs from whom they sought funding.



Mike DuBoise, UMMS/ACT International

*Relief supplies from around the world pour into the airport at Banda Aceh, Indonesia, following the December 2004 tsunami.*

Local NGOs found themselves amidst giants – UN and government agencies, the Red Cross and massive international and national NGOs. Unable to compete, they were powerless to prevent haemorrhage of their staff. When experienced local NGO staff saw people getting jobs with international agencies who had no experience of development, humanitarian response or engagement in the civil struggle for democracy and human rights they wondered whether the outsiders had any interest in local knowledge and experience.

Old-guard social activists are in despair that many Indonesians now see working for an NGO as just another business activity, a way to earn money and support a family but without asking questions. They are appalled at the insensitivity displayed by the staff of some agencies, simply interviewing tsunami victims about their needs and then leaving without offering any material assistance.

Most local and national NGOs lack experience in disaster management and staff capacity building. They realise that heroism, courage and critical thinking have to be complemented by practical managerial skills. Sadly, the international community has shown no interest in sharing them. INGOs need to develop cultural sensitivity. Instead of undermining local NGOs by taking their staff, they need to work with them and exchange experience and skills. Instead of patting themselves on the backs for their managerial competence, international

NGOs should be more humble. It is a humility that recognises the strength and wisdom of the local community and learns from them while complementing their capacity with further skills for the service of those in need. They could learn much from the enthusiasm and voluntary spirit (self-sacrifice as opposed to the commodification of humanitarian services) which has characterised the emergence of Indonesian civil society.

*Bambang A Sipayung (bambang@jesuits.net) is the project director of the Jesuit Refugee Service in Aceh (www.jrs.or.id).*

# Duty of care? Local staff and aid worker security

by Katherine Haver

**Where security considerations compel the withdrawal of international aid workers, humanitarian agencies rely increasingly on national staff. Agencies tend to assume that locals are at less risk but this is not necessarily the case. They have largely failed to consider the ethics of transferring security risks from expatriate to national staff.**

Since 1997 the number of major acts of violence (killings, kidnappings and armed attacks resulting in serious injury) committed against aid workers has nearly doubled. A recent study by the Center on International Cooperation (CIC) and the Humanitarian Policy Group (HPG)<sup>1</sup> compiled the most comprehensive global dataset to date of reported incidents of major violence against aid workers. Overall, there were over 500 reported acts of major violence against aid workers from 1997 to 2006 involving 1,127 victims and resulting in 511 fatalities. Violence against aid workers is most prevalent in Somalia, Sudan, Afghanistan, Iraq, the Democratic Republic of Congo (DRC), Chechnya and the North Caucasus. Most aid worker victims are deliberately targeted, for political and/or economic purposes, rather than being randomly exposed to violence.

The study found that insecurity is not affecting all institutions in the same way. Historically the UN and ICRC have endured a greater number of casualties per staff member in the field than the NGOs. However over the last four years, international NGOs have become more insecure than their UN and ICRC colleagues. In addition, international NGOs have recently seen their international staff become safer, while their national staff and partners suffer increasing casualties. National staff represent 79% of all victims. For the first time, in 2005 the reported rate of incidents against national staff (seven per 10,000 workers) surpassed that of international staff (six per 10,000 workers).<sup>2</sup>

Too often agencies have not identified the specific risks faced by national staff. There tends to be a blanket assumption that local staff enjoy greater acceptance by the host community and therefore require fewer security measures overall. Sometimes local staff may benefit from greater community acceptance but this may not be the case for a national posted to a distant part of the country. Also local staff may be 'too local', assumed, rightly or wrongly, to be aligned by ethnic or religious affiliation with a party to a conflict. In some contexts they risk being attacked due to their access to cash or agency assets, such as computer equipment or vehicles. They also face a potential loss of income for themselves and their families should a programme be terminated.

Despite the fact that local staff make up over 90% of all field workers they tend not to figure highly in agencies' security policies. The study found a significant discrepancy between local staff and internationals in their access to security-related training, briefing and equipment. The fact that local aid workers are not always considered when designing security policy has negative consequences, not only for local staff themselves but for the organisation as a whole. Local staff possess a breadth of knowledge and information about their environs that is often not fully used by international organisations as a security resource. This may be due to barriers between international and national staff because of language, a distrust of national staff for fear they may pass information onto local belligerents or an otherwise dysfunctional organisational culture.

International staff often fail to realise that national colleagues may find it exceedingly difficult to decline potentially dangerous work for economic and/or altruistic reasons.

Remote management – a trend where international staff withdraw or have their movement restricted when insecurity increases while national staff continue the work – is increasingly used in places such as Somalia, Iraq and parts of Darfur in order to continue to reach beneficiary populations despite security or access constraints. In some cases, international staff continue to act as key decision-makers designing and programming the humanitarian response at a distance by delegating to national staff, local partner organisations, local government, private contractors or community-based organisations. This avoids the complete closure of programmes, allows people in need to continue to receive aid and gives agencies profile in crises where there may be high media exposure.

Remote management is currently practiced in a way that is ad hoc and unplanned. Few organisations have a specific policy on what security-related equipment would be handed over to national staff or local partners when security deteriorates and international staff have to leave. The practical challenges of remote management – less efficient service delivery, difficulties in ensuring strategic focus and accountability, and risks of corruption – have not been fully thought through. The approach is still seen as an option of last resort, to be used in rare situations of high insecurity, but unfortunately such situations are occurring with increasing frequency.

Part of the reason that local staff security and remote management are difficult to talk about is that practical responses can seem to reflect a hierarchy of values placed on different lives: those of international

staff, national/local staff and the beneficiary population. While these issues are undoubtedly difficult and ethically fraught issues, not addressing them only delays the formation of clearly communicated, transparent policies and practical, field-based operational plans. National and local staff deserve

better. Humanitarian agencies have an equal duty of care to all employees, regardless of nationality.

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1. A Stoddard, A Harmer, and K Haver, *Providing aid in insecure environments: trends in policy and operations*, Humanitarian Policy Group, ODI, and New York: Center on International Cooperation, 2006. [www.odi.org.uk/hpg/papers/hpgreport23.pdf](http://www.odi.org.uk/hpg/papers/hpgreport23.pdf)

2. This is particularly striking because incidents against national staff are less likely to be reported than those against international colleagues.

# Responsibility to Protect: lessons from South Kivu

by Jaya Murthy

**Protection is one of the components of the new UN-led cluster approach in emergency environments.<sup>1</sup> Can the protection cluster mobilise the international community to protect civilians in areas where states are either unwilling or unable to do so? A pilot project in the Democratic Republic of Congo (DRC) may offer guidance.**

In 2001 the International Commission for Intervention and State Sovereignty (ICISS) published its watershed report *The Responsibility to Protect*.<sup>2</sup> The Commission was responding to former UN Secretary-General Kofi Annan's challenge to the international community to chart a more consistent and predictable course of action when responding to humanitarian crises, particularly when humanitarian principles and notions of state sovereignty are at odds. ICISS developed a global framework for the international community to use in determining its actions against states – including military deployment – whose civilian populations are suffering grave harm.

The Commission's single most important contribution was the reconceptualisation of the core concept of the international community's 'right to intervene' on humanitarian grounds as, rather, 'the responsibility to protect' civilian populations at risk. This change has ultimately shifted the focus from those exercising state power to the actual victims of conflict.<sup>3</sup> The Responsibility to Protect (R2P) notion has gained widespread international legitimacy and is becoming an

acknowledged international norm. The latest UN Security Council resolutions (1738 and 1674, adopted in 2006) to protect civilians in conflict plainly note the international community's responsibility to protect. UN Peacekeeping missions are increasingly being mandated with a Chapter 7 mandate<sup>4</sup> to aggressively protect civilians in conflict. In statements to the Security Council the former UN Humanitarian Coordinator Jan Egeland called for more predictability in meeting international R2P obligations towards civilians in need. At the 2005 World Summit all governments clearly and unambiguously accepted the collective obligation to protect populations from crimes against humanity.

While these developments have been significant in enabling the international community to pressure states to exercise their R2P, scant attention has been paid to how the R2P can be systematically structured and employed so that the international community can carry it out at field level. In 2005 UN member states called for more predictable, efficient and effective humanitarian action and for greater accountability

when responding to humanitarian crises, especially in situations of mass internal displacement. As a result, in September 2005 the Principals of the Inter-Agency Standing Committee<sup>5</sup> established the 'cluster approach', assigning responsibilities to lead agencies in order to ensure a more predictable and accountable humanitarian response in emergencies, particularly those resulting in mass internal displacement. The cluster approach was developed with the intention of providing predictable action in analysing needs, addressing priorities and identifying gaps in specific sectors. Referring to the potential efficacy of the cluster approach to respond to protection issues, UNHCR's Assistant High Commissioner for Protection Erika Feller recently noted that "the 'cluster approach'... has been formulated as a means of operationalising the notion of the 'responsibility to protect'".<sup>6</sup>

## The protection cluster in South Kivu

The fact that most of the population of the troubled eastern region of the Democratic Republic of Congo (DRC) are at risk of displacement led the UN Humanitarian Coordinator in DRC to ensure the protection cluster addressed the needs of the entire civilian population, not solely IDPs. The protection cluster – joint leadership of which was given to UNHCR and to the UN's DRC peacekeeping mission



*Over a two-year period, this centre in Goma has provided support and protection for more than 4,000 victims of sexual violence.*

(MONUC<sup>7</sup>) – set out to provide a predictable response to protection needs and to identify gaps in protecting all Congolese civilian populations. Their co-leadership has matched UNHCR's political neutrality and significant operational humanitarian experience with a UN peacekeeping mission with a solely politico-military mandate. This has created a first-of-its-kind joint leadership responsibility to meet civilian protection needs.

In the eastern province of South Kivu the protection cluster was initiated in February 2006. In the absence of much operational guidance it was clear that the cluster could only improve the protection response for civilians if all international actors with protection activities on the ground were mobilised and engaged. From the outset the cluster has involved the participation of almost all significant international protection actors – including UNHCR, MONUC, UNICEF, OCHA, international NGOs and the International Committee of the Red Cross. Their regular participation has enabled the cluster to develop into a forum where the international community is able to discuss the protection context in the province, identify existing protection gaps and needs and work to develop a broad-based protection strategy. The actors have sought to respond immediately to human rights violations – including rape, indiscriminate killing, looting,

international community able to use force or the threat of it to deter violations. The humanitarian-military cooperation bore many fruits as the cluster could access MONUC's considerable amount of security intelligence and directly solicit effective military intervention where civilian populations were at risk.

The cluster is tackling the problem of impunity and the need to promote a rights-based culture by building the capacity of Congolese institutions to respect and enforce the rule of law. UNHCR, with protection cluster partners, has started training the Congolese army on human rights standards and professional military-civilian behaviour, undertaken protection monitoring, launched a public information campaign to disseminate international and national legal civilian protection standards and sought to build the capacity of the judiciary.

However, it is apparent that serious challenges remain:

- The cluster lacks capacity to respond to the massive scale of protection needs in South Kivu. The scale of vulnerability makes it impossible for the co-leaders – UNHCR and MONUC – to develop strategy and lead action to respond to every group and every issue.
- It has proven difficult to hold specialised non-lead protection

torture, forcible displacement and arbitrary arrest – while also addressing the widespread structural weaknesses and lack of capacity of Congolese institutions (the army, police and judiciary) to protect civilians. Due to the active presence of MONUC the protection cluster had a direct line of contact with the sole entity in the

organisations to account and to ensure their regular participation.

- There are shortages of skilled human resources to provide effective leadership.
- There is a shortage of institutional support and high-level guidance of the cluster's operations.

### The way forward

The protection cluster has real potential to actualise the international community's R2P in the field. However, it remains unclear how to do so as the UN has yet to develop any detailed institutional rules or guidelines on how the international community should protect civilian populations. On the basis of experience in South Kivu, we suggest:

- the IASC Principals officially mandate the protection cluster with responsibility to protect all civilians
- developing guidelines detailing how the protection cluster is responsible to meet all facets of ICISS's 'Responsibility to Protect'
- the IASC Principals develop guidelines to detail how different UN agencies are responsible for the lead of specific groups/issues (including gender and responses to sexual and gender-based violence) within the protection cluster
- guidelines be developed detailing what humanitarian activities the protection cluster should pursue to protect civilians in the short, medium and long term, including specific attention to building the capacity of state institutions to protect their citizens
- guidelines be developed by the UN's Department of Peacekeeping Operations (DPKO)<sup>8</sup> detailing what military activities peacekeeping missions should pursue and how they should physically protect civilians
- the IASC Principals and DPKO establish guidelines outlining how UNHCR and the protection cluster's lead agencies for specific groups and peacekeeping missions

should collaborate, detailing their individual strengths and capacities to maximise protection response

- sufficient and skilled staff be appointed to lead the cluster and the cluster's lead groups.

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1. See previous FMR articles [www.fmreview.org/FMRpdfs/FMR25/FMR2531.pdf](http://www.fmreview.org/FMRpdfs/FMR25/FMR2531.pdf) and [www.fmreview.org/FMRpdfs/BrookingsSpecial/06.pdf](http://www.fmreview.org/FMRpdfs/BrookingsSpecial/06.pdf)
2. [www.iciss.ca](http://www.iciss.ca)
3. See Evans, Gareth, *Banishing the Rwanda Nightmare: The*

- Responsibility to Protect* (March 2004). [www.pbs.org/wgbh/pages/frontline/shows/ghosts/etc/protect.html](http://www.pbs.org/wgbh/pages/frontline/shows/ghosts/etc/protect.html)
4. [www.un.org/aboutun/charter/chapter7.htm](http://www.un.org/aboutun/charter/chapter7.htm)
  5. The IASC is the primary mechanism for inter-agency coordination of humanitarian assistance. [www.humanitarianinfo.org/iasc](http://www.humanitarianinfo.org/iasc)
  6. Feller, Erika, 'UNHCR's role in IDP protection: opportunities and challenges', FMR Special Issue Dec 2006, p12. [www.fmreview.org/FMRpdfs/BrookingsSpecial/full.pdf](http://www.fmreview.org/FMRpdfs/BrookingsSpecial/full.pdf)
  7. [www.monuc.org](http://www.monuc.org)
  8. [www.un.org/Depts/dpko/dpko](http://www.un.org/Depts/dpko/dpko)

## Multi-dimensional migration challenges in North Africa

by Johannes van der Klaauw

**Facing tighter European border controls, increasing numbers of refugees and asylum seekers from sub-Saharan countries find themselves stranded in North Africa. In the absence of functioning state asylum structures and with a growing caseload of asylum seekers, UNHCR is working to strengthen regional protection capacity, particularly in Morocco.**

Until 2004 the number of asylum seekers approaching UNHCR in North Africa had been modest – at most a few dozen a year in each country. Numbers have steadily increased as a result of persistent conflict and violence in a number of sub-Saharan countries, greater visibility and activity of UNHCR and imposition of more rigorous border controls by European countries. In early 2007 Morocco officially hosted 500 refugees and 1,300 asylum seekers, Algeria 175 refugees and 950 asylum seekers, Libya 880 refugees and 2,000 asylum seekers, and Tunisia 93 refugees and 68 asylum seekers.<sup>1</sup>

In response, the European Union decided to finance capacity-building programmes in migration management and the delivery of protection services by governments, international organisations and civil society in North Africa. The first project was undertaken by UNHCR and a number of NGO partners and primarily aimed to analyse the nature and trends of refugee movements in mixed migratory flows and the public policy responses. It also sought to develop basic protection mechanisms in the region by enhancing the operational capacities of UNHCR

offices and government institutions and supporting civil society efforts to assist refugees and asylum seekers. It additionally assessed the role of the media in reporting refugee issues and, finally, aimed to strengthen inter-state cooperation in responding to the humanitarian and protection dimensions of rescue and interception at sea.

The project was implemented only partially and at a slower rate than anticipated, owing to lack of consensus in the Maghreb countries. To date the official response of these governments has been that asylum seekers and refugees registered with UNHCR entered their territory in an irregular manner, having stayed in transit in third countries where they could or should have sought asylum. They are considered irregular migrants and governments deny that their international obligations to protect refugees are put in jeopardy if they decide to arrest or expel them.

### Developing the asylum process

In the next two years, UNHCR's main objective in North Africa is to support comprehensive responses to

asylum and migration management with full respect for human rights principles and based on collaboration with relevant national, regional and international stakeholders. UNHCR wants to strengthen the protection mechanisms for refugees and asylum seekers by developing a legislative and procedural framework in asylum and refugee matters, and building capacities among partners in managing the asylum process. UNHCR also seeks to establish burden-sharing arrangements promoting solutions for refugees, including voluntary return to the country of origin (conditions permitting), self-reliance in the host country or resettlement to a third country.

In Morocco, UNHCR has developed a fully-fledged Refugee Status Determination (RSD) procedure which is now accepting some 100 asylum applications per month. During 2006, UNHCR processed more than 1,700 asylum applications resulting in the recognition of some 350 persons as refugees. A similar pattern is developing in neighbouring Algeria where in late 2006 UNHCR started to receive on average 100 asylum applications per month.

In the Maghreb the asylum issue has tended to become inextricably linked with the irregular and clandestine migratory movements affecting the region. A substantial number of economic migrants approach UNHCR hoping for protection against expulsion. This puts considerable

pressure on the asylum process. The situation is compounded by secondary, irregular movement of refugees and asylum seekers from first countries of asylum, often for a mixture of reasons. Furthermore, refugees, asylum seekers, economic migrants and victims of trafficking from one particular country of origin tend to intermingle. Developing a fair and efficient asylum process requires a differentiated approach, taking into consideration these complexities.

None of the countries in the Maghreb region has established a comprehensive legal framework or a functioning procedure to deal with asylum and refugee matters, nor have they developed the necessary institutional and administrative capacities to address protection challenges effectively. As signatories to the 1951 Convention (with Libya a notable exception) they allow UNHCR offices to determine refugee status, yet frequently dispute the results. In Morocco, UNHCR has asked the authorities to approve RSD decisions and to allow these refugees to exercise their rights to residence, access to employment or other forms of livelihood, and to benefit from basic services. UNHCR has also urged the authorities to establish a functioning asylum process, managed by the public administration, including registration, documentation, standards and procedures for RSD and measures to be taken following recognition (legal residence and access to livelihood and services) or rejection (assisted return in safety and dignity to the home country).

### Durable solutions

As part of its search for durable solutions UNHCR in North Africa is promoting the admission and stay of refugees in the region by establishing burden-sharing arrangements with all stakeholders. UNHCR supports refugees in their search for self-reliance by facilitating vocational skills training, microcredit schemes and income-generating activities. As long as the authorities do not recognise RSD decisions, however, holders of UNHCR refugee certificates find it difficult to earn a living.

In response to urgent protection concerns, UNHCR has proposed the resettlement of a small quota of vulnerable refugees to third countries – including southern European states hitherto not designated as resettlement countries.<sup>2</sup>

Voluntary repatriation to countries of origin remains the preferred durable solution for refugees yet most refugees in the Maghreb countries are nationals of countries where conditions are not conducive to return (Ivory Coast and Democratic Republic of Congo). In the case of those whose applications have been rejected, UNHCR wishes to facilitate their safe and dignified return to their countries of origin, coordinated by the International Organization for Migration (IOM) in cooperation with governments concerned. Ensuring these returns helps to increase authorities' confidence in the integrity of the asylum process and to convince them to support recognised refugees in their efforts towards self-reliance.

### The case for partnerships

UNHCR's support for putting in place an asylum process in each of the North African countries has seen encouraging progress in training and support of civil society and NGOs. In Morocco, in partnership with international and national NGOs, UNHCR has organised training sessions in international refugee law, the application of protection elements of the existing immigration law, and the provision of legal counselling and social assistance to refugees and asylum seekers.

NGOs have shown increasing interest in such training and capacity building though some are reluctant to support refugees as a distinct group while advocating for the rights of migrants generally. Some NGOs do not wish to engage in activities aimed at long-term stay of refugees in Morocco, claiming that they should not contribute to a situation which they consider to be a result of European states 'externalising' their asylum process to North African countries.

Following initial consultations and capacity-building activities, NGOs are gradually becoming involved in providing legal and social counselling

to refugees and asylum seekers, and material assistance to vulnerable cases such as victims of trauma and sexual violence, female heads of households and unaccompanied minors. Public welfare organisations are including refugees and asylum seekers in informal education schemes and facilitating refugee access to medical care and public health programmes such as in HIV/AIDS prevention. They are also providing microcredit schemes and other incentives for refugees to enable some degree of self-reliance. Lawyers are increasingly willing to defend refugees and asylum seekers pro bono in court or to support refugees in lodging complaints with the police.

UNHCR in Morocco has obtained the agreement of the Ministry of Education that all refugee and asylum seeker children can be enrolled in public primary school. In parallel, NGOs and training institutes offer Arabic language classes while the refugee community provides supplementary classes in the culture, language, religion and customs of the refugees' countries of origin. The refugee community is also setting up its own associations to defend the rights and promote the legal and social protection of refugees and asylum seekers.

Notwithstanding these positive developments, much remains to be done in order to provide refugees in the North African region with a minimum level of legal security and socio-economic well-being. The legal status and living conditions for refugees and asylum seekers remain precarious, as is also true for undocumented migrants. In the absence of a clear public policy commitment and broad societal support for the refugee cause it will remain very difficult to find durable solutions for refugees in the region.

There is a clear need for a balanced, positive and informed portrayal of the migrant and refugee issue in the North African media. UNHCR and our NGO partners are developing a communication strategy involving various segments of society including youth, women, schools, employers and trade unions. Media professionals could benefit from exchanging information

and analysis, and training, on refugee and asylum issues.

### Protecting refugees in broader migratory movements

As refugees and asylum seekers are arriving in North Africa within broader, irregular migratory movements, it is imperative firstly to establish mechanisms by which persons in need of international protection can be identified within these movements; appropriate responses can then be made. Efforts to put in place a fair and efficient asylum process will bear fruit only if complemented by measures to find solutions for other groups of irregular movers such as economic migrants or victims of smugglers and traffickers. In the absence of an identification and referral system for all groups, the nascent asylum system will be at risk of abuse by persons without a case for international protection.

Protection capacity building should not be confined within national

boundaries as almost all of North and sub-Saharan Africa is affected by irregular migration, as are the countries of southern Europe. Policy responses should be based on cooperation between countries of origin, transit and destination, including in matters of interception and protection at sea. Where efforts to put in place protection mechanisms in one country are not complemented by similar activities in neighbouring countries, the result may well be irregular secondary movement and unwelcome pressure on nascent systems.

Asylum should be properly managed as part of a comprehensive framework addressing the key challenges of irregular migration. For this purpose, UNHCR has proposed a 10-Point Action Plan to address protection imperatives within mixed migratory movements.<sup>3</sup> This Plan presents a framework within which all interested partners can support protection capacity-building efforts and address the multi-dimensional migration challenges facing the North

African region. In essence, asylum is not the problem in this region but irregular migration is. The number of refugees and asylum seekers forcibly displaced is modest in comparison to the much larger flows of persons migrating in an irregular manner in search of a better life. A collective effort involving all relevant stakeholders is needed to ensure proper management of the migratory flows and to do justice to the time-honoured tradition of protecting and hosting refugees in the region.

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1. These figures do not include Palestinian refugees in Libya and Algeria nor Western Saharan refugees in the camps in Tindouf, Algeria.

2. Spain and Portugal accepted in total 20 cases resettled from Morocco in early 2006.

3. Available in English and French at [www.unhcr.org/migration/](http://www.unhcr.org/migration/)

# Investing for the future: capacity building in Morocco

by Mathieu André and France Charlet

**In 2006, at the request of UNHCR, the French NGO Forum Réfugiés led two missions to help strengthen local capacity in Morocco to provide legal advice and assistance for asylum seekers and refugees.**

For 25 years, Forum Réfugiés has helped refugees with housing, health care, information about their rights and integration into French society. Although our lawyers have provided training courses for professionals and volunteers working with refugees, we had never before been asked to undertake capacity-building activities in another country. We therefore asked ourselves a number of questions before deciding to embark on this project.

Can Morocco become a country of asylum? The Moroccan asylum

system is currently not effective. Refugees have very little prospect of integrating into local society since they do not have residency permits. However, the Moroccan government has made some progress, improving refugee access to health care, schooling and vocational training. Despite the fact that asylum and migration are sensitive topics for the government, NGOs are able to pursue their activities fairly freely. Even in Oujda, on the tense border between Algeria and Morocco, NGO activists are able to provide some assistance to migrants despite

being constantly monitored. These advances are even more significant when compared with the situation of refugees in neighbouring countries.

Is Moroccan civil society committed to defending the right to asylum? Following events on the fences enclosing the Spanish enclaves of Ceuta and Melilla in October 2005 – during which some 700 Sub-Saharan migrants trying to enter Spanish territory were ill-treated and shot by Spanish and Moroccan gendarmes – many local NGOs recognised the urgent need to protect migrants and refugees. Over the past few years, community NGOs have played a crucial role in advising and helping asylum seekers and refugees. Considerable funds recently allocated by the

European Commission have played a significant part in sharpening some NGOs' interest in these issues.

Could a Moroccan NGO do the job better? There are various reasons why UNHCR contacted our organisation. Firstly, asylum is a new issue for Morocco and no local NGO has significant expertise in this field. Secondly, since 2003 UNHCR has funded Forum Réfugiés to train volunteers to give legal advice to asylum seekers in eastern France. And, finally, the Aliens Act (Loi 02-03) in Morocco is largely inspired by French legislation.

Would we help meet real needs? There were very few professionals among the NGO activists we met in Morocco. The topic was relatively new to them and they were keen to know more. Most of the organisations we met said they wanted to improve their knowledge of the legal framework for protection. Some NGOs wanted to set up legal assistance programmes; others wanted to improve their social workers' legal knowledge; and still others wanted to engage in awareness raising and advocacy.

For all these reasons, we came to the conclusion that we should respond positively to the invitation to build capacity to help protect refugees in Morocco. Given the short timeframe of our first mission, we decided that our main objective would be to increase Moroccan civil society's knowledge of the legal framework for protection. We also chose to limit our action geographically to Tangiers and Oujda, two border towns where access to asylum is particularly pressing; and to the capital, Rabat, where most of the migrants, asylum seekers and refugees live.

During the first mission, we organised seven training courses, which were attended by 160 participants, including 35 women, 40 lawyers and 35 refugees. The training courses were tailored according to the different audiences and each NGO's mandate but we focused on international and national refugee law, UNHCR's mandate and the different steps involved in determining refugee status at UNHCR's office in Rabat, and different ways to advise and assist asylum seekers and refugees. We drafted a guidebook for asylum

seekers, translated into French and English, which sets out who can claim refugee status and UNHCR Rabat's procedures for determining status.<sup>1</sup> This leaflet is handed out to migrants by organisations that are in daily contact with them.

After evaluating the results of our first mission, and taking into account the mandates of the NGOs attending our training courses, we honed our objectives for the second mission. We decided to focus on combating *refoulement* by encouraging a network of activist lawyers to be set up, and strengthening the capacity of an NGO working on the border between Algeria and Morocco. Having noticed that the guidebook for asylum seekers was a useful information and awareness-raising tool, we translated it into Arabic. We also organised an experts' meeting on asylum with academics and researchers to take stock of existing research and encourage them to cooperate. In parallel, we continued to hold training courses for lawyers and refugees.

After reflecting on the two missions we were able to establish a few key principles of action which will guide our future work in Morocco:

- To encourage participation, it is better to offer flexible on-the-spot training in Arabic rather than more formal training courses. Training sessions have been one-day long, confined to a maximum of 35 participants, and have involved a wide range of external speakers – from Moroccan university professors, lawyers, the International Committee of the Red Cross, Médecins sans Frontières, local humanitarian and human rights organisations, a Moroccan magistrate and UNHCR staff.
- To allay fears about Morocco's capacity to be a recipient country, we have portrayed the right to asylum as a fundamental right in the Universal Declaration on Human Rights and have insisted on migrants' fundamental rights. Given the fact that refugees and asylum seekers are not granted leave to remain in Morocco, which puts them at risk of removal, the lawyers and legal advisers were particularly grateful for information on the legal

framework for detention and forced removal, and on how to challenge decisions in these areas.

- It is vital to provide the most practical tools for each project. The training evaluations have revealed that the courses have been most useful when they provided practical tools for the participants: the guidebook for asylum seekers in Morocco, the actual texts of relevant laws, examples of individual casework, activity reports, etc.
- Impact has been greater where we have been able to set aside funds to give direct financial support to local projects. We were able to help ABCDS, an organisation helping migrants on the Algerian-Moroccan border for more than a year with only meagre resources, by funding an office, equipment and two staff salaries and to provide financial and administrative training.<sup>2</sup>
- A long-term commitment is essential: this is new work for Forum Réfugiés, and time is needed to meet the needs of local organisations working on a relatively new issue.

It is still too early to measure the impact of these last few months during which we have offered support to organisations with different mandates but with a shared objective to defend or help refugees. We have also found that, in France, the authorities take our expertise even more seriously when it is rooted in our experience in the field. We are confident that the practical tools we have provided to our Moroccan partners will help them fulfil their crucial role in developing a national asylum system.

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1. Available at: [www.forumrefugies.org/pages/action/action\\_internationale/actions\\_internationales.htm](http://www.forumrefugies.org/pages/action/action_internationale/actions_internationales.htm)

2. This structure was extremely useful at the end of 2006 following a large number of removals of asylum seekers and refugees recognised by UNHCR.

# Participatory capacity building in action in Colombia

by Josep Zapater

**The south-western Colombian department of Nariño has developed an innovative, demand-led and participatory initiative for the local integration of IDPs. The long-term sustainability of such partnerships between local administrations and grassroots communities hinges on ability to influence national and international financial flows.**

As a result of protracted internal conflict, Colombia is home to one of the world's largest IDP populations, estimated by the Colombian government to be 1.9 million<sup>1</sup> and by the UN and NGOs to be more than three million.<sup>2</sup> Nariño, a department on the Pacific Ocean bordering Ecuador, is host to at least 59,000 IDPs displaced by conflict. Most IDPs live in urban centres and suffer unacceptable levels of overcrowding and malnourishment.

Realising that return is unlikely to be a realistic option for a long time, the departmental and national governments, with UNHCR support, decided to develop a strategy for local integration of IDPs. The resulting initiative – Plan Integral Unico de Restablecimiento (PIUR)<sup>3</sup> – aimed to assess needs and develop a structure for project design, fundraising and implementation, focusing on housing and income generation. IDP participation was to underpin the initiative from the start.

In 2002 the departmental government organised a series of roundtables to undertake participatory needs analysis with IDPs in ten municipalities. UNHCR was then asked to hire and train a technical team to develop potential projects based on the needs identified by IDPs. By 2004 more than 100 projects had been designed, with significant financial pledges by municipal and departmental authorities. However, despite lobbying of national and international authorities and donors, no additional funds were secured. This led the departmental government and UNHCR to create a more ambitious framework with

concrete strategies for project and beneficiary selection, IDP participation – and fundraising.

In October 2004, more than 100 representatives of local government, NGOs, international agencies and IDPs gathered in Pasto, the departmental capital, to discuss key questions relating to the initiative. These focused on PIUR's underlying principles, financial implementation, partner and beneficiary selection criteria, project implementation and coordination, beneficiary participation, follow-up, evaluation and sustainability. IDP participation at all levels of discussion and planning was ensured by the Mesa Departamental de Poblacion Desplazada de Nariño<sup>4</sup> and its more than 40 affiliated associations. The Mesa Departamental, an umbrella IDP organisation, was formed in 2003 with support from UNHCR and the Colombian NGO Corporación Opción Legal.<sup>5</sup>

The results of the workshop were presented to the national government and the international community in Bogota in June 2005.<sup>6</sup> The Colombian government immediately pledged \$700,000.

By the end of 2006, PIUR had attracted \$4.2 million for housing and income generation, 77% from Colombian public funding, 19% from the international community and 4% from the beneficiaries (mostly in the form of work and soft credits). To date, 1,025 IDP and 353 vulnerable local families have benefited from the initiative. PIUR is now a nationally recognised durable solutions programme

built on consensus and beneficiary participation with a permanent technical team and a strong network of allied institutions. UNHCR finances the technical team and the departmental government provides office space and institutional backing.

With its strong local flavour, demand-based character and participatory decision-making structure, PIUR does not conform to the usual durable solutions strategies preferred by the Colombian government and such donors as USAID or the EU. These typically include either well-defined sector-based programmes, with little scope for integration or flexibility, or multi-purpose funds with centrally designed financial and coordination rules which grant little decision-making power to IDPs or local coordination structures. It is interesting to contrast the significant interest shown by the Colombian state in funding this demand-based initiative with the lukewarm support offered by the international community.

## Participation and empowerment

The PIUR has a number of internal weaknesses. It needs more long-term projects and in-depth feasibility studies, less delay between project design and implementation and better evaluation mechanisms. It remains, however, one of the most principled and successful IDP programmes in Colombia. Above all, it successfully showcases effective capacity building, participation and use of local knowledge.

The PIUR process in Nariño clearly demonstrated the IDPs' preference for local settlement rather than return and has thereby shaped durable solutions policies in the department. PIUR's participatory approach has also served to legitimate and empower IDP associations. Through building participatory projects and

raising significant resources PIUR has shown IDP communities that the hard and sometimes thankless work of community organisation can pay off. At the same time, IDP organisations have played a no less important legitimising role. PIUR's most convincing argument to prospective donors has been the fact that it is grounded in consultation and beneficiary participation, from needs identification to strategic design.

The relationship between PIUR and the IDP associations has not been without disagreements. PIUR's fiercest critics have been IDP leaders. Given that the programme does not have its own resources, frustratingly long delays sometimes occur between needs identification and project implementation. IDP leaders have on occasion complained that their role diminishes once beneficiaries have been identified and projects started. The PIUR team tried to overcome this in some municipalities by having projects assigned to particular IDP associations as beneficiaries. However, this introduced a prerequisite to be part of an association in order to benefit from a PIUR project. At the same time, IDPs started to desert those associations whose projects had poorer prospects of being financed and to join others seen as having better prospects. The approach was abandoned in favour of selecting beneficiaries on an individual or family basis and according to strict criteria of vulnerability, rights violated and ability to implement the project. New difficulties arose as some families saw the projects as more useful foci of social organisation than the existing IDP associations. At the same time, while PIUR has empowered IDPs in general, its impact on internal democratisation and participation in the IDP associations is very difficult to measure. All these matters are the object of lively discussion among the PIUR team and the IDP associations.

The numerous meetings at municipal and departmental level necessary to build consensus around PIUR programmes and methodologies, though occasionally seen as burdensome and bureaucratic, revitalised dormant coordination structures, helped build awareness among officials previously uninterested in IDP matters and enabled local institutions and NGOs to

start working together. The presence of a full-time team dedicated to raising national and international funds gave the local mayors and the departmental government the confidence to make important financial commitments – almost 20% of the total raised to date. Some mayors, who in previous years included a token \$8,000 for IDPs in their budgets, more than trebled their contributions. In Pasto, a generous land donation by the Catholic church and the financial commitment of the local government enabled a housing project for 203 vulnerable local and IDP families. The government of one of Colombia's poorest departments is now among the biggest contributors to IDP programmes.

### Sustainability

Early hopes that the international community would finance 70% of PIUR's costs have been dashed. The most important financial partners have been the national urban and rural housing programmes, providing 38% of the funding. The most reliable partners – despite their limited financial resources – have been the local authorities who have unconditionally provided almost 20% of funds secured. The weakest responses have come from the international community – 18.5% – and from the leading national government institution for IDP issues and income generation (Acción Social) – 16.5%. This pattern indicates how highly centralised and sector-based policies may undermine demand-based and participatory efforts. Strengthening sectors should not be at the expense of more integrated programmes. International donors should be less wedded to inflexible regulations and financial cycles. PIUR clearly complies with international standards for durable solutions programmes, based on participation, rights-based programming, local leadership and financial commitment. International donors and central government need to be more responsive. Only a strong and flexible financial response may sustain IDP participation and motivate local authorities both to implement high-quality planning and programming and to accept IDP participation.

PIUR has not been integrated into the departmental multi-year

development plan and budgets. The PIUR team continues to be financed by UNHCR rather than being self-supporting. While the departmental government provides office space and logistics, none of the most relevant ministries – such as agriculture or planning – provides permanent staff resources. The October 2007 local elections may bring in a government with less commitment to provide institutional and financial support. Aside from UNHCR's ongoing involvement, hope now lies in the strong lobbying capacity of the IDP associations – underlining the linkage between beneficiary participation and sustainability of capacity-building initiatives – and in PIUR's high local and national visibility.

PIUR illustrates the tension between participatory, demand-driven and rights-based durable solutions and the inflexibility of current systems for policy design and financial disbursements. In relatively sophisticated state bureaucracies – such as Colombia – humanitarian policies will inevitably be based on established administrative structures and regulations. The success of initiatives geared towards building the planning capacity of local administrations and grassroots communities will depend greatly on their ability to tap into national and international funds. The relative success of PIUR demonstrates how local administrations with deep-rooted participatory traditions and grassroots associations can implement demand-based programmes when they strike an effective alliance. PIUR offers the donor community in Colombia food for thought about the best ways to maximise impact and promote sustainability of humanitarian policies.

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5. [www.corporacionopcionlegal.org](http://www.corporacionopcionlegal.org)
6. [www.despnar.idsn.gov.co/articulos-noticias/documento-piur.pdf](http://www.despnar.idsn.gov.co/articulos-noticias/documento-piur.pdf)

# Post-war Liberia: healthcare in the balance

by Katharine Derderian, Helene Lorinquer and Stéphan Goetghebuer

**In the aftermath of conflict, people's health and their ability to survive remain fragile, while basic infrastructure may be weak, damaged or non-existent. Serious gaps emerge at the crucial juncture between emergency relief and development aid, with few available and affordable health services to respond to still urgent medical needs.**

Working in many such post-crisis contexts, Médecins sans Frontières (MSF) witnesses the ongoing risks to the population's health in the aftermath of emergencies. As transition and reconstruction phases begin and humanitarians give way to development actors, government and donor priorities shift. During this transition, health care is too often in danger of falling off global policy and donor priority lists, even as the lives and health of vulnerable populations remain in the balance.

Liberia is but one example of many. After fourteen years of civil war, the population remains in a precarious state. Three quarters of the population survive on less than \$1 a day and 23% of children die before the age of five. Interviews with patients at MSF-supported clinics on Bushrod Island in Monrovia – which has a population of around half a million – revealed that over half of them had had only one meal the day before consultation. 36% had no direct source of income, while the average income of the remaining 64% was under \$0.30 per person per day. With poor access to water, latrines and health services, communicable diseases are widespread – particularly respiratory infections, malaria, diarrhoea and skin infections. The two MSF clinics in the area handle 20,000 consultations per month, including deliveries. 77% of all medical care in Liberia is currently provided by international NGOs and faith-based organisations.

The government, international donors and other decision-makers confront enormous and competing needs during the reconstruction phase. Many questions remain open about

which sectors should be supported, the amount and duration of aid and the policies connected with assistance. Yet health often risks being omitted from policy-making and donor agendas. The draft agenda of the long-awaited Washington Donor Conference on Liberia in February 2007 did not even include health care.

Health care becomes increasingly complicated once an emergency has passed and policies of free care and support for secondary health care facilities are no longer a given. In MSF's experience, the introduction of the principle of cost recovery and the withdrawal of support from secondary health care structures in the name of government responsibility and 'sustainability' greatly impact the ability of vulnerable and conflict-affected populations to access medical care in the aftermath of a crisis. We saw first hand the disastrous effects of the introduction of user fees in Liberia in 2001-02, which resulted in an up to 40% drop in attendance at MSF-supported facilities in Monrovia. When fees were suspended in 2003, we saw a 60% increase in consultations. This cancellation of fees impacted not only on curative services but also on attendance rates for preventive services like vaccination. The people of Liberia simply do not have the means to pay for their own health care.

Redemption Hospital is one of Monrovia's main public hospitals, with a 150-bed capacity. After six years of support and a final renovation and expansion, MSF completed a gradual hand-over of the facility to the Ministry of Health

in June 2006. Since then, the situation at Redemption has deteriorated considerably. There are major staffing gaps as the management cannot afford to pay decent salaries. Patients have to purchase their own drugs outside the hospital, and fees for services and drugs have been re-introduced. As a result, the number of patients has dropped dramatically from 1,200 inpatient admissions per month in 2005 to currently negligible levels of bed occupancy. During the transition phase, if no alternatives could be found for Redemption, the only Ministry of Health secondary health care structure in Monrovia, Liberia's capital, the situation could only be worse in other areas of the country.

Financial and other barriers must be lifted to ensure Liberia's population can access medical care. The key will be to continue providing a package of essential medical services free of charge throughout the transition period. Asking the country's vulnerable, violence-affected population to pay for urgently needed health care only erodes their still-fragile coping mechanisms. It also risks contributing to their impoverishment and blatantly contradicts international concerns for poverty reduction.

The Liberian government has demonstrated its commitment by increasing the allocation for health to \$10m in its 2007 budget. The Ministry of Health has also expressed its willingness to work toward the provision of a basic health care package to the entire population, while maintaining free care for all, at least throughout the transition phase. As the transition phase advances, humanitarian funding for health care in Liberia will dry up. As an emergency organisation, MSF will now reduce its activities after 17 years of intervention in-country. Faced with the ongoing dire health conditions in the country, in an exceptional move MSF decided to remain engaged in

Liberia at least until the end of 2008 to ensure the provision of decent and accessible basic health care through Ministry of Health structures.

External aid will be vital to ensure that the Ministry of Health has the capacity to match its ambition to continue to provide basic health care for the population. It remains to be seen if international support will

materialise to address the undeniable medical needs in Liberia. After years of war, Liberia's population deserves more than second-class assistance. Its 3.5 million people challenge international commitment to avoid the pitfalls of other transition countries and to choose to do better.

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## Building capacity in Sierra Leone

by Lina Abirafeh

**Capacity building is a catchy phrase, suggesting ideals of national ownership and strengthened local institutions. But how can we avoid it being a North-driven, patronising and unidirectional transfer of knowledge?**

Proponents of capacity building often assume there is no capacity to start with and that only after a North-South transfer of know-how can locals stand on their own feet. Few development agencies understand the level of effort and commitment it takes to effectively build capacity and the contextualised understanding that must underlie any effort to add to pre-existing capacity. Agencies are often tempted by the prospect of donor dollars for capacity building, yet ignore the real work that has to be done once funding has been secured.

Given the vogue for capacity building, the International Rescue Committee's decision to employ a consultant to advise on building local capacity to address gender-based violence (GBV) was hardly surprising. What was a pleasant surprise, however, when I was offered the job was their decision to start by undertaking an extensive capacity assessment. This may seem commonsense but, sadly, is all too often overlooked.

### The Rainbo Initiative

During Sierra Leone's 11-year civil war – which ended in 2001 – there

was a high incidence of sexual assault against women and young girls. Return of peace has not meant that women and girls are safe from sexual assault. GBV remains a major public health and social problem. In support of efforts to sustainably address GBV and to bolster the recovering state's ability to do so, the International Rescue Committee (IRC) has partnered with the Sierra Leonean government to support sexual assault referral centres – locally referred to as 'Rainbo' Centres – and to holistically address GBV issues in the country. This includes not only prevention and response to sexual violence but also advocacy, legal reform, data collection and – of course – capacity building to provide full support to survivors of GBV.

The Rainbo initiative has sought to:

- respond to the multiple needs of survivors of sexual assault through direct service delivery
- raise awareness and educate the community and all partners about sexual assault and other forms of gender-based violence

- encourage structural reforms in the health and legal systems to improve survivors' access to the existing justice system
- advocate for and support longer-term efforts for legislative reform aiming to enhance and protect women's rights.

Centres in the capital, Freetown, and the cities of Kenema and Kono provide free medical and psychosocial and legal support to around a thousand survivors of sexual violence. Most recent new clients have sought support because they have been raped. The majority are six- to fifteen-year-old girls. The youngest was a two-month-old girl raped by a neighbour.

The Rainbo Initiative is an innovation in the field of sexual assault response services. More innovative still is the plan to embed the Rainbo Initiative in national structures, allowing the government to take ownership of the initiative.

Given the success of this initiative and the scale of ongoing needs throughout Sierra Leone, IRC has been determined to help build the capacity of national institutions to assume leadership. Scaling up Rainbo will require strengthened government institutions, a national sexual assault network, joint advocacy and shared learning. IRC has sought to create a multi-stakeholder body

comprised of government and civil society. In November 2006 a multi-agency National GBV Programme Coordination Committee (N-GBV-C) was set up, bringing together five ministries (health, social welfare, gender and children's affairs, justice and education), human rights organisations and several

and community development. Respondents rank their abilities on a sliding scale from 'expert' to 'in clear need of capacity building'. We then proceed to carry out long interviews using open-ended questions. Participants can use this opportunity to speak freely about the issues, strengths and challenges of forging

"The Rainbo Centre is ours. We are Sierra Leonean. So we are concerned about the existence of the Centre. We want it to continue."

Ministry of Social Welfare staff in Kenema



international NGOs. The N-GBV-C is seeking to develop new sustainable methods of integrating sexual assault referral services and activities into the public health care system and other national structures. The N-GBV-C ensures that the complex needs of sexual assault survivors are adequately addressed by promoting long-term ownership of project activities and gradually assuming managerial responsibility for the Rainbo Initiative.

### Assessing national capacity

Assessments began with a capacity-building questionnaire offering respondents – government and civil society partners – the chance to speak freely about their strengths and weaknesses. Respondents assess themselves as well as the organisations they represent. We have used an observational checklist to examine both technical and organisational capacity – including motivation, environment, training, monitoring and evaluation, strategic planning, understanding of GBV, case management, referral protocols, vicarious trauma, formal and traditional legal systems

a national approach. The fifth and final phase of assessment tests actual organisational and technical skills in order to provide evidence of their actual skill and on which to design capacity-building programmes.

IRC realises that capacity building is a major commitment requiring long-term investment. The programme is expected to last for five years, at which point the N-GBV-C will have assumed leadership not only of the Rainbo Initiative but also of a larger GBV programme serving all of Sierra Leone. IRC is pioneering a GBV certification programme which could lead to a nationally recognised qualification in Sexual Assault Prevention and Response. The programme will include core competencies required to meet survivors' many needs with compassion, respect and relevant medical, legal or psychosocial help. This includes training in case management, HIV/AIDS, referral pathways, psychosocial support, basic medical needs and much more. The training required is rigorous and detailed – and needs to be extremely well administered. This will also serve as a model for other West African states.

### Beyond a buzzword?

Capacity building is not a box to be ticked in order to satisfy a donor but a long-term process that requires significant resources. Most of all, it entails a willingness to let go, trusting that those whose capacity is being strengthened have the ability to be flexible and to continue to make a difference long after international agencies and their funds have moved elsewhere. GBV is a crucial arena for capacity building, and IRC and its dedicated local staff are well placed to ensure that survivors receive the highest standard of service. The Rainbo Initiative is complemented by other aspects of IRC's Sierra Leone GBV programme dealing with domestic violence, forced marriage and other forms of violence against both women and men.

In Sierra Leone, as elsewhere, capacity building for GBV support must combine organisational and technical skills and address the attitudes and beliefs that could help or hinder service provision. I have worked to help build capacity of local actors in Afghanistan, Morocco and Bangladesh. The approach taken by IRC in Sierra Leone is the most robust and well-planned I have come across. To use a Krio saying: *Plenti Wok Fo Do* (There is a lot of work to do) – and we stand to learn just as much as we have to offer.

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*For further information about Rainbo, see Amie-Tejan Kellah, 'Establishing services in post-conflict Sierra Leone', FMR27 [www.fmreview.org/FMRpdfs/FMR27/35.pdf](http://www.fmreview.org/FMRpdfs/FMR27/35.pdf)*

# An African perspective on capacity building

by Naomi Pardington and Melanie Coyne

## What does institutional capacity building (ICB) mean for southern-based NGOs? What are the ICB challenges they face? Most importantly, what are the impacts for the beneficiary populations?

Africa Humanitarian Action has its headquarters in Addis Ababa and is operational in 11 African countries.<sup>1</sup> We see ICB as the enhancement of an organisation's governance structures and mechanisms, management practices, effectiveness in resource mobilisation, human resources coordination and support, and standard of service delivery, external relations, monitoring and evaluation. This list is by no means exhaustive.

Capacity building is imperative for African NGOs if they are to improve their sustainability and accountability and to gain more independence. This is even more important as the international humanitarian community embarks on a period of reform. It is essential that southern-based organisations are at the forefront of change in order to bring about a more equitable relationship with their northern counterparts. AHA envisages African NGOs not merely as being implementing organisations in receipt of funding but as key agents for transformation. It is their local knowledge, skills and experience which place them in a unique position to respond to the diverse needs of beneficiary populations.

### No cheap option

It costs money for southern-based NGOs to review existing practices, identify gaps and weaknesses, recruit, retain and train staff to required standards and improve communication systems. Proposal writing, the development of new programme areas and improving monitoring and evaluation mechanisms are time consuming. When external expertise is sought or staff have to travel to participate in training events or meetings of coordination networks, further costs

are incurred. Capacity building is a long-term process requiring sustained commitment. Unfortunately, funding is often only granted on a short-term basis and tied to particular programmes of service delivery, leaving agencies little room for manoeuvre for ICB and organisational development. Thus, for example, AHA – now UNHCR's fourth-largest implementing partner – is subject to 5% overhead limits imposed by the agency. Such constraints have a direct impact on the ability of African NGOs to meaningfully address their ICB needs. Donors need to be more accountable and generous, not just in the amounts they give but in the manner in which funds are allocated.

### Two-way process

There is a tendency within the discourse on capacity building to assume that it is something that is 'done' to indigenous organisations by their northern partners, to enhance their effectiveness in service delivery and development. There is an unspoken implication that African organisations are passive actors in this process and that there is a lack of capacity inherent in their organisations. This presents a limited view of African organisations and fails to acknowledge their capacities.

Large international agencies also require capacity building and southern NGOs can be uniquely placed to help sensitise them to local contexts and local ownership, raise awareness of the importance of a participatory approach and enhance their ability to link short-term emergency relief with long-term development. Unfortunately, there are few opportunities for such contact. The past year has seen AHA attend a diverse range of meetings, workshops and conferences, very

often participating as the only African organisation, and sometimes the only southern-based organisation. This is a regrettable reflection of the current status of the relationship between northern and southern partners, especially at a time when 'ownership', 'partnership', 'grassroots development' and 'sustainability' are repeatedly encouraged. AHA wants to see greater representation and active involvement of African and other southern-based actors within forums, networks and working groups.

South-South linkages are equally important and also require funds. As part of its commitment to capacity building and strengthening the ability of southern-based organisations to respond to humanitarian crises, AHA is working with others to strengthen South-South relationships between organisations. As a member of the Overseas Development Institute's Civil Society Partnerships Programme<sup>2</sup> AHA is helping to encourage greater involvement of southern partners and to establish a worldwide network community of practice for think-tanks, policy research institutes and similar organisations working in international development.

The multiple financial and logistical constraints facing indigenous NGOs in capacity building are set to remain as long as southern organisations remain subject to project-based agendas. For thirteen years AHA has struggled, with increasing success, to overcome these obstacles. However, our efforts and those of similar southern-based humanitarian actors cannot be fruitful unless change also occurs on an international level. Ultimately it is affected populations who stand to gain from having stronger and more able indigenous organisations.

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1. [www.africahumanitarian.com](http://www.africahumanitarian.com)  
2. [www.odi.org.uk/cspp](http://www.odi.org.uk/cspp)

# Return of qualified Sudanese

by Lindsay T McMahon

**With the signing of the Comprehensive Peace Agreement in January 2005<sup>1</sup>, the new Government of South Sudan began to call for the return of the millions of South Sudanese IDPs and refugees. The International Organization for Migration (IOM) has developed a programme to help them do so.**

The reintegration of so many Sudanese returning to still devastated areas in the South poses great challenges. Basic social services in



IOM has developed the Return and Reintegration of Qualified Sudanese (RQS) programme. Starting in 2006 and continuing over an initial three-year programme period, this IOM programme – funded by DANIDA, the Danish government aid and development agency – is assisting public sector institutions and private enterprises in Sudan to meet critical human resource gaps by facilitating the permanent or temporary return and reintegration of Sudanese nationals who have the skills and expertise needed to deliver essential services, build capable institutions and encourage domestic and foreign investment in Sudan. To do this, RQS recruits skilled Sudanese who are eager

South Sudan are wholly inadequate to meet the needs of the population, raising concerns for the wellbeing of residents and the growing number of those returning. The civil war's devastation of the South left few schools, health clinics or water and sanitation facilities intact, and few residents with the knowledge and experience to operate what facilities remain. The war decimated the South's agriculture base and left the region with virtually no productive activity. Trained and experienced civil servants, teachers, health workers, agricultural workers, vocational and skilled labour are all in short supply. Resident and returning Sudanese will continue to face severe difficulty in accessing essential services, including health and medical care, education, water and sanitation unless an adequate supply of qualified labour is available to meet growing demands for knowledge, expertise and experience.

Building on similar programmes successfully implemented in Bosnia-Herzegovina and Afghanistan,

to return home from among the IDPs in northern Sudan, refugees in neighbouring countries and diaspora populations in the Gulf, Europe and North America. RQS collects details on the skills needed as well as the job vacancies that public and private sector employers in Sudan need to fill for sustained development. RQS then matches prospective candidates' qualifications with potential employers' requirements. Once candidates receive and have accepted a job offer, IOM facilitates candidates' return to their place of origin or employment in Sudan, and supports each returnee's reintegration through provision of a customised reintegration package and support services.

In its pilot phase, RQS focused on returning qualified teachers living in North Sudan as IDPs back to schools, many newly built, in the South Sudan states from which they had fled. Having successfully returned fifty teachers with their family members, and with several hundred more registered and

preparing for return, RQS is now expanding to meet severe human resource deficiencies identified in health, agriculture and infrastructure. RQS will seek to strengthen Sudan's private sector development by placing qualified Sudanese in private sector enterprises and by supporting entrepreneurial Sudanese who wish to return to Sudan to start up independent ventures.

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1. See FMR24 [www.fmreview.org/sudan.htm](http://www.fmreview.org/sudan.htm)

*Sudanese refugees greet family and friends they have not seen in some cases for 20 years.*

I am from Eastern Equatoria, from Lopaw payam in Torit county. I came to Khartoum in 1996. I was eleven years old at the time. I had the chance to go to school in Khartoum and later studied to become a pre-school teacher. I also did teacher training courses in community development, physical education, child protection, early childhood development, music and movement and a variety of other subjects. I am going to fly back to Torit via Juba with members of my family. Apart from teaching, I see myself assisting in improving pre-school education in the Torit area, because early childhood learning is very important. I have experience. I have already been involved in setting up a school in the El Salaam camp for internally displaced persons near Khartoum, where we live. I can help. I have the teaching material and the know-how and also the experience with getting funds from NGOs. I can do my share to improve the situation in Torit. I keep telling my colleagues in the camps in Khartoum: "What are you still doing here? Let's go and build up something for future generations in our home areas."

Luca George Kidi

# Capacity development from the inside out

by Anisya Thomas and Desiree Bliss

**In 2004, the leaders of 15 African Red Cross and Red Crescent (RC) Societies and staff from Fritz Institute met in Johannesburg, South Africa, to further the growing belief that Africa's humanitarian problems cannot be solved from the outside in.**

The African leaders spoke frankly about the failure of current humanitarian assistance in Africa. In their view, the most significant challenge facing them was their inability to generate funds to support their core personnel

and infrastructure costs while still being expected to implement large front-line programmes effectively. With inadequate infrastructure, they could not attract or retain top talent or provide the quality of reporting required by donors. This in turn led to lack of trust from donors who often insisted on costly oversight, often patronisingly provided by junior or inexperienced expatriates. They also felt that as

African humanitarian leaders they did not collaborate enough with each other or share lessons learned.

In Johannesburg they established a network called the New Partnership for African Red Cross and Red Crescent Societies (NEPARC).<sup>1</sup> NEPARC's vision is to be a network of excellence – its mission that members take charge of their own destiny, mutually support each other and develop a common voice in serving the continent's most vulnerable people. The founding members of NEPARC invited Fritz Institute as a neutral non-profit organisation to be its enabling partner.

## Auditing capacity

Capacity development should be driven by southern organisations, with donors and partners acting as enablers. This approach should

objectively assess NEPARC members in the areas of a) transparency, accountability and governance, b) financial sustainability and c) programme effectiveness. Not only would this 'audit' identify soundness of governance, capacity deficits and patterns in capacity or lack thereof across organisations and countries but it would also create a common reference point and vocabulary for NEPARC members and their donors, enabling peer mentoring and the sharing of good practice.



The first to be implemented was an audit in transparency, accountability and governance, undertaken by the SGS Group – the world's leading inspection, verification, testing and certification company – using their NGO Benchmarking Standard tool.<sup>2</sup> Fourteen NEPARC members have participated to date, three of whom have since participated a second time. Members learned that although they have common commitment,

be paired with the creation and deployment of mutually agreed upon, objective standards that enable gaps to be identified, solutions developed and evidence of capacity demonstrated to all stakeholders. Finally, there should be an effort to share knowledge and lessons across various organisations facing similar issues in order to facilitate peer learning and mentoring as well as to indicate which approaches to capacity development work and which do not.

Fritz Institute developed a model of humanitarian excellence – focusing on the core challenges expressed by NEPARC members – in order to

vision and project and field-level operational experience they also share weaknesses – uncertainties about the role of boards of trustees, inadequate or absent codes of conduct and inability to ensure field experience feeds into improved practice.

The overwhelming feedback from members who have participated in the first audit suggests that valuable learning has emerged. At the 2006 NEPARC General Assembly the Uganda Red Cross Society said they had hosted a governance and management retreat following its initial transparency, accountability and governance audit. At the retreat,

*Dr Awori, Vice President of Kenya, presents the Fritz award of humanitarian excellence to Paul Birech, President of the Kenya Red Cross.*

Fritz Institute



General openly discussed how his organisation discovered that they shared many of the same challenges faced by African organisations.

In 2007 Fritz Institute and KPMG Kenya developed the second audit tool to assess organisations' financial sustainability. The sustainability assessment tool includes assessment of an organisation's diversity of funding sources, relationships with stakeholders and whether the organisation has the necessary skills, experience and training to develop an effective fundraising strategy. The audit tool was developed in close

cooperation with the Ethiopian Red Cross to ensure applicability across the NEPARC network and is being refined through the participation of the Mozambique and Uganda Red Cross organisations in pilot audits and feedback sessions. Fritz Institute has also begun working on a tool for assessing programme effectiveness, the third audit.

Four new members have joined NEPARC – Burundi, Cameroon, Ghana and Mozambique – and it is expected that the network will grow to 25 members by the end of 2007. Two meetings have been held, an executive director hired and a newsletter established. Members have convened meetings in advance of wider Red Cross Movement policy discussions to share views and arrive at a common position. Participation in the audits has facilitated NEPARC members' local fundraising efforts and enhanced the credibility of members. Organisations unable to meet the audit threshold the first time can now present coherent arguments for soliciting funds for local capacity development.

they developed a code of conduct for the board and management, created conflict of interest policies and procedures and conducted a comprehensive policy review engaging all of its branches. Uganda's efforts to address its weaknesses were awarded with an increase in its audit score of almost 15% between its first and second audits.

Similarly, the South African Red Cross Society hosted a workshop on resource mobilisation, a weakness identified by the audit which stressed the need for a formalised fundraising policy and a long-term strategy for resource allocation. They failed the initial audit but felt that their participation in it had helped them identify weaknesses and prioritise areas for improvement – enabling them subsequently to pass the second audit.

NEPARC members challenged their donors in the Red Cross Movement to undertake the audits themselves in order to appreciate the rigour of the process and to develop a common vocabulary around capacity. The Spanish Red Cross took up this challenge in 2006 and its Secretary

"NEPARC is providing African National Societies with the opportunity to demonstrate our credibility to our partners, governments and societies. The network has prompted us to seek out resources within our own countries, as sustainability is a core value that NEPARC is fostering."  
Tom Buruku, Chairman,  
Uganda Red Cross Society

"Every time I have the opportunity to recommend NEPARC to other African National Societies, I tell them that the audits are not sanctions; rather, the audits provide an opportunity for Societies to demonstrate where they have been, where they are and where they should be."  
Monique Coulibaly, President, Red Cross Society of Côte d'Ivoire

"The Sustainability Assessment tool provided our organisation with the opportunity to analyse the diversity of our funding sources and reflect on our core costs; as a result of our participation in the pilot, we are developing a master resource mobilisation plan that will enable us to reach our long-term objectives."  
Fernanda Teixeira, Secretary General, Mozambique Red Cross Society

*Monique Coulibaly, President, Red Cross Society of Côte d'Ivoire, at 2006 General Assembly in Addis Ababa, Ethiopia.*

## Conclusion

NEPARC is by no means a proven model and only time will tell if it can permanently enhance capacity. The benefit of this model is its ability to highlight the strengths and weaknesses of its members, providing each organisation with practical data on which to develop its own strategy to build capacity. Changes within organisations can then be made according to their own priorities and timetable and with partners of their own choosing.

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1. [www.fritzinstitute.org/neparc/neparcIndex.htm](http://www.fritzinstitute.org/neparc/neparcIndex.htm)  
2. See [www.sgs.com](http://www.sgs.com).

# Bold advocacy finally strengthens refugee protection in Kenya

by Eva Ayiera

**In November 2006, after 15 years of consideration, the Kenyan Parliament enacted the Refugee Act, believed by many to be potentially the most important milestone in the management of refugee affairs in Kenya.**

The law would not have been passed without intense advocacy, lobbying, negotiating and balancing of the political, economic, human rights issues and security considerations. The Refugee Consortium of Kenya (RCK), established in 1998 as a legal aid and advocacy organisation for refugees, took a

about 14,400 to nearly 300,000 as refugees fled en masse from Somalia, Sudan and Ethiopia at a time of chronic economic crisis and hyperinflation. Faced with a seemingly endless stream of refugees, Kenya drafted a refugee bill but the government watched the situation, unwilling to shoulder the growing

periphery of Kenya's growing refugee crisis. However, the scope of rights available to refugees shrank. They were exposed to constant unlawful arrests, incarceration and the risk of *refoulement*. Their rights were uncertain and undefined. Refugee protection standards were in a state of steady decline.

As years went by, the government became increasingly reluctant to enact the refugee law. Kenya continued to face sporadic influxes of refugees, the long porous border

with Somalia became a cause for concern and the increase in gun crime stirred up public outrage against refugees and immigrants. Concerns arose about environmental degradation in the refugee camps, where large numbers of refugees were living on a small area of land. Conflicts between refugees and host communities grew and many Kenyans noted the disparities between their own living standards and those of refugees. The draft legislation was judged to be a burden that a beleaguered Kenya could not afford to shoulder. As the refugee situation



UNHCR/A Webster

Sudanese refugee women in Kakuma camp.

central role in advocating for this law, working with its partners in a concerted effort to realise lasting change in refugee management.

Kenya's resistance to a refugee law dates back to 1990-91 when the refugee population shot up from

burden indefinitely. The government established two refugee camps – Dadaab and Kakuma – in remote and inhospitable corners of Kenya and delegated authority for management and protection to UNHCR in a bid to ensure the international community did not remain at the

became protracted, resistance to enactment intensified, although the need for protection, accountability and predictable administration became ever more apparent as the needs of refugees intensified.

A new political climate was ushered in by the 2002 general elections. The democratic transformation opened space for a new form of engagement between the government and civil society and a softening of the antagonism towards NGOs that had been acute under the previous government.

In 2006, the Refugee Bill was gazetted and returned to Parliament. Recognising a new, vibrant opportunity, RCK engaged a broad cross-section of stakeholders in a spirited campaign for enactment of the law. RCK promoted the legislation, engaged at the highest level with the parliamentary committee responsible for the bill, monitored parliamentary debates, liaised with the Refugee Affairs Department and UN agencies and worked with other civil society actors to push for enactment.

### Advocacy strategies

RCK's approach to advocacy recognises the need for NGOs to define themselves as non-partisan and non-political. However, given the history of the bill and the sentiments of Kenyans towards it, the process was steeped in political considerations that needed to be addressed if the legislation was to be enacted. We recognised the need for a long-term engagement, focused on demystifying refugees and the asylum process and changing attitudes towards them. We recognised the need for a broadly inclusive negotiation. Politicians, government departments and the public had differing interests and legitimate concerns about the refugee situation that merited frank discussion and consideration. The refugee debate in Kenya had become a charged issue, fuelled by negative media stereotypes, upsurge of armed crime, apparent linkages between refugee influxes and rare epidemics and resentment against the way refugees have driven up the cost of renting accommodation.

We did not lose sight of the importance of distinguishing refugees from illegal migrants. RCK and its partners focused on promoting the bill as a law aimed at addressing these issues by putting in place predictable systems of management,

distinguishing refugees from other categories of migrants and highlighting the need for the Kenya government to resume full authority for the overall management of refugee affairs. While arguments for ensuring that international human rights standards are reflected in national legislation are important, it is equally important to address the practical issues arising within a country. It was critical to demonstrate how new legislation would benefit Kenya.

Being a national NGO gave RCK the platform to present arguments and address issues that may have been perceived in a different light coming from an international actor. Working with the legislators, we reviewed each clause of the bill in order to ensure refugee rights were protected in line with international standards; to address security concerns raised by some government partners; to protect the environment in areas hosting refugees; and to ensure the legislation would help both refugee and host communities. Our recommendations were incorporated into the formal text of the bill as it was re-drafted into a formal law. The bill was signed into law by the Kenyan President and became law on 30 December 2006. At the end of a lengthy negotiation process, RCK, partner NGOs, international and intergovernmental organisations, the Refugee Affairs Department and refugees collectively breathed a sigh of relief, recognising the achievement that bold advocacy had achieved and our hopes that it would usher in a new era in management of refugee affairs.

### Events in Somalia challenge new law

It is now important to ensure that legal standards are upheld and that the government is held to account for the provisions of the legislation. RCK is concerned to see the new law applied in the situation of Somali refugees in the present round of conflicts. The border has remained closed since January 2007 and some asylum seekers have been *refouled*. Few refugees have managed to trickle into the country to seek asylum and many displaced Somalis are camping on the other side of the Kenya/Somalia border.

While we support the government in its efforts to enhance security and protect Kenyans, we do not believe that the solution lies in denying entry or forcing back vulnerable refugee women, men and children to a situation of grievous harm and threat of death. At the same time, we acknowledge that the government has now allowed humanitarian aid to pass through Kenya into Somalia and we urge the international community to increase efforts both to provide security and humanitarian assistance to the displaced persons sheltering on the Somali side of the border. We call on the government to open the border and to let in those in need. UNHCR can mobilise resources from the international community to assist in vetting asylum seekers at the border before they enter the country in order to retain the civilian nature of asylum.

Kenya has been host to over 150,000 Somali refugees over the last fifteen years of Somalia's unrest – a laudable humanitarian gesture recognised all over the world. It shares a border of well over 600 km with Somalia. Refusing to allow asylum seekers entry through the known border points will force people to find alternative and unofficial routes into the country, and the government will miss opportunities to vet entrants. Closing the border and refusing access to asylum seekers are also likely to escalate the humanitarian situation in Somalia which will spill over into Kenya.

We call on the government to re-evaluate its position and to allow refugees from Somalia to enter and seek asylum in Kenya in keeping with the national law and policies found in the Refugee Act and in line with international human rights and humanitarian law. In the same spirit, the international community should demonstrate greater commitment to shoulder the humanitarian and security responsibilities arising from the Somalia situation.

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# Who owns and drives capacity building?

by Colleen Thouez and Sarah Rosengaertner

**Capacity building is context specific and often subject to North-South political games. This is often apparent in Regional Consultative Processes (RCP), fora for states, international organisations and NGOs to informally exchange information on migration-related issues of common interest.**

First introduced in Europe in 1984, RCPs assist governments within a particular region to strengthen their understanding and application of migration and refugee policies and laws. They focus on strengthening national capacities and forging regional cooperation. RCPs often centre on aspects relating to border control.

They meet a need. In regions such as Central Asia and the Caucasus, where the regulation of migration across neighbouring countries is a fairly recent phenomenon, strengthening national capacities is essential. Many of these countries established migration departments in the 1990s and have worked to strengthen their capacities to address refugee and migration issues. In Africa, where regulating human mobility across most of the continent is a new concept, the need for strengthening national capacities and regional cooperation is uncontested.

The RCP model does not obligate states to make firm commitments to the issues discussed. Countries are able to come together to benefit from training, exchange information, forge links with counterparts in neighbouring countries and strengthen common understandings without constraining their respective sovereignty.

Nevertheless, the input played by third – Northern – parties in shaping the training agenda is quite revealing. For instance, within the African RCPs, Europe and the US have had a steady presence as ‘observers’. Similarly, Australia and

Canada also have disproportionate influence in RCPs in their spheres of interest. There have been cases where regional powers shape the agenda of RCPs. In the Caribbean in 2001-02, the US government objected to addressing the issue of return of deportees. In the CIS and neighbouring region dialogues from 1999 to 2004, the Russian government was often on the defensive for its handling of migration issues and was reticent to share information.

Northern influence is also behind the fact that the RCPs tend to focus on ‘migration management’ and border control issues. The Inter-

## the North is often influencing the South’s priorities in the latter’s own backyard

Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC) – a North-based RCP which first emerged out of concern for more effective refugee protection – has concentrated its efforts on effective border control. In the South, discussions tend also to concentrate on border control, arising not only out of the concerns of Southern countries but also undoubtedly because of the expensive border control programmes and technologies that Southern countries are able to implement with the support of countries in the North.

International organisations are often involved in facilitating RCP meetings and maintaining the exchange of information within

RCPs, offering technical expertise and administrative support. Most RCP secretariats are administered by the International Organization for Migration (IOM). The IOM’s role is not a disinterested one as a clear link exists between promoting and sustaining such regional efforts and concurrently securing IOM’s participation and follow-up through the implementation of IOM programmes in the countries and regions concerned.

In the case of RCPs, the North clearly has an influence over capacity building in the South. It may facilitate the establishment of the RCP as a medium for delivering training and have an influence over content based on its own interests such as border control. However, the South is clearly not the ‘loser’ in this equation. The South needs the capacities that the North brings by way of RCPs. Further, while Southern countries may toe the line with respect to the rhetoric shared by observers and international organisations involved in RCPs, ultimately they are not formally bound to what is endorsed by the RCP. Due to the non-binding nature of RCPs, countries can select certain elements – such as training and technical assistance – without necessarily incorporating other elements into respective national strategies.

Nevertheless, it is worth pointing out that the North is often influencing the South’s priorities in the latter’s own backyard. The extent to which priority setting means that issues of critical relevance to the South are being overlooked – in exchange for the North’s priorities – should be a subject for concern.

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# Emergency within an emergency: Somali IDPs

by Hassan Noor

**International media report that over 300,000 Somalis have been newly displaced by fighting in Mogadishu. Conflict-related displacement hits the headlines but the numbers displaced by environmental change are also colossal. The international response remains woefully inadequate.**

Hardly any Somali family has escaped the experience of displacement. Displacement was first experienced in the mid 1970s and 1980s, both as a result of drought and attacks on civilians launched by Siad Barre, the military ruler of Somalia from 1969 to 1991. Displacement in northern Somalia displaced hundreds of thousands who became refugees in Ethiopia. Displacement escalated massively when civil war broke out in the early 1990s. In terms of the proportion of the population displaced, the

Somali displacement crisis is worse than that of Darfur or Iraq.

'IDP' is a useful term for purposes of definition but it does not capture the kind of reality that Somalia is now facing. It is important to distinguish between CDPs – conflict-displaced people – and EDPs – environmentally displaced people. Conflict-related displacement in Somalia is the direct result of the civil war and turbulent politics. CDPs are estimated to number around 600,000 with possible conflict in Kismayo and

Mogadishu potentially exacerbating the figure to nearly a million. CDPs have been forced to leave their homes for security reasons, a type of displacement with a huge long-term impact on families and continued dependence on humanitarian assistance. Fighting between the Islamists and the Ethiopian-backed Transitional Federal Government (TFG) erupted as civilians struggled to cope with massive flooding in riverine areas of south Somalia in November and December which added 300,000 to the existing number of EDPs displaced by drought.

## Somalia's forgotten displaced

Amidst the complexity of recurrent displacement in Somalia, few notice that there are displaced people who



*A woman with her children at an IDP camp in Arare, southern Somalia.*

Manoocher Daghary/IFN

are neither IDPs nor Somalis. These refugees include significant numbers of Ethiopians (members of the Oromo ethnic group – the country's largest) who have fled once more to escape Ethiopian soldiers supporting the TFG. There are also Tanzanians (from the island of Zanzibar) and Sudanese. They have serious unmet needs for protection and assistance. Their numbers cannot be quantified but it is estimated there are several thousand.

Significant numbers of Somalis have been *refouled* and the phenomenon is increasing. Saudi Arabia has forcibly repatriated Somalis for many years. As the numbers of Somalis and Ethiopian Oromo in Kenya, Uganda and Yemen continue to rise, it is likely that more will be sent back to Somalia against their will. Kenya has recently closed access to the thousands of Somalis encamped along its border. Despite the recent enactment of a new refugee law<sup>1</sup> it has allegedly detained and forcibly returned Somalis without UNHCR having had the chance of determining whether they qualified for refugee status. More and more Somalis – and non-Somalis fleeing Somalia – are likely to end up entrusting their lives to traffickers as they seek to reach safety in Europe.<sup>2</sup>

### Urgent national and international action needed

Since 1991, there has been no national entity responsible for IDP response. The gradual attempt of the TFG to re-install itself in Mogadishu has unleashed considerable effort on several sides to take ownership of the IDP issue. The newly-established National Refugee Commission has declared that IDPs fall under its mandate but its capacity is limited by the TFG's inability to regain control of Mogadishu, let alone the whole of Somalia. The duty to provide protection and assistance to the Somali population thus remains with the international community and Somali NGOs, often supported financially by local businessmen.

The Guiding Principles on Internal Displacement are largely unknown in Somalia. The protection of IDPs is, first and foremost, a duty of the national authorities and it is imperative that members of the TFG and regional states – as well as

non-state actors – are encouraged to take the lead. UN agencies, the ICRC and international NGOs cannot substitute for competent local authorities. Somalis need to be helped to understand their role and responsibility of care with regard to both IDPs and refugees.

In Somalia, as in Darfur, displacement is a reminder of the conflict that needs to be resolved. There is a need for a robust response from the UN and the African Union to end the sixteen-year-long cycle of violence and displacement. The AU is faced with a difficult mission. The AU must not again be deprived of the resources it needs to achieve its objectives. There is also a need for clarity regarding its mission. When I was in Darfur it was apparent that AU forces had little understanding of their mandate: indeed I never got to see what it was, for it was forever being drafted. Too much is at stake for Africa to allow another poorly-equipped and malfunctioning AU mission with only a limited and time-bound mandate to be set up only to fail once again.

Promotion of understanding towards the respect of law is a key tool in resolving conflicts, protecting civilians and realising good governance. Somalia urgently needs the kinds of rule of law programmes which have been developed in Darfur.<sup>3</sup> Justice and Confidence Centres run by local communities could help the transition to peace.

A major obstacle to a more concerted humanitarian response is donor reluctance to engage in Somalia, mostly related to previous failure to achieve tangible improvement. The 2007 Coordinated Humanitarian Appeal (CAP) for Somalia – outlined by OCHA in November 2006 – identifies one million people in need of assistance, which includes 400,000 IDPs. By April 2007, the CAP was covered for 33%, with most funds going to the food sector. Less than 10% of the health, protection, shelter and agriculture sectors were covered, while education and recovery programmes had received no funding at all. Along with the extremely complex political context, chronic under-funding of the CAP is a serious obstacle to a successful reconciliation and reconstruction process in Somalia. While political

diplomacy is working towards national reconciliation, recent UN advocacy for Somalia called on donors to consider long-term funding, which would demonstrate real international commitment to the many aspects of Somalia's recovery, particularly in relatively stable Somaliland and Puntland.

Insecurity in Mogadishu and surrounding areas, as well as roadblocks, port closures and marine piracy, are creating difficulties for humanitarian access, the importation of food and non-food commodities and inter-regional trade flows in southern and central Somalia. Activities in the main Mogadishu port have slowed down with a wide knock-on effect on the supply and price of imported food and non-food commodities. Despite the availability of locally produced cereals at relatively low prices, food access for displaced populations, especially the poorest, is difficult due to the sudden disruption in livelihoods and loss of income-earning abilities.

The most recent displacement from Mogadishu occurred in a climate of indiscriminate violence against civilians. Many of them have had to endure extortion and harassment, especially when they cannot enjoy clan-based protection. Most IDPs have largely been left to their own devices, and information on living conditions and protection issues remains scarce. Morbidity, mainly from diarrhoeal diseases (due to consumption of unsafe water) and malaria, is on the increase in many places in south and central Somalia. A marked increase in Acute Watery Diarrhoea (AWD) and cholera has been reported, mostly linked to post-flood conditions, and to lack of safe drinking water and sanitation. The areas with the highest AWD prevalence (Mogadishu and surrounding regions) are also the areas most difficult to access for treatment. Somalia remains chronically food-insecure and malnutrition remains a serious problem. The riverine areas continue to be extremely food-insecure due to the aftermath of the floods and insecurity. In addition, the rains have failed in large parts of Somalia and food insecurity is expected to worsen. IDPs are generally particularly vulnerable

to malnutrition, as they have fewer possibilities to support themselves.

Due to widespread insecurity, the international presence in south and central Somalia remains weak and inconsistent, and highly insufficient considering the enormous needs of the population, especially in and around Mogadishu and other southern towns.

In the absence of a functioning government, the UN and national and international NGOs are often the only service providers and interact directly with clan leaders and local authorities. Especially in the south, in a context of ever-changing local power structures and clan affiliations, negotiating access is difficult.

The premature and abrupt termination of the UN mission in Somalia in 1995 continues to have a

negative impact on the quality and quantity of humanitarian assistance to Somali IDPs. Since the withdrawal, the international aid community responsible for Somalia has been based in Nairobi. The UN's operational presence has been fairly consistent in Somaliland and Puntland but has remained sparse in south and central Somalia, ensured largely through Somali national staff. Concern Worldwide is the only international organisation that has maintained full presence in southern Somalia since the 1991 operations. ICRC has maintained access to most of the southern regions through continued negotiations with local leaders. Some INGOs maintain a presence through national staff. The Somali diaspora has made outstanding efforts to support displaced civilians and raised hundreds of thousands of dollars during the flooding in late December. It is unfortunate that their efforts are

not linked to overall coordination mechanisms. Links need to be forged between INGOs and the diaspora to give greater impetus to joint advocacy.

The operational gap between Nairobi and the field level remains, despite recent attempts to bridge it. Somalia is one of the four countries where the new cluster approach<sup>4</sup> – a key



Aveys Yusuf Osmani/IRIN

element of the UN's humanitarian reform process – is being rolled out. The cluster approach has helped agencies recognise response gaps but has not consistently led to filling them. Collaboration between UN agencies and NGOs, both local and international, is not fully in place. As lead agency for the protection cluster, UNHCR has taken on a coordination and gaps analysis role with regard to the response to the internal displacement situation. Its operational presence in Somalia is limited. The humanitarian response could profit from better collaboration with local actors, who often work in areas considered inaccessible by the international community.

In early 2007 John Holmes, the newly-appointed UN Humanitarian Coordinator (HC), called on the international aid community to re-engage in Mogadishu, taking advantage of the fact that the TFG

was moving back to the capital, and to meet the high expectations of the population for reconciliation, security and resumption of basic services. This call for immediate re-engagement was met with scepticism by some humanitarian actors. At the end of March 2007 the security situation in Mogadishu had degenerated so far as to make humanitarian access virtually

impossible even for local NGOs. In May John Holmes became the most senior UN official to visit Mogadishu in a decade. Urging the TFG to provide a more enabling operating environment for aid workers, he reported that aid workers are only reaching about a third of those afflicted by Mogadishu's worst fighting for years. Hundreds of thousands of people who have fled outside the city and surrounding regions live without

*Destruction of property, Mogadishu, Somalia, May 2007.*

food, water and shelter and need immediate assistance. "In terms of numbers and access to them," Holmes told a news conference, "Somalia is a worse displacement crisis than Darfur or Chad or anywhere else this year."

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1. See article by Eva Ayiera on pages 26-27.

2. See Hanno van Gemund, 'From Somalia to Yemen: great dangers, few prospects', FMR27 [www.fmreview.org/FMRpdfs/FMR27/45.pdf](http://www.fmreview.org/FMRpdfs/FMR27/45.pdf)

3. See Sarah Maguire and Maarten G Barends, 'Promoting the rule of law in Darfur', FMR 25 [www.fmreview.org/FMRpdfs/FMR25/FMR2525.pdf](http://www.fmreview.org/FMRpdfs/FMR25/FMR2525.pdf)

4. Tim Morris, 'UNHCR, IDPs and clusters', FMR 25 [www.fmreview.org/FMRpdfs/FMR25/FMR2531.pdf](http://www.fmreview.org/FMRpdfs/FMR25/FMR2531.pdf)

# CAR: no longer forgotten?

by Toby Lanzer and Amanda Weyler

**The international community is waking up to the strategic importance of the Central African Republic (CAR) in the crisis over Darfur. Will current interest endure long enough to help the people of CAR beyond the immediate future?**

In 2004, when Jean-Bertrand Aristide needed a refuge after being ousted from Haiti, he chose to go to CAR. For years, landlocked CAR was the ideal place for runaways. Tucked away between Chad, Sudan, the Democratic Republic of Congo and Cameroon, this sparsely populated country – with a population of just over four million but larger in area than France – was overshadowed by its neighbours and their greater claims to strategic interest. CAR's modern history, shaped by a notoriously extravagant self-styled emperor condoned by the West, seemed to have left a bitter taste with the international community. Donors and international organisations were reluctant to invest money or effort in a country which has had 11 mutinies or attempted coups in the past decade.

Today the situation appears different. CAR is starting to pop up in international media. President François Bozize, a former general who seized power in 2003, has legitimised his presidency through elections. There is talk of deployment of a UN peace-keeping force along CAR's border with the Darfur region of Sudan and international NGOs are pouring into the capital, Bangui, for assessment missions. This relatively sudden turn of events raises questions. Why did the world forget about CAR for so long? What has changed? And, perhaps most importantly, what can humanitarian and development actors do to turn the attention CAR is currently enjoying into tangible improvements for its people?

Until 2006 international presence in CAR was extremely limited. Only five international NGOs worked outside the capital, and the various UN agencies present in the country were to a large extent based in Bangui, only moving outside the city with armed escorts. With too few people to tell its story to capitals and headquarters

around the world, funding for humanitarian and development activities was scarce. The fact that CAR was either unknown or seemed to hold little strategic interest for donors deterred new actors from coming into the country, thus creating a vicious circle of forgottenness.

The situation changed dramatically in 2006. The diplomatic deadlock with Sudan over the conflict in Darfur, and the occupation of several towns in north-eastern CAR by armed opposition groups, opened many eyes to CAR's role in the broader crisis playing out in the region. In 2006 the security environment deteriorated steadily especially in the north-east and north-west. It is estimated that 282,000 have been forced to flee their homes due to insecurity. 212,000 remain displaced within CAR's borders. Others have fled into Cameroon, Chad and even Darfur. Fears that the violence in CAR might serve to further destabilise an already fragile region have contributed significantly to the increase in international attention in recent months. Further, a lawless CAR could be used as a launching pad for rebel activities in both Chad and Darfur, rendering prospects of ceasefires or peace deals in those two countries more remote. Echoing that line of thought, the UN Secretary-General has proposed establishment of a UN peacekeeping mission – Mission des Nations Unies au Tchad et en République Centrafricaine (MINUTAC) – to protect civilians caught up in the spillover of the Darfur conflict.<sup>1</sup> In sum, the world has woken up to a key element of CAR's strategic importance.

With that realisation has come a better understanding of the humanitarian needs of the population of CAR. Hundreds of villages have been scorched and thousands of people are hiding in the bush, too afraid to

return to their homes. In March 2007 a UN team which visited Birao, the main town of the Vakaga region near Darfur, found 70% of houses had been torched and the place emptied of its population. A million people are affected by conflict and lawlessness. There is an urgent need for the UN and NGOs to provide food, water, clothing, seeds and tools, shelter, health and education services.

Problems resulting from decades of neglect of development will not be resolved in a matter of months. The crisis unfolding in CAR is not only the result of insurgency and banditry but of chronic poverty and underdevelopment. CAR is the world's seventh least developed country. Over half the population has no access to safe water. Over a third of under-fives are chronically malnourished. Life expectancy is only 42. Seventy-three per cent of the population live on less than \$1 a day. Indicators for maternal and under-five child mortality, already very poor, are in a continuing downward decline. Vast distances from agency HQs complicate provision of humanitarian support, coordination and data collection. Poor weather and non-existent roads impede access to much of the country during six months of the year.

The real challenge for humanitarian and development professionals who operate in the country will be to capitalise on the support they are currently enjoying and to create projects and partnerships which will last even after the spotlight has moved on. Working with the Central African government, which has to continue its current will to improve the lot of its population, will be key. While it is good that CAR is no longer a forgotten crisis, the aim should be that in two or three years there will be no crisis at all.

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1. [www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-6YPS53?OpenDocument](http://www.reliefweb.int/rw/RWB.NSF/db900SID/EGUA-6YPS53?OpenDocument)

# Fighting impunity: legal aid in Darfur

by Maarten Barends

**A rule of law vacuum exists in Darfur, more so than in any other region in Sudan. UNDP's Rule of Law Programme is supporting law enforcement and judiciary officials in assuming their responsibilities under national and international law – and working with them to end the current climate of impunity.**

The armed conflict in Darfur has led to systematic violations of international humanitarian and human rights law against civilian populations, contributing to a breakdown of law and order. Local communities are held captive by fear. Despite the huge scale of humanitarian intervention, human security and protection remain serious concerns for the war-affected populations. Direct attacks on civilian populations remain commonplace and include arbitrary killing, rape, looting and serious impediments to the freedom of movement.

As law enforcement and judiciary officials in Darfur lack the capacity and incentives to uphold and protect human rights, war-affected populations remain vulnerable to arbitrary violence and deprivation of physical, material and legal safety. Given the lack of adequate and responsive law enforcement, despite extensive sexual and gender-based violence (SGBV), women in particular are reluctant to seek justice and file complaints against attackers.

UNDP Sudan, in partnership with the International Rescue Committee (IRC) and a number of Sudanese human rights organisations, has embarked on an ambitious Rule of Law Programme in Darfur. The programme seeks to raise awareness of human rights and rule of law; empower local stakeholders to actively engage in preventing

and bringing an end to existing violations of international standards; restore confidence in informal and formal rule of law institutions; and gradually build a culture of justice – a culture that is responsive to long-term capacity building and sustainable human development.



## Raising awareness

The UNDP Rule of Law Programme in Darfur was launched in September 2004 with the full endorsement of the local and federal authorities and the active support of local communities. By the end of 2006, our human rights training had attracted over 25,000 people throughout Darfur, including

members of the Sudanese Armed Forces (SAF), Popular Defence Forces (PDF), Sudanese Police Forces (SPF), National Security (NS), non-state armed groups (NSAG), local militias and communities close to the warring factions. Through its awareness-raising efforts, UNDP tries to convey the key message that human rights cut across all regions and all religions. Human rights belong to all.

The training also extends to war-affected populations. It is as important for displaced and other war-affected populations to be aware of their rights as it is for local authorities and tribal leaderships to be conscious of and live up to their responsibilities under national and international law. By engaging all Darfuri stakeholders in an open discussion in a neutral setting, the training provides an opportunity to start to address some of the root causes of the conflict. The objective therefore is not only to raise general awareness about the rule of law and human rights but also to change attitudes and mindsets, to build confidence and promote reconciliation, and to instil again in Darfur a sense of doing what is right – based on local custom, international standards and universal ethics.

## Building local capacities

Training, however, is not an end in itself. Awareness raising must be complemented and reinforced by parallel efforts to ensure protection through building the capacity of local rights groups, and continuously mentoring and monitoring all stakeholders, in particular potential perpetrators of human rights abuses. The UNDP Rule of Law Programme in Darfur has therefore

*UNDP-IRC  
Rule of Law  
Training in  
El Geneina,  
west Darfur.*

UNDP/Yousif Ahmed



AU soldiers,  
north Darfur.

Derk Segaar/IRIN

established Legal Aid Centres and paralegal groups, as well as a Legal Aid Network of Darfurian lawyers, to empower local communities and improve access to justice.

Additionally, UNDP has initiated a series of Rule of Law seminars in close collaboration with the Darfurian State Universities. These seminars – which bring together local academia, government authorities, civil society organisations and community representatives – provide a platform to raise awareness about rule of law and human rights. They aim to foster dialogue among stakeholders, promote freedom of speech and assembly and also build confidence and foster reconciliation. Since March 2005, we have organised more than a hundred Rule of Law seminars, drawing in hundreds of people, and witnessing increasing levels of open and frank debate.

Notwithstanding some of the successes in areas where troops of the African Union Mission in Sudan (AMIS)<sup>1</sup> have been deployed, there is a clear need for further capacity building in order for the

AMIS forces in Darfur to be more effective. Following requests by AMIS and the wider humanitarian community, UNDP, OHCHR, UNFPA and UNICEF have developed a joint programme in order to support the AMIS forces' capacity to protect the civilian population in Darfur, and to contribute to an environment conducive to restoring human security and full respect for human rights and the rule of law.

Given the prevalence of SGBV in Darfur, the lack of access to justice and the social stigmas attached, the UNDP Rule of Law Programme in Darfur pays particular attention to SGBV by undertaking prevention, protection and response activities in settings where no previous action has been taken. This includes advocating for the rights of women, advising states on how to adapt legislation and policies so they conform to international standards, and taking action to minimise the increased risks caused when individuals or groups are affected by conflict. Activities include providing capacity-building support to the formal and informal justice systems – such as training

of judges and prosecutors – and ensuring that survivors are supported in their attempt to seek legal redress.

The UNDP Rule of Law Programme in Darfur – which is implemented concurrently with humanitarian action – also aims to lay the building blocks for fully-fledged recovery when the security and political situation stabilises. Building on principles of empowerment, inclusion and participation within an early recovery framework,<sup>2</sup> rule of law programming amidst armed conflict has to take into account the lack of security, continued political instability and the likelihood of relapse into conflict. Addressing these requires a practical, flexible and constantly evolving approach that is locally driven.

### UNDP Legal Aid Network

In an effort to empower local communities and promote access to justice in Darfur, UNDP has established a Legal Aid Network – a network of 61 Darfurian lawyers who take on cases referred to them

through the UNDP Legal Aid Centres<sup>3</sup> and paralegal groups, as well as a number of different UN actors (including UNMIS, UNFPA, UNICEF and UNHCR), INGOs and Sudanese civil society organisations. The Network was set up in August 2005 when three lawyers in North Darfur agreed to represent cases that had been referred to them by UNDP. It has since expanded considerably with the signing of cooperation agreements with the Goodwill Organisation and the Amel Centre, an affiliate of the London-based Sudanese Organisation Against Torture (SOAT)<sup>4</sup>. The legal aid lawyers not only support individual people in need of legal advice and representation but also help fight impunity by strengthening the justice system in Darfur and ensuring it lives up to basic national and international standards. UNDP Rule of Law Officers on the ground continuously monitor the referral of cases and the quality of the court representation – and provide technical advice and guidance together with partners such as UNMIS and the International Rescue Committee.

While UNDP aims to strengthen the Sudanese formal and informal justice system, and address impunity by ensuring compliance with Sudanese domestic law, UNDP does not condone certain penalties that must be regarded as torture or cruel, inhuman and/or degrading treatment or punishment. Therefore, the lawyers of the UNDP Legal Aid Network make every attempt to avoid these and advocate for alternative sentencing, thereby setting precedent for reforming the law. In addition, diplomatic efforts must be stepped up to promote legal reform at the national level and ensure Sudan's ratification of a number of important international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW 1979)<sup>5</sup> and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT 1984)<sup>6</sup>.

At present, there is a wide range of obstacles to accessing justice in Darfur, including a deep mistrust among the local population of the very institutions that are tasked with ensuring their safety and security, continuing harassment and violence,

severe capacity deficits and overly complex bureaucratic procedures, high costs and pervasive corruption. The provision of legal aid enhances an individual's capacity to deal with these constraints. Indirectly, it also enhances the potential for swift, fair and impartial administration of justice and peaceful conflict resolution.

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

1. [www.amis-sudan.org](http://www.amis-sudan.org)
2. Early recovery aims to generate self-sustaining nationally-owned and resilient processes for post-crisis recovery, encompassing livelihoods, shelter, governance, environment and social dimensions, including the reintegration of displaced populations.
3. UNDP currently operates seven Legal Aid Centres across Darfur, each staffed by approximately 25 paralegals.
4. [www.soatsudan.org](http://www.soatsudan.org)
5. [www.unhchr.ch/html/menu3/b/e1cedaw.htm](http://www.unhchr.ch/html/menu3/b/e1cedaw.htm)
6. [www.unhchr.ch/html/menu3/b/h\\_cat39.htm](http://www.unhchr.ch/html/menu3/b/h_cat39.htm)

### Forced marriage

In February 2004, a 14-year-old girl was forced by her father to marry a soldier. Her father threatened to kill her if she refused. In January 2006, UNFPA approached UNDP for legal assistance and one of the legal aid lawyers took on the case. She filed a case on behalf of the girl, requesting the Court to dissolve the marriage on the grounds that the girl had been a minor when married and had been forced to do so by her father, under threat of death. In court, her father confessed that he had indeed forced his daughter to marry. Her husband agreed to a divorce if reimbursed for the marriage expenses. The girl's father agreed and the marriage was dissolved.

### Charged with adultery

In spring 2006, a new-born child was found hidden in a latrine in Abu Shouk IDP Camp. It was reported to the local UNDP Legal Aid Centre. The

paralegals took the baby to a camp clinic and reported the incident to the police. The mother was located and charged with unlawful sexual intercourse (*zina*) and attempted murder. The paralegals then referred the case to the UNDP Legal Aid Network. When the legal aid lawyers interviewed the accused, she said she had been raped by an unknown soldier but had been too frightened and ashamed to tell anyone. Her husband had been absent for more than two years; when he returned, the lawyers convinced him that his wife had indeed been a victim of rape. He, her step-son and her grandmother all testified in court that her behaviour after the birth of the child had been out of character. The lawyers of the UNDP Legal Aid Network represented the accused in court and convinced the judges that, under normal circumstances, no woman would try to kill a 14-day-old baby. The Court agreed and acquitted the woman of all charges; she was immediately released. She received psychosocial treatment from the SOAT/Amel Centre and the baby was eventually re-united with the mother and her husband.

### Conviction for rape

In February 2006, a 26-year-old woman with mental health problems of the Zaghawa tribe was raped by a policeman in the area of Golo. The rape was witnessed by four people. The woman's brother, also a policeman, took her to El Fasher hospital where the assault was noted officially. He sought legal assistance from the UNDP Legal Aid Network whose lawyers filed a case with the police. A police investigator interviewed the four witnesses and arrested the suspect. Under Sudanese law, members of the Sudanese Police Force enjoy immunity from prosecution. In May 2006, however, he was dismissed from the police force, thus permitting the lawyers to pursue a criminal case against him. The lawyers filed a request for private prosecution and lodged a psychiatric report noting that rape victim suffered from severe mental health problems and needed psychiatric treatment. The SOAT/Amel Centre provided treatment for the woman. The Court found the accused guilty and sentenced him to four years' imprisonment.

# Protecting Sudan's children

by Julia Freedson, Simar Singh and Sarah W Spencer

**The protection and well-being of children in Sudan are at a crucial juncture. While children in the South are enjoying improved security and access to services, those in Darfur continue to face appalling levels of violence and denial of basic services. Protection of children must be at the forefront of efforts to bring peace and stability to Sudan.**

In its latest report, *Sudan's Children at a Crossroads: An Urgent Need for Protection*, the Watchlist on Children and Armed Conflict<sup>1</sup> documents pervasive and continuing violations against children by all armed forces and groups operating in Sudan and urges that immediate action be taken to protect Sudanese children. The report details violations against children in Sudan in the six major categories identified by UN Security Council Resolution 1612 on Children and Armed Conflict<sup>2</sup> – killing and maiming; rape and other forms of sexual violence; abduction; denial of humanitarian assistance; attacks on schools and

hospitals; and recruitment and use of children by armed forces.

Since the signing of the Comprehensive Peace Agreement (CPA)<sup>3</sup> relative peace has returned to much of southern Sudan. The CPA provided for the restructuring of the Government of Sudan, including the adoption of an interim national constitution, the establishment of a Government of National Unity (GoNU) and a semi-autonomous authority in the South known as the Government of Southern Sudan (GoSS). Implementation of the CPA however, has been extremely slow and difficult. While the agreement ended one of Africa's longest-running

wars, it only encompassed two parties to the conflict, resulting in a lack of broad support throughout the country. As the international community has shifted attention to the Darfur conflict it has failed to remain deeply engaged in the implementation of the CPA. Despite an international framework to support the return and reintegration of IDPs and refugees, and the signing of UNHCR-supported repatriation agreements between Sudan and several refugee host countries, returns have generally taken place without support. Long distances, high transportation costs, mines and flooded roads have created enormous logistical challenges. Often, the trip home has been treacherous and fraught with danger. Returnees to the South have reported encountering militia activity, armed civilians, landmines, forced conscription of children and limited supplies of food and water. In some cases, returnees have been robbed, attacked, kidnapped, raped and illegally taxed.

IDP families arrive in Kuajok, Warrap State, southern Sudan, May 2007, on their way home to their villages.



Chronic violence and insecurity in parts of Sudan, particularly in Darfur and the East, have dramatically reduced access to information on abuses against Sudanese children. Many experts on the ground noted that sharing such information would increase the risk of retributive attacks or threats against civilians and the people assisting them. Restrictive government policies and administrative procedures have also hindered access to information and Watchlist is concerned about apparent deliberate efforts by the GoNU to prevent the collection and dissemination of information on attacks against children.

Armed forces and groups operating in Darfur continue to kill and maim children and youth, and humanitarian actors and other experts in the region have documented cases of armed groups shooting, mutilating and torturing children. The prevalence of rape and other forms of sexual violence in Sudan is difficult to determine given the pervasive fear and stigma that surrounds reporting, retributive action taken against women and girls who do report, customary and statutory laws which penalise survivors and the limited access to services for survivors. Most experts believe, however, that rates of sexual violence throughout Sudan are high. In Darfur, sexual violence is reportedly perpetrated by all armed groups and is often extremely brutal. Sexual violence is used by Arab militias in Darfur as a tool to subjugate and humiliate non-Arab girls and women, and acts of sexual violence are often accompanied by racial epithets and other degrading comments. Many girls in Darfur are abducted during attacks on their villages and once abducted, girls may be gang-raped, often multiple times by each perpetrator.

Although attacks on schools have waned in the South, southern Sudan continues to have the lowest school enrolment rates in the world, with an estimated 25% of primary school-age children enrolled in school. Schools, students and teachers in Darfur have been increasingly attacked by armed groups, reducing education opportunities for children. Despite the relative abatement of attacks on hospitals and health care facilities,

the South lacks an adequate health infrastructure and qualified health personnel, with only one doctor for every 100,000 people and one primary health care centre for every 79,000 people. Attacks on hospitals, medical facilities, medical staff and humanitarian agencies are frequent in Darfur. These attacks have severely hampered access to health care, and aid agencies estimate that only 40 to 50% of people in Darfur have access to health services.

Reports indicate that most armed groups in Sudan recruit and use children. While the Sudan Armed Forces (SAF) continue to deny the presence of children within their units, SAF representatives have acknowledged that there are children in other armed groups that have recently been incorporated into their forces. Recruitment of children has declined in southern Sudan, although armed groups not party to the CPA initiated recruitment drives prior to their incorporation into the SPLA or the SAF to bolster their negotiating power. Sudanese militias have also recruited children and other civilians amongst refugee populations in Chad.

Recent events have provided faint glimmers of hope for the improvement of security in Sudan. But the GoNU and GoSS must do more to ensure that children and youth are protected. One important step would be to increase socially-oriented spending in Darfur and the South, utilising oil revenue to support education and other social services for children and youth. The GoNU must also provide humanitarian agencies with unrestricted and secure access to all areas of Sudan and member states of the United Nations must continue to work with the two governments of Sudan to ensure that both uphold their commitments and obligations outlined in the CPA, Security Council resolutions and international law.

Other key recommendations to assist and support children in Sudan include:

- The authorities of the GoNU must immediately halt all forced relocations of IDPs, particularly those living in and around Khartoum.

- The GoNU and GoSS must ensure that all children, including refugees and IDPs, have free and safe access to primary and secondary education – provided by regularly paid teachers – in line with Interagency Network for Education in Emergencies (INEE) Minimum Standards for Education in Emergencies<sup>4</sup>.
- Members of the humanitarian community, including donors, should strengthen and expand programmes that protect and assist children in Sudan, particularly unaccompanied and separated children, out-of-school youth, girls and others who may face higher risks of violence, exploitation, abuse and neglect.
- Donor countries and agencies should increase and sustain human and financial resources to adequately protect children in all parts of Sudan.
- Key trading partners and allies of Sudan, notably the People's Republic of China and members of the League of Arab States, should use all available means to ensure that the GoNU upholds its commitments and obligations outlined in relevant Security Council Resolutions and international law.

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1. The Watchlist on Children and Armed Conflict strives to end violations against children in armed conflicts and to guarantee their rights. [www.watchlist.org](http://www.watchlist.org)  
 2. Unanimously approved in July 2005, UNSCR 1612 established a comprehensive monitoring and reporting mechanism to ensure the protection of children exposed to armed conflict. See: [www.crin.org/resources/infoDetail.asp?ID=5957](http://www.crin.org/resources/infoDetail.asp?ID=5957)  
 3. The North-South agreement ending the conflict between the Khartoum-based government and southern opposition forces signed in January 2005. See FMR24 [www.fmreview.org/sudan.htm](http://www.fmreview.org/sudan.htm)  
 4. [www.ineesite.org/page.asp?pid=1240](http://www.ineesite.org/page.asp?pid=1240) and [www.fmreview.org/FMRpdfs/EducationSupplement/19.pdf](http://www.fmreview.org/FMRpdfs/EducationSupplement/19.pdf)

# Slow return of displaced Southern Sudanese

by Tim Morris

**The pace of repatriation of Sudanese refugees and return of IDPs to South Sudan has picked up but expectations at the time of the signing of the Comprehensive Peace Agreement (CPA) in January 2005 have yet to be realised. With all eyes on Darfur, assistance to sustain returns to South Sudan remains inadequate.**

The CPA which ended the conflict between the Khartoum government and the main southern rebel group<sup>1</sup> paved the way for the return of those uprooted from their homes in the south. Under

its provisions the last of the northern troops stationed in the south are due to leave and the region is preparing for its first census. Southern Sudan is slowly but gradually shifting from humanitarian action to recovery and development. There are remaining pockets of conflict and brigandry but peace talks between the government of Uganda and the Lord's Resistance Army have improved security. However, there are

massive humanitarian needs in all of the region's ten states. The UN reports that in the first quarter of 2007 over 630 people died from meningitis and 340 from acute watery diarrhoea. Mines and unexplored ordnance prevent a return to agriculture in many areas.

The over-whelming majority of the estimated 1.2 million IDPs who have returned since the signing of the CPA have done so without support from the international community. An institutional framework to support the return and reintegration of the IDPs and refugees remains largely unused as lack of infrastructure and livelihood opportunities prevent the UN from promoting large-scale return of IDPs and refugees.

Some two million IDPs from the south remain in the capital, Khartoum, where they continue to be exposed to forced relocations.



UNHCR has set itself a 2007 target to bring home 102,000 Sudanese refugees from neighbouring countries by road and air and to provide them with individual repatriation packages and community-based reintegration support. So far, in 2007, 53,585 refugees have returned. In April the last refugees returned from the Democratic Republic of Congo and from the Central African Republic (CAR), 17 years after the first camps for Sudanese refugees were opened in CAR. There are still an estimated 350,000 refugees from southern Sudan in neighbouring countries. UNHCR is turning its attention to camps in Uganda and Kenya, where massive registration has been going on to prepare for refugee repatriation to southern Sudan.

UN High Commissioner for Refugees António Guterres has lauded south Sudan repatriation as a bright spot in a region which has seen far too much displacement. On a World Refugee Day visit to the southern capital, Juba, he told refugees returning from Uganda that the international community "needs to express solidarity with South Sudan... You are going back home and you need to have education for your children, health care for your families, agricultural land for farming and other support. All of this is only possible if there is strong solidarity from the international community."

The International Organization for Migration (IOM) has helped more than 110,000 southerners return home from Khartoum since 2005. Echoing UNHCR's call for more concerted assistance, IOM director general Brunson McKinley has called for provision of basic services and infrastructure to encourage IDPs to return.

"People have to be able to support themselves and their families. If they know that there is very little awaiting them on the other end, that has to be a disincentive," he said on a recent visit to Juba.

Under the terms of the CPA the south is supposed to get 50% of oil revenues from wells in the south. Donors have also pledged \$4.5 billion, some of it earmarked for rebuilding devastated infrastructure. The Government of South Sudan says it has yet to see the bulk of the pledges.

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1. See FMR 24 [www.fmreview.org/sudan.htm](http://www.fmreview.org/sudan.htm)

# Locking up family values in the US

by Michelle Brané

**A recent report from the Women's Commission for Refugee Women and Children and the Lutheran Immigration and Refugee Service<sup>1</sup> challenges America's expanding penal approach to family detention.**

In the wake of the attacks of 11 September 2001, Congress passed the Homeland Security Act, splitting the functions of the Immigration and Naturalization Service (INS) into three separate agencies, and placing all three agencies under the jurisdiction of the newly created Department of Homeland Security (DHS). Other post-9/11 changes in immigration law have led to broader enforcement and more restrictive immigration policies, including the expansion of expedited removal.

Among those now subject to detention in penal-like facilities are families. On any given day the US government has the capacity to

detain over 600 men, women and children apprehended as family units along the US border and within the interior of the country. The detention of families expanded dramatically in 2006 with the opening of the new 512-bed T Don Hutto Residential Center in Taylor, Texas. Hutto has become the centrepiece of a major expansion of immigration detention in America. Prior to its opening, the majority of families were either released together from detention or separated from each other and detained individually. Today the US Immigration and Customs Enforcement (ICE) service is implementing a penal detention model that is fundamentally anti-

family, un-American and contrary to the explicit intent of the US Congress.

Interviews with former and current detainees in Hutto indicate gross neglect of the best interests of children and families. Operated by Corrections Corporation of America (CCA) – one of the largest private operators of prisons in the US – Hutto is a former criminal facility that still looks and feels like a prison, complete with razor wire and prison cells. The majority of children detained appear to be under the age of 12 and include babies. Separation and threats of separation are used as disciplinary tools and at night children as young as six are separated from their parents. People in detention display widespread and obvious psychological trauma. Every woman interviewed in a private setting cried. At the time of the Women's Commission visit, pregnant women



Michelle Brané

received inadequate prenatal care and children received only one hour of schooling per day. Families in Hutto are given twenty minutes only to go through the cafeteria line and feed their children and themselves. Children are frequently sick from the food and are losing weight. Families have extremely limited indoor and outdoor recreation time and children lacked any soft toys when we visited.

There are some more positive aspects to life in a longer-established facility in Pennsylvania but in general both institutions are highly inappropriate for families. Both settings strip parents of their role as arbiter and architect of the family unit and place families in settings modelled on the criminal justice system.

There are no licensing requirements for family detention facilities because there is no precedent for family detention in the US. A lack of procedures for assessing applicability of correctional standards and inspecting family detention centres gives ICE tremendous independence in dictating how detained families are treated. Both facilities violate existing standards for the treatment of unaccompanied children and adults in immigration proceedings. The American Civil Liberties

Union has filed lawsuits on behalf of children detained in Hutto.<sup>2</sup>

The DHS detained Luz, a woman from Ecuador, with her 15-year-old son. "I have been living in the United States for more than four years. I have a US citizen daughter who is now almost two years old. I sent for my son who is 15. He came across the border from Mexico but he was detained. I received a call to come and pick him up, so I left my daughter with my friend who lived next door, and took a bus to Arizona to get him. I picked up my son and we went straight to the bus. At the bus station, I was approached by some officers and they detained both of us. I have been here for nine months without seeing my baby girl. She was only one year old when I left her with my friend. I don't know what is happening with her."

We recommend the following systemic changes to the US government's treatment of families in immigration proceedings:

- discontinue the detention of families in prison-like institutions
- parole asylum seekers in accordance with



international standards and DHS policy guidelines

- expand parole and release options for apprehended families
- implement alternatives to detention for families not eligible for parole or release
- house families not eligible for parole or release in appropriate, non-penal, home-like facilities
- expand public-private partnerships to provide legal information and pro bono legal access for all detained families.

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1. *Locking Up Family Values: The Detention of Immigrant Families* [www.womenscommission.org/pdf/famdeten.pdf](http://www.womenscommission.org/pdf/famdeten.pdf)  
2. [www.aclu.org/immigrants/detention/hutto.html](http://www.aclu.org/immigrants/detention/hutto.html)

# Kafkaesque rebranding of pro-US fighters as terrorists

by Benjamin Zawacki

**During the Indochina war the US recruited fighters from the Hmong people of Laos to disrupt North Vietnamese supply and troops movements along the Ho Chi Minh trail. While an estimated 170,000 ex-combatant Hmong and their relatives now live in the US, others seeking asylum have bizarrely fallen foul of the post-9.11 PATRIOT Act.**

"Please help us, the communists are coming." *Time Magazine's* account of the Lao government's persecution of the Hmong rebel army is no less harrowing today than when it was published. The only catch is

that 'Welcome to the Jungle'<sup>1</sup> is not dated decades ago but 28 April 2003, exactly 28 years to the day after the North Vietnamese captured Saigon. When I first read that story I was the Legal Officer with the Jesuit Refugee

Service in Bangkok, Thailand. Despite having studied the Vietnam War at an American college, I had never heard of the Hmong army.

Originating from southern China, the Hmong are an ethnic minority in Vietnam, Laos, Thailand and Burma. They are the third largest ethnic group in Laos. Laotian Hmong were identified by the CIA in 1961 as a source of assistance to America's war effort. The CIA recruited, funded and trained an army of approximately 40,000, half of whom were killed

before the US pulled its troops out of Laos and abandoned the Hmong Army. The Hmong became targets of retaliation and persecution and thousands were sent to 're-education' camps by the victorious Pathet Lao. Some Hmong returned to their villages and attempted to resume life under the new regime but others fled across the Mekong River to Thailand. During the 1990s thousands of Hmong refugees living in Thailand were forcibly repatriated to Laos by the Thai government.

Unknown numbers of internally displaced Hmong continue to seek refuge in inaccessible parts of Laos. While access by human rights organisations is restricted, Amnesty International reports that thousands of ethnic Hmong women, men and children live in scattered groups in the Lao jungles, hiding from the authorities who regularly attack their temporary encampments, killing and injuring them, perpetuating their life on the run.<sup>2</sup> Human Rights Watch confirms that arbitrary detention, torture and ill-treatment remain features of 're-education' camps.<sup>3</sup>

Little was known of the fate of the displaced Hmong until *Time* broke the story by evading Laotian government patrols to report on the underground network of people in Laos who smuggle food and supplies to the remnants of the Hmong army and their descendants. A further *Time* piece in 2004 ('A Blackbird's Song'<sup>4</sup>) formed the basis of successful claims for political asylum I filed with UNHCR in Bangkok. Within months, six persons and their families were recognised as refugees by the UN and resettled to join Hmong communities in the US. In 2000, in recognition of their assistance, Congress passed the Hmong Veterans Naturalisation Act, which waived some requirements for them to resettle and become US citizens.

As an American national, I felt a certain pride in having argued their case to UNHCR, and I looked forward to assisting the growing number of Hmong in Thailand. *Time's* articles and the pressure they placed on the Laotian government had induced many to cross the border. Most of the 6,000 Laotian Hmong currently living in Thailand arrived during 2004 and 2005.

Yet these six families were among the last to leave for the US; America's erstwhile allies against communism – as well as those who continue to support their remnants in the mountainous jungles of northern Laos – have been rebranded 'terrorists'. Immediately following the 11 September 2001 attacks, the US Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act. The PATRIOT Act<sup>5</sup> broadened the grounds upon which a person can be refused admission to or deported from the country. If a person is part of a terrorist organisation or has provided 'material support' to a terrorist organisation – even if such was no more than giving a glass of water to a soldier pointing a gun at his/her head – s/he is not to be admitted to the US and can be deported if already present. This law had no effect on the Hmong until 2005 when the REAL ID Act expanded the definition of a terrorist organisation and included the remnants of the Hmong rebel army – and its underground network of 'material supporters', the Blackbirds.

An estimated 10,000 persons have since been denied entry to the US. They include not only Laotian Hmong but also refugees from Burma, Colombia, Cuba, Vietnam and elsewhere. The inclusion of the Hmong rebel army is bizarre for it was the US which created and sustained the army, membership of which makes their ex-combatants and their descendants in need of protection. And in contrast to eight other groups of refugees for whom Congress has waived the laws' application – including three from Burma on whose behalf I am presently working – the Hmong were not among them, as announced by the Bush Administration in January 2007. Such waivers in any case only apply to those providing 'material support', such as the Blackbirds, and not to the organisations themselves. Carried to their logical conclusion, these facts lead dangerously close to implying that the CIA itself is a terrorist organisation. This is not an inference the US seems intent on clarifying or correcting.

These effects are felt not only by those seeking refuge in the US

but also by those already there. While the six families I assisted in Bangkok were fortunate enough to be admitted to the US in 2004, three years later they are closer to being deported than they are to becoming American citizens. The Hmong Veterans Naturalisation Act of 2000, designed to proactively reward the Hmong for their assistance to the US, was superseded by the retroactively punitive REAL ID Act which threatens to make persona non grata of thousands of Hmong in the US.

I was expressly told by US Embassy officials in Bangkok in mid-2004 that without the assistance of the Hmong, many remains of downed US pilots in Laos – like those brought by the families I was assisting at the time – would never be found. The fact that the US Embassy joined UNHCR in January 2007 in pressuring the Thai government against deporting 153 Hmong refugees, indicates that America continues to acknowledge the persecution suffered by the Laotian Hmong. What the US has been unwilling to acknowledge since 2005 is the causal relationship between the two statements of its Embassy: it is because of the Hmong's assistance to the US and its pilots in Laos during the Vietnam War that the Laotian government continues to persecute them. In 2003 *Time's* article closed with an admonition from an ex-fighter: "We shed blood with the US. They should remember this. They should find us a land where we're safe." I felt confident in telling several of their number in 2004 that America – my country of origin – would do just that. What would I tell them now?

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1. [www.time.com/time/magazine/article/0,9171,501030505-447253,00.html](http://www.time.com/time/magazine/article/0,9171,501030505-447253,00.html)
2. <http://web.amnesty.org/library/Index/ENGASA260032007>
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# Voices of courage

**In May 2007 the Women's Commission for Refugee Women and Children<sup>1</sup> presented its annual Voices of Courage awards to three displaced people who have dedicated their lives to promoting economic opportunities for refugee and displaced women and youth. These are their (edited) testimonies.**

"I come from the province of Maguindanao in the conflict-affected areas of Mindanao, southern Philippines. Violence has existed for more than 30 years. I still see very clearly our family being forced to rush from one place to another, always looking for safety. I basically grew up in an evacuation centre. It is harder than anyone who has not

and Family Services International. Growing up in the middle of constant armed conflict, I had become insecure and unsure of myself. CFSI saw something in me that I did not see myself – the potential to have a positive impact on the lives of others.

Building trust is a major challenge in Mindanao. Many of us are suspicious, always thinking that we are being used, neglected and marginalised. We always feel betrayed because a lot of promises have been made, only to be broken the next day. We have seen peace agreements reached, only to see violations by all sides. I have learned that trust can be built by being honest, exerting effort

to prove one's sincerity in working with communities, facilitating activities that lessen the feeling of being marginalised, and sharing the burdens of the people.

When CFSI began working with the people of Inug-ug in 2001, virtually the entire population of this small farming and fishing village were in evacuation centres, having been repeatedly displaced by violence and armed conflict. They were distrustful of one another and outsiders. Infant and maternal mortality rates were high. Most parents had fewer than six years of education and there were no schools within the village. CFSI helped these people organise. Over the course of the last five years, the people of Inug-ug have constructed

– through voluntary labour and food-for-work – 12 permanent classrooms now accommodating almost 700 students led by 12 teachers and a headteacher, most of whom work on a full-time basis for a small stipend. These successes give me energy to continue my work."

*Noraida Abdullah Karim (nakarim@cfsi.ph) heads the Mindanao operations of Community and Family Services International.<sup>2</sup>*

"Women and children are like scraps in refugee settings, and it takes courage for one to survive and to be a refugee. I am a living witness. I was sexually exploited and abused by men. Cruel people take advantage of war and conflict to put women and children at risk. I stood ground and took courage to fight a battle for women and children's total freedom, respect of human dignity and self-reliance. I fled Liberia the year the civil war started in 1990 and went to Guinea where I helped start schools for refugees. My partner of 13 years left me and I was left alone with seven children to support. I managed on a small stipend to pay my rent and support my children but I had to use credit to meet my daily needs. At the end of every month I was left with nothing because the interest rate was too high. I said to myself, I am being exploited again. I talked to a few female teachers. We organised a small credit union called Refugee Women Self-Help Club which loaned money with low interest. With a loan I used my baking skills to make cake, doughnuts and bread that I sold to the community. I found that there were many other refugee women who were abandoned with their children. Some young women and girls were forced into prostitution to survive. They were being raped, abandoned, oppressed and denied their rights. Many women and girls were dying of HIV/AIDS and unwanted pregnancies. I decided to counsel some of them on the pride and dignity of a woman. I used myself as an example. They told me, "Well,



Noraida  
Abdullah  
Karim

experienced it can ever imagine. Those who go there have no other choice. I hated the situation we were in but I did not know where to place the blame. I was angry, confused and hurt. Despite the hopeless reality of that time, I did not want to fail or to be useless. I made it my mission to finish elementary and high school. I sold on the sidewalk food cooked by my family and used the small earnings to help my family and pay my school expenses. After several years helping my fellow Muslims organise, lobby for peace and meet their needs, I decided I would act on my dream. I became a household helper for some of our relatives and paid for my schooling. I graduated with a degree in social work. Several years later, I was hired by Community



Emily Sloboh

Emily, you have a job. As for us, we are not educated and have no career.”

This got my attention. They said they were willing to learn any skills that would help them support their children. We started an organisation which has grown into Today's Women International Network. TWIN is carrying on protection and empowerment activities in Liberia and Guinea and soon we will start working in Sierra Leone. We have given marketable skills to 5,000 women and girls – tailoring, baking, soap making, computer literacy, hairdressing, carpentry, embroidery and batik. TWIN will continue to live up to its commitment that women and children will have a place of total peace and equal power.”

*Emily Sloboh (ewasloboh@yahoo.com) is the TWIN Coordinator.*

“One afternoon my little brother and I were playing on the shores of Lake Tanganyika. Suddenly we saw hundreds of people fleeing for their lives. They were crowding onto a boat, pushing and shoving to get on. We'd heard stories of torture and killing in our country, Zaire – which we now call the Democratic Republic of Congo. War was raging there. I feared for our lives, so I grabbed my brother's hand and ran onto the boat. We crossed the lake and landed in Tanzania, with only the clothes on our backs. This was 11 years ago, in

1996. I was 15 years old and my little brother Msimbe was 11. We were all alone. We lived and slept under trees for a few months until someone took us to Lugufu refugee camp. There, we eventually found our parents, our grandmother and our siblings. Lugufu camp is enormous – it has 32 villages. People live on rations from the World Food Programme.

Some Tanzanians called us fighters, robbers, eaters of men. They thought we were incapacitated, people of no value. Soon after I arrived I knew I must continue my education. But for a long time in the camp there was nothing – no teaching materials and no school building. We were studying under trees. I remember I was writing on the cover of a corn flour package. To pay for school I had to sell some of the food we received from WFP even though it wasn't enough to survive. Many people didn't want to go to school at first because they hoped they would not be in Tanzania for long. They believed that studying while being in a refugee camp had no sense since the education would not be recognised anywhere. I attended an English evening class operated by refugees. Most people thought that learning English was a waste of time because we don't speak English in DRC. But in 1999, thousands more people arrived at Lugufu. People realised it was important to study English so they could communicate with people working for the international organisations. My classmates asked me to teach them English. So I started an evening class which was very successful.

I decided to start a new organisation that would do more than just teach English. While still in secondary school I founded CELA – the Center for Youth Development and Adult Education – in my native Kiswahili, Kituo cha Maendeleo ya Vijana na Elimu ya Watu Wazima. Our headquarters are in Lugufu camp but we're planning on moving to Congo to work with people whose lives have been destroyed by the war. We fight against poverty and ignorance. We increase employment opportunities. We develop programmes for women and youth and we provide language training. We started with just a few volunteers, friends of mine. Now we have a staff of 44 men and women. We have given assistance to orphans

so they can go to secondary schools. We've had a campaign to teach people about HIV/AIDS. Women learn tailoring, soap making, knitting and computer skills so they can find jobs and make a living. We want women to tackle their problems themselves and develop confidence. We want women to live without fear. We want them to participate in the decisions that affect their lives. A refugee woman is everything; she is the source of whatever is in her family or household. Children in Lugufu refugee camp have been raped and forced to be married when they are very young. They have missed out on school, sometimes because they're child soldiers.



Atuu Waonaje

We're proud of our achievements. The centre has been recognised locally and internationally. We've managed to get financial support from individuals and organisations. Because of our work, every person in Lugufu is aware of AIDS and their attitudes have changed. 80% of the youth who speak English in the camp have learned it at our centre. Women get jobs because of our programmes.”

*Atuu Waonaje (atuuwaonaje@yahoo.com) has lived as a refugee in the Lugufu camp in Tanzania for the last 11 years.*

1. [www.womenscommission.org](http://www.womenscommission.org)
2. [www.cfsi.ph](http://www.cfsi.ph)

# Colombia test cases strengthen IDP protection

by Maria Beatriz Nogueira and Charalampos Efstathopoulos

**Ground-breaking decisions in two cases brought against the state of Colombia have demonstrated the potential of human rights jurisprudence in clarifying IDP rights and establishing new mechanisms and standards in domestic and international protection.**

Regional human rights systems have always played a significant role in emphasising the rights-based nature of international IDP protection. This has been done through reporting activities, fact-finding missions and monitoring of specific internal displacement crises. The volume of actual jurisprudence produced by regional human rights courts on the issue of IDP rights has been modest. There has been a significant development, however, as a result of the two cases brought to the Inter-American Court of Human Rights<sup>1</sup> against the Colombian state: the Mapiripan Massacre v. Colombia Judgement, September 2005, and the Ituango Massacre v. Colombia Judgement, July 2006.

Both cases deal primarily with the deprivation of liberty, torture and massacre of several civilians perpetrated by the paramilitary group Autodefensas Unidas de Colombia in the Colombian municipalities of Ituango in 1996 and Mapiripan in 1997. The acknowledgement of the collaboration – by deed or omission – of members of the Colombian National Army in these armed incursions underlines the state's responsibility for human rights violations committed in both situations.

Due to threats by the paramilitaries, physical and psychological damage and the destruction of properties and means of livelihood, several families were forced to flee their homes. The multiple human rights violations and forms of deprivation they faced made internal displacement an important subject of deliberation in both cases. Violations of the rights

to life, personal integrity, fair trial, freedom of movement and residence, judicial guarantees, private property and child rights were considered by the Court in the context of the provisions enshrined in the American Convention on Human Rights.<sup>2</sup> The Court ultimately found the Colombian state responsible for these human rights violations. Various forms of monetary and non-monetary reparations were demanded of the Colombian government, including the need to enable safe and dignified return to all displaced persons who want it.

## Advancing IDP rights

These were the first cases in which the Inter-American Court systematically considered the human rights implications of internal displacement. This firmly establishes the competence of the Court in developing and clarifying legal standards for the protection of IDPs and reinforces the international human rights monitoring of IDP situations in the region. The Court not only expanded interpretations of IDP rights but also put forward specific policy recommendations for immediate protection in Colombia. The judgements thus strengthen both the overall international protection of IDPs and the domestic protection responsibilities of the Colombian state.

International protection is strengthened by the acknowledgement that IDPs constitute a special category of concern. The increased vulnerability of IDPs, according to the Court, arises from their

greater exposure to violence, abuse and forced recruitment, as well as from the marginalisation, impoverishment and social disarticulation caused by their loss of residence, property and livelihood. The 'crisis of security' created by forced internal displacement leaves IDPs unprotected, with women and children disproportionately affected.

This condition of special vulnerability, according to the judgements, creates an obligation for states to adopt positive measures to ensure security for IDPs, even when the displacement is caused by the actions of third parties. In stating this obligation, the Court promotes an understanding of IDP protection that is not limited to accepting humanitarian assistance from the international community. States are bound to take administrative, legislative and/or judicial steps to protect, assist and empower IDPs. The observation of such obligations will be demanded by the Court in all future cases involving IDPs.

The Court's interpretation of the rights-based nature of IDP protection significantly contributes to protection efforts at the international level. The Guiding Principles on Internal Displacement<sup>3</sup> were both endorsed by the Court and applied in order to clarify the content and reach of certain human rights enshrined in the American Convention. The right not to be forcibly displaced was officially acknowledged as a component of the right to freedom of movement and residence. The vulnerable condition of IDPs was recognised as being a violation of the right to personal integrity. The judgements stress that internal displacement entails massive, systematic and prolonged violations of several human rights, thus preventing IDPs from leading a 'dignified life'. This entails an expanded interpretation of the 'right to life', thereby broadening the nature of protection from mere

assistance to the promotion and fulfilment of human rights.

In relation to domestic protection, the Court did not limit its analysis of Colombian internal displacement to the specific circumstances of the two cases. The Court reviewed the origins, complexity and manifestations of the IDP crisis in Colombia in an attempt to place both cases within the context of a larger human rights problem. Great awareness was raised regarding the human rights challenges posed by internal displacement in Colombia and the specific obligations required by the state. Reviewing and evaluating Colombian government IDP policies, the Court found that resources assigned to IDP protection fail to address the magnitude of the problem. The Court agreed with previous decisions of the Colombian Constitution Court in considering the inhumane conditions faced by IDPs to be “unconstitutional”.

These decisions have not only benefited hundreds of IDPs directly but have also helped to shape government policy on the issue.<sup>4</sup> By endorsing and elevating these decisions to the regional realm, the Inter-American Court

encourages individuals and civil society organisations, in Colombia and elsewhere in Latin America, to promote accountability and demand respect for, and realisation, of IDP rights.

The Court requires – as a form of reparation to the displaced family members and former residents of Mampiripán and Ituango – that the state guarantee their safe and voluntary return within a period of six months. The Colombian state is thus responsible for ensuring safe conditions for voluntary return in both municipalities. If those conditions cannot be guaranteed within the period stipulated, then “the State has to provide necessary and sufficient resources for the victims of displacement to resettle in similar conditions found before the facts of the case and in a place that they freely and voluntarily choose.” This is not a mere policy recommendation but a demand with which the Colombian state is obliged to comply.

The Inter-American Court is well-known for ordering non-pecuniary forms of reparation and for paying due attention to the rehabilitation of surviving victims and their

relatives. However, never before have durable solutions for forced migration crises been judicially recognised as a remedy or form of reparation by a human rights court. The Court has taken pioneering steps towards consolidating human rights monitoring of IDP situations, allowing other IDP-related cases to be brought before human rights courts and developing and clarifying new legal standards.

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1. [www.oas.org/OASpage/humanrights.htm](http://www.oas.org/OASpage/humanrights.htm)
2. [www.hrcr.org/docs/American\\_Convention/oashr.html](http://www.hrcr.org/docs/American_Convention/oashr.html)
3. [www.brook.edu/fp/projects/idp/gp\\_page.htm](http://www.brook.edu/fp/projects/idp/gp_page.htm)
4. See Manuel José Cepeda-Espinosa, ‘How far may Colombia’s Constitutional Court go to protect IDP rights?’, FMR supplement ‘Putting IDPs on the map: achievements and challenges’, Dec 2006: [www.fmreview.org/FMRpdfs/BrookingsSpecial/13.pdf](http://www.fmreview.org/FMRpdfs/BrookingsSpecial/13.pdf)

## Internal displacement in eastern Burma

by Heather Rae

**The history of post-independent Burma is characterised by numerous conflicts in this extraordinarily heterogeneous country. Since military rule began in 1962 Burma has witnessed gross human rights abuses and massive displacement.**

Around 60% of Burma’s estimated 50 million population are ethnic Burman. The rest belong to a myriad of ethnic groups – who are generally called ‘national minorities’. While the country is administratively divided into seven divisions and seven national minority states, in practice there is great diversity within each entity.

Civilians in ethnic minority areas have long endured a range of abuses including forced displacement (often repeatedly), as well as forced labour, extortion, arbitrary punishment, torture, summary execution and systematic sexual violence against women and girls. For example, between 1996 and 2000 an estimated 300,000 Shan

villagers were forcibly relocated in Shan state. The Muslim Rohingya community of Arakan (Rakhine) state in western Burma continue to suffer discrimination and abuse following mass expulsions in 1978 and 1991-92 into Bangladesh, from which many have since been repatriated under less than ideal conditions.

The State Peace and Development Council (SPDC) – the official name of the junta which seized power in 1990 and annulled the results of the election won by the National League for Democracy led by Aung San Suu Kyi – ruthlessly implements a ‘four cuts’ policy. Devised to deny



KHRG

insurgents access to food, funds, recruits and information, it has had a major impact on civilians in the ethnic minority areas that ring central Burma. The

Displacement is not simply the result of civilians being caught between clashing military forces. Villagers are deliberately targeted and their orchards, paddy fields and rice storage barns and livestock are systematically destroyed. In 2006 40% of Burma's frontline troops were deployed in eastern Burma and two light infantry divisions were charged with the mission of preventing civilians harvesting their crops. The KNLA is vastly outnumbered and its troops are more likely to spend their time assisting villagers trying to evade the Burmese army, rather than in directly attacking Burmese army troops. The KHRG argues that the militarised state is engaged in a crude campaign to bring rural people, many of whom have lived their lives essentially outside the realm of any state authority, under state control.

eastern Burma are even worse. The Back Pack Health Workers Team (BPHWT) estimates that the child mortality rate (under five) is 221/1000 (compared to 106/1000 for Burma and 21/1000 for Thailand). In eastern Burma maternal mortality rates are reported to be as high as one in 12 women. Such horrendous indices are equivalent to those found in countries such as Sierra Leone or the Democratic Republic of Congo. These problems are in large part created by the SPDC attitude that the provision of medical care to and the possession of medicines by villagers are hostile acts. This humanitarian crisis is exacerbated by the extreme difficulty for the few humanitarian agencies trying to provide assistance to displaced communities hiding in the jungle. Several BPHWT medics have been killed in crossfire or from landmines.

When SPDC Light Infantry Battalion 501 attacked Th'Dah Der village (Lu Thaw township, Papun District) in March 2007, the villagers fled, taking whatever belongings and food they could carry.

Burmese armed forces have attacked villagers and destroyed livelihoods in the course of counter-insurgency operations justified in terms of national unity.

### Eastern Burma

The Thailand Burma Border Consortium<sup>1</sup> – an alliance of NGOs working together with displaced people of Burma to respond to humanitarian needs – estimates that in eastern Burma a million people have been internally displaced over the past decade. Of the estimated 350,000 refugees in Thailand, around 150,000 are in refugee camps. The Thai government does not recognise the refugee status of more than 200,000 Shan refugees in Thailand. Around a million Burmese migrant workers are also estimated to live in Thailand.

In 2005-06 an estimated 82,000 people were forced to flee their homes in the face of the largest military offensives by the Burmese army since 1997. These have affected the Karenni, Shan, Mon and, in particular, the Karen in Karen state and eastern Pegu division. The offensives against the Karen occurred when SPDC troops took advantage of an informal ceasefire concluded in 2004 between the SPDC and the Karen National Union (KNU) to push further into KNU-controlled territory. Most commentators characterise the attacks as part of a reinvigorated 'four cuts' policy aimed at cutting off villagers' support for the Karen National Liberation Army (KNLA), the armed wing of the KNU. SPDC troops are denying KNLA access to civilians by forcing villagers into military-controlled relocation sites.

The Karen Human Rights Group<sup>2</sup> (KHRG) argues that the label 'conflict-induced displacement' is inaccurate.

The two views of what is occurring – 'conflict-induced displacement' and 'direct targeting of villagers' – are not necessarily mutually exclusive. They reflect emphasis on different, though closely related, aspects of a coercive state and nation-building project, in which the regime sees armed opposition groups (however weakened) and any civilians who are

Those who seek shelter in remote areas are at extreme risk, surviving on a diet of rice and wild vegetables. When searching for jungle vegetables or returning to destroyed villages to salvage rice or cooking pots they are exposed to mines laid by SPDC troops along village paths and in paddy fields. Malnutrition, lack of shelter (particularly in the wet season) and lack of access to medicines and medical assistance result in high rates of malaria, dysentery and other diseases. Civilians found hiding in the jungle also run the risk of being beaten, raped and/or killed by SPDC troops.

Civilians who do not evade SPDC control and who are living in forced relocation sites also face numerous challenges. They are often moved to areas where there are no adequate means of subsistence. Since 1997 frontline troops have been expected to be 'self reliant'. SPDC troops regard civilians in relocation sites as expendable and often force them to work as porters, grow crops, build roads and bridges, collect wood and bamboo for army buildings and clear landmines. As well as the obvious dangers inherent in much of this labour, villagers may have little time left to tend their own crops, if they have them. In many cases passes are needed to travel to fields which may be too far away to make working on them possible in the allotted time. Travelling to and from



KHRG

not under the direct control of the military or its proxies as a challenge to their authority. Villagers often try to resist state control but at an extremely high cost. Many civilians are caught in a cycle of constant displacement.

Their vulnerabilities are reflected in appalling health statistics. In 2004 the World Health Organisation ranked Burma at 190 out of 191 states on provision of health care. Less than 3% of the national budget is spent on health – under \$1 per person per year – while 40% is spent on the military. The statistics for

Villagers fleeing SPDC attacks.



*Schools have to remain mobile. They close whenever SPDC columns come near, or when the teachers and pupils have to flee with their families, but they almost always reopen as soon as they can.*

fields, where that is possible, also increases vulnerability to injury from landmines, to the rape of girls and women and to summary execution at the hands of the armed forces.

While many villagers are clearly determined to resist SPDC attempts to control them and to remain as close as possible to their land, others, often after surviving multiple displacements, have fled to the border hoping to gain entry to refugee camps in Thailand. Once across the border, community-based organisations such as the Karen Refugee Committee endeavour to assist with gaining access to refugee camps. However, it has become increasingly difficult to cross into Thailand due to stricter border controls. Since April 2006, thousands of internally displaced people have been gathering near Ei Htu Hta on the Burma side of the Salween River. At the IDP camp at Ei Htu Hta approximately 1,000 people have been getting assistance from border-based community organisations and from local and international donors. However, it is very difficult to get adequate assistance to the thousands of people hiding nearby and even harder to get assistance to those displaced further inside Burma – though locally-based groups like BPHWT attempt to do so.

### The international community

International agencies such as the International Committee of the Red Cross (ICRC) have had some limited access to civilians in eastern Burma. However, in November 2006 the Burmese government ordered the ICRC to shut down its offices in eastern Burma, although they were later allowed to reopen with scaled-down operations. It has cut staff numbers and been forced to abandon

its programme of visiting prisoners. Since late 2004, when General Khin Nyunt was purged, the junta has taken a harder line on in-country international and local aid agencies. This has resulted in heightened surveillance and attempts at imposing administrative requirements to increase state control of agencies. In response to the difficulties of working in-country, in 2005 the Global Fund to fight AIDS, Tuberculosis and Malaria, which had earmarked US \$98.4 million for a five-year programme in Burma, withdrew from the country as did MSF-France. Since then pledges of support from the EU and others have resulted in planning for a new Three Diseases Fund (3D Fund). While debate continues over the political implications of humanitarian aid, the extent to which these pledges are met and how they might be operationalised free of unacceptable government control remains to be seen. It is clear, though, that, under present conditions, whatever aid does reach the people of Burma through these channels, internally displaced people are least likely to have access to it, whether they are hiding in the jungle or living in forced relocation sites.

In this situation the problem of how to deliver assistance to people with the cooperation of a state that is targeting those very people remains a central dilemma, particularly when such assistance is regarded as a challenge to the sovereign integrity of the state. The hardships that arise from forced displacement, outlined above, are the result of an assault by a regime that regards all its citizens as potential enemies and which sees members of ethnic minority groups as confirmed enemies if they are not under the control of the state or one of the several proxy militias it controls. Where a government so clearly fails in its responsibilities then protection should be the highest priority for the international community. Yet sovereignty continues to provide a shield despite the chasm between the SPDC's notion of sovereignty as absolute authority and the emergent concept of sovereignty as responsibility, which would embrace the norms embodied in the Guiding Principles on Internal Displacement.

This problem has been further compounded by the January 2007

veto by China and Russia of a draft Resolution on Burma presented to UN Security Council by the US and the UK. The veto may lead the SPDC to assume that they can continue with impunity to commit systematic human rights abuses in the name of 'national unity'. At the regional level the Association of South-East Asian States (ASEAN), though restive over Burma's human rights record, has, so far, had little impact due to its core commitment to non-intervention. Therefore, at least for the time being, the IDPs of eastern Burma, struggling in the face of a worsening humanitarian emergency, must remain largely self reliant.

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*Amnesty International's Burma reports are at <http://web.amnesty.org/library/eng-mmnr/index> and those of Human Rights Watch at: [www.hrw.org/asia/burma.php](http://www.hrw.org/asia/burma.php)*

1. [www.tbcc.org](http://www.tbcc.org)
2. [www.khr.org](http://www.khr.org)

### Back Pack Health Worker Team (BPHWT)

The Back Pack Health Worker Team (BPHWT) – a community-based organisation established in 1998 by doctors and health workers from the Karen, Karenni and Mon States – has been providing primary health care in ethnic armed conflict areas and rural areas where access to healthcare is otherwise unavailable. BPHWT has 70 backpack teams with two to five health workers in each team, delivering a range of health care programmes to a target population of 140,000 displaced people. The BPHWT aims to equip people with the skills and knowledge necessary to manage and address their own health problems, while working towards long-term sustainable development.

BPHWT's 2006 report on 'Chronic Emergency: Health and Human Rights in Eastern Burma' is online at [www.geocities.com/maesothtml/bphwt/](http://www.geocities.com/maesothtml/bphwt/)

# Enfranchising IDPs in Nepal

by Anita Ghimire

**Nepal is emerging from conflict and discussing the timetable for elections. Maoist rebels have laid down their arms and joined a coalition government. But will the elections have any credibility if large numbers of displaced people are unable to vote? Can Nepal learn from experience elsewhere?**

Nepal is emerging from conflict and discussing the timetable for elections. Maoist rebels have laid down their arms and joined a coalition government. But will the elections have any credibility if large numbers of displaced people are unable to vote? Can Nepal learn from experience elsewhere?

A decade of armed conflict has left around 200,000 people internally displaced in Nepal. According to article 8.1.11 of Nepal's recently introduced IDP policy, all IDPs are entitled by law to vote. However, the policy does not clarify whether IDPs have the right to stand as candidates or whether they should vote in their place of origin or place of current residence. It is unfortunate that in most districts of Nepal voter registration process has now been completed and only those who are permanent residents have been registered.

Elections are an important means by which IDPs can have a say in the political, economic and social decisions affecting their lives. As citizens of the country in which they are uprooted, IDPs are entitled to vote and participate in public affairs, a right which is affirmed in the Guiding Principles on Internal Displacement.<sup>1</sup>

It is important that Nepal learns from the experience and expertise of the international community in conducting and supervising elections which involve IDP voters. From its own extensive experience, the Organisation for Security and Co-operation in Europe (OSCE)<sup>2</sup> has identified six sets of obstacles to IDP enfranchisement: lack of documentation; discriminatory practices; obsolete and restrictive residence requirements; inadequate voting arrangements; lack of timely, adequate and clear information; and

insecurity and acts of intimidation. All these are apparent in Nepal.

Many IDPs have lost documents or had them confiscated during displacement. In many areas the government itself has been displaced for many years, unable to provide documentation or proofs of citizenship to local residents who may have been displaced subsequently. There have recently been chaotic scenes in rural areas as people have jostled to receive formal entitlement to citizenship. Even if IDPs do have documents, they are prohibited from casting a vote except in their original place of residence. As most IDPs are of rural origin, and many are only semi-literate, they are discriminated against and face great difficulties in understanding and accessing formal bureaucratic procedures. Most IDPs will be unable to return home to vote. Further conflict between returnees and those who have occupied their land is likely. There are no concrete plans to remove the large numbers of landmines which prevent displaced families from returning home and resuming disrupted livelihoods.

To make matters worse, the Maoists are still exercising their own judiciary system parallel to the government in some places and setting their own rules on who can return and under what conditions. The Maoists have announced three categories of IDPs. One group is permanently prohibited from return and another given the right to do so only after paying a fine. The Maoists have announced they will only return a proportion of land confiscated from each IDP. The Maoists are now part of the government and should be required to follow national laws, not those imposed by themselves. Their actions are a clear violation of the Guiding Principles, on which Nepal's IDP policy is based, as well

as the Comprehensive Peace Accord under which the Maoists agreed to help in the restitution of property and facilitate return and reintegration.

One of the most important conditions for free and fair elections is that the electorate has access to timely and correct information regarding voting arrangements. Electoral officials should have clear and concise information to convey to all those entitled to vote. Care should be taken to ensure information is understandable by those with limited or no literacy. As Nepal's historic election day draws near, none of this has been done.

## Conclusion

Disenfranchisement of IDPs calls into doubt the legitimacy of the forthcoming elections. It is vital that:

- experienced international organisations be involved in advising and supervising all phases of the election – voter registration, information dissemination, election organisation and vote counting
- Nepalese civil society be involved in all stages of IDP participation in the electoral process
- national and local authorities with responsibility for the administration of the election be sensitised to the challenges that IDPs and other vulnerable populations face in exercising their voting rights. They should receive training on best practices for addressing such problems.
- gaps in national electoral legislation be urgently filled to ensure it is in line with international human right standards and the Guiding Principles on Internal Displacement
- the requirement compelling IDPs to vote in their place of origin be abandoned

- procedures be devised to ensure IDPs can vote outside their original place of residence. This right should also be extended to those in hospitals, military barracks and prisons.
- IDPs – and particularly such marginalised groups as women and people with disabilities – be involved in designing procedures to ensure their democratic right to equal participation in the electoral process

- electoral information be transparent and user friendly, bearing in mind the low literacy levels and rural origin of most IDPs.

Nepal's electoral process could help in the urgent tasks of returning security and legitimising the government. Only by ensuring IDP involvement can the authorities send a clear message that they are committed to creation of a new Nepal.

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1. See Erin Mooney and Balkees Jarrah, FMR23 'Safeguarding IDP voting rights' [www.fmreview.org/FMRpdfs/FMR23/FMR23brookings.pdf](http://www.fmreview.org/FMRpdfs/FMR23/FMR23brookings.pdf)
2. [www.osce.org](http://www.osce.org)

# Urban asylum seekers and refugees in Thailand

by Vera den Otter

**The difficulties faced by urban refugees are often different from those faced by refugees in camps but are no less serious. The Jesuit Refugee Service (JRS) in Bangkok is struggling to support growing numbers of urban refugees in Thailand.**

Thailand hosts some 477,000 asylum seekers and refugees; in 2006 there were 10,000 new arrivals.<sup>1</sup> The majority come from Burma and live in nine refugee camps along the Thai-Burma border. Urban refugees are often from Laos, Nepal and Sri Lanka while others come mainly from Cambodia, Vietnam, Iran, Palestine and the Democratic Republic of Congo. The country has relatively easy-to-meet visa requirements, which enable asylum seekers to enter the country and subsequently search for legal assistance. However, Thailand does not recognise Burmese or Laotian Hmong as (urban) refugees and does not allow UNHCR to conduct Refugee Status Determination procedures for them.

While Thailand provides a certain degree of protection for most refugees and asylum seekers, their lives are far from easy. Thailand is not a signatory to the 1951 Refugee Convention nor to the 1967 Protocol. Asylum seekers and urban refugees are under constant threat of arrest and detention. Urban refugees

do not have the right to work; although some (mainly Asian) refugees manage to obtain jobs, those from Africa find it more or less impossible. Accommodation is usually overcrowded, increasing the risk of sexual and gender-based violence as many unrelated women and men often share one room. Refugees' diets consist mainly of rice, with little protein-rich nutrition. For the majority of urban refugees in Thailand, the only durable solution is resettlement to a third country. Thailand does not allow refugees to locally integrate and is not likely to change this policy. Resettlement, though, is often a long-term process, and many refugees in Thailand spend years in a legal limbo.

## Counselling and legal assistance needs

After asylum seekers have registered with UNHCR, they are usually referred to the JRS office for counselling prior to their Refugee Status Determination



*Burmese refugee in Thailand.*

(RSD) interviews. Each new asylum seeker visiting JRS will spend time with a social worker, receiving – for up to three months – social, emotional and psychological counselling. Those considered highly vulnerable or to be SGBV survivors are referred back to UNHCR.

JRS staff explain the rights of refugees in Thailand and what it means to be a refugee. Refugees sometimes cannot accept that they have lost whatever status they once had and that, in many ways, their lives will now be harder than before. JRS helps asylum seekers prepare and file their initial claim to UNHCR. This

can involve long meetings in which all information relevant to the case is discussed. The JRS legal officer prepares mock RSD interviews to show how the interview with UNHR will run and what kind of questions one can expect. Anxiety during the interview or not knowing the relevance of sharing an important piece of information at the right time can lead to rejection. Asylum seekers learn how the RSD process works, how long it takes, what they can do while waiting for the interview and when they might expect to learn the outcome.

Staff also make asylum seekers aware that there is always a chance that they will be rejected and what the consequences of this will be. Every rejected asylum seeker has the right to appeal. The JRS legal officer follows up on cases and supports them in their appeal if they think the person should have been recognised as a refugee.

Urban refugees should be allowed to live in Bangkok while awaiting

their resettlement, without having to fear arrest and detention. Their rights under international law should be respected. Moreover, resettlement countries should enlarge their quotas to resettle urban refugees. JRS recommends that:

- UNHCR increase its funding and staffing in Thailand's urban refugee-related projects
- the Thai Government give urban refugees temporary legal status so that they are not subject to arrest and detention
- UNHCR be permitted to register all asylum seekers that seek protection, and allow everyone the right to RSD
- the international community recognise urban refugees as a vulnerable group of people
- resettlement countries take more urban refugees

- national and international NGOs extend their programmes to support this vulnerable group, in collaboration with those NGOs already providing assistance.

The UNHCR Bangkok office closed for new arrivals, RSD interviews and appeals on 8 May, 2007. It is uncertain when and if UNHCR can continue its services to urban asylum seekers. JRS fears that, if the Thai government prevents UNHCR from carrying out refugee status determination interviews, other countries in the region may follow suit. The situation is already difficult in Cambodia and Malaysia, with both governments accused of deporting refugees back to their countries of origin.

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1. See [www.refugees.org/countryreports.aspx?subm=&ssm=&cid=1605](http://www.refugees.org/countryreports.aspx?subm=&ssm=&cid=1605)

# State practice and the family unity of African refugees

by Esther Sample

**As African and Northern states increasingly prioritise immigration control and economic and security considerations, families are being pulled apart. In the UK detention and deportation prevent reunification and actively disrupt family unity.**

For African refugees, family separation is often an unintended result of forced migration, with family members compelled to follow different routes or to flee based upon available opportunities or resources. However, it can also be a chosen temporary strategy, such as helping a child escape military recruitment or sending a politically active member into hiding. Family separation is rarely intended to be permanent, and huge efforts are usually made to re-unify members.

With legitimate routes to safety restricted, displaced African families increasingly pool together to pay an illegal agent to forge documents and transport one member abroad, despite trafficking risks and the likelihood of long-term separation. In the context of the extreme trauma of persecution and exile, the social, psychological and material support of the family is of utmost importance.

Commonly, some family members will cross borders to refugee camps

or Northern countries of asylum, while others will remain as IDPs because of movement restrictions enforced by combatants or physical or material constraints. The 1969 OAU Convention, 'Governing the Specific Aspects of Refugee Problems in Africa', stated that all family members should be extended recognition on a prima facie basis. Individual status determination was not included because in situations of mass influx the need for protection is obvious, and the number of the examinations required would be unfeasible. This means that families who manage to cross the border together are all granted protection and are not interrogated separately as in the UK. Separated families can also, theoretically, cross the

border and then reunite. However, without more government and donor resources invested in refugee family tracing to support the work of agencies such as the ICRC, chances of reunification are slim amongst the chaos of the dispersed communities in refugee camps.

Community income-generating projects can provide psychological wellbeing and social protection. The Ugandan and Zambian governments, with support from UNHCR, have converted some refugee camps into refugee resettlements, providing arable land and access to local markets and services.<sup>1</sup> Under such circumstances families and communities are better able to maintain unity.

Unfortunately, however, most African states – resentful of the lack of international assistance and global burden-sharing – are following the Northern example and tightening border controls. As in the UK, this means that it is possible that some family members can be admitted and not others, as policies change or individuals are interrogated. Tanzania, once famous for its ‘open door policy’ towards Rwandans, has moved towards repatriating all refugees and closing its borders, impelled to do so by their numbers, economic crisis, shrinking international support and security concerns.

### Risk of detention and separation in the UK

Those who make it to the UK may be interrogated, detained or separated. Denied permission to work, asylum seekers have no route to the stability or self-sufficiency that they seek. The UK Asylum and Immigration Act 2004 allows for the withdrawal of all support from failed asylum-seeking families. Unless the family is prepared to sign up for ‘voluntary return’ and so receive support under section 4, this leads to destitution and can result in the children being taken into care. Detention centres can also separate asylum-seeking family members. In terms of deportation, ‘national security’ is the government’s key consideration, and minor offences can lead to one family member being deported alone back to a conflict zone.

At the European level, those with Subsidiary Protection – measures complementary to the protection regime enshrined in the Geneva Convention and its 1967 protocol – fall outside the EC’s Family Reunion Directive. Similarly, the Dublin Regulation – the 2003 regulation to ensure that asylum seekers can only

on the Rights of the Child<sup>3</sup> for this reason. This obligates states “to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the



UNHCR/H. J. Davies

Liberian refugee boy newly arrived in Sheffield, UK.

claim asylum in one European Union state – fails to ensure family unity, except in limited circumstances, if they are separated during their forced migration and are forced to apply for asylum in different European countries.<sup>2</sup> States can circumvent their obligations to preserve refugee family unity as there is no definition of ‘family’ in international law. Traditional African society is much more communitarian with greater roles for ‘elders’ and more distant relatives and friends. As a result of high mortality, family groupings are very often not ‘nuclear’. The refugee experience causes many families of choice or circumstance to be formed. Emotional and economic ties should in some instances be given the same weight as blood ties or marriage.

Western states are increasingly suspicious about children being sent by parents as ‘anchors’, so that the family can then follow and be granted residence. The UK has officially derogated from Article 22 (2) of the 1989 UN Convention

same protection as any other child permanently or temporarily deprived of his or her family environment for any reason”. Refugee children in the UK face prolonged interrogation and are frequently detained over age disputes, leading to a drawn-out procedure of interviews and uncomfortable paediatric examinations, while being detained with adults.

The incompatibility between immigration control and child protection policies means that unaccompanied minors are less likely to gain refugee status but at the same time they have a reduced chance of *refoulement*, at least until they are 18. This policy incoherence leaves asylum-seeking children trapped in a marginalised or illegal position and compounds their already traumatic situation.

Governments should recognise that through supporting family unity the ‘economic burden’ they fear from refugees can be lessened: a family

group will rely less heavily on external providers of assistance and protection and witnesses can lead to speedier asylum determination procedure. The issue of refugee family unity is increasing in salience, as refugee and IDP numbers grow and states expand immigration controls, restrict entry for family reunification and disrupt family units. Refugees can be left isolated and in desperate need of support. The best way to alleviate this problem, for both governments and refugees, is to encourage self-sufficient refugee family and community groups.

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*working in Malawi for a youth development NGO, 'AYISE'.*

1. Ana Low, 'Local Integration, a Durable Solution for Refugees?' FMR25 [www.fmrreview.org/FMRpdfs/FMR25/FMR2538.pdf](http://www.fmrreview.org/FMRpdfs/FMR25/FMR2538.pdf)
2. 'The Dublin Regulation: Twenty Voices - Twenty Reasons for Change' [www.ecre.org/resources/responses\\_recommendations/798](http://www.ecre.org/resources/responses_recommendations/798)
3. [www.unicef.org/crc](http://www.unicef.org/crc)

#### UNHCR Africa newsletter

UNHCR's Africa Bureau publishes a regular newsletter which is available online at [www.unhcr.org/doclist/news/42c3b1b22.html](http://www.unhcr.org/doclist/news/42c3b1b22.html) and in hard copy. For more information, please contact H  l  ne Daubelcour (daubelco@unhcr.org), Africa Bureau, UNHCR, PO Box 2500, Geneva, Switzerland.

**ninemillion.org**

**Nine million faces.  
Nine million names.  
Nine million stories.**

**Nine million children  
are refugees right now.**

Ninemillion.org is a UNHCR-led campaign to raise awareness and funds for education and sport programme for refugee youth, many of whom are forced to spend years of their young lives away from home with little hope of returning. What happens to them now, during their years as refugees, is up to all of us. [www.ninemillion.org](http://www.ninemillion.org)

# Failure to protect: lessons from Kenya's IDP network

by Prisca Kamungi and Jacqueline M Klopp

**State-instigated violence in the 1990s in Kenya left thousands dead and hundreds of thousands displaced. Today some 430,000 IDPs<sup>1</sup> live in abysmal conditions. This is in spite of the fact that Kenya has an IDP support network, a vibrant civil society and, since a historic election in 2002, political freedom to organise. What has gone wrong?**

With all its advantages relative to many of its neighbours, and with its move towards a formal commitment to the Guiding Principles, Kenya is still unable to adequately protect its IDPs. We draw on our experience working with Kenya's IDP Network to analyse some of the deep political barriers to effective state and civil society action on behalf of the internally displaced.

Throughout the 1990s the Kenya African National Union (KANU) government funded and orchestrated violence to cleanse opposition voters from key constituencies.<sup>2</sup> In the run up to the 2002 election – which ended the 24-year autocratic regime of Daniel Arap Moi – the opposition

National Rainbow Coalition (NaRC) made the choice to include many of the former KANU politicians responsible for the violence. Since these politicians could deliver votes, they were also brought into the NaRC government after the election and some were even elevated to high positions. This made addressing the IDP plight politically sensitive and led the new President, Mwai Kibaki, to shelve plans for a Truth, Justice and Reconciliation process.

The fact that the government continues to see some perpetrators of violence and their province-level accomplices as necessary for its political survival is one of the biggest barriers to change.

Kenya's IDP Network was launched in 2003 with support from many civil society actors who worked for the displaced during the violence: the National Council of Churches of Kenya (NCCCK)<sup>3</sup>, the Catholic Diocese of Nakuru and the Kenya Human Rights Commission (KHRC).<sup>4</sup> The network represents IDPs in most regions, except northern Kenya, where people experienced violent displacement. As it has worked to gain public recognition, it has felt the need to become autonomous from its civil society partners by whom many IDPs feel let down. The displaced are also deeply frustrated by what appears to be official denial and delay. Apart from some limited resettlement and relief food in some places, the government and civil society have done little for Kenya's IDPs.

Another enormous problem is land – an issue which is both an underlying cause and a consequence of violence. The government has failed to reform its system of land management. Like the former KANU government the

current crop of politicians manipulate land for political purposes. In 2006 a much-heralded plan to resettle IDPs actually benefited hundreds of non-IDP families. The government created a Task Force on Displaced People but it was not well advertised, its work was poorly conducted and its report has not been made public. Safe in the knowledge that perpetrators of electoral violence have gone unpunished, some members of parliament are gearing up to use internal displacement as a form of gerrymandering.

Kenya lacks a legal and institutional framework that defines and recognises IDPs. While the Kenyan government has not passed legislation to make the Guiding Principles on Internal Displacement national law, it has signed with ten other regional governments a Security, Stability and Development Pact of the Great Lakes Region which contains a protocol on protection and assistance for the displaced – the first legally binding regional instrument specifically dealing with IDPs.<sup>5</sup> Much local and international advocacy is needed to persuade the Kenyan public and politicians to put it into effect. Without pressure the Pact will remain a document without practical impact.

### IDP invisibility

Civil society neglect of IDPs is also a consequence of their low profile after 15 years of displacement. Most IDPs have scattered in search of livelihoods, merged with the urban poor and squatters, and are not 'visible' in camp-like settings. No NGOs focus exclusively on IDPs and they are ignored by donors. There is very little international advocacy – apart from the Norwegian Refugee Council's Internal Displacement Monitoring Centre. The international community seems to believe that Kenya's humanitarian crisis is over and that now a democratic government is in place the IDP problem will be automatically solved. Humanitarian NGOs working in the region focus on more serious and visible conflict situations in neighbouring Somalia, Sudan and Uganda. For its part, the UN in Kenya has largely failed to accept that IDP protection falls within its mandate. Field and headquarter officials of

OCHA, UNDP and UNHCR have not advocated for the rights of the displaced in an effective and assertive manner. Kenya is a key base for relief operations and as the IDP issue is politically sensitive the UN would seem to prefer to avoid any problems with the Kenyan government.

This leaves the IDP Network itself as the key advocacy organisation in Kenya. Its key supporters have been poorer IDPs desperately needing assistance and support to regain land, receive compensation or be provided with sufficient security to return to their farms. Middle-class IDPs who have found ways to rebuild their lives have not by and large joined the struggle. The IDP network lacks local support, resources and strong leadership. Cohesion and clear goals are difficult to achieve when faced with a politically charged and complicated advocacy task. The IDP Network has tried to be representative and multi-ethnic and has members in most parts of the country but coordination challenges are daunting and resources limited. Without more concerted support it is likely that the network will fall apart and that politicians who wish to keep the IDP agenda silenced will find ways to foster divisions within it.

### What is to be done?

Internal displacement is linked to poor governance. The failure to address the plight of IDPs encourages the continued use of internal displacement as a political tactic – to the obvious detriment of democracy. Failure to address the needs of Kenya's IDPs means that large parts of the former displacement areas, including areas with some of Kenya's most fertile land, will remain unstable and unproductive – with obvious implications for food security. They also remain violence-prone and likely to swell the current ranks of IDPs. The numbers of IDPs are increasing as a result of natural growth and new displacements in western Kenya and among pastoralist communities. The problem will not go away and is only poised to get worse.

The future costs of continued neglect of the IDP issue need to be better understood and spelled out in public debate. More sustained and careful

policy analysis and capacity need to be encouraged and supported locally. If the land issue is so politically sensitive and insoluble, should IDPs be compensated in other ways for lost property? What are the best ways to approach reconciliation, given the existing political constraints? Where are there openings for change? Leadership from the UN will be important in creating opportunities for dialogue and diplomacy and holding Kenya to its international commitments. It is encouraging that, with prodding from the IDMC, the relevant UN agencies are beginning to at least discuss the issue.

Those actors within Kenyan civil society who have been active in protecting and supporting IDPs need continued encouragement and support in this long and difficult struggle. Finding ways to create a more functioning network with advocacy links to the UN and the government will be critical. The one government organ that is uniquely suited to help spearhead advocacy and strategy for this work is the Kenyan government's own human rights watchdog, the Kenya National Commission of Human Rights.<sup>6</sup> The IDP Network needs direct support both in terms of resources and help with advocacy. Kenya and the international community need to acknowledge the organising efforts of this courageous, but increasingly despairing, group of very vulnerable people.

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1. According to the Internal Displacement Monitoring Centre [www.internal-displacement.org](http://www.internal-displacement.org)

2. Jacqueline M Klopp 'Ethnic Clashes and Winning Elections', *Canadian Journal of African Studies* 35 (2) 2001: 473-517.

3. [www.nckc.org](http://www.nckc.org)

4. [www.khrc.or.ke](http://www.khrc.or.ke)

5. [www.irinnews.org/report.aspx?reportid=62757](http://www.irinnews.org/report.aspx?reportid=62757), [www.un.org/News/Press/docs/2007/sc8968.doc.htm](http://www.un.org/News/Press/docs/2007/sc8968.doc.htm)

6. [www.knchr.org](http://www.knchr.org)

# Bizarre Australia-US refugee swap

by David Holdcroft

**In April Australian Immigration Minister Kevin Andrews announced that, in a deal brokered with the US, Australia would ‘swap’ up to 200 refugees every year.**

Under the scheme, asylum seekers presently on the island of Nauru will be considered for resettlement in the US, if recognised as refugees. At the same time Cubans and Haitian refugees currently held in Guantanamo Bay will be resettled in Australia. The US is the first government to undertake to resettle a significant number of refugees from Nauru. Kevin Andrews described the move as a deterrent, arguing that “potential resettlement in the US will be a disincentive to those who seek to come to Australia illegally because they have friends here.”

Under Australia’s ‘Pacific solution’, asylum seekers who travel by sea but do not reach the Australian mainland are processed in detention centres run by the International Organization for Migration – under

contract to the Australian government – on Nauru and Papua New Guinea’s Manus Island. Designed to discourage asylum seekers from making onshore applications, the centres deny refugees access to the Australian legal system. While the Australian government has repeatedly stated that this group would not be permitted access to Australia, approximately 96% of refugees processed through this scheme have ended up in Australia or New Zealand. Clearly, this is a circuitous, potentially damaging and extremely expensive method of processing refugee claimants.

It is hard to understand the logic of the US-Australian announcement from any point of view. The prime driver of refugee policy seems to be border control rather than

any concern for the protection of undocumented arrivals. If this is at the cost of due process and human rights it will be ultimately self-defeating.

The refugee protection system can, and must, accommodate unregulated movements of people across borders seeking asylum. To take such extraordinary measures in response to a small group of asylum seekers is undignified and wholly unnecessary. One cannot help but think that the policy is also designed to ‘wedge’ the refugee lobby in Australia by putting up the US as an acceptable location for resettlement: nevertheless it is the process by which Australia arrives at this conclusion which is so damaging. We must begin to look for more sensible and humane options.

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# Olympic scale of sport-induced displacement

by Jean du Plessis

**The Olympic Games have displaced more than two million people in the last 20 years, disproportionately affecting particular groups such as the homeless, the poor, Roma and African-Americans. Mega-events such as the Olympic Games often leave a negative housing legacy for local populations.**

Researchers from the Geneva-based Centre on Housing Rights and Evictions (COHRE), supported by the Geneva International Academic Network (RUIG/GIAN),<sup>1</sup> have studied seven past and future Olympic host

cities. Their report shows that little has changed since 720,000 people were forcibly displaced in Seoul, South Korea, in preparation for the 1988 Summer Olympic Games.

In Beijing the authorities are clearing large swathes of residential districts ahead of the 2008 Olympics. 1.25 million people have already been displaced from their homes and it is estimated that a further quarter of a million will be displaced by the time the Games commence in August 2008. These figures do not include the approximately 400,000 migrants living ‘temporarily’ in 171 neighbourhoods in situations of extreme insecurity, having come to Beijing due to lack of livelihood opportunities in rural

areas. Legal representatives and housing rights defenders who oppose or challenge the forced evictions are subject to ongoing intimidation, harassment and, in some instances, imprisonment for their activism. Evictions in Beijing often involve the complete demolition of poor people's houses. The inhabitants are then forced to relocate far from their communities and workplaces, with inadequate transportation networks adding significantly to their cost of living. In Beijing, and in China more generally, the process of demolition and eviction is characterised by arbitrariness and lack of due process. In many cases, tenants are given little or no notice of their eviction and do not receive the promised compensation. This lack of adequate compensation (or any compensation at all) sometimes leaves the evictees at risk of homelessness and spiralling poverty. The forced evictions are often violent and abuses committed during the eviction processes have multiplied.

The report also addresses the housing impacts of other mega-events such as the FIFA World Cup, World Expos, IMF/World Bank Conferences and even beauty pageants such as the Miss World and Miss Universe contests. It shows how these directly and indirectly cause a number of housing rights violations including forced eviction; rising housing costs (leading to unaffordability of housing); reductions in the provision of social, public and low-cost housing; discrimination against minorities and the poor; criminalisation of homelessness; expropriation of private property; and lack of transparency and exclusion of local residents from participation in decision making.

Already, five years before the 2012 Olympic Games are due to be staged

in London, over 1,000 people face the threat of displacement from their homes, and housing prices are escalating. It is clear even at this early stage that construction of the

other mega-event governing bodies to fully integrate housing rights considerations into the selection criteria used for judging bids to host a mega-event. Organisers must

transparently incorporate consideration of housing rights into all aspects of the preparation and staging of events. Guidelines we have prepared outline opportunities for promoting positive housing legacies to be enjoyed long after events have been staged. These guidelines urge governments, municipal authorities, event organisers,

*Giant banner hung on the front of the Broadway squats in Sydney, Australia.*



Olympic venues and facilities will disproportionately affect the poor, low-income earners, residents of public housing, and ethnic minorities such as Gypsies and Travellers.

Approximately 2,700 Roma were directly affected by the preparation and staging of the Olympic Games in Athens. For the Roma, the Olympic Games served to aggravate the discrimination and marginalisation they already suffered, leading to further segregation, violent forced evictions and setbacks in their prospects of securing adequate and humane living conditions.

Approximately 30,000 poor residents were displaced from their homes in Atlanta by gentrification, the demolition of public housing, rental speculation and urban renewal projects associated with the Olympics. Around 2,000 public housing units were demolished and nearly 6,000 residents displaced. African-Americans were disproportionately affected by displacements. Criminalisation of homelessness was a key feature of the 1996 Atlanta Games.

COHRE calls on the International Olympic Committee (IOC) and

bid committees, and even corporate sponsors, athletes and spectators to:

- assess, monitor and evaluate potential and actual housing impacts of mega-events
- avoid disrupting existing homeless populations
- ensure that staging a mega-event contributes to stable housing markets and delivery of affordable housing
- use mega-events as an opportunity to increase the supply of low-income, public and social housing and improve the existing housing stock
- hold violators of housing rights to account and ensure the availability of remedies for victims.

*Jean du Plessis is COHRE's Acting Executive Director. For further information, contact COHRE's Media Officer, Radhika Satkunanathan (media@cohre.org). The Fair Play for Housing Rights report, guidelines and background papers on the Olympic Cities studied are at: [www.cohre.org/mega-events](http://www.cohre.org/mega-events)*

1. [www.ruig-gian.org](http://www.ruig-gian.org)

# Dubai: a City of Hope?

by Lina Abirafeh

**The City of Hope is an organisation offering refuge for abused women in Dubai, the largest city of the United Arab Emirates. Dubai has started to acknowledge the social problems accompanying its phenomenal economic growth but is it doing enough to tackle the scourge of human trafficking?**

Sharla Musabih came to the UAE from the USA in 1983 to be with her Emirati husband. In 1991 she took in a woman who was a victim of domestic violence. What initially appeared to be an isolated case revealed itself as an epidemic. As the population of the UAE grew in numbers and nationalities, increasing social problems – and social consciousness – also grew.

“I could see a need for a shelter,” Musabih says. “I wanted to provide those in need with a temporary place to breathe, until their problems are solved.” So she set up a shelter – the City of Hope – while also working to rescue child camel jockeys and raising government awareness of these problems. She reports that the government has been very receptive to the idea of a women’s shelter. “I have been so amazed at the cooperation and respect I have received from the highest level of the government of the UAE. Working with them on very sensitive issues has been like having a magic wand. My wish is their command.”

City of Hope supports women of all nationalities and ages. The shelter houses up to 50 women and includes victims of domestic violence, trafficking and other forms of discrimination. The shelter provides women with a safe place to live, counselling, training programmes, education, medical care and legal support. Those supported are given help to become self-sufficient. Musabih explains that some women have got married or found jobs and remained in the UAE, while others have been repatriated to their countries of origin. “We try to work around what they want to do,” she says. Women hear of the

shelter through police, immigration, embassies, media and word of mouth. Due to the City of Hope’s popularity and increased demand, a second shelter is opening in the neighbouring Emirate of Ras Al Khaimah.

Elena (not her real name) is a 16-year-old Uzbek girl lured to the UAE with the promise of a lucrative job in a boutique. Instead, she found herself imprisoned in a home with several other women, condemned to work as a prostitute. To stop her family in Uzbekistan searching for her, the traffickers – Uzbek men – forced her to call them to say that she had run away with a boy. As her family and community believe the story of her elopement, she is now ostracised and stigmatised. Elena lost hope and began to fear that, like the many other women trafficked into Dubai, she was condemned to a life of prostitution. Fortunately, she was found by the police and now lives in a shelter run by the City of Hope. She is taking English courses and hopes to return to Uzbekistan soon. Counsellors are working with social workers in Uzbekistan to explain the situation to her family and facilitate her return home.

## Shelter or brothel?

Unfortunately, segments of the local population have been less receptive. A smear campaign spearheaded by the husbands of the women in the shelter has led to accusations that Musabih is running a brothel. Musabih is hitting back at critics and their unsubstantiated accusations. “They call the police and say the villas are brothels. The police quite rightly investigate and

in the end find out exactly what we do and the situation is fine. But by spreading these horrible rumours these people cause a lot of pain.” Some lower-ranking policemen have been persuaded to endorse the allegations but there is consistent support from the police authorities and the government. The concept of shelters is also endorsed by Islam.

In October 2004, the UAE ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>1</sup> Article 6 commits signatories to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.” However, the UAE does not fully comply with internationally-recognised standards for the elimination of human trafficking. According to the US State Department, the UAE is “a destination country for men, women, and children trafficked from South and East Asia, Eastern Europe, Africa, and the Middle East for involuntary servitude and for sexual exploitation. An estimated 10,000 women from sub-Saharan Africa, Eastern Europe, South and East Asia, Iraq, Iran, and Morocco may be victims of sex trafficking in the UAE.” The US notes that the UAE fails to screen women prostitutes to determine if they have been victims of trafficking. Instead, these women are detained and deported. Prosecution for sex traffickers is rare, although increasing. In 2005, only 22 of the 100 reported complaints resulted in convictions.<sup>2</sup>

Recently, the UAE has taken major strides to combat human trafficking. The Dubai police established a human trafficking division to maintain a closer watch on the problem. This division also maintains a website and 24-hour hotline, and has recently launched an awareness campaign informing people of their rights and available resources. Despite this increased awareness of the city’s social problems, women continue to feel

stigmatised, particularly when the perpetrators are men from their home countries. Many victims therefore fear retribution by traffickers or pimps if they report the crime.

In late 2006 new legislation was passed under which human traffickers may be jailed for life and fined up to a million Dirhams (approximately \$275,000). The UAE Penal Code criminalises prostitution and enticement into prostitution. It also prohibits establishing a place for prostitution. Further, there is a special decree preventing single women from various Central Asian countries from entering the UAE unless they are over the age of 31, accompanied by a male relative or on official business.

Noora (not her real name), an Emirati woman working on local gender issues, explained that there are other women's shelters in the country. Two in Abu Dhabi operate secretly but are sanctioned and supported by the government. She explains that the City of Hope has been a very controversial undertaking, due in part to the fact that Musabih is not Emirati. Her status as an informed outsider sometimes seems to work against her, despite her knowledge of Islam and the Emirates. Noora pointed out that the City of Hope is acknowledged by the government but is not official or necessarily legal. The concept of a non-governmental organisation is new to the UAE and NGO laws and operating procedures do not yet exist.

### Dubai's reputation

As an international aid worker who spent four years in the male-dominated humanitarian community of Afghanistan, I was privy to many discussions planning weekend getaways to Dubai. For many expatriate men, Dubai has become synonymous with prostitution. Several websites and blogs describe how to find prostitutes in Dubai, 'party capital of the Middle East'. One anonymous writer stated that he is "happy to say that prostitution in Dubai is very alive and well". Another noted that "prostitution is commonly found in Dubai. Prostitution seems to be complementary to the economy as it supports the

hospitality industry which is almost fully owned/sponsored by the locals." The review continues with a breakdown of the various women available – by nationality, availability, location and price. One well-known nightclub/brothel describes itself as the 'United Nations of Prostitution'.

Traffickers are usually natives of the victims' home countries, not Emiratis. Many of the pimps operating in Dubai are women from the former Soviet Union, suspected of having Mafia links. Upon arrival in the UAE, trafficked women have their passports and possessions seized and are forced to work as prostitutes to repay their travel and living expenses. These large debts become even less manageable because the women receive little or no payment for their work. Traffickers also sell their victims to other traffickers. And the victims' debts continue to grow.

### will it become a city where trafficking is silently tolerated in order to meet international demand?

The government's commitment to addressing social issues is evidenced by the fact that they have recruited independent consultants to train social workers to work with victims of abuse. The UAE remains progressive on many fronts, and battles that continue to be fought in other countries do not apply. The 1971 constitution clearly stipulated that women and men receive equal pay for equal work – a battle not near resolution in many seemingly liberal countries.

Conscious of foreign criticisms, the Emirates have resolved the problem of child camel jockeys. In a 2005 agreement with UNICEF, the UAE agreed to return these children – many of them under 10 years of age – to their countries of origin. Legislation now prohibits the use of children under 18 and remote-controlled robots are being used instead. The scourge of trafficking of women, however, has yet to be tackled.

Noora, like other Emirati women, is worried what the outside world thinks of the UAE but also concerned about double standards. "Prostitution and trafficking exist everywhere. But the US feels that it can criticise others without cleaning its own closet, so to speak." Noora's concern is that such negative press only feeds a frenzy about the Arab and Muslim world. "All the American media is interested in is how oppressed women are in the Arab world. Meanwhile, Emirati women are quite progressive and in fact feel that Western women are not able to recognise their own oppression. The world digs for controversies, particularly concerning women. This breeds fear and misconception doing little to advance understanding based on truth and fact. Social change is a process that takes time. We should work together to build capacity and address social issues. The Western world could benefit from spending more time understanding Muslim societies and less time fearing them. Enough 'invading' and 'liberating'," Noora concludes.

As Dubai becomes a world capital, it is at a crossroads: will it become a city where trafficking is silently tolerated in order to meet international demand? Or will Dubai confront social issues openly and directly, accepting that it might lose some of its tourist appeal as a result? It is clear that the UAE is working to address social issues and that changes are gradually taking place. A new climate of debate and discussion is emerging. But will Dubai win a reputation as a veritable 'city of hope'?

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1. [www.un.org/womenwatch/daw/cedaw](http://www.un.org/womenwatch/daw/cedaw)  
2. [www.state.gov/g/tip/rls/tiprpt/2006](http://www.state.gov/g/tip/rls/tiprpt/2006)

# Responsible refugee agencies could be 'certified'

by Andrew Lawday

**A new certification scheme could help to make humanitarian agencies more accountable to refugees and displaced people. Since the critical evaluation of the response to the Rwanda emergency in the 1990s, agencies have recognised weaknesses in both the accountability and quality of humanitarian programmes. But an 'accountability deficit' still plagues international aid responses to emergencies.**

Looking through evaluations published in 2005 and 2006, it is clear that humanitarians still acknowledge a significant 'accountability deficit'. International NGOs took on fresh criticism for their performances in response to the Asian tsunami, despite efforts to address long-standing weaknesses. Yet the important United Nations-led humanitarian reform barely mentioned accountability to people affected. Donors remained in few evident ways accountable to beneficiaries. Disaster victims lacked any means to demand accountability from aid agencies or donors.

A recent survey by the Humanitarian Accountability Partnership (HAP) found that senior managers, programme managers and policy advisers perceived accountability to disaster survivors to be still largely inadequate, though perhaps improving.

As António Guterres, UN High Commissioner for Refugees, told UNHCR executives in 2005, "Accountability takes many forms, but our first responsibility is of course to the refugees, stateless, and internally displaced persons." In the *State of the World's Refugees 2006*<sup>1</sup>, UNHCR recognised that accountability mechanisms had to be strengthened for displaced people. Internal accountability mechanisms in UNHCR offered neither adequate sanctions nor remedies when fundamental rights of refugees and stateless persons are directly violated.

The prevalence of poor accountability to disaster victims, it seems clear, leads to poor quality services. Indeed, any service risks being both inefficient and ineffective when there is an imbalance of power between the provider and receiver.

"I see *khawajas* (white people) come to the camp and go. NGO personnel also come to camp. But they rarely tell us what they are doing. I feel we are not important, so we do not work closely with these people."  
Fatima Abdul Mageed  
(65-year-old IDP in Darfur)

Awkwardly, many agencies account to donors at the expense of beneficiaries. Perhaps that follows from rising relief budgets. Bilateral humanitarian assistance from the Organisation for Economic Cooperation and Development's Development Assistance Committee (OECD/DAC)<sup>2</sup> countries increased from \$7.3 bn in 2004 to \$8.4 bn in 2005 – a 15% increase in real terms, while international pledges to countries affected by the tsunami totalled \$14 bn. More than 50 donors have committed \$272 million to the newly expanded Central Emergency Response Fund (CERF).<sup>3</sup>

Of course, the challenges of humanitarian accountability must not obscure the achievements. Most respondents to the recent HAP survey noted some improvements

in humanitarian accountability. HAP's field advisers have reported numerous good practices in accountability, transparency and complaints mechanisms in Pakistan, Sudan, Aceh and elsewhere. The Danish Refugee Council, for example, has developed a complaints handling system in the North Caucasus, where the agency provided food aid to over 200,000 mainly displaced people in Ingushetia, Chechnya and Dagestan. The system succeeded in improving food distribution, increasing dignity, trust and security. The International Rescue Committee, working with the Kenyan government and aid agencies, established a complaints mechanism to prevent sexual exploitation of refugees. Medair developed beneficiary feedback tools in Darfur, using household surveys, individual interviews and patient opinion polls to identify problems and assess impact. UNHCR developed a system for refugee participation in refugee camps in Sierra Leone and has produced a Participatory Assessment Tool on how to engage communities and individuals in assessment.

Such good practices seem to be the exceptions that prove the rule: humanitarian accountability is not systematically implemented by aid agencies, and it is not yet a standard operating requirement.

## New initiative to measure accountability

That may change in due course. The HAP Standard in Humanitarian Accountability and Quality Management, launched in Geneva in April 2007, is designed to help agencies systematically strengthen their accountability to disaster victims. HAP developed the Standard in consultation with humanitarians, disaster survivors and accountability advisers, and worked to ensure its universal applicability.

An important feature of the Standard is a certification scheme, which provides responsible agencies with the opportunity to have a formal audit of compliance conducted by a registered HAP auditor. The first two agencies to have been certified – the Danish Refugee Council<sup>4</sup> and the Dakar-based Office Africain pour le Developpement et la Cooperation (OFADEC)<sup>5</sup> – received the HAP Certificate at the Geneva meeting of HAP's 17 members in April. Several other HAP Members are expected to similarly seek certification.

The process of seeking certification itself offers an effective means, along with a positive incentive, for an agency to implement the Standard across their organisation.

"Becoming certified has been a challenging and worthwhile process that stretched OFADEC to improve its quality and accountability. It involved a certain amount of work and training for the agency as a whole. By the end of the process, we found it was definitely worth the effort to help us translate our own principles, standards and commitments into practice. And the process itself helped to build up trust." Mamadou Ndiaye, Executive Director of OFADEC

*Andrew Lawday (alawday@hapinternational.org) is a consultant for the Humanitarian Accountability Partnership. HAP is a Geneva-based*

*association that aims to make humanitarian action accountable to intended beneficiaries. The 2007 Standard in Humanitarian Accountability and Quality Management is available at: [www.hapinternational.org](http://www.hapinternational.org). Aid agencies concerned with accountability and quality are invited to contact Sheryl Haw (shaw@hapinternational.org), the HAP Certification Manager, for further information.*

1. [www.unhcr.org/cgi-bin/texis/vtx/template?page=publ&src=static/sowr2006/toeceng.htm](http://www.unhcr.org/cgi-bin/texis/vtx/template?page=publ&src=static/sowr2006/toeceng.htm)
2. [www.oecd.org/dac](http://www.oecd.org/dac)
3. [www.unfoundation.org/cerf/index.asp](http://www.unfoundation.org/cerf/index.asp)
4. [www.drc.dk](http://www.drc.dk)
5. <http://membres.lycos.fr/ofadec>



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## RSC-UNHCR Forced Migration Network

The Refugee Studies Centre, with support from UNHCR, is mapping, at a global level, researchers, academics, teachers, advocates and practitioners who are associated with various institutions or working independently to protect the rights and lives of forcibly displaced persons. We hope

that upon completion this mapping exercise will help enhance collaborative linkages between academic institutions, humanitarian practitioners, policy makers and rights advocates working on issues of forced migration globally. We would like to know more about yourself, your organisation and its work.

We will include this information in a global database that will form the basis of this initiative. **We would be very grateful if you would respond to the questionnaire available online at [www.rsc.ox.ac.uk/mapping.html](http://www.rsc.ox.ac.uk/mapping.html) by 15 August.** For further information, please contact Simon Addison (simon.addison@qeh.ox.ac.uk).

Reproductive Health Access, Information and Services in Emergencies

RAISE

# The RAISE Initiative: building RH capacity through collaboration

by Diana Barnes-Brown and Janet Butler-McPhee

**Capacity building to ensure the provision of quality sexual and reproductive health services (RH) in emergencies is a key component of the RAISE Initiative.<sup>1</sup>**

As emergencies become longer-term in nature, it is essential that – alongside the initial emergency response – agencies plan for a longer-term engagement. This frequently requires closer cooperation between relief and development agencies and there is often a need for on-site presence for years, possibly decades, as the camps, urban slums, improvised settlements and other ‘temporary’ locations to which refugees and IDPs migrate become the only available options for long-term or permanent settlement.

RAISE (Reproductive Health Access, Information and Services in Emergencies) is working in a range of such settings including Darfur, South Sudan, northern Uganda and the Democratic Republic of Congo. In these settings RAISE works with relief and development partners to help build their capacity to ensure increased access to comprehensive RH. With the changing nature of conflict, the approaches of relief agencies towards the provision of RH services are also changing. Manuals and resources have been produced and distributed to support these agencies providing RH services. What is required now is support for agencies to strengthen their capacity to implement programme activities effectively.

The work of RAISE builds on the work of the Reproductive Health Response in Conflict Consortium (RHRC) and others in helping relief

and development agencies ensure quality RH services in emergency settings and building local capacities to respond to humanitarian needs. The RHRC has for a long time run a programme offering technical and organisational development support to local and national organisations. This programme has also played



a key role in facilitating capacity-enhancing links among local, national and international agencies.

In 2003, the RHRC published *Refugees and Reproductive Healthcare: Global Decade Report* (GDR). In the report the RHRC noted that “the lack of technical assistance and capacity building continues to prohibit the provision of comprehensive RH services... Increased training and technical assistance to build

institutional capacity and leadership are required by agencies at all levels.”<sup>2</sup> The GDR also called for improvements in evaluation and dissemination techniques for replicable service delivery models.

The following year, the Inter-agency Working Group on Reproductive Health in Refugee Settings (IAWG) published the *Inter-agency Global Evaluation of Reproductive Health Services for Refugees and Internally Displaced Persons*.<sup>3</sup> The report presented an in-depth review of the topic, using six complementary studies and a range of research methods to assess the status of RH among displaced populations all over the world. The result was a valuable and comprehensive assessment of the state of RH for these populations.

The IAWG report found that improvements had taken place but that there was still much to be done before RH services for refugees and IDPs reached acceptable standards in terms of both availability and quality. One of the central challenges noted in the IAWG’s report was that of “improving the collection and appropriate use of data [and] nurturing the growth of interagency collaboration.” Each study identified difficulties in gathering data or limitations in the availability and quality of existing data, and emphasised the need to improve current data collection and compilation practices.

Alongside clinical training and follow-up and support for project implementation, improving monitoring and evaluation is one of the RAISE Initiative’s key methods

both for achieving improvements in RH delivery in humanitarian emergencies and for contributing to the development of current and future RH practitioners.

### Nairobi workshop sets the pace

Good quality data are needed to identify gaps in equipment, supplies and human resources, to identify strengths and opportunities, and to advocate for changes to policy to improve access to services.

In order to measure programme effectiveness, it is essential to collect such baseline data at the start of projects.

In February 2007, RAISE completed a workshop in Nairobi, Kenya, with service delivery partners. The objectives of the workshop were to introduce baseline assessment techniques to staff at both headquarters and field levels and to develop detailed workplans for baseline studies. Two methods of data collection were promoted for use in the baseline activities: facility assessments and population-based surveys.

Participants included partners from the International Rescue Committee<sup>4</sup> (IRC) in the Democratic Republic of Congo (DRC), American Refugee Committee<sup>5</sup> (ARC) Darfur, ARC South Sudan, Marie Stopes Uganda<sup>6</sup> (MSU) and both IRC and ARC headquarters. Participants were selected on the basis of their key roles in the planned baseline assessments.

At the workshop, participants learned from the wide experience and expertise of both facilitators and other participants. Each session had a clear focus and learning objective but allowed discussion time in small groups for experience to be shared. Whilst the focus was on research methods, participants also learned more about the evidence base for RH services as well as programme experience with different indicators,

such as the UN Process Indicators for Emergency Obstetric Care.

Participants launched their initial baseline activities within a month of the workshop. For facility assessments, data were collected using a standardised instrument adapted from Columbia University's Averting Maternal Death and Disability<sup>7</sup> (AMDD) programme by the RAISE team and further adapted based on feedback from workshop participants. Facility assessments



have been completed in eight IRC sites and two ARC sites in Darfur, five IRC sites in DRC, and ten MSU sites in northern Uganda. Facility assessments will begin at ARC's South Sudan sites in the near future. Population-based surveys, the next step towards completion of the overall baseline assessments, have begun at IRC sites in Darfur and DRC, ARC sites in Darfur, and MSU sites.

RAISE Initiative programme staff provided technical support throughout the data collection process, working closely with workshop participants at their field sites to train teams of data collectors. RAISE staff will continue to provide both on-the-ground technical support and support via

distance conferencing throughout remaining data collection as well as during analysis, dissemination and utilisation of facility assessment findings. This technical support and the participatory nature of the Nairobi workshop have been significant in enabling successful building of capacity of service delivery partners in implementing baseline assessments. Incoming reports from the field show that the workshop was effective in mobilising local staff and initiating data collection.

RAISE staff anticipate that the availability of ongoing technical support, both on the ground and by distance conferencing, will facilitate the successful completion of both facility assessment and population-based survey activities. In turn, successful completion of the two-part baseline assessments will provide evidence which can be applied to fine-tune project activities and be a sound basis for comparison with later findings.

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*If you would like to receive regular email updates on new resources on RH in conflict settings, please visit the RAISE Initiative website and subscribe to the email list as directed.*

1. The RAISE Initiative, formerly known as CRHC (introduced in FMR27 [www.fmreview.org/FMRpdfs/FMR27/46.pdf](http://www.fmreview.org/FMRpdfs/FMR27/46.pdf)), is a joint initiative of Columbia University and Marie Stopes International, working with key development and humanitarian agencies to ensure that the reproductive health response in humanitarian settings is appropriate to actual needs on the ground.
2. Reproductive Health Response in Conflict Consortium (RHRC), *Refugees and Reproductive Healthcare Global Decade Report*, 2003, p10. [www.rhrc.org/pdf/Global\\_Decade\\_Report.pdf](http://www.rhrc.org/pdf/Global_Decade_Report.pdf)
3. Inter-agency Working Group on Reproductive Health in Refugee Settings (IAWG), *Inter-agency Global Evaluation of Reproductive Health Services for Refugees and Internally Displaced Persons*, 2004. [www.rhrc.org/resources/iawg/](http://www.rhrc.org/resources/iawg/)
4. [www.theirc.org/](http://www.theirc.org/)
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6. [www.mariestopes.org.uk/www/uganda.htm](http://www.mariestopes.org.uk/www/uganda.htm)
7. [www.amddprogram.org/](http://www.amddprogram.org/)

# EU integration of refugees

by the UNHCR Bureau for Europe



**Article 34 of the 1951 Convention calls on States to facilitate the “assimilation and naturalisation” of refugees. UNHCR recently published recommendations on how members of the European Union could better do so.<sup>1</sup>**

As part of its mandate to assist countries in fulfilling their obligations towards asylum seekers and refugees, UNHCR recently conducted assessments in several European Union countries to identify obstacles to the integration of refugees and other people in need of international protection. The refugee men, women, boys and girls who participated have revealed what refugees perceive as key obstacles to integration:

- difficulties due to lack of knowledge of local languages and differing cultures
- discrimination and unreceptive attitudes towards foreigners
- lack of understanding within host societies of the specific situation of refugees
- psychological impact of protracted inactivity during asylum procedures
- limited access to rights for persons with subsidiary protection.

An extended asylum procedure can be one of the main obstacles to successful social, economic and cultural integration. The status determination procedure is often characterised by insecurity and inactivity which may be damaging to refugees’ mental health, provoking depression, dependency syndrome, apathy and lack of self-confidence, and hindering employment and social skills after recognition. Lengthy procedures have a particular impact on children.

Reception policies should be designed to minimise isolation and separation from host communities and provide for effective language and vocational skills development and assistance to pursue employment. Language training should generally be provided

upon commencement of the asylum procedure and should convey key information about the host society. UNHCR suggests that six months be set as a maximum period for any ban on access to the labour market for asylum seekers. Providing access to the labour market and vocational training can reduce reception costs, discourage informal employment and facilitate reintegration into the country of origin by allowing asylum seekers who return home to do so with a degree of financial independence or acquired work skills.

Accommodation which allows interaction with the host community is also important for future integration. Detention, even if for a short period of time, can have lasting effects on individuals and on their ability to adjust and integrate, particularly in the case of children and traumatised persons.

The Directive concerning the Status of Third Country Nationals who are Long-Term Residents grants a conditional right to permanent residency after five years’ residence on the territory of an EU Member State. The Directive does not apply to refugees. Refugees and persons granted subsidiary protection who reside lawfully in and have contributed to communities in Member States for many years do not at present enjoy the same rights under EU law as other legally resident third country nationals. In UNHCR’s view, permanent residence should be granted to both refugees and those granted subsidiary protection at the latest at the end of a three-year period of residence.

Inadequate reception can exacerbate or perpetuate the effects of any pre-flight trauma. Continued separation from family members, absence of work, social exclusion and marginalisation, anxiety about the

future and exposure to ignorance, hostility and humiliation all aggravate the psychological state of the person concerned. It is important to remove obstacles that maintain effects of trauma. Unless the consequences of trauma are addressed, refugees may not be in a position fully to participate in integration programmes, and their ability to become active members of society may be seriously hampered. Specialised care, counselling and other types of health facilities should be provided – and cross-cultural mediators and interpreters may be needed.

The possibility of being reunited with one’s family is of vital importance to the integration process. Family members can reinforce the social support system of refugees and, in so doing, promote integration. In the EU, family reunification rights are generally limited to core family members, despite the fact that in other cultures extended family links can be very strong. UNHCR encourages Member States to adopt a pragmatic and flexible approach to requests for family reunification with other dependent family members who were living in the same household as the refugee prior to flight.

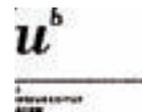
Naturalisation concludes the legal dimension of the integration process as it leads to cessation of refugee status. Several EU Member States have reduced waiting periods and naturalisation fees and/or removed requirements for the renunciation of the citizenship of the country of origin. UNHCR encourages other Member States to follow suit and consider the possibility of facilitating the acquisition of citizenship by refugees.

*For further information, please contact Pirkko Kourula (kourula@unhcr.org), director of UNHCR’s Bureau for Europe.*

1. Following an informal meeting in May 2007 of EU ministers responsible for integration, UNHCR published a Note on the Integration of Refugees in the European Union: [www.unhcr.org/protect/PROTECTION/463b462c4.pdf](http://www.unhcr.org/protect/PROTECTION/463b462c4.pdf)



## Brookings-Bern Project on Internal Displacement



### Improving health and mortality data for IDPs

by Robert Lidstone

Accurately measuring mortality rates and other indicators of health is an important means for targeting assistance for IDPs and evaluating the impact of humanitarian responses. Yet data on health and mortality among IDPs are often non-existent, inaccurate and incomplete. Few data have broad geographical coverage across a region in conflict, often being collected in single or scattered locations. Many countries with a high number of IDPs have no IDP-specific health and mortality data published at all. Data are not amenable to comparison due to methodological differences in research design, data collection and analysis.

The relatively few epidemiological studies among IDPs consistently document rates of mortality, morbidity and deprivation well above emergency thresholds. For instance, a Médecins Sans Frontières survey of IDP camps in Katanga in the Democratic Republic of Congo estimated a crude mortality rate of 4.3 deaths per 10,000 persons per day, quadruple the rate of 1.0 used by UNHCR to designate an emergency situation. A 2005 study conducted among IDPs in eastern Burma by Backpack Health Worker Team indicated a strong link between forced displacement and high rates of malaria and landmine injury. It also estimated a rate of childhood malnutrition among IDPs that was 3.1 times higher than the national rate, reflecting a serious lack of food security among displaced people after being separated from their land and resources. WHO and MSF surveys in Darfur confirm diarrhoea to be the single greatest cause of death. A WHO survey of IDPs in northern Uganda revealed the incidence of malaria to be on the rise; insecticide-treated bednet coverage – a crucial means of protection against the disease – was only 28% among children under five.

Forced migration is known to impact on health in several fundamental ways. It disrupts pre-existing social networks and access to material

resources and sources of income and employment. Overcrowding, poor sanitation, inadequate provision for basic needs, ongoing insecurity and exposure to unfamiliar environments also increase the potential for death, injury and disease. For IDPs these effects on health may be compounded by their inaccessibility to outside assistance and protection and the inability or unwillingness of their own governments to provide for their health and safety.

Based on a review of existing studies of mortality and other population health indicators among IDPs, the Brookings-Bern Project on Internal Displacement has identified the following recommendations for improving data collection and understanding of the health needs of IDPs:

- adopt a standard operational definition of an IDP following the Guiding Principles on Internal Displacement<sup>1</sup> to be used in collecting data on health and mortality
- broaden the geographical scope of mortality and health data by developing assessments for under-investigated countries with significant population of IDPs and collecting data representative of all areas within a country affected by displacement (insofar as security conditions permit)
- collect data on the age and gender composition of the study population
- design a standard and consistent research methodology enabling data to be compared
- examine how the vulnerability of IDP populations changes over time and through different phases of forced migration by establishing sufficient recall periods (the time interval included in surveys)

- contextualise data on IDPs by establishing appropriate benchmarks: most existing surveys refer to thresholds used to define an 'emergency' situation as a means of indicating the severity of a crisis but further research should consider additional benchmarks, such as national data collected before the onset of crisis and data collected on non-displaced and refugee populations
- survey populations on violent causes of death and non-fatal threats to physical security including injury by landmines and other accidents, in order to highlight security and protection issues
- collect separate data on sexual and gender-based violence
- survey households on non-violent causes of death such as malaria, fever, cholera, diarrhoea, meningitis, measles, respiratory infection, AIDS and acute malnutrition
- measure malnutrition indicators to gain insight into food security and potential contributing factors towards higher mortality rates for a population.

Identifying the unique determinants of mortality, morbidity and malnutrition among IDPs in multiple geographical contexts will provide the essential knowledge to more effectively shape humanitarian responses.

*Robert Lidstone was attached to the Brookings Bern Project as a UN Association in Canada Junior Professional Consultant. This is a summary of a report online at [www.brookings.edu/fp/projects/idp/200705\\_health.htm](http://www.brookings.edu/fp/projects/idp/200705_health.htm)*

1. [www.brook.edu/fp/projects/idp/gp\\_page.htm](http://www.brook.edu/fp/projects/idp/gp_page.htm)

# When 93,000 people know your name

by Alfredo Zamudio



## NORWEGIAN REFUGEE COUNCIL

**“Norwejj, norwejj, okay, okay,” was how smiling faces greeted me every morning for nearly two years. I was the Norwegian Refugee Council camp coordinator<sup>1</sup> for Kalma IDP camp, east of Nyala in South Darfur. Kalma is currently home to 93,000 IDPs – individuals with the usual range of skills, aspirations and hopes but who, because of violence and conflict, currently need assistance to survive.**

Kalma camp is some 7km long and 1.5km at its widest. It was established in February 2004 when the authorities relocated IDPs from an existing camp near Nyala. By July 2004, when NRC was asked by Sudan’s Humanitarian Affairs Commission (HAC) to coordinate humanitarian efforts, the population of the camp had increased to 46,000. Since then, Kalma’s population has more than doubled.

NRC was party to a tripartite agreement with the UN’s Office for the Coordination of Humanitarian Affairs (OCHA) and HAC, with HAC taking the role of camp manager and NRC that of camp coordinator. The day-to-day work of camp coordination involved daily dialogue with and mediation between IDPs, participating/partner agencies and international agencies such as the African Union Civilian Police (AU CivPol), the UN Mission in Sudan (UNMIS)<sup>2</sup> and OCHA.

NRC’s work follows the precepts of international humanitarian law (including respect for and advocating in favour of the provision of humanitarian space and access to beneficiaries), international human rights law, the SPHERE Standards<sup>3</sup> and the Guiding Principles on Internal Displacement.<sup>4</sup> NRC’s approach in Kalma was underpinned by NRC’s Camp Management Toolkit<sup>5</sup> which provides a framework for identifying issues, action points, partners/stakeholders, problems, outputs and results.

The importance of identifying and understanding stakeholders is a key

issue for the success of coordination. Kalma has three major stakeholders:

- 93,000 IDPs represented formally by 650 sheikhs
- Government of Sudan (GoS) represented primarily by HAC and the police
- national and international NGOs, plus UN agencies

NRC did not have Memoranda of Understanding with partner agencies on a permanent basis, although these were occasionally drawn up for specific projects, such as non-food item distribution or hygiene campaigns. All camp coordination activities aim to improve living conditions but the main role for the camp coordinator was to provide sufficient humanitarian space in the camp and to ensure collaboration of the IDPs. We managed this by establishing multi-faceted communication between all stakeholders. Sometimes this was put under great pressure, particularly by the high levels of insecurity in the camp.

Social workers were trained in protection issues especially those affecting women, such as firewood collection, sexual harassment and abuse, domestic violence, high food prices and registration problems. These concerns were passed on to the coordination team. NRC had a rule of hiring at least 50% women when hiring day workers – for the same salary as men – and was also the first NGO to hire female guards.

Humanitarian response in a camp like Kalma is a complex humanitarian operation, requiring proper management, solid funding, resilience and diplomatic abilities, as well as a clear understanding of the humanitarian issues and of international humanitarian law and standards.

*Alfredo Zamudio (p-director@easttimor.nrc.no; Alfredo.Zamudio@netcom.no) was NRC Camp Coordinator in Kalma IDP camp until late 2006.*

1. This job is called ‘camp manager’ in the NRC Camp Management Toolkit.
2. [www.unmis.org](http://www.unmis.org)
3. [www.sphereproject.org](http://www.sphereproject.org)
4. [www.brook.edu/fp/projects/idp/gp\\_page.htm](http://www.brook.edu/fp/projects/idp/gp_page.htm)
5. [www.nrc.no/camp](http://www.nrc.no/camp) (currently being revised)

On 3 September 2006 NRC was informed that it was being suspended from working in Kalma IDP camp. On 9 November, after 64 days of suspension, NRC decided to withdraw from South Darfur. On 21 November NRC was officially evicted, on grounds of making false reports of rape and of creating divisions between the IDP community and the government.

The Norwegian Refugee Council (NRC) works to provide assistance and protection to refugees and displaced people in Africa, Asia, Europe and the Americas.

[www.nrc.no/engindex.htm](http://www.nrc.no/engindex.htm)

The Internal Displacement Monitoring Centre (IDMC) is part of NRC and is an international non-profit organisation that monitors internal displacement caused by conflicts.

[www.internal-displacement.org](http://www.internal-displacement.org)

Contact : IDMC, 7-9 Chemin de Balexert, 1219 Châtelaine, Geneva, Switzerland. Email: [idmc@nrc.ch](mailto:idmc@nrc.ch)

# Continuing displacement in DRC



by Greta Zeender

**Despite successful elections in late 2006 and an overall increase in the level of stability, over a million people remain displaced in the east of the Democratic Republic of Congo (DRC). The situation is particularly worrying in North Kivu where over a hundred thousand people have been displaced in recent months.**

In 1996, and again between 1998 and 2003, the DRC suffered two major wars as rebel groups with close links to neighbouring states competed to control large areas of eastern DRC. Civilians have borne the brunt of the violence, often being targeted for ethnic or political reasons. Displacement peaked in 2003, with an estimated 3.4 million people forced from their homes, most of them in the east of the country. Around four million died as a result of the conflict. The scale and intensity of conflict have considerably decreased over the last few years. More people are returning home than are fleeing but displacement is ongoing and the needs of returning IDPs are not being met. Operations by Congolese armed forces to disarm militias, as well as human rights violations committed by the army and the militias, continue to cause frequent displacement in eastern provinces.

Over half of the current IDP population are in North Kivu – the eastern province bordering Rwanda and Uganda – with substantial additional numbers in the provinces of Ituri, South Kivu and Katanga. Most IDPs live with host communities or hide in forests. Following massive influxes of people, IDP camps have also been set up.

In mid-2003, a power-sharing transitional government was set up following the withdrawal of foreign armies. Made up of former enemies who frequently quarrelled, the government was not able to bring security to eastern DRC where local militias continued to cause massive displacement. The 17,000 soldiers

of MONUC – the UN Mission in the Democratic Republic of Congo<sup>1</sup> – have played a crucial role in providing security in the country. In May 2007, MONUC's mandate was renewed by the UN Security Council until the end of the year. In 2006, millions of voters took part in the country's first multiparty



UNHCR/S Schulman

elections in 45 years which were won by Joseph Kabila. The majority of IDPs were reportedly not able to vote due to insecurity, or because they had lost their electoral cards or had them confiscated by armed men. One cloud on the horizon is that the main defeated candidate, Jean-Pierre Bemba, slipped out of the country in April 2007 after violent clashes in the capital Kinshasa between his armed supporters and the security forces.

A major challenge for the Congolese government is the need to integrate over 78,000 troops from different

belligerent factions (in a process known as *brassage*), as well as to disarm and repatriate foreign armed groups. Until the reform of the army is complete, DRC will experience at best a fragile peace. The integration process has been marred by corruption and by conflicts between soldiers, often reflecting local ethnic divisions. Failings in the disarmament and demobilisation programme, administered by the Commission Nationale de la Demobilization (CONADER), have resulted in an undisciplined national army, which has taken on the characteristics of the rebel groups it was supposed to be integrating. Congolese soldiers, themselves ill-equipped, unpaid and unfed, are often in no position to defend themselves – or any civilian in their care – against armed groups. In addition, they continue to harass civilians and extort their goods. In 2007, the situation in North Kivu further deteriorated. Brigades made up of former Tutsi militias loyal to former dissident General Nkunda were deployed in the province rather than being sent to other regions and integrated with other soldiers (a process known as *mixage*). They are reported to have committed widespread human right violations, including the recruitment of some 300 children and the displacement of over 100,000 people. Ethnic tensions in the province are reported to be on the rise. Also, as a result of attacks but also of the targeting of vehicles delivering humanitarian assistance, humanitarian space has shrunk in several areas of the province.

Armed groups are committing grave human rights violations, including killings, rape, sexual exploitation, abductions, forcible conscription of children, looting, plundering of crops, illegal taxation and general harassment of civilians. The illegal exploitation of natural resources (gold, coltan and diamonds) and the smuggling of goods and weapons add to the violence. Despite all

IDPs  
homeward  
bound, DRC



IDPs, DRC.

initiatives undertaken to counter sexual violence and the adoption of two laws on sexual violence in July 2006, rape continues to be widespread throughout the country. Soldiers and rebel fighters have engaged in acts of sexual violence in order to attack the fundamental values of the community, to scare the civilian population into submission, to punish them for allegedly supporting enemy forces or to provide gratification for the fighters.

Many displaced children have been forced into the ranks of the armed groups, and thousands of them remain in militias. Ongoing recruitment of child soldiers by militias is reported, particularly in North Kivu. Amnesty International reported in October 2006 that some 11,000 children were still with the armed forces or groups, or were otherwise unaccounted for in the demobilisation programme.

### Returning IDPs left unassisted

Most returning IDPs do not receive assistance, despite the fact that fighting and looting have led to a complete breakdown of services and destruction of facilities. The vast majority of IDPs and returnees lack access to health centres, schools, roads, potable water, food, seeds, tools, clothes and straw to build houses. Displaced people are particularly vulnerable to infectious diseases. Every day, 1,250 people die in DRC – above what is considered a ‘normal level’ for the country. Over 70% of these deaths are due to easily preventable and treatable diseases. Epidemics of cholera, measles, bubonic plague and other

diseases broke out among IDPs in Ituri, North and South Kivu, Katanga and Maniema in 2006, due to their precarious living conditions and lack of access to clean drinking water. Malaria remains the number one cause of mortality. Displaced people are also exposed to HIV/AIDS infection, as they usually lack the means to protect themselves and do not have information about its transmission. Data is not available but it appears they are more at risk of HIV than the general population.

In 2006 and early 2007, access to IDPs and other vulnerable populations in eastern DRC improved in many areas. But in parts of the Kivus, Katanga and in Ituri, access remained difficult, due to military operations against uncontrolled armed groups and related attacks on civilians by militias and undisciplined Congolese troops. Some areas of North Kivu have become inaccessible due to insecurity. WFP has had to resort to food drops and airlifts to reach IDPs in areas of Katanga, Maniema and South Kivu where road and rail transport is virtually non-existent.

In 2006, the DRC was selected as one of the pilot countries where the UN introduced its new ‘cluster’ approach, aimed at increasing accountability and predictability by designating lead agencies for humanitarian sectors. It is too early to know whether the cluster approach and the new funding mechanisms have made an impact for IDPs and other vulnerable people.

On a provincial and national level, the Congolese government has so far played little role in responding to the needs of IDPs and returnees. Nominally, the Ministry

for Solidarity and Humanitarian Affairs has primary responsibility for responding to the needs of IDPs. The ministries of the interior and defence are also involved but their roles are unclear. There is an urgent need for a national framework or strategy for tackling displacement:

This will require:

- mapping out current return movements and number of returning IDPs, particularly in eastern DRC
- strengthening coordination on return issues between Kinshasa and government representatives at the provincial level
- increasing funding for return activities, including the building of infrastructure in villages of origin
- monitoring the human rights situation of returnees
- ensuring displaced people return in safety and dignity and are given proper information on the conditions in return areas.

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1. [www.monuc.org](http://www.monuc.org)

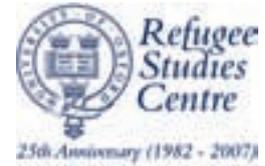
### IDP Voices

[www.idpvoices.org](http://www.idpvoices.org)

This site lets internally displaced people tell their life stories – in their own words – providing a valuable complement to the official information on conflicts which governments and international organisations offer. The stories deal with the real lives of real people. The narrators share their personal experiences, their feelings, hopes and dreams, and the impact for them of being forced from their homes. The first IDP Voices oral testimonies project took place in Colombia. IDP Voices from further countries will be added as the projects progress.

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# Internships: rite of passage for students of forced migration?



Currently studying for a Master of Science in Forced Migration, we come from many countries but share a common tension – between a stubborn idealism and a deep-seated realism. Present in our respective research areas is an awareness of the humanity of those we study, of the ramifications and toll of uprootedness, dispossession and survival. Yet despite, and perhaps, because of this realism, we remain idealists in our desire to effect change. Our idealism, however, is firmly rooted in recognition of the necessity and value of professional and field experience and exposure, as we begin to chart our career paths. Internships – with NGOs, international agencies or governments – provide a crucible where our ideals engage realities and where our skills, knowledge and enthusiasm can make tangible contributions.

The most valuable internships are enriching for current and recent students and organisations. Organisations influence thinking and approaches to responses to forced migration and help students entering the world of work grapple with the complexities that inevitably arise. Internships enable students to gain valuable work experience, understand organisational structures and have exposure to office or field work environments. Organisations share their knowledge and impart responsibilities, and students, in turn, provide much needed assistance. Many even return for future long-term work. Hands-on training is invaluable for students embarking on a myriad of careers, whether in academia, journalism, law or public service.

We thus have great interest in obtaining internships and are aware of the doors that can open for us. There are, however, many challenges and constraints affecting our ability to take up an internship offer. Organisations seek unpaid interns primarily to assist them with their workloads and we appreciate they offer knowledge and experience in

lieu of salaries. However, there are real financial constraints for many students. Many organisations are located in capitals where the cost of living, accommodation and public transport is exorbitant. Health and accident insurance is another barrier, for recent graduates are often of an age when they are no longer covered by their parents' policies but unable to take out their own cover, particularly if they are non-nationals of the country where they undertake an internship. Many students are already burdened by loans they have taken out to finance their studies.

While as graduate students we seek internships as an initial venture into our areas of interest, we find that a majority of them require applicants to have already acquired such coveted experience – a Catch 22 situation making such opportunities virtually inaccessible to many. With visa restrictions and the unpaid nature of most internships, gaining such experience is especially challenging for students from developing nations. We are concerned that the barrier of citizenship further perpetuates the North-South divide – an irony, given that this field aims to confront global inequality. A field as challenging as forced migration requires contribution from people with diverse backgrounds. Organisations seeking interns should not only seek graduate students but should widen the applicant pool to attract those with a myriad of lived experiences and knowledge of local effects of forced migration. Is it not paradoxical that financial means, education and favoured nationality influence the possibility of professionally engaging with the struggles of the underprivileged?

Internships could be made more accessible if agencies offered assistance with visa applications and modest financial aid – in the form of transportation vouchers, low-cost or subsidised insurance and assistance in locating temporary affordable accommodation. The issue is not about paying interns

– for we understand the benefits we receive in lieu of monetary compensation – but rather, it is about having structures in place that can enable interns to dedicate themselves to such projects without taking on further financial burdens.

To address these challenges, increased cooperation between agencies, academic institutions and governments is crucial. The drive and initiative of students should be matched by a cross-institutional commitment to lowering barriers in order to ensure the introduction of fresh ideas from committed and knowledgeable students.

*The authors (Jenny Reid Austin, Agata Bialczyk, Maher Bitar, Justin Dubois, Annamaria Eneajor, Sara Gonzalez, Patrice Holderbach, Pa-leun Kim, Katsu Koike, Seevun Kozar, Ah-jung Lee, Yara Romariz Maasri, Sara Parry, Andrea Purdekova and Namrita Singh) were postgraduate students 2006/2007 at the Refugee Studies Centre.*

*For information about the RSC's masters programme, see [www.rsc.ox.ac.uk/PDFs/MScLeaflet06.pdf](http://www.rsc.ox.ac.uk/PDFs/MScLeaflet06.pdf)*

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Dr Hawa Abdi

# Practising medicine amongst Somalia's IDPs

In the midst of chaos and violence in Somalia, one woman in particular is making a positive contribution. Hawa Abdi is a gynaecologist with a practice in a 26-hectare compound that has become a camp for thousands of displaced Mogadishu residents fleeing the fighting between Ethiopian-backed government forces and their opponents.

Abdi was one of the few female professors in the Medical School of the University of Somalia before the collapse of the Somali state in 1990. Her practice, set up in the 1980s some 20 km south of Mogadishu, had both in-patient and out-patient facilities. But with the civil war of the 1990s, her successful practice crumbled. "Back then every one of my patients could afford to pay for the services. Now it is a different story," says Abdi.

She now cares for thousands of internally displaced people – who cannot afford to pay for her services. "Most of the people in my compound cannot afford to pay for their lunch, so how can I ask them to pay for my services? Most days I work 15 hours and sometimes more but I am thankful that my daughter [also a doctor] is with me and has been by my side through it all."

Abdi finds running the practice and helping people both personally and professionally satisfying. Her compound has not been targeted and is, she says, "respected by all sides throughout the civil war as a neutral zone where anyone can seek help."

The main challenge is finding supplies, whether medicines, food or water. "It is a constant struggle to provide the basics, even for my

staff." Most of the compound's 72 staff are volunteers. UNHCR and the UN World Food Programme are providing some assistance to the displaced but "we need the agencies to scale up much more seriously – and soon," says Abdi, adding that agencies should focus primarily on children, the most vulnerable.

Despite enjoying her work, Abdi is growing physically and mentally tired and is losing hope of the situation improving. "When you are hopeful that things will improve, you can go on but when you lose hope then you cannot go on. I see nothing but hopelessness in the faces of the people in the compound."

Abdi is not optimistic that peace will ever come to Somalia. "It is almost as if peace is getting further and further away from us."