

FORCED MIGRATION

4

April 1999

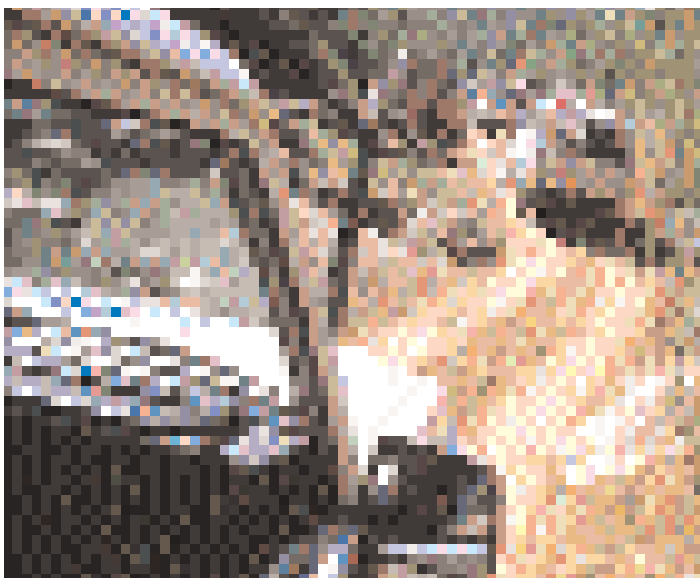
incorporating the RPN

review

published by the Refugee Studies Programme in association with the Global IDP Survey



Security at work



Plus:

- IDPs in Sri Lanka
- urban refugees in Tanzania
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Forced Migration Review provides a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and internally displaced people, and those who work with them. It is published three times a year in English, Spanish and Arabic by the Refugee Studies Programme/University of Oxford in association with the Global IDP Survey/Norwegian Refugee Council. The Spanish translation, *Revista de Migraciones Forzadas*, is produced by HEGOA in Bilbao, Spain.

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Forthcoming features:

August 1999: Security - Part II: with Kosovo case study
December 1999: Art and culture of displaced communities

We encourage the submission of material in English, Spanish or Arabic, relating either to the special feature of each issue or to any other aspect of forced migration.

FMR articles can be accessed via the websites of the RSP at <http://www.qeh.ox.ac.uk/rsp/fmr/fmr.html> and the Global IDP Survey at <http://www.nrc.no/idp.htm>

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from the editors

This issue presents Part I of our feature on security, with a particular emphasis on the security of aid personnel. Part II, in issue 5 (August 1999), will broaden the debate to discuss issues of international relations, drawing on Kosovo as a case study. If you would like to submit observations on the dilemmas and issues surrounding the Kosovo refugee crisis, then do please email or fax us as soon as possible.



Tamsin Salehian

Sadly, Sharon Ford is leaving *Forced Migration Review* to live in Brazil. Sharon joined in 1997, playing a major role in the re-design and re-launch of *Forced Migration Review*, and we wish her all the best for the future.



We welcome Tim Morris as her successor. Tim has worked for many years in the Middle East and Africa in aid and development work, including with displaced populations.

We have expanded this issue to 48 pages in order to accommodate the range of responses to Michael Barutciski's article in *Forced Migration Review* issue 3 on the 'IDP-refugee debate'. We welcome your responses to any of the articles published and are delighted to act as a forum for constructive debate.

Forced Migration Review issue 6 (December 1999) will include a feature section on the art and culture of displaced communities - looking at questions such as cultural adaptation, assimilation, the role of art/theatre/music in development programmes with displaced populations, and the use of images in the portrayal of exile. If you would like to contribute, please contact the Editors (details opposite). Deadline for articles: 6 September. Deadline for reports, news items and announcements: 4 October.

If you are organising or attending a conference, would it be possible to display copies of *Forced Migration Review* and our new promotional leaflet? We can send copies direct to the conference venue - and are always happy to receive conference reports for publication.

With our best wishes,
Marion Couldrey & Sharon Ford
Editors

Cover photographs: *Demining in Angola* (Sean Sulton/MAG), *Aid convoy in Kosovo* (UNHCR/U Meissner), *Aid worker in Zaire* (Panos Pictures)

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NGO field security

by Randolph Martin

In an environment of increased exposure, deterioration in the rules of war and loss of perceived neutrality, the community of NGOs operating in complex emergencies is facing significantly increased risks to staff safety and security.

Humanitarian crises are increasing in number, duration and their impact on civil society. In the first half of the 1990s, 70 states were involved in 93 wars. More than half of these conflicts lasted over five years, forty per cent lasted over 10 years, and wholly one quarter have lasted over 20 years¹. At the same time, civilians are increasingly the targets of conflict rather than simply hapless victims: civilian casualties of war have increased from 10 per cent at the turn of the century, to 50 per cent in the second world war to over 75 per cent in contemporary conflicts. Since 1980, the number of refugees has increased from 2.4 million to 14.4 million², while IDPs have increased from 22 million to 38 million³. The magnitude and duration of crises have left beneficiary groups reliant on international assistance for extended periods of time. It has also been suggested that the shift from wars between national armies to wars between militia and guerrilla groups has contributed to the loss of the rules of conduct of war. Finally, as civilians are increasingly the targets of war, those who come to their assistance - the NGOs - are less likely to be perceived as impartial and neutral.

While few statistics are available, there is an abundance of anecdotal evidence clearly indicating that aid workers are increasingly victims of hostage taking, assassination, mine explosions and robbery in addition to the ongoing exposure to vehicular and health threats.

The International Rescue Committee (IRC) faces its share of this groundswell in security challenges and has scrambled to develop policies and protocols which will maximise the security of its staff assigned to insecure environments. We have been fortunate to be able to draw upon the excellent reflective and practical

work of a number of our colleagues in the NGO community. Our land-mine security protocols draw heavily on the excellent work of CARE in this area; the information exchanged by the NGO participants in InterAction's Security Task Force and subsequent training programme have been a major source of ideas and inspiration; and the 'Security Triangle' concept which is the foundation piece of IRC's security protocols - and this paper - was conceived by Koenraad Van Brabant at the Overseas Development Institute, and developed further by the InterAction Security Task Force. As such, this paper does not seek to provide original thought, but rather to add flesh to the important work that has already been done.

Why are humanitarian aid workers at risk?

Although there is very little by way of study or documentation, it is clear that there has been an increase in the number and degree of threats to humanitarian aid workers in recent years. There are any number of reasons for this.

- Increase in the number and duration of conflicts
- Absence of rules of conduct : Conflicts are increasingly fought by smaller and less disciplined forces, often struggling over the control of resources, rather than ideology or legitimacy. Conflicts are increasingly intrastate rather than international, meaning that the combatants and the outside world are less likely to view the conflict as subject to external scrutiny.
- Impunity: Aid agencies are perceived as 'soft' targets which can be attacked with impunity due to their lack of communal or diplomatic links with the combatants.

- Erosion of neutrality: As civilian population displacement has become increasingly the purpose rather than a by-product of war, so too have the aid agencies that come to their assistance lost their aura of neutrality.
- NGO competition and culture: Competition between aid agencies can increase pressure to 'get there first' and work the closest to the lines of confrontation. Moreover, the culture of NGO workers is too often ill-disposed to the discipline necessary for proper security protocols. This both reflects and perpetuates the lack of development of professional standards and 'best practices' in the field of security.

Safety versus security

For our purposes here, the term 'safety' relates to protection from illness and accidents, whereas 'security' relates to protection from acts of violence and crime. While the security of NGO staff, assets and programmes necessarily requires the investment of considerable time and resources, it is important not to lose sight of the fact that the greatest risks to the well-being of NGO staff arise not from security threats, but from safety issues. *Safety threats such as vehicle accidents, malaria, water-borne disease, HIV and other health threats continue to be by far the largest causes of casualties among relief workers.*

The impact of mandate and mission on security

An NGO's exposure to security threats is directly related to its mandate and mission, *mandate* being the overall purpose of the organisation and *mission* its reason for operating in a particular situation. For example, an organisation whose *mandate* involves evangelism will obviously be at higher risk in some environments than a secular organisation. Similarly, human rights and 'solidarity' organisations may be at higher risk than service-providing organisations. An organisation whose *mission* in a given country is life-saving medical services must be prepared to withstand higher levels of risk than an organisation involved in economic development. It is important for NGO leadership to weigh their mandate and local

mission as it relates to the local environment. IRC's mandate is refugee assistance. In countries where refugees are perceived as threatening or are a persecuted group within the host country, IRC may be seen as aiding and abetting an enemy. Where IRC's mission is life saving, we must be prepared to withstand a higher level of threat than in countries where our mission is, for example, self-reliance or reconstruction projects.

The Security Triangle: Acceptance-Protection-Deterrence

Unfortunately, security is often conceptualised in terms of military or police models which appear (albeit superficially) to emphasise equipment and tactics. While there is much that we can learn from these models, NGO security is far more complex. Fancy communications gear, logistics capabilities and compound security have their place, but are only a small part of what constitutes security for aid workers.

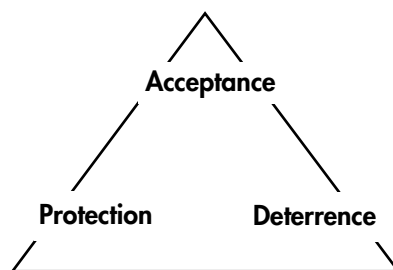
At IRC, each field office must adapt a local security protocol which includes each of the three elements of the security triangle: acceptance, protection and deterrence. An effective local security protocol must balance all three elements. A strong acceptance strategy with supportive protection and deterrence elements is ideal. However, where local conditions limit the effectiveness of the acceptance strategies, it is necessary to build stronger protection and deterrence capabilities.

1. Acceptance - softening the threat

This is when the community in which an NGO is working accepts and supports the NGO's presence, and out of that acceptance grows security.⁴ Lest 'acceptance' appear too utopian, note that acceptance strategies include the security which may be provided by local law enforcement authorities. Some of the elements of acceptance are:

- The belligerent parties/combatants or the official or *de facto* authorities in the NGO's area of work give their consent to the NGO's activities.
- The community has a stake in the programme and participates actively.
- The community has been involved in the assessment and design of the programme.
- The community is involved in the evaluation of the programme.
- The NGO's mission is transparent and broadly communicated.

- The NGO's activities are perceived as *impartial*.
- The NGO's staff and presence are culturally and politically sensitive.
- The NGO's programme reflects local priorities.
- The NGO has developed good working relationships with local governmental authorities, including the police and military where appropriate.
- The NGO's programmes reflect basic development concepts and a willingness to invest the time and effort to involve the community in every facet of project assessment, planning, implementation and evaluation.



Acceptance is the cornerstone of security for NGOs with a development mandate, but is often challenged under the timeframes and political circumstances in which NGO relief efforts take place. In war-time relief operations, acceptance by the beneficiary community may seem to be grossly overshadowed by the hostility of one or more of the combatants. For example, Bosnian acceptance of NGO operations in Sarajevo was overshadowed by Serb hostility, making it necessary for NGOs to build strong *protection* and *deterrence* strategies.

In emergency operations, the pressure to get programmes moving may limit the ability of staff to thoroughly involve the local community. However, it is imperative that NGOs do not let a limited vision of *mission* obscure this critical element in the security triangle and core element in quality programming: the community's involvement.

2. Protection - hardening the target

This is the element that many people most readily associate with security, though it is by no means the most important element in the triangle. Elements of 'protection' are presented under three main headings:

Protection devices: the materials and equipment needed to provide adequate security, such as:

- Communications equipment
- Reliable vehicles and maintenance facility
- Perimeter security devices including walls, barbed wire and alarm systems
- Flak jackets and helmets
- Use (or non-use) of the NGO emblem (or other symbols)

Operational policies & procedures: the institutional mechanisms which enhance security, such as:

- Clear and equitable national staff personnel policies - including grievance procedures - which are communicated to staff and implemented consistently. *Incidents involving disgruntled staff are one of the largest causes of security infractions for NGOs.*
- Clear financial policies and procedures including division of responsibility in accounting, and prudent cash transfer procedures
- Clear vehicle operations policies and strict discipline regarding vehicle operations
- Curfews and no-go zones where appropriate
- Development of and/or participation in a 'warden system' or communications pyramid for conveying emergency messages
- Communications protocol, training and disciplined radio usage
- Security orientation for incoming staff and routine security briefings for staff including personal security training
- Convoy operations protocol
- Visitor screening protocol
- Clear and consistent discipline for infractions of security policy, including the inclusion of security compliance in routine performance reviews

Coordinated operations: the activities which NGOs are able to carry out together, thereby creating a 'strength in numbers' strategy, such as:

- Active membership in NGO coordinating bodies
- Active relationship and coordination with the United Nations
- Collaborative convoy operations
- Integrated communications
- Collaborative monitoring, community policing, etc

Some elements of protection are important in all situations, even in stable settings where *acceptance* is the primary strategy. Good communications, sound policy structures and inter-agency coordination are always the mark of quality operations. *Protection* strategies need to be enhanced if conditions deteriorate and

acceptance strategies become less effective, but should never be viewed as an alternative to strong community support.

3. Deterrence - posing a counter threat

Most NGOs are not large enough, nor an appropriately suited actor, to pose a credible counter threat on their own. The focus of deterrence strategies is the relationships which we are able to build with larger regional or international institutions:

Diplomatic deterrence: This is the product of an NGO's relationship to larger international actors who can exert diplomatic pressure on our behalf, influencing local authorities and actors who either pose security threats themselves or who are well placed to promote the security interests of the NGOs, but are not adequately doing so. This is a very important element in the security strategy in any country of operations. Elements include:

- The quality of our relationship with key diplomatic missions
- The quality of our relationship with the United Nations
- The quality of our participation in NGO coordinating bodies which are capable of presenting a unified front

Guards: The use of guards is a common deterrent strategy at NGO facilities around the world. Oddly, there are very few instances where NGOs have developed strong professional guidelines for this very common deterrent force. Uniforms, basic training, incident debriefing and provision of basic equipment (ranging from a night stick and flashlight to VHF radios) are among the cornerstones. Coordinated inter-agency monitoring greatly strengthens the effect of guards.

Military deterrence: This is the least common form of deterrent strategy, usually appearing in conjunction with peace-keeping missions when NGOs formally coordinate activities with *external international* military forces. We have witnessed this in northern Iraq, in Somalia and in Bosnia. In each case, NGOs have worked closely with international military coalitions who have provided a military security umbrella under which NGOs have been able to implement humanitarian assistance programmes. Needless-to-say, military deterrent strategies are less than ideal and should only be pursued when the other elements of the security triangle are clearly insufficient.

Threat assessment and response

Threat assessment should accompany any initial programme assessment, and be carried on continually during programme operations. Like programme assessments, security threat assessments should include a wide variety of inputs from the United Nations, the embassies and national government, through to other NGOs, local government and community leaders and finally individuals in the community. In the simplest terms, it is a matter of identifying what security threats are of the highest probability and greatest consequence to an NGO's operations and prioritising resources to these threats accordingly.

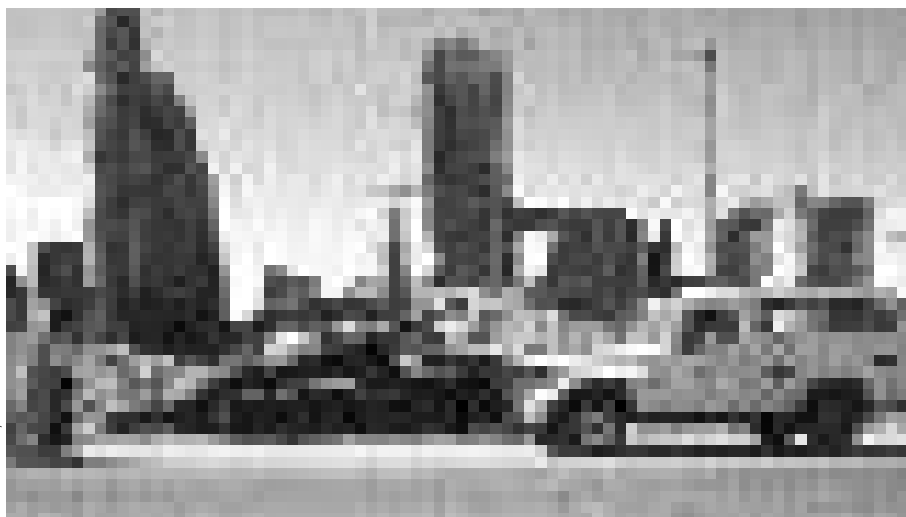
The security triangle in practice

There is an appropriate place for each point of the security triangle under any type of security threat, from land-mines to burglary, even though the emphasis may shift between acceptance, protection and deterrence.

Liberia, Somalia and Afghanistan are among those countries where car theft has meant not only a loss of property but a security risk to staff. Learning that one of the enticements to theft of NGO property in these settings has been the knowledge that NGOs will not retaliate through vendetta, IRC has limited the risk by renting vehicles from the local community instead of purchasing new vehicles. An indirect benefit of this approach is that more funds go into the local economy, assuaging an issue which often embitters local communities. This acceptance strategy focusing on a local community may be of limited use when travelling between distant locations. In these situations, protection strategies such as sound vehicle protocols governing routes taken, times of travel, communications *en route*, use of convoys, etc, become much more important. Deterrence strategies also play a role; in Afghanistan, IRC coordinated with several other NGOs to suspend assistance to a particular district until the community returned several stolen vehicles.

Official harassment is typical in situations where an NGO is assisting a group persecuted by the host government, or where NGOs are operating across lines of confrontation. Bribery is not a good strategy here, as it only exacerbates the problem for all concerned over time. Acceptance strategies can work under these circumstances. During the war in Bosnia, IRC faced great difficulties bringing assistance into Serb-surrounded Sarajevo. Opening primary health care programmes and a winter heating programme in Republika Srpska greatly enhanced IRC's ability to negotiate passage, while not compromising our mandate in the region. Similarly, singling out refugee or returnee groups from a larger community which might also be in desperate need can also undermine security. IRC health programmes in northern Sudan have sought to provide assistance in a balanced way to Northerners as well as Southerners. Similarly, our ongoing programmes for Serb refugees in Yugoslavia may provide a degree of acceptance for IRC in post-conflict Kosovo or for current operations in Montenegro. Protection strategies can also mitigate against official harassment. Training of staff in methods of conflict diffusion is helpful. Staff need to be well oriented in the agency's mandate and mission and be able to represent the NGO in a mature and non-threatening way. Finally, the deterrence strategies

Kabul, Afghanistan



ICRC/Till Mayer

centre on the relationship between the NGO and the larger political actors who may be able to cajole a hostile government when all else fails.

Conclusion

These brief examples suggest rounded strategies for each threat. There are clearly advantages and disadvantages to any strategy, which must be weighed within the context of each local environment. In Liberia, for example, the poor quality of rented cars and their drivers eventually posed a greater risk than car theft, and the policy was abandoned. Thus, flexibility and local control over security policies are an imperative. When developing security policies, field managers should first identify the key risks in the local environment based upon probability and consequence. Risks of high probability and/or high consequence should be the primary focus of agency attention and resources. Secondly, for each of these key risks, the field manager needs to carefully and creatively consider *each* of the three strategies - acceptance, protection and deterrence - in devising an appropriate local response.

Security for humanitarian staff operations is too often viewed in terms of military models or, worse yet, overlooked as an inevitable and inalterable aspect of working in humanitarian crises. In fact, there is a lot that can be done to enhance security in humanitarian operations. However, security in humanitarian operations calls for a new paradigm that weighs not only the familiar equipment and technology of security but also the dynamics of community support, inter-agency coordination and diplomatic influence.

Randolph Martin is Senior Director for Operations at the International Rescue Committee, New York.

1 Dan Smith with the International Peace Research Institute, *The State of War and Peace Atlas*, Myriad Editions Limited, 1997, p13.

2 UNHCR, *State of the World's Refugees 1995*, Oxford University Press, p26.

3 Smith, *op cit* p26.

4 Van Brabant K 'Cool ground for aid workers. Towards better security management in aid agencies', *Disasters* 22 (2), pp109-125, 1998.

Security training: where are we now?

by Koenraad Van Brabant

In recent years, concern for the security of aid personnel working in violent environments has grown rapidly.

There are a number of reasons for this. Firstly, there is a perception of greater insecurity with more personnel being injured or killed. Although trends cannot be accurately assessed as most agencies do not keep proper records, it is the perceived insecurity that prompts action. An important factor in this is the perception that aid workers are now more at risk of being deliberately targeted, either for political reasons or because they are easy prey for criminals, and this drastically alters the perception of risk. Secondly, as media attention latches onto dramatic kidnappings and assassinations of aid workers, agencies are becoming more concerned about their reputation and their ability to recruit. Thirdly, some agencies have been sued by injured staff or the family members of deceased staff; not infrequently, it turns out that agencies do not have adequate insurance cover.

1. Responding to risk

Training for security is one response among others. In the last three years or so, there has been a number of awareness raising events. ICRC and ECHO for example have organised seminars on security; ECHO has developed a background paper for the European Commission; and there has been debate in the US Senate Foreign Affairs Committee. Operational agencies have also taken internal measures. These include the development of 'guidelines' or 'security manuals' for field staff and field managers¹, and reviews of security measures in a particular setting or of the larger organisational procedures and their strengths and weaknesses. Some agencies have also appointed a full-time 'security' person in-house. Worth mentioning also is practice-oriented research

by Jonathan Dworken of the US Centre for Naval Analysis (on trends), this author (on a management framework for security) and the Humanitarian Security and Protection Network (on incident reporting and incident pattern analysis²).

There is also growing interest in security training and a gradual increase in courses on offer. UN agencies such as UNHCR and WFP are organising in-house training on security. UNSECOORD in New York fielded a team to conduct training in Central and South West Asia. Among the NGO training providers are RedR in the UK, Bioforce in France, CINFO in Switzerland and Kontakt der Kontinenten in the Netherlands. Security is integrated into ICRC's comprehensive in-house training programme.

Two important things are still missing. Firstly, we need agreed sector-wide standards that clarify the minimum requirements in terms of awareness, knowledge and skill with regard to security issues for aid workers, and similar minimum requirements for organisations sending personnel to dangerous environments. Principle 7 of People in Aid's Code of Best Practice for the Management and Support of Aid Personnel³ is a first attempt, and the US Office for Foreign Disasters Assistance (OFDA) now contractually requires the agencies it funds to refer to the InterAction guidelines on security, but more work is needed. Secondly, there is a proliferation of disconnected initiatives on both sides of the Atlantic; what is needed is an active, international network to bring them together to avoid duplication, identify gaps, and to exchange learning on good practice.

2. Security training: need-demand-supply

Car accidents and medical conditions, including HIV, are a common cause of injury and death among aid workers. Safe driving, safe sex and practical first-aid knowledge are needed. This we will call 'safety training'. 'Security training' relates to protection against violence in the environment and the need for it is acute. There are thousands of aid workers in violent environments who have had hardly any security training. That need is not being met because there are problems with demand and with supply.

Generally the expressed demand for security training reflects an inadequate understanding of proper security management for the aid world. Typically it is for short courses, one or two days, because aid workers feel they have 'no time' to devote to security training. All one can do in 'no time', however, is raise awareness, not train people to behave in ways that improve their security. The demand is also for 'personal security' training - a mixture of safety training, stress management, and a few dos and don'ts in individual behaviour - but people are insecure in a larger operational

Most courses... tend more to raise awareness than to develop skills in security management.

setting. The demand is also often for agency-specific training - but security management in the field has important inter-agency dimensions. Finally the demand is for 'answer sheets': a security plan which, if followed, is believed will provide protection; there are some generic guidelines for security but, by and large, 'secure behaviour' requires thinking and judgement.

The problem is aggravated because the supply does not match the need. Given the size of the target group, the number of courses in the aid sector remains very small. Most do not take place close to the field and there are few developed training resources. Agency guidelines and manuals are not training manuals. There are, however, good slide series on landmines, and the ICRC has some

videos on security which are available to others. In late 1999, the Relief and Rehabilitation Network at the ODI in London hopes to publish a good practice review for operational security management. But more time and money could usefully be invested in developing training resources.

There is also a shortage of qualified trainers. Security training for aid agencies is mostly offered by people with a background in aid work but without specialised security training, or by people coming from the professional security sector - police and military - sometimes with and sometimes without experience of aid work and aid agencies. Training for aid agencies is also offered by a number of private security companies. There is a far greater diversity among these than aid workers typically believe, and some have been very useful. The point is not so much the background of the trainers but whether they understand the specific requirements and organisational culture of aid agencies. They need to understand that aid agencies tend to have a different approach to security than the police or the military (even though many aid agencies would be hard pressed to articulate it), and be able to relate to that, in language, style and the guidance they offer.

Funding security measures, including training, can be a problem. A number of official donors are showing more willingness to support security measures, including training. Sometimes, however, agency headquarters fail to allocate budgets for security measures and security training.

3. Curriculum development

Most courses are concerned with 'basics', and tend more to raise awareness than to develop skills in security management. There is room for basic security training for all but, like primary health care posts, there is a need for back-up support. This needs to come from training on operational security management (for those in charge at field level) and improvements in organisational security management, for which guidance could come via seminars.

a. Basic security training

Most current courses claim to offer 'basic' security training. They run for half a day to two days. Topics commonly

included in the curriculum are: vehicle safety, operating a radio, passing a road-block, mine-awareness, stress management, and 'contingency planning' (in practice usually a short brief on evacuation only). Some include house-security, for offices and residences. Although these topics are relevant, the rationale behind this curriculum is unclear. Why are other security threats not included, such as car jacking, sexual assault and getting caught in the crossfire? Is managing guards not a useful topic? A number of 'people skills' are also essential components of secure behaviour: maintaining personal effectiveness, team building, personal conduct and behaviour, cultural sensitivity and negotiation styles.

Operational agencies also seem to miss the point that it may be the most junior staff who need most security training. It is often the younger and less experienced ones who are closest to the danger spot - in the refugee camp, accompanying the food convoy, working at the health post behind the front-line. They, as well as drivers and interpreters, may also have most regular contact with the warring parties and with the local population. They will be making day-to-day programme decisions that may have security implications. And they may have first-line responsibility for other staff, including for their security. They will be the ones providing front-line information on security conditions and security incidents. Should their training be limited to 'basics'? Not all of this must be addressed in generic security training courses but aid agencies would do well to follow the example of some of the better training schools for peacekeepers, and add intensive mission-specific briefing and even training to the generic training. Mission-specific briefing or training is not to be confused with orientation about the general financial and administrative procedures and requirements of the sending agency, and an overview of its programmes in a particular place. It is a briefing on the environment in which the person will be operating: politically, culturally, institutionally and security-wise.

It is useful to consider for a moment the debate over 'exposure'. Many aid agencies are wary of too much realistic simulation in foundation courses or basic security training courses, especially for new recruits with no prior experience of working in dangerous environments.

They fear that it might scare and even scare off the urgently needed recruit. This is irresponsible. Recruits have the right to know what they might experience, and it is in everybody's interest that any unwillingness or inability to deal with insecurity is acknowledged prior to deployment rather than discovered in the field. Exposure here means having a gun pointed at you, hearing gunfire and explosions, walking into a dummy minefield, confrontation with aggression. Not everybody needs training in battlefield survival or hostage survival, although those who are deployed where there are those risks probably should. There is evidence that prior exposure, in a simulation, enhances the quality of the aid worker's response in the field, because the shock of total surprise is less. Finally, a security training that only scares has missed the point and failed in its primary objective: to demonstrate to trainees that security risks can be reduced through proper management and actions.

b. Operational security management training

The only course, known to this author, on operational security management in violent environments is that developed as an OFDA/InterAction project in 1998. It has been tested in two pilot courses and elements of it are finding their way in the curricula of other course providers such as Bioforce and RedR. RedR is preparing to run eight management level courses, each potentially supported by two shorter ones for field staff, in the next two years. The management course takes five days (see diagram on page 10 for concept illustration). The strengths of the course are: **Firstly**, it provides a holistic and structured concept to security management, integrating the many tangible and intangible aspects of security, and understanding security management as a dimension of all aspects of an agency's presence in a violent environment. **Secondly**, it aims not to provide the normative answer sheet but rather the 'question sheet' and guidelines towards the answers. In other words, it aims to develop the analytical, judgmental and decision-making skills of people with an operational management responsibility for security.

The emphasis on situational judgement is crucial. What is safe to do in one environment may actually increase the risk in another. In certain countries, the advice will be to stop when your vehicle



ICRC security training course at Chatigny, Geneva

runs somebody over on the road; in another setting, the advice will be certainly not to stop until the next police post. Carrying a handheld radio in one place will increase your security; in another, it will make you a target of robbers or the militia. Even something as simple as safely getting into your car in a hostile environment cannot be prescribed out of context. Everything will depend on what the threats are. You will adopt different procedures depending on whether the threat is one of sniper fire, car jacking, kidnapping or a booby-trap!

c. Good organisational practice

The security of staff and property is, however, a wider organisational responsibility. There is only so much the field manager can do. Aid organisations that take security seriously need to deal with it in two ways.

On the one hand, security needs to be 'mainstreamed'. It becomes part of the budgeting and the fundraising. It becomes part of general personnel management, and is a consideration in the recruitment and redeployment of individuals, in the supervision of and support to staff, and in disciplinary actions. And security risks are insured for. Security is also integrated into exploratory mission assessments, and in ongoing programme planning and review. As armed groups increasingly access global news, security considerations also become one of the checks and balances on agencies' public statements.

On the other hand, aid organisations need also to take specific measures on security. These include the articulation of organisational standards and responsibilities towards personnel who will be exposed to danger, including national staff. It also spells out what the families of kidnapped, maimed or killed aid workers can expect from the organisation. Organisations sending people into danger zones must also regularly review their security management organisation-wide, in terms of policies, procedures and practices, and follow up on identified weaknesses. Specific policies are required on incident reporting and incident analysis within the organisation, and on inter-agency collaboration on security. The organisation needs to decide how it will develop security expertise in-house. Ideally security management becomes integrated into general management. But there may be value in designating focal points for security, whose task it is to provide guidance, back-up and, perhaps, training. That requires senior management decisions to invest resources.

Preparedness for security incidents further implies that organisations have planned their crisis management: who will handle crises at headquarter level and how, and what support can headquarters mobilise for the field? Organisations may not have the in-house expertise to deal with special security incidents, such as kidnapping, but there are professionals in the security sector who can and have been called upon for assistance. Agencies therefore need to identify - in advance - such experts.

Outside expertise may also be called upon to help with victim support, such as after rape or kidnapping cases. Testimony from aid workers, however, indicates that the competence and style of the individual 'specialist' is very important; some found the encounter with the 'support specialist' another traumatic experience.

As organisations wake up to security, many have been taking initiatives, often ad hoc rather than systematic. There is scope for a review of the range of organisational approaches and experiences, to identify good practice which may then be tailored to the specific capacities and needs of different organisations.

Koenraad Van Brabant has worked with various NGOs in Afghanistan, Ethiopia and Sri Lanka. Currently he is a Research Fellow at the Overseas Development Institute, London, and the coordinator of the Relief and Rehabilitation Network (RRN). Over

the past two years he has been actively involved in research and training on security management. Contact: k.brabant@odi.org.uk or fax +44 (0)171 393 1699.

This paper will be developed into a joint Forced Migration Review/RRN Occasional Briefing Paper to be available in due course from the ODI.

1 MSF-Belgium, MSF-Holland, Save the Children Fund (UK), World Vision (USA), Catholic Relief Services, UNHCR and UNICEF are some examples.

2 The Humanitarian Security and Protection Network, under the umbrella of VOICE, is piloting the introduction of a simple computerised incident reporting format. This can be adopted on an individual agency basis but the purpose is to feed into a centralised incident-data base, at field level and at headquarters level. Confidentiality is guaranteed. Pilots are taking place in Sierra Leone and in Angola. The project manager is Pierre Gallien, c/o Action contre la Faim, 9 Rue Dareau, 75014 Paris. Email: pgallien@club-internet.fr

3 RRN (1997) London, Relief and Rehabilitation Network paper no 20. See 'further reading' on p47 for contact details for People in Aid.

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Visiting Fellowships at the RSP are open to senior and mid-career practitioners and policy makers who wish to spend a period of study and reflection in a conducive academic environment, and to academics and other researchers who are working in fields related to forced migration. Each Fellow will normally be assigned an academic adviser and will be expected to undertake a specific programme of self-directed study or research. Fellowships may be held for one, two or three terms in any one academic year.

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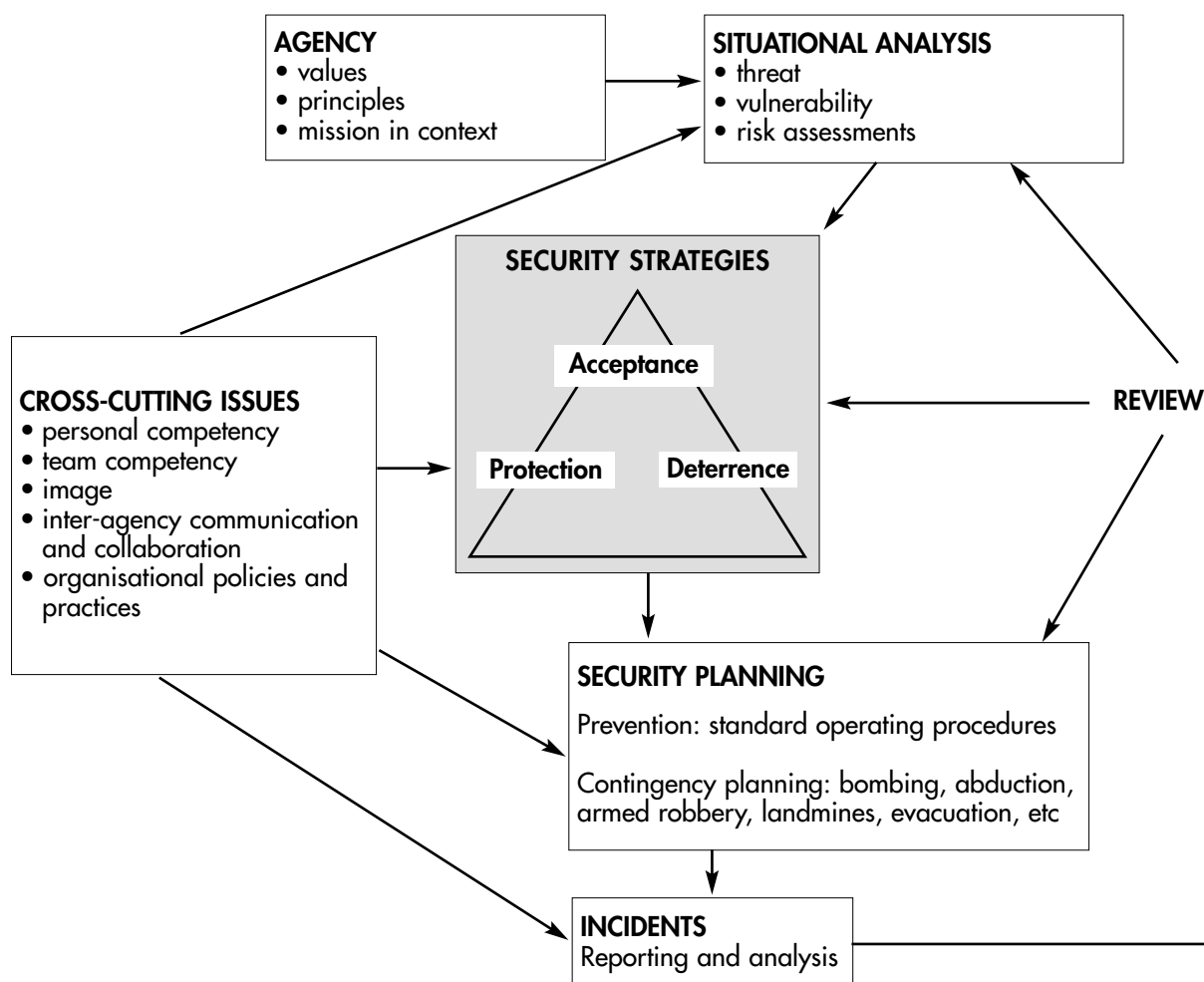


Diagram: Koenraad Van Brabant, ODI, 1999

Crayons and security

by Sue Dwyer

Until recently I have thought of security in terms of guards, radios, grilled windows and doors, close coordination with other international NGOs and a strong organisational security policy. This was until I attended the InterAction/OFDA security training course in London in September 1998.

I have lived overseas for six years now, including stints in Uganda, Serbia, Bosnia and now Liberia. I have thought of security in different terms in each of these countries. In Uganda when there was a barrage of home robberies in our neighbourhood, our response was to reinforce the grilling on our doors and windows. In Serbia we lowered our presence during the NATO bombings. In Bosnia we would park our land cruisers at night in a guarded area. In Liberia we have fenced our offices and homes and hired 24-hour guards. As Country Director for the International Rescue Committee (IRC) in Liberia I am responsible for developing and implementing the organisation's security strategy. After attending the InterAction/OFDA security training course in London I began to look at security in a much broader context and at IRC's security strategy in a different context. I would not previously have thought of an afternoon of colouring with local children as a security activity.

On the InterAction/OFDA security course, a Framework of Security Strategies was presented to assist systematic thinking of combinations of security approaches to use for different types of security threat:

"Basically there are three major ways to reduce risks:

- 1) Acceptance: one can reduce or remove threat by gaining widespread acceptance for one's presence and work;
- 2) Protection: one can reduce risk by making oneself less vulnerable with protective procedures and protective

- devices, ie radios, guards, grills;
- 3) Deterrence: one can reduce risk by containing and deterring the threat with a counterthreat, ie legal, economic, or political sanctions and/or armed action."¹

This framework was very helpful to me in developing the IRC security strategy in Liberia.

Upon returning to Liberia I presented a three-hour security training session to the staff in Ganta, one of our field offices, to incorporate some of what I had learned in London into our work. It proved to be very enlightening for me and the 30 participants. The first thing we did was talk about the concept of security and what words come to mind. Guards, radios, arms, etc came out. We then discussed security in a broader context and adapted the definition 'freedom from danger and risk' to our own working concept 'freedom for all IRC staff to work and live without harm in Liberia'.

We then conducted a threat assessment. The group identified the greatest threat to IRC security in Ganta as office and home burglary. We went on to conduct a vulnerability assessment as presented in the InterAction/OFDA course:

Risk = Threat x Vulnerability

In this equation we can only lessen our risk by reducing our vulnerability since we have no control over the threat itself. After going through this exercise I presented the Framework of Security Strategies from the InterAction/OFDA security course to the group and we dis-

cussed how much of our efforts should be directed towards each element (acceptance, protection and deterrence) of the framework, in relation to our risk. The group decided IRC should invest 65 per cent of its efforts towards acceptance and 35 per cent towards protection. This is not to say deterrence should not play a factor in our efforts: certainly IRC should advocate for continued ECOMOG presence (West African Peace Keeping Force, an effective policy force) but within the small community of Ganta, the IRC staff decided to put all their efforts into acceptance and protection and leave it to the head office in Monrovia to advocate for the deterrence factors.

We had a long discussion about an acceptance strategy and what influences the community's perception of IRC in this location. Since the group decided that 65 per cent of our efforts should be towards acceptance, it is critical that we have a positive image in the community. I asked the staff (of which all but two were Liberians - the majority of Liberians are not from Ganta but from Monrovia, and so have little connection to the local community) to imagine IRC from the community's point of view. I asked what they thought the community's perception of IRC was. A summary of their responses is:

"We have a lot of vehicles, many staff, four or five houses and offices in town, we run around town a lot in our vehicles and we donated trash cans to the city of Ganta."

Though IRC supports 15 Ministry of Health clinics in rural areas outside Ganta (the closest clinic is two hours drive away), the staff said the local community does not know this. My response was:

"So the people of Ganta see that IRC has four 4WD trucks, 30 staff members, four offices and houses and the support we provide with all these resources over the last year is eight trash cans?"

The group giggled nervously and nodded their heads. They also stated that the local community really saw no benefit in IRC's presence in the community since,

besides the donated eight trash cans and some vague talk about a health programme, they really did not know what IRC was doing there.

The participants felt that IRC's protection elements were strong, ie good radio systems, 24-hour guards, fences around all compounds, grilled windows and doors, so our discussions continued regarding IRC's image and the level of acceptance to our work and presence. One staff member stated that one local neighbour was upset because when the fence was put up around an IRC house there was no discussion with the neighbours and it cut off a neighbourhood path. Another stated that IRC had hired 'others' to bring the reeds for the fence when the neighbourhood could have done it and made a little money and benefited. Slowly we all began to realise what an image and acceptance problem we had.

This was a very serious realisation since the group stated that it would be our neighbours and the local community who could help deter our greatest threat, office and home burglary, by alerting us to strangers in the area, helping to watch our compound and identifying local threats.

I then put it to the group to identify strategies to improve our level of acceptance and our image in Ganta. They came up with plans for providing IRC orientation seminars in the schools and the community, hosting a programme for World Aids Day in the schools, interaction with the community through sports, promotion of IRC's work at every opportunity - church, markets, bars - and lastly the expatriate programme manager, Tatiana Garakani, decided to host an afternoon of colouring in her yard for local children once every two weeks. The first day over 100 children arrived.

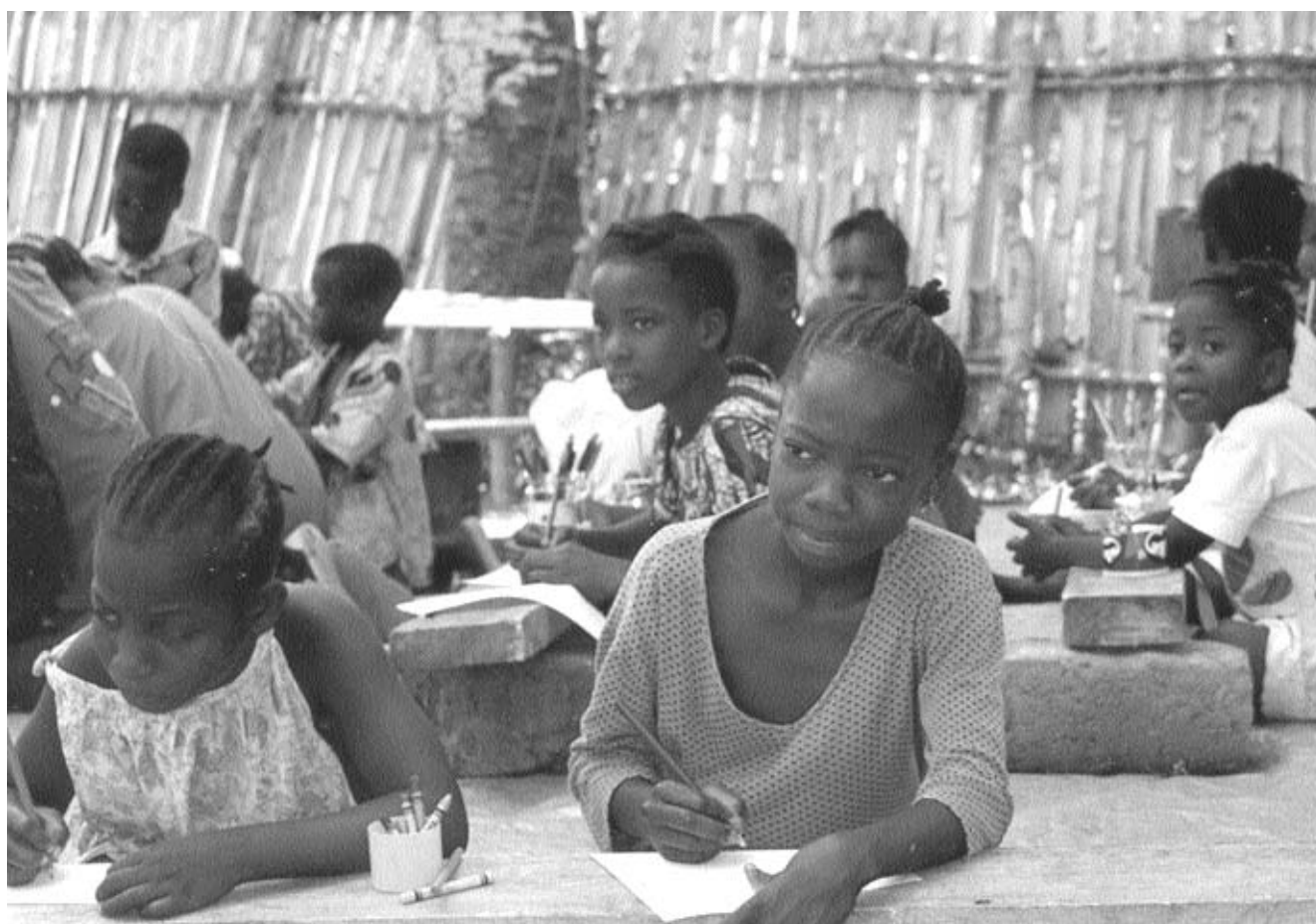
Ms Garakani also noticed that when her security lights were on in her compound at night, neighbours would pull their cooking pots and stools closer to the fence to catch the light. She met with the neighbours and told them she could add an extra light that could face their compound if they liked. Since there is no electricity in Ganta (IRC uses generators), and light at night is both a necessity and luxury, the neighbours were very appreciative of this gesture. It is important to note that these new community-based activities were in addition to regular formal and informal meetings with local government officials.

Of course, security is not the only reason to have acceptance and a positive image in a community. It is part of the working standards of most NGOs and, in the case of IRC, our work methodology revolves around community-based programming. In a community such as Ganta, though, where IRC has an office but no programme, acceptance and a positive image can be quite difficult and special effort is needed.

IRC Liberia now looks at security in different terms. The hard elements of protection are still respected, but the softer elements of community support and acceptance are being reinforced. These new softer, acceptance-oriented elements are changing IRC's image in the community. And with these changes come decreased vulnerability to the threat of burglary of the office and houses and a more effective security strategy.

Sue Dwyer is Country Director for the International Rescue Committee (IRC) Liberia.

1 InterAction/OFDA NGO security manual



Tatiana Garakani/IRCLiberia

Security in ICRC field operations

by Philippe Dind

In the course of the last 20 years the number of ICRC (International Committee of the Red Cross) expatriate staff working in the field and the number of operations conducted by the organisation have increased tenfold; the number of locally hired staff has risen in about the same proportion. Moreover, as ICRC delegates' activities take them closer to the fighting than before, their working conditions have become more hazardous.

The conflict environment too has changed considerably. For example, the chain of command among combatants has weakened to the point where it is often difficult to distinguish between the armed forces and gangs of bandits. All these factors combined make it extremely difficult for the ICRC to adhere to its traditional working methods. The number of people that have to be contacted to ensure that an operation runs smoothly has risen sharply, without this having any favourable effect on security, rather with the opposite effect.

These developments have prompted the ICRC to focus even greater attention on matters relating to the safety of its field activities. What follows is an outline of the organisation's general approach to security.

The first tenet of the ICRC's security policy is that danger is not the exception. Danger is inherent in the working conditions of ICRC staff and eliminating it completely would mean withdrawing all personnel from their working environment. It should, therefore, always be taken into account in operational decisions.

The second tenet is that although security has its technical aspects, it is above all a political issue. No security rule and no protective measures can replace the establishment of a network of contacts among all the parties to a conflict so as

to convince them of the ICRC's neutrality, impartiality and independence. Neutrality - and above all the combatants' perception of that neutrality, a perception which stems from the organisation's independence and impartiality - is the best guarantee for the warring parties that the ICRC does not constitute a threat.

Security rules must be understood and applied with both these tenets in mind. Compliance with the rules brings the risk down to an acceptable level, but cannot eliminate it altogether.

As a rule, security measures are aimed at:

- Preventing serious incidents by eliminating the possibility of their occurrence. Potential targets can be removed, for example by avoiding cash transfers; making sure that expatriates stay out of no-go areas; or prohibiting travel by road where there may be land-mines.
- Reducing risk by means of deterrents such as perimeter protection, guards and bomb shelters, or by means of preventive measures that promote respect for the ICRC's activities, staff and property (for example, negotiations with the warring parties, use of the ICRC emblem, notification systems, etc).
- Limiting the consequences of an incident if it nevertheless occurs (by means of medical evacuations, insurance, etc).

Regardless of the measures taken, a certain degree of risk remains inevitable, and expatriate staff have to learn to live with it. Recognising this fact should not be interpreted as a lack of resolve to ensure their security, quite the contrary: the fact that only a residual element remains means that everything possible has been done to minimise the risk.

Some levels of risk may be considered acceptable if they are justified by the humanitarian impact of the operation. That impact should be measured not only in terms of immediate benefits (food distributions, for example) but also with a view to the long term (surveys, etc). No risks should be taken for the sake of maintaining a presence or for reasons of competition.

Training for all

The best way of improving security is to give special priority to training, with a view to creating awareness of risks, ensuring consistency of security measures, and imparting the technical knowledge and the skills required for each individual to assume his or her responsibilities in this respect.

Training should be:

- given to expatriate and local staff alike;
- geared to the context and the specific risks facing each individual;
- adapted to each person's actual tasks and duties;
- given at headquarters and in the delegations.

The seven pillars of security

The ICRC's security policy for field operations relies on the seven 'pillars' described below. The first few of these are virtually exclusive to the ICRC, while the last are adopted by all organisations or multinational corporations to protect expatriate staff. The order of importance assigned to each of them will vary according to the type of threat encountered. In particular, the choice of active or passive protective measures (pillar number 7) will clearly depend entirely on the local situation.

1. Acceptance of the ICRC

The concept of acceptance is of paramount importance to the ICRC. To be able to operate, the organisation has to be accepted by the parties to the conflict. The disintegration of social structures and the emergence of warlords and organised crime make it indispensable for the ICRC to be accepted not only by the authorities of a constitutional State but by all groups wielding any power. Such acceptance is inextricably linked to the mandate of the ICRC as a neutral intermediary, and to its status as an impartial and independent humanitarian organisation. The ICRC has no means of exerting pressure to impose its activities. Persuasion and influence are its only weapons. Viewed from this angle, vulnerability paradoxically offers a form of protection.

The means used to achieve acceptance are negotiation, projection of a consistent image, and efforts to spread knowledge of international humanitarian law and the Fundamental Red Cross/Red Crescent Principles. These activities have to be conducted at all levels. In many, but not all, situations, two other means are used to strengthen acceptance: promotion of ICRC activities by making them as visible as possible; and broadcasting information to a wide range of audiences via the local media.

Another factor in acceptance is the ability to understand and customs consistent with understanding and to the way society function become part of time needed to familiarise themselves with the political, social and cultural features of the country

ICRC security training course at Chatigny, Geneva

to which they have been assigned, notably by reading. Familiarity with the armed groups operating in the ICRC's environment, and how they function, is also vital in order to adjust security measures to the prevailing dangers.

2. Identification

The second pillar is a logical consequence of the first: once its special role has been accepted, the ICRC must be identifiable. Identification relies mainly on the emblem of the red cross. To distinguish itself from other 'humanitarian' players who use or misuse the red cross, the ICRC uses a logo consisting of a red cross surrounded by two concentric black circles between which appear the words "Comité International Genève". Vehicles operating in sensitive situations fly a flag with this ICRC logo, to attract special attention; however, care must be taken not to overuse this means of protection.

To supplement visual identification, buildings used by the ICRC and staff movements in the field are notified to all parties to the conflict. As modern methods of warfare make it possible to destroy a target long before visual contact has been established, notification is sometimes the only effective method of protection. This is particularly important when aircraft are used

transponders may be used to identify hospital ships or medical aircraft.

3. Information

In any high-risk situation, information is a fundamental element of security. Reliable information makes it possible to anticipate events and to react in an appropriate manner as situations develop or when dangers arise during field trips. Information should therefore flow in all directions: from senior staff downwards and vice versa, and between ICRC colleagues and outside contacts.

All field personnel must acquire the conditioned reflex of collecting and passing on as much information as possible on security matters, whether relating to the past or the present situation or to developing trends. All security incidents must be reported orally or in writing, depending on their importance, so that the delegation can take steps to avoid any similar events in the future or to anticipate more serious ones. Special attention must be paid to any signs that the situation is deteriorating, and care must be taken not to become accustomed to such signs, so as not to unconsciously raise one's threshold of tolerance of danger. Locally hired staff are not only entitled to be kept abreast of developments but are also a very important source of local news and reports on changes



ICRC/Thierry Gassmann

essential to adopt an attitude that is as open as possible. Nonetheless, care must be taken not to overstep the limits of confidentiality, for example by never seeking to obtain or pass on information of a military nature.

4. Security regulations drawn up by individual ICRC delegations

Each delegation has its own security rules which prescribe proper behaviour and are specific to the country concerned. Where necessary, sub-delegations also have to draft security rules applicable to the local situation. The rules should lay down only the basic precautions and leave some room for manoeuvre. They are in no way a substitute for the responsibility every individual must assume towards himself and those affected by his or her decisions.

The rules must be as concise yet as comprehensive as possible. They should cover all relevant subjects while stating only the essentials, so as to ensure that they do not lose their full impact. Security rules should be constantly updated in line with the situation, and deal with both preventive measures and appropriate reactions in the event of a security incident.

5. Personality

The safety of the ICRC's field activities depends to a large extent on the personal attributes of its staff, the most important of which are solidarity and a sense of responsibility.

In dangerous or threatening situations or in other difficult circumstances, the security of several individuals may depend on one person's reactions and attitude. What is needed is not so much a remarkably well-balanced personality but an awareness of one's own limits, the capacity to remain calm and clear-headed, and acceptance of any weak points that might be revealed in the course of the mission. In this respect, to discover in the heat of action that one is not cut out for the job and to give it up shows courage and a sense of responsibility.

Maintaining a healthy lifestyle is a further way to combat fatigue and nervous tension and preserve physical and psychological well-being.

It is important to recognise signs of physical or mental stress and to talk

about them openly. In the face of danger, these reactions may be normal and can play a useful role in alerting us to and regulating stress. If they are acknowledged and discussed, they soon dissipate. If they are ignored and suppressed, they lead to the taking of unnecessary risks. Talking over one's concerns and emotions is always the best way of maintaining a sense of perspective.

In this connection, solidarity is of fundamental importance - staff must support each other in the delegations and during field operations.

6. Telecommunications

Telecommunications play an important part in security by facilitating the transmission of information, the monitoring of and checking movements in the field, giving warning of a deterioration in situation, or dealing with any crisis that may arise.

The facilities made available should be geared to the specific situation, in terms of both quality and quantity:

- modern, reliable equipment, which can be operated independently of the local infrastructure and is serviced by the ICRC;
- a network appropriate to the geographical situation, with ICRC staff on site to set up and develop the telecommunications system as required; round-the-clock radio monitoring, if circumstances require;
- training of the users, facilitated by the greatest possible level of standardisation.

7. Passive and active protective measures

Protective measures, whether passive or active, are taken only in situations where there is no other way of ensuring security. Sadly, such situations are on the increase. They fall into two main categories:

- (a) When there is a risk of indiscriminate attacks against the civilian population, the ICRC is no longer protected by its special status. For preventive purposes, delegations will opt for premises that are not in an exposed position and that have passive protective facilities, mainly bomb shelters. Individual protective mea-

asures such as bullet-proof vests are not normally used, for two reasons: the ICRC does not accept that its staff might be potential targets, and it does not want them to take greater risks because they feel protected. Whatever the protective measures taken, they are always as discreet as possible and must never be of military appearance.

- (b) In situations where crime and banditry are rife, ICRC expatriate staff are in the same position as any other foreigner living in the country. In this kind of context the emblem offers no protection. Vulnerability becomes a risk factor and delegations must make sure they are hard targets by adopting protective measures such as physical barriers, alarm systems, guards, etc. Active protective measures include armed escorts, which are used only in very exceptional circumstances and with the approval of headquarters.

Conclusion

The effectiveness of security regulations may be likened to the strength of a chain, which is as strong as its weakest link. Security in the field depends on coherence between all seven factors described above, and heads of delegation are responsible for ensuring their proper application by each and every staff member.

Philippe Dind is the delegate in charge of security at the ICRC's Directorate of Operations.

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Acompañamiento in Colombia: international human rights protection of IDPs

by Luis Enrique Eguren

The deployment of international observers can effectively deter human rights violations against displaced people and those working with them. This article discusses the role of organisations such as Peace Brigades International in providing international human rights protection.

Pace Brigades International (PBI) is an international NGO, with headquarters in London and national groups in 12 countries, which maintains teams of international observers in conflict areas where a request for international human rights protection has been made by the local population. Since 1994, PBI has maintained a team of up to 20 international observers in Colombia, covering three regions: Bogotá, Magdalena Medio and Urabá. Its aim is both to protect the political space occupied by human rights defenders and the displaced population, and to provide training in matters related to psychological/social help and the reconstruction of the social fabric.

Internal displacement in Colombia

The conflict in Colombia has displaced up to a million people in the last ten years. Magdalena Medio and Urabá are two of the regions worst affected by threats and attacks carried out by armed bodies on the civil population. In general, the displacement takes two forms: a gradual 'family by family' displacement, in which families move to the slums of big cities, and mass displacements where hundreds or thousands of families move to zones close to their residential area.

In Urabá, on the Atlantic coast in northern Colombia, one of the largest displacements

took place towards the end of 1996 when more than 10,000 people fled from an operation carried out by the army and groups of paramilitaries in an area maintaining a guerrilla presence. The majority of those displaced grouped themselves in the area of Turbo and Pavarandó, while some groups moved to other localities and even sought refuge in Panamá. Another focus of displacement was San José de Apartadó.

Although the process of displacement has continued (in smaller numbers), the displaced population has begun to organise itself with the help of NGOs¹ and the diocese of Apartadó. As a result, negotiations have started with the government, and various Comunidades de Paz (Peace Communities) have been created among the displaced population, declaring their neutrality in the conflict and claiming the protection due to their status as civilian population².

In the case of Magdalena Medio, there has been a number of recent mass displacements. Some of these have been spontaneous, others organised (*éxodos campesinos* - peasant exoduses) in order to call attention to their denunciation of paramilitary attacks. Although the organisers of the *éxodos campesinos* have reached an agreement with the government, the safety of the area is still uncertain, subject as it is to dispute between the uprising, the army and the paramilitaries.

In both areas, NGOs and other Colombian bodies (some linked to the Catholic Church) have been denouncing and monitoring the situation, providing legal and humanitarian aid, and arranging the process of relocation and return. All of these organisations are subject to pressure and attacks from armed bodies. These international NGOs carry out a large part of their work via local organisations and NGOs. The Colombian government has put into operation various initiatives related to the displacements but the Colombian NGOs are unanimous in criticising them as being insufficient³.

Acompañamiento

The mere physical presence of expatriates (for example, those offering humanitarian aid) is not sufficient to secure adequate protection⁴. In order for observers to provide protection, certain strategies, activities and training are needed which are not usually within the remit of international NGOs dealing with either human rights or humanitarian aid. The deployment, however, of teams of international observers is a more effective deterrent of possible violations. They maintain a permanent or periodical presence in the differing scenarios, have regular interviews with the authorities and other bodies, and periodically publish information. Should violations take place, they provide information about them, to enable action to be taken against the violator in order to prevent future violations. This is known as *acompañamiento* and only in this way can the presence of international personnel afford the displaced population a measure of security.

Goals of PBI

Given its mandate, the important role of Colombian bodies in protecting the displaced population and the level of local organisation, PBI's work in Colombia

focuses on protecting the fragile arena for action of NGOs and local organisations of displaced people. It aims to:

- avoid the need for displacement by acting on the immediate causes which produce it (protecting those social agents who in turn confront violations of human rights)
- protect NGOs and the displaced population from the violations of human rights which occur during displacement and refuge
- facilitate the return process, providing protection during return and resettlement

Strategy of PBI

- I. *Acompañamiento* and providing an international presence
 - a. International human rights protection for i) NGOs and Colombian bodies working in the field of human rights and ii) the displaced population

This protection includes

involves maintaining an international presence in lodgings/refuges (with the effect of these becoming safe places) and throughout the process of return and resettlement, especially in the areas of Urabá, Chocó and Magdalena Medio.

- b. Participating as international observers in inspection commissions and at mixed negotiation tables (made up of authorities, state bodies, NGOs and displaced people)

Providing an international presence in situations involving inspection and dialogue acts both as a guarantee and reminder of the commitments reached for all those present, especially the authorities and armed bodies.

- II. Talking to and lobbying the civil and military authorities, institutions, the diplomatic service, international organisations, and others, in order

i) to ensure that all sectors understand as fully as possible the objective and the major situation of the displaced population in 1998 PBI meetings

duction and information

the coordination of NGOs in different areas

range of information to maintain integration activities of different sectors, some of which helps work on the ground and improves the security situation of the NGOs and the displaced population.

- V. Reconstructing the social fabric: psychological and social aid, repairing the social fabric and resolving conflicts

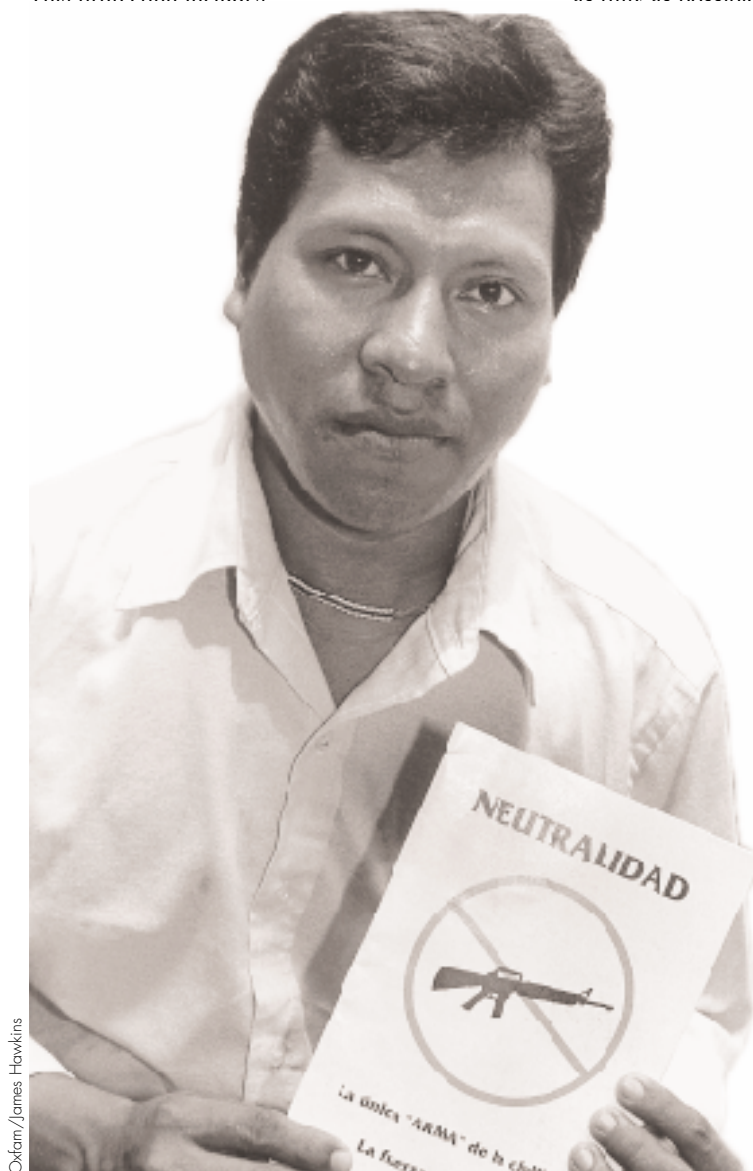
The training team of PBI Colombia runs workshops for members of those Colombian bodies and organisations working in the defence of human rights and with the displaced population. These focus on themes relating to trauma, grief, psychological and social intervention, collective memory and an analysis of conflict, which these organisations can later apply to their daily work.

Other cases of international *acompañamiento* of displaced populations

In El Salvador, Salvadorean refugees returning from Honduras and internally displaced Salvadoreans returning to their homes also had international *acompañamiento* by NGOs, particularly from 1987 to 1992. The convoys of buses were escorted by members of international NGOs (PBI among them) and of the Christian Churches who then stayed in the new settlements for several months. This fairly spontaneous movement evolved and developed considerably in neighbouring Guatemala. In the early 1990s, PBI accompanied the first delegations of the CPRs (*Comunidades de Población en Resistencia*: populations which had remained displaced in the highlands since the army operations of the 1980s) when they started travelling to the City of Guatemala to negotiate their return with the Government.

Acompañamiento by international NGOs was included in the return agreement signed by the Government and the Guatemalan refugees in Mexico; since then, dozens of foreign volunteers have lived and travelled with the refugees and displaced people in the jungles that had previously been the army's private war zone.

Both cases of international *acompañamiento* in El Salvador and Guatemala reflect an evolving tool which required considerable reflection and development of strategies and tactics in order for it to become of significant use in ensuring the protection of the displaced population. The case of international *acompañamiento* of displaced populations in Colombia is another step forward in its development; further steps are still needed, as suggested at the end of this article.



Oxfam/James Hawkins

The effectiveness of *acompañamiento*

It is always difficult to measure the impact of the protection offered by the presence of international observers. One index could be the continuous demand for *acompañamiento* coming from NGOs and the Colombian organisations for displaced people. PBI Colombia has received requests for international presence from all the Colombian NGOs that work with the displaced population in the areas that have already been mentioned, such as Urabá and Magdalena Medio - a demand that is so great that the PBI teams are unable to meet it.

The conclusion reached at two international congresses organised in 1996 (by Amnesty International) and in 1998 (by the International Service for Human Rights and the Comisión Colombiana de Juristas - the Commission of Colombian Jurists), in Colombia, was that *acompañamiento* is an effective tool, recognised by a number of international bodies.

Nevertheless, the presence of observers is just one factor in a whole series of activities aimed at providing protection. It is a factor which gains in significance when fully integrated into the whole, but it can never be seen as being the single, determining factor when judging the results of protecting the displaced population. The displaced population and its international observers move in areas under dispute between the army, self-defence groups or paramilitaries and guerrilla groups. There have been no attacks reported, up to the present, against either displaced people or local NGOs when they have had international human rights protection. The process of resettlement initiated in Urabá and the return of the exodus of Magdalena Medio are seen to be under threat due to pressure from the paramilitary, the army and the guerrilla groups. The declarations of the Comunidades de Paz remain the international standard with regard to areas exempt from armed bodies, but the supposed agreement made by the armed bodies is not complied with consistently; the grimest case is that of the Comunidad de Paz at San José de Apartadó (Urabá), where nearly forty people are reported to have been murdered by paramilitary groups and, to a lesser

extent, by guerrilla groups in its first year of existence. In all these scenarios, international human rights protection - *acompañamiento* - represents one more factor in the protection on offer.

The type of protection offered by *acompañamiento* is not valid in all conflict scenarios. A prerequisite is that the violator must be able to be affected by the international pressure which an international NGO can bring to bear. This implies that *acompañamiento* is particularly valid when the violator is the state or a body against which the state can take action. This also implies that in such a scenario the government has to be capable of maintaining its executive role within the state. In those situations of open conflict where a state or a government stops fulfilling their role (such as in Somalia at the beginning of the 1990s), there is no body to which international NGOs can appeal that is likely to be susceptible to international pressure.

Conclusion

Acompañamiento is a versatile and adaptable tool, representing an important link in the chain of activities offering protection to the displaced population. It is part of an integrated system in that, as well as including humanitarian, social and legal aid, it is carried out, to a large

extent, by a network of local organisations. From an international point of view, what is needed now is the development of cooperation between those NGOs providing humanitarian aid and those, like PBI and the local NGOs, that carry out work specialised in on the ground protection. Cooperation will be a key factor in enhancing the results of field protection of displaced populations. Accordingly, NGOs should work towards a) developing a shared mandate and strategy for action, so that such cooperation could be easily implemented in different scenarios, and b) training the staff of those international NGOs providing humanitarian aid in the protection of human rights of the displaced population. In this way, the displaced population and organisations operating locally will be able to look to the international NGOs for assistance in the protection of human rights.

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See p38 for update on recent events in Colombia. The RSP and Department of Peace Studies, University of Bradford, are organising a workshop on Political Violence in Colombia, 5-6 July 1999, Oxford. For more information, contact: Sean Loughna, RSP (see p2 for contact details); email: sean.loughna@qeh.ox.ac.uk

1 Comisión Intercongregacional de Justicia (Intercongregational Justice Commission), Paz (Peace) and CINEP (The People's Centre for Investigation and Education).

2 See *Forced Migration Review* 1, p15, for description of Comunidades de Paz and San José de Apartadó in particular.

3 Éxodo (1998). "Los derechos civiles y políticos y el desplazamiento interno en Colombia". GAD (Grupo de Apoyo a Organizaciones de Desplazados). *Bulletin on internal displacement in Colombia*, n° 9, September 1998. Bogotá.

4 Cohen, Roberta (1991) *Human Rights Protection for Internally Displaced Persons*, Refugee Policy Group, June 1991, Washington, USA. Mooney, Erin (1995) 'Presence, ergo Protection?', *International Journal of Refugee Law*, vol. 7, n°3, Oxford University Press. Mahony, Liam and Eguren, Enrique (1997) *Unarmed Bodyguards. International Accompaniment for the Protection of Human Rights*, Kumarian Press, CT, USA.



Oxbam/James Hawkins

Homogenising humanitarian assistance to IDP communities (a cautionary note from Sri Lanka)

by Simon Harris

This paper argues that IDPs do not constitute a homogenous group and that relief agencies need to improve their analysis of the composition of internally displaced constituencies in order to plan appropriate interventions which account for, and respect, the issue of difference.

If one were to randomly select a hundred people from any disaster situation or emergency environment, the demographic composition of this group would reveal a wide range of different people from different backgrounds. The attitudes and actions of each in responding to their circumstances would be informed by the way in which the influence of factors such as gender, class, caste, race, religion and ethnicity has shaped their individual experiences.

Despite, or more probably because of, the multifarious complexity of people affected by poverty, conflict and disaster, there is a tendency amongst providers of emergency relief services to homogenise their intended beneficiaries. Whilst recognising the utility of this approach in simplifying and rationalising the delivery of humanitarian services to large populations, this paper will argue that failure to account for constituency difference in programme planning and implementation may negatively impact upon the effectiveness and sustainability of such services. Furthermore, the potential effect of homogenising non-homogeneous groups may even be a deterioration of the very conditions which humanitarian agencies seek to help improve.

Humanitarian agencies working in Sri Lanka's conflict-affected northern Wannu region generally categorise the civilian

population as either internally displaced people (IDPs) or residents. There exists a set of perceptions regarding IDPs which are commonly accepted by these agencies.

Most agencies would agree that the IDPs living in the LTTE¹ controlled areas are ethnically exclusively Tamil, that women and children form a particularly vulnerable group and that female-headed households are especially disadvantaged. There would probably also be broad consensus that loss of livelihood is one of the most significant effects of displacement and that access to food, water and sanitation provision, psychosocial care, health and education services are all extremely important factors which agencies need to prioritise. Indeed, the prioritisation of these issues has been endorsed by the constituents themselves in a series of community consultation exercises by Oxfam GB and SCF (UK)². Addressing one or more of these areas of concern forms the operational objectives of each international aid agency working in the Wannu.

Whilst these perceptions and prioritised needs may well reflect the overall situation for the majority of the displaced in the Wannu, humanitarian intervention strategies based on such generalisations fail to account for the potentially enabling, but equally confounding, diversity within the internally displaced population.

An 'unimagined' community

Although IDPs in the Wannu occupy the shared space of displacement, that is all they share. When humanitarian agencies refer to them collectively as a community this is a misnomer. They are, in effect, an 'unimagined' community brought together purely through the dislocating circumstances of displacement. Prior to their displacement, at home in the Jaffna Peninsular or other parts of the Wannu they would have led separate lives within the accepted norms and parameters of their individual social groupings, class or caste affiliations. Interaction with other classes or castes would have been minimal and superficial, limited to perhaps brief exchanges at the market place. Certainly they would not have worked in the same fields, slept under the same roof, drank from and bathed at the same well nor squatted in the same latrine. Such intimacy between the classes and castes of a highly stratified and socially conscious society would have been unthinkable and intolerable.

Rather than forcing individuals to subsume their identities in order to cope with the abnormality and commonality of their situation, observations from the Wannu suggest that in the experience of displacement, the opposite occurs. Divested of the security and confidence associated with the routine and familiar, displaced people attempt to maintain a semblance of normality by reinforcing the demarcation of their individual class and caste identities. Assertion of difference provides a socio-specific locus or touch-stone of familiarity which forms a vital coping mechanism for people affected by the trauma and upheaval of displacement.

However, whilst the assertion of different identities may be highly functional for the displaced, for agencies attempting

to help address their needs, the lack of constituency homogeneity becomes a confounding variable affecting the outcome of any humanitarian intervention reliant on the consistency of beneficiary response for its success.

Difficulties of consultation

The practical emergency problem of preventing or addressing an increased prevalence of illness resulting from the faecal contamination of water sources illustrates the dangers of assuming constituency homogeneity.

We can assume that the responsible aid agency will have followed the principles of best practise in having consulted with the target community of displaced people regarding perceived needs. It will have taken account of gender requirements and concluded that the community requires the construction of a tube well, a

this is an unimagined community of disparate classes and castes

number of sealed latrines and a menstrual shelter. Ideally the agency will have obtained community participation in the planning and construction process, and will have secured assurance of shared community responsibility for the long-term cleaning and maintenance of the water and sanitation facilities. They may even have implemented a health and sanitation awareness-raising and training programme to instruct users on appropriate and hygienic practices. Following a number of weeks of intense labour, the well has been sunk, the latrines and menstrual shelter completed and everyone involved seems clear of their maintenance responsibilities. The water and sanitation engineer and team give themselves a pat on the back for a job well done, wave the community farewell and say they will be back in six weeks to see how things are getting on. Perfect? Not quite.

Six weeks later the monitoring team returns to find that the tube well is broken, blocked by sticks and stones and irreparable, the latrines are caked with excrement having never been cleaned and the menstrual shelter remains unused. What went wrong?

Imagine for a moment that this community of displaced people in need of water and sanitation services is not a community at all, but is merely masquerading as one. Thrown together by circumstance and the directives of the *de facto* authorities responsible for the relocation of displaced persons, this is an unimagined community of disparate classes and castes. Of course there is the veneer of community. When services are offered people will gather *en masse*, spokespersons will emerge and decisions will be made. Yet if humanitarian agencies were to take the trouble to scrape away the veneer they would find that the voices rising from amongst the constituents might well be those from the upper echelons of the pre-displaced social hierarchy. Empowered within the group by the social conventions of respect and deference afforded to those of a higher class or caste, these spokespersons may well believe that they are representing the wider community but they do so simply because the conditioning of their social position allows them to. Although they may not realise it, these spokespersons will be reflecting their own assumptions of the needs of those they regard as their social inferiors, rather than representing the actual needs as perceived by those of a different class or caste.

Whilst the opinions and prejudices of social stratification lie largely silent, actions speak louder than words for the unimagined community. Resentment festers over the pecking order for bathing at the well until vindictiveness prevails and someone decides to sabotage the tube. Latrines are left uncleaned because there is no one from the appropriate caste to undertake such menial duties. Menstrual shelters remain unused as women from different classes are unable to tolerate a shared privacy.

Fragmentation of village structure and hierarchy

The unimagined community of IDPs is unable to call upon the traditional forms of authority and social organisation that formed a vital part of their previous lives and helped them to negotiate any problems which arose. Within the milieu of displacement the hierarchy and structure of the village have been fragmented and rendered invalid. Prior to displacement everyone would have understood and accepted their position within the system. The place and role of the village elder, rural priest, landowner, money-

lender, petty trader, mason and agricultural labourer would have been clearly defined. Within the new class and caste mosaic of displacement, social positioning ceases to be seen as fixed. Those who previously occupied the most respected positions in their home villages now find that they have to contend with others of higher rank. Such social fluidity amongst the displaced undermines the possibility for a commonly acceptable system of community organisation to emerge.

Humanitarian aid agencies reliant upon the IDPs' willingness and responsibility to maintain inputs such as wells and latrines may be making a fundamental error in regarding the collective displaced as a community capable of fulfilling such expectations.

If we accept the possibility that the reality of displaced constituencies may not reflect their superficial image, and acknowledge that this is likely to affect the success of any intervention, two key questions need to be addressed. Firstly, how can agencies ensure that such assumptions are not made and secondly, having identified a lack of homogeneity amongst the intended beneficiaries, how can agencies work with such groups to achieve sustainable planned objectives.

Constituency audit

In order to address the first question, humanitarian agencies need to develop their depth of analysis in profiling the composition of potential constituencies and assessing their needs. Participatory approaches to appraisal tend to focus upon apparent areas of community consensus regarding collectively prioritised needs, but do not place significant emphasis on points of divergence. Where difference is taken into account, this tends to be a desegregation of needs on the basis of gender, whilst other important divisions, such as class and caste, are frequently overlooked. One method of incorporating these factors into a beneficiary analysis, determining the homogeneity of a possible target group and the extent to which any lack of homogeneity is likely to frustrate the success of the planned input, could be to conduct a constituency audit.

Such an audit, extending participatory appraisal techniques such as resource mapping and wealth ranking, would help identify the range and interests of the various classes, castes and other social,

religious or political affiliations that comprise the target group. It would examine the nature and extent of both pre-displacement and present associations between these various social subsets. The perceptions and attitudes of each set, *vis-à-vis* the others, as well as how they view their own position within the displaced community, would be highlighted. Finally, perhaps through the use of hypothetical scenarios, the audit would inquire of each component set how they would respond to the sharing of various communal resources with other displaced persons. Analysis of this information would enable the humanitarian agency to build up a picture detailing the breadth of difference, the variety of needs, prejudices and rivalries, as well as the areas of tolerance and scope for opportunity that exists within the community.

Planning and implementation

The picture formed by such an exercise provides the starting point for attempting to address the second question of how to work with unimagined communities. Having developed a more accurate assessment of the limitations and possibilities that exist within a non-homogeneous target group, the humanitarian agency will be required to work sensitively and transparently with all parties, collectively and individually.

Participatory work within communities will have to account for difference in planning and implementation, and establish structures of management and responsibility that respect the validity of divergent needs and identities. Agencies will have to be skilled in negotiating acceptable and mutually inclusive - or, if necessary, mutually exclusive - spaces for relief inputs to function.

For example, in developing a mutually inclusive space, analysis might indicate that a shared water source located in the spatial domain of a particular group would be subject to issues of ownership and control, and wholly unacceptable to all other parties. Here the construction of a tube well in a neutral space may satisfy all concerns. A mutually exclusive solution on the other hand might recognise that although a single set of communally shared latrines would be rendered defunct, multiple latrines placed in different locations, for differ-

ent groups of users, would be totally functional and maintained adequately.

Role of local staff

In attempting to address these issues of analysis and implementation, the role of locally recruited personnel should be carefully considered by agencies. Indigenous staff are likely to have a better understanding of the complexities and dynamics operating within the displaced communities than the foreign consultants or head-office evaluation teams frequently deployed by aid agencies to conduct assessment and planning missions. Although the incorporation of local knowledge and expertise will help agencies better understand and address the multifarious nature and needs of the displaced, there may be difficulties in ensuring that the 'right' sort of local assistance is accessed.

The staffing profiles of international relief and development agencies operating in the Wannu reveal a predominance of upper caste Jaffna Tamils among the local managers and senior programme staff. Staff from the Wannu region itself and from other social groups are under-represented in these positions.

Difficulties arising from this situation have been noted by both aid agency staff and displaced or resident communities. The issues of hierarchy inherent among the communities of displaced are similarly reflected within the agency-constituency relationship. Local staff play a potentially crucial role in helping to inform appropriate agency responses. However, care needs to be taken in selecting staff who are able to identify with and negotiate between a wide range of constituents. Where the availability,

education and skills required to perform certain key local positions are largely limited to a particular group, agencies will need to invest in training to develop staff competencies to work within a multi-class or caste context.

Conclusion

If humanitarian interventions targeting non-homogenous communities of internally displaced people are to be effective, agencies need to both recognise and accept that constituency difference exists and plays an important and defining role for the people affected. They should utilise the opportunities that the articulation of constituency difference presents and maximise the points of convergence which emerge to assist communities develop innovative solutions to their disparate relief needs that will be workable and sustainable throughout the period of their displacement.

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Notes

- 1 The Liberation Tigers of Tamil Eelam (LTTE) is a militant separatist movement which has been fighting the Sri Lankan government for a Tamil homeland in the north and east since the early 1980s.
- 2 Four constituency surveys have been conducted in the Wannu area by Oxfam GB and SCF (UK): *Listening to the Displaced*, Oxfam UK/I, 1996 (unpublished); *Listening in Kilinochchi and Mullaitivu*, Oxfam UK/I, 1997 (unpublished); *Listening to the Displaced III*, Oxfam GB, 1998 (unpublished); and *Listening to the Returned*, Oxfam GB and SCF(UK), 1998 (unpublished). Although these surveys have not been formally published, their findings and recommendations have been widely circulated among humanitarian agencies and other interested parties in Sri Lanka.



Oxfam/A Neville

Oxfam project officer in consultation with Muslim IDPs in Saltern Camp No 2

Urbanisation and its discontents: urban refugees in Tanzania

by Marc Sommers

This article explores the different labels under which refugees in Dar es Salaam may be categorised. It identifies and profiles different groups of urban refugees in Dar es Salaam and considers some common assumptions about urban refugees.

There appear to be four distinct categories of urban refugee: (1) the few who are officially defined as refugees and have permission to reside in cities; (2) those officially defined as refugees but lacking legal rights to urban residence; (3) those who have come to an urban area to seek asylum as a refugee at a UNHCR office; and (4) those who claim to be refugees but live without any institutional recognition or assistance.

The article is based on field research in Dar es Salaam in 1990-92 and 1996. In addition to interviewing officials from the Tanzanian government and agencies working with refugees (such as UNHCR and the Tanganyika Christian Refugee Service), and refugees from a variety of countries who had permission to live in Dar es Salaam, I also interviewed Somalis who sought refugee status and the protection and provisions it offered, Burundians from refugee camps who shunned recognition of their refugee identity by others, and Mozambicans who claimed to be refugees without ever seeking official sanction. The following are brief profiles of these four refugee categories.

(1) Urban refugees with legal sanction

In countries that host refugees, officials from international humanitarian agencies and host governments may assume that the majority of refugees in cities have permission to be there. Most of the international agency and local government officials interviewed in Dar es

Salaam thought this to be true. The registered refugees in Dar es Salaam were from a variety of countries, such as South Africa, Burundi, Uganda, Rwanda and the Comoros Islands. With the exception of Somali refugees - who in 1990-91 were pouring out of their homeland - these diverse groups were small in number but generally united by class. Nearly all of them were well-educated and relatively wealthy members of their respective national communities. In addition, if one only searched out urban refugees at UNHCR offices, which refugees periodically visit to discuss specific issues, one might surmise that most urban refugees were male-headed households, for few female household heads made their presence felt there. Some officials in Dar es Salaam consequently drew a composite of the typical urban refugee as a well-heeled, upper-class family man.

Agency and government officials in Dar es Salaam also tended to assume that refugees from the same country shared similar outlooks about basic issues that affected them all. But the Burundi case in particular demonstrated that this does not necessarily apply. Dar es Salaam's Burundi refugee society, comprising ethnic Hutu, is secretive. Though analysts such as Malkki¹ assume that ethnic solidarity is particularly strong among such Central African Hutu groups, the Burundi refugees in Dar es Salaam displayed a distinct lack of internal cohesion and demonstrated how divided ethnic - and refugee - groups can become. A striking class difference separated refugees with permission to reside

in the capital from those that did not. Unlike the largely educated and politicised Burundians who maintained legal right to urban residence, most who lived in Dar es Salaam illegally were poorly educated and apolitical young men from rural backgrounds.²

The separation between these two classes of Burundi refugees also showed itself in their urban professions. Owing to their permission to live in Dar es Salaam, many higher class refugees could obtain employment in the formal sector. Although some maintained that Tanzanians refused to hire them, others found work with international organisations or obtained the necessary legal documentation to run small enterprises in the formal sector. Still, most of the Burundi refugee population in Dar es Salaam, as we shall see, participated exclusively in the informal sector.

(2) Burundi refugees: urban refugees without legal sanction

Refugees may only be able to migrate to cities from camps illegally. The move may seem worth the risk: despite the potential for danger and uncertainty in an urban life, many refugees can at least leave the institutional and regimented environment that commonly marks refugee camp existence, hope to increase their economic situation, and obtain a measure of autonomy in the process. Urban areas may also provide refugees with the opportunity to re-invent themselves as urban newcomers.

The largest group of refugees residing in Dar es Salaam were Burundi refugees, who, during my initial field research period in the early 1990s, were also the largest refugee group in Tanzania. At that time, the entire population was officially estimated at 155,000, but officials working with Burundi refugees speculated that the actual figure was probably 250,000 or more. Most of the Burundi refugees who made it to Dar es Salaam were young men who had grown up in

one of three refugee settlements for Burundi refugees in central Tanzania (Katumba, Ulyankulu and Mishamo). These were refugees from the 1972 'selective genocide' in their homeland.³ Food was generally plentiful in the settlements but cash was hard to come by. As a result, many refugee parents strove to send their eldest sons to the capital to find work and send remittances back to them. Most of the young Burundi refugee men that I met in town were glad to be there, as migrating to the capital bestowed social status upon them in refugee society, and constituted a terrific adventure as well. Although life was unusually difficult and potentially dangerous in Dar es Salaam, few seemed to regret their shift to the city.

The central problem for young Burundi refugee men in town, in their eyes, was to avoid identification as a refugee. Drawing on their familiarity with Tanzanian society, they presented themselves as Tanzanians. Lacking an identity card to establish their citizenship worked in the informal economy clandestine behaviour also meant UNHCR was entirely unaware of their location or activities. Refugees in a group perceived UNHCR officials as allies of the Tanzanian authorities whom they sought to avoid. The refugee men believed that UNHCR government officials would sympathise with them to the refugee settlements if they were discovered; they would be at the mercy of the Settlement Commandant, from whom refugees needed an exit permit to travel to the settlements legally.

Based on interviews with UNHCR and government officials in Dar es Salaam, this assessment was probably fairly accurate. The interview also revealed a 'catch-22' sort of contradiction within the framework of early 1990s refugee law in Tanzania. Settlement refugees needed a permit from their commandant, a Tanzanian government official, to migrate to the city. A permanent shift to town was virtually impossible to obtain, but even temporary permits were difficult to get because the Tanzanian government, with UNHCR support, generally wanted the 150,000 Burundi refugees

living in camps to remain there. At the same time, however, Ministry of Home Affairs officials explained that a refugee who could prove he or she was economically self-sufficient in Dar es Salaam might receive legal permission to reside there. What they did not mention, of course, was that refugees had to break Tanzanian law just to get to the capital.⁴

(3) Somalis in Dar es Salaam: the asylum seekers

Another common category of urban refugee is the asylum seeker: people who enter a city in search of recognition and support from UNHCR. In Dar es Salaam, if the UNHCR Protection Officer identified a Somali as a refugee, then UNHCR would present the refugee's profile to the Eligibility Committee, which was comprised of Tanzanian government officials of various ministries. On a case by case basis, this committee decided who would be granted permission to reside in Tanzania and where they

country of asylum. As the months passed while UNHCR officials looked for another asylum country for Somalis who lacked permission to remain in Tanzania, UNHCR provided the Somalis with a weekly stipend until their cases were resolved. In 1990-91, as boatloads of Somalis continued to reach Tanzanian shores, UNHCR officials worried that asylum seekers were occupying an increasing proportion of their limited country budget. This fuelled their suspicion that Somalis who were naturalised Tanzanians were representing themselves as refugees in order to obtain the weekly stipend.

(4) Mozambicans as cultural refugees

Mozambican refugees in Dar es Salaam differ from those in the first three categories in that the Mozambicans were neither officially certified as refugees nor ever attempted to obtain certification. In fact, although tens of thousands of Mozambicans had been registered as refugees in Tanzania by the UNHCR and Tanzanian government officials related that they rarely identified Mozambicans in Dar es Salaam. Nevertheless, many of the Somalis I met in Tanzania's informal economy claimed to be

people as refugees is a legal question. Investigating this kind of claim is up to the discretion of UNHCR and Tanzanian officials. In the absence of a clear concept with local and international reference, a separate examination of the situation in the light of people who claimed as refugees in the context of the local and international framework.

In considering this new endeavour as it exists in Dar es Salaam, exploring the meaning of the term 'refugee' in Swahili (*mkimbizi*), the city's predominant language, is instructive. The word *mkimbizi* itself derives not from the act of seeking refuge, as it does in English, but



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from *kukimbia*, a verb meaning 'to run'. Literally, *mkimbizi* means 'a person who runs', which implies cowardice. Many Burundi refugees despised their '*mkimbizi*' label for this reason. On the other hand, young Tanzanian urban migrants frequently call themselves economic refugees, as the term both calls attention to the dire economic situations in the rural villages that they are running from and asserts their right to reside in the capital.

The ethnic Makonde traditional homeland rests on both sides of the remote and porous border between Mozambique and Tanzania. While crossing this border can be a casual affair - and few Makonde carry passports - in cultural terms the two countries are distinct. The land of Mozambique, which most young Makonde in Dar es Salaam have yet to visit, has been culturally configured as a place where old Makonde traditions continue to be practised, unfettered by the changes of the twentieth century. A 'Mozambican' Makonde describes a person who follows old ethnic traditions, and older Makonde who wear *chalechale*, a distinctive form of facial tattooing, are considered particularly 'Mozambican' regardless of their actual place of origin. Conversely, a 'Tanzanian' Makonde confers a non-traditional or 'modern' description upon a person.

Regardless of the perceived distinctions between Mozambican and Tanzanian Makonde, most Makonde still consider Mozambique their true homeland. Thus, they told me in 1991, only after Mozambique's then-warring parties - Renamo and Frelimo - made peace would Tanzanian Makonde return 'home' to Mozambique.

Makonde claims to a national and refugee identity are therefore made on an entirely different basis than any of the other refugee groups discussed above. Even the Burundi refugees who were born within Tanzania's borders can claim Burundi nationality because their parents received their refugee identity from UNHCR when they entered Tanzania in 1972-73. But a combination of factors has created a kind of international informality for the Makonde living along the Mozambique-Tanzania border, allowing the Makonde room not only to claim national affiliation on their terms but, in some cases, redefine the meaning of refugee.

Conclusion: challenging assumptions about urban refugees

Early in this paper, I reviewed three common assumptions held by officials who interact with urban refugees: (i) that most refugees in cities have legal sanction to reside there; (ii) that urban refugees are mainly comprised of upper-class men and their families; and (iii) that refugees who come from the same country or ethnic group tend to have similar perspectives on issues of shared concern. The findings provided here argue against two additional commonly-held assumptions about the identity and behaviour of urban refugees.

First, it is usually assumed that refugees seek the rights, protections and provisions that an officially recognised refugee identity can provide. Such supposed entitlements do not necessarily arrive. UNHCR's ability to protect refugees is limited - a UNHCR protection office of two or three people may be responsible for protecting hundreds of thousands of refugees. Living in camps as refugees may actually turn people into targets of exploitation from which they have no protection. Burundi refugees living clandestinely in Dar es Salaam, for example, frequently spoke about Tanzanian government officials who took advantage of them in their refugee settlement homes. For them, it was better to live in a city, be seen as a Tanzanian national and conceal their troublesome refugee identity. At the same time, some ethnic Makonde interviewed in the early 1990s had left a war zone in Mozambique and could have qualified as refugees in Tanzania. Yet they had no interest in seeking such official recognition even though they openly claimed to be refugees.

Second, it should not be assumed that 'refugee' only means what the official definition contains, or what it should contain. For as the cases of the ethnic Makonde and the Tanzanian rural-urban migrant reveal, vernacular meanings of 'refugee' differ from the internationally accepted definition. In Tanzania, for example, a person can claim to be a refugee without ever crossing a border: the 'fear' a migrant may feel arises from economic hardship, not political persecution or war. At the same time a Makonde can become a 'refugee' as a matter of personal choice, since it confers a connection to their perceived homeland across a nearby border.

It is also a matter of personal choice that leads so many refugees to cities in the first place. Refugees are victims, but they do not seek to remain victimised. Instead of passively waiting for years or decades to return to their homes, most refugees try to make the best of things during their forced exile, often accepting great risks. In Africa, this increasingly means sneaking into cities, and it is in this light that the rise of urban African refugee populations should be seen: as a dramatization of the strong desire among increasing numbers of Africans, and their like-minded counterparts across the globe, to urbanise. Refugees who migrate to urban areas are actually a particularly vulnerable kind of urban migrant - migrant refugees, perhaps - and they should be considered in a way that accounts for their aspirations, their rights and their connections to the larger host nation community where they reside.

Marc Sommers is a consultant and research fellow at the African Studies Center, Boston University, USA.

His forthcoming book, entitled Fear in Bongoland: Burundi Refugees in Urban Tanzania, describes the attractions of Dar es Salaam, or "Bongoland", to young migrant and Burundi refugee men and details the clandestine lives of Burundi refugees residing there. It is scheduled to be published by Berghahn Books in late 1999.

Notes

1 Malkki, LH 1995 *Purity and exile: violence, memory, and national cosmology among Hutu refugees in Tanzania* Chicago and London: University of Chicago Press.

2 The context and implications of this issue are addressed in detail in: Sommers, M 1995 'Representing Refugees: Assessing the Role of Elites in Burundi Refugee Society' *Disasters: The Journal of Disaster Studies and Management* 19(1): 19-25 (March).

3 Lemarchand, R & Martin, D 1974 'Selective genocide in Burundi' (Report No 20). London: The Minority Rights Group.

4 The relationship between the Tanzanian government and all refugees residing there is currently undergoing changes, as the Tanzanian government prepares to enact still tougher, more restrictive laws for refugees.

The Itaparica Dam Project in north-eastern Brazil: models and reality

by John Horgan

Development-induced displacement represents one of the major challenges to international organisations and NGOs working with displaced people today. This article critically examines Dr Michael Cernea's eight-stage model of the processes involved which lead to the impoverishment of those displaced.

Over the last 10-15 years, a minimum of between 80 and 90 million people have been displaced by dam construction and urban transportation projects alone, and each year a further 10 million are uprooted by development projects generally. Given that increasing industrialisation, electrification and urbanisation in areas of the South are likely to further increase this figure, international organisations and NGOs are currently drawing up strategies to deal with the human repercussions of these processes.

In September 1996, academics and practitioners from 24 countries came together to address the problem at the Second International Conference on Displacement and Resettlement, at the University of Oxford. Existing models to mitigate the human cost of development projects were built upon and improved, and the Conference Report states that the "single most significant technical finding is that displacement need not necessarily lead to impoverishment"¹. A detailed model was presented to the Conference by Dr Michael Cernea, then Senior Adviser to the World Bank on Social Policy and Sociology, which identifies eight different processes in development-induced displacement, the convergent and cumulative effect of which is the rapid onset of impoverishment²: (i) landlessness, (ii) joblessness, (iii) homelessness, (iv) marginalisation, (v) increased morbidity and

mortality, (vi) food insecurity, (vii) loss of access to common property and (viii) social disarticulation.

Cernea recommends that the model be used as a tool to anticipate the major risks of development-induced displacement, explain the behavioural responses of the displaced, and guide the reconstruction of their livelihoods. The model provides a means by which the problems faced by development displacees may be addressed. This article, however, questions whether the model lacks specific recommendations for the implementation of any plan of action devised from it, with particular reference to the experience of those displaced by the Itaparica Dam in north-eastern Brazil - a project which has often been cited as an example of good practice.

Historical background

The São Francisco River in north-eastern Brazil captured planners' attention both for power generation and irrigation projects. The first two dams in the valley - Paulo Afonso I (1955) and Paulo Afonso IV dam at Sobradinho (1974) - were built with World Bank assistance. For the rural majority of those displaced by the latter dam the experience was disastrous, in that cash compensation was limited to those farmers who held legal title to their land. In total, approximately 120,000 people were displaced by the

dam, and around half of these received no compensation at all. Many became virtually destitute overnight, dependent entirely on emergency food and shelter programmes.

The Itaparica Dam Project

The Companhia Hidroelétrica do Vale do São Francisco (CHESF), a branch of the state energy agency Centrais Elétricas Brasileiras, SA (Eletrobras), planned the Itaparica dam in the mid-1970s. Forty thousand people were to be displaced, three-quarters of them reliant on agriculture. Land expropriations began in 1977 and construction of the dam in 1979. Initially, CHESF did not have resettlement plans for most displacees - 10,000 urban people were to be rehoused alongside the lake but the 30,000 rural people were to be offered financial compensation only. Mindful of the Sobradinho experience, the local population mounted sporadic protests and refused to cooperate with surveyors. This soon led to the formation of Polosindical - a federation of local communities and 13 rural trades unions, supported by radical sections of the Catholic Church and international NGOs. Polosindical campaigned for CHESF to make their maps and plans public so that the impact of the dam could be accurately gauged, and public rallies were held in Petrolândia, the region's principal town, to demand that resettlement plans be created and made public. CHESF released their plans and maps after the peaceful occupation of their offices in Petrolândia.

By 1985, however, relatively little progress had been made in terms of an adequate strategy for resettlement. CHESF had established a resettlement working group, which produced a resettlement plan, but Polosindical, who took the view that most of the proposed sites were unsuitable for irrigated farming due to salinity in the soil, were not consulted. Public rallies were

strengthened by an international campaign by NGOs, most notably the US-based Environmental Defence Fund (EDF), who made strong representations to the World Bank. In 1985 World Bank officials concluded that the Itaparica resettlement plan was substantially flawed, and they made approval of the second and third tranches of the previously agreed power sector loan (total US\$500 million) conditional on the development of an adequate strategy to mitigate the impact of displacement at Itaparica. In 1986, the World Bank drew up the Itaparica Resettlement and Irrigation Project, and in 1987 they lent US\$132 million towards the project (supplementing this in 1991 with another US\$100 million).

At the end of 1986, following occupation of the site for six days by thousands of prospective displacees, CHESF and Polosindical eventually signed an agreement which included many of Polosindical's demands. These included specific dates for land acquisition; compensation linked to inflation; larger irrigated plots; and, perhaps most importantly, maintenance payments of approximately US\$75 per month, pending the first harvest after resettlement. The Resettlement Project finally began to be implemented. By early to mid-1988, five thousand rural families had moved to 109 new *agrovilas* (agricultural villages), each with a house and an irrigated plot, and an infrastructure of sanitation, health, education and roads. Three hundred rural families had moved to new towns; 500 had opted for cash compensation. Two thousand urban families had moved to new towns. The sluice gates closed in February 1988, and the resulting lake flooded 18,000 ha. Another 40,000 ha were to be used for rainfed agriculture and grazing.



Paul Quayle/Panos Pictures

The Sardar Sarovar dam on the Namada river, India, will submerge the land of this mother and daughter

Analysis

Although Cernea's model was not used to design the Itaparica Resettlement Project, the Project marked an important breakthrough in the way the World Bank treated displaced people, and in effect there is a substantial degree of coincidence between the two. Returning to the model, Cernea recommends that we 'turn it on its head' to create an action matrix for reconstructing the livelihoods and incomes of those displaced, with four distinct elements, as follows:

1) From landlessness to land-based re-establishment; from joblessness to reemployment.

Cernea describes the process of re-establishing people on cultivable land or in income-generating employment as "the heart of the matter in reconstructing livelihoods"³. The Itaparica Resettlement Project offered a variety of new livelihoods, ranging from land-based options in purpose-built agricultural villages, to resettlement in new towns. However, the actual experience of many of those resettled proved strikingly different.

Construction of the irrigation works was halted in 1989 due to lack of funds, and was only resumed in 1991. The first irrigated plots only began to operate in 1993. As a result, when they had been rehoused, many people felt unhappy at being unable to work the land and having to rely on handouts. In 1997, Polosindical submitted a request to the World Bank Inspection Panel to investigate the Resettlement Project.⁴ One of their complaints referred to the problems engendered by incomplete or badly functioning irrigation systems.

In this case, the delay in implementation of a detailed and comprehensive plan for reconstructing livelihoods resulted, in fact, in dependency and loss of dignity for the displacees.

2) From homelessness to house reconstruction.

Cernea quotes the improvement of shelter conditions as being "one of the relatively easier achievable impoverishments in reconstructing resettlers' livelihoods"⁵, though he qualifies this by pointing out that it is still relatively rare. The Itaparica Resettlement Project involved building new, relatively high quality housing. Again, however, a gap between theory and practice emerged.

Polosindical complained that buildings in the new *agrovilas* had deteriorated, with deep cracks developing in the walls in some cases. Again, lack of proper implementation - in this case shoddy building work - reduced a plan for new dwellings built with modern materials to a situation in reality which fell so short of intentions as to result in physical danger to some inhabitants.

3) From social disarticulation to community reconstruction; from marginalisation to social inclusion; from expropriation to restoration of community assets.

Cernea refers to these facets of social reintegration as receiving only a low priority in current approaches, and points to the lack of sensitive planning for rebuilding social capital, facilitating reintegration and compensating for the loss of community-owned assets. The Itaparica Resettlement Project, however, attempted to maintain communities by consulting people as to whom they would like for neighbours. Practice again, however, fell short of theory.

Although displacees had been consulted as to whom they wanted as neighbours, this did not always work out in practice, and many former neighbours lived in distant *agrovilas*. Also fundamental to the social disintegration which occurred were enforced idleness and doubts about the future.



First harvest for farmers whose lands were flooded by the Itaparica dam; it took seven years before they received the irrigation equipment promised to enable them to farm the land to which they were moved.

Polosindical made the following complaints:

- i. Beneficiaries were living in worse social and economic conditions than they did before relocation.
- ii. The delay in implementing the irrigation systems contributed to an increase in violence, alcoholism and family breakdown.⁶

Thus, failure to implement detailed and participative relocation plans, as well as the demoralising effects of dependency caused by failure to successfully establish the irrigation systems, resulted in community breakdown after relocation, which could have been avoided had the plan been adhered to.

4) From food insecurity to adequate nutrition; from increased morbidity to better health care.

Cernea states that “nutritional levels and health care will depend in the long term largely on progress in resettlers’ economic recovery (land and/or employment)”⁷. He qualifies this, however, by advising that emergency relief may be necessary in the short term, before the effects of economic recovery can be enjoyed. Displacees from Itaparica, on the other hand, took the view that short-term social security payments were unsatisfactory, and there was widespread anger at increased dependency.

Clearly, the lack of implementation of the irrigation programme, if not redressed, will result in a lack of long-term food and health care security for the displacees, these needs being ulti-

mately dependent, as Cernea says, on the restoration of livelihoods.

Polosindical believed that a large portion of the responsibility for the problems at Itaparica lay with the World Bank, for failing to ensure implementation:

“In view of the above, we believe that IBRD-World Bank, as a financial institution, bears responsibility for the project’s current state, by omission, by not adequately supervising and monitoring progress in the implementation of resettlements and irrigation systems. The World Bank is obviously not the only one responsible, since the Brazilian Government, Eletrobras and CHESF are borrowers and executors of the work. However, IBRD bears an important share of the responsibility for having financed the work without ensuring that borrowers and executors comply with policies for resettlement and treatment of communities involuntarily displaced by dams.”⁸

compliance with the Bank’s requests was not always sufficient, and many unconscionable delays occurred

The World Bank rejected Polosindical’s conclusions, and summarised its own position as follows:

“The Bank has complied with all relevant policies in the design and implementation of the Itaparica Resettlement Project. It is true that compliance with the Bank’s requests was not always sufficient, and many unconscionable delays occurred due to an accumulation of factors. However, the history of this project shows that Management and staff made significant efforts to detect and correct problems as they arose and took appropriate and timely action to remedy problems. The current situation is far from ideal, but the shortcomings to which the Request points did not arise from the Bank’s failure to follow its policies.”⁹

Conclusion

In conclusion, if the Itaparica Resettlement Project *per se* is evaluated against Cernea’s model, it appears to be an ideal plan, involving participation and consultation, and dealing with not only physical but social capital. However, there is a very wide discrepancy between intentions and results at Itaparica, which, by the admission of the World Bank, can be traced back to an inability to enforce the implementation of their recommendations.

In his concluding paragraph, Cernea describes improved implementation as one of the factors “apt to make possible the socio-economic reconstruction and development of resettlers’ livelihoods”¹⁰. His foregoing consideration of this issue, however, is limited to a brief comment to the effect that the model can be used to monitor implementation. The knowledge that the authorities are limiting their actions to monitoring exercises is unlikely to be of much comfort to displacees watching their lives fall apart. Cernea’s model, therefore, falls short in that it contains no active provision for the facilitation of implementation, backed up, if necessary, by adequate sanctions. Assurances that the authorities will take note of the problems faced by development displacees are simply not enough. Indeed, a strategy which fails to consider means to ensure implementation may in fact result in increased impoverishment in the future, in that it may create a false sense of security and encourage the creation of ever more and bigger development projects.

The value of the model as a tool in the construction of a realistic, achievable resettlement plan is not in dispute. Indeed, Cernea enumerates various practical constraints relating to each element

of the model. These refer more, however, to implementability than implementation, and we must beware of making the false assumption that because a plan is practical and achievable, it will therefore necessarily be implemented successfully. The fact remains that practicality does not guarantee implementation, which may be hindered by external factors such as wavering borrower commitment or lack of coordination between agencies (two major factors at Itaparica). It is the identification of strategies to deal with these and similar factors upon which future research should be concentrated.

A ninth risk should therefore be added to the model: 'failure to implement'. Strategies to minimise this risk in practice could be identified using the same method as Cernea used to establish the other risks - a detailed comparison of a large number of case studies seeking to establish common factors in examples of both adequate and inadequate project implementation. The findings would then be used not to shape the plan as such, as this is not the area where the problem lies, but rather to identify best practice in the handling of the plan.

John Horgan was a Visiting Study Fellow at the RSP during 1997-8. He is currently working with refugees in the UK.

Notes

1. Downing T and Mc Dowell C (1996), 'Conference Statement/Report', Second International Conference on Displacement and Resettlement, 9-13 September 1996, organised by the RSP, University of Oxford, p 1.

2. Cernea M (1996), 'The Risks and Reconstruction Model for Resettling Displaced Populations', paper presented at the International Conference on Reconstructing Livelihoods: Towards New Approaches to Resettlement. Refugee Studies Programme, University of Oxford.

3. *Ibid* p29.

4. 'Request for the World Bank inspection panel to investigate the project for resettlement of persons affected by the Itaparica dam', Polosindical, 12 March 1997.

5. Cernea, *op cit*, p31.

6. Polosindical, *op cit*.

7. Cernea, *op cit*, p37.

8. Polosindical, *op cit*, p7.

9. Report and recommendation on request for inspection: Brazil: Itaparica resettlement and irrigation project (loan 2883-1 BR), World Bank, 24 June 1997, p17.

10. Cernea *op cit*, p38.



news

Development-Induced Displacement and Resettlement Projects : launch of RSP research project and report on initial workshop

A DFID-funded RSP research project on 'Addressing policy and legal constraints and improving outcomes in development-induced displacement and resettlement projects' was launched with an initial workshop in Oxford, 3-5 February 1999. The project, coordinated by Prof Chris de Wet of Rhodes University, South Africa, consists of two Desk Studies. The authors of Desk Study One on 'Policy frameworks, resettlement and funding guidelines and implementation' are Prof Alan Rew and Dr Eleanor Fisher, both of the Centre for Development Studies, University of Wales at Swansea; Michael Barutciski of the RSP is author of Desk Study Two on 'Legal frameworks and the rights of the displaced'.

In the first orientation session of the workshop, discussion centred around:

- i) what is specific to development-induced resettlement, how it relates to other kinds of displacement, and how these should be taken into account in the project;
- ii) how to determine who should be regarded as project-affected people (PAP), and how the position of PAP other than those directly resettled should be understood and included in the planning and implementation of development projects;
- iii) the criteria for evaluation of successes and failures of projects involving resettlement.

Discussions then followed on Desk Study One and the workshop participants supported the authors' concerns to include both urban as well as rural examples in India and East Africa, and to orient their desk study towards the gathering of as much first hand data as possible through discussions with policy makers and practitioners in these two regions. Priorities that emerged related to the need for a deeper understanding of what might be termed an 'anthropology of

decision-making' in relation to resettlement projects and consequently for greater clarity on:

- i) how policy and institutional frameworks have changed over the last few decades
- ii) how the various levels of policy interact
- iii) what kinds of changes are likely to lead to an effective policy framework.

Issues which emerged as requiring attention during the discussion on Desk Study Two included:

- i) Ways in which resettlement guidelines could be made enforceable.
- ii) Legal mechanisms that might allow PAP to challenge the implementation of projects which are imposed upon them, as well as the manner of such implementation.
- iii) Issues of rights with regard to property and to compensation. Clarity is needed on the way in which different national legal systems define property rights, as well as on differences between national legal and local indigenous concepts of property. How these differences impact on the rights of PAP is particularly relevant in local level systems that operate without formalised individual property rights.
- iv) The interplay between international and national legal systems and sets of rights, as well as differences between the legal systems of different countries with different colonial histories and legal heritages.

Two further desk studies are planned. Dr Dolores Koenig (American University, Washington DC) and Prof Anthony Oliver-Smith (University of Florida at Gainesville) led discussions on the desk study proposals they are currently preparing on the impoverishment risks involved in the resettlement process (Koenig) and on conflict and resistance to displacement and resettlement (Oliver-Smith). Funding for these is currently being sought.

For more details, contact: Chris de Wet at C.deWet@ru.ac.za or Sean Loughna at the RSP (details on p2; email: sean.loughna@qeh.ox.ac.uk)

In this Debate section, we publish four responses to Michael Barutciski's article on 'Tensions between the refugee concept and the IDP debate' from issue 3 of *Forced Migration Review*.

How tense is the tension between the refugee concept and the IDP debate?

by Bonaventure Rutinwa

In FMR 3, Michael Barutciski notes the attempt to extend to IDPs similar protection as that accorded to refugees and argues that such a development is unnecessary and undesirable giving the following reasons. First, refugees are a distinct category of persons whose important quality is being outside their countries of origin. IDPs do not meet this qualification and there were good reasons why they were excluded from the benefits of the 1951 UN Convention on Refugees. Second, refugees being foreigners, many rights accorded to them are restricted and it does not make sense to extend rights so restricted to IDPs who are citizens in their own country. Third, the extension of refugee protection to encompass IDPs goes against the way in which High Commissioners for Refugees have traditionally approached their mandate. Fourth, the attempt to bring IDPs within the refugee regime may have negative consequences on refugees such as reinforcing *non-entrée* policies. Fifth and finally, the IDP debate adds nothing to the existing legal regime which is adequate to cover their situation. These arguments are examined in turn below.

(1) The distinctness of refugees and IDPs as conceptual and legal categories

In rejecting the assimilation of IDPs to refugees much emphasis was put on the definition of a refugee under the 1951

UN Convention on Refugees and within it the requirement that a refugee must be outside his/her country of origin: "...by being outside their country, refugees are in a fundamentally different situation according to the international legal order. One important consequence of this simple fact is that the international community's access to IDPs can be limited or qualified. This is not the case with refugees."

The basis of this assertion appears to be that IDPs cannot be accessed by the international community without the sovereignty of that state being violated. However, it is not the case that every time the international community accesses IDPs the sovereignty of their state is violated. Such access is possible with the consent of the sovereign state or under the authority of the Security Council in which case it would not amount to a violation. Indeed, even in the case of refugees, no member of the international community other than the country on whose territory the refugees are located has an automatic right of access to them. Other actors, with the possible exception of UNHCR, must have the permission of the host state.

On the same point of definition, Barutciski's article notes that: "*Being a victim of displacement is not the quality that has historically justified additional human rights protection for refugees.*"

It is rather the quality of being a foreigner who has escaped persecution."²²

This statement does not adequately state the essence of refugeehood. Being a foreigner who has escaped persecution is not *per se* the reason that justifies refugee protection but alienage from the persecutor state as a result of which the persecuted person requires surrogate protection from other members of the international community. It is arguable that a person who is internally displaced because of fear at the hands of his own state or who finds himself in a remote area at the seams of a disintegrating state where no recognised authority exercises any powers is to all intents and purposes alienated from his state and deserving of surrogate protection.

The article rightly notes that those who drafted the 1951 Convention on Refugees were much more concerned with providing legal protection and status to externally displaced people. However, being outside the country was not as such the primary consideration why only persons so situated were singled out for refugee protection. James Hathaway's *The Law of Refugee Status* is among the best monographs on the definition sections of the 1951 Convention. In this book, the author notes that during the drafting of the Convention, the question as to whether protection should be extended to all displaced people or restricted to those outside their countries of origin was considered and the latter option was taken for three reasons.

The first reason was limited resources. The second reason was to prevent states from shifting the responsibility of the well-being of their populations to other states, which in turn would have discouraged other states from participating in the Convention scheme. The third and, according to Hathaway, the most fundamental reason was anxiety that any attempt to respond to the needs of internal refugees would constitute an infringement of the national sovereignty of the state within which the refugees resided.

Thus, none of the three factors which dictated the exclusion of internal refugees was so much a matter of conceptual principle. While resource-related restrictions may have been justified in the post-war era, they are indefensible in this age of universal human rights - including the right to life - particularly when they may be manipulated by quite wealthy countries to keep endangered destitute people off their shores.

The only reason that retains validity is one of non-intervention into the internal affairs of the states on whose territories IDPs are found. However, even the shield of non-intervention is no longer as impregnable as it was 50 years ago before the era of human rights. Moreover, as already pointed out, not every intervention on behalf of IDPs would constitute a violation of the principle of non-intervention.

(2) Is it appropriate to extend refugee rights to IDPs?

The article rightly notes that some of the rights accorded to refugees under the refugee conventions are qualified and questions whether it would be appropriate to require the state which has displaced its population to accord to them such restricted rights. This argument seems to be based on the assumption that if the IDPs were to be brought within the ambit of international protection, they would be accorded exactly the same rights as refugees. But this is not what the advocates for IDP rights are calling for. For example, while the 1951 Convention gives refugees a qualified right to work, Principle 22 of the Guiding Principles on Internal Displacement extends to IDPs an unrestricted "right to seek freely opportunities for employment and to participate in economic activities."³

It is also argued that refugee rights under the Convention include entitlements that enable refugees to survive in a foreign country where they do not have citizenship rights, and that accordingly these rights would be redundant if granted to citizens in their own state. In effect this is the same argument, advanced later in the article, that the rights sought to be extended to IDPs are

already provided for under other existing rules. This argument will be examined in the last section of this review.

(3) How have High Commissioners for Refugees traditionally approached their mandate?

As further evidence of the separateness of the issues of refugees and IDPs, the article notes that, since its inception, the Office of the High Commissioner for Refugees has always concentrated on refugee protection and refrained from activities of interventionist type such as attempting to prevent refugee flows or to assist persons still in their own countries. The article gives the example of Fridtjof Nansen but the experience of one High Commissioner is not enough to establish the "traditional approach" as implied in the subtitle of the section in which the example appears. There are other High Commissioners, such as James McDonald, who did not follow Nansen's approach of non-intervention.

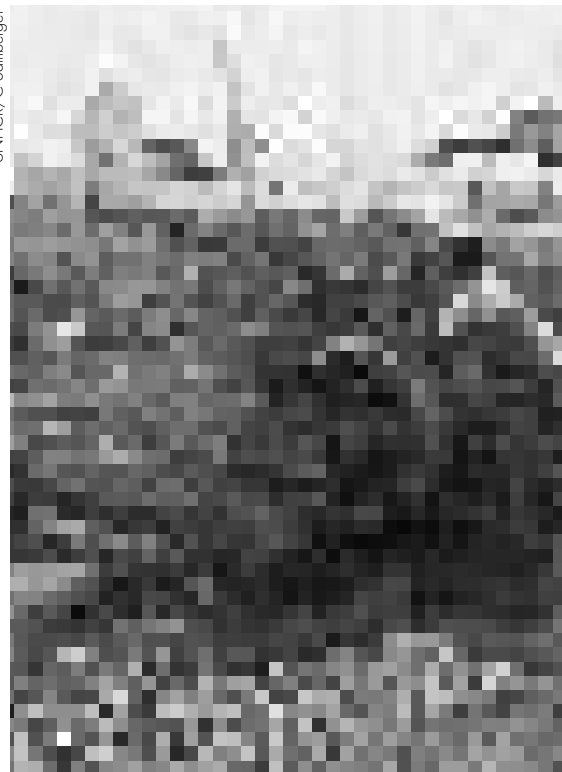
Furthermore, since 1972, High Commissioners have accepted responsibility to offer assistance to IDPs and other persons not answering the description of a refugee under the 1951 Convention. Although this intervention has been with the consent of the state involved, it is, as Hathaway rightly points out, "nonetheless indicative of an enhanced recognition of an international role in the protection of internal refugees."⁴ Since the 1990s, UNHCR has been regularly asked to extend its services to IDPs. So significant has been the role of UNHCR in the wider issue of displacement that as of January 1997 almost half the persons of concern to UNHCR were not refugees: 36 per cent were inside their own countries, of whom 21 per cent were IDPs and 15 per cent returnees.⁵

Of course one could say that this involvement with IDPs by the present High Commissioner is precisely the issue. However, as pointed out, UNHCR has been involved with non-refugees since 1972, over 26 of its almost 50 years' existence. To exclude the practice of an institution over half of its life in determining its "traditional approach" raises the question as to when one tradition ends and a new one begins.

(4) The consequences of adopting the IDP category

The article notes that when calls for the plight of IDPs to be addressed were first made in the 1990s, the idea was that many perceived legal gaps would be filled by the drafting of an international treaty protecting IDPs and that displacement itself would be outlawed by the promotion of a so called 'right to remain' or 'right not to be displaced'. This, according to Barutciski, may have been used to reinforce *non-entrée* policies and justify containment strategies. While it is true that the IDP debate was in part influenced by a growing interna-

UNHCR/C. Saillberger

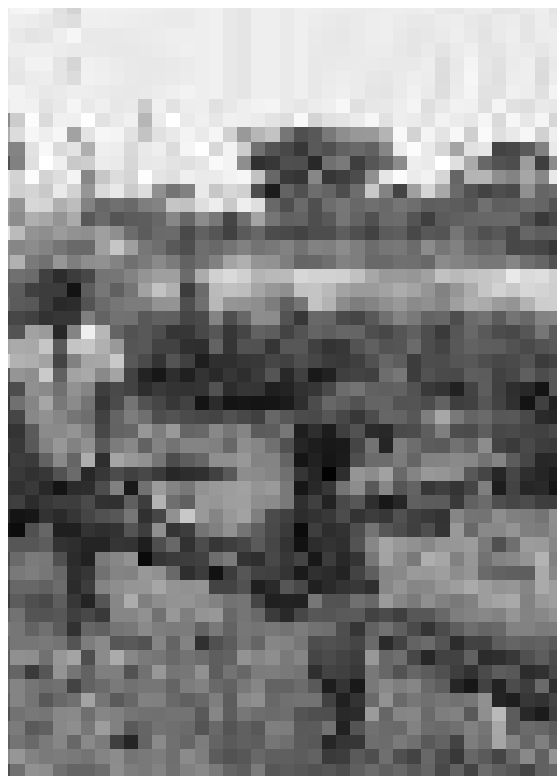


IDP children, Angola

tional interest in the prevention of cross-border movements and the protection of IDPs, it is erroneous to suggest that this was the practical expression of 'the right to remain' except when this notion is misconceived. This author subscribes to Goodwin-Gill's conception of the right to remain as comprising the "sense of not having to become a refugee, not having to flee, not being displaced by force or want, together with the felt security that comes with being protected."⁶ If there is to be any objection to the right to

remain thus conceived, it is that it is presently difficult to realise.

Moreover, whatever might have been the thinking on the notion of IDPs in the early 1990s, as presently understood the concept does not exclude or substitute asylum. The Guiding Principles provide expressly that the Principles shall not be interpreted as restricting, modifying or impairing the rights of individuals under international and municipal law and in particular: "...these Principles are without prejudice to the right to seek and enjoy asylum in other countries."⁷ *Non-entrée* policies will have no place if this principle is faithfully complied with.



By contrast, it is the emphasis on the condition of being outside ones country in order to become a refugee which actually has encouraged States to adopt *non-entrée* policies. Devices such as visa requirements and carriers' liability are designed to ensure that persecuted persons who meet all other criteria for being refugees do not fulfil that magical condition of crossing international frontiers and become the responsibility of the international community. Alienage is the only condition in the refugee definition which potential host states can control and manipulate. If there is a device

that requires to be reconsidered in the interest of refugees, it is not the concept of IDPs but the strict adherence to the requirement of alienage.

(5) Do the IDP debate and the Guiding Principles contribute anything to international protection?

It is finally argued in the article that all matters sought to be covered by the concept of IDPs are already adequately addressed by existing international law and that the Guiding Principles noted above do not fill any legal gap; they simply state and interpret existing norms. While it is true that the Principles largely reflect existing law - a fact which is admitted in the Principles' own introduction - this does not diminish their significance. The mere fact that certain matters are already covered under other areas of law is not a good reason why they cannot be embodied in a code. If that were the case, there would have been no need for instruments like the Convention on Elimination of Discrimination Against Women or the Convention on the Rights of the Child, as all the matters they cover are already provided for under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenants on Economic, Social and Cultural Rights (the international bill of rights). Even many of the provisions of the 1951 Convention were already part of general international law. Moreover, even if this Convention were to be revisited today, as has been proposed in some circles, no one would argue that its provisions such as those relating to non-discrimination, right to property, movement, religion and association, etc should be pruned because these rights now already apply to everyone under the international bill of rights.

There are good reasons why sometimes it is deemed necessary to introduce specialised and targeted instruments even though they may enshrine matters already covered under other instruments. The first reason is collecting together principles scattered in various instruments in order to provide easily accessible guidance to those who are supposed to apply them as well as those who are supposed to benefit from them. The other and more important reason is to

amplify and clarify how provisions found in instruments of a general nature apply to specific categories of people or in specific situations and in certain instances to enhance compliance and enforcement. These are the stated objectives of the Guiding Principles and to the extent to which these objectives are met, that is the contribution of the Principles to enhancing the system of international protection for IDPs.

Conclusion

While it is true that, from a legal point of view, refugees and IDPs are different groups of persons, the distinction between them is neither conceptual nor one of principle. Furthermore, the detrimental effect of widening the ambit of international protection to encompass IDPs in refugee protection is a matter of perception rather than reality. Fears that the assimilation of the notions of refugee and IDP would undermine the protection of refugees are based on the false assumption that extension of international protection to IDPs necessarily implies restricting protection for genuine refugees. However, this need not be the case. Recently, UNHCR has increasingly been involved with IDPs and this does not seem to have affected its ability to mobilise resources for refugees or its capacity to offer them protection. Provided that resources are made available, and proper guidelines applied, there should be no problem in dealing with the plight of refugees and IDPs together. It is for this reason that the publication of the Guiding Principles on International Displacement is a welcome development.

Bonaventure Rutinwa, Lecturer in Law, University of Dar es Salaam and DPhil Candidate, Lincoln College, Oxford University.

Notes

1. Barutciski M 'Tensions between the refugee concept and the IDP debate', *Forced Migration Review*, No 3, December 1998, p12.
2. Ibid
3. Guiding Principles on Internal Displacement, Principle 22, p11.
4. Hathaway
5. UNHCR, *State of the World's Refugees, 1997-1998*, p2. See also pp116-118 for UNHCR's recent involvement with IDPs and its own guiding principles.
6. Goodwin-Gill S 'The right to leave, the right to return and the question of a right to remain' in Gowland-Debbas, V, *The Problem of Refugees in the Light of Contemporary International Law Issues* (1995), 93-108 at p104.
7. Guiding Principles on Internal Displacement, Principle 2, p2.

What may be borrowed; what is new?

by Michael Kingsley-Nyinah

The last few years have seen a virtual explosion in interest in the humanitarian response to internal displacement. The reason for this lies in the sad reality that existing international law has failed to prevent alarming increases in the numbers and suffering of IDPs. It is this failure which has inspired the scramble for fresh approaches to issues of internal displacement.

In the eyes of a sceptic, however, the recent storm of conferences, promotional activities and writings on internal displacement issues may sometimes take on the appearance of a 'bandwagon' or 'growth industry'. Michael Barutciski's article is a timely reminder that current approaches to the issue do not as yet command unanimous approval, and that advocates for these approaches - both within and outside the United Nations - will do well to articulate their concepts and methods more carefully.

In this vein, the article in question makes a number of pertinent points. It argues for scrupulous observance of the legal and practical distinctions between internal displacement and the state of refugeehood. It points out that the mere articulation of standards for the protection of IDPs does not guarantee the observance of those standards, particularly in environments where human rights and humanitarian law are deliberately and severely violated. The article also calls for circumspection in the approach to the protection of IDPs. In an era where states frequently seek ways to abridge or avoid compliance with basic principles of refugee protection, the protection of IDPs may be liable to be a ruse to further restrict refugee protection.

The article is valuable because it sounds a note of caution to those who may be hasty or too sweeping in drawing a connection between refugee protection and the protection of IDPs. It is also a wake-up call to those who may be inclined by

complacency to overlook the pressing challenge of translating the Guiding Principles on Internal Displacement into practice.

My difficulties with Barutciski's piece lie more in the area of method than of substance, in that its prescriptions, while valid in themselves, are erected on questionable premises. My concern is that those premises do not accurately reflect important aspects of current approaches to internal displacement. This brief review focuses on the author's statements regarding the 'extension' of the refugee regime to cover IDPs, and his assertion that the Guiding Principles do not fill any legal gap. Both of these views are open to serious challenge.

(1) Is the refugee regime really 'extended' to cover IDPs?

The article conveys the misleading impression that "the extension of the refugee regime to encompass internal displacement" is, in fact, actually being attempted, or that advocates for a protection regime for IDPs are blind to the need to distinguish between asylum issues and those of internal displacement. This is simply not the case. For reasons which are persuasively argued in the article itself, the refugee regime is, by definition, incapable of extension as such. This is largely because the 1951 Convention would make little sense if it were transported wholesale into the world of internal displacement. Moreover, all existing legal definitions of 'refugee' require departure from the country of origin as the trigger for refugee protection, and the frontiers of the country of origin remains a *sine qua non* and defining feature of refugee status.

The distinct character of the refugee protection regime is clearly recognised in the Guiding Principles. The words "...and who have not crossed an internationally recognised frontier" appear in

the description of persons who fall within its scope. In particular, the Guiding Principles stipulate that a person's right to seek and enjoy asylum in other countries is not compromised by the fact of being internally displaced (Principles 2 and 15).

Resolutions of the General Assembly and Executive Committee Conclusions which set the parameters for UNHCR's involvement with IDPs have consistently affirmed that such involvement should not detract from refugee protection. This emphasis is echoed in UNHCR's instructions to field offices.

The evidence suggests that the distinctions between the refugee realm and the world of internal displacement are fully recognised. As Barutciski's article does not adequately acknowledge such evidence, it lacks balance, and leaves the reader with the wrong impression that 'extension' of the refugee regime is already underway.

Observing the distinctions between the refugee regime and the protection of IDPs should not mean that the concepts and mechanisms of refugee protection cannot, with appropriate adjustments and due care, be placed at the service of IDPs. Neither should the distinctions preclude allusive or symbolic comparisons between the situation and needs of refugees and that of other persons in need of international protection.

To take one example, the essence of the *non-refoulement* principle of refugee protection is that persons should not be forcibly returned to situations where their lives or safety may be threatened. It is not difficult to imagine current situations of internal displacement (Colombia, for example, comes to mind) in which respect for this precept would enhance the safety and security of IDPs. While the difficulties of ensuring compliance will doubtless remain a major concern, these difficulties do not diminish the relevance of *non-refoulement* to the protection of IDPs. Such borrowing or adaptation certainly does not entail extending - much less undermining - the refugee regime.

(2) What's new in the Guiding Principles?

One must take issue with Barutciski's assertion that "the Guiding Principles on Internal Displacement do not really fill any legal gap; they simply state and interpret existing norms." This assertion is contradicted by a respectable body of opinion. In 1996, the Secretary-General's Representative for Internally Displaced Persons submitted a Compilation and Analysis of Legal Norms relevant to the Protection of Internally Displaced Persons (E/CN.4/1996/52/Add.2) to the Commission on Human Rights. The Compilation extensively analysed existing law and concluded that there were indeed a few areas on which legal protection for IDPs was either inadequate or absent.

According to the Compilation, gaps were to be found in such areas as the restitution of - or adequate compensation for - property lost as a consequence of internal displacement; the duty of states to accept offers of assistance and intervention from humanitarian organisations; and the duties of non-state actors regarding the protection of IDPs. Apart from these, the Compilation also identified a number of areas where general norms existed, but where there was a need to reaffirm or articulate specific rights to address protection needs peculiar to the internal displacement context. These included the areas of return to situations of imminent danger; non-discrimination; protection in situations of disturbances or disasters which fall below the threshold for the application of the Geneva Conventions and allow for derogation from human rights guarantees; and acts by dissident forces not covered by Protocol II to the Geneva Conventions.

Barutciski's denial of any novelty to the Guiding Principles is belied to the extent that they directly address gaps identified in the Compilation. This indicates that the potential contribution of the Guiding Principles to existing law should have received more careful attention than was accorded it in his article.

(3) Conclusion

The harsh reality of today is that despite well-developed frameworks of human rights and humanitarian law, arbitrary

displacement continues to occur, bringing immense human suffering in its wake. This is the reality which has prompted the search for new approaches. In this search, there is no reason why the cumulative experience of refugee protection cannot be seen as a valuable resource of principles, concepts and strategies which may, with appropriate adaptation, be applied to shore up the protection of IDPs. The absolute precondition for such borrowing is that the unique character and sanctity of refugee protection should be respected and safeguarded, and that the asylum institution should not be distorted or compromised in the name of protection for those internally displaced.

In the final analysis, we should remind ourselves that our fine points of scholarly polemics should not be ends in themselves. The most urgent need is to concentrate on the translation of protection standards into protection for IDPs. This will remain the real challenge for many years to come.

Michael Kingsley-Nyinah is a Senior-Legal Adviser in UNHCR's Division of International Protection. He writes here in a personal capacity.

Rights and borders:

by Jon Bennett

Michael Barutciski's argument in the article entitled 'Tensions between the refugee concept and the IDP debate' in FMR 3 is persuasive on two accounts. First, he rightly identifies the essence of the refugee concept: that of being a foreigner in need of specific legal protection measures. It is not by virtue of being displaced that the refugee conventions are activated; rather, it is by virtue of having crossed a border. Second, Barutciski is correct in suggesting that the notion of protection under the refugee conventions presupposes that sovereignty is not contravened. In other words, once refugees leave their country, international

agencies entrusted with their protection do not have to face the wrath of a sovereign nation for intervening on its territory.

The IDP debate, however, did not emerge from a concern to extend the refugee regime, as Barutciski implies. True, it examined closely the legal apparatus of that regime, but it also looked at human rights laws and conventions as well as international humanitarian law. In some respects it is useful to divide the imperatives for assistance and protection. The crucial questions are these: can international assistance (food, shelter, medicine) circumvent borders? And if so, might we not also develop a set of protection measures specific to IDPs which simply reconfirm existing national and international law? The UN Guiding Principles on Internal Displacement are a composite restatement of existing laws; they are not 'additional'. Indeed, rather than being a convention or declaration, they have been very carefully drafted as 'guidelines' with, as yet, no clear notion of how they might be imposed, other than by consensus and persuasion. They are welcomed by, for instance, the ICRC whose field mission is to advocate respect for existing international humanitarian law conventions. But they can also be used as a starting point in the debate over how the UN and NGOs might advocate and improve upon their own measures to protect displaced civilians.

These are early days. The UN's Inter-Agency Standing Committee has already begun to explore 'best practice' in the assistance and protection of IDPs. Individual UN agencies (notably UNICEF and WFP) are undertaking a review of their own practices in this regard. The wider issues of intervention and sovereignty, while useful in themselves, cannot be allowed to forestall very practical measures that can be taken on the ground. Heaven forbid that IDPs in Kosovo, Angola or Burma should have to wait for consensus among legal experts before their plight is addressed.

Jon Bennett is currently undertaking a review of the World Food Programme's policies and approaches to IDPs.

debate **debate** debate **debate** debate **debate** debate

Protection and assistance to IDPs

by Marc Vincent

Michael Barutciski's article raised some interesting points but several of its assertions were somewhat mystifying - especially those that painted endeavours for improved IDP protection as an attempt to extend, divert or weaken the refugee protection regime. No one has ever suggested "expanding the refugee definition to include IDPs" or that refugees and IDPs are synonymous terms within the concept of legal protection. Such assertions or implied arguments tend to confuse the issue more than clarify it. Is Mr Barutciski "inventing" arguments only to be able to dismantle them?

What advocates for IDPs have consistently argued is that there should be a comprehensive approach to problems of displacement that addresses both the protection and assistance needs of IDPs and takes into account the fact that governments are ultimately responsible for protection of their own citizens, including IDPs. Unfortunately the reality is that IDPs, frequently victimised by their own governments, fall through gaps in international law which leave them isolated and defenceless. Without blurring the distinction between refugees and IDPs, the international community must continue to find ways to improve both protection and assistance to IDPs. Among the responses has been the formation of the Guiding Principles on Internal Displacement.

The argument that there are no significant and specific forms of legal protection that could be granted to IDPs that do not exist already in international law is not correct. [This point is argued above by Michael Kingsley-Nyinah.] The Guiding Principles attempt to address gaps in legal protection but are also an attempt to provide governments and international organisations with guidance on how to respond to the needs of IDPs. For example, Principle 15 of the Guiding Principles states there is a right to be protected against forcible return to

areas of danger. Although human rights law provisions on freedom of movement do provide limited protection to IDPs, by stating clearly that governments should not force people to areas where their lives would be at risk, the Principle not only strengthens the concept of freedom of movement but also provides clear guidance to governments.

Barutciski argues that the Principles are meaningless since the non-state actor that displaces communities as a political tactic or the state that displaces individuals through human rights abuse is not likely to abide by a non-binding "ideal". This is, at best, short sighted. It is true that the Principles are difficult to enforce but this is equally true of large sections of international law. If international law was articulated only for situations where states were expected to abide, then most international law as we know it would disappear. The point is to establish international as well as national recognition that it is unacceptable that, for example, a state move IDPs at gunpoint from a camp to act as a human buffer zone in another part of the country.

The article's approach relies heavily on historical reference that bears little resemblance to today's crises of displacement. The lesson on Fridtjof Nansen and his strategy for the High Commissioner's mandate in 1921 is far too removed from today's reality to be of much assistance, and ignores new developments within the refugee protection regime. What is clear is that the increasing complexity of displacement makes it impossible to approach protection or assistance according to a pattern Nansen used in Turkey over 70 years ago or according to the conditions prevalent in post World War II Europe.

The assertion, for example, that it is not possible to combine the promotion of the concept of asylum with interventions in internal political problems that cause displacement flies in the face of the policy

of refugee protection as it has evolved and is currently defined by the UN High Commissioner for Refugees. In modern crises, refugee protection does not stop at the border when a refugee returns but in fact continues long after a refugee has returned. Obviously the search for durable solutions requires much more attention to the situation of human rights within the country of origin if refugees and other displaced people are to be able to rebuild their lives with any hope of sustainability.

While it is understandable to maintain a legal distinction between IDPs, refugees and other victims of violence, operational realities in return situations often make categorisation a frustrating and empty process with limited gain. In most of its return experiences UNHCR has found it necessary to look at assistance and protection from a community perspective.

It can be healthy and instructive to reconceptualise an issue but it is also important to maintain perspective. What is the point of protection - is it to define and protect laudable legal principles that bear no resemblance to reality? Or is it to respond to crisis and help victims? The entirely legal definition of protection is a thing of the past and debating whether refugee rights become "incoherent" once refugees cross borders loses sight of modern developments as well as the fact that these people are victims and need protection.

In the end, limiting UNHCR's protection role to what it was in the 1920s or limiting protection of IDPs to existing law does not provide much hope for the world's currently displaced populations.

Marc Vincent, Coordinator of the Global IDP Survey

Questioning the tensions between the 'refugee' and 'IDP' concepts: a rebuttal

by Michael Barutciski

In his reaction to my article, Vincent claims that I have 'invented' an argument so that I can easily refute it. Both he and Bennett emphasise that no one suggests the refugee regime should be expanded to include IDPs. No one? Rutinwa does in his reaction to my article.... as does Luke Lee in an oft-cited article published in the *Journal of Refugee Studies* (Vol 9, No 1, 1996). Even the UN High Commissioner for Refugees has made recent speeches hinting that her mandate could be extended more generally to include internal displacement. Anyone familiar with the academic debates of the early 1990s will remember that the relevance of the distinction between refugees and IDPs was often questioned in order to encourage similar forms of protection for all victims of displacement.

Kingsley-Nyinah suggests my article is not balanced because it does not acknowledge the evidence suggesting that 'the distinctions between the refugee realm and the world of internal displacement are fully recognised'. This is difficult to do when the UN High Commissioner for Refugees makes statements such as the following: "Take Kosovo, for example. There, the categorisation of those who flee their homes into refugees, internally displaced or other groups is not very significant, given that all those who flee try to reach the nearest secure area, irrespective of the status they will acquire in doing so" (October 1998). While many UN lawyers are now well aware of the need to distinguish refugees from IDPs, some specialists have apparently not grasped why the distinction makes sense. Kingsley-Nyinah also claims that my article leaves the false impression that an expansion of the refugee regime is currently under-

way. To the extent that UNHCR's mandate now includes many activities in countries of origin that were not part of the original asylum-centred statutory mandate, it is relatively clear that the regime is expanding. This is not necessarily a negative development; the article simply tries to raise some problems in the work that this expansion entails.

The attempts to counter my historical arguments for a more cautious approach appear somewhat unconvincing. Vincent simply states that Nansen's work cannot be compared to today's crises, but he does not actually advance any arguments. It is indeed difficult to ignore the similarities between the 'ethnic cleansing' and population exchanges of the Balkans in the 1990s and Asia Minor in the 1920s. Let us hope that international actors have at least considered the various policy responses explored throughout the century. Likewise, the reference made by Rutinwa to High Commissioner James McDonald simply confirms my argument about non-political activities - precisely because McDonald resigned in 1936 following the publication of his criticisms. It was in a sense his 'parting shot'.

The legal arguments against my position are also somewhat imprecisely articulated. Rutinwa's summary of my points and presentation of counter-arguments indicate that he has largely misread the nuances in my article. Kingsley-Nyinah appears to accept the main thrust and prescriptive elements of the article but raises objections "in the area of method" because the prescriptions are apparently "erected on questionable premises". He identifies two "questionable premises". The first concerns the regime extension issue addressed above. The second

concerns an ancillary statement of mine: "the Guiding Principles on Internal Displacement do not really fill any legal gap; they simply state and interpret existing norms". Yet the qualification "really" is important in this context. In the preceding sentence I state that "there are no significant and specific forms of legal protection that could be granted to IDPs that do not already exist in international law". Kingsley-Nyinah slightly misrepresents my view when he claims that I make the "assertion that the Guiding Principles on Internal Displacement do not fill any legal gap". While Vincent also notes perceived gaps in international law, I maintain they are not significant and specific to IDP situations. In the current context in which respect for even fundamental norms is problematic, it seems to me that the additional rules drafted in Geneva or New York are of limited relevance. It should also be recognised that these new rules concern issues that affect all civilian populations in times of conflict and not only those that have been displaced. As I mention in my article, all these situations already involve recognised infringements of human rights law. The basic problems of asylum-seeking or humanitarian intervention are not new and I remain unconvinced that we significantly advance the debate by adding the 'new' rights identified in the responses by Vincent or Kingsley-Nyinah.

Yet Kingsley-Nyinah and Bennett are right in underlining that the debate should not become overly 'academic' and should keep a clear focus on ground realities. It is precisely in this spirit that the article seeks to make certain general conceptual comments and warn practitioners that their difficult work is unlikely to change in any fundamental way despite the positive developments in legal drafting.

Please send any comments on articles in this issue to the Editors by the beginning of July (see p2 for contact details).

letters

Dear Editor,

I intervene in the debate on refugee camps to introduce a dimension that appears to have been neglected both by Crisp & Jacobsen (in FMR 3) and by Richard Black (in FMR 2 and 3). Refugee camps are institutions in which human rights violations are endemic, and this is not simply the consequence of 'bad' camps which one ought to try to improve. Violations of human rights of refugees in camps are quintessential to the very nature of camps, and I have tried to show this in an article forthcoming in the *Journal of Refugee Studies* ('Human Rights and Refugees: The Case of Kenya', vol 12, no 1, 1999).

Crisp & Jacobsen at one point assert that 'legal experts have recognised that host states do have a right to accommodate refugees in special camps or designated areas' but never really substantiate this - the passage in Goodwin-Gill's *The Refugee in International Law* to which they refer does not in any way buttress such a bold contention. Refugees are forced to reside in camps either by avowedly restrictive measures - including barbed wire around the camps or the imposition of sanctions, often of a criminal nature, on refugees who leave the designated area - or through more surreptitious measures that achieve the same result by making aid available only to refugees who choose to remain in camps. In this latter case, refugees are obliged to become parties to an unwritten pact in which they renounce their freedoms - most notably freedom of movement - in exchange for aid. These measures result in a violation of the refugees' freedom of movement, a fundamental human right that is protected both under refugee law and under human rights law. It is also important to remember that under human rights law freedom of movement encompasses the right to choose one's place of residence (Article 12, International Covenant on Civil and Political Rights 1966).

But camps are not only about undue restrictions on the refugees' freedom of movement - and, sadly, this is what even most human rights activists fail to perceive. In fact, although the administrative structure of different camps may vary, a defining feature of camps is their 'separatedness' from the societal as well as legal-administrative surrounding. It can never be emphasised enough that this 'separatedness' means that camps constitute spaces in which the law of the host country virtually ceases to be applied, notwithstanding the absence of any legal justification for this. Compounded by the absence of any form of judicial control and by the shield of the law of immunity which protects international organisations, camps become spaces that are virtually beyond the rule of law and in which the lives of refugees end up being governed by a highly oppressive blend of the rules laid down by the humanitarian agencies and the customary practices of the various communities. The view that humanitarian agencies would be doing a favour to refugees by exempting them from the application of the law of countries that are often authoritarian is an untenable one: even in a country like Kenya, with all its chronic institutional and judicial failures, injustice suffered by refugees outside camps at the hands of the Kenyan authorities is theoretically and concretely more 'remediable' than injustice perpetrated in camps.

In this respect as well as in others, the arrival of refugees - accompanied as it is by aid, international observers and humanitarian organisations - could be a positive opportunity and catalyse improvements in the situation of the host country even in terms of general respect for human rights.

Guglielmo Verdirame

(PhD candidate at the London School of Economics and Political Science; previously a research officer at the RSP where he conducted a field study on refugee protection in Kenya).

Dear Editor,

There is a danger that the excellent contributions of Jeff Crisp & Karen Jacobsen and Richard Black in the August and December 1998 issues of FMR might be misinterpreted and stall recent progress in improving the temporary settlement options for forced migrants.

The immediate questions facing the aid community are, in any given situation: whether a temporary settlement response is appropriate; how to identify the appropriate form from the range of options; and how to involve and gain the support of the refugees/IDPs, host government and donors for the decision. The opportunities and impacts presented by the range of options have yet to be made clear to the aid community. Yet lessons from the responses made over the last 45 years offer all the permutations needed to begin this task.

Field personnel urgently require more appropriate assessment tools, coordination, resources and funding to undertake more sophisticated site selection in the emergency phase, as it is this decision that defines the form of temporary settlement to be advocated and implemented.

Significant progress has recently been made to respond to these needs: emergency assessment guidelines are being developed by, among others, UNHCR and WEDC; RedR [<http://www.redr.org>] has just introduced its Needs Assessment Service, with experienced technical personnel available at short notice; the new Sphere Standards [<http://www.sphereproject.org>], supported by most NGOs worldwide, describe a process of site selection, physical planning and settlement management that balance refugee, host and environmental needs to identify an appropriate response that can then be presented to host governments and donors; UNHCR has published environmental guidelines that emphasise the need to consider the density and dispersal of settlements, essential for managing environmental resources over the five years that an average refugee situation lasts; and Oxfam is currently developing operational guidelines on site selection that draw upon these positive developments and stress the need for considering a phased response to the establishment of temporary settlements.

Tom Corsellis

(researching site selection at the University of Cambridge, in collaboration with Oxfam)

update

UNHCR/R. LeMoigne

Kosovo

The next issue of *Forced Migration Review* (August 1999) will present a special feature on the Kosovo crisis. Within this framework we will be examining questions of international security, the role of the UN and NATO, ethics of intervention, asylum, and the implications for humanitarian response. Your contributions would be welcomed - in the form of articles, letters, comments or reports from the field. Please contact the Editors as soon as possible.



Violence and displacement in Indonesia

The violence that has flared in Indonesia over the last six months is all the more alarming for its unpredictability. The ethnic and religious clashes in the Maluccas islands and, more recently, West Kalimantan are born of the same frustrations that led to student protests and riots prior to Suharto's dismissal in May last year. Without Suharto to focus on, the disgruntled have turned to scapegoating and home-grown resentments to vent frustrations brought on by a moribund economy and the slow pace of political change. Add to this the burgeoning crisis in East Timor in the lead-up to a referendum on autonomy scheduled for 8 August and you have a clutch of locations across the archipelago where low-level conflict matched with intimidation of non-participants have caused considerable internal displacement.

A rough estimate by UNHCR Indonesia of the numbers displaced from West Kalimantan and Maluccas is 50,000. Accurate figures are hard to come by, given the difficulties of measuring the movement of people within national boundaries and the particularly fluid

nature of the movement of people across Indonesia. In the case of East Timor, the number of those who have fled acts of violence perpetrated by pro-integration militia is guessed at somewhere between 10,000 and 15,000 but many more Indonesian transmigrants have left the territory altogether. The drop in economic activity suggests that well over half of East Timor's 200,000 settlers have returned to their native islands.

The most static group of displaced are the 33,000 Madurese sheltering in Sambas in West Kalimantan. A report by a UN Disaster Management team in early April suggested the government was providing adequate immediate aid and that the security situation, though tense, was in hand.

What is most troubling is that where trouble has flared there have come on its heels reports of agitation by groups seeking to destabilise Indonesia. No less a journal than *The Far Eastern Economic Review* reported in its issue of 25 March that the violence in Ambon had much to do with the activities of a group with connections to the Suharto family.

Allegations of support given to pro-integration militia by sections of the Indonesian military in East Timor were given credence by the Prime Minister of Australia when he said on national television, after the killings in Dili on 17 April, that "you would have to wonder whether these pro-integration militiamen are not getting some kind of permissive response from the Indonesian military".

In West Kalimantan and in Ambon and its surrounding islands we might have seen the worst of the fighting for now, though it is hard to imagine that all the displaced will return to their homes in the near future given the brutality of some of the attacks. However the potential for more clashes in East Timor is very real, despite peace efforts by the government and the military, along with an escalation of violence in Aceh and Irian Jaya where there exist strong pushes for independence from Indonesia.

Jon Greenaway,
Jesuit Refugee Service Asia Pacific



UNHCR/Jesuit Refugee Service

Colombia: targeting of local and international organisations

There has been an upsurge in the number of security incidents involving both local and international organisations in the Urabá area of Colombia, where a number of international NGOs are supporting the displaced from the Chocó region. Groups connected to the paramilitaries and other 'self defence groups' have accused local and international organisations of siding with and supporting the guerillas in the region. Threats have gone out to the Catholic Church, and tension is rising.

The various peace communities in the region [see article by Eguren pp16-18], so far considered a modest success in being able to protect the civilian population from the conflict, experienced heavy setbacks in April. Three people from San José de Apartadó were brutally executed in front of the village population during the Easter weekend, and the leader of the peace council in San Francisco de Asis was also killed. Furthermore, on 7 April, 12 people, including community leaders, were forcibly abducted from the Peace Communities of Villahermosa and Clavellino, in Chocó department. Their whereabouts are unknown [at time of writing] but national paramilitary leader Carlos Castaño is reported to have acknowledged, in an announcement to the press on 8 April, that his forces are holding them and that his forces would target other peace communities and human rights activists working with them.

Members of the Colombian army and security forces and their paramilitary allies continue to commit serious human rights violations with impunity. Over the past five years several thousand civilians have been killed by paramilitary groups throughout the country. Hundreds of thousands have been displaced from their homes. Although in 1989 the government removed the legal basis for the Colombian armed forces to set up these paramilitary groups, they have neverthe-

less grown and consolidated into nationwide organisations. They continue to operate, in many cases, with the support or acquiescence of the Colombian armed forces. The Colombian government has taken no effective steps to control them or hold them accountable for their criminal actions.

Sources: Eigil Olsen, Norwegian Refugee Council; Amnesty International

Humiliation simulation

An innovative approach to conveying the trials and tribulations of refugees has been promoted by an exhibition in Paris. An Unusual Journey, a giant role-play game, organised by ten human rights organisations and supported by UNHCR, set out to "take the asylum debate away from the specialists and bring it to the people".

Visitors to a huge tent at Parc de la Villette were presented with biographies of 12 real-life asylum seekers and then asked to step into their shoes. Children often chose Vesna, a 12 year-old girl from Bosnia who lost her father in the war and became separated from her family. Others personas on offer included a Somali fleeing civil war with his wife and seven children, an Algerian doctor threatened by fundamentalists, a Colombian persecuted for his homosexuality and a Russian victim of anti-semitism.

Participants, grouped with other visitors who have chosen the same character, embark on an uncertain journey from war or persecution. En route they are abused by soldiers, terrified by minefields, sent to prison, made to crawl and beg, exploited by smugglers, forced to work in sweatshops, helped by aid workers and volunteers, and yelled at by police. All journeys lead to a French immigration office, an assortment of testy bureaucrats dealing with asylum seekers and endless red tape and waiting. To add an edge to the 90-minute journey, actors - many of them refugees

themselves - play soldiers, aid workers, police and administration officials. A final shock awaits participants. Only four of the 12 characters gain official refugee status - which reflects what happened to their real-life counterparts. The others either go underground or are forced to leave France.

Most visitors plunged with relish into their roles. A few fought fiercely to get their papers. Some identified so much with their characters that they started talking in a pseudo-dialect they associated with that person's language. Reactions from visitors have been positive. According to a French student: "We felt like pawns. We were lost. We were like ping-pong balls, rejected by all the different administrations and we didn't understand why." An English visitor, struck by the parallels with the complexity of British officialdom, noted how officials only shouted louder and louder when they were unable to make themselves understood by refugees.

Over 20,000 people embarked on the journey and the success of the exhibition has generated enquiries from as far as Spain, the US, Israel, Russia and Sweden.

For more information, contact CIRE (Coordination et initiatives pour réfugiés et étrangers) at 80/82 rue du Vivier, 1050 Brussels, Belgium. Tel: +32 2 644 1717. Fax: +32 2 646 8591. Email: cire.net@ping.be

40th anniversary of Tibetan uprising

On 10 March 1959, Tibetans demonstrated outside the gates of the Dalai Lama's summer palace, the Norbulingka in Lhasa, fearing that he was about to be kidnapped by the People's Liberation Army. A riot ensued and several Tibetans died but in the meantime the Dalai Lama escaped through a back entrance to the palace and began his journey to exile in India.

At least 65-87,000 Tibetans were killed during the Chinese take-over of Tibet, and the Dalai Lama's departure from



Tibet in 1959 was followed by a mass exodus of Tibetans in 1959-60, mainly into India where they formed the core of the original exile community. There are now some 100,000 Tibetan exiles in India; 25,000 in Nepal; 2,000 in Bhutan; 2,000 in Switzerland; 1,500 in the US; and 600 in Canada.

This date - 10 March - is commemorated throughout the Tibetan diaspora and there were large demonstrations outside Chinese embassies around the world this year. Many Tibetans thought that their journey to exile was a temporary move but they now find themselves marking 40 years away from home.

Tibetans are now a minority in Tibet. Their culture is being erased, religious persecution is increasingly severe, monks and nuns are imprisoned, and parents send their children on hazardous journeys over the mountains to reach freedom and the Dalai Lama in India. Forests have been devastated, towns and villages razed, monasteries destroyed, and the military have built extensive installations.

In a speech to commemorate the 40th anniversary of the uprising, the Dalai Lama called for international support and made especial reference to the US. The US have been developing trade links with China but President Clinton raised the issue of Tibet on his visit to China in 1998 and a new deputy secretary of state has recently been appointed with special responsibility for Tibet. The Dalai Lama highlighted this as an important sign at a time when most Western countries try to avoid questions pertaining to Tibet and human rights in China, for fear of putting commercial opportunities at risk.

Sources: Britt-Marie Mattsson (article in Gothenburg Post, 11 March 1999); Dr Clare Harris, Lecturer/Curator, Pitt Rivers Museum, Oxford; website of the International Campaign to Save Tibet at www.savetibet.org

The Ethiopia-Eritrea war

The war between Ethiopia and Eritrea began in May 1998 when Eritrean forces occupied Badme, in the Tigray Region of northern Ethiopia.¹ It flared up again in February this year with heavy fighting at several points along the border between the two countries.

By the end of March, conservative estimates put the number of troops killed, wounded or captured as a result of the renewal of hostilities at 15,000 on each side. The number of civilians displaced by the fighting on the Ethiopian side of the border alone is estimated (by the Ethiopian government) to be in the region of 390,000. The great majority of these have been taken in by local families, it being government policy to avoid creating large concentrations of people in temporary settlements which could become targets for aerial attack. If one assumes that at least another 100,000 have been displaced on the Eritrean side of the border and then adds those who have been deported as 'enemy aliens' over the past 12 months - approximately 50,000 on each side - it seems that the total number of people displaced by the war so far is likely to be between 600,000 and 700,000.

It is impossible to arrive at a detailed picture of what conditions are actually like at the front and among the affected civilian population, because of the strict control exercised by both sides over the dissemination of news and over the movement of outside observers - whether expatriate aid agency staff or journalists. Food aid has been provided by USAID and WFP for distribution by the Relief Society of Tigray and the Ethiopian Disaster Prevention and Preparedness Commission (formerly the Relief and Rehabilitation Commission) but few, if any, outside organisations, including the ICRC, were operational in the area at the time of writing.

This war between the two 'successor states' which resulted from the collapse of Mengistu Haile Mariam's socialist Ethiopia seems to have taken all observers - and even the main protagonists - by surprise. While the attack on Badme by Eritrean forces must be seen as its immediate cause, it may be that the Eritrean leadership did not expect its incursion across the border into Tigray to become generalised into a full-scale war with Ethiopia. The Tigrayan dominated leadership of Ethiopia, on the other hand, may also have been surprised by the extent to which this attack by its former ally in the struggle against Mengistu has called forth a united, pan-Ethiopian response, despite its attempts over the past eight years to entrench ethnic divisions in the federal political structure of Ethiopia.

Efforts at mediation by the OAU, backed up by various Security Council resolutions, have so far come to nothing, despite the enormous human and economic costs of the war (both countries are among the ten poorest in the world in terms of average per capita calorific intake and the war is said to be costing Ethiopia alone US\$1 million per day). As with all wars, however, there are no doubt short-term strategic and political benefits to be gained by the leadership on both sides, while the costs are borne, both directly and indirectly, by those with least power to influence the course of events.

*Dr David Turton,
Director, Refugee Studies Programme*

¹ See Stop Press, *Forced Migration Review* 2, p34.

Submission of Update material

Update pieces should be no more than 500 words in length. Contact the Editors for details



conferences

6th IRAP Conference (International Association for the Study of Forced Migration) : 13-16 December 1998 : Jerusalem

Themes of the 6th IRAP meeting, organised locally by the Gaza Community Mental Health Programme, included the Palestinian Diaspora, refugees and displacements in the Great Lakes Region and East Africa; psychosocial impacts of refugeehood, return and resettlement; asylum procedures and security issues; European approaches to forced migrations; and forced migration in South Asia and Southeast Asia.

Faisal Hussein, Palestinian National Authority Minister for Jerusalem Affairs, addressed the opening plenary session and outlined displacement issues affecting the Palestinians since 1948. The Palestinian situation was returned to in the final plenary when Dr Lex Takkenberg, Deputy Director of UNRWA, described the work of UNRWA, and the features which distinguish its specific role from the broader work of UNHCR. Other plenary sessions saw wider discussions of global forced migration issues; the first was addressed by Patrick Taran (World Council of Churches) and Prof James Hathaway (University of Michigan), the second by Eduard Nazarski (Dutch Refugee Council) and Prof Barry Stein (Michigan State University).

Patrick Taran addressed three themes - globalisation, migration and human rights - which, he suggested, form the axis of conflict today. He highlighted a perception of increasing exclusion of all migrants as illegal immigrants, and called for an expansion in legal instruments appropriate to dealing with increased migration. This expansion should broaden our categorisation of migrants in order to envelop all 'uprooted people' in a stronger human rights regime stressing the centrality of people's survival.

James Hathaway argued that the human rights project and the asylum or protection project are necessarily distinct, albeit with overlapping aims. Refugee protection should not mean permanent migration, a mis-perception strengthened by the enveloping of asylum within

a wide human rights project. This confusion leads to inappropriate policies such as 'safe areas' in Bosnia Herzegovina, as the 'right to remain' overtakes concerns for protection and survival. The need for protection of those fleeing a conflict is a need for the duration of their risk, and the refugee protection mandate should evolve pro-actively within existing regional associations. Approaches which respond to concerns about 'back-door' immigration and encourage regional burden-sharing responsibility should be developed. Protection for the duration of risk should mean temporary protection, an appreciation of inter-state nuances in protection regimes and guaranteed rights and empowerment for those protected.

Barry Stein described regional approaches to forced migration using recent examples from West Africa and Europe while **Eduard Nazarski** gave an overview of European developments since 1989. Nazarski painted a picture of increasing restrictions which have switched the picture of European migration from one of non-exit to non-entrée. He suggested that asylum itself needs to be protected, and resettlement to Europe expanded. Integration policies need to be developed and EU welfare provision for refugees harmonised. He warned that portraying refugees as a positive asset to society or stressing the moral imperative appears to be ineffective and urged NGOs to show ordinary people in ordinary circumstances.

For further information, list of participants and abstracts see the website of the local organisers, Gaza Community Mental Health Programme, at <http://www.gcmhp.net>

Report by Joanne van Selm - Thorburn, University of Amsterdam

To join IASFM contact **Wolfgang Bosswick** (Secretary) at: European Forum for Migration Studies, Katharinenstr. 1, D-96052 Bamberg, Germany.
Email wolfgang.bosswick@sowi.uni-bamberg.de.
IASFM website:
<http://www.uni-bamberg.de/~ba6ef3/iasinfo.htm>

Workshop on the Guiding Principles on Internal Displacement

29-31 March 1999 : Kampala, Uganda

This workshop, hosted by the Government of Uganda, was organised by the Norwegian Refugee Council, in cooperation with the UN High Commissioner for Human Rights. Its objectives were: **i)** to promote and disseminate the Guiding Principles on Internal Displacement; **ii)** to promote dialogue on the protection and assistance needs of the internally displaced in Uganda; **iii)** to encourage organisations working with the internally displaced to share among themselves their work experience and best practices; **iv)** to operationalise the Guiding Principles at the field level; and **v)** to test, promote and further develop an effective and useful training manual to be used in other national-level workshops.

The workshop was based on a series of themes drawn from the Guiding Principles and attempted to incorporate practical experience and proposals for response through a format of working group discussions and recommendations. In the working groups, participants were asked to identify problems and issues of concern facing IDPs arising before and during displacement. Concerns were grouped in a rights-based approach according to the following categories: problems of discrimination; threats to freedom of movement (including protection against arbitrary displacement, movement during displacement and the right to leave); physical security; and other essential and basic needs (including subsistence needs, health, documentation and property).

A 19-page report of the workshop is available with recommendations and Training Modules for organising a similar workshop.

Contact: Global IDP Survey, NRC, Chemin Moise-Duboule 59, CH-1209 Geneva, Switzerland.
Tel: +41 22 788 8085.
Fax: +41 22 788 8086
Email: idsurvey@nrc.ch

The protection mandate of UNHCR

18 September 1998: The Hague, the Netherlands

This international conference, organised by the Working Group on International Refugee Policy, provided a forum for debate on the implications of the expansion of UNHCR's activities over the last decade. The debate gave rise to questions of definition and revealed the need for a clearer definition of 'protection'. The meeting showed clearly that the questions surrounding the evolution of UNHCR's protection mandate touch upon much broader aspects than just refugee protection; answers and solutions therefore involve a number of actors, not just UNHCR. In this context, the need was expressed for a clearer articulation of the mandates of UNHCR, ICRC and the Office of the High Commissioner for Human Rights. It was suggested that others than UNHCR, notably ICRC, should be more engaged in assistance to IDPs while a more active role regarding the monitoring of refugees was foreseen for OHCHR.

The Conference reasserted UNHCR's protection mandate and made several suggestions to safeguard its role in this respect. UNHCR should, for example, more clearly define its benchmarks and protection objectives; greater clarity, transparency and consistency would probably increase states' willingness to abide by protection policies as promoted by the organisation. On the institutional side, it was suggested that both the Division of International Protection and the protection capacity of the regional bureaux should be enhanced and strengthened. UNHCR was further encouraged to continue to emphasise the responsibility of states in the protection debate and re-invigorate state support for its protection mandate. On the other hand it was suggested that the role of civil society and of NGOs as allies of UNHCR could be further developed, with UNHCR making better use of local resources.

For the full 14pp report, contact: Frederiek de Vlaming, WGRIP, c/o Dutch Refugee Council, PO Box 2894, 1000 CW Amsterdam, The Netherlands. Tel: +31 20 346 7200. Fax: +31 20 617 8155. Email: FdeVlaming@VluchtelingenWerk.nl

Managing to survive - asylum seekers, refugees and housing management in registered social landlords

Asylum seekers and organisations providing care and support in the UK have been the victims of major shifts in statute and policy in the last few years. A new study by Roger Zetter and Martyn Pearl of Oxford Brookes University confirms that key legislation in 1996 - the Housing Act and the Asylum & Immigration Act - has created unsurmountable barriers, nowhere more evident than in controlling access to social and public housing for this vulnerable client group. This study shows that housing associations have emerged as the main providers but that good practice is patchy and inconsistent. Given that the role of housing associations is likely to increase with the government's recently published White Paper - Fairer, Faster and Firmer - it is vital that the shortcomings are rapidly addressed. Zetter and Pearl examine good practice themes, the role of refugee community groups, and clients' responses, and make a number of recommendations

Contact Roger Zetter and Martyn Pearl at School of Planning, Oxford Brookes University, Gypsy Lane, Oxford OX3 0BP, UK. Email: rwzetter@brookes.ac.uk or mspearl@brookes.ac.uk

Demobilisation in Cambodia

Demobilisation - demilitarisation and the collection of weapons - in a country such as Cambodia requires considerable sensitivity. Cambodia has known war for almost four decades, guns are everywhere and there are still many tensions in the society. Demobilisation is essential, however, if peace is to return and it should now, after the elections, be a priority. Dr Didier Bertrand, EC Research Fellow at the RSP, is researching the links between demobilisation and development. Demobilisation should be a grass roots based development programme, including strategies to address the social and mental health needs of

former soldiers. In addition, there is the question of whether or not it is better to retain military hierarchy and social organisation; military leaders have skills which could be harnessed for civilian life, and some military units could be retained as companies to undertake public works, in China and Vietnam. Having evaluated the soldiers' skills and hopes for their future, the main goal of a demobilisation programme would be to remobilise them in a more profitable way for themselves and for society.

For more information, contact Didier Bertrand at RSP, 21 St Giles, Oxford OX1 3LA, UK. Tel: +44 (0)1865 270722. Fax: +44 (0)1865 270721. Email: didier.bertrand@qeh.ox.ac.uk

Local Capacities for Peace Project

Aid workers have learned many practical lessons about how aid interacts with conflict. In using these lessons, they may improve future work to ensure that the aid they give does the good it is meant to do without, at the same time, inadvertently feeding into and exacerbating the conflict. Through the Local Capacities for Peace Project (a collaborative effort begun in 1994 involving many NGOs, seven donor governments and several agencies of the United Nations), these lessons were derived from the field-based experience of numerous aid projects and programmes around the world.

Clear patterns of interaction between aid and conflict emerged from this variety of experience. These have been published in a recent volume entitled *Do No Harm: How Aid Can Support Peace - Or War* by Mary B Anderson (details below).

For more information about the Local Capacities for Peace Project and/or to order *Do No Harm*, visit the Project's website at www.cdainc.com or contact Mary Anderson at The Collaborative for Development Action Inc, 26 Walker Street, Cambridge, MA 02138, USA. Email: mba@cdainc.com

To order the book by mail (ISBN 1-55587-834-2; \$16.95), contact: Lynne Rienner Publishers, 1800 30th Street, Suite 314, Boulder, CO 80301, USA. Tel: +1 303 444 6684. Fax: +1 303 444 0824.



Global IDP Survey



The Guiding Principles and the concept of protection

Among the interesting debates taking place today is the attempt to define the concept of protection. As it stands the concept means many things to many people. By bringing together several experts in the field to arrive at a common understanding, the International Committee of the Red Cross and some other NGOs are heading in a heartening direction.

To some the term protection still implies a physical presence, as in a police officer actually standing between an aggressor and a potential victim. Physical proximity as such is implied when one talks of international presence to prevent or curtail human rights abuses. To others protection is still limited to the idea of refugee protection as defined by the 1951 Refugee Convention. To academics and professionals interested in problems of internal displacement, the term protection offers some interesting challenges especially since legal protection of IDPs requires finding a middle ground between the opposing concepts of state sovereignty and international intervention.

A great deal of reflection then is required to define protection of IDPs and to strengthen the protection role of the international humanitarian community. In addition, if the humanitarian community is to become more involved in the protection of IDPs it requires the tools with which to do it.

On the first item, that of reflection, ICRC in three annual workshops has contemplated the definition of protection and has defined it in a progressively general manner. In its 1996 workshop on protection it concluded for example that protection was:

“all activities which consist in collecting information on violations of human rights and international humanitarian law (and professional code of ethics) in order to give the competent authorities the means to prevent, put a stop to, or avoid the recurrence of such violations

and convince them to take the appropriate measures.”¹

In 1998, it concluded:

“Protection, in the case of humanitarian actors, includes all activities designed to assist the competent authorities [to] prevent, put a stop to or avoid the occurrence or the recurrence of violations of international human rights, humanitarian law, refugee law and to ensure to persuade them to take the appropriate measures.”²

According to the post-conference report, participants felt the above definition was too restrictive and focused on crisis situations. There was also concern that a definition should not place too much emphasis on assisting competent authorities. For the 1999 workshop another definition formulated as a statement of purpose was presented:

“The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (ie human rights law, international humanitarian law, refugee law).”³

In all cases the definitions emphasise an active role for humanitarian organisations in the full range of protection activities including prevention and deterrence of rights abuse as well as response to violations. The definition clearly encourages a concept of protection which goes beyond the traditional and limited idea of protection by presence. The workshop itself and the definition also establish protection as a larger responsibility of humanitarian organisations and not the sole purview of human rights NGOs or organisations such as UNHCR, ICRC or the High Commissioner for Human Rights.

With an established space for non-governmental humanitarian organisations to get involved in protection, the question for IDP protection is also whether the Guiding Principles on Internal Displacement will be adequate

tools for the job. Following their adoption by the Commission on Human Rights the challenge is the operationalisation of the principles and their incorporation into the protection toolbox. To be sure, the conclusions of the Addis Ababa Conference⁴ indicate that NGOs are keen to assist with the dissemination of the principles to achieve the widest possible audience. However the real challenge will be whether humanitarian and relief NGOs want to go beyond simple promotion and dissemination of the Guiding Principles. In the absence of an international institution responsible for IDPs will the NGO community, for example, be prepared to use the Guiding Principles as the core of an increased involvement to improve the protection of those internally displaced?

There are various ways in which humanitarian NGOs can use the Guiding Principles as a protection tool. MSF-Holland, one of the more protection-orientated relief agencies, has long been at the forefront of incorporating protection into its core programmes and offers several ways to integrate the Guiding Principles through its *temoignage* or witness policy. The example of People's Voice for Peace, a Ugandan NGO, also illustrates a courageous route for national NGOs willing to document human rights abuses and confront governments on their responsibilities. The Norwegian Refugee Council, which has been involved with IDPs for the last 20 years, also demonstrates examples of IDP protection work such as its civil rights programme in eastern Slavonia, Croatia, or the Project Counselling Service in Colombia, and even a radio programme in Burundi which combines HIV/AIDS education with human rights promotion.

Evidently the greater involvement of NGOs in protection and the use of the Guiding Principles as an NGO protection tool are controversial topics with far-reaching ramifications. Not all humanitarian or relief NGOs are keen to become “more involved”. One of the reasons for reticence has always been a belief that protection issues are too sensitive. That

perspective however is gradually disappearing as NGOs realise they have an important and profound protection role, indeed, a responsibility. Without question, protection is a sensitive undertaking but broken down into small components or activities it is not as overwhelming a task as it appears.

Marc Vincent, Coordinator, Global IDP Survey

Notes

1. Protection Toward Professional Standards, Report of the Workshop, 17-19 March, 1998, ICRC p21.
2. Ibid p22.
3. ICRC Background Paper for the 3rd Workshop on Protection, held in Geneva 18-20 January 1999.
4. Internal displacement in Africa, Report of a workshop held in Addis Ababa, Ethiopia. For a copy, contact: Jeff Crisp, UNHCR, CP 2500, CH-1211 Geneva 2, Switzerland. Email: crisp@unhcr.ch

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Website

The Global IDP Survey website includes a full IDP bibliography and can be accessed on <http://www.nrc.no/idp.htm>

For more information

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 World Vision (UK)

ERRATUM: The acknowledgements in issue 3 referred to AUSTACRE/Australian Council for Overseas Aid: it should have referred only to AUSTCARE. We do apologise for any inconvenience caused.

Military-Civilian Interactions: Intervening in Humanitarian Crises

by Thomas G Weiss. 1999. 279pp. ISBN 0-8476-8746-5 (pb) \$18.95 ISBN 0-8476-8745-7 (hb) \$55.00

Military-Civilian Interactions looks at armed forces and humanitarian action past and present, and presents a framework for estimating military costs and civilian benefits from intervention. Five case studies follow: Northern Iraq (1991-1996), Somalia (1992-1995), Bosnia (1992-1995), Rwanda (1994-1995) and Haiti (1991-1996). It concludes with a chapter on humanitarian intervention: costs, benefits, quandaries.

Contact Rowman & Littlefield Publishers Inc at: 4720 Boston Way, Lanham, Maryland 20706, USA. Tel: +1 800 273 5720 or at: 12 Hid's Copse Road, Cumnor Hill, Oxford OX2 9JJ, UK.

Rebuilding Communities in a Refugee Settlement: A casebook from Uganda

by Lina Payne. Oxfam Development Casebooks. 1998. 96pp. ISBN 0-85598-394-9. £7.95 (US\$12.95).

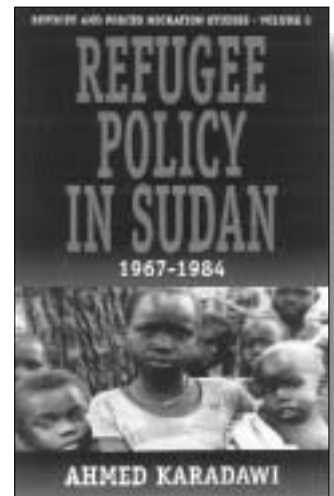


This book gives a critical account of one of the most complex and ambitious refugee-settlement programmes ever undertaken by Oxfam GB, in support of 55,000 refugees who fled in 1993 from armed conflict in south Sudan into a remote and insecure region in north-west Uganda. It relates how structures were established to ensure the representation of all groups, particularly the most vulnerable. It considers the questions of integration with the local host population; site suitability and the impact of refugee settlements on their

physical environment; the problems of 'donor fatigue'; and the internal stresses created when a disaster-relief operation evolves into a community-development programme in a still turbulent context. Contact: Oxfam Publishing, 274 Banbury Road, Oxford OX2 7DZ, UK. Tel: +44 (0)1865 311311. Fax: +44 (0)1865 313790. Email: publish@oxfam.org.uk

Refugee Policy in Sudan, 1967-1984

by Ahmed Karadawi. Edited by Peter Woodward. Berghahn Books. 1999. 256pp. ISBN 1-57181-708-5. £40 (hb).



Based on the work of Ahmed Karadawi, *Refugee Policy in Sudan* discusses Sudanese government policy towards the refugee flows from Ethiopia into the Eastern Region of Sudan in the period 1967 to 1984.

Contact: Berghahn Books, 3 Newtec Place, Magdalen Road, Oxford OX4 1RE, UK. Tel: +44 (0)1865 2331075. Fax: +44 (0)1865 250056. Email: BerghahnUK@aol.com or: Berghahn Books, 55 John Street, 3rd Floor, New York, NY 10038, USA. Tel: +1 212 2331075. Fax: +1 212 7915246. Email: BerghahnUS@aol.com

Refugees: Perspectives on the Experience of Forced Migration

Edited by Alastair Ager. 1999. 256pp. ISBN 0-304-33923-7 (pb). £13.60 (includes 20% pre-publication discount if ordered before 30 June 1999). Post & packing: + £5 in UK; elsewhere, add 15% of order value.

This publication brings together authors from a range of disciplines to analyse

the key political, social and psychological forces which shape the contemporary experience of forced migration. It considers global, social and personal dimensions of displacement, demonstrating their close interrelationship in forging the experience of refuge. Recurrent themes include the importance of valuing the resources, capacities and meanings indigenous to refugee communities, and the intimate linking of the personal and political in the lives of refugees. In addition to providing deeper insight into the challenges and tensions of the refugee experience, this book seeks to provide a foundation for more informed debate on refugee assistance and asylum policies and practice.

Contact: Catherine Johnston, Cassell Academic, Wellington House, 125 Strand, London WC2R 0BB, UK.

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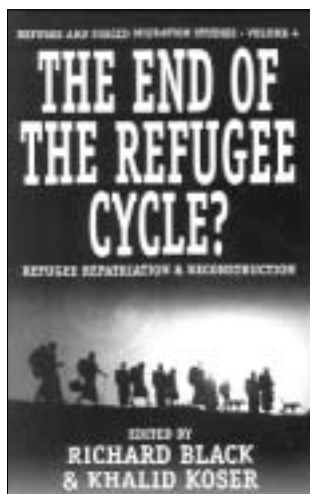
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The End of the Refugee Cycle? Refugee Repatriation and Reconstruction

edited by Richard Black & Khalid Koser. Refugee & Forced Migration Studies Vol 4. Berghahn Books in association with the RSP. 1999. 275pp. ISBN 1-57181-715-8 (pb). £14.50 (Pb); £40.00 (hb).



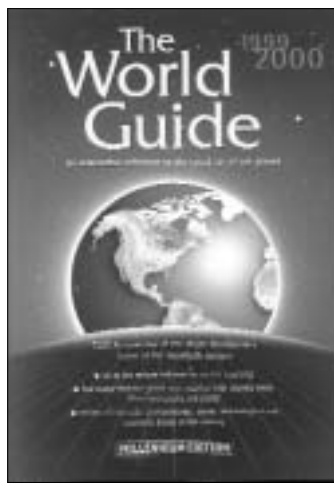
It was hoped that the 1990s would become the 'decade of repatriation'. However, although over nine million refugees were repatriated worldwide between 1991 and 1995, there are reasons to believe that it may not necessarily be a durable solution for refugees. With its global perspective, this book draws together conclusions from varied experi-

ences of refugee repatriation and defines repatriation and reconstruction as part of a wider and interrelated refugee cycle of displacement, exile and return. Case studies include Cambodia, Afghanistan, Eritrea, Mozambique, Bosnia-Herzegovina, the Swiss Tamil, Zaire, Russia, Angola and Guatemala. Contact: Berghahn Books (details as for Refugee Policy in Sudan).

Regular publications

The World Guide 1999/2000: A view from the south

by the New Internationalist and the Instituto del Tercer Mundo. Published in English & Spanish. 628pp. ISBN 1-869847-68-7. £24.95 (pb); £49.95 (hb). Also available on CD-Rom: £39.95



The World Guide includes facts and information on 235 countries, over 250 maps, 650 diagrams, full index and fold-out map of the world. Information is provided by a network of contributors and the Guide is produced by the Third World Institute in Uruguay. This millennium edition also includes 85 pages on the major development themes of the century and progress made.

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8pp free newsletter. Contact the Refugee Migratory Movements Research Unit, Rm No 4019, Arts Building, University of Dhaka, Dhaka-1000, Bangladesh.

Tel: +880 2 9661900.

Fax: +880 2 817962.

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Available free of charge: Medical Assistance to Self-settled Refugees: Guinea, 1990-96 by Wim Van Damme. ITG Press. 1998. 249pp. Pb. Commercial price: US\$10 but now free (50 copies available) from: Secretariat, Dept of Public Health, Institute of Tropical Medicine, Nationalestraat 155, B-2000 Antwerpen, Belgium. Email: isa@itg.be

Plus: The Refugee Council has published some English-Albanian bilingual teaching materials aimed at children aged 5-12 years. Material for older children and adults should be available in June. Contact: Information Team, Refugee Council, 3 Bondway, London SW8 1SJ, UK. Tel: +44 (0)171 820 3000. Email: info@refugeecouncil.demon.co.uk

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website directory

Bioforce

<http://www.bioforce.assoc.fr>

Training and counselling for aid workers, plus consultancy services. For more information on Bioforce's training work, contact Monique Cardot at Bioforce, 44 boulevard L9, 69694 Venissieux Cedex, France. Tel: +31 472 893141. Fax: +31 478 702712. Email: solidaire@bioforce.asso.fr

Cinfo

<http://www.cinfo.ch>

Cinfo assists aid institutions searching for personnel and provides advice and guidance to personnel preparing for an appointment abroad and for those returning from an assignment. Designed mainly for Swiss individuals and institutions.

InterAction

<http://www.interaction.org/disaster/index.html>

NGO security training: Report of the Working Group on NGO Security Training Curriculum, 1998, InterAction/OFDA.

ICRC

<http://www.icrc.org>

Provides weekly news updates, details of operations by country, link to the *International Review of the Red Cross*, International Humanitarian Law, photo gallery, and a special feature on 'issues and topics'. See also their working paper *Report on the Use of Armed Protection for Humanitarian Assistance*, Council of Delegates, Geneva, 1-2 December 1995.

Kontakt der Kontinenten

http://www.oneworld.org/euconflict/guides/orgs/eu_h-s/366a.htm

Kontakt der Kontinenten is a training and conference centre. KdK offers special training programmes preparing those operating in conflict areas. For more information,

contact Henk Bekker, Dept of International Cooperation, Kontakt der Kontinenten, Amersfoortsestraat 20, 3769 AS Soesterberg, The Netherlands.

Tel: +31 346 351755.

Fax: +31 346 354735.

Email: kdk-nvco@antenna.nl

People in Aid

<http://www.redr.org.uk/>

Code of best practice in the management and support of aid personnel, RRN, ODI, 1997/1998. ISBN 0-85003-336-5. Or at www.redr.org.uk/PIAcode.html Available in English, French and Spanish. 11 agencies from the UK and Ireland are taking part in a three-year trial of the voluntary Code. *Under cover? Insurance for aid workers*, 1998. Or at <http://www.redr.org.uk/PIAinsure.html> People in Aid also produce a regular *Update*.

Contact: People in Aid, c/o International Personnel, BRCS, 9 Grosvenor Crescent, London SW1X 7EJ, UK.

Tel/fax: +44 (0)171 235 0895.

Email: Aidpeople@aol.com

Website for People in Aid forthcoming.

RedR

<http://www.redr.org>

RedR's website includes the People in Aid Code and information on insurance, as indicated above, and gives full information on RedR's training programme (as provided by RedR London, Australia and New Zealand) and resources/publications.

further reading

R Adams, *Humanitarian action in war. Aid, protection and impartiality in a policy vacuum* OUP, Oxford, 1996.

A Bouvier, 'Convention on the safety of UN and associated personnel. Presentation and analysis', *International Review of the Red Cross* 35, 1995, pp638-666.

K Van Brabant, 'Security guidelines. No guarantee for improved security', *RRN Newsletter No 7*, ODI, 1997, pp6-8; 'Cool ground for aid providers: towards better security management in aid agencies', *Disasters*, 1998, 22(2), pp109-125; 'Security and humanitarian space: an aid agency perspective' in German Red Cross/Institute for International Humanitarian Law, Bochum, Germany, *Humanitares Volkerrecht* spring issue.

J de Courten, *Towards a more secure environment*, ICRC, Geneva, 1997.

M Cutts & A Dingle, 'Safety first. Protecting NGO employees who work in areas of conflict', SCF, London, 1995.

J Dworken, 'Where there is no data. Patterns, trends and unanswered questions concerning relief work security problems', 1998. Contact: dworkenj@cna.org

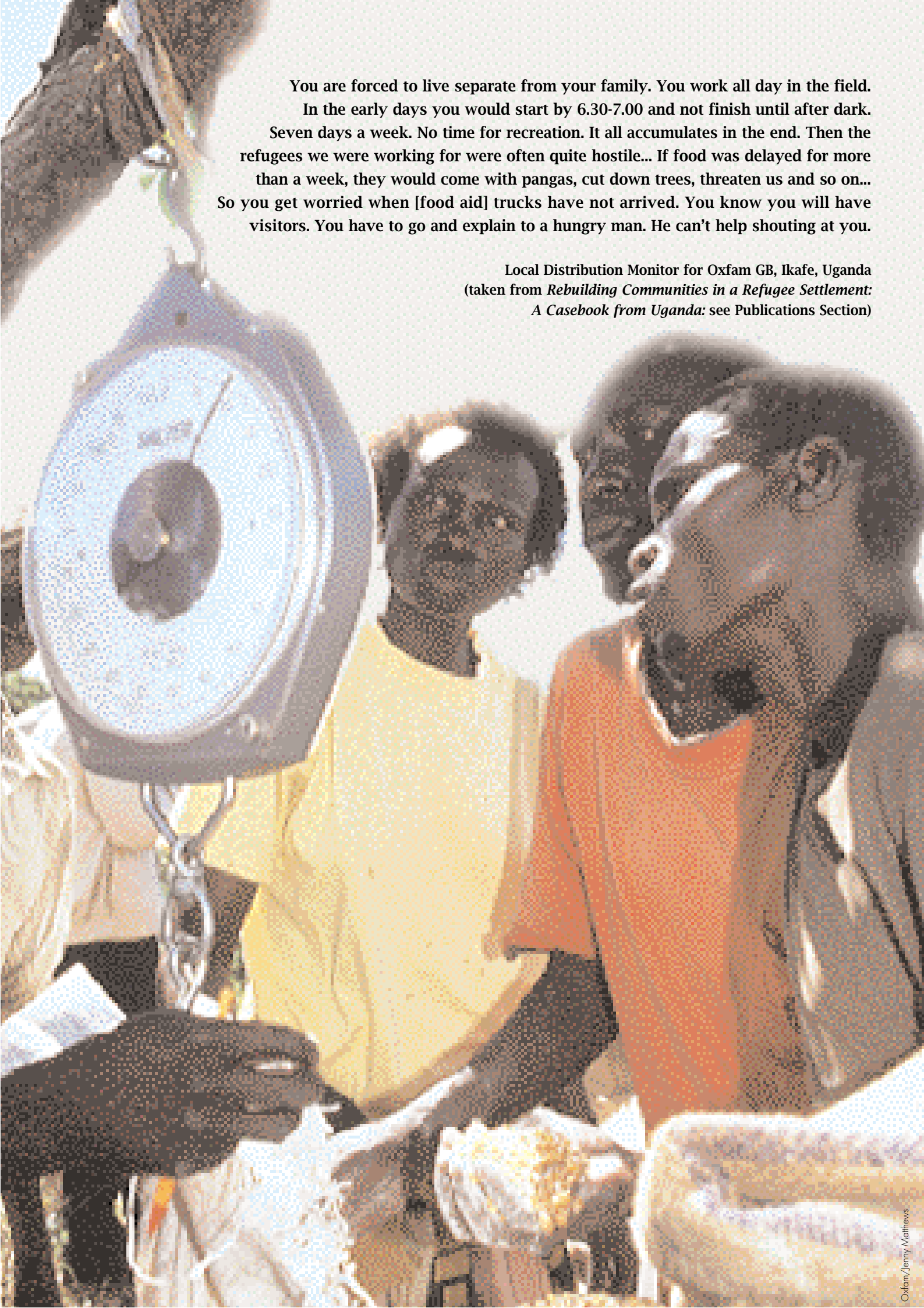
ECHO, 'Working Paper on security of relief workers and humanitarian space', 1998. 20pp. Contact: ann.hickey@echo.cec.be

R McGrath, *Landmines. Legacy of conflict*, Oxfam, Oxford, 1994.

MSF, *Le Guide Sécurité*, Brussels, 1996.

D L Roberts, 'Staying Alive. Safety and security guidelines for humanitarian volunteers in conflict areas', ICRC, Geneva, 1999.

Do contact us with details of websites that you find particularly useful (email: fmr@geh.ox.ac.uk).



You are forced to live separate from your family. You work all day in the field. In the early days you would start by 6.30-7.00 and not finish until after dark. Seven days a week. No time for recreation. It all accumulates in the end. Then the refugees we were working for were often quite hostile... If food was delayed for more than a week, they would come with pangas, cut down trees, threaten us and so on... So you get worried when [food aid] trucks have not arrived. You know you will have visitors. You have to go and explain to a hungry man. He can't help shouting at you.

**Local Distribution Monitor for Oxfam GB, Ikafe, Uganda
(taken from *Rebuilding Communities in a Refugee Settlement:
A Casebook from Uganda*: see Publications Section)**