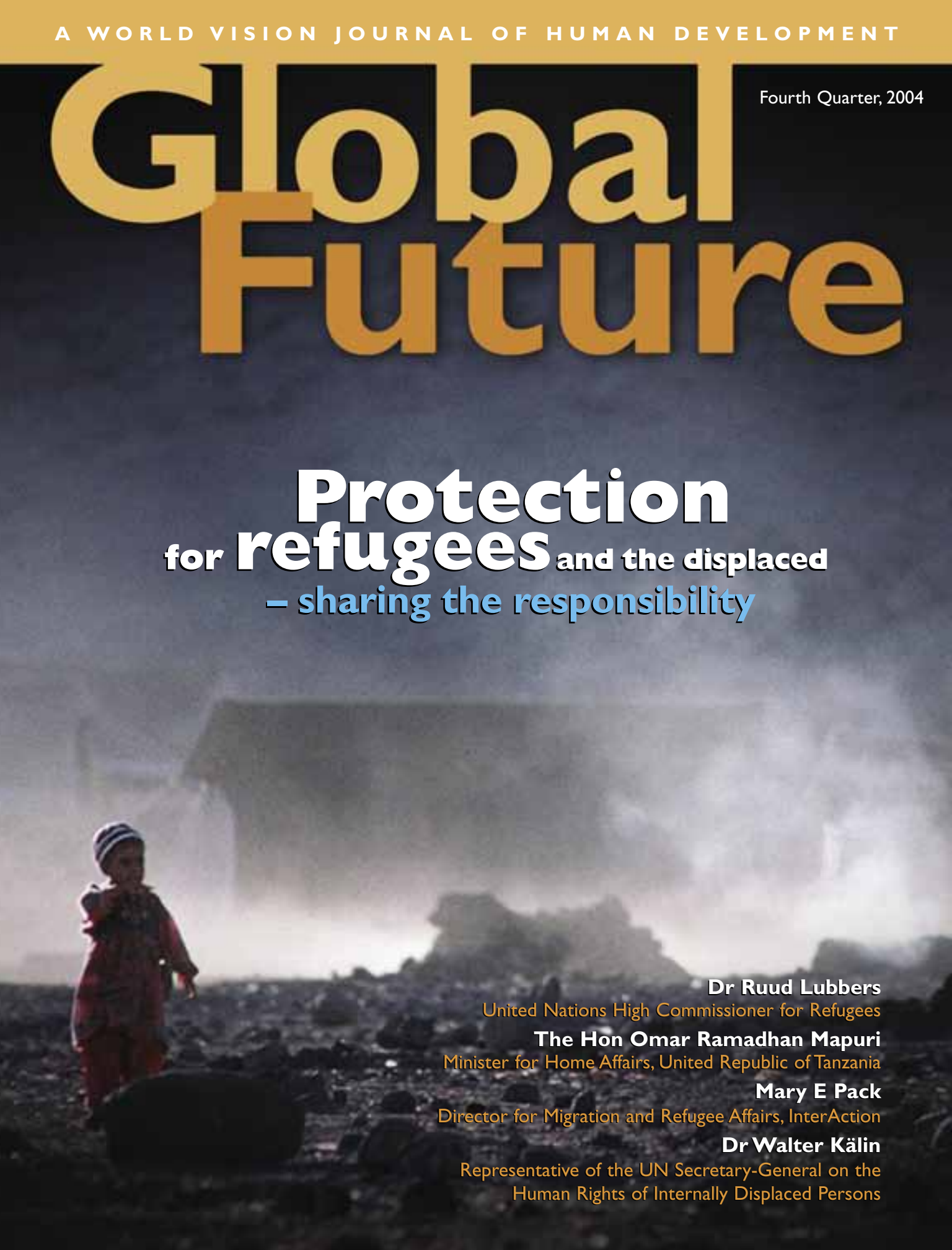


Global Future

Protection for **refugees** and the displaced – sharing the responsibility



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Global Future

Fourth Quarter, 2004

Protection for refugees and the displaced

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Global Future is published quarterly by World Vision to encourage debate and discussion on development issues.

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www.globalfutureonline.org
ISSN 0742-1524

Who is my neighbour?

ONE IN 50 of the world’s people, including as many as 25 million children, are now refugees, migrants, asylum seekers or displaced persons. Often uprooted by armed conflict, human rights abuse, or the violence of poverty or hunger, they have fled to another part of their own land or across an international border. This edition of *Global Future* examines their protection needs and rights.

Recently the UNHCR Executive Committee revisited the issue of responsibility sharing to ensure protection for millions on the move. As High Commissioner Lubbers notes in our opening article, people fleeing persecution have a right to seek asylum, yet states are not rushing to grant it. If responsibility sharing means anything, surely it means supporting countries on the front lines of mass people movements, like those that Ghaznavi and Mapuri spotlight.

It also means prevention. Dewey argues for stepped-up human rights monitoring to prevent (or at least bring to justice) serious abuses that cause displacement. Can the millions who have already fled home expect protection? Despite the Refugee Convention, the *Convention on the Rights of the Child*, and other provisions, too many cannot. Responsibility means both the letter and spirit of the law. Pack calls for a protection “culture” among NGOs; Toms and MacLeod show ways to protect children in displacement from the grave threats facing them. Kälin explores ensuring protection for the rapidly growing numbers of internally displaced people, whose own governments may fail them.

Responsibility means, in many cases, granting asylum. In painful contrast to the neighbourliness of some poorer countries, Einfeld and Spitteler highlight an apparent disregard for the humanity of asylum seekers, including children, who reach one affluent country’s shores.

Every day, people are sent back to fearful destinies; responsibility sharing has clearly failed them. Hughes and Getman raise concerns about durable return and resettlement. Ending violence, conflict and poverty is the only “durable solution”, but even in the meantime there is much work to do. Jesus’ answer to the “neighbour” question – xenophilia rather than xenophobia – has perhaps never been more timely.

– Heather Elliott

Protection and paradox

Ruud Lubbers

FOR THE UNITED NATIONS High Commissioner for Refugees, 2004 was a year of return and partnership, but also one of paradox.

UNHCR and its partners, including World Vision, can take great satisfaction from the fact that the global number of refugees and others of concern to my office has continued to fall – from 21.8 million at the beginning of 2001, to 17.1 million at the start of 2004. That's an overall decline of nearly 22%. Moreover, the number of people seeking asylum in industrialised countries has reached the lowest level in 17 years.

But while international efforts to find lasting solutions for millions of uprooted people have brought steep declines in the numbers of refugees and asylum seekers, our work is far from finished. Paradoxically, despite falling numbers, the institution of asylum is still being eroded by fear, confusion and politicisation in many parts of the world.

This has resulted in a much less friendly environment for refugees and those trying to help them. In the past few years, the politicisation of immigration, confusion between refugees and economic migrants, and fears of criminal and terrorist networks have combined to weaken asylum legislation in many countries.

And despite the global decline in the number of concern, the past 18 months have seen hundreds of thousands of

newly displaced people and refugees. In Sudan's strife-torn Darfur region, for example, some 1.6 million are now internally displaced, while another 200,000 have fled to neighbouring Chad to receive help in 11 refugee camps overseen by UNHCR and its partners.

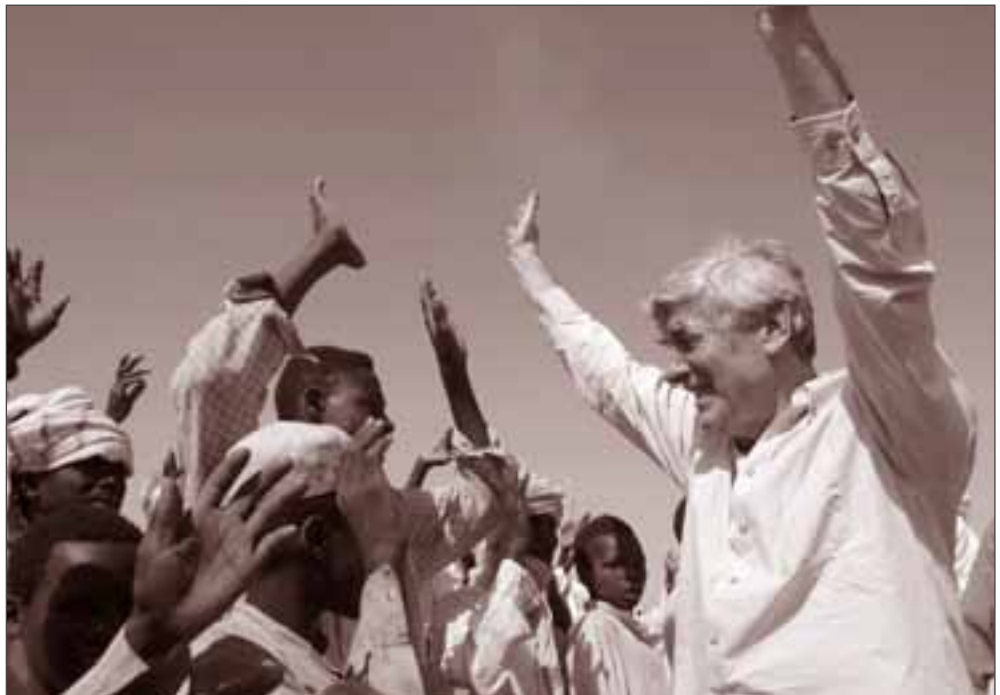
Asylum is being eroded by fear, confusion and politicisation

I lament the fact that it took the international community so long to wake up to the seriousness of the situation in Darfur. In three missions to the region since 2003, I have seen the unfolding of a crisis of huge and tragic dimensions.

UNHCR is working both with the refugees in Chad and with the uprooted in Darfur. We have three main field offices in each of Darfur's three states, but are focusing most of our attention on West Darfur adjacent to the border with Chad. This is home to most of the Darfur refugees now in Chad and, with more than half a million internally displaced in West Darfur, could generate a much larger exodus if the situation is not soon stabilised. Chad is already over-burdened and simply does not have the resources – most crucially, the water – to cope with further large-scale arrivals.

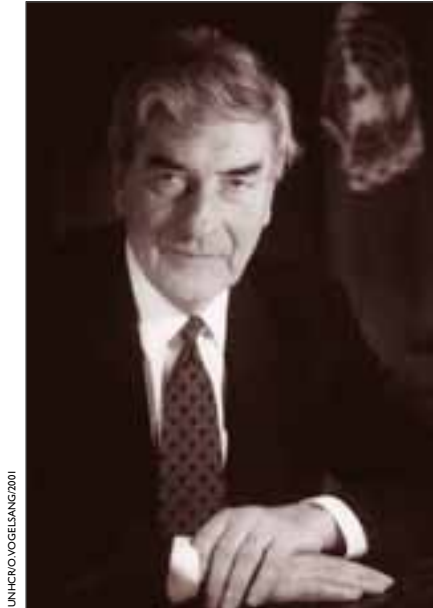
Repatriations are up

Despite this and other worrisome situations, including most recently in Côte d'Ivoire, there have been several positive refugee developments around



Sudanese refugees from the Darfur region of Sudan at camps near the Sudanese Chad border, meeting the United Nations High Commissioner for Refugees

UNHCR/B. HEGERY/MARCH 2004



UNHCR/VOEGELSANG/2001

Mr. Ruud Lubbers, United Nations High Commissioner for Refugees

the world. In September, UNHCR announced the one millionth return to Bosnia and Herzegovina. Some 3.5 million people have repatriated to Afghanistan.

Africa is on the march with repatriation, with several nations on that continent either preparing for or carrying out large-scale voluntary returns. Some 10,000 people a month are going home to Burundi. The three-year Sierra Leone repatriation operation drew to a close in July, after helping more than 280,000 people to return. In October, UNHCR began its massive Liberia repatriation programme, expected to bring some 340,000 people home over the next three years. Another 250,000 have so far returned to Angola and 230,000 have gone home to Eritrea.

This progress reflects a growing commitment by the international community to enhance voluntary repatriation and find solutions to some of the world's most protracted refugee situations. To fully meet our international protection responsibilities, we must resolve protracted situations such as those in the Great Lakes region and Burundi – which stand at historical crossroads – as well as in Somalia, and

for the Bhutanese in Nepal and internally displaced Colombians.

We must also challenge the notion that refugees are being “warehoused” by empowering them on the way to finding solutions. A particular focus of UNHCR's work has been the empowerment and protection of refugee women, including their participation in camp management and food distribution.

Once refugee solutions are found, there must be continuing international support for post-conflict reconstruction and sustainable reintegration, in order to break the cycle of violence and ensure that all uprooted people who have chosen to go home can stay home.

Critical concerns

At the recent 55th annual meeting of UNHCR's governing Executive Committee (ExCom), governments shared my concern over the deteriorating humanitarian security environment in which we and partners such World Vision must operate, in places like the Caucasus, Afghanistan, the Middle East and some parts of Africa.

I also lamented the continuing mischaracterisation of international refugee instruments by various politicians and governments who have claimed they somehow provide a “safe haven for terrorists”. As we know, international instruments such as the 1951 *Convention on the Status of Refugees* specifically provide for the exclusion of terrorists from refugee protection.

The phenomenon of mixed flows of migrants and refugees also came up during the ExCom debate. Using North Korea as an example, I told governments that our response must be to ask how anyone can be certain there are no refugees in a given group.

In Europe, much attention is currently focused on the arrival of mixed flows via North Africa. From UNHCR's perspective, it is essential that we address

the entire chain of displacement – focusing on solutions in regions of origin, transit and destination.

As we see it, the Mediterranean issue has three components. First, we need to build up protection capacity in North African states. Second, we need to deal with people intercepted on the high seas through a proper system of responsibility and burden sharing. Third, we must ensure that individuals who have entered a European Union member state will be treated and screened in conformity with the Tampere principles. While protecting their own interests, states should not forget humanitarian and legal standards. We must be guided by a desire to share, not shift, the burden.

We must be guided by a desire to share, not shift, the burden

Burden sharing is one of the key elements of my “Convention Plus” initiative for durable solutions. Convention Plus is no longer a promise for the future. It is a reality today. We have made considerable strides since the introduction of Convention Plus two years ago, both on burden sharing and solutions for more refugees, as well as developing the tools to do even better. Also relevant is the “4Rs” programme of repatriation, reintegration, rehabilitation and reconstruction for refugees.

Several delegations at the October ExCom meeting, particularly representatives from Africa, spoke of the need to break the cycle of violence in order to make refugee return sustainable. Thus, I salute the focus of the African Union on the security dimension on their continent. There can be no development as long as violence is allowed to continue. ■

Mr Ruud Lubbers is the United Nations High Commissioner for Refugees. He was formerly Prime Minister of the Netherlands.

Burden sharing – Pakistan’s experience

Yusuf Ghaznavi

FOR NEARLY TWO DECADES, Afghan people who left their homeland to seek refuge outside Afghanistan comprised the largest refugee “caseload” in the world. At its peak, at the beginning of the 1990s, this exodus saw an estimated 6.2 million Afghans (over 35% of the total estimated population of Afghanistan at that time), living as refugees – nearly half of the total worldwide refugee population.

A massive 3.5 million of these people took refuge in Pakistan,¹ where both the government and local populations welcomed them. The host populations’ unique perceptions, attitudes and – implicit in these – receptivity to burden sharing evolved during three periods or phases of refugee presence in Pakistan.

Phase I (1978–1989) The door is open; welcome!

Overarching other factors, the Islamic tradition of providing refuge influenced Pakistani behaviour towards the refugees. This tradition goes back to the Prophet Muhammad, who found Mecca hostile and intolerable and along with his close companions emigrated to Medina – a journey known as the *hijra*, which is the beginning of the Islamic calendar. It was quite natural for Muslim Pakistanis to consider it their Islamic duty to provide exile to their Afghan neighbours.

In addition, there are strong ethnic and linguistic links between the majority ethnic group in Afghanistan, the Pashtuns, and their kin (the Pathans) living across the border in North-Western Frontier Province (NWFP) and Balochistan province of Pakistan. As the Afghan resistance to Soviet occupation had assumed an Islamic

dimension, Afghans – both those in exile and resistance fighters – began receiving strong moral and material support from the religion-based parties in Pakistan.

The military government in Pakistan, which had come to power by overthrowing the elected civilian democratic government, was desperate for legitimacy and international recognition. It seized the opportunity to openly welcome the refugees and assist the *jihad* (“holy war”) by supplying weapons and logistic support to the insurgents fighting the Soviet army. With increasing United States

involvement in the war, Pakistan soon received the coveted title of a “front-line” state against Soviet expansionism.

Some began to blame Afghan exile seekers for Pakistan’s ills

However, with the withdrawal of Soviet troops from Afghanistan in 1989, and a reduction of external assistance, both military and financial, both the people and the government



Afghan refugee family, newly arrived at a Pakistani border village in the early 1980s



A long-established Afghan refugee camp near Pakistan's frontier town of Chaman, in 2001

of Pakistan (now once again in civilian garb with strong military influence over Afghan policy) began feeling let down by the international community, especially the United States. Complaints began to appear in the Pakistani press about the cost being borne by Pakistan in terms of ecological and economic damage because of the presence of Afghans on Pakistani soil. Social problems, including the “Kalashnikov culture” (free availability of automatic weapons), sectarian violence and widespread availability and use of heroin (though interestingly, according to official figures there were only two known heroin users in Pakistan in 1980), were attributed to the presence of Afghan exile seekers.

Phase 2 (1990–2001) The door partially closes

The establishment of the *Mujahideen* government in Kabul, and the subsequent internecine blood-letting among Afghan resistance groups vying for supremacy, obliged the Government of Pakistan (GOP) to periodically close its borders to incoming Afghans. New influxes of Afghan refugees into

Pakistan continued, however – some through the remote mountainous passes which are difficult to patrol.

Further reduction in external assistance resulted in reduction of services provided to refugees. In September 1995, the United Nations High Commissioner for Refugees (UNHCR), the lead UN agency, discontinued food aid for refugees in “old camps”.

The litany of complaints against refugees’ presence now included most social ills among local populations, including sectarianism, high crime rates and even increased incidence of prostitution.

Phase 3 (2001–present) The door is closed; go home!

Despite the UNHCR-assisted voluntary repatriation of 2.2 million refugees from Pakistan since 2002, the GOP estimates that 3.2 million Afghans remain in Pakistan, most of them in urban centres.² A tripartite agreement signed by the governments of Afghanistan and Pakistan and the UNHCR stipulates UNHCR assistance for voluntary repatriations until March 2006.

Pakistan strongly feels that it has done more than its share of “burden sharing”, and that the international community, particularly the United States, after meeting its objectives in Afghanistan, had no further interest in helping Pakistan cope with the refugees and left Pakistan in the lurch.

Pakistan feels strongly that it has been left in the lurch

It is quite clear that at the end of UNHCR’s voluntary repatriation programme in March 2006, there will be hundreds of thousands, if not millions, of Afghans left in Pakistan who are unwilling or unable to repatriate to their ancestral homes in Afghanistan. Lack of physical security, warlord-ism, and lack of shelter and opportunities for earning a living in Afghanistan are some of the reasons refugees give for not repatriating.

Both at the government level and among the common people in Pakistan, there is a strong feeling that the presence of refugees has negatively impacted life in Pakistan and that there is a moral obligation for the international community to help them bear this burden. For they know that come March 2006, they will be left with hundreds of thousands of refugees, who are increasingly becoming unwanted. ■

Mr Yusuf Ghaznavi has worked for international non-profit humanitarian organisations assisting Afghans, including Management Sciences for Health and the International Rescue Committee. Fluent in local languages, he has worked in both Afghanistan and Pakistan.

¹ Since Afghanistan never had a full and systematic census, the population figures have been a matter of guesses and controversy. Similarly, the registration of Afghan refugees in Pakistan has been sporadic. The estimates used here are those generally accepted by most scholars.

² UNHCR has a lower estimate of 1 million refugees in the camps and 800,000 in urban areas, giving a total of 1.8 million.

Building a culture of protection – challenges and opportunities for NGOs

Mary E Pack

WAR HAS CHANGED. ARMED conflict is no longer fought on battlefields, but in towns and villages, in backyards and on main streets. The victims of conflict have also changed. Whereas a century ago the majority of casualties were soldiers, today it is civilians – often women and children – who are the victims or the targets of warring parties.

The response to the humanitarian crises resulting from these contemporary wars is evolving as well. Experiences in places such as Rwanda, Bosnia and, most recently, Darfur have given the international community a heightened awareness of the protection needs of civilian populations affected by conflict.

Protection cannot be an afterthought – it must be built into programmes

Protection is first and foremost the responsibility of states, which under international law are obliged to protect those within their territorial boundaries. When states are unable or unwilling to protect, however, the international community has a responsibility to step in until such time that a state can re-assume its obligations.

Protection has traditionally been viewed as the role of specialised agencies such as the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC). Due to the overwhelming needs, however, there is growing recognition that protection must be a collective responsibility. The magnitude of the gaps in addressing those needs begs for a

holistic and complementary approach by all relevant actors in a humanitarian emergency.

What does this mean for NGOs?

Allegations of sexual exploitation and abuse by humanitarian workers in West Africa in 2002 led to the development and adoption of Codes of Conduct by many agencies in the humanitarian community. This included NGOs that did not see themselves as directly engaged in protection work. The daily challenges faced by staff in the field in many humanitarian crises have also made protection a more visible priority. Still, many agencies are struggling to conceptualise what protection is and how it fits with the work of their organisations.

There has been extensive discussion over the years regarding a common definition of protection, and the scope of protection has grown over the past decade in an effort to address the realities on the ground. However, a definition that was agreed during a series of ICRC-led workshops in 1996–2000, in collaboration with 50 human rights and humanitarian NGOs, is widely accepted today:

The concept of protection encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e. human rights law, international law, refugee law).¹

Using this understanding as a framework, efforts are underway on many fronts to promote a protection agenda. These include an initiative being taken forward by members of InterAction, the United States' largest

alliance of international development and humanitarian non-governmental organisations.

Through the InterAction Protection Working Group, which comprises representatives of over 30 agencies engaged in humanitarian assistance, NGOs have come together with the purpose of enhancing the capacity of humanitarian actors to protect refugees, internally displaced persons (IDPs) and civilians affected by conflict.

To this end, in April 2004 the working group released *Making Protection a Priority: Integrating Protection and Humanitarian Assistance*, a paper that presents the concept of protection as a collective responsibility and aims to further the understanding of protection among humanitarian NGOs. Offering an expanded vision of protection that includes the reduction of emotional and social risks as well as the physical risks, it also provides practical suggestions for how to integrate protection into humanitarian assistance.

Programming through a protection lens

Providing humanitarian assistance does not, in and of itself, constitute protection. Protection requires extensive attention to policy, threats, risks, community assets, practice, capacity building, and effective monitoring and reporting, among other considerations. Protection and assistance are inextricably connected, however, by their common purpose of safeguarding and actualising basic rights.

To properly incorporate protection into assistance, protection cannot be treated as an afterthought and must be integrated into the design and implementation of programmes deliberately and early in the process.

The working group paper outlines specific areas and identifies practical steps for putting protection into practice, illustrating how humanitarian agencies can contribute to protection in their ongoing work.

Multi-sectoral integration Whether an agency is engaged in water and sanitation, food distribution, education or health care, building protection elements into these sectors can reduce risks both to those receiving the services and to the organisation providing them. It can also enhance the effectiveness of programmes. Involving the community in the planning and design of programmes can help to identify and address potential protection concerns.

For example, in a refugee camp in Sierra Leone, sanitation experts consulted with women to map risks and develop a protection plan, including proper lighting and location of latrines. A programme for IDPs in Northern Uganda, meanwhile, engaged IDP women in the planning and distribution of food aid to children, helping to ensure that vulnerable children received adequate portions and that parents did not use food in other ways.

Data collection A significant impediment to protection in many emergencies is the lack of accurate data on vulnerable people, including women and children. All humanitarian agencies could contribute to protection by collecting and disaggregating data by age and gender as part of any assessment.

Capacity building A holistic approach to protection requires building capacity within agencies, partner agencies, authorities on the ground and communities themselves. A fundamental part of this capacity building is to ensure that all humanitarian workers have a basic understanding of human rights and international legal standards for protection.

Coordination A key to protection is effective coordination among many

partners – such as local people, camp managers, district officials, national government agencies and officials, NGOs and inter-governmental agencies. In many cases, the presence of international staff can itself decrease protection threats and violations, and this simple tool can be applied by ensuring regular visits to locations where protection is a priority concern. NGOs can also contribute to this effort by participating in protection working groups and protection meetings, in order to share information and strengthen capacity to address local protection concerns.

A culture of protection helps a humanitarian agency reduce risks and achieve its goals

Advocacy Relief agencies may regard policy advocacy as too political, or as too removed from their mission of delivering urgently needed assistance, to warrant their direct involvement. Advocacy, however, occurs also through other forms of influence such as dialogue and education, which may be well within the interests of any relief agency.

Making the case for incorporating protection

Over the years, there have been a number of important initiatives and trainings that have provided humanitarian workers with the background and tools to better enable them to understand and address protection concerns. Many of these initiatives have justifiably taken place in the field and/or have been focused on field staff.

The institutional change required for building a culture of protection within an organisation requires the understanding and commitment of CEOs and senior management. Given the myriad of concerns that CEOs are

required to address, it is critical that the case be made for why and how integrating protection into the work and vision of their agencies can benefit their organisations.

Risk management is perhaps the most obvious consideration for building protection into an organisation's work. Reducing risks to both those receiving services (programme participants) and the organisation would be a priority for any CEO. The scandals of West Africa were one instance where having protection mechanisms in place may have helped to prevent exploitation and abuse.

Also, donors are increasingly viewing protection as a critical component of humanitarian response. Within the US Government, for example, the Bureau of Population, Refugees and Migration now requires that Codes of Conduct on the prevention of sexual exploitation and abuse be signed and implemented within organisations in order for them to benefit from funding. The US Office for Foreign Disaster Assistance has included protection language in its grant guidelines, encouraging implementing partners to “incorporate a protection mindset” into the design and implementation of their assistance programmes.

Most important, perhaps, is the fact that actions to further protection also amplify the impact of humanitarian service delivery. The integration of protection elements into humanitarian assistance can result in better programming and enable humanitarian agencies to achieve their own organisational goals more effectively. ■

Ms Mary E Pack is Director for Migration and Refugee Affairs with InterAction, the United States' largest alliance of humanitarian and development organisations. See: www.interaction.org

¹ *Third Workshop on Protection for Human Rights and Humanitarian Organizations: Doing Something about it and Doing it Well*, Report, ICRC, Geneva, 1999, p 21

Children – the most vulnerable uprooted

Carol Toms and Heather MacLeod

LEGAL PROTECTION FOR refugee children and adults is enshrined in the 1951 *United Nations Convention on the Status of Refugees* and its 1967 Protocol. Children have extra protection enshrined in the 1989 *Convention on the Rights of the Child* (CRC). These instruments emphasise non-discrimination, the best interests of children, and children's survival, development and participation. Article 22 of the CRC states that special protection is to be given to refugee children and that reunification of children with their families should be a priority.

Risks for displaced children

Particularly in times of violent conflict, children who are uprooted from their homes face enormous risks.

Health hazards Conditions during displacement make epidemics of childhood disease more likely. Displaced and refugee children often lack clean water and sanitation, which puts them at risk of diseases including typhoid, polio and hepatitis. Lack of mosquito nets means an increased risk of malaria. Health facilities are often destroyed in conflicts, or health professionals targeted or killed. Reproductive health services are not always maintained,¹ affecting victims of sexual abuse and young people who need reproductive health advice. Vaccination records may be lost or the vaccine cold chain broken during a move, and new locations may not have immunisation services.

Lack of education Displaced children may have moved away from their usual schools, to situations that (at least initially) lack any basic services. Education facilities may be destroyed or damaged, and staff displaced.

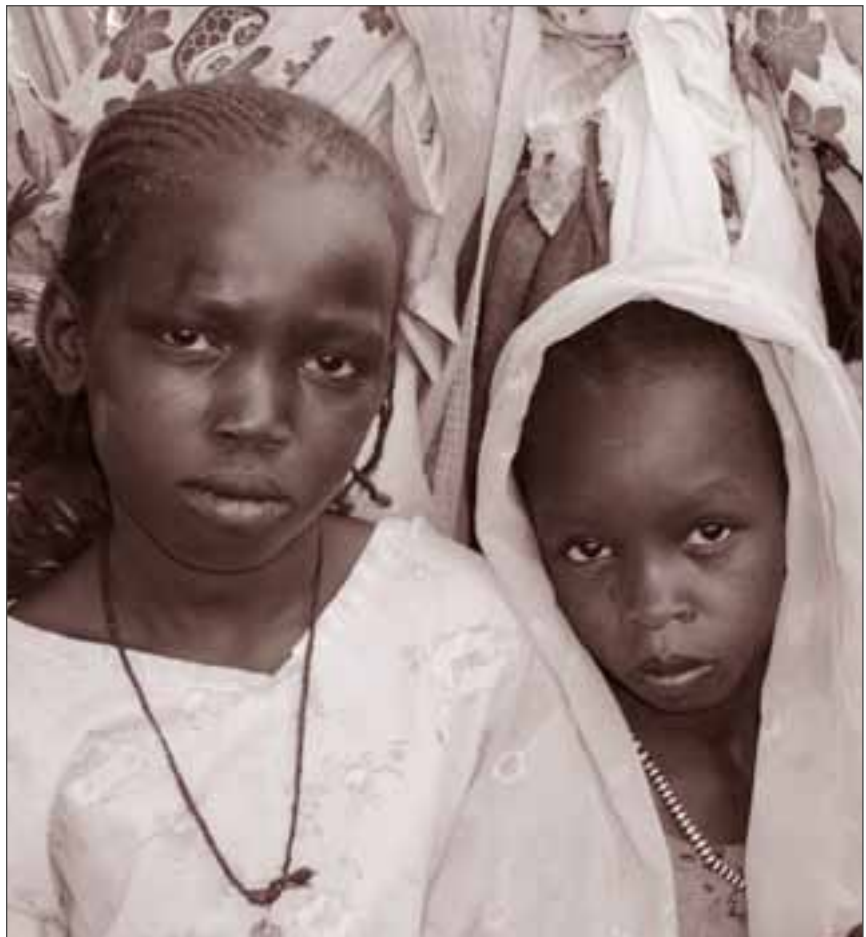
Psycho-social impacts Moving away from familiar people and routines to

new environments is often highly distressing for children. Forcibly uprooted children may be trying to cope with tasks that are new to them (collecting firewood, queuing for rations, using communal sanitation facilities) at the same time as trying to process their grief at losing home, family members and friends. Many displaced children have seen, or directly experienced, disturbing things.

Abuse and exploitation Children who are away from structures and mechanisms that provided protection for them before, or who have lost fam-

ily employment, may have to work in exploitative and dangerous situations to earn money. Sexual abuse leads to an increased risk of HIV/AIDS and early pregnancy for girls; its use as a “weapon of war” is well documented, particularly in the Balkans, the Great Lakes region, and Sudan.²

Separation from carers During a population movement, children may become separated from their parents, families or carers, or may indeed leave without their parents. Tracing activities are needed as soon as possible, especially for the youngest children



Two Sudanese girls in a refugee camp in Chad; the older girl's brother was killed in an attack on their village

KAREN HIGHERWORLDVISION

Burundi, 2004

For more than 10 years now, children living in Burundi have been displaced again and again due to the conflict there. This has deeply impacted their basic rights to food, shelter, health and education services. While peace agreements have been signed and re-signed, children have continued to live in fear and uncertainty. The long-term impact of this war on girls and boys is not yet fully understood but the psychological and social scars will not disappear the day the fighting stops.

who may not know their names, villages of origin, or family details. Children may end up living together in child-headed households when there is no carer.

Births not registered Children continue to be born during war or turmoil, in refugee and displacement camps. Lack of identity documents often denies children and families access to government services. Without catch-up and ongoing birth registration activities, displaced children may be affected for years to come.

Recruitment into fighting forces During displacement, or once displaced, children may be persuaded or forced to join fighting forces or armed groups.

Highly vulnerable groups

Some categories of children tend to be most vulnerable during a refugee or displacement crisis:

- children from residential institutions who now have to fend for themselves;
- children with disabilities (vulnerable to abuse in normal times), whose health needs may no longer be met, access to education may end, and family stress increase;

- child-headed households, who may be unable to support themselves if access to food or other basics depends on adult registration;
- children associated with minority groups, who often face further discrimination when resources are short; and
- girls, who may take on extra responsibilities if family members are missing, or if tasks like collecting water or queuing for food take more time than before; who are more likely to face abuse and exploitation if protection mechanisms are not in place.

World Vision's approach

World Vision's approach to the realisation of children's rights in situations of displacement focuses on promoting holistic well-being, with an emphasis on the psycho-social dimensions. This means identifying and building on children's (and communities') own coping mechanisms and resilience, rather

Chad, October 2004

Families who fled to Chad from Darfur, Sudan, face many protection issues. In the desert across which they fled, access to water was scarce. Some children were separated from their families. Women and children report being attacked *en route* and whilst collecting firewood outside camps. Families live in large camps with minimal access to basic services. Rations have not met daily requirements (2,100 Kcal), so children under 5 and pregnant and lactating mothers needed supplementary feeding. Few children have access to education; children have little to do and urgently need developmental activities for their physical, psychological, social and spiritual well-being.

than working from a "trauma-based" or "illness" model.

Restoring access to basic services and ensuring basic needs are met (shelter, food, water, sanitation), and giving people information on their entitlements to assistance, are all psycho-social interventions because they help people to re-establish a sense of stability, structure and routine. Wherever possible, we work with children affected by the displacement both in host communities and in camps.

Key components of World Vision's response to displaced children are:

Providing material support To meet children's as well as adult family members' needs, we provide items such as water carriers small enough for women and children to handle, combs (to prevent head lice) and shampoo, nappies/diapers, and sanitary protection for women and girls. Care is taken to help ensure that latrines are sited where girls and boys feel safe, and are child-friendly in design (low door handles, grab handles, and so on).

Promoting codes of conduct (behaviour protocols) We work with the NGO and UN communities, and with local communities, to ensure that everyone understands their obligations and responsibilities for the protection of children. Where abuse comes to light, we ensure reporting mechanisms that respect the right to confidentiality and that focus on the best interests of the child.

Family tracing/reunification Either directly or through partners, in line with the *Inter-agency guiding principles on unaccompanied and separated children*,³ World Vision seeks to reunite children with their families.

Supporting child-friendly spaces These can be in or near camps, and/or in communities if children are with host families. They may be tents, buildings, or simply cordoned-off areas, where children feel and **are** safe (from abuse, exploitation, landmines, falling masonry, or recruitment to

Iraq, July–August 2003

World Vision and staff from the Ministry of Social Affairs found that many children working on the streets in Mosul, Iraq, had been displaced as a result of the hostilities and regime change. Their parents had been forced from their homes when rent controls ceased, employees in Saddam Hussein's government had lost their jobs, and now the children – some as young as seven – were selling cigarettes at traffic lights, carrying goods in the market, or simply begging. Many faced problems typical for displaced children in camps: they lacked access to basic health care and complained of various ailments, or appeared not to have access to school.

armed groups or fighting forces). They are spaces where children can gather with their peers and take part in community-run activities to support their psycho-social well-being and development, including spiritual nurture, with great sensitivity to both the vulnerability of the children and the restricted nature of the context. They provide children with a routine and stability at a time of great stress, and allow children in need of special support – such as those separated from their families, those who have lost family, or who have chronic medical needs – to be identified and referred to specialist services if possible. They also facilitate disseminating key messages such as prevention of further family separation, or the importance of hygiene.

What can be done?

To support refugee and displaced children, governments and humanitarian agencies can:

- ensure access to basic services, wherever possible on a level with the local population (so as not

to create differentials between groups);

- register separated and unaccompanied children, and support family tracing services for children who have been separated;
- encourage family-based support services (fostering, and if necessary for older children, adolescent-headed households) rather than institutions, for children needing care and protection, and permit child-headed households to receive food and non-food items on a par with other households;
- promote codes of conduct amongst government staff including police and military, ensuring effective reporting mechanisms for infringements;
- resource those services that have extra users as a result of displacement or refugees; for example: ensure that schools have sufficient space and textbooks for all children, and that clinics have sufficient drugs and materials to treat all patients;
- implement the SPHERE standards;⁴
- support culturally-appropriate services for survivors of gender-based violence, with specialist facilities for children; and

Lebanon, November 2004

Children in Beirut, Lebanon, whose families were displaced from Palestine more than 50 years ago, still have no access to Lebanese services such as education and health. As refugees, their parents are not allowed to work. Child protection services do not cover non-Lebanese, leaving abused and exploited children without protection. The very limited services they do receive are provided through the UN.

Northern Uganda, 2004

The humanitarian crisis in Northern Uganda, currently the world's largest, has not gone away. Conflict has raged for 18 years, and children are prominent among its victims – being abducted, forcibly recruited to fight, raped, maimed or psychologically abused. For years, World Vision's Children of War Rehabilitation Centre, at Gulu, has provided traumatised former child soldiers with refuge, psycho-social counselling and basic material needs. Urgent international effort is needed to end this conflict.

- support community-based child protection systems that move with communities wherever they go.

Given the high mobility of human populations in our world, and the special vulnerability of children, we must give urgent priority to protecting displaced and refugee children. Child protection must be incorporated and promoted in all aspects of our work – from disaster mitigation to emergency response. ■

Ms Carol Toms is Child Protection Officer for World Vision International and for World Vision Middle East and Eastern Europe Region. Ms Heather MacLeod is Child Protection Director for World Vision International.⁵

¹ See: www.womenscommission.org/pdf/cd_misp%20final.pdf

² See, for example: www.hrw.org/reports/2000/fry/Kosov003-02.htm#P186_35892

³ UNHCR, *Inter-agency guiding principles on unaccompanied and separated children* www.unhcr.ch/cgi-bin/texis/vtx/home/+bwwBmLeYfz3wwwqwwwwwwwwhFqA72ZR0gRfZNtFqr72ZR0gRzFqmRbZAFqA72ZR0gRfZNDzmxwwwwwwI FqmRbZ/pendoc.pdf

⁴ See: www.sphereproject.org/index.htm

⁵ Two key World Vision programming documents *A draft framework for psycho-social interventions* (September 2003), and *Child-friendly spaces: a World Vision approach* (August 2004), are available from carol_toms@wvi.org or heather_macleod@wvi.org.

Protecting human rights, preventing dislocation

Arthur E Dewey

WHAT IS THE MOST COSTLY component of a complex humanitarian emergency? It is the massive displacement, internally or externally, of emergency victims. The usual culprit? Human rights violations committed by power-hungry leaders or ethnic-majority bullies are the most common cause.

Once they leave their country of origin and seek safety elsewhere, fleeing individuals and families become the responsibility of the United Nations High Commissioner for Refugees (UNHCR), the international organisation with a specific mandate to protect refugees. The United States Government (through the US Department of State) is the single largest donor to UNHCR. We put our money on the UN – and UNHCR in particular – because we have found we can most efficiently help refugees by enabling the UN to work on their behalf. In Chad, for example, our collective efforts are helping to shelter,

feed, and ensure the health and safety of 200,000 Sudanese refugees.

Where international efforts are falling short, however, is in preventing the human rights violations that **cause** displacement. While UNHCR has taken on some responsibilities for the internally displaced persons in countries such as Sudan, other UN agencies need to assume a greater role. Deploying large numbers of human rights monitors is one factor that could help stop many of the massive human rights violations that are now occurring, and ensure eventual accountability for the atrocities.

Monitors are critical

Human rights monitors function as eyes, ears, and a voice for internally displaced people (IDPs), recording and investigating the violations being committed and presenting that information to a responsible protective force. Where a government has shown no interest in protecting against or investigating human rights violations, the evidence gathered by human rights monitors employed by international organisations helps the international community build the case for prosecuting crimes against humanity – whether committed by the government, militias or any other violators of international and human rights law.

Monitors could also provide some reassurance to the IDPs that they can remain in their country with a measure of safety, and not need to flee to another. Otherwise, an influx of new refugees might quickly overwhelm the ability of UNHCR and associated organisations to provide protection and care.

The protection regime in displacement settings is often very thin. The

UN High Commissioner for Human Rights (UNHCHR) sometimes has human rights monitors on the ground. In some situations, UNHCR deploys mobile protection teams to monitor internal displacement and map and assess the condition of abandoned and destroyed villages. These efforts may barely hold the line. Unlike the Battle of Britain, where a “few” made the difference, the centre of gravity of a more robust monitoring regime must be a substantial number of human rights monitors dispatched by UNHCHR.

Human rights monitors serve as eyes, ears and a voice for internally displaced people

The 9 November signing of a protocol on the humanitarian situation in Darfur, by many of the parties to that conflict, offers some reason for hope in that situation. All sides requested that the High Commissioner for Human Rights expand the number of monitors in Darfur, and committed themselves to cooperating with human rights organisations. The protocol establishes a Joint Humanitarian Facilitation and Monitoring Unit in El Fasher, under the leadership of the African Union Mission in Sudan, which is to monitor implementation of the commitments related to the protection of civilians made in the protocol.

Rwandan precedent

The defining precedent here is the human rights deployment to Rwanda in 1994. There, some 55 monitors held the line against a counter-genocide. A



Memorial 10 years on: a Rwandan church, full of the bones of genocide victims

MICHAEL McVEIGH/ALISON LOW/WORLD VISION

small American non-governmental organisation, the Congressional Hunger Center, played the decisive operational support role that helped make the UNHCHR human rights action teams successful in Rwanda. These teams performed four functions:

- They were an active and visible presence to monitor human rights violations – a trusted authority to which individuals could report violations, with the confidence that there would be follow-up.
- These experts disseminated information on human rights laws and responsibilities to military and policy officials and in schools.
- The teams provided modest technical support – such as computers, desks and books – to the courts and the police to aid in the administration of justice.
- They collected evidence for use by a special prosecutor investigating crimes against humanity.

The Congressional Hunger Center's role was to help in recruitment, in training, in finding and transporting vehicles to make the teams mobile, and in setting up a system to re-supply and maintain the transport and logistics effort.

This effort worked. The presence of human rights monitors helped prevent a counter-genocide of Tutsis against Hutus. The cost of this deployment was relatively modest: US\$10 million out of an overall international effort valued at some \$700 million.

Human rights is a small component of a costly assistance and protection effort. The potential return – the stopping of genocide – is very great. Once they have proven their value, and have gained the confidence of the victims, the monitors may also create an atmosphere in which IDPs feel safe in returning to their homes. The environment could improve to the extent that fewer people are compelled to flee at all.

Cost is of course one important element of this approach. A United Nations Consolidated Appeal would be needed to raise the necessary funds. Another important question is how the mission would be supported administratively and logistically. The UNHCHR lacks the requisite operational support capacity back at headquarters.

How it could work

Within the UN Office for the Coordination of Humanitarian Affairs (OCHA), the Internally Displaced Division (IDD) does have the ability to plan and implement complex missions. The IDD could provide the support needed to allow UNHCHR to set up a robust monitoring operation. Other UN agencies, particularly the United Nations Office for Project Services (UNOPS), could also help.

In this scenario, the High Commission for Human Rights would be responsible for recruiting the monitors. Energy and adaptability are more important than law school credentials, but some familiarity with international instruments of human rights law would be needed, or would have to be taught. IDD would do the planning work, determining how many people are needed and how they are to be deployed in successive waves, how the logistics will be organised, and how the overall effort can be sustained for the long haul.

Any effective human rights monitoring effort will require close cooperation among many agencies. To supervise such a large-scale effort, other UN agencies would either second their personnel to UNHCHR or OCHA/IDD, or work closely together in an integrated protection mission. To provide oversight, OCHA might appoint a Deputy Humanitarian Coordinator.

To maintain integrity and provide closer oversight of the monitors and be more fully visible to the internally displaced populations, all major elements of the human rights monitoring

programme would be based in the immediate area of displacement, not in the capital city. A parallel build-up of the protective forces, if already deployed in a given situation, would be required to extend their protection to the monitors. Where protective forces are not in place, some kind of security presence will be necessary to ensure that the monitors can do their jobs in relative safety.

Creating a model

The launch of a large human rights monitoring operation in a current displacement “hotspot” could establish a model for use in the future. The two critical elements of this model are a UN combined task force forming around an operational relief agency such as UNHCR or WFP to do assistance, and a UNHCHR-led integrated mission to do the protection.

Stopping genocide is a very high return for a relatively low cost

Protection of human rights is essential to ending the uprooting of people from their homes, stopping the widespread ethnic and sexual violence, and creating an environment conducive to return and reintegration. Refugee and IDP movements in a crisis can be slowed, stopped, and eventually reversed if the international community can bring an end to the abuses that are the catalyst.

Launching a large-scale human rights monitoring mission in a volatile setting will not be easy or quick, but it is an essential component of any plan to end the human devastation that is now occurring in some parts of the world. ■

Mr Arthur E (Gene) Dewey is the United States Assistant Secretary of State for Population, Refugees and Migration.

The human rights of asylum seekers

Marcus Einfeld

OVER HALF A CENTURY AGO, when Australia became the sixth signatory nation to the United Nations *Convention on the Status of Refugees* (1951), we made a solemn legal and moral promise to provide humane protection to people fleeing persecution. Australia's hand was not forced into signing; we introduced the Convention into domestic law. Not that you would ever know, given the erosion of our obligations in recent years.

Our most disturbing betrayal of our own laws has been the automatic, unreviewable, long-term detention of child asylum seekers. In its wake, the remnants of our country's compassion and humanity are now – in this respect at least – in free-fall. In

late 2004 there are still around 100 children in detention camps in and around Australia, most of them having been detained for years.¹

Hundreds of children under age 12 have been locked up for up to five years

The insidious treatment of asylum seekers has been a matter of public debate since boats of Cambodians first entered Australia's waters in 1989. It has been condemned by scores of Australian opinion-leaders, several other nations, and many national and international organisations. Although I am a proud Australian, my country's treatment of those who have asked us to rescue them from persecution causes me great shame.

Mandatory detention – our shame

Australia is currently the only developed country to practise indefinite, indiscriminate, incommunicado detention of asylum seekers. We have detained children, the elderly, the sick, the pregnant and the traumatised – at a cost of more than US\$80,000 per person per year.

Our authorities (of both major political parties) have chosen to keep these vulnerable people locked up behind barbed wire – many in remote places (including the desert, in 45-degree temperatures with no or insufficient air-conditioning or trees) with no friendly faces in sight. Those who are refused asylum but cannot be sent back to their places of origin enter a type of stateless limbo – and virtually endless detention.

Children locked up Hundreds of children under the age of 12 have spent up to five years of their young lives locked up behind barbed wire, without having committed a single offence. This breaches fundamental human rights and much more.

Article 22 of the UN *Convention on the Rights of the Child* (CRC), which Australia has ratified, requires signatory nations to provide adequate protection and assistance to children, whether alone or with families. The UN High Commissioner for Refugees (UNHCR) asks signatory nations not to imprison asylum-seeking children; Australia does. We are not to use detention as a deterrent measure; we do that too. When detention occurs, UNHCR's *Refugee children: Guidelines on protection and care* and Article 37 of the CRC require the length of detention to be minimal; we ignore that.

Children who have been exposed to the trauma of horrific regimes, and the perils of escape, face disastrous treatment on arrival in Australia. They are "looked after" by staff of a private correctional company – who do not love them, comfort them at night when they cry, nor shield them from the violence of desperation that occurs in detention centres. This is child abuse, pure and simple – committed daily by Australian authorities in the name of the Australian people!

Ignorance of the facts

To our shame, racism and ignorance have permeated Australian public debate on asylum seekers. We must challenge myths with facts.

"Illegals" People seeking refugee asylum are not "illegal"; they are doing something expressly permitted by Australian and international law. Yet



Afghan children carrying water in a refugee camp in Pakistan

KEVIN COOK/WORLD VISION

asylum seekers who have committed no offence, including children, are not permitted to apply for conditional release pending the outcome of their applications. Convicted criminals (who are given the chance to apply for bail) have more rights than they do. So do suspected terrorists. Detention of asylum seekers is harsh, compulsory jailing without charge, trial or bail.

Some argue that children were deliberately sent here so that their parents can come in future. So what? If they qualify as refugees, they are allowed to apply to be here. What's wrong with escaping persecution, torture or death? And how are the children to blame anyway? We are not arguing that everyone should be allowed to live here; we just want due process, justice and decency for all asylum seekers.

“Border protection” Our borders are not under assault, least of all by the captain of the *Tampa*, who was actually accused by many leaders and others of “invading Australia’s sovereignty”. He should have been treated as a hero for risking his ship and crew to save people in danger of drowning in the sea.²

“Queue jumping” Asylum seekers arriving by boat without documents are not “queue jumpers”. People fleeing in fear of their lives do not have the option of waiting in a queue. While Australia’s quota system means that a “boat person” granted asylum in Australia might temporarily displace someone else waiting to come here, the fact is that “quota refugees” wait for years while bureaucrats process their applications. After suffering for so long in shocking conditions in Iran, Pakistan or elsewhere, many are willing to risk their own and their children’s lives on leaky boats over dangerous and unfriendly seas.

People smuggling Some people smugglers have been heroes, helping people escape terror or death. Those who take the last cent from people in distress to enrich themselves deserve

condemnation. But we should never confuse perpetrators with their victims.

“Deterrence” Some claim that Australia’s policies have succeeded in deterring people from coming. Most refugees I have met in camps around the world have never heard of Australia; they will go anywhere to leave where they are. Besides, by what sinister moral code do we abuse and mistreat children who **are** here to deter others who are not?

Convicted criminals (who can apply for bail) have more rights than asylum seekers

“Efficiency” We are told that detention is necessary to expedite speedy and efficient adjudication of refugee status. But the adjudication process has often taken years; meanwhile, children become institutionalised and damaged. And how do confiscating detainees’ family photos; referring to detainees by number, not name; prohibiting visits by family or friends; or denying the children proper recreation, education and health care, expedite the process? All these outrages have been perpetrated by Australia.

Decency and humanity

Criticism of this gross misconduct often has been brushed aside as “bleeding heart” stuff, not worthy of serious consideration. But inhumanity and violation of decency must never be tolerated. Human rights are, as their most famous *Declaration* says, universal – for all of humankind. A humane nation treats all vulnerable people – whatever their ethnic, racial and cultural origins – with dignity, sensitivity and respect, and caters for their physical, emotional and welfare needs.

Some argue that Australia treats asylum seekers better than many other countries do. In my opinion we must

not judge ourselves by standards we condemn, but against countries we consider our peers. Sweden, with a third of Australia’s population, has given protection to nearly four times as many asylum seekers as Australia in the past five years. Sweden’s humane, practical approach has resulted in almost all asylum seekers living in the community; except in extreme circumstances, no child under 18 can be held in detention for more than three days. There have been few abscondee and little violence.

In Australia, a Catholic Archbishop offered free accommodation in Catholic homes for all the people held in one major detention centre. Websites are full of Australian families offering free accommodation, and even the States of South Australia and Tasmania (which need population), have offered to take in released detainees.

This is a fight for our very soul as a nation. We must not let a few demolish the values of generosity, kindness and honour that generations of Australians have worked hard to build. Ignoring the plight of asylum seekers and refugees, and tolerating hostility towards them, will redefine our country as a cold, even hostile fortress. We need to cherish the principles that we have promised to uphold – for ourselves and for people everywhere.

The Hon. Justice Marcus Einfeld, AO, QC, is a prominent Australian human rights activist. A former Supreme Court and Federal Court Judge, he has decided significant cases on immigration and refugees. He is Foundation President of Australia’s Human Rights and Equal Opportunity Commission, a UNICEF Ambassador for Children, and the 2002 UN Peace Laureate.

¹ As at late November 2004, there were 108 children held in immigration detention, 93 in locked facilities with guards. See: www.chilout.org

² In August 2001, risking delays and financial loss, the Norwegian commercial ship *MV Tampa* altered its course to rescue 438 shipwrecked asylum seekers from the Indian Ocean. Captain Rinnan received the Nansen Refugee Award in June 2002. Search in: www.unhcr.ch for “Tampa”

Internally displaced persons – the protection gap

Walter Kälin

AN ASTOUNDING 1.8 million Sudanese have been forced to flee their homes amidst conflict and violence in Darfur. While those who managed to survive and flee seemingly share a common fate, for the international community they fall into two categories.

The 200,000 Sudanese who crossed the border into neighbouring Chad became refugees, and receive help from the UN High Commissioner for Refugees (UNHCR), which is mandated to protect people fleeing their countries from political persecution, mass killings or conflict.

In contrast, the 1.6 million individuals displaced within Darfur had no established international protection and assistance regime to which to turn. They had to wait until organisations such as the International Committee of the Red Cross (ICRC), UNHCR and the International Organisation for Migration (IOM) were able to start operations within Darfur and begin to reach those in need of assistance. Still today, many internally displaced persons (IDPs) remain unassisted. Violence against them continues; hunger and disease run rampant.

Global crisis

While Darfur is a particularly dramatic case, it highlights the problems faced by the world's almost 25 million women, children and men displaced within their own countries by armed conflict, systematic human rights violations or situations of generalised violence.

The crisis of internal displacement is global, affecting some 52 countries in all regions. Yet compared to the international community's protection of refugees, legal and institutional responses to internal displacement remain weak.

There is no convention on the rights of IDPs; indeed, not a single article in all the many human rights instruments mentions IDPs explicitly. Moreover, the UN has no organisation devoted to protecting and assisting IDPs worldwide. International public attention remains much more focused on those displaced persons who have crossed borders, even though current trends indicate that the number of refugees and asylum seekers is declining while that of IDPs is growing.

There is much more international attention focused on people who have crossed borders

One reason for the relatively weak involvement of the international community is the fact that IDPs remain under the sovereignty of their governments. In fact, as my predecessor Dr Francis M Deng once pointed out, the issue of internal displacement was politically off-limits until the early 1990s, as governments insisted on their sovereign right to decide how to deal with the displaced.

Since then, attitudes have changed to a certain degree, with the increasing acceptance that sovereignty entails the responsibility of governments to respect and protect the rights of those living on their territory. There is also agreement that the international community has to play a role when governments are unwilling or unable to help IDPs.

Since 1992, when the plight of IDPs was put on the agenda of the UN Commission on Human Rights, and

Dr Deng, a former Sudanese diplomat, was appointed Representative of the UN Secretary-General on Internally Displaced Persons, the international community has moved forward to better address the needs of internally displaced persons and to protect their rights.

The institutional response

Who is assisting and protecting displaced persons if their government fails to do so? At the operational level, there is no single organisation within the UN responsible for IDPs, and it is broadly recognised that the task would be too big and complex for a single agency.

This is why the UN has opted for what is called the collaborative approach: a response in which a broad range of UN and non-governmental actors work together to respond to specific situations of displacement on the basis of their individual mandates and expertise.

The UN's Emergency Relief Coordinator is tasked with coordinating effective responses to situations of displacement through the Inter-Agency Standing Committee, where the different actors meet. He is assisted in this by an Inter-Agency Internal Displacement Division.

The Representative of the Secretary-General on the Human Rights of Internally Displaced Persons plays the role of promoting the human rights of IDPs and their protection. To this end, he visits countries, undertakes studies and engages in dialogue with governments. He also has the task of mainstreaming the human rights of IDPs into all relevant parts of the UN system.



Young girl among people displaced by fighting between government and rebel forces in Maguindanao, Philippines

All these actors are supported in their activities by the Norwegian Refugee Council's Global IDP Project, which has established an online database (www.idpproject.org) that consolidates facts, figures and analysis on internal displacement worldwide into a single integrated information system.

While the collaborative approach has worked rather well in some situations, in other cases it appears to have failed IDPs. The response to the displacement crisis in Darfur, for instance, was not as swift, robust and well coordinated as it should have been. Thus, there is significant room for improvement and for strengthening the cooperation of organisations and agencies involved in the protection and assistance of IDPs. It remains to be seen whether the collaborative approach will be the most effective response in the long term.

The legal response

What are the rights of IDPs? Unlike refugees, IDPs do not cross international borders. Although they have departed from their homes because of war, forced evictions or other reasons, they have not left the country whose citizens they normally are. They remain entitled to enjoy the full range of human rights as well as those guar-

antees of international humanitarian law that are applicable. However, IDPs have many special needs because of the fact of their displacement, and this requires special legal protection.

The challenge is to identify those guarantees and concepts implicit in the rich body of existing international law that respond to the special needs of IDPs, and to make this protection explicit. This is exactly what Francis Deng achieved when he submitted, in 1998, the *Guiding Principles on Internal Displacement* to the UN Commission on Human Rights. This document is based upon and reflects existing international human rights and humanitarian law, and it details, in 30 principles, the specific meaning of the general human rights and humanitarian law guarantees for IDPs.

The *Guiding Principles* cover all three phases of internal displacement: the pre-displacement phase, the situation during displacement, and return or resettlement and reintegration. They explicitly recognise a right not to be arbitrarily displaced, and spell out in detail the rights of those who are displaced. The Principles also stress that a government cannot deny access by international humanitarian organisations to IDPs if it is not providing the necessary assistance itself, and underline the right of IDPs to either

return voluntarily to their homes (if this becomes possible) or to resettle in another part of the country.

Firmly rooted in existing international law, the *Guiding Principles* have quickly gained acceptance by international and regional organisations, civil society and a growing number of governments. Of course, they must still be implemented in order to achieve necessary protection of the rights of IDPs.

To this end, the Principles should be used by relevant international organisations as a framework for policies and activities in the areas of prevention, protection, and return or resettlement and reintegration of IDPs. Integrating the Principles into the work of international agencies would also mean that their staff, both at headquarters and in the field, would begin more regularly to monitor and review conditions of displacement in affected countries in terms of the Principles.

Both humanitarian agencies and governments need to incorporate the Guiding Principles

At the same time, it is of paramount importance that countries affected by crises of displacement incorporate into their national laws and policies the rights of IDPs as contained in the *Guiding Principles*. It is most encouraging that numerous countries including Angola, Burundi, Georgia, Peru and Liberia have taken this important step, and that others are planning to do so. Such measures are critical to ensuring that the right of internally displaced people to protection begins to become a reality. ■

Dr Walter Kälin is Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, Professor of International and Constitutional Law at the University of Bern, Switzerland, and a Member of the UN Human Rights Committee.

Protecting internally displaced people in Uganda

Robby Muhumuza

“LIFE IN THE CAMP IS terrible, and very difficult,” said 45-year-old Joyce Opona. For the last five years, she has been living with her five children in a grass-thatched hut in the overcrowded Unyama Internally Displaced People’s Camp, a few kilometres out of Uganda’s northern Gulu town.

Joyce is one of 1.6 million Ugandans living in over 200 camps for displaced people in the north and north-east of the country, fleeing from atrocities committed by the rebels of the Lord’s Resistance Army (LRA). Besides looting and destroying property, LRA attacks are characterised by killing, maiming, abduction of children, and raping of civilians.

In Uganda, as in the *United Nations Guiding Principles on Internal Displacement* (1998), internally displaced persons (IDPs) are defined as:

persons who, at one time or another, have been forced or obliged to flee their homes or places of habitual residence...as a result of, or in order to avoid the effects of, armed conflict, situations of generalised violence, violations of human rights, or natural or human-made disasters, and who have not crossed an internationally recognised state border.

Most IDPs in Uganda live in squalid, cramped camps consisting of grass-thatched temporary mud huts. Many of these camps grew naturally, as a result of people looking for safety near military bases and other government establishments. Some were cre-

Ugandan rural children stream into Gulu town each evening – to sleep safely and avoid being abducted into the Lord’s Resistance Army

ated by the Government of Uganda to make it easier to protect civilians from brutal attacks by the LRA.

The role of the State

The protection of people and their property is a basic human right that is well provided for in Uganda’s Constitution. While internal security is normally the responsibility of the Uganda Police Force, in the case of IDPs this function is shared with the Uganda People’s Defence Forces (the Ugandan Army) and other specialised national security agencies.

Operationally, the Department of Disaster Preparedness, under the Office of the Prime Minister, is responsible for the protection and assistance of IDPs. For a long time, its operations were *ad hoc* and not well coordinated.

Recently, an IDP policy that provides guiding principles and strategies for the interventions has been put in place. It also provides for administrative structures, both at national and local government levels. Very importantly, it forms a basis on which government can be assessed and called to account.

Uganda’s new policy on IDPs promotes state accountability

At national level, an Inter-Ministerial Policy Committee (IMPC) was established, with provision for committees with similar mandates to be established at lower levels. The purpose of



ROSS W. MUIR/WORLD VISION

these is to establish a multi-sectoral planning mechanism and division of labour to effectively address the protection and assistance of IDPs. The IMPC has a sub-committee on Human Rights Promotion and Protection. The policy is very explicit on the rights of IDPs with regard to security, freedom of movement, protection against arbitrary and/or compulsory displacement, voluntary resettlement or return, property rights, food security, basic needs, and services.

But the implementation of these rights is still a problem. Rebels have continued to attack and kill people, even in IDP camps. For example, on 21 February 2004, the LRA killed about 200 people and wounded thousands in Barlonyo IDP Camp, 355 kilometres north of Kampala. The rebels herded most of their victims into huts and set them on fire; people were shot or hacked to death with machetes as they tried to flee.

For the displaced, the inadequate response to this crisis has meant a drastic decline in quality of life. Malnutrition rates among displaced children range between 7% and 12%. The number of people sharing a single water source ranges from 1,052 to 15,000. A further indication is the higher HIV/AIDS prevalence rate among the displaced populations – almost twice the national average.

Resources required

The Government of Uganda is not in a position to provide for all of the needs of IDPs. Resources are needed to provide food, shelter, clothing and other basic services like water, sanitation, health facilities and education. In its report of June 2004,¹ the Parliamentary Select Committee that was constituted to assess the situation of IDPs noted that the cost of feeding the 1.6 million IDPs in northern Uganda requires 631 million Ugandan shillings (almost US\$400,000) daily.

Government has called upon the international community, particularly

the humanitarian agencies, for assistance. Under the broad coordination, supervision and monitoring of the office of the Prime Minister, not only are they providing food and shelter, but they have also worked with the government to provide basic services. World Vision is among the NGOs that have responded positively; it is implementing several different programmes to address the plight of IDPs in northern and eastern Uganda. World Vision offers psycho-social and material rehabilitation to former abducted children, education support for children through child sponsorship, construction of classrooms for the displaced, schools, and houses for the families of orphans and vulnerable children.

Vulnerable groups

Women and children have been most negatively impacted by the displacement. The widespread abduction of children, and use of them as soldiers, sex slaves and beasts of burden, have led to enormous insecurity that denies children their basic human rights and their special rights as children. They are not safe even in the IDP camps where the government is supposed to provide safe havens. They are denied their rights to childhood, parenting, proper nutrition and health, and education.

The denial of the right to education may be one of the most difficult to reverse. It takes time to establish schools in the camps and by the time they are in place, some children have lost the interest or can no longer go to school. Mobilising qualified teachers to work among the IDPs is very difficult. Added to this is the general inadequacy of provisions; as one Education Officer noted, “Absence of food both at home and at school makes learning very difficult for displaced children, even when the schools are established.”

Women have suffered the aggression of rebels and also, sometimes, of soldiers. It is not uncommon to

hear of women being raped or killed while they are out looking for food or firewood. A lack of productive and leisure activities in the IDP camps tempts young people into engaging in sexual activity, which has increased the incidence of child pregnancies and early marriage.

Protecting displaced people is multi-dimensional and multi-sectoral

Children and women have to line up at the few water sources for long hours to get a few litres of water. The poor sanitation conditions affect women and children more seriously, with small ones constantly falling sick and mothers having to take care of them without adequate provisions. It is not surprising to hear that the morbidity and mortality rates of children in IDP camps are several times the national average.

How can vulnerable displaced people – especially women and children – be protected? The experiences of displaced people in Uganda underscore the difficulties of ensuring protection of life and property in such a highly abnormal situation.

Clearly, the task of providing peace and security is multi-dimensional and multi-sectoral, because protection of life is not only about stopping war; it is also about provision of basic rights like food, shelter, clothing and services like good sanitation, water, education and so on. Thus, a coordinated approach to assisting IDPs is critical to the success of the interventions. But so long as adequate resources are lacking, the best efforts will fall short of protecting the most vulnerable. ■

Mr Robby Muhumuza is National Director for World Vision Uganda.

¹ See: www.parliament.go.ug/Humanitarian%20rpt_session4.htm#HUMANITARIAN

Living in limbo – on-shore asylum seekers

David Spitteler

FOR MANY AUSTRALIANS, the only sources of information about asylum seekers are the press and television. Their meagre knowledge is restricted to the issue of asylum seekers who arrive here without visas (often branded as “illegals”, “boat people” or “queue-jumpers”) and sometimes with the help of “people traffickers”.

Those vulnerable people deserve attention. Yet very few Australians have any knowledge of the difficulties that face people who arrive here legally, holding proper visas and passports,

and then apply for refugee status. On discovering Australia’s policies on the processing and subsequent treatment of “on-shore” applicants for refugee status, members of the general public tend to be initially amazed, then distressed.

On-shore asylum seekers are the people who are supported by our Asylum Seekers Centre in Dandenong, the heart of the most multicultural municipality in Victoria, and the most disadvantaged urban community in Australia. Since commencing operations in February 1997, the Centre

has had contact with 681 asylum seekers, 200 of whom have come from Sri Lanka, and 127 from East Timor.¹

Many of these people have fled situations in which they claim to have suffered persecution. They are then forced to wait out very lengthy delays for their applications for refugee status, and subsequent appeals, to be processed. During this period, they exist in a “limbo” where they are denied access to much of the social welfare system yet are not permitted to work to support themselves and pay for their children’s education. They are almost entirely reliant on charity and goodwill for food, housing and other basic needs.

The stories in the boxes illustrate the impact that the process has on families and individuals.

Family no. 1

THIS FAMILY of eight came to Australia during the period of civil unrest that eventually led to the independence of East Timor. They were fortunate to arrive in Australia before the rules were changed, and could access assistance from the government-funded Asylum Seekers Assistance Scheme. The family applied for refugee status.

Under these circumstances, the children were able to access the public school system, and in due course the two eldest children completed their secondary schooling and gained places in tertiary institutions. At this stage, the two eldest children applied for “Close Ties” visas to become permanent residents. The rules required them to move out of home and live independently of a very close-knit and supportive family. They were successful in obtaining visas

because they had lived a significant part of their lives (six years) in Australia.

For the rest of the family, things were still very uncertain. Some months later – almost eight years after their arrival in Australia – the rest of the family received their first response from the Department of Immigration, Multicultural and Indigenous Affairs (DIMIA). It was negative. The whole family was plunged into anxiety, as it appeared that the parents and four younger children would have to return to East Timor, leaving the two eldest in Australia.

As with many other East Timorese in this position, the family then took the option of a last-resort appeal to the Minister on “humanitarian grounds”. This was successful, and they were granted refugee status. The two eldest continue their tertiary studies.

Great uncertainty

Because of the uncertain nature of the delays, changes in the processes, and the very costly legal fees that can accumulate, these people experience increasingly severe tension and stress as time goes on. Their reserves rapidly diminish.

While the Government’s policy may aim to eliminate those who “port the system” by utilising delaying appeal procedures, this increasing pressure on the emotional state of many asylum seekers is the greatest concern for those who seek to support them.

Without the widespread goodwill of church and community groups, and individuals, the lives of many asylum seekers would be totally unbearable. Our Centre, with the support of generous donors and volunteers, has provided basic daily essentials

Family no. 2

THIS FAMILY of six came to Australia from Sri Lanka, having fled persecution, and applied to DIMIA for refugee status within the prescribed period (45 days) of their arrival in Australia. For the first two years, while awaiting the decision, the parents were “granted the privilege of working”, but were then transferred to “no work” visas which prohibit working in a paid or unpaid capacity. The penalty for breaking the “no work” condition is mandatory detention.

During the first year under the “no work” conditions, their eldest son graduated from secondary school and gained entry to university. To study at this level, an asylum seeker

in this category has to pay full international fees. With their relatively meagre assets in Sri Lanka, the family could not afford to pay more than the first semester fees, and were forced, reluctantly, to withdraw their son from university.

Finding great difficulty in living under the “no work” visa, even with financial help from his church, the father undertook some part-time work, was discovered by the authorities and placed in detention. He was released only after his church undertook to pay a bond of A\$20,000 – a bond that is still being held by DIMIA in case of another transgression. At the time of writing, this family has been on

a “no work” visa for three and a half years. This is a soul-destroying situation for people who have been quite capable of supporting themselves in the past, and now find that they have no way of doing so, or even of contributing to society in a meaningful way.

Some asylum seekers have been on “no work” visas for longer periods of time. Many of them are clients of Victorian Foundation for Survivors of Torture, where they are treated for clinical depression and similar psychological conditions. Life is even more difficult for the unfortunate few who experience other major health problems, as many of them do not have access to Medicare.

including food, clothing, transport tickets, housing, English lessons and telephone cards.

For many of us, supporting these vulnerable people is a clear issue of a proper Christian response to an immediate need. For others it is an issue of changing public policies towards asylum seekers. Perhaps the real solution is a combination of both these approaches.

In any event, the Australian public deserves a more complete picture of what is happening to these people, and a less biased or sensationalised media representation of asylum seekers. Only a properly informed public will be in a position to make a balanced judgment of the issue. ■

Mr David Spitteler is facilitator of The Asylum Seekers Centre in Melbourne, Australia, “a wholly voluntary inter-denominational Christian response to the material needs of on-shore applicants for refugee status”. For information, contact: dspitteler@hotmail.com

¹ During 2004, all the East Timorese clients have gained refugee status and no longer access the Centre for support.

Family no. 3

THIS COUPLE from Sri Lanka were on a bridging visa, then were transferred to a “no work” visa and lost access to Medicare. The man in this case suffered from asthma, and the cost of his medication immediately rose from A\$14 to \$70. Some months later, his wife fell pregnant with their first child. With no Medicare, and without an income, they were extremely fortunate that a major hospital took them on with its discretionary “charitable” budget. Not everyone is so fortunate. Even with the help of church and charity, the pressures associated with a newly arrived baby add enormously to the pressures experienced in these already highly stressed relationships. In this case, the father eventually returned to Sri Lanka, and was soon followed by his wife and child.

Family no. 4

THIS FAMILY with a primary school-aged child were refused refugee status. They were then advised by DIMIA to purchase return tickets to the Philippines as part of an application for a “Skilled Migration” visa – an alternative to a further appeal for refugee status. This couple had previously worked (under their initial bridging visas) in responsible positions and held references from employers who had been very happy with their performance and were prepared to re-employ them.

They left Australia, having made all the arrangements. Then they discovered that their original application had lapsed, and that the new application came under changed rules. They were now “too old” under the new rules (over 45) to qualify for this visa.

Challenges of refugee protection in Tanzania

Omar Ramadhan Mapuri

FOR THE PAST FOUR decades, the United Republic of Tanzania has been home to hundreds of thousands of refugees and asylum seekers from almost all of her neighbouring countries, as well as distant countries both within and outside the African continent. Such countries include Rwanda, Burundi, Kenya, Malawi, the Democratic Republic of the Congo, Somalia, Eritrea, Mozambique, Namibia, the Republic of South Africa, Cape Verde, Serbia and Iran.

Initially, most of the refugees fled their countries as a result of liberation struggles, or problems arising from improper transfer of power from colonial masters to new leaderships. Later on, several African countries were engulfed by conflicts and civil wars forcing many people to flee for their safety. Currently, Tanzania has a total population of 650,000 refugees.

Tradition of hospitality

One of the major contributing factors in Tanzania hosting large numbers of refugees is her long-cherished “open door” policy towards refugees, coupled with peace and political stability. Indeed, Tanzania’s deep-rooted and internationally acknowledged hospitality and humanitarian culture is reflected in the country’s practice of not only welcoming refugees within her borders, but also promoting their welfare regardless of their origins.

It is worth pointing out that the areas where asylum seekers first enter have very poor infrastructure, and that before the international community has responded to this need, it has been the people in the local communities who bear the burden of providing food and sharing the poor amenities they have with the asylum seekers!

Refugees are accommodated in special designated areas, namely camps and settlements. The camps, whose assistance programmes are fully funded by the international community through UNHCR, are relatively recent. Tanzania has been receiving ongoing (though ever-decreasing) international support through various implementing partners to cover provisions and services such as food, health, education, water and sanitation in camps.

Refugee settlements, on the other hand, are old designated areas that were largely established in the 1970s with a view to enabling refugees to become self-sufficient within three years after their arrival. When self-sufficiency was achieved, the settlements were handed over to the government in the 1980s, and the international community virtually “washed its hands” of them. They currently hold some 200,000 refugees.

Adverse consequences

However, the protracted presence of large numbers of refugees has had long-term economic, social, security and environmental consequences for Tanzania. These include:

- untold environmental damage due to indiscriminate tree cutting for construction material and fuel wood;
- proliferation of small arms and light weapons coupled with a rise in criminality in refugee hosting areas;
- destruction of roads from heavy trucks carrying relief supplies;
- destruction of host communities’ property, such as crops, animals, schools and furniture, especially during mass influxes of people;
- some taking advantage of the government’s protection for refu-

gees, to indulge in military and subversive activities, which lead to mistrust and hostility in relations with some governments of the countries of origin; and

- remarkable disparity in the level of social services between designated refugee areas and the surrounding villages, with services such as hospitals, market places and water facilities usually better in the refugee camps. (As a consequence host populations opt to use camp services, forcing village services to close. Longer-term, Tanzania’s experience has been that soon after refugees repatriate, international relief agencies also pack up and go, leaving host populations without such essential services.)

Durable solution

The Government of Tanzania believes that voluntary repatriation is the most durable solution to the refugee problem. Yet it also recognises that for sustainable repatriation, conditions in the countries of origin have to change positively.

For this reason, Tanzania has been involved in facilitating conflict resolution endeavours in many countries. It is in this context that refugees who went back to Uganda in 1980, Zimbabwe in 1981, Namibia in 1987, South Africa in 1991, Malawi in 1993, Mozambique in 1995 and Rwanda in 1996 have been able to settle in their countries without being forced to flee again. Clearly, addressing the root causes of the refugee problem is the best approach to obtain the most durable solution. ■

The Honourable Omar Ramadhan Mapuri is Minister for Home Affairs for the United Republic of Tanzania.

Putting right the wrongs of war? housing in Bosnia and Herzegovina

Elizabeth Hughes-Komljen

REFUGEE RETURN IN BOSNIA

and Herzegovina is a story of both success and failure. Success, in that by the end of 2004 nearly all outstanding claims for property restitution will have been resolved. This is a monumental achievement given the high number of outstanding claims in 2000, and the high levels of obstruction with which the local authorities initially responded.

Failure, in that – despite the billions of dollars in humanitarian assistance that have poured into Bosnia since 1996 – over a million persons have yet to return, and are likely not to ever return. Worse, an alarmingly high number of reconstructed properties remain empty.

Chaotic and complex

The war has drastically changed the housing situation in Bosnia and Herzegovina (B&H). Approximately 40% of pre-war housing stock was either partially or totally destroyed. Over half the pre-war population were forced to leave their place of origin.

More than a million people were displaced within the country's boundaries, and forced to live mainly in collective centres or in the homes of other displaced persons. Bosnian Muslims occupied the homes of Bosnian Serbs in one part of the country; Bosnian Serbs occupied the homes of Bosnian Muslims in another part; and Bosnian Croats occupied the homes of Bosnian Muslims and Serbs in another. A chaotic and complex return situation was inevitable.

When international assistance arrived in B&H shortly after the end of the war, minority return was the focus. Although the Dayton Peace Agreement recognised the right of refugees



Bosnian family who benefited from a housing project in 2001, still occupying their reconstructed home

MICHAEL BIRCHMORE FOR WORLD VISION

and displaced to choose whether to stay or return, and even predicted compensation for those whose property had been destroyed and who did not wish to return, it was clear all along that the Dayton Agreement foresaw minority return as a mechanism that would essentially annul the effects of the war: the ethnic cleansing.

The international effort in housing from early 1996 onwards focused on promoting and facilitating refugee and IDP returns, particularly of minorities. But there were several impediments to the return of refugees and displaced persons. First, in many cases their homes were destroyed or severely damaged. Second, their

pre-war homes were occupied by other refugees or displaced persons; this meant home reconstruction and repossession. Third, employment possibilities for returnees were scarce. At a cost of approximately 10,000 euros per family, donors' political agenda to avoid permanent segregation of communities that had been "ethnically cleansed" was an expensive goal.

Furthermore, local authorities' policy on minority returns was highly politicised. The Serb entity promoted local integration of displaced persons and refugees of Serb origin. The Bosnian-Croat Federation entity was pushing for, on one hand, a massive inflow of Bosnian Muslims from abroad to their territory, and on the other, the return

of Bosniaks to their pre-war homes in the Serb entity where they had formed a majority.

It became clear that the matching of available funding for housing reconstruction with returnees was not realistic. With each newly reconstructed house, more and more beneficiaries were not occupying them; they were assumed to be illegally remaining in their displaced homes after receiving assistance.

The HVM Project

The task of World Vision's Housing Verification and Monitoring Project (HVM) in B&H has been to collect data on the housing status of people who received reconstruction assistance to return.

HVM's goal was to find the so-called "double occupants". Its success in doing so jump-started the process of property rights enforcement by local authorities. The resulting wave of evictions led to more voluntary evictions and to a no-tolerance policy for municipal officials who were actively blocking evictions.

HVM has collected information on more than 53,000 reconstructed housing units, over 13,000 repossessed housing units and over 68,000 temporary addresses throughout B&H, in interviews with over 250,000 beneficiaries and their family members. This large sample size – some 70% of all who beneficiaries – permits valid analysis of the return process.

One of HVM's first, and most startling, discoveries was the high number of empty houses. In the past five years HVM has found 11,304 reconstructed housing units (21% of the entire sample) to be uninhabited. At an average price of 10,000 euros per house, a conservative estimate on the amount spent just on these empty houses is over 11 million euros. How could so much humanitarian aid be spent on beneficiaries who did not need it?

One clue is that, in selecting beneficiaries for housing reconstruction, distinc-

tion was never made between those who genuinely intended to return and live in the house, and those who simply wished to get back property they owned before the war. Beneficiaries did sign agreements on their intent to return. But the complexities of the post-ethnic cleansing situation made low return to homes inevitable.

How could so much be spent on beneficiaries who did not need it?

True, the number of empty houses has declined in the past two years, there have been improvements in projects focusing on the needs of returning communities, and some attention has been paid to improving the selection of beneficiaries. But based on evidence gathered by HVM, the risks still seem to discourage such an investment.

In light of scarce resources, HVM advocates two critical steps that must be incorporated into return projects. One is the emphasis on proper beneficiary selection. Beneficiary selection must be seen as the most crucial factor. Properly assessing whether a beneficiary genuinely wishes to return is costly and time-consuming: it requires knowledge of the beneficiary's community, their pre-war way of life as well as their current one.

A second critical element is prioritisation of beneficiaries. Assistance should focus on the most needy, not the most politically correct, as was the case in B&H with most minority return projects. Where the very needy were targeted, the result could be very effective, as found with World Vision's Roma Return project in Gorica and Carsija. Funded by the Netherlands Embassy, 100% of the houses provided by this project are occupied by the beneficiaries. The reason is not hard to find: the members of this most marginalised group simply have no better alternatives.

Success or failure?

If the aim of the Bosnian return process was to re-establish property rights, then it can be judged a success, with the vast majority of claims for property restitution resolved. If it was to address the humanitarian need for shelter, then it was a partial success – though could have achieved greater impact at lower cost with better targeting.

But if it was to reverse ethnic cleansing, it seems largely to have failed. When 67% of beneficiaries who did not return to their reconstructed houses remain displaced within the borders of B&H, the evidence so far suggests that, even with the strongest commitments of donors, it may not even be possible to reverse ethnic cleansing.

Why? Clearly, many refugees and displaced persons were unwilling to live in communities where they would be a minority. But in some cases, we are probably seeing the results of a trend of rural–urban migration that began before the war. In others, the opportunity to return may have come too late, after displaced families had put down roots in their new locations.

Attempting to put right so many wrongs was a costly, risky endeavour. Whether, with a different approach or a different environment, ethnic cleansing could **ever** be reversed is an important question in a world of increasing numbers of displaced people, and one that would repay further study. ■

Ms Elizabeth Hughes-Komljen is Communications Manager for World Vision Bosnia and Herzegovina.¹

¹ This article summarises some of the issues that HVM Project Manager Ana Povrženic raised in a presentation at the Norwegian University of Science and Technology's Conference "Researching Displacement: State of the Art" in Trondheim, Norway, in September 2004. The conference was the second in a series that brings together practitioners and scholars to analyse the plight of millions of internally displaced people.

Preventing re-displacement

Tom Getman

THE NUMBER OF REFUGEES

worldwide has dropped below 20 million. But the pain for people in still-large numbers who have for many years been separated from their ancestral properties, with little hope of returning, is a heart-rending challenge for the humanitarian community.

Anyone who works in or visits UNHCR/NGO refugee camps is struck, in conversations with refugee members of camp committees, by their persistent plea for two things: peace and safety back home, and security in the camps in the meantime. No-one wants to return, like the Burundis or Congolese in Western Tanzania, to villages that are still insecure, and where the only thing certain is an atmosphere of non-welcome when they arrive.

A rock and a hard place

The downward trend in camp populations seems to be matched by an upswing in danger for IDPs and refugees at both ends of this rocky road. The vulnerability that comes with dependence on taking refuge and staying in a foreign land is matched by the extreme risk of returning, especially if after decades, to homes that are now occupied by others. It is the classic conundrum of being between a large rock and a very hard place. Most people in the developed world cannot even imagine such a situation.

I was stunned to hear, during a recent tour of four camps in Tanzania, many stories from well-educated refugees who prioritise safe return above “better education for our children”, “jobs in the local community”, “skill training for young adults”, clothing for new-

borns and more culturally appropriate food baskets. The long-term displaced viscerally resist placing elderly parents, wives and children in further danger by consenting to a return opportunity filled with uncertainty.

For World Vision, indeed for any implementing partner for the UN agencies, but especially faith-based field organisations operating with holistic understandings of human needs, our role is challenging. This is a cause for theological as well as legal reflection.

We must provide expert camp management and efficient food and health care distribution. In line with UNHCR’s declared “zero tolerance for sexual abuse and exploitation”, our peace-building requires commensurate complaint mechanisms and security coordination. We must also



Transit centre in a stadium in Kigoma, Tanzania, set up by World Vision under UNHCR auspices in 1996. This centre housed 6,000 people who fled fighting in (what was then) eastern Zaire; many were already refugees, forced to flee their camps.

provide cross-border programmes with colleagues in the refugees' home countries to create more peaceful and hospitable atmospheres... and to ascertain when a compelling protection reality exists.

Displaced people viscerally resist endangering their loved ones in an uncertain return

As Jan Pronk, Special Representative of the UN Secretary General Kofi Annan to Sudan, reported to the Security Council in November 2004, "There was progress on the political front but regression on the ground." Sadly, that seems to be an accurate summary of the global picture. We seem to have the rhetoric correct at the higher levels of negotiation but the implementation inadequately realised where the people are at risk.

Certainly the many "protection" training programmes for field staff through Reach Out, UNHCR and ICRC workshops are helping. But we seem to be losing ground on this urgent need, and the result will inevitably be more violence and repeat displacement as we have seen recently in the Congo and Darfur. Some of the refugees have already been home once (even twice) but fled back to Tanzania, Chad and numerous other host countries.

Towards safe returns

In addition to working with all of our colleagues in the NGO/UN community to ensure and document independent determinations that it is not premature to encourage and facilitate return, there are several other critical elements we must embrace:

1. An all-parties overarching consultative commitment is necessary under the guidance of the UNHCR to provide a collaborative approach independent of the governments that cause the initial displacement. The Inter-Agency Standing Committee (the UN-NGO coordinating mechanism) has agreement by all actors to respond appropriately and assign responsibilities in regard to IDP situations.
2. True collaboration must precede rather than follow, as it did recently in Sudan, any signed agreements with the governments that cause displacement, in order to minimise manipulation and ensure the best array of professional support for returning populations.
3. The new (July 2004) Inter-Agency Internal Displacement Division (IDD) has become what the International Council of Voluntary Agencies calls our "collective conscience". It provides procedures to which we must all commit and which we must actualise in the way we work with each other.

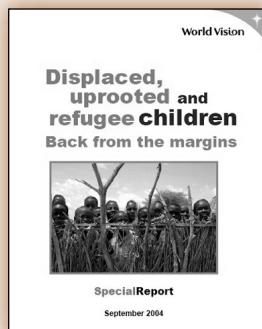
Without faithfulness to this mechanism, our strategic alliance will be frayed and displaced peoples will suffer all the more on both ends of their sojourn.

Refugees, internally displaced populations and economic migrants still are moving in too-high numbers throughout all regions of the world. The controversial "warehousing" of people for processing in neutral "holding" nations, forced returns to insecure countries or villages, gender-based and sexual violence, and other serious concerns continue to be troublesome issues.

Such issues will not be resolved until a common knowledge is turned into appropriate outrage – one that mirrors the best prophetic teachings of ancient religious documents concerning treatment of sojourners or "outsiders". We cannot affirm ourselves as a global civil society until we are assisting these desperate populations with compassion and with practical solutions. ■

Mr Tom Getman is Director of Humanitarian Affairs and International Relations for World Vision International.

1. For more information and useful debate on protection issues, see *TALK BACK: The Newsletter of the International Council of Voluntary Agencies*, October 2004 issue, at: www.icva.ch/cgi-bin/browse.pl?doc=doc00001254. A focus on the special protection needs of refugee, displaced and asylum-seeking children can be found in World Vision's new report *Displaced, uprooted and refugee children: Back from the margins*, at: www.child-rights.org, click on "reports".



NEW World Vision report

Displaced, uprooted and refugee children Back from the margins

Highlights threats facing uprooted children, and calls for programmes and policies to address their special protection needs.

available on-line only at
www.child-rights.org
(click on 'Reports')

Neighbours, asylum and xenophilia

Ismo Rama

MANY MILLIONS OF MEN, WOMEN AND children are seeking asylum and protection. How should a Christian worldview shape our understanding of issues of protection and asylum? Two brief offerings.

First, the vulnerable clearly need protection and asylum, here and now. Jesus' refrain "love your neighbour as yourself", drawn from the Old Testament, is not merely a good humanitarian idea – it's an expression of the mind and will of God. And Jesus stretched our understanding of "neighbour" to breaking point when he told the New Testament story of the "good Samaritan" who cared for the injured Jew.

If Samaritans and Jews were to treat one other as neighbours, then we too should be *neighbours sans frontières!*

Second, Jesus went further still. He challenged our limited understanding of protection and asylum when he claimed, not without controversy, that we are all asylum seekers. By our destructive efforts in trashing God's good world we have all made ourselves outsiders to God's kingdom.

All of us need, and have been offered, asylum

Jesus also claimed, again not without controversy, to be our means of entry into this kingdom – the means of access to divine asylum and protection. We see this when Jesus was put to death, and a thief who was put to death on a cross alongside him pleaded for Jesus to grant him such asylum – a plea freely answered.

Where do these twin perspectives leave us? We need to simultaneously hold on to both realities. We are to work for asylum and protection for our neighbour here and now.



JAMES ADDIS WORLD VISION

And we are to remember that we ourselves need, and have been offered, asylum.

If we find ourselves whispering "keep them away from us", we have missed the greater truth: that we ourselves as outsiders have been invited and welcomed into the kingdom of another. If seduced by the voice of xenophobia, we need to listen afresh to the words of Jesus, who practises **xenophilia**. And if we are hard-hearted toward the outsider, we would do well to remember our fellow asylum seeker: the thief on that cross. ■

Mr Ismo Rama works with World Vision International as a Strategic Initiatives Coordinator.

¹ The author is indebted to, and for further reading recommends, the following articles by Andrew Cameron and Tracy Gordon of the Social Issues Executive, Anglican Diocese of Sydney, Australia: "Refuge, Detention and the Failure of Evangelical Identity", *Social Issues Briefing #010*, 24 May 2004 (www.anglicanmedia.com.au/index.php/articleview/1437/1/9); "Detention and Asylum Children", *Social Issues Briefing #008*, 27 May 2004 (www.anglicanmedia.com.au/index.php/article/articleview/1419/1/9); and "Our Place in the International Neighbourhood", *Social Issues Briefing #013*, 7 June 2004 (www.anglicanmedia.com.au/index.php/article/articleview/1523/1/9).

WORLD VISION

is a Christian relief and development partnership that serves more than 85 million people in nearly 100 countries. World Vision seeks to follow Christ's example by working with the poor and oppressed in the pursuit of justice and human transformation. Children are often most vulnerable to the effects of poverty.

World Vision works with each partner community to ensure that children are able to enjoy improved nutrition, health and education. Where children live in especially difficult circumstances, surviving on the streets, suffering in exploitative labour, or exposed to the abuse and trauma of conflict, World Vision works to restore hope and to bring justice.

World Vision recognises that poverty is not inevitable. Our Mission Statement calls us to challenge those unjust structures that constrain the poor in a world of false priorities, gross inequalities and distorted values. World Vision desires that all people be able to reach their God-given potential, and thus works for a world that no longer tolerates poverty. ■



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