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from the editors

*T*rying to find a short title on which to hang the feature section of this issue was not easy. Respect, accountability, evaluation, ethics and responsibility are all themes interwoven in the articles. In the end we opted simply for '**Accountability**'. We hope you enjoy the varied range of articles under this heading.
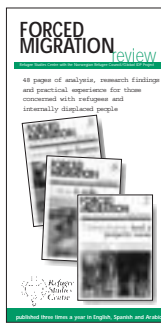
Corinne Owen

This issue also includes mini features on India and the Guiding Principles, and asylum and the media in Australia, plus articles on training for police in Uganda, and appointing the next HCR.

Issue 9 (December 2000) will focus on **Gender** and will be guest-edited by Judy El-Bushra from the British NGO, ACORD. For details of the aspects we plan to cover, please visit our website at www.fmreview.org. Issue 10 (April 2001) will include a feature section on **UNHCR and the 50th anniversary of the 1951 Convention**. If you would like to contribute, or if you have suggestions for aspects to cover or potential contributors, please contact the Editors as soon as possible (contact details opposite). Deadlines for contributions are listed at the bottom of this page (and on our website).

We are pleased to welcome three new members to our **Editorial Advisory Board**: Professor B S Chimni (Department of International Law, Jawaharlal Nehru University), Erin Mooney (UN High Commission for Human Rights, Geneva, and Special Assistant to Francis Deng) and Bonaventure Rutinwa (Centre for the Study of Forced Migration, University of Dar es Salaam). The full list of members of our Editorial Advisory Board is given on page 43.

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48 pages of analysis, research findings and practical experience for those concerned with refugees and internally displaced people

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If you find Forced Migration Review useful, spread the word to others. Forced Migration Review is free for individuals and institutions in the South, as well as for students and refugee/IDP associations. We have recently updated our **promotional leaflet** and would be happy to send you copies to circulate and/or display.

We need more paid subscriptions to the magazine. If you have a connection with a university in the North we would be grateful if you could ask the university library to consider taking out a subscription.

We are soon to begin the Herculean task of transferring our mailing records to a **new database**. If there are any inaccuracies on your name/address label, please let us know. We would also like to have the email address of all our readers who have one so that we can contact you without having to pay postage. (Naturally, we will not pass your details on to anybody else.)

Best wishes

Marion Couldrey and Tim Morris
Editors

Writing for FMR? Here are our submission deadlines:

Issue	Articles by	Information items by
9 (Gender)	2 October 2000	3 November 2000
10 (UNHCR)	1 February 2001	1 March 2001

Cover Photo: Afghan refugees in Pakistan (UNHCR/R LeMoyne); Father O'Neil and local sheikhs discuss refugee issues in Sudan (Panos Pictures/Caroline Penn).

contents

Thinking outside the box: evaluation and humanitarian action

by Jeff Crisp

In the conclusion to *The Quality of Mercy*, his classic 1984 analysis of the Cambodian refugee crisis, William Shawcross observed that "evaluations of humanitarian aid are not easy."[1]

"One problem," he continued, "is institutional. Humanitarian agencies do not often publish discussions of their work. They release lists of, and sometimes accounts of, the assistance they have given, but rarely offer real analysis... As a result, mistakes are repeated again and again from one disaster to another." "Like all generalizations," Shawcross acknowledged, "this one has its exceptions." "But," he concluded, "it applies both to UN organizations and to private agencies, large and small."

Writing two years later in *Imposing Aid*, her equally seminal account of the Ugandan refugee situation in southern Sudan, Barbara Harrell-Bond reached a similar conclusion.[2] "Inside the agencies," she stated, "it is well known that the same mistakes have been repeated over and over again. ... It is assumed that the impact of development projects will be evaluated, but humanitarian programmes have never been subjected to the same scrutiny... The importance of evaluating the impact of relief programmes is not widely appreciated."

Interestingly, the two authors were also in broad agreement when they came to explain this unsatisfactory state of affairs. According to Shawcross, "deliberate and conscious learning from experience is not part of the non-profit welfare tradition... The refrain: 'we have no time or money to evaluate our efforts - the need is too great' is all too common among aid officials." And in the words of Harrell-Bond, "humanitarian work... is thought to be selfless, motivated by compassion, and by its very definition suggests *good* work." "As relief is a gift," she concluded, "it is not expected that anyone (most especially the recipients) should examine the quality or quantity of what is given."

The preceding quotations from *The Quality of Mercy* and *Imposing Aid* beg a number of important questions.[3] But the conclusion reached by both books - that humanitarian operations were largely exempt from serious evaluation or critical analysis - represented a valid critique of the situation that prevailed in the 1970s and 1980s.

A new scenario

Moving forward some 15 years to the present day, one encounters a very different scenario. For humanitarian evaluations have now become big business (in both a figurative and literal sense) attracting unprecedented levels of donor funding and agency commitment, as well as public and political interest.

While a detailed account of this trend lies beyond the scope of the current article, it can be illustrated by reference to four particular developments that have taken place over the past few years.

humanitarian evaluations have now become big business

First, and in sharp contrast to the situation in the 1970s and 1980s, humanitarian operations are now regularly subjected to critical analysis and assessment.[4] Such reviews are increasingly undertaken by professional teams of consultants, funded by - but independent of - the operational agencies and donor states which have commissioned the review. It has also become common practice for evaluation reports to be reviewed in draft by a wide range of stakeholders and then to be placed in the public domain - a far cry from earlier days when such reviews of humanitarian operations tended to be shrouded in secrecy and distributed on a confidential basis.

The most prominent example of this new approach is to be found in the 1996 Joint Evaluation of Emergency Assistance to Rwanda - a million-dollar undertaking involving 52 researchers which led to the production of a five-volume report, more than 500 pages in length.[5] While the Rwanda evaluation was somewhat unique in its scale, the approach which it took - transparent, consultative, multidisciplinary and independent - has been replicated in a number of other recent studies: a UNICEF-sponsored review of Operation Lifeline Sudan; an independent evaluation of UNHCR's response to the Kosovo refugee crisis; and a global review of Danish humanitarian assistance, commissioned by DANIDA, to give just a few examples.[6]

A second manifestation of the new interest in humanitarian evaluation can be seen in the burgeoning literature on the subject. Prior to the mid-1990s, a great deal had been written about the evaluation of development projects but relatively little had been published on the question of evaluation in the humanitarian sector.

During the past two or three years that situation has changed very rapidly, with at least six major humanitarian actors (AusAid, DANIDA, ECHO, OECD, SIDA and UNHCR) all producing their own evaluation policies, guidelines and manuals.[7] In addition, the Relief and Rehabilitation Network of the Overseas Development Institute published a comprehensive 'good practice review', focusing on the evaluation of humanitarian

assistance programmes in complex emergencies.[8] The duplication of effort involved in the preparation of these documents can legitimately be criticized but the fact that they have been published at all provides an important indicator of the importance currently attached to evaluation itself.

Third, recent years have witnessed a strengthening of the evaluation function in several major humanitarian agencies - a phenomenon that can be measured both in terms of the resources allocated to evaluation and in terms of the profile and influence which it enjoys within those organizations. While it is by no means the only agency to be affected by this trend, UNHCR provides a prime example.

At the end of 1998, UNHCR's evaluation function was effectively submerged within a larger unit whose principal task was that of 'inspection' - an oversight mechanism focusing primarily on managerial effectiveness and efficiency, rather than programme implementation and impact. The evaluation function was staffed by a single international staff member and had access to a very modest consultancy budget. While they were high in quality, the evaluation reports produced by the unit were regarded as 'restricted' documents, and consequently had only a limited and internal distribution.

During the past year, a number of significant changes have been made to the evaluation function in UNHCR, many of them prompted by the recommendations of an independent review, funded by the Canadian government.[9]

The evaluation function has been separated from inspection, combined with that of 'policy analysis' and given an influential position within the Department of Operations, reporting directly to the Assistant High Commissioner for Refugees. Employing three international staff members, the new Evaluation and Policy Analysis Unit (EPAU) also has a substantially increased capacity to engage independent consultants. At the same time, UNHCR has introduced a new and more progressive evaluation policy, involving the unrestricted dissemination of the organization's evaluation reports and a new commitment to stakeholder participation in the evaluation process.[10]

Albania: Swedish Red Cross delegate talking with refugees in the Danish Red Cross camp for Kosovo refugees near the coastal town of Lesze.

Fourth and finally, the new dynamism surrounding the issue of evaluation has been manifested by the increased level of interaction taking place between the personnel of different humanitarian organizations, whether they be UN agencies, NGOs, donor states, research institutes or private consultancy companies. As a result of such interaction, a 'culture of evaluation' finally appears to be emerging in the humanitarian sector - a culture that is based on some common principles (such as a commitment to transparency and the introduction of innovative evaluation techniques) and which cuts across the institutional boundaries and turf wars that all too frequently characterize the international humanitarian system.

Perhaps the foremost expression of this development is the establishment and expansion of ALNAP (Active Learning Network on Accountability and Performance in Humanitarian Assistance). Established in 1997, in the aftermath of the Joint Evaluation of the Rwanda emergency, ALNAP provides an important forum for the exchange of ideas and information among individuals and organizations engaged in the humanitarian sector. Its objectives are twofold: "to identify, share and uphold best practices in relation to monitoring, reporting and evaluation within the international system for the provision of humanitarian

assistance" and "to move towards a common understanding of 'accountability' in the context of the international system." As these statements suggest, Harrell-Bond's 1986 assertion that "the importance of evaluating the impact of relief programmes is not widely appreciated" is now considerably more difficult to sustain.

The changing context

The developments described above demonstrate that the institutional and normative impediments to humanitarian evaluation are considerably less onerous today than they were ten or fifteen years ago. But what exactly accounts for this new recognition of the need for humanitarian operations to be subjected to critical analysis? To answer that question, a number of related factors must be taken into account.

During the past decade, the scale, scope and visibility of humanitarian action has increased enormously, attracting much greater levels of international attention than was previously the case. With humanitarian agencies being thrust to the forefront of international politics in areas such as the Balkans and the Great Lakes region of Africa, it is hardly surprising that the activities of such organizations have become the subject of increased analysis and appraisal.

The need for such analysis and appraisal has been reinforced by the changing, and often innovative, character of humanitarian action during the past decade. Indeed, many of the most familiar concepts in the contemporary humanitarian discourse - 'safe havens', 'temporary protection', 'negotiated access', 'humanitarian evacuation' and 'post-conflict reconstruction', for example - were virtually unheard of just ten years ago. As the author of this article wrote in 1995, "many of the initiatives which have been taken during the past five years have been experimental in nature, hastily formulated to meet urgent and unexpected needs. Inevitably, some have proved more effective and equitable than others."[11] It is precisely because of this very mixed record, and because of the growing belief that relief programmes often do as much (if not more) harm than good, that humanitarian operations have attracted so much critical attention in recent years.

Donor states have played a major part in the growth of evaluative activity in the humanitarian sector. During the early and mid-1990s, with the onset of crises in countries such as Bosnia, Iraq, Rwanda and Somalia, not to mention the continuation of longstanding emergencies in countries such as Afghanistan, Angola and Sudan, international spending on emergency relief operations escalated very rapidly. At the same time, the governments of the industrialized states were under (or at least had placed themselves under) pressure to reduce domestic taxation, to limit public spending and to ensure that they received good value for their expenditures. In such a context, overseas aid programmes - and the agencies that implement such programmes - became a target of particularly close scrutiny.

Interestingly, donor state demands for 'greater accountability' in the humanitarian sector have fallen disproportionately on multilateral agencies such as UNHCR. This is partly because of the high levels of expenditure and perceived inefficiency of these organizations. But perhaps more fundamentally it is because donor states increasingly prefer to channel their resources through national NGOs and bilateral institutions. A significant consequence of this trend is that the UN agencies are now at least as (if not more) transparent in terms of evaluation than many major NGOs. Thus very few of the major British relief agencies make either internal or external evaluations of their

work available on the internet, whereas this has become a common practice within the UN system.

This is somewhat surprising, as the recent emphasis placed upon humanitarian evaluation is directly linked to a recognition of the need for aid agencies and personnel to function in a more accountable and professional manner. And the NGOs have played a major role in stressing the importance of accountability, not least through their participation in initiatives such the Red Cross Code of Conduct, the Sphere Project, the Humanitarian Ombudsman Project and People in Aid.[12]

While they vary in their specific objectives, such initiatives are based on some common principles: that the 'beneficiaries' of humanitarian programmes have rights which must be respected; that humanitarian personnel should work in accordance with agreed professional standards; and that aid organizations have an obligation to provide services of a certain quality. The dissemination of such principles, which act as an important antidote to the kinds of paternalism and amateurism witnessed by Shawcross and Harrell-Bond, has also contributed to the development of a more 'evaluation-friendly' culture in the humanitarian sector.

Finally, if we are to understand and explain the emergence of this new culture, then some broader international trends must be taken into account. Fifteen or 20 years ago, humanitarian organizations might have been prepared to withhold damaging information from their key constituents, to conceal their mistakes from public view and to maintain a dignified silence in the face of media criticism. They might also have been willing to downplay the need for evaluations, regarding such exercises as an inconvenience at best, and at worst a threat to their public image, their credibility and their fundraising potential.

Today, however, evaluations are welcomed (or at least tolerated) for precisely the opposite reason. In the increasingly crowded humanitarian marketplace, agencies which open themselves to external scrutiny, which acknowledge the difficulties they have encountered and which demonstrate an ability to learn from past experience may have a distinct advantage over their competitors.

Current challenges

As this article has explained, humanitarian programmes are now being subjected to critical analysis more regularly, more systematically and more openly than was the case in previous years. And that must be a welcome development. For evaluations have the potential to enhance the accountability and operational performance of humanitarian agencies, thereby improving the standard of protection and assistance which they can offer to people in need. As the following paragraphs suggest, a number of steps could be taken to ensure that this potential is more fully realized.

agencies which open themselves to external scrutiny … may have a distinct advantage over their competitors

First, humanitarian evaluations would benefit from the introduction of alternative approaches and methodologies. There is particular scope for evaluations to be undertaken in a more consultative and participatory manner, enabling aid agency employees and programme beneficiaries to play a fuller part in the review. There is also an untapped potential for inter-agency evaluations and joint reviews, the latter involving a mixture of personnel drawn from UN agencies, NGOs, donor states, local institutions and academia.

Second, efforts should be made to engage a broader range of consultants in humanitarian evaluations - a field which tends to be dominated by a relatively small number of 'experts', a large proportion of them male, originating from the English-speaking world and from northern Europe. Both substantively and symbolically, it would be advantageous for this monopoly to be eroded.

Almost all of the relevant guidelines and handbooks produced in the past few years bear titles that refer to the evaluation of humanitarian assistance. Significantly, none of them refer to pro-

tection, or to human rights. A **third** challenge is to ensure that these concerns are central - rather than marginal - to the evaluation of any humanitarian programme.

Fourth, humanitarian evaluations should be characterized by higher degrees of professionalism and quality control. Contrary to some aid administrators, the author of this article does not believe that humanitarian evaluation will ever become a science, or that it should become a discreet profession. Even so, there is a strong case to be made for the introduction of training initiatives for humanitarian evaluators, as well as an insistence that humanitarian evaluations conform to the standards that are routinely applied to academic research and analysis.

The independent team which reviewed UNHCR's response to the Kosovo refugee crisis stated that the agency must develop a capacity to 'think outside the box'. By this, they meant that UNHCR should be able to rethink its own assumptions, to look at situations from fresh angles and to question conventional wisdoms.

'Thinking outside the box' is a **fifth** and final challenge for those organizations and individuals who are engaged in the evaluation of humanitarian activities. Such reviews can all too easily become technocratic assessments, which simply

ask whether a project or programme is meeting its stated objectives in an effective and efficient manner. Questions of a more fundamental nature - whether those objectives are the right ones, whether they correspond to the needs and aspirations of the beneficiaries, and whether entirely different approaches to the situation or problem at hand should be considered - are all too easily neglected. And by providing evaluators with narrow terms of reference which exclude such important issues, humanitarian organizations have the ability to discourage such questions from being posed.

In 1986, Barbara Harrell-Bond lamented the fact that there was "no tradition of independent, critical research in the field of refugee assistance."[13] As demonstrated by the publication of journals such as *Forced Migration Review*, that is no longer the case. The task now is to ensure that the tradition of independent and critical research is brought to bear on the evaluation of humanitarian programmes.

Jeff Crisp is head of evaluation and policy analysis at UNHCR. Email: CRISP@unhcr.ch

1 William Shawcross *The Quality of Mercy: Cambodia, Holocaust and Modern Conscience*, Andre Deutsch, London, 1984, pp386-7.

2 Barbara Harrell-Bond *Imposing Aid: Emergency Assistance to Refugees*, Oxford University Press, Oxford, 1986, ppxi-xii.

3 For example, given the extent to which 'humanitarian' programmes were used for political, strategic and even military purposes during the Cold War era, did donor states not have an interest in limiting the extent to which those programmes were subjected to systematic analysis and evaluation?

4 At least 25 evaluations of the Kosovo emergency operation have been commissioned since mid-1999. Although Kosovo remains an exceptional case, even less high-profile emergencies such as those in Liberia and Sierra Leone have been the subject of multiple reviews.

5 Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience,* Copenhagen, 1996.

6 A Karim *et al, Operation Lifeline Sudan: A Review,* Department of Humanitarian Affairs, New York, 1996; *The Kosovo Refugee Crisis: An Independent Evaluation of UNHCR's Emergency Preparedness and Response,* UNHCR, Geneva, 2000; *Evaluation: Danish Humanitarian Assistance* (nine volumes), Ministry of Foreign Affairs, Copenhagen, 1999.

7 The evaluation and policy analysis page of the UNHCR website (www.unhcr.ch) provides direct links to these and other relevant publications on evaluation methodology.

8 Alistair Hallam, *Evaluating Humanitarian Assistance Programmes in Complex Emergencies,* Relief and Rehabilitation Network (now Humanitarian Practice Network), Good Practice Review no 7, Overseas Development Institute, London, 1998. Email: hpn@odi.org.uk

9 PLAN:NET 2000, 'Enhancement of the evaluation function in UNHCR', Inspection and Evaluation Service, UNHCR, November 1998.

10 See 'UNHCR opens up its evaluation reports to public scrutiny and invites NGO participation in evaluation missions', *Talk Back,* vol 1, no 8, 1999, International Council of Voluntary Agencies, Geneva.

11 *The State of the World's Refugees: In Search of Solutions,* UNHCR and Oxford University Press, Oxford, 1995, p14.

12 See 'Humanitarian codes of conduct' in *The State of the World's Refugees: A Humanitarian Agenda,* UNHCR and Oxford University Press, Oxford, 1997, pp 46-7. See Publications section of this FMR for information on the *Sphere Handbook.*

13 *Imposing Aid,* op cit, pxi.

Southern Sudan. Choy north of Nimule. Norwegian People's Aid project in war zone

Promise and practice: participatory evaluation of humanitarian assistance

by Tania Kaiser

Donors, UN and other international organizations and NGOs are increasingly interested in using participatory and beneficiary-based methodologies in their evaluation processes.

This article is based on analysis of recent evaluation reports and consultation with evaluators and agency staff. It indicates that although many agencies have prepared best practice evaluation guidelines their use has not yet become common practice. This article is intended to contribute to a wider objective of generating recommendations for the field-testing of relevant and truly beneficiary-based evaluation methodologies.

Rethinking evaluation objectives

Following lessons learned from development studies, humanitarian actors are beginning to recognize that assessing the actual impact of their work is more valid than simply measuring output in material terms. Linked to this is a recognition not only that current evaluation practices do not always provide information useful to practitioners but also that the way in which evaluations are conducted may pre-determine the kind of information gathered. By implication it is being realized that incorporation of beneficiary perspectives into evaluation processes cannot, and should not, be done without broad rethinking of the objectives of evaluation.

While many of the lessons from development projects are relevant for humanitarian approaches to evaluation, there are clearly points of divergence. Some relate to the conventional modes of delivery of humanitarian assistance. Organizations like UNHCR are almost necessarily centralized and bureaucratic: a function of the political and economic framework within which they are obliged to operate, as well as their organizational culture. Alistair Hallam has noted that humanitarian assistance remains an essentially 'top down' process: "Humanitarian agencies are often poor at consulting or involving members of the affected population and beneficiaries ... there can be considerable discrepancy between the agency's perception of its performance and the perceptions of the affected population and beneficiaries".[1]

The objectives of humanitarian evaluations have hitherto related predominantly to institutional priorities. There has been no consideration that beneficiaries might have a role other than as recipients of improved assistance or that there might be value in the evaluation process for beneficiary populations.

The need for downward accountability … has only emerged in recent years

Accountability has usually been conceived as upwards: to donors, trustees and other northern stakeholders. The need for downward accountability, or accountability to those receiving assistance, has only emerged in recent years. It is not clear this is achievable unless more attention is paid to beneficiary views at every stage of programme management. In UNHCR's *Planning and Organising Useful Evaluations* (1998), however, UNHCR appears to take the emphasis off accountability as an objective, a move which risks losing the opportunity for downward accountability.

Institutional objectives are generally understood to be grouped around lesson learning and accountability. In respect of lesson learning within a programme, the timing of the evaluation is critical; at mid-term, changes to the programme can still be made while an end-term evaluation offers only the prospect of lessons for the future. It is a truism that there is a relationship between the kind of information sought in an evaluation and the methods used to gather it. The OECD has noted that "if lesson-learning is emphasized then it opens up the possibility for the extensive use of participatory methods. If accountability is emphasized then it implies structuring the evaluation so that its findings are independent and respected".[2] Such a view encapsulates the widespread mistrust of the results of participatory research and reflects the assumption that evaluation should lead to the learning of a single truth.

From output to impact

Conventional evaluations have tended to employ a technical idiom which relies on establishing the extent to which fixed objectives have been achieved by implementers. A 'scientific' approach has been common, with evaluation teams mandated to investigate outputs in terms of resources controlled by the programme. Quantitative methods have generally been employed to do this, and have been preferred by donors and agency desk staff on the grounds of their assumed reliability and verifiability. This approach implies the desirability and possibility of establishing 'facts' and an objective 'truth'.

Borrowing from evaluation criteria used in development studies, a new emphasis has been placed in some quarters on the assessment of impact of programmes. This implies a much more wide-ranging and inclusive focus and may represent the best forum for methodological innovation, including the increased participation of beneficiaries and others in evaluation processes.

Involving beneficiaries in research will entail addressing the fears that programme staff may have about evaluations. Their concerns about what evaluation results might mean for their work or careers may make them reluctant to relinquish the control they have in decision making and evaluation. Recognizing the validity of staff fears of judgmental evaluations, organizations such as MSF Holland are explicitly attempting to re-orient evaluation to place a greater emphasis on learning rather than internal accountability. It is being suggested that both field staff and evaluators should be obliged to take responsibility for their work and that accountability and transparency should go hand in hand.

What the purpose of an evaluation is understood to be has implications for the extent to which beneficiaries are invited to participate. Evaluation is a political process which means different things to different actors. Involving beneficiaries in the evaluation of humanitarian assistance programmes implies that the evaluation objectives are wider than a straightforward attempt to measure programme outputs.

Any meaningful evaluation of assistance programmes requires analysis of both the socio-political economy inhabited by those affected by complex emergencies and the survival strategies they employ. Without beneficiary input, evaluation becomes counter productive. If it is accepted that impact assessment is desirable, beneficiaries must be involved in the process. Attempts to incorporate beneficiary voices have been frustrated when they operate within a framework which does not accept this. As anthropologist and evaluator on the Joint Evaluation of Emergency Assistance to Rwanda, Johann Pottier, asks:

> How can I make them move beyond what they expect me to do, which is to have nice neat (apolitical) questions and bring back neat (apolitical) answers? The methodological challenge... is not how we can use shortcuts in research (eg by applying PRA techniques) but

how we can improve on the questions we ask in the highly charged setting of complex political emergencies... Sitting down for as long as it takes, and knowing what questions to ask and how, must remain the principal strategy.[3]

Prescriptions for action: guidelines and manuals

The donor and agency guidelines and manuals currently available on how to organize evaluations of humanitarian assistance explicitly recognize the need for more participatory evaluation processes than have existed in the past. Equally, the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in disaster relief states that "ways shall be found to involve programme beneficiaries in the management of relief aid". The commitment to inclusive and participatory approaches visible in the developmental world since at least the early 1990s is reflected in OECD recognition that "interviews with beneficiaries can be one of the richest sources of information in evaluations of humanitarian assistance".[4] In 'Introducing UNHCR's Evaluation and Policy Analysis Unit' (1999), UNHCR undertakes that "EPAU will make particular efforts to work in

IDP camp, near Ruhengheri, Rwanda

UNICEF/HQ99-0474/Giacomo Pirozzi

collaboration with its operational partners and to ensure that beneficiary views are taken into account in the analysis and assessment of UNHCR activities."

UNDP notes that "in a participatory evaluation, the role and purpose of the evaluation change dramatically. Such an evaluation places as much (if not more) emphasis on the process as on the final output, ie the report ... the process is the product ... the purpose of evaluation is not only to fulfill a bureaucratic requirement but also to develop the capacity of stakeholders to assess their environment and take action."[5] Participatory evaluation gives a voice to those who have lost their usual communication channels and encourages community members to voice their views, gather information, analyze data themselves and plan actions to improve their situation. It recognizes that project stakeholders and beneficiaries are the key actors of the evaluation process and not the mere objects of the evaluation. The prescriptions of the guidelines generally involve a move towards assessment and evaluation as a coherent process. This is linked to a greater involvement of beneficiaries and other stakeholders in terms of both methodology and substantive content evaluation. It represents a process of negotiation and mediation which involves not only including beneficiaries as sources of information but also defining entirely new roles for them.

Beneficiary-based evaluation is most usefully conceived as specifically focused social research, aiming not exclusively to ascertain cause and effect relationships, but also to understand the nature of the situation experienced by various social actors within it. Qualitative, and conceivably also anthropological, research methods and analysis may be the most productive strategies.

There are also practical issues to consider. An evaluation can be neither consultative nor participatory unless it is both planned and documented. Half-hearted attempts, or those which are not fully transparent, do not assist those attempting to win credibility for the strategy.

Moises Leyton, field director Oxfam GB, talking to women's group in La Paz, Bolivia

All stakeholders should be aware of the kind of evaluation which is planned. A beneficiary-based evaluation may not cover the same ground as an audit of the same programme, and should not be criticized for this. It is crucial that evaluation terms of reference specify that participatory approaches are to be used, and that the additional time that these require is factored into the timeframe.

There is a major question about the extent to which it is feasible to include beneficiary views in the evaluation of programmes which have failed to include these during planning, implementing and monitoring stages. Not only will there be a lack of baseline data for evaluators to use but also such an approach raises questions about how much assistance providers really know about the affected populations with whom they work.

Is the participatory message getting through?

A review of some 250 evaluation reports in the ALNAP database found that "only a few of these evaluations comment on issues of consultation, and few are themselves participatory."[6] Clearly there is a wide gap between theory and practice. While almost all NGOs speak of the importance of participation, there is a paucity of evidence of participation in NGO evaluations.

Evidence that beneficiary-based methods are actually being employed is generally anecdotal rather than to be found in agency documents. When some degree of informal, opportunistic consultation is used, this is on the basis of personal interest and the availability of time to conduct interviews. This may well contribute to the overall effectiveness and interest of a subsequent report but, without proper documentation, the qualitative methods which have been used are liable to be condemned as 'unscientific', 'impressionistic' or 'subjective'.

A study of evaluations supported by the UK Department for International Development described efforts by evaluators to interview members of affected populations as "inadequate".[7] Tellingly, although the terms of reference of the UNHCR EPAU evaluation report on Kosovo called for the views of refugees and former refugees to be solicited, the main body of the report makes only passing reference to interviews with refugees and gives no description of data collection methods employed.[8] Similarly, despite criticizing the absence of beneficiary community participation in rehabilitation activities in the Great Lakes Region, the UNHCR report of the review of this work itself appears not to have included beneficiary perspectives.[9]

Examination of UNHCR reports indicates inconsistency in recent years with regard to the extent that beneficiary voices have been solicited or heard. It appears that participation of refugees in UNHCR studies has relied on a number of changing criteria, the subject matter of the report, the perspective of the evaluation teams and questions of access and timing. The same judgment can be made of recent WFP evaluation reports.

At times, reports mention beneficiary views without describing how they were identified and who expressed them. Although the inclusion of refugee voices is to be desired, when views are not disaggregated and specific sources of information are not provided, representations must be treated with caution. The absence of information about the

nature and structure of affected populations impacts on the way assistance providers make decisions about the kind of assistance required and can be the cause of major tensions within the beneficiary population. A common complaint is that while donors demand such relevant information, they rarely provide the kind of support required to gather it.

Some NGOs have proactively recruited social researchers to spend significant periods of time in field situations in order to generate learning about the populations with whom they were working. Clearly there is advantage to be derived from linking participatory evaluation processes with a better understanding of the socio-economic profile of the beneficiary population and with a greater degree of beneficiary involvement throughout the project cycle. Some of these evaluators have produced papers discussing methodologies and experiences. Such documents, while fascinating, demonstrate the uniqueness of each case, and indicate the difficulty of transposing lessons learned in any degree of detail between programmes.

In the chapter of Oxfam's 1999 publication on impact assessment, Chris Roche discusses the particular methodological and ethical requirements in emergency situations. He notes that constraints imposed by politics and security routinely mean that key groups, particularly women,

donors remain pre-occupied by upward accountability

older people and children, are not involved in either programme design or implementation.[10]

With such scant mention of canvassing and representing beneficiary views in the evaluation literature, learning the views of disaggregated beneficiary populations is nearly impossible. The reality that emergency assistance programmes are certain not to be experienced and perceived identically by different sections of a beneficiary population is not apparent in evaluations.

Constraints on participation

The experience of the team which carried out the groundbreaking evaluation of the international response to the genocide in Rwanda indicates the complexity of constraints on participation. The head of the evaluation team indicated that it proved difficult to research events as beneficiary recall was generally too hazy to make retrospective assessments. Agencies whose programmes were being evaluated generally had a very poor understanding of the pre-flight social structure of refugee societies. The refugees consulted had an extremely undifferentiated view of the assistance-providing agencies and often talked generally of the Red Cross rather than the constituent agencies of the Red Cross Movement and those who worked with them.

A meeting convened by ALNAP in November 1998 to examine why beneficiary-based methods are not more comprehensively used in the humanitarian community noted that the approach is regarded as time-consuming, difficult to implement in conflict situations and is not required by donors who remain preoccupied by upward accountability.[11] Other explanations have also been offered. Host governments are often hostile to such approaches, informants might be put at risk in situations of political tension or conflict, beneficiary populations cannot be trusted to answer honestly for fear of losing assistance, methodological know-how is missing, no baseline data exists against which to measure change and logistical constraints rule out the possibility of involving beneficiaries in evaluation.

Conclusion

A number of agencies are keen to improve their practice and are interested in a rights-based approach, social learning and development of methods for greater beneficiary involvement in evaluation and other stages of humanitarian assistance programmes. The humanitarian community's greater interest in stakeholder participation and downward accountability is manifest in the new emphasis on standards in such initiatives as the Red Cross/NGO Code of Conduct, the Sphere Project, the Humanitarian Ombudsman project and the ALNAP network.[12]

Is it routinely the case that assistance providers truly want to know what beneficiaries think, and that they are prepared to work to overcome constraints to hear their voices? The answer will almost certainly be "yes" if beneficiaries endorse the work they are doing. It may not be the case if beneficiaries disagree in principle with what the organizations are doing, or the way they are doing it. Organizations have vested interests and their own agenda: donor approval of programmes, institutional control and coherence to policy. It remains to be seen whether donors find it in their interests to empower the world's most vulnerable groups.

Tania Kaiser is currently working as a freelance research consultant for UNHCR. Email: tan_kaiser@yahoo.co.uk. This article is extracted from a longer paper entitled 'Participatory and beneficiary-based approaches to the evaluation of humanitarian programmes,' commissioned by UNHCR and soon to be available from their Evaluation and Policy Analysis Unit at www.unhcr.ch/evaluate/main.htm

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Research in conflict zones: ethics and accountability

by Jonathan Goodhand

This article focuses on the ethical challenges arising from research in areas of conflict.

Drawing upon experience gained from community-based research in Afghanistan, Sri Lanka and Liberia, it challenges the conventional academic argument that insecurity makes it impossible to secure valid data and that serious research has therefore to wait until the fighting stops. Too often such arguments have been used by humanitarian agencies to rationalize their limited investment in social analysis and learning. It is increasingly recognized by both analysts and practitioners that there is a need for a more proactive approach leading to relevant interventions based on rigorous and in-depth analysis.

Of the three main sets of challenges faced by conflict zone researchers - practical, methodological and ethical - this article focuses on the last. It looks at the moral decisions that often confront the researcher, the danger that one may actually be doing harm and how to develop an ethical framework for decision making. Despite the humanitarian community's recent focus on ethics and humanitarianism, the emerging literature on war zone research makes scant mention of ethical challenges. Just as aid agencies are increasingly invoked to 'do no harm' and develop an ethical consciousness, so conflict zone researchers similarly need to develop a robust ethical framework to ensure that they do not inadvertently 'do harm' and that they remain open to opportunities to 'do some good'.

Nature of modern conflict

The wars in Afghanistan, Liberia and Sri Lanka combine a number of features common to many of today's conflicts and illustrate many of the challenges likely to be faced by conflict zone researchers. Although Afghanistan and Sri Lanka are 'hot wars' and Liberia is considered a 'post conflict' context, all are characterized by ongoing militarized violence, widespread human rights abuses and a culture of impunity. Militarized violence has taken a variety of different forms including conventional warfare, predatory warlordism, terrorist bombings and suicide attacks and ethnic cleansing of civilian populations. Such conflicts are protracted and extremely resistant to external attempts at resolution. The Afghan and Sri Lankan wars have been going on for 20 years.

If researchers and analysts are not prepared to engage until the guns fall silent, knowledge and understanding tend to be stuck at the pre-war level. Responses based solely on an understanding of pre-war society which fail to account for the fact that society has moved on are likely to be inappropriate. Afghanistan is a classic example of a conflict zone that in the last 20 years has virtually dropped off the 'research map'. One could argue that, as a result, action has got ahead of understanding.

It is possible to conduct research in such environments. Armed with an understanding of the patterns and dynamics of conflict, researchers can make informed decisions about when, where and how to do research. Conflicts are often characterized by dynamic and mutating patterns of violence. These may be spatially, temporally or seasonally determined. For example, fighting in Afghanistan tends to follow a seasonal pattern, with the spring and summer being the periods of greatest intensity. In Sri Lanka, violence has tended to be concentrated in the north east. Research is possible with the right local knowledge, contacts and access through local partners and a flexible approach to adapting research methodologies.

Perverse outcomes

Research may have unexpected negative outcomes. Research, like any other form of intervention, occurs within an intensely political environment and is unlikely to be viewed by local actors as neutral or altruistic. Researchers, like aid agencies, need to be aware of how their interventions may affect the incentive systems and structures driving violent conflict or impact upon the coping strategies and safety of communities. The process of conflict manipulates information by promoting and suppressing voices. Researchers are part of this 'information economy'[1] and should realize that research necessarily involves making political and ethical choices about which voices are heard and whose knowledge counts.

Humanitarian agencies need an ethical framework to maximize their ability to meet humanitarian needs and minimize the potential for aid manipulation.[2] Social analysis aiming to enhance agency responsiveness to conflict-affected communities needs to be based on similar ethical principles. Researchers could learn from current developments in the humanitarian field where the development of ethical frameworks, codes of conduct and the reframing of assistance within a rights-based approach has occurred in response to the new challenges presented by contemporary conflicts. Conflict zone researchers have moral responsibilities for their interventions and may inadvertently do harm by infringing the security, privacy and well-

> *Research is unlikely to be viewed by local actors as neutral or altruistic*

being of the subjects of their research. Ethically-informed decision making must encompass the motives and responsibilities of the researchers as well as the indirect and direct impacts of research on people in war zones. We need to develop positive guidelines which include 'do's' as well as 'don'ts'.[3] The most appropriate decisions are likely to be made when ethical issues are thought about prior to starting research. Researchers are most likely to 'do harm' when they do not anticipate likely ethical challenges

Security risks

Safety is a fundamental issue for both communities and researchers. In many cases the only practical and safe way of gaining access to 'live' war zones is through aid agencies who are already working on the ground. This may create its own set of challenges.

Reflection on *how* you conduct research, to *whom* you talk and *what* you talk about is essential to avoid putting communities at risk. Participatory methods which involve large gatherings of people represent a high-risk strategy in areas subject to aerial bombardment. It is not always easy to separate out combatants from the broader group or to distinguish between the spontaneous views of the

gathering and propaganda. Combatants may use public meetings (as the author experienced in Sri Lanka) for their own propaganda purposes. Negotiating with the gatekeepers to a community is a highly sensitive process as identifying certain individuals as leaders may endanger them. Insurgents systematically target and attempt to remove local leadership, which may represent a threat to their power base. In Afghanistan, for instance, dealing exclusively with the 'white beards' in a village may upset the political equilibrium between them and the local commander. An understanding of who wields power and the local dynamics of conflict is an essential starting point for informed security decisions.

When choosing subjects for discussion, researchers must identify which are more sensitive than others and likely to endanger research subjects. For instance, in one village in Sri Lanka, after the first day of the research, the LTTE warned all villagers to stop talking about caste issues. In another village in Afghanistan, direct questions on the subject of the opium economy were inadvisable. Some subjects may be taboo because they are too risky while others, though sensitive, may be approached indirectly. This requires a highly developed sense of political judgement.

Researchers have to be constantly aware that while they are present for only a short time, their questions and the discussions they provoke may reverberate for a long time afterwards.

A further set of security risks relates to the researchers themselves. It is unethical to involve researchers who are inexperienced and unfamiliar with working in areas of conflict. There is a need to constantly assess whether the results of the research warrant the risks involved. If social learning is the objective and the research is likely to lead to tangible benefits to those being researched, the level of acceptable risk may be higher than for a more academic research exercise without any planned follow-up.

Confidentiality

The politicization of information means that communities seeking to avoid risk often adapt a strategy of silence. Militarized violence, including demonstration killings and ethnic cleansing, are employed in order to cow populations and enforce a culture of silence. Keeping a low profile and 'minding one's own business' may become an essential survival strategy. Researchers need to be aware of the 'information economy' and be sensitive to the needs and fears of

Jonathan Goodhand

conflict-affected communities. Confid-entiality should be a primary concern. Privacy and anonymity should be respected during and after the research.

There may be a tension between the need for confidentiality and maintaining a strategy of silence in the face of perva-sive human rights abuses. Similar dilemmas face aid agencies and critics argue that there can be a dangerous affinity between aid and silence. Researchers need to think carefully about how they bear witness to abuses and pass on information to those trying to address them without endangering the subjects of the research.

Expectations

The risk that researchers will give false hope to communities is not confined to conflict research. The danger may be even greater in situations of widespread distress and few external means of sup-port. This makes it crucial that the purpose of the research is explained clearly and consistently to community members at all stages of the research process. Unrealistic expectations can be avoided if researchers work with opera-tional agencies to ensure that findings are closely tied to subsequent actions. In such cases, however, there needs to be extremely clear communication between researchers and agency(ies). Poorly briefed researchers can inadvertently have a negative affect on community-NGO relations, which may have taken several years to develop.

Implicit messages

Researchers need to be sensitive to the implicit messages they are sending out, avoid giving the impression that they are legitimizing warring groups and analyse who may or may not be gaining political capital out of their activities. They need to ask themselves if the process of nego-tiating research access through warring parties confers legitimacy on them, whether the security of national researchers is as highly valued as that of expatriates, whether a blind eye is being turned to abusive or predatory behav-iour and whether conducting research in an area controlled by only one side of the conflict may be construed as a signal of 'battlefield bias'.

Opening old wounds

For traumatized individuals and groups, silence may be a coping, not just a sur-vival, strategy. Researchers may inadvertently re-open wounds by prob-ing into areas respondents may not wish to talk about. Dialogue must always be based on mutual consent. Researchers need to show restraint and know when to stop. There is a growing literature on trauma counselling which points to the dangers of individualized western mod-els that are divorced from the social context and may undermine coping strategies rather than support them.

Practical responses to ethical challenges

While bearing in mind that universal guidelines are likely to be of limited value, as ethical decision making is so context specific, there are practical pre-cepts for conflict researchers.

a) 'Do no harm'

Negative impacts can to a great extent be minimized in advance by:

· sensitive selection of mature researchers aware of ethical dilemas
· getting the right balance of insider and outsider researchers with rele-vant language skills and religious and ethnic backgrounds
· predicting likely ethical issues
· awareness of implicit messages given as a result of selection of research areas
· a detailed analysis of how the research is likely to be affected by, or affect, the local conflict.

During the research period researchers need to :

· blend in with their surroundings, keep a low profile and not attract unwelcome attention to the research subjects or themselves
· constantly monitor the security situa-tion and analyse risk, particularly by listening to local informants
· obtain informed consent
· honestly examine the power relation-ships between researcher and research subjects
· explain clearly the objectives of the research
· develop methodological flexibility and adapt methods appropriate to the security risk and need for confi-dentiality

· appreciate the value of restraint: to know when it is time to stop

After the research it is important to:

· feed back, in so far as security con-siderations allow, the results to research subjects
· build links to local partners and plan follow-up activities so the research is not purely an extractive exercise.

b) 'Do some good'

It is vital to keep a sense of proportion about the potential for researchers to have positive impacts beyond the imme-diate objectives of the research itself. A sense of humility is a necessary start-ing point. Researchers' capacity to 'do good', in terms of influencing the wider conflict environment, is likely to be extremely limited. However there are a number of ways in which research may have positive knock-on effects, which could be built upon and amplified by researchers.

It may be trite to state that truth is the first casualty of war but the fact remains that research can play an important role in countering myths and stereotypes, identifying information blockages and giving voice to the suppressed. If research can help us better understand the com-plex information economy in war zones, this will be a major contribution to more informed and appropriate responses.

Ethically-based research may have a number of positive effects on conflict-affected communities. In Liberia research subjects were very positive about the opportunities it provided for analysis and sharing of common prob-lems and issues.[4] In Sri Lanka community members stated that the presence of researchers made them feel safer. When linked to sensitive and ongoing support, participatory research can be a starting point for a process of capacity building and empowerment.

However, there are dangers inherent in such approaches in complex and politi-cised environments. First, they depend on a nuanced understanding of the local context and with which institutions and individuals the researcher should align themselves. Second, local perceptions of the researchers' neutrality are likely to be affected which may ultimately pre-vent them from gaining access to conflict-affected areas. Researchers thus

need to be careful when pursuing multiple objectives and be aware of the trade-offs that might ensue.

Conclusion

War zone researchers should be aware of the danger of 'conflict fetish', the automatic assumption that violence is the problem and the only lens through which to look at people's lives. Those affected by conflict frequently remind researchers and aid workers that there are other aspects to their lives, that war is not the only point of reference.

Researchers can and should engage in areas of conflict for they have an important role to fulfil. They need to accept that conflict heightens and amplifies the ethical challenges faced by all researchers and that without a sufficient level of ethical understanding and deliberation research can do more harm than good. There is a need therefore to develop frameworks to assist researchers committed to ethical decision making.

Mapping out some of the ethical challenges and responses is a starting point for producing such a framework. Much remains to be done to develop ethically-based frameworks and codes of conduct for researchers in war zones. 'Universal' and 'technical' guidelines will have limited value. Ethical decision making is inherently highly context-specific for it addresses profoundly political questions, about power, information and accountability.

Jonathan Goodhand is an Associate of INTRAC (International NGO Training and Research Centre www.intrac.org). He is currently coordinating an INTRAC study for DFID on strategic conflict assessment. Email: 113134.2114@compuserve.com

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Reflections on research among Liberian refugees
by Linda Kreitzer

Phenomenology is concerned with the study of lived experiences, an endeavour to gain a deeper understanding of the nature or meaning of everyday experiences through first-hand experience of the people being studied. When I decided to go to live in the Buduburam camp for Liberian refugees in Ghana I hoped to capture the experiences of refugee women and help redress the lack of documentation of their experiences through their own narratives.

I was introduced to the camp by two of my Liberian refugee students while teaching at the University of Ghana in 1995. The fact that Buduburam camp had been operating for seven years allowed an opportunity to look at refugee women's role in planning and implementing programmes over a long period. Aware of the vital need to develop relationships of trust among the people that one is researching, I obtained permission to live in the camp for four months. In retrospect I realize that a longer period would have been less stressful and would have allowed me to complete data analysis and get feedback from each interviewee. As it was, I worked seven days a week to conclude my interviews and provide each interviewee with a copy of their interview.

On arrival I was faced with three recurrent questions: What is your mission? How will your study help me in a practical way? Do you have any money? I tried to answer with honesty and sincerity. Once the refugees knew my reason for being in camp, I sensed a shift towards acceptance and recognition of my interest in learning about camp life and the contribution that women made to the camp programmes. I was the student and they were the experts. I lived in one simple room similar to the rooms of the refugees. I fetched water, rode local transport, ate in camp and bought most of my food supplies in camp. I socialized with people while walking the streets and usually had a drink with refugee friends at the local drinking spot. In every way possible, I tried to integrate myself into camp life. Most refugees commented on and appreciated the fact that I was prepared to live with them, put up with the irregularity of electricity and drink the water they had to use.

As a female researcher I was aware of sexual harassment and gender stereotyping. Many of the women I lived among were subject to abuse from male refugees and camp staff. I realized that if I were to enter into an intimate relationship with either a refugee or member of camp staff it would have had a detrimental effect on the trusting relationships I had established, particularly with refugee women.

After preparing a transcript of each interview I would sit down with each interviewee and work through the transcript, making any changes that they felt were needed. Receiving a final version which they could keep meant a great deal to them for there was very little reading material in the camp and possessing their own personal refugee story was greatly appreciated.

Concerned that the output of my phenomenological research should not be confined to my thesis, I sent copies to a wide range of agencies and NGOs interested in women's issues. I hope that distribution of the thesis and related articles concerning the experiences of these women will lead to greater inclusion of women in planning and implementing programmes in refugee camps.

In 1999 Linda Kreitzer completed a University of Calgary Masters thesis on women's experiences in Buduburam camp. Currently working for the American Red Cross in Armenia, she is shortly to begin a Ph.D in International Social Work at the University of Calgary. Email: lmkreitz@jps.net

Capacity building, accountability and humanitarianism in Sri Lanka

by Jennifer Hyndman and Malathi de Alwis

This article argues that capacity building has been used uncritically by humanitarian staff in international NGOs and UN agencies throughout much of the 1990s. The authors contend that capacity building holds out both promise and problems in the context of humanitarian policy and practice.

Its promise lies in the various contributions of skilled staff working for well-financed international organizations to national or local organizations with compatible mandates, skills and projects. Herein lies the potential for accountability between the two scales of organizations. Its problems are more subtle, and lie in the very concept of capacity building as something invented by the West (or North) to 'help' the East (or South) overcome its deficiencies. To illustrate this point, the authors analyse findings based on recent research conducted in Sri Lanka.[1] Due to protracted civil war in the country, the role of international NGOs and UN agencies is long-standing and ongoing; their relations with local and national organizations in Sri Lanka are a major focus of the study. Capacity building in conflict zones must be undertaken with care, so as not to fuel or prolong the war. Furthermore, the war renders the question of accountability much more convoluted.

Capacity building in war zones

Capacity building is a means of engaging and strengthening local knowledge and skills to make people's livelihoods more secure. It implies outside intervention to augment or restore the well-being of persons adversely affected by any number of factors, including war, displacement, ecological disaster or state-sponsored dispossession. Capacity building builds on but departs from 'development' in a number of key ways. It acknowledges the prior existence of economic relations and modes of making a living that can be strengthened or restored, rather than fixed by foreign expertise; and it implies a time-limited intervention on the part of those providing the external assistance, assuming that sustainable livelihoods can either be restored or created *in situ* with appropriate planning.

A civil war has been raging in Sri Lanka for almost 20 years. Tamil and Sinhalese nationalist movements have contributed to the struggles but conflict between the security forces of the Sri Lankan Government and the separatist movement of the Liberation Tigers of Tamil Eelam (LTTE) has proven the greatest threat to the civilian population of Sri Lanka, particularly in the northern and eastern regions of the country. The government-controlled 'cleared' areas stand in contrast to the LTTE-controlled 'uncleared' territory that continually expands and contracts due to the vagaries of the war's ever-evolving 'front lines', 'no-man zones' and 'border areas.' There are displaced people on both sides of these lines, encompassing Tamil, Sinhalese and Muslim groups, though the majority of the displaced in Sri Lanka are Tamil. Displacement has become a fact of life for many households. In 1999-2000 alone, thousands of newly displaced persons have had to re-start their lives, particularly in the northern region of the Wanni. The death toll from this war now exceeds 60,000.

To compare the colonizing powers of Sri Lanka (Portuguese, Dutch and British), or even the missionaries who visited the country, with the international humanitarian organizations that are currently located in Sri Lanka is to risk overstating the latter's influence in a country governed by an elected government but their respective aims are not dissimilar. The provision of social and economic infrastructure is an ongoing objective of international NGOs, such as CARE, CIDA (Canadian Development Agency), FORUT, MSF (Holland and France), OXFAM, Save the Children (UK, USA & Norway), WUSC (World University Services of Canada) and others operating in Sri Lanka.

Activities that would normally be provided by other sources in peacetime, such as education, vocational training and health services, and income generation projects for people in places adversely affected by the war, are implemented by international NGOs in concert with local and national NGOs. Considerable resources for these services are provided to nationally-based NGOs by the international NGOs. This is not a bad thing in itself but the relations of power embedded in these projects must be more self-consciously analysed, if any strong sense of accountability to Sri Lankan civil society, its nationally-based organizations with expertise and experience in such areas, and its governing bodies is to be forged.

The complexities of humanitarianism

As a humanitarian response, capacity building aims to address deficiencies within displaced populations, or at least disruptions to their livelihoods, to which outside expertise, experience or resources can be added to ameliorate the situation. Such objectives may be well-meaning and practical in peacetime but they become highly politicized in a war zone. Displaced populations on all

UNHCR Open Relief Centre, Sri Lanka, children repeatedly displaced by the ongoing conflict

sides of the ethnic divide in Sri Lanka, for example, may be 'taxed' by governing parties, such as the LTTE or the Sri Lankan government, to provide resources for fighting. The restoration of livelihoods in such a context is much less straightforward than the concept of capacity building to increase social and economic security in peacetime.

Capacity building also aims to augment and improve upon skills, experience and resources already situated in a given location. The idea that support for something as innocuous as education could become support for militarization is difficult to comprehend in such a context. Parents in LTTE-controlled areas of Sri Lanka have avoided sending their children to school because it is considered a training and recruitment ground for the Tiger rebel group. This is no unfounded fear for there have been instances where entire classes of students have disappeared to serve as LTTE cadres under the leadership of their teachers.

Both of these scenarios illustrate the politicization of what might be considered capacity-building practices. Similar arguments can also be posed *vis-à-vis* many of the capacity-building projects in the government-controlled areas which have enabled the state to pour money into the defence industry in the secure knowledge that the disbursement of services such as education and health is being facilitated by humanitarian agencies.

One must be vigilant, then, and extremely careful about the ways in which conventional development practices are transposed onto a highly politicized conflict zone, where the welfare of civilians is being negotiated on a constant basis.

For example, the use of participatory rural appraisal (PRA), a common assessment tool in development circles, is highly questionable in the Wanni area of northern Sri Lanka. PRA employs a methodology which involves the collection of household data, including the number of family members, their livelihoods, the household assets and income in terms of land, livestock and earnings. It includes family names and a 'social map' of who lives where, with whom and owns what. Such information in the hands of the LTTE for the purposes of monitoring the current military training and recruitment campaign could be disastrous. In the hands of the armed forces it could also be dangerous, partic-

ularly in the increasingly hostile and suspicious climate that reigns in the Eastern Province (after the recent assassination attempts on the Sri Lankan President and the Prime Minister) where every Tamil person is perceived as a potential 'terrorist'.

In order to be accountable to the people one aims to assist, the concept and practice of capacity building must be linked to the geopolitics of conflict, the catalysts of displacement and the uneven impact that dislocation has across differences of gender, class, caste and ethnic identity. This is not to suggest that the sharing of resources proportionately among competing factions to the conflict is sufficient (ie help all sides in order to remain neutral and apolitical); rather, the political crisis in Sri Lanka cannot be separated from the humanitarian crisis it generates.

Consultations with displaced persons throughout Sri Lanka, collated by OXFAM GB and Save the Children UK into the recently-released *Listening to the Displaced* report,[2] raise a salient point: people's needs, concerns and material well-being would not be an issue if the war could be stopped and people's liveli-

hoods restored. The mobility of people and goods is highly restricted because of the war, a pattern which distorts markets and prevents access for many to better jobs and educational opportunities. Political solutions are critical to the success of capacity building in terms of the long-term security of people's livelihoods.

Alternative solutions and examples of effective practice

It is, however, much easier to diagnose the problems with humanitarian and development assistance in a conflict situation than to propose alternative solutions and examples of effective practice in such a context. Regardless of purported neutrality or apolitical status, humanitarian work is always fraught with politics. Capacity building in Sri Lanka, for example, will always be circumscribed by perceived socio-cultural alliances or simply one's cultural background as Muslim, Tamil or Sinhalese. Once basic food, shelter and health services have been established, changing prevailing attitudes and strengthening civil organizations to reduce conflict are central to humanitarian work in conflict areas. A practical *modus vivendi* can be forged in several ways and we offer here a few suggestions and examples:

a) Promoting inter-ethnic cooperation

International NGOs should work with national and local organizations of all ethnic groups but especially those working towards a peaceful political solution to the ethnic conflict by contesting the chauvinist elements within Sinhala and Tamil nationalisms. Organizations which actively work against the often racist and stereotypical notions of 'other' should be sought, strengthened and encouraged to expand their work.

One example is the Butterfly Garden project in Batticaloa in eastern Sri Lanka where children of various ethnicities, religions and cultural backgrounds are granted 'scholarships' to spend nine months together in an educational and play setting. This is a transformative approach to education which grapples with the cultural politics of that region. Promoting attitudes of acceptance and cooperation and forging friendships among these youth constitute a concrete step towards changing the attitudes and prejudices that fuel ethnic nationalisms.

Another example is the Kalmunai Peace Foundation, also located in eastern Sri Lanka (partially funded by OXFAM), which is a community-based organization of Tamil and Muslim men and women who seek to reduce inter-ethnic conflict in their region by acting as intermediaries and peace advocates in times of inter-ethnic tension and by promoting inter-ethnic interaction through cultural, extra-curricular and intellectual activities.

b) Transforming attitudes about gender

By identifying national and regional efforts already in place, international NGOs can work to strengthen or augment existing organizations by promoting positive social change through changes in gender roles/identities. Conflict tends to represent a period of instability and most often loss or suffering but the presence of international NGOs during such crises also represents an opportunity. People displaced from their jobs, schools and land can be provided with training, skills and education by existing institutions whose capacity can be strengthened and expanded by the international NGOs. An opening for change exists: societal attitudes about what women can and should do are dynamic.

For example, one of the most interesting and inspirational local feminist organizations in the Eastern Province is the Suriya Women's Development Centre which is run by a group of Tamil women displaced from various regions in the north and east of Sri Lanka. The support and funding they have received from organizations such as CIDA and HIVOS (Netherlands) has enabled them to broaden their scope of activism to provide legal assistance to displaced, battered and sexually violated women, to help displaced communities to mobilize themselves to secure their rights as well as identify productive forms of self-employment, and to form a cultural troupe which uses music, dance and drama to raise awareness, both locally and regionally, about the deleterious effects of ethnic chauvinism and patriarchy.

The challenge of changing social attitudes has also been taken up by international organizations such as World University Services of Canada

international NGOs might do well to revisit their personnel policies

(WUSC) which, in cooperation with local institutions in places like Trincomalee and Batticaloa, has provided additional funds for courses in welding, bicycle repair, carpentry and mechanics. This is nothing particularly new, except that many of these classes are full of young women; other classes mix young men and women together.

There can be no single recipe for capacity building. No module or training manual can provide all the political information, conceptual categories and cultural capital necessary for the successful implementation of practices to augment the existing foundations and skills of all places. Context matters; the historically and geographically constituted grounds for conflict that precipitate humanitarian intervention have to be understood and addressed before such efforts can be genuinely effective. If local and/or national actors in humanitarian efforts have no space to engage and shape the concept and practice of capacity building *in situ*, it risks becoming just another Western project.

Our research found that the politics of the Sri Lankan conflict were not always well-understood by the international staff implementing capacity-building projects. One explanation for this is the short-term duration of international staff contracts. Developing an understanding of the complicated and ever-changing dynamics and implications of this 20-year-old war in Sri Lanka is a huge project in itself, and yet how can someone with a one-year employment contract be expected to undertake this challenge effectively? International staff rely heavily on national employees for access to, information about, and understanding of Sri Lankan politics. More accountability on the part of international NGOs and UN agencies might be generated through longer contracts and commitments to international staff and the renewal of such contracts in a single place.

Likewise, international NGOs might do well to revisit their personnel policies so that the promotion of nationally-based staff is not artificially limited by a problematic local/international distinction between staff in international NGOs and

even UN agencies. Effectively, a kind of 'glass ceiling' for those hired locally exists in many of the international NGOs. The hierarchies that such divisions generate can serve to create turnover among committed national staff whose institutional memory tends to outlive those of more temporary international staff. Offering renewals for personnel on international contracts, where warranted, and dismantling barriers to promotion allowing access to more senior posts for national staff employed by international NGOs may well improve accountability to Sri Lankan society and serve the interests of the organizations themselves.

Accountability

Senior staff implementing capacity building have asked: "What is the value added to work done by international NGOs in conjunctions with local NGOs?" Genuine engagement between both parties (international and local) may be more cumbersome than working independently but it is one of the few measures of accountability to the places in which capacity building takes place. International NGOs can ask at least two questions to ascertain their accountability in a broad sense:

a) To what extent does the international NGO impart skills and resources to its national counterparts and consult with them to render itself redundant over time? (Is it even possible for an international NGO to be redundant in a conflict situation?)

b) To what extent does the international NGO render its national counterparts more sustainable, stable and able organizations?

Accountability is a sensitive issue for humanitarian organizations precisely because those who fund and administer such agencies are not the same groups as those who receive their services. Unlike a democratic municipality, province or nation-state whose constituents vote on policies, people and programmes to govern them, the beneficiaries of humanitarian assistance have less say as to what or who will help them and how (despite the pro-active efforts of many NGOs that promote 'the right to a say'). Thus the accountability of both international and national organizations providing such assistance is an even more critical issue.

Avoiding charitable relations between donors and beneficiaries requires genuine engagement between international humanitarian agencies and their national counterparts. The onus is on the international agencies to initiate such contact, to respond to the expertise and experience of national staff *in situ* by allowing them to shape the meaning and practice of capacity building at all levels, and to ensure that every effort is made to avoid arrogance, disinterest or indifference on the part of international staff towards such local 'capacity'.

Jennifer Hyndman is an assistant professor of geography at Simon Fraser University in Canada. Dr Malathi de Alwis is a senior research fellow at the International Centre for Ethnic Studies in Colombo, Sri Lanka.

1 This paper is based on current research conducted in the northern and eastern parts of Sri Lanka over a ten week period in 1999 and 2000. Extensive interviews, field visits, and analyses of NGO documents related to capacity building, humanitarian assistance and gender-based programming constituted the main research activities. Researchers sought out international NGOs and UN agancies, as well as local/national NGOs and their community-based projects in Trincomalee, Batticaloa, Amparai, Akkaraipattu, Vavuniya, Mallavi and Akkarayan (the Wanni). This project is funded by OXFAM GB and we are particularly grateful to Simon Harris, Acting Country Representative in the Colombo Office, for his consistent support and enthusiasm.

2 See following report, pp20-21, by Simon Harris of Oxfam GB.

Academic-practitioner working group on response to psycho-social needs of refugees and displaced persons

Humanitarian assistance agencies now routinely implement programmes explicitly targeting the 'psycho-social' needs of refugees and displaced persons. However, while the need for such interventions is now rarely disputed, the principles that should guide implementation remain a focus of considerable debate. As a field of work, psychosocial intervention remains characterized by a lack of consensus on goals, strategy and best practice.

This recently established academic-practitioner working group seeks to bring together key individuals and institutions for a focused two-year programme of action. The working group will be structured around a core group of eight institutions: Queen Margaret University College (Edinburgh), Refugee Studies Centre (Oxford), Programme on Forced Migration & Health (Columbia), Harvard, Save US, Christian Children's Fund and Randolph-Macon College, the International Rescue Committee and MSF-Holland.

In addition, one core group meeting each year will provide a wider 'Working Group Forum' for participation by key institutional stakeholders with representation from such agencies as CDC, WHO, UNHCR and UNICEF and also, particularly in the second project year, from Southern NGOs actively engaged in psychosocial work. The aim will be to seek unifying principles and practices from across the widest breadth of current activity with the minimum of duplication of effort.

The work programme aims to develop a framework; a resource inventory; a research and development agenda; and a programme of pilot applied field studies.

For more information, contact Dr. Alison Strang at Queen Margaret University. Email astrang@qmuc.ac.uk

Listening to the displaced: analysis, accountability and advocacy in action

by Simon Harris

This article summarizes the objectives, methodology and outcomes of Oxfam GB and SCF UK's 'Listening to the Displaced' research series undertaken in the conflict-affected areas of northern Sri Lanka. It also high-lights the lessons learned, probable future directions and wider application of the Listening concept.

Focus group discussion in the Wanni region of northern Sri Lanka

Simon Harris

People living through the cyclical deprivations of displacement in an environment of complex and pro-tracted violent conflict seldom have the opportunity of a meaningful say in shaping the decisions and factors affecting their lives. Furthermore, local and international providers of humanitarian and development assistance frequently fail to take adequate account of the context in which their constituents live.

Although "most emergency situations are characterized by top-down solutions that do not always take the opinion of the displaced/refugees into account",[1] action research initiatives offer an opportunity to help address this prob-lem through establishing a consultative dialogue between the humanitarian agency and those people it seeks to assist. By drawing together issues of analysis, accountability and advocacy, community research in areas affected by war can have a significant impact on improving the effectiveness of humanit-arian programmes as well as developing local capacities for conflict transformation.

Objectives

Three Listening surveys were conducted between 1996 and 1998. Although this has been an evolving process in terms of scope, methodology and specific areas of inquiry, the basic objectives of Listening have remained essentially four-fold, focusing on the opinions and perspectives of those people directly affected by the conflict:

·   To assess changes in the concerns, needs and capacities of people affect-ed by conflict.
·   To evaluate humanitarian and devel-opment inputs from a constituency perspective.
·   To identify issues on which interna-tional NGOs could provide improved support to their constituents.

·   To enable the voices of conflict-affected people to be heard by humanitarian agencies and key parties to the conflict.

Methodology

A wide range of increasingly particip-atory methodologies has been employed by the Sri Lankan Listening exercises. The initial survey relied primarily on data collection through semi-structured group, family and individual interviews guided by a checklist of themes such as the provision of non-food relief items (NFRIs) and the relationship between the resident population and displaced com-munities.

The second round looked towards strengthening the longitudinal potential of the exercise. Although it had not been possible to track exactly the same group of respondents over time due to further displacement and migration, by revisiting some of the same locations and commu-nities it was possible to broadly assess any general changes in conditions. This Listening survey also recognised the

need to overcome the power differentials informing community and family group responses. Previous community discussions had revealed that it was frequently those with higher educational, class or caste standing who were the main respondents in a group. A more representational response was elicited by applying a greater range of PRA activities and introducing a focus group methodology that cross-checked the responses of the general community to specific questions with those of groups comprising exclusively of women or children.

The most recent Listening exercise took a significantly more empowering and enabling approach by employing "a methodology that let the participants set the discussion agenda and let them prioritise the issues around which they would like to speak".[2] In 1998, 2,464 people from 25 displaced communities in the Wanni and 805 returnees to Jaffna participated in the Listening programme.

Outcomes

Listening exercises have resulted in a greater understanding by humanitarian and development agencies of the problems, needs, aspirations and capacities of people affected by conflict. This improved understanding has resulted in a number of tangible policy and practice changes ranging from, a gender sensitive revision of NFRI family pack contents (such as the inclusion of menstrual towels) to Oxfam's strategic shift away from short-term humanitarian relief towards longer-term investment in emergency preparedness, community strengthening, sustainable livelihoods and conflict transformation. By establishing a tool for eliciting the community's evaluation of programme impact, Listening has paved the way for agencies to become more accountable to their constituents.

The process has also, somewhat surprisingly, enabled those normally muted by fear in an environment of authoritarian control and violence, to express their desire for peace. Listening exercises have consistently "demonstrated the importance of peace for communities living through conflict, and the fact that they thought NGOs had a role to play in this process".[3] In an environment where the freedom of individual or collective expression may be suppressed, or where the dislocating experience of displacement has fragmented and destroyed traditional social community structures, the process of Listening may provide a starting point for community strengthening, peace building and self-advocacy.

Lessons learned

Although the Listening process has, for the first time in Sri Lanka, provided people in areas affected by conflict with a platform through which their voices can be heard, the process remains primarily a humanitarian agency's product. Voices of the displaced that are unable to strike a chord with the strategic objectives of these agencies run the risk of falling on deaf ears.

·   Listening is still a largely extractive exercise that needs to develop strategies for feeding back its results to the participants.

·   There has been a failure to capitalize on some important advocacy opportunities arising from Listening. While the dissemination of findings and recommendations from the most recent survey highlighted the concerns of displaced people over issues of peace, employment, health and education, these concerns were not translated into an orchestrated and sustained advocacy strategy aimed at affecting policy and practice change by international NGOs, government and the LTTE.

·   Some significant areas of need expressed through Listening have received a slow response and low priority from humanitarian assistance and development agencies. For example, although the communities called for greater NGO involvement in bringing about peace, programme implications, potential physical dangers and political sensitivities have largely prevented humanitarian agencies not only from taking an active role in this field but also from helping to enable constituencies to further articulate their frustrations over the continuation of the conflict.

The critical lessons of this process warn that greater attention must be given to the issue of accountability. Enabling constituents to set the agenda for such an exercise is inadequate if mechanisms do not also exist for them to demand and receive an account of how their needs and opinions were processed and acted upon.

Future directions

Listening is about respect: respect for the right of those we seek to help to have the major say in how we try to help them. As an evolving process, Listening needs to become more responsive and accountable to those voices it seeks to hear. Good communication is not just about speaking and listening. It is also about checking that what **you** think you have heard is actually what **they** think they said. The next stage of Listening in Sri Lanka needs to be more aware of this. In particular there is a need to:

·   Strengthen the capacity of Listening's advocacy potential by ensuring that an advocacy strategy with clear, measurable objectives agreed by the constituents is fully integrated into the research process from its inception.

·   Ensure that the conclusions and recommendations based on the collected information are channelled back through the constituents for their validation and revision.

·   Avoid unrealistic expectations by ensuring that the constituents are clear about the mandate and resource limitations of humanitarian and development agencies to act upon their needs.

During the course of 2000, Oxfam GB and SCF UK aim to establish a community team to facilitate an ongoing and mutually beneficial Listening dialogue between humanitarian agencies and those people affected by conflict. Although the depth of analysis generated from this exchange will be invaluable for implementing appropriate and effective programmes, the long-term sustainability of those programmes will be largely dependent on the measure of accountability that they bring to the relationship.

***Simon Harris is acting Director of Oxfam GB in Sri Lanka.
Email: sharris@oxfamsla.slt.lk***

1 Demusz K *Listening to the Displaced: Action Research in the Conflict Zones of Sri Lanka,* Oxfam Working Paper, March 2000. See Publications section on p46.

2 *Ibid.*

3 Goodhand J and Lewer N 'Oxfam - Sri Lanka: Complex Political Emergency Research Programme – Agency Report', July 1999.

Globalization and accountability: the corporate sector in involuntary displacement and resettlement

by Patricia Feeney

The UN Conference on Trade and Development estimates that in 1997 the world's 100 largest transnational companies (TNCs) together held $1.8 trillion in foreign assets, sold products worth $2.1 trillion abroad and employed some six million persons in their foreign affiliates. The ultimate objective of TNCs is to enhance their own competitiveness in an international context. This article argues that the liberalization of regulatory regimes for foreign investment, the transfer of state obligations to non-state actors and the dilution of international development guidelines have reduced the protection afforded to poor people facing involuntary development-induced displacement.

Despite the broad range of stakeholders affected by their operations and influence many TNCs insist that they are legally responsible only to their shareholders and national governments. Increasingly pressure is being brought to bear on companies to take a less restrictive view of their wider obligations. The UN Secretary General, Kofi Annan, recognising the enormous impact that TNCs have on human rights - in their employment practices, in their environmental impact, in their support for corrupt regimes or in their advocacy for policy changes – has called for a 'Global Compact' for corporate accountability.[1]

Business as beneficiaries of overseas aid budgets

The phenomenal growth in foreign direct investment (FDI) in developing countries, resulting from liberalization of FDI rules and privatization of state-owned enterprises, has - in part - been used by OECD governments to justify the recent dramatic decline in official aid flows. The unprecedented levels of private flows have shaped the donors'

new development strategies. A major cause of concern is the failure of private companies, based in industrialized countries, many of which obtain substantial benefits from official aid programmes, to apply internationally agreed development policies. Official Development Assistance (ODA) provides an accessible source of public money that is used both to finance the private sector construction of large infrastructure projects or, as is becoming more common, to mitigate the risks of such projects.

The OECD's Development Assistance Committee (DAC) reports that, while more aid is now provided on concessional terms or as grants, there is a growing tendency to mix ODA and commercial loans in a single package. In 1996 one third of ODA lending had associated commercial funds, underlying the importance of tied aid and the influence of commercial interests in aid flows. There is a lack of clarity on the part of donor and recipient governments about the extent to which companies awarded international contracts are required to fully adhere to official aid guidelines and procedures. Nowhere is this more apparent than in projects involving involuntary displacement and resettlement.

Safeguards in resettlement

Most aid guidelines specify that before a project involving involuntary displacement can be approved the host country government or private business sponsor must submit a plan that conforms to international resettlement policies. Resettlement policies are supposed to ensure that displacement is kept to a minimum; that those who are displaced have a share in the project benefits or investment resources; that the standard of living of the resettled communities improves or at least does not deterio-

rate; that there is participation in the planning and implementation of the resettlement plan (for example in the selection of the resettlement site); and that people are informed of their rights and options and offered a number of acceptable alternatives.

In the case of the World Bank, its review and approval of the documentation and provisions for subsequent supervision are made conditions of loan effectiveness. Resettlement Action Plans are supposed to be made available in draft to the public in the project area for comment prior to approval of new project funding and should be reviewed by World Bank social, technical and legal experts. In practice such safeguards, as the World Bank has itself recently acknowledged,[2] have been frequently disregarded.

A number of papers prepared for the World Commission on Dams highlight the lack of clear delineation of responsibility and allocation of accountability in large dam projects.[3] The International Law Commission argues that entities which take on core functions of governments are subject to the same duties as a state under international law by virtue of the principle of attribution. When a state contracts out to private companies the design, implementation or monitoring of projects involving involuntary resettlement, a case can be made that these companies then acquire responsibilities for ensuring compliance with the relevant international human rights standards and development policies and procedures.

Frequently, however, there is depressingly little evidence that this is properly understood by any of the parties involved. It is all too apparent that private companies lack the necessary skills and experience

to undertake social and environmental assessments that best aid practice requires.

One such example is Exxon's role in the controversial Chad-Cameroon Pipeline, a project which involves sinking some 300 oil wells in southern Chad and running a 1,050-km buried pipeline the full length of Cameroon to a marine export terminal on the Atlantic coast.[4] Exxon commissioned a series of studies in preparation for obtaining World Bank approval (and funding). According to a Dutch Government panel of experts and World Bank social and environmental staff, the Environmental Impact Assessment and Environmental Management Plan submitted lacked essential information and contained no sound statistical picture of the population likely to be affected by the project.

Similar failings are evident from the inadequacy of surveys into the number and characteristics of the population displaced by the privatization of copper mines in Zambia. There is a five-fold variation in the numbers presented by the parastatal mining company involved and those put forward by local councils. In the case of the Nchanga mine at Chingola, now sold to Anglo American, the lack of baseline data has meant that the company and the council are at loggerheads about who is and is not a squatter on land owned by the mine.

Need for more effective regulation

While there is an undoubted benefit for developing countries in harnessing private sector capital and know-how to improve service provision and to finance modern infrastructure, insufficient attention has been paid to ensuring that effective and appropriate regulatory systems are in place to protect the rights and interests of the poor. New regulatory bodies have been hurriedly set up throughout the developing world but most lack the necessary financial or political backing to enable them to protect the interests of the wider population. As a result, environmental and social guidelines are not adequately implemented and equity is given scant consideration.

The rationale of the new development agenda has been that public provision projects suffered substantial time and cost overruns. However, transaction

costs with private projects are higher and private sector project performance also suffers from delays and implementation problems. In its 1999 Annual Report, the World Bank conceded that 30-40 per cent of its private sector portfolio of projects in industry, water and sanitation were "problematic". Recently-created World Bank instruments have led to concern that scarce concessional funds are being taken away from pro-poor initiatives to the benefit of private investors for projects with limited or, in the worst cases, negative development gains.

World Bank resources can now be used to provide guarantees to private sector investors in projects in low-income countries which are intended to generate substantial foreign exchange revenues. Whether these projects are helping to eradicate poverty or simply to increase the wealth of private individuals is often far from clear. It is not easy to ensure that such private commercial enterprises comply with development guidelines and policies.

In the case of the Zambian copper mines, although Anglo American signed up to World Bank resettlement guidelines, it has defaulted on its obligations by not conducting adequate household surveys, offering inadequate compensation and not disclosing details of its Resettlement Action Plan to those affected.[5] Given the use of adjustment loans and technical assistance to support the privatization process, the World Bank ought from the outset to have considered the situation of settlers on mine land. Failure to do so has resulted in a wave of evictions in mining areas. Former miners have merely been offered 'repatriation' to their original areas - in reality, a one-way journey to penury and destitution. After many years' absence, few of the returning miners have any entitlement to customary land.[6]

Trade subsidies: weak regulation and absence of agreed norms

While there are still major difficulties in ensuring that the private sector complies with resettlement guidelines in projects funded out of multilateral or bilateral aid funds, transnational companies benefiting from trade-related subsidies are reluctant even to accept that their operations should be constrained by official development policies.

In the last decade export credit agencies (ECAs) have increased their activities and in their search for new markets have exerted themselves to provide concessional credits and guarantees to private sector companies. Roughly half of new export credit commitments in recent years have gone to support project financing in such sectors as power generation, telecommunications and transport. ECAs are the largest official creditor of developing countries, accounting for 31 per cent of their debt to official creditors.

Since the G-8 Summit in Cologne in 1999 called for the development of common environmental guidelines for ECAs, there has been remarkably little progress.[7] The UK's Export Credit Guarantee Department (ECGD), in common with most other ECAs, claims that it is not bound by development guidelines and procedures. This ignores the fact that the companies and their sponsors frequently justify public backing for their projects on the grounds that the results will bring wider social and economic benefits to the host countries.

While ECAs may for the time being continue to be able to sidestep good development practice, their activities are likely to be constrained by the application of international human rights and environmental laws. This may reduce the danger that future debt will accumulate to export credit agencies for promoting unsustainable and undesirable private sector projects. It may also dampen the enthusiasm of governments to use taxpayers' money to bail out companies with no commitment to sound environmental policies, human rights and resettlement standards.

The current controversy surrounding the proposed construction of the Ilisu Dam on the Tigris River in southeastern Turkey has brought concerns about the role of ECAs into the public domain. The contractors, Balfour Beatty, are seeking £200 million of export credit guarantees from the ECGD despite the absence of any government scrutiny of the resettlement plans and despite the fact the company is currently being investigated for alleged bribery in connection with the Lesotho Highlands Water Project. International guidelines for resettlement are not being observed. Consultation with the local population and civic authorities has been limited or non-existent.[8]

Conclusions

Clearly, developing countries need a flourishing private sector if they are to participate in the global economy. It is also clear that much official aid is promoting the interests of major companies based in industrialized countries while doing little either to encourage the emergence of local entrepreneurs able to compete in world markets or to promote the rights of those affected by such projects. As the World Bank Group places increasing emphasis on its partnership with the private sector it remains to be seen whether recent reformulation of operational policies, bank procedures and good practices regarding involuntary resettlementix will include scope for complaints from affected communities.

The adoption of voluntary codes of conduct by such leading companies as BP Amoco and Shell is not enough. Environmentalists are calling for a 'development screen' to ensure that the World Bank's International Finance Committee's projects promote growth that is 'pro-poor' and strictly conforms to aid guidelines. European NGOs have suggested that export credits and contracts paid for out of overseas aid budgets should be dependent on private companies publicly adopting the revised OECD Guidelines for Multinational Corporations.

Patricia Feeney is a research associate of the Refugee Studies Centre and a Senior Policy Advisor for Oxfam GB. Her current research focuses on the social implications of the privatization of Zambia's state-owned copper mines.
Email: pfeeney@oxfam.org.uk

1 See www.unglobalcompact.com
2 See the pages of the Resettlement Thematic Team on the World Bank website www.worldbank.org
3 See www.irn.org/programs/review/submissions.shtml
4 For details see www.worldbank.org/pics/pid/td44305.txt
5 Oxfam GB Draft Report on Resettlement in the IFC/Konkola Mining Project, Zambia, June 2000
6 Robin Palmer, Patricia Feeney and Michelo Hansungule 'Land Tenure Insecurity on Zambia's Copperbelt', report for Oxfam GB in Zambia, December 1998.
7 The partly privatized British Commonwealth Development Corporation, the US credit agency, the Overseas Private Investment Corporation (OPIC) and the World Bank's Multilateral Investment Guarantee Agency (MIGA) are almost alone in their public commitment to complying with some basic development and environmental standards.
8 For further details visit the Ilisu Dam Campaign website www.ilisu.org.uk
9 See http://wbln0018.worldbank.org/essd/essd.nsf/81f3f0192ec0edee852567eb0062fb33/ecce741f851ed3ca852567ed004c9be8?OpenDocument

Internal displacement in India: causes, protection and dilemmas

by Mahendra P Lama

Although India has been prone to violence it has generated few refugees. However, war, conflict, human rights abuses and forced relocation have created a high level of internal displacement. Estimating the number of IDPs in India is problematic. Regular monitoring is not possible in such a huge country which lacks a central authority responsible for coordinating data from central and state governments. The nature, frequency and extent of the causes of internal displacement in India are so varying that it would be a herculean task to monitor and record them. Political sensitivities at state level prevent release of data on the exact nature and extent of displacement.

There is thus huge variation in estimates of the numbers of IDPs in India. The latest *World Refugee Survey* put the total number of IDPs in India as 507,000; the Indian Social Institute in Delhi and the Global IDP Project place it at 21.3 million.[1]

The majority of cases in which people have been forced to flee their homes are the consequence of government pursuit of political goals and development objectives. Development-induced displacement has overwhelmingly dominated the IDP scenario in India. Alongside development-induced displacement new causal factors are fast emerging. Unlike the global scenario in the cold war days where population displacements were most frequently caused by armed conflicts fuelled by big power rivalry, in South Asia the so-called post-cold war 'destructured conflicts' or 'low intensity wars' have generated displacement for a long time.

In India, there are four broad categories of displacement.

I Political causes, including secessionist movements

i) Since independence, north-east India has witnessed two major armed conflicts: the Naga movement primarily led by the National Socialist Council of Nagaland, and the Assam movement led by the All Assam Students Union and now largely taken over by the extremist United Liberation Front of Assam. The violence and retaliatory responses from the government and other forces opposed to the secessionists continue to generate a steady flow of displaced people.

ii) In Kashmir's 'war' between state forces and militants, the killing of Kashmiri Pandits by fundamentalist secessionist groups, the widespread anarchy created by political instability and the continuous violation of fundamental human rights by both the state and militant groups, have led to large-scale displacement, mainly of Kashmiri Pandits (estimated at 250,000), to Jammu and cities like Delhi. Despite the election and restoration of a popular government in 1996, those displaced have not been able to return due to the continuing reality of sporadic massacres in Kashmir. Although conditions are miserable, the displaced find that camps offer better employment opportunities, education and security.

II Identity-based autonomy movements

Identity-based autonomy movements, have also led to violence and displacement. This has happened in Punjab and more recently in the Bodo Autonomous Council area of western Assam. 'Cleansing' of non-Bodo communities by the Bodos, through plunder, arson, massacre and persecution, has forced a large number of non-Bodos to flee. They now live in camps.

III Localized violence

Internal displacement has also arisen from caste disputes (as in Bihar and Uttar Pradesh), religious fundamentalism

(as in urban riots in Bombay, Coimbatore, Bhagalpur and Aligarh) and aggressive denial of residency and employment rights to non-indigenous groups by supporters of the 'son-of-the soil policy' (as in Meghalaya by the Khasi students and in Arunachal Pradesh against the Chakmas).

IV Environmental and development-induced displacement

In order to achieve rapid economic growth, India has invested in industrial projects, dams, roads, mines, power plants and new cities which have been made possible only through massive acquisition of land and subsequent displacement of people. According to the figures provided by the Indian Social Institute, the 21.3 million development-induced IDPs include those displaced by dams (16.4 million), mines (2.55 million), industrial development (1.25 million) and wild life sanctuaries and national parks (0.6 million).

Development projects

Development projects, particularly dams, have always generated serious controversy in India as they have tended to be a major source of displacement-related conflicts. Estimates of national resettlement forced by development projects shows that during 1950-90 the number of people affected was 18.5 million.[2] According to the Central Water Commission, over 3,300 dams have been built since independence and some 1,000 more are under construction. Another study of 54 large dams done by the Indian Institute of Public Administration concluded that the average number of people displaced by a large dam is 44,182.

Over 21,000 families were uprooted and ousted when the Pong Dam was constructed nearly 25 years ago and they have still not received the benefit of any proper rehabilitation measures. The World Bank's 'Project Completion Report' for the controversial Sardar Sarovar dam on the Narmada (likely to displace 0.2 million people[3]) has cast a shadow over the project's future. India's unimpressive track record in operations and maintenance, says the report, is responsible for the uncertainty. India has borrowed US$151.5 million from the World Bank to build the dam. In 1993 the Bank cancelled plans to lend more due to the Indian government's failure to meet even such basic conditions as

identification of the displaced and preparation of resettlement plans.

The fact that development projects are usually located in remote villages, hills and forests means that those displaced tend to be the indigenous people who have been the traditional agents of conservation. Here displacement has meant a loss of livelihood, habitat and assets, social disruption and disorder and severance from an eco-system which had sustained them. Most critically, these displacements threaten the poor and the weak with even greater impoverishment. It is only those cases of 'involuntary resettlement' which come to the attention of social and environmental activists, and are thus highlighted, that lead to some measure of state intervention. In most cases total displacement with loss of home and livelihood has resulted.

Rehabilitation - primarily the process of reconstruction of the livelihood of displaced persons - has never been a guiding principle of the 1894 Land Acquisition Act (still in use) which instead emphasises cash compensation for loss. The government has taken the firm stand that rehabilitation would not be a prime consideration when acquiring land for 'public purpose' (the definition of which has not been made public). The government has even sought to take away the right of appeal by those whose land stands to be confiscated by making the Supreme Court the only appellate forum.

Globalization has been another threat to indigenous communities as private conglomerates (including foreign multi-nationals) encroach upon rural lands, hitherto the domain of tribal and other indigenous communities, to build the government's desired industrial infrastructure. The proposed amendments to the 1894 Act, if carried out, are likely to generate new waves of displacement as the Act will then make it even easier for private interests to acquire land.

Natural disaster-induced displacement

There has been massive and recurrent displacement due to floods, cyclones and landslides. A report by the Centre for Science and Environment (1991) states that India is the most flood-affected country in the world after Bangladesh and that over 30 million

people are displaced annually. Flood-affected areas shot up from an average of 6.4 million hectares a year in the 1950s to 9 million hectares in the 1980s. Government flood control measures mainly consist of dams and embankments. Over 400 km of embankments have been built annually since 1954 and 256 large dams with an average height of 15 metres and above had been constructed by 1986; 154 more were under construction. Yet all these have failed to control floods and indeed dams are now cited as an important cause of floods while embankments have disrupted the natural drainage system in the flood plains.[4]

'Natural' disaster-led displacement is never recorded after the initial dose of relief and rehabilitation assistance. One of the most serious aspects of the displacement belonging to this category has been the fact that the displacement has been silent but acute and frequent.

Institutional responses

India has no national policy and legal institutional framework to deal with either refugees or IDPs. India has not ratified the 1951 Convention and 1967 Protocol and does not permit UNHCR access to most refugee groups. In the absence of a permanent institutional structure to oversee refugee issues, the granting of refugee status has been at the discretion of the political authorities. Due to a similar absence of a national policy on resettlement and rehabilitation of IDPs, there has been only piecemeal and *ad hoc* initiatives at project and state level. Even the latest Draft National Policy for Rehabilitation of Persons: Displaced as a Consequence of Acquisition of Land proposed by the Ministry of Rural Development does not deal with any other type of displacement except that arising from land acquisition. This draft also totally disregards the plight and interests of IDPs of other categories, including those fleeing human rights violations, physical violence and communal and other sources of tension.

Crucially, government accountability for the consequences of state-imposed displacement has been virtually absent. While the states have aggressively clamoured for more benefits from development projects, they have consistently haggled over their share of rehabilitation costs and totally disregarded the plight

of those displaced. The Draft National Policy for Rehabilitation is a multi-dimensional response to displacement with full rehabilitation covering i) the entire community (landless labourers, landholders, houseless, householders and even the unemployed and the forest dwellers), ii) their sociocultural cost of displacement and iii) economic dimensions such as upgrading of skill levels and the accumulation of physical assets as well as social capital. The Draft, however, is still under consideration in Parliament. There is no international agency to deal with such types of displacement. UNHCR's mandate in this regard has been both *ad hoc* and unsystematic. Only recently has UNHCR redefined its mandate to allow for the inclusion of IDPs in certain situations: when such people are present in or going back to the same areas as returning refugees; when they are living alongside a refugee population and have similar needs for protection and assistance; where the same factors have given rise to both internal and external population movements and where there are good reasons for addressing those problems by means of a single humanitarian operation; where there is a potential for cross-border movement and where the provision of assistance to the internally displaced may enable them to remain in safety in their own country.[5]

Future scenario

There seems to be no immediate solution to IDP issues in India. Among other reasons this could be attributed to i) the intricacies and complexities involved in the situations under which they are forced to leave their homes, ii) the low priority given by both the central and the state governments to IDP/refugee issues and the withdrawal syndrome shown by civil society and other interest and pressure groups and iii) the absence of clear-cut policy and national legal instruments and institutions to deal with both pre- and post-displacement situations. Unless the Indian government seriously considers various measures to deal with the causes, displacement may increase and become even more complex.

State responsibility is paramount. Measures must be taken to:

- reduce the level of violence against non-combatants, irrespective of the nature of the conflict
- deal with potential and ongoing ethnic conflicts

- minimize non-ethnic civil conflicts
- avoid repressive measures and ensure that measures and international action are preventive rather than ameliorative
- consider development projects in the larger perspective of sustainable development and human needs
- ensure rapid resettlement and rehabilitation of displaced people
- implement national laws and policies to deal with the multi-dimensional character of IDP groups

Mahendra P Lama is Associate Professor at the School of International Studies, Jawaharlal Nehru University. Email: zipc228@del6.vsnl.net.in

1 *World Refugee Survey*, Washington, 2000; Walter Fernandes, Director of the Programme of Tribal Studies of the Indian Social Institute; Hampton J (ed), *Internally Displaced People: A Global Survey,* Earthscan Publications Ltd, London, 1998.

2 As quoted by Roli Asthana, 'Involuntary Resettlement: Survey of International Experience', *Economic and Political Weekly*, Bombay, 15 June 1996, p1469.

3 If past displacement caused by dams or irrigation projects is examined, all estimates should be drastically revised upward. According to Arundhati Roy, author and member of the Narmada Bachao Andolan lobbying group, the Andhra Pradesh Irrigation II scheme claimed it would displace 63,000 people. When completed it displaced 150,000 people. The Gujarat Medium Irrigation II scheme displaced 140,000 people instead of 63,600. The revised estimate of the number of people to be displaced by the Upper Krishna irrigation project in Karnataka is 240,000 against its initial claims of displacing only 20,000", taken from 'The Greatest Common Good', *Outlook*, 24 May 1999, p62.

4 Centre for Science and Environment, *State of India's Environment, A Citizens Report: Floods, Flood Plains and Environmental Myths*, New Delhi, 1991. See also recent Inter Press Service report 'German government report backs anti-dam activists' at www.oneworld.org/ips2/aug00/07_21_009.html

5 UNHCR, *The State of the World's Refugees 1997-98: A Humanitarian Agenda*, OUP, Oxford, November 1999.

Rethinking the Guiding Principles: the case of the Kashmiri Pandits
by K C Saha

This paper critically examines the universal applicability of the Guiding Principles on Internal Displacement by considering the displacement of Hindus from the Kashmir valley in the course of the low-intensity armed conflict in the Indian state of Jammu and Kashmir (J&K).

The Kashmiri Pandits are minority Hindus in the Kashmir valley. In December 1989 they started leaving their homes in response to separatist and fundamentalist threats and attacks on their homes, businesses and temples.[1] Imposition of direct central government rule between 1990 and 1996 did not bring an end to terrorist violence. By 1996, approximately 250,000 Kashmiri Pandits had been displaced to Jammu, Delhi and elsewhere, where they still remain.

Considering the size of the terrorist groups and their level of external assistance, it is hard to see how this internal displacement could have been prevented. The argument that the Pandits should have remained in the valley and not succumbed to threats overlooks the fact that law and order had broken down, the authorities could offer little protection and fear was all pervasive. The

Pandits had no option but to move on their own to safe areas. Displacement was inevitable.

The Guiding Principles on Internal Displacement were presented to the UN Commission on Human Rights in 1998 by Francis Deng, the Special Representative of the UN Secretary-General for Internally Displaced Persons. They set out the rights of IDPs and the obligations of states to offer protection before internal displacement, during situations of displacement and during post-conflict return and reintegration.[2] The Guiding Principles, though not legally binding, are intended to serve as the basis for dialogue between governments and other humanitarian actors

The Indian government does not regard the Kashmiri Pandits as IDPs. In a petition to the National Human Rights Commission in 1995, the Pandits demanded that the authorities should extend facilities and rights (*non-refoulement,* humanitarian assistance, right to seek asylum, etc) by virtue of their internal displacement. The petition also demanded that the government implement the recommendations of the Representative of the UN Secretary-

General on IDPs and invite him to meet the IDPs from the Kashmir valley. The Commission felt that the Kashmiri Pandits did not fit into the typical definition of IDPs particularly in view of the benevolent attitude shown them by the government. In its response to the Commission the government argued that the word *migrant* is a more appropriate description of the status of the Kashmiri Pandits. While official policy is to create conditions for their safe return, the Kashmiri Pandits allege that both the central and J&K governments have not done enough to ameliorate their conditions in exile or to find a permanent solution to their problem. The Commission has expressed understanding of their position, called on both governments to provide more support for the Pandits and made suggestions of how they might do so.

Return of the migrants

While the Indian government has been trying since 1996 to prepare a plan for their return and while security in the Kashmir valley is undoubtedly better than it was in 1988-89, the Kashmiri Pandits have insisted that the security situation remains unconducive to return. Terrorist attacks continue and it is unlikely the government could provide security for any Pandits who returned to scattered rural communities. Their association, Panun Kashmir, has called on the government not to coerce the displaced to return to places where threats of terrorist violence remain high, to set up a tribunal to deal with illegal occupa-

tion of Pandit property, to provide compensation for the 37,000 houses damaged and 11,000 houses burnt, to provide jobs and cash relief and to reserve parliamentary seats for the Pandits. Their further demand for a separate state to be carved out from the present state of J&K would have enormous nation-wide implications for other ethnic conflicts in India. In current circumstances the government has no option except to maintain relief operations for a very long period of time.

At present the government provides monthly assistance of Rs1500 (US$34) per family. Any attempt to force the displaced to return to the valley would not only be opposed by the Pandits but would also attract international criticism.

The Guiding Principles and the Kashmiri Pandits

The Guiding Principles define IDPs as "persons or group of persons who have been forced to flee or to leave their homes or places of habitual residence as a result of, or in order to avoid, in particular, the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border".

Though there is a close link between a refugee situation and an IDP situation, the extension of the refugee protection regime to encompass IDPs is not appro-

priate. They should form two distinct categories. The regime for the protection of IDPs should be complementary to the regime for the protection of refugees. Under the overall protection regime of human rights, the two regimes, one for refugees and the other for IDPs, could form a well-integrated protection regime.

Including disaster- or development-induced IDPs will lead to loss of coherence in the protection regime. The argument that natural disaster-induced displacement should be included as some governments discriminate against certain groups in the aftermath of disasters is too general and not substantiated by enough studies. The same is true of the argument that development-induced displacement be included. Disasters and development projects can be so varied in terms of causes, and number of persons affected that it would be difficult to apply these Principles in every type of situation. Moreover, there would be resistance from governments if these categories were included in the definition of IDPs. States may consider that their inclusion would give considerable scope to the international community to find pretexts to interfere in their domestic affairs.

If it is considered necessary to have a protection regime for disaster - or development-induced displacement, its form and content should be separate. Once the definition of IDPs is modified and confined solely to human rights abuse-

USCR/Hiram A Ruiz

induced displacements, the Guiding Principles will become more precise. Some of the other Principles, particularly 6-9, could be dispensed with.

Principle 5 deals with the obligation of the national and international authorities to prevent displacement of persons. While the principle rightly recognizes the role of states, the role of the international community is not clear. In situations such as J&K where a government is unable to fully meet the challenge of preventing displacement due to factors beyond its control (external support to terrorist groups), the role of the international community needs to be specified. The least one might expect is condemnation of terrorist acts and identification of those abetting them. Any international intervention has to respect the principle of sovereignty and non-intervention in the internal affairs of another country. Principle 5 needs to be elaborated.

Principle 14 asserts that "every IDP has the right to liberty of movement and freedom to choose his or her residence…". Clause 1 (a) of Principle 15 which speaks about the right of the IDPs to seek safety in another part of the country should be transposed to clause 14 as the opening clause since the right to freedom of movement and freedom to choose the place of residence flows from it. IDPs may face hostility in their new place of residence from the local population particularly when their number is large and their period of stay is uncertain. In order to ensure that IDPs effectively enjoy these rights, state intervention is crucial. Governments may notify the new places of stay of IDPs so as to bring them under state control and if need be requisition such places for a temporary period. Such a measure would give IDPs a better sense of security. States may not be inclined to settle IDPs permanently in their new place of residence as it may have serious political ramifications. Therefore, permanent resettlement of IDPs is much more difficult than resettlement of refugees.

Principle 15 asserts that "IDPs have the right (a) to seek safety in another part of the country, (b) to leave their country, (c) to seek asylum in another country and (d) the right to be protected against forcible return or resettlement in any place where their life, safety, liberty or health would be at risk".

Clauses (b) and (c) should become a separate principle. *Non-refoulement* has become part of customary human rights and international law and applies equally to refugees as to IDPs. One of the main demands of the Kashmiri Pandits has been that the government should not coerce them into returning to their original places against their will. IDPs will always fear that governments may force them to return and leave them unable to get protection from any other agency. An objective assessment as to whether conditions are conducive for return of the IDPs has to be undertaken with the IDPs themselves.

Principle 18 talks of the right of IDPs to have an adequate standard of living in terms of food, shelter, clothing, sanitation and medical services. It needs to be reworded by saying that the state should make necessary arrangements for relief and shelter. Use of expressions like "adequate standard of living" should be avoided.

Principle 23 deals with the right of IDPs, particularly children and women, to education. The issue of continuance of education of children is a key problem faced by all IDPs. While some Kashmiri Pandit students have received preferential admission to educational institutions, in general their educational needs have not been fully met. There is need for specific commitment and government action to meet the needs of IDP students.

Principle 25 is about humanitarian assistance. The section stating that "international humanitarian organizations have the right to offer their services and all authorities shall grant to persons engaged in the provision of such assistance unimpeded access to IDPs" needs to be reworded. Instead of asserting that international organizations have the *right* to offer assistance, it should be stated that the state *may* seek such assistance from the international organizations. Provision of unimpeded access to persons engaged in providing assistance should be left to the discretion of states.

Principle 29 relates to restitution of property. Payment of compensation for lost and destroyed property is a key concern of all IDPs which States must

address. The principle envisages that compensation be paid only after the return of IDPs. However, in situations such as those faced by Kashmiri Pandits where no return has been possible for a decade, non-payment of compensation leads to severe hardship.

Principle 30 urges "all authorities [to] grant … unimpeded access to IDPs to assist in their return or resettlement and reintegration." States may object to providing unimpeded access. A government would be interested in involving an international organization in return, resettlement and reintegration where a reasonable solution has been found for the IDPs. States would be reluctant, however, to permit involvement of such organizations in politically sensitive situations.

Conclusion

It is hard to predict when the Guiding Principles will acquire a binding character through adoption and ratification by governments. It is only when governments can be put under pressure by IDP demands articulated on the basis of the Guiding Principles that the Principles will become a framework for all concerned and adequately serve their intended purpose. Then the Guiding Principles will not only help IDPs make demands on their national governments but will also make states aware of their responsibilities. It is this hope which is at the heart of the demands of the Kashmiri Pandits to be regarded as IDPs and be accorded the rights associated with IDP status.

K C Saha is Joint Secretary, Department of Supply, Government of India.
Email: kcsaha@england.com.
The views expressed in this article are the author's personal views and should not be construed as the views of the Government of India.

1 A suggestion that the then governor of J&K prompted and assisted the departure of the Kashmiri Pandits is officially denied.

2 For text of UN Guiding Principles on Internal Displacement, see *Internally Displaced People - A Global Survey*, Norwegian Refugee Council, p205-213 or go to www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html

IDPs: rights and status

by Marc Vincent

The term 'internally displaced persons' has become prominent in the humanitarian community. Debate about terminology has been heightened by the recent assertion of the US Ambassador to the UN that the term 'IDP' is "odious terminology" and that the only distinctions between refugees and IDPs are bureaucratic and legal.[1]

Return of IDPs in East Timor

UNHCR/M Kobayashi

The assumption that refugees and IDPs are the same is commonplace. At the height of the Chechnya conflict, the BBC repeatedly described the Chechens fleeing Grozny to Ingushetia as 'refugees'. For the general public these were people who had been forced to leave their homes; the fact that they had not crossed an internationally-recognized border was irrelevant. It could be argued that it is not important for the wider public to appreciate the legal and bureaucratic distinctions. It is essential, however, to those concerned with the protection of the internally displaced. An appreciation of the differences and similarities between refugees and IDPs is necessary to understand the limits on protection of the internally displaced. Comparing the two regimes also provides lessons that may better enable us to protect IDPs.

Need for precision

Within IDP circles there is still disagreement on who is and who is not an IDP. K C Saha's article casts doubt on the prospect of achieving international consensus on who they are and how they should be helped, largely because of possible objections by states. While his conclusion may be pessimistic, his suggestion that the Guiding Principles be made more precise deserves examination.

Better use of terminology is not the only reason for greater precision. The Guiding Principles have, in the space of a few years, acquired a moral authority perhaps beyond the aspirations of its drafters. If the momentum is to be kept up and if the Principles are to be used to monitor treatment of IDPs, then states, non-state actors and international organizations may eventually need to be held accountable to a more concrete 'definition' of IDPs. The refugee protection regime in this regard can be instructive. Beyond existing examples where refugee law by analogy has been incorporated into the Principles - such as the internally displaced's protection equivalent of *non-refoulement* - examining some aspects of the refugee protection regime provides important examples why legal and bureaucratic distinctions are critical.

At the heart of the distinction between refugees and IDPs is status. The Principles describe IDPs as those "forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border". Refugees are first defined by the 1951 Convention relating to the Status of Refugees as those who as a result of "a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion is outside the country of his nationality and is unable or, owing to such fear is unwilling, to avail himself of the protection of that country." Individuals recognized as refugees are entitled to certain favourable treatment - by countries that are signatory to the Convention - such as access to education and the legal system and the right not to be expelled across a border to a place where his/her life may be threatened (*non-refoulement*).

Definition and description

Even though the team of international legal experts who prepared the Principles studiously avoided the use of the term 'definition', there is frequent ill-informed mention of the so-called 'IDP definition'. More accurate is Walter Kalin's recent assertion that what the Principles give us is "a descriptive identification of the category of persons whose needs are the concern of the Guiding Principles".[2]

The differences between a 'definition' and a 'description' and between a refugee and an IDP are an example of where differences in language are critical to any form of protection. The requirements to become a refugee according to the 1951 Convention are precise and limited: there has to be a "well-founded fear of persecution" and this fear must

be linked to one of the grounds enumerated. Even the broader definition in the 1969 OAU Convention attempts to be as precise as possible. This is not the case with the Principles which deliberately use the phrase "in particular" so as to include other possible reasons for displacement that were not included in the description. It intentionally steers toward flexibility rather than legal precision.

While the international definition of who is a refugee is based on internationally legally binding documents, the Principles - though based on existing international law - are not themselves legally binding. Tellingly, whereas both the 1951 Convention and the OAU Convention define 'refugee' in their first articles, the description of 'internally displaced' is not actually in the Principles but is included in the Introduction.

Refugee status entitles individuals to certain rights and international protection. A refugee as a foreigner in another country is entitled to certain rights as a substitute for the protection s/he cannot claim from his/her own country. By contrast, an IDP may not claim any additional rights to those shared with his/her compatriots. The current purpose of identifying the internally displaced in the Principles is thus not to provide legal status but rather to recognise that they are vulnerable due to the fact they have been forced from their homes - often by the very government supposed to protect them - and that extra efforts should be made to ensure they are treated according to applicable human rights law and humanitarian law.

In light of the differences between the **definition** used for refugee and the **description** used for IDPs, the common accusation[3] that advocates of increased protection for IDPs are demanding an extension of the refugee protection regime is shown to be groundless. What in fact they are seeking is a higher quality of protection through an improvement in the application of existing human rights law and humanitarian law.

The Guiding Principles are beginning to acquire a significant level of international authority. One reason for this is that, while the Principles do not imply additional rights, they do provide a possible means for holding states and interna-

tional organizations accountable for their treatment of individuals judged by the world to be internally displaced. K C Saha's example of the Kashmiri Pandits demonstrates that while the Kashmiri Pandits, like those internally displaced elsewhere, do not have any more rights than other citizens, their hopes of drawing greater attention to their plight would be closer to being realized if they could be recognized as IDPs.

A precise definition can be vital to monitoring and accountability

The current description of internally displaced is very flexible: almost anyone who has involuntarily left their home could arguably be included in the description. On the one hand, the wider the application of the Principles, the greater the number of people who benefit. On the other hand, a 'flexible' description is an Achilles' heel. It makes monitoring more difficult because the description cannot be repeatedly and predictably applied; it can also make protection more difficult because states cannot rigorously be held to a description that is open to interpretation.

Evolution of the Principles

As the Principles reach a wider audience, some advocates of the IDP protection regime are looking again at the dilemmas of definition versus description and precision versus flexibility. The kind of open surgery and major alterations to obtain greater precision from the Principles as suggested by K C Saha would be counterproductive and regrettable. In particular the prevention section that Saha suggests removing is one area where the broad character of the Principles has to be applauded. The inclusion of large-scale development projects in Principle 6 responds to real concerns expressed earlier this year during a conference on the Guiding Principles held in Bangkok. Participants noted how misconceived or badly implemented development projects contribute to, or exacerbate, existing conflicts and how land expropriation may be used as another tool for ethnic discrimination.

Another route to increasing precision is in the so-called 'description'. As recognition of the Guiding Principles leads to expectations of improved protection, deciding who is internally displaced becomes a matter of hotly contested debate - as K C Saha's case study

demonstrates. Equally, as the Guiding Principles become a useful tool for monitoring state behaviour and ultimately for holding both states and the general international community more accountable, the need to describe IDPs more definitively could be advantageous. This is a challenge now faced by the Global IDP Project. A precise definition can be vital to monitoring and accountability for it is impossible to effectively monitor a category if everybody has different conceptions of who is to be included. It is also theoretically easier to maintain accountability if the identity of the internally displaced is clear.

What may be of benefit at a later and more mature stage in the evolution of the Principles is greater precision, operational clarity and predictability in determining who is internally displaced. The challenge will be how to make the description - or definition - more precise, predictable and clear, while not excluding potential vulnerable groups and not sacrificing the gains that have been made.

Once again the refugee protection regime may provide some guidance. The 1951 Convention provides an illustration of the use of a precise definition aimed at holding states accountable for their treatment of refugees. Many claim that the 1951 Convention is too rigid, hence the necessity for broadening the definition under the OAU Convention and the Cartegena Declaration. As we approach the 50th anniversary of the 1951 Convention, IDP advocates will be closely watching the debate to see what pointers emerge to clarify the dilemmas of definition versus description and precision versus flexibility.

Marc Vincent is the Coordinator of the Global IDP Project (www.idpproject.org). Email: marc.vincent@nrc.ch. For a wide-ranging discussion of recent developments in the IDP debate see the latest issue (vol 21 no 6) of Refugee Reports (US Committee for Refugees, www.refugees.org).

1 Speech by Ambassador Richard C Holbrooke at Benjamin N Cardozo School of Law, 28 March 2000. The full text of the speech is at www.un.int/usa/00_044.htm

2 See Walter Kalin *Guiding Principles on Internal Displacement. Annotations*, American Society of International Law & The Brookings Institution Project on Internal Displacement. Studies in Transnational Legal Policy. No 32. 276pp. Contact: ASIL, 2223 Massachusetts Ave NW, Washington, DC 20008-2864. Tel: +1 202 939 6000. Fax: +1 202 797 7133.

3 See debate in *Forced Migration Review*, issues 3 and 4.

Australia and asylum: no longer "land of the fair go"?

by Tim Morris

Historically Australia has had an impressive record in assisting refugees. Over half a million refugees have been resettled in Australia since 1945. Australia is one of ten countries with a planned humanitarian migration programme and on a per capita basis has ranked in the top three resettlement countries for many years. Australia contributes more to UNHCR funds than many developed countries with much larger populations.

Until mid-1999 almost all asylum seekers arrived in Australia by plane, with valid documents that allowed them to remain while their claims for refugee status were assessed. Arrival numbers had stabilized around 8,500-9,000 per year.

In the past 12 months, however, there has been a marked shift in this trend. There have been approximately 5,000 unauthorized boat arrivals in the last year, almost 50 per cent of asylum seekers during this period. Australia has become a destination for people from the Middle and Near East, particularly Iraq and Afghanistan. They do not come directly from these countries, however, but from countries of first asylum, particularly Iran and Pakistan. The services of smugglers are being used to organize their journeys, usually by air to Indonesia and then by boat to Australia. To accommodate them, detention centres, thousands of kilometres from major cities, have been expanded. In June, close to 1,000 detainees broke out of these centres to protest the length of time they had been in detention, the lack of information they received, and the isolation of the centres. Among the 4,000 people now in immigration detention are 450 children and 20 unaccompanied minors. It is probable that the vast majority (over 90 per cent) will be granted status as "onshore" refugees.

These changes have brought about a marked shift in the profile of asylum seekers. While the new wave of arrivals presents Australia with a challenge, refugee advocates dispute the government's assertion that it is a major threat. The government's efforts to portray it as such to the public are generating fear and fuelling xenophobia.

So far, the onshore grants have not affected the 4,000 places annually allocated to "offshore", "mandate" refugees referred by UNHCR. The Australian government has threatened, however, to link the onshore and offshore refugee programmes. It is likely that the substantial increase in the number of onshore grants will lead to a reduction in the number of visas granted to refugees.

In an effort to stop the arrivals, Australia has entered into an agreement with the Indonesian Government to intercept people destined for Australia and to have UNHCR consider claims in Indonesia. Australia is funding the posts of Indonesian-based UNHCR protection officers and interpreters. The agency's role is a controversial one as critics claim that UNHCR is a party to attempts to undermine the right to seek asylum. If those intercepted by Australia in Indonesia are determined not to be refugees, they are returned to the country of origin. If they are found to be refugees, resettlement places will be sought but not in Australia.

In Australia, unauthorized arrivals (those who arrive without documents or are not cleared by immigration) who are found to be refugees are no longer granted permanent residence. Instead they are being given three-year temporary protection visas (TPVs). These limit access to welfare benefits, deny access to most government-funded settlement services and English language classes normally available to refugees, do not guarantee re-entry if TPV holders leave Australia and deny family reunion rights.

TPV holders are required to reapply for refugee status after 30 months. If they are refused refugee status they will be required to leave the country. While the reapplication requirement has not yet been applied, the new Border Protection Legislation Amendment Act 1999, which enshrines the concept of 'safe third countries', might result in these applications being rejected if arrangements can be made to return these refugees to the first asylum countries they left. The border legislation also raises the real possibility that asylum seekers will be subjected to indirect or chain *refoulement*.

Since the demonstrations by detainees in June, 1,700 have been granted TPVs. Large numbers of people have thus entered cities with minimal entitlements for support. TPVs have created massive problems for the refugees and for agencies barred from using federal funding to support them.

Reacting to international criticism of its treatment of asylum seekers and indigenous peoples, the right-wing Australian government led by John Howard has recently threatened to bar the UN Human Rights Committee from visiting the country. Australia has announced that it will reject "unwarranted requests" from the UN to delay the deportation of unsuccessful asylum seekers.

The government's peevish response to criticism, small-minded whittling away of entitlements and its unwelcoming response to those who have recently arrived have created friction within, and between, ethnic communities which threatens to undermine the multiculturalism that has been such a positive and productive feature of Australian society in recent decades.

The hard press of asylum

by Sharon Pickering

As a criminologist, I am interested in the ways that the press represents refugees and asylum seekers as deviants, particularly in relation to the integrity of the nation state and race. This article, monitoring press coverage of refugee and asylum issues in two popular Australian newspapers[1] from January 1997 to December 1999, looks at how the media has influenced public opinion and added to the perception that Australia has a refugee 'problem'. It seeks to alert those working with refugees to the pervasiveness of the media's inherently criminal representations of refugees and asylum seekers, representations which potentially hamper advocacy work in the public domain.

From the language employed by the media one would not realize that Australia's refugee programme is small by international standards [see p31]. Readers of these papers are regularly warned that Australia is to be "awash", "swamped", "weathering the influx" of "waves", "latest waves", "more waves", "tides", "floods", "migratory flood", "mass exodus" of "aliens", "queue jumpers", "illegal immigrants", "people smugglers", "boat people", "jumbo people", "jet loads of illegals", "illegal foreigners", "bogus" and "phoney" applicants, and "hungry Asians" upon "our shores", "isolated coastlines" and "deserted beaches" that make up the "promised land", the "land of hope", the "lucky country", "heaven", "the good life", "dream destination" and they continue to "slip through", "sneak in", "invade" with "false papers" or "no papers", "exotic diseases", "sicknesses" as part of "gangs", "criminal gangs", "triads", "organized crime" and "Asian crime". In response, "we" should have "closed doors", only sometimes having "open doors"; we should respond "nationally" with the "navy and armed services at the ready"; "we" should "send messages", "deter", "lock up" and "detain"; and "we" should not be "exploited", "played for a fool" or seen as "gullible".

When writing about asylum seekers and refugees, the press often elides the vocabulary of war with that of crime.

Refugees are "massing in Indonesia" for a "sustained assault on Australia's shores". Identities and individualities are irrelevant in time of war. There are only two sides – "ours" and "theirs". Metaphors of war justify the need to repel whatever is hostile or threatening. "Immigration controls" become matters of "national security"; a "national emergency" requires "full deployment" of the armed forces on a "prime defence mission" to "detect incursions".

Representing asylum seekers who arrive in Australia without prior refugee determination as "bogus" and "phoney" implicitly legitimizes policies that move beyond policing and into detention and deterrence for the "sake of the nation". The need for "blunt warnings" to deter "queue jumpers" has very little to do with sending messages to international communities and everything to do with sending messages to domestic communities and justifying expansionist penal policies.

A respite, during which alternative perceptions emerged, came during the Kosovo and East Timor crises. The inviolability of the nation state was sidelined as the rhetoric changed with altered political imperatives. Refugees and asylum seekers were represented as "acceptable" and "worthy" as the media deployed the language of humanitarianism and justice. Kosovan refugees became the subject of nationwide jostling as governments of each state vied to "welcome" and "house" them. Those state governments that "missed out" on the opportunity to grant "safe haven" to the refugees repeatedly expressed "disappointment". Readers were told that "war-weary Kosovo refugees", "grateful for sanctuary", would "enrich Australia's cultural and intellectual capital and make excellent citizens". These refugees were considered decent and deserving. "Excellent citizens" never came on "rag tag" boats from Indonesia.

However, any deviation from the image of the passive grateful invited refugee was soon met with a swift return to devaluing representations of refugees as ungrateful, aggressive, demanding, draining and different. Thus Kosovans who refused to enter an inadequately heated army barracks were "disgruntled" and "unreasonable" and "thumbing their noses" at "frustrated officials".

Media language implicitly harks back to the period when "populate or perish" and the White Australia Policy explicitly expressed racist fears of a "threat" from Asia and the need for racially exclusive population growth. At times the racial assumptions underlying media depiction of "illegal" asylum seeking are made explicit. A racially derogatory statement from the Deputy Prime Minister that the message that Australia was determined to protect its shores had to "ripple up

the bamboo grapevine" went unchallenged. The media taint ethnic groups with imputations of criminality by allegations that they are helping to fund illegal arrivals or that ethnic "crime syndicates" are profiting from trafficking. The use of loaded terms such as "integration", "national interest" and "social harmony" can be read as euphemisms for race.

Press coverage has focused on the deviant problem that asylum seekers and refugees represent to the robust Australian nation and the need for a strong state to keep out and control the menace. With few exceptions, reports on asylum seekers and refugees have not been interested in listening to the voices of asylum seekers, nor of home country conditions or conditions of flight. When alternative views are offered, they are usually presented as "human interest" stories rather than "hard" news.

Some journalists have raised protests against the prevailing media stereotyping but in general they have been ignored by the waves of press coverage preoccupied with "normality", "common sense" and the integrity of the nation state and race. Misrepresentations of asylum seekers and refugees have gone unacknowledged and unchallenged. Such coverage has meant that 'rule breakers' are easily excluded and repelled from the community: they can never belong and the community depends upon this symbolic and actual exclusion. Repressive state responses have been underpinned by a discourse of deviancy in relation to asylum seekers and refugees that the press has largely reproduced rather than interrogated.

Sharon Pickering is a former visiting fellow at the Refugee Studies Centre and currently Lecturer in Justice Studies in the School of Social Sciences and Liberal Studies at Charles Sturt University, Australia. Email: spickering@ csu.edu.au

1 *The Sydney Morning Herald* and the *Brisbane Courier Mail.*

Working with the media: notes for refugee advocates

by Melissa Phillips

Earlier this year I received a phone call from a journalist wanting to do a story about immigration detention. I explained in detail the issues for asylum seekers placed in centres in remote parts of Australia, the problems associated with the privatization of detention centres and the length of time many people had been detained. After about 20 minutes, she told me she needed "a new angle on the story". Feeling that I had presented enough 'angles', I was frustrated by her reaction to an issue which for refugee advocates was so important. Why wasn't the story itself enough? The journalist, obviously disappointed, ended our conversation and said she would think more about what I had said. No story was produced.

Recently, as the article by Sharon Pickering makes clear, there have been many stories of 'illegal immigrants' coming to Australia in 'boatloads'. Accounts of asylum seekers released from detention centres and then processed for social security payments have proven irresistible for current affairs producers eager to air a story about 'illegals' to raise the ire of viewers. These stories operate by working on pre-conceived, and often racist, myths about people seeking to enter 'our' country.

While the Refugee Council of Australia (RCOA) continues to challenge these dominant myths through media releases, ensuring our position appears alongside the government's in press reports, and through our website, we often face the problem of having to be reactive rather than proactive. It is easier for hard-pressed journalists to paraphrase rhetoric in government press releases than go out looking for the 'other story'. Set out below are some of the issues faced by RCOA and other organizations

working with and for refugees and asylum seekers when we try to negotiate the world of the popular press and challenge negative representations of our clients.

Does it have to be 'us' versus 'them'?

When the media contacts RCOA for an opinion we invariably present one which is against that of the government. Recently our Executive Director has appeared several times in debates against the Minister for Immigration and Multicultural Affairs. There are several problems associated with this. The media loves conflict and wants us to contribute to this by pitting us as a non-government advocate in opposition to the Minister. It can be very difficult to work within this narrow framework but the opportunity to appear and present our perspective is invaluable. A possible longer-term consequence is that being pitted as special interest groups who oppose government policies undermines the possibilities for constructive dialogue with government.

We don't publicize what we do; we just do it.

Many social workers and case managers work for organizations that are so busy responding to issues that they do not have the opportunity to stop attending to clients and start publicizing their work. It can thus be difficult for RCOA to find stories to highlight. Whereas when a company makes an important sale it might put out a press release, a local Migrant Resource Centre does not see a 'success' with a client as an opportunity to raise awareness about their work. Related to this lack of PR skills is a further problem:

If I had wanted to work with the media I would not have done social work.

Put simply, many of the people who work with refugees and asylum seekers are social and community workers. We do not have media training. For us, the media, like the world of policy and government, is unknown territory we have to learn to negotiate. Our skills are not in the media and we work with our clients, not journalists. Recognizing this gap, and taking a proactive approach, some Migrant Resource Centres have started to organize media skills courses for workers to learn how to cope when their community suddenly becomes a 'hot topic' for the media. Workers have learnt that ensuring positive press is vital for how their clients are received by the host community. It might be that media skills training needs to become part of professional development for community workers at the 'coal-face'. Key agencies need to continue to educate their members about the role of the media and encourage workers to expand their knowledge and hone their media skills.

How can we represent our clients and not label them?

Popular media coverage of any issue depends on stereotypes. In the case of refugees this can mean labelling them as victims, recipients of welfare payments and therefore a burden on society or, even worse, as carriers of disease. How to represent our clients, particularly for agencies seeking to secure financial support for their work with people in need, is an ongoing challenge. On the one hand we need to demonstrate that refugees are in need of help but on the other we do not want to reinforce stereotypes. One solution for the Council has been to highlight successful examples of refugees who have been helped by Australia. For example in 1998 the Council used Ms Tan Le, then Young Australian of the Year, as a positive model of a young, successful, former Vietnamese refugee. This year's Australian of the Year, Sir Gustav Nossal, also came to Australia as a refugee and we have been granted permission to raise awareness about this in talks that we present.

So profound is the influence of the mass media on people's lives and the ways

that communities respond to refugees that it cannot be ignored by those working with and for refugees and asylum seekers. This is especially the case when governments use the media to publicize their policy decisions. The media has become a maze through which those of us in the community sector must learn to negotiate. We need to acknowledge from the start that that which has the potential to do the most good also has the potential to cause considerable damage.

Melissa Phillips is Settlement Policy Officer at the Refugee Council of Australia. Email: rcoa@cia.com.au Website: www.refugeecouncil.org.au

Exile Images

Exile Images is a specialist photo agency, established by British photojournalist Howard Davies whose photos often appear in *Forced Migration Review* and who wrote a piece entitled 'Dignity' for our 'Issues of the new millennium' feature in issue 6. Exile Images holds more than 15,000 b/w prints and colour transparencies, documenting the lives of refugees and displaced peoples and the civil wars and oppression which cause people to flee their homelands.

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A refugee at my door: training for police in Uganda

by Pamela Reynell

Police officers are often the first point of contact for asylum seekers; frequently, however, they receive little or no training in refugee issues. In various countries in East Africa, organizations are attempting to address this problem.

Uganda currently hosts over 200,000 refugees. Recent conflicts in neighbouring Democratic Republic of Congo, Rwanda and Burundi, as well as the long-standing civil war in southern Sudan, continue to generate a steady flow of displaced people. In many cases the first point of contact between an asylum seeker and the Ugandan government is a police officer. Under Ugandan law an asylum seeker must register with an 'entry point official', in the majority of cases either a police or immigration officer. In many cases asylum seekers enter Uganda with no documents or with false identity documents, often resulting in unnecessary convictions, custodial sentences and, ultimately, deportation.

A three-year socio-legal research programme, focusing on human rights and refugees, first identified the need to offer the Ugandan Police Force specialist training in the field of refugee law. This research programme, based at the Makerere Institute of Social Research in Kampala conducted a survey of 100 police officers to ascertain their level of knowledge and understanding of the complex issues involved. Based on the results of the survey, the research programme conducted two intensive courses in refugee and human rights law at Makerere University which were attended by police officers. The response from those attending was overwhelmingly positive and culminated in a request by the Head of Training in the Police for a formalized training programme to be conducted in refugee law throughout the police ranks, with a view to institutionalizing the training at Makerere University. This led to the establishment of the Refugee Law Project, now part of the University's Faculty of Law.

The training course

The Refugee Law Project's first two-week intensive course in February 2000 involved 41 officers from 15 refugee-hosting districts. The course was residential, held at the Kibuli Police Training School in Kampala. Because of the many facets of the refugee experience, and in order to represent the multidisciplinary nature of the field, the scope of the subjects addressed was as broad as possible within the specific needs of the Police Force. The facilitators included academics, judiciary and government officials, and professionals active in the field. UNHCR and the Office of the Prime Minister also participated. In the evenings, participants heard first-hand accounts by Ugandan returnees and refugees currently living in Uganda.

In addition to covering the legal frameworks, procedures and problems faced by asylum seekers, the teaching was specifically designed to encourage participation by the police officers. The group contributed their own experiences

Sudanese refugees at transit centre, Uganda

UNHCR/JM Gardsikker

in dealing with refugees and developed a series of recommendations, consolidated into a paper entitled 'A refugee at my door: vetting and categorizing procedures'. Participants were divided into four groups, according to geographical location, and all identified common difficulties. Lack of police resources and appropriate training, staffing levels in general, and logistical and communications equipment are hampering the execution of their duties. As far as asylum seekers are concerned, the uncertainty faced during the period between arrival and status determination is exacerbated by the lack of formal reception centres and therefore limited access to food, shelter, emergency medical treatment and interpreters. Finally, there was concern over inadequate preparedness, and the lack of coordination and pooling of resources between the various government departments, implementing agencies and NGOs.

All participants received extensive reading materials and sat an exam at the end of the course.

Comments received from individual participants and the group as a whole revealed that the course made a significant impression in terms of raising awareness of the human rights dimension of the refugee experience. In addition to furnishing the participants with the legal knowledge and printed matter pertaining to asylum seekers, it is hoped that the establishment of lines of communication, and to some extent personal relationships, with police officers active in refugee-hosting areas will enable the Refugee Law Project to further promote refugee rights in Uganda. At the same time, 'A refugee at my door: vetting and categorizing procedures' identified the key difficulties faced by asylum seekers and the authorities at entry points, providing a useful insight into what is required to improve the fluidity of procedure, and a further basis for dialogue between the Refugee Law Project and the Government of Uganda.

Recommendations and the way forward

Aside from obvious recommendations to directly overcome the above-mentioned difficulties identified in the report (ie greater access to funding and resources), a number of other recommendations were put forward. These included the training or sensitization not only of police officers and other government

agents but also of local authorities such as local councillors and, ideally, refugee hosting communities in general. This, it was suggested, could be achieved through printed materials and perhaps even radio broadcasts. (Materials should be produced in different languages, particularly in the languages of the border areas, and made available to all people in both host and refugee-producing countries.) It was further recommended that all entry point police posts include a dedicated refugee desk, staffed by a police officer trained in refugee law. In addition, the concept of a 'refugee management team', to consist of senior police, immigration, district internal security, military intelligence and NGO staff, to be chaired by the Resident District Commissioner, was proposed. To this end, it was recommended that all interested parties be encouraged to attend workshops on refugee law and rights, preferably to be held in the refugee-hosting districts.

Judging from the participants' feedback, it appears that much can be done to integrate the different government bodies involved with refugees at district level. At present there seems to be only minimal interaction between police,

immigration, NGOs and the Resident District Commissioners. The Refugee Law Project is currently studying the possibility of carrying out district-level courses or workshops with a view to establishing greater communication between these players. In terms of creating a pool of officials aware of refugee rights at the district level, as well as the legal and social problems faced by refugees, the Refugee Law Project believes that the impact of training would be substantially increased if each course included participants from a variety of professional backgrounds and government departments. An added benefit is that district-level courses would enable the Refugee Law Project to establish a far clearer picture of the problems faced not only by refugees but also by the government's representatives whose job it is to work with them.

Pamela Reynell is Director of the Refugee Law Project, Faculty of Law, Makerere University, PO Box 7062, Kampala, Uganda. To obtain a full report of the training course (with timetable, participants' report and exam questions) email: rlp@info-com.co.ug

Refugee Consortium Kenya

The Refugee Consortium Kenya (RCK) was set up in 1998 and cooperates with other local and international NGOs focusing on refugee issues in Kenya and the region.

The most significant problem faced in refugee assistance in Kenya is the lack of a clear refugee law governing procedures and policies relating to this group of people. This lack of a legal framework in which refugee issues can be addressed effectively means that refugees continue to be caught in a policy vacuum. It is not even clear who is responsible for refugees: the government, UNHCR or humanitarian/rights organizations. Refugees are unable to lay claim to any rights in Kenya under the current legal regime and there is therefore no effective redress for denial of rights of refugees.

At present, there is a training programme for law enforcement agents on domestic violence, coordinated by the Federation of Women's Lawyers (FIDA), but no training as yet on refugee law. Given the success that FIDA has had with its programme for the police, RCK is exploring the possibility of running a joint programme on refugee and international law for the police, focusing on human rights law and the international instruments that govern refugee protection. The course is intended for inclusion in the police college curriculum to improve graduating police officers' knowledge and awareness of refugee situations and the issues facing them. Future plans include the establishment of a refugee desk in police stations in key communities with high refugee populations in order a) to ensure that refugee issues and concerns receive due attention and b) to create more refugee-friendly police stations.

by Abi Gitari, Executive Director of the Refugee Consortium Kenya.
Contact: RCK, PO Box 25340, Lavington, Nairobi, Kenya.
Tel/fax: +254 2 560418. Email: gitariabi@iconnect.co.ke

The next HCR must refocus on protection

by Ed Schenkenberg van Mierop

At the end of this year, a new High Commissioner for Refugees (HCR) will be appointed to succeed Sadako Ogata who has led UNHCR for the past ten years. Traditionally the selection process for HCRs has been highly politicized and involved backroom discussions between governments. The independence of the agency would be greatly enhanced by a more open process not involving political criteria. The next HCR should be chosen on the basis of his/her ability to lead UNHCR to meet the challenges facing the refugee protection system.

One of the biggest challenges is to ensure respect for, and renewed commitment to, the universal principles of refugee protection. On the eve of the 50th anniversary of the 1951 Convention relating to the status of refugees, a number of Western governments have openly questioned its validity and argued that it should be modernized in order to be able to respond to today's migration flows. There is a current tendency to blur the principles of refugee protection with debates about migration policy. The next HCR must not shy away from reiterating the point recently made by UNHCR's Director of International Protection that "asylum is a protection tool, not a migration tool". The new UNHCR head must push governments to reaffirm the centrality of the Convention in refugee protection. S/he should take the lead to ensure that refugee protection is not subsumed by the migration considerations of governments.

Another major task facing the next HCR will be to restore the agency's image and to reassert its mandated role to protect refugees. During the 1990s, UNHCR tended to focus on large-scale relief operations, rather than protection. UNHCR's 'in-country operations' in the former Yugoslavia were unprecedented; the relief provided was enormous but UNHCR was unable to provide protection. In eastern Zaire, UNHCR has argue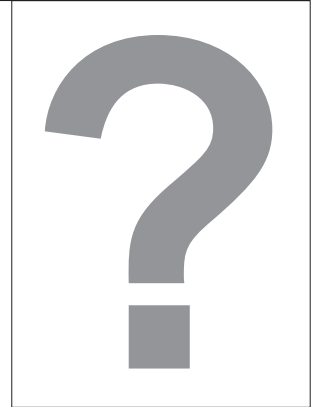d that the separation of refugees and 'genocidaires' goes beyond its capacity but that it has to be present to provide assistance.

While UNHCR is not the only agency able to provide assistance to refugees, it has a unique mandate to provide protection. The agency needs to refocus on this aspect of its role. Related to this reorientation is the need for UNHCR to define its role in the protection of IDPs.

UNHCR frequently finds itself in a quandary. Many of the governments responsible for violations of fundamental refugee principles, such as policies infringing the right to seek asylum, are also its donors. The agency seems to have accepted or tolerated such violations out of a fear that funding from some governments may be jeopardized. All too often political considerations, rather than consequences for refugee protection, have driven UNHCR policy making. UNHCR has not risen to the challenge of 'biting the hand that feeds'.

In other parts of the world, it has also felt the pressures of governments tired of hosting refugees within their borders. UNHCR has too often become an accomplice in violating the Convention. On several occasions it has assisted governments to carry out forced return operations. In order to maintain a presence with refugees after their return UNHCR has responded to state pressures by defining new categories such as 'imposed return' or 'return under less than optimal circumstances'.

The protection of refugees, however, inherently implies taking sides with refugees, not with governments. Taking positions contrary to those of governments should not be perceived as being diametrically opposed to maintaining access to refugees.

The tasks ahead will require strong and principled leadership on the part of the next HCR. When the agency's ability to fulfil its protection role is compromised, the next HCR must not be afraid to suspend operations.

Although tradition dictates otherwise, it should not matter whether or not the person comes from a donor country. Instead of such political considerations, the person chosen should have considerable experience in human rights, protection issues and humanitarian action. The person should also have a proven track record of working well with NGOs, given the increased scale of their partnership with UNHCR.

The selection process needs to be opened up to public scrutiny and accountability. Involving NGOs in the process is one way of making sure that the next HCR is chosen on the basis of ability to do the job and not as a result of murky political deals.

*Ed Schenkenberg van Mierop is Coordinator of the International Council of Voluntary Agencies (ICVA - www.icva.ch), a Geneva-based network of more than 70 human rights, humanitarian and development NGOs.
Email: ed.schenkenberg@icva.ch*

Loss of life in eastern Congo

In the past two years the number of people who have died as a result of conflict in the five eastern provinces of the Democratic Republic of the Congo (formerly Zaire) has exceeded the combined total of those who have died as a result of conflict in Kosovo, East Timor, Sierra Leone, Sudan and everywhere else in the world. An International Rescue Committee report estimates that 1.7 million have died since Rwandan and Ugandan troops invaded Congo in August 1998 and, with local Congolese allies, launched a campaign to overthrow the regime of Laurent Kabila. The report notes that 2,600 people are dying due to the war each day.

The overwhelming majority of conflict-related deaths are attributable to preventable diseases (diarrhoea, measles, malnutrition, malaria, anaemia and meningitis) and malnutrition – a tragic consequence of a health care system destroyed by war. 34 per cent of those who have died are under the age of five. Banditry, rape, massacre and forcible displacement have characterized the back and forth movements of armies across the region. There are now three related circles of conflict: the civil war between Kabila and his enemies, an ethnic war against Tutsis and the conflict between Rwanda, Uganda and Burundi on the side of the rebels and Zimbabwe, Angola and Namibia backing Kabila.

All sets of combatants have disregarded the rules of international humanitarian law. Civilians are being indiscriminately targetted by all sides to the conflict. 47 per cent of those who have died violently are women and children. The UN estimates that 16 million people - one third of the population - are "in critical need of food" and 1.3 million people are displaced. Aid agencies complain that the international community has overlooked the humanitarian impact of conflict on a large emergency-affected population.

In contrast to the large amount of aid that was provided to Rwanda and to refugee camps of Rwandans and Burundians, hardly any aid has been provided to Congolese civilians caught up in the conflict.

The full IRC report is at: www.intrescom.org/mortality.cfm. Latest news from the Congo war is at: www.oneworld.net/dispatches/congo/index.html

Humanitarian Accountability

The Ombudsman Project began in 1998 as a non-governmental inter-agency initiative to establish a Humanitarian Ombudsman to act as an impartial and independent voice for people affected by disaster and conflict. It arose from a desire of participating humanitarian agencies to improve their practice and make it more accountable to beneficiaries of assistance. Primarily initiated by UK-based NGOs and coordinated by the British Red Cross, the project completed a series of stakeholder consultations in Kosovo and workshops in Costa Rica, Rwanda and Sri Lanka which confirmed the potential of an Ombudsman to act as a voice for beneficiaries. The project has now become more international in scope and has been renamed the Humanitarian Accountability Project, to be based in Geneva. Key partner agencies in the Humanitarian Accountability Project include: CARE International, CARITAS International, the Danish Refugee Council, the International Federation of Red Cross and Red Crescent Societies, Oxfam GB and World Vision International.

Further information is available at: www.oneworld.org/ombudsman or from Deborah Doane, Project Manager, HAP, c/o British Red Cross, 9 Grosvenor Crescent, London SW1X 7EJ, UK. Tel: +44 (0)7201 5169. Email: ddoane@redcross.org.uk

Crisis in Eritrea

The recent flare-up in the two-year old Ethiopian-Eritrean border war has combined with the drought afflicting the Horn to create an unprecedented humanitarian crisis. Eritrean authorities report that 1,665,000 people, half the country's population, are in need of emergency assistance. They include 71,000 people expelled by Ethiopia and 95,000 who fled to neighbouring Sudan when Ethiopia invaded western Eritrea in May. The UN estimates that the number of IDPs in Eritrea increased from 371,900 in January to over 1.1 million in June. In many areas the humanitarian situation remains unclear as both sides engage in propaganda and invective.

Despite the cease-fire agreement negotiated by the OAU in June, relations between the two warring nations and between Eritrea and Sudan remain tense. (The Sudanese government accuses Eritrea of supporting Sudanese rebels and Eritrea counter-charges that the Sudanese government assisted the latest Ethiopian attack). Landmines and unexploded ordnance remain a serious impediment to return of the displaced. The UN is to despatch 4,200 troops to monitor the ceasefire and delineate the border between Ethiopia and Eritrea. This marks a further expansion of UN peacekeeping activities, which dropped from a high point of more than 78,000 personnel in mid-1993 to fewer than 13,000 in mid-1999. It is now approaching 40,000.

For latest information on this little-reported humanitarian crisis visit www.africanews.org/east/eritrea and www.visafric.com/news.htm

Asylum seekers in the media

As the UK government's new policy of dispersing refugees across Britain comes into effect, press coverage of asylum seekers has become increasingly negative. In response, the UK Audit Commission has called on national and local government, housing associations, health authorities, refugee associations, race equality councils and other bodies to work together to develop strategies to counter inaccurate and racist depiction

of asylum seekers in the local and national media.

The PressWise Trust's Refugees, Asylum Seekers and Mass Media Project (RAM) was established in 1999 to play such a role. It works with agencies to improve the quality of coverage in order to improve community relations, racial harmony, integration and social inclusion. Backed by dozens of refugee-related organizations throughout Europe, and supported by the Joseph Rowntree Charitable Trust, RAM works closely with other media organizations. RAM is offering media briefings, training packages, 'meet the editors' seminars, research and advice.

For more information, visit the PressWise website at http://www.presswise.org.uk. Email: ram@presswise.org.uk .

Britain in dock over Diego Garcia

Between 1967 and 1973 Britain forcibly removed the entire population of the Chagos archipelago in the Indian Ocean to make way for the construction of a US military base on Diego Garcia, the largest atoll in the group. The Ilois inhabitants, described at the time by a British diplomat as "some few Tarzans or Man Fridays whose origins are obscure", were resettled in Mauritius and in the Seychelles, then British colonies. The Chagos archipelago, nominally part of the British Indian Ocean Territory, is under US military control. British 'administrators' of the territory (claimed by both Mauritius and the Seychelles) reside in the UK.

After years of unsuccessful appeals, the Chagos refugee group in Mauritius has persuaded a British court to give leave for a judicial review of their expulsion. They hope to force the British government to acknowledge that their expulsion was not voluntary and to win the right to return to their homeland. As a young backbencher Robin Cook, the British Foreign Secretary, was one of the few British MPs to voice concern when the Ilois were expelled. It remains to be seen whether his department will now concede that there is a case to answer and negotiate with the US military the terms of return to the archipelago. A consultants report, commissioned by (and subsequently suppressed by) the Foreign Office, has supported the economic feasibility of resettlement of the islands. A court judgement is expected in October.

In this section, readers respond to the feature on land and property issues in *Forced Migration Review* issue 7.

Housing and property issues: recent developments

by Bret Thiele

FMR 7 discussed housing and property issues in the context of refugee and IDP return. Since then, the UN Commission on Human Rights met for its 56th session at which it adopted three resolutions impacting upon housing and property issues.

The Commission's resolution concerning IDPs (UN Doc E/CN.4/RES/2000/53) requests that the UN Secretary-General disseminate Sub-Commission on the Promotion and Protection of Human Rights resolution 1998/26 entitled 'Housing and property restitution in the context of the return of refugees and internally displaced persons'. In its resolution 1998/26, the Sub-Commission, among other things, invited the Office of the High Commissioner for Human Rights and the High Commissioner for Refugees to develop policy guidelines to promote and facilitate the rights of all refugees and IDPs to return freely, safely and voluntarily to their homes and places of habitual residence. The goal of such dissemination of this resolution is to solicit comments from governments, NGOs and other interested parties in order for the UN to formulate effective policy guidelines.

The Commission also adopted a resolution on the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social, and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights (UN Doc E/CN.4/RES/2000/9). Part of the resolution

established the mandate for a Special Rapporteur on the right to adequate housing. The mandate of the Special Rapporteur, appointed for a three-year period, includes: reporting to the Commission on the status of the progressive realization of and developments relevant to housing rights; promoting assistance to governments in their efforts to progressively secure housing rights; and developing a regular dialogue regarding possible areas of cooperation between governments, UN bodies, specialized agencies, international organizations, NGOs and international financial institutions. It is hoped that the Special Rapporteur will be able to make a significant contribution to resolving the difficult issues involved with housing and property restitution in the context of refugee and IDP return.

A resolution on women's equal ownership of, access to and control over land and the equal right to own property and to adequate housing (UN Doc E/CN.4/RES/2000/13) recognized that women often face discrimination in these matters. The resolution affirmed that discrimination in law against women with respect to these issuesconstitutes a violation of women's human rights. The Commission urged governments to comply fully with their international and regional obligations and commitments concerning land tenure and the equal rights of women, in this case the right to own property and to an adequate standard of living, including the right to adequate housing.

These developments will contribute to formulating international, regional and national policies with regard to housing and property restitution in the context of refugee and IDP return. It is to be hoped that the future work of the Commission, its Sub-Commission and its newly appointed Special Rapporteur on

adequate housing will facilitate this process. As Scott Leckie points out in FMR 7, housing and property restitution has emerged as one of the most important components of post-conflict reconciliation and rehabilitation. This component can no longer be ignored.

Bret Thiele is a Legal Consultant with COHRE as well as an assistant to one of the members of the Sub-Commission.
Email: bret_thiele@yahoo.com

Compensation to IDPs in Colombia

by Sean Loughna and Robert Muggah

In his article on 'Arable land and internal displacement in Colombia', Pettersson argues that where state authorities are unable or unwilling to preserve the property and human rights of their citizenry, they are legally compelled to provide assistance for safe return or, if not possible, full compensation and protection in other regions of the country. He contends that, for this to be achieved, there is no need to create new legislation but rather to effectively enforce existing policy. Pettersson subsequently argues that police and military functions must be supported to ensure that property rights are safeguarded and to reduce the real and potential expulsion of civilians. But the strengthening of non-military and policing institutions is also of great importance. For example, representative municipal displacement councils have been developed (Law 387, Articles 13-19) and require increased external monitoring, support and capacity building to ensure that basic services in regions of expulsion, reception or relocation are adequate and sustained. Ultimately, the failure of land re-establishment for IDPs is not always for lack of substantive or consultative policy. Rather, in many cases, institutional and operational constraints - managerial incompetence, poor decentralization of resources, corruption and vested interests - obstruct meaningful implementation.

Although the state's legacy of past failures and controversial responses to the displacement crisis has impeded a constructive or coordinated rapprochement with NGOs, many local and international agencies are tentatively optimistic about the new framework for addressing conflict-induced displacement. What is manifestly clear, then, is not that the policy is lacking *per se* but that there exists a wholesale lack of political will at various administrative and governmental tiers, both locally and from among the higher echelons. In other words, continuous pressure to prevent displacement and compensate IDPs must be applied simultaneously to higher and lower-level perpetrators and policy makers.

Land ownership, however, must also be conceived within a host of other considerations that relate to municipal decentralization. Common property resources, employment and access to education, childcare and health services are also of great importance to displaced people. Paradoxically, the ownership of land is often a prerequisite for access to other basic public services provided by local public authorities. Though not going far enough, the new framework makes provisions to supplement a number of these services in the absence of title. Urgent questions remain, however, concerning how incentives can be designed to encourage local authorities to respond to inter-departmental displacement and resettlement.

Compensation solely in the form of access to arable land, therefore, is a necessary but insufficient remedy for preventing further displacement and ensuring sustainable relocation. Rather, the timing of resettlement, the quality, location, relative security and the cultural topography of the relocation site, and the participation of IDPs in vetting the settlement and available services must be considered if IDPs are to be compensated fairly. For those IDPs who decide not to return to the arable land offered to them, alternative compensation should be made available to them, including non-arable land options.

Yet, as Pettersson notes, tackling the causes and not just mitigating the consequences of displacement is the most effective way of resolving Colombia's crisis. However, Pettersson discusses displacement and land appropriation perpetrated by paramilitary forces without mentioning those carried out, directly or indirectly, as result of the guerrillas, the army, narco-traffickers and government policies. While the paramilitaries are responsible for more displacement in Colombia than any other actor, the two main guerrilla groups, the FARC and the ELN, also target civilians for displacement. Having handed over control of a large 'demilitarized zone' in the south of the country to the FARC in January 1999, the government is currently preparing to pull its troops out of a second, smaller zone to enable the ELN to hold a 'national peace convention' there. The paramilitaries oppose the plan and it seems unlikely that they will allow the guerrillas to take control of this resource-rich region without military action, which invariably constitutes targeting civilians they view as guerrilla sympathisers. In common with the FARC-controlled zone, while undoubtedly some of the local population will welcome the withdrawal of government troops, others have already fled the region in anticipation of the guerrillas taking control.

Further government complicity in large-scale human displacement occurs as a result of its coca crop eradication programme. This looks set to intensify considerably over the coming months thanks to Plan Colombia, an agreement by which the US will provide more than $US1.3 billion worth of (predominantly) military aid to the Colombian government, officially to crush drug trafficking. The areas which the US proposes to target, however, are only those controlled by the guerrillas and not the paramilitaries, despite the DEA's own admission of the paramilitaries' deep involvement in the narcotics trade. The US estimates that this offensive will create another 10,000 IDPs; aid agencies claim that the figure could be 10 times higher. In addition, the planned aerial spraying with herbicides and bacterial agents will not discriminate between coca and legitimate crops, displacing still more people as well as causing immense ecological damage.

Sean Loughna is currently working as a consultant for UNHCR, Geneva. Robert Muggah is a researcher at the Graduate Institute of International Studies, Geneva.

Refugee Studies Centre

www.qeh.ox.ac.uk/rsc

New director appointed

We are delighted to announce that Dr Stephen Castles has been appointed as the new director of the Refugee Studies Centre and will take up his post in February 2001.

Dr Castles is currently Director of the Centre for Asia Pacific Social Transformation Studies (CAPSTRANS) at the University of Wollongong, Australia. He has an international reputation as a specialist on international migration, racism, citizenship, human rights, globalization and social transformation. His works on European, Australian, Asian and global experiences of migration and the emergence of multicultural societies have been highly influential and have been translated into French, German, Spanish, Japanese and other languages. Dr Castles carried out research on development in Indonesia in the early 1970s and was involved in educational development work in Zimbabwe and Botswana from 1980-82. He has taught sociology and political economy in Germany, the UK and Australia, and helped establish the Asia Pacific Migration Research Network (of which he is coordinator) which carries out research on social, cultural and political aspects of international migration in 13 countries.

Harold Koh to give Harrell-Bond Lecture

13 November 2000, 5pm:
Examinations Schools, Oxford

Harold Hongju Koh, US Assistant Secretary of State for Democracy, Human Rights and Labor, will be giving the 2nd annual Harrell-Bond Lecture. Mr Koh advises Secretary Albright on US policy on democracy, human rights, labour, the rule of law and religious freedom. He has received numerous honours for his human rights work and is author or editor of several books on international relations, law and human rights. All welcome.

For more details, visit the RSC website or email Dominique Attala at rscedu@qeh.ox.ac.uk

Alternative Futures: developing an agenda for legal research on asylum

The aims of this workshop, convened in June by Dr Matthew Gibney, were to: elicit a better understanding of the prospects for a more humane international response to forced migration; assist in identifying those features of current practices that might form the cornerstone of such a new response; and help the Refugee Studies Centre identify the most constructive and fruitful directions for legal research on issues of asylum for the years ahead.

The workshop, sponsored by the Ford Foundation, brought together participants with backgrounds in academia, the UN system, NGOs and government, and focused on six main areas for discussion:

· The roots and causes of forced migration
· The 1951 Convention on the Status of Refugees and the 1967 Protocol
· Reconciling the security of individuals with the security of states
· The relationship between refugee and immigration movements
· Humanitarian law, human rights law and the protection of refugees
· The North and the South and refugee protection

The final session was dedicated to discussing the most important areas for future legal research. Drawing upon earlier discussions, a number of areas were identified including: temporary protection; the legal challenges associated with determining refugee status on a group rather than on an individual basis; the impact of regional agreements on the future of asylum; protection for IDPs; and the analysis of decision making processes in asylum procedures.

The full workshop report will be shortly available on the RSC website.

International Summer School in Forced Migration

The 10th International Summer School, held at Wadham College, Oxford, was the Refugee Studies Centre's largest Summer School to date, attended by 73 participants from 42 countries.

After discussion of what is meant by the term 'forced migration', small groups debated whether states should go beyond an obligation to admit refugees by eliminating all forms of border control. A workshop on the psychosocial needs of refugees focused on how to assess needs - even what to call these needs - and how to design programmes for effective intervention. Sessions on asylum policy and international refugee law sensitized participants to the legal contexts in which the protection of refugees operates and to instruments and legal standards.

A further objective of the Summer School is to provide a forum to practise skills vital in the workplace. In coordination and negotiation workshops, participants grappled with designing a real world health programme for Bhutanese refugees in Nepal and negotiating the return of a group of East Timorese refugees from resettlement camps in Indonesian Timor. In the 'lessons learned' module, the aim was to reflect on the Summer School in the light of professional experience and future challenges at work and to formalise Summer School learning and its possible application to practice.

Next year's Summer School will be held in Oxford from 2-20 July. Cost: £2,250. Bursaries are available for participants from Palestine, Kenya, Uganda, Tanzania, Ethiopia, South Africa, Namibia, Zimbabwe and Mozambique, as well as for young EU nationals under 35 working in EU or associated member state countries. Closing date for applications for bursaries: 1 March 2001. Applications for places on the course must be received by 1 May.

For details and application forms, contact Shannon Stephen, Summer School Administrator, Refugee Studies Centre, QEH, 21 St Giles, Oxford, OX1 3LA, UK. Tel: +44 (0)1865 270723, fax: +44 (0) 1865 270721. Email: shannon.stephen@qeh.ox.ac.uk

Complex accountability

by Andreas Danevad

Accountability in humanitarian responses to displacement demands that relief activities reflect the genuine needs and priorities of the displaced. Humanitarian organizations should make themselves more accountable to the displaced through mechanisms to express their needs and by being transparent about the organization's own agenda and decisions. They must challenge their tendency to enter emergency situations with pre-determined agendas, influenced, among others, by their specialized field of work, donor requirements, prior experiences from similar situations and the capacity and personalities of their field staff. They need also to be aware that they operate in political arenas where they may be accountable to constituents with agendas that do not always converge with the priorities of the displaced. Unless a commitment exists at all organizational levels to put the genuine needs of the displaced at the forefront, a participatory approach in the field may simply result in local communities being invited to get involved only in the implementation of an agency-driven agenda.

Difficult decisions

Response to emergency situations inevitably demands crucial decisions affecting the displaced population. Due attention to accountability may make such decisions less difficult. In a situation where resources are scarce, it may feel convenient to avoid involvement of the displaced when deciding on how to narrow the target group but this may only lead to confrontations with the beneficiaries. If the decision were made in consultation with the displaced the final targeting may be less controversial and more effective than in the former case. Similarly, a decision to withdraw in a situation of high insecurity may create less tension if the humanitarian agency informs the beneficiaries in advance about its safety concerns and the likelihood of evacuation if the security

situation reaches a certain threshold. However, working in emergency situations involves daily balancing of differing interests. The decision by several NGOs to withdraw from southern Sudan in March demonstrated how humanitarian organizations often have to weigh the needs of the displaced against fundamental principles such as impartiality and unrestricted access.

The role of governments

Governments may be determined to influence how humanitarian organizations approach the internally displaced population, as for example in Eritrea and Sudan. Although it is difficult for outsiders to challenge a recognized government, humanitarian organizations should continuously advocate respect for international standards such as the Guiding Principles on Internal Displacement and the Human Charter of the Sphere project.

In those cases where a government is not itself a major cause of the displacement, it is important that humanitarian organizations take advantage of the opportunities this may create for participatory approaches and partnership between local and international NGOs, UN organizations and governments. A high level of accountability may be the outcome. Uganda is one example where rebel activity is the main cause of displacement, and where it is possible for national and international humanitarian organizations to have an open dialogue with government authorities about the need of the displaced (currently approaching 800,000). Although the situation in Burundi has similarities with Uganda, the opportunities for a similar level of accountability appear to be constrained by a conflictual relationship between the displaced population and the government, and less convergence between the interests of the humanitarian organizations, the government and the displaced.

Humanitarian organizations must not overlook the fact that IDPs often do not enjoy the same rights and freedoms as other persons in a country, and may end up as a marginalized group or even be treated in a hostile manner by their government, as in Burma. The displacement of certain ethnic groups in Kenya in the early 1990s was closely related to elections and orchestrated by the ruling party. As UNDP was required to work through the Kenyan government when attempting to set up a reintegration programme for the displaced, it was no surprise that the programme avoided controversial issues like human rights and political solutions for a lasting resolution of the underlying problems. When governments, as well as donors, do not respond or when they have a negative impact, it is important that humanitarian organizations actively advocate on behalf of the displaced both with regard to humanitarian needs and physical protection.

When rebels rule

Armed conflicts often involve the breakdown of government structures and traditional institutions, and the emergence of new, often fluid and unpredictable, power structures. In some cases, such as in southern Sudan or northern Somalia, rebel governments function as *de facto* rulers and may even establish administrative structures for humanitarian response. Humanitarian organizations must make such rebel authorities aware that international humanitarian law makes them equally responsible for the well-being of the displaced. However, to reach a high level of accountability in situations of active conflict is difficult. The displaced may be closely associated with the different parties to the conflict and agencies may face the moral dilemma – well known from the camps in eastern Zaire in the mid-1990s – of whether to continue assisting the displaced even if such assistance supports the armed group, or to withdraw. In other cases, such as within rebel-held areas in Sierra Leone or Eastern DRC, the displaced may not have any affiliation with the armed groups but the security situation frustrates attempts to establish

any close cooperation with the displaced beyond sporadic delivery of emergency items.

A relative concept

In a democratic context the constituents can hold their rulers accountable through means of sanctions such as voting against the ruling party or votes of no confidence in representative bodies. Humanitarian organizations are not subject to the same accountability mechanism, and their commitment to the principle thus remains the only safeguard to ensure that the interests of the displaced stay at the forefront of international attention.

Andreas Danevad is Information Officer at the Global IDP Project, Geneva. Email: andreas.danevad@nrc.ch

FORCED MIGRATION review

8
August 2000

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the Refugee Studies Centre in association with the Norwegian Refugee Council/Global IDP Project

Accountability

evaluations · ethics · beneficiary involvement
capacity building · corporate responsibility
plus
features on India and Australia
the next HCR · police training in Uganda
debate, updates, conferences, publications and news

Forthcoming

Migration and Foreign Policy: a key nexus of domestic and international affairs

2-5 October 2000: Wilton Park, UK

What can be learned from differing responses to migration? Are there particular regional dimensions? How can involuntary displacement best be prevented? What positive strategies are there to manage migration flows, and to ensure satisfactory settlement in receiving countries? How do migration patterns affect relations between states? What are the implications for national policymaking and for international organisations? These are the questions being addressed at this three-day conference. Open to those with expertise to share or an interest in the theme. See website for full details and list of speakers: www.wiltonpark.org.uk
The contribution to costs, normally £950, covers accommodation and meals, attendance at all sessions, and transport from/to Gatwick airport at the beginning/end of the conference. Special rates for those from non-OECD countries, academics and NGOs. *Enquiries about participation and local travel to: Fiona Fung, Wilton Park, Wiston House, Steyning, West Sussex BN44 3DZ, UK. Tel: +44 (0)1903 817755. Fax: +44 (0)1903 815244. Email: fiona.fung@wiltonpark.org.uk Enquiries about the programme to: Roger Williamson, Associate Director (address as above). Tel: +44 (0)1903 817737. Email: roger.williamson@wiltonpark. org.uk*

Asylum as a Human Right

4 November 2000: Frankfurt am Main, Germany

This international conference is organized by the European Association of Lawyers for Democracy and World Human Rights (EALDH) and will include sessions on: the development of the law relating to refugees, and the granting of refugee status in England, France, Germany, Italy and Spain; European Unification and the right of asylum;

human rights and the rights of refugees in international and European law - and their implementation in national law; protection against non-state persecution; and persecution due to sex. The conference will conclude with a round table discussion on: What future for refugees? Is Europe a sanctuary for refugees? Simultanous translation: English, French, German. Fee: DM100. *Contact: Thomas Schmidt, EALDH, Ross Str 7, 40476 - Düsseldorf, Germany. Tel: +49 (0)211 444 001. Mobile: +49 (0)172 68 10 888. Fax: +49 (0)211 444 027. Email: info@ejdm.de Full details on website: www.ejdm.de*

Judges' Round Table on Refugee Law

14-15 November 2000: Addis Ababa

This meeting is being organized by UNHCR/OAU as a follow-up to the Experts Meeting held in Conakry, Guinea, in March, which led to the adoption of a Comprehensive Implementation Plan. The purpose of the November meeting is for judges in the region (East and Horn of Africa and the Great Lakes region) and other judges who will be invited as resource persons to study the manner in which the judicial and administrative systems function in relation to the rights of refugees, and recommend ways and means by which the treatment of refugees can be enhanced in this regard. *Contact: George Chaponda at CHAPON-DA@unhcr.ch*

Recent

PRDU: Research in Conflict Areas

In May 2000 the Post War Reconstruction and Development Unit (PRDU) of the University of York held a three-day conference on research in conflict-affected areas. Discussion focused on epistemological and ethical concerns for conducting research, reflexivity to local circumstances, security and appropriate research methods and data gathering techniques.

Opening the conference, **Sultan Barakat** highlighted issues of ownership of research; local participation in the

research process, the way in which security and physical environment affect research agendas, the inter-relationship between research, policy and practice, ethical concerns for research in conflict areas and how to disseminate research findings.

Koenraad Van Brabant talked of the need to remain aware of political sensitivities, to protect confidentiality of organizations involved in security incidents, to chose real life examples with care, and to package and disseminate results in a manner accessible to policy makers and practitioners who do not often read academic journals. **Ragnhild Lund** spoke of the effectiveness of life-history interviewing as a tool for establishing narratives of development and marginalization. She stressed that having empathy should not mean a researcher losing his/her objectivity. By disseminating results to local people, researchers can give a voice to marginalised communities.

Kevin Clements highlighted the importance of building bridges between academia and practice and involving locals in research through egalitarian partnerships which do not disempower local capacities. He stressed the 5Ds:
· **D**ocumenting, analysing, sharing and building on existing knowledge;
· **D**ialoguing with practitioners and policy makers;
· **D**istilling best practice and lessons learned through detailed research;
· **D**eveloping tools and resources for practitioners and policy makers;
· **D**isseminating outputs widely to practitioners and policy makers.

In the context of ethnic conflict in north-west Sri Lanka, **Cathrine Brun** stressed that social conflicts should be researched through a multiple methodological approach, consisting of interviews with individuals and groups, narratives and participant observation. She discussed how to use memory distortion, selective telling, and biased hearing to understand context. Drawing on experience working with children in conflict-affected areas in Afghanistan and Tajikistan, **Patricia Sellick** warned that focus on the child as victim loses

sight of the social survival networks developed by children.

Arne Strand reflected on the impact of tension between the Taliban and human-itarian agencies in Afghanistan. Ethical dilemmas arose when interpreters unearthed information that was "best left untouched". **Nina Birkeland** talked of how constant security challenges dur-ing field research in Angola led to changes in field methodology and inabil-ity to collect planned detailed narratives. **David Waller** described how ACORD's peace and reconciliation research in northern Uganda faced ethical, practical and methodological dilemmas as the security situation fluctuated. By taking research findings to communities and enabling public discussion, a wider polit-ical space for reconciliation was created. **Alpaslan Özerdem** discussed method-ologies (literature review, questionnaires, semi-structured in-depth interviews, observation and use of a log book) used during research on the post-war recon-struction of urban water supplies in Bosnia-Herzegovina.

Key points brought out by these and other speakers included the need to pay attention to who owns research and sets the research agenda; to look at post-con-flict reconstruction where there has been no significant external input; to protect confidentiality; to look at how to retain focus on cultural issues; to share and be open to others' data gathering methods; to ensure research is relevant and tangible; and to establish a network of cross-disciplinary researchers com-mitted to dissemination.

See the PRDU website at: www.york.ac. uk/depts/arch/prdu. Conference coordi-nated by Alpaslan Özerdem. Email: ao102@york.ac.uk

Useful calendars of forthcoming conferences

www.icva.ch [click on Calendar]

www.unhchr.ch/html/meeting.htm

www.alertnet.org/diary (chronological listing)

www.isn.ethz.ch/conferences (International Security Network: includes search form that allows you to search on particular themes)

www.hri.ca/calendar (Human Rights Internet: allows viewing of events by month/year)

www.ercomer.org/ wwwvl/meetings.html (World Wide Web Virtual Library: Migration and Ethnic Relations)

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Emptying the Hills: Regroupment in Burundi

Human Rights Watch. July 2000. 38pp. Available at www.hrw.org/reports/2000/burundi2/ Hard copy: $5.00 (plus postage).

The government of Burundi has been slow to implement its promise to close its squalid regroupement camps by 31 July. This report focuses on the policy and practice of regroupment of the population around Bujumbura, life in the camps and military abuses; it also includes a series of recommendations to the various players involved.
Contact: Human Rights Watch, 350 Fifth Avenue, 34th Floor, New York, NY 10118, USA. Tel: +1 212 216 1832. Fax: +1 212 736 1300. Email: HRWpress@hrw.org Website (for ordering): //store.yahoo.com/hrwpubs/index.html

Listening to the Displaced: Action Research in the Conflict Zones of Sri Lanka

by Kerry Demusz. Oxfam Working Papers. June 2000. 68pp. ISBN 0 85598 437 6. £12.95/US$18.95.

The Listening to the Displaced research project attempts to enable national authorities and the international community to hear the voices of people displaced by conflict in northern Sri Lanka. This Working Paper explains the concepts and rationale behind the study, describes the methodology, and discusses how such a listening exercise can be carried out in the context of a civil conflict. [See pages 20-21 of this *Forced Migration Review* for discussion of the project.]
Oxfam publications are distributed via many distributors overseas. For details, contact: Oxfam Publishing, 274 Banbury Road, Oxford OX2 7DZ, UK.
Tel: +44 (0)1865 311311.
Fax: +44 (0)1865 313925.
Email: publish@oxfam.org.uk
Website: www.oxfam.org.uk/publications.html

On the Margin: Refugees, Migrants and Minorities

edited by Chowdhury R Abrar. Refugee and Migratory Movements Research Unit. June 2000. 222pp. US$12.00/Tk150.00.

This publication contains a selection of articles presented at a conference on Refugees, Migrants and Stateless Persons, December 1997, Dhaka.
Contact: RMMRU, Room 4019, Arts Building, University of Dhaka, Dhaka-1000, Bangladesh. Tel: +880 2 966 1900. Fax: +880 2 811 7962. Email: rmmru@bangla.net

Operational Security Management in Violent Environments

by Koenraad Van Brabant. Good Practice Review 8. Humanitarian Practice Network. ODI. June 2000. 354pp. ISBN 0 85003 457 4. £14.95.

This Good Practice Review offers a step-by-step approach to security management starting from context analysis and threat and risk assessment, to security strategy choice and security planning. It reviews major types of threats, measures to try to prevent them, and guidelines on how to survive and manage an incident if it occurs. A number of themes are explored that are relevant to risk control, such as personal and team competency, role of national staff, good communications, briefing and training.
Contact: Humanitarian Practice Network, Costain House, 111 Westminster Bridge Road, London SE1 7JD, UK. Tel: +44 (0)20 7393 1600. Fax: +44 (0)20 7393 1699. Email: hpn@odi.org.uk Website: www.odihpn.org.uk

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Nashra Al-Hijra Al-Qasriya and Revista sobre Migraciones Forzosas

Forced Migration Review is also printed in Spanish and Arabic.

All subscriptions to the Arabic and Spanish editions are free of charge.

If you would like to receive one or the other, or if you know of others who would like to receive copies, please send us the relevant contact details. Email the Editors at fmr@qeh.ox.ac.uk or write to us at: FMR, Refugee Studies Centre, QEH, University of Oxford, 21 St Giles, Oxford OX1 3LA, UK.

Also just published: **World Vision Security Manual:** a pocket-sized manual for safety awareness for aid workers. US$14.95. *Contact: World Vision Publications, 800 W Chestnut Ave, Monrovia, CA 91016-3198, USA. Tel: +1 626 301 7720. Fax: +1 626 301 7789. Website: www.marcpublications.com Email: MARCpubs@wvi.org*

World Refugee Survey 2000

US Committee for Refugees. 2000. 328pp. ISBN 0 936548 07 X. US$19.00.
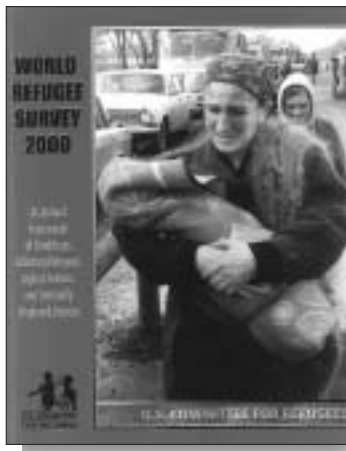

Regular features of this annual publication are its tables and graphs, map of sources of the world's refugees and IDPs, its country reports and directory. Also included this year are articles on: The year in review (by Roger Winter); UNHCR and internal displacement (Guy Goodwin-Gill); Humanitarian evacuation from Kosovo (Bill Frelick); Battered women and the criteria for refugee status (Mark von Sternberg); Erosion of refugee rights in East Africa (Binaifer Nowrojee); The way forward to asylum harmonization in the European Union (Steven Edminster); War in Chechnya (Alyson Springer); How open will Canada's door be? (Judith Kumin). *Contact: Publications, USCR, 1717 Massachusetts Ave NW, Suite 200, Washington, DC 20036, USA. Tel: +1 800 307 4712. Fax: +1 202 347 3418. Email: uscr@irsa-uscr.org Website: www.refugees.org*

Also recently published (April 2000) by USCR: *No Way In, No Way Out: Internal Displacement in Burma* and *Reversal of Fortune: Yugoslavia's Refugee Crisis since the Ethnic Albanian Return to Kosovo.* Contact details as above.

Valuing Evaluations: a practical approach to designing an evaluation that works for you

Bernard van Leer Foundation. Working Papers in Early Childhood Development. March 2000. ISBN 90 6195 055 4. Free (charges may be made for multiple copies).
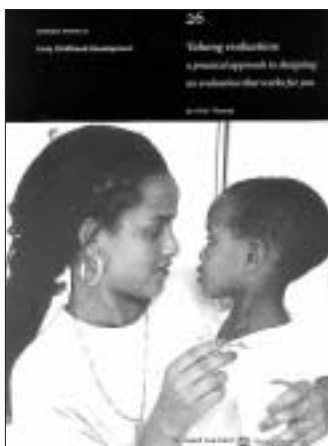
This publication looks at: identifying barriers to evaluation; what is evaluation; why evaluate; setting the aim for the evaluation; focusing the evaluation; finding answers; generating indicators – what are you looking for and how will you know when you have found it; and carrying out an evaluation. *Contact: Bernard van Leer Foundation, PO Box 82334, 2508 EH The Hague, The Netherlands. Tel: +31 70 351 2040. Fax: +31 70 350 2373. Email: registry@bvleerf.nl Website: www.bernardvanleer.org*

War Brought Us Here: Protecting Children Displaced Within Their Own Countries by Conflict

by Andrew Mawson, Rebecca Dodd & John Hilary. Save the Children UK. 2000. 144pp. ISBN 1 84187 025 0. £12.95.

This report highlights the situation in Angola, Colombia, Kosovo, Sierra Leone and Sri Lanka, and pinpoints the gaps between governments' legal obligations to protect displaced children and the reality of displaced children's lives. It includes recommendations to improve international efforts to protect and assist displaced children. A free 18-page summary is also available. *Contact: Publications Sales, Save the Children, 17 Grove Lane, London SE5 8RD, UK. Tel: +44 (0)20 7703 5400. Fax: +44 (0)20 7708 2508. Email: publications@scfuk.org.uk Website: www.savethechildren.org.uk*

The Sphere Handbook: Humanitarian Charter and Minimum Standards in Disaster Response

The Sphere Project. January 2000. 330pp. ISBN (English edition) 0 85598 445 7. £10.95. Bulk order rates available. Also available in Spanish, French and Russian.

The cornerstone of this book is the Humanitarian Charter, based on the principles and provisions of international humanitarian, human rights and refugee law, and on the principles of the Red Cross and NGO Code of Conduct. It describes the core principles that govern humanitarian action and asserts the right of populations to protection and assistance. The Minimum Standards are supplemented by Key Indicators which provide a way of measuring and communicating the impact, or results, of programmes as well as the process, or methods, used. *Contact: Oxfam c/o BEBC, PO Box 605, Parkstone, Dorset BH12 3YD, UK. Tel: +44 (0)1202 712933. Fax: +44 (0)1202 712930. Email: bebc@bebc.co.uk Or visit the Oxfam website at www.oxfam.org.uk/ publications.html*
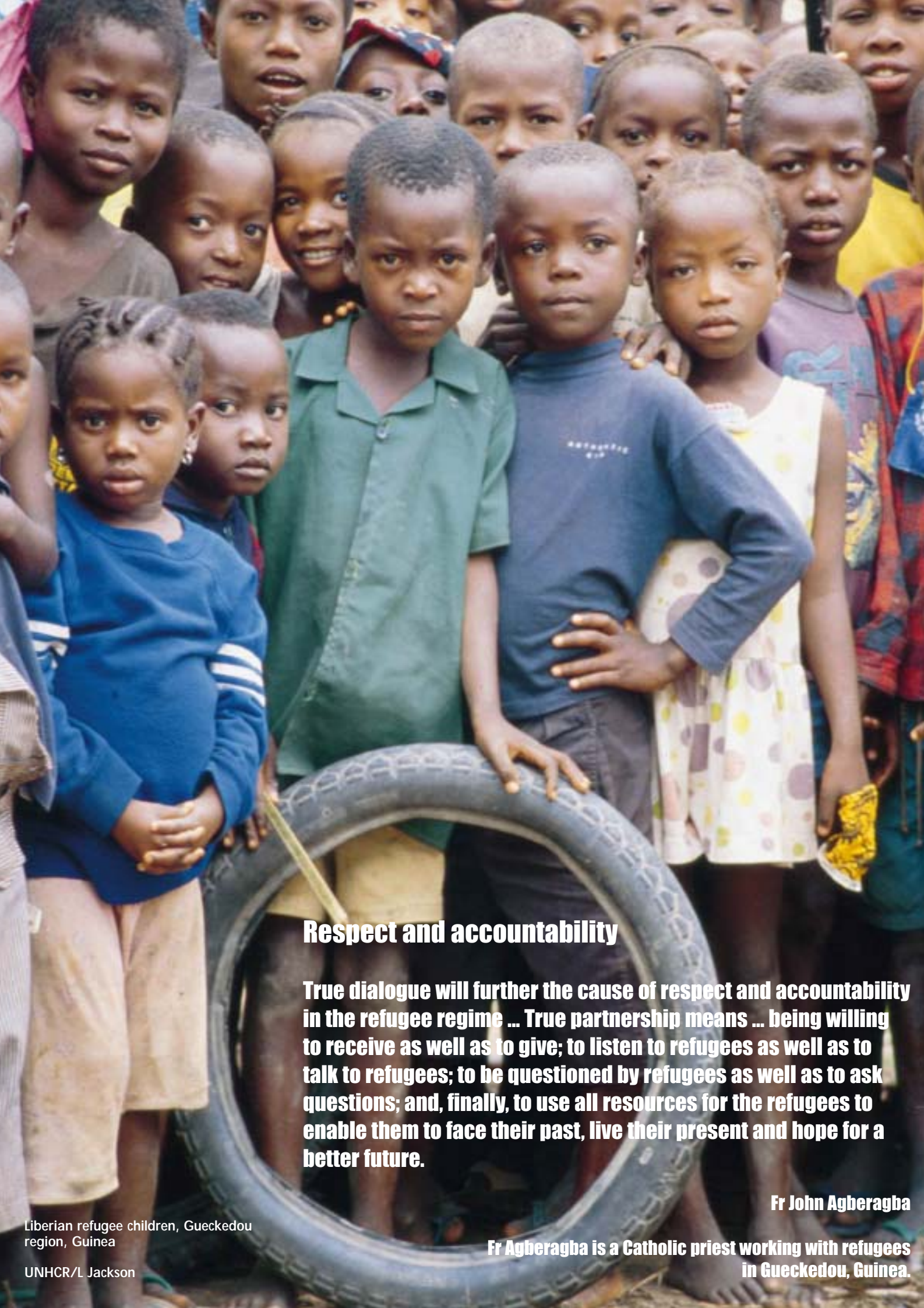
Respect and accountability

True dialogue will further the cause of respect and accountability in the refugee regime ... True partnership means ... being willing to receive as well as to give; to listen to refugees as well as to talk to refugees; to be questioned by refugees as well as to ask questions; and, finally, to use all resources for the refugees to enable them to face their past, live their present and hope for a better future.

Fr John Agberagba

Fr Agberagba is a Catholic priest working with refugees in Gueckedou, Guinea.

Liberian refugee children, Gueckedou region, Guinea

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