University of Oxford

Refugee Studies Centre

DEVELOPING DFID'S POLICY APPROACH TO REFUGEES AND INTERNALLY DISPLACED PERSONS

A Research Consultancy by the Refugee Studies Centre
for the Conflict and Humanitarian Affairs Department,
Department For International Development -UK

Volume I:

Consultancy Report and Policy Recommendations

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

1. The Study: contents and purpose. This Report discusses current patterns of forced migration, especially in low and middle-income countries, and examines responses by humanitarian actors, including governments, international agencies and NGOs. The purpose of the study is to provide the Department For International Development - UK (DFID) with an analysis of recent initiatives for change in this field, in order to help the Department refine its policy positions, as well as to help inform thinking in the UK Government as a whole.

2. Shifts in patterns of forced migration. The patterns and types of forced migration are constantly shifting. After rising for several decades, refugee and asylum seeker numbers have recently declined. This is partly due to the resolution of some long-running conflicts, but it is also a result of the success of richer states' efforts to contain forced migration in countries or regions of origin. The latter trend is arguably reflected in the rise in numbers of internally displaced persons (IDPs). Another major shift is the increasing significance of complex and protracted displacement, in which large groups of refugees experience long-term exile. These shifts mean that the efforts of development agencies have to be balanced among several different kinds of forced migrant populations: among returning refugees to help consolidate peace and stability in countries emerging from violent conflict; among refugees in poor countries of asylum, particularly where their presence has been protracted; and among IDPs and other war-affected populations in conflict-ridden countries.

3. The experience of forced migration. The experience of forced migration can be devastating for individuals, families and communities. It leads to impoverishment, exclusion from social, health and education provisions, and the breakdown of social relationships. However, it is essential to avoid viewing forced migrants as helpless, destitute victims. Often they have only been able to survive through considerable ingenuity and skills. Policies should aim to reinforce such qualities in rebuilding livelihoods and communities. Long-term encampment leads to dependency and hopelessness. While camps are often needed in the early phase of mass refugee movements, they are not long-term solutions, and policies should aim to find other durable solutions. Experiences of forced migration and responses to it are highly diverse. They depend, to a significant degree, on ethnic identity, age, class, gender, and other status attributes. Aid agencies should carry out thorough assessments of vulnerability in specific situations, and tailor their assistance programmes to the differing needs of the various groups.

4. Conflict, displacement, relief and development. Conflict and forced migration mainly arise in situations of underdevelopment and poor governance. In turn conflict and forced migration are major obstacles to development. Violence and displacement destroy material resources, stifle human potential, and force large groups of people into poverty, inactivity and dependency. Refugees and IDPs may become a burden to receiving areas, especially if they are not allowed to seek livelihoods. They may even become, or be perceived as, threats to social cohesion and security. Durable solutions, which allow displaced people to return home or to become self-reliant in areas of refuge, are therefore crucial to poverty reduction and development. At the same time, rights-based approaches are bringing about important changes in institutional responses. Implementing such principles means changing the way humanitarian organisations work, transforming organisational cultures and developing new skills.

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5. The international forced migration regime. The international refugee regime developed in the context of post-1945 displacement and the Cold War. Critics argue that it no longer meets current needs and is in need of reform. Some categories of forced migrant – most notably IDPs – lack adequate legal frameworks and institutional arrangements to provide protection and assistance. Another major problem is coordination of the many organisations involved in complex humanitarian emergencies. The UN has attempted over the last 15 years to improve arrangements for IDPs and to achieve better coordination at both HQ and field levels. Current efforts to develop a 'collaborative approach' in these areas should be supported. Also worthy of support is the Good Humanitarian Donorship initiative – an attempt to achieve principles of accountability and balance, as well as greater effectiveness, efficiency and timeliness in humanitarian action.

6. Recent UNHCR initiatives. In a period of rapid change in forced migration and state responses, the Office of the United Nations High Commissioner for Refugees (UNHCR) has launched important new initiatives. The Agenda for Protection focuses on measures to improve international protection of refugees and asylum seekers. Convention Plus aims to develop comprehensive plans of action to respond to mass influxes. The Framework for Durable Solutions is perhaps of greatest interest to development agencies: it focuses on the targeting of development assistance, and is concerned with bridging the relief-development gap. It has three components: Development Assistance for Refugees (DAR), Development through Local Integration (DLI) and Repatriation, Reintegration, Rehabilitation and Reconstruction ('the 4Rs'). The Framework for Durable Solutions involves close cooperation with a range of relief and development actors, both intergovernmental and non-governmental. It is based on the principle of leadership and ownership by governments in the regions of origin. These UNHCR initiatives represent constructive ideas and should be supported.

7. The EU and forced migration. Some EU policy initiatives seem driven by political pressures to prevent secondary migration to Europe, while other initiatives seek to build partnerships with poor countries to alleviate pressures on conflict regions. Recent signs of greater understanding between the Justice and Home Affairs, External Relations and Development Directorates-General appear positive. But the volatility of this area is underlined by the recent resurgence of ideas about asylum processing outside the EU. EU ideas for improving access to durable solutions have some potential from a development perspective. As the work programme for these linked proposals is currently being drawn up, there is scope to influence this process in development-friendly directions.

8. States and forced migration. Addressing issues raised by forced migration has become an important area of government policy among developed countries and also increasingly among developing countries. A key motivation of several recent initiatives has been the desire to reduce secondary flows of refugees to developed countries. However, there is increasing awareness that border control is insufficient, and that the root causes of conflict and displacement need to be addressed. This underlines the need for whole of government approaches, embracing all the departments concerned with forced migration issues. Government policy itself is closely linked to multilateral approaches involving other states, regional organisations and international agencies.

Policy issues and Recommendations

Addressing the Millennium Development Goals: the links between conflict, forced migration and development
The countries most affected by conflict and forced migration are amongst the poorest and least developed. At the same time, violence and displacement can block poverty reduction and development plans. Durable solutions, which allow displaced people to return home or to become self-reliant in areas of asylum, are therefore crucial to development in many poorer regions of the world.

Recommendation 1
> DFID should underline the importance of addressing conflict and forced migration for the achievement of the Millennium Development Goals. It should act as an advocate for the inclusion of forced migration issues in development debates. Measures to prevent and resolve conflicts and to address issues arising from forced migration should be an integral part of the overall strategies of the Department, as well as being built into country and regional programming.

Recommendation 2
> DFID should promote a view of refugees and IDPs as active and often highly resourceful survivors of adversity who could, given the right circumstances, make a major positive contribution to host communities. Whilst acknowledging that some forced migrants are rendered very vulnerable by their situation and require proper protection, DFID should take steps to counter the view of forced migrants as dependent, passive victims.

The continuing need for protection
One of the most immediate needs of refugees and IDPs is protection against violence, persecution and exploitation. DFID should give special attention to supporting people whose rights and needs may be particularly adversely affected in situations of conflict and displacement.

Recommendation 3
> DFID should ensure that its activities take account of protection needs. Strategies to support repatriation or local integration should always be examined to ensure that they do not detract from the imperative of protection. DFID should broaden the understanding of protection to include not only physical security but also the prevention of and protection against extortion, exploitation, abuse and other social protection concerns.

Recommendation 4
> DFID should continue to provide political and financial support to UNHCR in its protection role, and should support protection work by other international actors such as UNHCHR and OCHA through its institutional strategies with such organisations. DFID should also support the protection work of NGOs and Community-Based Organisations (CBOs). DFID should encourage greater collaboration between agencies to ensure the development of expertise around social protection issues, for example, increasing engagement of UNHCR with UNICEF and Save the Children around the protection of women and children.

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Assessing vulnerability and tailoring assistance to specific needs
Assistance to displaced populations must not just be concerned with survival but also with helping people to preserve and rebuild economic capabilities and social relationships. Policy measures need to be highly responsive to personal and social circumstances.

Recommendation 5
> DFID should promote thorough assessment of the vulnerabilities and needs of specific groups (differentiated according to such criteria as gender, generation, age, class and ethnic identity) in forced migration situations. Such assessment should include consultation of the groups concerned, using appropriate participatory methods. This should form the basis for assistance measures tailored to address these differing needs.

Supporting a rights-based approach in humanitarian action
Increasingly, conflict-affected populations are being perceived not as passive victims but as social actors with a range of fundamental rights enshrined in international law. Rights-based approaches are bringing about important changes in institutional responses to forced migration.

Recommendation 6
> DFID should support rights-based approaches in humanitarian action, by building criteria of accountability, advocacy, participation, sustainability and equity/non-discrimination into its own donorship, and advocating these principles in relevant fora.

Engaging with civil society
An important aspect of recognising conflict-affected populations as social actors is working with the organisations which represent forced migrants and local populations. DFID already has good relations with many such organisations and should build dialogue with them. Establishing partnerships and effective working relationships with such organisations will help deliver policy aimed at lessening the pressure for forced migration and mitigating its effects.

Recommendation 7
> DFID should maintain effective mechanisms for engaging with civil society, including NGOs and diaspora organisations, in areas of origin, transit regions and countries hosting refugees.

Acknowledging shifts in patterns of forced migration
Recent shifts in patterns of forced migration mean that the resources and efforts of development agencies have to be allocated among several different kinds of forced migrant population. It is particularly important to address the growing global crisis of internal displacement and to improve institutional responsibilities and responses in this area. Improved measures to address and resolve protracted refugee situations are also needed.

Recommendation 8
> DFID should support UNHCR's role with IDPs and supplement it with support to local and international NGOs and CBOs, when there are gaps in assistance. DFID should build on its support for the Representative of the Secretary General on the Human Rights of IDPs, OCHA's Inter-Agency Internal Displacement Division and

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the Global IDP Project, and press for the further development of productive collaboration among these bodies within the UN system and beyond. DFID should continue to support promotion of the Guiding Principles on Internal Displacement.

Recommendation 9

DFID should press for resolution of protracted and complex displacement, or provide long-term support where resolution is not yet possible.

Taking the lead and ensuring coherence in policy debates
DFID has considerable weight among international humanitarian agencies and donor governments and is in a position to exercise more substantial leadership in improving the coordination and quality of humanitarian action. DFID could also play a more significant role in helping to 'join-up' policy at UK and EU levels.

Recommendation 10

DFID should take the lead internationally in working for improved approaches to addressing forced migration issues in the developing world. DFID's political voice, its lobbying power in international fora, and thereby its influence on policy debates should be made commensurate with its strong funding commitment and its strong field presence.

Recommendation 11

At the UK government and EU level, DFID should inject a development perspective into consideration of refugee and asylum policies, showing how policy changes in this area will affect people in poorer developing countries. The department should ensure that measures connected with addressing forced migration and 'migration management' are consistent with long-term development goals.

Involvement in international policy debates on societies in transition
Since the 1980s, there has been growing awareness of the gap between relief and development and of the need for better collaboration amongst the various UN agencies and between them and other humanitarian actors to address this problem. Despite the lack of success of earlier efforts, several recent initiatives described in this Report seem very promising, and should be supported by DFID.

Recommendation 12

DFID is well placed to contribute to current international efforts to address the relief-development gap. DFID should support the type of activities envisaged in such recent initiatives as the UN Development Group/Executive Committee on Humanitarian Assistance Working Group on Transition Issues (UNDG-ECHA WG TI) and UNHCR's Convention Plus and Framework for Durable Solutions. DFID should work to ensure that such approaches become a part of long-term strategies pursued by relevant international actors.

Recommendation 13

EU ideas for 'Improving Access to Durable Solutions' are worthy of critical DFID support. As the work programme for this initiative is currently being drawn up with a view to starting implementation by the end of 2005, DFID could usefully help to influence this process, lending its weight to further UNHCR's more fully elaborated

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Framework for Durable Solutions.

Supporting coordination initiatives in the forced migration field
Significant efforts have been made in recent years to improve coordination among agencies that deal with forced migration. These efforts include the work of OCHA, measures to make the Consolidated Appeals Process (CAP) more effective, and the Good Humanitarian Donorship (GHD) initiative. Such efforts should be critically supported, with careful monitoring of progress. Comprehensive Plans of Action (CPA) provide an organisational framework for coordinating actions to address forced migration at the regional level. Key principles for CPAs include multilateral participation in planning and implementation; ownership by the government(s) of the country or countries concerned; and participatory approaches to give a voice to displaced populations, host populations and other stakeholders.

Recommendation 14
> As a means to build on recent efforts to improve coordination, DFID should critically support the work of OCHA and improvements to the CAP. The Department should continue its support for the Good Humanitarian Donorship initiative, and work to ensure that its principles and good practices lead to real change at the field and headquarters levels. Taking account of the transnational character of much forced migration, DFID should take full part in both the formulation and the operationalisation of the Comprehensive Plans of Action that are emerging in the Afghan, Somali and other cases. DFID should ensure that CPAs are appropriately connected to funding and development instruments such as CAPs and Poverty Reduction Strategy Papers (PRSPs), and are in line with the principles and good practices of GHD.

Striking a balance among durable solutions
Since at least the end of the Cold War, repatriation has been seen as the preferred durable solution for forced migration, somewhat to the neglect of the other two - local integration and resettlement. Recently, however, the potential of the latter two solutions has come to be re-acknowledged by the international community.

Recommendation 15
> DFID should support initiatives which balance solutions for forced migrants, always ensuring that these solutions are entirely voluntary and entail full consultation with affected populations. Such an approach is ultimately likely to be more productive in terms of conflict and poverty reduction than more unilateral approaches, such as the pursuit of extra-territorial processing of asylum seekers. Comprehensive Plans of Action, which embody multilateral approaches to balancing durable solutions, have useful potential here.

Integrating durable solutions into development planning
UNHCR's recent Framework for Durable Solutions could make a useful contribution to including forced migrants in development planning, and should be supported. This issue needs to be addressed in different ways in situations of repatriation in post-conflict societies and in situations of integration in host countries.

Recommendation 16
> DFID should work with host countries and relevant international institutions to

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encourage them to take account of forced migration issues in PRSPs and other planning processes. DFID should support the UNHCR's Framework for Durable Solutions as a means of helping to achieve the MDGs.

Targeting development assistance for durable solutions: promoting 'additionality'

As a component of the Framework for Durable Solutions, the targeting of development assistance provides a promising approach for both refugee-hosting areas and in settings of return and reconstruction. All forms of targeted development assistance in refugee or returnee contexts require the engagement of the refugees, returnees and host communities themselves. However, such aid should be clearly perceived by donors and recipients as additional to existing development aid. The principles of Good Humanitarian Donorship, including standard setting, good practice and means of accountability, should be drawn upon here.

Recommendation 17

UNHCR's approach to targeting development assistance for durable solutions should be supported by DFID. Guided by the principles of Good Humanitarian Donorship, DFID should press for 'additionality' of aid to address forced migration both on principle and to allay fears of host countries that aid for refugees will be siphoned off from general aid budgets.

Targeting development assistance in conditions of return and reconstruction

Under the rubric of the '4Rs' (Repatriation, Reintegration, Rehabilitation and Reconstruction) within Convention Plus, targeting development assistance for return is the least controversial for intervention, since the governments involved are usually receptive to assistance with repatriation and reconstruction. However, potential tensions have to be carefully managed if renewed violence is to be avoided. Repatriation is only valuable for conflict resolution, peace building and ultimately poverty reduction if it is sustainable. Continuing assistance after repatriation to countries and communities that have hosted refugees, often for long periods, needs to be part of the overall package.

Recommendation 18

DFID should ensure that refugee repatriation is voluntary and based on accurate and honest information of the situation back home, not least because information is often difficult to come by in exile. Assessment of the scale of returns that a given country or region can absorb and tailoring repatriation accordingly will increase the likelihood that repatriation and reconstruction are durable.

Recommendation 19

Planning for repatriation should be a central part of development planning in conflict-affected countries. DFID and other development actors should seek to involve local authorities and local actors and refugees themselves in the planning and implementation of return programmes. To support repatriation, planning in countries of origin should pay full attention to the preconditions for successful return and reintegration of both refugees and IDPs, including local and regional post-conflict reconstruction programmes, rehabilitation of former combatants, and income generation programmes in support of returnees and ex-combatants.

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Targeting development assistance in countries of first asylum
Assistance for refugees in countries of first asylum is a sensitive issue for the governments and publics of such countries as it touches on the use of resources for people who are not nationals, but who are often located amid nationals who are themselves poor. Consequently the most promising approaches are those directed at refugee-hosting areas, which include both refugees and the local communities. An important principle is that refugee populations should be encouraged to become self-reliant. This implies imaginative use of micro-finance, training and small enterprise development schemes.

Recommendation 20
> DFID should support local integration of both camp dwellers and self-settled refugees by engaging with host states to consider the best ways to accomplish this, by targeting development assistance to refugee-populated areas, by supporting the rehabilitation of former refugee camps and settlements for productive use, and by supporting self-sufficiency and livelihood and enterprise development initiatives for locally-integrated refugees. Such initiatives should recognise the needs of host populations as well as those of displaced groups.

Resettlement
It is increasingly acknowledged that resettlement programmes must be part of the package of durable solutions. This is because the options of repatriation or local integration are not available to certain refugee groups – often residual groups which have experienced long-term exile and encampment.

Recommendation 21
> To support third-country resettlement as part of comprehensive packages for the resolution of forced migration, DFID should advocate the consolidation and expansion of the UK's fledgling refugee resettlement programme in the name of responsibility sharing.

Taking account of transnational and translocal arenas
The dispersal of households among several different sites – internal displacement within the homeland; flight to neighbouring countries of first asylum; and flight or resettlement to countries outside the region of conflict – needs to be considered in development interventions. Livelihood strategies of such dispersed or transnational households often span several locations: they may involve remittances, movement across borders to farm, work or run businesses and the establishment of cross-border trading networks.

Recommendation 22
> DFID should take account of forced migrants' transnational strategies and build them into their interventions. DFID interventions should complement and not compete with refugees own livelihood strategies and options, which stretch beyond refugee camps and settlements. DFID should support further investigation of the significance of remittances among displaced and other vulnerable conflict-affected populations so as to help design policies to maximise their positive impacts for livelihoods.

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Supporting livelihoods among forced migrants

Support for forced migrants' livelihoods is needed whatever their circumstances: in camps or self-settled in countries of first asylum; during internal displacement; in the context of return; and in states of transition when families may be dispersed among several different locations. Refugees and IDPs who have been able to lead a productive life, receive an education, develop skills and accumulate resources are better prepared to integrate themselves or return home than those who have been confined for long periods in camps or who eke out an existence on the margins of society.

Recommendation 23

DFID should actively support efforts to achieve self-reliance and sustainable livelihoods for internally displaced populations and refugees, and, wherever possible, work to avoid long-term encampment, in which forced migrants are dependent on care and maintenance programmes. Livelihood support projects should be based on strong situation and market analysis so as to achieve sustainability, avoid adverse impacts on the local political economy, and avoid the development of exploitative employment or commercial relationships. DFID should engage actively with governments and local authorities concerned for the promotion of refugee and IDP self-reliance, integration or reintegration.

Recommendation 24

DFID should support refugee and IDP education and vocational and life skills training in camps and settlements, both to help forced migrants to improve their living conditions in the areas of their displacement and to prepare them for reintegration on return.

Reconciling security concerns with forced migration and development

Security concerns arise through forced migration. Judicious development assistance can foster greater security and protection for refugees and the local population, and can contribute to the alleviation of poverty in refugee-hosting areas and to broader national development objectives. Promoting good governance and the rule of law can help to short circuit anti-refugee sentiments and grievance-driven insecurity. Security concerns can also accompany return and reconstruction. DFID's extensive experience in many of these areas, and in particular the emergence of cross-departmental initiatives such as the Conflict Prevention Pools and the Post-Conflict Reconstruction Unit, makes it well placed to contribute here.

Recommendation 25

DFID's programmes in host countries should include consideration of how assistance to refugee-populated areas can alleviate local feelings of grievance towards refugee populations, thereby fostering greater local security and well-being. Programmes should be designed so as to realise a double benefit: fostering an environment of greater security and protection for refugees and the local population, while also contributing to broader national development objectives and the alleviation of poverty in refugee-hosting communities.

Recommendation 26

DFID should ensure that Disarmament, Demobilisation and Reintegration interventions for ex-combatants are compatible with efforts to reintegrate returning refugees and IDPs.

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List of Abbreviations

Abbreviation	Term
4Rs	Repatriation, Reintegration, Rehabilitation and Reconstruction
ACSU	Afghanistan Comprehensive Solutions Unit
BPRM	Bureau of Population, Refugees and Migration (US State Department)
CAP	Consolidated Appeals Process
CBOs	Community-Based Organisations
CHAD	Conflict and Humanitarian Affairs Department
COMPAS	Centre on Migration, Policy and Society
CPA	Comprehensive Plan of Action
CPP	Conflict Prevention Pool
CSOs	Civil Society Organisations
DAR	Development Assistance for Refugees
DDR	Disarmament, Demobilization and Reintegration
DFID	Department For International Development (UK)
DHA	Department of Humanitarian Affairs
DIDR	Development-Induced Displacement and Resettlement
DLI	Development through Local Integration
DPKO	UN Department for Peace Keeping Operations.
EC	European Commission
ECHO	Humanitarian Aid Office of the European Commission
ECRE	European Council on Refugees and Exiles.
EPAU	Evaluation and Policy Analysis Unit (UNHCR)
EU	European Union
ExCom	UNHCR Executive Committee
FAO	Food and Agricultural Organisation of the United Nations
FCO	Foreign and Commonwealth Office
HLWG	High Level Working Group on Asylum and Migration
IASC	Inter Agency Standing Committee
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person

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Abbreviation	Term
ILO	International Labour Office
LRRD	Linking Relief, Rehabilitation and Development
MDGs	Millennium Development Goals
MOD	Ministry of Defence - UK
MSEE	Minimum Standards for Education in Emergencies
NGO	Non-Governmental Organisation
OAU	Organisation of African Unity
OCHA	UN Office for the Coordination of Humanitarian Affairs
PRSPs	Poverty Reduction Strategy Papers
QIPs	Quick Impact Projects
RPAs	Regional Protection Areas
RSC	Refugee Studies Centre
RSG-IDP	Representative of the Secretary General on the Human Rights of Internally Displaced Persons
TPCs	Transit Processing Centres
UNDAF	UN Development Assistance Framework
UNDG	United Nations Development Group.
UNDG-ECHA WG TI	UN Development Group/Executive Committee on Humanitarian Assistance Working Group on Transition Issues
UNDP	United Nations Development Programme
UNHCHR	Office of the United Nations High Commissioner for Human Rights
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNWRA	UN Relief and Works Agency for Palestine Refugees in the Near East
WFP	World Food Programme
WHO	World Health Organisation
ZI	Zambia Initiative

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1   THE STUDY: PURPOSE, METHODS AND LIMITATIONS

1.1   Background

This Report discusses current patterns of forced migration, especially in less-developed countries, and examines responses by humanitarian actors, including governments, intergovernmental agencies and non-governmental organisations (NGOs). It reviews recent initiatives for improving international responses to humanitarian emergencies and forced migration, and discusses policy options for the Department For International Development (DFID) and the UK Government in general. A key focus of the study is the relationship between emergency relief and longer-term development strategies.

The study concentrates on people displaced as a result of conflict, violence and human rights abuse. The main categories are refugees, internally displaced persons (IDPs), asylum seekers and returnees (see definitions and statistics in Section 2). Other types of displacement (resulting from development projects, environmental change or disasters) are not dealt with in detail, although they are mentioned where they are linked to conflict-induced displacement.

The background to the study is the growing relevance of forced migration to DFID's policy area. Violent conflict and forced migration can be partly due to deficits in economic, social and political development. In turn, conflict and population displacement can block development, exacerbating poverty in already poor countries. Moreover, refugees and IDPs themselves make up some of the most impoverished groups in many countries. The majority of forced migrants belong to groups which may become especially vulnerable in situations of conflict and displacement, including women and children, elderly persons and members of ethnic minorities. This raises important issues of equity and rights. Although forced migration and conflict are not specifically mentioned in the Millennium Development Goals (MDGs), peace-making, post-conflict reconstruction and the finding of durable solutions for displaced populations are arguably central to their achievement.

DFIDs Conflict and Humanitarian Affairs Department (CHAD) has long been a major funder of humanitarian activity by international organisations – especially the Office of the United Nations High Commissioner for Refugees (UNHCR). Humanitarian emergencies and forced migration often also impinge on the work of DFID regional and country teams. Countries of origin of refugees, countries with large IDP populations, countries with large refugee concentrations and countries of transit may all find their development affected by these situations. There is therefore a strong argument for taking forced migration into consideration in country programming and in other development instruments, such as Poverty Reduction Strategy Papers (PRSPs). However, senior UN officials interviewed for this project told us that forced displacement is still not treated as an important issue by many development agencies, noting that this perception could be a major obstacle to effective action in the transition from relief to development.[1]

Refugee issues and asylum have been major areas of concern to UK and European policy-makers in recent years. Since 2002, there has been a substantial decline in the numbers of asylum seekers coming to Europe. The world total of refugees has also fallen below 10 million for the first time since 1981. However, the overall number of forced migrants in the

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[1] Interviews at UN HQ, New York, August 2004.

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world does not appear to have declined. Instead, there has been a shift from refugees and asylum seekers to IDPs, who are now estimated to number some 25 million globally, with over half in Africa.[2] This change may be partly due to the decline in willingness of potential host countries in both the South and North to accept refugees, forcing displaced people to remain in their own countries – often in very vulnerable situations. As will be discussed in detail later, IDPs are very often far worse off than refugees because there is no international legal instrument specifically designed to support them and there are no organisations specifically mandated to do so. Evidence also suggests that IDPs tend to be poorer and less well connected than refugees prior to the outbreak of conflict, which is precisely why they cannot escape their own country. This implies that this issue is likely to become even more important for development agencies and donors.

At the same time, concerns about problems connected with refugee and asylum seeker flows have generated a number of policy initiatives from important players including UNHCR, the European Commission (EC), the UK Government and other European governments. Some of the issues addressed in these initiatives include discouraging secondary flows from countries of first asylum to Europe; processing asylum claims in regions of origin or transit rather than in Europe; trying to overcome the gap between humanitarian relief and long-term development action; providing targeted development assistance to support refugee-hosting countries; and linking voluntary repatriation of refugees to development assistance for countries of origin.

In these circumstances, it is clearly important for DFID to have adequate information on the situation of forced migrants in developing countries, as well as an analysis of the implications of the various policy initiatives for its own work. This study is designed to address these needs.

Purpose of the study
The overall purpose of this study is to provide information and recommend options to help DFID to decide its policy position.

In order to achieve this DFID-CHAD require:

- A summary of "state of the art" thinking about refugees, asylum seekers and IDPs – including an understanding of range of positions being taken by major national and international players in addition to understanding the thinking on this across government.

- A summary of the extent to which DFID should be concerned about whether the numbers of refugees, asylum seekers and IDPs could compromise the achievement of the MDGs and if so, suggestions on ways to tackle this. Including an analysis of the way that major aid and humanitarian instruments are, or are not, tackling issues of refugees, asylum seekers or IDPs.

- Recommendations to help them to develop a congruent policy position for global and regional migration policies (to be developed with the support of DFID's regional departments). These should aim to complement migration policy generally and suggest ways to take an appropriate and commensurate approach to the position of refugees, asylum seekers and IDPs.

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[2] As will be discussed below, all statistics on forced migration are problematic, and those for IDPs especially so. They should be treated as estimates, rather than precise figures.

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- Advice on adopting common Whitehall policy positions to promote in UNHCR's future debates and decide DFID support for the subsequent roll out of:

   - Agenda for Protection
   - UNHCR 2004 Process
   - Convention Plus Initiative
   - International Protection
   - 2004 Standing Committee Work Programmes

- Guidance on policy positions and use of programme funding in support of other related initiatives within UN agencies or civil society organisations (CSOs).

- Awareness of the policy positions of other members of the donor community e.g. U.S.A., Canada, like-minded European states and others as appropriate.

- Awareness of the thinking of members of the G77 group or specific "southern" Governments and the ways that their views are likely to have an effect on international debate.

(For a copy of the full terms of reference see Annex I.)

1.2   Research team

Refugee Studies Centre (RSC), University of Oxford, in collaboration with the Centre on Migration, Policy and Society (COMPAS), also at Oxford University, was commissioned by DFID-CHAD in March 2004. The following research team was established:

- Professor Stephen Castles, Director, RSC – *Principal Investigator*
- Dr Nicholas Van Hear, Senior Researcher and Programme Head, COMPAS, – *Senior Researcher*
- Christian Wolff, RSC – *Research Officer*.
- Paul Ryder, Research Information Officer, RSC – *Project Coordinator*.

In addition, Dr Jo Boyden and Dr Jason Hart, both researchers at the RSC, made major contributions to the final report.

1.3   Methods

The study was carried out using a range of methods:

- **Literature Review** – a systematic review of the relevant literature and policy documents.
- **Commissioned Papers** – a number of experts were approached to produce eight specialist papers focusing on key thematic and regional issues.
- **Consultation Exercise** – consultations with a selection of key stakeholders in government, intergovernmental and non-governmental organisations with an interest in policies and approaches toward refugees, to provide a systematic assessment of the current policy context.
- **Mid-Term Workshop** – held from 15-16 July 2004 at DFID offices in London, facilitated and chaired by Philip Rudge. The preliminary findings of the commissioned papers, consultations and literature review were discussed between the research team, the contracted researchers, DFID and other government and NGO representatives. *(For a copy of the workshop report see Annex II.)*

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- **Policy Analysis** – a detailed assessment by the research team of the information, findings and recommendations produced by the commissioned papers, consultations and literature review.
- **Writing Up** – preparation of a project Report, a policy-oriented executive summary and a volume of commissioned papers.
- **Dissemination Workshop** – a seminar at which the study findings will be presented and discussed is to be held following submission of this Report.

1.3.1 Literature review

The researchers collected a large volume of relevant material, focusing especially on recent publications concerned with new initiatives in the forced migration field. The bulk of the material consisted of reports or statements, often in electronic form, by organisations working in the area, including government agencies, intergovernmental agencies and NGOs. Relevant academic literature was also examined. Analysis of such material played an important role in writing the Report, and this is reflected in the references.

1.3.2 Commissioned papers

Eight expert papers were commissioned for the Study covering some of the most important topics. The papers were circulated in draft form to the participants of the mid-term workshop of 15-16 July 2004. Following this, detailed comments were sent to the authors who prepared revised papers. These papers are available in the accompanying volume to this report. The terms of reference for these papers can be found in Annex III.

Thematic papers

The state of the international forced migration regime
Prof. Charles B. Keely, Professor of International Migration, Georgetown University, USA.

The UK, the EU and forced migration
Dr Heaven Crawley, Asylum, Migration, Race and Equalities Consulting (AMRE), UK.

The relationships between development, poverty, conflict and forced migration
Dr Anne Hammerstad, South African Institute of International Affairs, University of Witwatersrand, South Africa.

Security and forced migration
Prof. Gil Loescher, Senior Research Fellow, Centre for International Studies
and Research Associate, Refugee Studies Centre, University of Oxford and James Milner, Queen Elizabeth House, University of Oxford.

Lessons Learned from Specific Emergency Situations: a Synthesis
Dr Sarah Collinson, Independent Consultant, UK.

Regional Papers

Sub-Saharan Africa: The Great Lakes Region
Dr Khoti Kamanga, Centre for the Study of Forced Migration, University of Dar es Salaam, Tanzania.

South Asia
Prof. Choudhury Abrar, Refugee and Migratory Movements Research Unit, Dhaka University, Bangladesh.

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Middle East and North Africa
Dr Anita Fabos, University of East London, with Dr. Nadje Al Ali, Institute of Arabic and Islamic Studies, University of Exeter and Oroub el Obeid, Independent Researcher, Palestine/Jordan.

In writing this Report, the authors drew extensively on the expert papers. However, no attempt was made to summarise them systematically. Similarly, the authors of the Report drew on the specific recommendations made in the papers, but did not use all of them, nor necessarily reproduce them in the original form. The expert papers provide valuable information on and analyses of key areas of the forced migration field, and are recommended reading in their own right.

1.3.3   Consultation exercise

The research team interviewed suitable informants from a wide range of government agencies, intergovernmental organisations and NGOs in the UK, the USA, Germany, Belgium and Switzerland. The interviews were carried out from May to September 2004. A full list is provided in Annex IV. In view of the very large number of bodies active in the humanitarian and development sectors, no claim can be made to have interviewed a representative cross-section of possible informants. Nonetheless, the interviews made an important contribution to the researchers' understanding of the complex issues at stake.

The researchers guaranteed anonymity to all respondents. Interviews are therefore cited only in general terms in the text as 'information based on interviews'. Where appropriate, the type of organisation and the level of seniority of the respondent is mentioned.

1.4   Limitations of the study

Compared with the broad aims of the study, the time (6 months) and the budget were quite limited. This restricted the amount of in-depth study and analysis that could be carried out by the research team. The volume of literature in this field – especially in the form of reports and statements of governments, intergovernmental agencies and NGOs – is enormous, so the researchers had to focus on what appeared to be the key documents. The literature review cannot, therefore, claim to be comprehensive. Similarly, the commissioned papers cover only a limited range of themes, selected because they seemed particularly relevant and timely. The large number of interviews carried out still only represent a limited cross-section of the actors involved in this burgeoning field. Due to budget and time constraints, fieldwork in regions of origin and first asylum of forced migrants was not possible. Although some diplomatic representatives of some countries of origin and first asylum were interviewed, justice has not fully been done to the purpose of providing an adequate understanding of the perspective of G77 countries.

On a more general level, it should be emphasised that the purposes of this study mainly focus on understanding the policy positions of key institutional actors and discussing the consequences of these for the future policies of DFID and the UK Government. Although policy positions have to be discussed in the light of experiences from the field, the perspectives of this study are essentially top-down. Although NGO representatives were interviewed, the main weight has been on the positions of governments and intergovernmental agencies. Detailed analysis of field experience was not possible – except to a limited extent through the *Synthesis paper on lessons learned from specific emergency situations* by Sarah Collinson (see Vol. II). Wider consultation with NGOs and other civil

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society actors, especially in countries of origin and first asylum, would also be vital. This study should therefore be seen as reflecting just one aspect of a more complicated whole. This points to the need for further research which confronts current policy models with a systematic analysis of field experience.

1.5   Structure of the report

The contents of the Report reflect its central purpose of engaging with crucial current policy issues in the forced migration field. **Section 2** gives an overview of contemporary forms of displacement, which is essential for understanding and assessing the various policy initiatives. It presents the definitions of the main types of forced migration and discusses some central issues. It goes on to present summary statistics on the different types, and discusses important recent shifts and their possible policy consequences.

Section 3 is concerned with the experience of forced migration. The first part focuses on impacts on individuals, families and communities, covering such topics as the effects of encampment and protracted displacement. The second part addresses the violations and vulnerabilities suffered by specific groups, defined on the basis of gender and generation.

Section 4 focuses on the relationship between forced migration, poverty, conflict and development, paying particular attention to the perennial problem of the relief-development gap. The Section also discusses the relationship between forced migration and security. A final part is concerned with principles that should guide responses to situations of conflict and displacement, with an emphasis on rights-based approaches to provision of relief.

Section 5 provides an overview of the evolution and current state of the international forced migration regime (i.e. the legal instruments, institutions and norms which have evolved to respond to the situation of refugees and other forced migrants). Key actors in international humanitarian work concerning forced migration are identified. Attention is drawn to the rather fragmented and ad hoc character of international action to protect and assist internally displaced persons. Other important initiatives aimed a improving humanitarian coordination are also discussed. The Section concludes with an analysis of the main challenges currently faced by the regime, and above all by the governments and institutions that help shape it.

Section 6 is concerned with the most important agency in the refugee field: UNHCR. The emphasis is on recent ideas about improved cooperation between donor countries and states in regions of origin of refugees and asylum seekers. Ideas about linking development strategies to durable solutions for refugees are examined.

Section 7 deals with the European Union (EU) and its approaches to forced migration. The analysis reflects the continuing trend towards EU management and solutions in the forced migration field, especially with regard to implementation of the 1997 Amsterdam Treaty, which was meant to bring about harmonisation of policies on immigration and asylum by May 2004. Recent European Commission communications show awareness of the need to develop the external element of EU policies, in order to address root causes of forced migration, through better coordination of humanitarian and development activities.

Section 8 focuses on UK initiatives on asylum and refugee issues, the reactions of other states and international bodies to these, and the development of a range of recent initiatives

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by European governments.

Section 9 presents detailed conclusions and policy recommendations of the whole study. Recommendations derive from the analysis of the interplay between the different elements and key points identified in the main body of the report.

1.6   Key points

- Strategies to address forced migration should be seen as an essential aspect of development programming in many affected countries, and at the regional and global levels. Improved responses to forced migration are therefore highly relevant to the achievement of the Millennium Development Goals.

- This study is designed to provide information and recommend options to help DFID to refine its policy position, as well as to inform thinking in the UK Government as a whole. Its purpose is to help policy makers understand and assess current new initiatives in the forced migration field, especially from governments and intergovernmental agencies.

- The study is based on a variety of methods, including a literature review, expert papers, consultations with representatives of appropriate agencies and NGOs, and a mid-term policy workshop.

- The research was subject to tight constraints in time and budget, so that it cannot claim to provide a comprehensive view of a highly complex field. It focuses on areas seen as especially relevant for policy discussions.

- More research is needed to complement the essentially top-down approach of this study with a bottom-up analysis of field experience, and to bring in more fully the perspectives of institutional actors and civil society organisations in areas of origin and first asylum of forced migrants.

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2 FORCED MIGRATION AS A GLOBAL ISSUE: DEFINITIONS AND STATISTICAL OVERVIEW

2.1 Aims of this Section

This Section is designed to provide background information important for understanding contemporary patterns of and policy responses to forced migration. It presents definitions of the main types of forced migration and provides summary statistics, drawing attention to the lack of firm data in many key areas.

2.2 Types of forced migration

Forced (or involuntary) migration is distinguished in analytical and policy terms from *economic (or voluntary) migration.* Forced migration includes a number of legal or political categories. All of these categories involve people who have been forced to flee their homes and seek refuge elsewhere. Popular usage tends to call them all 'refugees', but legally this is quite a narrow category. The majority of forced migrants flee for reasons not explicitly recognised by international refugee law, and many of them are displaced within their own country of origin. This Report is concerned primarily with persons displaced by violence: refugees, asylum seekers and IDPs, but all categories of forced migrant are listed in this Section for information purposes. These categories, and the international measures developed to protect them, are discussed in more detail in Section 5 – The State of the International Forced Migration Regime.

The definitions of types of forced migration given here should not be understood as rigorous scientific categories. They are very much the product of political negotiations and decisions taken by the main actors in the field over the last 60 years. Complex and intertwined human situations, are somewhat arbitrarily divided up into discrete categories to meet legal and political needs. Such categories often carry entitlements to differing types of protection and assistance, and are thus important for administrative purposes, but people often do not fit readily into them. This can lead to problems of 'category jumping' and 'multiple motivations', which are sometimes seen as evidence of deceit by bureaucracies. Labelling people as members of certain categories is a top-down approach which can make it harder for forced migrants to exercise their own human agency and become self-reliant (Zetter 1991).

2.2.1 Refugees

According to the 1951 *United Nations Convention Relating to the Status of Refugees*, a refugee is a person residing outside his or her country of nationality, who is unable or unwilling to return because of a 'well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion'. Most of the world's forced migrants do not fulfil these criteria as 'Convention refugees', either because they have not crossed an international border, or because they are fleeing war or generalised human rights violations, rather than individual persecution. The 1969 Refugee Convention of the Organisation of African Unity (OAU), broadened the refugee definition to include people fleeing war. Many African states follow this practice, but most Northern states do not. Instead, in the 1990s, the notion of *temporary protection* for war refugees was introduced, especially for those fleeing the violence in former Yugoslavia. This means giving protection either for a fixed period (say 3 years) or for the duration of the conflict. After this, return home is expected and may be enforced.

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The 1951 Convention was originally limited to Europe and to persons who became refugees due to events occurring before 1 January 1951. The 1967 *Protocol Relating to the Status of Refugees* removed these geographical and temporal limits. As of 2004, 145 of the world's approximately 190 states had signed either the 1951 Convention or the Protocol, while 139 states had signed both. It is worth noting that none of the South Asian countries, which have some of the world's largest refugee populations, have signed the Convention. Member States which are party to the Convention undertake to protect refugees and to respect the principle of *non-refoulement* (that is not to return refugees to a country where they may be persecuted). This may require a state to allow refugees to enter and to grant them temporary or permanent residence status. Officially recognised refugees are often better off than other forced migrants, as they have a clear legal status and enjoy the protection of an important institution: UNHCR.

2.2.2   Persons of concern to the UNHCR

UNHCR statistics present a broader category of *persons of concern to the UNHCR*. This includes Convention refugees plus all persons for whom the organisation takes responsibility at a given time – that is, those who enjoy protection or assistance services provided by UNHCR. This includes some asylum seekers, internally displaced persons and returnees – but not by any means all of these groups. For instance, at the beginning of 2004, UNHCR counted 4.4 million IDPs as persons of concern – less than one fifth of the estimated global total of some 25 million.

2.2.3   Asylum seekers

These are people who have crossed an international border in search of protection, but whose claims for refugee status have not yet been decided. Asylum seekers sometimes live in a drawn-out situation of uncertainty and inactivity, since determination procedures and appeals may take many years. Many countries offer different types of protection – typically full refugee status for those who fulfil the 1951 Convention criteria, temporary protection for war refugees, and humanitarian protection for people not considered refugees, but who might be endangered by return. In some countries, asylum seekers are not allowed to work, and have to exist on welfare benefits (sometimes at rates lower than those for other welfare claimants). As many as two-thirds of asylum applications are rejected in European countries – yet many rejected asylum seekers stay on. In some cases, they cannot be deported because the country of origin will not take them back, or because they have no passports. Others simply disappear into the informal economy.

2.2.4   Internally Displaced Persons (IDPs)

IDPs may be defined as 'persons who, as a result of persecution, armed conflict or violence, have been forced to abandon their homes and leave their usual place of residence, and who remain within the borders of their own country' (UNHCR 1997). Some definitions also include persons displaced by development projects or disasters as IDPs (Cohen and Deng 1998a), but this seems confusing, since the causes (and hence the remedies) are very different. It seems best to use the IDP label only for persons displaced by violence. IDPs tend to be poorer and have fewer social connections and are currently far more numerous than refugees, yet are often without any effective protection or assistance. While soft law is developing, partly as a result of the Guiding Principles on Internal Displacement, there are no international legal instruments or institutions specifically designed to protect IDPs, although they are covered by general human rights conventions. The key problem is *sovereignty*: in international law, IDPs are the responsibility of their own government, since

they have not crossed international borders, yet it is often the very government that has persecuted and displaced them.

2.2.5 *Protracted refugee situations*
Many refugees have experienced exile for many years, usually in camps, with no chance either of returning home, or achieving local integration in the host country. UNHCR uses the term 'protracted refugee situation' for this phenomenon, while the US Committee on Refugees uses the term 'warehoused refugees' (USCR 2004). Other observers speak of 'forgotten refugees'. According to UNHCR:

> …a protracted refugee situation is one in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance. (UNHCR 2004a, 1)

In its statistics on protracted refugee situations, UNHCR generally uses the criterion of displacement lasting five years or more.

2.2.6 *Returnees*
Most refugees and IDPs want to return home as soon as conditions permit. UNHCR and the international community in general see 'repatriation in conditions of safety and dignity' as the preferred *durable solution* in most displacement situations. However, the mere ending of a violent conflict does not guarantee that the place of origin is safe. Moreover, a devastated economy and disrupted government services may make the restoration of livelihoods extremely difficult. Returnees often need protection and assistance. UNHCR takes responsibility for many returnees. Due to increased repatriation movements, the agency provided assistance to 2.4 million returnees in 2004 and 1.1 million in 2003 (UNHCR 2004b). Assistance can include provision of building materials, agricultural implements, seeds and other basic needs. It can also include *Quick Impact Projects* (QIPS), designed to rehabilitate infrastructure (roads, water supplies). These are on the boundary between relief and development, but UNHCR sees them as a necessary bridging action before development agencies are able to get involved. Donor finance is frequently needed to support returnees – the UK Government has provided such funding, in some cases through the Home Office.

2.2.7 *Development displacees and DIDR*
These are people compelled to move by large-scale development projects, such as dams, airports, roads and urban housing. The acronym DIDR is used to refer to 'development-induced displacement and resettlement'. The World Bank – which funds many development projects – estimates that such projects displace an average of 10 million people per year. At a conservative estimate of 33 million, India has the largest population of development-induced displaced peoples in the world. It is calculated that for every large dam (of which there are 3,300 in India) 44,182 people are displaced (Roy 1999). Millions of development displacees experience permanent impoverishment, and end up in situations of social and political marginalisation (Cernea and McDowell 2000). In India, a huge proportion of the displaced are tribal people (57.6 per in the case of the Sardar Sarovar Dam). When Dalits are included, the figure rises to about 60 per cent according to the Commissioner for Scheduled Castes and Tribes. Given that tribal people account for only 8 per cent of India's population and Dalits, 15 per cent, the disproportionate burden born by

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these politically and economically marginalised minority communities is more than evident. Growing awareness of the problem in the 1980s led the World Bank to impose conditions on its loans designed to ensure compensation and appropriate resettlement (McDowell 1996). Development displacees constitute another group larger than official refugee populations, for whom there is no adequate protective regime. Many of them end up drifting into urban slums, or becoming a part of floating populations, which may spill over into international migration.

2.2.8 Environmental and disaster displacees

This category includes people displaced by environmental change (desertification, deforestation, land degradation, water pollution or inundation), by natural disasters (floods, volcanoes, landslides, earthquakes), and by man-made disasters (industrial accidents, radioactivity). A 1995 report claimed that there were at least 25 million environmental refugees, that the number could double by 2010 and that as many as 200 million people may eventually be at risk of displacement (Myers 1997; Myers and Kent 1995). Refugee experts reject such apocalyptic visions and some argue that there are no environmental refugees as such. While environmental factors do play a part in forced migration, displacements due to environmental factors are always closely linked to other factors, such as social and ethnic conflict, weak states, inequitable distribution of resources and abuse of human rights. Thus it is almost impossible to define who is an environmental or disaster displacee, or to quantify this category in any meaningful way. The emphasis on environmental factors can be a distraction from central issues of development, inequality and conflict resolution (Black 1998a; Castles 2002). However, there is no doubt that environmental degradation is often one of the factors that precipitates complex humanitarian emergencies, giving rise to multiple forms of displacement.

2.2.9 People trafficking

A final form of forced migration is the trafficking of people across international boundaries for purposes of exploitation. The trafficking of women and children for the sex industry occurs all over the world. Women in war zones are forced into sex-slavery by combatant forces, or sold to international gangs. It is important to distinguish between people trafficking and people smuggling. People who wish to migrate to a country to which they cannot gain legal admission may use the services of people smuggling organisations. This applies particularly to low-skilled persons seeking work in the informal sector in developed countries. Smuggled migrants decide voluntarily to pay a fee to smugglers for a service. They participate in a commercial transaction – albeit on unequal terms, which may lead them into debt bondage. By contrast, the movement of trafficked persons is based on deception and coercion and is for the purpose of exploitation. The profit in trafficking comes not from the movement but from the sale of a trafficked person's sexual services or labour in the country of destination. Most smuggled migrants are men. Most trafficked persons are women and children (Gallagher 2002).

2.3 The state of forced migration today

2.3.1 The reliability of forced migration data

This sub-section presents available statistical data on various types of forced migration. However, first it is necessary to discuss the quality of data in this field. The most reliable data is that based on formal registration processes for asylum seekers and refugees by states or, in some cases, by UNHCR or NGOs. Government figures on asylum applications, especially in developed countries, may usually be considered fairly accurate. This is not

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always the case, however, as some governments may refuse to recognise the presence of '*de facto* asylum seekers*', in order to avoid expenditure on assistance and determination processes, as Abrar points out in the case of South Asia (Abrar 2004). Similarly, some governments may choose to under-estimate the size of refugee populations in their countries, to reduce assistance obligations or to fend off political criticism by opponents of asylum. Other governments may do the opposite, as exaggerating refugee numbers may lead to increased economic aid and political or even military support from donor nations. Figures on refugees hosted in a country may therefore contain an element of expediency, based on agreement with the various political parties about what information they are prepared to tolerate in the public arena.[3]

Even where refugee numbers are based on camp registrations by UNHCR, accuracy is far from certain. Kibreab reports cases in which previously reported camp numbers in Somalia were found to be grossly exaggerated when precise censuses were taken. The refugees had deliberately inflated the numbers through double and triple registration with the camp officials. Their motivation was to ensure adequate nutrition in a situation where up to 75 per cent of relief was stolen by corrupt officials before reaching the camps. Kibreab goes on to argue that 'manipulation of refugee statistics is widely practised by countries of origin, host governments, donor states, humanitarian organisations, and refugee populations' (Kibreab 2004, 9). Kibreab concludes his analysis by quoting the view that only way to avoid such behaviour by refugees would be to give them genuine power and hence a sense of ownership over the resources allocated to them (Kibreab 2004, 25). Top-down aid provision and disempowerment of recipients inevitably leads to strategies that undermine accurate knowledge of the populations concerned.

Reliability is even lower in the case of IDPs. Little attention was paid to this group until the 1980s, and there was very little data. The very rapid growth in IDP numbers since suggests that some of the increase is based on increased awareness of the issue and better counting. It is very difficult to takes censuses of IDPs, due to lack of access in many cases, and the desire of national governments to deny the size of the problem. IDP figures are therefore simply the best estimates of such bodies as the Global IDP Project, the Brookings Institution and UN Office for the Coordination of Humanitarian Affairs' (OCHA) – Inter-Agency Internal Displacement Division. Some researchers believe that figures for Africa may well be more accurate than those for South Asia. Findings on South Asia indicate that strong centralised governments (e.g. India, Pakistan, Bangladesh) tend to want to minimise perceptions of internal conflicts in their countries, and may therefore slant the statistics to hide IDPs. In Sri Lanka there are no census data for the war zones of the north and the east, so it is impossible to gauge the demographic impact of the conflict.[4]

Apart from questions of accuracy and comprehensiveness, statistics on forced migration are often very general, and lack adequate data on specific groups such as women and children. In its 2002 *Statistical Yearbook*, UNHCR was only able to provide information on the gender, age and location of about half the total population of concern to UNHCR. Even this information was not adequately broken down by categories, such as refugees, IDPs, etc. Surprisingly, UNHCR reported that the 27 countries for which no gender or age breakdown was available were virtually all industrialised countries, where governments are solely responsible for data collection (UNHCR 2004c). The differentiation of data is even less

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[3] Personal communication from a refugee researcher, based on interviews with UNHCR officials.
[4] Information from an RSC researcher working in both Africa and S. Asia.

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adequate for IDPs. For instance, the Global IDP Project points out that there are no available data to indicate how many displaced persons or returnees in Bosnia-Herzegovina are women. The Project argues that gender disaggregated data are vital to ensure a gendered analysis of the return process (Global IDP Project 2003a). Clearly, if the data situation is so poor in a country with a massive international aid involvement, it is likely to be much worse in inaccessible IDP situations in poorer countries.

All the statistics summarised below must therefore be taken with some reservations. They do give a valuable indication in the size and the trends in forced migration, but they cannot be seen as entirely accurate and comprehensive. In some cases they are really quite rough estimates. In other cases they are affected by political and methodological constraints. Particularly, with regard to IDPs, the true dimensions of the phenomenon may be far greater.

2.3.2 Refugees

According to UNHCR figures, the global refugee population grew from 2.4 million in 1975 (UNHCR 1995) to 8.5 million in 1980 and 11.8 million in 1985. As Table 2.1 shows, the highest refugee numbers were in the years following the end of the Cold War and the collapse of the Soviet Bloc, with a peak of 17.8 million in 1992. There were marked declines from the mid-1990s with only 12 million by 1997. By 2000, the global refugee population had declined to 12.1 million, and at the beginning of 2004 the figure was only 9.7 million (UNHCR 2004b).[5]

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[5] Detailed and up-to-date statistics on refugees, persons of concern to UNHCR, asylum seekers and other categories can be found on the UNHCR website.

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Table 2.1 Estimated Number of Refugees and Total Persons of Concern to UNHCR Worldwide
(all figures as at 31 December of each given year)

Year	Refugees	Total Population of Concern
1980	8,446,000	-
1981	9,706,000	-
1982	10,310,000	-
1983	10,610,000	-
1984	10,717,000	-
1985	11,851,000	-
1986	12,620,000	-
1987	13,113,000	-
1988	14,331,000	-
1989	14,716,000	-
1990	17,378,000	-
1991	16,837,000	-
1992	17,818,500	-
1993	16,306,000	-
1994	15,734,000	-
1995	14,896,000	-
1996	13,357,000	-
1997	12,008,000	19,788,000
1998	11,481,000	19,892,000
1999	11,687,000	20,624,000
2000	12,130,000	21,871,000
2001	12,117,000	19,871,000
2002	10,594,000	20,691,000
2003	9,672,000	17,084,100

Source: (UNHCR 2004b)

UNHCR figures do not include most Palestinians, as they are covered by the separate mandate of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). This organisation takes responsibility for over 4 million Palestinians. Others have sought refuge in countries outside UNRWA's sphere of involvement in the Middle East, and are therefore included in UNHCR's figures. For many Palestinians, displacement has lasted since 1948.

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Refugees came from countries affected by war, violence and human rights violations. The following table shows the largest current groups for 2003:

Table 2.2 Origins of the Ten Largest Refugee Populations in 2003

Country of origin	Main countries of asylum	Total
Afghanistan	Pakistan, Iran	2,136,000
Sudan	Uganda, Chad, Ethiopia, Kenya, DR Congo, Central African Rep.	606,200
Burundi	Tanzania, DR Congo, Zambia, Republic of South Africa, Rwanda, Angola, Uganda	531,600
DR Congo	Tanzania, Congo, Zambia, Burundi, Rwanda	453,400
Palestinians (not covered by UNRWA)	Saudi Arabia, Iraq, Egypt, Libya, Algeria	427,900
Somalia	Kenya, Yemen, UK, Ethiopia, Djibouti, USA	402,200
Iraq	Iran, Germany, Netherlands, Sweden	368.500
Viet Nam	China, Germany, USA, France	363,200
Liberia	Guinea, Côte d'Ivoire, Sierra Leone, Ghana, USA	353,300
Angola	Zambia, DR Congo, Namibia, Republic of South Africa	329,600

Source: (UNHCR 2004b).

Table 2.2 covers refugees for whom UNHCR takes responsibility, including many long-term refugee populations. Members of older caseloads, such as Indo-Chinese refugees resettled in the 1980s, have often acquired permanent residence rights or citizenship in countries of asylum, and are not included in these figures. It is noticeable that most refugees originate in poor countries and find refuge in other poor countries. For instance DR Congo is both a major source country and a country of refuge. Half the countries of origin are in Africa.

As Table 2.3 shows, new refugee movements in 2003 totalled 290,000, and were even more regionally concentrated: 9 of the top 10 countries of origin and nearly all the main asylum countries were in Africa. The only exception was Russian refugees (mainly from the Caucasus region), many of whom went to Georgia. The largest new refugee outflow in 2003 was of 112,000 people from Sudan.

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Table 2.3 Ten Largest New Refugee Arrivals During 2003

Origin	Main Countries of Asylum	Total
Sudan	Chad, Uganda, Kenya, Ethiopia	112,200
Liberia	Côte d'Ivoire, Guinea, Sierra Leone, Ghana	86,800
D.R. Congo	Burundi, Zambia, Tanzania, Rwanda, Uganda	30,000
Côte d'Ivoire	Liberia, Guinea	22,200
Somalia	Yemen, Kenya, Tanzania	14,800
Central African Rep.	Chad	13,000
Burundi	Tanzania, Zambia, Rwanda	8,100
Angola	D.R. Congo, Namibia	1,500
Russian Federation	Georgia	390
Rwanda	Zambia, Uganda	360

Source: (UNHCR 2004b)

Table 2.4 lists the top ten refugee-hosting countries at the end of 2003.

Table 2.4 Top Ten Refugee-Hosting Countries 2003

Country of Asylum	Total Number of Refugees Hosted
Pakistan	1,124,300
Iran	984,900
Germany	960,400
Tanzania	649,800
USA	452,500
China	299,400
Serbia and Montenegro	291,400
United Kingdom	276,500
Saudi Arabia	240,800*
Armenia	239,300

Source: (UNHCR 2004d)

* Mostly comprising of recently recognised Palestinian refugees

2.3.3   *Persons of concern to the UNHCR*

The broader category of 'persons of concern to the UNHCR' (which includes refugees, some IDPs and some returnees) peaked at 27.4 million in 1994 (UNHCR 1995), but was down to 19.9 million in 2000 and 17.1 million by the beginning of 2004 (UNHCR 2004b). The largest concentrations are in Asia and Africa. A comparison of figures for 2003 and 2004 shows a 30 per cent decline in Asia, due mainly to large-scale returns to Afghanistan. The figure for Europe is quite high, reflecting continuing difficulties in conflict resolution and repatriation in parts of former Yugoslavia and the Commonwealth of Independent

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States. The increase in Latin America and the Caribbean is mainly due to the continuing IDP crisis in Colombia.

Table 2.5 Persons of Concern to UNHCR – by Region

Region	Jan. 2003	Jan. 2004
Asia	9,378,900	6,187,800
Africa	4,593,200	4,285,100
Europe	4,531,500	4,242,300
N. America	1,061,000	978,100
Latin America and Caribbean	1,047,200	1,316,400
Oceania	79,100	74,200
Total	**20,690,900**	**17,084,100**

Source: (UNHCR 2004h)

Table 2.6 gives an idea of the concentration of 'persons of concern to UNHCR' in certain countries. These top ten countries all have very high numbers of displaced persons relative to population size. They are all low or middle-income countries.

Table 2.6 Persons of Concern to UNHCR Related to Population:
Top Ten Receiving Countries 1998 - 2002.

Country	Persons of Concern (per 1000 inhabitants)
Bosnia and Herzegovina	207
Liberia	124
Serbia and Montenegro	111
Armenia	105
Azerbaijan	102
Sierra Leone	96
Kuwait	69
Cyprus	69
Afghanistan	68
Timor-Leste	68

Source: (UNHCR 2004c)

The 2002 UNHCR *Statistical Handbook* does give a breakdown by gender and age for some 10.4 million people, about half the total population of concern to UNHCR. 5.1 million (49 per cent) were women and girls. Girls made up just under half of all children of concern, while 51 per cent of adults aged 18 to 59 were women, as were 54 per cent of those over 60. The gender distribution was fairly equal in most geographical regions, with the female share fluctuating between 45 and 55 per cent. The highest proportion of women (54 per cent) was found in Eastern Europe, where it was connected with the ageing population in this region, and the higher life expectancy of women. Only in Central Europe and the Baltic States, Western Europe, North America and the Caribbean did women make

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up 41 per cent or less of the population of concern to UNHCR. This was due to the over-representation of young male asylum seekers in these regions (UNHCR 2004c). This source also provides gender and age breakdowns for many countries of asylum.

Children and adolescents under 18 years make up 46 per cent of populations of concern to UNHCR for which data are available. 13 per cent of the total are aged 1-4. The proportion of children is highest in regions of Africa, where it ranges between 43 and 52 per cent. Children make up 30-40 per cent of populations of concern in Asia, 24 per cent in Central America and Mexico, but only 7 per cent in Eastern Europe and 2 per cent in Western Europe. Such variations are due partly to higher birth rates in less-developed countries and partly to age-selective asylum migration to industrialised countries (UNHCR 2004c).

2.3.4   Asylum seekers

During 2003, 809,000 people applied for asylum worldwide, and the overall total of claims pending (including those remaining from earlier years) was nearly 1 million (UNHCR 2004b). Over half the 2003 claims (463,000) were filed in the 36 main industrialised countries. Table 2.7 gives the figures for some of the main receiving countries.[6] Altogether, 8.2 million asylum applications were submitted in these countries from 1990 to 2003 (UNHCR 2004e).

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[6] Note that these figures may not match exactly those from other sources, such as the Home Offices, due to differing definitions and collection criteria.

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Table 2.7 Asylum Applications Submitted in Selected Industrialised Countries in 2003
(countries with over 10,000 asylum applications)

Country of Asylum	Main Countries of Origin	Asylum applications
United Kingdom	Somalia, Iraq, China, Zimbabwe, Iran, Turkey	61,100
United States	China, Colombia, Mexico, Haiti, Indonesia	60,700
France	Turkey, China, D.R. Congo, Russian Fed., Algeria	59,800
Germany	Turkey, Serbia and Montenegro, Iraq, Russian Fed., China	50,600
Austria	Russian Fed., Turkey, India, Serbia and Montenegro, Afghanistan	32,400
Canada	Pakistan, Mexico, Colombia, China, Costa Rica	31,900
Sweden	Serbia and Montenegro, Somalia, Iraq, Stateless, Bosnia and Herzegovina	31,300
Switzerland	Serbia and Montenegro, Turkey, Iraq, Algeria, Georgia	20,800
Belgium	D.R. Congo, Russian Fed., Serbia and Montenegro, Iran, Cameroon	16,900
Norway	Serbia and Montenegro, Afghanistan, Russian Fed., Somalia, Iraq	16,000
Netherlands	Iraq, Iran, Afghanistan, Somalia, Liberia	13,400
Czech Republic	Russian Fed., Ukraine, Slovakia, China, Viet Nam	11,400
Slovakia	Russian Fed., India, China, Armenia, Afghanistan	10,400

Source: (UNHCR 2004b).

Asylum applications have fluctuated considerably over the last two decades. Annual asylum applications in Western Europe, Australia, Canada and the USA combined rose from 90,400 in 1983 to 323,050 in 1988 (UNHCR 1995), and then surged again with the end of the Cold War. In the peak year, 1992, 892,150 asylum applications were submitted in the 36 industrialised countries (UNHCR 2004e). Applications fell sharply to 480,000 in 1995 (OECD 2001). Nearly the whole of the decline can be explained by falls in asylum applications following changes in refugee law in Germany (438,200 applications in 1992, but only 127,900 in 1995) and Sweden (84,000 in 1992, 9,000 in 1995). There was a new increase in the late 1990s, peaking in the early part of the new century and then declining again.

The UK had relatively few asylum seekers in the early 1990s, with 32,300 in 1992, but numbers increased at the end of the decade to 55,000 in 1998 and 97,900 in 2000 (OECD 2001, 280). From 2000-2003, the UK received the highest number of asylum applications

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in the EU, with a peak figure of 103,000 in 2002, followed by a sharp decline in 2003 – a fall which has continued in the early part of 2004. Table 2.8 gives more detail.

Table 2.8 **New Asylum Applications in Selected Industrial Countries**

Year	2001	2002	2003
United Kingdom	91,600	103,100	61,100
United States	59,400	58,400	60,700
France	47,300	51,100	59,800
Germany	88,300	71,100	50,600
Austria	30,100	39,400	32,400
Canada	44,000	39,500	31,900
Sweden	23,500	33,000	31,300
Switzerland	20,600	26,100	20,800
Belgium	24,500	18,800	16,900
EU (14 countries)	378,000	370,000	288,000
36 Industrialised countries	615,000	579,000	463,000

Source: (UNHCR 2004e, Table 1)

However, over the long term, Germany has been the main country of asylum in Europe, with 2.2 million applications from 1990-2003, followed by the UK with 852,000, France with 486,000, Netherlands with 434,000, Sweden with 349,000 and Austria with 250,000.

Table 2.9 relates actual asylum admissions (rather than applications) to population size for the 1993-2002 period. On this basis the UK ranks tenth, with 4.3 admissions per 1000 inhabitants, compared with 24.3 for Switzerland and 16 for Sweden.

Table 2.9 **Asylum Admissions Related to Population: Top Ten Industrialised Receiving Countries 1993 - 2002**

Receiving Country	Admissions (per 1000 inhabitants)
Switzerland	24.3
Sweden	16.0
Denmark	13.7
Norway	12.1
Netherlands	9.2
Canada	7.6
Germany	6.5
Austria	6.5
Australia	6.4
UK	4.3

Source: (UNHCR 2004c)

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2.3.5   Internally Displaced Persons (IDPs)

It is estimated that the number of IDPs world-wide rose from 1.2 million in 1982 to 14 million by 1986, and to over 20 million by 1997 (Cohen and Deng 1998a). The number of countries with IDP populations increased from five in 1970 to 34 in 1996 (UNHCR 1997, 120). The increase is due to new types of wars which deliberately target civilian populations (Kaldor 2001). Indeed mass displacement of the population may be a deliberate instrument of warfare, as in Bosnia, Kosovo, Chechnya, Rwanda or Burma. The long-lasting war in Sudan between the Muslim-Arab North and the African-Christian South has generated 4 million IDPs. In Afghanistan, Sri Lanka, Angola and the Sudan, some people have lived as IDPs – often in great insecurity and poverty – for over 20 years.[7] The Global IDP Project[8] estimates that there were nearly 25 million IDPs in 52 countries at the end of 2003. More than half the IDPs were in Africa.

Table 2.10 Numbers of Internally Displaced Persons (estimates, as of end-2003)

Region	No. of countries affected	IDPs (millions)
Africa	20	12.7
Asia-Pacific	11	3.6
Americas	4	3.3
Europe	12	3.0
Middle East	5	2.0
Total	**52**	**24.6**

Source: (Global IDP Project 2004a, 7)

In 2003, more than 3 million people were newly displaced, mostly in Africa. One of the largest movements was of over 700,000 uprooted by violence in the east of the DR Congo. The largest numbers of IDPs in 2003 were in Sudan (4 million), Democratic Republic of Congo (3 million), Colombia (2.9 million), Iraq (1.1 million) and Burma (up to one million) (Global IDP Project 2004a, 4).

UNHCR only assists IDPs when there are close links with refugee or returnee situations in which the organisation is involved. At the beginning of 2004, 4.4 million IDPs were recognised as 'persons of concern to UNHCR' – less than one fifth of the global total. Interestingly, these were mainly in middle-income countries, while the majority of the world's IDPs are in low-income countries.

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[7] There appear to be few data on IDPs before the 1980s, indicating that they were not seen as a major issue of international concern before that time. In any case, figures on IDPs are generally based on estimates, due to unavailability of reliable information.

[8] The Geneva-based Global IDP Project was established by the Norwegian Refugee Council. Together with the Brookings Institution in the USA, it is the most reliable source of information on IDPs.

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Table 2.11 Ten Largest Populations of IDPs as Estimated by the Global IDP Project
(latest available estimates)

Country	Number of IDPs	Estimate Date
Sudan	4,000,000	March 2004
DR Congo	3,400,000	Dec. 2003
Colombia	3,100,000 since 1985	Oct. 2003
Uganda	1,600,000	April 2004
Algeria	1,000,000 since 1992	March 2004
Turkey	1,000,000	April 2004
Iraq	900,000	Jan. 2004
Myanmar (Burma)	600,000-1,000,000	April 2004
Côte d'Ivoire	500,000-800,000	Nov. 2003
India	650,000	Oct. 2003

Source: (Global IDP Project 2004b)
(n.b. no estimate available for Rwanda)

2.3.6 *Protracted refugee situations*

Based on the criterion of refugee populations of 25,000 persons or more in exile for five or more years, UNHCR estimates that there were 6.2 million refugees in protracted situations in 2003 – about two thirds of all refugees. UNHCR identified 38 such situations, of which 22 (affecting 2.3 million refugees) were in sub-Saharan Africa. However, the largest such situations were in the region comprising Central Asia, South West Asia, North Africa and the Middle East, where eight major protracted refugee situations affected 2.7 million refugees. The hopelessness faced by many refugees is underlined by the fact that the average duration of all major refugee situations has increased from 9 years in 1993 to 17 years in 2003 (UNHCR 2004a, 2). However, UNHCR figures underestimate the gravity of the situation, since they do not include the 4 million Palestinian refugees covered by UNRWA, whose displacement now spans generations.

Table 2.12 Top Ten Protracted Refugee Situations in 2003

Country of Origin	No. of Refugees
Afghanistan	1,950,000
Sudan	549,000
Burundi	490,000
Palestine (not covered by UNRWA)	410,000
Viet Nam	300,000
DR Congo	284,000
Angola	280,000
Liberia	266,000
Azerbaijan	240,000
Somalia	234,000

(UNHCR 2004a, Annexe 1)

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The US Committee on Refugees' recent report on 'warehousing of refugees' gives broadly similar data. It notes that 7.2 million persons – some 70 per cent of the 10 million or so remaining 'official' refugees – have been displaced for more than 10 years. Apart from Palestinians, the largest long-term exile populations include Afghans, Sudanese, Liberians, Burundians, Angolans, Eritreans and Somalis (USCR 2004). In addition there are many smaller groups who have been living in camps for 10 or 20 years. These groups are often forgotten by public opinion, since they pose no immediate political or security concern.

2.3.7   Forced migration and poverty

It is noticeable in the various statistics given above that poor countries, especially in Africa, are amongst the main countries of origin of refugees, the main refugee-hosting countries and the main areas of internal displacement. This is especially apparent when looking at host country capacity (based on GDP per head) and contributions. Table 2.13 below shows that, in relation to GDP per capita, eight of the ten countries with the highest forced migration burdens are Least Developed Countries located in Sub-Saharan Africa. Between 1998 and 2003 Pakistan provided on average asylum to 4,480 refugees per 1USD GDP per capita, which compares with 11 refugees per 1USD per capita in the UK.

Table 2.13 **Persons of Concern to UNHCR in Relation to GDP per Capita 1998- 2002**

Receiving Country	Persons of Concern per 1USD GDP Per Capita
Pakistan	4,480
DR Congo	3,560
Ethiopia	3,140
Tanzania	2,980
Sierra Leone	2,750
Liberia	2,310
Eritrea	1,730
Rwanda	1,540
Burundi	1,480
Iran	1,370

Source: (UNHCR 2004c) (n.b. excluding Afghanistan as no GDP data were available)

Further evidence of the connections between forced migration and poverty is provided in the following Table 2.14, which links various countries' experiences of forced migration described in the data above to their position on the World Bank Economic Classification. It is noticeable that the various types of forced migration are mainly concentrated in low-income countries, although some major displacements also concern middle-income countries. High-income countries are only to be found within the category 'countries of asylum' where they make up three of the top ten.

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Table 2.14 **Main Countries Affected by Forced Migration in Relation to World Bank Economic Classification**

Forced Migration Category	Low Income Economies	Middle Income Economies	High Income Economies
Origins of Ten Largest Refugee Populations	Afghanistan Angola Burundi D.R. Congo Liberia Somalia Sudan Viet Nam	Iraq, Palestinians (not covered by UNRWA)	-
Top Ten New Refugee Arrivals 2003	Angola Burundi Central African Rep. Côte d'Ivoire D.R. Congo Liberia Rwanda Somalia Sudan	Russian Federation	-
Top Ten Refugee-Hosting Countries	Pakistan Tanzania	Armenia China, Iran Saudi Arabia Serbia and Montenegro	Germany UK USA
Top Ten IDP Populations	Côte d'Ivoire D.R. Congo India Myanmar Sudan Uganda	Algeria Colombia Iraq Turkey	-
Top Ten Protracted Refugee Situations	Afghanistan Angola Burundi DR Congo Liberia Somalia Sudan Viet Nam	Azerbaijan Palestinians (not covered by UNRWA)	-

(Sources: own calculations from Global IDP Project 2004a; UNHCR 2004a; UNHCR 2004b; UNHCR 2004f.)

2.4 Key points

- Categories of forced migration are often schematic and arbitrary, while data are often unreliable and incomplete. This is due to both methodological constraints and political pressures. Information on women and children is particularly sparse. The data presented here should be seen as indicative of the volume and trends of forced migration rather than exact statistics. There may be serious undercounting of certain groups, which may contribute to inadequate provision of protection and assistance.

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- This overview of types of forced migration and statistical data gives a mixed picture. Refugee numbers have been declining in recent years and the 2004 total is the lowest since 1981. Similarly, the number of 'persons of concern to UNHCR' has declined in recent years. Asylum seeker flows to industrialised countries have grown considerably until recently, but appear to have peaked, at least for the time being. The picture is far less positive with regard to IDPs, who are more numerous than ever. Similarly, the number of long-term exiles in 'protracted refugee situations' has grown, and some of these situations seem more intractable than ever.

- In view of the shift in significance of the different types of forced migration, donor governments and international agencies should examine whether legal and institutional arrangements, and actual protection and assistance measures are adequate for such groups as IDPs and long-term refugees. DFID should consider whether such changes are adequately reflected in its own strategies.

- Data on countries of origin of refugees, main host-countries and countries affected by IDP situations all indicate a concentration of such issues in the poorest regions of the world. The most recent flows seem to reinforce this pattern. With resolution of some of the worst situations in Asia, the concentration of serious forced migration problems in sub-Saharan Africa is growing. Nonetheless, serious displacement problems remain in Asia, Central America, the Middle East and parts of Europe.

- The overwhelming concentration of forced migration problems in Africa and other poor regions of the world needs further analysis, but is indicative of the links between conflict, forced migration and underdevelopment.

- Forced migration is therefore necessarily a prime concern to DFID, prompting the need to examine ways of addressing both the root causes and the consequences of these phenomena through support for international humanitarian agencies, as well as through its regional and country programming.

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3   THE EXPERIENCE OF DISPLACEMENT

3.1   Introduction

This Section discusses the major trends and issues affecting forced migrants, focusing in particular on populations in less developed countries. The first part focuses on impacts on individuals, families and communities, covering such topics as the effects of encampment and protracted displacement. The second part addresses the violations and vulnerabilities suffered by specific groups, defined on the basis of gender and generation.

3.2   Central issues

3.2.1   *The impacts of forced migration on individuals, families and communities*

The great majority of displaced people live in conditions of severe poverty and insecurity. Many experience antagonism from or eviction by the host community, as well as continuous harassment by the authorities, often compelling them to keep on the move. Many are subject to multiple interacting forces of adversity. In Afghanistan, which at the end of the 20th century produced the greatest number of forced migrants in a single country in modern history, deplorable conditions among the displaced were attributable to a lethal combination of protracted armed conflict, years of poor governance and under-investment in economy and infrastructure and drought-induced famine. Similarly, worst affected by the 2004 tsunami in South and South-East Asia were those populations living in areas that have long been ravaged by war. The impact of this devastating natural phenomenon was exacerbated because populations in conflict with the state had become concentrated in marginal areas that are especially prone to extreme environmental forces. At the same time, post-tsunami aid to these areas has been hampered by physical isolation, lack of infrastructure and personnel and political interference.

Forced migration has a pernicious effect on communities, families and individuals. Whether due to death, accidental separation, abandonment or other causes, family detachment is extremely common during and following flight. Many people (including children) flee alone, sometimes at no notice, not knowing where they are going, or how they will get there. A significant proportion of forced migrants are forced to flee several times, sometimes moving from country to country, thus further destroying their social networks and impeding family tracing efforts. It is sometimes assumed that a shared communal identity, shared experiences of persecution and a shared sense of injustice bring displaced peoples together in mutual understanding and support. But this is a simplistic view, as forced migration frequently occurs in an atmosphere of profound fear and mistrust. It involves radical changes in the social and material environment in which people live. There is massive loss not only of commodities such as the home, income, land or other forms of property, but also of less tangible symbolic goods, such as cultural heritage, friendship, and a sense of belonging to a particular place. Separation from cultural practices and culturally valued sites, such as places of worship, ancestral burial grounds and other sacred landmarks, has many adverse effects. Loss of these important social referents can undermine both individual wellbeing and community solidarity.

Conflict-induced displacement may have particularly disturbing social consequences. War commonly entails shifts and reversals in power relations based on gender, generation, ethnicity and wealth. Often, those who previously were powerful are rendered dependent and weak, undermining their authority within family and community. Many displaced

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populations are therefore without recognised leaders and must establish new authority structures and norms of governance. People who flee from war have typically experienced the defilement or destruction of monuments, religious buildings and schools, and the humiliation, torture or killing of spiritual leaders, healers, community elders and other prominent figures. These losses can greatly hinder post-conflict processes of forgiveness, reconciliation and reintegration. At the same time, the loyalty and courage of displaced peoples is often brought into question – forced migrants who flee from conflict may be disparaged among those who remain in the war zone. Because of community censure or because their property has been appropriated by others, many are unable to return home at the cessation of conflict.

Notwithstanding the profound suffering of forced migrants, it is essential to avoid conceptualisations of the displaced as helpless, destitute victims, a burden on both host and aid communities. Such conceptualisations are both an oversimplification and a distortion of the reality and can invoke inappropriate policy responses in which affected populations are treated as passive victims rather than active survivors of adversity. Without diminishing the terrible suffering experienced by forced migrants, it should be born in mind that it often takes considerable financial resources, good contacts and extraordinary ingenuity to escape an emergency and especially to survive and flourish in an often-hostile foreign country. In some cases people who manage to flee across national borders are able to do so because they are better off than those who are forced to remain displaced within their own countries. In the case of Afghanistan, the refugees that managed to cross the border into Pakistan immediately after September 11th 2001 were comparatively well off by local standards. Many were local employees of international aid agencies. In the main, the poorer and more vulnerable families remained displaced within Afghanistan (De Berry 2002).

It has also to be recognised that displacement can be an opportunistic response to assistance possibilities made available in refugee receiving countries. Thus, the provision of refugee education in camps in Ethiopia during the conflict in Sudan is known to have acted as a magnet to a large number of boys from the war-affected region of southern Sudan. Moreover, because of the support they receive, some refugee communities are better off economically and in health terms than the host population. This kind of evidence highlights the importance of understanding both the context and complexities of displacement and working in close consultation with affected populations so as to avoiding making false assumptions.

3.2.2 *Camp dwelling or self-settlement*
Many host governments insist that refugees and IDPs remain in camps, in order to ensure control and prevent possible friction with host populations. Spontaneous movement out of camps may be prohibited and lead to severe penalties. Yet, in 2002, of the 14.7 million persons of concern to UNHCR for which data were available, only 4.4 million (30 per cent) lived in camps, whereas 2.4 million (16 per cent) were in urban areas, and 8 million (54 per cent) were either living dispersed in rural areas or their type of settlement was unknown (UNHCR 2004c, 58). Even though these data are only indicative, especially with regard to non-camp populations, they show that the vast majority of displaced peoples globally are self-settled, in that they make their own living and subsistence arrangements, and are dispersed throughout and assimilated within host communities and populations. A far smaller proportion live in designated camps, are officially registered and in receipt of humanitarian assistance. This is the case, for example, with the Rohingya who fled to Bangladesh from Burma several decades ago, 25,000 of whom remain in official camps in

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Cox's Bazar, with a further 150,000 estimated to be living illegally in the same region (Feeny 2002).

Undoubtedly camp inhabitants benefit from resources provided by the international community and some protection from both deportation and attacks by adversaries. However, refugee specialists have long argued that, while camps may be useful in the initial reception phase of mass influxes, long-term encampment should be avoided, since it leads to hopelessness, inactivity and dependency (Black 1998b; Long 1993; Malkki 1995). In situations of protracted conflict in particular, camp dwellers may become trapped for years – decades even – in a confined space without meaningful employment or leisure opportunities and cut off from the social and political life of their host community. Clearly the right of free movement does not exist for many forced migrants. This right should be supported where possible, not least because it could allow forced migrants to become self-reliant through their own economic activity.

Camps create a number of problems for forced migrants. Due to bad camp design, with poor lighting and latrines and water collection points located at an unsafe distance, women and children are often at serious risk of attack and rape (Diaz 2001). In many camps, high population densities combined with dirty water and poor sanitation and nutrition lead to under- and malnutrition and the spread of infectious and diarrhoeal diseases, sometimes dramatically raising morbidity and mortality rates. Such large concentrations of seemingly very vulnerable people often lead to trafficking and sexual exploitation, committed in many cases by officials charged with camp management or security. In the forced inactivity, despondency and crowded conditions that typify many camps, substance abuse and related domestic violence and suicide are often rife. Embargoes on many essential and luxury goods, together with prohibitions on mobility, commonly lead to a flourishing black market in which bribery and corruption become commonplace. Food rations may be sold on the black market, with less powerful groups such as women and children going without food as a result. In some cases of conflict-related displacement, populations from opposing sides are housed in the same camp, leading to terrorisation and violence. Most notably in the Rwandan crisis, refugee camps may also serve as both a hideout and a resource for political activists, insurgents and combatants. This may lead to high levels of intimidation, arms trafficking and forced recruitment of civilians into armed forces, as well as to the diversion of food rations to fighters. When civilians live alongside military personnel they also become prone to the blocking of food distributions, persecution, interrogation and torture by camp authorities.

Self-settlement is often the preferred option for forced migrants, since it enables them to move about and earn a living relatively freely, and to hide from adversaries and the authorities. However, there are many disadvantages with self-settlement, especially for those who cross national borders. First and foremost, self-settled populations generally lack any effective voice to advocate for their protection, nationally and internationally, may find assimilation difficult due to language or ethnic difference and related prejudice and are frequently denied access to formal employment and basic services. Self-settled refugees are generally defined as illegal immigrants and hence live in constant fear of discovery and deportation. Many fall prey to extortion or exploitation by unprincipled property-owners, law enforcement officials, or employers. As illegal immigrants living outside camps, self-settled refugees seldom receive assistance from aid agencies, which are often working under mandate constraints imposed by host governments. Consequently, they must live from their own devices, sometimes with the sole support of self-help groups, faith based

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organisations and other informal mechanisms. Many nations host a diversity of self-settled refugee populations, among which may be ethnic or religious groups that have been in conflict in their countries of origin. This can result in serious inter-group violence and revenge killings.

3.2.3 Protracted refugee situations

As pointed out in Section 2 the majority of the world's refugees today live in protracted displacement situations with no chance either of returning home, or achieving local integration in the host country. In recent years, there has been considerable progress in resolving certain long-term conflicts, allowing large-scale returns (Afghanistan, Angola, Liberia, Sierra Leone, Burundi, etc.), in others situations (Palestine, Sudan, Somalia, DR Congo, etc.) no resolution is in sight.

The hopelessness of long-term exile leads to a search for individual solutions, which may include joining armed insurgent forces, membership of criminal bands, or secondary onward migration (Loescher and Milner 2004). It may also lead to serious inter-generational tension and conflict. Adults can become fixed on the idea of repatriation and on maintaining traditional customs and values while children and youth seek to adopt modern lifestyles and settle permanently in the host country. Often, populations subjected to long-term displacement become particularly prone to depression, alcohol abuse and suicide. UNHCR sees refugee self-reliance as the main element of any strategy to deal with this problem. This means putting an emphasis on the links between relief and development: 'If UNHCR wants refugees to be considered in development plans, for example, it must "learn development, speak development", even though it does not "do development"' (UNHCR 2004a).

3.2.4 The migration-asylum nexus

People who originally left their countries to escape violence may move on from their country of first asylum or transit to seek better protection as well as opportunities to rebuild their livelihoods. This *secondary migration* is often marked by *mixed motivations*, making it very hard to clearly distinguish clearly between asylum seekers and economic migrants. The *migration-asylum nexus* is a concept used to draw attention to the blurring of the boundaries between economic and forced migration. It can be observed at various stages of the migratory process:

- The closely related causes of forced and economic migration in countries of origin, especially the linkages between underdevelopment, impoverishment, weak states, human rights abuses and conflict.
- The close links between refugee populations and labour migrants in some transit countries.
- The increasing similarities in the migratory process for both categories: as legal migration becomes more restricted, both economic migrants and forced migrants have to use agents (including smugglers) to cross borders.
- Responses in receiving countries: claims that asylum seekers are often really economic migrants lead to a climate of suspicion and exclusion, which drives asylum seekers into illegal residence and employment.
- Return/repatriation: the conflation in the minds of policy makers and the public at large of the repatriation of rejected asylum seekers (or the failure of such removals) and the return of other kinds of migrants.

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3.3 Violations and vulnerabilities

One common error is to treat refugees and internally displaced persons as an undifferentiated mass of vulnerable humanity, in reality experiences of and responses to forced migration are highly diverse. Such diversity is attributable to a combination of chance, variations in individual resilience and differences in susceptibility to danger associated with differences in social status and power. Whether or not forced migrant populations adjust well to their changed circumstances, and whether or not they experience human rights violations and other hazards depends, to a significant degree, on their ethnic identity, age, class, gender, and other status attributes. Thus, individual resilience and coping ability are heavily mediated by cultural and social values. Similarly, whether forced migrants are self-settled or live in camps also makes a significant difference. Hence, policy and programmatic measures need to be highly responsive to personal and social circumstances. This sub-section describes the more common and grave violations and risks associated with forced migration and highlight why and in what ways certain social categories and groups become susceptible.

3.3.1 Gender

Gender is a crucial factor in susceptibility to human rights violations and other hazards associated with forced migration. As highlighted in Section 2 there is a lack of comprehensive and accurate data on sex and age patterns amongst forced migrants. Nevertheless, policy models and popular stereotypes often seem focused on male refugees and IDPs. Perceptions in developed countries may be skewed by the fact that there is a selection mechanism at work in South-North asylum flows, in which young men tend to predominate. However, the great majority of refugees and IDPs in less-developed countries are women and children. Indeed, taken together, they make up 70-80 per cent of all displaced persons. The prevalence of children is a reflection of the youthful demographic profile of most less-developed countries, whereas the predominance of females among adults (particularly among the internally displaced and more protracted forced migrant populations) is due in war-affected populations at least to high rates of family abandonment by and mortality, morbidity, enlistment and disappearance of males.

Females

Often married very young and bearing the physical, economic and emotional burden of a large number of closely spaced children, women are generally less educated, have fewer job and inheritance opportunities, earn less and confront greater social exclusion and mobility restrictions than men. All these factors seriously constrain their ability to overcome the many disadvantages associated with displacement. In practically all forced migrant populations women are less powerful than men, they seldom have equitable access to resources, are commonly excluded from key decisions and are liable to persecution, abuse and exploitation by ruthless or criminal individuals and gangs. Due to ignorance or neglect of their particular needs (e.g. for personal privacy, or reproductive health care) and of the particular responsibilities they assume during forced migration, women generally confront a greater number of challenges and difficulties than those experienced by men (Bermúdez Torres 2002). Fertility rates are commonly exceptionally high in displaced populations, and in situations where reproductive health care and information is lacking, many women resort to clandestine or self-induced abortions, with serious risks to health and survival.

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In refugee and IDP camps decisions about food distribution are generally made in consultation with male leaders, even though they may not be aware of the specific needs and circumstances of the women who cook for and feed their families. As a result, the distribution procedures may be inappropriate and the food itself may be unsuitable for preparing and cooking in camp conditions. Similarly, in many forced migrant communities, women and children assume prime responsibility for gathering firewood and water and often women also collect food rations. Lack of consideration of this fact in the planning and management of camps may mean that women and children are forced to queue for hours or walk long distances in dangerous and insecure environments while enduring extreme temperatures and the absence of nourishment or water.

Displacement tends to lead to a marked increase in single parent, women-headed households. Compared to male-headed households, those run by women tend to be disadvantaged economically, socially and in many other ways, especially where displacement has fragmented extended families. They are most vulnerable in those cultural settings where there is a stigma attached to women and children living alone or where women live in seclusion. In 1992, two-thirds of those who died among the Rohingya refugees in Bangladesh were female, those in women-headed households being at special risk. This trend was attributed to a variety of factors, including women's profound reluctance to queue for rations alongside men and the lack of other household members to assume this task for them.

Even with increased effort in recent years to prioritise women in humanitarian assistance measures and involve them more in decision making, personal safety and security, gender-based violence and persecution, and limitations on access to income-generation opportunities, childcare support and appropriate health services commonly remain grave problems for women. Research also suggests that during mass displacement levels of sexual and gender-based violence of many kinds rise, women and girls being most frequently affected as follows:

- **During conflict, prior to flight**: abuse by persons in power; sexual battery of women; sexual violence by 'soldiers'.
- **During flight**: sexual attack by bandits, border guards, pirates; capture for trafficking by smugglers/slave-traders.
- **In the country of asylum**: sexual attack, extortion by persons in authority; sexual abuse of fostered girls; domestic violence; sexual attack when collecting wood, water, etc.; use of sex for survival.
- **During repatriation**: sexual abuse of women and girls who have been separated from family; sexual abuse by persons in power; sexual attack by bandits, border guards.
- **During reintegration**: returnees may suffer sexual abuse as retribution; sexual extortion in order to obtain legal status. (UNHCR 2001a)

Random and individual acts of sexual and gender-based violence tend to increase as social norms and controls are undermined. Among the most well documented cases involving displaced peoples are the violent attacks and multiple rapes carried out by pirates against Vietnamese refugees during their voyages to Thailand. In Central America, traffickers who were paid large sums of money to facilitate the transit of refugees would often rape women and girls in exchange for safe passage. Young people, especially girls, are often the prime targets, as among Burundian refugees in Tanzania where adolescent girls between 12 and

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18 reported the most cases of sexual abuse (Nunda and Goodyear 1997). Sometimes pre-pubescent children are involved, although information about abuses against this age group is hard to come by, especially when the targets are boys. Gender-based violence and forced maternity may also be used more systematically as a weapon of war. It acts not simply to debase survivors, but to create wider social disharmony, since sexual intercourse and pregnancy outside marriage – especially through rape by an enemy – brings dishonour to family and community.

Sexual and gender-based violence also has a strong commercial element, as some forced migrant women are forced to take up prostitution as a means of earning income to buy food on the black market. Destitute families may sell their children (most commonly daughters) to traffickers or to pimps who run brothels for the military. Apart from the distress and risks of sexually transmitted diseases and physical injury confronted by survivors of both sexes, women and girls often experience serious reproductive health problems, early pregnancy and unsafe abortions. In many social contexts loss of virginity outside marriage and through rape brings shame not only to the girl, but also to her family, leading to stigmatisation and rejection of survivors by their families and sometimes to attempted or actual suicide.

The experience of recent years has shown that officials tasked to protect and assist refugees have sometimes abused their power situation to exploit refugee women and children, for instance by demanding sexual favours in return for food or other aid goods. In 2001, there were allegations that some workers of national and international NGOs and UN agencies, including UNHCR, were responsible for such abuses in West Africa. Allegations of sexual abuse of children were also made against international peacekeepers and community leaders (UNHCR 2002a, 4). UNHCR's updated guidelines and other recent measures may be seen to some extent as a response to such scandals. However, in situations of extreme deprivation and vulnerability, strong leadership and accountability rules are needed to prevent abuse – even by those meant to be helping.

Males

Discussion of gender issues in relation to forced migrants has tended to focus exclusively on girls and women. This is unfortunate since it not only obscures the particular challenges faced by males but also prevents us from understanding the complex dynamics that may lead to increased levels of domestic violence and other social problems commonly noted in refugee and IDP camps. Thus, for example, in a Palestinian refugee camp in Jordan, the performance of an idealised masculinity associated with nationalist aspirations included the demonstration by young men of absolute control over their sisters – their movements, dress, social interaction – to an extent beyond the general norms of the wider society (Hart 2003).

The suffering of displaced women and children has increasingly been the focus of agency attention and intervention. At the same time, that a good deal of this suffering may result from the fact that men are dead, missing or seriously injured is sometimes overlooked. In military attacks men are generally more likely to be killed and they are also far more likely to be made to join combat forces against their will. Even in armies and rebel groups that recruit females, married women and mothers are generally spared. Men, in contrast, are often put under severe pressure to join military forces regardless of family status.

Whether to escape direct violence, to avoid the pressures to join military forces or simply to provide for their families, men often leave conflict-affected areas in search of work and

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some greater measure of safety. This appears to be the case, for example, in Nepal where men from districts severely affected by the war between the Maoists and the government join others on well-established migration routes to India and the Gulf. Subsumed into the larger flows of economic migrants, the particular struggles and fears of such men are not commonly considered.

Even when adult males do not face immediate threats to their survival, they must still contend with the responsibility to provide for their families. It is rarely the case that relief provided to refugees and IDPs is adequate for their material and social needs. At the same time, the opportunities for regular employment are often severely curtailed by legal prohibition, language difficulties, non-recognition of qualifications, lack of access to resources and networks, etc. Thus, men are often compelled to find some means to assist their households through the informal or 'black' economies. Adult men amongst the Sahrawi refugees in Algeria, for example, commonly have to travel long distances to engage in trade and other occupations, leaving wives and children behind in the camps.[9]

The issue of sexual violence is often assumed to relate solely to girls and women. However, the lack of discussion about male victims of such violations should not be confused for a lack of occurrence. Regardless of the sexual orientation of those involved as either perpetrator or victim, the penetration of a male is, in many cultures, associated with feminisation or deviancy. Therefore, it is often considered too shameful to discuss publicly, particularly by the individuals who have suffered in this way. It is the very shamefulness associated with the rape of males that underscores its power as an act of degradation, as a weapon of war. Reports by agency workers in the Democratic Republic of Congo illustrate the use of rape against boys and men for such a purpose. As one local doctor commented: "Homosexuality is taboo in our society. Is this a way of telling people they are worth nothing?"(Christian Aid 2003) To be clear, the issue is not the sexual orientation of either the perpetrator or victim but what this signifies within the cultural context.

Rape is often intended to harm not only the direct victims but also those close to them. Girls and women are often deliberately raped in front of male relatives with the aim of humiliation through demonstrating the men's powerlessness to fulfil their culturally-sanctioned role as protectors of daughters, sisters, wives and mothers. Interventions to assist those affected by such violence understandably focus on the direct victims. However, it is important to also recognise the wounds suffered by male on-lookers for whom the indignity of losing one's home and livelihood may be compounded many times over by the humiliation and pain of witnessing such acts.

Life as a refugee or IDP, especially when dwelling in a camp, may bring with it further humiliation and frustration for adult men. In most cultures they would normally fulfil the role of provider and protector for the rest of the family. In situations where this is impossible, the enforced idleness of camp life and dependence on aid from humanitarian agencies can easily reinforce feelings of impotence and loss of face. Describing the situation in Lukole Refugee Camp in Tanzania, Turner notes that men commonly experienced a decline of respect accorded to them by their wives:

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[9] Dawn Chatty, personal communication

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> …in the camp, according to the refugees, UNHCR (or merely the white man) would
> provide food for everybody, irrespective of age, gender, or status. So, according to
> this reasoning, the women only respect and obey UNHCR.
> In a paradoxical manner, the ideal of everyone being equal before UNHCR has
> been reinterpreted in terms of UNHCR or the white man taking the place of the
> husband and father. (Turner 2001, 137)

It seems likely that the frustrations felt by some adult males at the loss of respected masculine status as a result of their dependence on outside agencies may find expression in the form of substance abuse and violent behaviour directed at women and children. Efforts to address such problems have often tended to address the symptoms rather than engage with the complex gender dynamics that lie beneath.

3.3.2 Generation
Generational factors and the related differences in status, power, needs, and susceptibility to abuse play a significant role in the experience of forced migration. This sub-section highlights a number of key issues affecting specific generational categories.

Children and adolescents
About half of all refugees and other forced migrants are children and adolescents under age 18. The health and survival of children under age 5 has long been a key priority in humanitarian policy, but it is now recognised that far greater attention needs to be given also to the social protection of older children. A UNHCR document points out that, 'despite the many guidelines and standards developed to ensure their protection and care, inadequate implementation of protection activities for refugee children, including limited accountability, have often rendered these guidelines ineffectual' (UNHCR 2002a, 1). UNHCR has identified the 'six most salient …protection concerns facing refugee children today' (UNHCR 2002a, 1):

- Separation from primary caregivers in displacement situations;
- Sexual exploitation, abuse and violence;
- Military recruitment;
- Education;
- Detention;
- Registration and documentation.

Displacement disturbs the coherence of familiar networks of community, friendship and kinship that provide a basis of consistency and security for the young. In this kind of situation, the greatest threats to the personal safety and integrity of children may come from within the displaced community itself rather than from outside (Boyden and De Berry 2004). Burundian girls in Tanzania, for example, were found to be at far greater risk of being raped by a fellow refugee than by an outsider (Sommers 2001). Even when families manage to remain together, displacement may still present serious challenges to their functioning. In some cases, the power of parents and other adults to offer protection is disproved through children's personal experiences of harassment, arrest, abduction, abuse and punishment by military forces, which family members are unable to prevent. There is some evidence that such occurrences can cause children to question the structure of the family unit and the authority of parents and other adult figures, including teachers (Somasundram 2000). This may lead into a deeper questioning of the value system of the wider society.

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Children or adolescents separated from parents and other adult kin and young people in sibling or peer groups constitute an important demographic component in most displaced communities today – particularly in areas of sub-Saharan Africa affected by high rates of HIV/AIDS. Many children are orphaned, many flee alone for safety (often at the behest of parents), some are abandoned and many others are accidentally separated from their families during flight. Children in the 2 to 6 age range tend to be more liable to accidental separation than other age groups because they are too heavy to be carried and yet too small and weak to run fast over long distances. Because of their unique circumstances, children born through rape and forced maternity are among the most prone to abandonment of all groups, and are likely to suffer stigma, neglect and discrimination in addition to all the more general privations of displacement. A significant number are victims of infanticide.

The survival of separated children is quite precarious. Whether they are alone or in sibling or companion groups, reunited with their family, or fostered by another family, can make all the difference to their wellbeing and safety. Babies and infants in particular are completely dependent on the good will of others. Older children and adolescents may assume the role of household head, undertaking income generation, child-care and domestic tasks, commonly without the help or guidance of adults. Children alone are vulnerable to abduction and forced recruitment, labour exploitation and school deprivation. They are also subject to many physical, psychological and emotional risks. Fosterage is often favoured by aid agencies as solution for children without families, but foster children are also liable to physical, verbal and sexual abuse and neglect. Children fostered by families in refugee camps may be taken in solely because they bring an additional ration into the home, leading to abandonment at repatriation (when rations normally cease). In the case of host-population fosterage, there may also be cultural differences between the child and the foster family, threatening children's sense of identity.

Many young people regard loss of educational and work opportunities as one of the most difficult aspects of forced migration and because of this schooling has now become recognised as a key component of humanitarian assistance, alongside vocational training for adolescents and youth. Children's containment in camps makes them highly accessible to political activists and combatants and education may not always play a positive part in this regard. Thus, many of the Taliban fighters in Afghanistan were recruited as children through a highly militarised refugee education system provided in the Madrassa schools in Pakistan. For several reasons, not least the income forgone, loss of work opportunities associated with restrictions on leaving refugee or IDP camps may be a more serious problem for children than many appreciate. In many societies, the assumption of gendered productive and domestic responsibilities (such as care of siblings, fields or herds) ensures the smooth transition to adulthood. Hence, inability of children in camps to fulfil such roles impedes this transition and thereby poses a threat to their social integration and sense of self-worth.

Youth
In most, if not all, societies it would seem that the period between childhood and the assumption of full adult status and responsibilities is often highly ambiguous. Young men, in particular, are commonly seen as a potential threat to social order being both at the supposed peak of physical potency but as yet undomesticated by the duties of marriage and fatherhood. In many situations young men are especially liable to engage as combatants or in criminal violence.

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The very ambiguity of this phase in the life course also creates its own challenges for displaced youth that are not often considered. The passage into full adult status may depend on the achievement of key conditions that, due to displacement and its consequences, becomes difficult or impossible. For example, circumstances may prevent the undertaking of traditional initiation rites that are essential for the achievement of adulthood. In societies where adult status comes only with marriage, young people and their families may be denied the opportunity to accumulate the sums necessary to pay bridewealth or dowry. Furthermore, while displacement may compel young people to take on additional responsibilities ordinarily the province of 'adults', it may also be necessary for them to present themselves as 'children' in order to qualify for particular assistance – especially when seeking asylum (Tefferi no date).

On the other hand, displacement and the sharp change in circumstances that commonly result, may create new opportunities for youth. Freed, to some extent, from the traditional authority of elders, and equipped with a Western-style education (in contrast to their parents' generation), some young men and women may be able to take up employment with aid agencies or engage in other work opportunities that give them both status and a measure of independence. Amongst the Bhutanese refugees in Nepal, for example, it is often youth who are best able to find paid employment. Their excellent standard of English – in contrast to most Nepalis – enables them to secure work as English teachers in spite of official prohibition (Hart 2001). Similarly, in the Burundian refugee camp in Tanzania studied by Turner it was the young men who were taking up limited employment opportunities offered by UNHCR and, as a consequence, achieving the status of street/village leaders (Turner 2001). The achievement of such status, often at the expense of male elders, may run the risk of either creating a backlash or compounding the despair of older men.

Older refugees

Among the populations of concern to UNHCR for which data are available, only 7 per cent are aged 60 or over (UNHCR 2004c). The highest figure, 10 per cent for women and 8 per cent for men, is to be found in South East Europe, followed by East Asia and the Pacific. These statistics reflect low life expectancy in many less developed countries and high mortality among and abandonment of the elderly during displacement. The majority of the older forced migrant population are women.

In many societies great deference is shown towards older people, who are the repositories of local wisdom on important matters such as health, social norms and practices, and spiritual adherence, older men in particular may hold vital political offices. In stable situations older people are generally integrated within the households of younger relatives and cared for by their families. But forced migration can radically change social perceptions of older refugees as well as their roles in society and circumstances more generally, often with devastating effect on their health, wellbeing or longevity. When older people are unable to prevent conflict or displacement, their natural authority within the family and community can become severely diminished. When middle-aged adults are either absent or dead, children may take over the care of grandparents leading to a consequent loss of respect for the elderly. Older Cambodian refugees opposed the provision of education and radio access for children in Thai camps because they viewed these as a potent symbol of modernity capable of undermining traditional Hmong gerontocratic values.

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The UN (United Nations 2002a) highlights three main problems that older refugees commonly encounter:

- **Social disintegration** occurs when, war, flight or insecurity cause families to become separated and dispersed. In either case, the number of elderly persons in need increases.
- **Negative social selection** occurs when refugee camps and collection centres empty over a period of time. Those who are young, healthy and able-bodied are the first to depart, leaving behind the weak and the vulnerable. The plight of the elderly is particularly wretched. Often they have nowhere to go and no one to care for them.
- **Chronic dependency** can occur when solitary older persons, unable to secure state benefits or family support, become dependent on UNHCR for long periods of time. In this situation, UNHCR faces a particular challenge. At the same time that UNHCR is working to ensure that the older person's experience of exile is not deepened by poverty and destitution, it must also discourage chronic dependency – by helping them to regularise their status and obtain access to all possible benefits, entitlements and rights.

HelpAge International research with older refugees notes a range of additional concerns (HelpAge International 2000). Aside from basic needs for food, shelter, water and sanitation, these include problems of physical incapacity and mobility, lack of land, income, information, documentation and skills training. Many older forced migrants are not housed by their adult children and must find their own accommodation. Grouping older people into communal shelters has been found to result in abuse and other infringements. Older people may not have the physical ability to collect firewood, making it hard for them to cook their food. Lack of physical agility and mobility may also make it hard for older people to keep up during flight or to climb quickly into trucks, resulting sometimes in their being left behind when others move on. Lack of forethought and appropriate medical supplies in emergencies may lead to the neglect of chronic disorders which elderly people tend to suffer from and food may not be appropriate for older people who do not have teeth. Older forced migrants may also be subject to theft, and to physical and sexual abuse, although this is seldom acknowledged by forced migrant populations or aid agencies.

It should be stressed that even though older forced migrants experience many grave difficulties and deprivations, they can and frequently do play an extremely important and constructive role in many contexts of displacement. Often they have massively increased responsibility for caring for family members, especially orphaned grandchildren, and for mobilising resources. Their knowledge of previous emergencies and of suitable preventative measures can dramatically enhance survival. Sometimes they assume leadership in the return to homeland and negotiation of peace between conflicting parties. Policy and practice needs to enhance and support older people in these vital roles.

3.4 Key points

- Forced migration has pernicious effects on individuals, families and communities. It leads to impoverishment, social isolation, exclusion from health, welfare and education provision, the breakdown of social relationships and support structures, and the undermining of authority structures and social roles. Assistance to displaced populations must therefore not just be concerned with survival but also with helping people to preserve and rebuild economic capabilities and social relationships.

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- Despite the profound suffering of forced migrants, it is essential to avoid conceptualisations of them as helpless, destitute victims, who are a burden on host and aid communities. Forced migrants have often only been able to survive through considerable ingenuity and skills and through mobilization of all their personal and economic resources. Policies should aim to reinforce such qualities in rebuilding livelihoods and communities.

- Long-term encampment leads to dependency and hopelessness. While camps are often needed in the early phase of mass refugee movements, they are not long-term solutions, and policies should aim to find other durable solutions. Far greater priority needs to be given to internally displaced and refugee populations that are self-settled and live outside camps.

- Experiences of forced migration and responses to it are highly diverse. Whether or not displaced populations adjust well to their changed circumstances, and whether or not they experience human rights violations and other hazards depends, to a significant degree, on their ethnic identity, age, class, gender, and other status attributes. Policy measures therefore need to be highly responsive to personal and social circumstances. Rather than making general assumptions about vulnerability, aid agencies need to carry out thorough assessments of actual vulnerability in specific situations, and should tailor their assistance programmes to the differing needs of the various groups.

- Gender is a crucial factor in susceptibility to human rights violations and other hazards associated with forced migration. Women tend to be less powerful than men in forced migration situations, and to have to take on greater responsibilities for gathering water and firewood, preparing food and looking after children. Lack of reproductive healthcare can lead to high fertility and to health problems. Women are also the main victims of gender-based violence. In some cases, women have been exploited and abused by the officials responsible for assisting them.

- Threat of direct violence, pressure to join fighting forces and the need to support kin are all factors that cause adult males to move, often leaving loved ones behind for long periods. Traditional masculine roles may break down in a displacement situation, creating frustration that, in turn, finds expression in increased levels of domestic violence and other social problems. Men may be targeted in sexual violence designed to humiliate them by demonstrating their powerlessness – either by forcing them to witness the rape of female relatives or through the violation of their own bodies.

- Generational factors also play a major role in shaping the experience of displacement. Aside from grave threats to the survival and health of under-5 year olds, children experience separation from their families, sexual exploitation, interruption of education and forced recruitment for armed forces. Youth may find it impossible to make the transition to adulthood in socially expected ways.

- Older refugees or IDPs may experience extreme physical and mental stress through flight and exile. This can lead to illness, disability and premature death. In displacement situations, older forced migrants may lose the family support

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structures they would normally rely on. Their respected position within the community may be unsustainable, which can have severe social and health consequences.

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4   CONFLICT, DISPLACEMENT, RELIEF AND DEVELOPMENT: LINKAGES AND APPROACHES

4.1   Introduction

This Section addresses the complex relationships between underdevelopment, conflict and forced migration, and the consequences of these relationships in terms of institutional structuring and mandates and strategies to achieve change. The account is based on a number of assumptions:

1. Conflict and forced migration arise mainly in societies characterised by widespread impoverishment, growing inequality, weak, undemocratic and repressive states, and ethnic and religious divisions;

2. Such cleavages are often the result of fundamental social transformations arising from major economic and political shifts at the local, national and global levels. The result can be struggles over economic power and resources (frequently linked to changing forms of incorporation into international markets), political struggles concerning state formation (frequently in post-colonial settings), and identity struggles based on notions of national, ethnic or religious identity;

3. Conflict and forced migration are a result of such factors but in turn become causal factors, precipitating further impoverishment, political instability and social cleavages, which make it extremely difficult to achieve conflict resolution, reconstruction and development.

4. In emergency situations, the first priority for humanitarian actors is to provide protection and assistance to conflict-affected populations (both those who are displaced and those who are not), in appropriate ways that recognise both the rights and the needs of various groups.

5. From the outset, protection and assistance need to be linked to longer term strategies designed to address the root causes of conflict and to achieve economic and social development, and good governance.

This Section begins by discussing the linkages between poverty, conflict and forced migration, and examines the so-called 'relief-development gap'. The institutional challenges are highlighted followed by an examination of the manifestations of this gap in refugee-hosting developing countries, with a particular focus on protracted refugee situations. The next sub-section addresses the return and reintegration of refugees or IDPs, pointing to opportunities and constraints connected with the sustainability of return, post-conflict reconstruction and long-term economic recovery. Both these sub-sections feature a discussion of the security implications of forced migration as these have recently become a prime concern. The final sub-section discusses principles that should guide responses to situations of conflict and displacement, with an emphasis on rights-based approaches to the provision of relief.

4.2   Forced migration and the relief-development gap

As indicated in the preceding discussion, strategies for effective provision of relief – particularly in situations of long-term displacement of refugees and IDPs – inevitably have to engage with more fundamental issues concerning the societal causes and consequences of conflict and forced migration. If humanitarian emergencies reflect deep-seated problems of social transformation, then relief alone can merely address the symptoms of the malaise. Long-term developmental strategies are needed to address both the root causes and the

material and social devastation brought about by conflict. The transition from relief to development – long since identified as a crucial issue – remains central to long-term strategies for change.

As identified in Section 2, the growth in forced migration since the end of the cold war has been linked to the emergence of new types of intra-state conflict (Kaldor 2001; Duffield 2001). The fact that most such conflicts and the resulting displacement occur in developing countries requires an understanding of the links between poverty, conflict and displacement. The next sub-section summarises some of the key linkages, drawing on the expert paper prepared for this project by Anne Hammerstad (2004).

4.2.1 Links between poverty, conflict and displacement

- Poor countries are more often embroiled in conflict than wealthier countries but there is no straightforward causal link between poverty and conflict. Poverty coupled with social inequalities predisposes societies to conflict, but does not of itself cause violent conflict (Hammerstad 2004).

- Violent conflicts lead to poverty, particularly where protracted and associated with the collapse of state institutions. Beyond their direct consequences, such as military and civilian deaths, displacement and disablement of populations, conflicts erode social and political institutions, disrupt livelihoods, reduce state capacity to provide basic social services, destroy the production base, encourage capital flight, curtail food production, destroy or deplete natural resources, and disrupt social networks (Sesay 2004; Saferworld 2004). Large amounts of scarce resources may be diverted to armaments. What have been termed the 'indirect consequences of conflict' often outweigh the 'direct consequences' caused by battle and direct destruction (Stewart and Fitzgerald 2001, 255).

- Displacement can itself lead to the emergence or resurgence of conflict. Mass influxes of refugees can exacerbate existing tensions between different ethnic or religious groups in the host country, or stir up new conflicts between refugees and hosts which are linked to the sudden strain upon local resources. More directly, refugee movements can cause conflict if the refugee population contains armed elements. In some cases violent conflict is exported to neighbouring countries with camps being used as hiding places, recruitment pools, or bases for attacks on their country of origin or other countries involved (Loescher and Milner 2004; UNHCR 2002b; Stepputat 2004a).

- As detailed in Section 2, the poorest countries in the world host the majority of the world's refugee population. Internal displacement occurs almost exclusively in low and middle-income countries. In addition, forced migrants often find themselves in the poorest and most marginal areas of poor hosting countries.

- Displacement causes poverty. Forced migrants often lose their homes, savings, and other assets when forced to flee. While some forced migrants retain access to assets in their area of origin, most productive assets tend to be lost during flight, the extent of loss depending on the speed and violence of the displacement, as well as the portability of assets (Holtzman and Nezam 2004).

- Forced migrants are often poorer than their hosts, even after factoring in humanitarian assistance. Livelihoods are limited because of settlement in poor areas, with limited access to land, resources, services and social networks.

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- Displacement can affect the development of the host country. Refugees often put considerable strain on the resources and livelihoods of their hosts, including employment, land, water, the use of infrastructure and services.

- The adverse economic and social effects of displacement are also felt by many countries of origin, particularly in cases of mass flight, when there is likely to be substantial loss of human capital. Displacement thus exacerbates the negative impacts of conflict on development.

4.2.2 The 'relief-development gap'

During the last decade the debate on the need to 'bridge the gap' between short-term relief and long-term development assistance has become increasingly prominent. It has focused on reconciling two policy fields – humanitarian aid and development assistance – which emerged independently of each other and have different institutional and funding structures, mandates and instruments.

The 'relief-development gap' relates to situations where an immediate conflict or disaster has passed and humanitarian assistance is withdrawn, without the affected populations being integrated into longer-term development initiatives. Such circumstances typically unfold when emergencies become protracted but are seen to be outside the remit of traditional development assistance. Refugees and other forced migrants often straddle the two categories 'relief' and 'development', and are insufficiently catered for by either regime, particularly in situations where they have been displaced for long periods.

Several attempts have been made to address this dilemma over the last three decades, with limited success. Both the 'refugee aid and development' initiatives of the 1970s and 1980s (focusing on Africa and climaxing in the 1984 ICARA II Conference) and the 'returnee aid and development' schemes of the 1990s fell short of expectations because they were not able to adequately address coordination and mandate issues (Crisp 2001; Betts 2004). They also failed because of mutual suspicions between donor states and host countries over each others' motivations. Refugee-hosting countries wanted recognition of the principle of international burden sharing, to be symbolised by compensation for the costs of hosting large numbers of refugees. On the other hand, developed countries were eager 'to reduce the number of refugees on the international community's books' (Crisp 2001, 4). Donors 'felt that the refugee aid and development concept was being used as a means of mobilising additional development funding for some hard-pressed (and in many cases badly governed) states, instead of constituting a genuine effort to resolve refugee problems' (Crisp 2001).

Another attempt at tackling these problems was made towards the end of the 1990s with the so-called 'Brookings Process'. Initiated by then-High Commissioner Ogata, the Brookings Institution hosted a roundtable in January 1999 attempting to engender a broad-based partnership of development and humanitarian actors in reintegration operations, including UNHCR, United Nations Development Programme (UNDP) and the World Bank. The process was soon beset by problems similar to those encountered by its predecessors – the second-guessing of the developed states' 'vision'; inability on the part of UNHCR to get involved in long-term development initiatives; and the larger problem of securing funding for assistance in post-conflict countries. There was also a feeling that the normal policy-making process for development was being bypassed, which in the end brought the effort down.[10]

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[10] Information from consultations conducted for this study, July - September 2004

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More recent initiatives aimed at bridging this divide, promoted mainly by UNHCR, have tried to take account of these problems, and are reviewed in Section 6. At the broader UN level, the focus has been on addressing transition issues, seen in the work of the UN Development Group (UNDG), discussed further below.

The next two sub-sections examine two types of situations in which the relief-development gap has played a prominent role and point towards possible DFID engagement in these areas: support for refugees in host developing countries and the return and reintegration of displaced persons.

4.3   Host countries: including refugees in development planning and initiatives

As the preceding discussion indicated, the development of a refugee-hosting country is affected by forced displacement in many ways. Where international aid agencies intervene in the immediate aftermath of a displacement crisis, some of the effects can be mitigated in the short term. However, they cannot be adequately addressed by emergency assistance measures in cases where displacement persists with no discernable solution in sight. This is a challenge which implies the need for creative projects aimed at benefiting hosting areas as a whole, with support extended to both local and displaced populations. These projects could include providing or enhancing existing infrastructure and social services which benefit the displacees as well as the local population. They may also need to include reparations for costs incurred by the local populations such as the reduced availability of firewood and water resources.

Approaches aimed at promoting refugee self-reliance have been applied in several cases over the past few years, including in Zambia, Uganda, Bangladesh, Serbia and Mozambique (UNHCR 2003a; UNHCR 2003b; UNHCR 2004g; UNHCR 2004h). What is now needed is a development-oriented approach to emergency assistance which considers and plans for the needs of both the displaced and their hosts from the inception of the assistance effort. Some of the initiatives proposed by UNHCR and outlined in Section 6 of this report point in this direction. But displacement and its effects need to be factored into development planning more broadly, going beyond immediately targeted initiatives to improve refugee-host relations and local development. There are two main reasons for this:

First, the exclusion of significant parts of the resident population from meaningful economic activity is counter-productive. As discussed in Section 3, camps are artificial parallel structures that need constant external assistance to ensure provision of food, shelter, sanitation, health and other social services to the inhabitants. This is costly and is increasingly difficult to provide as an emergency becomes prolonged and international funding recedes. The investment is conceived as targeted short-term relief, isolated from overall development planning for the country or its own poor. Taking the long view, precious resources, which could have found use in broader, more sustainable development in the region, are wasted, and could even intensify competition and hostility between the local and refugee communities. Hence, many projects now cover refugee-hosting areas, so that their investments reach both refugees and local populations. Many of the benefits remain with the local communities after the departure of the refugees.

Second, allowing refugees to participate in the local economy can be a way of harnessing their economic and creative potential, which, besides benefiting the wider community, can

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also have positive effects on the refugees, both immediately and in the longer term. Encampment often leaves refugees at a decisive disadvantage, not only in hindering them from leading productive lives, but also in stalling their preparation for an eventual return home. Contrary to the perception of policy makers in host countries, allowing a degree of local integration does not necessarily mean that status as an exile has to become permanent, or even that such a step would make return less likely. Facilitating the participation in the social and economic life of the host country can in fact play a vital role in maintaining or improving refugees' lives and enhancing their chances of a successful return and reintegration into their country of origin (Holtzman and Nezam 2004, xv). Several reviews have reported that refugees who have led a productive life in exile, received an education, developed practical skills, and have been allowed to accumulate some resources may actually be better prepared and equipped to go home and contribute to the reconstruction of their country than those who have languished in camps for years, often forced to survive on minimum levels of humanitarian assistance (WFP and UNHCR 2001; ALNAP 2002). This view was reinforced during consultations, as was the observation that comprehensively targeting the local population alongside the refugees from the beginning might help reduce refugee dependency in the medium and long term, particularly in the health and education sectors.

This points to the issue of integrating refugee issues into Poverty Reduction Strategy Papers (PRSPs) and similar development instruments. Advocating refugee inclusion can be problematic, insofar as refugees are foreign nationals and thus not normally perceived to be 'legitimate' beneficiaries of in-country development assistance. Refugees are generally perceived to be the responsibility of the international community. In many cases, UNHCR has assumed this role and provided shelter for refugees in developing countries over long periods of time. However, this raises the question of what can be done if no durable solution is in sight for particular groups of refugees; when, sometimes after decades, there is no prospect of return to their country of origin, international resettlement programmes fail to provide sufficient capacity to relocate them abroad and the host country does not offer any prospect of local integration. The latter is often not an option entertained by host countries for political and economic reasons. Developing states, facing considerable problems in fulfilling the needs of their own populations, dislike appearing to be 'giving away' privileges which are presumed to be the prerogative of their own citizens, especially access to land and the labour market. This argument assumes particular salience when there is a real or presumed scarcity in land or employment.

A counter-argument is that inclusion of refugees into wider development planning is of benefit to the host country and that non-integration can have negative consequences. There have been several examples of productive economic interaction between refugees and local hosts in different developing countries, showing that it is indeed possible to conceive of refugee populations as an asset to the host community, or at least as being capable of self-reliance, if given a chance, e.g., in Côte d'Ivoire, Uganda, Zambia, and parts of Tanzania (Kamanga 2004). In the absence of such an approach, accomplishment of the Millennium Development Goals may arguably be compromised if the educational, economic, health, and other needs of significant portions of the resident population – which includes refugees – are not met.

4.3.1 *Security dimensions of forced migration in refugee-hosting countries*
Another argument for a comprehensive developmental approach to refugee assistance in host countries derives from the security implications of forced displacement, both for

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refugees themselves and for their hosts. It is now commonly argued (Milner 2000; Loescher and Milner 2003; Loescher and Milner 2004; Stepputat 2004a) that refugee presence in countries of first asylum may generate two different types of threats.

Direct security threats arise when refugee flows contain armed elements. Where forced migrants themselves are directly implicated in armed conflict, there is the danger of a spill-over of conflict into the host country. Camps might become further militarised when refugee fighters use them as sanctuaries for themselves and their families, taking advantage of food rations, shelter and health services provided. They have also served as recruiting grounds for continued military campaigns against the country of origin (or other allied groups or countries), as well as to cover up illegal activities in support of rebel warfare, such as narcotics or arms smuggling. Even in the absence of these activities, refugee or IDP camps might be singled out for attack, simply because they are usually located in remote areas and largely undefended, while containing vital resources such as food, vehicles, and other relief supplies. In situations of ethnic conflict and persecution of a particular group, the presence of members of rival or endangered groups makes the camps susceptible to attack in the name of 'ethnic cleansing'.

Host developing countries may also face *indirect security threats* which can disproportionately influence the balance of power between ethnic, religious, or political communities. This phenomenon is particularly serious in economically unstable regions, where underlying conflicts have the potential to spark rivalries leading to conflict and violence. Newly arrived refugees may compete for scarce resources, including jobs, public services, education, and housing, exacerbating tensions. Cases where such indirect threats have been played out recently include the arrival of Kosovar Albanian refugees in Macedonia, of Iraqi Kurds in Turkey, of Afghan Sunni Muslims in Shia-dominated Pakistan, or of Pashtún Afghans in Beluchistan (Stepputat 2004a).

Such situations have resulted in many host governments adopting the policy of containing large numbers of refugees in camps or designated areas, often far removed from arable land or decent infrastructure. In addition, refugees are often not allowed to work or access services. Not only does this pose social and economic problems, but it might also cause hostility and resentment in the communities, which can increase the potential for conflict between local and refugee populations.

The security implications of hosting refugees, and in particular of keeping them in camps, need to be carefully considered. Although there is a propensity towards encampment, both within the emergency assistance community and among many host countries, and although camps may offer the best short term solution for some aid beneficiaries (especially those most prone to exploitation, violence or abuse) (Stepputat 2004a), the potential of alternative solutions has thus far not been fully explored. The *direct security threats* posed by forced migration are best addressed by supporting the separation of armed elements from refugees in situations of mass influx and by the continued screening of camp populations after an exodus has taken place. The capacity to do this systematically is yet to be developed.

4.4   Developmental approaches to the return and reintegration of forced migrants

4.4.1   *Repatriation, reintegration and planning for transition*
As repatriation gained ground as the favoured durable solution in the 1990s, attention turned to addressing the relief-development gap in countries receiving returnees. UNHCR's

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approach was to assist areas of return with so-called 'Quick-Impact Projects' (QIPs). These were small-scale community-based programmes aimed at fostering a smooth integration of returnees, intended to become a 'bridge' to sustainable development efforts by other international actors. They included health, education, training, infrastructure, transportation, crop production, livestock and income-generation activities in areas of return. While deemed a success, particularly in Central America in the early 1990s, they were also beset with operational problems, often having been implemented in the absence of sufficient consultation with intended beneficiaries, governments and the major international and donor development agencies.

The long-term impact and contribution of QIPs to sustainable development has been questioned (Crisp 2001). Observers have maintained that the efficiency of these programmes was never clearly established, that they risked being little more than a temporary remedy or, worse yet, that they undermined longer-term development strategies. There was criticism of the absence of institutional mechanisms for project design and arbitration between competing interests (Helton 2002, 292). QIPs were also said to suffer from weak coordination with government institutions and were not always followed up by more long-term development efforts. There was a lack of synchronisation with reintegration efforts, an imbalance in the available funding and a difference in the conceptualisation of beneficiary groups between UNHCR and the development agencies involved (Black and Koser 1999, 42). In many ways, UNHCR's recent 4Rs approach (Repatriation, Reintegration, Rehabilitation and Reconstruction – see Section 6) can be interpreted as an attempt to build on the experiences from QIPs while trying to broaden the appeal of reintegration programmes and liaise more effectively with development actors.

The array of challenges in broader post-conflict settings has prompted some re-thinking in wider development circles. In particular, the UNDG's Working Group on Transition Issues has reviewed the implications of operating in post-conflict contexts, arguing for a paradigm shift in the conceptualisation of relief and development, from the 'phases' to the 'simultaneity' model.

In the past the post-conflict assistance paradigm conceived of conflict, development, and accompanying policy responses as occurring in phases. For countries emerging from prolonged civil war, this might result in expectations of some peace agreement being brokered and signed, which would then trigger the release of international aid funds to help with the recovery – either through the established developmental channels, or sometimes augmented by an international donors conference (as in the cases of Bosnia and Afghanistan). Similarly, refugee or IDP repatriation/relocation would be expected to occur *as a result of* preceding arrangements (today often in the form of tripartite agreements between UNHCR, the host country, and the country of origin in the case of refugee returns).Traditional wisdom held that humanitarian aid would be delivered first, to be followed in the next 'phases' by reconstruction/rehabilitation and reintegration initiatives (in the case of refugees and ex-combatants). It came to be realised that the 'phases' model was a very simplistic one, since none of the proposed phases could be said to have a definite starting or end point. The discourse then switched towards a 'continuum model' instead, which it was hoped would be better able to take account of the often fluid transition between different reconstruction 'phases'.

The 'continuum' discourse has since given way to one of 'simultaneity', invoking a major debate about 'transition situations'. According to the UNDG Working Group on Transition

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Issues (UNDG-ECHA WG TI), 'transition' is defined as 'the period in a crisis when external assistance is most crucial in supporting or underpinning still fragile cease-fires or peace processes by helping to create the conditions for political stability, security, justice and social equity' (UNDG/ECHA 2004, 6). The gradual replacement of the 'phases' model has been explained, in the same document, as follows:

> While in the past, transition processes were largely regarded as *sequential* or a *continuum* from relief to development or even from conflict to peace, it is now increasingly recognised that these facets exist simultaneously, at varying levels of intensity, susceptibility to reversals, and opportunity. Planning in transition situations must, therefore, anticipate that things can get worse before they can get better. Such contingencies and their security implications must be planned for, with a view to preventing or mitigating a relapse into conflict, protecting civilians, and protecting staff. This requires flexibility in the UN's operational response and in donor funding decisions. (UNDG/ECHA 2004, 6)

This new thinking has been reflected in some new donor practices, such as 'transitional budget lines' and other initiatives promoted by Scandinavian countries. Several respondents consulted for this study, both among international organisations and in the non-profit and NGO sector, particularly welcomed the Norwegian initiative for transitional budget lines.[11] Its main advantage was seen in the way it freed implementing partners in the humanitarian sector from the constraints of having to limit their project design to quickly implementable but ultimately short-lived interventions and then having to engage in a struggle for follow-up or renewed funding which seriously undercut their ability to function. The option of multi-year funding being available from the outset was seen as a key enabling factor for putting in place initiatives that go beyond the immediate emergency and prepare the ground for meaningful long-term developmental policy planning. Such funding instruments also help counter the more general trend among donors to spend large sums of money during the initial assistance period, with funding drying up shortly afterwards. In these cases countries in transition often do not have the capacity to absorb and administer such inputs. The result is a duplication of short-term projects at the expense of more sustained, forward-looking investments into the reconstruction process.

Many respondents felt that transitional budget lines would only be effective if coupled with additional funding – simply creating another line item itself would not be sufficient. They felt that more funding would be difficult to generate in the current political climate. Introducing transitional budget lines can also mean that donors' implementing partners will vary more widely in the future and this brings its own administrative burden.

More broadly the work of the UNDG Working Group on Transition Issues marks a conceptual advance as it recognises that sustainable returns have long-term development connections. The group has based its deliberations around the core principle of equity. It maintains that the concept of programme beneficiaries should be interpreted as widely as possible, allowing for the equal treatment of returnees (including refugees, IDPs, and ex-combatants) and populations in areas which are expected to absorb the returning population. This strategy is to avoid possible destabilising effects on a fledgling peace process in post-conflict countries. It is also a necessity, if reintegration programmes are to take hold and be viable.

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[11] Information from consultations conducted for this study, July - September 2004

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Consultations revealed differing opinions with regard to the standardisation of assistance programmes in transition contexts. Generally speaking, while there are now clearly established assistance standards for refugee return and humanitarian response, which have been welcomed across-the-board, similar standards are missing in the development arena. This is seen by some as a source of problems for the coordination of actors and programmes in the transition phase, mainly due to the much larger and longer-term nature of most development programmes. It was thought difficult to maintain the standards set during the refugee assistance intervention of a programme for transition and development, especially if, as is currently being reiterated by nearly everyone in the field, reintegration and reconstruction programmes are expected to benefit local populations as well as returnees. On the other hand, it was pointed out that a number of donor countries have now actually adopted the Sphere Standards – guiding the minimum provision in emergency situations – to govern their development goals, and although this will lead to higher expenditure, this is a trend that was welcomed.

Such thinking also led respondents to suggest that the issue of return needs to be highlighted much more in PRSPs. Some respondents felt that PRSPs could be used to much greater effect in post-conflict reconstruction if donors would be more decisive in employing them as instruments for peace-building and using their influence in the drafting process. It was conceded that returnees and IDPs are generally easier to include than refugees in this respect, since as nationals they are more easily seen as part of the national development agenda.

4.4.2   Security dimensions of return: disarmament, demobilization, and reintegration
Sustainable repatriation demands that the areas returned to are safe, as well as offering means of livelihood. Disarmament is therefore an important element in the repatriation of refugees to their countries of origin, since some refugees may have been part of rebel armies in the countries they fled. This is particularly significant in volatile post-conflict situations, where the re-eruption of conflicts can occur.

Necessary components of repatriation programmes which take account of security concerns include: logistical support and material assistance; confidence building through monitoring disarmament; assistance to relatives of refugee populations; transportation assistance in repatriation operations; community-based reintegration activities for demobilized ex-combatants, other returning refugees, IDPs and other populations in the area, including the monitoring of reintegration of ex-combatants; running sensitisation campaigns in areas to which ex-combatants are returning; including local populations in Disarmament, Demobilization and Reintegration (DDR) programmes; and refugee status determination for ex-foreign combatants wishing to seek international protection.[12]

DFID has focused its attention on this set of issues in recent years, both within the context of its good governance and security sector reform strategies, and as part of the Conflict Prevention Pools (CPPs), operated jointly with the Ministry of Defence (MOD) and the Foreign and Commonwealth Office (FCO). However, issues pertaining to forced migration have not always received sufficient attention in these endeavours, as Loescher and Milner have pointed out in their contribution to this study with regard to the Global CPP (Loescher and Milner 2004) (see also Section 7 for a broader discussion of CPPs). The same is true in

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[12] Information Note on Cooperation between UNHCR and DPKO, 18 December 2003; on file with authors.

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the DFID literature on security sector reform and governance strategies:

> The demobilization and reintegration of ex-combatants underpins the restoration of political stability. Demobilisation saves money, and tends to be a high priority given other post-war demands on public resources e.g. from the social and economic sectors. But reintegration, which is equally important, is costly and for that reason is often neglected. The success of reintegration efforts will have a large impact on the sustainability of a peace process. (DFID no date, 35)

The UN system as a whole also tends to perpetuate the divisions between the Disarmament, Demobilization and Reintegration components of assistance programmes. Whereas peace-keeping operations, often involving disarmament and demobilisation, are included in and financed by the overall UN budget, reintegration activities are not. More sustainable mechanisms for addressing this issue will have to be found in the future.[13] This is an area where DFID could provide some input, both politically and through creative use of funding.

Repatriation is often very complex and expensive and still frequently underestimated by the international community, which prefers to assume that the refugee 'problem' ends once the refugees have been returned to their country of origin. Providers of humanitarian assistance could draw useful lessons from development actors, who often have a stronger record of employing community-based approaches to their programming. Furthermore, there is a great need to better integrate DDR with development programmes overall, especially in post-conflict situations. In many cases in the past, DDR has failed because ex-combatants were being returned to countries still under severe strain, and/or because they were not provided with alternative livelihoods in the aftermath of the disarmament process. This was a problem in Liberia, where in 2001 a lack of comprehensive NGO involvement in existing DDR programmes undermined the effectiveness of the attempt to link demobilisation with rehabilitation. A lack of coverage left the majority of ex-combatants and communities into which they were to be reintegrated with insufficient assistance (Goodhand and Atkinson 2001, 22).

The need for improved coordination of reintegration has also been highlighted especially with regard to gender-sensitive approaches and the overall importance of civil-military cooperation:

> [T]he success of DDR programmes can in many respects be evaluated in terms of the reintegration phase. Reintegration should pay particular attention to the different needs of male and female fighters as well as their dependants, who are often neglected. Durable peace is only possible if sustainable programmes are offered to all stakeholders, regardless of their gender, otherwise a precarious peace can easily crumble. The success of DDR programmes also calls for good coordination between military and humanitarian actors. As a number of recent cases has shown, however, there are often problems in terms of incompatible time frames and poor communication. (Lilly 2002, 14)

Dependable guidelines that could be used for DDR in repatriation settings are a key ingredient. DFID has substantial experience in this field which could be usefully brought to bear here.

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[13] Information from consultations conducted for this study, July - September 2004.

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4.5   Principles and strategies for relief

This sub-section focuses on some central issues that arise for humanitarian organisations in developing appropriate strategies for the provision of relief both in emergency situations and in conditions of long drawn out displacement. The topics include the significance of rights-based approaches and the relationship between protection and assistance.

4.5.1   Rights-based approaches

Since the 1980s there has been a marked shift in the focus of donor governments, UN agencies and international non-governmental organisations from efforts to meet the 'needs' of particular populations to support for the realisation of their 'rights'. This shift entails radical changes in the conceptualisation and manner of engagement with aid recipients, who are no longer to be regarded as passive victims of circumstance but as social actors with a range of fundamental entitlements. These entitlements include a variety of civil, political, economic, social and cultural rights, all of which have been enshrined in international human rights law. The shift towards a human rights framework has been especially pronounced in the implementation of development programmes. Nevertheless, the thinking that underlies so-called 'rights-based approaches' is increasingly shaping institutional responses to humanitarian emergencies as well, not least the actions to support refugees and IDPs. The key features of rights-based approaches may be summarised as follows:

- Accountability
- Advocacy
- Participation
- Sustainability
- Equity/Non-Discrimination

Accountability

Central to rights-based approaches is the identification of the state as the prime 'duty bearer', with the responsibility to uphold the human rights of all people within its territory, including IDPs and refugees. The measures to ensure the realisation of rights may involve legal and policy reform, service provision, and advocacy efforts to change attitudes and behaviours. Agencies engaged in humanitarian action have an important role to play in holding states accountable for their performance in this respect.

The shift to rights-based approaches also has implications for the accountability of humanitarian agencies themselves. It is not only to donors that an agency must demonstrate efficiency and effectiveness of its work (so-called 'upward accountability') but also to the people who are intended to benefit ('downward accountability'). Increased accountability to aid recipients implies a commitment to de-centralised planning and the ability to respond effectively to specific problems and situations at the field level. This in turn entails the establishment of systems of participatory baseline assessment, monitoring and evaluation, in which aid recipients play an active role. From the perspective of rights-based approaches, programme monitoring and evaluation thus take on a new character:

> A rights-based evaluation is not just a technical exercise in data collection and analysis. It is a dialogue and a democratic process to learn from each other, to

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strengthen accountability and to change power relations between stakeholders. (Theis 2003)

Advocacy

Within the work of many agencies seeking to pursue a rights-based approach there is a combination of field-level intervention and advocacy activities. Direct advocacy with either the state or other key stakeholders, such as insurgent leaders or community elders, in respect of the rights of refugees and IDPs is liable to take on a strong political dimension and involve some risks. Governments are sometimes unwilling to even acknowledge the existence of displaced people, let alone attend to ongoing violations of their rights, especially when state actors are responsible. As indicated earlier in this Section, many governments regard displaced peoples as a threat to national security or to the national economy and invoke a range of draconian measures to control and curb their activities.

Many humanitarian agencies, committed through their mandates to the principle of neutrality, feel constrained to avoid advocacy work in the context of forced migration because of its inherently political nature. Many fear that advocacy in the context of a humanitarian crisis might compromise the safety of their staff or lead to closure of programmes of direct assistance. Given their constitution as inter-governmental bodies and the complexities surrounding their presence on the territory of a member state, UN agencies are not always best placed to undertake the kind of advocacy activities needed. International NGOs may sometimes be more effective in this regard, especially when they are backed up by donor governments and work in concert with or through human rights agencies that do not have a field presence in the country in question and hence do not confront security risks. In some situations, for example Burma, International NGOs provide a vital witness function, observing and reporting on major human rights violations and providing crucial information for international advocacy efforts.

Participation

Previous assumptions about the impossibility or inadvisability of engaging displaced people as participants in humanitarian action are being rethought. Notions of refugees and IDPs as victims and as passive recipients of aid have been replaced with the determination to support them as actors in their own protection and in the improvement of their circumstances. A participatory approach requires agencies to change their manner of working: transforming aspects of organisational culture and building new skills in order to engage displaced populations in democratic dialogue. Oxfam's project 'Listening to the Displaced' undertaken in Sri Lanka was an early effort to work with forced migrants in this way (Demusz 2000).

The benefits of involving conflict-affected and displaced populations in more consultative and participatory processes have been highlighted in a recent six-country study commissioned by ALNAP (Groupe URD 2003) and a three-country study supported by CIDA that attended specifically to the participation of children (Hart 2004). Community participation is also a key element in the Minimum Standards for Education in Emergencies formulated in 2004.

The current interest in the notion of participation is partly attributable to the perception that this improves the efficiency and efficacy of projects, and partly to the wish to empower and equip populations to assume greater control of their lives and transform their circumstances

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more generally. It is commonly seen as both a right in itself and the means to the realisation of other rights.

It is generally held that participatory approaches imply greater respect for aid recipients, greater consideration of their specific problems and circumstances and greater levels of accountability and efficiency. However, they do embody certain challenges – especially in the context of forced migration – and these need to be taken into consideration and planned for. Some argue that when mass flight occurs with little warning, there is no time to consult or plan emergency measures with affected populations. Many humanitarian agencies are tied to funding procedures that force them to identify programme priorities, recipient populations and resource needs prior to engaging with forced migrants. Many deploy staff on short contracts to areas with which they have no familiarity, making it impossible for them to build sufficient knowledge of those areas or sufficient trust with displaced populations to develop participatory approaches.

The majority of agencies are locked into emergency funding cycles that are so short that proper consultation and active involvement of forced migrants seems impossible given the delays participative approaches normally entail. In one case of support to IDPs in northern Sri Lanka aid recipients very much appreciated having been asked which relief items they required, but they and the staff of the agency concerned were doubtful that the benefit of this consultation justified the delay of three months it caused in delivery of essential goods (Boyden, Kaiser and Springett 2003). Another issue that emerged in Sri Lanka was the unwillingness of camp dwellers to waste time and energy in participatory endeavours to improve camp services and facilities in light of their greater desire and determination to return to their homes and villages. It is also true that attempts to engage camp populations in participatory activities may be thwarted by strife between inhabitants and by mechanisms of relief delivery that address households as opposed to groups, and hence are inherently individualised and potentially competitive.

These challenges do not detract from the value of implementing participatory approaches but they do hint at the inadvisability of merely importing into humanitarian contexts models that have been devised for development programmes. Also, they clearly imply reform of funding procedures and cycles, staff training and recruitment and other organisational structures and systems.

Sustainability
This is a central aim of rights-based approaches to development, and several dimensions of sustainability are important in relation to forced migration. First, there is a concern that mass displacement is, in itself, a threat to environmental sustainability: that the influx of large number of people into areas with often very fragile ecologies may pose a significant environmental threat. This has been a concern in the recent movement of peoples from the southern Sudan into the very poor, arid Darfur region, for example, and a range of measures are needed in such contexts to ensure that the local habitat is not depleted of essential resources. The environmental burden posed by large camps in particular is one of the reasons why self-settlement may in many contexts be preferable, since it tends to be associated with higher levels of population dispersal.

Second, economic sustainability is a key concern in forced migration: livelihood security being a crucial issue not simply in terms of the survival of displaced peoples, but also for their sense of self-respect and self-efficacy. This has become a growing priority for

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agencies involved in supporting populations affected by protracted conflict and displacement, as in the Occupied Palestinian Territories. Development-relief models have begun to emerge in recent years in areas affected by protracted conflict as a means of going beyond the supply of basic relief items to support longer term measures such as skills training and livelihoods (discussed in greater detail in Section 6). This process has been spearheaded through a range of training, microfinance and credit initiatives, many of which prioritise specific sections of the population such as women and female-headed households.

Third, environmental and economic sustainability are also central to the prevention of conflict between forced migrant and host populations. Given that most refugees and IDPs live in poor countries amongst communities that are themselves struggling to survive often in areas that are subject to extreme climatic conditions, poor soils and water shortages, there is always considerable potential for conflict between migrant and host populations. In many cases this can be best addressed by humanitarian relief/development measures that embrace both host and forced migrant populations.

Equity and non-discrimination
Attention to equity issues inevitably implies that priority be given to identifying and supporting the most marginalised sections of the population in humanitarian crises. As indicated in Section 3, certain forced migrants are liable to suffer additional violations of their rights, often due to their lack of social power or 'invisibility'. Examples include: children living on the streets of the city after displacement from a rural area or another country (as with Burmese children in Thailand); self-settled refugees 'lying low' in order to avoid repatriation and thus unable to access most services (Burundian and Congolose in Tanzania, for example); displaced women who suffer stigmatisation due to their new status as widows (as in Sri Lanka), and so on. A focus on social vulnerability and marginality should not, however, be confused with identification, labelling and 'targeting' of priority groups, such as widows, or female headed households, for this approach risks stigmatising affected people. Rather, the aim should be to identify and address the attitudes, processes and systems that result in prejudice, discrimination and violations rather than merely provide services to priority groups. This suggests a close link between carefully designed and culturally appropriate advocacy work and grass roots services and outreach.

Today, by far the greatest amount of international humanitarian support and attention is given to refugee populations in camps, with very little going to those who are self-settled or internally displaced. This bias reflects mandate and sovereignty restrictions as much as practical convenience for aid organisations. However, in the pursuit of equity and non-discrimination, DFID and other donor organisations could, in collaboration with other key players such as the UN Representative on IDPs, play a key role in spearheading further discussion and debate on how better to provide for those populations of forced migrants that tend to be left out of conventional provision. Special emphasis needs to be given to IDPs, who form such a large component of the total displaced population and receive so little support and assistance globally. (The institutional framework for providing support to IDPs is discussed in greater detail in Section 5.)

The ability to identify marginalised people and to promote their inclusion in humanitarian projects will depend on the manner in which an agency positions itself at the field level. The quality of its engagement with the population, its sensitivity to the diversity of experience and its awareness of the particular, additional risks encountered by some are essential. This implies prior understanding and knowledge of an area, familiarity with local

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norms and values and with the local language, as well as careful attention to good baseline assessments using participatory methods. Furthermore, it is important to address inequalities in a manner that does not either stigmatise those affected or lead to resentment and loss of status by others. For example, it is common for agencies to instigate income generation programmes solely with displaced women. In some settings this can exacerbate feelings of impotence amongst males whose traditional role as provider is further undermined.

4.5.2 Protection

For decades humanitarian assistance focused on protection of camp populations against security threats, survival and the provision of 'basic' physical needs. However, as indicated, forced migrants may be subject to multiple forms of violence, exploitation and abuse before, during and after flight and while there has been far greater acceptance of the importance of providing protection against these kinds of violations in recent emergencies, there remain many significant gaps and oversights. The work of UNHCR and many other organisations has traditionally focused on legal measures and security needs, with far less attention to the day-to-day social risks faced by displaced populations and by particular sections within those populations. This seems to be changing, partly prompted by the revelation of abuses of refugee camp dwellers committed by NGO personnel working under UNHCR's auspices in West Africa and Nepal. An effective programme of social protection would include attention to a range of vital issues, including – among others – gender-based and sexual violence, exploitative and dangerous labour, trafficking, family tracing and reunification, education and psychosocial care and support.

Greater collaboration between agencies seems vital in this endeavour, particularly in relation to women and children. The United Nations Children's Fund (UNICEF) and members of the Save the Children Alliance often possess a richer understanding of the risks faced and the means by which these may be addressed than do agencies that provide more generalised services to generic populations. Yet, as the case of the Bhutanese camps in Nepal demonstrates, UNHCR sometimes struggles to establish an effective working relationship with such agencies, to the clear detriment of the refugees themselves.

4.5.3 Assistance

Traditionally there have been four distinct areas of provision offered by agencies in response to sudden mass displacement. These are: water, sanitation and hygiene; food security and nutrition; shelter; and health services. Clear minimum standards have been developed to guide implementation in these areas through the Sphere Project (2004). Numerous international humanitarian organisations have been involved in the piloting of these standards in their own emergency work, including International Rescue Committee, International Federation of Red Cross and Red Crescent Societies and Catholic Relief Services. There now exist a plethora of organisations that deliver often highly specialised support to forced migrant populations in these four basic areas of emergency provision.

Alongside these four areas of response, there is growing attention to educational and psychosocial interventions. Both of these have been the focus of important initiatives and debates aimed at defining standards and identifying operational principles. Education in particular is a strongly emerging area of discussion and development amongst donors and humanitarian agencies, meriting additional focus in this report. As a recent study commissioned by DFID points out, education must be understood as central to the inter-relationship between conflict, poverty and development (Smith and Vaux 2003).

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UNHCR provide data on the education of 600,000 refugee children in 66 major refugee camps in 22 countries for 2002. In 58 per cent of the camps, more than 80 per cent of children were enrolled in school. However, rates of enrolment were far lower in Pakistan (19 per cent), Sudan (32 per cent), Yemen (32 per cent), Republic of Congo (34 per cent), Burundi (51 per cent), Bangladesh (57 per cent) and Ethiopia (67 per cent). Girls made up 44 per cent of the total school population in the 66 camps. However, the proportion of girls at school decreases with the grade level. Girls are well represented at pre-primary and primary level, but their participation falls sharply at the secondary level. UNHCR also reports that 80 per cent of refugee pupils did not have access to an adequate number of teachers (defined as at least one teacher for every 40 pupils). UNHCR recommends that 50 per cent of refugee teachers should be women. However, the proportion of female teachers was found to be far lower – only 25 per cent – in schools funded by UNHCR (UNHCR 2004c).

In 2004 a global process of consultation was undertaken resulting in the production of Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction (MSEE). The scale of this endeavour – involving meetings of large numbers of experts in various parts of the world, supported by a broad coalition of governmental donors, UN agencies and international NGOs – attests to the strength of belief that education can and should play a vitally positive role in the lives of emergency-affected populations, particularly those displaced by conflict or natural disasters. Education is recognised not simply as an essential service for children but also as a means of rebuilding a sense of structure and routine in the lives of adults and investing more broadly in the future of displaced populations. Indeed, the explicit aim of many people behind the MSEE project has been to place education alongside the four areas of emergency response covered by the Global Standards of the Sphere Project.

The current enthusiastic efforts to raise the profile of education in emergencies should not obscure the many difficulties faced in actual implementation. Unlike the provision of wells, latrines or shelter, for example, the resource needs for schooling purposes are ongoing. Expertise is required in a wide range of areas if the education on offer is to meet the MSEE. Coordination between different agencies to provide the various elements is clearly essential and yet, as Sommers notes, 'due to their often overlapping mandates, UNESCO, UNICEF, UNDP and/or UNHCR have been known to wage turf wars, which can be the starting point for unhelpful, and seemingly avoidable, power struggles' (Sommers 2005, 14)

While the provision of schooling is commonly considered to impart a vital sense of normality to pupils and the wider community, it can also create additional protection concerns. In an unstable setting, children are often vulnerable to attack or abduction on their way to and from school. Furthermore, the classroom is an ideal setting for mobilisation or for the imposition of particular values and ideology that may be alien to the cultural or political background of the displaced pupils (Fawcett 2005). For some children, the schooling provided in a refugee or IDP camp may be their first experience of Western-style education. Consideration must be given to the long-term implications of replacing a community's existing approach to childrearing with the model implied by an education system that originally arose to meet the needs of industrialised societies. What happens to displaced children educated for urban-type jobs when such work is in either in short supply or prohibited by national governments, such as experienced in Lebanon and Nepal?

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The MSEE documentation highlights the importance of integrating psychosocial elements into all educational interventions. This demonstrates the current importance attached to addressing the 'wellbeing' of affected populations, as understood in psychological and emotional terms. The involvement of mental health professionals in the development of programmatic interventions for forced migrants has been considerable but also diverse. Some have promoted the employment of an approach based on the diagnosis of Post-Traumatic Stress Disorder (PTSD) and a response that involves some form of counselling or drug therapy. For a range of reasons – including cost, cultural insensitivity and unsustainability – this approach has been heavily criticised (e.g. Bracken and Petty 1998). A wide range of alternatives have emerged that are motivated by the common concern to develop a response that fits with local values and practices, and which involves community members as participants (rather than 'clients') in processes of healing (e.g. Loughry and Ager 2001). Save the Children has developed guidelines and principles for psychosocial programming, while WHO/UNHCR have developed a manual concerning the mental health of refugees (International Save the Children Alliance 1996; Petevi, Revel and Jacobs 1999).

4.5.4   Peace building

In light of the longer-term aims of return and resettlement and the building of stable and peaceful communities, participation is seen as a means to promote values of cooperation and co-existence. Children and young people, in particular, are often the intended participants in projects that seek to cross the lines of enmity in situations where conflict has led to upheaval and mass displacement. As the example of Sri Lanka illustrates, as soon as ceasefire is announced, the international community is eager to provide resources for peace-building initiatives, often redirecting funds previously utilised for relief efforts. However, the agenda of peace building may not be one that is shared by the intended 'participants'. In some situations 'peace' itself becomes a word loaded with political meaning – part of the discourse of one party to a conflict, for example, which conceals the intent to impose its rule on others. If timed wrongly or portrayed inappropriately, such initiatives can actually exacerbate tensions. Furthermore, the imposition of a process for which displaced people are not yet ready may actually serve to frustrate or alienate. Commenting on the dangers of a top-down approach to peace building, one agency worker in Sri Lanka commented:

> "How do you expect children who do not have enough food and no proper home to meet with children on the other side who have these things?" (cited in Hart 2004)

The challenge seems to lie in developing an approach that allows community members to move at their own pace towards peace-building efforts. Certainly the experience of Sri Lanka seems to suggest that meeting people's basic needs and thereby enhancing their dignity and self-respect are necessary precursors to organised peace-building initiatives.

4.6   Key points

- In emergency situations, the first priority is to provide effective protection and assistance to conflict-affected populations. However, from the outset, it is important to recognise that conflicts generally arise in the context of fundamental processes of social transformation with local, national and international dimensions. Protection and assistance therefore need to be linked to longer-term strategies designed to address the root causes of conflict and to achieve economic and social development, and good governance.

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- There are strong linkages between poverty, conflict and forced migration, but some of these are not straightforward. Poverty disposes societies to conflict, but does not of itself cause conflict.

- Efforts to address the 'relief-development gap' have made progress in recent years, and this needs to be continued. Important conceptual advances have been made with regard to situations of return and reconstruction, where the emergence of a 'transition discourse' represents an advance over 'phase' and 'continuum' models. Similar approaches need to be developed for assistance to refugee-hosting countries. DFID would be well placed to advance such initiatives.

- In countries hosting refugees, there are strong arguments for including refugees in broader development planning and initiatives. The often drawn-out nature of many displacement crises calls for a comprehensive approach which takes into account the needs of the displaced as well as their hosts.

- Encampment is to be avoided in favour of integrative solutions, including local integration, self-settlement, or other forms of assistance which allow the displacees access to gainful employment, land and social services

- Security considerations should also play an important role in planning integration approaches. Refugee groups offered local integration amongst host populations are less likely to pose security concerns than separate camp populations.

- The security implications of return and reintegration need to be built into planning for transition and reconstruction. Reintegration of ex-combatants needs to go alongside reintegration of returning refugees and IDPs.

- Increasingly, conflict-affected populations are being perceived not as passive victims but as social actors with a range of fundamental rights enshrined in international law. Rights-based approaches are bringing about important changes in institutional responses to forced migration.

- The key features of rights-based approaches are: accountability, advocacy, participation, sustainability and equity/non-discrimination. Implementing these principles means changing the way humanitarian organisations work, transforming organisational cultures and developing new skills. Agencies are no longer only accountable to governments and donors, but also to displaced persons, who should be seen as active participants in strategies for protection and improvement of living conditions.

- It is important not to target beneficiaries on the basis of preconceived notions of need and vulnerability – which are often linked to institutional mandates. The most marginalised sections of a displaced population may be precisely those for which strong and specific mandates do not exist – such as IDPs, who have often been neglected in provision of protection and assistance. It is vital to identify the specific threats that arise in specific situations, who is most affected and in what ways, and to ensure that relief strategies include adequate preventative and remedial measures.

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- Protection remains a strong priority in forced migration situations, and needs to be extended to embrace groups often inadequately covered (again IDPs). The long-term nature of the need for protection in protracted displacement situations must also be recognised.

- Assistance has traditionally focussed on the four basic areas of water, sanitation and hygiene; food security and nutrition; shelter; and health services. The introduction of minimum standards through the Sphere Project is an important step forward. But assistance programmes also need to address longer-term issues of well-being and livelihood reconstruction. Educational and psychosocial interventions should be crucial aspects of assistance. Careful attention is needed to ensure that such interventions fully recognise the cultural, economic and political context.

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5   THE STATE OF THE INTERNATIONAL FORCED MIGRATION REGIME

5.1   Introduction

Since the 1980s, there has been a dramatic increase in the frequency and severity of humanitarian crises in many parts of the world. States and international organisations have strived to provide protection and assistance to people affected by these crises, but have often found their mandates and resources inadequate to cope. At the same time, states in both developed and less-developed regions have become far less willing to allow refugees to enter and remain in their territory (Crisp 2003). Such developments have led to constant debates about the legal, institutional and operational arrangements that exist at international levels to deal with refugee movements and other forms of forced migration. These arrangements – often referred to as the 'international refugee regime' or more generally the 'international forced migration regime' – have evolved to meet new needs but remain highly controversial.

For many observers 'the global regime that addresses forced migration is not up to the task', and there is 'widespread recognition of the regime's inadequacies' (Keely 2004). US scholar Susan Martin argues that, 'the system is fragmented and based on outmoded concepts about forced movements of people, with an elaborate organisational framework for refugees who cross international borders and makeshift, ad hoc institutional responses for other displaced persons' (Martin 2004, 302). Inadequacies include: lack of clear responsibilities for IDPs; lack of coordination amongst agencies; inconsistencies in responses to different categories in different regions; lack of resources; and the failure to achieve durable solutions.

This Section examines the evolution and characteristics of the forced migration regime and identifies the main actors within it. It goes on to examine some of the central issues in current reform debates, focussing on the refugee regime, protection and assistance for IDPs, and humanitarian coordination in complex emergencies. The Section concludes with a list of some of the major current challenges in international humanitarian work. This provides the context for subsequent Sections, which examine reform initiatives put forward by UNHCR, the European Union (EU), the UK and other states.

5.2   The concept of the international forced migration regime

The evolution of the forced migration regime[14] has unfolded in three essential forms:

- The establishment of institutions, most importantly UNHCR;
- The introduction of international legal instruments, such as the 1951 UN Refugee Convention;
- The development of international norms relating to the treatment of refugees, such as the right to seek and enjoy asylum in another state. (Crisp 2003).

The international refugee regime thus consists of a set of *legal instruments*, a number of

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[14] In political science, the term 'regime' is used to characterise sets of political and administrative arrangements developed to respond to or manage particular economic, social or political issues. Regime theory has become a specific branch of international relations research, with complex and competing paradigms for defining and understanding regimes in international politics. A discussion of such theories is not relevant to this Report, so we pursue a more pragmatic and historical approach to understanding the forced migration regime.

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institutions designed to protect and assist refugees, and a set of *international norms* concerning the treatment of refugees. The core of the regime is the 1951 United Nations Convention Relating to the Status of Refugees, which defines who is officially a refugee and what rights such persons should have. This has been extended by the 1967 Protocol (which removed the geographical and temporal limits of the Convention) and by the 1969 Refugee Convention of the Organisation of African Unity (OAU), which broadened the refugee definition to include people fleeing war (Loescher 2001, 125-6). The most important institution is the Office of the United Nations High Commissioner for Refugees (UNHCR), but many other international organisations play a part: intergovernmental agencies like the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF); the International Committee of the Red Cross (ICRC); as well as hundreds of NGOs such as OXFAM, the International Rescue Committee and Médecins Sans Frontières. States and their appropriate agencies as well as national humanitarian organisations may also be seen as part of the regime.

The international refugee regime can be seen as a complex and changing constellation of actors, rules and practices. It is not a coherent whole, since it embraces a range of conflicting views and practices; moreover, the actors are in a constant state of flux. Nonetheless, its empirical reality cannot be denied, in view of its legal and institutional framework, and the importance of its practices for both refugees and states. However, it is far less clear that there are comparable international regimes for other types of forced migrants – such as IDPs, asylum seekers or returnees – or to cover forced migration in general.[15] Indeed the majority of forced migrants in today's world are not covered by the refugee regime. IDPs are often worse off than refugees, because they may have no recognised legal status in national or international law and lack the protection of an international institution like UNHCR. In addition, as pointed out in Section 3, it appears that international humanitarian actors have not always been effective in providing adequate protection and assistance to particular groups. Despite headquarters level declarations on the importance of age and gender-sensitive approaches, such measures often seem lacking at the operational level.

Attempts have been made to address such gaps by applying general principles of international humanitarian and human rights law to other kinds of forced migrants. The UN's 1998 Guiding Principles on Internal Displacement are an attempt to codify such norms. Similarly, UNHCR has become increasingly concerned with other types of forced migrant over the last 20 years, leading to both explicit and implicit expansions of its mandate (Loescher 2001, Chapter 9). The value of such ad hoc measures has been questioned by some observers, leading to calls for institutional and legal changes to provide systematic protection and assistance for all the groups affected by complex humanitarian emergencies. The late Arthur Helton proposed the establishment of an intergovernmental mechanism for Strategic Humanitarian Action and Research (SHARE) (Helton 2002), while Susan Martin recommends the appointment of a 'UN High Commissioner for Forced Migrants', responsible for refugees, IDPs and other displaced persons (Martin 2004).

Such a step would certainly be emblematic of a move to a general international regime for all forced migrants, but it is unlikely to come about in the foreseeable future, due to strong resistance from both international agencies and states. At present, therefore, it would be

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[15] The question of a regime for persons displaced by development projects or disasters is equally important, but does not fall within the scope of this study (see for instance Cernea and McDowell 2000).

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more accurate to speak of a *number of regimes* at varying stages of development for various types of forced migrants. The refugee regime is well established – but even that is much criticised and in constant flux. Regimes for IDPs, returnees and other types of forced migrants exist only in fragmentary, incipient forms, and therefore provide limited and often inadequate protection. Lack of clear rules and institutional responsibilities is clearly at the heart of the problems faced by the international community at present, so it is important to identify gaps, overlaps and deficiencies, in order to work towards more comprehensive and effective solutions.

An even broader concept than the international forced migration regime is that of *humanitarian action*, which covers a wide range of international responses to emergencies of all kinds. Mainly as a result of increases in both the number and prominence of conflict situations, funding for humanitarian assistance has grown sharply. In 1970, humanitarian assistance attracted only 3 per cent of total overseas development aid (ODA); by 1990 the figure was 10 per cent. The total annual volume of humanitarian assistance at present is estimated to be about $10 billion (ALNAP 2004). This figure may seem high in absolute terms, but is rather insignificant when compared with the vast military budgets of many states, or with the actual costs of conflicts in the developing world.

The volume of funding for humanitarian action raises the issue of *proportionality*: i.e. is assistance given out on the basis of need, and is it roughly equal for different groups of beneficiaries with similar needs? Figures on disbursements for a range of recent emergencies indicate large variations: per capita grants ranged from $2 in Ethiopia (2000), to $5 in Burundi (2001), $9 in Somalia (1995), $12 in Afghanistan (2001), $19 in Rwanda (1995), $47 in Kosovo (1999) and $116 in Bosnia-Herzegovina (1993) (ALNAP 2004). Such differences indicate that need is not the only – or even the main – factor in deciding on the level of humanitarian action. Other possible factors include strategic or political importance of a region, geographical proximity to donor nations and media exposure given to a specific situation.

5.3   The main actors

This discussion of the main actors concerned with responding to forced migration is partly based on the expert paper for this study (Keely 2004). Some additional source material has been used; the account also draws on some of the consultations carried out for the project.

5.3.1   *The United Nations High Commissioner for Refugees (UNHCR)*
The Office of the United Nations High Commissioner for Refugees (UNHCR) is undoubtedly the most important single institution in the international refugee regime. In 2004, UNHCR had more than 6,000 staff in 115 countries providing protection and assistance to some 17 million refugees and others of concern. UNHCR's total budget for 2004 was $1 billion. It is dealt with at length in Section 6 of this Report. UNHCR is the only body with a specific mandate to protect refugees. It was established in 1950 by a Statute of the UN General Assembly. The Office of the UNHCR has become a global institution based in Geneva, but with national and regional offices all round the world. The High Commissioner is appointed by the General Assembly of the United Nations. The Office has an Executive Committee (ExCom) made up of representatives of 58 states, which oversees the work programme, finances and administration. UNHCR has three basic functions:

- Protection of refugees;

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- Coordinating and facilitating assistance;
- Working towards durable solutions to refugee situations.

Over time, the organisation has grown considerably, expanding into new areas (especially in the developing world) and taking on new tasks. It has become an operational humanitarian agency, which runs camps and delivers aid. It has also taken responsibility for groups other than refugees, including some IDPs, asylum seekers and returnees. This shift in tasks has led to frequent debates about the balance between its functions. Some critics fear that the additional activities weaken its central role as a protection body. Others see the added activities as conducive to protection. UNHCR is currently proposing measures to facilitate the transition from relief to development in long-term displacement and post-conflict situations (see Section 6 for details). Such activities might be seen as going beyond UNHCR's remit, but High Commissioner Lubbers argues that durable solutions are central to the protection mandate.

It is also important to draw attention to the key role played by the High Commissioner in setting the directions and priorities of UNHCR. Successive incumbents have had very different approaches, and their relationships with the various donor states have also differed (Loescher 2001). Certain policy initiatives are closely linked with a specific High Commissioner, and may not be sustained when the leadership changes. In the 1990s, the expansion of the role of UNHCR as a broad humanitarian assistance agency was seen as the project of High Commissioner Ogata, and was partly rolled back after her departure. The current Convention Plus initiative has been very much the project of High Commissioner Lubbers, which raises questions of continuity when his mandate ends on 31 December 2005.

5.3.2   The UN Office for the Coordination of Humanitarian Affairs (OCHA)

UN Office for the Coordination of Humanitarian Affairs (OCHA) was established in 1998 as a successor body to the UN Department for Humanitarian Affairs, which had been set up 1992 to coordinate UN responsibilities in major and complex emergencies and natural disasters. OCHA was given the additional responsibilities of coordination of humanitarian response, policy development and humanitarian advocacy. It also became the coordinating agency for the Consolidated Appeals Process (CAP), the UN's main mechanism for securing donor finance for humanitarian relief. In 2002, an Inter-Agency Internal Displacement Unit was established for a trial period within OCHA. This Unit was reviewed in late 2003. The review found that the UN response to internal displacement was inadequate, that the Unit lacked focus and strategic purpose, and that the UN operational organisations were reluctant to embrace effective collaboration. As a result of the critical findings of the review, the Unit was restructured and upgraded to a Division, with an experienced and senior Director, Dennis McNamara.

OCHA is of considerable importance in the field of forced migration, because it is responsible both for UN responses to IDPs and for coordination of humanitarian action in complex emergencies. Both these functions are discussed at more length later in this Section. Here the focus is on the rather complex institutional aspects of OCHA.

The head of OCHA is at the same time the Under-Secretary General (USG) for Humanitarian Affairs and the Emergency Relief Coordinator (ERC). As ERC, the Coordinator chairs the Inter-Agency Standing Committee (IASC) that brings together all the main humanitarian organisations, including UN agencies, funds and programmes, the

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Red Cross Movement and major NGOs. The Coordinator is the Secretary General's principal advisor on humanitarian affairs. As such he is the Convener of the Executive Committee for Humanitarian Affairs (ECHA). ECHA is a forum in which the humanitarian community and the peace keeping and political departments can discuss humanitarian issues and crises. Resident in-country humanitarian coordinators report to the ERC. Thus this one job involves five roles: Under-Secretary General, Emergency Relief Coordinator, Chair of IASC, Principal Advisor to the Secretary General, and Convener of ECHA.

OCHA is essentially a policy body rather than an operational organisation. Nonetheless, the need for advocacy and coordination at the field level has led to considerable expansion. At beginning of 2005, OCHA had 860 staff members in New York and Geneva and in field offices all over the world. The 2005 budget is $111 million, of which only one about tenth ($11 million) comes from the regular UN budget. The rest has to be raised through extra-budgetary resources donated by member states and donor organisations. This has led to problems when donor contributions have been received very late in the year, leading to delays in implementing planned activities. Earmarking of funds for specific activities by donors has also limited OCHA's flexibility (OCHA 2005). OCHA works with UN agencies and other bodies through the so-called 'collaborative approach', which is described below. DFID has been a major funder of OCHA, providing £9 million between 1999 and 2002.[16]

5.3.3 Other UN agencies

Many UN agencies participate in activities relevant to forced migration in the areas of protection, emergency relief, post-conflict reconstruction and development. The Office of the High Commissioner for Human Rights (UNHCHR) promotes the rights and safety of refugees and IDPs, through monitoring and advocacy by its field offices. It supports the work of the Representative of the Secretary General on the Human Rights of Internally Displaced Persons (RSG-IDP)(see below), as well as Special Rapporteurs on issues like population transfers, freedom of movement, and forced evictions. The Office has sponsored a number of workshops in various countries to introduce and discuss the *Guiding Principles on Internal Displacement*, with the aim of getting these recognised as a framework to protect IDPs.

The UN Children's Fund (UNICEF) has assisted forced migrants for many years and has affirmed its commitment to provide emergency assistance to refugee and displaced women and children. Its mandate is grounded in the Convention on the Rights of the Child and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The UN Development Program (UNDP) has collaborated with UNHCR for many years in conflict and post-conflict situations – although that cooperation has not always been optimal, due to inter-agency rivalries. Discussions on overcoming the relief-development gap are premised on UNDP's leading role in UN development activities. UNDP claims the roles of prevention, coping and recovery regarding forced migrations. It attempts to sustain development in crises and reinforce development activities as soon as possible in the post-conflict situation. The UNDP representative is often the coordinator of efforts on behalf of IDPs.

The World Food Program (WFP) emphasises adequate food as a basic human right. It has a central role in emergency situations, and seeks to provide food and build nutritional self-

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[16] Information supplied by DFID-CHAD.

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reliance. WFP analyses situations of vulnerability, plans for appropriate inputs in emergency situations, and tries to improve management for delivery, including decentralised operations.

The UN Department of Peacekeeping Operations (DPKO) at times helps protect forced migrants (e.g. Rwanda and former Yugoslavia) and protect the assistance activities of UN and other agencies (e.g. Somalia and former Yugoslavia). Some operations, such as UNIFIL in southern Lebanon, have provided humanitarian assistance. Mine clearance is another vital activity performed by peacekeepers.

Other UN agencies also play a part, such as UN Habitat (providing shelter and planning long-term housing approaches), the World Health Organisation (WHO) (public health and medical care in emergency and post-conflict situations) and UNESCO (education, protection of cultural heritage). There is not space to adequately describe their role in forced migration situations here.

Collaboration between agencies can be crucial to successful action in complex emergencies, but can sometimes prove difficult, due to differing mandates, organisational priorities and institutional cultures. Of particular importance in the context of this Report is the interaction between UNHCR and UNDP, since these organisations represent the two sides of the 'relief-development gap'. In recent years there have been some advances in coordination – at the structural level at least – manifested in initiatives like OCHA, the Inter-Agency Standing Committee (IASC) and the UN Development Group's Working Group on Transition Issues. These are discussed later in the Report.

5.3.4   *The International Organisation for Migration (IOM)*
The International Organisation for Migration (IOM) is an intergovernmental organisation, but is not part of the UN system. IOM takes on a broad range of tasks in the migration field, including research, policy development on migration management and the production of regular *World Migration Reports*. In complex emergencies, IOM provides expertise in health, transportation and other services. It assists in post-conflict situations in such areas as resettlement, institution building, assistance to returnees and former combatants. IOM programming covers a wide range of activities from assistance to vulnerable returnees, family tracing, support of micro-economic activities, and support for former combatants. IOM's mandate is not defined in an international convention, which gives it the flexibility to take on new tasks, such as providing assistance to IDPs. It has therefore sometimes carried out activities rejected by UNHCR as incompatible with its protection mandate, such as assisting Australia in its 'Pacific Solution' for offshore processing of asylum claims. Some of the current proposals for new initiatives in refugee processing include a significant role for IOM.

5.3.5   *The Red Cross/ Red Crescent movement*
This is in a category of its own, since it considers itself as neither intergovernmental nor non-governmental. Set up in 1863, the International Committee of the Red Cross (ICRC) describes itself as impartial, neutral and independent. Its mandate is based on the 1949 Geneva Conventions and Protocols, and its mission is to protect and assist victims of war and internal violence. ICRC can therefore protect and assist both refugees and IDPs, and can play an important role in complex humanitarian emergencies. ICRC is a separate body from the International Federation of Red Cross and Red Crescent Societies, but cooperates closely with it, and with national red cross and red crescent organisations on issues related

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to forced migration.

5.3.6   Non-governmental organisations (NGOs)
A very large number of NGOs are involved in activities to protect and assist refugees and other forced migrants. Most such organisations also play an advocacy role, and the balance between the functions can vary considerably. NGOs include nationally-based groups in both areas of origin of refugees and destination areas, as well as international organisations. Some of the latter are very large and influential. They often have professional management structures and work in many countries. Such organisations include Oxfam, Save the Children, Médecins sans Frontières, the International Rescue Committee, Amnesty International and Human Rights Watch – as well as hundreds of smaller groups.

Although these organisations cannot be described in detail here, much of the on-the-ground work throughout the world is actually done by NGOs, either using their own resources (usually raised through charitable appeals) or delivering services under contract for international agencies and governments. NGOs often have considerable expertise, as well as commitment, and play a vital role in protection and assistance efforts. Humanitarian workers tend to move between NGOs, government agencies and intergovernmental organisations, creating a pool of knowledge and experience, which is vital for successful interventions in difficult situations. On the other hand, staff turnover is very high and the continual deployment of very young staff without dependents in emergency operations can result in a serious problem of loss of institutional memory, with noticeable adverse effects on policy and programming.

5.3.7   Civil society organisations (CSOs)
In many emergency situations, important work to support forced migrants is done by local Civil Society Organisations (CSOs). These may be relatively informal groups (like neighbourhood associations) or more formal organisations (for instance charities, professional associations or trade unions). The boundary between CSOs and international NGOs is rather fluid. Their role is often ignored, because they are not in receipt of external funds (and hence are not monitored as part of the humanitarian/refugee regime). However many people concede that in most humanitarian emergencies they play a major role – and sometimes are the sole source of assistance. Strategies to strengthen CSOs and to support their work with forced migrants could be an effective part of aid policies in this area.

5.3.8   International financial institutions
The World Bank has taken initiatives to address development-induced displacement and resettlement. Of more relevance for this Report is the role of World Bank (sometimes in collaboration with the IMF and regional development banks) in helping to support post-conflict reconstruction programmes, particularly since the late 1990s. The World Bank Post Conflict Fund has provided fairly modest grants for reconstruction projects since 1997, with an annual funding volume of between $8 and $15 million. The World Bank is also a key participant in preparing Poverty Reduction Strategy Papers (PRSPs) for many countries affected by conflict. To the extent that the PRSPs do address the needs of displaced populations, the World Bank may become involved in funding activities designed to re-integrate returned refugees, or to support local integration of long-term refugees in host countries.

While the IMF has been involved in some post-conflict reconstruction programmes together with the World Bank, it is notable that its analytical paradigm has not been keyed

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in to the specifics of post-conflict countries. The IMF, according to our consultations, remains the only major institution to have escaped donor scrutiny regarding its involvement in this policy field to date. This has led to the macro-economic framework remaining the only – albeit an essential – part left out of the recent transition discourse. Respondents expressed a desire for donors in general, and the UK in particular, to exert some pressure in this area, pushing for holistic solutions in the interest of developing countries. This was successfully done, for instance, during the recent debt-relief efforts for Sudan, where the UK government had taken over the initiative from the IMF, significantly improving the dynamics of the process and helping effect a robust political solution.[17]

5.3.9 States

States have the obligation to protect all their citizens and residents. In addition, there are specific obligations to refugees under the 1951 Refugee Convention, and to all persons under a range of other international instruments. This means that governments of countries of origin of forced migrants have an obligation to facilitate reintegration and return; and governments of countries of asylum and transit have an obligation to respect the right of *non-refoulement,* and to provide protection and assistance. States are also the main donors to the forced migration regime, and play a big role in making policies and facilitating humanitarian action. However, various government departments have differing objectives, tasks and priorities, so that problems of coordination may arise. Achieving 'whole of government policies' can be as difficult as achieving coordination among the various UN agencies. (See Section 8)

5.3.10 Regional organisations

The development of regional bodies that coordinate state policies and even take on supranational functions (in the case of the EU) has added a new group of actors to the forced migration arena. The EU is taking an increasingly active role in European asylum and refugee policy, with the objectives of harmonisation of Member State policy and the establishment of European institutions to handle migration (see Section 7). Other regional organisations have not gone so far. However, the 1969 OAU Refugee Convention has played a significant role in the development of international law and protection practice, as has the 1984 Cartagena Declaration of the Organisation of American States (OAS). Other regional bodies, like the Association of South East Asian Nations (ASEAN) and the Economic Community of West African States (ECOWAS) have, to a limited extent, also developed policies and participated in actions concerned with conflict resolution and assistance to refugees.

5.3.11 The forced migrants themselves

As Keely (Keely 2004) points out, it is commonplace for organisations working in the field to emphasise that refugees and other forced migrants are not just victims, but also important partners in working towards solutions. However, in reality, forced migrants are often excluded from policy debates and decision-making at all levels. Behind the scenes, though, forced migrants and their families develop informal networks and take action to improve their situation and develop new livelihoods. The neglect and marginalisation of forced migrants' own agency and activities is no doubt an important cause of difficulties in implementing top-down policies (Castles 2004). Attempts are now being made to understand the characteristics and impact of migrant self-organisation – for example with regard to remittances and informal credit systems – and to make use of these in return and

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[17] Information from consultations conducted for this study, July - September 2004

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reconstruction strategies. However, ALNAP studies of beneficiary participation in humanitarian initiatives show that while the rhetoric is well developed, the practice is still extremely weak. An important area for future research and policy development concerns the role of diasporas in providing resources to displaced groups (see Section 8).

5.4   The development of the international refugee regime

This is not the place for a detailed history of the legal and institutional framework for refugee protection which emerged after the Second World War (Adelman 2001; Chimni 1998; Harrell-Bond 1986; Keely 2001; Loescher 2001; UNHCR 2000; Zolberg et al. 1989). Keely's paper for this study summarises this history, and emphasises the links between the rise of the nation-state model and forced migration (Keely 2004). The aim here is to map out trends that are significant for current debates on reform of the system.

International efforts to help refugees started after the First World War, when the League of Nations appointed a High Commissioner to organise protection and assistance for Russian refugees, and then extended the mandate to cover Greek and Turkish population exchanges. Later efforts to assist refugees from Nazi Germany led to the creation of the Intergovernmental Committee on Refugees in 1938, but this received little support and was ineffective. Towards the end of the Second World War, the allies established the United Nations Relief and Rehabilitation Agency (UNRRA) to organise the repatriation of the millions of displaced persons in Europe. This led to disputes, when many of the displaced were unwilling to return to the Soviet Union and Eastern Europe. A new International Refugee Organisation (IRO) was set up to empty the displaced persons camps and settle the inhabitants in Europe or overseas – largely in Australia, Canada and the USA. Following the displacement of large numbers of Palestinians from what became Israel, a UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was established. This organisation still operates today, providing a special regime for Palestinians, separate from UNHCR.

All these efforts concentrated on Europe and the aftermath of the Second World War. The international community played no role in addressing the huge forced migration movements taking place at this time in the Indian sub-continent and China. This Eurocentric perspective continued in the negotiations leading to the establishment of UNHCR in 1950 and the agreement on the UN Refugee Convention in 1951. The Office of the UNHCR had a temporary mandate, and was to be non-operational with regard to humanitarian assistance. The Convention was limited to refugees in Europe whose flight was due to events occurring prior to 1951. This limitation was later removed by the 1967 Protocol on the Status of Refugees, although some countries (such as Turkey) still maintain the restriction to European refugees.

Keely points to some of the central assumptions of the post-war refugee regime that continue to influence thinking today (Keely 2004):

- The main legal and institutional frameworks are based on the tacit assumption that refugees are a temporary phenomenon that needs addressing in a limited time frame.
- The 1951 Convention is based on the notions of individual persecution and individual determination.
- UN structures are based on a separation between organisations concerned with humanitarian protection and relief, and those concerned with development.

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- The post-war regime was based on a strong doctrine of state sovereignty. The international community was only concerned with forced migrants outside their own country. Sovereignty prevented international action to protect and assist IDPs, unless the state concerned requested it.

In the 1950s UNHCR focused on Europe. By the 1960s, UNHCR began to play a major role in dealing with refugee flows resulting from struggles around colonial liberation and state formation in newly independent nations in the South. UNHCR became a humanitarian agency working in the South, while Cold War refugee flows in the North were largely handled by states themselves. According to Keely (Keely 2001; Keely 2004) and other observers (Chimni 1998), a *dual refugee regime* emerged.

The *Southern refugee regime* centred on UNHCR, which took responsibility for assisting refugees in camps or hosted outside camps by local populations. The solution of permanent resettlement in developed countries was not seen as appropriate – except for Indo-Chinese and Cuban refugees who fitted the Cold War mould. The objective was repatriation as soon as possible. Assistance was seen as an emergency measure, quite separate from development aid. There was little coordination or cooperation between relief agencies like UNHCR and development agencies like UNDP. In fact many of the refugee flows were the result of proxy wars arising from East-West rivalry, and aid sometimes had the effect of keeping such conflicts going, while hindering escalation into all-out inter-bloc warfare.

The *Northern regime* was an even more direct part of the Cold War. In Europe states developed and ran an asylum regime, with little help from UNHCR, that welcomed and resettled those escaping from the East. Despite the principle of individual determination, refugees were accepted simply on the basis of coming from a communist country – that was seen as sufficient proof of persecution. There was no thought of repatriation. In North America, Australia and Europe, a system of resettlement was developed. Hungarians, Cubans, Indo-Chinese, and occasional defectors were all given permanent settlement. Keely notes:

> This system had a very different logic from the Southern system and earlier League and UN efforts in Europe. This regime was not organised to deal with a failure of the state system that resulted in unwanted migration of people without state protection. The Northern system was meant to encourage migration, although an important factor that made the system viable in the West was that the numbers would be limited by totalitarian governments' policies of no exit. Repatriation was not the preferred solution. *The goal was not to bring stability back to a system where citizens fled their government but to induce instability or at least embarrassment and encourage migration.* The refugee flows had the domestic political function in Western countries of reinforcing anti-communist containment policy. The costs of resettlement were a small price to maintain political support for a cornerstone foreign policy. (Keely 2004, emphasis added)

The Northern regime came under pressure from the mid-1980s, when the number of asylum seekers started to increase sharply, with many coming from Africa, Asia and Latin America. This was the beginning of the asylum debate, which was to become highly politicised in the 1990s with the end of the Cold War. The Northern regime – designed as part of the Cold War – lost its rationale, while Northern states lacked legal frameworks and institutional arrangements to handle new types of asylum migration. This was a time of

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general increase in flows of refugees and asylum seekers (see Section 2). In this situation, the generous resettlement-based refugee approach of the Cold War period was abandoned. Northern countries moved towards a system of asylum determination based on the Refugee Convention criteria of individual persecution.

It was widely believed that many asylum claimants were really economically motivated, and were abusing the system. A range of measures was taken to improve border control and to exclude false claimants, including visa requirements, carrier sanctions, temporary protection systems for war refugees, and safe third country rules. National asylum regimes were tightened up to deter claimants through prohibitions on work, reduced welfare entitlements and detention of certain groups. European cooperation through the Schengen Agreement, the Dublin Agreement and the European Union was designed to improve border protection, prevent 'asylum shopping' and harmonise polices. Inevitably, such steps often made it difficult for genuine refugees to enter a potential asylum country to lodge a claim. An unexpected, though unsurprising, side-effect was to force many refugees into the hands of people-smugglers, generating a new and lucrative (albeit illegal) transnational business opportunity. People smuggling appears to be as profitable as drugs or arms-dealing, but far less risky for the perpetrators, who never enter the country in which an offence is committed, and therefore enjoy impunity.

The emphasis of the international refugee regime thus shifted to containment of refugees in their areas of origin. This reflects global structures, in which the main power lies with the major Northern donor nations. These nations can impose their situation definitions on poorer Southern nations, making the stemming of flows to the industrialised countries the main priority, often with detrimental consequences for refugees and refugee host countries in the South. In fact, despite public perceptions in countries like the UK, the great majority of refugees have remained in the South. Unfortunately, Southern host countries have also found it hard to cope with growing numbers, at a time when international assistance was often declining. Crisp notes that, with the end of the Cold War, donor states had less interest in using refugee assistance programmes as a means of developing close ties with potential allies in the fight against communism. 'Indeed, many of the world's largest refugee populations are currently to be found in countries which have little geopolitical significance and which have been bypassed in the process of globalisation' (Crisp 2003). Moreover, some Southern governments have noted the unwillingness of their Northern counterparts to receive increasing numbers of refugees, and have followed their example.[18]

5.5   Towards better international action for internally displaced persons?

The figures presented in Section 2 above showed that the largest category of people forced to flee by violence and persecution today are not refugees, but internally displaced persons (IDPs). IDPs now number around 25 million – compared with less than 10 million refugees recognised under the 1951 Convention. Yet, as previously highlighted, there is no international regime for IDPs: no international convention, no UN institution with a specific mandate to protect and assist IDPs, no powerful normative framework to guide the actions and policies of states.

Up to the end of the cold war, the international community paid relatively little attention to IDPs. Statistics on this group only go back to the 1980s and are notoriously unreliable. It is

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[18] Information from interviews with senior NGO staff and with diplomats from Southern countries.

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only since the 1990s that international agencies and governments have become aware of the significance of IDPs. Since then, there has been a series of attempts to improve legal and institutional frameworks for them. Such attempts have encountered serious obstacles, and have not so far led to adequate arrangements for protection and assistance.

Responsibility for IDPs is closely linked to the issue of coordination in *complex humanitarian emergencies*. These produce a variety of types of displacement (e.g. refugees, IDPs, asylum seekers, people displaced by environmental factors and development projects), which are hard to separate in practice. Such emergencies involve a wide range of humanitarian actors, including agencies of affected states and donor states, intergovernmental agencies and NGOs. Attempts by the UN system to improve coordination in such situations (both in the field and at headquarters level) have been frequently linked to debates on responsibility for IDPs. In the following, the focus is on IDPs, while the issue of coordination in complex emergencies is dealt with in the subsequent sub-section.

5.5.1 *IDPs, sovereignty and responsibility*
An underlying reason for the growth in the number of IDPs may be that a declining willingness to accept refugees in potential host countries has forced displaced people to stay within the borders of their homeland, however dangerous their situation. In addition, many conflict-affected countries are very poor and their populations lack the resources needed for international migration. Sometimes it seems that, in situations of generalised violence, better-off people flee across borders, while the poor are only able to move internally.

One reason why the international community appears to have paid little attention to IDPs until quite recently was that they were seen as the responsibility of their home government and therefore not an international issue. This perception changed from the late 1980s, partly due to the rapid increase in internal displacement in former Yugoslavia, the successor states to the Soviet Union and in some countries of the South. Another reason for increased concern was the realisation that internal displacement situations could have major impacts on national and even international politics, and could easily spill over into cross-border refugee movements. In addition, border restrictions, which make it very difficult for asylum seekers to enter legally, have given impetus to people-smuggling and trafficking operations. IDPs who are keen to seek protection elsewhere may be forced to use the few resources they have to pay smugglers, or alternately to get into severe debt to smugglers, encouraging sexual exploitation and debt bondage.

From at least the 1970s, UNHCR has provided aid to people still within their home countries. This has been legitimated through the notion of the 'good offices' of the High Commissioner, based on resolutions of the UN General Assembly. However, UNHCR only assists IDPs in an ad hoc way and generally only when IDP situations are linked to issues concerning refugees or returnees (Martin 2004, 304-5).

The lack of a mandate and a responsible institution for the protection and assistance of IDPs has long been seen as a critical weakness in the international humanitarian system (Loescher 2001). High-profile emergencies of the 1990s, such as the displacement of Iraqi Kurds and the internal displacements during the wars in former Yugoslavia, emphasise this. In these cases, UNHCR was called upon to play a key role, but it did so on an exceptional or ad hoc basis. However, internal displacement has been an enduring problem in many

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other less well-known situations (Cohen and Deng 1998a; Cohen and Deng 1998b).

In 2000, US ambassador Richard Holbrooke suggested that UNHCR should be made the lead agency for all IDPs. UNHCR's experience and capability in providing protection was seen as crucial for providing effective support to IDPs. However, UNHCR resisted on the grounds that the magnitude of this role exceeded its capacities. Both High Commissioner Ogata and her successor, Ruud Lubbers, argued that UNHCR could only take on responsibility for IDPs in special circumstances. High Commissioner Lubbers referred to the criteria as 'the three green lights':

1. The consent of the UN Secretary General;
2. The consent of the Government of the country concerned;
3. The assurance of adequate resources.

On this basis UNHCR currently assists only about one fifth of the global total of IDPs.

Sovereignty is the key issue here. Since IDPs remain within their home country, intervention by an international body would violate the fundamental principle of state sovereignty in its own territory. This is problematic when this is the very government which has permitted or even instigated the violence or human rights violations which led to flight. However, in recent years the doctrine of a right (or even a duty) of intervention has been developed, in cases where a state violates or fails to protect the human rights of its own citizens. In his address to the opening session of the 1999 General Assembly, UN Secretary General Kofi Annan argued that state sovereignty was not unconditional, but depended on a state also taking responsibility for the protection of its citizens. This position was subsequently reiterated in *The Responsibility to Protect*, a 2001 report issued by the independent International Commission on Intervention and State Sovereignty (ICISS).[19] Annan then reaffirmed his view at the 2004 Stockholm International Forum 'Preventing Genocide: Threats and Responsibilities':

> [T]he issue is not one of a right to intervene, but rather of a responsibility - in the first instance, a responsibility of all States to protect their own populations, but ultimately a responsibility of the whole human race, to protect our fellow human beings from extreme abuse wherever and whenever it occurs. (Annan 2004)

The rationale for this new doctrine is that, in an increasingly interconnected world, behaviour by states that leads to mass flight must be seen as a threat to international security. The result since 1991 has been a series of humanitarian interventions ranging from food drops to military invasions in Iraq, Bosnia, Somalia, Haiti, Kosovo, East Timor and Afghanistan (Keely 2004; Roberts 1996; Roberts 1998).

5.5.2 *The lead agency versus the collaborative approach*
In the debates around major IDP emergencies of the 1990s (Northern Iraq, Bosnia-Herzogovina, Sudan, Angola, Kosovo, etc), two schools of thought competed: the 'lead agency' model and the 'collaborative approach' (Borton et al. 2005). Many people involved in humanitarian action thought that a single strong agency should be given a mandate to protect and assist IDPs. As already noted, the main candidate for this role was UNHCR but

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[19] A good summary is provided by the World Federalist Movement:
 www.wfm.org/protect/background/index.php; the report itself is available at
www.dfait-maeci.gc.ca/iciss-ciise/report-en.asp.

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this was declined by High Commissioner Ogata due to concerns about their capacity and the available resources. Other UNHCR officials feared that extending the organisation's mandate could water down the mandate and resources for the traditional constituency of refugees. In addition, other powerful agencies were unwilling to accept UNHCR leadership in an area that covered their own responsibilities.

By the late 1990s, there was a strong trend towards a 'collaborative approach' designed to improve communication and cooperation between the various agencies. The confusing plethora of inter-agency committees, working parties and focal points needed to be streamlined and rationalised. This had been the task of the IASC established back in 1992, but little had been achieved. The establishment of OCHA in 1998, of the Senior Inter-Agency Network on Internal Displacement in 2000, and of the OCHA Inter-Agency Internal Displacement Unit in 2002 were all seen as steps to improve collaboration. However, responsibility for IDPs is still dispersed among a wide range of agencies.

5.5.3 Current institutional responsibility for IDPs

Activities concerning IDPs are currently shared between:

- The Representative of the Secretary General on the Human Rights of Internally Displaced Persons (RSG-IDP). Professor Francis Deng (a former Sudanese diplomat living in exile in the USA) was appointed in 1992 and served until 2004. In September 2004, the Secretary-General appointed Swiss international lawyer Professor Walter Kälin as his new RSG-IDP.
- The Brooking-SAIS Project on Internal Displacement, which has acted as a think-tank and secretariat for the RSG-IDP. This was recently renamed the Brookings-Bern Project on Internal Displacement.
- The Global IDP Project of the Norwegian Refugee Council, established in 1996, a Geneva-based monitoring and advocacy body working to improve protection and assistance for IDPs.
- The UN OCHA Inter-Agency Internal Displacement Unit established in 2002 and based in Geneva. Its mission was to coordinate UN agency responses to IDP situations and to encourage a system-wide approach. As previously noted, this Unit was restructured and upgraded to a Division after a highly critical review.
- The UNHCR, which takes responsibility for IDPs only where their situation is linked to that of refugees or returnees.
- The Red Cross Movement, with its long-standing role of helping civilians affected by armed conflict.
- A range of other UN agencies and non-governmental organisations, which take operational responsibility for various aspects of relief and protection for IDPs.

The frequent changes, the range of actors, the absence of clearly delineated responsibilities and the lack of specific long-term funding arrangements all show that the 'regime' for IDPs is still evolving, and that satisfactory long-term arrangements have yet to be achieved.

DFID has played a significant role in encouraging the development of institutional arrangements in this area, and has been a major funder for key actors. DFID provided £1.4 million from 2000-2004 to support the work of the RSG-IDP through the Brookings-SAIS Project, as well as £225,000 to support the Global IDP Project. A share of the £9 million provided to OCHA from 1999-2000 went to the Internal Displacement Unit – funding to OCHA continues at a high level, with a substantial proportion going to the Internal

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Displacement Division.

5.5.4 The Representative of the Secretary General on the Human Rights of Internally Displaced Persons and the Brookings-SAIS Project

From his appointment in 1992, the first RSG-IDP Francis Deng had no formal authority and had to act without any operational capacity and with extremely limited financial and logistical support. Most of his resources were provided by the Brookings-SAIS Project on Internal Displacement (referred to as 'the Project' from now on). This was a joint project of the Brookings Institution – a leading US foreign policy think tank – and of the Paul H. Nitze School of Advanced International Studies at Johns Hopkins University, Washington DC.

A DFID review of the Project found that it had been generally successful in supporting the RSG-IDP to fulfil his mandate at laid down by the UN Commission on Human Rights (Maguire et al. 2004). It is widely recognised that RSG-IDP has done a great deal to raise public and political awareness of the plight of IDPs, and to persuade states and international organisations of the need for more effective action in this area. Professor Deng's approach was to work with states to improve conditions for IDPs, and to increase international understanding of the legal, human rights and relief issues involved.

One of the RSG-IDP's key achievements has been to work out a set of *Guiding Principles on Internal Displacement* (UN OCHA 2000) first issued in 1998. This is not a new legal instrument, but merely summarises existing human rights law as it applies to IDPs. The *Guiding Principles* have been translated into some 30 languages and distributed worldwide. Professor Deng used the *Guiding Principles* as an instrument to make states aware of their legal responsibilities, and called for their adoption in national legislation, which has been done in several states including Angola, Bosnia-Herzogovina, Colombia, Kosovo, Uganda and Sudan. Of course, as these examples indicate, mere adoption in law does not necessarily imply effective implementation. The RSG-IDP and the Project have also issued some practice-oriented documents: *The Manual on Field Practice in Internal Displacement* and the *Handbook for Applying the Guiding Principles on Internal Displacement*. The three documents (including the *Guiding Principles* themselves) are increasingly used by governments and international and national humanitarian agencies to raise awareness and to guide policy and practice in countries with IDP populations.

The RSG-IDP has carried out many field missions to IDP-affected countries. By seeking an invitation from the government concerned, visiting IDP populations and holding seminars with the authorities and agencies involved, the RSG-IDP has been able to develop understanding of the situation and make specific recommendations for improvement. However, this often involves delicate negotiations with governments that can make it difficult to make critical comments. The RSG-IDP also lacks the political clout to insist on implementation of recommendations or, indeed, the operational capacity to follow up.

When the OCHA Inter-Agency Internal Displacement Unit was set up in 2002 (see below), attempts were made to coordinate between the RSG-IDP and the Unit. However, it proved difficult to achieve an effective partnership, with each side blaming the other for lack of communication and transparency. The 2003 Review of the OCHA Inter-Agency Internal Displacement Unit largely blamed this body for the problems (Maguire et al. 2004). In 2004, following the upgrading of the Unit to a Division led by Dennis McNamara, and the appointment of Professor Walter Kälin as the new RSG-IDP, relations improved. In

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November of that year a Memorandum of Agreement providing for substantial cooperation in important areas of IDP work was signed by the RSG-IDP, the OCHA Inter-Agency Internal Displacement Division and the Global IDP Project. The (renamed) Brookings-Bern Project continues to play a substantial role, with Walter Kälin and Roberta Cohen as its co-directors, supported by a team based at Brookings.

5.5.5   *OCHA's Inter-Agency Internal Displacement Unit/Division*
OCHA Inter-Agency Internal Displacement Unit was set up in 2002 to develop expertise and provide coordination for the activities of the various agencies and NGOs involved in IDP protection and assistance. However, the Unit was quite small and lacked operational capacity and permanent staff as it was made up of personnel seconded from other UN agencies, the IOM and NGOs. The emphasis was on collaboration between agencies rather than central direction by the Emergency Coordinator. In view of the vested interest of such organisations in maintaining their autonomy, the Internal Displacement Unit had little clout, and little real improvement in arrangements for IDPs was achieved.

Upgrading the Unit to a Division under the control of a senior UN official with a strong commitment to protection seems to reflect an underlying aim of giving OCHA a stronger coordination role with regard to IDPs and complex humanitarian emergencies. However, the Division remains relatively small and without operational capacity. It plans to focus on a limited number of IDP situations each year, starting with Sudan, Uganda, Somalia and Colombia. A detailed analysis of problems and priorities will be worked out in collaboration with the UN Country Team, and donors will be invited to respond to these. Other relevant international agencies, such as HABITAT and the UN High Commissioner for Human Rights (UNHCHR) will also be asked to play a part. The aim is to move towards comprehensive approaches. However, the Inter-Agency Division still lacks any formal authority to achieve coordination. If this collaborative approach does not prove effective within 1-2 years, OCHA may well put forward other options to provide stronger institutional leadership. Options could include: a stronger role for UNDP; an institution with similar structures to UN-AIDS the Joint United Nations Programme on HIV/AIDS; a semi-operational OCHA; or UNHCR responsibility for IDPs[20].

In the meantime, recent changes – most notably the restructuring of the OCHA Inter-Agency Internal Displacement Division and the emerging partnership with the RSG-IDP, the Brookings-Bern Project and the Global IDP Project – give cause for hope that the collaborative approach may at last bear fruit. DFID should encourage such trends through political and financial support – but should also monitor developments carefully to ensure that reform initiatives do not yet again get bogged down by institutional jealousies.

5.6   Recent coordination initiatives in the forced migration field

Policy debates over how to deal with IDPs have gone hand in hand with wider controversies about how to handle coordination of the many UN agencies and other humanitarian bodies involved in forced migration, especially in complex emergencies. UN agencies have differing mandates, experience and organisational cultures. Their considerable autonomy and their desire to pursue specific organisational objectives can hinder cooperation. Similarly, NGOs may have differing values, objectives and ways of working. In fast-developing emergency situations, the result can be competition,

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[20] Information from consultations conducted for this study, July - September 2004

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duplication of effort and lack of overall direction. This sub-section discusses three coordination initiatives of significance for forced migration: the emergence of OCHA as a coordinating body, the Consolidated Appeals Process, and the Good Humanitarian Donorship initiative.

5.6.1   The emergence of OCHA as a coordinating body

General Assembly Resolution 46/182 of 1991 attempted to address coordination problems through the creation of the Department of Humanitarian Affairs (DHA). This was to be headed by a senior official, the Humanitarian Coordinator, who was to coordinate the UN emergency response worldwide. The resolution also created the Inter-Agency Standing Committee (IASC), composed of the heads of the major UN humanitarian and development agencies. This was designed to institutionalise cooperation between the Humanitarian Coordinator, the various UN agencies, the International Committee of the Red Cross (ICRC) and the other important NGOs (Martin 2004, 308). However, the DHA did not meet expectations, due to lack of resources, confusion about its role and unwillingness to collaborate by leading agencies.

The DHA was replaced in 1998 by the new Office for the Coordination of Humanitarian Affairs (OCHA). OCHA was also made responsible for managing the *Consolidated Appeals Process* (CAP), an attempt by the UN to coordinate its financial appeals to donors for a range of emergency situations. By bringing all such appeals together, rather than letting individual UN agencies compete in separate appeals, the CAP attempts to provide a more strategic approach to humanitarian aid (Martin 2004, 310) (see below).

The problem of inadequate coordination among the various actors also exists at the field level. When emergency situations develop, the normal practice is to establish a Country Team to coordinate the responses of UN agencies and other humanitarian actors. This is headed by a senior official who is designated as the Humanitarian Coordinator. This has often led to difficulties: the various agencies are often unwilling to collaborate effectively, and may fail to respond to the leadership of the Humanitarian Coordinator. Moreover, the official appointed to this position is frequently the UN Resident Coordinator, who typically has expertise in development issues (and is often the UNDP country officer), and may lack experience of refugee and IDP issues and protection concerns.

General Assembly Resolution 46/182 of 1997 also sought to improve field-level coordination between the various actors, by making in-country Humanitarian Coordinators directly responsible to the UN Emergency Relief Coordinator (who is also the head of OCHA). However, little appears to have changed in recent years. The overlapping and sometimes conflicting priorities of the Humanitarian Coordinator and the Resident Coordinator may lead to a slow or inadequate response. 'Gaining access for operational agencies to forced migrants may not be a high priority, nor does the Humanitarian Coordinator necessarily have the experience and skills to negotiate such access' (Martin 2004, 312). One problem is clearly the lack of experience in emergency situations on the part of those in senior positions. However the key issue is the lack of clear authority to insist on close collaboration in emergency situations.

In response to this dilemma, the UN has now moved away from only recruiting UNDP personnel for these positions, and is increasingly drawing on outside expertise as well. This trend should continue and be supported by donors like DFID – what is needed in the future is a kind of 'hybrid coordinator' who will be in a position to appreciate both emergency

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assistance and development concerns.[21]

5.6.2   The Consolidated Appeals Process (CAP)

The Consolidated Appeal Process (CAP) was created by General Assembly Resolution 46/182 as a reaction to the inadequate international humanitarian response to the 1991 Gulf War and the 1994 Rwanda genocide. The aim was to better coordinate global fundraising for humanitarian emergencies. The goals of the CAP are priority-setting, cost efficiency by avoiding duplication, closer collaboration between relief actors and agencies and capacity building. It is thus a fundraising, as well as a coordinating and advocacy tool. The budgets for the CAP are based in large part on the Common Humanitarian Action Plans (CHAPs) which detail planned humanitarian activities for a given region or country. The CAP focuses on 'major and complex' humanitarian emergencies requiring a UN system-wide response. As well as UN agencies, participants include ICRC and IFRC, IOM, and NGOs and bilateral donors.

Reviews of the CAP have identified problems of under-funding, as well as lack of balance in allocation of funds. Typically CAPs generate less than half the sum regarded as essential by UN agencies with donors often earmarking funds to concentrate on areas they see as being of significance for their national interests[22]. According to a recent Oxfam report:

> Critics of the CAP process have argued that UN agencies overestimate needs, exaggerating the help that people require. Yet a recent evaluation of official Danish aid to Sudan identified 'a vicious cycle...whereby donors assume that appeals routinely overstate need, and revise their donations downwards. This leads operational agencies to reduce appeals according to what they envisage donors will tolerate.' The same evaluation concluded that persistent under-funding, particularly in response to the annual CAPs, had a negative impact on the humanitarian response, causing under-investment in the humanitarian system and in disaster-preparedness. (Oxfam 2000)

Despite attempts by OCHA to use the CAP to draw attention to 'forgotten crises' and mobilise support to address them there has been a persistent lopsidedness of donor funding in favour of selected high-profile emergencies. In large part this may be due to confusion on the part of donors as to the main objectives of the CAP – whether it is a needs assessment and a priority-setting exercise, a fund-raising tool, or a coordination effort (Smillie and Minear 2003).

The adequacy of the needs assessment underlying the CAP also continues to be a cause for concern, as there is no uniform, commonly agreed method of conducting such assessments:

> In theory, the Consolidated Appeal Process provides the basis for coordinating and linking decision-making of agencies and donors. In practice, however, field-level coordination mechanisms tend to provide information about decisions already taken, or progress reports on existing programmes. Effective coordination between headquarters is the exception, and the triaging of responses happens largely through appraisal by individual donors of agencies' funding requests. The CAP is not currently seen as an effective prioritisation mechanism. The appeal is constructed

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[21] Information from consultations conducted for this study, July - September 2004
[22] Information from consultations conducted for this study, July - September 2004

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around agency projects (almost exclusively UN), and so does not reflect a process of issue-based or sectoral prioritisation between agencies, based on joint assessment and analysis. The way in which the appeal document is presented gives little sense of relative priorities. Donors' response to appeals reflects preferences for certain forms of response over others, and for certain geographic areas over others. Although improvements in the CAP and CHAP have resulted in a stronger process of joint analysis, the sense persists of a disconnect between the analytical/ strategic component and the related portfolio of agency projects. Developing the role of sectoral working groups would help to overcome some of the perceived weaknesses of the process, and strengthen its ability to establish priorities for response. (Darcy and Hofmann 2003, 8)

The CAP is certainly relevant to the situation of refugees and IDPs, since most humanitarian emergencies involve displacement: virtually all of the seventeen countries and regions in the 2005 CAP are affected by forced displacement (OCHA 2005). Nonetheless, it is questionable whether the current CAP format pays sufficient attention to forced migration concerns, and there is scope for strengthening the approach of the CAP in this respect.

5.6.3   *The Good Humanitarian Donorship initiative*

In June 2003, a number of donor governments (including the UK, Canada, Sweden, and the Netherlands) and humanitarian actors launched the Good Humanitarian Donorship (GHD) initiative to improve the international response to humanitarian crises. There have been two GHD meetings so far. The first was held in Stockholm in June 2003. It brought together the representatives of 16 donor governments, the European Commission, the Development Assistance Committee of the Organisation for Economic Cooperation and Development (OECD-DAC), UN agencies, the International Red Cross and Red Crescent Movement (ICRC and IFRCC), NGOs and academics involved in humanitarian action. The participants noted the challenges faced by humanitarian actors in ensuring the effectiveness and coherence of international responses, and underlined that efforts had not been sufficient to ensure that existing humanitarian needs were met. The conference endorsed 23 principles and good practices of humanitarian donorship. Without reproducing these here, it is worth noting that the need for good practices with regard to funding arrangements was stressed, with special reference to the CAPs and CHAPs (Good Humanitarian Donorship 2003).

The Stockholm Meeting also agreed on an Implementation Plan, and set up an Implementation Group. The UK Government endorsed the aims and approach of GHD, and both the Foreign Secretary and the Secretary of State for International Development have expressed their support. DFID has participated actively in the Implementation Group.

The Second International Meeting on Good Humanitarian Donorship took place in Ottawa in October 2004. Participants included representative of 22 governments and multilateral donors, along with UN agencies, the ICRC and NGOs. The Ottawa meeting took stock of progress achieved to date, identified the challenges, which continue to face the donor community, and set the agenda for future progress. The themes addressed at the Ottawa meeting included funding according to need, needs assessment, the transition from humanitarian aid to recovery and development, and next steps. Donor coordination and donor relations with implementing agencies were an integral part of these issues (Good Humanitarian Donorship 2004). GHD was characterised as follows by the Chair of the Ottawa meeting:

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It represents a long-term commitment to accountability, the promotion of humanitarian principles, and to strengthening the effectiveness, efficiency and timeliness of humanitarian action. Donors recognise that GHD requires political support, and that there must be greater ownership of the Principles and Good Practices at headquarters and in the field. The fundamental test of the GHD initiative's success is the impact that it has at field level. Ultimately, our aim is to ensure that the needs and rights of those affected by crises are fully met. (Good Humanitarian Donorship 2004)

The Chair of the Ottawa Meeting outlined a 'road map' for collaboration on developing activities related to the various components of GHD. This gives detailed information on what is to be done, and which donors are taking responsibility for specific areas. DFID agreed in Ottawa to organise a meeting on the issue of flexible funding models. A further general meeting on GHD is planned for in Geneva in July 2005. Efforts are also being made at the field level: the UK has been leading a pilot project on strengthened humanitarian coordination in Burundi since Stockholm 2003. A similar project has been underway for the DR Congo, jointly headed by the US and Belgium.

GHD is still at an early stage. The Principles and Good Practices have met widespread approval, but translating them into actual practice will not be easy, since it will require significant changes in institutional cultures and long-standing behaviours. This applies at the headquarters level, but even more at the field level, where achievement of GHD approaches is likely to take a long time. GHD definitely seems worth supporting, but DFID will need to monitor its development carefully to ensure that well-meaning rhetoric does bring about real change within agencies, in relations between them and in field practice.

5.7 Current challenges

The legal instruments, institutions and norms developed by the international community to respond to forced migration currently face substantial criticism from two contrasting perspectives: some observers argue that the international regime is weak, fragmentary and incapable of providing protection to important categories of forced migrant, while others believe that current arrangements are unfair to receiving states and pose obstacles to effective control of cross-border populations flows.

From the first perspective, critics like Loescher draw attention to 'the crisis in refugee protection' resulting from states' diminishing willingness to admit refugees and their growing emphasis on strict border control. Martin (2004) emphasises gaps in mandates – especially for IDPs – and intractable problems of emergency coordination. Keely (2004) points to the politicised character of humanitarian action, and the reluctance of industrialised countries to accept refugee inflows after the end of the Cold War. Loescher stresses the need for renewal and reform. He argues that there is a need for a comprehensive approach to close the gaps in protection. More attention should also be given to supporting the sustainable development of countries emerging from war (Loescher 2001, Chapter 10).

From the second perspective, some policy makers in developed countries argue that the 1951 Convention has lost its usefulness. Originally introduced to help resolve Europe's post-war displacement problems, it is seen as no longer appropriate in the emerging

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situation of globalised population flows. The rise in asylum seeker movements to Northern countries from less-developed areas has led to claims that asylum is often a cover for labour migration, while the refugee-determination system is costly and ineffective (Crawley 2004). The European Commission has noted:

> … the emerging serious imbalances in the EU where Member States were spending significant amounts on processing asylum claims in the EU where the majority of applicants did not qualify for international protection while the majority of refugees including the most vulnerable groups remained in poorly resourced circumstances in third countries in their region of origin. (European Commission 2003a)

Some European governments therefore argue that legitimate refugees could often be better protected and assisted in their own regions. They see it as important to prevent secondary movements of refugees from countries of first asylum and transit onwards to Europe. There is thus considerable pressure for reform in the existing international regime. Although the states signatory to the 1951 Convention did re-affirm it in a meeting commemorating its 50th anniversary in 2001, there is still a wide-spread perception of 'serious and structural deficiencies of the existing international protection system' (European Commission 2004). The institutions, legal instruments and norms of the international regime are under severe pressure. As Crisp suggests:

> … as a result of that pressure, *a new asylum paradigm* appears to be emerging, based on the notion that the movement of refugees, asylum seekers and irregular migrants can be effectively 'managed', thereby ensuring that such population movements take place in an orderly, predictable and organised manner. (Crisp 2003, emphasis added)

Many of the new ideas developed in recent years by key players such as UNHCR, the EU and governments are a response to such concerns. The following Sections discuss some of these ideas in detail. Some of the dilemmas and conflicts that are addressed by the various proposals are highlighted in advance below.

5.7.1   *Shift in types of forced migration*

Following the enormous increase in numbers of refugees and asylum seekers from the mid-1980s until recently, there has recently been a considerable decline. This is partly due to changes in certain long-term crisis situations, allowing large-scale returns, and is partly due to border control measures which make it more difficult for persons to seek asylum outside their own country. As a result there has been a noticeable growth in people smuggling and trafficking, and it has become increasingly difficult to distinguish between forced and economic migrants. Another result is that IDP populations have grown sharply, and now far outnumber refugees. This is generating pressure for institutional change and better coordination in the UN system. A third result is the increasing importance of protracted refugee situations.

5.7.2   *Extra-territorial processing of asylum claims*

In order to reduce the numbers of asylum seekers arriving in Europe and thus cut the amount spent on costly determination procedures, proposals have been put forward by states and international organisations for the establishment of asylum processing centres outside the EU (see Sections 7 and 8). Such proposals are linked to ideas about 'burden sharing' between European states, and between Europe and regions of origin. These

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proposals have been heavily criticised by some human rights and refugee organisations, on the grounds they cannot guarantee effective protection, safeguard human rights and prevent discrimination. The future of such a proposal is the key issue for the development of a 'new asylum paradigm'.

5.7.3   Burden sharing or burden shifting?

Governments of states in regions of origin have expressed the fear that measures to make it harder for asylum seekers to apply for protection in developed countries in the name of 'burden sharing' might actually mean 'burden shifting' to the detriment of poorer countries of first asylum and transit. These might become dumping grounds for long-term refugees, for whom no durable solution could be found.[23] This fear is partly based on the fact that, while overall refugee numbers have fallen, protracted refugee situations have become more intractable. With the exception of the Palestinian and Afghan refugees, most of the large long-term camp populations are in Africa (USCR 2004). Since over half the world's officially recognised IDPs are also in Africa (Global IDP Project 2004a), local leaders fear that they may be left with a disproportionate share of displaced people, and without adequate support to cope.[24]

5.7.4   Additionality and conditionality

Current UNHCR plans for linking relief to development (see Section 6) have led to fears that development aid might to be switched from broader national development priorities to programmes to contain refugees in areas of first asylum. African governments therefore call for 'additionality', i.e. the principle that any development assistance targeted to refugee integration or return should be in addition to expected aid allocations for general development purposes. Donor governments, by contrast, are largely unwilling to increase overall aid, and fear that additional targeted aid may not, in fact, be used for refugee integration or return. They therefore wish to impose conditions and monitoring on the use of such aid, which in turn leads to concerns about outside interference in national priorities (Betts 2004). Conditionality is also significant with regard to linking human rights standards to aid and cooperation agreements. The challenge here is to use conditions judiciously and in such a ways as not to impose extra burdens or impinge on the sovereignty of recipient states.

5.7.5   The balance between durable solutions

UNHCR has for many years emphasised the importance of the three 'durable solutions':

- Voluntary repatriation in conditions of safety and dignity;
- Local integration in the country of first asylum;
- Resettlement in third countries.

Resettlement was the normal solution during the Cold War for refugees from communist countries. Voluntary repatriation has long been seen as the preferred solution in the developing world, with use of local integration only where there is no prospect of return in the foreseeable future. Resettlement has only been used in exceptional cases for especially vulnerable groups in recent years. A serious reform of the international protection system would, however, require a strategy which makes more balanced and transparent use of the

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[23] Information from interviews with senior agency staff and diplomats from African countries in Geneva, July 2004.

[24] However, as noted in Section 2 above, IDP statistics are rather unreliable, and there appear to be large unrecorded IDP populations in some parts of Asia.

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three different options.

5.7.6   The relief-development gap and refugee repatriation

Return to the place of origin is often impossible as long as the conflict that caused displacement remains unresolved, and as long as the economic, political, social or cultural tensions that led to the conflict have not been addressed. This means that refugee repatriation goes beyond issues of protection and logistics, and may include conflict-resolution, post-conflict reconstruction and development activities. These links are increasingly recognised, but coordinated action is often hindered by gaps in mandates and poor coordination between the key actors. The authors of this Report believe that relief and development should be perceived as closely linked. Conflict and forced migration are major obstacles to development, and conflict resolution, post-conflict reconstruction and the restoration of livelihoods of displaced populations should be seen as crucial elements of the development process in conflict-affected countries. This requires a collaborative approach of all agencies involved, as well as effective mechanisms for coordination.

5.7.7   The relief-development gap and refugee integration in countries of first asylum

Where repatriation is not a realistic prospect in the foreseeable future, UNHCR, the EU and European governments want to encourage local integration in countries already hosting refugee populations (usually countries bordering on the country of origin). However, governments of such host countries may see refugee populations as an economic burden and a political or security threat. Additional targeted development aid, as well as support in logistics and planning may be helpful – as long as there is a genuine willingness on both sides to work for mutually beneficial solutions. Participation of both refugees and the local communities in finding solutions is essential.

5.7.8   Resettlement

Despite the best efforts to achieve repatriation and local integration, there will always be some groups that cannot receive effective protection and assistance in the region of origin. European governments, the EU and UNHCR have all argued in recent years that resettlement schemes must be part of the broader package of durable solutions. Governments of regions of origin cannot be expected to take measures to restrict secondary movement unless they are convinced of the willingness of developed countries to accept a reasonable level of resettlement.

5.7.9   Managing asylum

Many recent proposals, especially those from the European Commission, contain the notion of 'managing asylum' as part of broader 'migration management' approaches (IOM 2003; Spencer 2003). Such thinking is linked to a growing understanding of the importance of international migration for development (House of Commons International Development Committee 2004). The notion of managing asylum represents an important change in thinking, since the traditional view of asylum is that it is based on the individual human right to seek protection from persecution under the 1951 Geneva Convention and other human rights instruments. As such, flows of asylum seekers result from unpredictable actions of states and other actors, and cannot be planned or managed. Managing asylum implies that it is now seen as a regular phenomenon in the contemporary world that can be managed and controlled in the same way as other forms of migration. That would mean that measures to deal with forced migration are no longer seen as emergency responses, but as part of the normal and on-going responsibilities of states and international agencies.

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5.8   Key points

- The international refugee regime is a term used to refer to the legal instruments, the institutions and organisations, and the international norms that have been developed to protect and assist refugees. At the core of the regime is the 1951 UN Refugee Convention and its 1967 Protocol, and UNHCR, the only intergovernmental organisation with a mandate to protect refugees.

- The international refugee regime developed in the context of post-1945 displacement issues and the Cold War. There has been considerable change in the post-Cold War period and critics argue that some of the basic assumptions and structures no longer meet current needs. This has led to constant debates about the need for reform. These are discussed in detail in Sections 6, 7 and 8 of this Report.

- Other categories of forced migrant lack adequate regimes to ensure protection and assistance. Attempts have been made to develop legal instruments, institutional structures, policies and norms, but these have often been hampered by political and practical difficulties. One can therefore only speak of 'incipient regimes' in most areas.

- The most serious gap concerns the largest current category of forced migrants: internally displaced persons (IDPs). Development of arrangements for protection and assistance have been hampered by several factors, including the principle of state sovereignty, poor cooperation between agencies with differing mandates, and reluctance to mobilise adequate resources to meet the needs of the large populations involved.

- The UN has made significant attempts over the last 15 years to improve arrangements for IDPs. Current initiatives to strengthen the role of the UN OCHA Inter-Agency Internal Displacement Division and to develop a collaborative approach with the Representative of the Secretary General on the Human Rights of Internally Displaced Persons (RSG-IDP) and other agencies and NGOs seem promising. DFID should continue to provide support for collaboration, and to fund OCHA, the Brookings-Bern Project on Internal Displacement and the Global IDP Project.

- Another major problem is coordination of the large numbers of organisations – including state agencies, intergovernmental organisations, NGOs and CSOs – involved in humanitarian action. This applies particularly in complex humanitarian emergencies, where a wide range of actors with differing mandates are involved. At the field level, leadership and coordination of UN Country Teams in crisis situations has sometimes proved ineffective.

- Coordination needs to be improved through better coordination structures and leadership within the UN system, as well as improved collaboration with other humanitarian actors. Important mechanisms to improve coordination include the Consolidated Appeals Process (CAP) and the Common Humanitarian Action Plans (CHAPs). However, much still needs to be done to ensure implementation of humanitarian principles, accountability, adequate and timely funding and efficiency and effectiveness. The Good Humanitarian Donorship (GHD) initiative is a positive

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step that should receive continued support from DFID. However, careful monitoring is needed to ensure that good intentions are turned into real change at both headquarters and field levels.

- A key issue in reform of the international forced migration regime concerns arrangements to bring about durable solutions to situations of conflict and displacement. These need to be linked to long-term development efforts, to improve economic, political and social conditions in conflict areas. However, protection and assistance of existing forced migrant populations must not be neglected while durable solutions are being sought.

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6   RECENT UNHCR INITIATIVES

6.1   Introduction

As outlined in Section 5, UNHCR remains the most important international institution in the field of forced migration. Although its original mandate – the 1951 UN Refugee Convention – remains in force, its asks and activities have changed over time. It grew rapidly in staffing levels, budget and international presence in the early 1990s, as global refugee flows escalated. Under Sadako Ogata, High Commissioner from 1991 to 2000, UNHCR evolved from a refugee organisation working mainly in countries of asylum to a more broadly-based humanitarian organisation working in conflict zones, often in association with UN-mandated peace keeping forces (Loescher 2001, 287). As well as working with its traditional beneficiaries – refugees and asylum seekers – UNHCR took some additional responsibility for IDPs, war-affected populations and returnees in post-conflict situations.

With the decline in refugee and asylum seeker numbers and the increasing reluctance of many states to admit these groups in the early 21st century, the role of UNHCR is once again being transformed. A new High Commissioner, Ruud Lubbers, was appointed in January 2001. A former Dutch Prime Minister, he had direct knowledge of the political dilemmas faced by northern governments. One the one hand he has had to manage considerable cuts in budget and staffing; one the other, he had the task of redefining the role of the organisation in the new context. In the face of claims by some governments that the 1951 Convention has become outmoded, his key strategy has been to re-affirm UNHCR's traditional protection mandate, while seeking new solutions to some of the dilemmas of contemporary forced migration.

In his address to the UNHCR Executive Committee (ExCom) in 2001, Lubbers 'stressed the need to find a more effective way to close the gap between emergency relief and longer-term development' (UNHCR Core Group on Durable Solutions 2003, 24). This was one of the rationales for the *Convention Plus initiative*, put forward by the High Commissioner in 2002. Convention Plus emphasises the need to link refugee issues to development in regions of origin, and is therefore of considerable relevance for the work of DFID. Similarly, the objective of reducing secondary migration of refugees from areas of first asylum and transit to Europe is of general significance to the UK Government and other European governments.

This renewed interest of UNHCR in the linkages between relief and development contrasts with the silence of the Millennium Development Goals (MDGs) on such matters. The MDGs do not mention the importance of conflict prevention and resolution, or return of displaced populations for development. This omission is seen by many in the field as a result of the failure of UNHCR and other humanitarian agencies to advocate their inclusion prior to the Millennium Summit of September 2000. Since the MDGs are now seen as 'a framework for the entire UN system to work coherently towards a common end' (United Nations 2002b), UNHCR is somewhat on the back foot in this matter. Convention Plus can thus be seen as an attempt to bring humanitarian concerns back into the mainstream of UN endeavours.[25]

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[25] Information from interviews with senior UN officials and NGO representatives for this study, Geneva, July 2004.

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Although Convention Plus and other UNHCR initiatives build on ideas that have been put forward in the past, the current proposals articulate a holistic approach to forced migration and include approaches to relief and development that are, or could be, consistent with DFID's policy and activities. The following account (which draws on the expert papers Crawley 2004; Hammerstad 2004) offers a navigation guide to the emergent UNHCR approaches that are most relevant to DFID.

6.2 The Global Consultations on International Protection and the Agenda for Protection

In an attempt to solidify the international protection regime and reaffirm commitment to this regime and UNHCR's role within it, UNHCR launched the Global Consultations on International Protection in 2000. The Global Consultations were triggered by what UNHCR perceived as an ongoing crisis of international protection, and were intended to mark the 50th anniversary of the 1951 Refugee Convention. In December 2001, in a Declaration of States Party to the Refugee Convention, ministers reaffirmed their governments' commitment to implement their obligations under the 1951 Refugee Convention 'fully and effectively' and in accordance with the 'object and purpose' of these instruments (UNHCR 2001b). In 2002, ExCom endorsed the Agenda for Protection that emerged from the Global Consultations. A European Commission communication endorsing the Agenda for Protection was adopted in March 2003 (European Commission 2003b).

According to UNHCR, the *Agenda for Protection* reflects a wide cross-section of concerns and recommendations of states, intergovernmental organisations, NGOs, as well as refugees themselves. The Agenda focuses on activities that would strengthen international protection of asylum seekers and refugees and improve implementation of the Refugee Convention. It has six goals:

1. Strengthening implementation of the 1951 Convention and 1967 Protocol;
2. Protecting refugees within broader migration movements;
3. Sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees;
4. Addressing security-related concerns more effectively;
5. Redoubling the search for durable solutions;
6. Meeting the protection needs of refugee women and refugee children. (UNHCR 2003b)

The Agenda for Protection recognises that prevention is the best way to avoid refugee situations:

> Resolute responses to the root causes of refugee movements, more effective and predictable responses to mass influx situations, improved reception policies and an environment generally more conducive to refugee protection would contribute to better implementation of the refugee protection regime. (UNHCR 2003b, 31)

To this could be added the need for early warning systems for potential situations of conflict and displacement, which would allow timely preparation of appropriate responses.

As part of the overall objective of strengthening implementation of the 1951 Convention and 1967 Protocol, the Agenda for Protection requires States to:

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- Give greater priority to dealing with root causes, including armed conflict, and to ensure relevant intergovernmental agendas reflect this priority;
- Use appropriate means at their disposal, in the context of their foreign, security, trade, development and investment policies, to influence developments in refugee-producing countries in the direction of greater respect for human rights, democratic values and good governance; and
- Support the work of the UN in the areas of conflict prevention, conflict-resolution, peace keeping and peace building in war torn States. (UNHCR 2003b)

The importance of the links between refugee protection and development is stressed repeatedly. The Agenda for Protection calls on States 'to consider allocating development funds, possibly a percentage thereof, to programmes simultaneously benefiting refugees and the local population in host countries' and '… to consider including refugee-hosting areas in their national development plans, and for UNHCR to encourage multilateral and bilateral development partners to extend tangible support for such initiatives…' In addition, international and regional human rights bodies, as well as development actors, are encouraged to examine how they can make a more direct impact on refugee situations generated by human rights violations and inter-group disputes, in particular by extending financial and/or technical support to countries of origin willing to establish national human rights commissions, and to put in place measures to improve the functioning of the judiciary and police forces.

Although the Agenda for Protection is not binding and represents good intentions rather than concrete plans for multilateral action, it has arguably reinvigorated thinking on how to tackle these underlying causes of forced migration, including through the development of special agreements in the context of the High Commissioner's Convention Plus initiative.

6.3 The Convention Plus initiative

As noted earlier, Convention Plus was announced by the UN High Commissioner for Refugees, in September 2002, following the conclusion of UNHCR's Global Consultations on International Protection. Its basic premise is that given the changes that have taken place in the world over the past 50 years the 1951 Refugee Convention 'does not alone suffice'. Convention Plus does not seek to revise the 1951 Refugee Convention but to build on it through the adoption of non-binding agreements between states and by establishing multilateral agreements and broad-based partnerships between governments, humanitarian and aid agencies, which are able to provide durable solutions. Convention Plus aims to develop *comprehensive plans of action* to ensure more effective and predictable responses to mass influxes. It has three inter-linked strands:

- The strategic use of resettlement as a tool of protection, a durable solution and a tangible form of burden sharing;
- Targeting development assistance to support durable solutions for refugees, whether in countries of asylum or upon return home; and
- Clarification of the responsibilities of states in the event of irregular secondary movements of refugees and asylum seekers.

The Convention Plus work programme was launched at the beginning of 2003 with the first meeting of High Commissioner's Forum held in June of the same year (UNHCR 2004i). A dedicated Convention Plus Unit was established at UNHCR Headquarters in the latter half

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of 2003. It is headed by Jean-François Durrieux and is responsible for working with states and other partners on each of the three strands of Convention Plus, as well as for providing advice and assistance within UNHCR on the formulation of situation specific initiatives. A core group of policy makers and experts representing individual countries and international organisations supports works around each theme.

6.3.1 Towards a comprehensive plan of action for Afghanistan[26]

An important dimension of Convention Plus is the attempt to develop Comprehensive Plans of Action (CPAs) to address complex refugee situations, and to achieve a coordinated response by all the various humanitarian actors involved. The main precedent for this approach is the CPA for Indo-Chinese refugees, adopted in 1989, 'one of the first examples of a situation where the country of origin became a key player, together with other countries and actors from within and outside the region, to help resolve a major refugee crisis' (UNHCR 2000, 84). The Indo-Chinese CPA was an important turning point in international refugee protection: while maintaining a commitment to asylum, it decoupled it from guarantees of resettlement, set up regional refugee determination processes, and included commitments to reduce clandestine departures and to return rejected applicants to their country of origin. The Indo-Chinese CPA attracted strong criticism, notably over screening and status determination procedures and the adequacy of protection more widely, but it did ultimately find durable solutions for many thousands of refugees produced by the conflicts in Indo-China.

UNHCR plans to promote the development of CPAs for some of today's protracted refugee situations, such as Afghanistan and Somalia. Afghanistan is the case that has made most headway.

Starting in the 1980s, the exodus from Afghanistan was one of the largest in history, with over six million refugees seeking protection, mainly in the neighbouring countries of Pakistan and Iran, but with smaller numbers in many parts of the world, including Europe and North America. Repatriations on various scales have occurred as the conflict in Afghanistan has ebbed and flowed over the past two decades or more. Following the US-led military campaign which ousted the Taliban in 2001-2, large numbers have again returned. Perhaps three million refugees and internally displaced Afghans have gone back since the fall of the Taliban and the Bonn Agreement at the end of 2001. However, another three million are thought to remain in neighbouring countries. The acknowledgement that many of these may never return and the recognition that conditions have changed fundamentally within both Afghanistan and Afghan refugee communities have prompted UNHCR to look afresh at the issue and to see if a CPA holds some potential.

UNHCR has resolved to continue to support voluntary repatriation within existing tripartite agreements with the governments of Afghanistan, Iran and Pakistan, and to approach Afghan displacement as a refugee and protection issue until 2005. Thereafter UNHCR believes that the situation of Afghans in neighbouring countries should be approached primarily as a 'migration and development problem'. The shift in approach has been prompted by the substantial changes that have taken place within Afghanistan and within Afghan communities in the asylum countries over the last two decades, including in

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[26] This account of the planning for Afghanistan is based on interviews in Geneva, July 2004, and UNHCR working documents: UNHCR no date (probably 2003)-a. 'Towards a comprehensive solution for displacement from Afghanistan' and UNHCR no date (probably 2003)-b. 'Towards comprehensive solutions for Afghan displacement after 2005. ('The 2005 process').'

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particular the nature and level of cross border inter-action and interdependence. UNHCR recognises that displacement from Afghanistan is no longer simply a humanitarian and refugee challenge. It has grown into a complex social and economic problematic for which new policies and interventions will be required.

Arrival at this view was based on three main considerations:

- The political advances in Afghanistan and the country's increasingly normal relations with its neighbours and other states in the region 'indicate that population movements that are primarily migratory and economic should be handled within the context of regular regional and bilateral relations between states'.
- Continued international engagement and support would be required to develop and underpin such a transition.
- There would be a refugee and protection dimension after 2005, albeit a modest one.

UNHCR suggests that there are four general categories of Afghans in asylum countries, for each of which policies would have to be tailored:

- People who wish to return to Afghanistan when conditions improve. For these, policies could include procedures for voluntary return for a limited time beyond 2005 that could be coupled with targeted reintegration programmes.
- People who need international protection and assistance. For these, an adequate protection regime and resettlement channels would be needed on an individual basis.
- People who have entered neighbouring countries to find temporary work or for other legitimate reasons, but who retain links with Afghanistan and will return there. For these a migration framework was needed, including means to regularise temporary labour and other kinds of legitimate cross-border movements.
- People who have sought asylum in the past but who have developed strong links with their host communities and are economically self-reliant because of their protracted stay: these may wish to remain. For these, mechanisms would be needed to consider them for secure long term residence; development cooperation and resources could be directed towards particular sectors and locations affected by the Afghan presence.

Implementing such mechanisms would require a coordinated division of labour among a range of agencies, including the World Bank, UNDP, ILO, and IOM as well as UNHCR and the three main governments involved. Responsibilities would include:

- Building on existing reintegration, rehabilitation, reconstruction and development processes in Afghanistan that could be reinforced to accommodate future returnees in designated areas and sectors.
- Establishing an adequate asylum and protection regime, together with resettlement channels.
- Establishing and executing screening procedures to ensure that those required to leave the host country can do so in an orderly and humane manner and in manageable numbers.
- Establishing a migration framework involving technical support to draft appropriate laws and set up structures for border management, customs and immigration.
- Promoting the acceptance of continued residence with appropriate legal status for long-staying Afghans (whether formally considered refugees or not), accompanied

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by development assistance and community based strategies in specific areas and sectors.

- Developing an information and communications strategy to make sure that affected populations are kept well informed of their options.

UNHCR stresses that it remains committed to voluntary repatriation as the key strategy for the period 2003-2005, recognising Afghanistan's recovery would be gradual and its absorption capacity limited. Nevertheless, UNHCR anticipates that conditions within Afghanistan would gradually improve and that return would be continuous and substantial in 2003-2005. This period broadly coincided with the timetable of the Bonn Agreement, with the holding of elections late in 2004 and the establishment of a new government. Nevertheless, some groups would likely still be at risk of persecution on ethnic, religious and other grounds, especially by non-state actors. While economic and social recovery is underway, sustainable livelihoods within Afghanistan are for many still a long way off.

Thus it is probable that there will be substantial numbers of Afghans in the neighbouring countries of asylum at the end of 2005. Indeed many refugees have effectively become migrant workers, making important contributions to various economic sectors in Iran and Pakistan. Return is not an option, as long as comparable work opportunities do not exist in Afghanistan. On the contrary, Afghanistan (like other poor countries with large-scale unemployment) needs to explore temporary labour export strategies. It also needs to find ways of regularising the situation of existing migrants, to help improve their legal status and working conditions, and to find ways of maximising the potential development contribution of remittances and skills acquisition. To achieve these goals means going beyond UNHCR's normal activities, and working closely with specialist agencies like the International Labour Office (ILO) and the IOM. It also means helping the government of Afghanistan to develop migration management capacities, and promoting cooperation on this matter with the governments of Pakistan and Iran.

To prepare the groundwork for a new approach, the Afghanistan Comprehensive Solutions Unit (ACSU) was set up at UNHCR headquarters in 2003, with an expected life of two years. It was linked with the relevant geographical desks and field offices in the region, as well as with the Convention Plus Unit. The ACSU includes two senior staff plus support staff. The ACSU was to work with the governments concerned and relevant agencies to explore new interventions that could address poverty, migration and social exclusion, which had 'become the primary features of current population movements and require approaches that are very different from those offered by UNHCR'.

The ACSU is still at the planning stage, and the outcomes of its work are not yet clear. However, its approach seems to point in some radical and important directions. Its perspective goes beyond traditional humanitarian approaches, and includes a broad-based analysis of the social transformation of the whole society, in which war and displacement is only one dimension. The recognition that one form of migration, refugee movement in which protection needs to be assured, can transmute over time into others, such as labour migration requiring different policy approaches – sometimes termed the 'Migration-Asylum Nexus' – is realistic and welcome, and could very usefully be emulated in other protracted refugee situations.

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6.3.2   The 'three-pronged approach'

Although the Convention Plus initiative predates the UK's New Visions paper of early 2003 (see Section 8), it has become closely linked in subsequent discussions. Addressing an informal meeting of the EU Justice and Home Affairs Council in March 2003, High Commissioner Lubbers suggested a 'three-pronged approach' for approaching forced migration issues in the European context. The first – largely based on Convention Plus – would focus on new approaches in regions of origin to boost prospects for refugee solutions there, and to address secondary movement of refugees and asylum seekers towards Europe. The second prong (subsequently widely known as the 'EU prong'), involves joint initiatives in Europe, such as pooling of EU processing and reception resources to speed up decision-making on claims of people from countries 'that do not normally produce refugees'. This could include lists of 'safe countries' and 'closed reception centres' (see detailed account in Crawley 2004). The third prong would focus on the effective functioning of national asylum systems (UNHCR 2003c).

It is this linking of Convention Plus with European governments' efforts to speed up asylum processing and to introduce safe third country rules that has led to widespread criticism of recent UNHCR policy ideas – particularly of the EU Prong (Amnesty International 2003). However, the Convention Plus proposals for addressing refugee issues in regions of origin and the conclusions coming out of the Core Group discussions are clearly relevant to the policy approaches addressed in this Report.

6.4   The Framework for Durable Solutions

In May 2003 UNHCR launched its *Framework for Durable Solutions*, which provides a number of models that are intended to facilitate the proper targeting of development assistance and is particularly concerned with bridging the relief-development divide. The *Framework for Durable Solutions* is UNHCR's main attempt at adapting to today's conditions the Convention's three tools for solutions – local integration, resettlement and repatriation. The framework has three components:

- Development Assistance for Refugees (DAR);
- Development through Local Integration (DLI); and
- Repatriation, Reintegration, Rehabilitation and Reconstruction (4Rs).

All three have in common the aim of 'redoubling the search for durable solutions' through burden sharing and building capacity between countries and between humanitarian actors. They are called 'Convention Plus' activities because they are meant to 'top up' existing protection and solution tools set out in the 1951 Convention. The *Framework for Durable Solutions* explicitly recognises the relationship between forced migration, development and conflict:

> The countries hosting large refugee populations are usually themselves not just developing but poor. Refugee-hosting communities are in remote areas where a high level of poverty prevails. These countries need to be encouraged and supported in their receptivity to refugees. Hosting refugee populations for protracted periods can have long-term economic and social impacts that, if not adequately addressed, can create conflictual situations and insecurity. (UNHCR Core Group on Durable Solutions 2003, 4)

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The Framework also acknowledges the importance of post-conflict reconstruction as a precondition for durable repatriation and recognises the challenges in this regard of the relief-development gap. It warns that the particular needs of returnees are not properly incorporated into transition and recovery plans of governments and humanitarian agencies, thus heightening the risk of 'back flows' of recently returned refugees back into exile.

The objectives of three components of the Framework for Durable Solutions are outlined below.

6.4.1   Development Assistance for Refugees (DAR)
DAR is conceived as additional development assistance for:

- Improving burden sharing for countries hosting large numbers of refugees;
- Promoting better quality of life and self-reliance for refugees pending durable solutions;
- Promoting a better quality of life for host communities. (UNHCR Core Group on Durable Solutions 2003).

DAR is not in itself a durable solution to refugee flight, but attempts to address the impacts of forced migration on development and conflict. It does this in two ways. First, by targeting development aid to refugee-hosting areas, it lessens the risk that mass movements of refugees will lead to environmental destruction, economic crisis and political tension. This is especially important in the cases of forced migration movements where the prospects for voluntary and safe repatriation in the short to medium term are slim. DAR should thus help limit the contagion of instability that forced migration movements sometimes bring. By making conditions bearable in countries of first asylum, secondary migration might be reduced.

Second, DAR is also important for the success of repatriation, local integration or resettlement. A refugee who has led a productive and meaningful life in exile is much more likely to have the resourcefulness, capacity and confidence necessary to successfully embark on a new stage of life. DAR thus helps ensure that forced migration solutions are durable.

The approach for DAR projects is to build broad partnerships between governments, humanitarian agencies and multilateral and bilateral development organisations. The cooperation and commitment of host governments are crucial for DAR to succeed. Incentives from donors to host governments are particularly important in this regard. Host governments seldom prioritise refugee-hosting areas, since refugees are not voters and the places where they settle are often remotely located. Without the necessary enthusiasm and commitment from host governments, DAR is unlikely to work. UNHCR therefore emphasises the need for host government leadership and ownership of the process.

The implementation of DAR relies heavily on cooperation and coordination between a variety of actors. The stages of DAR include:

1. Consensus building through consultative processes led by government;
2. Setting up an *Operational Information Management System* to map who is doing what where, and what the existing coping mechanisms of refugees are;
3. Jointly planning an *integrated strategy*, coordinated by government;
4. Agreeing on a *resource mobilisation strategy*, led by government, to fund the DAR

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programme;

5. Systematically promoting refugees on the development agenda and placing DAR within the existing development framework for the country.

6.4.2 Development through Local Integration (DLI)

DLI is envisaged as a durable solution in protracted refugee situations, where there is no realistic prospect of repatriation in the foreseeable future. It is only possible if:

- The refugees concerned are willing to integrate locally;
- The host government is willing to accept integration;
- The donor community is willing to make a commitment to provide additional assistance.

This approach addresses the experience that host governments are often unwilling to accept local integration of long-standing refugee populations, because they fear that this will put a burden on local host populations, divert development resources away from mainstream development plans and possibly lead to problems of social cohesion and security. DLI is therefore seen as 'an option and not an obligation of a refugee-hosting country'. DLI builds on DAR, and 'envisions broad-based partnerships between governments, humanitarian and both multi- and bilateral development agencies' (UNHCR Core Group on Durable Solutions 2003, 24). The idea is that such partnerships plus the guarantee of additionality (i.e. funds over and above expected mainstream development aid) will persuade sometimes-reluctant host governments to accept local integration.

DLI has the following components:

- **Economic:** achieving self-reliance of refugees, so that they contribute to the economic development of the host community rather than constituting a burden.
- **Social and cultural:** interactions between refugees and host communities to allow refugees to live amongst or alongside the host population, without discrimination or exploitation.
- **Legal:** progressive granting of a wider range of rights to refugees, leading to permanent residence rights and perhaps ultimately citizenship of the country of asylum. (UNHCR Core Group on Durable Solutions 2003, 24-5)

As with DAR, host country leadership and ownership is crucial to DLI. The planning and implementation of DLI need to be supported through an integrated programming approach that includes the World Bank, the UN Country Team (particularly UNDP, UNICEF, ILO, Food and Agricultural Organisation (FAO) and WFP) and bilateral and multilateral donors. This should be based on prior commitments secured in a consultative process. As a member of the UN Country Team, UNHCR would play a major role in resource mobilisation for DLI. Bringing refugees onto the development agenda at the country level means that they should be included in Poverty Reduction Strategy Papers and Country Strategy Notes and Papers (UNHCR Core Group on Durable Solutions 2003, 25).

The 'Zambia Initiative', which is discussed below, gives an example of how DLI can look in practice. Clearly, if host governments and development agencies followed this approach it would have significant impacts for DFID's involvement in country planning and programming. However, in interviews carried out for this study, several respondents portrayed the Zambia Initiative as a special case that would be hard to replicate in other

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settings, mainly because refugee-hosting developing countries have made it clear during the last three ExCom sessions that they are not interested in local integration. It was suggested that, for this reason, it might be more promising to try and work through the 'traditional' development channels, where donors usually have more direct leverage. This makes it important to call for the mainstreaming of displacement and protection issues into development programming. DFID-CHAD could have a comparative advantage in this field, e.g. when compared with the US, where refugees are the responsibility of the State Department (BPRM), and all development issues are handled by USAID (see Section 8).

The Zambia Initiative

The Zambia Initiative (ZI) is a government-led DLI project started in 2002 that promotes a holistic approach in addressing the needs of refugee-hosting areas in the Western Province of Zambia. 'The main objective is to alleviate the combined effects of food deficit, poor infrastructure, limited access to public services and economic opportunities, and in the process finding durable solutions for refugees' (Commissioner for Refugees Zambia and UNHCR Zambia 2004).

Zambia has for many years hosted large refugee populations from the Great Lakes region and Angola. Recently, voluntary repatriation has become possible for many refugees from Angola, DR Congo and Burundi. However, this not possible for certain groups, and the Government of the Republic of Zambia is supporting efforts for local integration of some of these. With coordination by UNHCR and support from several donor nations, a range of projects is being implemented to reduce poverty and promote development for both refugees and their host communities. The ZI benefits some 456,000 persons in the Western Province, of whom 150,000 are refugees. The Western Province has challenging geographic and climatic conditions, under-utilised natural resources and poor infrastructure. Large numbers of spontaneously settled refugees have been living side by side with local populations for long periods in villages near refugee camps or along the border with Angola. The resulting increase in population has put considerable strain on local resources.

Through the ZI, the Government of the Republic of Zambia has included refugees in its poverty reduction strategy and its National Development Plan. The total funding for the period 2003-2005 is $14 million. Of this, Denmark is providing $10.5 million, while substantial contributions ($1m or more) are coming from the USA, Japan and the Humanitarian Aid Office of the European Commission (ECHO). Other governments have made small contributions – often for specific projects, while UNHCR has committed over $300,000. UNICEF and various governmental aid agencies are involved, providing technical help and material inputs.

The ZI projects target agriculture, health, education (including vocational training and skills development) and infrastructure. Projects are based on community development approaches, with Local Development Committees representing both refugees and host populations. The projects are often small and down-to-earth: construction of communal hand-dug wells and grain storage bins, promotion of animal draft power thorough provision of yokes and ploughs, training in ox handling and food processing. Seeds and fertiliser are being provided through a revolving credit fund. The Japanese government has donated two ambulances, while the Swedish Embassy has provided funds for HIV/AIDS interventions and for a reproductive health centre.

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UNHCR officials see the ZI as a model programme, which demonstrates the potential for DLI, providing the necessary conditions are met.[27] In view of the extreme poverty and poor social conditions that affect many people in Zambia, it is clear that programmes that benefit refugees alone and do not include the host population have little chance of success. Clearly, the ownership and leadership of the Zambian Government have been crucial. UNHCR has also played a key role, and has been able to secure the support of a range of donors. At the time of writing, there appears to be no independent evaluation of the ZI. As always, the key questions to be asked concern the cost-benefit ratio of the programme, and the replicability to other situations (Commissioner for Refugees Zambia and UNHCR Zambia 2004; UNHCR 2004j).

6.4.3   Repatriation, Reintegration, Rehabilitation and Reconstruction (The 4Rs)
The third component of the Framework for Durable Solutions is concerned with improving the conditions for return of refugees to their country of origin. Its starting point is the principle that voluntary repatriation and reintegration is the preferred durable solution for millions of refugees. However, post-conflict situations are often marked by lack of government services, impoverishment and continuing sporadic violence. Repatriation as a durable solution therefore requires action to achieve rehabilitation and reconstruction.

The antecedent for the 4Rs was the Brookings Process, a partnership between UNHCR, UNDP and the World Bank, which started in 1999. The aim was to set up a pilot integrated approach in Sierra Leone. Although this effort was not very successful, it set the scene for further efforts at coordinated planning by relief and development actors (Lippman 2004).

The 4Rs programme is a framework for bridging the relief-development gap in post-conflict situations through structured collaboration between government, UN and bilateral development and humanitarian agencies. It focuses on ensuring the sustainability of the repatriation of forced migrants. The aim is to achieve the necessary levels of development and good governance in order to ensure that conflict does not re-erupt and renewed flight does not take place. As with DAR and DLI, the need for integrated planning between all actors involved is stressed. According to UNHCR, the critical factors for 4Rs projects to succeed are:

- Ownership by host governments of the processes which the 4Rs concept embodies;
- Integrated planning process at the country level by the UN Country Team;
- Strong institutional cooperation and commitment to support punctually and at decisive moments, the needs and efforts of country teams to bridge essential gaps in transition strategies; and
- Participation of the plethora of actors who form part of the development community – UN agencies, bilateral and multilateral institutions (UNHCR Core Group on Durable Solutions 2003, 18).

The 4Rs approach is to enlist the active participation of humanitarian and development agencies and the World Bank, in order to encourage good local governance, protection of the rights of returnees, improved social services and infrastructure, economic revival and livelihood creation, and improved access to services. Agencies involved include UNDP, the World Bank, UNICEF, WFP, WHO, ILO, UN Population Fund, HABITAT and the Inter-Agency Internal Displacement Division of OCHA. The 4Rs is seen as one element of a general transition strategy for countries emerging from violent conflict. It is linked to the

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[27] Information from consultations conducted for this study, July - September 2004

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work of the UNDG/ECHA (Executive Committee on Humanitarian Affairs) Working Group on Transitions (Lippman 2004).

The idea is to plan 4Rs as a package, so that UNHCR does not embark on repatriation (the first R) before the other parts of the package are also in place. The responsibilities of different agencies would phase in and phase out at different stages of the 4Rs process. UNHCR would be involved in activities around the first, and partly the second, R (repatriation and reintegration). Development agencies would gradually phase in from the second R onwards. Pilot 4Rs projects were planned for Afghanistan, Eritrea, Sierra Leone and Sri Lanka. Apparently, most progress has been made so far in Sierra Leone and Sri Lanka. In the former, the UN Country Team established a Transition Support Team in September 2003. Transition Support Team field officers assess gaps in social services, livelihoods and capacities of government authorities at the local level, and try to remedy these. In Sri Lanka, the 4Rs programme is supported by DANIDA, ILO, UNDP, UNICEF and UNHCR. The aim is to facilitate the sustainable return of IDPs and refugees to three areas in north-eastern Sri Lanka through an integrated, participatory area-based approach. The promising results from such inter-agency cooperation have in the meanwhile led to efforts by UN Country Teams in Angola, Burundi, Sudan and Liberia to develop 4Rs programmes (Lippman 2004).

6.4.4 The elaboration of the Framework for Durable Solutions
Following the publication of a discussion paper produced by Denmark and Japan on existing experiences of targeting development assistance to achieve durable solutions for refugees, UNHCR published a draft *Convention Plus Issues Paper on the Targeting of Development Assistance Policies* in June 2004 (UNHCR 2004k). The purpose of the paper was to:

- Identify the issues involved in the granting of development assistance by the donor community and in the spending of development assistance on the development of refugee-hosting countries and countries of return;
- Outline and explore challenges to targeting development assistance to find solutions for forced migrants in refugee situations as well as returnees in post-conflict situations;
- Identify donor policies conducive to targeting development assistance to find solutions for refugees; and
- Outline possible elements for a special agreement on the targeting of development assistance.

The draft paper sets out the objectives and methodologies of development assistance – including the preparation of Poverty Reduction Strategy Papers and the importance of working in partnership – and outlines the challenges in targeting development aid to support durable solutions for refugees. The paper proposes that a generic special agreement on the targeting of development assistance should be developed. Any such agreement would have obligations for donor countries, countries of asylum and countries of origin as well as the UN and its partners.

6.5   Taking account of transnational and translocal arenas

The strategies of resettlement, of local reintegration and of repatriation do not exhaust the areas for useful development interventions. Recent research on migrant and refugee transnationalism has highlighted another arena not adequately covered by the three

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traditional durable solutions for refugees, and which does not figure in Convention Plus and other such instruments.

In areas experiencing conflict or other severe strain extended families often disperse to take advantage of different resources at different sites. Some stay at home, or become internally displaced, seeking refuge in other parts of their country. Of those who flee the country, the more vulnerable (perhaps the elderly, some women and children) may stay in camps where they have access to health and education services. Other members of the extended family may go to cities in search of employment or seek seasonal agricultural work; they may negotiate access to land or livestock in the host country, or find ways of maintaining control of their assets still in the homeland; or they may find trading niches between town and country or across international borders. Still other extended family members may go abroad as labour migrants, asylum seekers, undocumented workers or through other migratory channels to find work and incomes for themselves and the family. Such 'strategies', if they may be called this, may well be in place before displacement, but the portfolio of strategies is likely to be broader after displacement, sometimes of necessity, sometimes by new opportunities opening up. Access to social networks and mobility can be among refugees' most important assets (Stepputat 2004a; Van Hear 2003; Van Hear and Nyberg Sørensen 2003).

From this perspective, the objective of discouraging 'secondary movements' from first asylum countries to Western states (one of the imperatives driving Convention Plus and other recent initiatives) may be counter-productive, since they curtail what may be an important element within families' livelihood portfolios. Likewise concerns to prevent 'backflows' after repatriation may militate against cross-border or translocal networks that have been built up while in exile. Refugees and internally displaced persons may not want to go back permanently to their places of origin, but to re-establish their entitlements and to integrate these assets into their networks of cross border and translocal livelihood activities (Stepputat 2004a).

It follows that initiatives like DAR, DLI and the 4Rs – and interventions by DFID – need to take account of such portfolios and to build them into their interventions, not least because refugees may see them as competing with and opposing their own livelihood strategies and options which stretch beyond refugee camps and settlements (Stepputat 2004a, 13). Assistance interventions need first to map existing livelihood strategies incorporating and taking account of those that involve mobility: in this regard local integration might be more properly regarded as 'regional integration' (Stepputat 2004a, 13).

One approach could be to expand the usual tripartite agreements (between UNHCR, the host government and home government) to incorporate local authorities, civil society organisations and economic interests on both sides of borders in planning and needs assessments in order to dynamise transborder regions (Stepputat 2004b). Countries of transit also need to be taken account of here, and not only as potential targets for controlling the means of migration.

6.6   Discussion of UNHCR initiatives

The initiatives being developed by UNHCR as part of the Convention Plus approach reflect a growing interest in integrating humanitarian and development efforts, and targeting development assistance to find solutions to refugee situations. In order to implement the

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Framework for Durable Solutions and strengthen the linkages with other parts of the United Nations system, UNHCR joined the United Nations Development Group (UNDG) in 2003. A working group was established in early 2004 to develop guidelines on durable solutions for refugees, returnees and IDPs for inclusion in UN transition policies in post-conflict situations and in the revision of the Common Country Assessment and UN Development Assistance Framework (UNDAF) guidelines.

In principle therefore, the various UNHCR initiatives in this area can be seen as a step in the right direction which should contribute to the achievement of the MDGs. In particular the 4Rs approach and the trend towards comprehensive plans of action could be useful catalysts for closer inter-agency cooperation within the UN system, and for reaching out to donors and other actors. The emphasis in the Framework for Durable Solutions on leadership and ownership by governments in regions of origin is to be welcomed.

However, there have been a number of critical responses to Convention Plus and the other initiatives by academics, NGOs and development practitioners. The first area of discussion concerns past attempts to achieve similar objectives, and the reasons for their failure. Several observers have pointed out that such ideas are not new.[28] Academics and NGOs have for many years emphasised the need for a 'development-oriented perspective' in global refugee policy (Keely 1981). The concern with lack of development as a factor in protracted refugee situations in Africa is far from new. Two International Conferences on Assistance to Refugees in Africa (ICARA I and II) were held in 1981 and 1984. Just like today's Framework for Durable Solutions, they asserted the need to support local integration through improving the protection capacity of host states. They addressed ideas of self-sufficiency and capacity building and called for cooperation between UNHCR and UNDP. They even used the concept of 'additionality' and spoke of '3 Rs' (relief, rehabilitation and resettlement). However, these efforts achieved very little in practice. The lessons from such past experiences need to be analysed if current attempts are to have more positive results. (Betts 2004; Loescher 2001)

Second, countries in the developing world (especially in Africa) are only likely to participate in durable solutions concerned with local integration in host countries and repatriation to countries of origin if they see a genuine commitment by donor states to provide increased assistance for this purpose. This requires a clear commitment to burden sharing rather than the promotion of local integration and return as forms of 'burden shifting'. Resettlement schemes by developed countries would be an important aspect of burden sharing. It is important that target countries for additional assistance are not selected mainly on the criterion that they are sources of secondary migration to Europe. That would create the impression that such efforts are mainly based on one-sided interests of the donor countries.

Third, in view of the short-lived character of past efforts in this area, it is important that such initiatives as Convention Plus and the Framework for Durable Solutions become long-term strategies firmly anchored in mainstream UN policies (Betts 2004). Convention Plus is often seen as a personal initiative of High Commissioner Lubbers. It is only likely to bring long-term benefits if it is made clear that it will continue beyond the term of office of the present High Commissioner.

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[28] Information from consultations conducted for this study, July - September 2004

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A fourth (and perhaps most important) area of critique concerns difficulties in practical implementation of the Convention Plus and the Framework for Durable Solutions. Important NGOs involved in humanitarian work see potential conflicts between the need to ensure protection of refugees and other displaced persons, and efforts to achieve early repatriation in immediate post-conflict situations. This could mean returning forced migrants to situations of danger without adequate guarantees of protection by the states concerned. Such NGOs also draw attention to frequent negative reactions of governments of both refugee-hosting countries and countries of origin, who see programmes focusing on refugees as potentially detrimental to wider development efforts. In this context, there is fear that UNHCR may lack the expertise and resources to play a key role in long term development efforts. Quick Impact Projects can achieve rapid results in repatriation situations, but are not necessarily a blueprint for long-term stabilisation and development.

Some NGOs with long-standing experience in humanitarian work therefore feel that the UNHCR initiatives are very welcome in principle, yet they remain sceptical about the motivations behind them and the chances that they will achieve real change. With regard to motivations, there is a fear that an important reason for the new approaches is to fit in with donor countries' agendas on containment of forced migrants in regions of origin, through emphasis on the linking of relief and development. On the implementation side, there is a fear that UNHCR may be overstretching itself by getting involved in development work, and that it would do better to leave this to other actors, while focusing more on its traditional protection mandate. It is also argued that coordination structures between the various UN agencies, as well as between these and NGOs, are not yet adequate to support the new approaches effectively.[29]

An overall assessment of UNHCR initiatives is therefore to state that they are very good in principle, but that major problems of coordination and implementation remain. This judgement could lead to two conflicting approaches: either to reject the UNHCR approaches as unlikely to succeed and too difficult to implement, or to provide critical political input and financial and practical support for effective implementation. The consultants believe that the latter approach would be more constructive. There is considerable merit in the UNHCR initiatives, and DFID should support them through constructive engagement, both in terms of endorsement of the general approach and in terms of identifying specific areas towards which DFID could direct its activities.

6.7   Key points

- In a period of rapid change in the characteristics of forced migration and of state responses to it, the role of UNHCR is being transformed. The organisation is trying to re-affirm its traditional protection mandate (as laid down in the 1951 UN Refugee Convention and its 1967 Protocol), while seeking new solutions to the dilemmas of contemporary forced migration.

- This has led to a number of new initiatives on the part of High Commissioner Ruud Lubbers and the Office of UNHCR, several of which emphasise the need to link refugee issues to long-term development in regions of origin. These initiatives are of considerable relevance to the work of DFID.

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[29] This paragraph and the preceding one are based on interviews with senior officials of UN agencies and major NGOs in New York, Washington and Atlanta, August-September 2004.

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- The most important UNHCR initiatives in this context include the Agenda for Protection, Convention Plus and the Framework for Durable Solutions, all of which are summarised above.

- The Agenda for Protection focuses on measures to improve international protection of refugees and asylum seekers and improve implementation of the 1951 Convention. Important goals in the context of this study include more effective burden sharing and capacity building to receive and protect refugees, redoubling the search for durable solutions, and meeting the protection needs of refugee women and children.

- Convention Plus aims to develop comprehensive plans of action to respond to mass influxes. It includes strategic use of resettlement, targeting development assistance to support durable solutions for refugees, and clarification of the responsibilities of states with regard to irregular secondary movements. An example of a comprehensive plan of action is that being prepared for Afghanistan.

- The Framework for Durable Solutions is perhaps of greatest interest to DFID, since it focuses on the targeting of development assistance, and is concerned with bridging the relief-development gap. It has three components: Development Assistance for Refugees (DAR), Development through Local Integration (DLI) and Repatriation, Reintegration, Rehabilitation and Reconstruction (4Rs).

- The Framework for Durable Solutions involves close cooperation with a range of relief and development actors, both intergovernmental and non-governmental. It is also based on the principle of leadership and ownership by governments in the regions of origin.

- The UNHCR initiatives should be welcomed and supported, since they represent constructive ideas for addressing key problems in the relationship between forced migration and development. However, it is important to learn from the experience of past efforts in this area, which have not been very successful. It is also important to address major issues of resources, capacity and coordination, if these initiatives are to be successful. DFID could play an important and positive role through critical engagement and support for these initiatives.

- It is also important to analyse the agency of forced migrants themselves in seeking solutions. Families and communities affected by conflict and forced migration develop their own transnational and translocal strategies to cope with the situation and to rebuild their livelihoods. Participatory approaches that provide room for such strategies can play an important role in post-conflict reconstruction.

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7   THE EU AND FORCED MIGRATION

7.1   Introduction

Previous Sections have reviewed the evolution and characteristics of the forced migration regime and outlined some recent initiatives by UNHCR that bear directly on forced migration and development. The European Union is of course another key player in both the forced migration regime and in the field of development. As this Section will show, EU initiatives in both of these (and other) fields are closely intertwined with those of UNHCR and those of national governments (considered Section 8).

As at the multilateral and national levels, recent EU policy has largely been driven by imperatives to contain migration in general and refugee and asylum-seeker movements in particular. Drawing heavily on the expert paper by Crawley (2004), this Section examines the emergence of the so-called 'external dimension' or 'preventative approach' in EU cooperation aimed at managing asylum flows into the EU. This approach is reflected in European-wide border controls and attempts to manage migration through cooperation with migration sending or transit countries, in the integration of migration issues into the EU's external policies and in the Commission's response to the UK's proposals to develop policy mechanisms for extra-territorial processing. The main debates and contours of policy are covered in the first parts of this Section. Later parts deal with policy relating more directly to development and humanitarian aid that are perhaps more in tune with the approach of DFID.

7.2   The harmonisation process

As Crawley (2004) recounts in her expert paper, the adoption of the Amsterdam Treaty by the 15 Member States of the European Union in 1997 marked a new stage for asylum policy making in Europe by establishing that EU-wide binding minimum rules on asylum and immigration should be developed. Between 1999 and May 2004, legislation setting out minimum standards for processing, protection and reception was to be adopted (ECRE 2004). Following the Amsterdam Treaty's entry into force in May 1999, the EU held a summit in Tampere, Finland, in October 1999, and adopted the framework within which the EU's policies and legislation on asylum and immigration were to be developed. The Tampere conclusions adopted a two-stage approach in building a Common European Asylum System. In the short term, common minimum standards would be adopted, while in the long term, Community rules would aim for a common asylum procedure and a uniform refugee status valid throughout the Union. The Tampere conclusions committed the EU to the obligations of the 1951 Refugee Convention, and to develop a comprehensive approach to migration providing greater coherence between the Union's internal and external policies. Underpinning such an approach was to be the EU's work towards addressing political, human rights and development issues in countries and regions of origin:

> The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children. To that end, the Union as well as Member States are united to contribute, within their

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respective competence under the Treaties, to a greater coherence of internal and external policies of the Union. Partnership with Third Countries concerned will be a key element for the success of such a policy, with a view to promoting co-development. (European Union 1999, para 4)

In the period since Tampere, the EU has embarked on a long, and often painful, process of policy harmonisation that has resulted in a number of legislative instruments which seek to deliver these objectives (Crawley 2004). Along the way there have been complex negotiations and changing contexts that have shaped the process and determined its focus. Perhaps most important among these were the Seville Summit Conclusions of June 2002 which called for implementation of the Tampere Conclusions to be speeded up. In the context of growing anxieties among Member States (particularly the UK) about increasing numbers of asylum applications, the Summit also re-emphasised the need to focus efforts on combating illegal immigration. This was to be accomplished partly through the integration of migration issues into relations with third countries who could be persuaded through other policy levers (such as development aid) to take back illegal entrants and failed asylum applicants.

Not surprisingly, there has been vocal criticism of the ways in which the Tampere conclusions have been pursued and, in the view of some critics, undermined. In an assessment of the harmonisation process which has taken place over recent years, the European Council of Refugees and Exiles (ECRE) concluded:

> The promise of protection delivered by the EU Heads of State at the Tampere Summit in 1999 left many of us full of hope that harmonisation would bring better protection for persons fleeing persecution and better solutions to the problems faced by governments. What we went on to witness was five years of difficult negotiations not driven by the spirit of Tampere, but driven by most European governments' aim to keep the number of asylum seekers arriving as low as possible and by their concerns to tackle perceived abuses of their asylum systems. Countries showed little sense of solidarity and pursued their narrow national agendas at great cost to refugees and to the building of a fair and efficient European protection system. This took place in a generally deteriorating public climate of growing hostility towards asylum seekers and refugees, and widespread irresponsible media reporting compounded by a lack of political leadership at the national level. (ECRE 2004, 3)

ECRE and others maintain that the Amsterdam decision-making process has allowed for the worst practices of individual States to be transposed into EU legislation, prompting their export to other EU Member States rather than fostering the sharing of best practice. But they are also critical of the EU's attempts to deal with the underlying causes of forced migration and to ensure 'responsibility sharing' with countries and regions of the world which are significantly poorer, and in many cases politically unstable, but host the vast majority of the world's refugees and internally displaced. Moreover ECRE (2004) argues that the EU's prioritisation of measures to combat illegal immigration over addressing the root causes of refugee flight and improving refugee protection in third countries has led to a lack of coherence between the EU's measures to integrate migration issues into external policies and its human rights and development cooperation policies and objectives.

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7.3   European border controls and approaches to illegal migration

EU asylum policy and practice has to be seen in the wider context of increasing measures to prevent unauthorised, undocumented, irregular and 'illegal migration' into the EU (Hayes 2004; Levy 2004). Even more so than in the asylum sphere, there is considerable evidence that the fight against illegal migration to the Member States rather than addressing the causes of forced migration has been the principal focus of attention and concrete action. In contrast with the laborious approach to developing asylum legislation, Member States have been prolific in the development of joint 'migration management' tools, such as the strengthening external border controls and other immigration controls. Many of these measures are binding and have a potentially significant impact on those seeking asylum in Europe.

The focus on illegal migration was given impetus at the Laeken Summit in December 2001, and at the subsequent Seville Summit the focus was on preventing illegal migration to the EU: measures to be pursued included increasing the security of visas, exchanging information on illegal migration, enhancing coordination between migration liaison officers, and improving the effectiveness of border controls, including establishing a common EU border police force. The summit underlined the need to tackle the root causes of illegal immigration, which, in order to be effective, should make more extensive use of development assistance, trade relations and conflict prevention measures in close cooperation with countries of origin and transit.

In their concern to step up the fight against illegal immigration, Member States also decided at the Seville Summit that all future agreements with third countries should include provisions on joint management of migration flows and compulsory readmission of illegal immigrants: failure to cooperate would hamper a third country's relations with the EU. This was articulated in the Communication from the Commission to the Council and the European Parliament on *Integrating Migration Issues in the EU's relations with Third Countries* (European Commission 2002). Although the Communication recognised the rights of refugees to seek asylum and to have their asylum applications examined, subsequent policy making by the Council of Ministers has prioritised the channelling of financial assistance towards the development of interception measures in third countries over the support to develop their asylum systems, and establishing readmission agreements to enable failed asylum seekers to be returned.

The conclusions of the Seville European Council meeting thus focused on combating illegal immigration and on readmission agreements (see below), constricting the more comprehensive approach laid down at Tampere in 1999. There was no substantive mention of tackling root causes, such as lack of socio-economic development, repression of human rights and armed conflict. Indeed in the 'Road Map' for the follow-up to the Conclusion of the European Council meeting at Seville, none of the measures outlined addresses the root causes of forced migration to the EU (Council of the European Union 2002).

7.4   Integration of forced migration issues in external policies

Even so, since the early 1990s there has been an awareness within the EU of the need to pay attention to the root causes of migration, including forced migration. In December 1992, the Edinburgh European Council called for measures to address the causes of migration, including preserving peace and ending armed conflicts, respect for human rights, the creation of democratic societies, and liberal trade policies which could improve

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economic conditions. It was recognised that this would require coordination in the fields of foreign policy, economic cooperation and immigration and asylum policy by the Community and its Member States. This recognition of the links between economic and political causes of migration, and hence between economic and forced migration, was reinforced in subsequent years by the experience of influxes of people fleeing the wars in the former Yugoslavia.

As was noted above, Tampere underlined the need for a comprehensive approach to asylum and migration, addressing political, human rights and development issues in countries and regions of origin and transit. It also called for greater coherence between the Union's internal and external policies, and stressed the need for more efficient management of migration flows at all their stages, in which the partnership with countries of origin and transit would be a key element for the success of such a policy. Reflecting this, Tampere renewed the mandate of the High Level Working Group on Asylum and Migration (HLWG), which brings together experts in the fields of Justice and Home Affairs, foreign, security, development and economic policy. The HLWG came about at a key moment in the progress towards integration in the fields of asylum and immigration (van Selm 2002a; van Selm 2002b). The HLWG's responsibility is to develop a 'cross-pillar' framework for asylum and migration policy in order to improve the EU approach to migration flows from selected countries of origin and transit. It was tasked with drawing up a number of Action Plans for joint analyses of migratory flows from or through selected countries, and proposals to address the causes of these flows, enhance reception capacities in the region, promote human rights, and foster political dialogue. Exploring the possibilities for readmission and return to the country or region of origin was also a key task.

Although the HLWG is the EU's most ambitious attempt to coordinate measures across all relevant policy areas and to involve Member States in implementation, its impact has been disappointing. The HLWG drew up Action Plans for six countries or regions of origin and transit of forced migrants coming to the EU – Afghanistan, Albania, Morocco, Somalia, Sri Lanka and Iraq. The Action Plans thus only cover four of the top ten source countries of asylum seekers for the EU – Morocco and Albania are mainly sources of economic rather than forced migration. Moreover although the Action Plans are intended to address the need for cooperation with the countries concerned in three areas – foreign policy, development and economic assistance as well as migration and asylum – they have been criticised for dealing only cursorily with preventive measures such as conflict resolution, development and poverty reduction in refugees' countries of origin, and for their primary focus on exporting migration control, such as Airline Liaison Officers, anti-immigration information campaigns, and readmission arrangements to the source countries.

Despite the principle of cooperation with countries of origin, the Action Plans appear to have been prepared without full prior consultation, with the result that some sending country governments saw them as unilateral measures to be imposed by the EU. Joint working with NGOs both in countries of origin and in the countries of the EU was also lacking (Castles et al. 2003). The Action Plans produced by the HLWG were lacking in specific proposals for action. They were for the most part descriptions of country conditions and lists of policy objectives which had almost all already been developed in EU and European Commission work, particularly in the areas of trade, external relations and development (van Selm 2002a; van Selm 2002b). They did not amount to programmes that could be implemented or policies that would, for example, effectively prevent human rights violations, or combat the root causes of forced migration. There were far more detailed and

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specific proposals in relation to the immigration controls aspects of the Plans, for example stationing Airline Liaison Officers in countries of origin or neighbouring regions. This led some to conclude that the migration control imperative had dominated over concerns about sustainable development, human rights and refugee protection (House of Commons International Development Committee 2004). Such an orientation was maintained when the HLWG's terms of reference were modified and extended in 2002 (European Commission 2002).

Since 2001 the work of the HLWG and preparatory actions to implement the Action Plans and increase cooperation with third countries in the area of migration have been financed by the EC B7-667 budget line. In 2001 and 2002, the budget of B7-667 was set at €10 and €12.5 million respectively. For 2003 the budget was determined at €20 million, but €7 million of this was earmarked specifically to implement the EU's Plan for Return to Afghanistan which was developed in response to events after 11th September 2001 which had rendered the original HLWG Action Plan considerably outdated.

The HLWG has had a chequered history amid calls for a more flexible approach and a better geographical balance, including provision for regional approaches. Calls also requested an increased emphasis on analysing the relationship between the EU's migration management and trade, aid and foreign relations policies, and a stronger emphasis on partnership with third countries in joint migration management. Recently this approach has been revitalised and given greater financial support.

In March 2004 B7-667 was replaced by a multi-annual programme called AENEAS running from 2004 to 2008. The programme aims to give financial and technical aid to third countries to support their efforts to improve the management of migration flows. AENEAS is regarded as an effort to build better partnerships with third countries and regions on migration and asylum matters, but containment is still an important imperative, seen not least in the emphasis on readmission agreements. In terms of thematic coverage, five objectives have been identified for AENEAS:

- The development of immigration policies;
- The promotion of legal migration channels;
- The development of legislation and national practices on international protection;
- Combating illegal immigration, including trafficking in human beings; and
- Readmission and sustainable reintegration of returnees in their countries of origin.

AENEAS represents a considerably expanded commitment by the EU to addressing migration issues in external policies. For the period 2004-2008, the programme has a budget of €250 million, of which €120 million has been allocated for the period until 31 December 2006. Among the kinds of actions which may be supported by the programme are information campaigns and the provision of legal advice, initiatives to maintain links between countries of origin and host countries, facilitation of dialogue and exchange of information, support for capacity building to draft and implement national legislation, introduction of systems for data collection and support for targeted socio-economic reintegration of returnees (European Union 2004).

While the outcomes of the AENEAS programme will take time to materialise and need scrutiny, the programme does seem to mark a more constructive effort to reconcile different interests within the EU as well as a healthier approach to partnership with the developing

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countries involved. Both of these trends are welcome and could be built upon.

7.5   Linking forced migration and development aid

There have been other initiatives that have attempted to link forced migration and 'conditionality' in development aid more explicitly. In the run-up to the Seville Summit, proposals were made by the Spanish and the British Prime Ministers to link readmission agreements to aid and other cooperation arrangements with countries of origin. This would have made it possible to put economic pressure on countries unwilling to re-admit nationals deported from the EU. The Conclusion adopted at Seville stopped short of imposing economic sanctions on countries of origin unwilling to re-admit illegal immigrants, including failed asylum seekers, but it did define readmission agreements as key instruments in the pursuit of Common Security and Foreign Policy and other EU policies in case of 'persistent and unjustified denial of such cooperation'. This signalled a shift of emphasis in the way in which proposals to address the causes of forced migration were framed, most significantly in linking migration and development objectives through the concept of evaluating relationships between the EU and third countries according to their willingness to cooperate in the management of migration flows, particularly where this would relate to the readmission of refugees who have transited through those countries.

Although the explicit policy proposal of linking development aid to cooperation on migration was defeated at Seville, the European Council did agree that future association cooperation agreements should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration. The HLWG was directed to draft such a clause. The implications of this have prompted strong criticism. The House of Commons International Development Committee, among others, concluded:

> It is sensible to support governments which are moving in the right direction, improving governance and fighting poverty, but it would be a mistake to make aid conditional on measures which aim to limit out-migration. Withdrawing aid to countries which fail to limit out-migration would simply plunge them further into poverty; threatening such a withdrawal would force developing countries to spend scarce resources on border controls rather than poverty reduction, would undermine any notion of partnership, and would simply succeed in pushing more migrants into the arms of smugglers and traffickers. Development assistance or the threat of its withdrawal must never to used as a tool for migration management. (House of Commons International Development Committee 2004, 80)

This position is consistent with DFID's mandate and should be maintained by the department. There is a fine line to be drawn between using conditionality as a means to improve human rights and governance more widely to decrease pressure for forced migration on the one hand, and using it to promote donor countries' interests on migration on the other.

7.6   Extra-territorial processing

The externalisation of the European Union's policy in relation to forced migrants has gone hand in hand with proposals for extra-territorial processing of asylum claims that had their roots in the 1990s, but were given fresh impetus by the British (with considerable assistance from the Austrians, Danish and Dutch) from 2000 to 2004 (Noll 2003). The

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UK's 'new vision' proposals early in 2003 (outlined below in Section 8) were an important part of this process. According to Levy (Levy 2004), unlike earlier proposals for 'safe areas' and camps associated with the Yugoslav conflict and the need to provide temporary protection in situations of mass influx, the British and Danish plans of the last few years would see processing outside of the EU and could result in a system where little or no individual applications for asylum would be examined in European countries. Whilst the UK and Denmark have indicated that this is not their intention, there remains concern about the potential for 'policy creep' in this area.

The UK 'new vision' proposals made their way into the public domain at virtually the same time that the Commission published its *Communication on the Common Asylum Policy and the Agenda for Protection* (European Commission 2003a) reaffirming the EU's commitment to the new strategies proposed by UNHCR – most notably through the 'Convention Plus' initiative (see the Section 6 on recent UNHCR initiatives). Anxious about the UK proposals undermining the Agenda for Protection and about being seen as unresponsive to the political and policy concerns of EU Member States, UNHCR issued a counter-proposal, which became known as the 'EU Prong' (Crawley 2004). The so-called 'Three-Pronged Proposal' considered improving the efficiency of national asylum systems; strengthening protection and solutions in regions of origin, largely along the lines of Convention Plus (through DLI, for example, see Section 6); and, most controversially, an 'EU Prong' which contemplated holding asylum seekers in EU reception centres prior to processing under the aegis of an EU Asylum Agency and admission into a Member State or return to the country of origin (Amnesty International 2003; UNHCR 2003d).The European Commission's subsequent Communication *Towards More Accessible, Equitable and Managed Asylum Systems* (European Commission 2003a) was a response to both the UK and UNHCR proposals. Although it distanced itself from the UK position, the Communication set out the Commission's views on a possible new approach in which asylum processes might be better managed by improving access to protection, reducing the impetus to secondary movements of asylum seekers and refugees, and limiting abuse of asylum systems. The Commission's proposals are based on three specific but complementary policy objectives:

- The orderly and managed arrival of persons in need of international protection in the EU from the region of origin through resettlement and Protected Entry Procedures;
- Burden- and responsibility sharing within the EU as well as with regions of origin, enabling them to provide effective protection as soon as possible and as closely as possible to the needs of persons in need of international protection; and
- The development of an integrated approach to efficient and enforceable asylum decision-making and return procedures.

As Crawley (2004) and Amnesty International (2003) note, in trying to balance different interests and pressures, the Communication is somewhat inconsistent and suggests that the Commission remains open to exploring further the feasibility of locating asylum processing outside the EU, despite the legal, practical and financial obstacles to extra-territorial processing that the communication cites. In doing so it leaves the door open to proposals like the UK 'new vision' and UNHCR's counter-proposals. Another such proposal surfaced again in autumn 2004: the idea of locating processing centres outside the EU was to be discussed at a meeting of the UK, France, Germany, Italy and Spain scheduled for October 2004.

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Whatever actually transpires in this area, it needs to be recognised that recent proposals to 'regionalise' asylum, through the establishment of 'zones of protection' and processing centres outside the EU, will likely increase the burdens borne by host states in regions of refugee origin, compound their security concerns, and lead to increased reluctance to host refugees. DFID should engage with relevant bodies within the EU to ensure that the development implications of such proposals in host countries and regions are properly highlighted and understood.

7.7   Resettlement

Sixteen countries worldwide offer refugee resettlement programmes in partnership with UNHCR. Six of these are EU Member States – Ireland, Finland, Denmark, the Netherlands, the United Kingdom and Sweden. Norway also has a resettlement programme. Although the size of resettlement programmes in Europe is currently small – approximately 3,500 per year across the EU compared with between 70,000 and 132,000 each year in the US and 12,000 in Canada – resettlement is being considered more widely both in individual countries within Europe and in the European Commission, who see a potential for resettlement to be strategically used to manage a greater number of legal arrivals to the EU Member States than is currently the case. The approach to the use of resettlement is not consistent across Europe. Van Selm notes that in the current discussion, some policy-makers suggest that resettlement can replace asylum systems altogether, while others assert that resettlement could very well co-exist with asylum but could not be a total alternative (van Selm 2003). Similarly, some suggest that resettlement of refugees could help end smuggling and trafficking – while others contend that both refugees and economic migrants would continue to use smugglers and be exploited by traffickers. The Commission has maintained throughout the EU discussion on the subject that any resettlement programme must be compatible with the long-term objectives of the Common European Asylum System and support efforts to improve the management of forced migration movements, facilitating legal access to international protection by those justifiably seeking such protection. Meanwhile building on its earlier Communications (discussed above), the European Commission recently commissioned a study on the feasibility of introducing an EU-wide resettlement scheme by July 2005 (see below).

Other initiatives are doing likewise. Launched in Helsinki in January 2004, the MORE Project (Modelling of National Resettlement Process and Implementation of Emergency Measures) is working with the Ministry of Labour, Finland and the Reception and Integration Agency, Ireland, along with UNHCR, the IOM and the European Council on Refugees and Exiles (ECRE) to develop comprehensive models for the resettlement of refugees, which can be used by European Union Member States and other countries. Taken together, these initiatives are a welcome attempt to reinvigorate resettlement as a durable solution to forced migration. DFID should nevertheless be wary of the use of resettlement to filter forced migrants and to 'cherry-pick' those with marketable skills, often to the detriment of development prospects in the regions of origin.

7.8   EU   resettlement   schemes   and   regional   protection   programmes: a comprehensive approach to asylum and migration?

In its communication *Improving access to durable solutions* (European Commission 2004), the Commission laid out ideas for EU Resettlement Schemes and for EU Regional

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Protection Programmes that would draw together the some of the elements discussed above. In some ways the communication was an advance on previous proposals since it recognised the value of all three 'durable solutions' – repatriation, local integration into the host country of the region of origin, and, significantly, resettlement to an EU country. It saw the virtue of balancing better management of the access of people needing international protection within the EU and enhancing the protection capacity of countries in the region of origin. In some ways the initiatives suggested parallel UNHCR's Convention Plus and the Framework for Durable Solutions, but they are at a more preliminary stage, yet to be consolidated into a programme of concrete actions.

Two mechanisms were suggested to help accomplish the first objective, managing better access to protection in the EU: an EU-wide Resettlement Scheme and Protected Entry Procedures. Under the latter, a person seeking protection could approach a potential host state outside its territory, make a claim for asylum and be granted an entry permit, temporary or permanent, if the claim was deemed justified. This was seen as an 'emergency strand' of wider resettlement action, used for particular urgent protection needs. The EU Resettlement scheme was a means of encouraging managed and orderly entry into the EU, while contributing to more effective protection by sharing refugee numbers more equitably. It was seen as a fairly limited initiative targeted at specific caseloads and complementary to other solutions. It could have the effect of enhancing protection in the region of origin since resettlement of some of the caseload could help free up resources in such regions. By offering a safe and legal route of entry, it was suggested that the programme would also help to undermine the market for smugglers.

To help achieve the second objective, enhancing protection in the region, EU Regional Protection programmes were to be developed by the Commission with actions and projects on asylum and migration elaborated in 'full partnership' with third countries in the region. The programmes were mainly oriented towards improving institutional capacity in host countries in regions of origin, but they also included significant development interventions akin to those in UNHCR's Convention Plus and Framework for Durable Solutions. The programmes were to be drawn up in conjunction with and following the same cycles as the Regional and Country Strategy Papers that provide the overarching framework of EC relations with developing countries. The programmes would be multi-year and include mid-term reviews. Protracted refugee situations where a solution seemed to be reachable would be particularly targeted.

The programmes are seen as a 'tool box' comprising a range of measures, including:
- Enhancing protection capacity in third countries in regions of origin, including processing, receiving and integrating refugees.
- Registration scheme: using the UNHCR registration scheme 'Profile' (which will ultimately utilise biometric technology) to determine who needs protection.
- Assistance to improve local infrastructure: ensuring that the presence of refugees does not put too much strain on local infrastructure, and that it brings benefits rather than strains to refugee-affected communities. Host communities should be actively involved in the design and implementation of such programmes.
- Assistance for local integration of people needing international protection in a third country: It was hoped this would reduce the need for secondary movement and enable refugees to access decent living conditions either as a durable solution (local integration) or pending such as solution.

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- Cooperation on legal migration: the identification and negotiation of legal migration channels.
- Cooperation on migration management: improving the response of third countries and countries of transit to 'mixed migratory flows', combating illegal migration and organised crime, and supporting the return of migrants.
- Return: this could be aimed at the third country's own nationals, as well as other third country nationals for whom the third country has been or could have been a country of first asylum, if this country offers effective protection. (European Commission 2004, 18-19)

The EU-wide Resettlement Scheme was also seen as part of the 'tool box', since capacity in a third country in the region of origin would be enhanced by making more resources available for the protection of those who could not be resettled. This was considered particularly appropriate for states hosting large numbers of refugees for protracted periods (European Commission 2004, 4).

A central role was seen for UNHCR in the development and implementation of both the Resettlement Schemes and the Regional Protection Programmes. Indeed the formulation of the programmes was seen as in line with Convention Plus and as the basis for the special agreements envisaged by UNHCR as part of Convention Plus and the Framework for Durable Solutions. (For the mechanisms UNHCR and the EU have developed for consultation, see Crawley 2004). IOM was well-suited to carry out some of the technical and logistical migration management functions envisaged in the EU 'tool box'.

It was envisaged that both the Resettlement Schemes and the Regional Protection Programmes should be under way in at least preliminary form by the end of 2005. Pilot programmes were to be identified and funded through the AENEAS programme (see above) or through regional cooperation programmes, such as those for the Mediterranean, the Balkans, Eastern Europe, Asia and Latin America, and for Africa through the European Development Fund.

The proposals for EU Resettlement Schemes and Regional Protection Programmes received a conditional welcome by organisations such as ECRE (September 2004) and Amnesty International (June 2004):

> Helping to increase access to protection beyond the boundaries of the EU would help to enlarge the asylum space and clearly contribute to the successful implementation of Member States' national and collective development cooperation policies and programmes……The proposed EU Regional Protection Programmes have the potential to greatly enhance the situation of refugees in regions of origin, such as those languishing in refugee camps for many years. (ECRE 2004, 7 and 10)

However both ECRE and Amnesty voiced a number of persistent concerns. These included the issues of shifting responsibilities for providing effective protection from Europe to areas that are not so well equipped or resourced to provide it, and the related temptation for EU states to link development aid to developing countries' cooperation in managing migration: 'There should be better targeting of development assistance provided that it is aimed at reducing poverty, improving protection and benefiting host communities as much as refugees…such aid should not be tied to cooperation on border controls, as this is likely to result in burden shifting' (ECRE 2004, 10). Other concerns relate to the likely small

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scale of resettlement and thus the volume of resources it might free up for development in regions of origin, and the possible abuse of biometric techniques for registration by unscrupulous regimes.

While welcoming EU efforts to improve access to durable solutions, in particular by enhancing protection in regions of origin, DFID should keep sight of these reservations in the debates ahead.

7.9   Humanitarian aid

The European Community's Humanitarian Aid Office, ECHO, is a major player in assistance to displaced and conflict-affected populations in developing countries, providing 538 million euros in humanitarian aid in 2002. Its aid strategy (ECHO 2004a) is described as 'a needs-based humanitarian approach', with particular attention to 'forgotten needs' and 'forgotten crises'. It addresses not only crises arising from armed conflicts, but also natural disasters and structural crises arising from political, economic or social conditions.

After a review of the effectiveness of EU aid in the mid 1990s, and reflecting debate on the relief-development gap, the EU formulated its approach of Linking Relief, Rehabilitation and Development (LRRD) in communications of 1996 and 2001. LRRD also informs the Cotonou Agreement of 2000 between the EU and the ACP (Africa, Caribbean and Pacific group) countries, which includes approaches to peace building, conflict prevention and resolution (ECHO 2004a). Interventions are being pursued in eight countries (Angola, Sierra Leone, Ethiopia, Sudan, Burundi, Cambodia, Afghanistan and Tajikistan) and two regions (West Africa and Central America), with a view to 'ensuring effective transition from emergency aid to the longer-term cooperation cycle' (ECHO 2004a, 7-8).

ECHO has welcomed UNHCR's 4Rs approach, which it claims to have supported by financing operations such as the repatriation of Angolan refugees from Zambia and the DR Congo, while lobbying for their reintegration through longer term development instruments (ECHO 2004a, 7). Presumably these two approaches come together in specific cases, since both bodies often address the same crises.

The role of ECHO, EuropeAid and other EC instruments in delivering humanitarian assistance to refugees and/or host countries is significant. But at the same time, it is recognised that 'humanitarian assistance was neither sufficient nor adequate to address all the needs arising from protracted refugee situations and could not always of itself ensure durable and sustainable solution to refugee problems' (European Commission 2004,12). This has prompted the consideration of more comprehensive schemes whose development has been traced in the preceding Sections. How these schemes work out remain to be seen, but since they are in process of formulation, DFID could usefully make its voice felt now. Further, in view of criticism of the efficiency and transparency of EU humanitarian aid in general, DFID may wish to review its recent shift away from direct assistance to routing aid through the EU, within the forced migration field as in others.

7.10   Key points

- Developments at the EU level in the field of forced migration present a mixed picture. Imperatives to contain refugees and other migrants in regions of origin and thereby to prevent onward migration to Europe vie with more development-friendly

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initiatives that would build partnerships with poor countries and communities to alleviate pressures on conflict and refugee-producing regions.

- DFID's mandate aligns it with the latter perspective, to which it should lend support, although how the different policies are employed in practice and the relationships between those policies should be carefully monitored.

- It is not clear how different elements of EU policy where forced migration and development come together can complement each other: examples include initiatives of the High Level Working Group, the AENEAS programme, Humanitarian Aid and LRRD, and the proposed EU Resettlement Schemes and Regional Protection Programmes. There are tensions between the interests of Home Affairs, External Relations and Development in these areas.

- Key areas that need monitoring at the EU level are the points at which such interests intersect – for example, in the High Level Working Group, in the AENEAS programme (which is jointly managed by DGs Justice and Home Affairs and External Relations), and in various regional programmes that are the locus of interventions related to forced migration and development.

- There have been positive signs of greater understanding between JHA and other interests, seen in the AENEAS programme and in the need for better cooperation with states of origin than has been obtained so far; such trends should be supported by DFID. But the volatility of this area is underlined by the recent resurgence of ideas about siting asylum processing in centres outside the EU.

- There is need for engagement with relevant bodies within the EU to ensure that the implications of recent proposals for extra-territorial asylum processing for development in host countries and regions are highlighted.

- The potential should be explored for the EU's High Level Working Group to be a more transparent mechanism focused less on migration control and more on addressing root causes.

- EU ideas for Resettlement Schemes and Regional Protection Programmes are a step in the right direction and worthy of support. However these ideas are as yet only vaguely developed, and there are some reservations about the direction in which they may proceed. In particular, ideas for assistance to improve local infrastructure in refugee-hosting areas, for assistance for the local integration of refugees, and on return are only weakly sketched.

- As the work programme for these linked proposals is currently being drawn up with a view to starting implementation by the end of 2005, DFID could usefully help to influence this process, lending its weight to further UNHCR's more fully elaborated Framework for Durable Solutions – Development Assistance for Refugees, Development through Local Integration, and the 4Rs – as well as initiatives by national governments, such as Denmark and Japan, in these areas.

- Beyond the governmental institutions considered here, DFID could draw on its strong relations with non-governmental organisations to encourage and support European NGOs to form partnerships with NGOs in the regions of refugee origin.

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8   STATES AND FORCED MIGRATION

8.1   Introduction

As Section 5 noted, states are key players in the forced migration regime, both through the domestic and international policies they pursue, and through their role as major donors. The UK government has been prominent in recent, often controversial, debates on how to handle forced migration. Drawing on the expert paper by Heaven Crawley (2004), this Section reviews the UK's role in these debates, and then turns briefly to UK policy in relation to the role of other states in Europe and beyond.

8.2   Recent UK policy on forced migration

As Crawley (2004) makes clear, much of the recent history of UK policy in relation to asylum and forced migration has focused on tackling actual and perceived abuses of the asylum system and is reflected in many significant legislative and policy changes over the past seven years (see Crawley 2004, figure 1). The first parts of this Section outlines UK policy changes in relation to securing borders and processing asylum claims and the recent controversial 'new vision' proposals presented to the European Presidency early in 2003. This thrust of UK policy forms a major part of the policy context within which DFID must shape its approach to forced migration, not least because such policy has serious implications for development. However there are other strands of UK policy which relate directly and indirectly to forced migration, not least those pursued by DFID itself. Some of these are highlighted in later parts of this Section.

8.2.1   *Securing borders and processing asylum claims*

Broadly speaking, policies for dealing with asylum seeking in the UK and EU fall into two main categories: policies designed to restrict or control entry into EU countries; and policies designed to prevent forced migration by addressing causes in the countries and regions from which asylum seekers and refugees originate (Castles et al. 2003). The 2002 Home Office White Paper *Secure Borders, Safe Haven* explicitly recognised the need to support the efforts of developing countries to promote economic growth and social development, eliminate poverty, improve governance and reduce conflict. But the overwhelming majority of recent policy changes have been orientated towards restricting or controlling entry to the UK. The thrust of immigration and asylum legislation in 2002 and 2004 was to deter unfounded asylum applications, strengthen borders by ensuring that immigration controls exclude those who are an immigration or security risk, and tackle illegal working, people trafficking and fraud. An array of measures has been introduced to prevent asylum seekers and refugees from entering the UK, including use of Airline Liaison Officers, fines for carriers who bring would-be asylum seekers into the UK, and increased use of technology to detect illegal immigrants or potential asylum seekers using false documents.

This approach to asylum policy making is driven principally by a perceived need to respond to abuse of the system, and by the political difficulties and financial costs associated with increasing numbers of asylum applications. In February 2003 the government committed itself to halving the number of asylum applications, despite instability in the Middle East and a pending war in Iraq. The subsequent decline in applications has been widely reported as a success, but did not necessarily reflect a concomitant improvement in world stability nor significant reduction in refugee-producing conflicts and human rights abuse leading to forced migration, let alone a reduction in

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poverty worldwide. Although political changes in Iraq and Afghanistan have contributed to an overall reduction in the number of asylum applicants in Europe, this does not account for the far more substantial fall in the UK. What the fall may mean is that people seeking refuge from crises are using channels other than asylum to gain entry.

8.2.2   *Proposals for extra-territorial processing*

At the end of 2002 and early in 2003 the Cabinet Office and Home Office developed proposals for a 'new vision' of refugee protection to meet current conditions. It was against the background of record levels of asylum applications in the UK and the commitment to reduce applications by 50% that in March 2003 the Prime Minister circulated a 'concept paper' entitled *New International Approaches to Asylum Processing and Protection* to his European Council colleagues.[30] The premise underlying the proposals was that the current global asylum system was failing because:

- Support for refugees is badly distributed between asylum seekers in Europe and the refugees and other 'persons of concern' around the world supported by UNHCR;
- Between half and three quarters of those claiming asylum in Europe do not meet the criteria for Convention refugees;
- Individual countries experience rapidly fluctuating and unmanaged intakes of asylum seekers and refugees, often resulting in poorly resourced responses; and
- Public support for asylum is falling across the developed world.

The paper proposed a strategy for improving regional management of the asylum process that would, in the UK government's view, address the conditions which cause population movement, ensure better protection and resources in regions, develop managed resettlement arrangements from source regions to Europe on a quota basis, and raise awareness and acceptance of responsibility among states of origin to accept returns.

In the second part of the UK paper, two new approaches are presented. The first of these, seen as a longer-term approach, proposes that Regional Protection Areas (RPAs) should be established in regions of origin. Asylum seekers from certain countries could then be returned to their home regions where 'effective protection' could be offered to them, and where they would be processed with a view to managed resettlement in their home regions or, for some, access to resettlement schemes in Europe. According to the paper, increased processing of applications in the regions would need to be developed in a way which avoided creating a 'pull factor' or attracting people to the protected areas as an easy way to get to Europe.

In addition to improving protection in regions of origin, the UK paper proposed short- to medium- term action aimed at deterring those who enter the EU illegally and make unfounded applications. One possibility suggested in the paper was to establish what were described as Transit Processing Centres (TPCs) in third countries along major transit routes into the EU, and close to EU borders, to which those asylum seekers arriving spontaneously in the UK or another EU Member State would be removed and their claims processed. Those given refugee status could then be resettled in Member States whilst others would be returned to their country of origin. According to the UK paper, this approach could act as a deterrent to abuse of the asylum system, while preserving the right to protection for those who are genuinely entitled to it. It was proposed that the centres, which would be located

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[30] A draft of the 'new vision' paper was leaked to NGOs and the press earlier in 2003. The final version is available at www.refugeecouncil.org.uk/downloads/policy_briefings/blair_newvision_report.pdf

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outside the EU, could be managed by the International Organization for Migration with a screening regime approved by UNHCR.

As Section 7 outlined, the European Council invited the European Commission to explore the issues raised in the paper, and in June 2003 the Commission published its communication *Towards More Accessible, Equitable and Managed Asylum Systems* (European Commission 2003a). Although the Commission broadly endorsed the UK paper's analysis of the deficiencies of the current asylum system and acknowledged the 'growing malaise in public opinion', it concluded that the UK proposals as presented were not workable because unresolved questions remained about whether the TPCs would be located within or outside the EU, whether processing in centres would be compatible with existing EU institutions and legislation, what the concept of 'effective protective' in regions of origin consisted of, and whether RPAs and TPCs were intended to be complementary to the existing European system or entirely to replace it. The Commission's own proposals for a way forward and the parallel development of UNHCR's proposals for an 'EU prong' are described in Sections 6 and 7.

The European Union Committee in the House of Lords has recently examined the UK proposal, the Commission's Communication and UNHCR's proposal (House of Lords – European Union Committee 2004). Its report warns against EU asylum processing centres and concludes that plans to establish off-shore centres to process asylum applications could create 'formidable difficulties' because of uncertainty about which state would be responsible for the asylum decision. It also warns there would be uncertainty about what legal procedures would apply and concludes there will be practical difficulties of transferring people forcibly to the centres. As an alternative, the report calls for action to improve and accelerate domestic asylum determination procedures.

The concerns expressed by the House of Lords are echoed by both academics and voluntary sector organisations (Amnesty International 2003; Baldaccini 2003; ECRE 2003; Hatton and Williamson 2004; Human Rights Watch 2003; Levy 2004; Loescher and Milner 2003; Noll 2003; Refugee Council 2003). Whilst many of these commentators have welcomed the government's recognition of the need to address root causes of forced displacement, the value of working with other states and international institutions, and its commitment to resettlement programmes (see below), they are concerned that the proposals fail to address the problems identified, are unworkable and would further endanger the lives of people fleeing persecution, implying a violation of their human rights. While it is true that the estimated $10 billion spent each year by the industrialised states on their asylum systems is substantially greater than the $800 million that UNHCR spends on the 19 million refugees and displaced persons in less prosperous countries around the world (Loescher and Milner 2003), a new system is likely to be very expensive, particularly if developed in parallel with systems for spontaneous arrivals. These resources could arguably be devoted to more effectively addressing the underlying causes of forced migration.

Perhaps most significantly however, there are concerns that the concept of extra-territorial processing undermines the principles of international protection itself and would spell the end of any meaningful refugee protection in the UK and EU (Hayes 2004). According to Amnesty International, the 'new vision' proposal 'bears striking similarities to the highly controversial Australian 'Pacific Solution', under which the Australian government persuaded Nauru and Papua New Guinea to permit the establishment of Australian funded detention centres where asylum seekers were held, pending determination of their status

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(Amnesty International 2003). It has been argued by some (for example, Levy 2004) that the UK proposal is more radical even than the 'Pacific Solution', since it argues for the deportation of asylum seekers already within the territory of the EU to the TPCs. By contrast the Australian policy is designed precisely to prevent asylum seekers from touching Australian soil and thereby forcing their claims to be heard in-country. Moreover given the recent and on-going developments in formulating a common European asylum policy (outlined in Section 7) and parallel UNHCR proposals including the Agenda for Protection and Convention Plus (outlined in Section 6), it is not clear why this additional set of proposals was needed. It is also the case that the process that this then set in motion (the UNHCR counter-proposals and subsequent Commission Communication) has not been particularly helpful in taking forward the long-standing commitment in the EU (in theory at least) to addressing the underlying causes of forced migration.

In the wake of the criticism, the Home Office confirmed in April 2004 that it had moved away from the idea of transit processing centres and was now looking to develop 'migration partnerships' with third countries in the region of origin. According to a Home Office statement to the European Standing Committee, the aim of such partnerships would be to reduce the pressure on the asylum system while facilitating UK assistance with refugee caseloads in the partner country (House of Commons 2004). This is still very much in development, but could complement other initiatives, such as UNHCR's 'Convention Plus'. So far, Tanzania is the only country with which the Home Office has moved forward, albeit haltingly, but the government is also involved in projects along these lines with the Netherlands, Kenya, Somalia and other countries. In another twist to the debate, the issue of asylum processing outside the EU resurfaced in September 2004, and was discussed at a meeting of Justice and Home Affairs ministers in the Netherlands in October.

8.3   Resettlement

Although UK asylum policy has focused primarily on securing borders and processing applications quickly, the Home Office accepts that that it is often very difficult for those who have a well-founded fear of persecution to arrive in the UK legally to seek help. Proposals for an EU-wide resettlement programme to which Britain would contribute were floated in 2000 and 2001, and a UK quota resettlement programme of 500 places was established in October 2003. This resettlement programme operates in addition to current asylum determination procedures, and reflects the government's acknowledgement that there would always be some refugees for whom the only durable solution is resettlement in a third country.

As was discussed in earlier Sections, resettlement schemes represent an important strategy in ensuring international protection and have been widely developed in other countries both inside and outside the EU. They can help to relieve pressure on countries of first asylum and release resources for development in refugee-hosting areas. There are nevertheless concerns about the current UK approach to resettlement. Most notable among these are the scale of the programme, currently insufficient to represent a substantial sharing of the global refugee 'burden', and the selection criteria adopted by the Home Office which explicitly exclude those refugees with severe health needs and who are arguably the most vulnerable (see Crawley 2004). There is also the danger that resettlement schemes will become linked in the political and public debate to other initiatives (such as the 'new vision' proposals described above) and in turn undermine the principle of providing a determination process for asylum seekers who arrive in the UK independently. There are

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concerns that the development of a resettlement programme might be used to justify a political discourse – and ultimately change in policy approach – which distinguishes between 'legitimate' and 'illegitimate' modes of entry to the UK and implies that there is no longer a necessity for asylum seekers to enter illegally or under false pretences because of the existence of an alternative 'gateway', although in reality this is very small and selective. These concerns are based in part on the development of a two-tier system in Australia where those who arrive in an 'unauthorised' manner are detained in remote centres and even if they are eventually granted asylum, are only granted a 3-year Temporary Protection Visa with reduced rights compared with full refugees. However, pressure from rural constituencies has recently led to a change in Australian policy: pressure particularly from employers anxious to retain good workers, has led to a new policy of converting some Temporary Protection Visas into full refugee status after a period.

Despite these misgivings, as previous Sections have highlighted, resettlement represents an important tool in efforts to handle forced migration, and its implications for development in regions of origin needs to be thought through.

8.4   Other strands of UK policy relating to forced migration

It is fair to say that the prevention and containment agenda outlined has dominated UK policy on forced migration overall in recent years, and that this forms the overall policy context within which DFID has to operate. However there are of course other strands of UK policy which relate directly and indirectly to forced migration, not least those pursued by DFID itself. Two strands are considered here: new approaches to migration and development, and conflict reduction and peace-building efforts.

8.4.1   Migration and development.

In common with other governments and development agencies, DFID and other government departments have come to recognise the development potential of migration, including refugee and associated movements. To its credit, the UK government was early to see the potential of migration for development, and was one of the leaders in the current wave of such interest. Together with the Danish, French and Swedish governments in particular, this approach has been usefully promoted in various EU and global fora, as well as on the domestic front, the work of the House of Commons International Development Committee and its 2004 report being a case in point. The connections between migration and development, and specifically the diaspora role in development, were articulated early in the first term of the current Labour government. Noting that migration can have both positive and negative effects on development, the 1997 White Paper observed, 'We will seek to build on the skills and talents of migrants and other members of ethnic minorities within the UK to promote the development of their countries of origin' (DFID 1997, 71). DFID and other government departments have been at the forefront of exploration of the development potential of remittances, for example hosting a key International Conference on Migrant Remittances jointly organised with the World Bank in October 2003. The work of the DFID Migration Team is also of note here. With the recent renewed interest in the development potential of the diaspora in recent years (Danida, the EU and the World Bank are among the bodies that have re-articulated such interest), the stage is set for greater intervention in this field. Since refugees and asylum seekers now form a substantial proportion of such diasporas, there are clear linkages between forced migration and development to be pursued here. In particular, there may be lessons for targeting

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development assistance in refugee-hosting areas and in the areas refugees and IDPs return to.

8.4.2 *Conflict prevention, reduction and peace building*

Again the UK government, and DFID and CHAD in particular, have been prominent in 'mainstreaming' conflict reduction and prevention into development policy. The issue was rightly prominent in both the 1997 and 2000 White Papers on development, and indeed CHAD was set up in 1997 to bring together in one department DFID's humanitarian and conflict reduction work and to 'mainstream' it. Activities under this rubric include:

- **Conflict management**: preventing the intensification or spread of existing violent conflict.
- **Conflict prevention**: reducing tensions and preventing the outbreak or recurrence of violent conflict.
- **Conflict resolution**: ending violent conflict.
- **Peace building**: addressing over the longer term the factors underlying violent conflict. (Lawry-White 2003, 17)

Notable areas of work that relate directly or indirectly to forced migration include the Conflict Prevention Pools, run jointly by DFID, the Foreign and Commonwealth Office (FCO) and the Ministry of Defence (MOD) (see below); security sector reform, where DFID's work overlaps with the MOD; initiatives on Demobilisation, Disarmament and Rehabilitation (DDR), where there needs to be collaboration with efforts to reintegrate returning refugees and IDPs; justice, and good governance efforts more widely, in which DFID has made significant interventions; defence diplomacy, in which the MOD takes the lead; efforts to curtail the proliferation of small arms and light weapons, tackled jointly by DFID, FCO and MOD; humanitarian mine action led by CHAD with the FCO and MOD; post-conflict reconstruction, now to be coordinated by a unit in formation involving DFID, the FCO and MOD (see below); and UK government involvement in peace processes (Lawry-White 2003).

Two of these initiatives are highlighted here as examples of promising and innovative cross-departmental cooperation.

The *Conflict Prevention Pools* (CPP), so called because they are funded by pooling DFID, FCO and MoD budgets and expertise, were set up in 2001, with one CPP covering Africa and the other, the Global CPP, for the rest of the world. The CPPs have been described as 'a genuinely novel way for the government to do business' (Lawry-White 2003, 33), since they can take a holistic approach (although this can lead to problems in implementation). Areas for intervention for the Global CPP include Afghanistan, the Balkans, Central America, Central and Eastern Europe, Indonesia and East Timor, the Middle and Near East, Russia and the former Soviet Union, and South Asia including India, Pakistan, Sri Lanka and Nepal. The Africa CPP is focusing in 2003-2006 on the Great Lakes Region, Sierra Leone, Sudan, Angola, Nigeria and Ivory Coast. The interventions pursued are combination of the areas of work outlined above (Lawry-White 2003, 33-35). The CPP approach may be a useful in helping to fulfil the need for early warning mechanisms, often articulated in the course of interviews for this study.

Another promising cross-departmental initiative is the *UK Inter-Departmental Post-Conflict Reconstruction Unit*. Post-conflict reconstruction has rightly absorbed much UK

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government expenditure in the conflict sphere and is increasingly seen as a key element in peace building and conflict prevention more generally (Lawry-White 2003). Taking account of recent experience in Iraq, Afghanistan, East Timor, Sierra Leone, the Balkans and elsewhere, and following a review by DFID, the FCO, and the MOD into the UK's approach to preparing for post-conflict situations, the decision was taken to set up an inter-departmental unit to coordinate the UK's contribution to post-conflict reconstruction. The unit was to be launched in autumn 2004, and to become fully operational in 2006, with a core staff of 40, plus surge capacity for times of crisis (UK Government 2004).

While these cross-departmental initiatives are welcome in terms of the aspiration to coordination across government in the field of conflict and forced migration, they do have implications for CHAD, as part of a more general trend towards devolving responsibility in this area. Taken together, the establishment of the jointly managed CPPs and the Post Conflict Reconstruction Unit, the passing of responsibility for many of CHAD's conflict reduction activities to DFID's geographic departments, with more regional and country offices taking the initiative in conflict-related programming, and the establishment of a separate Africa Conflict Team for the continent (Lawry-White 2003), perhaps spell diminished responsibility for CHAD in this arena. On the other hand CHAD could have a stronger role in providing strategic thinking, advocacy and expertise for mainstreaming of forced migration issues in country programming, through cooperation with DFID regional and country teams.

8.5   UK policy in relation to the policy positions and practices of other states

Addressing comprehensively the approaches of other states to forced migration issues is beyond the scope of this study, but here some approaches by other states in key policy areas that have been the subject of debate in recent years are highlighted.

8.5.1   Border control

Space precludes mapping the complexity of current policy positions in relation to border controls across the other EU Member States in this Section. Suffice to say, the general themes that dominate the UK and EU policy-making scene are prevalent across Europe as a whole, which is not surprising given the context of harmonisation and EU legislation designed to establish minimum standards. The immigration and asylum policies of EU Member States are increasingly characterised by measures designed to prevent entry of people without adequate documentation. Many governments now employ Airline Liaison Officers and immigration officials in origin and transit countries to prevent undocumented or inadequately documented passengers from leaving such countries. As was noted above, there is an increasing emphasis on identifying 'safe third countries' to which asylum seekers can be returned before a decision is made about their claim, and re-admission agreements with origin and transit countries have been written into trade and cooperation agreements to ensure that failed asylum seekers can be returned to their countries of origin. Policies aimed at restricting access are not unique to Europe but have been introduced in most developed countries including the USA and Australia (although not so far in Canada). These policies – rather than real improvements in human rights – may be one of the reasons why the number of Convention refugees worldwide has fallen since 1995 (Castles et al. 2003).

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8.5.2   *Extra-territorial processing*

The Dutch and Danish governments have shown particular interest in the UK's proposal for extra-territorial processing, both governments having put forward similar ideas in 1986, 1993 and 2001 (Amnesty International 2003; Noll 2003). Germany, France and Sweden were believed to be strenuously resistant to the proposals, though Germany has recently changed its position. Noll suggests that the Danish and British memoranda and joint meetings of the Danes, Dutch and British in 2002 and 2003 were strongly influenced by what had taken place in Australia when the government there refused to land more than 400 mostly Afghan asylum seekers rescued off the Australian coast by the *MV Tampa*, a Norwegian freighter (Noll 2003). The resultant, and highly controversial 'Pacific Solution' set the scene for a new phase in state responses to the demands of their international legal obligations. Noll's conclusions are supported by Levy who also cites the influence of US policy and practice regarding extra-territorial possessing, for example in relation to Haitian refugees in the late 1990s (Levy 2004). The idea of extra-territorial processing re-surfaced in October 2004, when interior and justice ministers met in the Netherlands to discuss German and Italian proposals for the establishment of transit camps in some North African states against the background of heightened sea-borne arrivals of migrants into Italy.

8.5.3   *Resettlement*

After being somewhat neglected in the European context, resettlement has recently staged a modest revival as one of the durable solutions for refugees. However as noted in Section 7 European efforts in this area are dwarfed by those in other parts of the world. The US has the largest resettlement programme receiving over 800,000 refugees through resettlement between 1993 and 2002 (van Selm 2003). The US also received 822,224 asylum applications between 1993 and 2002. Canada with a target of 12,000 refugees for resettlement per year across three types of resettlement programme, and currently receives between 30,000 and 40,000 asylum applications annually. Australia aims to receive 12,000 refugees per year, with precise resettlement numbers dependent on the number of asylum applications receiving a positive determination, and thereby qualifying them as among the 12,000 total. The UK started its resettlement programme in 2003: at just 500 places it was modest compared with other European schemes, let alone North American and Australian programmes. Some countries do not have formal programmes to resettle refugees on the basis of a fixed quota, but have responded positively to appeals by UNHCR to accept refugees for resettlement. For example, between April and June 1999, 1,426 Kosovo Albanians were transferred to Spain under UNHCR's Humanitarian Evacuation Programme.

The use of resettlement is likely to emerge as a strong theme in the international refugee regime given that it has been identified by UNHCR as one of the key strands of Convention Plus. It is also likely that the nature of resettlement will change. Along with some other resettlement countries, Canada is considering the value of a group processing approach to resettlement and the Resettlement Section of UNHCR is developing a 'group methodology' that could be useful here.

As was noted above, in some quarters resettlement is being seen implicitly as a substitute for admitting asylum seekers. But no country that carries out resettlement in significant numbers has seen spontaneous arrivals of asylum seekers dwindle as a result of resettlement. Resettlement should therefore be viewed as a tool for protection rather than as a mechanism for reducing flows of forced migrants.

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8.5.4   Targeting development assistance

As Section 6 noted, targeting development assistance to address the root causes of forced migration has recently witnessed a revival as a policy option. As the states responsible for facilitating the strand of Convention Plus which examines the targeting of developing assistance (see Section 6), Denmark and Japan prepared a discussion paper (UNHCR 2004d), outlining the Danish and Japanese strategies and experiences on incorporating refugee needs and those of host communities in their development aid policies.

In 2002 the Danish Government launched a new initiative in support of refugees and refugee-hosting communities, and in May 2003 a strategy for activities in refugees' regions of origin was adopted. It aims to promote durable solutions for refugees by integrating refugees in development programmes through a combination of multilateral and bilateral activities in close cooperation with the governments of the host countries. The strategy should also be seen as an element of the Danish government's ongoing efforts to support conflict prevention. In the multilateral field, the strategy emphasises strengthening the link between humanitarian and development agencies within the United Nations family, for example, through the '4Rs' approach in post-conflict situations with returnees, and by increasing self-reliance through Development Assistance for Refugees (DAR) in protracted refugee situations pending durable solutions. In the bilateral field, activities will build on existing development programmes and will, in accordance with Denmark's general poverty reduction focus, target refugee-hosting areas, which tend to be the poorest areas of developing countries. While the Danish embassies will be responsible for the bilateral activities, a high degree of local ownership will be encouraged. In the 2003 budget of the Danish Foreign Ministry a new multi-annual budget line was established to support these activities. The budget line draws on development assistance funds separate from the continuing humanitarian budget lines. The first allocation from the new budget line amounts to some US$ 35 million for the 3-year period from 2003 to 2005 and focuses on Zambia, Tanzania, Somalia and Sri Lanka. As ever, translating these resources into concrete benefits for refugee- and IDP-affected areas will depend on the development of sound relations with government and civil society in these countries.

Japan also supports UNHCR's approach to the strategic use of development assistance as an important element of multilateral burden-sharing arrangements aimed at addressing refugee situations comprehensively, especially those of a protracted nature. The Japanese government revised its Overseas Development Assistance Charter in August 2003, prioritising poverty reduction, sustainable growth, addressing global issues and peace keeping. In the context of peace building in post conflict situations Japanese policy aims to assist returnees by bridging the gaps between humanitarian relief and rehabilitation efforts. Assisting returnees in the initial reintegration phase is regarded as being of particular importance, as part of efforts to consolidate peace in the regions of origin as well as to prevent returnees from being displaced once again. Japan has provided assistance, for example, for the 4Rs programme in Afghanistan and has supported the reintegration of Angolan returnees through grant aid for conflict prevention and peace building. Again, a critical eye needs to be cast over the concrete outcomes of these assistance interventions.

Other donors have likewise focused on the so-called relief-development gap. In 2002 Norway established a Transition Budget Line aimed at bridging the gap between short-term relief and long-term development aid in post-conflict situations. The funds can be allocated for activities in countries with weak government capacity and lacking democratic processes. Funds from the Transitional Budget Line are mainly intended for countries

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which are not recipients of bilateral aid. As from 2004, UNHCR was also to receive a grant earmarked for 4R activities.

The '4Rs' therefore currently appears to be the focus of efforts to target development assistance in situations of actual or potential forced migration. The 4Rs programmes to which Japan, Norway and Denmark have contributed are currently being piloted in Sri Lanka, Afghanistan, Sierra Leone and Eritrea. In Sri Lanka a transition group is promoting the 4Rs to bridge the often-noted gap between humanitarian relief and sustainable development there. The planning process involves humanitarian NGOs, the Asian Development Bank, the World Bank, UNDP, UNHCR and eight bilateral donors. As the programme continues UNHCR will phase itself out. In Afghanistan, UNHCR is exploring cooperation with the World Bank, UNDP, and the Afghan government, where before the relationship between the development groups and the Afghan government was marked by tension and disagreement (see Section 6.3.1 on Afghanistan). Similar efforts have been under way in Sierra Leone for some time. In 2003, a Transition Support Team was established to consolidate strategies and initiatives at the operational level, involving the main agencies and donors – UNHCR, UNDP, the World Bank, UNICEF, the ILO, OCHA, the WFP and the EU.

As Section 6 noted, the targeting of development assistance as a means of promoting durable solutions for forced migration is hardly new. Efforts to promote repatriation, reintegration and rehabilitation, in Sri Lanka and Sierra Leone for example, were under way, with mixed results, long before the 4Rs idea was coined. Moreover, attempts to ensure coordination between the different agencies involved in relief and development activities are often easier to articulate than to implement in practice. However the integration of such an approach in a package that is acceptable to and agreed by the aid community and, most importantly, host governments and communities, is an important step forward if it is providing tangible improvements on the ground. Sri Lanka, Afghanistan, Sierra Leone and other cases provide important testing grounds for this re-vamped approach.

8.5.5   Taking account of developing country concerns
The governments of developing countries within regions of conflict and refugee movement – countries of first asylum, of transit, and with populations of IDPs or returnees – are still other players in the forced migration regime, though they sometimes are not acknowledged as such. Some of the positions of developing country governments on forced migration issues have been reflected in the preceding discussion. Here their concerns are made more explicit, particularly in relation to UK policy. The sub-section draws on consultations in the course of this study with mainly African countries in refugee-producing and hosting regions.

In current development discourse there is much talk of partnerships with developing countries, co-ownership and local authorship – of PRSPs and of means to achieve the Millennium Development Goals, for example. Such notions have also entered the migration arena, so there is discussion of 'migration partnerships', promoted by the UK government amongst others. While such notions are ostensibly welcome, there is the danger of generating scepticism here if they remain simply rhetorical.

Among developing countries hosting refugees there is a pervasive weariness about refugees, especially the economic, social and security problems refugees are held to bring with them, and particularly in protracted situations where there is no apparent end in sight.

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This weariness is compounded by a negative perception of the way asylum and migration debates play out in the UK and Europe, leading to suspicion about the motives even of initiatives like targeting development assistance that could be of benefit to poor regions and communities. The developing country response varies between a conditional welcome for initiatives like the Global Consultations and Convention Plus, to guarded welcome for targeting development assistance, to outright scepticism on ideas like transit processing centres, protection in the region, and migration partnerships, as well as deep suspicion of the perceived trend towards tying aid to acceptance of repatriation.

At best the responses of developing countries to recent proposals have been mixed. The Zambia initiative is seen positively by some, underlining the point that DAR should not only be for refugees, but for hosting communities too: resentment remains that support is often withdrawn when refugees leave. There is scepticism about other forms of targeted development assistance too, but also the feeling that this could be a springboard for reviving funding and activities. Some aspects of enhancing protection in the region are seen positively, but there is also distrust, with host countries seeing themselves being cast as dumping grounds or warehousing centres for refugees unwanted by Europe. This ambivalence is reflected in differential participation in the new initiatives. The Tanzanian government, for example, has mixed views on the utility of participating in Convention Plus: it participated in the resettlement working group and is thinking of doing so in the targeting development assistance strand, but not the secondary movements strand.[31]

On the positive side, UK has a comparative advantage through historical and colonial ties, and through DFID's long term relationships with developing countries to help address their ambivalence. The UK's stock here has been reinforced by well-received UK participation in the New Partnership for African Development (NEPAD), and by initiating the Commission for Africa, which has sent positive signals and could be capitalised upon. The UK and DFID could, for example, use this positive capital to allay the fears of developing countries about the true purposes of forced migration related initiatives where they are unfounded and to communicate genuine concerns to European partners where such fears are indeed well founded.

8.5.6   *Coordination across government departments: lessons from the US?*
As has already been indicated, there have been some promising initiatives in cross-departmental cooperation in the UK and at the EU level, although outcomes have been mixed and the institutions are currently somewhat ad hoc. An alternative model exists in the US where government responsibility for forced migration issues is largely concentrated within one institution. The Bureau of Population, Refugees and Migration (BPRM) within the US State Department has primary responsibility for formulating policies on population, refugees and migration, and for administering US refugee assistance and admissions programmes. It works closely with the US Agency for International Development (USAID), which administers US development programmes. The BPRM is tasked with coordinating US policy on population issues (including the promotion of reproductive health and fighting maternal and child mortality). The Bureau also coordinates international migration policy within the US government and through bilateral and multilateral diplomacy. In the work on refugees and migration, the main target groups are refugees and 'persons of concern' (see Section 2), conflict victims, and vulnerable migrants. There are also some important points of difference in the briefs of the BPRM and USAID. While the

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[31] Information from consultations conducted for this study, July - September 2004

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two departments cooperate on issues pertaining to conflict victims, the BPRM is primarily responsible for refugees, employing humanitarian diplomacy, whereas USAID caters to natural disaster victims and IDPs, and provides food aid. In fulfilling these duties, the BPRM works mainly with international organisations, while USAID has a stronger collaboration with NGOs. The BPRM administers and monitors United States contributions to international and non-governmental organisations to assist and protect refugees abroad. In overseeing admissions of refugees to the United States for permanent resettlement, the Bureau works closely with the Department of Homeland Security and various state and private voluntary agencies.

This model offers the potential for greater coordination across the range of forced migration issues, particularly in the area of resettlement. The implications of varying asylum and resettlement admissions to the US for development prospects in countries of origin are potentially easier to ascertain in this institutional set-up than the dispersed policy arrangements in the UK and other European states. While the US model may hold useful lessons for organisational structures that can encompass the broad spectrum of forced migration issues, it is important to note that other interests impinge in practice – not least security which severely curtailed refugee admissions immediately following the attacks of September 11 (numbers are on the rise again for 2004). Moreover, the recent heavy politicisation of aid means that development assistance is largely limited to following the domestic policy agenda.

8.6   Key points

- As in the EU sphere, forced migration issues at the state level in recent years have often been subsumed within the prevention and containment agenda of interior ministries, with the result that development dimensions are either seen as peripheral or as a means to pursue migration management.

- However there are signs, again as at the EU level, that states are becoming more attuned to the development implications of migration and refugee polices, and this trend is welcome.

- The development implications of the currently dominant migration control and containment approach need to be clearly spelled out. Among these implications are possible damage to relations with developing country partners, and the undermining of potential promising relations with diaspora groups, not least as a source of remittances and other transfers that could be harnessed for development purposes.

- Of the policy areas reviewed in this Section, perhaps the most immediately relevant for DFID to consider is targeting development assistance, both in situations of return and reconstruction, but just as importantly in refugee-hosting countries and communities. DFID's policy seems underdeveloped here relative to some other international players – although the implementation of their interventions needs careful scrutiny.

- The potential for DFID collaboration with UNHCR and other governments and agencies pursuing such approaches needs to be explored more deeply. Niche areas in the relief and development arena could be identified where interventions could be made which are both consistent with poverty reduction and supportive of

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agencies and countries that deal with forced migration.

- The UK has comparative advantage here in its historical ties with many refugee-hosting countries, coupled with relatively well received UK-led initiatives like the Commission for Africa and DFID's long-term and dense relations with such countries. Such influence could be productively used to allay the fears of developing countries of the purposes of forced migration related policies where such fears are not well founded – and equally to communicate the concerns of affected countries when the need arises.

- Within UK government, the lessons being learned from cross-departmental initiatives should be built upon, while keeping a watching eye on potential diversion of the development budget in such areas. The Conflict Prevention Pools and the Post-Conflict Reconstruction Unit could be used as means to support closer cooperation within UK government to develop more effective responses to conflict-related situations and common approaches to forced migration issues.

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9   POLICY ISSUES AND RECOMMENDATIONS

9.1   Introduction

This Report provides a navigation guide to the main current policy developments on forced migration and some of the debates that have accompanied them. These policies vary in their implications for development and poverty reduction. In this Section we identify issues in the field of forced migration which are relevant to DFID's mandate for poverty reduction. This leads to recommendations for possible policy options for DFID.

9.2   Addressing the Millennium Development Goals: the links between conflict, forced migration and development

Conflict and forced migration mainly arise in situations of economic underdevelopment and poor governance, although the links between these factors are not straightforward. In turn conflict and forced migration are major obstacles to development. Durable solutions, which allow displaced people to return home or to become self-reliant in areas of asylum, are therefore crucial to poverty reduction and development in many poorer regions of the world.

Interventions to address forced migration are highly relevant to the Millennium Development Goals (MDGs) and will contribute to their achievement. The connections are largely obvious, but perhaps bear making explicit. Since refugees, IDPs, and the communities that host them figure among the poor in developing countries and are often located in poor and marginal areas, interventions designed to assist them will contribute to achieving MDG 1: halving extreme poverty and hunger. Similarly, since children figure prominently among refugee and displaced populations, activities directed towards resumption of schooling among the uprooted will contribute to the achievement of universal primary education, MDG 2. As women are also prominent among displaced populations and displacement, there is scope here for refugee assistance to play a part in accomplishing MDG 3: empowering women and promoting equality between women and men.

Improvements in health in situations of forced migration and return relate to MDGs 4, 5 and 6 on reducing child mortality, improving maternal health, and combating HIV/AIDS, malaria and other diseases. Since refugees and other forced migrants are often obliged to live in marginal areas that are ecologically fragile, interventions in water supply, energy use, forestry and rangeland use, and other areas will contribute to the accomplishment of MDG 7, ensuring environmental sustainability. Finally, there are strong connections between multilateral efforts to address forced migration and the achievement of MDG 8, developing a global partnership for development. The commitment to increased aid, including the proportion that is untied, is significant given concerns about the use of aid to foster migration management. So too are commitments to fairer trade and market access, debt relief and good governance, all of which would help to reduce the pressures that generate vicious circles of poor economic conditions, indebtedness, poor governance, violent conflict and forced migration. Significant too is promotion of the notion of partnership in the forced migration field as part of wider partnerships for development. Particularly important here are the principles that such partnerships should be equitable and involve all the stakeholders, not least forced migrants themselves.

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Recommendation 1

DFID should underline the importance of addressing conflict and forced migration for the achievement of the Millennium Development Goals. It should act as an advocate for the inclusion of forced migration issues in development debates. Measures to prevent and resolve conflicts and to address issues arising from forced migration should be an integral part of the overall strategies of the Department, as well as being built into country and regional programming.

Recommendation 2

DFID should promote a view of refugees and IDPs as active and often highly resourceful survivors of adversity who could, given the right circumstances, make a major positive contribution to host communities. Whilst acknowledging that some forced migrants are rendered very vulnerable by their situation and require proper protection, DFID should take steps to counter the view of forced migrants as dependent, passive victims.

9.3   The continuing need for protection

Emphasis on the linkages between conflict, forced migration and development should not obscure the fact that one of the most immediate needs of refugees and IDPs is protection against violence, persecution and exploitation. This must go hand-in-hand with ongoing provision for health, nutrition, shelter, education, water and sanitation. Threats to the lives and human security of displaced persons exist not only in the early stages of forced migration emergencies, but also often in long-term camp situations, and in situations of repatriation and local integration. Initiatives for linking relief and development must always remain conscious of the key role of protection.

While it is invidious and potentially stigmatising to single out particular groups, DFID should give special attention to supporting people whose rights and needs may be particularly adversely affected in situations of conflict and displacement. Women and children face particular problems and challenges, especially in camp settings; adolescents and youths may be subject to forced recruitment into armed forces; and the elderly are especially vulnerable when separated from family support in the course of displacement. Protection should be understood to include not only physical security, but also human security in a broad sense, comprising protection against gender-based violence, labour exploitation, trafficking and other forms of abuse.

Recommendation 3

DFID should ensure that its activities take account of protection needs. Strategies to support repatriation or local integration should always be examined to ensure that they do not detract from the imperative of protection. DFID should broaden the understanding of protection to include not only physical security but also the prevention of and protection against extortion, exploitation, abuse and other social protection concerns.

Recommendation 4

DFID should continue to provide political and financial support to UNHCR in its protection role, and should support protection work by other international actors such as UNHCHR and OCHA through its institutional strategies with such organisations. DFID should also support the protection work of NGOs and Community-Based Organisations (CBOs). DFID should encourage greater

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collaboration between agencies to ensure the development of expertise around social protection issues, for example, increasing engagement of UNHCR with UNICEF and Save the Children around the protection of women and children.

9.4   Assessing vulnerability and tailoring assistance to specific needs

Forced migration has devastating effects on individuals, families and communities. It leads to impoverishment, social isolation, exclusion from health, welfare and education provision, the breakdown of social relationships and support structures, and the undermining of authority structures and social roles. Assistance to displaced populations must therefore not just be concerned with survival but also with helping people to preserve and rebuild economic capabilities and social relationships. Experiences of forced migration and responses to it are highly diverse. Whether or not displaced populations adjust well to their changed circumstances, and whether or not they experience human rights violations and other hazards depends, to a significant degree, on their ethnic identity, age, class, gender, and other status attributes. Hence, policy measures need to be highly responsive to personal and social circumstances. Rather than making general assumptions about vulnerability, aid agencies need to carry out thorough assessments of actual vulnerability in specific situations, and tailor their assistance programmes to the differing needs of the various groups.

Recommendation 5

DFID should promote thorough assessment of the vulnerabilities and needs of specific groups (differentiated according to such criteria as gender, generation, age, class and ethnic identity) in forced migration situations. Such assessment should include consultation of the groups concerned, using appropriate participatory methods. This should form the basis for assistance measures tailored to address these differing needs.

9.5   Supporting a rights-based approach in humanitarian action

Increasingly, conflict-affected populations are being perceived not as passive victims but as social actors with a range of fundamental rights enshrined in international law. Rights-based approaches are bringing about important changes in institutional responses to forced migration. The key features of rights-based approaches are: accountability, advocacy, participation, sustainability and equity/non-discrimination. Implementing these principles means changing the way humanitarian organisations work, transforming organisational cultures and developing new skills. Agencies are no longer only accountable to governments and donors, but also to displaced persons, who should be seen as active participants in strategies for protection and improvement of living conditions.

Recommendation 6

DFID should support rights-based approaches in humanitarian action, by building criteria of accountability, advocacy, participation, sustainability and equity/non-discrimination into its own donorship, and advocating these principles in relevant fora.

9.6   Engaging with civil society

An important aspect of recognising conflict-affected populations as social actors is working with the organisations which represent forced migrants and local populations. Many NGOs

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and CBOs have important – but often underused – knowledge, expertise and practical experience in the field of forced migration. DFID already has good relations with many such organisations and should build dialogue with them. Establishing partnerships and effective working relationships with such organisations will help deliver policy aimed at lessening the pressure for forced migration and mitigating its effects. Dialogue with existing NGOs with expertise in protection issues should be developed.

Recommendation 7

> DFID should maintain effective mechanisms for engaging with civil society, including NGOs and diaspora organisations, in areas of origin, transit regions and countries hosting refugees.

9.7   Acknowledging shifts in patterns of forced migration

Patterns and types of forced migration are constantly shifting. After rising seemingly inexorably for several decades, refugee and asylum seeker numbers have recently declined. This is partly due to the resolution of some long-running conflicts and subsequent large-scale repatriations, but it is also a result of the success of richer states' efforts to contain forced migration in countries or regions of origin. The latter trend is arguably reflected in the rise in numbers of IDPs as refugee numbers have fallen. The other major shift in forced migration patterns is the increasing significance of protracted and complex forced migration, in which large groups of refugees experience long-term exile often spread among several locations with no real hope either of repatriation or local integration.

This means that the resources and efforts of development agencies have to be balanced among several different kinds of forced migrant populations: for example, among returning refugees to help consolidate peace and stability in countries emerging from violent conflict; among refugees in poor countries of asylum, particularly where their presence has been protracted and where they pose strains on hosting countries and communities; and among IDPs and other war-affected populations in countries embroiled in or emerging from conflict. The latter particularly need attention because there is no international body with a mandate to protect and assist them and they are often even poorer than refugees.

Recommendation 8

> DFID should support UNHCR's role with IDPs and supplement it with support to local and international NGOs and CBOs, when there are gaps in assistance. DFID should build on its support for the Representative of the Secretary General on the Human Rights of IDPs, OCHA's Inter-Agency Internal Displacement Division and the Global IDP Project, and press for the further development of productive collaboration among these bodies within the UN system and beyond. DFID should continue to support promotion of the Guiding Principles on Internal Displacement.

Recommendation 9

> DFID should press for resolution of protracted and complex displacement, or provide long-term support where resolution is not yet possible.

9.8   Taking the lead and ensuring coherence in policy debates

DFID has a good reputation among agencies and governments in terms of the amount, flexibility, targeting and rapid disbursal of its aid and its substantial intellectual

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contribution. But it is widely felt that the organisation does not always use its weight in international fora commensurate with the resources it provides. Many agency partners consulted in the course of this study remarked that they would appreciate greater political and moral support from a substantial government donor and influential voice like the UK.

DFID could also play a more significant role in 'joining-up' policy at UK and EU level. Forced migration cuts across a range of portfolios, including most directly those of DFID, the Cabinet Office, the Home Office (HO), the Foreign and Commonwealth Office (FCO) and the Ministry of Defence (MOD). Given DFID's expertise in regions of origin and its understanding of the factors contributing to forced migration, the Department has an important contribution to make in improving understanding of causes and possible solutions across other government departments.

Recommendation 10
> DFID should take the lead internationally in working for improved approaches to addressing forced migration issues in the developing world. DFID's political voice, its lobbying power in international fora, and thereby its influence on policy debates should be made commensurate with its strong funding commitment and its strong field presence.

Recommendation 11
> At the UK government and EU level, DFID should inject a development perspective into consideration of refugee and asylum policies, showing how policy changes in this area will affect people in poorer developing countries. The department should ensure that measures connected with addressing forced migration and 'migration management' are consistent with long-term development goals.

9.9   Involvement in international policy debates on societies in transition

Much energy has been expended on efforts to address the gap between relief and development over the last decade or more, debates in which DFID has played its part. In particular, there has been much debate about when refugee issues become development issues and when UNHCR involvement should end. There appears to be a new willingness among agencies – notably UNHCR and UNDP – to improve their cooperation in this area. Bringing together all the UN development agencies as well as those concerned with forced migration such as UNHCR and OCHA, the UN Development Group/Executive Committee on Humanitarian Assistance Working Group on Transition Issues (UNDG-ECHA WG TI) represents a concrete step forward in international planning and assistance. UNHCR's recent initiatives, notably Convention Plus and the Framework for Durable Solutions, also have significant potential in addressing such transitions. Debates on the relationship between relief and development also feature strongly at the EU-level, where the approach is cast as Linking Relief, Rehabilitation and Development (LRRD) in the EU's humanitarian work. The June 2004 Communication of the European Commission *Improving Access to Durable Solutions* is a step in the right direction in so far as it promotes assistance along lines similar to Convention Plus.

Recommendation 12
> DFID is well placed to contribute to current international efforts to address the relief-development gap. DFID should support the type of activities envisaged in

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such recent initiatives as the UNDG-ECHA WG TI and UNHCR's Convention Plus and Framework for Durable Solutions. DFID should work to ensure that such approaches become a part of long-term strategies pursued by relevant international actors.

Recommendation 13

EU ideas for 'Improving Access to Durable Solutions' are worthy of critical DFID support. As the work programme for this initiative is currently being drawn up with a view to starting implementation by the end of 2005, DFID could usefully help to influence this process, lending its weight to further UNHCR's more fully elaborated Framework for Durable Solutions.

9.10   Supporting coordination initiatives in the forced migration field

Against the background of much criticism about incoherence, significant efforts have been made in recent years to improve coordination among agencies that deal with forced migration. These efforts include the work of OCHA, measures to make the Consolidated Appeals Process (CAP) more effective, and the Good Humanitarian Donorship (GHD) initiative. Such efforts should be critically supported, with careful monitoring of progress. Since forced migration is usually transnational in character it often requires approaches than span borders. Regional approaches may be needed, and funding mechanisms such as the CAP and principles and practices that emerge from the Good Humanitarian Donorship initiative should be tailored accordingly. Comprehensive Plans of Action (CPAs) provide an organisational framework for coordinating actions to address forced migration at the regional level. Though not without their critics, CPAs have proved in the past to be useful mechanisms to resolve protracted forced migration situations that spans whole regions. They have taken on a new lease of life recently, not least in the context of Convention Plus. Key principles for CPAs include multilateral participation in planning and implementation; ownership by the government(s) of the country or countries concerned; and participatory approaches to give a voice to displaced populations, host populations and other stakeholders. Afghanistan and Somalia present cases in which there are clear and strong poverty reduction imperatives as well as migration concerns for the UK. After long periods of stagnation, these now present opportunities that might lead to resolution, given a push from the international community.

Recommendation 14

As a means to build on recent efforts to improve coordination, DFID should critically support the work of OCHA and improvements to the CAP. The Department should continue its support for the Good Humanitarian Donorship initiative, and work to ensure that its principles and good practices lead to real change at the field and headquarters levels. Taking account of the transnational character of much forced migration, DFID should take full part in both the formulation and the operationalisation of the Comprehensive Plans of Action that are emerging in the Afghan, Somali and other cases. DFID should ensure that CPAs are appropriately connected to funding and development instruments such as CAPs and Poverty Reduction Strategy Papers (PRSPs), and are in line with the principles and good practices of GHD.

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9.11 Striking a balance among durable solutions

Since at least the end of the Cold War, repatriation has been seen as the preferred durable solution for forced migration, somewhat to the neglect of the other two – local integration and resettlement. Recently, however, the potential of the latter two solutions has come to be re-acknowledged by the international community. Local integration has come to be seen as an incremental strategy involving the principle of 'self-sufficiency pending a solution', i.e. assisting refugee-hosting communities until refugees are fully integrated locally, have the opportunity to return or can be resettled elsewhere. Modest programmes for resettling residual refugee caseloads in Europe have been developed, which, though, limited may encourage poorer host countries and communities to be less wary of continuing to extend their hospitality to refugees.

Recommendation 15

DFID should support initiatives which balance solutions for forced migrants, always ensuring that these solutions are entirely voluntary and entail full consultation with affected populations. Such an approach is ultimately likely to be more productive in terms of conflict and poverty reduction than more unilateral approaches, such as the pursuit of extra-territorial processing of asylum seekers. Comprehensive Plans of Action, which embody multilateral approaches to balancing durable solutions, have useful potential here.

9.12 Integrating durable solutions into development planning

Some observers believe that UNHCR missed an opportunity to integrate forced migration issues into the development arena by not participating sufficiently in the process that led to the setting of the Millennium Development Goals. UNHCR has since taken steps to remedy this, including the development of the recent Framework for Durable Solutions. While inclusion of forced migrants in development planning should be relatively unproblematic for countries involved in post-conflict return and reconstruction, it is more controversial for countries hosting refugees. Possibly just as difficult, for host governments at least, is the need to engage refugee and host communities in that planning.

Recommendation 16

DFID should work with host countries and relevant international institutions to encourage them to take account of forced migration issues in PRSPs and other planning processes. DFID should support the UNHCR's Framework for Durable Solutions as a means of helping to achieve the MDGs.

9.13 Targeting development assistance for durable solutions: promoting 'additionality'

As a component of the Framework for Durable Solutions, targeting development assistance towards their achievement provides a promising approach for both refugee-hosting areas and in settings of return and reconstruction. Such an approach can also be useful in circumstances such as protracted displacement, where a durable solution is not currently in sight. 'Self-sufficiency pending a durable solution' may be the best, or indeed the only option. Making refugees useful economic actors not only lessens their burden on local economies and societies, but also equips them for the time when a durable solution can be found. As in other fields of aid, all forms of targeting development assistance in refugee or returnee contexts require the engagement of the refugees, returnees and host communities

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themselves.

However, misgivings about such approaches need to be addressed. Countries in regions beset by conflict and displacement have voiced understandable concerns at the linking of development assistance with cooperation on the containment of refugees and other migrants in regions of origin. Host country concerns about the diversion of general aid budgets to cater for refugees and refugee-hosting areas remain, whether justified or not, in connection with initiatives for targeting development assistance. Such aid should be clearly perceived by donors and recipients as additional to existing development aid. This will create incentives for multilateral efforts to assist forced migrants in their areas of origin, which may have the long-term effect of reducing secondary migration. The principles of Good Humanitarian Donorship, including standard setting, good practice and means of accountability, should be drawn upon here.

Recommendation 17

UNHCR's approach to targeting development assistance for durable solutions should be supported by DFID. Guided by the principles of Good Humanitarian Donorship, DFID should press for 'additionality' of aid to address forced migration both on principle and to allay fears of host countries that aid for refugees will be siphoned off from general aid budgets.

9.14 Targeting development assistance in conditions of return and reconstruction

Under the rubric of the '4Rs' (Repatriation, Reintegration, Rehabilitation and Reconstruction) within Convention Plus, targeting development assistance for return is the least controversial for intervention, since the governments involved are usually receptive to assistance with repatriation and reconstruction. DFID also has substantial experience in this area, and so is well placed to contribute. The Conflict Prevention Pools and incipient Post-Conflict Reconstruction Unit provide the cross-departmental architecture needed to make a useful contribution. There are several areas that need to be watched, however. The nature and timing of repatriation need to be monitored: Is it voluntary? Is return in conditions of safety and dignity possible? Are the society and economy, particularly in conflict-affected areas, capable of integrating the expected numbers? Recent experience has shown that mass return can put severe strain on local communities: returns can raise tensions over land and property as refugees return to find their assets occupied by IDPs whose property is in turn occupied by other IDPs in long chains of displacement. These and other tensions have to be carefully managed if renewed violence is to be avoided. Repatriation is only valuable for conflict resolution, peace building and ultimately poverty reduction if it is sustainable. Continuing assistance after repatriation to countries and communities that have hosted refugees, often for long periods, needs to be part of the overall package.

Recommendation 18

DFID should ensure that refugee repatriation is voluntary and based on accurate and honest information of the situation back home, not least because information is often difficult to come by in exile. Assessment of the scale of returns that a given country or region can absorb and tailoring repatriation accordingly will increase the likelihood that repatriation and reconstruction are durable.

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Recommendation 19

> Planning for repatriation should be a central part of development planning in conflict-affected countries. DFID and other development actors should seek to involve local authorities and local actors and refugees themselves in the planning and implementation of return programmes. To support repatriation, planning in countries of origin should pay full attention to the preconditions for successful return and reintegration of both refugees and IDPs, including local and regional post-conflict reconstruction programmes, rehabilitation of former combatants, and income generation programmes in support of returnees and ex-combatants.

9.15 Targeting development assistance in countries of first asylum

Assistance for refugees in countries of first asylum tends to be rather more sensitive for the governments and publics of such countries than assistance with repatriation and reconstruction. This is because such assistance touches on the use of resources for people who are not nationals, but who are often located amid nationals who are themselves poor. Consequently the most promising approaches are those directed at refugee-hosting areas, which include refugees (both camp dwellers and self-settled) and the local communities they live among. Assistance to refugee-hosting areas is compatible with overall objectives of poverty reduction – this is particularly the case in protracted situations. Such assistance also continues to be relevant once repatriation has taken place and agencies like UNHCR have withdrawn. An important principle is that refugee populations should be encouraged to become as self-reliant as possible, whether in situations of temporary asylum or of long-term integration. Refugee self-reliance is crucial to improving their situation, as well as reducing negative attitudes on the part of host populations. This implies imaginative use of micro-finance, training and small enterprise development schemes.

Recommendation 20

> DFID should support local integration of both camp dwellers and self-settled refugees by engaging with host states to consider the best ways to accomplish this, by targeting development assistance to refugee-populated areas, by supporting the rehabilitation of former refugee camps and settlements for productive use, and by supporting self-sufficiency and livelihood and enterprise development initiatives for locally-integrated refugees. Such initiatives should recognise the needs of host populations as well as those of displaced groups.

9.16 Resettlement

It is increasingly acknowledged that resettlement programmes must be part of the package of durable solutions. This is because the options of repatriation or local integration are not available to certain refugee groups – often residual groups which have experienced long-term exile and encampment. Resettlement should be viewed as part of a comprehensive approach to protection. While resettlement cannot be the main solution to mass movements of forced migrants, the option of the strategic use of resettlement should be kept open in the name of burden sharing and decreasing instability in refugee-hosting areas.

Recommendation 21

> To support third-country resettlement as part of comprehensive packages for the resolution of forced migration, DFID should advocate the consolidation and expansion of the UK's fledgling refugee resettlement programme in the name of

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responsibility sharing.

9.17 Taking account of transnational and translocal arenas

The areas of resettlement, of local reintegration and of repatriation do not exhaust the areas for useful development interventions. The dispersal of households among several different sites – internal displacement within the homeland, flight to neighbouring countries of first asylum, and flight or resettlement to countries outside the region of conflict – needs to be considered in development interventions. Livelihood strategies of such dispersed or transnational households often span several locations: they may involve remittances, movement across borders to farm, work or run businesses and the establishment of cross-border trading networks. From this perspective, the objective of discouraging 'secondary movements' from first asylum countries to Western states or 'backflows' after repatriation may be counter-productive, since they could curtail what may be important elements within families' livelihood portfolios. Such considerations do not figure in Convention Plus and other such instruments, and a compartmentalised approach to the three durable solutions may miss or even undermine transnational and translocal livelihood strategies.

Recommendation 22

> DFID should take account of forced migrants' transnational strategies and build them into their interventions. DFID interventions should complement and not compete with refugees own livelihood strategies and options, which stretch beyond refugee camps and settlements. DFID should support further investigation of the significance of remittances among displaced and other vulnerable conflict-affected populations so as to help design policies to maximise their positive impacts for livelihoods.

9.18 Supporting livelihoods among forced migrants

Support for forced migrants' livelihoods is needed whatever their circumstances: in camps or self-settled in countries of first asylum, during internal displacement, in the context of return, and in states of transition when families may be dispersed among several different locations. The evidence shows that refugees and IDPs who have been able to lead a productive life, receive an education, develop skills and accumulate resources are better prepared and equipped to integrate themselves or return home than those who have been confined for long periods in camps surviving only on minimum levels of humanitarian assistance, or who eke out an existence on the margins of society and of subsistence.

Recommendation 23

> DFID should actively support efforts to achieve self-reliance and sustainable livelihoods for internally displaced populations and refugees, and, wherever possible, work to avoid long-term encampment, in which forced migrants are dependent on care and maintenance programmes. Livelihood support projects should be based on strong situation and market analysis so as to achieve sustainability, avoid adverse impacts on the local political economy, and avoid the development of exploitative employment or commercial relationships. DFID should engage actively with governments and local authorities concerned for the promotion of refugee and IDP self-reliance, integration or reintegration.

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Recommendation 24

> DFID should support refugee and IDP education and vocational and life skills training in camps and settlements, both to help forced migrants to improve their living conditions in the areas of their displacement and to prepare them for reintegration on return.

9.19 Reconciling security concerns with forced migration and development

Security concerns associated with forced migration include the dangers of a mix of civilians and combatants amongst displaced populations, the political and military exploitation of camps, the location of camps in insecure border regions, the weak rule of law in such regions, and the sometimes negative impact on local security of refugee camps and settlements. Judicious development assistance can have double benefit in such circumstances: it can foster greater security and protection for refugees and the local population, and can contribute to the alleviation of poverty in refugee-hosting areas and to broader national development objectives. Promoting good governance and the rule of law can help to short circuit anti-refugee sentiments and grievance-driven insecurity. Security concerns can also accompany return and reconstruction. Efforts to reintegrate former combatants need to complement efforts to reintegrate returning refugees and IDPs: there can be conflicts of interest here. DFID's extensive experience in many of these areas, and in particular the emergence of cross-departmental initiatives such as the Conflict Prevention Pools and the Post-Conflict Reconstruction Unit, makes it well placed to contribute here.

Recommendation 25

> DFID's programmes in host countries should include consideration of how assistance to refugee-populated areas can alleviate local feelings of grievance towards refugee populations, thereby fostering greater local security and well-being. Programmes should be designed so as to realise a double benefit: fostering an environment of greater security and protection for refugees and the local population, while also contributing to broader national development objectives and the alleviation of poverty in refugee-hosting communities.

Recommendation 26

> DFID should ensure that Disarmament, Demobilisation and Reintegration interventions for ex-combatants are compatible with efforts to reintegrate returning refugees and IDPs.

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ANNEXES

Annex I. DFID Terms of Reference

Developing DFID's Policy Approach To Refugees, Asylum Seekers And Internally Displaced People

Background :

Estimates of the number of Refugees, Asylum Seekers, and Internally Displaced People (IDPs) vary. The UN estimated that in 2002 there were around 13 million Refugee and Asylum Seekers while the US Committee for Refugees estimate an additional 20 million IDPs worldwide[1].

There are many reasons why people move. In this study we intend to focus on involuntary migration – recognising that displacement offers both opportunities and challenges for those displaced. We will be very sensitive to the different effects of displacement according to gender and age. **We recognise the effects of involuntary forced migration have often been extremely severe for women and children.** We will further limit this study by concentrating on people displaced as a result on social, economic or political action – rather than those displaced by the consequences of development programming, environmental change, man-made or natural disasters. Our focus is global – but DFID works primarily in the poorest countries of the world – where our aim is to help eliminate poverty. This should be the study's greatest concern.

Not all displaced people are poor – although the great majority are – but their dislocation from physical, social, economic, financial and political capital makes them vulnerable. Our global role in poverty elimination and our contribution to humanitarian support require us to offer support to help counter the vulnerabilities of displaced people and, in many cases, their hosts who may be equally poor or vulnerable. Providing support of this kind is proving to be an integral part of our role in many countries around the world.

DFID's humanitarian and developmental response to the vulnerability of displaced people builds on an existing international framework of human rights. The government has its own legal commitments within the framework of the 1951 Convention. DFID now finds itself in the position of supporting this framework whilst simultaneously supporting governments of poorer countries around the world – who have their own views and ways of intervening. The time has come to be much clearer about what these instruments are and how DFID should use them to support our commitment to poverty elimination and humanitarian assistance.

After the Second World War, international recognition of Refugee vulnerability led to 144 countries signing the 1951 Convention on Refugees. The international framework was supplemented by the 1967 Protocol – which sought to apply refugee protection principles worldwide and at any time. These continue to form the basis of international and national law describing refugee status. There is additionally the 1974 OAU Convention on Refugees in Africa and Article 22 of the Convention on the Rights of the Child. There are other agreements – including various labour migration conventions, the International Covenant

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on Civil & political rights, ECHR, Convention against Torture – that add to the sum of these international instruments of protection[2].

But, there are fewer international instruments protecting internally displaced people. That is, refugees who do not, or cannot, cross into another country but are forced to move involuntarily. These populations are covered by the OCHA Guiding principles on Internal Displacement and the Norwegian Refugee Council are a main focus and reference point for IDP information.

But, the international framework is under debate. So, at the same time as we are trying to make our policy clear, we will also need to contribute to international discussion. There are important differences of views on how well existing instruments work for the protection of Refugees. On the one hand, it has been argued[3], that much of this protection is woven into national law and practice to an unusual degree. This, the argument goes, signifies the solidarity of humane people towards the persecuted and dispossessed. We find confirmation of this in UNHCR's global consultation process that was carried out over a two-year period culminating in 2001 with re-affirmation of the 1951 Convention by signatory states. These states have additionally signed up to an Agenda for Protection.

There are alternative views – that the 1951 Convention should be reconsidered to combat the "exilic bias" that marked the time, in Europe, of the Convention's development. But, the international community believes there are serious risks in the strategy of reconsidering the convention. And like many UN conventions there is reluctance to risk "unpicking" existing protection.

Other topics being debated include family unity, cessation, exclusion, internal flight, illegal entry and definition of social group. Different actors hold different view on these topics. Some have said that the definition and scope of the Convention is limited by the place and experience of the times they were written. [They tend not to cater for categories of people who lack protection from their own States – whether the State is unwilling or unable and there are different views about persecution by non-State agents].

A third alternative being promoted will be to build on the convention using other instruments. And, certainly, other specialised UN agencies are working towards more clearly defined frameworks that favour "their" focus groups.

Very recently, the Report on Human Security by the Commission on Human Security [Commission on Human Security (CHS) Human Security Now: Protecting and Empowering People 2003] suggested: *the movement of people should be looked at comprehensively, taking into account the political, civil, security, economic and social dimensions affecting peoples' decisions to move.* It goes on to suggest migration should be approached: from *the perspective of the different stages and motivations for displacement.* And, offers the thought that a strengthened refugee protection regime is a better: *understanding of the causes and actors forcing people to flee.* But, it has also been argued that this risks blurring the boundaries between migration and protection.

Many governments are expressing concern for the numbers of migrants – asylum seekers, illegal migrants, undocumented migrants entering their national borders. New definitions and new steps are being taken to stop the movement of people and there are new proposals being discussed for managed migration.

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UNHCR is addressing a variety of issues within its mandated Global Agenda for Protection. On behalf of those seeking asylum, UNHCR is concerned for declining access for asylum seekers and signs of "waning quality" of conditions for accessing asylum. Governments are concerned for situations of protracted hosting of refugee populations without solutions. And, other governments are concerned about the associated costs of protracted situations, the lack of burden sharing and finding effective ways to deal with rejected asylum seekers. Issues of migration generally receive a lot of publicity – mostly adverse – in host or destination states. There are some marked differences in views between countries of "the north" and "the south".

Additionally, the UNHCR is addressing itself to new problems:

- The Asylum/Migration nexus
- Growth in associated criminal industries in asylum smuggling and trafficking (which has the effect of criminalising asylum seekers).
- Issues of secondary movement – in which asylum seekers looking for effective protection may pursue the best conditions they can by moving between countries.
- Terrorism and the fear of terrorism – which refers to state border controls, "excludable cases" and slows down certain types of resettlement.

Many of these issues require high levels of participation by developed and developing state governments. And, these will be high on the agenda for the Home Office and DFID's involvement with UNHCR as well as in other fora, in the next couple of years. Within this study we need to be able to bring some order to these multiple and complex issues of migration – not an easy task given the debates that are underway. One suggestion is to consider the study under these headings:

- Causes of displacement (e.g. violence and persecution)
- Internal displacement
- Displacement to neighbouring countries (protection in the region)
- Displacement to non-neighbouring countries (e.g. Europe, U.S.A., Australia)

Each of these raises very different questions and will attract live debate. There will be a variety of challenges and opportunities in interpretation, implementation and augmentation of the international regime of displaced people. But, this study will certainly contribute to the "state of the art" debate and policy definition that we seek.

Rationale for the Study:

There are several pressing reasons to undertake a study of Refugees and IDPs at this time:

a) We lack a consolidated DFID policy position on displaced people -Refugees, Asylum seekers and IDPs (as a sub-set of migration more generally) – while it is becoming an integral part of our country programming in several places.

b) We need to clarify our future position and prepare for our future exchanges with others in the international and donor communities in the UNHCR debates and elsewhere.

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c) We want to identify a "joined-up" policy position across Whitehall[4] that is sensitive too to the changes taking place within European policy. DFID does need greater clarity on policy choices and consequences.

Purpose of the Study :

The overall purpose of this study is to provide information and recommend options to help DFID to decide its policy position.

In order to achieve this we require :

- A summary of "state of the art" thinking about Refugees, Asylum Seekers and IDPs – including an understanding of range of positions being taken by major national and international players in addition to understanding the thinking on this across government.

- A summary of the extent to which DFID should be concerned about whether the numbers of Refugees, Asylum Seekers and IDPs could compromise the achievement of the MDGs and if so, suggestions on ways to tackle this. [This should include an analysis of the way that major aid/humanitarian instruments are, or are not, tackling issues of refugees, asylum seekers or IDPs. That is, Poverty Reduction Strategy Papers, Budget Support, Project/Programme funding, UNDAFs, CHAPs/CAPs].

- With the support of DFID's regional departments, we will seek recommendation to help DFID to develop a congruent policy position for global and regional migration policy positions. This should aim to complement migration policy generally and suggest ways to take an appropriate and commensurate approach to the position of Refugees, Asylum Seekers and IDPs.

- We are seeking advice on adopting common Whitehall policy positions to promote in UNHCR's future debates and decide our support for the subsequent roll out of :
  Agenda for Protection
  UNHCR 2004 Process- Convention Plus Initiative
  International Protection
  2004 Standing Committee Work Programmes

- We need guidance on our policy position and our use of programme funding in support of other related initiatives within UN agencies or civil society organisations.

- We need to be aware of the policy positions of other members of the donor community e.g. U.S.A., Canada, Like-minded European states and, others as appropriate.

- We need to be aware of the thinking of members of the G77 group or specific "southern" Governments and the ways that their views are likely to have an effect on international debate.

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Consultation :

A critical part of this study is to sympathetically understand the views of other parts of DFID, Whitehall and the Government, civil society (including refugee community organisations i.e. Diaspora communities), other Governments, the relevant parts of the Eudemons and multi-lateral partners in the international development community.

We particularly expect to see the study closely engaging with UNHCR, the Home Office, the Foreign Office, DFID's Policy Division Migration Team, DFID's Regional Policy Teams and Country teams as appropriate.

Additionally, we expect there to be contact – and discrete contributions commissioned – from the major civil society organisations such as the British Refugee Council or the American Refugee Council and others such as Oxfam.

We think there could be a good argument to identify one or two case studies of the line taken by the governments of poorer countries but we do not expect there to be extensive consultation.

We expect the study to take into account the outcome of the International Development Committee's consideration of Migration issues.

Existing materials :

In addition to comprehensive consultation, the study will take full account of existing responses to governmental consultations and academic research, and:

- Prior work DFID has undertaken on Migration in the regional programmes;
- Work carried out in preparation for the DFID submission to the International Development Committee enquiry into Migration;
- The implications of gender and age on future support to Refugees, Asylum Seekers and IDPs. Including the work being undertaken in Policy Division's look at education and training provision for "Hard to Reach Children" and the complementary CHAD study on "Quality & Access to education for Refugee Children".
- Work carried out by DFID on Remittances
- Current policy formulation in the European Union
- Current policy formulation by the Home Office.
- Work by ODI on PRS development.
- Work being conducted by the Policy Division's Migration Research Team.

Conduct of the study:

We anticipate that one set of experts will act as overall manager and facilitator for this work.

They will be expected to be able to manage the timing and the processes of commissioning others' inputs to the study. They will be responsible for fulfilling the purpose of the study.

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The overall study managers will commission other pieces of work from a range of experts or organisations – many of whom have already offered the benefit of their advice to helping formulate these Terms of Reference.

The greater part of the background work for the study will be conducted from existing secondary sources of information. We do not anticipate any new primary information being collected. But, we do expect to cover new ground in the study's advice to DFID on its future policy positioning.

It is important that this study is delivered in a timely way.

Outcomes of the Study:

Although the study outcome is intended primarily for DFID – CHAD we believe that others will take an interest:

- DFID's Policy Division, Regional Policy Units and Country Offices
- UK missions in Geneva
- Whitehall Departments – particularly the Home Office and Foreign Office and the DTI.
- Other bilateral and multi-lateral organisations in the international development community.
- UNHCR and IoM and the specialised UN agencies
- Civil Society organisations such as the British Refugee Council, Diaspora groups and concerned individuals

The outputs from the study will attract wide interest and will therefore be staged:

Stage 1
A timed plan consisting contributions, workshops and writing, together with a budget agreed at the outset of the study. [For the DFID managers]

Stage 2
A mid-way discussion (workshop/s) of progress and findings; [For an identified DFID audience plus contacts from other Whitehall departments and participating civil society organisation]

Stage 3
A seminar hosted by DFID at which the study findings will be presented and discussed; [Intended for a wide audience]

A paper directed at DFID – CHAD containing recommendations for policy lines with annexes focusing on the points listed above. [For DFID – but shared widely]

A paper directed at DFID – CHAD outlining recommendations for a strategy for programme funding that can be managed within our human resources constraints for the next two years. [For DFID use]

Stage 4
After agreement by the Secretary of State, a more general, policy-oriented summary paper

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– intended for publication by DFID. [But agreed also within Whitehall].

Timing :

We would like to see this study completed within six months of commencement. Stage 1 should be completed and agreed within one month of the start.

We will allow time for a full submission to Ministers towards the end of the study.

Management :

The study will be managed from CHAD's team 1.

Anila Khan will be the first point of contact. [Anila-khan@DFID.gov.uk Tel No. 0207 023 0951]
Judy Walker, Senior Social Development Adviser will provide overall direction for the study. J-walker@DFID.gov.uk Tel No. 0207 023 0493.

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[1] Last year the United Nations estimated in 2000, there were 175 million people living in a country other than where they were born, equivalent to about 2.9% of the world's population and more than double the number since 1975. The largest number of international migrants was living in Europe (56 million), Asia (50 million) and North America (41 million). Roughly 60% live in the more developed regions and 40% in developing countries. In addition to these migrants, there were approximately 16 million refugees at the end of 2000, the bulk of which were located in developing countries (roughly 9 million in Asia and 4 million in Africa). But flows between and within developing countries outweigh international flows. It has been estimated, for example, that China has a floating population of 120 million, while migration within India (seasonal or permanent) may reach 200 million a year. [From the DFID submission to the International Development Committee November 2003]

[2] Migration is generally treated in international law from two perspectives: the sovereign right of states to determine who enters and resides in their territory; and the rights of individual migrants to protection and fair treatment. A number of international agreements cover migrants' rights, including ILO Convention no 97 (migration for employment, adopted in 1949), which the UK ratified in 1951, and ILO Convention no 143 (on the treatment of migrant workers, 1975). In 1990, the UN adopted the International Convention on the Protection of Rights of all Migrant workers and Members of their Families.

[3] Taking Stock : The Refugee Convention at 50 by Joan Fitzpatrick from Worldwide Refugee Information web site for US Committee for Refugees www.refugees.org

[4] (We are particularly grateful to the Home Office for their offer to help us order our "state of the art" thinking into : principles underlying Home Office asylum policy; recent developments (s 55, proposals in the bill, regional protection); returns; effective protection; resettlement.

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Annex II. Mid-Term Workshop Report.

Developing DFID's Policy Approach to Refugees and Internally Displaced Persons

15th - 16th July 2004
DFID Offices, 1 Palace Street, London SW1E 5HE

Summary Workshop Report

This workshop was held as part of a research consultancy being conducted by the Refugee Studies Centre (RSC), Queen Elizabeth House, Oxford University for the Department For International Development (DFID). Its purpose was to provide for a presentation and discussion of interim findings by the team of consultants from the RSC and the authors of commissioned papers.

Participants in the workshop were representatives from CHAD and other departments of DFID, the RSC team, the writers of draft papers relating to the RSC study, NGO representatives, and representatives from the Home Office. (see attached participants list)

Rationale for the DFID consultancy:
- DFID lacks a consolidated policy position on displaced people (refugees , asylum seekers and internally displaced persons (IDPs) as a subset of migration more generally) while it is becoming an integral part of DFID's country planning in a number of countries;
- DFID needs to prepare for future debates with others in the international and donor communities at UNHCR and other fora;
- DFID wishes to move to a joined up policy position across Whitehall which is also sensitive to the changes taking place in European policy.

Purposes of the study:

- To provide a summary of the state of the art in thinking about refugees, asylum seekers and IDPs, including an understanding of the range of positions taken by major national and international players, in addition to understanding the thinking on these issues across government;
- To provide a summary of the extent to which the numbers of refugees, asylum seekers and IDPs could compromise the achievement of the Millennium Development Goals (MDGs), and if so, suggestions on how to tackle this;
- To provide advice on adopting common Whitehall positions to promote future debates in UNHCR and elsewhere, for instance on the Convention Plus initiative or the EC Communication on the managed entry into the EU of persons in need of international protection and the protection capacity in regions of origin;
- To provide guidance on DFID's policy positions and the use of programme finding in support of other related initiatives within UN or civil society organisations.

Agenda

Papers presented were of two kinds, regional-specific and thematic. The regional- specific papers analysed aspects of forced displacement in South Asia, the Middle East and North Africa and Sub-Saharan Africa. The thematic papers dealt with the state of the International Forced Migration Regime; the Relationships between Development, Poverty, Conflict and Forced Migration;

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Security and Forced Migration, and; the UK, EU and Forced Migration. A further paper was presented which synthesised lessons learned from specific emergency situations by reviewing a range of evaluations. Papers were presented in 20 minutes, followed by 25 minutes of discussion and further elaborated in two extended sessions of analysis in discussion by all participants.

Main areas of discussion

In wide ranging exchanges, the main areas of discussion which emerged from the papers and the policy concerns of DFID were:

- The inadequacies of the current international regime which attempts to manage the current global forced migrations and suggestions for its improvement;
- Key elements in understanding the nexus between development, poverty, conflict and forced migration
- The growing importance of a human rights based approach and normative framework for development policies in relation to refugees, asylum seekers and IDPs;
- The potential impact of the preoccupation in the UK and Europe for 'regionalised' approaches on the developmental and humanitarian situation in countries intended to cooperate with these evolving Europe-led policies;
- The advantages and disadvantages of 'targeting IDPs as a specific group of concern with particular protection needs' as against treating them within the framework of responses to 'generalised vulnerability'(sometimes referred to as 'mainstreaming');
- The unaddressed needs of urban refugees, and the specific protection issues relating to exceptionally vulnerable people, notably women, elderly and child refugees;
- The need for comprehensive approaches to long term and seemingly intractable refugee situations in the light of the human suffering, environmental degradation and political instability they may cause;
- The security dimensions of refugee situations, particularly in the light of international preoccupations following September 11th;
- The potential for capacity building, for work to strengthen civil society institutions and transnational networks and for including the beneficiaries in the policy formulation in a meaningful manner;
- The dynamics of post conflict reconstruction and the issues of safe return of refugees, be it voluntary or involuntary;
- The need to development a positive narrative regarding forced displacement, and the potential leadership role for DFID in this regard in a joined up approach with other UK government actors and the EU

Participants considered what more DFID might achieve through UNHCR and other multilateral fora, given growing interest in the developmental aspects of forced migration, and the value of paying greater attention to population movements and IDP issues in the Poverty Reduction Strategy Programmes (PRSPs). On 'leadership' the UK has a political opportunity during its presidency of the European Union in the latter half of 2005 to promote a deeper understanding of the causes of forced migration across Whitehall and internationally.

Follow-up and next steps

- The authors of the papers will incorporate the suggestions made during the discussions and complete their contributions;
- The research team will engage further with DFID, Home Office and Foreign and Commonwealth Office staff in a series of consultations which will also include other governmental, UN and NGO stakeholders;
- The RSC will complete the consultancy by October 2004 and a dissemination workshop will be arranged.

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Developing DFID's Policy Approach to Refugees and Internally Displaced Persons

15th - 16th July 2004
DFID Offices, 1 Palace Street, London SW1E 5HE

Workshop Programme

Day 1 - Thursday 15<u>th</u> July

9.30 - 9.45   **Registration and Coffee**

9.45 - 10.00   **Welcome and Introductions**

10.00 -10.30   **Background: About the Project and the aims of the workshop.** Stephen Castles, Director, Refugee Studies Centre, and Jeremy Stickings, Senior Social Development Adviser, CHAD-DFID.

10.30 - 11.15   **Thematic Paper*: The state of the international forced migration regime.** Prof. Charles B. Keely , Professor of International Migration, Georgetown University, USA

11.15 - 11.30   **Coffee**

11.30 - 12.15   **Regional Experiences: South Asia** Prof. Choudhury Abrar, Refugee and Migratory Movement Research Unit, Dhaka University, Bangladesh

12.15 - 1.00   **Thematic Paper: The relationships between development, poverty, conflict and forced migration.** Dr Anne Hammerstad , South African Institute of International Affairs, University of Witwatersrand.

1.00 - 2.00   **Lunch**

2.00 - 2.45   **Thematic Paper: Security and forced migration** Prof. Gil Loescher, International Institute for Strategic Studies, with James Milner, Queen Elizabeth House, Oxford.

2.45 - 3.30   **Regional Experiences: Middle East** Dr Anita Fabos, University of East London, with Dr. Nadje Al Ali, Institute of Arabic and Islamic Studies, University of Exeter and Oroub El-Abed, Palestine/Jordan.

3.30 - 3.45   **Coffee**

3.45 - 4.30   **Thematic Paper: The UK, the EU and forced migration.** Dr Heaven Crawley, Asylum Migration Race and Equalities Consulting

4.30 - 5.30   **Emerging Issues: Group discussion of key points arising out of the day's discussions**

* All paper sessions consisted of a 20 min. presentation followed by 25 mins. open discussion.

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Day 2 - Friday 16<u>th</u> July

9.30 - 10.15   **Regional Experiences: Sub-Saharan Africa** Dr Khoti Kamanga, Centre for the Study of Forced Migration, University of Dar es Salaam

10.15 - 11.00   **Synthesis paper on lessons learned from specific emergency situations.** Dr Sarah Collinson, Independent Consultant

11.00 - 11.15   **Coffee**

11.15 - 1.15   **Policy Lessons: Key policy lessons for DFID and the UK government.**

1.15 - 1.30   **Close**

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15th - 16th July 2004
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Participants List

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Annex III. RSC Terms of Reference for Commissioned Papers.

General Terms for all commissioned papers:

1. All papers should take account of the rationale, specific requirements and key themes of the Project as reflected in the overall terms of reference.

2. The central task of the project is to 'help in the development of a consolidated DFID policy position to inform its work with and on behalf of Refugees, Asylum seekers and IDPs…'. Please keep this objective in mind. Papers should be designed to provide guidance with regard to DFID and broader UK Government policy formation.

3. All papers should discuss *policy options* and provide *recommendations*

4. The emphasis should be on *critical analysis* of key issues and approaches.

5. Papers should meet usual academic criteria of comprehensiveness, balance and accuracy.

6. Papers should be prepared, formatted and submitted according to the Project style-sheet.

7. Complete draft papers must be submitted to the Project Team by Monday 5th July 2004 at the latest (earlier if possible). This is to permit circulation of papers to participants prior to the planned Project Workshop in London, probably in the second week of July 2004.

8. Consultants are requested to attend the Project Workshop. Costs for Economy airfares, accommodation and subsistence will be covered.

9. Following the Project workshop, Consultants will be requested to revise the papers and submit final versions by 31 August 2004.

10. Payment: Half the agreed fee will be paid on receiving an acceptable of the draft paper by 5th July 2004. The other half will be paid on receiving the final paper by 31 August 2004. No payment will be made for late papers, as it will not be possible to use them for the project.

Specific Terms of Reference for Each Paper

These are provisional terms of reference, for discussion between the Project Team and the Consultants. Modifications may be agreed upon.

Thematic Papers (working titles):

The state of the international forced migration regime
1. This study will cover the evolution and current state of the institutions and practices that constitute what might be called the 'forced migration regime', including legal and policy instruments, and the impact of new influences on that regime, including security

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considerations.

2. The paper will identify the main actors within the 'forced migration regime', including international agencies, states agencies, NGOs and private companies, and discuss their roles.

3. The paper will identify important current tensions and problems within the 'regime' at the levels both of institutional cooperation and operational practice.

4. The paper will review and discuss the proposals of various actors in the international forced migration field to solve such tensions and problems.

5. The paper will make recommendations on best practice in the field, and provide policy options for DFID policy.

6. Particular attention should be given to advice for common Whitehall policy positions to promote in UNHCR's future debates and to decide support for:
   - the Agenda for Protection
   - UNHCR 2004 Process Convention Plus Initiative
   - 2004 Standing Committee Work Programmes

7. DFID needs guidance on policy position and use of programme funding in support of other related initiatives within UN agencies or civil society organisations.

8. DFID need to be aware of the policy positions of other members of the donor community e.g. U.S.A., Canada, Like-minded European states and, others as appropriate.

9. The paper should address the thinking of members of the G77 group or specific "southern" Governments and the ways that their views are likely to have an effect on international debate.

10. The paper should take account of the discussion and thinking emanating from the Global Commission on International Migration and other international fora relating to migration, in so far as they concern forced migration.

The UK, the EU and forced migration

1. This study will examine EU and UK policy and practice relating to forced migration, including current debates on possible changes in such policies and practices (particularly the various proposals on moving asylum processing and refugee protection outside the UK, as well as outside the EU).

2. It should also consider external responses to this changing practice, particularly on the part of UNHCR, and complimentary proposals (such as UNHCR's 'EU Prong')

3. It will look briefly at policy positions and practices of other EU donor states, and compare them with those of other donor states (especially USA, Canada and Japan).

4. The paper will explore the extent to which states can influence the causes and consequences of forced migration.

5. It will consider the extent to which diaspora groups within the EU and UK can influence conflict resolution, reconstruction and development in their homelands, and how EU and UK policies could strengthen diaspora involvement in conflict prevention and resolution

6. The paper should also address the role and the approaches of NGOs and the private sector (companies involved in aid and protection), at the European and Member State levels.

The relationships between development, poverty, conflict and forced migration

1. This paper is concerned with the causes and consequences of conflict and forced migration, and how these can be addressed by aid policies, particularly by DFID.

2. It will examine the complex links between development, economic inequality, impoverishment and conflict – and how this causes various forms of forced migration.

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(This will require coordination with the Consultant preparing the paper on 'Security and forced migration ').

3. Brief country case-studies or examples should be provided, in consultation with the Project Team (see also 8. below).

4. Links between forced migration and economic migration ('the 'Migration-asylum nexus') should be addressed.

5. The paper should address the links between humanitarian and forced migration policies on the one hand, and broader dimensions of international relations on the other, including trade, foreign direct investment, foreign affairs, military involvement etc.

6. A key theme should be 'gap' between humanitarian assistance and development assistance ('the relief-development gap') and how to address it.

7. Links between repatriation, reconstruction and development should be considered.

8. The paper should consider recent Convention Plus initiatives in this area (Repatriation, Reintegration, Rehabilitation and Reconstruction (4Rs), Development Assistance for Refugees (DAR), Development through Local Integration (DLI)) and follow up on pilot projects.

Security and forced migration

1. This paper is primarily concerned with the challenges to the international forced migration regime resulting from heightened security concerns in recent years.

2. It will address causal linkages between intra- and interstate conflicts, development, conflict, violence and forced migration (this will require coordination with the Consultant preparing the paper on 'The relationships between development, poverty, conflict and forced migration').

3. The paper will consider issues affecting countries of first asylum and transit as a result of security concerns (e.g. separating refugees and combatants; risk of militarisation of camps; misuse of aid goods for military purposes).

4. Another key theme is the how security concerns affect resettlement and asylum policies of developed countries.

5. The paper will examine the extent to which development initiatives have/not helped address security concerns in countries of origin and first asylum, e.g. in the context of post-conflict reconstruction efforts.

Synthesis paper on lessons learned from specific emergency situations (based on existing evaluations)

1. The task of this paper is to discuss some the experience of important examples of in-country responses involving DFID with regard to conflict, humanitarian assistance and forced migration.

2. The situations to be reviewed should be selected in consultation with the Project Team.

3. The paper should review and compare existing evaluation reports prepared by DFID, other donor governments, UNHCR and other international agencies and NGOs.

4. The aim is to identify challenges and problems, examine strategies adopted, and to review experience with these.

5. This should lead to ideas on successful and less-successful practices in varying circumstances, which should provide guidelines for policy formation at the specific country level.

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Regional Papers

These will focus on Sub-Saharan Africa (possibly concentrating on the Great Lakes Region), South Asia and the Middle East.

1. The Regional Papers will particularly address the issues raised under Key Themes a) 'understanding the situation' (see above). They are designed to provide an overview and analysis of causes, patterns and consequences of forced migration in a specific region.

2. Papers should also cover the response strategies of various actors:
   - National governments
   - Civil society/local NGOs
   - International governmental agencies (UNHCR, other UN bodies, etc).
   - International NGOs
   - Overseas governments.

3. Papers should pay special attention to UK government (especially DFID) interventions, the strategies used and the experiences made.

4. Case studies of particular forced migration situations on a country or sub-regional level should be included in each regional paper.

5. Consultants are encouraged to carry out consultations/interviews with relevant people (including DFID country officers) if this would be useful. Limited funding to support this can be provided. However, all expenditure must be agreed in advance (contact Paul Ryder).

6. Regional papers should make recommendations about general strategies to address forced migration issues and improve humanitarian assistance in the region. Special attention should be paid to the link between development, poverty reduction and humanitarian assistance. DFID policies should be specifically addressed.

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Annex IV. List of Consultations

This list describes the range of organisations consulted the project team in the process of compiling this report. Often the consultations involved a number of senior representatives from each of the sections approached. The list does not include those consulted by the authors of the commissioned papers.

Organisation	Unit / Divisions Represented
Amnesty International	International Secretariat
Amnesty International - USA	Refugee Programme
Brookings - SAIS	Office of UN Special Rapporteur on IDPs
CARE International	Emergency and Humanitarian Assistance Unit
Carter Center for Human Rights	Global Development Initiative
Department for International Development	Conflict and Humanitarian Affairs Department
Department for International Development	Conflict and Humanitarian Unit
Department for International Development	Asia Directorate
Department for International Development	Great Lakes and Horn Department
Department for International Development	Policy Division - Migration Team
German International Cooperation Enterprise - GTZ	Development-Oriented Emergency Aid
German International Cooperation Enterprise - GTZ	East- and Central Africa Division
German International Cooperation Enterprise - GTZ	Sub-Saharan Africa Division
European Union - DG Justice and Home Affairs	Asylum Specialist
Federal Ministry for Economic Cooperation and Development - BMZ (Germany)	Units representing food aid; emergency relief and refugee aid; World Food Programme
Federal Ministry for Economic Cooperation and Development - BMZ (Germany)	Divisions for employment policies; Reintegration programmes; Migration; Export credit guarantees
Foreign and Commonwealth Office	Directorate for Strategy and Innovation
Foreign and Commonwealth Office	Political Section
Global Commission on International Migration - GCIM	Policy and Research Unit
Home Office	International Asylum Policy Unit
Home Office	Asylum Directorate
Intergovernmental Consultations on Asylum Refugee and Migration Policies in Europe, North America and Australia - IGC	Senior Official
International Catholic Migration Commission	Senior Official
International Council of Voluntary Agencies	Policy Department
International Organisation for Migration	Migration Policy and Research Programme

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Organisation	Unit / Division
International Organisation for Migration	Emergency and Post-Conflict Division
International Organisation for Migration	Director General's Office
International Rescue Committee - USA	Protection Unit
International Rescue Committee - UK	Post-Conflict Development Initiative
Norwegian Refugee Council	Global IDP Project
Office for the Coordination of Humanitarian Affairs	Inter-Agency Internal Displacement Division
Office for the Coordination of Humanitarian Affairs	Policy, Development and Studies Branch
Oxfam - UK	Emergencies Department
Oxfam - UK	Humanitarian Protection
Refugee Council - UK	International Department
Refugee Council - UK	International Protection Project
Refugee Education Trust	Senior Official
Save the Children UK	Emergencies Division
South African Mission to the United Nations, Geneva	Senior Official
Tanzanian Mission to the United Nations, Geneva	Counsellor
U.S. Agency for International Development (USAID)	Bureau for Democracy, Conflict, and Humanitarian Assistance
U.S. Agency for International Development (USAID)	Office of U.S. Foreign Disaster Assistance
U.S. Committee for Refugees	World Refugee Survey
Bureau of Population, Refugees, and Migration, U.S. Department of State	Policy and Resources Planning Office
Bureau of Population, Refugees, and Migration, U.S. Department of State	Multilateral Coordination and External Relations
Bureau of Population, Refugees, and Migration, U.S. Department of State	Africa Office
Bureau of Population, Refugees, and Migration, U.S. Department of State	NGO Liaison Office
Bureau of Population, Refugees, and Migration, U.S. Department of State	IOM Program Office
Bureau of Population, Refugees, and Migration, U.S. Department of State	Refugee Women's Issues Representative
UNHCR - Geneva	Afghanistan Comprehensive Solutions Unit
UNHCR - Geneva	Africa Bureau
UNHCR - Geneva	Convention Plus Unit
UNHCR - Geneva	Division of Communication and Information

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Organisation	Unit / Division
UNHCR - Geneva	Department of International Protection
UNHCR - Geneva	Department of Operational Support
UNHCR - Geneva	Donor Relations & Resource Mobilization
UNHCR - Geneva	Evaluation and Policy Analysis Unit
UNHCR - New York	Policy Team
UNHCR - New York	Senior Policy and Programme Officials
UNHCR - UK	Senior Officers
United Nations Children's Fund - UNICEF	Office of Emergency Programmes
United Nations Children's Fund - UNICEF	Humanitarian Response Unit
United Nations Children's Fund - UNICEF	Office of Evaluation
United Nations Children's Fund - UNICEF	Emergency Preparedness Unit
United Nations Department of Peacekeeping Operations - DPKO	Peacekeeping - Best Practices Unit
United Nations Development Group Office - UNDGO	Senior Officers
United Nations Development Programme - UNDP	Bureau for Crisis Recovery and Prevention
University of Oxford	Refugee Law Specialist
Women's Commission for Refugee Women and Children	Senior Official
Women's Commission for Refugee Women and Children	External Relations
World Bank	Conflict Prevention & Reconstruction Unit
World Food Programme	Senior Advisor