

# International Refugee Rights Initiative



## *Refugee Rights News*

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*In this issue:*

**SPOTLIGHT:**

*The Situation in  
Darfur—no end in sight*

**ACTION AND  
ADVOCACY:**

*Helping Refugees  
Communicate: why the  
bother?*

*Advocates in South  
Africa Help to Ease the  
Plight of Zimbabwean  
Asylum Seekers*

*IRRI Launches NGO  
Directory*

**LAW AND POLICY:**

*International  
Conference on the  
Great Lakes: New hope  
for refugees?*

**PUBLICATIONS**

### **SPOTLIGHT**

#### *The Situation in Darfur—no end in sight*

The situation in Darfur continues to deteriorate. Despite a flurry of diplomatic and political activity at the regional and international levels over the last two months the situation on the ground has changed little for the people of Darfur. As the Secretary General of the United Nations concluded in his report in November, “overall, violence seems to be increasing and affecting civilians indirectly as well as directly: ....Attacks and killings continue to occur in Darfur on a scale that is unacceptable.”

#### *Expansion of the African Union (AU) mission*

In October it had seemed that some relief was in sight as the African Union secured an agreement with the Sudanese authorities to expand the size and mandate of the AU mission on the ground. The AU Peace and Security Council announced on October 20 that the mission would have the responsibility to protect both civilians and “static and mobile humanitarian operations” “under imminent threat and in the immediate vicinity, within resources and capability.” The mission itself would also be strengthened

and would consist of up to “3,320 personnel, including 2,341 military personal, among them 450 observers, up to 815 civilian police personnel, as well as the appropriate civilian personnel.” Although the new mission mandate fell short of a requirement that AU forces actively seek to protect civilians, many felt that the new operational framework offered some potential for improving the increasingly fragile security situation. Such optimism was, however, short-lived.

As bickering over the details of the deployment ensued, only a trickle of the new reinforcements arrived. By the end of October the military component of the mission on the ground stood at 597 and there was little sign that the warring parties intended to adhere to their commitments to safeguard civilians and permit humanitarian access. On November 2, reports out of South Darfur told how government troops had surrounded an internally displaced persons (IDP) camp and blocked access to aid agencies. Meanwhile rebel groups were accused of abducting civilians, the UN security coordinator suspended certain field missions and aid agencies were evacuating personnel from West Darfur. The Security Council once again found itself expressing “deep concern” about the deteriorating security situation and condemning the “ongoing violations of international human rights and humanitarian law such as attacks on civilians, sexual violence and hostage-taking that are being perpetrated in Darfur by all parties.”

### *Abuja Protocols*

On November 9, fresh hope was seeded once more with the signing of new agreements in Abuja between the Government of Sudan and representatives of the Darfur rebels. The two Protocols on the Improvement of the Humanitarian Situation in Darfur and on the Enhancement of the Security Situation in Darfur were aimed at reinforcing the April ceasefire—but added little that was new. Some fresh elements were envisaged, however, such as expansion of the number of UN High Commissioner for Human Rights monitors and the creation of a Joint Humanitarian Facilitation and Monitoring Unit. The will of the parties to adhere to these re-articulated humanitarian principles, however, was less than steadfast. On the very day that the protocols were signed government authorities reportedly beat residents of El Geer camp and used tear gas in an attempt to force their relocation to a new camp. AU and UN officials looked on, helpless to intervene.

### *UN Security Council meets in Nairobi*

On November 18-19, the UN Security Council met in Nairobi in special session. Although the objective of the meeting was primarily to shore up the southern Sudanese peace process, many hoped that it would also provide an opportunity to send a decisive message to the Sudanese government and the rebels in Darfur about the need to reach a peaceful solution in the west. Prior to the meeting the Secretary General himself had called upon the SC members to issue the “strongest warning” to the warring parties, but it was reluctant to take a robust stand. Ultimately no new measures were announced. No new deadlines were set.

As the SC meeting in Nairobi drew to a close, non-governmental organizations (NGOs) were gathering together in Dakar, Senegal to participate in the NGO Forum held prior to each session of the African Commission on Human and Peoples Rights (ACHPR). The November ACHPR NGO Forum sent a strongly worded message to all parties in Darfur on the need for progress in ensuring the safety of civilians. NGOs agreed a resolution which was transmitted for consideration by the ACHPR along with a report containing an update on the human rights situation in Darfur. Taking into account the broader political

context, NGOs also raised the question of whether it was appropriate to proceed with plans to hold the July 2005 AU summit in Khartoum in the light of the continuing tragedy in Darfur.

NGO efforts in Dakar took place against the backdrop of a deteriorating situation in Darfur. As the ACHPR's formal session began on November 22, fresh fighting broke out in North Darfur and by the end of the week the ceasefire had all but been repudiated. In the first days of December attacks on the Kalma and Deraij IDP camps in South Darfur were again being reported, humanitarian access was being restricted in West Darfur, and aid workers in North Darfur were only gradually beginning to return to their posts after rebel attacks had forced their evacuation.

### *Lack of genuine political will*

Little has changed on the ground for the ordinary people of Darfur. The government of Sudan has failed to assume its primary responsibility for the protection of civilians in Darfur. The Janjaweed militias continue to act with impunity and government military and security forces continue to commit serious human rights violations. Rebel groups are also engaging in violations of international humanitarian and human rights law.

During the last two months the international community has failed to deliver an unequivocal message to the warring parties in Sudan. As competing political priorities and divergent interests leave the Security Council split, decisive action has been missing. The rhetoric of imperative has not been backed by action—in stark contrast to the swift response to the drama being played out in Ivory Coast, including the unanimous imposition of an SC arms embargo. The inaction has perhaps been a contributing factor to a climate in which violations of the ceasefire and attacks on civilians, including IDPs in internationally staffed camps, seem to have taken on an ever more audacious character. It remains to be seen whether the report of the International Commission of Inquiry on Darfur—due in January—will be the spur that permits a more courageous engagement. The people of Darfur are running out of time.

### **CALL FOR PAPERS**

UNICEF and the Graduate Program in International Affairs at the New School University have issued a call for papers for an upcoming conference entitled “Children and Poverty: Global Trends, Local Solutions?—Recent Economic, Political, Demographic and Cultural Trends.”

The Conference is scheduled for April 25-27, 2004, and the conference organizers are seeking papers dealing with:

- Definition of children living in poverty and its measurement
- Children living in poverty and Human Rights
- The role and potential of Poverty Reduction Strategy Papers in addressing girls and boys poverty
- How children experience poverty
- Social exclusion, gender discrimination and nonmaterial aspects of child poverty
- Evidence of the reduction of child poverty
- Armed conflict and poverty
- HIV/AIDS and poverty
- Policy responses to child poverty

The full conference description and call for papers can be obtained by contacting IRRI. Proposals are due by February 1.

## **ACTION AND ADVOCACY**

### ***Helping Refugees Communicate: Why the bother?***

For thousands of refugees in Cairo, and elsewhere, accessing legal status and assistance means having to make their situations, and their needs, understandable to someone from another culture in a foreign language. Their ability to do this often rides on the services of one important, but overlooked, individual—their interpreter.

Given the crucial importance that these individuals play, it is perhaps surprising that in many contexts these interpreters are drawn from the same communities in exile and receive little or no training. Two years ago, Mr. Daniele Calvani, after working with refugee communities in Cairo for several months, and surprised at the low level of attention given to the important role that interpretation plays, founded the Cairo Community Interpreters Program (CCIP), as part of the Forced Migration and Refugee Studies Program of the American University in Cairo.

The CCIP's objective is to provide training and support to community interpreters. Over the past two years, the Program has graduated about 200 interpreters from its three month training program in a number of target languages, including Dinka, Amharic, Tigrinya, Kiswahili, Arabic, Juba Arabic, Fur, and Somali. This course develops not only the technical skills of the prospective interpreter, but also deals with ethical questions and provides a basic understanding of refugee law and procedures. After completing the course, interpreters are qualified to work with international organizations such as UNHCR and IOM, the embassies of resettlement countries, and legal assistance organizations such as Africa and Middle East Refugee Assistance (AMERA Egypt).

The CCIP is also developing resources which assist the interpreter in his or her task beyond the period of the course. Interpreters and tutors are working, for example, to develop glossaries of necessary terms in target languages. On November 15, the CCIP set out into new territory, launching a web-based newsletter. CCIP has now published two editions of the newsletter, which is intended to raise awareness of the activities of the CCIP and common issues that arise in interpreting for refugees, as well as developments in refugee policy in the region. The December issue includes reflections on what it means to be a community interpreter and on the psychological issues involved in interpreting, including discussion of secondary trauma. It also features an interview with expert Dr. David Wilemson.

For more information on the Cairo Community Interpreters Program, and to read their newsletter, please visit their [website](#).

### *Advocates in South Africa Help Ease the Plight of Zimbabwean Asylum Seekers*

In November 2004, the Solidarity Peace Trust based in Port Shepstone, South Africa released a 107-page report, “No War in Zimbabwe: An Account of the Exodus of a Nation’s People.” The report details the difficulties faced by Zimbabwean asylum seekers in South Africa.

Although all asylum seekers in South Africa face delays in the processing of their applications due to backlogs of applications and xenophobia, Solidarity Peace Trust has documented how the situation of Zimbabweans is particularly difficult. According to Solidarity Peace Trust this is, at least in part, due to a lack of awareness of the human rights crisis in Zimbabwe, and the corresponding perception that Zimbabweans come to South Africa for economic reasons and are not legitimate asylum seekers.

Advocates have attempted to challenge this perception in a number of ways. In 2002, the University of the Witwatersrand Law Clinic prepared a test case involving 5 Zimbabweans in 2002, a case which was ultimately successful in winning asylum for those involved. Earlier this year, the US-based advocacy organization Refugees International (RI) conducted a mission in which they assessed that many Zimbabweans in South Africa feared persecution at home. In some cases, however, RI noted that Zimbabweans often had both economic and political reasons for fleeing their countries, making the job of adjudicators more difficult.

Despite these efforts, Solidarity Peace Trust reports that South African officials continue to attribute the influx of Zimbabweans into South Africa to economic motivations. The Director of the Home Affairs reportedly commented in October that he imagined that many Zimbabweans were leaving for economic reasons and that neither the UN Refugee Convention nor South African law provided for the recognition of refugee status to those moving for economic reasons.

While the economic motivations of many Zimbabweans on the move is not in question, the fear on the part of civil society organizations like Solidarity Peace Trust is that comments like these can lead to serious obstacles for individual refugees who are genuinely threatened by persecution. Solidarity Peace Trust says that it has documented numerous instances of South African government officials who were unwilling to consider the asylum applications of Zimbabweans, or who have refused to issue asylum seeker permits (which entitle the bearer to remain in South Africa while his or her application for refugee status is being processed). In other cases they claim that the applications of Zimbabweans have been unduly delayed.

Of particular concern in this context is the way in which the cases of those who are claiming to have been victims of political manipulation of food aid distributions in Zimbabwe are being treated. According to Solidarity Peace Trust, decision-making as to who receives food distributions in Zimbabwe is highly politicized and there is a clear relationship between political affiliation and access to food. Cases based on such discrimination may not, however, be receiving the attention that they deserve because of

the fact that the situation of such individuals is perceived as rooted in “economic” harm. Of course, in international law discrimination in the enjoyment of basic rights, including the right to food, on the grounds of political opinion may found a successful refugee claim. Solidarity Peace Trust cites the need for a test case in South Africa which would allow the courts to clarify this issue.

The government of South Africa maintains that there is no bias against Zimbabweans in the asylum system. It claims that the delays cited in the report are merely those experienced by all asylum seekers and notes that more than 70% of Zimbabwean applications have been accepted, although acknowledging that only 21 decisions have been issued thus far. UNHCR has also pointed out that many Zimbabweans chose not to formally access the asylum process, preferring to retain the ability to travel back and forth between the two countries.

The difficulties highlighted by the report of Solidarity Peace Trust, coupled with the responses of the UNHCR and South African government, clearly highlight the complexity of the situation of Zimbabwean asylum seekers and underscore the need for a more nuanced understanding of the complex interplay of forces which force individuals to flee. There is also certainly much more to be done to ensure that Zimbabweans understand the asylum process and can access it when that is appropriate.

The full report of can be accessed on [Solidarity Peace Trust’s website](#)

See also Refugees International, “[UNHCR inattention places refugees in jeopardy.](#)” at and “[Zimbabweans in South Africa: Denied Access to Political Asylum.](#)” at

***COLUMBIA UNIVERSITY HUMAN RIGHTS ADVOCATES PROGRAM***

Columbia University Human Rights Advocates program is now seeking applicants for its 2005 program. The program in an intensive program of advocacy, skill-building and scholarship. The program seeks not only to enhance the capacity of proven human rights advocates, but also to engage them in dialogue with faculty and students at Columbia as well as in the NGO, policy making and corporate communities.

Applications are due by March 21, 2005 and the program will take place between August and December 2004. For more information please see the [Human Rights Advocates website](#)

***IRRI Launches NGO Directory***

In December 2004, IRRI launched a new NGO directory which it is hoped will raise awareness of, and amplify, the work of local refugee advocates across Africa; whether within university programs devoted to the study of refugees, at humanitarian organizations or at human rights and refugee rights organizations.

The [directory](#) includes not only the contact details of each highlighted organization, but substantive descriptions of the work in which each group is engaged.

Too often African refugee advocates work in relative isolation. In a political climate in which traditional hospitality is increasingly under threat, and in which refugees are more and more often thought of as threats to economic resources and national security, solidarity and exchanges of experiences between NGOs are ever more necessary.

The objective of the directory is therefore both to raise the profile of the diversity of initiatives being undertaken on behalf of refugees in Africa and to build bridges among local advocates and with those who are advocating refugee rights on the global level.

The directory is a living project. We invite comments on additional information to include in the profiles as well as suggestions of additional organizations. If you have suggestions, please e-mail Olivia Bueno at [olivia.bueno@refugee-rights.org](mailto:olivia.bueno@refugee-rights.org).

## **LAW AND POLICY**

### ***The International Conference on the Great Lakes: new hope for refugees?***

November 20 saw the culmination of the first phase of a major regional and international process focused on the creation of peace and stability in the Great Lakes region—the International Conference on Peace, Security, Democracy and Development (Great Lakes Conference process). Further to a five day meeting in Dar es Salaam, Heads of State of eleven African countries (Angola, Burundi, the Central African Republic, the Democratic Republic of Congo, the Republic of Congo, Kenya, Rwanda, Sudan, Tanzania, Uganda and Zambia) came together to agree a Declaration on Peace, Security, Democracy and Development as the new foundation stone for the development and regeneration of the region.

#### *NGO concerns taken into account*

In our last issue, *Refugee Rights News* reported on NGO preparations for this meeting, focusing on proposals coming from civil society for improving protection of the displaced in the region. (See “Protect Refugees and Build Peace: Great Lakes NGOs Shout Loud” in [Refugee Rights News, October 2004](#)). In April 2004 at a conference in Kampala entitled “Ten Years after the Rwanda Exodus: Assessing Refugee Protection in the Great Lakes” NGO participants had agreed a detailed set of recommendations intended for consideration by States in drafting the Declaration. It is encouraging to see the extent to which regional leaders have incorporated elements of this agenda for action into the final document which was adopted at Dar es Salaam.

#### *What the Declaration promises*

Through the Declaration, States in the region have reaffirmed their commitment to comply with the OAU and UN Refugee Conventions, as well as to observe and apply the UN Guiding Principles on Internal Displacement. They also agree to address the plight of long term refugee crises, promote local integration and voluntary repatriation and to “establish a regional mechanism and national systems enabling resettlement locally.”

Echoing the recognition by NGOs at the April conference that “restitution of property and land is critical to sustainable refugee return and to prevention of future conflict” Heads of State also pledged to ensure that “refugees and displaced persons, upon return to their areas of origin, recover their property with the assistance of local traditional and administrative authorities.”

Another key concern for refugees in the region—security—is addressed by an extensive provision in the Declaration which acknowledges the critical importance of effective separation procedures for the protection of refugees and the maintenance of security. Heads of State have now agreed to create a “regional mechanism for the identification, disarmament and separation of combatants from civilian refugees and displaced persons, and their confinement in distinct facilities to prevent them from manipulating refugees and displaced persons for political or military purposes.” Such a mechanism was a specific recommendation of the April NGO conference.

The contentious area of citizenship, recognized as an important factor in both preventing displacement and finding durable solutions for refugees at the April NGO session, is addressed obliquely in the Declaration: states have agreed to ratify the UN Conventions on Statelessness and to work to “harmonize related laws and standards.”

#### *Where to from here?*

There is a long way to go to see the ambitious undertakings in the Declaration translated into concrete action. In the realm of security, for example, the UN Mission in the Democratic Republic of Congo and the Congolese government have faced huge difficulties in disarming and demobilizing militias. A regional mechanism attempting to take on such tasks is likely to face similar daunting challenges. Recent threats by Rwandan President Paul Kagame to deploy troops into the Democratic Republic of Congo to forcibly disarm the militias, however, have been a chilling reminder of the stakes involved.

That host states continue to have concerns about the presence of refugees on their territory undoubtedly adds to the challenges facing advocates in the region. A negative note was sounded in the Declaration, which in its preamble linked the presence of refugees and IDPs to environmental degradation. During the run up to the adoption of the Declaration discussion of this aspect the refugee “burden” had even threatened to derail agreement on the Declaration as a whole. A number of governments in region took the position that early drafts of the Declaration did not give sufficient attention to the role which refugees, internally displaced people and conflict could play in endangering the environment. Although a reference to such concerns did remain in the final draft it is heartening that the leadership of fellow states prevailed in ensuring that these preoccupations did not overshadow the agenda as a whole (See *The East African*, November 15-21, 2004, page 1).

#### *The beginning of a process*

Follow-up is key to making the promises of the Declaration a reality. Although states have agreed that the undertakings in the Declaration have immediate effect, specific mechanisms to shepherd the process have been created, including a Regional Inter-Ministerial Committee. This body has been charged with developing programs of action with “concrete, achievable and measurable” goals. A second Heads of States conference is intended to consolidate this work and culminate in agreement on a Pact on Security, Stability and Development in 2005.

Members of the Group of Friends (a group of states outside the region and international organizations dedicated to supporting the Great Lakes process) announced after the signing of the Declaration that they will offer “continued financial, political and technical support” in the second phase. NGOs in the region also have an important role to play in ensuring that regional governments stay true to their commitments in the Declaration and that they are provided with the material and technical resources to give them practical effect.

*The full Declaration is available on the website of the [African Union](#).*

*Read the full report of the conference, “[Ten Years After the Rwanda Exodus: Assessing Refugee Protection in the Great Lakes](#)” online.*

## **PUBLICATIONS**

The following is a selection of recent publications relating to refugee issues. Please let us know of any publications which may be of interest to readers.

Festus B. Aboagye and Alhaji M. S. Bah, “[Liberia at a Crossroads: A Preliminary look at the United Nations Mission in Liberia \(UNMIL\)](#)” Institute for Strategic Studies Paper 95, November 2004.

Natalie Briant and Andrew Kennedy, “An Investigation of the Perceived Needs and Priorities Held by African Refugees in an Urban Setting in a First Country of Asylum,” *Journal of Refugee Studies* 17 (4), December 2004.

Elizabeth M. Coker, “Dislocated Identity and the Fragmented Body: Discourses of Resistance among Southern Sudanese Refugees in Cairo,” *Journal of Refugee Studies* 17 (4), December 2004.

Barbara Harrell-Bond and Guglielmo Verdirame, *Rights in Exile: Janus-Faced Humanitarianism*, forthcoming from Berghan books, see [www.exile.org.uk/rights.pdf](http://www.exile.org.uk/rights.pdf) to order.

Human Rights First, “[Decade of Unrest: Unrecognized Rwandan Refugees in Uganda and the Future of Refugee Protection in the Great Lakes](#),” July 2004.

Human Rights Watch, “[If We Return We Will Be Killed](#)” Consolidation of Killing in Darfur, Sudan,” November 2004.

Loren Landau, “[Five South African Migration Myths and a Manifesto for Pragmatism in Migration Management](#),” November 2004, available at

Colin MacMullin and Mary Loughry, “Investigating Psychosocial Adjustment of Former Child Soldiers in Sierra Leone and Uganda,” *Journal of Refugee Studies* 17(4), December 2004.

Leben Nelson Moro, “Interethnic Relations in Exile: The Politics of Ethnicity among Sudanese Refugees in Uganda and Egypt,” in *Journal of Refugee Studies* 17(4), December 2004.

Refugee Law Project, “[Child Protection in the Context of Displacement: Ntoroko County, Bundibugyo District](#),” December 2004.

Solidarity Peace Trust, “[No War in Zimbabwe: An Account of the Exodus of a Nation’s People](#),” Johannesburg, November 2004.

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