

International Refugee Rights Initiative



Refugee Rights News

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WELCOME

It is our pleasure to introduce *Refugee Rights News*, a newsletter of the International Refugee Rights Initiative (IRRI).

IRRI is a new advocacy organization dedicated to ensuring that the rights of refugees are protected globally. Our work is based on the international legal standards found in the 1951 UN and 1969 OAU Refugee Conventions and other legal instruments. Our methodology focuses on making those guarantees effective in the communities where the displaced and their hosts live.

In a climate where refugee rights are increasingly under attack and states around the world are considering radical revisions of the international legal refugee protection framework, there is a need for active advocacy on behalf of refugee rights. Defenders of refugee rights on the ground are recognizing that the legal and policy debates

taking place at the regional and international levels are redefining the context in which they work—and are seeking to have their voices heard.

The International Refugee Rights Initiative aims to create this bridge. Working from Kampala and New York we monitor international and regional policy developments and seek to keep partners informed through a variety of mechanisms, including *Refugee Rights News*. In order to better understand how practices and policies are affecting refugees we will also engage in legal and field-based research and bring our findings to

the attention of policy makers in national, regional and international fora. By working with different networks of advocates we hope to contribute to the fashioning of models of law and practice which best guarantee the rights of the displaced in a changing political and economic climate.

We intend *Refugee Rights News* to become a forum for exchange of strategies and experience which those working on behalf of refugees can use as a resource—whether at the grassroots or international levels. We invite you to identify the issues and questions that are most relevant to your work and help us spark new collaborations. We look forward to your submissions – this first issue features an article by Georges Kampiamba of ASADHO.

Many of you previously received *Africa Refugee Rights News*, the newsletter of the International Refugee Program (IRP) at Human Rights First (formerly the Lawyers Committee for Human Rights).

The International Refugee Rights Initiative was founded in June 2004 by the staff of IRP with the support of Human Rights First and partners of the program. IRRI builds on the research, expertise and partnerships developed at Human Rights First and is committed to maintaining the program's geographical focus on Africa, as well as its global perspective.

Many of you worked closely with us at Human Rights First. Now at IRRI we look forward to strengthening those relationships. We invite you to visit our website, www.refugee-rights.org for more information. We welcome your comments on, and your contributions to, *Refugee Rights News*, and look forward to working closely with you in the future.

Sincerely,

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International Refugee Rights Initiative

SPOTLIGHT

The Crisis in Darfur: How much more do we know?

Last month a group of human rights NGOs from all across Africa met in Pretoria to discuss the human rights crisis in Darfur, Western Sudan. The occasion was the Third Extraordinary Session of the African Commission on Human and Peoples Rights (ACHPR)—only the second time in the Commission's history that it has met to consider an urgent human rights issue. As the Commission began its discussions in private session, NGOs from the region, alongside representatives of civil society from Darfur, worked together to identify a coordinated strategy to respond to what some are calling the greatest humanitarian crisis in the world today.

Massive Displacement

Over the last nineteen months widespread and systematic violations of human rights have forced over almost two million people from their homes in Darfur. Over 1.7 million people are estimated to be internally displaced and almost two hundred thousand are living precariously as refugees in Chad. As many as seventy thousand are dead. The government of Sudan has been accused of permitting its own forces to collaborate with local militia, referred to as the Janjaweed, to carry out deliberate killings and forcible movements of the population. With widespread destruction of homes and property a hallmark of the attacks, there appears to be a concerted effort to ensure that communities are permanently displaced from their villages. A particularly horrific element of the violence has reportedly been the use of rape against women and girls as a weapon of war and ethnic cleansing.

Some of those who have voiced criticism of the actions of the Sudanese army and security forces have been arrested and tortured. Among the group of NGO representatives who met in South Africa was human rights activist Salih Mahmoud Osman of the Sudan Organization Against Torture (SOAT). He had been released from prison only weeks prior to traveling to South Africa, having spent seven months in jail.

African Union Barks?

The African Union (AU) has been playing an active role in trying to find a solution to the crisis in Darfur. It has brokered a ceasefire, secured a humanitarian access agreement, and deployed a small contingent of military observers. It is also sponsoring ongoing peace negotiations through the Inter Sudanese Peace Talks in Abuja under the patronage of the Nigerian President.

The AU military presence on the ground in Darfur, however, is extremely limited: it is hard pressed to effectively monitor the ceasefire and has neither the capacity nor the mandate to protect civilians. At the end of July the AU Peace and Security Council urged the Government of Sudan to permit an increase in the number of troops and an extension of the mission mandate to include protection of civilians.

But the AU did not insist on the more robust mission. It was only in mid-September, as negotiations over a new resolution on the situation in Darfur got under way at the UN Security Council, that Sudan indicated that it would consider an enlarged mission. Eventually, the Security Council obliged the Sudanese government to work with the AU on an expanded mandate in Resolution No. 1564.

Is It Genocide?

The character and scale of the violence in Darfur and the grave humanitarian situation facing the displaced have begun to focus the attention of those outside the region. On May 2004 the Acting UN High Commissioner for Human Rights informed the Security

Council said that he had found of “patterns of massive human rights violations ...perpetrated by the Government of Sudan and its proxy militia, many of which may constitute war crimes, and or crimes against humanity.” A number of international human rights and humanitarian organizations have gone so far as to characterize the situation in Darfur as genocide. In September, further to an unprecedented investigation on the ground in the refugee camps in Chad, the United States was the first government to assess that “genocide has been committed in Darfur.” The European Parliament followed suit.

A plethora of UN and NGO assessments of the situation on the ground in Darfur have now been carried out, led by key officials such as the UN Special Rapporteur on Internally Displaced Persons, the UN High Commissioner for Human Rights, the newly appointed UN Secretary General’s Special Advisor on the Prevention of Genocide and the Special Rapporteur on Violence Against Women. But the response has in many ways been “all talk and no action.”

The first decisive action came only on July 30, over a year after the violence first began, when the Security Council called on Sudan to disarm the implicated Janjaweed militia and fully protect civilians. The government was told that non-compliance would result in sanctions. A second UN Security Resolution on September 18, however, failed to follow through on the threat. Although the Security Council found that “the Government of Sudan ha[d] not fully met its obligations” no sanctions were imposed. One positive outcome of the resolution, however, was the announcement in early October of a Commission to investigate the allegations of genocide in Darfur. Headed by Judge Cassese of Italy, the Commission is charged with reporting to the Secretary General within three months.

Not Enough

The increased international spotlight on Darfur has certainly resulted in some improvement in the lives of civilians, particularly in the quality of access to the displaced by humanitarian agencies. Further, in the immediate wake of the second Security Council Resolution aerial bombardments and raids by Janjaweed forces on Darfur villages reportedly reduced. Over the last two weeks there are indications, however, that the violence is again escalating. On the humanitarian side, programs remain less than 50% funded. The suffering of the forcibly displaced, both inside Sudan and across the border in Chad, continues to be acute. As High Commissioner for Human Rights Louise Arbour commented on her return from Sudan: “IDPs in Darfur are living in prisons without walls.”

The Political Realities

The government of Sudan has strongly resisted any international criticism of its inability to protect the people of Darfur. The qualification of the crisis by the US and others in the international community as founded in “genocide” has created an opportunity for Sudan

to characterize and dismiss denouncements of its actions as rooted in politics rather than in objective assessment.

The vigorous campaign by civil society groups in the United States to have the crisis determined a “genocide” has provided rich fodder for some outside the US to characterize the determination as ideologically driven. The fact that leading the effort has been a coalition from the evangelical Christian and Jewish communities has particularly attracted comment. In today’s highly polarized political climate, the presentation of the conflict as fuelled by Arab v. African enmity has permitted the Government of Sudan and others to skillfully exploit fissures in international society.

The success of this strategy is clear. The European Union, and states such as China and Russia have been reluctant to follow the US lead in using the “g” word. The African Union has specifically stated that it has found no evidence that genocide has been committed. So too states in North Africa and the League of Arab States have been unable to take a public position—or to release their report on the situation.

The question as to whether genocide is unfolding in Darfur has unquestionably raised the stakes. How do states view the obligations to act which might flow from such a determination? Some suggest that the very vehemence of the United States’ position has triggered automatic recoil on the part of some from considering the matter further. The war in Iraq has intensified distrust of America’s foreign policy positions. Also complicating the international response may be concerns about access to oil exports—a suggested motivation behind the reluctance of some Security Council members to sanction stronger measures against Sudan.

The Response of African Civil Society

Non-governmental organizations working with human rights, refugees and the forcibly displaced in Africa are deeply concerned about the situation in Darfur. At a conference of NGOs on refugee protection in the Great Lakes region in April, on the occasion of the tenth anniversary of the Rwanda exodus in 1994, discussions of the lessons of inaction in the face of the Rwanda tragedy put the unfolding Darfur crisis into stark relief. Delegates urged key African Union institutions to deploy “a high level mission, comprised of AU and OHCHR representatives, to investigate ethnic cleansing and the possible commission of international crimes committed in Darfur state.”

Since April, discussions between civil society groups have continued, culminating in the meeting in Pretoria last month. The meeting saw a clear commitment on the part of those assembled to take concerted action on Darfur. Despite a host of reporting on the crisis, representatives in South Africa noted that there had been no independent African civil society analysis of the crisis in Darfur. It was pointed out that such an assessment might help to breakthrough the stasis created by the current polarized political environment. It would also provide the basis for more effective joint advocacy before the African Union institutions. How the new NGO consortium moves forward over the next month may

herald a new departure in civil society cooperation around the protection of the displaced on the continent. And maybe a foray into Darfur could make this attempt a reality.

ACTION AND ADVOCACY

Protect Refugees and Build Peace: Great Lakes NGOs Shout Loud

Over the past ten years, conflict has engulfed the Great Lakes region of Africa. The 1994 genocide in Rwanda claimed nearly a million lives. The failure of the international community to respond to this crisis and its aftermath, not only wreaked untold havoc on Rwanda, but helped to spark a civil war in the Democratic Republic of Congo which, since 1996, has cost more than three million lives and drawn in most of Congo's neighbors. Burundi, meanwhile, has been struggling with an ongoing civil war since 1993. No country has been spared: those who have not directly experienced violence have struggled to accommodate hundreds of thousands of refugees.

But there are signs of hope in the region. In July 2004 the International Crisis Group noted that Burundi could for the first time in more than a decade be headed towards a real resolution to the conflict. A political transition in the Democratic Republic of Congo (DRC) agreed in May 2003 has installed a transitional government which is also working to consolidate peace.

These are, however, processes that remain vulnerable. Violence continues in the Kivu regions of the DRC and the Bujumbura Rurale province of Burundi threaten to unravel peace processes in those countries. Strong regional and international support for conflict resolution and development in the region is required to maintain the momentum.

It is with this in mind that the United Nations and the African Union came together to convene an International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, a process which will culminate with a meeting of heads of state in Dar es Salaam in November 2004 (the International Conference on the Great Lakes).

A Decade of Shifting Refugee Policies

As a contribution to this effort a group of NGOs gathered in Kampala in April 2004 to take stock of the changing political climate in the region and its impact on refugee protection. The conference, entitled "***Ten Years After the Rwanda Exodus: Assessing Refugee Protection in the Great Lakes***" was convened by the International Refugee Program at Human Rights First in collaboration with the African NGO Refugee Protection Network, the Centre for the Study of Forced Migration at the University of Dar es Salaam, the Refugee Consortium of Kenya, and the Refugee Law Project of Uganda. The event brought together more than 40 participants drawn from national and international NGOs working with refugees across the Great Lakes to both take stock of the situation of refugee protection in the region and develop a platform for action. Participants aimed to share national experiences, but also to understand and strategize

about key concerns in a regional context. Contributions from academic experts and UNHCR brought other perspectives which helped to create a more comprehensive picture.

The conference heard that profound changes have gripped the region since more than two million refugees fled Rwanda in the wake of the genocide ten years ago. That exodus sparked humanitarian and security crises which spread throughout the region, and placed considerable strain on local traditions of hospitality. After nearly a decade, serious concerns remained about the capacity of the region to respond to the needs of the millions of refugees seeking safety. This is especially so in the context of diminishing international support and increasing preoccupations by states and host communities with the security and economic impacts of hosting refugees.

Some of the conference participants were surprised by what was uncovered in the shift of perspectives from the national to the regional and international level. For example, many were struck by a paper presented by refugee scholar Chaloka Beyani on the potential impact of European law developments and the Convention Plus process in Geneva on refugee protection in the region. Concern was expressed, for example, about the proposal to create regional “protection zones” and asylum processing centers for countries of asylum outside Africa in the region. Although a particular plan for Tanzania had been rejected there was fear that similar proposals might reemerge.

Representatives of national NGOs commented that they had not been aware of how great an impact such proposals might have on their work. There appeared to be a recognition that monitoring this type of development would be crucial to working effectively in the future.

While concern was expressed about the impact of some international developments, others were highlighted as introducing useful models. A new program piloted in Kenya which allows NGOs to be more involved in referring cases for resettlement was praised. Participants also remarked on the need to learn from and promote initiatives linking refugees to social and economic development such as those piloted in Zambia (the Zambia Initiative) and the Self-Reliance Strategy in Uganda.

Looking Forward to the Great Lakes Process

At the close of the session, participants agreed a set of recommendations targeted at governments, UNHCR and NGOs which they hoped would be taken forward as a contribution to the wider the International Conference on the Great Lakes.

In September 2004, the International Refugee Rights Initiative attended the NGO preparatory meeting for the International Conference on the Great Lakes in Arusha in order to present the findings of the participants at the April conference. The session, which focused on peace and security, democratic governance, humanitarian issues, economic development and regional integration in the region, was attended both by local, international and regional NGOs. A core of the recommendations of the Kampala

conference were endorsed by the group in Arusha, particularly those relevant to the humanitarian pillar.

Citizenship and Forced Migration: Who belongs where?

One key issue which emerged during the Kampala meeting was also strongly echoed in the wider regional civil society discussion in Arusha: the interaction of the concept of citizenship with the generation and solution of refugee crises in the Great Lakes. It was acknowledged that citizenship in the sense of inclusiveness in the national collective lay at the heart of many ongoing conflicts in the Great Lakes region. Participants suggested that constitutional reform might be necessary to integrate groups which currently feel disenfranchised. Emotions ran high, with some participants swearing on the graves of their ancestors that refugees should not be naturalized. Others argued that the extension of citizenship to refugees was an important tool for bringing peace in the region.

The vibrant discussion at the Arusha session is indicative of a vigorous regional interest in addressing the malaise of the Great Lakes in a concerted fashion. We can only hope that the Heads of State who gather in Dar es Salaam next month can show the same energy and commitment in following up the recommendations presented to them by the various preparatory meetings. Over to you dear presidents.

FEATURES AND ANALYSIS

Anywhere But Here: Refugee Processing Centers in Libya

European governments may speak in varied voices on refugee policy, but throughout there runs an anxiety about how to balance the fears about the presence of asylum seekers, caused by the suspicion that they bring with them crime, poverty, disease, and even the shadow of terrorism, and the values of human rights and openness, which call for embracing those who would face persecution. And, while there may not be consensus, “anywhere but here” is becoming a familiar refrain. The most recent example of this is the recent Italian and German proposal to create EU processing centers for asylum seekers in northern Africa, including Libya.

Overseas processing centers are not new in global refugee policy; ten years ago the United States was using its facility at Guantanamo base in Cuba to process Haitians trying to make their way to the United States by boat. The Australians employed a similar idea in the wake of the Tampa crisis in 2001, creating processing centers for intercepted asylum seekers on the Pacific island nations of Nauru and Vanuatu.

The Italian and German proposals to create refugee processing centers in Libya that were recently presented to the EU are far from the first proposals to import the “offshore processing” model to Europe. Britain forwarded a similar proposal last year, suggesting that offshore “transit centers” were a necessary measure in the effort to stop human trafficking. On their long list of potential sites for the centers were Morocco, Romania

and Ukraine. This was modified by a proposal to create regional protection zones in areas which are prone to conflict.

Other variations on the theme include a Swiss proposal, also dating from 2003 to create a “transit center” in Senegal to which Switzerland could deport and hold Africans whose identities had not been established. That proposal was defeated when both Senegalese and Swiss organizations swung into action to oppose the measure. The Swiss Refugee Council and the Swiss section of Amnesty International questioned why such identification could not take place in Switzerland and whether appropriate monitoring of the centers could be carried out. Meanwhile, the West African Refugees and Internally Displaced Persons Network (WARIPNET) and *Recontre Africain pour la Défense de Droits de l’Homme* (RADDHO) lead the charge on the Senegalese side taking the matter to the Senegalese Parliament. The Parliament ultimately refused to accept the agreement (for more information see “Senegalese, Swiss NGOs Defeat Delicate Accord,” in *Africa Refugee Rights News* Vol. 1, Issue 1, available online at http://www.humanrightsfirst.org/intl_refugees/intl_refugees_news/newsletter_01.htm).

The current Italian and German proposal similarly faces opposition from many sides. Criticism was intensified when Italy reportedly deported hundreds of asylum seekers from a facility on the Mediterranean island of Lampedusa without appropriate evaluation of their protection needs earlier this month. UNHCR expressed “grave concern” over the situation and asked for access to asylum seekers in both Italy and Libya, access which was eventually granted on the Italian side, but, tellingly, not on the Libyan side. The Libyan refusal to allow access to UNHCR casts serious doubts on their willingness to provide protection to asylum seekers.

These doubts were reflected by the Italian Council for Refugees (CIR). Christopher Hein, Director of the Italian Council for Refugees, asked “what guarantees are there that Libya, a country which is not party to the 1951 Geneva Convention, will not forcibly return these persons to their country of origin?” The CIR also speculated that a secret readmission agreement between the Libyan and Italian authorities might even already be in place. The agreement, if it indeed exists, would raise serious concerns both about Italy’s refugee protection credentials, if not its democratic ones, as the agreement has apparently never been forwarded to the Italian parliament. Elsewhere in Europe, Amnesty International and the German NGO, Pro Asyl, have spoken out against the idea.

The Libyan League for Human Rights has also vehemently criticized Libya’s qualifications as a host, saying that the country did not have “the necessary asylum laws, structures or profile to deal with these issues” and pointing out that the “Government of President Qaddhafi has proved over the last thirty five years an unprecedented contempt to equity and fair and independent justice through permanent violation of basic human rights of its citizens.” The Libyan League for Human Rights also condemned the impulse to shift responsibility for asylum seekers away from Europe saying that “[d]emocratic Governments do not subcontract (bribe!) the implementation of their policies.”

In the end, however, perhaps the most conclusive criticism came not from an NGO, but from French Interior Minister Dominique de Villepin, who was quote in the UK's *Independent* newspaper as saying, "for France, it's out of the question to accept transit camps or shelters of any kind."

While Mr. Villepin's comments appear to have effectively quashed discussion of the idea at the moment, the history of similar proposals suggests that we have not seen the last of the idea that asylum seekers belong "anywhere but here."

Violence and Political Instability in the DRC: Putting the Breaks on Refugee Repatriation

In the midst of international clamor over crises in Iraq and Sudan's Darfur region, the ongoing crisis in the Democratic Republic of Congo (DRC) continues to be relegated to the back burner.

As human rights activist Georges Kampiamba of ASADHO writes, the situation in his country has not changed. He infers that movement towards peace has not been reflected in the safety and stability for ordinary Congolese; and by extension hopes for the successful repatriation of the more than 300,000 Congolese who remain in exile.

The DRC remains a country of fear. Fears that are shared by many commentators. Carol Nursey, regional director for Central Africa for Oxfam recently said that "there is a peace deal agreed by the parties, but the benefits are not yet felt by the Congolese people." Insecurity is rife and violence has recently broken out both in the Kivus and Katanga.

The displaced continue to be caught in the middle. As repatriation is getting under way for Congolese refugees returning to Equateur province from the Central African Republic, more are

ABOUT ASADHO

Association Africaine de Defense des Droits de l'Homme (ASADHO) is a non-political, non-governmental organization working for human rights in the Democratic Republic of Congo. It was founded in 1991, and set up its first offices in Shaba (now Katanga) in 1993.

ASADHO Katanga works on behalf of refugees through its Protection program. The program offers assistance to refugees in approaching the institutions charged with protecting them, the (Division of Social Affairs, the United Nations High Commissioner for Refugees, Caritas, the Jesuit Refugee Service, etc). The program also provides legal assistance to refugees who are accused of various infractions by local magistrates.

fleeing to Zambia. And many find themselves in the delicate position of having to choose between insecurity abroad and insecurity at home, a situation exemplified by the situation of Congolese refugees who were attacked at Gatumba refugee camp in Burundi.

War has rocked the Democratic Republic of Congo for the past eight years, creating insecurity throughout nearly the entire country. The areas most affected are the north and east. The conflict has forced hundreds of thousands of Congolese to abandon their homes

and to cross borders to find security. The delay in putting in place an integrated army and territorial reunification have also contributed to the entrenchment of insecurity.

According to UNHCR, about 348,000 nationals of the DRC are living as refugees abroad. Tanzania hosts the greatest number with a total of 140,000, of which 80% come from the Kivu region, in the east of the DRC; the Republic of Congo (Brazzaville) has received 90,000; Burundi welcomes 35,000; and Rwanda 33,000; and the rest are scattered among other African countries. The refugee population is comprised of mostly women and children, often exposed to atrocities in the zones of violence. Recently, their number has shot up due to fighting in the South Kivu province where forces loyal to the government have fought those of dissident officers General Laurent Nkunda and Jules Mutebesi.

In addition to this latest violence, there has also been tension that has pitted government forces against the *Forces Démocratiques pour la Libération du Rwanda* in the same province. There is now a conflict unfolding in the north of Katanga where the militia known as the Mayi-Mayi are fighting the government forces, and has led to the flight many Congolese, mainly to Zambia. An additional 3,000 fled in October.

Such violence has prevented the spontaneous return of refugees and UNHCR no longer encourages them to return. This led to fears that the repatriation of 90,000 Congolese refugees in the Central African Republic and the Republic of Congo, which had been scheduled by UNHCR for July, would be postponed. But as Mr. David Kapya, a UNHCR representative in Kinshasa announced on June 21, 2004, a limited repatriation would be carried out to the northwest of the DRC, to Equateur province.

The refugees from this region fled the province when Jean-Pierre Bemba's rebel movement *Mouvement de Libération du Congo* attacked, but there has been relative calm in the region since Bemba joined the transitional government as one of the four vice-presidents. The transitional government has been working to build a common police force in the area, and the rebel troops have, for the most part, ceased causing additional insecurity as they wait for the demobilization process to begin. The repatriation has now gotten underway despite the setbacks and about 200 refugees have already been repatriated.

It is to be hoped that this repatriation will be more successful than that of those refugees who had returned to the DRC from Burundi and Tanzania before the outbreak of the latest fighting in Kivu. Those who had settled in the localities of Luberizi, Kamanyola, Baraka, of Fizi and Uvira in south Kivu, bitterly regretted their return to such a state of insecurity as violence reigned for several weeks in the localities of Kamanyola and Kalehe. This was also the case for 1,364 refugees who had previously spontaneously returned from Burundi in April and settled in the locality of Maturule about 88 Km from Bukavu: they fell victim to looting by the forces of General Laurent Nkunda. 200 returnees from Tanzania at Kalemie, a village located in the north of the province of Katanga, were also affected by the violence.

In light of this situation ASADHO is working to improve the return process, by offering advice to UNHCR on whether returns are appropriate at a given time and on monitoring the security situation of returnees. At the same time, ASADHO works to facilitate the social and economic reintegration of those who return.

But ASADHO cannot go it alone, it is imperative that the international community redouble its efforts for the re-establishment of peace in the Democratic Republic of Congo. Only this will permit the UNHCR to convince the Congolese who have fled the country that they can return home in safety.

The writer is a member of ASADHO/KATANGA, Democratic Republic of Congo. The article was translated from the original French by Olivia Bueno.

Law and Policy

Finally a Rapporteur for Refugees in Africa

Years of painstaking appeals finally bore fruit at the last African Commission of Human and Peoples Rights (ACHPR) session in the Gambian capital Banjul in June 2004 with the appointment of the first special Rapporteur for refugees and IDPs in Africa—Commissioner Tom Nyanduga.

The Representative of the Secretary-General on Internally Displaced Persons, Francis Deng welcomed Nyanduga's appointment, cautioning at the same time that the Rapporteur faced enormous challenges. Africa is the continent most affected by forcible displacement, with almost 13 million internally displaced persons—out of a global total of 25 million—and over three million refugees, many of whom suffer from the most acute violations of human rights.

At numerous sessions of the Commission the Senegalese human rights NGO, RADDHO, Interights, Human Rights First, and WARIPNET had kept the fire burning, urging on the Commission the importance of having a Special Rapporteur for forced migrants on the African continent. Signs of good things to come began in November 2003 when renowned Tanzanian human rights lawyer Tom Bahame Nyaduga was appointed a Commissioner. At his first sitting as a Commissioner, Nyanduga was appointed a focal person for refugees and IDPs. At his second sitting he was appointed a Special Rapporteur.

It was the culmination of a long process. This is not to say that the ACHPR has ignored the plight of refugees—far from it—many of the Commissioners involved in other human rights concerns that beleaguer the continent had also included the refugee perspective in their work.

Upon his appointment as the focal person for refugees and IDPs, Commissioner Nyanduga took the bold step of consulting with NGOs working on the rights of the displaced. Discussions are ongoing between the Commission, United Nations High Commissioner

for Refugees (UNHCR) and NGOs on how best to place the issues of forced migrants at the core of the work of the Commission.

More recently, Commissioner Nyanduga was tasked with a mission in the Darfur region of western Sudan to assess the violations of the displaced in a conflict that has been described as the worst humanitarian crisis in the world today. Fighting between rebel groups and the government of Sudan and aligned militias began in the region in February 2003 and savage violence and massive displacement have been the result. (Please read more in the article *The Crisis in Darfur: How much more do we know?*)

In addition to Commissioner Nyanduga, the ACHPR delegation to Sudan included the Chairperson of the ACHPR, Salamata Sawadogo, the Special Rapporteur on Women Rights in Africa, Angela Mero and Mohamed Abdellahi Ould Babana, Commissioner in charge of promotional activities in the Republic of Sudan.

The Commissioners' report on Darfur at the third extra-ordinary session of the African Commission in Pretoria mid-September was the first comprehensive African Union human rights assessment of the human rights violations situation in the Darfur region. The report was adopted by the session and is awaiting comments from the government of Sudan. We eagerly await its publication.

PUBLICATIONS

The following is a selection of recent publications relating to refugee issues, we hope that this will be useful to those who receive our newsletter in their research. We also hope that you will alert us to publications produced by our readers in order to ensure that findings are shared across the region.

Dominik Bartsch and Nagette Belgacem, "Real time evaluation of UNHCR's response to the Emergency in Chad," UNHCR Evaluation and Policy Analysis Unit, August 2004.

Fred Galooba-Mutebi, "Witchcraft, Trust and Reciprocity among Mozambican Refugees and their South African Hosts in a Lowveld Village," Forced Migration Working Paper Series Number 9, June 2004, available online at <http://migration.wits.ac.za/galooba.pdf>

Lauren Landau and Karen Jacobsen, "The Value of Transparency, Replicability & Representativeness: A Response to Graeme Rodgers's "Hanging Out' with Forced Migrants," Forced Migration Working Paper Series Number 11, September 2004, available online at <http://www.migration.wits.ac.za/LandauJacobsen2004.pdf>

Loren Landau and Sally Roever, "The Burden of Representation in Humanitarian Contexts: Survey Research on Mobile and Marginal Populations," Forced Migration Working Paper Series Number 10, July 2004, available online at <http://migration.wits.ac.za/LandauRoeverwp.pdf>

Refugee Law Project, "Negotiating Peace: Resolution of Conflicts in Uganda's West Nile Region," June 2004, available online at <http://www.refugeelawproject.org/working%20papers/RLP%20Workingpaper%2012.pdf>

Steven Sperl and Irinel Bradisteanu, "Refugee Resettlement in Developing Countries: The Experience of Benin and Burkina Faso, 1997-2003," UNHCR, April 2004 available online at <http://www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=RESEARCH&id=40cd76a8a&page=research>

David Stone and Machtelt De Vriese, "Livelihood Strategies and options for Congolese refugees in Gabon: A case for possible local integration," September 2004, available online at <http://www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=RESEARCH&id=4148013d4&page=research>

US Committee for Refugees, *World Refugee Survey 2004*, May 2004, see www.refugees.org for more information.

Zezeza, Paul Tiyambe and Philip J. McConaughay, *Human Rights, the Rule of Law, and Development in Africa*, Pennsylvania Studies in Human Rights, 2004, available for purchase online at <http://www.upenn.edu/pennpress/book/14040.html>

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