

International Refugee Rights Initiative



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SPOTLIGHT:

UNHCR Begins Annual Meeting in Geneva

Representatives of NGOs and governments from around the world are gathering in Geneva for the 56th session of UNHCR's Executive Committee (ExCom).

ExCom is the annual meeting of the governing body of UNHCR. Dedicated to a review of the work of the past year, it is the time when new priorities are set for the agency, budgets agreed, and guidelines elaborating international consensus on aspects of international refugee law and policy and the operation of the High Commissioner's mandate, are adopted. Alongside states, NGOs also have the opportunity to respond on each agenda item through a coordinated statement and take part in discussions.

For refugee advocates, one of the most important debates follows the presentation of the Note on International Protection. The Note sets out UNHCR's progress in ensuring the rights of those who are in need of international protection in the previous year, highlights key trends, and gives an overview of UNHCR's efforts in response to the challenges identified.

This year one of the hopeful elements of the Note is news of a large increase in the number of refugee returns—for millions of refugees the dream of return home has finally

become a reality after many years in exile. The result has been the lowest number of refugees since 1988.

At the same time, the overall picture presents little cause for celebration. Although the numbers of refugees requiring protection have reduced, the number of persons of concern to UNHCR continues to rise. This is due to the growth of internal displacement – a phenomenon around which international response is often severely circumscribed by hostile governments and political cowardice.

The challenges faced in responding to the particular needs and suffering of IDPs are immense and UNHCR is increasingly taking responsibility for assisting and protecting the internally displaced (most recently in West Darfur). This is despite the fact that UNHCR's original mandate was restricted to those who had crossed international borders. That the first panel discussion of the first day of the ExCom session will focus on internal displacement, is a significant recognition of the changing face of those who suffer forced displacement in the new global context.

Among the proposals on the table for adoption formally by ExCom this year are the creation of a new post of Assistant High Commissioner for protection “entirely focused on the delivery of international protection” and conclusions on the subjects of complementary forms of protection and local integration. Conclusions provide authoritative guidance for states on developing issues. These conclusions (which are only available in draft form at the time of writing) promise to be important tools for advocates.

We look forward to updating advocates on the outcomes of ExCom in the next newsletter.

UPDATE:

What Does John Garang's Death Mean for Darfur?

September 9, 2005 marked the first anniversary of the United States' declaration that genocide had occurred and might still be occurring in Sudan's western region of Darfur.

A year later, little has changed in the overall character of the international community's response to the continuing and deteriorating crisis.

Tempered by a more equivocal assessment by UN Commission of Inquiry report in February, the US finding of genocide did not have the power to galvanize the necessary

IRRI Website Now Available in French

IRRI is expanding its horizons—taking on a French version of our website. We are also happy to announce that a French language version of last month's newsletter is now available online.

Both versions of our last newsletter are accessible on our website—www.refugee-rights.org—in PDF format. The French version can be found on the French version of the site.

Since its founding, IRRI's work has focused mainly on Africa where French is one of the widely spoken languages. We hope that making our site available in French will be the first step towards greater engagement with our francophone colleagues.

Questions or comments with respect to our new French version are welcome.

Please send comments to olivia.bueno@refugee-rights.org.

political outrage from the international community. Despite the rhetoric of “never again” heard so often during last year’s commemoration of the Rwanda genocide, the positions of key states remain polarized and the violence continues.

The sum of the decisive action by the international community: a modest extension of the mandate and size of the AU mission on the ground, an increase in humanitarian aid, and a referral of the situation for investigation by the International Criminal Court.

The Sudanese stage, however, has changed dramatically. At the end of July, John Garang, the leader of the southern Sudanese People’s Liberation Army (SPLA) and, for just a mere three weeks before his death, Vice President of Sudan, died in a helicopter crash returning home from a meeting with Ugandan President Yoweri Museveni. His death robbed Sudan of a vital and unifying political figure and cast the North-South peace deal—and the future of the country as a whole—in doubt.

Garang’s death is not just a loss to the South. African Union Commission Chairman Alpha Oumar Konare recently remembered Garang as “a visionary who held out hope for the new Sudan, a diverse, pluralistic, and united Sudan.”

Many Darfurians—and indeed many of those who felt marginalized throughout Sudan—looked to Garang as an inspiration and hoped that his presence in Khartoum would help the other groups sidelined from power both in the East and West of Sudan. The loss of the most senior statesperson, and the SPLA’s most committed advocate for a united Sudan, is seen by many as a major setback. The SPLA’s new leader, Salva Kiir Mayardit, has expressed his interest in helping to broker a solution in Darfur, but easing into his new role at the helm of the SPLA and working to build his national profile will limit his capacity to do so.

He will have a formidable task ahead in trying to achieve the same international and national stature as Garang, and in helping to suppress further outbreaks of the kind of inter-communal violence which gripped the capital and other major cities in the days following Garang’s death.

Although thus far the SPLA has held together, and the initial outbreak of violence has quieted down, the situation remains tense. The commencement of an international investigation into the circumstances of the helicopter crash which killed Garang has helped to relieve tensions. As the peace talks on Darfur in Abuja scheduled to begin on September 15 are shadowed by the failure of key negotiators to arrive in time, and a split in the ranks of the SLA, the international community needs to take a decisive stand to put the parties on the path to peace in Darfur—and hold the government to peace in the South.

Reflecting on these developments, and the way forward, the Darfur Consortium, a coalition of more than 30 Africa-based and Africa-focused NGOs working for a just and sustainable solution to the ongoing crisis in Darfur, has just released the report of its consultations during July and August. In addition to offering an analysis of the current

advocacy climate, it lays out a platform of action for the coming months. The report will be available shortly online at www.darfurconsortium.org.

ACTION AND ADVOCACY:

Taking on the UNHCR on Status Determination

On September 1, 2005, the United Nations High Commissioner for Refugees (UNHCR) published new Procedural Standards for Refugee Status Determination (the Standards). These Standards are a centerpiece of the UNHCR's efforts at internal reform, efforts which a small group of advocates and academics have been pushing for since the late 1990's.

UNHCR and status determination

The role of determining who is, and is not, in need of protection as a refugee is understood as primarily the responsibility of governments. In many countries, particularly in the Global South, however, UNHCR is called upon to conduct refugee status determination (RSD) on behalf of governments which do not have the capacity. In addition, UNHCR conducts status determination in countries which have not ratified the Refugee Convention and thus are not obliged to determine status.

UNHCR's practices with regard to status determination have been widely criticized by advocates who say that conducting determinations undermines the UNHCR's role as refugee advocate. In addition, they have faulted UNHCR for not living up to the standards it sets out for governments both in terms of the procedures it follows and the lack of transparency in its process. This criticism has helped to spur moves to reform—including, most recently, the articulation of new standards for UNHCR status determinations.

As the first such statement of UNHCR practice, the Standards provide advocates with an important new tool for assessing the progress of UNHCR's reform process as a whole, in addition to serving as a benchmark for individual UNHCR offices worldwide.

The advocates' response

The response to the launch of the Standards from advocates, including those who have long advocated for RSD reform can be described as cautiously positive. As Michael Kagan, an American lawyer and refugee rights expert who has worked on issues involving status determination in London, Beirut and Cairo, reflected, when he started in the field there was no where to look for standards. In his view, "the publication of the standards alone is a breakthrough."

But there are a number of concerns, however, about the content of the standards themselves. A group of concerned NGOs, including AMERA (Egypt/UK), Frontiers (Lebanon), the Helsinki Citizens Assembly, the Refugee Consortium of Kenya, and the

Refugee Law Project (Uganda), has expressed concern at ambiguous language in the standards and expressed fears that this, if combined with weak implementation procedures, might ultimately undermine the standards.

Another advocates response has come from RSDWatch, which has launched a [reference guide](#) to help advocates quickly understand the Standards as well as providing its [analysis](#) of the progressive elements and shortcomings it perceives in the new guidelines.

Significant steps forward on current UNHCR practice are identified by RSDWatch in some areas. RSDWatch applauds UNHCR's affirmation, for example, of the right of asylum seekers to legal accompaniment at all stages of the application process. RSDWatch also acknowledges the new guidelines' official recognition that the most vulnerable asylum seekers do not have the luxury of time—they need to receive priority attention and faster decisions on their cases. In addition, RSDWatch has welcomed the recognition that asylum seekers deserve the right to receive, in writing, the specific reasons for the rejection of their refugee claim.

Nonetheless, RSDWatch remains critical of the lack of progress in other areas. The new guidelines fail, for example, to alter UNHCR's practice of refusing asylum-seekers access to all the evidence in their files. They point out that this policy conflicts with UNHCR's own advice to governments on how they should conduct *their* RSD procedures, and that it may violate human rights and administrative law. Rejected asylum seekers may have no opportunity to address inconsistencies or offer other evidence if they are not informed of the nature of the evidence used to deny their claims.

RSDWatch also expresses disappointment that the Standards do not contain provisions for the constitution of independent bodies to hear appeals, despite the fact that UNHCR advises governments that rejected asylum-seekers should be able to appeal to an institutionally separate authority. Within its own structures, however, UNHCR only requires that appeals be considered by an official who was not involved in the first instance decision. Appeals are decided, therefore, in many cases by close colleagues of the person who made the first decision, often working under the same supervisor, and perhaps even seated in the same room. In such conditions, RSDWatch argues, it is difficult to guarantee an impartial review.

Putting the Standards to Use

The Standards represent an important tool for advocates. Micheal Kagan calls on fellow advocates to put them to use:

...human rights groups around the world should take these 170 pages and go to their UNHCR office. Ask, 'Are you implementing the standards?' ... These standards aren't perfect, but they're a huge improvement from nothing. We can't let them sit on the shelf and collect dust.

But the Standards, however, may appear daunting and confusing to some advocates attempting to grapple with the new tool, coming in at over 175 pages long and covering a wide range of issues from confidentiality to appeals. The analysis and wide range of

materials by contributed by advocates around the world gathered on the RSDWatch website, however, can be an important resource.

A new NGO exchange forum

The RSDWatch site is an independent initiative founded and maintained by Michael Kagan.

RSDWatch aims to fill a void in information and understanding about the way in which the UNHCR handles the determination of refugee status. Until recently, NGOs who have been dealing with UNHCR as an adjudicator have not had the opportunity to place their experiences in a global context, or to exchange notes on how to make effective interventions. UNHCR has not comprehensively reported on its activities in this regard.

In addition to its own analysis, RSDWatch hosts a forum for exchange by refugee advocates and offers links both to UN documents and commentary on how UNCHR standards hold up under international laws.

RSDWatch offers up-to-date statistics and reports about UNHCR refugee status determination in all the countries where UNHCR plays an active role in the process. A Forum allows advocates from around the world to contribute information about refugee status determination procedures in their own countries—and to comment on policy issues. Submissions should be directed to info@rsdwatch.org.

NEWS AND ANALYSIS:

Advocating Against Forced Displacement in Zimbabwe

About May 19, 2005, the government of Zimbabwe's began what it called "Operation Murambatsvina," or "Operation Drive Out Trash." In the process as many as 700,000 Zimbabweans were robbed of their homes and livelihoods, in a forceful internal displacement of tremendous scale and ferocity.

The aim of the operation, reminiscent of colonial era segregation and social exclusion, was to "clean up" urban areas and deal with illegal trade.

In a meeting hosted by Zimbabwe's National Association of Non Governmental Organizations (NANGO), the Minister of Local Government Dr. Chombo claimed the operation was necessitated by the multitude of illegal activities going on in the cities ,illegal buildings ,vending, and illegal dealers in foreign currency.

Though the attempt to bring law and order to Zimbabwe's urban areas may have possessed a veneer of legal justification, there have been numerous criticisms, both national and international about the way in which the operation was put into practice and the widespread displacement that it caused.

It was reported that the evictions were carried out without notice and that security forces used excessive force, burning homes, destroying property and beating people. In fact, the Zimbabwe Lawyers for Human Rights (ZLHR) claimed that 22,000 people were arbitrarily arrested at the height of the Operation. As of late May 2005, thousands of families had been rendered homeless by the destruction of temporary housing and without livelihoods and support services by the knocking of flea markets, market stalls and clinics. In one single day, May 26, more than 10,000 people were forcibly driven from their homes, for example, in the informal settlement of Hatcliffe Extension in the northern region of Harare. Those driven from their homes were told that they would find village heads to provide them with land and food. But as one displaced person, Mthulisi Ndiweni, recalled, "the villagers thought we were thieves who wanted to steal from their homes." But with the police threatening to kill him if he returned to the city, he was caught with nowhere to run .

ZLHR reaches out to the international community

As Operation Murambatsvina progressed in the months of May and June, many local and international NGOs became involved. ZLHR from the beginning had been speaking out against the Operation and focusing on advocating for the rights of those affected.

On June 9, the organization called for the help of the African Commission on Human and Peoples' Rights. Arnold Tsunga, the Director of ZLHR, appealed to Sanji M. Monageng, the African Commission's Special Rapporteur on Torture and Other forms of Cruel, Inhuman and Degrading Treatment, as well as Tom Bahame Nyanduga, the African Commission's Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons, to intervene to end the forced evictions and destruction of homes. ZLHR pointed out that the Operation had violated many of the rights guaranteed in the African Charter on Human and Peoples' Rights including the rights to freedom of movement and residence, the right to health, the right to education and the obligation of the government to protect the family. In the appeal, ZLHR compared the situation unfolding in Zimbabwe to the concentration camps employed during the colonial era in Zimbabwe and apartheid South Africa.

ZLHR's actions have had support from the international community. International NGOs such as the International Crisis Group and Human Rights Watch have reported on the situation. The United Nations also got involved to express concern at the "rapidly deteriorating situation of respect for civil, political, economic and social rights in Zimbabwe". Soon after Anna Tibaijuka was sent as the UN Secretary General's Special Envoy to observe and report on the mass evictions and the general humanitarian situation in the country.

Tibaijuka has since reported on her observations of Zimbabwe's urban areas, describing the destruction of shantytowns and informal markets as having "unleashed chaos and untold human suffering." This report served as the basis for a determination by the Representative of the Secretary-General on the Human Rights of Internally Displaced

Persons, Walter Kalin, that the government of Zimbabwe's actions were "incompatible with international law."

Zimbabwe bites back

President Mugabe of Zimbabwe shrugged off the criticism, accusing international critics of grossly exaggerating the impact of the operation and defending the operation as one which has not only eliminated illegal structures, but in fact also restored the dignity and hope of displaced persons.

To make matters worse, on August 30, 2005, the Parliament passed Amendment Bill No. 17, which weakens the protections of freedom of movement recognized by the Zimbabwean Constitution. In particular the Bill amends Section 22 of the Constitution to allow the government to restrict freedom of movement "in the national interest," a move which can be read as trying to retroactively silence critics of Operation Murambatsvina. Ironically the Bill also removes the guarantee that the government will not restrict the rights of Zimbabweans to leave the country. This opens the door to the imposition of exit visa requirements and preventing critics of the regime from seeking asylum in other countries.

As the government of Zimbabwe continues this campaign to control the movement of its population, forced migrants advocates need to keep the pressure on the authorities not to replicate these violations.

LAW AND POLICY:

CERD Evaluates State Practice on Refugees

The Committee on the Elimination of all forms of Racial Discrimination (CERD) recently finalized concluding observations from its last session when it considered reports from Nigeria, Tanzania and Zambia.

CERD is the treaty monitoring body which was created to judge the compliance of states with their obligations under the International Convention on the Elimination of all Forms of Racial Discrimination.

While the major focus of the reports, and the concluding observations of the Committee emphasize how the relationships between various ethnic and racial groups within states are mediated, the situation of non-nationals—including refugees—is also systematically considered.

In this round of observations CERD criticized the Nigerian government for the lack of information provided about the situation of non-nationals, including refugees, and called on the government to include additional information in their next report. It also noted that constitutional guarantees against discrimination had not been extended to non-citizens and suggested that the ongoing processes of constitutional review and consideration of a

new Anti-Discrimination Bill might offer an opportunity to amend the law to extend protections to this group.

In contrast, Zambia was congratulated for its generous hosting of more than 270,000 refugees, as well as its efforts to extend access to the courts and provision of adequate police presence to this vulnerable population. The “Zambia Initiative” a package of policies designed to promote development and enjoyment of social and economic rights in refugee hosting areas, was also warmly greeted.

Zambia drew criticism, however, for not going far enough. CERD expressed concern that long term refugees, particularly Angolans, were not allowed adequate opportunities to integrate. CERD recommended that the Zambian government review its principal national refugee legislation—the 1970 Refugee Control Act—as well as withdrawing its reservation the 1951 UN Refugee Convention.

Tanzania was similarly congratulated for hosting more than 600,000 refugees. CERD expressed concern, however, that some refugees may have been forcibly returned to their countries in contravention of Article 5(b) of the Convention on Racial Discrimination. It urged the government to provide additional information on the situation of refugees as well as the legal basis for deportations which have occurred.

Additional concerns were expressed by the Committee about allegations of mistreatment of refugees and asylum seekers by law enforcement officials in Tanzania, particularly arbitrary arrests and detention, excessive use of force and ill-treatment. It urged the government to “take appropriate measures” to stop such abuses, including thoroughly investigating all allegations, and, where appropriate, prosecuting and punishing perpetrators. It also recommended that compensation be offered to victims such abuses.

This round of CERD conclusions serve as a reminder that CERD can serve as a source of “soft law” and standard setting which African advocates may have the opportunity to turn to the advantage of promoting refugee rights. The next session, to be held February 20-March 10, 2005 will consider two African countries—South Africa and Botswana. For further information about countries to be considered by the Committee advocates can consult:

<http://www.ohchr.org/english/bodies/cerd/sessions.htm>

Returns from Europe – An issue for African refugee advocates?

At the end of June a new policy paper on the return of rejected asylum seekers was issued by the London and Brussels based network of refugee assisting organizations, the *European Council on Refugees and Exiles* (ECRE).

The report is part of a series of research and policy contributions to the European refugee policy debate on selected topics spearheaded by ECRE and its partner organizations. For copy of the report see www.ecre.org. The European Council on Refugees and Exiles (ECRE) is an umbrella organization of 76 refugee-assisting agencies in 30 countries working towards fair and humane policies for the treatment of asylum seekers and refugees.

ECRE's report entitled, *The Return of Asylum Seekers whose Applications have been rejected in Europe*, comes at time when European governments continue to attempt to redefine the international refugee regime.

Emphasis on the removal of “failed” asylum seekers is increasingly the approach taken by European governments determined to make a show of “getting tough” on asylum. With the institution of effective return regimes being presented as essential to the credibility of the asylum system itself, states appear to view removing those who have failed the refugee test as critical to deterring migrants in general from entering the European space—despite the lack of accurate and comparable statistics to back up such claims.

Just earlier this month the European Commission announced the agreement of a Proposal for a Directive on Common Standards on return. The Proposal document constitutes the blueprint for debate by European lawmakers over the next months around harmonizing policies on return, law and practice that differ widely across the continent. The Proposal sets out a framework for dealing with the return of *all* persons who are illegally present in Europe, whether they entered illegally, overstayed their visa or residence permit or exhausted avenues for asylum.

The vulnerability of asylum seekers, however, requires that the potential differential impact of the Directive is carefully assessed. Due to the variety of standards pertaining in Europe, many persons defined as “failed asylum seekers” under national law may indeed qualify as “persons in need of international protection” when examined in the light of international law. As ECRE puts it:

...we cannot at present confidently assume that if someone's asylum claim has been rejected by a European country they are necessarily a person not in need of international protection in view of procedural deficiencies in European asylum systems or restrictive interpretations of the refugee definition.

ECRE's report concludes, “*asylum seekers whose applications have been rejected form a growing segment of vulnerable, poor and marginalized people in European societies.*” Current policies have resulted in prolonged detention, destitution, and leave persons for whom return is impossible languishing in legal and social limbo.

ECRE's timely report provides a starting point for advocates to engage in the discussions which are being generated in the wake of the launch of the Proposed Directive. These discussions will have an impact, not just on the operation of asylum policy in Europe, but also ultimately, in the long term, on African refugee policy.

Recommendations

ECRE's report identifies the key issues, misconceptions, and challenges which underpin Europe's policies on return of rejected asylum seekers, and presents an overview of current law and practice. In identifying the human rights framework which must

circumscribe the operation of any returns regime, the foundations are laid for the development of a series of concrete policy recommendations and suggestions for further research and exploration.

Underpinning the entire report is the message that the conduct of fair and efficient asylum procedures is the first and most foundational step in ensuring safe returns. ECRE goes on to formulate seven additional core principles:

- 1) States must not enforce returns prematurely.
- 2) States should not enforce removals and should grant a legal status to certain categories of persons, especially those who cannot be returned for reasons beyond their control.
- 3) States must ensure their actions do not breach any of their human rights obligations under international and European law.
- 4) The denial of human rights and the withdrawal of support as means of forcing asylum seekers whose applications have been rejected to cooperate with return procedures or compel them to leave of their own accord are unacceptable.
- 5) Detention should only be used as a last resort, and should be in full compliance with international human rights law.
- 6) International cooperation with countries of origin in a spirit of solidarity at all stages of the return process is a pre-requisite to achieving sustainable return.
- 7) Sending states should set procedures in place to check that returnees have reached their destination safely. There should also be follow-up and monitoring of returns to identify whether return policies are safe, effective and sustainable.

Implications for African refugee policy

Consideration of the return of rejected asylum seekers from Europe might, at first blush, not seem an urgent priority for African advocates. There is, however, potential that the operation of policies surrounding return from Europe may have an impact on the quality of protection available to refugees in Africa. In April 2004, local and international NGOs at a conference on the Great Lakes region identified the issue of return of rejected asylum seekers from Europe as one of a complex of European policy developments which could have direct and indirect effects in Africa.

First, European refugee policy models are often looked to by African states seeking to amend their refugee and migration policy—the safe third country concept born in Europe has been adopted to the detriment of protection by some states in Africa.

Second, return of rejected asylum seekers to *countries of origin* is not the only policy being pursued. There have been attempts to set up procedures whereby rejected asylum seekers can be returned to a third state—whether on the basis of a special agreement or because the person has transited that country prior to arrival in Europe. There have even been proposals that would have seen the transfer of rejected asylum seekers of various nationalities to a “holding” centre, the authorities of which would then be charged with identification and nomination of countries of ultimate destination.

Third, European states have in the past offered financial inducement to African states in return for cooperation around returns. In 2004, for example, Tanzania was offered four million British pounds in additional development aid if it would operate a transit centre for asylum seekers from Africa whose refugee status applications had been rejected in the United Kingdom. Although that initiative ultimately failed, it serves as an indication of the prevailing approach.

Proposals to institute such extraordinary regimes raise critical questions for the African refugee protection legal framework. Most African states are signatory, for example, to the African Refugee Convention, which extends the protection of refugee status to a much broader category of persons than does the UN Refugee Convention. The return of persons rejected under European refugee definitions (in some respects even narrower than that enshrined in the UN Convention) to third states in Africa is likely to trigger protection obligations under the national law of the receiving state. Making explicit such divergences between the Global North and South in levels of assumed responsibility may indeed invite reasonable questions as to whether indeed there should be harmonization of policies to the lowest common denominator.

Finally, there is a very strong ideological component to the discussion of returns in Europe—the majority of the more extreme measures being explored by states are directed towards African states and nationals of countries in Africa despite the fact that the majority of asylum seekers in Europe are from Europe and elsewhere.

How can the views of African advocates be heard in the debate?

The recommendations in ECRE's report provide a starting point for the identification of ways in which states and civil society in Africa might be able to be heard in the debate on returns in Europe. IRRI suggests that NGOs working in countries of origin and in countries of first asylum might wish to consider the following:

Understanding the framework: It is vital that African NGO advocates and researchers have an opportunity to undertake an assessment of the potential impact of proposed developments on both the legal framework and policy making around protection in Africa.

Monitoring policy developments: There needs to be greater vigilance and exchange of information on national level efforts in Africa to agree bilateral accords with European States—around any measures which have an underlying rationale of burden *shifting*, rather than burden *sharing*. Bilateral accords are often negotiated at an inter-governmental level, far from the scrutiny of the public and not endorsed by parliaments. African NGOs can work fruitfully with European counterparts as part of the monitoring effort. A highly successful partnership between NGOs in Switzerland and Senegal in 2003 headed off an effort to set up a detention and transit centre for rejected asylum seekers from across Africa in Senegal (see “Senegalese, Swiss Defeat Delicate Accord,” in [Africa Refugee Rights News](#) Volume 1, Issue 1, April 2003).

Presenting country of origin perspectives: The ECRE report recognizes that non-cooperation of countries of origin can be a factor preventing return. There has been little written from the perspective of countries of origin about the politics and economics of return—and the views of local civil society need to be heard. The report recognizes that the high cost of instituting return regimes from Europe to Africa can be contrasted with the resources outlaid by states in Africa in hosting much larger numbers of refugees for prolonged periods. ECRE suggests that “political financial and economic support” for “reconstruction and development” should be offered to countries of origin, in addition to support to the individual returnee. It opposes, however the offering of, “inducements to third countries, whether in the form of development aid or otherwise to take asylum seekers whose applications have been rejected.” Finally, ECRE suggests that a deeper understanding of the motivations of those who continue to have concerns about return are also essential for the development of safe and effective return policies.

Monitoring returns: One of the findings of ECRE’s report is that there has been little engagement with countries of origin on what has happened to returnees—let alone any systematic monitoring of the impact and outcome of European return policies as a whole. Return policies that do not include consideration of the sustainability of return to the country of origin do not contribute in the long term to reducing the reasons why persons feel compelled to flee. One of ECRE’s recommendations is that sending states should establish procedures to check that returns have safely reached their destination and that NGOs in the regions of origin could be engaged in this effort. In particular, ECRE calls for “evaluation of the true success of returns policies – in terms of sustainability of return and the protection of the rights of returnees.” Finally, ECRE suggests that sending states should seek the participation of NGOs from the country of origin in the design of assisted return programs.

PUBLICATIONS

The following is a selection of recent publication relating to refugee issues in Africa. If you are aware of any publications which may be of interest to our readers, please contact Olivia Bueno (olivia.bueno@refugee-rights.org).

<p>Alexander Betts, International Cooperation Between North and South to Enhance Refugee Protection in Regions of Origin,” Refugee Studies Centre Working Paper No. 25, July 2005.</p> <p>Brian Gorlick, “Improving Decision-Making in Asylum Determination,” New Issues in Refugee Research, Working Paper No. 119, August 2005.</p> <p>Katarzyna Grabska, “Living on the Margins—The Analysis of the Livelihood Strategies on Sudanese Refugees with Closed Files in Egypt,” June 2005.</p> <p>Human Rights Watch, “Clear the Filth’ Mass.”</p>	<p>International Crisis Group, “Garang’s Death: Implications for Peace in Sudan,” August 9, 2005.</p> <p>International Crisis Group, “Zimbabwe’s Operation Murambatsvina: The Tipping Point?” August 17, 2005.</p> <p>Mark Pallis, “The Operation of UNHCR’s Accountability Mechanisms,” Institute for International Law and Justice Working Paper No. 2005/12, 2005.</p> <p>Sudanese Organisation Against Torture (SOAT), Newsletter, Issue 50, July-August 2005.</p>
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<p>Evictions and Demolitions in Zimbabwe,³⁹ September 2005.</p> <p>International Crisis Group, CrisisWatch, September 1, 2005.</p>	
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