



AN INTRODUCTION TO REFUGEES AND INTERNALLY DISPLACED PERSONS

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Section 1 LEARNING OBJECTIVES

Learning Objectives

On completion of this module, you will:

- Appreciate the global perspective and context of the causes and effects of displacement
- Have reviewed the history of displacement generally, and in Sri Lanka in particular
- Understand the similarities and differences between internally displaced people and refugees
- Be familiar with the Sphere Minimum Standards and the Guiding Principles on Internal Displacement
- Understand the rationale, mandate and criteria for UNHCR's involvement with internally displaced persons
- Be introduced to the terminology of emergency management
- Have appraised your own knowledge of the field

*** STOP AND THINK.**



ACTIVITY

Here is a check list before you start to study this module.

1. I have read the Distance Learning Study Guide
2. My study-buddy (family) has agreed to support my work
3. My boss is aware that I am about to commence this programme
4. I have planned my timetable and resolved to keep to it
5. I am familiar with the SQ3R reading method
6. I am determined to see this through

Section 2 PREMODULE TEST

The pre-test included at the beginning of this module allows you to test your general knowledge about the subject. This test consists of twenty questions about refugees and internally displaced persons. Then you are asked to add five questions of your own. Taking the tests before the module should stimulate you to compare your knowledge with information in the text, and to learn actively about information and concepts which may be new to you. Even if you score well on the tests, the module will provide a useful revision and face you in the direction of further current reading.

TEST ANSWERS – write your answers on another sheet of paper so that this text can be used by others.

- 1) Suggest a major difficulty with distance learning
- 2) List four ways of enhancing distance learning
- 3) List 5 causes of mass displacement of people
- 4) Which number approximates to the number of internally displaced people worldwide? *1 million, 6 million, 12 million, 24 million, 48 million?*
- 5) How many refugees are there in the world?
6 million, 11 million, 17 million, 23 million, 37 million?
- 6) What is the main difference between a ‘refugee’ and an ‘internally displaced person’ (IDP)?
- 7) Who is primarily responsible for the protection of refugees?
Themselves, the government, UNHCR, ICRC, other key agencies, host communities, all of these?
- 8) Why must the UNHCR have free access to refugees?
- 9) Give four groups of people who are particularly vulnerable during displacement.
- 10) Does the UNHCR actually decide who is a refugee, or is the decision up to governments?
- 11) May governments deport people who are found not to be refugees?
- 12) Can a criminal be a refugee?
- 13) Can a woman who fears that she, or her infant daughter, will be genitally mutilated if she returns to her country claim refugee status?
- 14) Do refugees have a right to claim resettlement in another richer/better country?
- 15) Can an IDP seek refugee status in the same country of displacement?
- 16) Can a draft evader be a refugee?
- 17) Does a person have to register as an IDP before being able to claim legal protection of human rights?
- 18) Are IDP human rights enforced by international law?
- 19) May asylum seekers be detained?
- 20) Can a soldier be a refugee?

Now write down five more questions that you would like to be answered.

- 21) –
- 22) –
- 23) –
- 24) –
- 25) –

- (Answers for questions 1) to 20) are provided in the text of the module, in the further reading suggested, or in Section 13).

Section 3 A GLOBAL PERSPECTIVE OF EMERGENCY SITUATIONS

Emergencies may be natural or human-made.

Natural emergencies include:

- floods, droughts, fires, landslides, earth tremors or earthquakes, storm surges, coastal erosion, cyclones, and epidemics of diseases or pests.

Human-made emergencies may arise from:

- industrial explosions or other accidents that release industrial toxins into the environment, fires, transport accidents, or from ethnic, national or international conflicts.

Any of these causes may lead to mass migrations of people who are struggling to survive by escaping from a hazard or an actual emergency.

*** STOP AND THINK.**



What would your feelings be if you and your family were given two hours notice to flee from your home? If you have been in that situation, recall how you felt then.

Conflict-related emergencies need to be placed in the broader context of global emergencies from all causes. Both natural and human-related disasters are dwarfed by avoidable health disasters. In 1999 between 70,000 and 100,000 people were killed by natural disasters, but around 13 million died of infectious diseases. For example, since AIDS was first identified in the 1980's, about 50 million people globally have become infected with HIV, the virus that causes AIDS; and nearly a third of these have died.

- Every day, over 15,000 people become infected with HIV: half of them are under 25 years old. Every hour 300 people die from the AIDS pandemic.
- Over 40% of the world lives in malaria prone areas. Between 1 to 3 million die from malaria annually and three-quarters of these are children.
- Five hundred million people alive today will die prematurely of tobacco effects.
- The World Health Organization projects that one million people will die from suicide in 2001 – a mortality rate of 16 per 100,000, or one death every 40 seconds.

This information provides a perspective against which other disasters and specific regions can be examined.

ACTIVITY 3.1

You have already met some significant terms that you will meet again.

Write down your definitions of:

- hazard
- risk
- emergency
- disaster
- vulnerability
- emergency preparedness
- aid

(You will have an opportunity to modify these later if necessary)

20 minutes

The Asia Pacific Region, with 55% of the world's population, is subject to the greatest impact of natural and human-made disasters.

	AFRICA	AMERICAS	ASIA	EUROPE	OCEANIA	TOTAL
Landslides	7	39	83	18	6	153
Droughts	65	24	31	11	12	143
Earthquakes	13	56	126	38	16	249
Epidemics	183	51	88	16	2	340
Temperature Extremes	5	23	39	30	5	102
Floods	149	206	351	97	26	829
Forest Fires	6	43	20	23	8	100
Wind Storms	39	269	332	115	66	821
Volcanoes	3	24	20	2	5	54
Insects, wave surges etc	3	4	9		1	17
Industrial / Transport	325	349	972	384	26	2,056
TOTAL	798	1,088	2,071	734	173	4,864

Table 3.1. Total number of reported disasters by continent in the 1990-99 decade

ACTIVITY 3.2

a) If you were made responsible for emergency management in Asia, in addition to the above information, what other data would you try to collect?

b) With limited resources, what would be your first and second targets? Why?

15 minutes

Only in Europe are natural and non-natural disasters currently similar in number. In the Americas and Asia during the last decade, floods and wind storms were the most common disasters killing the highest numbers of people. In Africa during the same period, epidemics and floods caused the most disasters although epidemics were the greatest cause of deaths.

	AFRICA	AMERICAS	ASIA	EUROPE	OCEANIA	TOTAL
Total no. of people killed	85,551	81,058	406,199	16,115	3,614	592,537
Total no. of people affected	104,452,275	56,694,843	1,760,470,623	18,803,101	18,507,963	1,958,928,805

Table 3.2. Total number of people killed and affected by disasters in the 1990-99 decade.

Table 3.1 clearly focuses on Asia – the continent most frequently hit by disasters with more than 40% of the total number recorded. This focus is further emphasised in Table 3.2. Globally, almost 2 billion people were affected by disasters during the 1990s of whom about 90 % live in Asia.



ACTIVITY 3.3

Look at the photograph above.

- List all the things which cause you to react in a positive way.
- Then list all the things which you react to in a negative way.

10 minutes

Human Conflicts and Displacement

The First World War was the “war to end wars”. Yet, in addition to the Second World War, between 1945 and 1992, 165 further wars killed 23 million people. Conflicts are particularly lethal for civilians as they are four times more likely to be victims than are military personnel. Sixty-five percent of the total number of major conflicts in this period have taken place in developing countries which are also the worst hit by natural disasters.

As the nature of war has changed in the last few decades, with more and more internal conflicts replacing inter-state wars, the number of internally displaced persons (IDPs) has increased significantly and it is now the second largest group of concern to the UNHCR. The special UN Representative for Internally Displaced Persons estimates that there are between 20 to 25 million IDPs world wide with major concentrations in Bosnia-Herzegovina, countries of the former Soviet Union, African states and Sri Lanka. Not all IDPs are helped by the UNHCR and ICRC as these agencies are not working in all countries.

ACTIVITY 3.4

- a) What are the differences that you may find between a group of people displaced by a sudden flood and a group of people displaced by an ethnic conflict.
- b) What items and documents would you advise people to carry with them during displacement?
- c) In what ways might some people gain by being displaced?

20 minutes

REGION	REFUGEES	ASYLUM SEEKERS	RETURNED REFUGEES	IDPs	TOTAL
Africa	3,523,250	61,110	933,890	1,732,290	6,250,540
Asia	4,781,750	24,750	617,620	1,884,740	7,308,860
Europe	2,608,380	473,060	952,060	3,252,300	7,285,800
Latin America and Caribbean	61,200	1,510	6,260	21,200	90,170
North America	636,300	605,630	-	-	1,241,930
Oceania	64,500	15,540	-	-	80,040
TOTAL	11,675,380	1,181,600	2,509,830	6,890,530	22,257,340

Table 3.3. Persons of concern to the UNHCR



*** STOP AND THINK.**

Study the above Table 3.3. The number of IDPs is given as about 7 million although the UN suggests that there may be as many as 25 million in the world. How can you explain this difference? About 1:4 of the displaced in Oceania are asylum seekers whereas the ratio is over 1:60 for Africa. What reasons can you suggest for this? What else of interest can you see and explain.

At the start of the new millennium the number of people ‘of concern’ to the UNHCR was 22.3 million, or one out of every 269 people on earth. (In Sri Lanka the ratio of displaced to the normal population is closer to 1:20). This compares with a 1990 figure of about 15 million. The decade started with a series of crises in Iraq, Rwanda and Africa’s Great Lakes region; the conflicts in Kosovo and the Balkan region were largely responsible for the annual increase at the end of the decade. While the overall number of people in Europe helped by the UNHCR rose by more than one million during 1999, the figures in all other areas of the world, including Africa, Asia, Latin America and Oceania, dropped slightly.

1990	14,916,498
1991	17,209,722
1992	17,007,483
1993	18,998,777
1994	23,033,000
1995	27,437,000
1996	26,103,200
1997	22,729,000
1998	22,376,300
1999	21,459,620
2000	22,257,340

Table 3.4. Annual totals world-wide of persons of concern to the UNHCR (as of 1st January each year)

The UNHCR provides assistance not only to refugees, but increasingly to other categories of displaced or needy people. These include asylum seekers, refugees who have returned home but still need help in rebuilding their lives, local civilian communities that are directly affected by the movements of refugees and, perhaps most importantly, growing numbers of internally displaced persons.

There is now widespread international debate on how best to help *all* IDPs and which organisations should be responsible for their well-being.

FIELD TASK 3.5

Carry out a 'quality of life' survey on about 4 people who have been displaced (making sure that your sample varies with gender, age etc. If possible include ones who have been displaced by natural and conflict emergencies). In what ways have their lives been changed by displacement? What improvements would they like to see? Write your answer under material and non-material changes.

NOTE that the task needs cultural sensitivity and tact. Be careful not to raise expectations.

Section 4 **INTERNALLY DISPLACED PEOPLE AND REFUGEES**

Persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disaster, and who have *not* crossed an international recognised state border are defined by the United Nations (UN) as “**Internally Displaced Persons**” or IDPs. Strictly, only those who *have* crossed state borders and who are unable to return for reason of religious, political or any other kind of oppression which may cause risk to their lives are known as “**Refugees**”.

ACTIVITY 4.1

The subject is now going to be developed through three book reviews by Professor Zucker who is an authority in this field. (Part of his discourse will be extended in later units in this module e.g. the Humanitarian Guiding Principles). You should use the next five pages of information as an opportunity to test your practice of the SQ3R reading method that was introduced in the Study Guide.

First, scan the article. Next, use ‘active learning’ by formulating questions that you want answering. These might relate to “refugees”, “internally displaced people” and regulations concerning their protection. Then continue with the 3Rs. (You may need to return to the Study Guide to refresh yourself on the technique).

30 minutes

Book Reviews

Professor Norman L. Zucker reviews three books which you may wish to study in more detail. The book reviews are contained in **The Internally Displaced: Not Quite Refugees. A Review of *Masses in Flight*, *The Forsaken People*, and *Exodus within Borders*.**

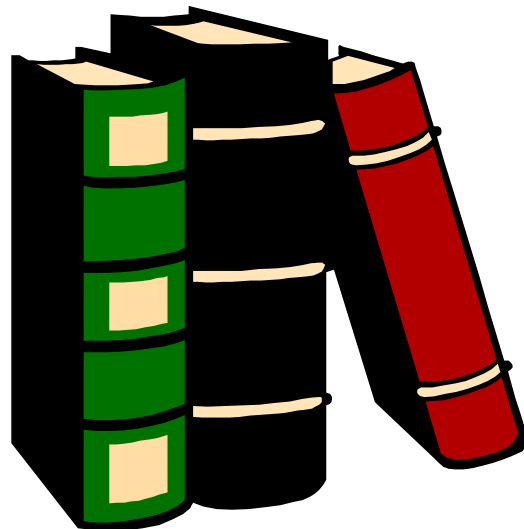
After the defeat of Nazi Germany, the term "displaced persons" joined the word "refugee" in the lexicon of human misery. Today that sad lexicon has added another term—"internally displaced persons."

The phrase "displaced persons" denoted the survivors of the Holocaust and others uprooted by World War II who had been expelled or who fled from their homes and could not return. Only later was a distinction made between displaced persons who remained within their country and refugees who had crossed a national border.

The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol gave the UN High Commissioner for Refugees (UNHCR) an international legal basis to protect refugees by establishing the accepted universal legal definition of a refugee and codifying the signatory nations' obligations to refugees. Today's internally dispersed persons, because they have not crossed a border, have no similar protections. There is no codification of a state's obligation to these unfortunates.

Although exact statistics are impossible to ascertain, the U.S. Committee for Refugees' *World Refugee Survey* estimates that at the beginning of the year 2000, somewhere around 14 million people were refugees and asylum seekers and at least 21 million were internally displaced persons who, legally unprotected, well may be more miserable than refugees.

This absence of codified protection for internally displaced persons is the subject of three recent books from the Brookings Institution Press: *Masses in Flight: The Global Crisis of Internal Displacement* by Roberta Cohen and Francis M. Deng (1998); *The Forsaken People: Case Studies of the Internally Displaced*, edited by Cohen and Deng, (1998); and *Exodus Within Borders: An Introduction to the Crisis of Internal Displacement* by David A. Korn (1999).



All three authors are eminently qualified to write about the internally displaced. Roberta Cohen is a former deputy assistant secretary of state for human rights and senior advisor to the United States delegation to the UN. Francis M. Deng, a former Sudanese minister of state for foreign affairs and ambassador to Canada, the United States and Scandinavia, has been since 1992, and remains, the representative of the UN's secretary general on internally displaced persons. David A. Korn, is a former U.S. foreign service officer, ambassador, and author of books on Africa and the Middle East.

Overview of Internal Displacement: *Exodus Within Borders*

Korn has artfully summarized and merged the findings of the two Cohen and Deng books. Even the title comes from a Cohen and Deng article in *Foreign Affairs*. Unlike the Cohen and Deng books, Korn's book is designed for a wide general readership and lacks the erudite legal reasoning, comprehensive detail, and copious technical footnotes that are necessary and proper in the Cohen and Deng books.

Exodus Within Borders is attractive with easy-to-read type, generous margins, and compelling black and white photographs. Each chapter begins with a telling vignette in the margin. Korn deftly introduces the problem of the internally displaced, tells who they are, where they are located, and who helps them. He discusses the roles of the UN, nongovernmental agencies, regional organizations, legal issues, and presents strategies and solutions. All of the material in Korn's book is extensively discussed in *Masses in Flight*, which serves as the intellectual rationale for Cohen and Deng's "Guiding Principles on Internal Displacement."

Korn has succeeded in writing an elegant, logically organized, descriptive, albeit not always critically analytical, book that makes interesting and informative reading. He has taken a complex and important subject and made it intelligible to the layperson. The book deserves a wide readership.

Case Studies: *The Forsaken People*

While *Exodus Within Borders* is general, *The Forsaken People*, the companion volume to *Masses in Flight*, is specific. From the 30 or so countries where there are internally displaced persons, editors Cohen and Deng have selected ten case studies, written by a variety of experts, to represent geographical distribution and varying aspects of displacement. Africa, the continent with the largest number of internally displaced persons is represented by Burundi, Rwanda, Liberia, and the Sudan. Europe's object lesson is the former Yugoslavia. The former Soviet Union provides illustrations of displacement in Chechnya, Azerbaijan, Armenia, Georgia, and Tajikistan. Sri Lanka, Colombia, and Peru are also included. There is no study of the Kurds in Turkey, the country with the second largest number of internally displaced persons. Because the book was written in 1998, it also excludes Indonesia/East Timor, which would be a candidate for a case study.

The case studies document that ethnic conflict or conflict between governments and minorities of a different race, religion, language, or culture were the predominant factors leading to strife and internal displacement. Conflicts were engendered by colonial policies, competition for scarce resources, and economic or political power. Moreover, the cold war rivalries between the United States and the former Soviet Union contributed to the crisis of governance.

In addition to postulating the causes leading to internal displacement, Cohen and Deng reach conclusions—some controversial—emerging from the country studies. In the post-cold war era (aside from Iraq's invasion of Kuwait), they explain, most fighting has taken place within states. These wars within states create a crisis of national identity. When groups become marginalized and are denied the protection and assistance a state owes to its citizens, it becomes the responsibility of the international community to intervene, despite sovereignty, through international and regional organizations.

There is an obligation to assist populations in danger of starvation or genocide. There is a discrepancy between refugees who have a framework of international protection and internally displaced persons who do not.

While there are gaps in protecting and assisting internally displaced persons, nonetheless, attempts to help them are in place. These attempts to help follow two models. In the first model, various UN humanitarian agencies, each following its own mandate, are coordinated either at UN headquarters or in the field. In the second model, a lead agency has overall responsibility for the operation. The authors of the case studies give the lead agency model—used in Yugoslavia and Tajikistan—good marks for effectiveness. In contrast, they view the coordinated agency approach as less effective.

Protection for internally displaced persons remains a problem for the UN and humanitarian agencies irrespective of whether a lead or coordinated model is used. (The lessons of the protection disaster in Srebrenica and Kibeho, among others, are never fully analyzed.)

Masses in Flight

Humanitarian assistance should be a balanced part of a strategy that works toward political solutions. There should be external mediation in internal disputes. These themes, and more, are explicated in *Masses in Flight*.

Here, Cohen and Deng contribute to the debate over protecting internally displaced persons. They show clearly why internally displaced persons are becoming a global crisis: their growing numbers because of internal conflicts; the cold-war inclination to admit selected refugees from communist countries as opposed to the inclination today to deny entry; the telecommunications revolution that publicized internally displaced persons' plight; and the role of the international human rights movement and its belief in the right of the international community to intervene in a state's humanitarian crisis. (In the world of realpolitik, intervention is selective. Intervention in Turkey, for example, despite its questionable human rights record, is unlikely.)

Cohen and Deng state their thesis clearly:

It has become essential to develop a broadly recognized framework of normative standards and institutional arrangements to guide the actions both of governments and of international humanitarian and development agencies in dealing with crises of internal displacement. The major objective of this study is to advance that goal. The study emphasizes that the concept of sovereignty cannot be dissociated from responsibility: that is to say, a state should not be able to claim the prerogatives of sovereignty unless it carries out its internationally recognized responsibilities to its citizens, which consist of providing them with protection and life-supporting assistance. Failure to do so would legitimize the involvement of the international community in such protection and assistance. States unable to meet the urgent lifesaving needs of their citizens would be expressly required to accept offers of humanitarian assistance. When states whose populations are at risk deliberately obstruct or outright refuse access, they should expect calibrated actions that range from diplomatic demarches to political pressures, sanctions, or, as a last resort, military intervention.

Cohen and Deng's fundamental premise that national sovereignty should not be a shield behind which countries could flagrantly violate the human rights of their citizens was accepted by UN Secretary General Kofi Annan in his speech opening the 54th session of the UN General Assembly. But not all agreed with him. President Abdelaziz Bouteflika of Algeria, coincidentally the then chairman of the Organization of African Unity (a regional body Cohen and Deng would not hesitate to use to pressure a rogue state) took issue with Annan saying: "Interference can only occur with the consent of the state concerned.... We remain extremely sensitive to any undermining of our sovereignty," the *New York Times* reported.

Beyond their justification to breach sovereignty, the authors present a set of 30 "Guiding Principles on Internal Displacement" which "is the first attempt to define protection for the internally displaced in terms of protection against displacement, during displacement, and during return and reintegration. The principles apply both to governments and insurgent forces, are nonderogable, and are applicable in all circumstances." These principles bring together a variety of legal norms "and offer remedies for the significant gaps and gray areas identified in the norms." While the principles lack legal force, they set touchstone standards which should be formally acknowledged by appropriate UN organs.

The Guiding Principles define internally displaced persons broadly—some argue too broadly—including in their definition not only the usual causes for displacement (armed conflict, generalized violence, human rights violations), but expanding it to include "natural or human-made disasters." The Guiding Principles are a commendable, detailed, comprehensive wish list for a just and humane world. Many of the specifics of the Guiding Principles—such as protection of vulnerable populations, ensuring an adequate standard of living, gender equality,

and the right to education—are far from reality for too many persons who are not internally displaced.

The Guiding Principles were submitted to the UN's Commission on Human Rights in the spring of 1998 when Deng's term as Representative on internally displaced persons was extended for an additional three years. The Guiding Principles are not a binding instrument and remain the subject of lively debate.

In addition to "sovereignty sensitive" arguments against the Guiding Principles, some advocates argue that the thesis that "rights have no borders" makes no sense. A clear distinction between refugees and "internal refugees," (internally displaced persons) must be made, they say, to protect established refugee rights.

Less controversial are some of Cohen and Deng's strategies and recommendations. Many make sense, even if some could be difficult to implement in all situations. These strategies and recommendations address, among others: creating a comprehensive set of preventive strategies (humanitarian early warning, information systems, and using international and regional organizations to promote state responsibility etc.), improving protection and development, and integrating protection with assistance.

It is clear that the refugee regime that has been in place for nearly half a century is under strain and changing. Over the last decade the scope of the UNHCR's activities has broadened. Cohen and Deng have made a substantial and welcome contribution to the discussion of what shape the refugee regime will take in the new millenium.

Ordering Information

To order *Masses in Flight, The Forsaken People, and Exodus within Borders*, contact the Brookings Institution Press, Department 029, Washington D.C. 20042-0029.

Tel: 1-800-275-1447 or 202-797-6258 (in the Washington D.C. area).

Fax: 202-797-6004. E-mail: BIBOOKS@brook.edu.

Norman L. Zucker, professor of political science at the University of Rhode Island, writes on refugee issues.

His most recent books, coauthored with Naomi Flink Zucker, are *The Guarded Gate: The Reality of American Refugee Policy* and *Desperate Crossings: Seeking Refuge in America.* (July, 2000)

SOURCE: [Refugee Reports, Vol. 21, No. 6 \(2000\)](#) Copyright 2000, USCR

Who is a refugee?

According to the 1951 Convention Relating to the Status of Refugees, a refugee is a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality, and unable to or, owing to such fear, is unwilling to avail himself of the protection of that country."

What is International Protection?

Most people can look to their own governments to guarantee and protect their basic human rights and physical security. But in the case of refugees, the country of origin has proved itself unable or unwilling to protect those rights. UNHCR is mandated to ensure that refugees are protected by their country of asylum, and assists that government as far as possible in that task. UNHCR is not (and would not wish to be) a supranational organization, and therefore cannot substitute for the protection of a state. UNHCR's main role is to ensure that states are aware of, and act on, their obligations to protect refugees and persons seeking asylum.

Thus, states may not *refouler*, or forcibly return, refugees to a territory where they face danger. They may not discriminate between groups of refugees. They should ensure that refugees benefit from economic and social rights, at least to the same degree as other foreign residents of the country of asylum. Finally, states have an obligation to cooperate with UNHCR. And, for humanitarian reasons, states should permit the admission of at least the spouse and dependent children of any person to whom temporary refuge or asylum has been granted.

What rights does a refugee have?

A refugee has the right to safe asylum. However, international protection comprises more than physical safety. Refugees should receive at least the same rights and basic help as any other foreigner who is a legal resident, including certain fundamental entitlements of every individual. Thus refugees have basic civil rights, including the freedom of thought, of movement, and freedom from torture and degrading treatment.

Similarly, economic and social rights apply to refugees as they do to other individuals. Every refugee should have access to medical care. Every adult refugee should have the right to work. No refugee child should be deprived of schooling.

In certain circumstances, such as large-scale inflows of refugees, asylum states may feel obliged to restrict certain rights, such as freedom of movement, the freedom to work, or proper schooling for all children. Such gaps should be filled, wherever possible, by the international community. Thus, when there are no other resources available – from governments of the country of asylum or other agencies – UNHCR provides assistance to refugees (and other persons of concern) who cannot meet their own basic needs. The assistance may be in the form of financial grants; food; equipment, such as kitchenware, tools, sanitation and shelter; or in programs to establish schools or clinics for refugees who are living in a camp or other communal grouping. UNHCR makes every effort to ensure that refugees can become self-sufficient as swiftly as possible; this may require formal income-generating activities or

skills training projects.

Refugees have obligations including conforming to the laws of their country of asylum.

Does UNHCR actually decide who is a refugee, or is the decision up to governments?

A person is a refugee whether or not a legal eligibility procedure has already recognized that status. Governments set up status-determination procedures, for the purposes of determining that person's legal standing and/or rights and benefits, in accordance with their own legal system. UNHCR offers its advice as part of the agency's mandate to promote refugee law, protect refugees, and supervise the implementation of the 1951 Convention. The agency advocates that governments adopt a rapid, flexible and liberal process, recognizing how difficult it often is to document persecution.

The Executive Committee of UNHCR (currently 50 states) sets non-binding policy guidelines that may be useful in this respect. Additionally, UNHCR's "Handbook on Procedures and Criteria for Determining Refugee Status" is considered an authoritative interpretation of the 1951 Convention by many states. In some cases, UNHCR may determine that a person should have refugee status, in countries not party to any international refugee instruments, where the national authorities have requested UNHCR to take this role, or where UNHCR determination is indispensable to extending its protection and assistance.

Is someone who is fleeing war, or war-related conditions such as famine and homelessness, considered to be a refugee?

The main international instrument of refugee law is a 45-year-old treaty whose only protocol came into force nearly three decades ago. During that time, the causes of many refugee movements have shifted, and in recent years have principally featured civil wars and ethnic, tribal and religious violence. UNHCR considers that persons fleeing war and war-related conditions, and whose state is unwilling or unable to protect them, are in need of international protection and should be considered refugees.

Some regional instruments reflect this: the OAU Convention in Africa, and the Cartagena Declaration in Latin America, both explicitly define refugees in ways that cover many war victims. However, the 1951 Convention does not specifically address the issue of refugees from conflict (although many such refugees are unarguably also fleeing persecution on Convention grounds). Some countries, particularly in Western Europe, continue to argue that refugees fleeing generalized persecution, or war – or who fear persecution by militia, rebels or anyone other than government officials – should not be given formal refugee status. However, it is UNHCR's view that a refugee need not have been singled out for ill-treatment by a government official to be in need of international protection.

When does UNHCR help internally displaced persons?

Internally displaced persons may have been forced to flee their homes for the same reasons as refugees, but they have not crossed an internationally recognized border. There are almost certainly more internally displaced persons in the world than refugees. UNHCR does not have a general mandate to provide protection and assistance to internally displaced persons.

However, UNHCR has increasingly assumed limited responsibilities for certain groups of internally displaced persons. The agency has undertaken such special operations on the basis of its humanitarian expertise, and in the context of promoting and

implementing durable solutions to refugee problems – such as to prevent outflows, or anchor returns. These operations have been initiated at the request of the UN Secretary-General or the General Assembly, with the consent of country involved.

At various times, and in operations of diverse magnitude, UNHCR has helped internally displaced persons in Afghanistan, Angola, Azerbaijan, Bosnia and Herzegovina, Croatia, El Salvador, Ethiopia, Georgia, Iraq, Liberia, Mozambique, Nicaragua, Rwanda, Russian Federation (in Daghestan, Ingushetia and North Ossetia), Sierra Leone, Somalia, Sri Lanka, Sudan, and Tajikistan.

Must every refugee undergo individual status determination?

Normally speaking, people who apply for formal refugee status need to establish that their fear of persecution is indeed well-founded. However, there have been many cases of sudden, mass exodus resulting from campaigns of ethnic cleansing or other attacks on entire groups. The need to provide assistance is often extremely urgent and, for purely practical reasons, it may not be possible to carry out individual status determinations. Particularly when it appears that all members of a group are fleeing for similar reasons, it may be appropriate to declare "group determination" of refugee status, whereby each member of the group is regarded as a refugee, *prima facie* – in other words, in the absence of evidence to the contrary.

How does UNHCR distinguish between a refugee and an economic migrant?

A migrant normally leaves his or her country voluntarily, to seek a better life. To a refugee, the economic conditions of the country of asylum are less important than its safety. In practice the distinction may sometimes be difficult to establish, but it is fundamental nonetheless: a migrant enjoys the protection of his or her home government; a refugee does not.

May governments deport persons who are found not to be refugees?

Persons who have been determined, under an equitable procedure, not to be in need of international protection are in a situation similar to that of illegal aliens, and may be deported. However, UNHCR does urge that protection also be granted to people who come from countries devastated by armed conflicts or generalized violence. Additionally, UNHCR strongly advocates that every rejected asylum-seeker be granted the right to a review of the rejection before being deported.

Can a draft evader be a refugee?

Every country has the right to call on its citizens to bear arms in periods of national emergency. However, citizens should have an equal right to conscientious objection. In cases where the option of conscientious objection is not observed, or where the conflict underway manifestly violates international norms, draft evaders who fear persecution (for example, on the basis of political opinions which authorities could impute to them) may be eligible for refugee status.

Can a criminal be a refugee?

A criminal who has received a fair trial for a common-law offence and who flees his country to escape jail is not necessarily a refugee. However, a person accused of these or other non-political crimes – whether innocent or guilty – may also be persecuted for political or other reasons, and is thus not necessarily excluded from refugee status. Also, people convicted of the "crime" of political activism may well be refugees.

Can a war criminal be a

Persons who have participated in war crimes and massive violations of international humanitarian and human rights law – including the crime of genocide – are specifically

refugee? excluded from the protection and assistance accorded to refugees. Any person against whom there exist serious grounds for suspicions of this nature should not be given protection as refugees.

For example, a number of persons suspected of serious human rights violations may well be living in UNHCR's camps for Rwandan refugees in neighbouring countries. However, in large camps with very difficult security conditions there are enormous practical difficulties involved in identifying, and extracting, such persons; UNHCR is neither judge nor police force.

In practice, given the scale of this problem, the most viable approach consists of providing maximum support to international initiatives to bring war criminals to justice. UNHCR is obligated to share with the competent authorities and relevant UN organs any pertinent information which comes to its knowledge (while bearing in mind the need to be sensitive in releasing information which refugees have confidentially divulged to field staff). The work of the international tribunals investigating war crimes and genocide in Rwanda and former Yugoslavia is particularly vital, since only the pursuit of swift and equitable justice can establish genuine peace and reconciliation – and thus ensure lasting repatriation.

Can women facing attack because they refuse to comply with social constraints claim to be a refugee?

Obviously, women may be persecuted for political, ethnic or religious reasons, on the basis of their race or membership of many kinds of social groups. In addition, UNHCR considers that someone who is fleeing severe discrimination or other inhumane treatment – amounting to persecution – for her failure to conform to strict social codes does have grounds to be considered for refugee status. Such persecution may emanate from a government authority or – in the absence of adequate government protection – from non-state actors. Sexual violence, such as rape, may constitute persecution.

Such discrimination should have consequences that are significantly prejudicial. A woman who fears attack for her refusal to wear restrictive clothing, or because of her desire to choose her own spouse and live an independent life, may indeed be a refugee.

In 1984, the European Parliament determined that women facing cruel or inhuman treatment because they seemed to transgress social mores should be considered a particular social group for the purposes of determining refugee status. The United States and Canada have exhaustive guidelines relating to gender-based persecution, and there has been similar progress in Germany, the Netherlands and Switzerland. UNHCR encourages other countries to formally adopt this position.

Can a soldier be a refugee? A refugee is a civilian. A person who continues to pursue armed action against his or her country of origin from the country of asylum cannot be considered a refugee.

Can a woman who fears that she, or her infant daughter, will be genitally mutilated if she returns to her country claim refugee status?

In France, Canada and the United States, it has been officially recognized that genital mutilation represents a form of persecution and that women who fear genital mutilation in their countries do have a real claim to refugee status.

In one recent case, a woman who feared persecution in her country *because of her refusal to inflict genital mutilation on her infant daughter* was recognized as a refugee. UNHCR encourages other countries to take this stance.

Is a person who fears persecution because of sexual orientation eligible for refugee status?

Homosexuals may be eligible for refugee status on the basis of persecution because of their membership of a particular social group. It is the policy of UNHCR that persons facing attack, inhumane treatment, or serious discrimination because of their homosexuality, and whose governments are unable or unwilling to protect them, should be recognized as refugees.

What is temporary protection?

Temporary protection has been proposed to meet emergency refugee influxes in many countries. It is an interim form of protection, which must give way to a durable solution. Through its use, governments can initially avoid having to undertake individual screening (which is both time-consuming and costly) of people displaced by civil wars and other forms of generalized violence.

Most temporary protection schemes offer refuge to *everyone* fleeing an area of generalized conflict or human rights abuse. Those protected include people who are refugees within the definition of the 1951 Convention. The temporary form of protection should not be prolonged. For those fleeing generalized violence, temporary protection can be lifted, with the agreement of UNHCR, when it is safe to return.

Beneficiaries of temporary protection are sometimes not granted all the social rights of refugees (such as welfare payments, education, or the right to work). Such standards of treatment should improve with time.

In Western Europe, some people fleeing the conflict in former Yugoslavia – many of them with extensive claims to refugee status under the 1951 Convention – have found much-needed protection under various temporary schemes. But these schemes have also left some of them in limbo for three years or more: longer than it would take to process any regular asylum claim. UNHCR advocates that after a reasonable period of time, people benefiting from temporary protection should be given the right to assert their claims to refugee status. Those rejected should, nonetheless, be allowed to remain in the country of asylum until it is safe to return.

What does UNHCR do to protect refugees from physical assault?

Deprived of the protection of their state, detached from their families and communities of origin, refugees are often vulnerable to violence.

Refugee women and their children are extremely vulnerable, as are the elderly. Rape, in particular, is a horrifyingly common element in the pattern of persecution, terror or "ethnic cleansing" that drives refugee families from their homes, as civilians

increasingly become the targets – rather than the accidental victims – of sectarian warfare. From Myanmar to Somalia and Bosnia, refugee families frequently cite rape or the fear of rape as a key factor in their decision to leave. Refugees may also be sexually assaulted during their flight and on arrival in their country of asylum, by officials, locals, or other refugees.

UNHCR staff members have a duty to respond to physical assaults on refugees by attempting to correct conditions that may be conducive to such assaults; offering victims the best possible available care; and ensuring the proper legal follow-up. This may mean that UNHCR staff members will strongly advocate trials, and punishment, for local residents, other refugees, or even government officials. Preventive measures may include re-thinking camp layout or upgrading basic facilities such as lighting and walls, or encouraging refugees to institute night patrols.

What does UNHCR do to help unaccompanied child refugees find their families?

For UNHCR's purposes, an unaccompanied minor is one "who is separated from both parents and for whose care no person can be found who by law or custom has primary responsibility." The number of unaccompanied child refugees varies widely with the causes and conditions of exodus. However, as a rule of thumb, scholars have estimated that unaccompanied children comprise 2 to 5 percent of a refugee population. (Though these numbers appear to fit the Rwandan exodus, they fail to match with Bhutanese refugees in Nepal, for example).

Typically, UNHCR works closely with other agencies to ensure that unaccompanied children are identified and registered, and their families traced. In the Rwanda/Burundi crisis area, for example, UNHCR has been working with UNICEF, ICRC, Food for the Hungry and Save the Children (UK), as well as many other NGOs, to do cross-border tracing for these children. A regional, centralized database has been established, to register, track and match separated family members; and local databases support local and country-based programs. In the first year following the Rwandan exodus, more than 21,000 unaccompanied children returned to their families throughout the Great Lakes region.

In general, UNHCR is reluctant to promote the adoption of unaccompanied minors out of the region of their origin, since ultimately it is often possible to trace family members of these children.

What is UNHCR's policy on resettlement?

Resettlement in a third country may be the only way to guarantee international protection of a refugee who is being denied adequate protection in the country of asylum and who cannot repatriate.

When large refugee flows occur, resettlement is generally not a realistic option except for a very few individuals. Indeed, it is often not desirable. Many refugees wish to live near their countries of origin, both because they prefer a familiar cultural and social environment, and because their ultimate goal is to return home. However, although voluntary repatriation is almost always the best durable solution for most refugees, some refugees who are in danger will always require resettlement, for political and security reasons, or because of vulnerability. In some cases, there seems little hope of any repatriation, and no possibility of durable local integration into the country of asylum. At such times, resettlement in third countries may be the only feasible option.

Which countries maintain a resettlement quota?	Of the 185 member states of the United Nations, <u>only ten</u> establish annual resettlement quotas over and above their acceptance of persons arriving spontaneously at their own borders. These ten are: USA, Canada, Australia, New Zealand, Norway, Finland, Sweden, Denmark, Switzerland and the Netherlands. Other countries may consider submissions from UNHCR on a case by case basis, normally on the basis of family reunion or strong cultural links.
Why are such quotas not always filled by UNHCR?	<p>Governments are not always ready to adapt their quotas and criteria to rapidly changing needs, and often establish their quotas in response to domestic interest groups. Thus they may target specific nationalities among whom UNHCR has not detected any pressing need for resettlement.</p> <p>Resettlement countries may also turn down cases such as families with pressing medical problems or other acute needs, who may be more costly in terms of welfare payments, or who may have limited ability to integrate rapidly into the resettlement country. In general, although some countries do accept "difficult to place" hardship cases, most resettlement countries prefer educated refugees with strong family and cultural links, an intact family structure, and a high likelihood of rapid integration. Such families may not always correspond to the pressing protection cases which UNHCR attempts to resettle.</p>
Are there guidelines on stowaways, or people rescued at sea, who claim asylum?	<p>Ships' masters have a fundamental obligation under international law to rescue any persons in distress at sea. In some cases, such as the exodus of Vietnamese boat-people, such persons have been asylum-seekers. Ships may also discover that they are carrying clandestine stowaways, who may also be asylum-seekers.</p> <p>The established international practice is that persons rescued at sea should be disembarked at the next port of call, where they should always be admitted, at least on a temporary basis, pending resettlement. Certain flag states of rescuing ships (though not all) have provided guarantees of resettlement for persons rescued at sea.</p> <p>There exists no binding international convention relating to stowaway asylum-seekers, and practice with respect to them varies very widely. UNHCR advocates that, wherever possible, stowaways should be allowed to disembark at the first port of call, where their refugee status may be determined by the local authorities. If a port state does not allow a stowaway to disembark, and the ship's next port of call is in a state where the stowaway's life is threatened, then the action is tantamount to refoulement. In such cases, UNHCR officers are instructed to try to arrange for an interview on board, and if the asylum seeker is found to be a refugee, they are to assist in finding a durable solution – usually third-country resettlement.</p>
What is UNHCR doing to prevent statelessness?	The right to a nationality is widely recognized in international law, and constitutes a status from which other rights may derive. The problem of statelessness is especially acute in the former East Bloc, because of the recent sudden shifts there. However, it is widespread elsewhere, and may be particularly acute among children of parents of mixed origin, or who are born in a country other than their parents' country of origin, since they do not necessarily gain citizenship of the place where they are born. Like refugees, stateless persons may be compelled to move because they cannot receive adequate protection.

The 1961 Convention on the Reduction of Statelessness states that a person may not be deprived of his nationality on racial, ethnic, religious or political grounds; sketches out measures to prevent statelessness resulting from the transfer of territory; and establishes rules for the granting of nationality to persons born in a country who would otherwise be stateless. The 1961 Convention, to which there are only 19 states party, stipulates that a UN body would supervise claims under the Convention. That body was never established as such, but UNHCR has been entrusted with its functions by the UN General Assembly (resolution 3274 XXIX).

In 1994, UNHCR's Executive Committee urged UNHCR to strengthen its efforts with respect to statelessness, including promoting accessions to the 1961 Convention on the Reduction of Statelessness and the 1954 Convention Relating to the Status of Stateless Persons; training; and systematic gathering of information on the dimensions of the problem. The resulting study, which is ongoing, suggests that hundreds of thousands of people may be stateless worldwide.

UNHCR has initiated a range of activities to address the issue of statelessness in the former USSR, including workshops, promotion of both proactive legislation and accessions to the relevant international instruments, and through preparation for the 1996 International Conference on Refugees and forced displacement in the CIS and Baltic States.

Do refugees have a right to request resettlement in a rich country?

Refugees have a right to be protected, but this is not location-specific. In the interests of family reunification, however, refugees may request resettlement in countries where their close family members are living.

May asylum-seekers be detained?

Liberty is a fundamental human right, like asylum. As a general rule, detention of asylum-seekers is not acceptable. It is particularly undesirable when those detained include the very vulnerable – children, single women, and people with special medical or psychological needs, such as torture victims. They are not criminals; they have already suffered great hardship and jailing them is wrong.

The 1951 Convention specifically bars countries from punishing people who have arrived directly from a country of persecution (or from another country where protection could not be assured), provided that they present themselves speedily to the authorities and show good cause for their illegal entry. Monitoring (through reporting obligations or guarantor requirements) is often a perfectly viable alternative to imprisoning asylum-seekers.

Detention is only acceptable if it is brief, absolutely necessary, and instituted after other options have been implemented. Acceptable purposes include to verify identity; to determine the elements on which the claim for asylum is based; the protection of public order; or, if necessary, in cases where refugees have destroyed documents or used fraudulent ones. Detained asylum-seekers should always be informed of their rights – including the right to challenge their imprisonment. All asylum-seekers must maintain the possibility of contacting the local UNHCR office, other agencies, and a lawyer.

Case Study 4.1

“It was something like an accident when I ran from my village in Sudan. We were playing at about five o’clock when these people, the soldiers came. We didn’t know where we were going to, we just ran. The soldiers divided into two groups, one for the village and one for our herds of cattle. My brother helped me to run. We didn’t know where my mother or father were, we didn’t say goodbye. When there is shooting, when you hear ‘bang bang bang’ you don’t think about your friend or your mother, you just run to save your life.”

Testimony of a young boy from Sudan. In: Rutter, J (1991). We left because we had to. The Refugee Council, Refugees.

ACTIVITY 4.2

- a) What would be the main concerns of the child immediately, and when the danger had passed?
- b) List possible problems that the child could face in the next few days?
- c) Who might help and in what ways?

20 minutes

Section 5 THE SITUATION IN SRI LANKA

In Sri Lanka there are nearly a million IDPs of whom approximately 200,000 (c. 20%) have been in about 430 Government Welfare Centres (WCs). In the Jaffna Peninsular there are over 150,000 IDPs, of which only 10% are in WCs. The rest have been absorbed by family or friends. Estimates of refugees who have left the country because of the conflict range from about 0.5 to 1.5 million people. Many of these are not officially registered and given asylum by the country of residence. Actual numbers are not known but there may be about 500,000 'official' Sri Lankan refugees world-wide. The reason actual numbers are not known is because different countries adopt different criteria for registering an asylum seeker as a refugee.

The drain of the displaced from Sri Lanka during the last 20 years has included a high number of professional and business people which has left many of the remaining communities of IDPs relatively 'leaderless'.

WCs are variously called – transit, relocation, resettlement sites. Generally, a transit camp is the site to which displaced people first come. After registration, they may be sent to a better organised welfare camp or centre. At the earliest opportunity they should be *resettled* back into their homes. If this is not possible, they should be *relocated* on another site with facilities which are better than those provided in emergency, and where there is the possibility of permanence. Some WCs have been established for over 10 years e.g. Puttalam. (This puts at risk land and property ownership). Others are recently established e.g. Mihintale.

Of the IDPs

- most are from the north and east
- most are staying with friends and relatives
- most in camps have been there for more than 5 years
- most have been displaced several times
- most would like to leave the camps for home
- most cannot leave for many reasons
- conditions have led to psychosocial problems. (But there are major gaps in data concerning health, violence and other circumstances).

IDPs who are not in WCs may be suffering extensively and their host families may also be in extreme hardship. In addition some of the conflict-affected areas are also prone to natural disasters.

How has this catastrophic situation arisen?

The current displacement is reviewed by the Strategic Programme Document of the Danish Refugee Council (Sri Lanka 2001-2005). It is the result of an unresolved conflict between the Sri Lankan Government and the Tamil separatists.

“Roots and Nature of the Conflict

The armed conflict between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan Government dates back to 1983. However, the relationship between the Tamil population and the government began deteriorating in the first decade after independence (1948), when the government adopted a series of socio-economic policies that discriminated against the Tamils, and reduced their representation within

the state. For instance, the Sinhalese language and Buddhist religion were given special status within the state. Later a quota system was developed that made it extremely difficult for Tamils to get access to higher education and government employment. From the 1950s, and throughout the 1960s and 1970s, moderate Tamils tried with democratic means to secure the rights of the Tamil population, but largely failed. In the mid-1970s, a group of Tamils – LTTE – emerged with an agenda for a separate Tamil state, Tamil Eelam, for which they were prepared to engage in military combat.”

“The Muslim community of Sri Lanka deserves special mention. Being Tamil speakers, and living in both Sinhalese and Tamil areas, the Muslim community has faced a difficult dilemma of how to protect their identity and remain independent from the main conflicting parties. Although the Muslim community has been targeted for violence, and displaced from their home regions, they have never positioned with one side or the other. Instead, they seem to have developed a stronger sense of communal identity, which they have strived to protect.”

The situation in the north and east of Sri Lanka can be described as a chronic emergency with many people in both the LTTE and Government controlled areas living in conditions below basic standards. The long term nature of the conflict, LTTE and Ministry of Defence restrictions, the reduction of Government resources and repeated displacement (some people have been displaced 15 times or more) mean that many people live not only a very poor, but crucially, extremely vulnerable lives.

The year 2000 saw a sustained increase in the intensity of conflict, with significant advances made by the LTTE. This has directly affected over 500,000 people, with many being forced to move to areas where water access is difficult and sanitation facilities almost non-existent. Since then the Government of Sri Lanka has reclaimed areas from the LTTE with further displacement of the civilian population.

Key points in the recent history of conflict-related displacements in Sri Lanka are as follows:

- **June 1956** Protests against Singhala Only Policy. Communal riots break out in Colombo, Jaffna, Ampara, Gal Oya – no displacement recorded
- **May 1958** Violent reactions to Tamil demonstrations lead to first internal displacement, over 20,000 internally displaced flee to Vavuniya
- **1977** Constant marginalisation of the Tamil community leads to the creation of the TULF, in May 1976, advocating for a separate Tamil State in Sri Lanka. Anti Tamil riots and generalised violence in 1977 lead over 40,000 IDPs to flee to Vavuniya and Jaffna. Government Adopts of Prevention of Terrorism Act in 1979 (PTA).
- **1983 – 1985** Tension increases following adoption of the PTA in 1979 and the 6th Amendment to the Constitution requiring new MPs to disavow separatism. More importantly, Tamil militancy had been radicalised. Communal violence that ensues, leads to displacement of about 130,000 Tamils who flee to Tamil Nadu in India. Over 15,000 people flee to Vavuniya.
- **1987 – 1989** Indo-Sri Lankan Peace Accord – 43,000 refugees return from India

- **1990 – 1991** IPKF withdraws, conflict resumes and over 1 million people become displaced, with 700,000 IDPs in welfare centres. UNHCR sets up Open Relief Centres to prevent further displacement and flight to India.

Military Offensives

- **1994 -1995** Peace negotiations end in stalemate. LTTE refuses to return to the negotiating table. In October 1995 SLA launches Operation Riviresa in Jaffna. Result : 400,000-500,000 people displaced southwards into the Vanni.
- **1996** Following SLA operation Riviresa II in May 1996 to capture the whole of the Jaffna peninsula, some 200,000 persons flee Jaffna, 30,000 cross into the Vanni. Total number of IDPs receiving dry rations is about 830,000 from the Commissioner General of Essential Services (CGES).
- **February 1997** 10,000 people displaced following SLA offensive in the Vanni, followed by operation Jayasikura in May, displacing about 70,000 persons. No solution in sight.
- **August 1999** Displacement in Manthai West, with 20,000 people displaced by fighting north of Mannar. People were displaced along the coast to an area where the resident population suffered a shortage of water. IDPs were living in a dry river bed and under trees with little access to water and no sanitation facilities.
- **November 1999** The evacuation of Vavuniya town, with 60,000 people leaving their homes and the majority living under trees and in public buildings. Water was supplied from existing open wells in the short term, but the concentration and high population meant that sanitation rapidly became a priority. If the evacuation had continued past the initial few days it was likely that water-related disease incidence would have risen rapidly and water supplies quickly exhausted. Fortunately people were allowed to return to Vavuniya after a few days.
- **June 2000** Displacement around Jaffna due to conflict, with 400,000 people at risk of displacement and worsening conditions in Jaffna town. Advances by LTTE have resulted in 170,000 people evacuating Jaffna. Surrounding areas are not capable of supporting large populations and evacuation puts people in a dangerous situation.

Peace Process Stalled

- **1998** Government bans LTTE and proclaims a State of Emergency
- **1999** In March SLA launches 3 offensives in the Northern Vanni causing displacement of over 200,000 persons.
- **April 2000** following the LTTE offensive at Elephant pass, over 160,000 persons become displaced, 3,500 crossing into the Vanni. Total number of IDPs estimated at 800,000 countrywide. Return of IDPs to the Vanni.
- **May 2000** Government declares the country on a war footing. Over 800,000 persons displaced; 172,201 in Jaffna Peninsula alone.
- **November 2000** New peace hopes raised in November with the meeting between the Norwegian peace envoy and the LTTE leader.
- **2001** Modest return to Jaffna. Decrease in number of IDPs from 172,201 in May 2000 to 137,814 persons in January 2001. Likewise decrease from 25,900 to 17,669 IDPs living in welfare centers.
- **As at 31 January 2001** the total number of IDPs country wide: about 800,000. These include legal and illegal immigrants as well as refugees.
- **India:** Some 60,000 refugees in camps and an estimated number of more than 100,000 outside refugee camps

- Europe: estimated 200,000
- Northern America: estimated 400,000
- Limited numbers in countries such as Australia, Middle East
- Overall the number of persons in a displacement situation abroad may well match the number of IDPs in Sri Lanka
- Currently, peace talks are in progress mediated through the Norwegian Government

The human and financial costs of the war continue to be high. Estimates vary, but about 70,000 people have been killed and up to 1.7 million people have been displaced, some many times. Several hundred thousands live outside the country in India or the West. The majority of affected people are Tamils and Muslims although Sinhalese living in the border areas are also affected. In contrast there are only about three dozen asylum seekers and refugees from other countries within Sri Lanka.

The displaced people can be divided into:

- refugees still living in exile
- internally displaced people living with friends, relatives, or in welfare centres in both government and LTTE-controlled areas
- returnees, mainly from India
- resettled (in their own homes) or relocated (long-term arrangements not in their original homes) internally displaced people
- people who have immigrated legally or illegally

The Refugee Policy Group in Washington DC has said, “The displaced are restricted by one party to the conflict, the Government, from receiving supplies and by the other party, the LTTE, from moving to areas where services and supplies are available, and the conflict between the two parties prevents the displaced from returning to their homes.”

Against a chronic background of violent conflict there have been several attempts to achieve peace through political means and peace negotiations. By the end of November 2000 peace talks again emerged. The leader of the LTTE met the Norwegian peace Envoy and stated that he was willing to enter into peace talks with the Government. Yet so far, none of the negotiations seem to have positive effects. Perhaps there are too many people who have a vested interest in the war continuing. However, “It is better to light a candle than to complain about the darkness.”

The National Disaster Management Centre (NDMC) was established in 1996. With only a Director in post several relevant activities were arranged during the first two years. In December 1996 a Regional Consultative Meeting for the exchange of experience in disaster management was held and 15 participants from 5 countries (including Sri Lanka) attended. The meeting was co-ordinated by the UN Centre for Human Settlements and the embryonic NDMC. Presentations covered flood mitigation, drought, cyclones and sea erosion of the coast line. In May 1998 the Sri Lanka Medical Association in collaboration with the NDMC arranged a symposium for about 250 doctors on the “Psychological Impact of Trauma in Sri Lanka”.

Initially the NDMC was set up in the Ministry of Health, Highways and Social Services. The aims were:

- ◆ To establish and disseminate a data base of relevant information
- ◆ To establish the NDMC under an Act of Parliament and to work as the Secretariat to the Council
- ◆ To prepare and implement a National Disaster Management Plan
- ◆ To develop strategies to prevent disasters or to mitigate the impact of disasters
- ◆ To organise Vigilance Committees at National, Provincial and Divisional levels

The NDMC also aims to promote, facilitate and co-ordinate research and development opportunities in relation to preparedness, prevention, reduction, awareness and relief; to identify humanitarian assistance for specific national project needs and to liaise with donor agencies

There were plans to relocate the Centre in the Ministry of Defence. However, in February 1998 revised plans by the President divided responsibilities for emergency preparedness into:

1. Natural emergencies – the responsibility of the NDMC and
2. Emergencies arising from conflict – the responsibility of the Sri Lanka Presidential Task Force for a National Programme on Human Disaster Management.

Both organisations were formally established: the NDMC within the Ministry of Social Services (MoSS) (under the direction of Mr W Basil J Fernando), and the other as an independent unit (under the direction of Dr David Ratnavale). Recently the NDMC was given the mandate to take responsibility for managing both natural and conflict-related emergencies.

When a Sri Lanka Disaster Counter Measures Bill is passed by Parliament a new agency, the National Council for Disaster Management (NCDM), will be set up with the Hon. Prime Minister as Chairperson and members being Hon. Ministers responsible for important portfolios. The present NDMC will function as the secretariat and executive to the new Council.

The Presidential Task Force: National Programme on Human Disaster Management (PTF). The PTF was initiated in August 1998 and “mandated to develop a National Programme on Human Disaster Management. It was created primarily to help devise strategies for reversing some of the disastrous trends which have hurt the people of Sri Lanka in past years and also to help chart a promising course which will sustain personal safety, integrity, development and liberty”. “ The Task Force aims to reach beyond the search for solutions to past and immediate difficulties. Appropriate strategies must be implemented not only to prevent the recurrence of earlier tragedies but also to help build with confidence upon the strengths, insights and will of everyone who makes the island their home”.

In addition to arranging lecture meetings the Presidential Task Force has produced a leaflet expressing plans and it has recently published its Action Plan (undated). The PTF Action Plan “is a National Plan, a framework, island-wide in focus and scope containing a set of essential recommendations, requiring a commitment to cooperation. These processes are aimed at reconstituting physical, social and

psychosocial infrastructure and strengthening latent human resources by catalyzing the forces of growth and development in all Sri Lankan people.”

The plan covers:

- crisis management
- food and basic necessities
- women and children
- combatants, ex-combatants and their families
- economic issues
- media and public awareness
- psychological issues
- research, prevention and recovery

Both Sothi and Bavani grew up in Kurunager, near Jaffna. While she worked at home with her parents, he was working in a general store. By 1988, they were married, had their own house, and Sothi owned his own shop.

In May 1990, fighting suddenly broke out between the Government forces and the LTTE. With many other folk from their town they ran, with just 2 bags and arrived at the safety of a Kovil (temple) in Nelloorui, about 4 kilometres away, where they spent several days living on brown bread, biscuits and tea.

Friends in Omanthi just North of Vavuniya town told them to come and stay, and after a day’s travelling by overcrowded bus, they arrived to relevant safety. Within seven months, using the Bridal Dowry and some savings, Sothi was running a small hotel business in Omanthi.

Then, in December 1991, their lives were disrupted again, as the Army commenced a big offensive, driving Northwards from the town of Vavuniya. The couple were forced to flee again, this time to Pulliankulam in Vavuniya North Division. “This happened between 25 and 30 times over the next 6 years, we actually lost count!”

In 1994, Sweetie was born amidst this chaos. In May 1997, the Government forces again launched a massive operation, ‘Jayasikuru’, and this time Sothi, Bavani and Sweetie had to travel to Madu, in Mannar District. Between 1997 and 1999, Sweetie attended nursery school in Madu, while they lived under the protection of UNHCR.

In 1999 a massive operation, ‘Rana Gosha’ was started. With LTTE forces on one side of the UNHCR clear zone, and Government troops on the other, the situation grew very tense. UNHCR managed to avoid a confrontation, but everyone was forced to leave. “Those that stayed would have their relief items immediately stopped”.

With no other choice, Sothi and his family again headed back to Vavuniya, and in June 1999 came to Puthukulam junction, where a very small tent and three days food rations were provided by the Government. Luckily, UNHCR were ready to take over, and supplied a larger tent and regular food and other basic items.

It was at this point that the Sewa Lanka Foundation came into their lives, as staff from the UNHCR Project, came to talk to the people in this ‘refugee camp’. Firstly it just seemed like more talk, but as well as supplying more cadjan roofing materials and distributing food, they were talking about a new future, with Income Generating

Activities, and a home they can call their own in a 'Relocation Village'. Sothi discussed this with Bavani and Sweetie, and they decided, along with 45 other families, to move into the Relocation Village in June 2000.

Today, Sothi and Bavani have cultivated many different vegetables including Brinjal, Snake Gourd and Long Bean, and make small bags of Fertilizer and Chemicals, all of which they sell in a small shop that they have started.

“We cannot say that we feel totally safe here; we have had too many experiences of having to leave our home and life behind. Maybe the Norwegians can help to stop this war, we don't know. But we do feel happy here, and while we have spent many years just living day by day not knowing what will happen to us, now we can at least look forward to tomorrow”.

(Adi Walker, 2001)

Section 6 THE UNHCR MANDATE

The 1951 Refugee Convention

The Convention's History

The process of developing a body of international law, conventions and guidelines to protect refugees began in the early part of the 20th century under the League of Nations, the predecessor of the United Nations. It culminated on 28 July 1951, when a special UN conference approved the Convention relating to the Status of Refugees.

The Convention clearly spells out who is a refugee and the kind of legal protection, other assistance and social rights he or she should receive from states parties to the document. Equally, it defines a refugee's obligations to host governments and certain categories of persons, such as war criminals, who do not qualify for refugee status.

Several months before the Convention's passage, the fledgling United Nations High Commissioner for Refugees had begun its work on 1 January 1951. In the subsequent decades, the document has been the foundation of the agency's efforts to help and protect an estimated 50 million refugees.

This first instrument was limited to protecting mainly European refugees in the aftermath of World War II, but a 1967 Protocol expanded the scope of the Convention as the problem of displacement spread around the world. The original document also inspired regional instruments such as the 1969 Africa Refugee Convention and the 1984 Latin American Cartagena Declaration.

A total of 140 states have acceded to one or both of the UN instruments. But as the pattern of global migration changed and the number of people on the move increased dramatically in recent years, the relevance of the 1951 Convention has been called into question, especially in Europe, ironically its very birthplace.

UNHCR currently helps more than 21 million people (refugees and IDPs) and the Convention, which has proved to be remarkably flexible in rapidly changing times, continues to be the cornerstone of refugee protection. The following are some of the most common questions about the Convention.

Why is the Convention important?

It was the first truly international agreement covering the most fundamental aspects of a refugee's life. It spelled out a set of basic human rights which should be at least equivalent to freedoms enjoyed by foreign nationals living legally in a given country and in many cases those of citizens of that state. It recognised the international scope of refugee crises and the necessity of international co-operation, including burden-sharing among states, in tackling the problem.

What is contained in the 1951 Convention?

It defines what the term 'refugee' means. It outlines a refugee's rights including such things as freedom of religion and movement, the right to work, education and accessibility to travel documents, but it also underscores a refugee's obligations to a host government. A key provision stipulates that refugees should not be returned, or

refouled, to a country where he or she fears persecution. It also spells out people or groups of people who are not covered by the Convention.

What is contained in the 1967 Protocol?

It removes the geographical and time limitations written into the original Convention under which mainly Europeans involved in events occurring before 1 January 1951, could apply for refugee status.

What is protection?

Governments are responsible for enforcing a country's laws. When they are unable or unwilling to do so, often during a conflict or civil unrest, people whose basic human rights are threatened flee their homes, often to another country, where they may be classed as refugees and be guaranteed basic rights.

Who protects refugees?

Host governments are primarily responsible for protecting refugees and the 140 parties to the Convention and/or the Protocol are obliged to carry out its provisions. UNHCR maintains a 'watching brief', intervening if necessary to ensure bona fide refugees are granted asylum and are not forcibly returned to countries where their lives may be in danger. The agency seeks ways to help refugees restart their lives, either through local integration, voluntary return to their homeland or, if that is not possible, through resettlement in 'third' countries.

Is the Convention still relevant for the new millennium?

Yes. It was originally adopted to deal with the aftermath of World War II in Europe and growing East-West political tensions. But though the nature of conflict and migration patterns have changed in the intervening decades, the Convention has proved remarkably resilient in helping to protect an estimated 50 million people in all types of situations. As long as persecution of individuals and groups persists, there will be a need for the Convention.

Is the Convention meant to regulate migratory movements?

No. Millions of 'economic' and other migrants have taken advantage of improved communications in the last few decades to seek new lives in other, mainly western, countries. However, they should not be confused, as they sometimes are, with *bona fide* refugees who are fleeing life-threatening persecution and not merely economic hardship. Modern migratory patterns can be extremely complex and contain a mix of economic migrants, genuine refugees and others. Governments face a daunting task in separating the various groupings and treating genuine refugees in the appropriate manner – through established and fair asylum procedures.

How are refugees and economic migrants different?

An economic migrant normally leaves a country voluntarily to seek a better life. Should he or she elect to return home they would continue to receive the protection of their government. Refugees flee because of the threat of persecution and cannot return safely to their homes in the circumstances then prevailing.

Does the Convention cover internally displaced persons?

Not specifically. Refugees are people who have crossed an international border into a second country seeking sanctuary. Internally displaced persons (IDPs) may have fled

for similar reasons, but remain within their own territory and thus are still subject to the laws of that state. In specific crises, UNHCR assists several million, but not all, of the estimated 20-25 million IDPs world-wide. There is widespread international debate currently underway on how this group of uprooted people can be better protected and by whom.

Can the Convention resolve refugee problems?

People become refugees, either on an individual basis or as part of a mass exodus, because of political, religious, military and other problems in their home country. The Convention was not designed to tackle these root causes, but rather to alleviate their consequences by offering victims a degree of international legal protection and other assistance and eventually to help them begin their lives anew. Protection can contribute to an overall solution, but as the number of refugees increased dramatically in recent decades, it has become clear that humanitarian work cannot act as a substitute for political action in avoiding or solving future crises.

What obligations does a refugee have?

Refugees are required to respect the laws and regulations of their country of asylum.

Is a Convention signatory required to give permanent asylum to all refugees?

The Convention does not provide automatic or permanent protection. There will be situations where refugees will integrate permanently in their country of asylum, but alternatively a person may cease to be a refugee when the basis for his or her refugee status ceases to exist. Voluntary repatriation of refugees to their country of origin is UNHCR's 'preferred' solution, but only when conditions in that state permit their safe return.

Can non-Convention countries refuse to admit would-be refugees?

The principle of *non-refoulement* – *refoulement* is the forcible return of people to countries where they face persecution – is part of customary international law and is binding on all states. Therefore no government should expel a person in those circumstances.

Who is not covered by the Convention?

Persons who have committed crimes against peace, a war crime, crimes against humanity or a serious non-political crime outside the country of refuge.

Who or what is an 'agent of persecution'?

This refers to a person or organisation – governments, rebels or other groups – which force people to flee their homes. The origin of the persecution, however, should not be decisive in determining whether a person is eligible for refugee status. What is important is whether a person deserves international protection because it is not available in the country of origin.

What is 'temporary protection'?

Nations at times offer 'temporary protection' when they face a sudden mass influx of people, as happened during the conflict in the former Yugoslavia in the early 1990s, and their regular asylum systems would be overwhelmed. In such circumstances people can be speedily admitted to safe countries, but without any guarantee of permanent asylum. Thus 'temporary protection' can work to the advantage of both

governments and asylum seekers in specific circumstances. But it only complements and does not substitute for the wider protection measures, including refugee asylum, offered by the Convention.

Are some countries, such as those in Europe, being swamped by asylum seekers?

Countries around the world, including some in Europe, believe they are being overwhelmed by asylum seekers. And while it is true that numbers have increased inexorably in the last few decades in many areas, the concerns of individual states are all relative. The bottom line is that some nations in Africa and Asia – states with far fewer economic resources than industrialised countries – sometimes host larger numbers of refugees for far longer periods of time.

But does the very fact of accession to the Convention provide a 'pull' factor for increasing numbers of asylum seekers?

No. Some states hosting the largest refugee populations are not parties to refugee instruments. Geopolitical considerations or family links play a more crucial role as far as 'attractiveness' of destination is concerned.

Does accession infringe upon state sovereignty?

Sovereignty is never absolute. International relations imply a reasonable and acceptable level of compromise. The refugee instruments reconcile state interests with protection. The granting of asylum, for instance, has not been incorporated into the refugee instruments and continues to be at the discretion of individual governments.

Can any country be declared 'safe' in the sense that it cannot produce refugees?

No. Even in states where there is generally no serious risk of persecution, claims by nationals must still be considered. These may be channelled through an 'accelerated procedure' provided that the asylum seeker is given a fair hearing.

How can accession be presented to a concerned government or local population?

Some domestic concerns are linked to a misreading or misconception. The Convention and Protocol are nothing more than a general legal framework on which states can build their refugee policy and obligations imposed on governments are not as constraining as often suggested. To tolerate refugees instead of giving them legal existence might create a 'grey zone' which could fester and turn into a serious security or political problem.

PROTECTING REFUGEES

UNHCR's Protection Mandate

UNHCR was created to provide international protection for refugees and to find durable solutions to their plight. In certain circumstances, UNHCR is also expected to help and protect other groups of people in a refugee-like situation. UNHCR's unique mandate has required it since 1950 to monitor situations that could make people take flight and to take appropriate action when refugees' rights are threatened. Action includes both operational and other types of responses, such as intervening with relevant authorities on behalf of refugees and proposing appropriate remedial action. UNHCR must work in close cooperation with governments, who bear the primary responsibility to protect the human rights of people on their territory.

Securing Basic Rights

Protecting refugees involves ensuring that their basic human rights are respected in accordance with international standards. To do this, UNHCR works both in refugees' countries of origin and in countries of asylum. The first step towards protecting refugees is often ensuring non-rejection at borders and access to safety. Operations in border areas, camps, airports and detention centres allow staff to monitor and address the protection problems that refugees frequently encounter during their flight and asylum and for some time after their return home. A crucial protection activity is to ensure that asylum-seekers are given access to status determination procedures and, along with refugees, are protected from forced return to a situation of danger. In complex displacement emergencies – typically involving many humanitarian actors as well as increasing numbers of intergovernmental organisations and even the military – UNHCR plays a pivotal co-ordinating role for organisations that share its aims. Its paramount concerns are to secure the rights to life (and to food, shelter and health care) and liberty.

Ensuring Asylum

The fundamental UNHCR protection activity is ensuring that refugees and others in need of international protection are recognised and granted asylum. When national authorities cannot or will not implement procedures to identify refugees, UNHCR's staff are often deployed to assess thoroughly individual cases. Usually, UNHCR helps states to establish adequate refugee status determination procedures through training, advice and provision of background information on the refugees' countries of origin. Another important concern is to ensure that recognised refugees receive documentation attesting to their status to secure appropriate treatment and, in some cases, to avoid the denial or loss of nationality. When host governments fail to guarantee refuge to people in need of protection, UNHCR co-ordinates efforts to ensure their safety and rights. This might be through political approaches to governments, by mobilising other actors in the national and international arena, or through physical intervention, like transfer to safer locations or resettlement. UNHCR endeavours to see that governments keep not only to the letter but also to the spirit of international refugee law.

Legal and Resettlement Assistance

Resettlement remains a vital instrument of international protection and a durable solution for a small number of carefully screened refugees who need to be moved for security reasons or because of their vulnerability. Special resettlement programmes are designed to benefit women at risk and other groups with special needs. UNHCR's protection officers usually identify refugees personally for resettlement. In recent years clear and consistent criteria have been rigorously introduced in order to improve this process. Through continuing consultations with governments and agency partners UNHCR develops strategies for meeting resettlement needs in a coherent and transparent manner.

Protection and Security Risks

In carrying out protection work on the ground UNHCR and partner agency staff increasingly face physical risk. In recent years, forced population displacement has often occurred in situations of armed conflict or violent civil disorder, and the mere presence of UNHCR or other humanitarian staff can arouse hostility. The number of security incidents is rising sharply. Since January 1999, five UNHCR staff members

have been killed in the line of duty – four in the month of September 2000 alone. The specific problem of the security of humanitarian workers is described in this chapter.

Promoting Refugee Law

In addition to their operational protection role, UNHCR's field offices engage in a range of other activities to promote the international refugee protection system. These include promoting accession to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness. In 1999, UNHCR launched a campaign to promote accession to the 1951 Convention that will culminate on its 50th anniversary in July 2001. Other promotional activities include helping states to enact or revise national refugee legislation, strengthening relevant legal and judicial institutions, training staff of government and non-governmental agencies and liaising with relevant human rights bodies. UNHCR is also involved in: research and advice on new laws and regulations affecting persons of concern to the Office; technical and financial support for law schools and civil service institutes, to develop refugee law courses; and support for human rights and refugee rights advocacy groups, legal aid centres and non-governmental organisations with an interest in refugee protection.

Finding Solutions

UNHCR's mandate is to continue to protect refugees until a viable and lasting solution to their predicament has been found. The preferred solution for refugees is generally voluntary repatriation in safety and dignity. When repatriation takes place, UNHCR continues to ensure respect for basic rights during the process of return, and works with returnees for some time after their repatriation, monitoring their treatment and promoting their reintegration. In other cases, however, return under satisfactory conditions remains elusive. Then UNHCR looks into other long-term solutions. These include helping refugees to successfully integrate into the society of their country of asylum or to move to a third country (where they may resettle). In either case, refugees are helped to become self-reliant and, eventually, obtain citizenship.

Protecting other Persons of Concern

UNHCR's expertise is also often called upon to protect and assist people other than refugees and asylum-seekers.

Returnees

This term applies to people who had been of concern to UNHCR when outside of their country of origin and who remain so after their return, but only for a limited period of time. UNHCR monitors returnees until conditions in the country of origin are considered stable, national protection is again available and returnees have reintegrated in their home communities. UNHCR ensures that amnesties or other guarantees offered by the country of origin are respected and that returnees enjoy the same human rights and fundamental freedoms as their fellow citizens. UNHCR may also help returnees acquire identity documents, obtain access to public institutions and social services and repossess their land and other private property.

Internally Displaced Persons

UNHCR has increasingly been requested to intervene to protect and assist internally displaced persons (IDPs). Although UNHCR often encounters IDPs by virtue of their

being mixed with other categories of person of concern to UNHCR (such as refugees and returnees), UNHCR has on a number of occasions been requested to intervene solely on their behalf. In 2000, UNHCR published guidelines setting out the conditions for its involvement with IDPs. The Office also participates actively in the UN inter-agency task force on IDPs, which is intended to co-ordinate the UN's efforts on behalf of IDPs and to ensure they receive adequate protection and assistance, in accordance with the UN's Guiding Principles on Internal Displacement.

Stateless Persons

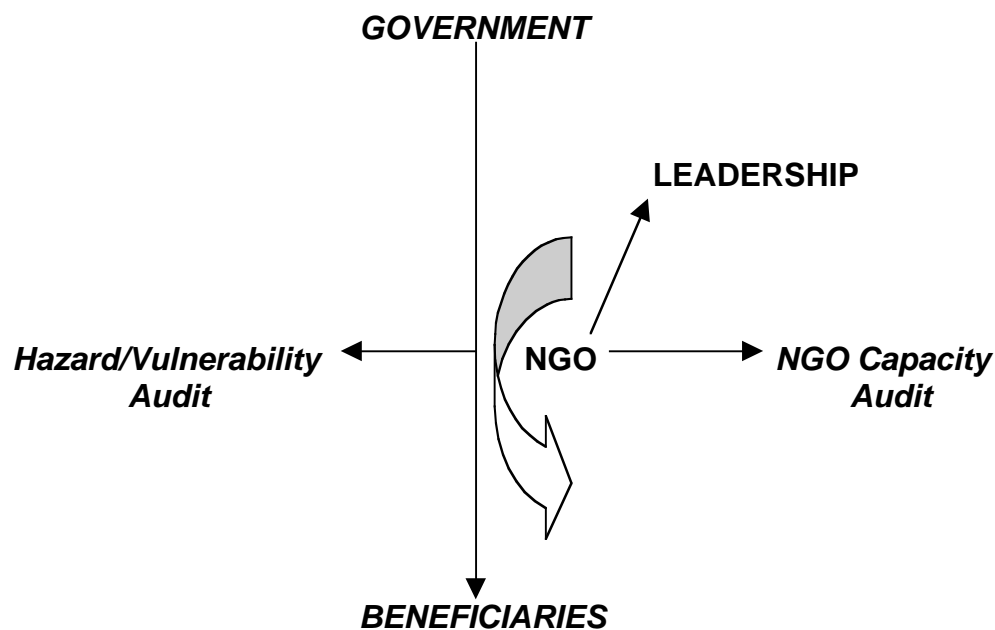
In carrying out its mandate regarding stateless persons, UNHCR increases awareness of the problem of statelessness and the range of solutions available to eliminate it. The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness provide a comprehensive framework by which to address current cases of statelessness and avoid like situations in the future. UNHCR provides technical support and advice to states on issues related to statelessness, while encouraging them to accede to the relevant conventions and incorporate their provisions into national law and practice. As part of this effort, UNHCR provides training for government officials and UNHCR staff, participates in government and intergovernmental forums dealing with statelessness, and encourages closer co-operation among states to resolve situations of statelessness.

Basic Facts

UNHCR was established on December 14, 1950 by the U.N. General Assembly and began its work on January 1, the following year. The agency helps the world's uprooted peoples by providing them with basic necessities such as shelter, food, water and medicine in emergencies and seeking long term solutions, including voluntary return to their homes or beginning afresh in new countries. In more than five decades, the agency has helped an estimated 50 million people restart their lives. Today, a staff of around 5,000 people in more than 120 countries continues to help an estimated 22 million people.

Unit 7 THE ROLE OF OTHER AGENCIES

There is an inevitable dependence on NGOs for emergency and disaster preparedness as well as for response operations. As NGOs do not have to work through bureaucratic channels NGOs can respond at short notice and they can bring in international expertise from parent organisations and others in their network. Their budgets are relatively flexible. However, they do not have the authority sometimes essential for actions, and they may not have easy access to government officials to facilitate progress. Their main task is to assist a Government with its responsibility for IDPs, and to fill gaps where the needs of the beneficiaries are not adequately provided.



- NGOs can
- participate in all stages of the emergency cycle
 - provide materials necessary for stock-piling and relief
 - provide experts for advice, education and training
 - help in the design and dissemination of education materials
 - be assigned with specific roles prior to an emergency
 - assist with the organisation and provisions for camps for the displaced

Sri Lanka has a relatively strong NGO sector, comprising international, national and local organisations. These, with different mandates, varying capacities, and sometimes specific geographical arenas, seek to assist the civilian population affected by the war or by poverty (factors often interconnected). The NGOs include different kinds of organisation. Some are religious while others focus on specific local interests. Some have emerged in direct response to the conflict while others are more concerned with development. Common to most is the tendency to enter into rehabilitation work on an *ad hoc* basis and from a short-term perspective, where projects may last for only a few months only. Short-term projects are often paralleled by rapid staff turn-over and a consequent short-term memory. This is partly owing to a similar orientation among the donors. This tendency may be more pronounced among the larger, national NGOs, which have a closer contact with the donor

community, than among the smaller, local NGOs. Many of the latter started up as community-based organisations, and have closer and longer ties with their beneficiaries.

The Consortium of Humanitarian Agencies in Colombo developed an Oxfam initiative by creating an Emergency Preparedness Working Group which met regularly throughout the year 2000. The Emergency Preparedness Working Group of the CHA provided draft Terms of Reference for a new group, an Emergency Preparedness Focal Group (EPFG) which became established in December 2000. The EPFG has now adopted the following terms of reference:

EPFG Terms of Reference

The Consortium of Humanitarian Agencies (CHA) in Colombo will establish, facilitate and co-ordinate the Emergency Preparedness Focal Group.

For the purpose of this document an **'emergency'** can be defined as a situation which, if unmanaged, has the potential to lead to a disaster. A **'disaster'** is a situation with which people cannot cope and which may lead to the displacement of people, loss of life, damage to property and the environment.

Aims

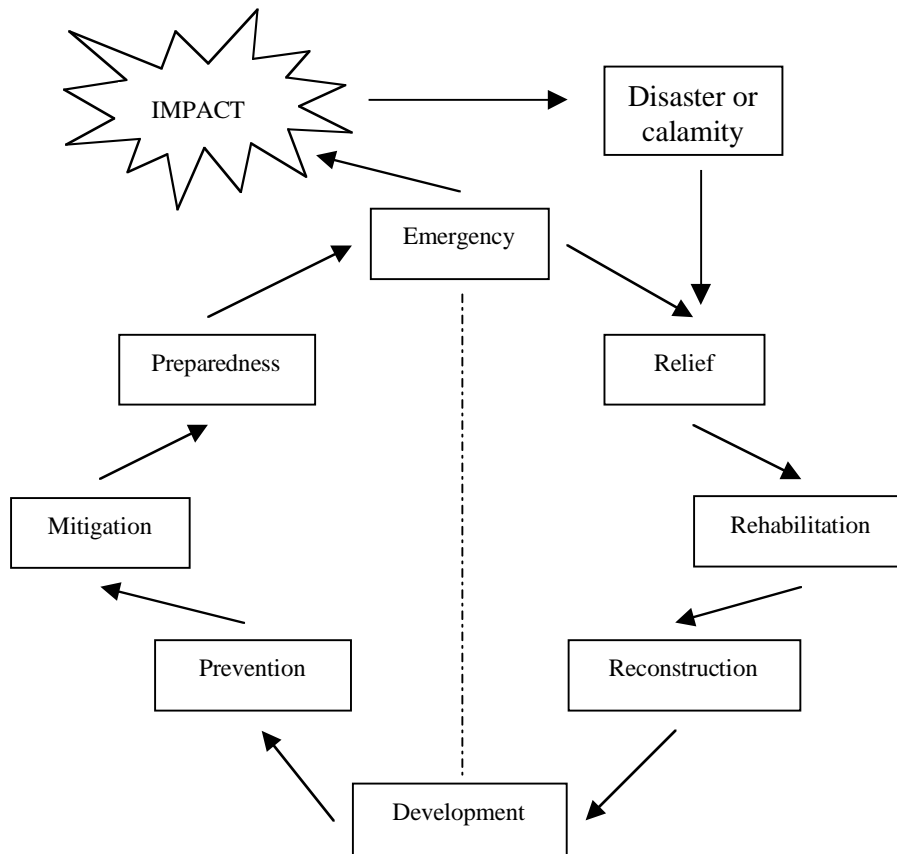
1. To **improve emergency preparedness** of humanitarian agencies for the benefit of those affected by conflict or natural emergencies
2. To **encourage co-operation** among all agencies (GO and NGO) concerned with emergency preparedness, contingency planning and emergency response in order to reduce loss of life, and damage to property and the environment

Objectives

1. To encourage, assist and train agencies to prepare **security plans** for their staff in the event of an emergency
2. To encourage, assist and train agencies to **plan for emergency responses**
3. To identify steps to be taken to **prevent, mitigate and prepare** for emergencies, to improve emergency relief and rehabilitation, and to prevent a worsening of the situation
4. To maintain a **data base** of the capacities of International, National and Local Non-government Organisations committed to responding to emergencies, and to identify gaps in emergency preparedness
5. To establish and maintain a data base of **hazards, risks and vulnerable communities** in each district
6. To support, and initiate where necessary, **awareness and practical training programmes** for emergency preparedness and response
7. To confirm and establish a general acceptance of the **Deng Guiding Principles** and the **Sphere Minimum Standards** among those responding to or affected by emergencies
8. To establish and maintain linkages with **District Committees** and establish lead organisations in areas of vulnerability
9. To facilitate the **building of capacities** and self-help among those vulnerable to emergencies

10. To strengthen **co-ordination** and collaboration between GOs and local, national and international NGOs
11. To improve mechanisms for ensuring the effective **mobilisation, utilisation and monitoring of resources** required for relief and rehabilitation, and to identify those areas for which advocacy is required to improve relief and rehabilitation
12. To ensure that **recording, analysis and reporting** occur during and after emergencies

Traditionally, INGOs have responded to emergency or disaster situations by providing search and rescue support, relief in financial or material forms, and rehabilitation/development activities. However, there has been an increasing realisation globally that the impact of an emergency can be cost-effectively reduced (and the time to recovery reduced) by *preparing* for it, instead of *responding* to it after it has happened.



THE EMERGENCY CYCLE

Emergency preparedness involves making an audit of national hazards and vulnerabilities (this can include mapping them), analysing the risk of emergency, mitigating the impact, and reducing vulnerabilities of people. This is not an easy process. It may require expert knowledge, the use of funds to build resources and capacities of organisations, willingness of those in authority to recognise hazards and risks, and the co-operation of communities to collaborate in the reduction of vulnerability.

Curiously many people readily adapt to risk and voluntarily put themselves in dangerous locations. Many others are forced by poverty, circumstances, politics or culture to live alongside hazardous situations. A further problem is that governments and international donors are more likely to make finances/resources available once an emergency has occurred, especially if it has turned to disaster. Like the payment of an insurance premium, emergency preparedness can seem to be an expensive luxury in the pre-emergency period when other demands for national resources may be considered more urgent. There is a third major difficulty. Some emergency preparedness managers may be heard to cry warnings of “wolf” too often, thus immunising the people against the realisation that an emergency will occur. They become resistant to warnings that are not always followed by emergency events.

The events of the emergency ‘cycle’ may not be chronological or sequential. After an earthquake the priority may be for reconstruction of roads and communication lines before it is possible to carry out search and rescue. Medical attention may sometimes have to precede the provision of lifelines such as water, food and sanitation that might take priority in a drought. Some prevention activities like the construction of water barriers can be incorporated into development plans. Mitigation of the impact of a storm surge by building cyclone shelters may also be part of development. And stock piling of emergency or relief items (shelter materials, plastic sheets, dry food rations, cooking equipment, water containers, medicines etc) can be a continuous process.

Section 8 STANDARDS AND RIGHTS FOR IDPs AND REFUGEES

There are many sets of standards for refugee and IDP living conditions, life line provision and rights which, historically, have been adopted by different humanitarian agents in different situations. For example, the UNHCR Operations Handbook (second edition) covers a range of practical standards pertaining to the following areas:

UNHCR HANDBOOK

- Community Services and Education
- Population Estimation and Registration
- Site Selection, Planning and Shelter
- Commodity Distribution
- Health
- Food and Nutrition
- Water
- Environmental Sanitation
- Supplies and Transport Voluntary Repatriation

The Sphere Project. Humanitarian Charter and Minimum Standards in Disaster Response.

In the 1990s, following the Rwanda genocide, a group of humanitarian agents came together to examine the lessons to be learned from the way provision for the displaced had been made during the disaster. There had been gaps and duplications, and different standards had been applied by different organisations. Out of these discussions arose the Sphere Project. It involved over 800 individuals from 228 organisations in over 60 countries north and south. The cornerstone of the guiding principles is the Humanitarian Charter which establishes the right to life with dignity, differentiates combatants and non-combatants, and does not insist on return of the displaced if dangerous. The minimum standards relate to food aid, nutrition, water and sanitation, shelter and site selection, and health.

The purpose of the Humanitarian Charter and Minimum Standards is to increase the effectiveness of humanitarian assistance, and to make humanitarian agencies more accountable. The Charter defines the legal responsibilities of states and parties to guarantee the right to assistance and protection. When states are unable to respond, they are obliged to allow the intervention of humanitarian organisations. Dissemination, awareness and adoption of The Sphere Minimum Standards in Sri Lanka has become the responsibility of the Sphere Working Group established in December 2000 by the Consortium of Humanitarian Agencies. An important concept

is the idea of *minimum* standards, and all concerned are encouraged to achieve higher levels of provision if possible.

“The Humanitarian Charter and Minimum Standards will not solve all the problems of humanitarian response, nor can they prevent all human suffering. What they offer is a tool for humanitarian agencies to enhance the effectiveness and quality of their assistance and thus to make a significant difference to the lives of people affected by disaster.”

**International Assistance: a comparison of SPHERE and UNHCR Standards
(February, 2001)**

TOPIC/AREA/ISSUE	SPHERE PROJECT	UNHCR EMERGENCY HANDBOOK
WATER		
Quantity	15 litres per person per day collected	15 litres per person per day, absolute minimum for short term survival is 7 litres per person per day
System/Delivery	Taps provide flow rate of at least 0.125 litres per second	
	At least one water point per 250 people	"at least one tap per 80-100 refugees and no more than 200 refugees per handpump or per well with one rope and bucket"
Quality	No more than 10 faecal coliforms per 100ml at point of delivery	1-10 faecal coliforms per 100ml is "reasonable quality"
	For piped systems – residual free chlorine at tap is 0.2-0.5 mg per litre and turbidity is less than 5 NTU.	residual free chlorine at tap is 0.2-0.5 mg per litre at distribution point
	Dissolved solids no more than 1,000 mg per litre	
HYGIENE – SANITATION		
Soap	250g soap per person per month	
Laundry	1 washing basin per 100 people	
Toilets/latrines	Maximum 20 people per toilet	1 latrine per family or as second option, 1/20 persons, or third option 1 per 100 persons or defecation field.
Refuse bins	100 l container per 10 families	100 l container per 10 families or 50 persons
Refuse pits	No shelter farther than 15m from container or 100m from communal refuse pit	1 pit 2m x 5m x 2m deep per 500 persons

CAMP SITE PLANNING		
Gross area	45 m ² per person (inclusive of all uses except agriculture or garden)	30 m ² per person (inclusive of all uses except agriculture or garden space)
Dimensions/distances	Maximum distance between shelter and toilets is 50 meters	Maximum distance between shelter and toilets is 50 meters
Firebreaks	2m between shelters, 6m between clusters of shelters, 15 m between blocks of clusters	30m per every 300m of built-up area
Distance between wells/springs and latrines	Latrines farther than 30m from ground water sources and 1.5 m above water table	Latrines farther than 30m from ground water sources and 1.5 m above water table
	Maximum distance from any shelter to water point is 500 meters	"no dwelling should be further than 100 meters or a few minutes' walk from distribution points"
Elevation/drainage	3 m above high water table	
	2-4% gradient (ideal) and not more than 7% without extensive site engineering	
SHELTER		
Shelter Area	3.5-4.5 m ² covered area per person	3.5 m ² covered area per person in tropical climates 4.5 – 5.5 m ² covered area per person in cold or urban situations
Plastic sheeting for temporary shelter	4m x6m sheet per household of 5 people. (to meet UNHCR material spec.)	4m X 5m reinforced plastic tarpaulins in sheets with aluminum eyelets all four sides (material specs follow)
FOOD / NUTRITION		
Calories	2,100 kcals per day (initial planing figure to be modified based on thorough demographic analysis of population	2,100 kcals per day (initial planing figure
Makeup	10-12% total energy from protein 17% total energy from fat	10-12% total energy from protein 17% total energy from fat

HEALTH			
Excess Mortality	1 per 10,000 per day CMR,	<ul style="list-style-type: none"> • Normal rate among a settled population • Emergency program under control • Emergency program in serious trouble • Emergency: out of control • Major catastrophe 	0.3to 0.5/10,000/day
Crude MR			< 1/10,000/day
			> 1/10,000/day
			> 2/10,000/day
			> 5/10,000/day
Under 5's MR	2 per 10,000 per day under 5 CMR	<ul style="list-style-type: none"> • Normal rate among a settled population • emergency program under control • Emergency program in serious trouble • Emergency: out of control 	1.0/10,000/day
			< 2.0/10,000/day
			> 2.0/10,000/day
			> 4.0/10,000/day
Measles vaccination coverage	95% of all children 6 months – 12 years	<p>UNHCR advocates the immunization of children from 6 months up to 12 or even 15 years (rather than the more usual 5 years) because of the increased risk from the living conditions in refugee emergencies</p> <p>And</p> <p>As an emergency indicator, "Any reported cases. 10% or more unimmunized in the 6 months to 5 years age group."</p>	
	Measles vaccine needs =140% of target group (15% waste, 25% stockpile)		

Medical Staff	<ul style="list-style-type: none"> • 1 home visitor for each 500-1,000 population • 1 TBA for each 2,000 • 1 supervisor for each 10 home visitors • 1 senior supervisor • 1 peripheral health facility per 10,000 population • 1 central health facility for each 10,000 population 	Approximate staffing levels for Refugee Health and Sanitation Services for a population of 10-20,000: <ul style="list-style-type: none"> • Community health worker: 10-20 • Traditional Birth Attendant: 6-10 • Public Health Nurse: 1 • Clinic Nurses Midwives: 3-4 • Doctors/Medical Assistants: 1-3 • Pharmacy Attendant: 1 • Laboratory Technician: 1 • Dressers/ Assistants: 10 • Sanitarians: 2-4 • Sanitation Assistants: 20
NON-FOOD ITEMS (DOMESTIC NEEDS)		
Water containers	2 vessels 10-20 l for collecting plus 1 20 l vessel for water storage, narrow necks and covers	Ability to transport 10 l, and ability to store 20 l per 5 - person household
Eating Utensils	<ul style="list-style-type: none"> • 1 cooking pot with lid • 1 basin • 1 kitchen knife • 2 wooden spoons • 1 plate per person • 1 spoon per person, • 1 mug per person 	
PROTECTION AND SECURITY		
location	50 k from threat (border?)	" a reasonable distance"

The Guiding Principles on Internal Displacement

Introductory Note by the Representative of the Secretary-General on Internally Displaced Persons, Mr. Francis M. Deng.

(The Guiding Principles on Internal Displacement are printed in Appendix 2)

“The international community is confronted with the monumental task of ensuring protection for persons forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries. Nearly always they suffer from severe deprivation, hardship and discrimination. It is to meet this challenge that the Guiding Principles on Internal Displacement were developed.”

“The Principles identify the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although they do not constitute a binding instrument, these Principles reflect and are consistent with international human rights and humanitarian law and analogous refugee law.”

“The Principles were developed over several years pursuant to the mandate given to me in 1992 by the Commission on Human Rights and reinforced by subsequent resolutions of both the Commission and the General Assembly. Initially I was asked to study the causes and consequences of internal displacement, the status of the internally displaced in international law, the extent to which their needs are being addressed under current institutional arrangements, and ways to improve protection and assistance for them.”

“Accordingly, developing needed legal and institutional frameworks for the internally displaced and undertaking country missions to engage Governments and others in a dialogue on their behalf have been the main activities of my mandate. In collaboration with a team of international legal experts, I examined the extent to which internally displaced persons receive adequate coverage under international law and produced a "Compilation and Analysis of Legal Norms" (E/CN.4/1996/52/Add.2). The study found that while existing law provides substantial coverage for the internally displaced, there are significant areas in which it fails to provide an adequate basis for their protection and assistance. Subsequently, the Commission and the General Assembly requested me to prepare an appropriate normative framework for the internally displaced. This led to the drafting of the Guiding Principles which both restate existing norms and seek to clarify grey areas and fill in the gaps.”

“After I presented the Guiding Principles to the Commission in 1998, the Commission adopted a resolution taking note of the Guiding Principles and of my stated intention as the Representative of the Secretary-General to use them in my ongoing dialogue with Governments and all those whose mandates and activities relate to the needs of the internally displaced. The Commission also took note of the decision of the Inter-Agency Standing Committee, which had welcomed the Principles and encouraged its members to share them with their Executive Boards and staff, especially in the field, and to apply them in their activities on behalf of the internally displaced.”

“The Guiding Principles should provide valuable practical guidance to Governments, other competent authorities, intergovernmental organizations and NGOs in their work with internally displaced persons. It is my hope that they will be widely circulated and given practical application in the field.”

GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

UNHCR uses the *Guiding Principles on Internal Displacement* as a foundation for its work with internally displaced persons in Sri Lanka. Although not legally binding in their own right, these 30 principles enjoy authority and credibility in light of their origins in international human rights and humanitarian law, and refugee law by analogy. The *Guiding Principles* add value to these internationally recognized instruments by compiling portions relevant to the internally displaced into a single document, clarifying grey areas and filling gaps.

Following are the main elements of the *Guiding Principles on Internal Displacement* :

GENERAL PRINCIPLES

- Equal rights and equal obligations;
- Universal application;
- Right to seek and enjoy asylum;
- Sovereignty means responsibility.

PROTECTION FROM DISPLACEMENT

- Prevention of displacement;
- Minimising displacement and adverse effects.

PROTECTION OF PHYSICAL SECURITY AND FREEDOM OF MOVEMENT

- Right to life;
- Right to dignity and integrity of person;
- Protection against arbitrary arrest and detention;
- Choice of residence;
- Protection against forcible return;
- Protection from forced military recruitment.

PROTECTION OF FAMILY AND COMMUNITY

- Family unity;
- Family reunification;
- Rights of children;
- Sanctity of mortal remains and grave sites.

PROTECTION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Adequate standard of living;
- Right to health and medical care;
- Participation of women;
- Right to work;
- Property rights;
- Right to education.

PROTECTION OF BASIC FREEDOMS

- Recognition before the law;
- Civil and political rights guaranteed

PROTECTION THROUGH HUMANITARIAN ASSISTANCE

- Primary responsibility of national authorities;
- Right of international humanitarian actors to offer services;
- Obligation of authorities to facilitate assistance of appropriate actors;
- Obligation of humanitarian actors to fulfil protection role;
- Security of humanitarian personnel ensured.

PROTECTION DURING RETURN, RESETTLEMENT AND REINTEGRATION

- Right to return or resettle;
- Protection from discriminatory treatment;
- Right to return of property or compensation;
- Responsibilities of national authorities and international actors to facilitate solutions.

Section 9 POSTMODULE TEST

The pre-test included at the beginning of each module allows you to test your general knowledge about the subject before you started studying the subject from this programme. This postmodule test assesses the information gained and allows you to compare your standards at the beginning and end of your study. So now check if you can answer all the questions correctly. Can you answer the five questions that you set yourself at the beginning of the exercise?

TEST ANSWERS – write your answers on another sheet of paper so that this text can be used by others.

- 1) Suggest a major difficulty with distance learning
- 2) List four ways of enhancing distance learning
- 3) List 5 causes of mass displacement of people
- 4) Which number approximates to the number of internally displaced people world-wide? *1 million, 6 million, 12 million, 24 million, 48 million?*
- 5) How many refugees are there in the world?
6 million, 11 million, 17 million, 23 million, 37 million?
- 6) What is the main difference between a ‘refugee’ and an ‘internally displaced person’ (IDP)?
- 7) Who is primarily responsible for the protection of refugees?
Themselves, the government, UNHCR, ICRC, other key agencies, host communities, all of these?
- 8) Why must the UNHCR have free access to refugees?
- 9) Give four groups of people who are particularly vulnerable during displacement.
- 10) Does the UNHCR actually decide who is a refugee, or is the decision up to governments?
- 11) May governments deport people who are found not to be refugees?
- 12) Can a criminal be a refugee?
- 13) Can a woman who fears that she, or her infant daughter, will be genitally mutilated if she returns to her country claim refugee status?
- 14) Do refugees have a right to claim resettlement in another richer/better country?
- 15) Can an IDP seek refugee status in the same country of displacement?
- 16) Can a draft evader be a refugee?
- 17) Does a person have to register as an IDP before being able to claim legal protection of human rights?
- 18) Are IDP human rights enforced by international law?
- 19) May asylum seekers be detained?
- 20) Can a soldier be a refugee?

Now write down five more questions that you would like to be answered.

- 21) –
- 22) –
- 23) –
- 24) –
- 25) –

(Answers for questions 1) to 20) are provided in the text of the module, in the further reading suggested, or in Section 13).

Section 10 **WHAT HAVE I LEARNED?**

ACTIVITY 10.1

Write down the key points which you have gained from this module under the following headings:

- the global perspective and context of the causes and effects of displacement:
- the history of displacement generally, and in Sri Lanka in particular:
- similarities and differences between internally displaced people and refugees:
- the Sphere Minimum Standards and the Guiding Principles on Internal Displacement:
- UNHCR's mandate:
- the terminology of emergency management

20 minutes

Section 11 TOPICS FOR DISCUSSION

ACTIVITY 11.1

Ask your study-buddy to listen to your views, for about 15 minutes, on three of the following topics. Then ask for comments. (Do not attempt to tackle more than one subject at a session). Your study-buddy may like to respond!

1. Aid does more harm than good to the beneficiaries.
2. The same agency, working on both sides of a defence line, keeps the conflict going.
3. All civilian problems are the responsibility of the Government of that country. Foreigners should keep out until they have solved the problems in their own countries!
4. The fundamental cause of any ethnic crisis is actually the population explosion.
5. “Our food aid programme has been a huge success. We have been offering it in this country for 20 years and we plan to expand our food distribution by giving bigger rations to the IDPs we serve.”
6. UNHCR should confine its activities to refugees. A different agency is needed for IDPs.
7. People who are displaced by either natural or conflict-related emergencies should be the responsibility of the same organisation.
8. An international police force is needed to ensure that human rights for refugees and internally displaced persons are not abused.
9. The most important issues I have learned from this module are..... But the biggest problem that I see is.....
10. Peace talks in Sri Lanka have failed so far. The best way to solve the problem is.....

Section 12 FURTHER READING AND INTERNET CONTACTS

- Cohen R and Deng M (Eds) 1998. Masses in Flight. The Global Crisis of Internal Displacement. Brookings Institution Press, Washington DC.
- Cohen R and Deng M (Eds) 1998. The Forsaken People. Brookings Institution Press, Washington DC.
- International Federation of Red Cross and Red Crescent Societies. (2000). World Disasters Report. Focus on Public Health. International Federation of Red Cross and Red Crescent Societies.
- McConnan I. (2000). The Sphere Project. Humanitarian Charter and Minimum Standards in Disaster Response. The Sphere Project, Geneva.
- OCHA. (1999). Handbook for Applying the Guiding Principles on Internal Displacement. Brookings Institution Press, Washington DC.
- Refugees by Numbers (2000). 2000 Edition. UNHCR, Geneva.
- Refugees. (2001). 50th Anniversary. The Wall Behind Which Refugees Can Shelter. 2(123).
- Refugees. (2001). Children. 1(122).
- UNHCR Branch Office – Sri Lanka. (2000). Internal Displacement in Sri Lanka. Contribution to the IDP Project of the Norwegian Refugee Council, Colombo.
- United Nations High Commissioner for Refugees. (2000). Handbook for Emergencies (2nd Edition). UNHCR Public Information Section, Geneva.
- United Nations High Commissioner for Refugees. (2000). Protecting Refugees: Questions and Answers. UNHCR Public Information Section, Geneva.
- United Nations High Commissioner for Refugees. (2001). Global Refugee Trends: January – June 2001. UNHCR Public Information Section, Geneva.

WEB ADDRESSES FOR EMERGENCY/RELIEF/DEVELOPMENT

1. Asian Disaster Prevention Centre (Bangkok, Thailand)

www.adpc.ait.ac.th lpdadpc@ait.ac.th

Offers training programmes generally or on request

2. Asian Disaster Reduction Center (Japan)

www.adrc.or.jp rep@adrc.or.jp

Development of materials for education and training, register of emergency staff, research, data base of resource and network information

3. Bioforce (Lille, France)

www.bioforce.asso.fr rdownham@bioforce.asso

Offers news, extensive links, logistics training in several aspects of logistics for development or relief.

4. Center for Disaster Management and Humanitarian Assistance

www.cdmha.org

5. Devjobs (Cambodia)

Vacancies and correspondence about world-wide posts for development and emergency. The service is free to subscribers; there is a small fee for advertisers. Information about the site info_devjobs@themail.com. Subscribe devjobs-subscribe@egroups.com

6. IDRM International (Institute for Disaster Risk Management)

www.apdmc.com apdmc@nsclub.net

A regional resource for disaster and risk management

7. Norwegian Refugee Council

www.idpproject.org

Provides a management information service on IDPs worldwide. Contains country profiles, weekly news, training materials, links, data base and events.

8. Overseas Development Institute

www.odihpn.org

This Humanitarian Practice Network includes a members list, publications, book reviews, reports, guidelines, conferences and workshops, training and education, and link library.

9. RedR

www.redr.org

Training programme and provision of disaster relief personnel

10. Reliefweb

www.reliefweb.int

Provides emergency news, a full address list of organisations providing training activities, and a job vacancy advertising service.

11. Reuters Foundation

www.alertnet.org

Covers news, relief resources, country profiles, suppliers, training events and jobs.

12. Sphere Humanitarian Charter and Minimum Standards

www.sphereproject.org E-mail sphere@ifrc.org

13. UNHCR e-Centre. Regional Centre for Emergency Training

www.the-ecentre.net jpntocen@unhcr.ch

Offers training, distance learning and Internet programmes for emergency.

Some organisations keep registers of people able to provide specific help e.g. Merlin keeps a register of medical staff, and provides training.

Many NGOs have strengths in relief, development and the supply of emergency items. Catalogues are available on request e.g. Oxfam. The main INGO web sites also contain vacancy lists.

Worldwide there are universities which provide full-time/distance learning courses, programmes and research in emergency preparedness and response e.g. University of Wisconsin (dmc@engr.wisc.edu) . University of Leicester UK offers Masters' courses in risk and security. Cranfield and Oxford Brooks Universities UK also offer courses in aspects of disaster management.

Section 13 TEST ANSWERS

- 1) The need for self motivation. Lack of external discipline.
- 2) Use a study-buddy. Plan carefully. Set personal objectives. Develop a study reflex. Self reward for achievement. Use active learning techniques. Use the sq3R reading method. Teach others what you learn.
- 3) See page 8.
- 4) 23 million.
- 5) 11 million.
- 6) A refugee has crossed a state or national boundary.
- 7) The host government. UNHCR has a watching brief.
- 8) Because UNHCR has a role in refugee protection.
- 9) Children, pregnant mothers, elderly, disabled, wounded.
- 10) The Government.
- 11) Yes
- 12) They are not excluded.
- 13) Yes.
- 14) They may settle in another country, but not just on an economic basis.
- 15) No.
- 16) Yes.
- 17) No.
- 18) No.
- 19) Only for local criminal offences.
- 20) No.

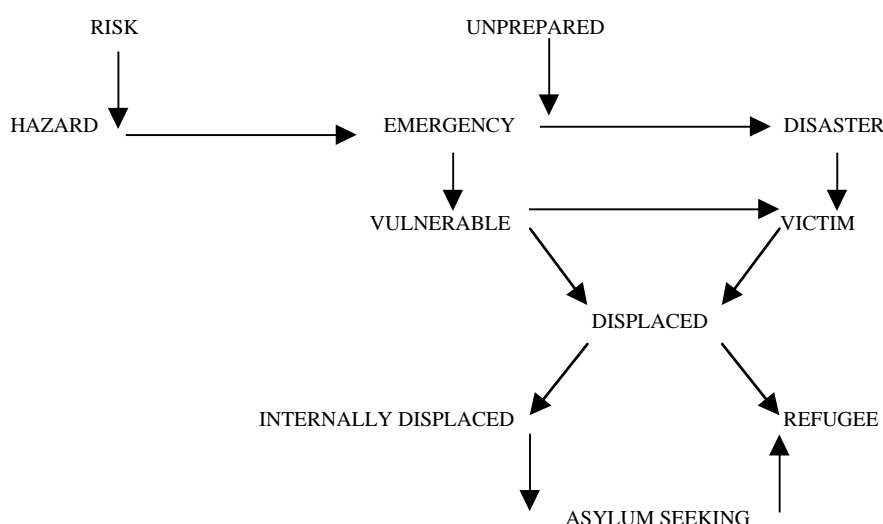
Appendix 1

Suggested Terminology for Emergency Management

Activity

Use this opportunity to review the definitions that you wrote in answer to Activity 3.1

There is no universally accepted or established vocabulary of key words and terms used in the field of the management of emergency preparedness and response although standardisation is highly desirable. The following terms are in general use but they are not used consistently between or within countries. Definitions are recommended in order to help communication between the various organisations and individuals in government and non-government organisations concerned with Emergency Preparedness and Disaster Mitigation and Management.



The United Nations has defined “Refugees” and “Internally Displaced Persons” in order to help communication between the various organisations and individuals in Government and Non-government Organisations concerned.

IDPs are people who have been forced to flee their homes, but who have not reached a neighbouring country. They are unlike refugees in this respect. ***IDPs are not protected by international law nor eligible to receive many types of aid.***

Contingency plans are prepared for dealing with an emergency when it arises. They follow assessments and evaluations of potential threats, emergency impacts, optimum responses to emergencies, and identification of existing resources, and may include capacity building of vulnerable communities. They include all the activities between the initiation of the plan and post-emergency events.

Development is an attempt to achieve long-term improvement in a community and its environment and should include the development of emergency preparedness plans.

Disasters are the occurrence of widespread severe damage to the environment, injury, loss of life and property with which a community cannot cope and during which the affected society undergoes severe disruption. They may involve displacement, destruction, adverse environmental effects causing disruption of daily routines, damage to agriculture, and disturbance of local and national economies.

Disaster Management involves activities that prevent or stop the situation becoming worse and return life to normal.

Emergency is any situation (which emerges or becomes apparent), human-made or natural, which requires unusual intervention. It is a *threat* to people or the environment of a magnitude with which the population may not cope without intervention from others. Emergencies are usually considered to be rapid in onset, but not always e.g. drought. An emergency can lead to loss of life, loss of the quality of life, damage to property or the environment. Many emergencies cause people to become displaced from their homes. If unmanaged an emergency can develop into a disaster (a catastrophe or a calamity).

Emergency Preparedness requires the anticipation of an emergency, and actions that prevent it, minimise its possible impact, and reduce the vulnerability of the community of people who might be affected. It is concerned with understanding the threat, identifying sizes and locations of vulnerable communities, forecasting and warning, educating and training officials and the population, establishing organisations for and management of emergency situations including preparation of operational plans, training and education, stock-piling, and ear-marking necessary funds. Essential is the identification of leaders and co-ordinators.

Hazard is a potential emergency. It may not be apparent as a possible danger. A hazard may be constant or short-lived such as a 'quiet' volcano or storm clouds. Hazard assessment identifies types, degrees and geographical locations of natural or human-made phenomena.

Impact is the effect of an emergency on an area or community.

Intervention is an action intended to change the course of events. Disaster intervention is intended to improve the circumstances of disaster victims.

Mitigation involves long-term measures, formulated during the pre-emergency period, taken to reduce the impact of an emergency. In the case of floods, mitigation could be achieved by flood plain zoning and control, tree planting, land terracing, sand dune stabilisation, and the construction of shelter-belts or windbreaks.

Preparedness is action designed to minimise loss of life and damage, and to organise (before an emergency arises) timely and effective rescue, relief and rehabilitation.

Prevention measures are designed to preclude natural or human-made phenomena from causing or resulting in emergency or disaster situations. Prevention concerns the formulation and implementation of long-range policies and programmes to eliminate the occurrence of emergencies and therefore of disasters. It includes legislation and regulatory measures, principally in the fields of physical and urban planning, public works and building.

Relief is the initial aid response provided by external helpers to those affected by an emergency. It includes search and rescue activities.

Rehabilitation is the phase of activity following a disaster which includes people returning to work, the permanent repair of infrastructures, communications and damaged buildings, and other actions necessary to help the community to return to normal life as soon as possible. This phase coincides with the period in which emotional recovery normally begins, and allows the population to function at near pre-emergency level. (Some prefer the term 'habilitation' as the aim may be to improve the standard and quality of life to a level better than that previously experienced by the affected community).

Resource analysis or inventory is a list of personnel and materials available to managers at the time of an emergency.

The **Risk** of a hazard becoming an emergency is the *probability* of the occurrence of the potential event becoming a reality. The risk may be permanent (e.g. the possibility of an earthquake in the proximity of a fault line in the earth's crust) or occasional (e.g. the movement of a single lorry load of inflammable material which could explode). An off-shore cyclone would be considered a high risk.

Search and Rescue is normally the first activity following a disaster, the aim being to locate disaster victims and to ensure their safety. It includes removing victims from hazardous locations, or evacuating families and whole communities from areas subject to secondary effects of disasters. Search and rescue may have to be preceded by establishment of communications and infrastructures, and followed by clearance of rubble, co-ordination of humanitarian assistance, provision of shelter, life-lines and medical care.

A **Threat** is the situation when a hazard has been identified and assessed to be on the point of becoming an emergency e.g. a leak being observed in the bund of a tank.

Vulnerable countries, areas, communities, environments or structures are those that might be damaged or affected by an emergency.

Victims are the people affected by a disaster. They are usually capable of making choices and should be consulted about their needs, or provided with counselling to help coping with personal losses.

Warnings are communications to vulnerable people and emergency managers about conditions that are likely to result in emergencies. Meteorology, seismology, volcanology and biology play an important role in determining the need for warnings and the prevention of disasters.

Consider the following cartoons:



In the first cartoon the bomb is a hazard. The burning fuse indicates a *threat*. If left alone the situation will *emerge* as an explosion. The *risk* of explosion is high and the person observing the bomb is clearly *vulnerable*. He is likely to become a *victim* and this would be a *disaster*. If it is not possible to deal with the bomb, at least the person can be evacuated from the scene (cartoon 3), so that the explosion will not lead to a disaster (cartoon 2). Evacuation of the person before the explosion will reduce *vulnerability* and prevent the *emergency* from becoming a *disaster*. There are some aspects of this sequence of events that can be anticipated and readily managed (removing the *vulnerable* person from the scene), even if other aspects (such as the placing of the bomb and its ignition device) cannot be *prevented* so easily.

Appendix 2

Guiding Principles on Internal Displacement

**Foreword to the Guiding Principles
by Under-Secretary-General for Humanitarian Affairs
Mr. Sergio Vieira de Mello**

The humanitarian community is increasingly aware of the crisis of internal displacement which affects over 20 million people worldwide. While responsibility for the protection of IDPs rests first and foremost with national governments and local authorities, it is important for the international community to see how best it can contribute to enhancing the protection of IDPs in conflict and crisis situations. We must also design humanitarian assistance in such a way that it will promote the protection of IDPs.

Within the United Nations system, significant steps have been taken to enhance an effective and timely response to the needs of internally displaced persons (IDPs). The Inter-Agency Standing Committee (IASC) has entrusted me with the responsibility to act as Focal Point within the UN system for issues relating to the internally displaced. In discharging this mandate, I am committed to enhancing the capacity of the United Nations as a whole to respond to situations of internal displacement as well as to promoting strong coordination and a clearer division of institutional responsibilities and adequate support to operational agencies.

In this context, I welcome the issuance by the Secretary-General's Special Representative on IDPs of the Guiding Principles on Internal Displacement. These Principles, which are based upon existing international humanitarian law and human rights instruments, are to serve as an international standard to guide governments as well as international humanitarian and development agencies in providing assistance and protection to IDPs.

The IASC fully supports the Guiding Principles and has encouraged its members to share them with their Executive Boards and with their staff, especially those in the field, in order to ensure that the Principles are applied in their activities on behalf of internally displaced persons.

I believe that the Guiding Principles can play a significant role in raising awareness of the needs of IDPs, mobilizing support within the humanitarian community and helping field colleagues to find solutions when confronted with the protection and assistance needs of the internally displaced. The Principles will also assist governments in providing for the security and well-being of their displaced populations.

I hope that each of you will work to ensure the widest possible dissemination and application of the Guiding Principles, in order to achieve the much needed improvement in the status and treatment of internally displaced persons.

Guiding Principles on Internal Displacement

Introduction – Scope and Purpose

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:
 - (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
 - (b) States when faced with the phenomenon of internal displacement;
 - (c) All other authorities, groups and persons in their relations with internally displaced persons; and
 - (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
3. These Guiding Principles should be disseminated and applied as widely as possible.

Section I. General Principles

Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

Principle 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.
2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these

Principles are without prejudice to the right to seek and enjoy asylum in other countries.

Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

Section II. Principles Relating to Protection From Displacement

Principle 5

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
 - (a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;
 - (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
 - (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
 - (e) When it is used as a collective punishment.
4. Displacement shall last no longer than required by the circumstances.

Principle 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:
 - (a) A specific decision shall be taken by a State authority empowered by law to order such measures;
 - (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
 - (c) The free and informed consent of those to be displaced shall be sought;
 - (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;
 - (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
 - (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

Section III. Principles Relating to Protection During Displacement

Principle 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:
 - (a) Genocide;
 - (b) Murder;
 - (c) Summary or arbitrary executions; and
 - (d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:

- (a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
- (b) Starvation as a method of combat;
- (c) Their use to shield military objectives from attack or to shield, favour or impede military operations;
- (d) Attacks against their camps or settlements; and
- (e) The use of anti-personnel landmines.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.
2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:
 - (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
 - (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and
 - (c) Acts of violence intended to spread terror among internally displaced persons.
 Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.
2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.
3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.
4. In no case shall internally displaced persons be taken hostage.

Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.
2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.

2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 15

Internally displaced persons have:

- (a) The right to seek safety in another part of the country;
- (b) The right to leave their country;
- (c) The right to seek asylum in another country; and
- (d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.

2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.

3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.

4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

Principle 17

1. Every human being has the right to respect of his or her family life.

2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.

3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.

4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

Principle 18

1. All internally displaced persons have the right to an adequate standard of living.

2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:

- (a) Essential food and potable water;

- (b) Basic shelter and housing;
- (c) Appropriate clothing; and
- (d) Essential medical services and sanitation.

3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.

2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.

3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.

2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.

3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

Principle 21

1. No one shall be arbitrarily deprived of property and possessions.

2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:

- (a) Pillage;
- (b) Direct or indiscriminate attacks or other acts of violence;
- (c) Being used to shield military operations or objectives;
- (d) Being made the object of reprisal; and
- (e) Being destroyed or appropriated as a form of collective punishment.

3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:

- (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
- (b) The right to seek freely opportunities for employment and to participate in economic activities;
- (c) The right to associate freely and participate equally in community affairs;
- (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right;
- and
- (e) The right to communicate in a language they understand.

Principle 23

1. Every human being has the right to education.

2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.

3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.

4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

Section IV. Principles Relating to Humanitarian Assistance

Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.

2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.

2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly

when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Principle 27

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

Section V. Principles Relating to Return, Resettlement and Reintegration

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.