Traditional Systems of Justice in Refugee Camps:
The Need for Alternatives

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Access to Justice in Camps: A New Area of Interest

Despite awareness of insecurity and lawlessness in refugee camps, practitioners and scholars have given little attention to the issue of access to justice or provision of legal remedies for human rights violations. Governments and refugee agencies frequently establish camps in emergencies and mass influxes with short-term planning, not regarding justice as an immediate or basic need. The Sphere Project’s Humanitarian Charter and Minimum Standards in Disaster Response, for example, do not include access to justice. And yet, the number of refugees in protracted refugee situations is staggering and the average length of time they remain in them is growing. Refugee camps almost inevitably take on state-within-a-state characteristics because of their remoteness, absence and/or abdication of local authority, and the presence of strong political parties (often the leadership of guerilla movements) in the camps and the indispensability of their cooperation with the agencies running the camp. The longer the camps exist, the more pressing an issue justice becomes.

In March 2006, the Office of the UN High Commissioner for Refugees (UNHCR) released its first comparative study of the issue, “The Administration of Justice in Refugee Camps: A Study of Practice,” which presents an overview of the use of traditional and state legal systems to prosecute crimes and settle disputes in camps in thirteen different countries. This year, UNHCR took preliminary steps to formulate guidelines on access to justice for refugees in protracted situations. References to justice in refugee camps are now included in a number of new UNHCR policy guidelines, such as Operational Protection in Camps and Settlements: A Reference Guide on Good Practices in the Protection of Refugees and other Persons of Concern. The Guide devotes its entire first chapter to the subject, noting that “unclear or relinquished responsibilities inhibit the administration of law in camps.”

The Example of Kenya

Kenya maintains a strict encampment policy, compelling nearly all refugees to live in camps in the country’s arid North Eastern and Rift Valley provinces. Movement is restricted to these camps, and while the Government of Kenya (GoK) may issue movement passes for a number of reasons, such as medical treatment unavailable in the camps, tertiary education, or physical protection, these are limited in number and difficult to obtain. There is,
however, no law authorizing the encampment policy. The 1973 Alien Registration Act allows the Government to restrict aliens’ place of residence only in times of war or “imminent danger or great emergency.”

Like many host states, Kenya abdicates nearly all facets of refugee protection and assistance to the UNHCR and its implementing partners, with the exceptions of law enforcement and security. In practice, however, the GoK cedes many of its legal and judicial responsibilities in refugee camps to informal traditional systems of justice, which refugees establish with UNHCR constructed detention facilities and incentive pay. According to UNHCR’s Guide, “refugee elders, traditional judges, or refugee leaders, who are either elected or appointed and who can arbitrate disputes, assign guilt, and impose punishment” administer traditional justice. Traditional systems of justice, although they undergo various changes in the context of displacement, generally reflect mediation and punishment practices from refugees’ countries of origin.

Kenya’s two refugee camps, Kakuma and Dadaab, together host nearly 250,000 refugees. The two largest national groups are the Somalis, who comprise more than 95 percent of the refugees in Dadaab, and the Sudanese, comprising some 70 percent of the refugees in Kakuma. High levels of violence including sexual abuse, harmful traditional practices, and assault, characterize both camps. While Kenya’s border areas have always been insecure and weakly governed, in 1999 Jeff Crisp found that the concentration of violence.

Despite this, the rule of law is weak in both provinces, and perpetrators of crimes are rarely held accountable for their actions. Between 1997 and 1999, Kenyan courts convicted only five people for rapes committed in Dadaab. The presence of Kenya’s national legal system in the camps is limited to a one-week per month visit of the Mobile Courts. These have the status of Magistrate’s Courts, were established in the late 1990s as a result of UNHCR’s negotiations with the Kenyan judiciary, and their presence has been regular since 2004. Earlier, refugees in Kakuma and Dadaab had to travel to the nearest district center to bring cases before a Kenyan Court. Lodwar, for example, with about one third the population Kakuma, hosts a permanent Magistrate’s Court, High Court and Appeals Court but it and Garissa are each more than 100 kilometers away from the camps. Restrictions on freedom of movement for refugees, lack of transportation, bad and dangerous roads, and difficulty transporting witnesses severely limited access to those courts. In this vacuum, and also because of the absence of a Kenyan legal system that refugees found accessible and compatible with their cultural norms, both the Somalis and Sudanese have established traditional systems of justice to adjudicate disputes arising in the camps.

**Sudanese Bench Courts in Kakuma**

The traditional legal system used by the Sudanese in Kakuma consists of an intricate and well-structured system of Bench Courts, which apply Sudanese customary law. These Bench Courts, established by the Sudanese community and initially supported by the Lutheran World Federation and UNHCR, preside at different levels and communities.

There are at least six different Bench Courts in Kakuma. The lowest level of Bench Courts is at the county (region) and includes the Nuer Bench Court and a number of regional Dinka courts. UNHCR records show training of Bench Court elders in 2004 for Duk and Bor courts. It is likely that there are others, including an Equitorian one. County courts typically hear cases in which both parties come from the same county. Parties may take cases that the county level courts cannot resolve to the General Bench Court beside the headquarters of the Sudanese Administration. The same location also hosts an Appeals Court and a Special Court, in which the Sudanese Camp Chairman (or Vice-Chairman) decides cases that the Appeals Court cannot resolve. Each Bench Court site has its own detention cell where they incarcerate misdemeanour defendants prior to hearing their cases.

When a conflict occurs in the community, refugees initially report it to group leaders, refugee caseworkers, or Sudanese security officials, who may refer it to refugee elders for arbitration in a Bench Court. When the elders fail to resolve a case, they may report it onward the Kenyan police, UNHCR protection unit, or an NGO. About seven elders or magistrates conduct the hearings in public, frequently in a circle in the shade of a tree.

The Kenyan Criminal Procedures Code permits not only police, but also private individuals to arrest without warrant and detain persons suspected of crimes or misdemeanors but only for a maximum of 24 hours. Officials of the Sudanese security claim to adhere to this.

UNHCR and its implementing partner, Lutheran World Federation (LWF) conduct periodic visits to the General Bench Court and the cells in the Sudanese Security Area (which serves as an unofficial protection area and jail, with three prison cells and administered by the
Sudanese administration) to monitor compliance with these norms. They only attend, however, a small fraction of the cases the General or Appeals Courts hear, and their visits to the cells are sporadic at best. Nevertheless, findings from these visits indicate that, contrary to Kenyan law, Sudanese security officials sometimes hold refugees considerably longer than 24 hours. The guards of the Sudanese Security Area informed me that most defendants in the cells are belligerent drunks whom they release when they sober up. In the past, however, the Bench Courts have also incarcerated refugees as punishment. During a visit to the Sudanese Security Area in April 2006, UNHCR found three underage boys in a padlocked cell, having been there for three days. Members of the community had accused them of theft, but Sudanese security officials had not yet brought them before a Bench Court. Sentences may include imprisonment for failure to pay a debt, fine, or compensation, or corporal punishment such as lashings and caning to chastise disobedient or thieving youth.

Although the Constitution of Kenya limits the powers of traditional legal systems to personal status and civil cases, the Bench Courts often deal with many other types of cases, including rape, defilement, and even murder. During the week of the Kenyan Mobile Court’s presence in Kakuma in April 2006, the prosecutor requested the release of a Dinka refugee accused of killing a refugee woman. The witnesses, he explained, had “become hostile”—by which he meant that they were no longer cooperating with the prosecution. I later found out that relatives of both parties had resolved the case extra-judicially. The relatives of the accused paid the traditional amount of 50 cows to the relatives of the deceased woman (men are worth 100 cows). As both parties were satisfied, they no longer wished to imprison the accused. The prosecutor, who relied upon these witnesses for evidence, had to drop the case.

Of all groups before the Bench Courts, women are at greatest disadvantage in their attempts to attain justice. Women have only marginal representation in Bench Court proceedings, as the elders are usually men. In the event that one is a woman, she generally does not speak. When I asked a Nuer refugee whether the Nuer Bench Court had female elders, he replied: “Women fetch water. If a woman wants to speak, there is a man who can speak for her.” Sudanese customary law governs the majority of the cases before the Bench Courts: wife inheritance, ghost marriages, and child abductions. Refugees frequently bring rape and defilement cases before traditional systems of justice, but these may be difficult to recognize in court records where they are often labelled as “elopement,” “adultery,” or “dowry issues.” In almost all such cases, rulings are detrimental.
to the rights and well-being of women. For example, when someone rapes or abducts an unmarried girl, a Bench Court may rule that the perpetrator pay compensation and send her to his parents. If they agree, the girl is sent to live with the man, and the issue is settled. In practice, this forces them to accept what the courts have decided. In March 2006, UNHCR found a woman in the cells who the courts had locked up for refusing to forgive and return to her husband who had assaulted her.

**Maslaxad Committees in Dadaab**

Like the Sudanese Bench Courts, Somali *Maslaxad* (justice) committees are based on a combination of customary and Sharia law. As in Kakuma, refugees in Dadaab resort to traditional systems of justice for the majority of conflicts, citing familiarity, compensation, speed, and culture as the main reasons for their preference. Unlike the Sudanese Bench Courts, there are no specified locations for Somali *Maslaxad* proceedings, but they follow essentially the same procedures in the adjudication of cases before the *guuddi*, or *Maslaxad* committee of elders. *Maslaxad* is a clan-based system, whereby in the event of a conflict between two individuals from different clans, relatives of the complainant and the accused call the elders from each clan to mediate the conflict. As the Somalis do not believe in imprisonment, verdicts generally consist of compensation and/or fines.

Lack of documentation and the low number of crimes reported to NGOs, UNHCR and the police (particularly involving sexual and gender-based violence) make it impossible to know precisely how many crimes and/or civil issues refugees adjudicate themselves. Refugees’ reluctance to communicate the times and dates of *Maslaxad* proceedings to agencies makes it almost impossible for the latter to engage in monitoring. The community strongly resists outside interference with its traditional practices and the elders, who receive payment from parties to the dispute for their role in *Maslaxad* proceedings, contribute to this resistance.

My conversations with Somalis in Dadaab revealed that the *Maslaxad* system has serious disadvantages for refugees from minority clans or clans with a minority presence in Kenya. Some consist of only a handful of families without elders and have no one to mediate on their behalf. In practice, this forces them to accept whatever judgment the elders of the majority clan impose. This problem is compounded when minorities are also poor and unable to pay compensation. Rich clans, on the other hand, can afford to act with relative impunity.

Women have no representation on the *Maslaxad* committee and may not speak on their own behalf; where they are the complainants, a man must represent them. Following Somali traditions, *Maslaxad* committees consider a rapist to have dishonoured his victim and her family. To redress the damage, the elders may decide that the culprit must marry his victim and pay the dowry plus compensation to her father or eldest male relative but not to the victim herself. She has no say in the decision and must marry her rapist. If she disobeys, she may face grave consequences, ranging from harassment to banishment.

**Making Justice More Accessible**

The 1951 Convention Relating to the Status of Refugees outlines the duty of refugees to respect and abide by the laws of the host state, which formally applies in refugee camps. Although Kenya does not have a refugee law, article 77 of the Kenyan Constitution accords the protection of the law to all those on Kenyan territory, without discrimination based on, *inter alia*, “race, tribe, place of origin or residence, or other local connection.” This and article 16 of the 1951 Refugee Convention convey responsibility on the GoK and the international community to uphold these rights for refugees but they have largely failed.

In principle, any refugee unsatisfied with a decision taken by a traditional justice system may resort to the Kenyan police, who investigate the case and, if necessary, bring it before the Mobile Court. Obstacles, however, include lack of awareness of Kenyan law among refugees, the lack of exposure to formal legal systems in the home country (particularly for Somali and Sudanese refugees), and the complete absence of legal advice, aid, and representation. Rosa da Costa (2006) found that such obstacles were relevant in the majority of the 13 countries she studied. The nature of encampment itself can also present specific hurdles to accessing national legal systems – even despite the presence of Mobile Courts nearby the camps. According to a study by ARC International (2005) in Guinea, women in camps were 19.9 percent more likely than women in town to report shame about the rape as a reason not to seek legal help, 16.7 percent more likely to fear revenge by the perpetrator, 11.3 per-
cent more likely to want to keep the issue private, and 8.7 percent more likely not to want the perpetrator to go to jail.

In addition, obstacles originating from their own communities confront refugees, including pressure on complainants and witnesses not to resort to the official state legal system, and prevent the success of cases that do make it, particularly in Dadaab. Intimidation has not been limited to refugees. In April 2006, authorities had to place a doctor from the German NGO, Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) in Dadaab under police protection because of harassment and threats from refugee elders due to his testimony in an assault case involving four women from Ifo camp.

Although many of its critics feel that UNHCR, as de-facto sovereign, should shoulder the burden of improving the justiciability of crimes in camps, chronic budget and staffing shortfalls limit its capacity. While the organization has taken some steps, such as training refugee elders and compiling a set of bench court rules, it has been unable to follow up its workshops with systematic monitoring, and virtually no one monitors the lower-level Bench Courts in Kakuma or the detention cells they maintain. The Bench Courts rarely comply with UNHCR’s repeated requests of paper transcripts their proceedings. The complete lack of monitoring of Masalaxad in Dadaab, which remains entirely free of outside intervention, is even more disturbing. As such, the incompatibility of traditional norms and punishments with Kenyan law are a joint responsibility of GoK, UNHCR, and the international donor community.

If Kenya and the international refugee protection regime continue to restrict refugees to camps, they need to address a number of serious issues. The status quo is irreconcilable with both Kenyan and international human rights law. The lack of equality before the law particularly in the form of discrimination against various vulnerable groups, violations of women’s rights, and the lack of due process—is a blatant violation of long-established international norms but also a feature common to the traditional systems established by refugees in many other countries. There are few checks on the powers of traditional courts. This calls for a joint search for solutions, to address obstacles to national legal systems that make these more accessible and to guarantee that traditional systems of justice in refugee camps do not violate international norms.

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Article 22 of the 1951 Convention Relating to the Status of Refugees provides that “Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education” and “treatment as favourable as possible” with respect to secondary and other education. The Executive Committee (ExCom) of the UN High Commissioner for Refugees (UNHCR) reaffirmed the right of refugee children to primary education in Conclusion 47 (1987), the role of education as an aspect of protection in Conclusion 84 (1997), and the link between education and durable solutions in Conclusion 59(1989).

In practice, however, at least a third of refugee children are still out-of-school and exposed to major protection risks, such as child labor, trafficking, forced recruitment, and gender-based violence. Using observations from Benin, Central African Republic, Democratic Republic of Congo (Congo-Kinshasa), and Republic of Congo (Congo-Brazzaville), this paper shows that one of the reasons why safeguarding the right of refugees to education remains difficult may be the choice of implementing separate refugee education services parallel to local educational systems in protracted refugee situations.

In Sub-Saharan Africa, the international delivery of education services for refugees emerged during the 1980s, when governments were faced at the same time with structural adjustment, liberalization of their public services, and large, new influxes of refugees from post-colonial conflicts. The establishment of refugee camps and host country pressure for repatriation then became the predominant responses to refugee’s arrival rather than integration. In many cases, however, repatriation did not happen as early as expected and the delivery of education to refugees became part of a broader refugee assistance mechanism, including health services, food, and shelter in protracted refugee situations. Refugee education services have since varied with the operational context and the capacity of national systems, with at least three models of education delivery in African countries.
Host Country Service Delivery:
ExCom Conclusion 77 (1995) encourages UNHCR, in cooperation with other organizations, to strengthen its efforts in assisting host country Governments to ensure the access of refugees to education.” Further, Conclusion 101 (2004) “Notes the importance of skills of returning refugees for self-reliance and … encourages countries of origin to recognize the equivalency of primary and secondary education received abroad by returning refugees.” Only in certain situations, however, do UNHCR and states directly integrate refugee children into local school systems, usually in urban contexts or in rural areas where there is a small number of refugees. In that case, UNHCR, the UN Children’s Fund (UNICEF) or donor organizations provide funding and technical support to local schools to rehabilitate infrastructure, provide educational materials, train teachers, and/or cover school expenses of refugee children through direct financial support to their parents or scholarship programs.

Mixed Service Delivery:
In other settings—generally in small camps and/or refugee settlements located in areas without school infrastructure—UNHCR or UNICEF fund nongovernmental organizations (NGOs) to build new schools that can benefit both the local and the refugee populations. While some schools may observe the curriculum and exam systems of the host state such as in the Congolese refugee settlement in southern Central African Republic, others may have mixed curriculum, including subjects from the curriculum of the country of origin as well. In the Togolese refugee camps in Benin for example, children study the Benin curriculum in grades 6 and 12, with an exam at the end, and the Togolese curriculum in intermediate grades. Such models may also have both refugee teachers that NGOs pay and local teachers that host country governments or NGOs pay.

Parallel Service Delivery:
In many cases however, NGOs receive direct funding from UNHCR and the donor community to establish education solely for the refugee population, separate from and parallel to the local system. This is generally the case with large refugee populations living in camps or settlements. In line with UNHCR and donor policy that establishes voluntary repatriation as the most desirable durable solution, the main curriculum is that of the country of origin so as to prepare children for repatriation and reintegration in their home country. In such situations, UNHCR usually recruits and pays incentives to refugee teachers and sometimes, such as in Congolese settlements in Congo-Brazzaville, even pays school inspectors from the country of origin to come to the asylum country to organize school exams. Such schooling is usually free and may include life skills education, gardening, and/or feeding programs financed by other donor organizations. Although funding is usually available for primary education, the donor community rarely supports secondary education, as it not a priority of the Millenium Development Goals or a right recognized by the Convention on the Rights of the Child.

Whereas the first model is more sustainable and conducive to temporary integration, in situations of mass in-
flux, it is easier to set up parallel systems and to finance NGOs, which may be quicker to react and deliver assistance than governments. Although this may be efficient in a short-term emergency when repatriation can happen fairly soon, or when the refugees greatly outnumber the locals (as in eastern Chad), establishing separate services has, in the longer term, a number of more costly side effects that diminish opportunities for durable solutions.

First, separate refugee schools following the source country curriculum can actually be an obstacle to repatriation and reintegration when donors cut funding before the source country can guarantee security or reconstruction is complete. Donors often cut their funding—along with health and food aid—when peace processes are only beginning in the country of origin as they consider that such parallel services encourage refugees to remain. In Liberia, Congo-Kinshasa, or southern Sudan, children are returning to areas where school infrastructures are either non-existent (especially at the secondary level), unsafe, or simply without capacity to absorb them. In areas of return in Congo-Kinshasa for instance, rebel forces targeted public schools during the war, which the new education authorities have yet to rebuild or supervise. As a result, the governments have still not registered and paid many teachers and many consider exploiting their students both for sex and for personal labor (to rebuild schools or to work on their land) a normal form of compensation for teaching. Although donors finance reconstruction in areas of return, it is usually not enough for adequate and safe local primary schools, any secondary schools, or durable reintegration. Without prospects for quality education in their country of origin, refugee children are also without access to education in their host country, because they have followed the curriculum of the country of origin, frequently in a language foreign to the host country as with Sierra Leonean, Liberian, and Sudanese refugees in francophone countries.

The choice of parallel structures is therefore not sustainable without long-term external funding for both primary and secondary education. When donors cut support, refugee children must drop out of school, whether they return home or stay in the host country. This exposes them to major protection risks, decreases their chance of reaching self-sufficiency, and increases irregular and secondary migration, e.g., clandestine migration to a second host country where protection and opportunities are better than in the first country of asylum. (See ExCom Conclusion 58 (1989).)

Second, parallel “in between” schools—neither part of the local school system nor that of the country of origin—have long-term consequences on the socialization and development of the child. What does it mean for Liberian children born in a camp in Guinea to learn the history and geography of a country they have never known, in a language other than the one of the country of their birth? This makes local integration, self-sufficiency, and access to local administration difficult, as it does not allow children to learn the language of their host country. ExCom Conclusion 47 provides that primary education for refugee children should not only respect their cultural identity but also be “oriented towards an understanding of the country of asylum.” Moreover, refugee teachers, who are in many cases political leaders as well, often pass on a politicized memory of exile to new generations in the camps. This affects the construction of identity and the self, and children often respond by building artificial boundaries between them and the host population, even when they have family relationships with the locals, and purely imaginary and/or ideological links with their home country. Politicized memories of exile are based on the designation of enemies, both in the country of origin (“the ones responsible for our flight”) and in the host country (“the ones who do not like refugees or aliens”). This makes it more difficult for children to integrate into either the host country or their parents’ country. In either one, “in-between” education can only stigmatize them as refugees, returnees, or clandestine migrants.

Third, parallel structures weaken African education systems, already in major crises. Refugee education services do not always follow the staffing and administrative rules of either the host country or the country of origin, thus creating discrepancies and siphoning teachers from local schools. NGOs often pay refugee or local teachers more than governments or private schools can in either country. Furthermore, refugee schools are generally better off than national schools with better buildings, furniture, and books and free access for children. As a result, refugee teachers (or local teachers hired by NGOs) usually lobby for UNHCR to maintain these parallel services long term. Local authorities, in turn, sometimes perceive refugee education services as competing with local schools as school supervisors press them to close refugee schools to get their teachers back. This situation has often fostered conflict and jealousy between refugees and the host
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More than 5 million non-citizens from Afghanistan, Iraq, Iran, the former Soviet Republics, and many countries of Africa currently live in Russia. These high numbers dwarf the appeals of Ethiopians and are a compelling reason for the RF, UNHCR, and resettlement countries to take notice. Moscow’s UNHCR caseload at the beginning of 2006 consisted of 16 percent applicants from former Soviet Republics (293), 80 percent Afghans (1,488), 4 percent from other countries (66), and .3 percent from Ethiopia (5).

Despite a consistent Ethiopian presence in Russia, very few Ethiopians cases have achieved asylum from the RF, refugee status from UNHCR, or resettlement to other countries.

When the RF signed the 1951 Convention Relating to the Status of Refugees in 1993, it incurred international obligations to care for such individuals. Getting asylum in Russia, however, is phenomenally difficult. The 1997 Law on Refugees does not actually require the Migration Service to accept applications for asylum. In violation of the 1951 Convention that recognizes that people fleeing persecution cannot always do so legally, the 1997 Law requires legal stay and/or residency in the Federation and allows officials to reject applications filed later than 24 hours after arrival. Even an applicant accepted into the process today will receive a first appointment date for an interview in 2009. Until recently, many applicants in Moscow have had to go to court to get the service even to accept their applications.

Then, often after two years or more, applicants must pass a “Preliminary Review” before an adjudicator will hear the substance of their claim. The Preliminary Review, which, by law, the Service has five days to complete, takes up to a month and, again, the Service can reject applicants based on the 24-hour rule, lack of legal presence, or passage through “safe third countries” including several repressive regimes on the Federation’s borders. Again, the applicant must appeal to the courts, just to get to the merits of his or her case. All this while, applicants are without documentation attesting to the legality of their presence.

The plight of Ethiopians is ensnared in the complex challenges facing the RF today concerning refugees, asylum seekers, stateless people from former Republics of the Soviet Union, internally displaced people (e.g., Chechens), and forced migrants from CIS (e.g., North Ossetia).

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by Marie Mercer

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Seeking answers, on June 1, 2006, Amhara, Oromo, and Tigrayan Ethiopians met at the Moscow Protestant Chaplaincy (MPC) Parish Center in Moscow, to discuss shared problems with their post rejection appeals for reconsideration for refugee status and resettlement. These virtually stateless persons believe their cases are not receiving fair treatment and consequently Russia is becoming the “unendurable solution” for them.

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People lacking documents, however, have no protection from local police harassment, which typically ends in extortion, and virtually no recourse if neo-fascists or skinheads assault them. Refugees, whether they are Ethiopians, Afghans, or another nationality, rarely report attacks because police consistently demonstrate lack of interest in such cases and sometimes even charge the victim with provoking the attack.

Over all, the Migration Service has a 98 percent rejection rate for asylum applications and, by law, asylum seekers have no right to work. Ironically, Russia, whose population is declining by nearly a million a year, needs workers. Awash in oil wealth, the Government paid off in August the last of its Soviet Era debt and, with the economy growing at around 6 percent annually, Russia is prepared to joining the club of international lenders. Growth in Moscow is especially accelerated.


Commenting on these proposed bills, Svetlana Gannushkina, Director of the Civic Assistance Committee, said that the first simplifies the registration of foreign citizens and people without Russian citizenship. The second, according to Ms. Gannushkina, “brings order and logic to the procedure for receiving temporary resident permits.” She believed legislators could correct flaws in the bills when preparing the second reading. These bills, however, will not likely resolve the problems of refugees lacking required documents.

In the first half of 2005, 211 people from former CIS countries were referred by UNHCR for resettlement and only 75 non-CIS cases. The records of the Moscow Office of International Organization for Migration (IOM) for resettlement show that for over a one-year period 2004-05 it did not receive a single Ethiopian case referred from UNHCR for U.S. resettlement. When 11 cases were referred to the U.S. resettlement program more recently, only 4 were accepted. These figures tend to support the Ethiopians’ assertion that their cases are being overwhelmed by a flood of applicants from other countries.

Conflicting immigration laws, lack of access to asylum procedures, and politicized, pervasive xenophobia compound the situation for all migrant groups making an early resolution highly improbable despite the commitment of UNHCR, human rights groups, and people of good will in authority in the RF.

Meanwhile, with nowhere else to turn displaced Ethiopians must rely on one another to survive this hostile climate. Lacking documentation giving them the legal right to be in Russia, they are barred from social services, basic medical care, and education. They are vulnerable to extortion by police and can only work in the underground or “gray” economy. “We sometimes find work as cleaners, builders, guards, or drivers and all the time we live in fear of the police asking for documents. We work cheap—maybe less than cheap.” Earlier efforts by UNHCR and nongovernmental organizations (NGOs) to create employment projects for refugees failed because they could not guarantee employers protection from police and tax authori-
ties. Self reliance, in this context, is illegal.

Many have relied over the years on international church congregations such as MPC, which offers food and other critical programs. Although few statistics are available on the numbers of suicides and fatalities from racial crimes, the refugee community is well aware of them.

Paradoxically, this community’s ability to survive in Russia handicaps is access to refugee status. They have withstood the hard life of Russia for so long their plea for protection doesn’t seem plausible to people unfamiliar with the life of people of color in Moscow even if they’ve been victims of blatant racial assaults.

This group of Ethiopians held two meetings subsequent to the first on June 1: with Mark Brown of the International Organization for Migration (IOM) June 13 and with UNHCR Senior Protection Officer, Mr. Gang Li on June 20. Mr. Brown and Mr. Li were both forthcoming with vital information and listened attentively to the group’s concerns.

The following issues surfaced during this series of meetings:

UNHCR interviewers for refugee status determination consistently fail to understand the seriousness of the governing Ethiopia People’s Revolutionary Democratic Front’s (EPRDF) repression and the effect of this on long-staying refugees gone from their home country for more than 10 years as well as those who have left recently, regardless of ethnicity.

Interviewers appear to favor Oromos over other Ethiopian ethnic groups, failing to consider the EPRDF’s actions towards Amhara and some Tigrayans. Mr. Li noted that interviewers follow available current research from human rights organizations such as Amnesty International’s (AI) May 2006 Report on Ethiopia, Human Rights Watch bulletins, and others. Attendees felt that recent news coverage of arrests of Oromos might incline interviewers to think it is the only ethnic group facing difficulties in Ethiopia. One man said, “At my interview at the UNHCR the Russian interviewer kept pushing me to say I’m Oromo. I’m not.” UNHCR rejected his application.

UNHCR, U.S. Embassy, and IOM staff assert that fraud on the part of Ethiopian applicants is a major impediment. While acknowledging there have been some bad cases, the Ethiopians at these meetings claimed that the interviewers’ distrust far outweighed whatever fraud has occurred. “They are against us; we don’t stand a chance,” some said. Compounding the problem is unrelenting factionalism among Ethiopian ethnic groups. Refugees attempt to sabotage one another’s cases by making false reports to UNHCR.

Interviewers want documentation to support applicants’ claims. Applicants say they came to Russia to study, however, and did not carry documents with them to prove their fathers or brothers were in the military nor can they now document their relatives’ killing or imprisonment. They said their scholarship status was a “scarlet letter” identifying them as opponents of the current government and this should be sufficient to show the risk they face.

Ethiopians, like many other Asians and Africans, have been coming to Russia for more than 20 years mostly to pursue education under the former Soviet Union’s scholarship program. During Ethiopia’s socialist years, 1974 to 1991, more than 1,000 came annually, according to Ethiopians in Russia today. Obtaining the Soviet scholarships, they say, required proof of loyalty to the regime, usually through membership in youth organizations.

With the fall of the Mengistu government and the economic and political collapse of Russia in 1991, all support for the students studying in Russia ended. UNHCR did not open its office in Moscow until 1993, the Ethiopian Embassy turned them away, and Russia offered these students no protection. Some demonstrated at the EPRDF Embassy for a month in 1992, gaining international support for their plight. They believe they are now targets for retribution.

Why can’t they return home? Is their fear real? According to AI’s May 2006 report on the EPRDF, the Government is unwilling to tolerate criticism and it is arresting journalists and newly elected officials in the opposition party. While Mr. Girma Ngussie, Consul of the Ethiopian Embassy in Moscow, contends people can return home, this does not placate their fears. The EPRDF’s treatment of opposition groups makes it dangerous for anyone formerly allied with the opposition to return.

Animosity toward foreigners of color was alarmingly public in 2005-06 with civil demonstrations proclaiming “Russia for Russians.” In the first nine months of 2005 UNHCR received reports of an average of 55 incidents per month in Moscow involving police, including fines, destruction of refugees’ UN documents, seizure of valid passports, administrative detention, and threats of eviction.

The threat is also very real to those associated with MPC. Starting in 1997 with the brutal assault on MPC’s church pianist, there is now a long list of victims from...
Asia and Africa associated with MPC. Policemen visited MPC volunteer Rony Kumi of Ghana, whose attack AI reported in 2004, on July 4, 2006. The policeman sought a statement about the attack for his region’s records after a copy of the report, “Russia—Violent Racism Out of Control,” reached his desk and his department had nothing on record about the attack.

When taking Mr. Kumi’s statement, the officer omitted any mention of the racial epithets and slurs his assailants directed against him. When law enforcers keep this information out of statements they can classify the crime as “hooliganism” rather than a “hate” crime. Before signing his statement Mr. Kumi challenged the officer’s omission, but was told, “This is just a general report so we can call you if we find perpetrators for you to identify.” When pressed further the officer said, after having made Mr. Kumi wait over an hour and taking over an hour for the meeting, “Well, if you wish, we can start over.” Authorities did nothing more to identify this as a hate crime.

Increasing tolerance for foreigners in Russia is a priority for UNHCR, according to Mr. Gang Li, speaking at the June 20 meeting. The High Commissioner for refugees, Anthonio Guterres, underscored the importance of reducing xenophobia during his April 2006 visit to Moscow. Until that happens, Russia should be considered an untenable solution for refugees and asylum seekers. Without other viable alternatives, long-staying Ethiopians in Moscow are in trouble.

**Recommendations:**

1. The Russian Federation should vigorously prosecute racist and xenophobic violence and mount a public education campaign on who refugees are, why they have to flee, and their rights in Russia;
2. The Russian Federation should streamline its asylum procedures by abolishing pre-admissibility review, reform its restrictive 1997 Law on Refugees in line with its obligations under the 1951 Convention, and accept UNHCR’s offers to help with its case backlog;
3. The U.S. Department of State should designate Ethiopian students arriving during the Mengistu years up to approximately 1991, as a unique group needing protection as refugees combined with resettlement.
4. UNHCR or some international organization should bring in third party reviewers to reconsider all rejected Ethiopian cases.
5. Donors should restore UNHCR’s resources to assist long staying Ethiopian and other refugees until a durable solution is found.

**Post -Script:**

In a pilot project, the U.S. Embassy will now permit NGOs, including the Moscow Protestant Chaplaincy, to refer refugees directly to the resettlement program without UNHCR’s intervention but not those UNHCR had previously rejected. Thus, few of the long-staying Ethiopians will benefit. Applicants through this process may also lack the protection against deportation that going through UNHCR provided. Those who are afraid to register with Russian authorities and are thus unable to access UNHCR protection, however, may benefit from the new project.

The author of this paper is Marie Mercer. She was associated with the Moscow Protestant Chaplaincy (MPC) in Moscow, Russia in 2005-06. In addition to traditional religious services, MPC offers food and education for over 300 refugees and asylum seekers living in Moscow from many Asian and African countries and former Soviet Republics. This article is based on her research and contacts with the Moscow Office of the U.N. High Commissioner for Refugees (UNHCR), the Ethiopian Embassy, Civic Assistance Committee, Moscow Office of the International Organization for Migration (IOM), the U.S. Embassy, several NGOs, and Ethiopians in Moscow, and benefited from Kifle’s wisdom and Leslie Witt’s edits.

**Book Review: The Economic Life of Refugees**

by Ben Sanders

Karen Jacobsen’s *The Economic Life of Refugees* offers a solid overview of the extant research on refugee livelihoods alongside the author’s own research, and makes some suggestions on how international aid could improve refugees’ ability to support themselves. It breaks down refugees’ difficulties in supporting themselves, both in countries of first asylum and countries of resettlement.

Jacobsen’s proposed model for refugee assistance is somewhat similar to the Zambia Initiative Development Programme or Uganda’s Self-Reliance Strategy, but would grant refugees more freedom. “There are many reasons to abolish refugee camps and parallel systems of aid as
they operate today, but there must be a viable alternative," she writes in her conclusion. Her proposed alternative has three salient features: restricting the areas of long-term residence for refugees (but allowing them to travel freely for work or other reasons), clearly defining the rights and responsibilities of the refugees and the host country, and ending parallel aid streams by providing services to both refugees and their hosts.

Refugee-hosting countries are unlikely to allow refugees complete freedom to live and work as they will, suggests Jacobsen, due to economic and security concerns. Her proposed compromise would be to allow refugees to live within designated regions, but move freely beyond these areas for work, trade, or other reasons. While Jacobsen doesn’t rule out the possibility of camps or settlements for refugees, she makes it clear that they should be able to live fully integrated in the host society should they so desire. Having the refugees concentrated in a single province or other region would make it easier for the country to maintain control of the refugee population, and for aid to target refugees and those located nearby. UNHCR, NGOs, and other groups would have to monitor the situation closely, to ensure that the limitations on refugees’ freedom of movement did not restrict their bargaining power and lead to exploitation by employers.

While Jacobsen’s first principle would restrict refugees’ residence to certain areas, her second would grant them the freedom to move about their host countries, as well as to work and receive identity documents. With freedom of movement and proper documents, they would be able to travel for economic reasons—perhaps take their crops to market, or to engage in trading. They would also have the right to remain in the country, including access to permanent resident status after an agreed-upon period of time (Jacobsen suggests five years). Refugees would have to live up to their end of the bargain, abiding by the civil and criminal codes of the host country.

The third principle that Jacobsen proposes is to dole out services to both refugees and the host community in the designated areas. Obviously, some services directly related to the refugees’ flight would go solely to them (family tracing, trauma counseling, and emergency medical and nutritional services, for example). Refugees and locals would share long-term services, such as education and health care, and micro-credit and other financial programs. These programs would have the dual benefits of giving refugees much-needed aid and convincing their hosts that having refugees around is not a bad thing. They would also eliminate the waste and corruption that often arise with the traditional parallel aid streams.

Jacobsen’s proposed model for hosting refugees would certainly improve the lives of the vast majority of refugees, but, at least until the permanent residence at five years kicks in, it falls short of their rights under the 1951 Convention. That being said, it would be a vast improvement over the virtual imprisonment of millions of human beings in enforced idleness in refugee camps. It might be best to look on Jacobsen’s proposal as a step toward complete enjoyment of refugees’ rights; were a country to implement it successfully, it would be a relatively small matter to lift the residence restriction.

One of the strengths of the book is its consideration of the links between refugees in countries of first asylum and those lucky enough to have resettled in the United States, Australia, or elsewhere. Jacobsen highlights the obligation that resettled refugees feel to support the families they left behind:

“Remittance obligation exists for migrants from all countries, but for refugees in third countries, these obligations may be stronger because their families back home are not only living in poverty, as are most migrants’, but are more likely to be displaced or in danger. This places an even greater obligation on those whose family members have escaped and made it to a wealthy country. ... Cindy Horst interviewed a Somali refugee in Minneapolis who said the one-hundred and fifty dollars she sends to her brother in Kakuma refugee camp and the one-hundred and fifty dollars she sends to relatives in Somalia ‘are part of her monthly bill’ and she always pays them before even paying the rent: ‘If I cannot pay the rent, I will still manage. But if those people do not get the money I send to them, life will be too tough for them.’ [61]”

This shows how the negative effects warehousing of refugees go beyond the borders of the camps, or even the host countries. Clearly, the fact that Kenya does not permit refugees to work to support themselves in Kenya adds to the difficulties faced by this refugee in Minneapolis. Were her brother able to work or run a business, sending the $150 monthly might be less urgent.

Elsewhere in the book, Jacobsen outlines the many factors that restrict both camp-based and urban
refugees’ ability to support themselves. She touches on the obvious difficulties, such as the remote locations and poor land that mark most refugee camps, as well as the basic lack of freedom inherent in restricting refugees to them: “Perhaps the most significant factor constraining camp refugees’ access to productive assets ... is their freedom of movement in and out of the camps in order to pursue economic activities.” [31] (emphasis in original)

Despite such restrictions, camp-bound refugees manage to find a great many ways to raise money to support themselves, which Jacobsen amply documents. From Somali refugees who leave the camps at Dadaab (despite Kenya’s restrictions on doing so) to camp markets in Ghana and Zambia to the bicycle rickshaw service that Cambodian refugees set up in Thailand during the 1980s and 90s. It also documents the less savory measures that restrictions on their rights induce refugees to engage in, such as cons run by Liberian refugees in Ghana, or diamond smuggling by Congolese in Tanzania. Prostitution was another common enterprise for destitute refugees, Jacobsen found.

The Economic Life of Refugees is a worthy addition to the library of anyone who has an interest in refugees. It is sure to become the first stop for research on refugees and their livelihoods.

Anti-Warehousing Work Around the World

While the U.S. Committee for Refugees and Immigrants launched the Anti-Warehousing Campaign, we are hardly the only ones working on behalf of refugee rights. Local and international organizations in countries all around the world have been working hard to ensure that refugees can fully enjoy their rights. Here are some selections of anti-warehousing work from the last year.

Australia—ARRA Publishes Anti-Warehousing Working Paper
Australian Refugee Rights Alliance published “Warehousing: a Humanitarian Crisis” as one of its 2005 Working Papers, highlighting international standards and noting in contrast:

Some refugee camps have been likened to institutions such as prisons. In many camps individuals are confined within the camp unable to access the outside world. This is primarily due to camp regulations and/or fear of attack. Women are particularly susceptible to threats of rape and violence within and around the camp.

Spending years or possibly a life-time in a refugee camp has profound impact on an individual’s sense of identity, health and psychosocial wellbeing. ... Family breakdown, domestic violence, anxiety and depression are all common elements of camp life. ...
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Refugees’ stories” in the September 16, 2006 Leader-Post. Excerpts:

“I wanted to capture their stories through their faces and their eyes. As you look at the eyes in each picture you learn so much about the people and the lives they’ve lived,” Huck said. …

Huck said people do leave to find work to buy much-needed supplies for their families, such as clothing, meat and other goods not included in the meagre rations given to the refugees. Those who do leave the compound risk being thrown into jail or deported back into Burma.

“These people have their pride too. They don’t just want handouts, they long to work and support themselves, but in most cases they are unable to,” Huck said.

Canada—CCR Passes Anti-Warehousing Resolution, Hosts International Rights Conference

At its Fall Consultation, November 17-19, 2005 in London, Ontario, the Canadian Council for Refugees (CCR) adopted the following resolution on protracted refugee situations:

Whereas:
1. Nearly 7 million out of the 11 million worldwide refugee population have been “warehoused” - confined to camps or segregated settlements or otherwise deprived of basic rights - in situations lasting indefinitely;
2. Refugee protection is an international responsibility;
3. There are proposals for a future EXCOM resolution on self-reliance

THEREFORE BE IT RESOLVED that the CCR:
1. Advocate that the future conclusion of UNHCR Executive Committee on “self-reliance” be broadly stated to include such activities as the right to work, practice professions, run businesses, own property, move freely and choose their place for residence and have travel documents.
2. Advocate that the future conclusion on self-reliance affirm that such rights are integral to UNHCR’s protection mandate.
3. Advocate that CIDA [Canadian International Development Agency] integrate refugee rights to self-reliance activities into its aid and development programs.

CCN also hosted the International Refugee Rights Conference, June 17-19, 2006 in Toronto, bringing together representatives of NGOs committed to refugee protection from around the world to examine the state of refugee protection and strategize to work together across borders to protect the rights of refugees.

East Africa—Bishops to Lobby for Refugee Rights

The Association of Member Episcopal Conferences of Eastern Africa (AMECEA) called for legislation giving refugees the right to work and freedom of movement in a statement to the bishops of the region. The statement read, “We would appreciate efforts by national Episcopal conferences in AMECEA countries [Eritrea, Ethiopia, Kenya, Malawi, Sudan, Tanzania, Uganda, and Zambia] to advocate and lobby for the legislation.”

This followed the November 25-30, 2005 meeting in Addis Ababa on pastoral agents working with refugees. “We would find it helpful if the AMECEA Bishops could have a strategic plan for advocacy network that would address the cases of injustices against the refugees,” the statement continued. “This could be addressed through the Justice and Peace Commissions that already exist in most dioceses in the AMECEA region.”

Egypt—FMRS Report on Cairo Massacre

In June 2006, the Forced Migration and Refugee Studies program of the American University in Cairo issued “A Tragedy of Failures and False Expectations,” the most detailed and comprehensive account to date of the Sudanese refugee protest in Cairo last year and its violent suppression in December. It addresses many issues and actors, including the role of resettlement, UNHCR, Refugee Status Determinations, the Government of Egypt, and the refugees themselves. Egypt does not confine refugees to camps but its restrictions on refugees’ right to work (addressed in number 2 of the refugees’ list of demands, reprinted in the report) come in for particularly strong criticism:

Recognized refugees in Egypt are given the opportunity to work, provided they obtain a work permit in accordance with Egyptian law. To do so, they must meet strict criteria, including sponsorship by an employer, legal residence and travel
documents, proof of specialized skills that do not put them in competition with Egyptian workers, HIV tests, and the payment of processing fees. Few employers choose this route, so few Sudanese refugees are able to get such work permits. [p. 9] …

In particular, the government of Egypt must facilitate the acquisition of work permits by asylum seekers and refugees. It is not enough to say that refugees have a right to work, and then to deny them permits. The ability to work legally would go a long way toward helping this group be self-sustaining and less reliant on the minimal aid provided by UNHCR and its partner agencies. It would enable families to pay school fees for children and to effectively provide for other needs. Legal work would also minimize the exploitation faced by many, as they work “under the table” or in a shadow economy without any protection or recourse. Most of all, the ability to work would make possible a life of self-reliant dignity for asylum seekers and refugees. [p. 57]

The Egyptian Organization for Human Rights called upon the legislature to amend the restrictive 2003 employment law that makes it virtually impossible for refugees to get work permits.

India—Students Debate Right to Work (UNHCR Obscures the Issue)

According to “A case for and against refugees’ right to work” (Statesman News Service, September 12, 2006), the Kolkata inter school final debate topic was “refugees should have the right to work.” The UNHCR representative, however, seemed determined to deny the issue and change the subject. Excerpts:

While the students were well prepared to handle the complex and many-layered topic, Ms Carol Batchelor, chief of mission, UNHCR, elaborated on the misconceptions regarding [refugees’] right to work in the host country. …

“This is a fundamental right that was granted decades ago. Refugees already have the right to work. But the modalities of the job or employment is the challenge before the world’s governments,” Ms Batchelor said. She also spoke of three solutions to the refugee problem facing the world – voluntary repatriation, local integration and resettlement. “It is not true that voluntary repatriation does not work. Over the last five years, six million refugees have returned to their home countries. This is despite the fact that there is a 50 per cent chance for a country emerging from a conflict to regress into violence within five years.”

Jordan—No School for Iraqi Children

According to Bill Frelick’s op-ed in the August 24, 2006 Jordan Times, “Going to school — a right not to be ignored,”

The first day of school is a special day in the lives of children, but yesterday tens of thousands of kids in Jordan spent it at home. They are foreigners — mostly Iraqis — whom the government has not allowed to enroll because they lack residence permits.

At least 500,000 Iraqis live in Jordan, most having fled the turmoil in their country. Although the government has generally been tolerant towards Iraqis, the price of this tolerance has been to ignore their presence. This means not acknowledging that most Iraqis are refugees who need at least temporary protection.

The government’s response, however, should not be to sweep the Iraqis under the rug and pretend they don’t exist, but rather to acknowledge their presence and ask for international support so that Jordan can respond in a spirit of hospitality and generosity.

Lebanon—“A Forgotten Population”—Photo Exhibit on Palestinian Refugee Camps

Lebanese photographer, Rania Matar’s moving photo exhibit of the daily lives of warehoused refugees was on display at the Jerusalem Fund Gallery in Washington from January 27 until March 3, 2006. From Kaelen Wilson-Goldie’s review in the Daily Star, “Photographer gets in the face of refugee problem,”:

The most painful problem twisting in the gut of Lebanon’s political body may very well be the one that is most often ignored. …

Will they ever be given the passports to travel, the permits to work, or the basic rights to live with dignity? If the refugee camps, which were established by the United Nations Relief and Works Agency, are to continue as is, will they ever develop semi-permanent dwellings or traversable road networks? Will it ever be the Lebanese Army, as opposed to a heated network of militias and political factions, who will police them
and provide for the security and wellbeing of their inhabitants?

Malaysia—Play Football, End Warehousing!

About 2,500 turned out when the Chin Refugee Committee in Malaysia organized a second goodwill refugee football (soccer) tournament in Kuala Lumpur, according to the February 2, 2006 Malay Mail. According to Committee co-ordinator, Simon Sang:

Life in Malaysia has been difficult for these ‘refugees’ because they are technically illegals and thus, cannot seek employment. They cannot move around freely. They are all staying together here in Imbi so that they can look out for each other while efforts are being made to seek official status for them. We hope that something can be worked as soon on humanitarian grounds as these people are living a tough life. [Some work in restaurants, construction, and plantations] but these workers keep a low profile and just go to work and return to the homes, for fear of being nabbed by the authorities.

In the final game of the 14-team competition, with cheerleaders in traditional outfits, the Matu community team bested the Zophie, 3-2.

Malaysia—Website Highlights Work Restrictions, Income Generation Project

The Malaysian e-magazine Malaysiakini reports on the restrictions on refugees’ right to work, as well as an income-generating project for refugee women, in Malaysia in a July 16, 2006 article by Kim Subunruk. One Acehnese woman told the reporter:

“We do not want charity, we don’t want to beg for help,” she said. “We can come together as a community to help each other. I don’t want to go to UNHCR all the time to ask for help, because we should be able to be independent.

“So this is why I try to help the women here stand on their own feet. We heard last year that the government will allow refugees to work legally. To me, that will be a godsend. We can then support ourselves, and we no longer have to feel so...dependent on others.

“This is about ‘maruah’ (dignity). Just because we are refugees, we should not have to feel shame. Let us work legally, and we will take care of our family and we can contribute back to the country.”

Namibia—Refugees Call on Donors to “Stop Donating” and Close Camp

The January-March 2006 issue of The Voice of Refugees, the newsletter of the Association for the Defense of Refugee Rights (ADR) in Osire Camp, Namibia, reports on efforts to draft a constitution for the camp Refugee Community Committee and on retaliatory measures authorities took (“Osire Refugees Held Hostage,” pp. 3-5). Excerpts:

ADR also calls upon donors around the world to stop donating, and the UNHCR-Geneva to do everything in its power to lead the Osire Refugee Camp to a very fast closing, because this place is just a den of moral torture and anarchy...

South Africa—Cape Town Forum Addresses Refugee Rights

On June 22, 2006 Said Penda of BBC News reported in “Little welcome for refugees in SA,” that:

This week, Cape Town hosted a conference bringing to promote dialogue between refugees and South Africans.

“In some cases we are considered lower than animals,” said Roland, who after four years in South Africa has only a temporary permit that has to be renewed every two months and which does not give the right to employment.

“Many refugees bring valuable skills and vibrant cultural diversity to our city,” [Mayor Zille] told the BBC. “Some also start businesses and create jobs.”

Thailand—121 Groups and Individuals Appeal to Annan for Refugees

In a May 26, 2006 letter to UN Secretary General Kofi Annan coinciding with his visit to the country, more than a hundred Thai NGOs and individuals criticized human rights violations in Thailand and specifically the treatment of refugees:

On 31 March 2005, the government of Thailand enforced a plan requiring all Burmese refugees to move to camps along the Burmese border. According to the Thai authorities, those who fail to register for relocation to the camps, including those officially recognized by the UNHCR, fearing the move may trap them
in a detention-like environment without political freedom and access to telephones or other means of communication with the outside world. Others are fearful for their security because of mistreatment by camp officials, cross-border violence, or political and ethnic conflicts within the camps.

**Thailand—Newspapers Support New Policy**

In its September 4, 2006 editorial, “Working for a refugee policy,” the *Bangkok Post* wrote:

> Officials have finally recognised, and rightly so, that the current and often punitive policy towards unfortunate victims of neighbouring regimes is outdated, out of touch and often downright cruel. …

> Just as importantly, it was seriously harming the Thai image abroad, and costing Thailand losses in both prestige and resources. …

> For starters, the roughly 165,000 Karen refugees in nine border camps will receive identification cards. This will enable them to find temporary work, put their children in schools and, in short, have the refugees contribute to their own welfare in a manner that helps their host country.

In a Sunday, September 17, 2006 editorial “A positive change in refugee policy,” *The Nation* of Thailand also lauded recent shifts in refugee policy. Excerpts:

> [A]sylum-seekers who want to find legal employment while being sheltered in Thailand should be able to do so. …

> If and when democracy is restored in Burma and peace is made between Rangoon and the country’s ethnic rebels, this stock of better-educated, highly trained workers will be able to return home and help rebuild their country. Taking care of refugees will also serve Thailand’s long-term national interests, because it will lay the groundwork for future good relations with a democratic Burma.

**United States—Women’s Commission links Warehousing in Thailand to Trafficking**

On January 6, 2006, the Women’s Commission for Refugee Women and Children published “Abuse without end: Burmese refugee women and children at risk of trafficking.” Excerpts:

> Refugee camps are referred to as “temporary shelters” although many refugees, such as the ethnic Karens and Karennis, have been warehoused in border camps for decades. …

> [T]he vast majority of Burmese residing in Thailand have extremely limited means to support themselves and their families. … They live in fear of detection by the Thai authorities, not only because they are vulnerable to deportation back to Burma but also because the authorities will often exploit their lack of status to extort bribes from them.

> Refugees who live in refugee camps along the Thai-Burma border also face specific risks. … [Thai policy] requires prior written approval to enter or leave the camps, people leave surreptitiously to work on nearby farms for less than the wages paid to Thais; many simply abandon the camps permanently to seek relatively better wage labor in urban or semi-urban areas. Refugees who leave the camps are vulnerable to arrest, harassment, extortion and trafficking. …

> The long-term stay of refugees in camps exposes an at-risk population to further exploitation… Traffickers take advantage of the lack of viable income generation options for refugees in the camps.

**Uganda: RLP Studies Self-Settled Refugees in Uganda**

The Refugee Law Project (RLP) at Makerere University in Uganda released its 18th working paper, “There are no Refugees in this Area: Self-Settled Refugees in Koboko,” November 2005, examining the situation and impact of refugees who left the settlements due to insecurity and lack of economic opportunity and the policy responses, or lack thereof, of the Government.

Seeing self-settlement as a viable alternative to present policy, the paper recommended that UNHCR and the Government formalize their relationships with the self-settled refugees, extend protection and assistance to them, and include them and their hosts in the Self-Reliance Strategy.

**United States—Tennessee Students Create Mock Refugee Camp**

Rhodes College senior Rachel Boulden organized a mock refugee camp on campus, reports the January 27, 2006 *Memphis Flyer*, in “A Sudanese refugee camp arises at Rhodes”.

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a cluster of tents made with plywood, clothesline, and tarps. Student guides explained the camp’s namesake, Camp Kakuma, where 90,000 Sudanese refugees wait out the years in the desert region of Kenya. Next, the guides recreated the arduous process of camp life: trade a name for a number, get a ration card (lose it and you don’t eat), wait in line at the medical tent (lice, cholera, and tuberculosis are rampant), drink a small ration of water (once a day at an assigned time), and then eat a ladle of red beans, hominy, and cornmeal mush (with your fingers because there are no forks).

“You sit and sit and sit because, except for cooking the meals, there is nothing to do,” says Janet Banga, a Sudanese refugee who came to Memphis after living five years in a Kenyan camp. …

United States—Women’s Commission: Warehousing Puts Women and Girls At Risk
The February 2006 report from the Women’s Commission for Refugee Women and Children, “Displaced Women and Girls At Risk: Risk Factors, Protection Solutions and Resource Tools,” highlights the dangers of life in exile particularly emphasizing the risks of encampment where refugees’ right to work and move freely are restricted:

Women in prolonged camp situations can be more vulnerable to abuse from male relatives or partners as community and familial structures unravel … this is combined with pervasive and seemingly endless poverty. Evidence suggests that unemployed displaced men release frustration through spousal and child abuse. …

The situation of refugees is further strained when they are forced to live in a large camp or settlement where they may be deprived of educational, agricultural and income-generating activities, and have little prospect of finding a quick solution to their plight. …

United States—Refugee Council USA Seeks Amendment to MCA
On February 28, 2006 the Refugee Council USA wrote to U.S. Senators Richard Lugar and Joseph Biden, Chairman and Ranking Minority Member of the Foreign Relations Committee respectively, asking them to amend the Millennium Challenge Act to include refugee protection in its eligibility criteria for development assistance and more support for civil society participation.

United States—Women’s Commission: Livelihood Restrictions Endanger Bhutanese Women
The Women’s Commission for Refugee Women and Children illustrated the dangers warehousing to women in “The Perils of Direct Provision: UNHCR’s response to the fuel needs of Bhutanese refugees in Nepal,” March 2006, part of a series of reports on fuel strategies and their effects on women from the Women’s Commission. Excerpts:

Nepali law prohibits refugees from engaging in any type of paid work and from selling any goods they have produced even within the confines of the camps. In recent years, established income generation activities within camps have been stopped by the district governments after complaints from local vendors from whom the agencies previously bought such goods. Without the ability to legally earn income, refugee women and girls are more likely to put themselves at risk either by selling their kerosene and collecting firewood as a fuel replacement and/or by subjecting themselves to exploitation and abuse, including gender-based violence, by working illegally. …

[T]here is no excuse for continuing to force refugees into a state of total dependence (on insufficient and decreasing rations) more than a decade into their displacement.

United States—Boston Student Visits Refugee Camp, Starts Campaign
Excerpts from Kristen Green, “Out of an African refugee camp, an idea, and cause, emerge,” Boston Globe, April 30, 2006:

The Meheba refugee camp in Zambia, home by recent estimate to 18,000 Africans, most fleeing civil war, surprised Damon Luloff. …

When the Boston University student spent last summer volunteering there, some of the residents asked him to teach them a class in grant-writing. They came from cities, some had attended college, and as transient as life was at the camp, they had plenty of ideas for how to make We continue to witness a myriad of human rights violations against displaced women and girls during all stages of displacement … [including] the denial of rights of women, their spouses or partners including the right to earn livelihoods… and in matters such as education and livelihoods, lack of access to land and inequitable property rights…
The pervasive denial of the livelihood and movement rights of the 1951 Convention and other international norms is also a factor in dependence and vulnerability to sexual exploitation and sexual and gender based violence in all phases of displacement. This is so not only when states deny women their rights to work, practice professions, run businesses, own property, move about freely, and choose their place of residence; women and girls are also increasingly vulnerable to violence and abuse when states deny men these rights. Addressing these problems is an international responsibility. Donor countries should direct development aid toward the empowerment of all displaced people, especially women, and the communities that host them to realize their rights…

A Conclusion on Displaced Women and Girls at Risk might articulate and/or lead to the following:

The empowerment of women to engage in livelihoods and support themselves with the rights to work, practice professions, run businesses, own property, and freedom of movement and the special vulnerability of women and girls to dependency, exploitation, and abuse even when men are denied these rights.

**Corporate Leaders Appalled by Warehousing in Kenya**

Corporate officers from Microsoft, Merck, PricewaterhouseCoopers, and Nike visited several refugee camps including Dadaab in Kenya, according to a March 26, 2006 Reuters report:

“Shocking is the only way to describe (the living conditions in the camps),” said Jeffrey Sturchio, Merck’s vice president for external relations for the Middle East and Africa. …

The Kenyan government maintains a strict encampment policy, which restricts refugees to camps in desolate corners of the country where temperatures can rise to 45 degrees Celsius (110F).

The 138,863 refugees living in Dadaab — more than half are under 18 — are totally reliant on UNHCR for daily sustenance.

**Amnesty International Condemns Lebanon’s Restrictions**

In a March 27, 2006 paper entitled “Palestinian refugees in Lebanon: Long-standing suffering,” Amnesty International reported:

[S]ince 2001, Lebanese law has effectively prevented Palestinian refugees from owning property in Lebanon.

For years, Palestinians were not allowed to work in dozens of professions in Lebanon including as accountants, secretaries, deputy directors, marketing agents, salespersons, pharmacists, electricians, guards, drivers, cooks, hairdressers or engineers.

In June 2005, however, Lebanon’s Minister of Labour issued a decision according to which Palestinian refugees residing in Lebanon would be permitted to work in various occupations that were previously barred to them by law, though not those governed by a professional syndicate (such as engineering, medicine and pharmacy), from which they are still barred.

In order to benefit from the Minister’s decision, Palestinian refugees in Lebanon are still required to obtain a work permit before they can take up employment in one of the occupations that the decision opened to them; as yet, it is not clear to what extent Palestinians have been able to do so and, therefore, whether in practice the ministerial decision of June 2005 has yet had more than a cosmetic effect …

**NGOs Denounce Detention of Refugee Women for Adultery**

The June 26, 2006 NGO Submission on International Protection to UNHCR’s 36th Standing Committee raised the vulnerability of refugees in camps, particularly women, to arbitrary traditional justice systems. Excerpts:

Refugee women and refugee children …

We particularly appreciate UNHCR’s recognition in the draft conclusion that traditional systems of justice may often violate refugee women’s rights by prosecuting them for offences that are not crimes under national or international law. One example is the detention of refugee women in Kakuma camp in Kenya for adultery. We call upon UNHCR to monitor and report on these phenomena and to ensure that traditional justice systems do not have the power to detain refugees nor exercise jurisdiction, de facto or otherwise, over serious criminal matters.
NGOs Call for Alternatives to Encampment to Protect Children

The June 27, 2006 NGO Submission on Refugee Children pointed to a number of aspects of warehousing as endangering children such as lack of livelihood opportunities and freedom of movement for their parents and segregated aid streams that create tension with locals and called for "Alternatives to the camps." Excerpts:

Programmes for refugees can lead to violence. The fact that refugees in camps receive support can create tensions with surrounding communities perceiving preferential treatment to refugees, esp. where local communities are also poor.

Gender related risk factors

- The modification of gender roles in the aftermath of natural disasters and in post-conflict situations. If the role of women, at least as mothers, is not directly threatened, the role of men as providers of food and security is heavily challenged. The absence of employment opportunities, and also the reduced self-esteem of men seems to have an impact on their behavior.

  • Transactional sex. Lack of livelihood opportunities and/or inadequate assistance can increase the risk of violence, abuse and exploitation, including 'survival sex' and forced prostitution by girls. …

Economic factors …

- Lack of opportunities to work and freedom of movement. If refugees/displaced people do not have opportunities to work and are unable to economically support their families, children are at a higher risk of getting involved in exploitative child labour and violence in the workplace. Alternatives to the camps are also needed.