

# REFUGEES

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BURUNDI  
CAMP MASSACRE

protection  
A DAREFUR  
Death in the desert

LEONE, ANGOLA  
Going Home

*Refugees are people, not statistics*

RETURNEE

GENEVA

AFGHANISTAN  
ELECTIONS AND THE OLYMPICS

DA 2004

THE BIG BANG  
PE  
SA  
YEAR IN  
REVIEW



**UNHCR**  
The UN Refugee Agency

# Good news and bad news

There was good news for refugees in the most unlikely places in 2004. Exiles were allowed to vote in Afghanistan's first ever presidential elections and a refugee woman cast the first symbolic ballot at a camp in neighboring Pakistan. A world away, a former refugee was one of two women to represent Afghanistan for the first time ever at the Athens Olympics.

In the ruins of the Liberian capital of Monrovia, refugees came back to find their homes destroyed,

but neighbors willing to share whatever little they had with old friends once again reunited. There were similar scenes across the continent, in Sierra Leone, Angola and on the Horn of Africa.

The last stragglers who fled Rwanda's genocide stumbled home, some to the astounding news that their families had

survived a bloodletting in which an estimated 800,000 people were butchered.

Global statistics showed that in the last three years the number of vulnerable people 'of concern' to UNHCR dropped by more than three million and the number of persons seeking asylum in industrialized countries fell to the lowest levels in 17 years. These trends were expected to continue through 2005.

There were also, of course, extremely troubling developments. Darfur became the world's latest mega-crisis with around two million people fleeing their villages and untold numbers slaughtered.

The European Union welcomed 10 new member states, but the Mediterranean region proved a deadly burial ground for hundreds of people trying to reach the continent. Situations in places like Iraq and Chechnya showed few signs of solution.

Even the basic principle of offering the world's most vulnerable people a modest degree of protection was under threat in many countries preoccupied more with security issues than humanitarian concerns.

Altogether, it was a "reasonably good year in a troublesome world," according to High Commissioner Ruud Lubbers.

**For some frustrated aid officials, South and Central America is a "forgotten continent" and its most vulnerable victims "invisible refugees"—ignored and overshadowed by more obvious crisis areas such as Africa and Afghanistan.**

But Latin American governments recently commemorated a major milestone in refugee protection work—the signing 20 years earlier of the Cartagena Declaration—which helped to resolve a series of wars in Central America in the 1980s and helped many of the two million civilians who had been forced to flee their homes.

Building on that Declaration, a meeting in Mexico City took the opportunity to launch a new plan of action to tackle the region's current problems, particularly the longtime crisis in Colombia where a further two million plus people have been uprooted during decades of civil war.

Lubbers praised the initiative by noting that "In a worldwide context of restrictive asylum policies and erosion of protection principles, it is encouraging to see that countries in Latin America are committed to uphold high protection standards."



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Going home from Iran.

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# REFUGEES

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## 2 EDITORIAL

Good news was found in unusual places in the last year.

## 4 COVER STORY

The crisis in Darfur overshadowed other, often positive developments during 2004 including presidential elections in Afghanistan, major repatriations in several African countries and the expansion of the European Union to 25 member states.

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A quick glance at major developments throughout the world.

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High Commissioner Ruud Lubbers views 2004 as a reasonably positive year in a troubled world. He says that as a humanitarian organization UNHCR should do better.

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The Cartagena Declaration, the major cornerstone of refugee protection in Latin America, marks its 20th anniversary. A new plan of action is announced to enhance and reinvigorate the Declaration.

### Landmarks

Some of the highlights of the Cartagena Declaration.

### History

Refugee protection in Latin America down the ages.



F.NAEEM/AFP/GETTY IMAGES

**4** Afghanistan held its first ever presidential elections in 2004 and 10 new countries joined the European Union. However, another major catastrophe exploded in Darfur, Sudan.



UNHCR/H.CAUV/DP/TCO-2004

**16** High Commissioner Ruud Lubbers said "there is a less friendly climate towards refugees in many parts of the world."



UNHCR/B.HEGGER/DP/COL-2004

**22** The Cartagena Declaration, cornerstone of Latin American refugee protection efforts, commemorated its 20th anniversary in November.

# 2004: YEAR



PROTECTION  
GOING HOME  
RESETTLEMENT  
ETHNIC CLEANSING

# IN REVIEW



Darfur burns. A Sudanese rebel at a destroyed village.

# *A reasonably good year*



UNHCR/B. HEGEN/DP/RVA-2004



**Emmanuel Murangira**

**T**HE BULLET HOLE lodged deeply in Emmanuel Murangira's long sloping forehead bears eloquent testimony to genocide. Gangs of militias had rampaged through his hometown for several days slashing and shooting their ethnic and political opponents. An astonishing 25,000 civilians—men, women, young children, anyone they could catch—were murdered in just this one place in a matter of hours. The victims included Murangira's wife, five children and more than 40 other members of his family. He was one of only four survivors, escaping the killers by feigning death at the bottom of a pile of corpses, blood flowing freely from his head wound. In all, an estimated 800,000 persons were killed

# in a troublesome world



across the country in a 100-day orgy of blood. The world stood by, horrified but largely mute as the tragedy ran its course, refusing to directly intervene, embrace or even acknowledge the dreaded 'G' word.

Rwanda commemorated the 10th anniversary of what was belatedly recognized as genocide on April 6, 2004. Murangira played his own small but poignant role by guiding the occasional visitor through a somber memorial to the slaughter in his hometown of Gikongoro in southern Rwanda, only yards from where his own family was massacred.

The complex had once been a school. But in each room, desks had been replaced by low wicker shelves on which were stacked the skeletons of some of the victims. Particularly heart-rending were the contorted shapes of tiny children, coiled into protective foetal

positions, terrified screams still seemingly etched into their ghostly skulls.

In just one short decade since those terrible events, a fragile peace between the country's major tribes, the Hutus and Tutsis, has been re-established. Kigali, the capital, bustles once more with commercial traffic and new buildings. Rwanda's hills are alive with the sound of farming families busily growing and harvesting tea, coffee and other crops.

More than 2.5 million people fled in 1994, congregating in massive camps in neighboring Zaire and Tanzania. In trying to help them and, inadvertently, the many murderers (the *Interahamwe*) who had fled the scene of their crime and infiltrated the camps, UNHCR and other agencies became involved in the messiest and most complex humanitarian operation ▶

**Back to school  
in Afghanistan.**

## LAST YEAR, EVEN AS RWANDA MARKED ITS OWN APPARENT DELIVERANCE, 1,500 KILOMETERS TO THE NORTH ANOTHER CATASTROPHE WAS BREWING.

since World War II (REFUGEES magazine N° 135).

But by early 2004, the camps had disappeared, the bulk of those refugees and even many exiles from earlier Rwandan crises—a total of 3.2 million people—moved back to their shattered homeland, by air, on fleets of trucks and buses and for some, many weeks of walking through rain forests, mountains and high savannah grasslands.

National reconciliation remained fragile and incomplete, but given the enormity of the task, could nevertheless be considered a modest miracle.

“We must learn to live together again in peace,” Murangira told a visitor simply, reflecting an edgy uncertainty about the future.

His hopes and the dozens of official genocide commemorations held across this beautiful but haunted land in central Africa marked both a rebirth of sorts for Rwanda, and also a warning: that such events should never be allowed to happen again.

A chastened former American President Bill Clinton, on whose watch the killings occurred, had admitted in a personal *mea culpa* that he had gotten it wrong: “We did not act quickly enough after the killings began. We did not immediately call these crimes by their right name: genocide.”

### NOT AGAIN

THE WORLD IS OFTEN GIVEN a breathing space of years or even decades before having to face a similar crisis, during which time the sheer horror of genocide and the emphatic pledges of ‘Never Again’ begin to blur and fade. The collective international conscience quickly forgets.

But in 2004, even as Rwanda marked its own apparent deliverance, 1,500 kilometers to the north another catastrophe was brewing.

The signs had been there for sometime, but had gone largely unnoticed. As early as the summer of 2003, UNHCR began to help a small but growing number of Sudanese refugees fleeing from the west of that country into neighboring Chad. By the end of that year, as the refugee population rose to 75,000, it warned the world for the first time of ‘ethnic cleansing’ of an ‘invisible emergency’ in Sudan’s Darfur region and eventually termed it the agency’s ‘worst humanitarian crisis.’

In an era of instant television, of emergencies measured in the hundreds of thousands and often in the millions, seemingly lesser crises take time to build a momentum of their own before impacting on the global conscience.

Chad and Darfur, though sitting astride

a rich melting pot of tribes and ancient caravan routes crisscrossing Africa, are remote from today’s major communications networks, difficult to reach and covering one of the world’s most hostile environments of desert, scrub, mountains and searing heat. The refugees brought with them lurid tales of massacre and mayhem, but it was difficult to independently confirm what was happening inside Darfur itself.

UNHCR’s mandate is to work with refugees out-



**Under arrest in Lampedusa, Italy.**



side their home countries and there were no other international organizations working inside Darfur because the Sudanese government had effectively sealed it off from the outside world.

Darfur festered in a vacuum and was largely ignored.

Despite the refugee agency's repeated warnings from Chad "It was only six months later, after many hundreds of thousands of people

GETTY IMAGES/S.GALLUP/DP/POL/2004



were driven out of their villages and many thousands or tens of thousands were killed that the international community did start talking about getting access to Darfur," High Commissioner Ruud Lubbers recalled in a recent interview.

The seeds of the crisis had been planted much earlier, in the 1980s when cataclysmic droughts destroyed the region's delicate ecosystem, setting the stage for clashes between mainly black African farmers and Arabic nomadic communities (both, though, are largely Muslim) as centuries of co-mingling degenerated into battles for diminishing land and water resources.

The mounted raiders, reputedly backed by the central government, brandishing ancient flintlocks and modern AK47 rifles, swiftly sweeping down on villages to loot, rape and burn, were given an old Darfur epithet for bandits — *janjaweed* or 'devils on horseback.' Hundreds of communities were destroyed. New guerrilla groups calling themselves the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) emerged as champions of the villagers.

Under threat of international sanctions, Khartoum, while still denying there was any emergency, reluctantly opened the area to outside scrutiny and assistance. Hundreds of aid officials, including UNHCR field staff, and a handful of peacekeepers poured into the region and were shocked by the devastation.

By late 2004, some 200,000 civilians had stumbled into Chad where they were relatively safe but still lived on a knife-edge, receiving enough help to keep them barely alive, but little else. Many bore the scars of brutal assault and had been forced to leave wives, husbands and especially children behind to an uncertain fate.

Inside Darfur, the World Health Organization (WHO) estimated at least 70,000 civilians had died just from war-related problems such as disease and malnutrition, but there was no accurate estimate of how many others had been killed directly by combatants. At least 1.8 million people fled their homes after watching wives and daughters raped and abducted, friends and neighbors slaughtered and their homes destroyed. Survivors escaped into the desert and mountains until they could find sanctuary in one of the rudimentary camps thrown up by aid workers, but even there, lives hung by a thread.

"If our men go out (to search for food or loved ones) they die," one group told a visitor recently. "If we go out, we are raped. That's our choice."

Mindful of the world's inaction in Rwanda, the 'G' word quickly surfaced in Darfur, so much so that in testimony before the Senate Foreign Relations Committee in September 2004, U.S. Secretary of State Colin Powell used it twice in the same sentence: "We (the government) concluded that genocide has been committed in Darfur... and genocide may still be occurring."

The U.N. sent a mission to determine if the events merited that most extreme of designations. Some human rights organizations acknowledged that terrible events had happened in Darfur, but hesitated to use the ultimate condemnation of human behavior.

The New York Times tried to make sense of the chaos and uncertainty in a lengthy article: "If this is a genocide, it doesn't look very much like those we've known before," it said. "Instead, it is ►

**Keeping watch along Europe's new borders.**

**Rebuilding Bosnia.**

# 2004 global highlights – at a glance

## April 6

Rwanda marks the 10th anniversary of that country's genocide. In a 100-day orgy of slaughter, as many as 800,000 people were murdered by Hutu extremists. Almost one half of Rwanda's 6.5 million people were either killed or fled the country which has since made major strides in rebuilding itself.

## May 1

Ten new countries join the European Union, creating a 25-member bloc with 455 million people. The Union completes the first phase of an ambitious multi-year project to harmonize immigration and asylum policies, among the most complex and contentious of issues facing the continent.

## June 3

The ongoing and worsening threat faced by unarmed humanitarian workers globally is underlined when five workers from Médecins Sans Frontières-Holland are murdered in the western Afghan province of Badghis.

## July 21

The last of an estimated 280,000 Sierra Leonean refugees return home after fleeing a decade-long civil war in their country which ended in 2000. High Commissioner Ruud Lubbers said the repatriation and similar movements in Liberia, Eritrea, Angola and other states marked "The Year of Return" in Africa.

## August 14

Nevertheless, the fragility of the situation in central Africa is highlighted when thugs armed with automatic weapons, machetes and grenades slaughter 156 Congolese, mostly women and children, at Gatumba camp in Burundi. It is



**Liberia:** Returning home to an uncertain future.

one of the worst single atrocities committed anywhere against refugees.

## September 9

American Secretary of State Colin Powell declares that "Genocide has been committed in Darfur and that the government of Sudan and the *janjaweed* bear responsibility and genocide may still be occurring." Nearly two million people are uprooted by what the U.N. describes as the world's worst humanitarian crisis and at least 70,000 die as a result of the conflict.

## September 21

The one millionth citizen of Bosnia and Herzegovina from among the 2.2 million people who were uprooted during three years of war in the mid-1990s officially returns home.

## October 1

UNHCR begins a three-year program to repatriate as many as 340,000 Liberians displaced

by constant war in that West African state. A similar number of internally displaced persons will also return home.

## October 9

Afghanistan holds general elections and Hamid Karzai is elected president as the country continues to rebuild. During the year, around 800,000 people return home, joining the more than three million civilians who had already gone back in the previous two years.

## October 14

The dysfunctional state of Somalia on the Horn of Africa receives a slightly hopeful boost when former soldier and warlord Abdullahi Yusuf Ahmed is sworn in as president in a ceremony in neighboring Kenya. At least a half million persons were killed in the fighting and millions more were uprooted as the country imploded during the 1990s.

## October 24

Minority Serb citizens boycott general elections in the U.N.-administered Serb province of Kosovo, jeopardizing its political future. Nearly 900,000 ethnic Albanians fled or were forced from the region by Serb authorities in 1999, before NATO troops in turn halted the ethnic cleansing. Most Albanians went home but around 220,000 Serbs remain displaced.

## November 22

The 20th anniversary of the Cartagena Declaration is commemorated in Mexico City. The non-binding Declaration, signed by 10 Central and Latin American countries, was designed to meet the challenges of a violent era of wars when more than two million persons fled their homes in Central America in the mid-1980s. It significantly expanded various areas of the cornerstone 1951 Geneva Refugee Convention.

shadowy, informal; the killings take place offstage. It is the destruction of a people in a place where it is virtually impossible to distinguish incompetence from conspiracy. Is that by design, the sheer evil genius of it all, or just more evidence of a government's utter haplessness? A genocide may, it seems, occur almost inadvertently."

### NUMBERS FALL AGAIN

THE DARFUR CALAMITY overshadowed other refugee developments, both good and bad in 2004, a period Lubbers described overall as "a reasonably good year in a troublesome world."

Since the High Commissioner took office at the start of 2001, the number of refugees and other groups 'of concern' to UNHCR dropped from 21.8 million to between 16 and 17 million in 2004. The largest fall was in 2003 when the numbers dropped dramatically by more than three million. The number of people seeking asylum in advanced industrialized countries also fell to their lowest levels in 17 years. During the first three quarters of 2004 alone, the number of asylum seekers dropped by 22 percent to 271,700. Both trends were expected to continue into 2005.

an ambitious multi-year project to try to harmonize immigration and asylum procedures.

The one millionth refugee from among an estimated 2.2 million people who were uprooted in Bosnia and Herzegovina during the war in that country in the 1990s went home in the autumn.

Two major milestones were reached in international protection in 2004.

It was the 50th anniversary of the 1954 Convention Relating to the Status of Stateless Persons, the major legal instrument in trying to help millions of people who do not have a country they can officially call home. Because citizenship disputes sometimes trigger displacement and refugee exoduses, the U.N. General Assembly in 1974 turned to UNHCR as a natural interlocutor in the absence of any other 'dedicated' statelessness organization to provide limited legal assistance to stateless persons. One notable success last year was the granting of Sri Lankan citizenship to some 300,000 heads of households of Indian origin.

Latin American countries commemorated a memorable protection milestone at a ceremony in Mexico City in November—the 20th anniversary of the Cartagena Declaration. That non-binding document was

## "IF OUR MEN GO OUT THEY DIE. IF WE GO OUT, WE ARE RAPED. THAT'S OUR CHOICE."

Afghanistan remained the agency's largest single repatriation operation and nearly 800,000 uprooted peoples returned home in 2004. They joined more than three million compatriots who had already gone back to their towns and villages since the Taliban regime was overthrown by American-led forces and an interim government was established in late 2001. The country held its first ever democratic presidential ballot last October, one of the most important developments of the year, overwhelmingly electing interim leader Hamid Karzai.

Despite Darfur, much of the rest of Africa was described as a "continent on the march home." Years of civil war ended in Liberia and UNHCR began a three-year operation to help 340,000 refugees living in neighboring states and an equal number of people displaced within Liberia itself to start life afresh.

A separate operation to assist 280,000 Sierra Leoneans repatriate in the wake of a disastrous decade-long war in that neighboring state was successfully completed. There were major returns in Angola, central Africa and in the Horn of Africa. A new president was sworn in for the failed state of Somalia, albeit in neighboring Kenya, bringing at least a sliver of hope for that benighted region and untold numbers of homeless Somalis.

Ten new states joined the European Union on May 1, creating the world's largest political and trading bloc of 25 nations and 455 million people. At the same time, the EU put the finishing touches to the first phase of

drawn up in response to a series of wars in the 1980s which devastated Central America and forced more than two million people to abandon their towns and villages.

After several years during which the numbers of especially vulnerable refugees selected for permanent resettlement places in countries such as Australia and Canada had fallen by more than 50 percent, the trend reversed in 2004, particularly in the United States.

The European Union indicated it would explore the possibility of accepting a large increase in the number of resettlement refugees it admits, but only at some distant point in the future.

### PROBLEMS, PROBLEMS

TO BE SURE, there was a lot of bad news out there, too.

Though the numbers of refugees and asylum seekers continued to drop steadily throughout 2004, immigration issues remained highly politicized and protection for the world's vulnerable people continued to deteriorate.

Their safety, the agency's director of international protection Erika Feller had to remind governments "is a humanitarian necessity not a political choice." And High Commissioner Ruud Lubbers added: "In the past few years the politicization of immigration, confusion between refugees and economic migrants and fears of criminal and terrorist networks have combined to erode asylum in many states. Paradoxically, this has taken place against a backdrop of declin-

ing numbers of refugees and asylum seekers.”

Agencies had hoped to begin the repatriation of as many as 500,000 Sudanese refugees to the south of that country during 2004 following the end of 21 years of civil conflict there, but because of events in Darfur and other problems, that major repatriation was put on hold, at least temporarily.

There had been similar hopes that the first of hundreds of thousands of longtime Iraqi exiles might go home in 2004 following the downfall of Saddam Hussein, but though some 100,000 exiles returned from neighboring countries, many spontaneously (UNHCR helped some 19,000 people go back, particularly from Iran), a large-scale repatriation was postponed while the country remained so unstable.

In an otherwise relatively benign environment throughout Latin America, more than two million people remained uprooted in Colombia, and hundreds of thousands of persons had fled to neighboring states. It remained by far the largest humanitarian crisis in the Western Hemisphere.

**SINCE THE START OF 2001, THE NUMBER OF REFUGEES AND OTHERS OF CONCERN TO UNHCR HAS DROPPED NEARLY 22 PERCENT.**

Ethnic Serbs boycotted general elections in U.N.-administered Kosovo, throwing the future of that troubled province into renewed doubt. There was little progress in resolving the futures of more than 534,000 uprooted peoples living in Serbia and Montenegro in southern Europe, including 220,000 Serbs from Kosovo. The story was similar for 104,000 refugees from Bhutan who have been confined to camps for more than a decade in neighboring Nepal.

In all, as many as seven million refugees continued to languish for years without end in what are officially described as ‘protracted crises’ in trouble spots around the world. Though progress has been made to solve some of the longest and worst of them, including Afghanistan, Angola and Sri Lanka, at least 38 other ‘black spots’ remained. A new buzz word referred to people caught up in these emergencies as refugees who had been ‘warehoused.’

In addition to these long-term refugees, an estimated 25 million people, 4.4 million of them helped by UNHCR, remained uprooted within their native countries and subject to the authority of their own governments rather than the protection of international agencies and international refugee law.

The situation in the Russian Republic of Chechnya and the fate of some 50,000 civilians displaced in neighboring Ingushetia became even more intractable following perhaps the most grisly terrorist outrage of the year when Chechen separatists seized a school in the now infamous town of Beslan and 344





children, teachers and other innocents were slaughtered during a shootout with security forces.

Danger lurked everywhere, for refugees and field staff trying to help them. In addition to unknown numbers of civilians killed directly in conflicts such as Darfur or indirectly as a result of war (an estimated 3.3 million people died as a result of years of fighting in the Democratic Republic of Congo), one exhaustive report suggested that at least 4,000 would-be asylum seekers drown each year, principally trying to reach safety in Europe, Australia or North America.

Even when civilians reached the apparent sanctuary of refugee camps, it sometimes turned out to be illusory. More than 150 mainly Congolese women and children were slaughtered in August when thugs with automatic weapons, machetes and grenades rampaged through the Gatumba refugee camp in the African state of Burundi.

The humanitarian and advocacy group Médecins Sans Frontières pulled out of Afghanistan after five of its workers were murdered there. Two field staff from Save the Children were killed when their vehicle hit a landmine in Darfur. Iraq became a virtual no-go region as humanitarians were kidnapped whenever insurgents wanted to make headlines.

A year earlier, following the destruction of U.N. Headquarters in Baghdad and the death of 22 people there, REFUGEES wrote: "The bottom line could be that whatever agencies decide to do will be less critical than the policies adopted by the irregular militias and armies involved in global hot spots. Should they continue to ignore humanitarian considerations in favor of what they obviously believe to be political and military advantages in attacking aid workers, it could be difficult to devise compromise strategies which allow humanitarian officials to work effectively in even a minimally safe environment."

Little seemed to have changed in the intervening one year.

## EUROPE AND PROTECTION

THE FRICTION BETWEEN hard political reality and humanitarian obligations was no more evident than along the beaches of just one obscure Italian holiday hideaway called Lampedusa.

Because it is only 100 kilometers off the coast of Africa, Lampedusa by last September had become a magnet for thousands of Africans—a mixture of economic migrants and genuine asylum seekers—and human traffickers only too willing to cram them into leaking boats to try to gate-crash Europe.

In one September weekend alone, more than 1,200 people poured ashore at Lampedusa, a 12 square kilometer rock outcrop jutting out of the Mediterranean Sea. The picturesque harbor became the graveyard for a motley collection of craft lying at crazy angles, half sunk like toys in the oily water after they had delivered their human cargo.

Italy had had enough. It called time on what Inte- ▶

**Refugees and aid workers continued to face persecution and murder in 2004. Some of the victims of an attack on a refugee camp in Burundi in which 156 persons were killed.**

rior Minister Giuseppe Pisanu described as an “organized assault on our coasts.” Authorities airlifted many of the would-be émigrés directly back to Libya without giving them a chance to lodge asylum claims, a contravention of the 1951 Geneva Refugee Convention which Italy and all other EU countries have signed onto.

Pisanu was unrepentant, declaring that “The desperate people who think they can land in Italy illegally must know that they will be sent back to where they came from as soon as they have received humanitarian aid.”

He got support from some other European countries. Germany unveiled a fuzzy plan to establish a series of centers in North Africa to vet or control the flow of desperate Africans before they could make a final dash for Europe. It was short on specifics, but drew howls of protest from other countries such as France whose Interior Minister Dominique de Villepin insisted: “For France, it’s out of the question to accept transit camps or shelters of any kind.”

Undeterred, North European states sug-

gested that other centers should be established outside Europe in neighboring states such as the Ukraine where would-be asylum seekers would be screened. Predictably, Kiev rejected that approach.

Britain toughened its own restrictions and said asylum seekers arriving without identification could be jailed for up to two years—a move also in contravention of the Geneva Convention.

Spain, another popular point of entry along Europe’s soft underbelly in the Mediterranean, began to lay electronic barriers along parts of its southern coast nearest Morocco and around parts of the Canary Islands to detect—and stop—incoming flotillas of immigrants.

In a reflection of the ugly mood of suspicion and rejection in some parts of the Union, Danish Minister of Refugees, Immigrants and Integration Bertel Haarder tabled a proposal aimed at sorting out socially disadvantaged refugees from those who could read, write and speak foreign languages and overall “can contribute to Danish society and find themselves a job.”

In a revealingly honest description of one problem she faced in finding appropriate lodgings for asylum applicants, a spokesperson for the Swiss Police and Migration Service in the capital, Bern, explained bluntly: “The accommodation we provide for refugees is already very basic. So for rejected asylum seekers, I had to find something of an even lower standard and that meant it had to be underground.”

### FAULT LINES

RAYMOND HALL, director of UNHCR’s Europe Bureau, said events in the Mediterranean highlighted the continuing fault lines in the continent’s overall approach towards asylum seekers, even after years of harmonization attempts.

So-called frontline states such as Italy in the south and new member states in eastern Europe carried a disproportionate share of the financial and physical burden in having to assess, house, accept or ultimately reject the bulk of people trying to enter Europe. During incidents such as Lampedusa this “creates a sense of panic about what to do and that translates itself into a phenomenon of trying to close Europe’s doors,” according to Hall.

States needed to more equitably “share this burden”—a key phrase in the debate over asylum—High Commissioner Ruud Lubbers insisted, but “instead we see a tendency to shift the burden—to other EU states or even countries outside the EU that are ill-equipped to handle asylum claims.”

The lack of a common benchmark among member states in assessing asylum claims was another major headache. Austria, for instance, recognizes around 95 percent of claims by Chechen asylum seekers—Russians are the largest single group trying to enter Europe—while the recognition rate was virtually zero among the same group in Slovakia.

“This is not a harmonized Europe,” Raymond Hall said. “Europe therefore doesn’t have the right to be surprised if asylum seekers move from one country to another looking for the best place for them to make a claim.”

Lubbers pointed out that if the efficiency of individual asylum systems was improved, a longtime UNHCR proposal, and more sound decisions were reached during initial assessments rather than hav-



Relatives and friends meet for the first time in years in the almost forgotten emergency in Western Sahara.

**DESPITE THE POTENTIAL PITFALLS OF NEW CRISES, SENIOR REFUGEE OFFICIALS PREDICTED THAT THE NUMBER OF PEOPLE IN NEED OF ASSISTANCE WOULD CONTINUE TO FALL STEADILY IN 2005.**

## “WE SHOULD ABANDON THE ARTIFICIAL AND COUNTERPRODUCTIVE AMBITION TO RETURN ALL REMAINING UPROOTED PEOPLES.”

ing to resort to second or third appeals, there would be multiple payoffs—speedier and fairer decisions, more efficient systems and major savings in an area where leading countries currently spend at least \$10 billion annually.

“The reality (today), I’m afraid, is that Europe’s asylum systems do not always afford refugees the protection they need or even the chance to state their claim,” Lubbers wrote in a recent newspaper opinion piece.

There was an unintended degree of irony in all of this. At a time when it remained extremely difficult if not almost impossible to legally enter and live in Europe, the International Labor Organization issued a report indicating that because of its aging and shrinking population, the continent will soon need a massive infusion of new blood, including refugees.

“Increased immigration is likely to be one of the elements necessary to be sure that the well-being of Europe in 45 years (time) is going to be similar to what it is today,” the report said. “Evidence indicates that newcomers rejuvenate populations and stimulate growth without inflation.”

### A LONG PROCESS

ON THE EVE OF THE POMP AND CEREMONY surrounding Europe’s largest ever expansion on May 1, ministers quietly approved the last of five pieces of legislation, officially known as directives or regulations, designed to harmonize national asylum policies. This milestone, however, marked only the end of the first phase of an ongoing process which has now entered into phase two.

It had begun years earlier in June 1990, when governments met in the Irish capital and approved the Dublin Convention which, for the first time, established the responsibility of individual countries to examine asylum requests. When that Convention proved ineffectual, the role of member states was redefined under what became known as Dublin II.

Other treaties followed and in 1999 the Tampere Conclusions established political objectives for the Union. These, it was carefully underlined, were based on “the absolute respect for the right to claim asylum” and the “full and inclusive application” of the 1951 Convention.

There were major advances in these new directives and regulations including a common definition of who could qualify as a refugee; agreement for other groups to receive so-called ‘subsidiary’ protection; a recognition of gender-based persecution; and fixed minimum levels of social, employment and health benefits.

The legislation, welcome as it was in some areas, received mixed reviews. Raymond Hall at the time described it as a genuine first step but then asked, “Was it

as ambitious and noble as we would have liked? In fact, despite some gains, it’s been disappointing overall in terms of providing greater protection to bona fide refugees. The process has not lived up to the expectations we had when we started down this road.”

There was, he said, a glaring paradox at the center of Europe’s attitude. While national capitals recognized the only effective way to tackle immigration and asylum issues was by fully harmonizing their national systems, they remained unwilling to cede the degree of national sovereignty necessary to bring that about.

Lampedusa and other incidents later in the year only reinforced that view.

### GLOBAL ASSAULT

PROTECTING REFUGEES in a legal or physical sense was never going to be easy in the wake of the 9/11 terrorist attacks against the United States and the subsequent global war on terror. Increasingly, governments saw immigration and asylum issues through a security prism. Foreigners, especially from unstable regions such as the Middle East or Africa, were viewed with increasing suspicion. Refugee camps were seen as centers for terrorists rather than being shelters for victims of terrorists. The 1951 Convention itself was a legal screen behind which terrorists could hide.

If some of those reactions were regrettable but understandable in the immediate aftermath of perhaps the most spectacular terrorist atrocity in history, humanitarian advocates worried that the global environment remained extremely hostile three years later.

There were Italy’s reactions to the ‘invasion’ of Lampedusa, increasing suggestions for the establishment of transit centers outside asylum countries and the selection of only educated refugees for resettlement, as noted above.

Britain’s shadow Prime Minister Michael Howard, himself the son of refugees, said if he were elected next year, his government would tackle asylum problems “at their roots. We will pull out of the 1951 Refugee Convention, as is our right, by giving 12 months notice to the secretary general.”

Using some of the toughest language for years, his prospective Home Secretary, David Davis, said what he called uncontrolled immigration “endangers the values that we in Britain rightly treasure.”

At the 2004 annual meeting of UNHCR’s governing body, the 66-nation Executive Committee, both Russia and China denounced what they called terrorist abuse of asylum procedures.

Erika Feller had to remind delegates “Refugees are people, not statistics and global trends. Their protection is a humanitarian necessity, not a policy choice.”

*Continued on page 18* ▶

# “We can do better. W

*High Commissioner Ruud Lubbers discusses UNHCR's 2004 performance including the successful return of Afghan refugees, a Liberia*

**REFUGEES: The period of your stewardship starting in 2001 appears to be paradoxical with the number of refugees and asylum seekers falling significantly, but conversely an increasing erosion of refugee protection.**

LUBBERS: They are different things. In the first instance there have been successful repatriations in places like Afghanistan, Sierra Leone and Angola involving millions of people. And there are also fewer outflows of new refugees because there are fewer conflicts at the moment (a major exception is the situation in Darfur, in Sudan). On the second point, yes there is a less friendly climate towards refugees for several reasons: heightened security and terrorism concerns globally; a widespread xenophobia, often stoked by politicians, in which foreigners, including refugees, are blamed for any perceived problem and are considered threatening.

**From the humanitarian perspective, how would you characterize developments in 2004?**

It has been a reasonably good year in a troublesome world, a period more intense than last year. More than three million Afghans have returned home and I find it fantastic that that country held democratic elections last October. In Liberia we started the repatriation of around 700,000 people or 25 percent of the entire population. But then we have the deep black hole of Darfur where a system of terror resulted in widespread ethnic cleansing, the deaths of tens of thousands of people and the flight of around two million people. There is also the scourge of ongoing terrorism which is very much related to the world of Islam and very much related to Islamic youth which doesn't see the rest of the world as having any respect for their religion.

**A year ago you spoke optimistically of trying to forge a special identity for UNHCR and other humanitarian agencies to allow them to work effectively within the turmoil of Iraq and the Islamic world in general.**

There has been absolutely no progress on that. Things have deteriorated sharply.

**So can you anticipate any meaningful UNHCR presence in Iraq or indeed the return of some of the hundreds of thousands of Iraqis who have been living overseas for many years?**

The answer to the first question is no. And the answer to the second question is also no, not for the foreseeable future. I am more pessimistic than a year ago. I hope I am wrong.

**The ongoing war on terrorism, Muslim rage and atrocities such as Beslan when hundreds of Russian children were killed must undermine UNHCR efforts to help many people, including specific groups such as the Chechens?**

It makes our help both more needed, but more difficult to administer. For (Russian) President Putin and his government the word Chechen brings to mind the word 'terrorist' and he sees this 'Islamic poison' spreading throughout the Caucasus. Then we go to another U.N. Security Council member, China, where for many officials the Uighurs, a Muslim minority, are equated with terrorists. In Washington, Secretary of State Colin Powell celebrated the resettlement of thousands of people last year in the United States, but at the same time many Islamic people were screened out of the process simply because they are Muslims. Then there is the Islamic backlash to this. For the High Commissioner for Refugees, this is very scary. We try to be impartial. We try to be fair. We try to re-

late to different nations and cultures, but we have to do this against a very difficult background.

**Looking at Europe specifically, there has been a dramatic drop in the number of asylum seekers, but a widespread tightening of anti-legislation.**

Ministers might argue that tougher restrictions explain the lower asylum numbers, but I don't think so. There are fewer Afghans, Angolans or Tamils traveling to Europe simply because the situations in their countries have improved. But it would be unfair to say that there is a wholly negative European attitude towards refugee problems. The European Union and individual states have increased their assistance to UNHCR and protection projects in places like Zambia, Uganda, Burundi and other areas have benefited.

**Europe recently underwent its largest ever expansion of 10 additional member states, creating new refugee and asylum concerns. In the latter part of the year there were new crises in the Mediterranean as thousands of civilians tried to gate-crash the region. Where does Europe stand today?**

Basically Europe is still confused about what to do next. Do we continue to emphasize the harmonization of (individual) national asylum systems or should we communitarize (centralize) certain aspects of asylum? Some studies suggest that an overwhelming number of Europeans favor a pan-European approach and find it rather stupid that the Union is not doing more in this direction.

**Proposals have been floated that European countries, which currently accept only extremely limited numbers of refugees for official**



# “We should do better.”

...during a “reasonably good year in a troublesome world,”  
...on repatriation, Europe’s ‘big bang’ and the ‘deep black hole’ that is Darfur

## **resettlement, might eventually greatly expand this approach.**

It would be great news and a turning point if Europe committed itself to an expanded resettlement program. Currently, the major receiving nations such as the United States, Canada and Australia, with a combined population of more than 300 million people accept 80,000 resettlement cases annually. I think it is possible that Europe, with a similar population, could accept a similar number of refugees, within a four to five year period. This would not only directly help the most needy refugees but, among other things, would probably substantially reduce the number of people trying to reach Europe in so-called ‘secondary flows’ of migrants.

## **The one millionth uprooted person returned home to Bosnia and Herzegovina in 2004 and the one millionth refugee went back from Iran to Afghanistan. In both regions is it now time to emphasize not so much further returns, but on trying to help people still displaced to rebuild their lives in asylum countries?**

We have to continue to emphasize return as our priority. However, helping some refugees to restart their lives in countries of asylum or to seek permanent resettlement in other states will also be important components of our overall strategy.

## **But hundreds of thousands of Afghans remain in Pakistan and Iran and neither of those countries have expressed any enthusiasm for large numbers of people to remain permanently.**

We must remind Iran that many Afghans have lived there for a long time. They are totally integrated and contribute many skills to the economy. As an economist I have said to my friends in Iran, it will be a

mistake to think you will have more jobs for locals if you send all of these people away. No, you will have fewer jobs. The majority of Pashtuns who live in Pakistan did not come as refugees, but during normal migratory flows and have become a very precious part of that country.

## **Would you characterize the international and U.N. responses to the crisis in Darfur as being ‘too little, too late?’**

Not too little, but too late. It’s been too late. In November 2003, UNHCR was the first to use the phrase ‘ethnic cleansing’ about Darfur. Only six months later, after many hundreds of thousands were driven out of their villages and many thousands or tens of thousands were killed did the international community start talking about getting access to Darfur. In that sense we were really too late. Now it’s the place to go with massive numbers of humanitarians present. It’s no longer a ‘forgotten crisis’ but it is still not totally well organized.

## **There was optimism a year ago about the return of hundreds of thousands of civilians to another part of Sudan, the south. What do you foresee for Darfur and the south in the coming year?**

It was a very bad year in Sudan. But we sometimes become too skeptical in life. Look at the surprise of neighboring Somalia where, after so many years of bloodshed, there is suddenly a new president and parliament. Let’s hope it will be a better year in Sudan.

## **The number of refugees and asylum seekers has dropped steadily since your tenure began. Will that continue?**

Yes, but I cannot guarantee it. It is fair to measure me against this progress, against the reality of finding permanent solutions for people and, where possible,

to prevent new outflows of refugees.

## **There are still 38 so-called protracted global crises where people have been uprooted for at least five years. Do you foresee any major breakthroughs in any of these?**

Two of the oldest problems are in Western Sahara and with Bhutanese refugees in Nepal. At the moment both are totally blocked and more international attention is needed, but I still have a feeling that at some point (in the near future) there will be breakthroughs.

## **You are scheduled to end your term as High Commissioner in 2005. What will be your legacy to UNHCR?**

This organization has recalibrated itself to tackle not only emergency and humanitarian advocacy, but to promote burden sharing among nations and long-term solutions for refugees themselves. For the latter you need major financial resources and political will—for local integration and for resettlement. Security also became a major political priority, but I would like to emphasize that the best way to reduce terrorism is to find timely solutions for uprooted peoples. This takes the oxygen out of human traffickers; it takes the oxygen away from local warlords who capitalize on uprooted people and it takes the oxygen away from terrorist groups.

## **Two years ago you said UNHCR risked becoming irrelevant to governments, but had begun to reshape itself in providing permanent solutions to global refugee problems. Where do we stand today?**

There has been progress, slow progress. We can still do better. 2004 was the year of the Olympics. We trained hard, but we were not always good enough to be sent to the Olympics. I think we can do better. We should do better.

International refugee instruments, including the Geneva Convention, she said, did not provide a safe haven for terrorists. “They specifically provide for their exclusion”—a fact which is regularly distorted by some politicians and journalists pursuing an anti-asylum agenda.

“Equating asylum with a safe haven for terrorists is not only legally wrong and unsupported by the facts,” Feller said, “but it serves to vilify refugees in the public mind and promotes the singling out of persons of particular races or religions for discrimination and hate-based harassment.”

lapse, is a deeply scarred continent. During that period, there were 186 coups, 26 major wars and innumerable smaller conflicts. More than seven million people were killed in violence which cost, in stark financial terms, 250 billion dollars and helped create a current continental debt of 305 billion dollars. An estimated 15 million people died from AIDS and 26 million are infected with the virus, many of them refugees.

At a time a little more than a year ago when Africa appeared to be finally overcoming most of its major crises, along came Darfur. Still, David Lambo, head of UNHCR’s Africa desk, remained relatively upbeat at

UNHCR/P. FELONOKU/DP/LBR-2004



UNHCR/S.HOPPER/DP/AGO-2004

**African repatriations:** Liberia, Angola, Sierra Leone and Eritrea.

She was particularly troubled by assaults on one of the major planks of the Refugee Convention, that of *non-refoulement* or the non-forcible return of people to countries where they faced persecution. “It is difficult to imagine that the right NOT to be sent back to be killed can be contested by any right thinking person,” she told delegates.

And she emphasized an obvious, but often overlooked truism: “Genuine refugees are themselves escaping persecution and violence, including terrorist acts.”

In separate testimony in Washington, Democratic Senator Edward Kennedy also made the point that refugee camps and their inhabitants should not be judged harshly as terrorist centers, but sympathetically as places in need of assistance—before they became breeding grounds for violence.

“Especially in the post 9/11 world,” Kennedy told a hearing on refugee issues, “we cannot let refugee youth waste years of their lives in harsh camps. If we don’t provide them with the opportunity to receive an education or earn a living, some of them may be susceptible to influence by terrorist groups who want to do us harm.”

**WHITHER AFRICA?**

MANY OF THE CAMPS Kennedy referred to are in Africa which, a half century after colonialism began to col-

the end of 2004. “I still think we are winning,” he said. “There’s more good news than bad news.”

If one took that determinedly optimistic view, look at Liberia. A nation founded by freed American slaves, the West African country has been in permanent turmoil since the last president linked to those earlier returnees to Africa, William R. Tolbert, was brutally murdered in 1980 by a rebellious army sergeant, Samuel Kanyon Doe. Doe suffered an even more macabre fate a decade later when he was disemboweled by opposition thugs.

Between almost constant bouts of upheaval, UNHCR had tried twice before to return civilians to their homes. Each time the country fell back into chaos. In October, it began its third and hopefully last repatriation of as many as 700,000 uprooted civilians—an operation which will take at least three years.

As the first freedom flight landed at the capital Monrovia’s battered airport, government vice-chairman Wesley Johnson issued an extraordinary appeal to the returnees: “If you meet someone who forced you out of the country, who may have killed your family, open up your arms, forgive them, put the past in the past and move forward.”

Africa has been the scene of frighteningly brutal conflicts, but also of wonderful reconciliation, as happened earlier and successfully in Mozambique, and at least tentatively last year in Rwanda and Sierra Leone.

Now it is Liberia's turn to try again.

As a youngster, Joe Geetoe was cut off from his home on a routine visit to a Monrovia market in 1996 and after sheltering for three days in the besieged port, took a boat to Ghana and years of exile. He was on the first organized flight home to the Liberian capital and as a correspondent from the Christian Science Monitor followed him, he experienced the kind of alternate bouts of happiness, apprehension and uncertainty most refugees returning home undergo.

Monrovia, a battered shell of a city without any regular amenities such as running water and electric-

A neighbor offered him temporary shelter, but there was no work in Monrovia. Without a job, a home and with his family still missing, Joe mused after several days that "Sometimes I feel like going back to Ghana. There we were all Liberians together and everybody stretched out their hands to each other. Here, people are always afraid the war will return."

#### THE FUTURE

AS EUROPE ENTERED PHASE TWO of its grand harmonization project in 2005, EU member states will take the next couple of years or so to meld their own na-



ity, was in darkness when Geetoe's minibus approached the city, but he had no difficulty in spotting his old home.

"That's my place," he yelled as he grabbed his bag and hopped out. As he picked his way gingerly around pools of stagnant water, someone yelled from the darkness: "Joe, my brother!" A young woman joined in: "Joe, it's really you." Joe responded, "It's been so long. It's been so long" over and over again.

His joy is short lived. His home, little more than a roofless skeleton of ruined walls now, was occupied by a family of 16, themselves displaced by the war but who had purchased Joe's place for the equivalent of 220 dollars from another faceless squatter several years ago.

tional legislation with EU law. The whole process is scheduled to be completed by 2010. The refugee agency will shift its own focus to, as one official said, "make sure governments do not slip below the minimum standards established by the first round of harmonization. We must try to prevent minimum standards becoming maximum standards." This new phase will be monitored and evaluated by the EU itself under a mechanism known as The Hague Program.

Raymond Hall admitted that although UNHCR had already tabled "an ambitious set" of proposals dealing with national, regional and global protection issues, it was perhaps "time to be a little bit more modest."

"At the moment, there doesn't seem to be the political will or the political space in Europe for more radical legislation," he said, so now the emphasis should be placed on practical issues such as ironing out the major imbalances between countries on recognition rates for different groups of asylum seekers. A European asylum office could be created to monitor and harmonize these rates, he suggested. ▶

## IMMIGRATION AND ASYLUM ISSUES REMAINED HIGHLY POLITICIZED AND PROTECTION FOR THE WORLD'S VULNERABLE PEOPLE CONTINUED TO ERODE.

**“REFUGEES ARE PEOPLE, NOT STATISTICS AND GLOBAL TRENDS. THEIR PROTECTION IS A HUMANITARIAN NECESSITY, NOT A POLITICAL CHOICE.”**

There was need for a general debate on the crisis in the Mediterranean and “putting into place alternatives which would mean that people wouldn’t necessarily need to get into small boats and risk their lives in order to claim asylum.”

However, the refugee agency was emphatic that, as Hall said, “This does not mean that people who do arrive in Europe can be expelled” without having their claims heard.

“If Europe starts to re-export people outside of Europe, why wouldn’t every country start doing that?” he asked. “That would be to endanger the whole fabric of international protection for refugees.”

In the Balkans, where a major milestone was reached in 2004 with the return home of the one millionth Bosnian, another will be marked in December 2005, on the 10th anniversary of the Dayton Accord which ended the wars in that region. Many civilians displaced by those conflicts and, later, by turmoil in Kosovo in 1999, have already gone back or found new permanent homes abroad, but hundreds of thousands remain in limbo.

Lubbers has warned that it would be unrealistic to expect that every displaced person would eventually go back and creative solutions must be found for them. “We should abandon the artificial and counterproductive ambition to return all remaining uprooted peoples,” he said in one speech. “Europe must reflect on how best to promote sustainability and stability in its southeastern corner.”

That same argument applied to Afghanistan. Though more than four million Afghans have already returned, an estimated one million remain in camps in Pakistan, an undetermined number in that country’s cities and one million in Iran. Another 700,000 are expected to go back in 2005, but a tripartite agreement covering refugees in Iran expires in 2005 and a similar one for Pakistan the following year.

Delicate talks on the future of these groups, many of whom have lived in their adopted countries their entire lives, have been underway for months amid dire warnings that unless equitable solutions could be reached, the entire region might face renewed turmoil.

Inside Afghanistan itself, the election of Karzai, and the participation of millions of men and women in the voting process, was one of the most important political developments in the country’s history.

A more unusual moment symbolic of Afghanistan’s progress occurred thousands of miles away in the unlikely venue of the Olympic Games judo hall. There, in August, 17-year-old Feriba Rizai was knocked out in the first round of the judo competition. But that was not the point. She was one of two Afghan

women at the world games, the first ever women to represent their country, and she had returned to Afghanistan only in 2002 after spending most of her young life as a refugee in Pakistan. “It gave me so much pleasure just to be there,” she said later, “to represent all of the women of Afghanistan who have had no rights at all for such a long time. Women have always been ignored and always told what to do. Now we have a chance to change that.”



Despite those encouraging signs, difficulties remained. The capital, Kabul, might be awash with new restaurants, mobile phones and four-wheel drive vehicles, but many returnees continued to live in appalling conditions with little hope of work.

Like Joe Geetoe a half world away in Liberia, some were nostalgic for the safety, the food, the medicine that they were guaranteed in a refugee camp.

Many schools have not reopened, Afghanistan’s infrastructure remains largely destroyed, security is tenuous, parts of the country are off limits to aid officials and drought has either returned or never gone away across large swathes of the landscape—though farmers nevertheless did manage to produce its largest ever opium crop.

Westwards around the globe, High Commissioner Lubbers said in an interview (page 16) that it was highly unlikely foreign UNHCR staff would return to Iraq anytime soon or that large numbers of exiled Iraqis would be headed home in 2005.

### GLOOMY OUTLOOK

THE CHANCES OF AN EARLY SETTLEMENT in Darfur seemed equally bleak. Though the level of violence had subsided overall by the end of 2004, many people who had been forced to flee saw no way back. "They can never come back here," one villager from the Fur tribe told a visiting delegation when asked if his family would return to a smoldering village in front of



"Maybe we will wait here one, two or three years. Just to confirm that it's as peaceful as they say."

While expressing optimism that humanitarian agencies were "winning" the battle in Africa, UNHCR's David Lambo nevertheless said that across the continent there were still 4.3 million uprooted peoples of direct concern to the refugee agency and millions more desperately needing assistance, but outside its mandate. And, Lambo said, he had noticed another disturbing development—a global reluctance to fund emergencies and repatriations. "The world talks so much and pays so little," Lambo said. "During the Rwanda crisis, donors talked and paid up. Today, there is talk and no action. I have never seen such a level of cynicism."

Dr. David Nabarro, head of crisis operations for WHO concurred over the situation in Darfur: "We are running on a threadbare, hand to mouth existence," he said late in the year. "If the plight of these people in Darfur is as important to the international community as it seems to be, then we would have expected more long-term support."

Despite the potential pitfalls of new crises, senior refugee officials predicted that the overall number of people in need of UNHCR assistance would continue to fall steadily in 2005.

Helping that four-year-long trend was the modest increase in the number of refugees being officially resettled as part of UNHCR's overall efforts to help people restart their lives.

Europe said it would consider opening its doors wider—member states currently allocate only around 4,000 places annually—and Lubbers said the continent could easily accommodate 80,000.

The United States said it might increase its own allocation to as many as 90,000 refugees in 2005 and during Senate testimony in Washington, several speakers extolled the examples of recent refugee groups who had settled in the United States.

Gene Dewey, the Assistant Secretary of State in the Bureau of Population, Refugees and Migration, said Somali Bantu refugees arriving from the Horn of Africa had been a "wonderful group" who had been particularly welcomed in the town of Utica, New York. "Utica loves refugees," he said. "Utica has benefited from refugees. The town was going downhill, but it is now reviving because of refugees."

Senator Edward Kennedy responded that "That's a good story. Now Lowell, Massachusetts, has the second highest number of Cambodians outside (the Cambodian capital of) Phnom Penh. Last year, of our 12 high schools, I think seven of the valedictorians were the sons of Cambodians. That's very impressive."

Those tributes to refugee resilience were heartwarming, as were Rwanda's decade-long struggle and Liberia's latest efforts to reconcile murderous neighbors. Unfortunately, the lasting images of 2004 could be from Darfur and Lampedusa. ■

**The number of refugees being officially resettled in new countries increased sharply in 2004. A Somali Bantu woman enjoys a new life in the United States.**

the small crowd. "They will all be killed. This is not our land anymore. We can never come back here."

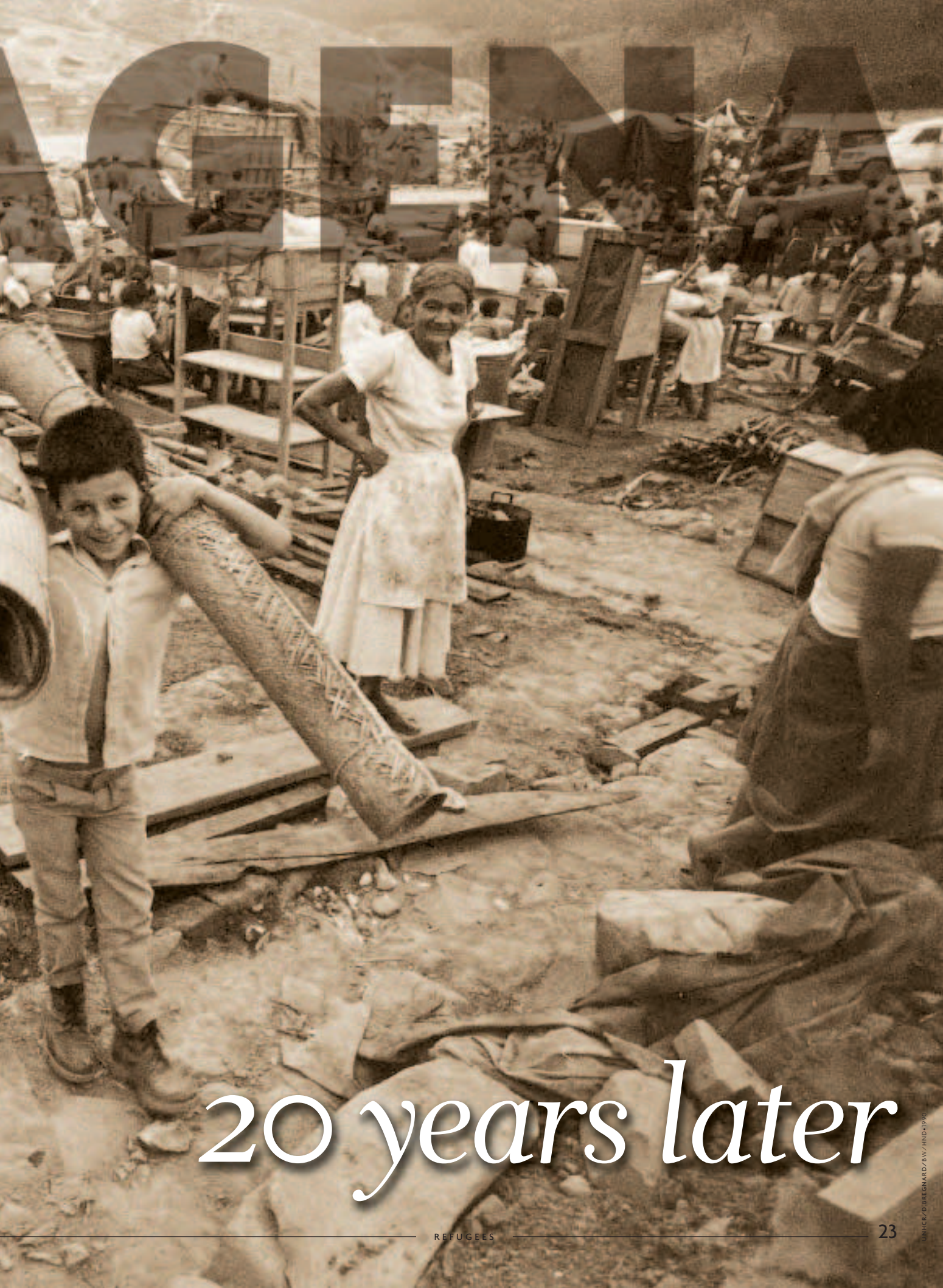
The knock-on effects from that emergency were at least partially responsible for the stalled repatriation efforts in southern Sudan. As many as two million unregistered Sudanese may have already gone back without any official assistance, but others among a diaspora of at least a half million refugees were wary.

That mood was reflected in the sprawling Kakuma camp in northern Kenya, home to 60,000 Sudanese refugees. "Our life here is boring. Boring," one young Sudanese said recently. "But it's safer than Sudan. How can we believe anything the politicians tell us today?" A colleague nodded in agreement,

# CARTANA



The chaos of a refugee camp for Salvadorans in neighboring Honduras during the 1980s.



# AMANA

*20 years later*

# “It could have been

**T**HE VIOLENCE had been growing for decades before exploding into the worst anarchy the region had ever known. Three countries tumbled into bloody civil wars. Insurgency and counterinsurgency swept across the landscape.

As many as 200,000 persons were killed or simply disappeared. Surrounding states were sucked into the chaos as more than two million people fled from their homes and sought refuge elsewhere. Landless poor were pitted against landowning elites. Extreme left-wing ideology was pitted against the extreme right, the United States against the Soviet Union through local proxies. Society as a whole appeared on the point of meltdown.

In a pretty seaside town on the edge of the chaos sweeping across Central America, and after three years of on-off discussions, a group of some 30 diplomats, academics and humanitarian officials met to try to salvage something from the wreckage and help embattled civilian populations and refugees.

The site of the meeting was itself no stranger to violence and intrigue and centuries earlier had once been one of the most famous places on earth. At the height of the Spanish empire in the Americas, treasure galleons had sailed from there to Europe laden with gold and jewels. Buccaneers such as Sir Francis Drake robbed and pillaged the Spanish Main.

In such august surroundings, this meeting was deliberately low key and the results were expected to be modest. “It could have been a total non-event,” Leonardo Franco, one of the participants, recalled with a satisfied chuckle years later.

After one last minute quibble about the official name of the document, a simple show of hands signaled approval. “There were no grand formalities and perhaps as we left, we didn’t have that feeling that we had accomplished anything overwhelming,” Leonardo Franco said. “We did not realize how important our deliberations would be for the future.”



## Daily camp life.

**Salvadoran refugees** eke out a living in exile in Honduras in 1987.

**Nicaraguan refugees** get used to camp life in Honduras.

In the event, the results of the conference on November 22, 1984, had far-reaching consequences.

The final document, the Cartagena Declaration on Refugees, named after the town in Colombia in which it was drawn up, was approved by 10 states.\*

It was designed principally to help the victims of the three Central American wars in El Salvador, Guatemala and Nicaragua, the majority of whom were displaced within their own countries, but also including hundreds of thousands of others who subsequently fled to neighboring states and North America.

It did that, and much more. In the intervening 20 years, its ideals were incorporated into national legislation throughout Latin America and became a major building block in UNHCR’s overall protection mandate.

A 20th anniversary ceremony held in Mexico City in November 2004 commemorated the Declaration’s achievements. An ambitious new plan of action was announced at the same meeting to breathe life into the document with a series of projects to try to tackle current regional problems, the overwhelming one being in Colombia, the birthplace of the Declaration.

\*Belize, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Venezuela.



# a total non-event”



principles (of the Declaration) continue to guide us today.”

## WHY CARTAGENA?

THE NEWLY CREATED U.N. refugee agency established a first modest presence in Latin America shortly after it first began operations in 1951.

It wasn't until around 20 years later, however, that UNHCR faced its first major crisis there. Nine days after General Augusto Pinochet overthrew Chile's democratically elected government of President Salvador Allende in September 1973, it opened an office in the capital, Santiago. Its initial task was to help thousands of refugees who had fled to the relatively benign political climate of Chile

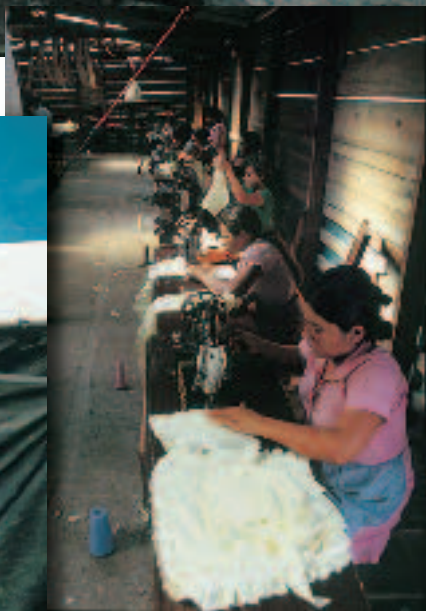
from neighboring states and then, shortly afterwards, to assist thousands of Chileans fleeing the anarchy now visited on their own country.

As that emergency continued to unfold and a military junta seized power in Argentina, trouble was also brewing far to the north in a band of Central American states.

For decades, there had been conflicts between right-wing landowning elites and dirt-poor disenfranchised peasantry who were subsequently joined in their struggle by students, labor unions and parts of the Catholic church. These upheavals were fueled by the Cuban revolution of 1959.

In 1979, the troubles exploded onto the international stage. Nicaraguan dictator Anastasio Somoza Debayle who had been supported for decades by the United States, was toppled. Two years later widespread conflicts erupted in El Salvador and Guatemala. In a region of 18 million people, in addition to huge numbers of civilians killed, one in every nine people abandoned their homes and fled.

“Cartagena codified the historical and exemplary commitment of an entire region to refugee rights,” High Commissioner Ruud Lubbers told the gathering. “And in an era of growing national security concerns, the global war on terror and increasing migratory controls the



UNHCR/P. JAXA/CS/HND-1987

UNHCR/P. JAXA/CS/HND-1987

ment of an entire region to refugee rights,” High Commissioner Ruud Lubbers told the gathering. “And in an era of growing national security concerns, the global war on terror and increasing migratory controls the

## IN A REGION OF 18 MILLION PEOPLE, IN ADDITION TO 200,000 CIVILIANS KILLED, ONE IN EVERY NINE PEOPLE HAD TO ABANDON THEIR HOMES AND FLEE.

Latin America had been involved as early as the 1880s in contributing to the development of international refugee law, but in its own backyard it had relied mainly on a series of local but fragile agreements to solve its humanitarian problems. Those rickety instruments and the 1951 Refugee Convention and its 1967 Protocol were overwhelmed by the new crises.

The 1951 Geneva Refugee Convention was the cornerstone of UNHCR's protection mandate but it focused mainly on helping displaced Europeans in the wake of World War II and defined the very term 'refugee' narrowly, as a person who had fled his or her country "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion."

It highlighted the plight of individuals rather than people caught-up in a mass exodus and did not even cover another huge group, bureaucratically referred to as internally displaced persons (IDPs). Unlike refugees who had reached another country and were protected by the 1951 Convention, uprooted persons staying in their own country remained subject to national law and were often 'invisible' to the outside world.

The Geneva treaty is legally binding for countries

which accede to it, a process which may take years to accomplish and is often politically sensitive.

The Cartagena Declaration greatly expanded the refugee definition to include not just individuals but people, including those caught-up in large-scale flight, who had left their homes because of "generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order."

It urged governments for the first time to "offer protection and assistance" to the internally displaced.

According to Leonardo Franco, an architect of Cartagena and UNHCR's representative in Mexico and Costa Rica during that turbulent period, the Declaration was groundbreaking in other areas such as promoting refugee integration in countries of asylum and fostering direct refugee participation in shaping peaceful conclusions to conflict itself.

Unlike the Geneva Convention, it was non-binding. That allowed affected Latin American countries to approve it both more quickly and with far less political controversy than may otherwise have been the case.

In sum "Cartagena was a very clever device, to the extent that it was a flexible and pragmatic system incor-

## A better deal for Central Americans...

**T**he Cartagena Declaration broke new ground in several areas of international refugee protection. Compared with the cornerstone

1951 Geneva Convention, it expanded the numbers of uprooted peoples who would in future be eligible for refugee status. It tackled the issues of internally displaced persons, family reunification and helping uprooted persons to restart their lives in asylum countries. It also reiterated the fundamental principles of the voluntary return of any refugees electing to go home and the *non-refoulement* (the prohibition of forcible return) of asylum seekers.

Among its conclusions, the Declaration:

- in addition to "containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression,

internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order."

- reiterated "the importance and meaning of the principle of *non-refoulement* (the non-forcible return of persons to a country where their lives might be endangered), including the prohibition of rejection at the frontier, as a cornerstone of the international protection of refugees."
- expressed "its concern at the situation of displaced persons within their own countries." It called on "national authorities and the competent international organizations to offer protection and assistance to those persons and to help relieve the hardship which many of them face."
- encouraged countries "which have a large number of refugees, of the possibilities of

integrating them into the productive life of the country by allocating to the creation or generation of employment the resources made available by the international community through UNHCR, thus making it possible for refugees to enjoy their economic, social and cultural rights."

- reiterated "the voluntary and individual character of repatriation of refugees and the need for it to be carried out under conditions of absolute safety, preferably to the place of residence of the refugee in his country of origin."
- underlined that the "reunification of families constitutes a fundamental principle in regard to refugees and one which should be the basis for the regime of humanitarian treatment in the country of asylum, as well as for facilities granted in cases of voluntary repatriation."

porating universal standards of protection, and some new ideas too, into the Latin American context,” according to Franco who later became UNHCR’s Director of International Protection in Geneva.

#### BUILDING BLOCK

MOST CIVIL CONFLICTS are messy and bloody. The Central American crisis was a particularly troubling quagmire involving, as it did, three separate wars, religion, ideology and Cold War politics.

For humanitarian organizations, the emergency turned into a quagmire. Initially, at least, there were few enforceable legal instruments to help the civilian populations under fire. There were strong civil societies in most countries, but these were disintegrating under the pressure of conflict. Agencies relatively new to the region such as UNHCR were often viewed suspiciously by just about all sides—governments, non-governmental organizations, the church and the refugees themselves. “In no other country where I had previously worked was the staff of voluntary agencies so hostile to UNHCR,” one field official wrote at the time.

In Honduras, for example, the government welcomed Nicaraguan refugees fleeing the newly established left-wing Sandinista regime, but was highly suspicious of Salvadoran refugees. Nicaraguans were allowed to move around relatively freely, but the Salvadoran refugees were restricted to closed camps guarded by troops.

At one compound, Salvadorans were locked away for a decade and their newborn children for years saw nothing but tents and the barbed wire perimeter as they grew up. Internal atrocities were committed and children were forcibly recruited into local militias, often under the eyes of aid organizations impotent to intervene.

Refugees elsewhere were equally unwelcome. When thousands of Guatemalans arrived in Mexico in 1981, the government, which was not then a signatory to the 1951 Geneva Convention, promptly deported most of them.

There was diplomatic resistance to the Cartagena Declaration even as it began to take shape. Washington was cautious, to say the least, to parts of the document, fearing that possibly hundreds of thousands of fleeing civilians might seek asylum there based on the Declaration’s broadened definition of a refugee and that it



UNHCR/P. SMITH/DP/COI • 2003

**A UNHCR mobile registration unit for displaced persons in Colombia.**

might also influence other crises such as the flight of Haitian boat people to the U.S.

Eventually, however, Cartagena became one of several major building blocks in resolving the Central American debacle. Three years after the Declaration was adopted, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua signed the Esquipulas II Agreement (the Arias Peace Plan) pledging not to use their respective territories to destabilize neighboring countries and promising to develop policies to help the poor and landless—in the process helping to avoid future refugee emergencies.

In 1989, a landmark meeting organized by UNHCR involving governments and other agencies and known as the Conference on Central American Refugees (CIREFCA in Spanish) developed new approaches to help an estimated two million refugees, returnees and displaced persons. In the next several years some \$420 million was spent on innovative projects.

So-called Quick Impact Projects (QIPs) were launched in 1991 in Nicaragua. As the name suggests, those programs were small-scale, inexpensive and relatively easy to implement—the reconstruction of a country health clinic, rebuilding a bridge to a village or providing tools and seed for the next harvest.

They were designed to help both returning refugees and local communities and to bridge the ‘infamous’ gap between emergency aid to refugees and more long-term development assistance to entire regions.

The concept was so successful, it was later incorporated into UNHCR’s global operations. ▶

**BEFORE 1984, ONLY A HANDFUL OF REGIONAL COUNTRIES WERE SIGNATORIES TO THE 1951 CONVENTION. TODAY, ONLY CUBA HAS NOT SIGNED ON.**

Mexico, which only a few years earlier had been openly hostile to people seeking sanctuary there, by the mid-1990s had totally changed its approach and began accepting nearly 22,000 refugees as legal residents or citizens.

At the end of the 1990s, UNHCR wound down its Central American programs after helping the last refugees return home or relocate.

#### WHAT NEXT?

SO WHAT WAS NEXT for the Cartagena Declaration and did it have any continuing relevance?

Ten countries had adopted the original agreement, but by the time of the November 2004 Mexico City meeting, most Latin American and Caribbean countries had incorporated its provisions into national legislation or were honoring its principles.

Too, according to Carlos Maldonado, one of the key organizers of the Mexico City meeting, Cartagena was the catalyst which propelled Latin America back into the mainstream of international refugee protection.

Before 1984, only a handful of regional countries were signatories to the 1951 Convention. Today, only Cuba has not signed on.

## Latin America and the history

### 1889

A body of international humanitarian and refugee protection legislation developed slowly in the late 19th and early 20th centuries. Latin America makes its first contribution as early as 1889 with the so-called Montevideo Treaty on International Penal Law which excludes some political crimes and refugees from extradition. Other instruments such as the American Declaration of Rights and Duties of Man in 1948, which preceded the Declaration of Human Rights, and the American Convention on Human Rights in 1969 follow.

### 1954

In the wake of World War II, the International Refugee Organization (IRO) resettled an estimated 100,000 Europeans in Latin America. When UNHCR begins operations in 1951 all refugees fall within its mandate and in 1954 the agency opens its first regional office in Bogota, Colombia, and a branch office in Brazil, and continues to resettle new refugees from Europe and

as far afield as Hong Kong.

### 20 Sept. 1973

Nine days after General Augusto Pinochet overthrows the democratically elected government of President Salvador Allende, UNHCR opens an office in Santiago, Chile, and undertakes its first 'major' operation in Latin America. It helps thousands of refugees trapped in the country to leave and then assists some of the tens of thousands of Chileans who also fled the country to find new homes. It appeals to eastern European countries to resettle Chilean exiles, a novelty at a time when the Soviet-dominated bloc views the agency with grave suspicion.

### 1970s

Other parts of Latin America and Central America are wracked by violence. In 1976, a military junta seizes power in Argentina. Thousands of persons are 'disappeared' during the country's 'Dirty War' and many others flee abroad. For the first time, UNHCR also begins to turn

its attention northwards towards Central America where there is turmoil between the landless poor demanding social and agrarian reform and landowning elites in several countries. The first of what will later become a network of regional field offices is opened in 1977 in San José, Costa Rica.

### 1979

Dictator Anastasio Somoza Debayle flees Nicaragua and the left-wing Sandinista National Liberation Front seizes power. It is the start of a domino effect and other wars begin in El Salvador and Guatemala. The entire Central American region, the United States and Canada are drawn into the conflict as more than two million people are uprooted, many of them fleeing abroad for safety. Some 200,000 Central Americans are formally recognized as refugees.

### 22 Nov. 1984

International refugee protection is rudimentary in Central America at this time. Only a handful of countries have acceded to

the 1951 Geneva Refugee Convention, which anyway does not apply to the specific circumstances of many of the victims of these latest wars. Eventually, six Central American states—Belize, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua—plus four other countries—Colombia, Mexico, Panama and Venezuela approve the Cartagena Declaration on Refugees. Unlike the 1951 Convention, Cartagena is non-binding, but does embrace some displaced groups not covered by the Geneva treaty.

### 7 August 1987

Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua sign the Esquipulas II Agreement (the Arias Peace Plan). Each state pledges to prevent the use of its territory for the destabilization of the others and recognizes the need to develop policies to help the poor, landless and socially deprived to prevent future conflict.

### 29-31 May 1989

The International

## “CARTAGENA WAS A VERY CLEVER DEVICE, TO THE EXTENT THAT IT WAS A VERY FLEXIBLE AND PRAGMATIC SYSTEM, INCORPORATING UNIVERSAL STANDARDS OF PROTECTION, AND SOME NEW IDEAS TOO, INTO THE LATIN AMERICAN CONTEXT.”

But even as those legal links were quietly being strengthened, Latin America appeared to be slipping off the international radar screen.

While mega-crises such as the Balkans, Afghanistan, Timor and Rwanda dominated the global

headlines, there was little time to spare for a region which appeared relatively peaceful.

It became, according to Maldonado “a forgotten continent” and groups of new victims “invisible refugees.”



# of refugee protection

Conference on Central American Refugees (known as CIREFCA for its Spanish acronym) involving regional states, UNHCR and other agencies, adopts an ambitious program to find practical solutions for refugees, returnees and other displaced persons. In 1989, the refugee agency is still helping 150,000 persons in camps in Mexico, Honduras and Costa Rica.

### 1991

Starting in Nicaragua, UNHCR pioneers the concept of Quick Impact Projects (QIPs), small-scale and inexpensive transportation, health, agricultural and infrastructure projects to help both returnees and local communities. QIPs later become a mainstay in UNHCR programs around the world.

### 20 January 1993

An organized voluntary repatriation program for 46,000 Guatemalan refugees living in Mexico gets underway. For the first time in UNHCR's history, the refugees themselves

negotiate the terms of their return, in particular access to land.

### 14 August 1996

Mexico announces an innovative policy enabling refugees unwilling to repatriate to become legal residents in Mexico and accelerated access to citizenship for spouses or parents of Mexican citizens, a significant provision given that almost half of the remaining Guatemalan refugees were born in Mexico. An estimated 22,000 Guatemalans elect to stay in Mexico.

### 1997-1999

With peace re-established in Central America, UNHCR winds down its programs and repatriates the last refugees. However, the agency opens a new bureau in Colombia to help both refugees and internally displaced persons in what quickly becomes the worst humanitarian crisis in the Western Hemisphere.

### 2004

After more than 40 years of conflict, over 200,000 people were killed in

UNHCR/L TAYLOR/CS/MEX/1586



Guatemalan refugees make a new home in Mexico.

Colombia, at least two million were displaced within the country and several hundred thousands moved to neighboring states.

### 15-16 November

The 20th anniversary of the Cartagena Declaration is marked in ceremonies in Mexico City. A new plan of action is announced to rejuvenate the Cartagena process with particular emphasis on trying to

resolve the Colombia problem through such innovative suggestions as establishing a Latin American resettlement program.

### December 2004

With offices in Argentina, Brazil, Colombia, Costa Rica, Ecuador, Mexico, Panama and Venezuela, as well as in the United States and Canada, UNHCR's budget for the Americas totalled \$25 million.



L-R: FIRST TWO PHOTOS - UNHCR; 7th, HEGER/DP/ECLU-2004

**OFFICIALLY, THERE ARE AN ESTIMATED 40,000 COLOMBIAN REFUGEES IN NEIGHBORING ECUADOR, VENEZUELA AND PANAMA, BUT THE REAL FIGURE COULD BE AT LEAST 400,000.**

**Welcome to Ecuador.**

In fact another major crisis had been developing for several decades, ironically perhaps, in Colombia itself.

For more than 40 years the civilian government, Latin America's oldest functioning democracy, the military, several left-wing guerrilla groups and right-wing paramilitaries had battled for control of territory, wealth and power.

The human toll was similar to the earlier Central American crises. More than 200,000 people were killed in the Colombian troubles, more than two million had been internally displaced since 1985 and huge numbers of people fled to neighboring countries.

The world paid little attention because regional governments downplayed the scope of the emergency and perhaps also because the majority of its victims were displaced within the country and therefore outside the responsibility of direct international oversight.

Today, along with many other agencies, UNHCR provides assistance to more than 1.2 million IDPs, the highest figure in the world, and is grappling with the burgeoning refugee problem in surrounding countries.

**FAR HIGHER**

COLOMBIA HAS BECOME the worst humanitarian crisis in the Western Hemisphere, and in total numbers of people receiving assistance the second largest single

UNHCR operation anywhere.

But Latin American states, like countries across the globe, also face other complex issues which spill over into the humanitarian arena and which were not present during the Central American troubles.

Governments today tend to view immigration and asylum issues largely through a security prism rather than putting humanitarian concerns near the top of the agenda. The global war on terror has thrown its lengthy shadow over parts of the Latin American region. Migratory routes and human trafficking have become more complex. While there are untold numbers of displaced Latin Americans moving between regional states, there are also increasing numbers of people from further afield, especially Africa, moving into the region or through it, en route to North America.

The plan of action adopted in Mexico City tried to address not only 'traditional' refugee concerns, but also these new challenges.

From UNHCR's perspective, High Commissioner Lubbers said the agency had two general aims: reinforcing and further developing refugee protection throughout Latin America and applying 'the spirit of Cartagena' in addressing regional humanitarian needs.

"In a worldwide context of restrictive asylum policies and erosion of protection principles, it is encour-



Helping new arrivals in Venezuela.

FINAL TWO PHOTOS - UNHCR/B. HEGER/DP/VEN-2004

aging to see that countries in Latin America are committed to uphold high protection standards,” Lubbers told the Mexico City gathering.

Carlos Maldonado added that on a practical level a major part of the plan was designed “to help regional countries identify the real scope of the humanitarian crisis and then help them to solve that problem. It will enable governments to move beyond the ‘atmospherics’ surrounding the Colombian crisis and tackle real issues.”

Even knowing the scope of the problem has been difficult to assess until now. Accurate figures on the number of people forced to abandon their homes, and especially for those who fled to neighboring countries, have been difficult to compute for a variety of reasons.

Borders are relatively porous and easy to cross. Neighbors from the same ethnic background and speaking the same language often simply meld into local rural border communities or disappear into the cities and fail to register for fear of official reprisals. Regional asylum systems are minimal and starved of resources.

Officially, there are an estimated 40,000 Colombian refugees and asylum seekers in neighboring Ecuador, Venezuela and Panama, but according to one senior refugee official “The actual numbers are far, far higher.” A conservative estimate culled from regional government statistics suggested the number of people who could qualify as ‘Cartagena refugees’ under the broader refugee definition that document spells out, was at least 400,000.

Such high figures carry major implications for Andean states—effectively how best to sort out the status

of so many people on the move and then how best to help them.

Key elements in the plan of action were the so-called ‘three solidarities’ projects—solidarity cities, borders of solidarity and solidarity resettlements. Each of these programs was designed to address specific problems—helping urban refugees in regional towns and cities; developing the infrastructures of border regions so that both refugees and local communities could benefit; and a proposal by Brazil to develop Latin America’s own resettlement program whereby regional countries would take in uprooted persons from regional troublespots.

Such a program would be particularly poignant for both Brazil and UNHCR. A half century ago, when the refugee agency began operations in Latin America, its first priority was to help resettle an estimated 100,000 European victims of World War II—principally in Brazil. Those early efforts may now have come full circle.

States have already taken one practical step, for the first time tackling the issue on a collective rather than a bilateral basis. It is also hoped that Colombia, which several years ago withdrew from the Cartagena Declaration, would soon ‘readopt’ the provisions of the agreement.

In the interim, according to Carlos Maldonado, Latin America as a whole must overcome the stigma of being a ‘forgotten continent’ in the eyes of the international community. “The region has already demonstrated the resolve and capacity to solve its own refugee crises,” he said. “With modest assistance and encouragement from outside donors we can do so again.” ■