

Warehousing Refugees:

A Denial of Rights, a Waste of Humanity

by Merrill Smith, Editor

Introduction

Of the world's nearly 12 million refugees, more than 7 million have languished in refugee camps or segregated settlements in situations lasting ten years or more, some for generations (see Table 3, p. 3). Advocates traditionally envision three durable solutions to refugee outflows: voluntary repatriation when conditions in the source country change, permanent local integration in the country of first asylum, or resettlement to another country. Refugee warehousing, however, has emerged as a *de facto* fourth and all-too-durable solution. This article attempts to define it, describe its failings, explain its continuance, and explore alternatives. Briefly put, condemning people who fled persecution to stagnate in confinement for much of the remainder of their lives is unnecessary, wasteful, hypocritical, counterproductive, unlawful, and morally unacceptable.

Warehousing is the practice of keeping refugees in protracted situations of restricted mobility, enforced idleness, and dependency—their lives on indefinite hold—in violation of their basic rights under the 1951 UN Refugee Convention. Egregious cases are characterized by indefinite physical confinement in camps. Encamped or not, refugees are warehoused when they are deprived of the freedom necessary to pursue normal lives.

There are various standards for what constitutes a “protracted” situation for refugees. Some authorities use more than five years in exile with no end in sight as a bench-

mark.¹ The Convention's Article 17(2)(a) requires States Parties to grant refugees the same treatment as nationals regarding employment if they have spent three years in a country of first asylum (see Rights sidebar). Article 7(2) also puts a three-year limit on legislative reciprocity restrictions. Otherwise the Convention specifies no delays in the enjoyment of its rights.

Indeed, the key feature of warehousing is not so much the passage of time as the denial of rights. The UN High Commissioner for Refugees' (UNHCR) Global Consultations on International Protection provide that:

A protracted refugee situation is one where, over time, there have been considerable changes in refugees' needs, which neither UNHCR nor the host country have been able to address in a meaningful manner, thus leaving refugees in a state of material dependency and often without adequate access to basic rights (e.g. employment, freedom of movement and education) even after many years spent in the host country.²

What Is Wrong with It?

Refugee warehousing typically occurs in the most desolate and dangerous settings in harsh, peripheral, insecure border areas, typically for political and military, rather than humanitarian, reasons (see, e.g., maps, pp.79, 85).³ Referring to the 1994 deaths from cholera and dehydration of some 50,000 Rwandan refugees in only two weeks in overcrowded camps near Goma, then-Zaire, a UNHCR officer acknowledged “there is no doubt that refugees are better off living outside camps.”⁴

Top photo: Kinkole camp near Kinshasa in Congo-Kinshasa houses refugees from Congo-Brazzaville, 1997.

Photo: UNHCR/B. Neeleman

Letter from the Editor

At one point in the preparation of this special edition of the *World Refugee Survey* on warehousing refugees, someone asked me if the UN Refugee Convention didn't prohibit putting camps too close to borders. I wasn't sure where this was specified but I was fairly sure it was not in the Convention. Double-checking, however, I was intrigued to note that, even as we have become inured to refugee camps, not only does the Convention not regulate their placement, *the word "camp" does not appear once in the entire 46-article document.*

But this should not be so surprising. The Convention was drawn up by predominantly European powers with post-World War II European refugees in mind. Imagine going back in time and suggesting to the plenipotentiaries then gathered in Geneva, "Why don't we just put these people in camps...say, *indefinitely?*" They likely would have thought we were from Mars. Hitler and Stalin may have put innocent civilians in camps indefinitely, but *civilized* powers shouldn't.

Advocates have long noted the European character of the Convention, usually to suggest that its criteria for refugee status are too individualistic. Few, however, have held its European context out as support for the proposition that the rights it provides refugees are too generous—indeed they are minimal. Nevertheless, compared to what most refugees actually enjoy, the gap is striking.

In this respect, the history of the Convention is much like that of the U.S. Declaration of Independence or the Magna Carta: relatively privileged people set forth both with their equals in mind. As a practical matter, vast sectors of humanity did not soon enjoy the rights in either. Nevertheless, all humanity can still be grateful to their authors—they set forth indelible standards of how human beings *ought* to treat one another, *if* they view one another as equals. That of course is only the first step. This issue of the *Survey* invites consideration of what it may mean to take the further step of treating *all* refugees as our equals—deserving of *all* the rights enshrined in the 1951 Convention.

Warehousing is not just a miserable, but all-too-convenient, means of disposing of refugees while the international community attempts to find durable solutions—it threatens refugee protection in and of itself. In its Global Consultations, UNHCR recognized that restrictions on refugee economic activity might become "a means to promote early repatriation."⁵ This amounts to constructive *refoulement*—a violation of international law.⁶ More generally, as Guglielmo Verdirame notes, "human rights cannot be respected in refugee camps."⁷ UNHCR's Standing Committee notes "the high incidence of violence, exploitation and other criminal activities are disturbing manifestations" of refugees remaining "passive recipients of humanitarian assistance and continu[ing] to live in idleness and despair."⁸

UNHCR's *Agenda for Protection* recognizes that "serious protection problems, including gender-based violence...can result from over-dependency and idleness."⁹ Domestic violence in the camps in Kakuma, Kenya, for example, is notably worse than in southern Sudan where most of the refugees originate. Camp life often upends traditional gender dynamics by depriving men of functions that gave them authority and status, whereas women not only retain traditional roles, but also may even receive enhanced status from refugee agencies. Somali refugees in Dadaab, Kenya, complained that men, bored and frustrated by extended periods of inactivity and confinement, chew psychoactive *khat* leaves and become aggressive against women

and girls as the effects wear off.¹⁰

Sudanese women in the Achol-Pii refugee settlement in Uganda report that rape at the hands of other refugees, locals, rebels and Ugandan soldiers is common.¹¹ Refugee women, girls, and even young men in warehoused situations often fall into various forms of sexual *concubinage*, including sexual abuse by aid agency employees that has come to be known as "assistance-related sexual exploitation."¹²

Camp administrators often operate outside the host country judicial system with no checks on powers or legal remedies against abuses and violate refugees' rights. In Kakuma, in particular, in 1994 and 1996, camp authorities subjected the entire population to collective punishment by withholding food distributions for two or three weeks at a time in retaliation for unidentified persons vandalizing enclosures used for counting refugees and distributing rations.¹³ The camp's international administrators also forcibly relocated an Ethiopian refugee from Kakuma to Dadaab for organizing "human rights lectures" *after* the 1994 incident, which allegedly caused disruption of public order.¹⁴

Warehousing can also inhibit voluntary return when refugees fall under the control of authoritarian military leaders in camps.¹⁵ The misery of warehousing also contributes to illegal secondary migration.¹⁶

Warehousing not only wastes the economic and



creative energies of refugees, but the “relief economy” that supports it also distorts local economies. Parallel relief programs assisting refugees separately from local populations are the most expensive ways of responding to their needs with the cost per refugee typically well over the per capita GNP of the host nation.¹⁷ Less confining, but still segregated, refugee settlements are also very much aid-oriented and dependent on outside assistance. Aid agencies serving

refugee settlements in Uganda are the largest employers, manage most of the activities, and make all major investments in the areas.¹⁸ This exacerbates the refugees’ seclusion and aggravates tensions between them and local populations. “Ugandan nationals often perceive refugees as being better off than they are,” note Sarah Dryden-Peterson and Lucy Hovil, “as they witness World Food Programme (WFP) trucks moving into the settlements.”¹⁹ In 1996, the

Anti-Warehousing Rights

As set forth in the
1951 Convention Relating to
the Status of Refugees

THE RIGHT TO EARN A LIVELIHOOD

Article 17 Wage-earning employment

1. The Contracting State shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.

2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting States concerned, or who fulfils one of the following conditions:

- a. He has completed three years’ residence in the country;
- b. He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefits of this provision if he has abandoned his spouse;
- c. He has one or more children possessing the nationality of the country of residence.

3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.



Article 18 Self-Employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.



Article 19 Liberal Professions

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practicing a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.



Article 13 Moveable and immovable property

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances as regards the acquisition of moveable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to moveable and immovable property.



Lord's Resistance Army, a Ugandan rebel group believed to have ties to the Sudanese government, massacred more than 100 Sudanese refugees in Kitgum, allegedly because they found UNHCR ration cards on captured Sudan People's Liberation Army fighters, and attacked the settlements in Adjumani. Rebels also looted food and medicine immediately after distributions in the settlements.²⁰ Furthermore, Ugandan locals, resenting international aid given to refu-

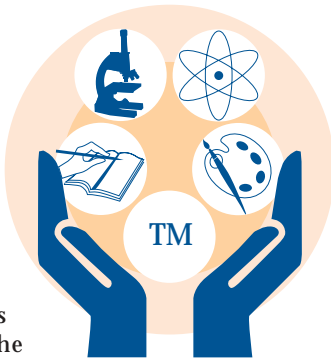
gees isolated in the Kyaka I settlement, also took back land previously allocated to the refugees.²¹

Separate and unequal assistance combined with restrictions on work is a particularly self-defeating mixture. Kenya initially gave businesses run by Somali refugees who arrived in Mombasa in 1991 tax-free status within the camps, although there is no basis for such a privilege in the Convention. This skewed much of the local market in their

Article 14

Artistic rights and industrial property

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic, and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has habitual residence.



FREEDOM OF MOVEMENT

Article 26

Freedom of Movement

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.



Article 28

Travel Documents

1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory unless compelling reasons of national security or public order otherwise require...



DUE PROCESS

Article 3

Non-discrimination

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 16

Access to courts

1. A refugee shall have free access to courts of law on the territory of all Contracting States.

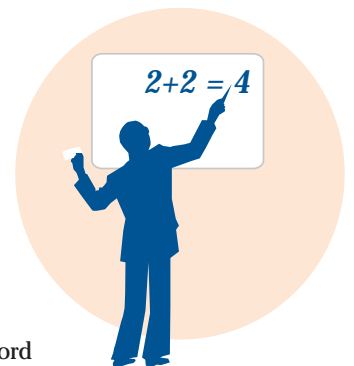


EDUCATION AND RELIEF

Article 22

Public Education

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.



Article 23

Public Relief

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

Illustrations by Tatiana Shelbourne



favor. At the same time, the government did not allow the refugees work permits, rendering their activities in the informal sector illegal. As a result, sectors of the local business community pressured the government to close the camp and move the refugees to the desert camps of Kakuma and Dadaab.²²

Most of all, warehousing refugees aggravates their near total disempowerment. Many warehoused refugees become spectators to their own lives rather than active participants in decision-making. Authoritarian military conditions, camp confinement, and almost complete reliance on international assistance can generate pathological dependency, low self-esteem, and lack of initiative.²³ Over time, warehousing can engender fatalistic paralysis, evident in the following observations by various encamped refugees in Uganda:

I like it here. The Camp Commander is bringing me food. There is no other place I could go to. I am just like a child now. I don't know where I am, I don't know where to go.

I am like a blind person who doesn't know what will happen in the future.

We refugees are like small children, we only follow what the Camp Commander says and orders.

As I am under the umbrella of UNHCR it is impossible for me to move of my own accord. It is up to them. They choose our life.

We don't have any suggestions as refugees, it is UNHCR who have all the suggestions.

I know nothing, unless people like you take me. I am like a monkey of the bush. I know nothing that I can do.²⁴

The disempowerment of camp life in Uganda also created an atmosphere of intimidation where refugees were reluctant to speak to researchers for fear they would be transferred abruptly to another camp.²⁵

Why It Goes On

History Policymakers rarely defend prolonged encampment as a general principle; typically they cite exceptional circumstances to justify particular applications. Nevertheless, encampment's history sheds light on its entrenchment as a response to refugee outflows.

The UN Refugee Convention defined the term *refugee* and enshrined the most important refugee right, that of *nonrefoulement*—the right not to be forcibly returned to a country where one would be persecuted (Article 33). *Refoulement*, an outrage wherever it occurs (see Table 9, p. 13), fortunately has become relatively rare in the 53 years

since the Convention's drafting. Unfortunately, advocates have had less success in promoting durable solutions. Voluntary repatriation, by far the most common solution, requires fundamental and lasting change in the human rights regime of the source country, which can take decades or—in recent years—invasion and foreign occupation. Before

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the attacks of September 11, 2001, resettlement was unavailable to even one percent of the world's refugees per year and declined drastically thereafter.

That voluntary repatriation is the preferred solution to refugee outflows has become a truism, but the Convention has virtually nothing to say about it. Nor does the expression *durable solutions* appear in the document; the only provision recommending anything like it is Article 34, which calls on States Parties to facilitate the naturalization of refugees. Although Article 33 makes clear that refugees should never be forced back, no provisions deal with repatriation except Article 1C(3), which lists it as a condition of the cessation of refugee status. Instead, the Convention's framers envisioned permanent local integration in countries of first asylum as the most desirable outcome of refugee situations. According to a 1950 report of the UN secretary general,

The refugees will lead an independent life in the countries which have given them shelter. With the exception of “hard core” cases, the refugees will no longer be maintained by an international organization as they are at present. They will be integrated in the economic system of the countries of asylum and will themselves provide for their own needs and those of their families. This will be a phase of the settlement and assimilation of the refugees. Unless the refugee consents to repatriation, the final result of that phase



Lessons from Cote d'Ivoire: Support Positive Examples Early

The Ivorian example stands out in Africa. At the time of the influx of Liberian refugees in 1989, President Félix Houphouët-Boigny declared them “brothers in distress,” refused to put them in camps, and encouraged his people—many of them members of the same ethnic groups as the refugees—to accept them. Spontaneous settlement became the norm. This coincided with market-friendly economic policies and a positive view overall of immigration and foreign investment that for refugees included access to land and freedom to move, work, and operate businesses without permits. Some settled in a specially designated zone, but as many as 50,000—nearly one in four—did not. After Houphouët-Boigny's death in 1993, however, new leaders resorted to ethnic division and corruption to maintain their hold on power. In 1998, a new law forbade foreign ownership of land. Since 1999, refugees who were previously accepted on a *prima facie* basis have been required to apply individually for refugee identity cards. The new status included neither the previous economic rights and freedom of movement, nor even the rights to obtain a driver's license or open a bank account. In order to receive assistance, new refugees had to report to the country's only camp.

Although donors did some things right, they missed opportunities to reinforce constructive alternatives. The international agencies failed to see the exodus as protracted although signs of state collapse in Liberia were evident. Local

authorities pleaded with the agencies to integrate the refugees into local schools and services. Instead, the agencies established and overemphasized parallel “care and maintenance” systems and maintained them too long. Vocational education and agricultural inputs, such as fertilizer, rubber boots, and irrigation, were useful as they reinforced activities in which refugees and locals were already engaged and compensated for more intensive land use. The microenterprise income-generating projects, on the other hand, drained scarce communal management skills and were geared more toward promoting cooperative behavior than making money. Segregated development schemes and parallel aid programs are typically steeped in the judgmental assumption that refugee populations ought to have a greater sense of community. But communities by definition consist of people who have *chosen* to live together and whose relationships are based on voluntary exchange and mutual support; displacement breaks such networks down.¹

Photo: Liberian refugees in Nikla camp, Côte d'Ivoire. Since 1999 all new refugees were required to report here. In 2003 fighting reached within three miles but the government refused to allow UNHCR to move the refugees elsewhere. Credit: USCR/J. Frushone.

(Drawn largely from Tom Kuhlman, “Responding to protracted refugee situations: A case study of Liberian refugees in Côte d'Ivoire,” UNHCR EPAU, July 2002.)

¹ CASA 2003, pp. 43-46, 65-66 (¶¶123, 126, 133, 197); Lomo 1999, p. 8 (For full citations see endnotes).



*will be his integration in the national community which has given him shelter.*²⁶

In the postcolonial era, however, the international community shifted from viewing refugees as agents of democracy to seeing them as passive aid recipients. Placing refugees in camps was actually consonant with, indeed borrowed from, economic development models then in vogue. The World Bank and other donors were determined to *modernize* Africa and other underdeveloped parts of the

“[The] ill-fated International Conferences on Refugees in Africa in the early 1980s... focused on the relief-to-development gap but ignored the relief-to-freedom gap.”

world through capital-intensive “integrated rural development land settlement schemes.”²⁷ As a report for the International Bank for Reconstruction and Development (forerunner of the World Bank) put it at the time:

*When people move to new areas, they are likely to be more prepared for and receptive to change than when they remain in their familiar surroundings. And where people are under pressure to move or see the advantage of doing so, they can be required to abide by rules and to adopt new practices as a condition of receiving new land.*²⁸

African governments also bought into the idea and deliberately uprooted millions to force them into “*ujamaa* villages” in Tanzania, “regrouped” cooperatives in Ethiopia, “socialist villages” in Mozambique and Algeria, and the like.²⁹ In retrospect, experts consider much of this aid, including that for refugees, to have been counterproductive, even disastrous.³⁰ In general, countries that moved from underdeveloped to developed economies, e.g., in Asia, did so without such assistance; countries that received the most, e.g., in Africa, did not improve or even regressed.³¹

The international community also shifted its durable solution preference from local integration to repatriation and many protracted refugee situations in Africa today are linked to this shift. The assumption that repa-

triation—voluntary or otherwise—is the only viable solution to refugee problems in Africa and other low-income regions dates to the mid-1980s.³² In the 1960s and 1970s, anticolonial struggles in Africa temporarily displaced refugees to neighboring countries but, after independence was won, they generally returned. The corresponding relief model envisioned a short period of “refugee-centered” aid in camps followed by transfer to an agricultural settlement somewhat integrated with the local economy.³³ In 1979, however, after the independence of Angola and Mozambique from Portugal, civil wars erupted in Ethiopia, Somalia, Uganda, and elsewhere causing the number of refugees in Africa to rise from less than two million in 1970 to over four million in 1980.³⁴ According to Shelley Pitterman, up until 1978 UNHCR devoted more than 75 percent of its general program money in Africa to local integration. After 1979 this dropped to 25 percent.³⁵

As these situations dragged on, it became clear that economic integration was not taking place: local people resented the refugee-centered aid, host governments feared the refugees’ competition with their own populations and obstructed their integration, and the refugees became impoverished by dependency on relief. Development agencies such as the World Bank, UN Development Programme (UNDP), and others collaborated in the segregation of the refugee settlements to avoid the opposition of host governments as, without rights to earn a livelihood, refugees would burden host country public services and the environment as they struggled to survive.³⁶

Donors put forward a new state-centric approach, grounded in the refugees-as-burdens view, that emphasized large-scale turnkey projects to benefit host governments, including roads, irrigation, drainage, and buildings in segregated settlement areas.³⁷ The idea was further developed in two ill-fated International Conferences on Refugees in Africa (ICARA) in the early 1980s.³⁸ While donor countries saw the purpose of the programs to be the permanent settlement of refugees in countries of first asylum, they did not condition aid on the enjoyment of rights. The host countries, on the other hand, saw the conferences as ways to get more development money—Sudan requested \$7 million for a stalled hydroelectric dam—and to keep refugees segregated.³⁹ The international refugee and development agencies, UNHCR and UNDP, and nongovernmental organizations (NGOs) were also bitterly divided over who would get the funding and administer the programs.⁴⁰ According to Mary Louise Weighill, the conferences did not include refugee input and “evaded the central issues of refugee employment, security of status and ability to operate as an economic actor in the country of asylum” and the extent to which governments were responsible.⁴¹ In short, ICARA focused on the relief-to-development gap but ignored the relief-to-freedom gap. These contradictions led ICARA “to a quiet and unmourned death.”⁴²

Since then, the international community has come



Border camp for ethnic Shan from Myanmar on Thai border, 2001.
Photo: USCR/Hiram A. Ruiz

to see long-term displacement and dependency in the third world as acceptable and unremarkable. The media typically limits their already meager refugee coverage to dramatic, large-scale outflows and repatriations and only the more accessible of those. Refugees languishing year after year in inhospitable, dangerous, desolate no-man's lands near remote and often contested borders are no one's favored assignment or story. As a result, warehoused refugees tend to fall off the radar screen of international attention and into the Orwellian memory hole. According to Tom Kuhlman, even "[m]embers of the humanitarian community have a natural tendency to concentrate their attention on...new refugee emergencies and large-scale repatriation programmes."⁴³

Security: Imperative or Pretext? A common rationale for warehousing refugees is that allowing them to settle freely would threaten security. Foreign nationals living at large in disputed border areas may indeed pose risks, but camps can become hotbeds of political agitation as well.⁴⁴ As Barbara Harrell-Bond notes, "it is very nearly impossible to maintain the civilian character of a camp."⁴⁵ Source gov-

ernments often target them for cross-border incursions and hold host governments responsible.⁴⁶ Ironically, if border tensions militate for any restriction on the movement of unarmed refugees, it would make more sense to let them live freely anywhere *but* in the border area.⁴⁷

The Rwandan refugee camps in Tanzania and then-Zaire in 1994–96 became notorious safe havens, not for refugees, but for genocide perpetrators who diverted aid to military and paramilitary personnel and intimidated residents.⁴⁸ The Sudan People's Liberation Army (SPLA) uses the Kakuma refugee camps in Kenya. According to Jeff Crisp:

*The SPLA plays an important role in the selection of community leaders and hence the administration of the camp. Kakuma provides recruits (and possibly conscripts) for the rebel forces. It acts as a safe refuge for the wives and children of men who are fighting in southern Sudan. It is visited on a regular basis by SPLA commanders.*⁴⁹

SPLA fighters also reportedly use the Mirieyi reception center in Uganda, where the government is widely believed to support them and their war against the govern-



ment of Sudan, for rest-and-recreation. The guerrillas march to and from the center openly armed and intimidate and forcibly recruit refugee men and boys.⁵⁰

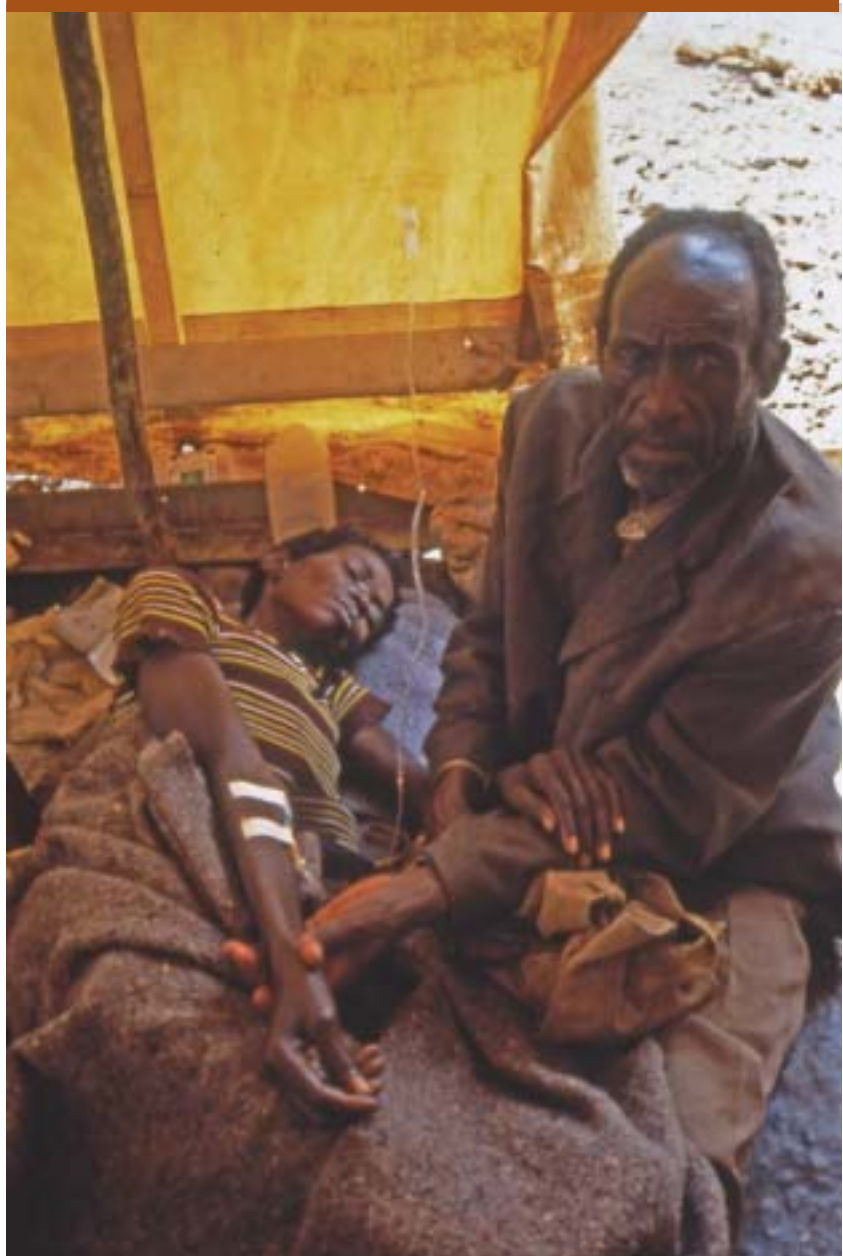
Not only do camps often not solve security problems, they can aggravate existing problems and create new ones. According to Jacobsen:

In addition to the military problems like raids or direct attacks experienced by camps, their culture and organization make for a climate of violence and intimidation. ...The presence of weapons increases the combustibility of the situation in and around the camps, as does the problem of bored and frustrated young men. These are ingredients for crime and violence, the rise of political and ethnic factions, and the increased likelihood of recruitment into militias or organized crime.⁵¹

Jacobsen also cites specific examples of drug smuggling, human trafficking, illegal logging, and gunrunning flourishing in refugee camps in West Africa and on the Thai-Myanmar border and notes the camps' tendency to fall under the control of political or military elements, undermining local law enforcement authorities.

Dismantling camps can actually enhance security. Where the state has limited capacity, local traditional authorities often exercise control more effectively than international organizations with little experience of the area. According to Richard Black, "the difference is striking between frequent noncompliance with agency generated rules, which are seen by refugees as lacking legitimacy, and general compliance with rules established by local custom, tradition, or edict."⁵² Thus, it may be more effective to strengthen local law enforcement capacity than to impose a foreign, military-style camp regime, but instead of using such aid as an incentive to *non*warehousing alternatives, donors have directed assistance to increased police enforcement of the camps themselves.⁵³

"Economic Burden" Another rationale for warehousing is that refugees, if released, would burden the host society. Gaim Kibreab defends encampment and segregated settlements by noting that African host countries' cash economies are typically dependent on primary commodity exports, principally agricultural and mineral, and suffer from



Rwandan refugee cholera victims at Médecins Sans Frontières clinic in Katala camp north of Goma, then-Zaire, 1994. The disease raged through the overcrowded camps and, combined with dehydration, wiped out an estimated 50,000 in only two weeks. Photo: UNHCR/L. Taylor

declining terms of trade vis-à-vis manufactured imports.

Given the large numbers of those who need to be integrated, the very low or negative economic growth rates, the high population growth rates, the drastically declining commodity prices and agricultural output and the debt crisis, it is imperative that African host governments [keep refugees] in spatially segregated sites so that the cost of their subsistence would be met by international refugee support sys-

tems... All other talk about integration is wishful thinking based on inadequate understanding of the economic, social and political realities of the present day Africa.⁵⁴

Other experts disagree. According to Harrell-Bond, “By failing to recognize the resources which refugees themselves bring to the situation, the relief model inhibits the mobilization of these resources and networks for the benefit of both the refugees and the local economy.”⁵⁵ Self-settled and locally integrated refugees may compete with local people in labor markets, but their enterprise can also have a catalytic or multiplier effect on the local economy, especially where it is underdeveloped and underpopulated. This can expand the local economy’s capacity and productivity as refugees bring new goods and services with them for sale or barter and locals respond to the market growth caused by new population inflows by importing or producing more goods.⁵⁶ Tibetan refugees, for example, made carpet-making the largest foreign exchange earner in Nepal, even exceeding tourism.⁵⁷ In the 1980s Kenya largely ameliorated its doctor and teacher shortages by granting refugees, mostly Ugandans, the right to work.⁵⁸ Angolan refugees in Zambia “turned the bush into villages,” according to locals, and led in the production of sweet potatoes, providing commercial opportunities for Zambian businesses as well (see “Providing for Ourselves: Angolan Refugees in Zambia,” p. 74).⁵⁹ In 1989 Guinea decided not to put the nearly 500,000 arriving Sierra Leonean and Liberian refugees in camps, but instead directed assistance to the villages that welcomed them.⁶⁰ The refugees introduced rice production techniques—previously unknown in Guinea—in lower swamp areas.⁶¹ Among the key determinants whether refugees make a positive contribution are growth-oriented economic policies on the part of the host country (see Côte d’Ivoire sidebar, p. 43).⁶² Countries that warehouse refugees tend to rank poorly on international indices of corruption and economic freedom.⁶³

UNHCR’s Standing Committee recognizes that,

Refugees bring human and material assets and resources. ... When given the opportunity refugees become progressively less reliant on State aid or humanitarian assistance, attaining a growing degree of self-reliance and becoming able to pursue sustainable livelihoods, equally contributing to the economic development of the host country.

Confining refugees, however, to humanitarian assistance for years on end, often deprived of the right to freedom of movement and without access to education, skills training and income-generating opportunities prevents them from developing their human potential and limits their ability to systematically make a positive contribution to the economy and society of the asylum country.⁶⁴

“Kuhlman concludes we should reverse the present default assumptions regarding refugee needs: ‘[I]t is better to plan for a protracted refugee situation than for a short-lived crisis.’”

Long-term refugee populations comprise different groups of people with various needs, abilities, and aspirations. But even where some particularly vulnerable refugees may not be capable of self-reliance, many may benefit from a segmented and targeted approach.

Protracted warehousing, on the other hand, can become very expensive. Take, for example, the Palestinians—the largest and longest-warehoused refugee population in the world. Since its inception in 1949, the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) alone has spent a total of \$16.5 billion (in constant 2004 dollars) on care and maintenance for a population that was initially 670,000⁶⁵—or \$25,000 per refugee. At the time, few thought the situation would last so long, but that’s typically the case at the beginning of protracted refugee situations. Kuhlman concludes we should reverse the present default assumptions regarding refugee needs:

[I]t is better to plan for a protracted refugee situation than for a short-lived crisis. Only if during the first year it already appears abundantly evident that the refugees will soon be able to return home can programmes aimed at local integration be abandoned. In most cases they will not yet have begun implementation during that time.⁶

Put another way, we should restore the basic orientation adopted in the treatment of European refugees and extend it to others.

Follow the Money Aside from the dubious proposition that free working refugees are economically more burdensome than idle, encamped ones, the real economic argument for encampment may have more to do with the benefits of aid flows associated with encampment. Conversely, although allowing refugees freedom may cost little or nothing, that may be its own political liability—there is no constituency for it besides the voiceless refugees.



The relief model, long discredited in development contexts, still dominates refugee assistance, according to Harrell-Bond, because humanitarian organizations depend on funds that donor governments strictly earmark for emergencies. Accessing funding from relief budgets is also much easier and faster than getting funds from development budgets and scores of NGOs organize themselves around its requirements. Host governments also have interests in keeping refugees on relief. They typically develop separate offices for refugee affairs—large bureaucracies isolated from other ministries but replicating their services—that depend on international agencies. “The maintenance of these offices—like the humanitarian NGOs—depends on the continued existence of people who attract funds earmarked for refugees. The result has been the perpetuation of a population labeled refugees, left living in limbo and dependent for their survival on relief.”⁶⁷ According to Mark Malloch-Brown:

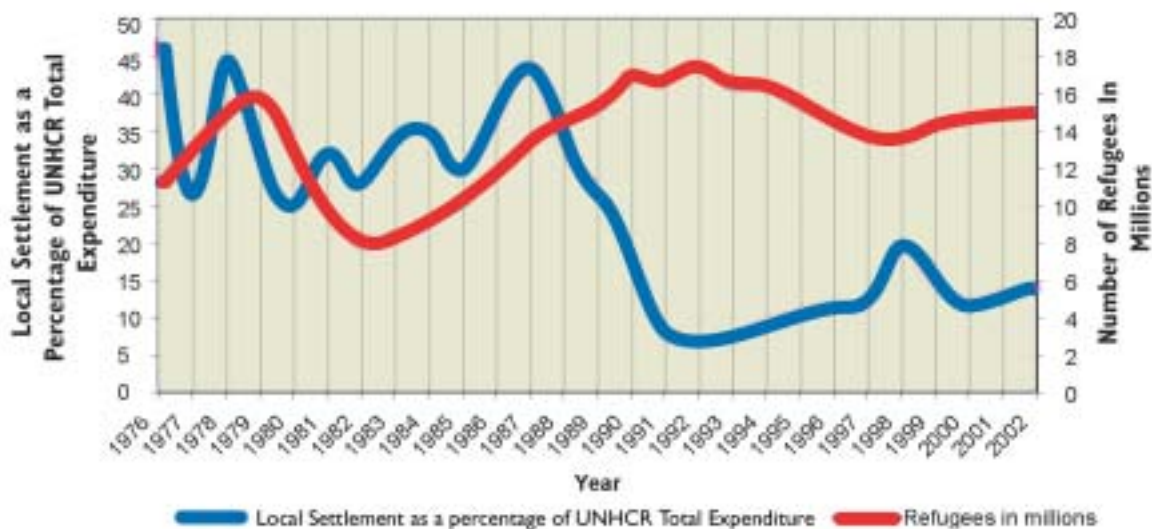
*When a tight-fisted international community says to a very poor country it will provide help for refugees in camps... this evidently encourages that poor country to root out refugees who are integrated and plonk them into camps. It is probably no exaggeration to claim that without any new refugee outflows, the old donor approach might actually lead to growing refugee camp populations in many countries.*⁶⁸

Donor countries’ assistance for local integration in poor host countries, on the other hand, is minuscule. In 2003, the United States spent \$147 million on long-term

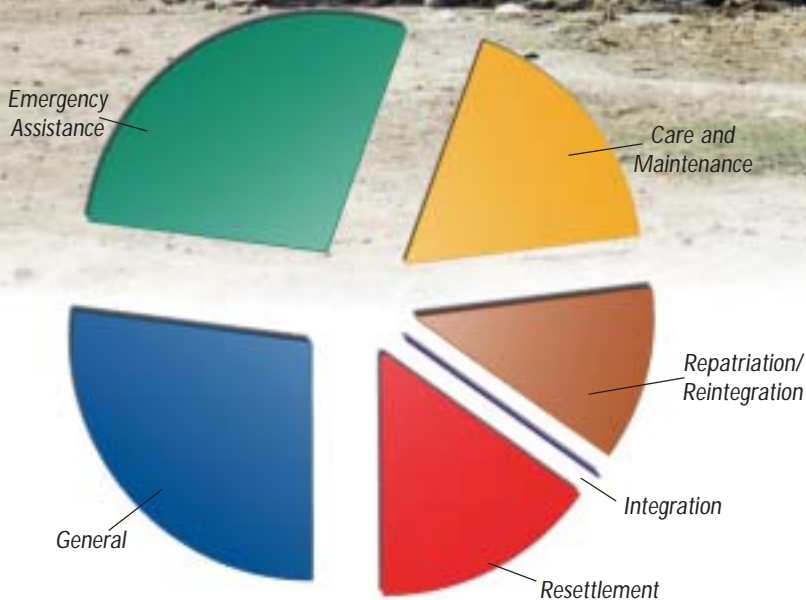
care and maintenance projects, but only \$480,000 on local integration—a single project in Europe (see pie chart).⁶⁹ A major portion of UNHCR spending—23 percent of its total budget from 1976-2002—is labeled “Local Settlement.”⁷⁰ UNHCR distinguishes this from emergency and “Care and Maintenance” spending, specifying that it is “to integrate [refugees] into the economic and social life of the new community” where they “enjoy civil and economic rights comparable to the local population.”⁷¹ Spending in this category declined dramatically—from 44 to less than 7 percent of total UNHCR spending—from 1987 to 1992, even as the number of refugees in the world soared from nearly 8 million in 1982 to nearly 18 million in 1992, many cumulating in protracted situations (see graph).⁷² In 2002, most of this money was spent in Europe and the Americas, where recognized refugees typically enjoy such rights. Much of the \$62 million spent on Local Settlement in Africa, Asia, and the Middle East, however, supported warehousing instead.⁷³

In fact, there have been policies in the humanitarian aid community *against* refugees making money in the private sector. In 1961, the International Committee of the Red Cross (ICRC) attempted to shut down one of the most successful refugee self-sufficiency projects of the time, that of Tibetan carpet-making in Nepal. ICRC officials at the time told the project’s organizer, Toni Hagen, that schooling, training, production, and sales were “against the rules of the ICRC. The job of the ICRC, according to its statutes, is a purely humanitarian one, not development and activities of a commercial nature.” NGOs as well refused to co-

Local Settlement as a Percentage of UNHCR Total Expenditure and Number of Refugees Worldwide—1976-2002



Sources: UN General Assembly Reports of the UNHCR, 1976-2002; USCR, WRS, 1977-2003



2003 U.S. State Department Spending on Refugee Assistance by Category

General	\$230 million
Emergency Assistance	\$238 million
Care and Maintenance	\$147 million
Repatriation/ Reintegration	\$101 million
Integration	\$0.48 million
Resettlement	\$126 million

Source: U.S. Department of State, Bureau of Population, Refugees, and Migration, "Funding Actions Finalized with Organizations;" USCR analysis.

Photo: Afghan refugees in an urban squatter settlement outside Quetta, Pakistan, 2001. Credit: E. Olavarria

operate with the venture if, as they put it, "private business makes money out of the poor refugees." Hagen responded by expanding the Tibetan center and its production so much that donors lacked the nerve to close the center during their following visit.⁷⁴

When UNHCR and the Ugandan government introduced a self-sufficiency program for Sudanese refugees in 1999—to eliminate parallel health and education services, integrate refugees in the local economy, and bring them to a level of self-sufficiency—NGOs providing the parallel relief services resisted.⁷⁵ Jozef Merckx, who was closely involved with the program, noted individual reluctance:

Many officials (UNHCR, government, NGOs) have become dependent on the "aid industry" in northern Uganda. UNHCR has become the single largest employer in the ar-

*reas with a high concentration of refugees. Some aid agency staff will fear the integration of refugee services because it means the loss of well-paid jobs.*⁷⁶

Finally, host governments and refugee leaders also have political interests in keeping refugees geographically concentrated, dependent, and visible to press the international community to resolve the situation in the source country in their favor. As Michael Van Bruaene notes with reference to Sahrawi refugees warehoused in desert camps in Algeria,

In some protracted situations...elderly charismatic and historical leaderships tend to embody rigid political agenda[s], needlessly detrimental to the well-being of their own vulnerable refugee population. ...A good example is that although Tindouf is totally unsuitable for supporting a refu-



gee population of 165,000, any idea of temporary scattering to more fertile areas is unmentionable.⁷⁷

The Algerian government shares this perspective out of opposition to Morocco's territorial claims.⁷⁸ The Sahrawi government-in-exile reserves resources for the war

“The international community must at a minimum shift its incentives from policies that treat refugees like cattle to ones that honor them as human beings.”

effort and NGOs contracted to serve the camps over the past 25 years have become engaged in favor of its political cause. In another example, rebels from the National Union for the Total Independence of Angola (UNITA) dominated the Nangweshi camp in Zambia where they controlled and repressed the population.⁷⁹

Arafat Jamal sums up the arguments for encampment:

With refugees sequestered, concentrated, visible and presumably out of harm's way, camps represent a convergence of interests among host governments, international agencies and the refugees themselves. They are not ideal for anyone but they help focus attention and provide a safety net. Host governments in Africa...see camps as a means of isolating potential troublemakers and forcing the international community to assume responsibility. ...Refugees understand that camps make them visible, and keep their plight, and the politics that underpin it, in the world's consciousness. ...To insist that poor African nations should not only accept thousands of refugees but also let them spread throughout the country is unreasonable.⁸⁰

Between Nonrefoulement and Durable Solutions: Refugees Have Rights

While finding durable solutions is the ultimate goal of refugee protection, in the meantime refugees have basic rights beyond *nonrefoulement* (see Rights sidebar, pp.40-41). Essentially these amount to freedom to live as normal a life as possible under the protection of the host government. Thus, the Convention requires countries to allow refugees

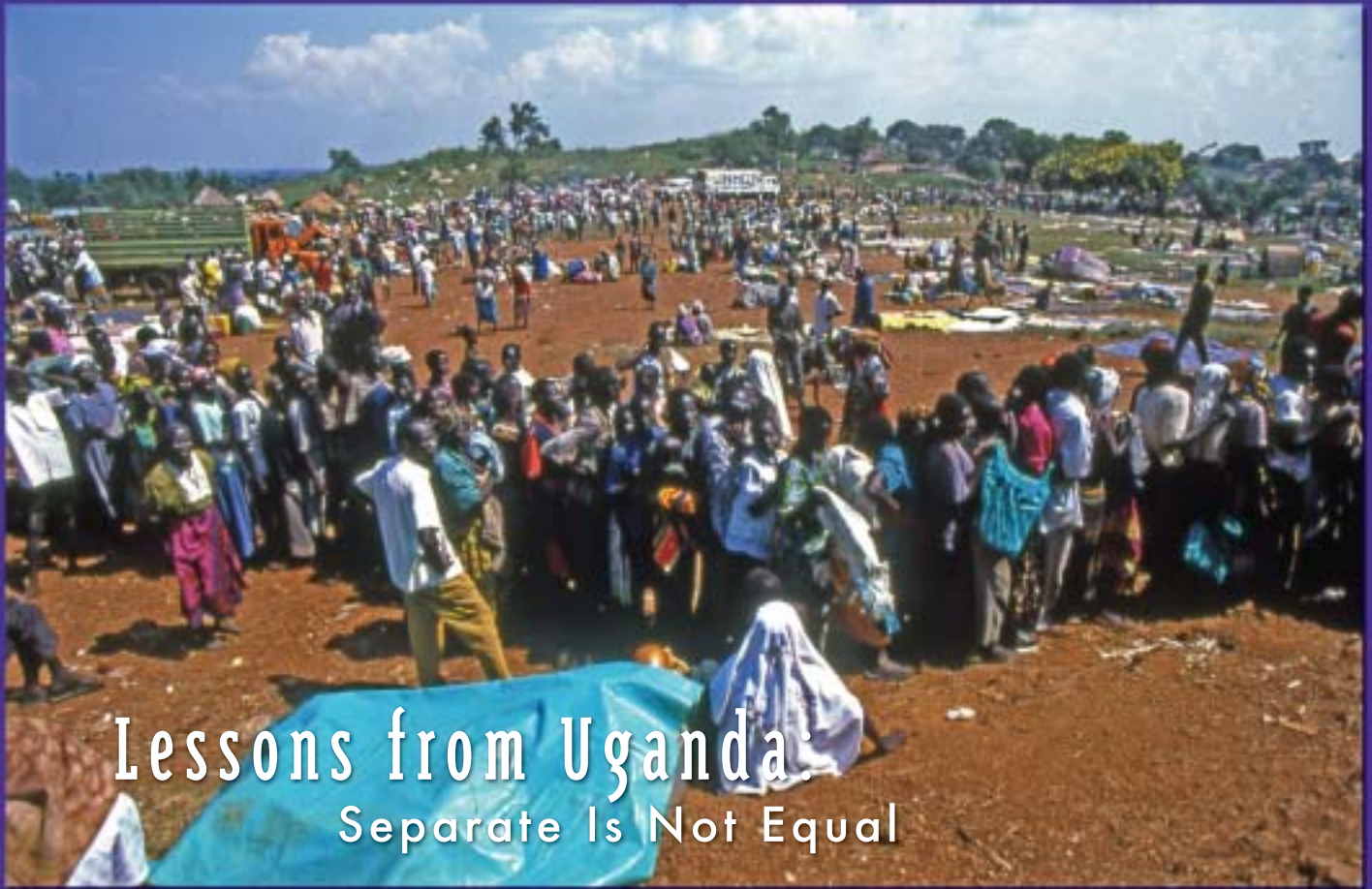
to be self-employed, to practice professions, and to own property, on terms “as favourable as possible” (Articles 18, 19, and 13, respectively). Refugees are also entitled to the same treatment as nationals of the host country with regard to wage-earning employment and intellectual property (Articles 17 and 14, respectively). Hosts must also allow refugees freedom of movement and residence at least equal to what they permit foreign nationals generally (Article 26), and issue them international travel documents (Article 28). Other important rights, including those to nondiscrimination, access to courts, and identity documents (Articles 3, 16, and 27, respectively), are unconditional; and the Convention permits no reservations on Articles 3 and 16(1).

Unfortunately, a number of countries have yet to become parties to the Convention (see Table 15, p. 16) and, among those who have, many have declared reservations limiting their agreement to abide by some of the key antiwarehousing provisions. Some 30 States Parties, for example, seek to limit their obligations under Article 17, which allows wage-earning employment. These include

- requiring permits (Malawi, Sweden) and extended residence (Chile, Cyprus, Jamaica, United Kingdom),
- subjecting refugees to alien employment quotas (France, Honduras, Madagascar),
- privileging members of certain other nationalities above refugees (Angola, Brazil, Denmark, Guatemala, Luxembourg, Norway, Portugal, Spain, Sweden, Uganda), and
- categorically denying Article 17's rights or treating them merely as “recommendations” (Angola, Botswana, Burundi, Ethiopia, Iran, Latvia, Liechtenstein, Mexico, Moldova, Papua New Guinea, Sierra Leone, Zambia, Zimbabwe).⁸¹

But several countries that once expressed such reservations have since withdrawn them, including Greece, Italy, Malta, and Switzerland. Such positive steps encourage refugee rights advocates that other States Parties may also be persuaded to drop theirs. In its Conclusions, UNHCR's Executive Committee has encouraged *all* states hosting refugees,

to consider ways in which refugee employment in their countries might be facilitated and to examine their laws and practices, with a view to identifying and to removing, to the extent possible, existing obstacles to refugee employment⁸² [and] to avoid unnecessary and severe curtailment of their freedom of movement.⁸³



Lessons from Uganda: Separate Is Not Equal

Segregated refugee self-reliance projects are widely used in Africa, especially in Uganda, Tanzania, and Sudan. Despite inordinate amounts of international aid, these programs, often called settlements rather than camps, generally have failed—and refugees vigorously resist being placed in them.¹ For example, the Ugandan Self-Reliance Strategy, developed with international assistance in the late 1990s, delivers refugee services on “community” basis, separating refugees into settlements. It does not integrate them within the nationwide, growth-oriented Poverty Elimination Action Plan, which focuses on expanding access to markets.²

Officially, any refugee is free to leave the settlement for a specific destination and a limited period, as long as he or she first obtains a permit from the settlement commandant, a time-consuming and uncertain process. Just to get permission to see the commandant, the refugee first must get a letter from the chairman of the Refugee Welfare Committee. Then the commandant, whose office is often miles away, may be unavailable or disinclined to exercise his discretion favorably. Failure to comply with permit requirements can result in imprisonment for up to three months.³

The refugees are free to work and engage in trade, but in order to do so they first must go to the capital, Kampala, and obtain a permit for that as well. The costs of transportation, waiting and searching in Kampala, and forgoing agricultural labor in the settlement can exceed \$28—more than a typical farming refugee's profit from selling a

season's worth of produce. This does not include the cost of the permit itself, about \$168, or guarantee that a permit will be granted.⁴ In general, getting a work permit in the refugee-hosting countries of Africa even where legal, “is as demeaning and as bureaucratic and lengthy a process as obtaining refugee status.”⁵

These restrictions on movement and trade constrain and isolate the market for refugee goods and services and deprive the refugees of market information. This in turn gives price-setting market power to the produce wholesalers to whom the refugees sell their products and to the merchants from whom the refugees buy goods; undermining the refugees' terms of trade.⁶

Photo: Sudanese refugees arrive at Kiryandongo settlement in Uganda having fled Achol-Pii camp in the north of the country, where the rebel Lord's Resistance Army had massacred more than 60 in August 2002. Credit: UNHCR: S. Mann

¹ Jacobsen 2001, pp. 7-8; Kibreab 1989, pp. 476-78, 483-85, 488.

² Dryden-Peterson and Hovil 2003, pp. 18-20.

³ Dryden-Peterson and Hovil 2003, pp. 7, 9-10; Lomo 1999, pp. 6-7; Tania Kaiser, “UNHCR's withdrawal from Kiryandongo: anatomy of a handover,” UNHCR, *NIRR*, Working Paper No. 32, October 2000, p. 18; Parker 2002, pp. 157-58.

⁴ Werker 2002, p. 9.

⁵ Ebenezer Q. Blavo, *The Problems of Refugees in Africa: Boundaries and borders*, 1999, p. 37.

⁶ Werker 2002, pp. 9, 11-12, 14; see also Merckx 2000, pp. 21-22, 24, 26. (For full citations see endnotes)



According to UNHCR's Global Consultations,

*Host States should allow refugees to exercise effectively the rights granted to them by the 1951 Convention, particularly those rights which make it possible for refugees to engage in income-generating activities, such as farming, trading or paid labour;*⁸⁴

Also, as part of its Development Assistance for Refugees program, UNHCR suggests that it will "facilitate efforts to obtain permits for refugees to move freely and be engaged in self-reliance activities."⁸⁵

Rights Matter

Incredibly, much of the talk of refugees becoming self-reliant ignores whether they have the right to do so. A 1995 internal UNHCR policy discussion highlighted the importance of "strenuous and continuing interventions" with host countries—*whether or not they are parties to the Convention*—"to accord refugees access to the labor market," and experienced colleagues recognized the right to work as an "essential issue" of protection.⁸⁶ Nevertheless, a global evaluation commissioned by UNHCR to survey its community services function eight years later found many of its concepts, terminology and articulation to be

singularly unhelpful because they repeatedly "problematize" the refugee, rather than focusing on the role that UNHCR's own management and operating procedures play in creating "dependency" and narrowing the scope of refugee self-sufficiency and "self-reliance." Clearly refugee dependency is also the product of host governmental regulations limiting freedom of movement and the right to work or engage in economic activity.

In the field we heard numerous references to the need to get refugees to stop being so "dependent," as opposed to a focus on creating appropriate conditions for refugee self-sufficiency...

While there may exist cases where refugee social, economic and human rights are respected and protected and refugees remain "dependent," we are unaware of these. The vast majority [of] refugee situations are characterised by the inability of UNHCR to negotiate appropriate conditions by which refugees can effectively and legally exercise a reasonable degree of "self-reliance."⁸⁷

Sometimes refugees manage to work even when it is not legal but the lack of rights limits their earnings. Economists studying the effect of the United States legalizing some 1.7 million undocumented workers in 1986 estimated that the prior lack of legal status had

held these workers' wages back by 14-24 percent by preventing them from switching jobs and deterring them from acquiring skills.⁸⁸

According to Kuhlman, "in fostering self-reliance, guaranteeing people's rights is more important than providing them with material aid."⁸⁹ UNHCR's Africa Bureau concurs:

The most important elements in facilitating the attainment of self-reliance are the full enjoyment of civil and socio-economic rights (particularly crucial are the rights to freedom of movement, access to employment markets, self-employment and education). The right to freedom of movement is fundamental for both urban-based as well as rural caseloads.⁹⁰

De Facto Integration/Prima Facie Legal Status

Jacobsen describes "de facto integration" as a fairly widespread phenomenon where self-settled refugees become unofficially integrated after they have lived in and been accepted by the community for some time and have attained self-sufficiency. This is not especially burdensome to the host government, as it is largely a matter of simply leaving refugees alone. It does not mean that governments must allocate land to refugees or give them special privileges. With freedom of movement, refugees negotiate with local landowners and employers, trade, and otherwise pursue livelihoods contributing to the local economy's growth.⁹¹

In many emergencies, initial refugee assistance comes not from UNHCR or WFP but from local populations and authorities. Refugees themselves often lead the way in demonstrating practical alternatives to warehousing. In Uganda, for example, in addition to the refugees who are officially recognized by the government and UNHCR and living in settlements (see sidebar, p. 51), tens of thousands are not, opting out of the assistance structures and self-settling among the population. While officially recognized refugees fall under the control of the national Directorate of Refugees, self-settled refugees operate within local government structures, both rural and urban—integrated into their host community and paying taxes.⁹²

The chief drawback of de facto integration is that the refugees lack status confirming the lawfulness of their presence. Host governments may see even *prima facie* refugees as illegal immigrants with no right to be in the country, placing them in danger of roundups and relocations to camps or even *refoulement*. Some legal adjustment is necessary.

Refugee status, while not guaranteeing permanent residence, legally insures against *refoulement* but poor countries may not be able to afford formal refugee status determinations. Refugee status, however, precedes its formal rec-

ognition. The first general principle of UNHCR's authoritative *Handbook* on status determination provides that,

*A person is a refugee within the meaning of the 1951 Convention as soon as he fulfils the criteria contained in the definition. This would necessarily occur prior to the time at which his refugee status is formally determined. Recognition of his refugee status does not therefore make him a refugee but declares him to be one. He does not become a refugee because of recognition, but is recognized because he is a refugee.*⁹³

An alternative to individualized determinations has been to declare certain groups fleeing “events seriously disturbing public order” to be *prima facie* refugees and, as such, “fully protected” as outlined by UNHCR.⁹⁴ This should cover “urban refugees” (see “Just Enough for the City,” p. 57) and include not only *nonrefoulement* but the other basic Convention rights as well.

Refugee Rights and Host Country Interests

Strictly rights-based refugee advocacy might risk backlash among host countries, possibly even including *refoulement*.⁹⁵ According to Jacobsen, without the host country's cooperation it is difficult to help refugees: “local integration can and should be revitalized—with modifications that will make it more acceptable to host governments.”⁹⁶

Much host country resistance is attributable to fear that granting refugees freedom will lead to the permanent settlement of a large body of foreigners without their consent. According to Merx, speaking of a project in Uganda, UNHCR “prefers not to talk about integration, since this might have connotations of assimilation and permanency.”⁹⁷ But this stems from an unnecessary confusion between integration as an *interim* measure for enjoying Convention rights, on the one hand, and integration as a *permanent* durable solution, on the other. The two are distinct: interim integration can be linked with other durable solutions outside the country of first asylum, including eventual return or resettlement. Thus Merx recommends area-wide assistance programs “aiming at integration, not necessarily assimilation, and not excluding return.”⁹⁸ Jacobsen concurs:

*Repatriation must become a component of assisted local integration. Not all integrated refugees will want to repatriate permanently, but various forms of movement between the sending and host country are a significant characteristic of protracted situations, and these cyclical and periodic return movements should be incorporated into local integration policy. Incorporating return migration into a policy of local integration will make it more acceptable to both refugees and host countries.*⁹⁹

As Kuhlman observes of Eritrean refugees in Sudan, “if some of the disadvantages of being a refugee are removed, there will be less of a tendency among refugees to seek Sudanese citizenship, and less evasion of the law.”¹⁰⁰ UNHCR has also proposed a Development through Local Integration initiative that would solicit additional development assistance for countries accepting the goal of local integration of long-staying refugee populations “as an option and not an obligation.”¹⁰¹

“UNHCR could play a unique monitoring role by ensuring that refugees enjoy their Convention rights, quantifying any resulting fiscal burden to the host country, and presenting the bill to donors.”

Eventual durable solutions elsewhere need not be the only way to assuage host country fears of permanent settlement. Article 28 of the Convention entitles refugees to travel documents that permit them to go to other countries. Were the international community to realize Convention rights universally, or even regionally, refugees could leave camps for better opportunities not only within the country of first asylum but in other nations as well. There is no logical reason why their protection should be limited to countries that happen to border their own. Indeed, with the ability to travel and engage in business, refugees could be unique agents of regional economic integration.

Another serious concern of host countries is that, as noted above, donor countries tend to fund relief in camps, but not public services, such as education and assistance, that even integrated refugees still might require. This could be remedied were donors to agree, at a minimum, to compensate hosts on a *pro rata* basis for all such expenses if they allow refugees their Convention rights. Donors could go further and offer other incentives such as more funding for vocational education, microenterprise credit, and other assistance enhancing the productivity of refugees and locals. UNHCR could play a unique monitoring role by ensuring that refugees enjoy their Convention rights, quantifying any resulting fiscal burden to the host country, and presenting the bill to donors.



Allowing refugees freedom *pending* durable solutions in no way concedes defeat in the pursuit of such solutions. According to UNHCR's Global Consultations on International Protection, self-reliance is not a substitute for durable solutions, but part of a "comprehensive durable solutions strategy" that includes strategies to "foster productive activities and protect relevant civil, social and economic rights (related, for example, to land, employment, education, freedom of movement, identity documents, access to the judicial system)." This does not presuppose a durable solution in the country of first asylum; it is, rather, a "precursor to any of the three durable solutions."¹⁰² The *Agenda for Protection* also notes that, "as an interim response, the promotion of self-reliance of refugees is an important means to avoid dependency, take advantage of the initiative and potential contribution of refugees, and *prepare them for durable solutions.*"¹⁰³

Skills acquired by nonwarehoused refugees can facilitate voluntary repatriation, especially in postconflict situations. If refugees were free to engage in productive activities, according to UNHCR, they

*would be in a much stronger position to participate in national reconstruction and reconciliation when they eventually return to their country of origin. Sustainable reintegration upon return will be facilitated if refugees take back with them new and transferable skills and resources to restart their lives. They should also be less likely to become dependent on national welfare and international aid.*¹⁰⁴

Indeed, if refugees are allowed to live normal lives, one durable solution may even lead to another as illustrated by Vietnamese, Cambodian, East Timorese, and Afghan refugees who returned to rebuild their societies after acquiring skills.¹⁰⁵

Oliver Bakewell's research undermined the assumption that self-settled, integrated Angolan refugees in Zambia would be less inclined to repatriate than their camp-bound counterparts when home country conditions change.¹⁰⁶ Over time, encamped refugees become more impoverished and *less* able to re-integrate. Self-settled refugees, on the other hand, are among the first to voluntarily repatriate, according to Harrell-Bond: "Once the [rebels] took over the government in Rwanda, repatriation of the self-settled Tutsi refugees from Ngara district in Tanzania—without notice—was dramatic."¹⁰⁷ As UNHCR's Standing Committee recognizes, "self-reliant refugees are better equipped to restart their lives and the first ones to go home on their own to contribute to the development, reconstruction, and peace building processes in their own country."¹⁰⁸ Granting refugees freedom *pending* durable solutions may also enable them to persuade host countries of their *desirability* as candidates for citizenship.

Conclusion

Worse fates befall refugees than warehousing—*refoulement*, in particular. And there are better solutions to refugee situations than mere enjoyment of Convention rights in exile, namely, voluntary repatriation, resettlement, or permanent integration in countries of first asylum—in other words, ceasing to *be* a refugee. Most of the world's refugees, however, find themselves somewhere in between and have remained there for ten years or more (Table 3, p. 3). If the Convention rights to freedom of movement and earning a livelihood do not apply to such refugees, then to whom do they apply?

It's easy enough to condemn encampment and to declare that we should treat refugees as equals and allow them to enjoy their rights under international law. Most of those rights are, after all, the fairly minimal, but nonetheless vital, "negative rights" of basic liberty and noninterference. They do not give refugees preferential treatment in the pursuit of jobs, any special claim on public assistance, or the power to make others speak their language. They do not include the right to vote. A refugee remains a refugee—an outsider—until conditions change back home or some country decides to naturalize him or her. It's hard to imagine that such rights would still be controversial more than 50 years after the drafting of the UN Refugee Convention.

Would host countries forcibly return refugees to their tormenters if donors shifted funding from practices that violate refugees' rights to those that honor them? It's hard to tell. According to Jacobsen, "There are no documented instances where inflows of foreign aid or humanitarian assistance were affected by a host state's policies toward refugees on its territory."¹⁰⁹

Positive examples abound of refugees contributing to host countries that allow them to live and work freely in exile. But neither human rights nor economic interest trump political will. The greatest successes in refugee reception are where the refugees are ethnically related to members of the host country population, are allies in a political struggle transcending ethnic allegiance, and/or where the host country has inclusive, growth-oriented economic policies.

Absent such contingencies, to properly uphold the Convention as a universal standard, the international community must get creative. Donors should facilitate interim economic integration and compensate host countries for costs that may be associated with granting refugees Convention rights. Countries individually and collectively should more widely accept refugee travel documents and honor the bearers' Convention rights. The international community must at a minimum shift its incentives from policies that treat refugees like cattle to ones that honor them as human beings.

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Warehoused Refugee Populations

(as of December 31, 2008)

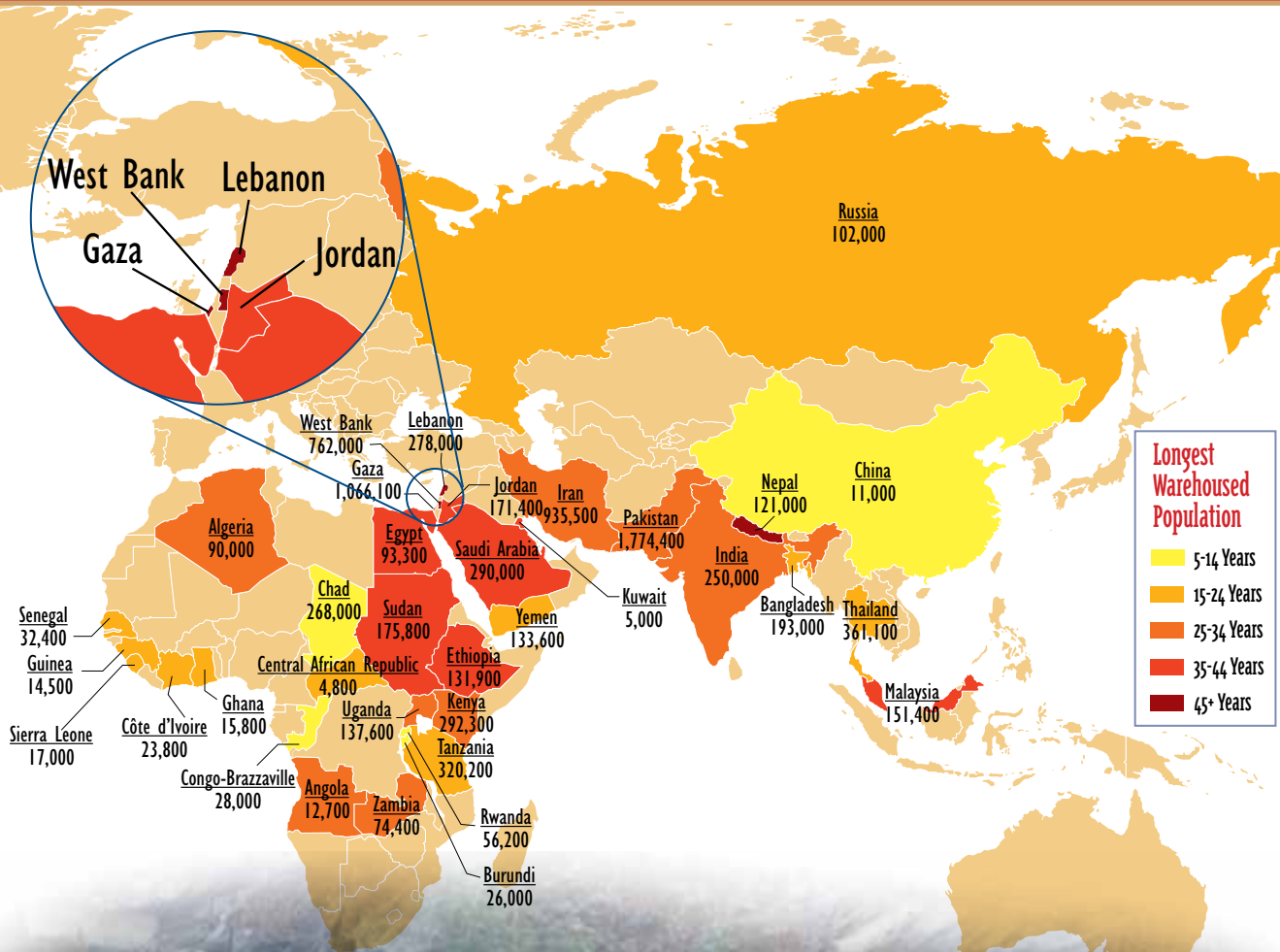
Populations of 10,000 or more restricted to camps or segregated settlements or otherwise deprived of rights to freedom of movement or livelihoods (situations earning a “C” or poorer) in situations lasting five years or more. The 1951 Convention does not include any five-year delay in recognition of rights. USCRI accentuates the duration of these situations only for emphasis.

Years Since Situation Began	Population	Host Country	Number
60	Palestinians	Gaza, West Bank, & Lebanon	2,106,100
50	Tibetans	Nepal	20,000
41	Palestinians	Jordan, Saudi Arabia, Egypt, Kuwait	536,400
40	Eritreans	Sudan, Ethiopia	207,500
35	Filipinos	Malaysia	72,400
33	Angolans	Zambia	27,100
33	Sahrawi	Algeria	90,000
32	Congolese (Kinshasa)	Angola	12,700
29	Afghans	Iran, Pakistan	2,790,900
29	Iraqis	Iran	58,100
28	Ethiopians	Sudan	10,000
25	Sri Lankans	India	120,000
25	Sudanese	Uganda, Kenya, Ethiopia, et al.	145,200
24	Myanmarese	Thailand	111,100
20	Myanmarese	India	100,000
19	Liberians	Côte d'Ivoire, Ghana, et al.	71,100
19	Mauritanians	Senegal	32,400
19	Myanmarese Chin	Malaysia	30,000
17	Afghans	Russia, India	92,000
17	Bhutanese	Nepal	101,000
17	Georgians	Russia	40,000
17	Myanmarese	Bangladesh	193,000
17	Somalis	Kenya, Ethiopia, Yemen	460,300
15	Burundians	Tanzania	240,500
14	Myanmarese	Malaysia	49,000
14	Rwandans	Uganda	17,300
12	Congolese (Kinshasa)	Tanzania, Zambia, Rwanda, et al.	300,200
12	Myanmarese	Thailand	200,000
8	North Koreans	China	11,000
5	Sudanese	Chad	268,000
TOTAL			8,456,800 (8,177,800 for 10 years or more)

An aging refugee receives help getting to a medical center after arriving in Ethiopia in early 2009. Credit: UNHCR/P.Wiggers

Warehoused Refugee Populations

(as of December 31, 2008)



Rohingya women and children in a squatter camp in Bangladesh that houses 4,000 refugees from Myanmar in November 2008. Credit: UNHCR/S.Kritsanavarin

USCRI Campaign to End Refugee Warehousing: Timeline of Major Accomplishments

May 2004	U.S. Committee for Refugees and Immigrants (USCRI) embarked on a worldwide campaign to end the warehousing of refugees, a practice which deprives over 8 million people their rights under the 1951 Convention relating to the Status of Refugees. These basic human rights include; freedom of movement and residence, the right to earn a livelihood, access to public relief and education.
June 2004	Launch of 2004 World Refugee Survey: The Warehousing Issue
Fall 2004	<i>New York Times</i> and <i>International Herald Tribune</i> run editorials calling for an end to refugee warehousing
September 2004	USCRI President Lavinia Limon testifies before the Senate Subcommittee on Immigration on “Ending the practice of warehousing”
September 2004	Archbishop Desmond Tutu endorses the Statement Calling for Solutions to End Warehousing
September 2004	End Warehousing Statement reaches 100 th endorsement
October 2004	Senator Kennedy and Senator Brownback introduce a Senate Resolution directing the State Department to pursue models of refugee assistance compatible with refugee rights
Late 2004	Formation of the International Refugee Rights Initiative in NYC and Uganda
December 2004	Refugees in Osire Camp in Namibia highlight the warehousing campaign in their newsletter, which USCRI publishes online December 2004 BBC World television news broadcast " Call to end refugee warehousing ," a live interview with USCRI Executive Director Lavinia Limón, reaching 250 million households internationally and in the United States
January 2005	More than 150 organizations and notable individuals sign the Statement Calling for Solutions to End the Warehousing of Refugees
April 2005	Malaysia Trade Union Congress advocates for refugee and migrants’ right to work, without restrictions tying them to certain employers

June 2005	Launch of 2005 World Refugee Survey: Grading countries according to their record on refugee rights
June 2005	Lebanon relaxes prohibitions on Palestinians working in many manual and clerical jobs
August 2005	Malaysia issues 35,000 work permits to Achenese migrants from Indonesia, many of whom are refugees
	Over 200 organizations and individuals have endorsed the End Warehousing Statement, including NGOs, UN agencies, peace activists, religious leaders, and Nobel laureates.
September 2005	USCRI holds North-South Conference on Refugee Rights in Geneva
November 2005	The Refugee Law Project at Makerere University in Uganda calls for UNHCR support to self-settled refugees who refuse to live in camps
Late 2005	Saudi Arabia announced that the 364 Iraqis remaining in Rafha camp could leave the camp and live legally in urban areas
December 2005	More than 350 organizations and notable individuals sign the <i>Statement Calling for Solutions to End the Warehousing of Refugees</i>
January 2006	Urban Sudanese refugees in Egypt protest, demanding to be registered by UNHCR as asylum seekers and considered for resettlement due to restrictive conditions
May 2006	18,000 Congolese refugees in Burundi refuse to live in camps, citing fear over the massacre in Gatumba transit center, where over 150 refugees were killed
	USCRI President and CEO Lavinia Limón testified about refugee warehousing before the U.S. House of Representatives' International Relations Committee
June 2006	Pope John Paul II gives an address on World Refugee Day emphasizing the rights of refugees who have lived in exile for long periods
June 2006	Launch of 2006 World Refugee Survey includes a "To-Do" List which includes reimbursing host communities for expenses necessary to expand health, education, and other services to refugees along with nationals
August 2006	USCRI sends congressional delegation to Thailand; monitors conditions in Tham Hin Camp for Burmese refugees
2006	FY05 Appropriations Bill directs the State Department to initiate pilot programs that allow refugees to exercise their basic rights

2006	U.S. Government begins resettlement of Burmese refugees in Tham Hin Camp
November 2006	Kenya passes the Refugees Bill and gains presidential assent in December 2006 to be enacted as of 15 th of May 2007. This bill establishes a Refugee Affairs Department in the government whose primary duties include conducting refugee status determinations and issuing identification documents. It also establishes a separate Refugee Appeals Board and a Refugee Affairs Committee to advise the Commissioner for Refugee Affairs.
December 2006	South African court grants refugees the right to work in private security sector
January 2007	USCRI Thailand office opens; launch of civil society campaign for refugee rights
March 2007	UNHCR officials in Bangladesh call on the government to grant Burmese refugees the right to work and freedom of movement
April 2007	UNHCR calls prolonged encampment of Bhutanese refugees “criminal”
May 2007	USCRI Thailand establishes a Business, Labor, and Faith coalition of 30 local organizations to advocate for refugee rights w/ the Royal Thai Government
2007	Founding of Asylum Access: Realizing Refugee Rights through Legal Aid
June 2007	Release of World Refugee Survey 2007 advocates for allowing Iraqi refugees to remain in urban areas where they can access opportunities for employment and access social services
2007-2008	U.S. State Department provides funding for UNHCR to assist Jordan and Syria in providing health and education to Iraqi refugees alongside nationals
2007	Jordanian schools open to Iraqi refugees
Early 2008	Popular Thai music star Aed Carabao composes a song “For Refugees”
February 2008	Over 475 organizations and individuals have endorsed the End Warehousing Statement
Spring 2008	Resettlement of Bhutanese refugees in Nepal to the United States begins
October 2008	Student group Facilitating Opportunities for Refugee Growth and Empowerment (FORGE) holds conference on warehousing at the University of Pittsburgh
November 2008	Gil Loescher, James Milner, Edward Newman and Gary Troeller release their book on <u>Protracted Refugee Situations: Political, Human Rights and Security Implications</u> . United Nations University Press
December 2008	South Africa refuses to set up refugee camps despite xenophobic violence

December 2008	Ecuador registers 50,000 Colombians for refugee status, issuing visas allowing refugees to work and move freely throughout the country
December 2008	UNHCR High Commissioner Dialogue on Protracted Refugee Situations
September 2009	USCRI Thailand conducts joint assessment with the Royal Thai Government (RTG) on building the capacity of district schools and hospitals to provide health and education services to refugees alongside local host communities
June 2009	Launch of the World Refugee Survey Wiki, replacing country updates online
June 2009	USCRI Thailand announces first refugee ambassador, actress Diana
May 2009	Women's Commission releases field manual on the right to work: Building Livelihoods: A Field Manual for Practitioners in Humanitarian Settings
October 2009	<p>Second meeting of the Asia Pacific Refugee Rights Initiative is sponsored by UNHCR and brings together more than 100 organizations across the region</p> <p>USCRI and Jeff Fahey, USCRI Global Ambassador, take the plight of the Sahrawi refugees to the Hill in a Congressional briefing</p> <p>The Conclusion on Protracted Refugee Situations is adopted by the UN Executive Committee</p>
December 2009	The International Committee of the Red Cross (ICRC) issues a strong statement on camps infringing the rights of displaced people from Sudan and Iraq
December 2009	UNHCR High Commissioner Dialogue on Urban Refugees, focusing on the rights of refugees outside of camp settings
July 2010	USCRI President & CEO Lavinia Limón along with Global Ambassador Jeff Fahey, actor Ken Leung, film producer Elizabeth Avellán, and Professor Gerald Torres visit Capitol Hill to advocate for the end to refugee warehousing
August 2010	USCRI commends the governments of Ethiopia and Lebanon for taking steps to end refugee warehousing. <i>Link to Press Release</i>
September 2010	Jeff Fahey and colleagues travel to the Western Sahara to talk to Sahrawi refugees who have escaped the camps in Tindouf, Algeria



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September 2009

STATEMENT CALLING FOR SOLUTIONS
TO END THE WAREHOUSING OF REFUGEES

([Arabic](#), [française](#), [Русский](#), [ไทย](#))

The 1951 Convention and the 1967 Protocol relating to the Status of Refugees provide that persons fleeing persecution across borders deserve international protection, including freedom from forcible return (*refoulement*) and basic rights necessary for refugees to live a free, dignified, and self-reliant life even while they remain refugees. These rights include the rights to earn a livelihood—to engage in wage-employment, self-employment, the practice of professions, and the ownership of property—freedom of movement and residence, and the issuance of travel documents. These rights are applicable to refugees independently of whether a durable solution, such as voluntary repatriation, third-country resettlement, or naturalization in the country of first asylum, is available. They are part of the protection mandate of the United Nations High Commissioner for Refugees (UNHCR).

Of the nearly 14 million refugees in the world today, nearly 9 million are *warehoused*, confined to camps or segregated settlements or otherwise deprived of these basic rights, in situations lasting 10 years or more. Warehousing refugees not only violates their rights but also often reduces refugees to enforced idleness, dependency, and despair.

In light of the foregoing, the undersigned:

1. denounce the practice of warehousing refugees as a denial of rights in violation of the letter and spirit of the 1951 Convention and 1967 Protocol and call upon the international community, including donor countries, host countries and members of the Executive Committee of UNHCR to do the same;
2. call upon the international community to develop and implement strategies to end the practice of warehousing, including examining how refugee assistance can enable the greater enjoyment of Convention rights;
3. call upon UNHCR to monitor refugee situations more effectively for the realization of all the rights of refugees under the Convention, including those related to freedom of movement and the right to earn a livelihood;
4. call upon those countries that have not yet ratified the Convention or the Protocol to do so;
5. call upon those countries that have ratified the Convention and/or the Protocol but have done so with reservations on key articles pertaining to the right to work and freedom of movement to remove those reservations; and
6. call upon all countries to pass legislation, promulgate policies, and implement programs providing for the full enjoyment of the basic rights of refugees as set forth in the Convention.

Organizations

International

[Africa Humanitarian Action](#)
African Youth for Peace
[Amnesty International](#)
[Anglican Communion Office at the United Nations](#)
[Apne Aap Women Worldwide](#)
[Arab NGO Network for Development](#)
Asean Inter-Parliamentary Myanmar Caucus (AIPMC)
[Asia Muslim Action Network](#)
[Association européenne pour la défense des droits de l'Homme](#)
[Association of Member Episcopal Conferences in Eastern Africa](#)
[Chin Human Rights Organization](#)
[Churches' Commission for Migrants in Europe](#)
Commission d'Entraide pour les Migrants et les Réfugiés - International
[Community and Family Services International](#)
[Danish Refugee Council](#)
[European Council on Refugees and Exiles](#)
[European Network Against Racism](#)
[Fédération Internationale des Ligues des Droits de l'Homme](#)
Foundation for the Refugee Education Trust
[Franciscans International](#)
[Free Burma Coalition](#)
[Genocide Watch](#)
[Handicap International](#)
[Human Rights Watch](#)
[Institute for Liberty and Democracy](#)
[International Catholic Migration Commission](#)
[International Council of Jewish Women](#)
[International Federation of Settlements & Neighborhood Centres](#)
[International Institute for Environment & Development](#)
[International Islamic Charitable Organization](#)
[International Journal of Refugee Law](#)
[International Network of Alternative Financial Institutions-Asia](#)
[International Orthodox Christian Charities](#)
International Refugee Research Institute
[International Rescue Committee](#)
[INTERSOS](#)
[Jesuit Refugee Service](#)
[Justice Africa](#)
[Kurdish Human Rights Watch](#)

Libyan League for Human Rights
[Lutheran World Federation](#)
[Marie Stopes International](#)
[Mercy Corps](#)
[Methodist Relief and Development Fund](#)
[Middle East Council of Churches, Unit on Life and Service](#)
[Migrant Forum in Asia](#)
[Oasis Trust](#)
[Ockenden International](#)
Pan African Organization for Sustainable Development
[Pax Christi International](#)
[Public Services International](#)
[Scalabrini Migration Center](#)
S.O.S Enfants Mauritaniens déportés au Sénégal et au Mali
Sudan Emancipation & Preservation Network
[UNANIMA International](#)
[UNI-Apro](#)
Unified Buddhist Church
[U.S. Committee for Refugees and Immigrants](#)
[Western Hemisphere African Diaspora Network](#)
[World Federation for Mental Health](#)
[World Vision International](#)
ZOA Refugee Care

Afghanistan

[Afghan NGOs Coordination Bureau](#)
Afghan Public Welfare Organization
Ghazi Rural Support Program

Albania

Albanian Helsinki Committee
[Albanian Center for Economic Research](#)

Algeria

[El-Mustaqbal es-Sahrawi/El Futuro Saharai/The Sahrawi Future](#)
[Ligue Algérienne pour la Défense des Droits de l'Homme](#)

Angola

[Africa Humanitarian Action](#)

Armenia

[Helsinki Association](#)
Saved Relics

Australia

[A Just Australia - Australians for Just Refugee Programs](#)

[Anglicare Refugee and Migrant Services](#)

[Asylum Seekers Project, Hotham Mission](#)

[Australian Catholic Migrant & Refugee Office](#)

[Australians Caring for Refugees/AUSTCARE](#)

[Centre for Citizenship and Human Rights](#)

[Centre for Refugee Research](#)

[Ecumenical Migration Centre, Brotherhood of St. Laurence](#)

[National Association of Community Legal Centres in Australia](#)

[National Council of Churches in Australia](#)

[Refugee Council of Australia](#)

[Refugee and Immigration Legal Centre](#)

[Spare Lawyers for Refugees](#)

[Sydney PEN Centre – Writers in Detention Committee](#)

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[Asyl in Not](#)

[Asylkoordination Österreich/Asylum Coordination](#)

[Austria](#)

[Deserteurs und Flüchtlingsberatung Wien](#)

[Diakonie/Protestant Refugee Service](#)

[ZEBRA](#)

Azerbaijan

Association for the Protection of Women's Rights after D. Alieva

Human Rights Center of Azerbaijan

Women's Association for Rational Development

Bangladesh

[Bangladesh Human Rights Network](#)

[Centre for Alternatives](#)

[Dhaka Ahsania Mission](#)

[Forum for Secular Bangladesh](#)

[Making Our Economy Right](#)

[National Development Society](#)

[Refugee and Migratory Movements Research](#)

[Unit, University of Dhaka](#)

[Shariatpur Development Society](#)

Belgium

[Vluchtelingenwerk Vlaanderen/Flemish](#)

[Refugee Council](#)

Benin

[Human Solidarity](#)

SIN-DO

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[Vasa Prava](#)

Botswana

Botswana Council of Churches

[DITSHWANELO - The Botswana Centre for Human Rights](#)

Bulgaria

Bulgarian Helsinki Committee, Refugee Unit

Cambodia

Khmer Kampuchea Krom Human Rights Organization (KKKHRO)

Cameroon

Cameroon Youths & Students Forum for Peace

Défis-Jeunes

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[Citizens for Public Justice](#)

[Inter Pares](#)

[Presbyterian World Service & Development](#)

[Primate's World Relief and Development Fund,](#)

[Anglican Church of Canada](#)

[Refuge Juan Moreno](#)

[Rights and Democracy](#)

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Développement

Association Chrétienne pour la Coopération Internationale au Développement

[Institut Africain pour le Développement](#)

[Economique et Social](#)

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[Fundación Restrepo Barco](#)
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Congo-Brazzaville

Association pour les Droits de l'Homme et l'Univers Carcéral
Rencontre pour la Paix et les Droits de l'Homme

Congo-Kinshasa

Action pour le Développement et l'autopromotion des Communautés de base
Amis de Simon Kimbangu pour la Défense des Droits Humains/Friends of Simon Kimbangu for the Defense of Human Rights
Association africaine de défense des droits de l'homme
Centre Martin Luther King Jr.
Coalition des Femmes pour la Paix et le Développement
Equipe d'encadrement des Réfugiés urbains et Ruraux Kinshasa
Femmes et Enfants pour les Droits de l'Homme
Fondation Jeremie Lomoto
Journalistes pour la Promotion et la Défense des Droits de l'Homme
Organisation des femmes congolaises pour le development
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[Ibn Khaldun Center for Development Studies](#)
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Refugee Center for Human Rights
South Center for Human Rights
Tadamon/Egyptian Refugee Multicultural Council

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Ethiopian Human Rights Council
Opportunities Industrialization Centers

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Gambia

African Centre for Democracy and Human Rights Studies
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Germany

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[Deutsche Welthungerhilfe](#) (German Agro Action)
Förderverein Kölner Flüchtlingsrat e.V./ Refugee Council Cologne
[Forschungsgesellschaft Flucht und Migration e.V./Research Center for Refuge and Migration](#)
[Ökumenische Bundesarbeitsgemeinschaft Asyl in der Kirche e.V./Ecumenical Consortium Church Asylum](#)
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[REFUGIO Munich](#)

Germany (continued)

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Georgia

Agora
Ajara Regional Committee of National Network against Violence

[Caucasus Environmental NGO Network](#)

Contemporaneity and Heritage

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Education and Universe Fund of Women

Entrepreneurs Georgian Women's Employment

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Union of Teachers "Education and Universe"

Woman and Health

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Children's Foundation Ghana

Kids Foundation, Inc.

[RESPECT Refugees](#)

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Minority Rights Group – Greece

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Shepherd Department–St. Joseph's University

[South Asia Human Rights Documentation Center](#)

Indonesia

Maluku Masa Depan

TAPOL, the Indonesian Human Rights Campaign

Iran

Association for Protection of Refugee Women and Children/HAMI

Ireland

[Integrating Ireland Irish Council for Civil Liberties](#)

[Irish Refugee Council](#)

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Israel and occupied territories

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[Panorama - the Palestinian Center for the](#)

[Dissemination of Democracy & Community](#)

[Development](#), Jerusalem

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[Laboratorio del cittadino Castiglione del lago](#)

[Perugia](#)

Jordan

Adaleh Center for Human Rights Studies

Al Sharqiyah Orient House for Forced Migration

Human Forum for Women's Rights

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Kenya

Africa Rehabilitation and Education Program Foundation

Kenya Episcopal Conference - Catholic Secretariat

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Legal Resources Foundation Trust

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Public Fund for Support of Civil Initiatives

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A'idun

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[Movement for the Promotion of Gender Equality in Liberia](#)

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Mexico

[Centro de Derechos Humanos Fray](#)

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Law Center of Advocates

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Montenegrin Helsinki Committee

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Alter Forum

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Nepal

Association of Human Rights Activists Bhutan
Bhutanese Refugees Aiding The Victims of Violence

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Destitute and Orphan Children Safeguarding Foundation Nepal

Group for International Solidarity

Human Rights Council of Bhutan

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Institute of Human Rights Communication

International Institute for Human Rights, Environment and Development

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Niger

Association Internationale pour les veuves et les orphelins

Association Nigérienne de Défense des Droits de l'Homme

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Violence Educators (North Ossetia)

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*Action humaine pour le développement intégré au
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Save Heritage and Rehabilitate the

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[Association of War Affected Women](#)

Eminent Persons Group on Refugee and Migratory
Movements in South Asia

[Human Rights Commission of Sri Lanka](#)

Sudan

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Darfur Organization for Human Rights and
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Groups/FARR

Tanzania

[Center for Youth Development and](#)

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[Southern African Human Rights NGO](#)

Tanzania

[Network-Tanzania Chapter](#)

[Tanganyika Christian Refugee Service](#)

[Wanawake Wakatoliki Tanzania/Catholic](#)

[Women of Tanzania](#)

Thailand

[AKE Rice Mill Co., Ltd.](#)

Amorn Anurutdhikorn Law Office

[Asia Pacific Forum on Women, Law and Development](#)

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Asian Research Center for Migration,

Chulalongkorn University

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Center for AIDS Rights

Chachoengsao Shrimp Farmers' Club

Coalition for the Protection of Human Rights Defenders

Construction Workers' Union of Thailand

[Council of Work and Environment-Related](#)

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Federation of Thai Industries—Ayutthaya Chapter

[Foundation for Labour and Employment Promotion](#)

Friends Without Borders

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[Labour Rights Promotion Network](#)

[Lawyers Council of Thailand](#)

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MAP Foundation

Migrant Workers and their Families Organization

[Mirror Foundation](#)

National Congress of Thai Labour

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Shrimp Farmers' Club of Bang Kla District

Shrimp Farmers' Club of Samutsakorn Province

[Shrimp Network Co., Ltd.](#)

Thailand (continued)

State Enterprise Workers Relations Confederation

[Thai Action Committee for Democracy in Burma](#)

Thai Catholic Commission for Migrants and Prisoners

[Thai Food Processors' Association](#)

[Thai Frozen Foods Association](#)

[Thai Labour Campaign](#)

Thai Labour Solidarity Committee

Thai Orchid Garden Enterprise Association

[Thai Rice Mills Association](#)

[Thailand Business Coalition on AIDS](#)

Thailand Electrical Appliance Workers' Federation

Women's League of Burma

Young People for Democracy Movement

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Turkey

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Uganda

Association des Réfugiés Francophones

Congolese Refugee Development Association

Human Rights Network/HURINET

[Refugee Law Project, Makerere University](#)

Ukraine

Ukrainian Helsinki Human Rights Union

United Kingdom

[Association of Visitors to Immigration Detainees](#)

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[Bail for Immigration Detainees](#)

Boaz Trust

[British Refugee Council](#)

[Gatwick Detainees Welfare Group](#)

[Immigration Advisory Service](#)

[Joint Council of the Welfare of Immigrants](#)

Liberation

[Muslim Hands](#)

[National Coalition of Anti-Deportation Campaigns](#)

[Refugee Action](#)

[Refugees Into Teaching in Scotland](#)

Sudanese in Diaspora

[Tearfund](#)

United States

[Action for Human Development and Cooperation](#)

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[American Immigration Lawyers Association](#)

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[Women's Commission for Refugee Women and Children](#)

Uzbekistan

Human Rights Society of Uzbekistan

Yemen

Committee for the Somali Interest, Conservation and Community Affairs
National Organization for Defending Rights and Freedoms
Women's Forum for Research and Training

Zambia

[Africa Humanitarian Action](#)
Africa Internally Displaced Persons Voice
[Council of Churches in Zambia](#)
Hodi
[Jesuit Centre for Theological Reflection Legal Resources Foundation](#)

Notable individuals (affiliations listed for identification only)

Ivan M. Abrahams

Presiding Bishop, Methodist Church of Southern Africa (South Africa, Namibia, Mozambique, Botswana, Lesotho and Swaziland), Chair of National Church Leaders' Forum, South Africa

C.R. Abrar

Coordinator, Refugee and Migratory Movements Research Unit, University of Dhaka; Eminent Persons Group on Refugee and Migratory Movements in South Asia, Bangladesh Chapter

Thomas F. Anders, M.D.

President, American Academy of Child and Adolescent Psychiatry

George Ayittey

Distinguished Economist in Residence, American University, [*Africa Unchained: The Blueprint for Africa's Future*](#)

Jagdish Bhagwati

Columbia University
[*The Wind of the Hundred Days: How Washington Mismanaged Globalization*](#)
Copenhagen Consensus participant

Carolyn P. Blum

Clinical Professor of Law, Emeritus
University of California at Berkeley

Rosemary Byrne

Director, International Process and Justice Project, Trinity College Dublin
The Reader in Refugee Law: Cases, Documents and Materials (editor)

Stephen Castles

Director, Refugee Studies Centre
University of Oxford
[*The Age of Migration: International Population Movements in the Modern World*](#)

Mohammad Azam Chaudhry

Coordinator, Eminent Persons Group on Refugee and Migratory Movements in South Asia, Pakistan Chapter

Kabir Chowdhury

National Professor of Bangladesh
Culture, Religion and Civil Society

Reed Coughlan

Empire State College
[*Bosnian Refugees in America: New Communities, New Cultures*](#), co-author

His Holiness the Dalai Lama

Incarnation of the Bodhisattva of Compassion,
Nobel peace laureate, [*Freedom in Exile*](#)

Alex de Waal

Director, Justice Africa
[*Famine Crimes: Politics & the Disaster Relief Industry in Africa*](#)

Hernando de Soto

Director, Institute for Liberty and Democracy
[*The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*](#)

Valentino Achak Deng

The Valentino Achak Deng Foundation
[*What is the What?*](#)

Visaka Dharmadasa

Chairperson, Association of War Affected Women

Oroub El-Abed

[*Unprotected: Palestinians in Egypt Since 1948*](#)

Kamal El Mesbahi

Conseil National de Transparency Maroc

Svetlana Gannushkina

Memorial Human Rights Center
Russian Federation

Guy S. Goodwin-Gill

All Souls College, University of Oxford
[*The Refugee in International Law*](#)

Thich Nhat Hanh

Unified Buddhist Church
[*Freedom Wherever We Go*](#)

Mark S. Hanson
Presiding Bishop
Evangelical Lutheran Church in America

Barbara E. Harrell-Bond OBE
Forced Migration and Refugee Studies
[*American University in Cairo Rights in Exile: Janus-Faced Humanitarianism*](#)

James C. Hathaway
Director, Program in Refugee and Asylum Law, University of Michigan Law School
[*The Rights of Refugees under International Law*](#)

David Hollenbach, S.J.
Director, Center for Human Rights and International Justice, Boston College
[*Refugee Rights: Ethics, Advocacy, and Africa*](#) (ed.)

Ijaz Hussain
Member, Eminent Persons Group on Refugee and Migratory Movements in South Asia, Pakistan Chapter

Saad Eddin Ibrahim
Chairman, Ibn Khaldun Center for Development Studies, [*Egypt, Islam and Democracy: Critical Essays*](#)

Phra Atikarn Inta Intaveero
Abbot, [*Papao Temple*](#), Thailand

Karen Jacobsen
Director, Refugees & Forced Migration Project, Fletcher School and Feinstein International Famine Center, Tufts University

Tamar Jacoby
Manhattan Institute, [*Reinventing the Melting Pot: The New Immigrants and What it Means to Be American*](#)

Khoti Kamanga
Director, Centre for the Study of Forced Migration, University of Dar es Salaam, Tanzania

Kamol Kamoltrakul
Member, Subcommittee on Human Rights Protection, National Human Rights Commission, Thailand

Phra Kittisak Kittisophonano
Metta Dhammaraksa Foundation, Thailand

Surapong Kongchantuk
Vice Chairman, Human Rights Subcommittee on Ethnic Minorities, Stateless, Migrant Workers and Displaced Persons; Law Society of Thailand

Medhi Lahlou
Professor of Economics, INSEA, Mohamed V University, *Le Maghreb: les migrations des Africains du Sud du Sahara*

Gilbert Loescher
International Institute for Strategic Studies
[*The UNHCR and World Politics: A Perilous Path*](#)

Mairead Corrigan Maguire
Nobel peace laureate, co-founder of the Community of Peace People, [*The Vision of Peace: Faith and Hope in Northern Ireland*](#)

Clovis Maksoud
Director, Center for the Global South at American University
Former Ambassador, League of Arab States

Liisa Malkki
Associate Professor, Stanford University
[*Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania*](#)

Susan Forbes Martin
Director, Institute for the Study of International Migration
Georgetown University

Dr. Cynthia Maung
Mae Tao Clinic, Mae Sot, Thailand

Jennifer Moore
Associate Dean of Academic Affairs
University of New Mexico School of Law

Stephen Moore
Founder, Club for Growth
The Economic Consequences of Immigration, 2nd edition (revisor)

Makau Mutua

Director, Human Rights Center, Buffalo Law School, State University of New York

Njongonkulu Winston Hugh Ndungane

Archbishop of Capetown and Primate of the Church of the Province of Southern Africa

Grover Norquist

President, Americans for Tax Reform

Douglass C. North

Washington University in St. Louis
[*Understanding the Process of Economic Change*](#); Nobel Laureate in economics, Copenhagen Consensus participant

Philip Peters

Vice President, Lexington Institute

Sushil Pyakurel

Commissioner (former), National Human Rights Commission, Nepal

Eric Reeves

Smith College, [*A Long Day's Dying: Critical Moments in the Darfur Genocide*](#)

Tek Nath Rizal

Chairman, Human Rights Council of Bhutan
Amnesty International Prisoner of Conscience 1989-99

Loretta Ann Rosales

Member, Philippine Congress, ASEAN Inter-Parliamentary Myanmar Caucus

Bonaventure Rutinwa

Centre for the Study of Forced Migration
University of Dar Es Salaam, Tanzania

Wilaiwan Saetia

President, Thai Labour Solidarity Committee

Ranabir Samaddar

Director, Mahanirban Calcutta Research Group, Founding editor, *Refugee Watch*

Nasim Hasan Shah

Chief Justice of Pakistan (Retired), Eminent Persons Group on Refugee and Migratory Movements in South Asia, Pakistan Chapter

Vernon L. Smith

George Mason University
Nobel laureate in economics, Copenhagen Consensus participant

Abune Berhaneyesus D. Souraphiel CM

Metropolitan Archbishop of Addis Ababa
President of the Catholic Bishops Conference of Ethiopia

Stephen J. Stedman

Stanford Institute for International Studies
[*Refugee Manipulation: War, Politics, and the Abuse of Human Suffering*](#) (ed.)

Mae She Suvimon Suebsarakam

Wat Sraket, Thailand

Phra Kru Taworasarnkitjanurak

Abbot, Wat Weruwan, Mae Sot, Thailand

Fiona Terry

Research Director (former), *Médecins Sans Frontières-Paris*, [*Condemned to Repeat? The Paradox of Humanitarian Action*](#)

Phra Thammakittimethee

Wat Samphanthawongsaram
Member, Sangha Supreme Council of Thailand

Pornpimon Trichot

Institute of Asian Studies
Chulalongkorn University, Thailand
A Journey of Ethnic Minority

Desmond M. Tutu

Archbishop Emeritus, Nobel peace laureate
[*God Has a Dream: A Vision of Hope for Our Time*](#)

Jon Ungphakorn

Former Senator, Thailand, Member, ASEAN Inter-Parliamentary Myanmar Caucus

Jerôme Valluy

Research Director; Sorbonne University
Coordinator of the TERRA network, *La nouvelle Europe politique des camps d'exilés*

Ralph Wilde

University College London

Jody Williams

Ambassador, International Committee to Ban
Landmines, Nobel peace laureate



Moving Forward: Identifying Specific Measures to End Refugee Warehousing

UN High Commissioner for Refugees Pre-ExCom Consultations
September 29, 2004

Introduction

Of the nearly 12 million refugees in the world today, more than 7 million have been confined to camps or segregated settlements or denied basic human rights—“warehoused,” in effect—for 10 years or more.¹ In its June 10, 2004 Standing Committee document on Protracted Refugee Situations, the UN High Commissioner for Refugees (UNHCR) estimates the average duration of refugee situations has increased from 9 years in 1993 to 17 years in 2003.² While durable solutions are the ultimate goal for refugees, the prospects for such solutions for millions of refugees are increasingly out of reach. Fortunately, the 1951 Convention Relating to the Status of Refugees sets forth what amounts to a bill of rights of refugees to live as normal a life as possible while in exile, including the rights to work, own property, run businesses, move about, and reside where they choose.³

Since the publication of *World Refugee Survey 2004—Warehousing Issue* back in May, a hundred non-governmental organizations (NGOs) and notable individuals have endorsed the Statement Calling for Solutions to End the Warehousing of Refugees, a broad declaration of principles favoring the implementation of the Convention’s rights. They include major authorities on international refugee law, about two-dozen NGOs representing refugees and activists from the global south, 15 from Europe (including the European Council for Refugees and Exiles), major international humanitarian and human rights groups such as Amnesty International, Human Rights Watch, International Catholic Migration Commission, Jesuit Refugee Service, and Lutheran World Federation, and four Nobel peace and economics laureates.⁴

UNHCR’s document acknowledged that confinement to camps, while perhaps necessary in times of crisis, is “not in conformity with the rights enshrined in refugee

¹ U.S. Committee for Refugees (USCR), “Warehoused Refugee Populations,” *World Refugee Survey 2004—Warehousing Issue*, 2004, <http://www.refugees.org/wrs04/main.html> (WRS 2004), Table 3, p. 3.

² UN High Commissioner for Refugees (UNHCR) Standing Committee, “Protracted Refugee Situations,” EC/54/SC/CRP.14, June 10, 2004 (UNHCR 2004), para. 6.

³ “Anti-Warehousing Rights,” *WRS 2004*, pp. 40-41.

⁴ <http://www.refugees.org/warehousing/docs/statement.pdf>

instruments” and that steps to ensure that refugees enjoy basic Convention rights, including those necessary for self-reliance, are “core, mandate functions for the Office” and applicable even in the absence of immediate durable solution prospects.⁵

So there is general agreement that warehousing refugees is wrong and that honoring their rights is imperative. Accordingly, I will not take your time and attention here to reiterate all the pathologies, debilities, and inequities better detailed in our *Survey* and elsewhere. The question is how do we move forward? Precisely who needs to do specifically what to begin the long process of ending a practice that spans the globe, involves millions of people and hundreds of millions of dollars, and has existed as the de facto norm for decades?⁶

At one level, the answer has always been deceptively simple: implement the Convention. But this answer ignores the context that the vast majority of the world’s refugees are in the territories of the less developed nations of the global south. To simply leave it at this is to deny that refugee protection is an international responsibility.

Most of the basic rights of the Convention do not impose direct costs to host country governments. They are essentially negative freedoms merely calling for the state’s non-interference with refugees’ economic activity or choices of residence.⁷ Others, however, like access to courts, primary education, and public assistance, require government expenditures. Hosts may also incur indirect costs due to the economic impact of large influxes of unskilled labor, social tensions between diverse ethnic and religious groups, and security concerns due to continuing conflict in the source country. Many host countries are concerned that allowing refugees even limited enjoyment of rights will be potential “pull” factors.

Here we hope to explore answers to some of these problems and to identify further questions in order to open the dialogue. Our suggestions will no doubt be only partial answers, inadequate to a full mapping out of the journey from warehousing to honoring Convention rights. We seek not to hide shortcomings but to lay them out for consideration and response from our friends and colleagues in UNHCR, among the NGOs and governments represented, and from refugees themselves. We who gather here today have made it our daily work and even life’s mission to protect refugees and their rights and convene in a spirit of collaboration. Our hope is that this panel, and other discussions that will follow at tomorrow morning’s side meeting and elsewhere will explore the genuine challenges to granting refugees their rights and identify specific measures to end warehousing.

⁵ UNHCR 2004, paras. 9 and 17 and “NGO Statement on Protracted Refugee Situations, Item 5(ii),” UNHCR Standing Committee, 30th Meeting, 29 June-1 July 2004, <http://www.icva.ch/cgi-bin/browse.pl?doc=doc00001201>.

⁶ Merrill Smith, “Warehousing Refugees: A Denial of Rights, a Waste of Humanity,” *WRS 2004*, pp. 38-56, <http://www.refugees.org/wrs04/pdf/38-56.pdf> (USCR 2004), see esp. “Why it Goes On,” pp. 42-50.

⁷ Nkurikiye Etienne, “Speech delivered by the Representative of the Lusaka Refugee Coordination on the Occasion to Mark the Fourth World Refugee Day, Sunday, 20th June 2004,” Lusaka, Zambia, http://www.refugees.org/warehousing/docs/Lusaka_Refugee_Coordination_Speech.pdf.

We start with the basic principal that, while our proposals must be practical, we are talking about *rights*. By this we mean that, should a given approach fail, we cannot simply wash our hands of the matter. We have to try again. The challenge is essentially a political one—how do we create a policy environment conducive to refugees’ exercise of their rights? The answers may be fluid and multifarious but we must begin to generate them now.

Donor Country Reimbursement for Host Country Expenses

Host countries often observe that while the donor community funds assistance to refugee camps, it generally does not offer similar funds for self-settled refugees outside the camps. This serves as a major structural disincentive to ending warehousing. Host government representatives have called for more sustained commitments from donors to address the impact of refugees on their countries. The High Commissioner is also committed to the principle that refugee protection is an international responsibility, not one that falls arbitrarily upon countries bordering the refugees’ source. A minimal first step toward realizing this principle would be for UNHCR, through its Executive Committee and with the approval of its donors, to commit to reimbursing host countries as necessary for expenses they incur pursuant to granting refugees in their territories their rights under the 1951 Convention.⁸

This begs many detailed questions as to how such a fund would be organized and administered. At this stage, however, we hope to set forth the basic idea of what such a commitment would entail. It should not make *per capita* payments for all refugees hosted in the country but a *pro rata* compensation for services actually delivered to refugees in an integrated manner and related expenses. It should enhance the host countries’ capacity to provide not only refugees but also their own populations with essential opportunities and services rather than to segregate refugees with parallel aid streams that breed resentment. UNHCR would play the key role in the reimbursement process of verifying that the refugees actually enjoy their rights and receive the services. This would mean UNHCR shifting its activities from care and maintenance in such countries to protection consonant with its original mandate. The tie to reimbursement would create a strong incentive for host countries to welcome such a role.

Direct reimbursement, however, would constitute only the *minimum* commitment from the donor community and may not be sufficient to compensate for indirect costs on local labor and other markets. Supplemental incentives, such as general capacity-building grants, targeted development assistance, vocational training, or other support may also be necessary and would have to be individually tailored to the circumstances of particular host countries. Negative economic impacts of refugees exercising their rights, however, should not simply be *assumed*; rather, they should be empirically verified, assessed, and balanced against indirect contributions of their energy and innovations and offsetting factors of market adjustment. This is important not merely to avoid

⁸ USCR 2004, “Refugee Rights and Host Country Interests,” pp. 53-54.

misidentifying refugees as “burdens;” it is essential to devising appropriate, responsive, and effective programs.

Reimbursement and compensation are not magic bullets to end warehousing but, rather, essential down payments on the principles that refugee rights are universal and that refugee protection is an international responsibility. Not all problems can be solved with money and we don’t pretend otherwise. Even identifying those that can, does not generate the funds. And how long must such compensation continue? Different situations will call for different answers, but two things must be borne in mind. One is the vastly greater expense of keeping people dependent on assistance for decades or generations in artificial encampments. The other is warehousing’s cost in squandered human potential. Any principled argument for the status quo must defend *those* expenses.

Security

Even before the events of September 11, 2001, security concerns frequently trumped human rights. Refugee outflows often result from ongoing military conflicts that can easily overflow national boundaries. But is keeping refugees idle in camps or segregated settlements really the safe thing to do? Would allowing them to move about and support themselves be riskier? There is much evidence to the contrary, but problems remain for which we must find solutions.

As Barbara Harrell-Bond has noted “it is very nearly impossible to maintain the civilian character of a camp.”⁹ Rebel leaders often dominate refugee camps and use them as bases from which to replenish supplies, recruit soldiers, provide rest and relaxation to their forces, generate political support and a sense of legitimacy, and launch incursions back into the source country. They often manipulate refugees to keep them near dangerous borders, virtually inviting retaliation from source countries. The enforced idleness of camp life, in turn, allows resentment and extremist ideology to fester. By spatially concentrating refugees of particularly vulnerable ethnic groups or religious minorities while their armed adversaries remain at large, encampment may exacerbate their vulnerability.¹⁰

Can releasing them be safer? One step essential for both refugee protection and assistance and host country security is for the host government to properly identify and register refugees and issue them secure identity documents. The importance of registration is evident in the context of maintaining the integrity of ration-distribution systems and potential resettlement programs, but particularly rigorous identification and registration programs, perhaps including biometric identifiers, may be called for where

⁹ Barbara Harrell-Bond, “Towards the Economic and Social ‘Integration’ of Refugee Populations in Host Countries in Africa,” Stanley Foundation Conference “Refugee Protection in Africa: How to Ensure Security and Development for Refugees and Hosts,” Entebbe, Uganda, November 10-14, 2002, p. 19.

¹⁰ Veronika Martin, “Myanmarese Refugees in Thailand: No Freedom, No Choices,” *WRS 2004*, pp. 82-89, <http://www.refugees.org/wrs04/pdf/82-89.pdf> (see esp., “Paw Paw’s Story,” sidebar p. 87).

the liberty of the refugees and the security of all concerned are at stake. UNHCR has already taken steps to improve registration systems. With funding and technical assistance, donors could help host governments further enhance their capacity to monitor refugee flows and to screen dangerous elements.

Not all security risks involve foreign or political actors. The government of Tanzania, citing ordinary criminal activity, has shut down a number of refugee markets. According to a World Food Programme-sponsored study, this and restrictions on movement “led to a deteriorating food security situation.”¹¹ Donors may ameliorate many genuine security problems with programs that build local police and judicial capacity rather than measures that require the wholesale denial of refugees’ rights. Such programs would also be more compatible with host country sovereignty than the international administration of refugee camps on their territory.¹²

As Dr. Khoti Kamanga has noted in the case of Tanzania,

We recommend that as with the police, assistance to local administration, judiciary and the prisons particularly that which is intended to address the impact caused by the presence of refugees should be extended on formalized and entitlement basis as par of the international legal, obligation to share the entire refugee burden. There is no reason why the host county should be made to shoulder a disproportionate share.¹³

“Pull” Factors

According to UNHCR, some governments “will not want to give full rights because they fear that if the first 10,000 refugees are allowed in then another 30,000 will arrive.”¹⁴ The availability of minimally humane refuge under the terms of the Convention may indeed induce people in fear of persecution to seek it, but this is minor compared to the push factors of persecution and war. A more rights-conducive approach might not so much increase inflows as increase the host government’s ability to monitor and screen a population with identity documents.

In any event, however, the denial of basic human rights in an effort to discourage people from fleeing persecution is, in effect, a denial of first asylum. Again, we have no easy answers but the question is fundamental and goes beyond warehousing.

¹¹ Greg Collins, “The Coping Strategies Index (CSI) Baseline Survey: World Food Programme (WFP) Assisted Refugees in Western Tanzania,” June-July, 2004.

¹² Ralph Wilde, “*Quis Custodet Ipsos Custodiet?*: Why and How UNHCR Governance of ‘Development’ Refugee Camps should be Subject to International Human Rights Law,” *Yale Human Rights and Development Law Journal*, 1998, Vol. 1, p. 107.

¹³ Dr. Khoti Kamanga, “Impact of Refugee Presence on International and Regional Security: Spotlight on North-western Tanzania,” *The African*, July 12, 2004.

¹⁴ Ushani Agalawatta, “Burundi: Massacre Highlights Lack of Rights – Group,” *InterPress Service*, August 23, 2004.

Communal Tensions

Many of the more favorable examples of refugee reception have occurred where the refugees share the religion and/or ethnic make-up of host populations. Where they do not, the parallel aid streams essential to warehousing create additional distinctions between refugees and locals and can artificially exacerbate animosity.¹⁵ Policy makers may also exaggerate the strength of local hostility as a convenient (and self-flattering) pretext for failing to honor refugee rights.

But has anyone actually *asked* the local population? Accurate polling on sensitive policy issues often finds public opinion to be far more broad-minded than policy-makers assume or are inclined to admit. And where polling finds animosity, focus groups can help pinpoint substantive problems to be addressed and/or areas where public relations efforts accentuating potential refugee contributions may be most fruitful. Culturally appropriate rights advocacy may well take the form of appeal to indigenous concepts of compassion, piety, mercy, solidarity, kinship, reciprocity, or pride.

Local hostility, however, whether imagined or real, does not excuse depriving refugees' of their rights. Instead, it confirms the importance of practical solutions and *political will* as the essential ingredients to realize public policies compatible with those rights. Where these come from the grassroots of the local hosting communities, so much the better, but human rights are not contingent upon accidents of birth or contingencies of faith. Where ethnic or religious bonds do not exist between peoples thrust together by forced migration, political leadership and international support are imperative to ensuring rights.

Monitoring Protection

Lastly, if refugees are dispersed, how will their protection be monitored? General human rights monitoring as practiced by the UN, governments, and NGOs typically does not require encampment. UNHCR and NGOs involved in refugee protection can adopt such methods and mechanisms. But protection must mean more than daily rations in a camp.

Conclusion

All constructive answers begin with recognition of the problem and commitment to find solutions. We particularly invite and welcome the input of those with greater operational experience in relief and development and human rights protection. Mostly, we need the input of refugees and of host and donor governments. Sharing ideas and working together, we will map the road forward to where refugees enjoy the basic rights envisioned for them in the 1951 Convention and other fundamental human rights instruments and host and donor governments assume their respective responsibilities.

¹⁵ USCR 2004, pp. 39-42.