

**REFUGEES IN THE
21st CENTURY
Can we Find a Solution?**



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Lluís Magriñà, sj.

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The Jesuit Refugee Service (JRS) is an international Catholic organisation that works in over 50 countries, with the aim of accompanying, serving and defending the rights of refugees and those displaced by force.

On the occasion of the 25th anniversary of the JRS, we in the Cristianisme i Justícia Society, wanted to introduce their work and the challenges they face.

More information can be found at www.jrs.net

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INTRODUCTION: THE MOVEMENT OF PEOPLE

A few months ago in Madrid, I came across a Bolivian woman who had emigrated to Spain, where she was living without any documentation, and was therefore living outside the law in her new home. I asked her why she had abandoned Bolivia. “In Bolivia” –she told me– “nobody was concerned about me. The State offered no sort of provisions for elderly citizens and if I had stayed, I would have spent the rest of my days living in poverty and insecurity”.

This lady is only one among millions of people who have left their places of origin and who now live in another country or region. According to recent estimates of the UN and the ILO, there are around 200 million people on the move, out of which, 120 million are working emigrants with their families. 20 million African workers live and

work outside of their country of origin and according to the same data, one in every ten African workers will live and work outside of his country by 2015.

There were three great migrations of people that took place at the start of the twenty-first century: from Eastern to Western Europe, in a process that started with the fall of communism and the

collapse of the Soviet Union; from Central and Southern America towards the USA; and of course, the internal migrations of people living in Africa. The reduction in price of international transport, the arrival of communications and technology industries to regions of average and low incomes, the increase in human trafficking, combined with the need of richer countries for a foreign labour force to compensate for their own demographic stagnation, has made immigration become the greatest phenomenon of recent years.

Immigration is at the present time, an issue of global dimensions that cannot be treated on a country-by-country basis. The movement of people is therefore a phenomenon of globalisation.

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In this context, it becomes increasingly difficult to draw the line that separates the “voluntary” movement of people from the “involuntary” movement of people, that is, those who are fleeing because their lives are under threat and/or because they are trying to escape from poverty and social injustice, those who have been moved by force as well as those people whose exile was a result of their own decision. In many countries, living conditions are

far from ideal, and in some cases this can reach extreme levels. People move from one place to another in search of a better life or looking for some kind of security against a hostile background. For this reason, we cannot simplify the situation and wonder if the woman who left Bolivia behind because she feared for her survival, had another option or choice, or believe that nothing or no one made her abandon her homeland.

The compulsory movement of people

However, we will not be looking at the matter of the 200 million people who have emigrated, but rather the near 50 million individuals who could be classified as people who were *displaced by force* according to the traditional, legal understanding of the term; in other words, refugees and those moved within their own country. Nevertheless, we should realise that the colloquial understanding of the term refugee, as that of people who have abandoned their homes for one reason or another, is not always applicable. In fact, there is an abundance of definitions and classifications that sometimes overlap to such an extent that we are ultimately able to establish a ‘link between immigration and refugees’.

Today more than ever, refugees form part of a complex migratory phenomenon given that the reasons behind the movement of people include political, ethnic, religious, economic and environmental factors, as well as reasons relating to human rights issues.

The concept of the term refugee that I will use is taken from the definition

made by the Church, “*de facto refugee*” (see p. 12), that contains a broader vision than that outlined by the Geneva Convention on Refugees in 1951. It is a definition that is reflected in the work carried out by the Jesuit Refugee

Service (JRS): it includes the main causes of forced displacement, at the same time recommending ways of moving forward in the defence and protection of refugees as well as those who have been displaced by force.

Definition of the Convention of the United Nations on the Status of Refugees and Stateless peoples (Geneva, 28.07.51)

“The term “refugee”, shall apply to any person who... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” (Art. 1,A.2).

Working definition of the UN on Internally Displaced Persons

“Persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who are *within the territory of their own country*”.

1. CONFLICTS AS A PRINCIPAL CAUSE OF DISPLACEMENT

Conflicts continue to be the main cause of displacement: they drive millions of people from their homes every year; they destroy houses and devastate farmlands. The huge number of refugees and displaced persons –(50 million throughout the world)– is this high mainly as a result of conflicts. Very often, civilians become deliberate military targets, although the most common scenario is that people simply find themselves caught in the crossfire between different warring factions who seem little worried about the suffering they are inflicting. Out of all the refugee situations in which the JRS has worked in 52 countries around the world, only the Bhutanese refugees, out of which more than 100,000 live in Nepal, are not the direct result of armed conflict.

1.1. Active conflicts in the world

At the present time, there are at least 31 major active conflicts in the world. Each one has its own specific causes and its own way of developing, but, in the light of what we are currently witnessing in the world, we can say that large-scale international wars are relatively rare, and that the majority of armed

conflicts going on at the moment are civil wars. In other words, we are talking about the type of conflicts where various organised groups confront the State by resorting to violent means.

Taking a glance back in time, in this category we find the examples of Colombia, Liberia, Sri Lanka, Sudan, the Democratic Republic of the Congo,

Burundi, Indonesia and Angola, that all suffered long civil armed conflicts. Evidently this list is an abridged one, and not at all exhaustive. The majority of civil conflicts that take place are not isolated incidents: a link usually exists with external factors, and the procurement of weapons from abroad will usually affect neighbouring countries in some way.

For example, although the war in the Democratic Republic of the Congo had its origins in a civil conflict that was taking place between the government and rebel groups, it also attracted foreign attention from the region of the Great Lakes, and even further afield: at various stages of the conflict, troops from Uganda, Rwanda, Zimbabwe, Angola, Namibia participated in it, when it suited their own political and economic interests.

The civil conflict in Colombia also produced effects in neighbouring countries, notably in Venezuela, where armed groups are currently operating, and this has become a source of tension between the two countries, producing destabilising effects on both sides of the border. More and more Colombian refugees are crossing the border trying to escape from the violence and find refuge in neighbouring countries.

1.2. Causes and types of conflicts

At the root of the majority of these conflicts is the struggle for control, whether it is for control of the government or control of the land. The reasons that are hidden behind confrontations can vary from one conflict to another,

although a set of common causes unite the majority of these conflicts:

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A. Political instability and State collapse

The collapse of national security and the weakening of the national state are common situations encountered by countries in conflict. Armed conflicts are characterised by the fragmentation of political authority. The weaker the State becomes, the more unstable it will be, given that it does not possess the resources needed to impose law and order. And this situation worsens when the State takes more from its citizens than it gives back in terms of public services, that is, when it economically exploits certain sectors of the population, or when corruption becomes widespread and all sense of law and order is lost. In conditions like these, resentment against the state will inevitably boil over, and in the case of weaker states, this results in the government reacting with extreme measures, and this in turn encourages certain groups to react against what they consider to be an unlawful government. This situation was seen only recently in Haiti.

There are several states that have collapsed in recent times: Somalia, the

former Yugoslavia, Liberia, Sierra Leone and of course, the former Soviet Union – these are just a few examples to which we will probably be able to add more states in the future. In many countries, citizens have lost confidence in the capacity of their own government to be able to or to even want to protect them. In Rwanda and Burundi, governmental control remained in the hands of minority factions that went on to cause divisions between its citizens. When the economy of a country begins to weaken or when there is a change in the balance of power within a country, governments fall into the temptation of resorting to the use of force to control their people.

Weak states also have a tendency to become involved in external disputes in order to divert international attention and pressure away from themselves, or perhaps to make use of other country's resources. This theory can partly explain the cause of the war between Ethiopia and Eritrea.

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B. The historical aspirations of an ethnic group

Conflicts that involve armed groups at war with a state in a bid to gain inde-

pendence for their region or 'nation' have been very common in recent years. When a group has a distinct national identity, it will not want to form part of a larger state. Furthermore, they may feel that the central government does not respect their religious or social rights as a cultural minority. Again, the question of how a state legitimises itself in the face of other groups and sectors of society comes into play. We only have to recall the bloody wars that devastated the former Yugoslavia during the nineties to see that a potential conflict can arise when different ethnic groups refuse to accept the authority of the central government. In the Balkan States, the central powers in Serbia, would not accept the independence of Croatia and later of Bosnia-Herzegovina, due to the mere fact that in these territories, there was a large population of ethnic Serbs.

C. Economic motivations

Among the common causes of conflicts we find economic inequality, disproportionate use and distribution of the country's natural resources, and greed. The existence of mineral resources, such as petroleum or diamonds for example, are an incentive for groups or regions to try to gain control of these primary resources, particularly if the said resources are not distributed equally.

This was one of the key factors that lay behind the long secessionist war in the Indonesian province of Aceh, where an independent movement has been struggling against the central government since 1976, a war that has already resulted in 12,000 deaths as well as tens

of thousands of people being displaced. With great reserves of petrol, natural gas, wood, fish, and palm tree and rubber plantations, the province has generated a substantial part of Indonesia's income.

Local politicians and activists realised that the people of Aceh should benefit more from their own economic resources. Before 2003, apart from a small percentage of profits generated in the area, most of the income was going towards lining the pockets of the central government instead of being distributed among the poor of Aceh. Combined with a historical sense of identity of the Aceh people, these economic factors became one of the main reasons behind this long conflict.

D. Specific post-colonial conflicts

Several conflicts have arisen during the period of decolonisation, a phenomenon that has mainly been seen in Africa, although also in other parts of the world such as Indonesia and East Timor. The withdrawal of colonial powers, between the forties and seventies was sometimes made without giving a thought to the national realities of the countries that were being abandoned, while others suddenly left behind a political vacuum that was filled by a struggle for power of warring ethnic groups. This is what happened in many African countries, where the borders of new states had been established without taking into account the ethnic realities or the traditional frontiers that already existed and where the colonial powers had deliberately encouraged divisions between groups, following the 'divide and conquer' strategy.

The conflict in Burundi, which is still continuing, finds its roots in the aftermath of the withdrawal of the Belgian colonial regime in 1962. The result was that rivalry broke out between the Hutus and Tutsis. In the last ten years alone, some 300,000 people have died in the Burundi conflict, and at the present time there are some 800,000 people displaced from their homes as a result of the war.

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are civilians

In the light of this brief analysis of some of the causes of global conflicts, we could also add a few more: the ease of acquiring weapons, environmental conflicts –for example, the struggle for water–, and conflicts based on religious reasons.

Nevertheless, the common denominator in all these conflicts is that the great majority of their victims are civilians.

1.3. Future conflicts

According to the Stockholm International Peace Research Institute (SIPRI), future conflicts will arise over disputes between clashing cultures, territorial claims and the control of political institutions. Conflicts within communities are normally the result of a crisis of the

state, of radical fundamentalism, of a scarcity of resources and objective or subjective inequalities. In places where tribalism, ethno-nationalism or religious differences are evident, conflicts are encouraged by the ambition of a few leaders who launch their fiery speeches in the name of a particular ethnic or religious identity. When the subject of power comes into play, economic problems lead to the appearance of

scapegoats, which is what we are seeing today in those countries where colonial empires and communism have collapsed, where economic poverty is a reality and where ethnic groups have re-asserted their identity.

These conflicts bring about the forced movement of people both within their own country and to other countries.

Basic glossary

Asylum seeker: Any person fleeing from their country who seeks refugee status in another country.

Emigrant for economic reasons: Any person who leaves their home in order to look for better work or an improved quality of life in another country.

Immigrant: Anyone who comes into another country in the hope of settling there.

Internally displaced person: Anyone who abandons their home out of fear, but who does not cross any international borders.

Refoulement or deportation: When an asylum seeker or refugee is brought back to their own country against their will.

Refugee: Anyone who abandons their own country or who cannot return there because of justified fears of persecution, whether for reasons of their race, religion, nationality, their membership of a particular social group or their political opinions.

Repatriation: People can return to their home country voluntarily. If they are made to do so against their will, this is known as “forced repatriation” and is the equivalent of *refoulement* or deportation.

2. WHAT IS A REFUGEE? A LOOK AT THE BIGGER PICTURE

According to international law relating to refugees, the term 'refugee' is used in accordance with the outline of the 1951 United Nations Convention relating to the Status of Refugees. This definition does not include internally displaced persons however, and neither does it take into account the large-scale displacement of people brought about by conflicts or by the abuse of human rights. Many of the reasons that legitimise fleeing from a country are not included in current legal definitions of the term (see the definitions listed on p.5).

2.1. Refugees and the social doctrine of the Church

Catholic social teachings incorporate the term *de facto* refugee, that is “any person persecuted because of his race, religion, membership of a particular social or political group; any victim of armed conflicts, flawed economic poli-

cies or natural disasters, and for humanitarian reasons, any internally displaced person, in other words, any civilian uprooted from his home by force due to the same violence that affects refugees, but who has not crossed any international frontiers”.

These internally displaced people who are moved by force are usually vic-

tims of the same type of violence that causes refugees to move, although they are not included in the definition of the UNHCR (United Nations High Commissioner for Refugees). In this broader definition developed by Catholic social teachings, refugees are not only those who are living in camps,

but also internally displaced persons, asylum seekers, homeless foreigners living in urban settlements, immigrants imprisoned in detention centres and stateless people. This broader understanding of the term 'refugee' is that which guides the work and mission of the Jesuit Refugee Service (JRS).

The 1992 "Cor Unum" document, "Refugees: a challenge to solidarity" develops this point

Legally recognised refugees

3. Human conflicts and other life-threatening situations have given birth to different types of refugees. Among these are persons persecuted because of race, religion, membership in social or political groups. Only refugees in these categories are explicitly recognized by two important documents of the United Nations. These juridical instruments do not protect many others whose human rights are equally disregarded.

"De facto" refugees

4. Thus, in the categories of the International Convention are not included the victims of armed conflicts, erroneous economic policy or natural disasters.

For humanitarian reasons, there is today a growing tendency to recognize such people as "*de facto*" refugees, given the involuntary nature of their migration... In the case of the so-called "economic migrants", justice and equity demand that appropriate distinctions be made. Those who flee economic conditions that threaten their lives and physical safety must be treated differently from those who emigrate simply to improve their position.

People displaced within their own country

5. A great number of people are forcibly uprooted from their homes without crossing national frontiers. In fact during revolutions and counterrevolutions, the civilian population is often caught in the cross-fire of guerrilla and government forces fighting each other for ideological reasons or for the ownership of land and national resources. For humanitarian reasons these displaced people should be considered as refugees in the same way as those formally recognized by the Convention because they are victims of the same type of violence.

2.2. Refugees and internally displaced persons (IDPs)

Current trends indicate that while the number of refugees in the world is not increasing significantly, the number of internally displaced persons is growing by the minute (see the Appendix at the end of this booklet). One possible explanation is that countries are more reluctant than ever to receive refugees or to allow them to leave the country, by closing the borders, or by making their lives more difficult. When someone finds themselves in this situation, although they may remain within the borders of their own country, they do not receive the same attention or recognition as a refugee would according to the definition of the Geneva Convention.

This usually makes the activities of humanitarian organisations that work with internally displaced persons more difficult and delicate, as in the case of the JRS. Internally displaced persons are not immediately visible. They are excluded from the majority of statistics concerning refugees, and remain invisible from the media and from governments. This makes them much more vulnerable. They are the forgotten refugees, those whose cry should be heard, and whose suffering should be alleviated, just as with any other person who finds themselves forced to flee their homes because of violence.

For all these reasons, the JRS accords great importance to its work with IDPs in line with our policy to particularly give attention to those who most need our help and to those whose voice is not heard by the rest of the world. The JRS works with IDPs in Indonesia,

Sudan, Colombia, Angola, Burundi, Liberia, the Ivory Coast, Sri Lanka, the DR of the Congo as well as in several other areas.

There is a great difference between working with refugees and working with IDPs. When someone becomes a refugee it means that they have escaped from their own country into a neighbouring country where they hope to receive legal and material support from the UNHCR, from governments and from other organisations, whose mission and obligation is to protect them. However, when someone has been displaced within their own country, they must continue living under the same regime that was probably the very reason that forced them to move in the first place.

Any organisation that works with IDPs must cover all their needs, since these people have no type of physical or legal protection from their own country. Furthermore, when victims of a conflict remain within the country where the conflict is taking place, the hope of being able to respond to their needs is significantly reduced, given that the international humanitarian system has less opportunity, and often, less desire to intervene.

Some examples of Refugees and internally displaced persons (IDPs)

A quick glance at the estimated numbers of refugees and internally displaced persons in some of the countries where the JRS works reveals the magnitude of this human tragedy:

1. *Sudan*, in East Africa, is the country with the greatest number of in-

ternally displaced persons (IDPs) in the world, its figure being estimated at between 5 and 7 million people that have been forced to move as a result of the war between government forces and the Sudan People's Liberation Army (SPLA).

2. *Colombia*: the long and cruel civil war, between government forces and guerrillas or paramilitary groups, has had a devastating effect on the population of the country. Many people have been forced to move on several occasions, and although it is difficult to make an estimate, it is believed that there are in the region of 2.9 million internally displaced persons.

3. *Angola*: when the ceasefire was agreed between the government and UNITA rebel forces in April 2002 after almost thirty years of civil war, it was estimated that over 3 million people had been displaced within the country, not counting the 400,000 refugees who had fled to neighbouring countries. Today, programmes of repatriation and relocation are in operation, in spite of the fact that the country is still littered with landmines and lacking a basic infrastructure because of the devastating effects of decades of conflict.

4. *Indonesia*: at the start of 2003, there were 1.4 million displaced people in Indonesia, mainly in the Maluku Islands and Aceh. The Malukus had gone through sectarian conflicts for four years that had displaced hundreds of thousands of people, while the conflict in Aceh had borne witness to a flagrant abuse of the human rights of the civil population, committed by the govern-

ment and rebel secessionists. In 2004 there were still around 500,000 displaced people in the area.

5. *The Democratic Republic of the Congo*: following years of conflict, there are over 2 million IDPs and this is only the start of an even greater number of refugees that live in neighbouring countries. Recently the alarm has been raised following fresh outbreaks of ethnic violence in the East of the country that could degenerate into a large-scale genocide if an international peacekeeping force does not intervene.

To these examples, we could add the war in Burundi that caused nearly 400,000 IDPs, now relocated in 226 camps across the length and breadth of the country, as well as the 300,000 refugees in neighbouring Tanzania. The process of repatriation is currently in progress there.

The conflict in Liberia also caused hundreds of thousands of people to flee their homes. Some headed for Monrovia, the country's capital, others headed for the border regions like Guinea, and thousands more crossed the borders, seeking refuge in both Guinea or in Sierra Leone.

In northern Uganda in East Africa, the civil conflict that saw the clash of government forces and rebel groups, intensified during the last year, and its consequences were on the one hand, a deterioration of law and order, and on the other, even more displacement of the civil population: currently there are over one million people who have been displaced because of the conflict (See Appendix).

2.3. Refugee camps

The traditional work of a humanitarian aid agency with refugees is to help them in their camps and settlements. Those who have been displaced for a long period of time need food, shelter, water, sanitation, education, training, social services, development programmes and medical services. Refugee camps can range from the smaller sites to accommodate 50 people –there are more than 100 small settlements for the Sri Lankan refugees in India– to camps that accommodate around 150,000 or more, similar to the camps found in Tanzania for refugees from Burundi.

Some refugees find themselves held in prison camps that are controlled by security forces, which is what happened to the Vietnamese and Cambodian refugees in Thailand and Malaysia. Others found shelter in the villages of neighbouring countries, like the many Liberians who arrived on the Ivory Coast or in Guinea, or the Colombians that travelled to Venezuela. Others, like the *Karen* minority from Myanmar, fought a war against the Burman majority for more than fifty years. The Karen people now live along the Thailand border like refugees. Nevertheless, when a refugee does manage to leave their country and seek exile and protection in another, his fate will usually involve living in a refugee camp rather than being integrated into the society of the host country, which condemns him to live his years of exile in less than ideal conditions.

The camp at Kakuma is a paradigm of the fate that can await many refugees. It is located in the deserts of northern

Kenya. It is an isolated place, one of harsh beauty, although not at all welcoming. Sand and dust storms point to the inhospitable and hostile nature of the desert that has become the home of 90,000 men, women and child refugees.

The majority of refugees from the camps arrived in Kenya from neighbouring countries such as Sudan, Somalia, Ethiopia, Uganda, Burundi and Rwanda, having fled their countries of origin due to the outbreak of war, fear of persecution and even death. They cannot return to their homes because of the ongoing situation there, and so they are obliged to remain in the camp, in conditions that hold their own dangers and difficulties. For years, there have been several refugees who are languishing in the ill-fated environment of Kakuma.

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Humanitarian and aid agencies have borne witness to the dehumanising nature of the refugee camps throughout the African continent. In many cases, access to them is blocked, signifying that the refugees are not even allowed to venture out to collect wood needed for cooking. Neither can they trade in the local markets. Working outside the

camp is forbidden. These conditions and restrictions help to create and heighten the feeling of misery among the refugees. In the refugee camps at Kiziba and Gihembe in Rwanda for example, set up to house refugees from the Congo, people are forbidden from cultivating the surrounding land, and like the situation in many other African camps, the food rations have gone down by 60%. All these conditions put together cause the refugees to feel demoralised, to such an extent that some even abandon their host country and return to their country of origin, even if the issues that initially caused them to flee remain unresolved.

2.4. Refugees and asylum seekers in urban areas

A relatively invisible group of people who have been displaced by force are those foreign refugees who, in order to protect themselves, try to move unnoticed into an urban area of the world. This includes the well-known movement of poor peasants who try to survive in the cities. The Jesuit Refugee Service works with urban refugees offering them legal and social assistance. Among these cities are Bangkok, Phnom Penh, Rome, Nairobi, Kampala, Johannesburg, Pretoria, Harare, Lusaka and Addis Ababa to name but a few. We try to alleviate their suffering with the aid of scholarship grants and vocational training, and set up projects to assist with areas such as food, medicine and accommodation. We help them with legal advice, mediating at legal cases which would hopefully see them awar-

ded official refugee status, and we also work in the area of educating public opinion about this phenomenon.

2.5. Young refugees and the importance of education

On June 20th every year, individuals and organisations devoted to working with refugees celebrate World Refugee Day. Three years ago in 2003, the celebrations were particularly directed at young refugees, with the official slogan being “Refugee youth: Building the future”. The decision to focus on this particularly vulnerable group of refugees holds great importance and significance. According to the UNHCR, the term “youth” describes people between the ages of 13 and 25 years old, that is, from adolescence up until the early years of adulthood. This group faces very specific dangers and is especially vulnerable during times of conflict and war, the main cause of their displacement being war, as we have already seen.

When a nation enters into conflict, causing the movement of people on a large scale, the education of young people is interrupted, sometimes depriving a whole generation of this basic right.

This is why we consider that in emergency situations, education should be one of the main pillars of humanitarian assistance, alongside the provision of food, shelter and medical treatment. Education keeps refugees' hope of a future for them and their children alive. Education also plays a role in the promotion of peace, justice and reconciliation: going to school incorporates a pro-

cess of socialisation that gives the refugees the knowledge and information they need in order to live together in a community. It is also an integration tool that gives both social stability, and teaches them to learn how to develop on a personal level. With no education, a young person will have low self-esteem, and feel that they have had no opportunities in their lifetime. For this reason, education should be considered as a vital and integral part of the emergency help given to refugees and internally displaced persons.

Young refugees must also face other dangers associated with conflict. Often they are separated from their families, or in the worst-case scenario, remain traumatised by the loss of their parents, brothers or sisters in conflict. They are vulnerable to exploitation, sexual abuse and violence that will leave deep scars that are very difficult to heal. Compulsory recruitment by armed forces or forced labour in times of conflict is particularly associated with young refugees, in spite of the international conventions and treaties that have declared these practices illegal.

The Jesuit Refugee Service is one of the founding members of the Coalition to stop the use of children and child soldiers, a movement that has drawn attention to the plight of the estimated *300,000 children that are involved in armed conflicts*.

The cost of such abuse is very high. *What kind of future will a society have if their young people have been ruined and destroyed by war and displacement? What opportunities for future development does a community have if*

their young people are without education, and their lives marked by trauma, abuse and compulsory military recruitment?

It is both a duty and a policy of organisations like the Jesuit Refugee Service to protect young refugees from such abuse, and to help them recover their right to education and health in times of displacement. It is also necessary to offer them alternative activities such as training programmes, and above all, to help them learn trades that will allow them to generate incomes, so that they can have the opportunity of a better future.

depriving people
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or ethnically undesirable

2.6. Imprisoned immigrants

Apart from the lack of basic services and freedom of movement that are associated with life in camps, many refugees and asylum seekers that live in other settlements are faced with threats such as detention, harassment, and discrimination. Many people who cross country borders end up in detention centres, in need of employment advice and pastoral care.

These detentions are on the one hand, a symptom of something lacking in the international system to protect refugees, as well as being an indication of the failure of many countries in the management of immigration.

Countries resort to detaining immigrants because they are unable to offer any other constructive solution to the real (or imaginary) problem posed by the presence of foreigners. This only exacerbates the stress of the detainee's original situation on a social, psychological, spiritual and medical level.

In southern Africa, work with detained asylum seekers makes up a large part of the work of the JRS. In Zimbabwe, asylum seekers that enter the country are usually detained and shut away in cells near the border. In Zambia, there have been several cases of refugees who entered the country to seek asylum without the necessary paperwork and who subsequently found themselves arrested. Even more recently in Namibia, the practice of detaining people without the necessary documentation continued. The JRS also works actively with assisting prisoners in immigrant detention centres in Los Angeles, El Paso, Bangkok, Berlin, Australia, and southern Africa. Our work with detainees consists in visiting them and offering them legal or administrative support where possible, education, assistance with basic sanitation, nutrition programmes, and help in searching for relatives... Sometimes our work will ultimately result in the detainee being freed. We also work to try and change the laws for those who have been detained inhumanely.

2.7. Stateless people

The phenomenon of the group known as Stateless people requires a clearer explanation. There is an obvious link between the issue of nationality and forced displacement. Stateless people suffer a double wound of seeing the possibility of returning to their own country denied, as well as the denial of their nationality. Many of the Bhutanese refugees in Nepal currently belong to this category or are at risk of joining it. In the Dominican Republic, many young people of Haitian origin are denied a birth certificate as well as other documentation, which prevents them from having access to basic public services like education or health, and leaves them in permanent fear of being deported from the only country they have ever known. And this continues to happen despite the fact that the Dominican Constitution clearly states that all those born in the Dominican Republic have a right to Dominican citizenship.

Article 15 of the Universal Declaration of Human Rights unambiguously declares, "Everyone has the right to a nationality". Nevertheless this basic right is still being denied today to a significant number of people. And this is such an invisible problem that the number of stateless people is not even known. What is known is that whether or not they are refugees, they face a daily struggle alone because they have no access to protection. Countries, aid organisations and the UNHCR should agree to find a solution to the problems related to this issue.

Lately the UNHCR has made efforts to draw attention to and offer training on

this issue, both within the UNHCR and externally. There is still a long way to go however, although the first steps have been taken to bring this problem into the daylight.

Any analysis of the problem of stateless people should take into account that the denial of citizenship is, in many cases, a form of racial discrimination (whether the people are Dominicans of Haitian origin or Bhutanese refugees in Nepal). Depriving people of their right to citizenship encourages discrimination towards populations considered racially different or ethnically undesirable. Furthermore, stripping certain groups of their citizenship has on occasion led to persecution on a grand scale.

Stateless people are also the result of the lack of willingness by certain States to integrate other nationalities, through prejudices and fears of these groups even though they may have lived on their territory for long periods of time, sometimes for generations.

2.8. Return and reintegration

Another activity in which humanitarian organisations are gaining notable experience is in accompanying refugees on their return home, even if it is only at the preparatory stage, such as during the process of return and reintegration. On returning, they are no longer refugees, but they are still people in need of protection, as they still live outside their

original homes. Returning after a conflict, and the rehabilitation and reconstruction that accompanies this stage of transition from war to peace all need time, expertise, political willingness, solid financial support and considerable resourcefulness. Since many of these return journeys are still carried out too quickly and hurried on by governments before the basic conditions necessary for returning are in place, it is necessary to accompany people at this stage of the process. Among the larger repatriations that we have participated in that took place in recent years are those in Namibia, Ethiopia, El Salvador, Guatemala, Cambodia, Mozambique, Rwanda, Liberia, Kosovo and East Timor. The largest process of repatriation and resettling is currently taking place in Angola, spurred on by the peace process in operation since the ceasefire of April 2002, following thirty years of war. Hundreds of thousands of Angolan refugees spread throughout southern Africa are preparing to return to their land following this long exile. After any conflict, a successful rehabilitation and reintegration process is long and difficult. It is necessary to rebuild the legal and education system, to create employment, and to assure the survival of widows and orphans that the conflict has left behind. The most complex part of the work, which is the reconciliation and peace-building process, can go on for decades and can only really begin when the wounds begin to heal.

We could bring only what fit into one small bag. They warned us not to take too much. For days I burnt documents on my terrace, papers from when I worked for my government, papers from when I worked for the Americans. I couldn't think, except to destroy whatever would bring trouble... As the pile of ashes floated away, I felt I was burning my life.

Tran Thi Nga, South Vietnam

Years go by and one day is the same as the next. And you end up losing the capacity of being shocked at what is going on. There was a time when we believed a return to our country was possible, but it will never be possible while foreign troops are still there.

(...)

Hunger does not pass us by here, and we know that there are many sympathetic people from the outside that help us and we are very grateful to them. But it's not normal to be dependent on others, because you want to be able to make decisions for yourself and look after your own family, like you always did. It's something I'm always thinking about.

Saineng, Laos

The life of a refugee is not easy. What I would like to say to people who work with refugees is that they need to be incredibly patient and listen carefully to all the things that are said to them. Many refugees feel that their needs and opinions don't count. And women especially are full of fear and frustration. Apart from being exploited, they are discriminated against.

Christine (Sudanese refugee)

... Although we are refugees, we are allowed to go out of the camp if we have any errand to do in the city. But I know there are other camps where refugees are kept inside and have no freedom of movement. We don't go that often to the city actually. But when we do, it's exciting to see all these lights and feel the life in the streets. Then we have the feeling of being part of a real family and we forget that we have to return to our camp.

In the evenings, I often go to sit and read in the camp library. There are many books there. When I'm older I'd like to have a lot of books, but I'm not sure I want to grow up. Dear father, I'll finish my letter now. If we have to leave for another country, I'll do everything possible to make sure that we can meet up again. In the meantime, I'll make do with my dreams. All my love,

Nhue

3. SOME OF THE MODERN DAY CHALLENGES

Apart from the work on the ground, a large part of the mission of the Jesuit Refugee Service is in representing the cause of those displaced by force. The link with the welfare of refugees is clear. Campaigns, investigations and public education programmes are promoted in order to defend the rights of refugees. From their own experience on the ground, many humanitarian organisations have united to oppose the circulation of small arms, for example, and especially landmines.

We talk in the name of stateless people and the need to defend the rights of children forced to go to war. We warn of the decrease in the protection of refugees living in camps, as is the case with camps that have become militarised, or refugees whose citizenship is not adequately protected; we draw people's attention to situations where women are

put at risk or when camps that are located in border regions are exposed to attacks from those crossing the frontier.

Humanitarian organisations offer reports in relation to governments or policies and the actions of the UNHCR, for example in relation to urban asylum seekers, their detention and procedures used to determine refugee status.

3.1. Defending Human Rights

The issue of refugees has not traditionally been treated in a systematic way within human rights organisations. From the start, they have been considered the responsibility of other agencies, such as the UNHCR because of its protection programme or its World Food Programme (WFP). Nevertheless, these organisations are encountering increasing difficulties to find the necessary funds. It is important to encourage debate on who should be responsible for making sure that without discrimination, refugees should enjoy full human rights that are recognised as the universal norm and law for everyone, and that they should not just be eligible for those proposals that are included in humanitarian laws or those rulings that relate specifically to refugees.

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organisations

The serious and prolonged physical, mental and psycho-social consequences of denying asylum seekers and displaced persons their human rights, and in particular women and children who number greatly among the refugee population, should be treated as a matter of urgency.

By way of example, as an instance of outright social injustice we have tho-

se refugee children who are denied access to education in their formative years, or those pregnant women who do not receive the necessary pre and post-natal care. The combined effects of the lack of human rights are summed up very well in the words of a Kenyan colleague: “refugees say that it is impossible to learn on an empty stomach”. And this would be true, if the people actually were given the opportunity of going to school or receiving some form of education.

The UNHCR has taken some positive steps in relation to the provision of primary education to refugee children. In 2000, 44% of children, had access to primary education. However, only 3% of the children in the care of the UNHCR, between the ages of 12 and 17 were receiving education, whether at a professional or secondary level, while the figures for this age group in less developed countries are at 17%.

Many countries believe that it is not their responsibility to guarantee that displaced people have access to all the basic human rights. This commitment is simply ignored or delegated to UN agencies. Although the UNHCR and other organisations have the important role of supporting and protecting these people, it is beyond their means to make sure that they are given full human rights.

Not all displaced people in similar situations to the refugees fall under the protection of the UNHCR. In some cases, this is because the State has perhaps not signed the Convention of 1951 on Refugees or its Optional Protocol (the majority of Asian states in particular ha-

ve not done this), or perhaps because the individual or group are not considered as refugees. Others are moved within their own country, or in circumstances where the actual limit of the “border” is under discussion. For this reason, many internally displaced persons are not helped or protected by the UNHCR or by other UN agencies. Furthermore, the policy for protection by the UNHCR places great emphasis on legal protection, often at the loss of economic, social and cultural protection.

The majority of displacement situations are more than just short-term, and last for years. Even when programmes are in place for helping and protecting refugees and internally displaced persons, they tend to be directed more towards responding to emergency situations. For children in particular, a prolonged denial of their most basic human rights needs to be addressed as a priority.

3.2. When refugees are linked with terrorism

Since the terrorist attacks on the USA on 11th September 2001, we are more worried than ever about protecting the rights of refugees. Since this date, the treatment of those displaced by force has deteriorated, as has the social protection of refugees in many parts of the world, in particular among richer countries. Many governments have tightened their immigration laws and some have even made declarations that highlight refugees and asylum seekers as potential terrorists. These types of x-

nophobic expressions threaten the basic right of all people to seek asylum.

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and public opinion
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even more stringent laws
for security reasons

In the USA for example, the terrorist attacks completely changed the context in which the Jesuit Refugee Service was working. The official immigration programme in the United States was drastically reduced: of the 70,000 people that had originally been authorised to enter, permits were only given to 27,000 in 2002. Yet there have been no marked changes in American public opinion in relation to anti-immigration policies; the detention of immigrants has increased and public opinion seems ready to accept even more stringent laws for security reasons. In February 2002, President Bush approved a new policy with regard to boats carrying immigrants, with the aim of discouraging the arrival of Haitian refugees to the USA. The new law established the indefinite detention of all arrivals of immigrants by boat, including asylum seekers. At the end of March 2003, the newly-created US Department of National Security Affairs (NSA) announced the application of a new policy which would allow them to detain asylum seekers coming from 33 countries that were considered

high-risk. In a move that has been criticised by human rights organisations, asylum seekers are placed in secure areas during the time their case is being considered.

EU member states
have given a great deal
of their attention
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of external borders

3.3. Closing the frontiers: the creation of a 'Fortress Europe'

The European Union is working on the establishment of some common immigration and asylum policies. With the abolition of internal border controls, EU member states have given a great deal of their attention to strengthening the control of external borders to the East and South.

The move towards a common immigration policy is a delicate political matter. In its Communication on the 22nd November 2000 to the European Parliament and Council, the European Commission recognised that “the change towards a proactive policy will require strong leadership and clear commitment towards the development of diverse societies as well as condemnation of racism and xenophobia”. The presence of immigrants in Western European society has at times been accompanied by racial tensions, encoura-

ged by extreme right-wing movements that are gaining strength in many EU countries.

Unfortunately, the response of the EU member states has been slow, as they seem more concerned with building what has been called “Fortress Europe” than in developing common policies that would help to protect asylum seekers and refugees.

One example of this dynamic can be found in the recent British proposal to set up centres to process those seeking asylum on main routes towards the EU, as well as regional processing centres near their countries of origin. These proposals have been criticised by many human rights organisations, because they are both impractical and because the routine detention of asylum seekers goes against international law. According to the British proposal, asylum seekers arriving in the EU would be brought outside of the country to these centres making their proposal something like an “offshore detention policy”. This routine use of detention places the protection of asylum seekers' rights in doubt.

An agreement on these proposals was not reached in a meeting of the European Council in June 2003, as they did not obtain the support of other member states, although it is possible that some of them who did agree with the proposal, will look for a way of making this proposal a reality in a unilateral way, outside of EU jurisdiction. Worrying discussions have been held in Brussels, that seem to suggest that the EU is moving towards obtaining signatures from the poorest nations that would see them agree to repatriation and also to accept

those asylum seekers whose cases have been rejected. The creation of 'sanctuaries', agreements for re-admission, the law on temporal protection, the lists of 'safe' third world countries, summary exclusion procedures at airports, the elimination of social benefits for asylum seekers and the pressure for repatriation are all subjects of contention. On the other hand, in many parts of Europe the media has been very hostile towards asylum seekers by ignoring their suffering or simplifying their struggles.

Human trafficking

Given that so many asylum seekers and immigrants find themselves in situations where they cannot enter into a rich fortress-country by legal means, their desperation leads them into the arms of human trafficking gangs, who earn millions of Euro per head, and who offer the promise of new life in the West. In Dover the discovery of 58 bodies of Chinese citizens who were suffocated on their journey to the UK in June 2000 made the issue front-page news, although the reality is that it is still not known how many more deaths have been caused through this business of trafficking to the West, particularly the numbers of those who may have drowned on the way.

Many of the 'lucky' people who reach their final destination are forced to submit to certain types of slavery, in order to pay back the money they owe to these immoral traffickers. It is very worrying that many of these people who come into a country illegally through the traffickers are then forced to enter into the underworld of prostitution to

pay back the cost of their 'fare'. Making things difficult for asylum seekers to come to the West and find refuge will only encourage these trafficking gangs that have developed very sophisticated methods of deceiving the authorities.

their desperation
leads them
into the arms of
human trafficking gangs

3.4. Insufficient funds for refugee aid programmes

Humanitarian organisations like ours that work with refugees find increasing difficulties in being able to finance many of our projects. This is due in part to the increase in the number of displaced persons and their accompanying needs, but it is also linked to the lack of desire among rich countries to commit to helping with programmes of development or humanitarian aid.

Ruud Lubbers who was UNHCR between 2002-2005, often complained of the decreasing resources available to help refugees. The most vehement plea that Lubbers made to richer nations was during the course of the 58th annual session of the UN Commission for Human Rights held in Geneva on March 19th 2002. "It is bad enough that today one-fifth of humanity consumes four-fifths of global income –Lubbers said to the Commission–, but on top of this, to

allow humanitarian programmes aimed at assisting some of the world's most vulnerable people – refugees – to remain grossly underfunded year after year is shameful”. Lubbers stressed in his speech that “I believe that we in the international community must ask ourselves whether or not we are violating the human rights of refugees and other vulnerable people by not providing them with enough assistance for them to live with a minimum of dignity”.

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by those organisations
who do not usually work
in emergency situations

The global report of the UNHCR in 2002, gives more details on the financial cutbacks, which according to what Lubbers said, continued to limit his work throughout the year. The report reveals that some 100 million dollars towards the Annual Financial Budget was cut back, requiring them to reshuffle those projects needing funding at the bottom of the list, many of which had been already affected by limited resources. Governmental and non-governmental

contributions to the UNHCR in 2002 increased only slightly in relation to the previous year. Since 1992 however, the UNHCR has borne witness to a decade that has been marked by the constant reduction in annual contributions towards its refugee assistance programmes (see the UNHCR's Global Report 2002, p. 20). In real terms, contributions to the UNHCR have not increased since 1980, despite the fact that during that period the “population of concern” of this UN agency leapt from 8.4 million people to 20.8 million people.

Financial cutbacks are felt with more severity by those organisations who, like the Jesuit Refugee Service, do not usually work in emergency situations, given that they focus more on long-term situations of displacement and those cases of forgotten refugees whose plight is not highlighted by the media, and who find themselves off the international agenda.

The donors, particularly the private ones, prefer that their donations go to the refugees they see on television or that they have perhaps read about in the papers, in spite of the fact that occasionally, situations can arise when too much money and too many humanitarian agencies are directed towards one country that has generated media interest, resulting in a complete absence of resources in a more needy area.

If I Could
(*extract*)

Please, don't ask me
"why don't you go back?"
I would if I could.

The world humanitarian community:
Understand that it is not simple, easy,
To avoid past memories.

I can't remove them from my mind
My traditional culture, my sentimental torture,
The folktales of childhood,
Never old, never dead,
Stamped in the back of my mind.

Yilma Tafere (Ethiopia)

CONCLUSION

Following this general overview, we can only come to one conclusion: that people will continue to abandon their homes and regions of origin, for a myriad of reasons, in the search for security or protection, and with the general hope of a better quality of life. And whether it is in the form of forced displacement, as we have traditionally understood this term (for example, those people who are clearly escaping from a situation of conflict or persecution), or in the form of voluntary migration from a poor country to a richer country, population movements will continue to be a phenomenon of great magnitude into the future.

However, what is not so clear is how the host regions and countries are going to manage this issue. We have tried to show the complex nature of identifying and classifying the different groups and individuals that emigrate. Yet, what remains clear in today's world is the question of justice, or rather injustice, and the issue of the right of each person to abandon their place of origin when conditions in that place pose a threat to their life. Furthermore, we have seen that conflicts are the main cause of forced displacement. What is also evident is that most conflicts and wars take place in under-developed regions. For this reason, *there is a clear connection, not*

only between conflict and development (or poverty), but also between displacement and development. People abandon their home and flee from extreme poverty and situations of slow development that are responsible for creating unbearable and unacceptable living conditions.

Therefore, we are really dealing with the issue of injustice because at this time in history, the gap between the developed world and the developing world, or the divide between rich and poor, is widening. And this is paradoxical given that we are living at a time when the standard of living and technological advances are constantly improving, and when political cooperation between nations in the name of the UN along with other international organisations offers us the necessary opportunity to confront and resolve these problems of inequality and injustice. I have also talked about shortfalls in the funding of refugee aid programmes, and yet this is only one example of the fact that the needs of the most vulnerable and marginalized populations in the world are still not among the priorities of the richer countries. *While developing nations remain poor and receive insufficient support, population movements will continue. This is really the crux of the issue.*

QUESTIONS TO DISCUSS IN GROUPS

1. Around the world today, 190 million people are not living in the place where they were born. This means that one in every 37 members of the planet have emigrated (is considered an emigrant):

- What does this statistic tell us?
- What lies behind this human movement, whether it is voluntary or forced?

2. Since the Second World War, there have been more than 160 conflicts or wars. Today, there are around 30 conflicts or active wars.

- What are the causes?
- What are the consequences?

3. Before the Second World War, only 5% of all victims were civilians; during the Second World War this figure reached 50%, and in today's conflicts the figure of civilian victims stands at 95 %.

- What lies behind this reality?
- What wounds does it leave behind?
- What future do people have in the aftermath of a long conflict?
- How can a nation be rebuilt following a lengthy conflict?

4. The life of refugees is characterised by their hope of returning home. But there are new generations, born into refugee camps, whose only experience is of being uprooted and facing unjust suffering.

- How can we rebuild their lives?
- What traumas will they have to overcome?
- Will they have confidence in the future?
- What do human rights or the dignity of all human beings mean to them?

5. Peace processes are long, fragile and sometimes temporary.

- How can reconciliation be reached?
- How can a lasting peace be reconstructed?
- Who is looking out for the future of these people?
- What role is played by, or should be played by international organisations (UN, etc....)?

6. Europe, and northern countries in general, are increasingly restricting the right to seek asylum in their countries due to a fear of terrorism and an obsession with national security. “Security, justice and liberty” is the new theme of the European Union.

- Are double standards applied according to whether human migration comes from the North or the South?
- Money knows no borders, so why should people be restricted by them? What future does this world have?

APPENDIX

World Refugee Survey 2005. U.S. Comitee for Refugees and Immigrants



Principal Sources of Refugees and Internally Displaced Persons as of December 31, 2004

World Refugee Survey 2005. U.S. Committee for Refugees and Immigrants

Refugees

Countries that have generated the greatest numbers of refugees and asylum seekers

Former Palestine	2,985,500
Afghanistan	2,088,200
Sudan	703,500
Myanmar	691,800
Burundi	482,200
Congo-Kinshasa	469,100
Iraq	366,100
Liberia	328,300
Somalia	324,900
Vietnam	310,300
Colombia	263,600
Angola	223,300
Eritrea	204,200
China	158,100
Bhutan	120,500

IDPs

Countries in which persecution, armed conflict, or widespread violence have internally displaced the largest numbers of civilians

Sudan	5,300,000-6,700,000
Colombia	2,900,000
Congo-Kinshasa	2,330,000
Uganda	1,330,000
Iraq	1,000,000
Myanmar	550,000-800,000
Azerbaijan	528,000
Côte d'Ivoire	500,000-800,000
India	500,000
Indonesia	500,000
Liberia	464,000
Algeria	400,000-600,000
Somalia	400,000
Kenya	360,000
Sri Lanka	353,000