

BUILDING THE INFRASTRUCTURE FOR THE OBSERVANCE OF REFUGEE RIGHTS IN THE GLOBAL SOUTH¹

Introduction

It is well-known that the vast majority of refugees are hosted by the poorest countries in the world. Because of the restrictive policies of countries in Europe and North America, the grave reality is that *most of them will stay in these countries, the so-called 'Global South'* (hereafter, "South"). Even if restrictions on movement to the North were relaxed, the majority of refugees would remain in first countries of asylum because the numbers are so great.

Refugees in the South face serious violations of their rights and extreme levels of poverty (Hathaway 2007:1; LCHR 1995, 2004; Verdirame and Harrell-Bond 2005). Moreover, large numbers of them are confined in camps and settlements where they are denied freedom of movement, which is fundamental to their ability to access all their other economic and social rights.² Most spend decades 'warehoused' in camps, where life is characterized by sub-nutritional diets, neglect of separated children, sexual and gender-based violence, threats, detention, beatings, torture, and even extra-judicial killings (Hathaway 2007; Verdirame and Harrell-Bond 2005). Encamped refugees are also isolated from whatever protection might be gained from access to the state's judicial authorities. Disputes or infractions of rules within camps are managed by committees of fellow refugees who have assumed extra-judicial powers to administer corporal punishment, fine, and detain, acting completely outside the legal structure of the host government, often treating actions such as adultery as 'punishable crimes' even though such 'crimes' are not included in the host's criminal code (Griek 2007a, 2007b).

Although the right to identity papers is *guaranteed* under Article 27 of the 1951 Convention, refugees in camps seldom have anything other than a ration card issued to the head of the family (Hathaway 2005:237). Even if a State (with UNHCR) does issue a Convention Travel Document (CTD), fewer states are recognizing them.³

The injustice is not confined to camps. Host states in the South that allow refugees to live in urban areas usually deny them their rights to gainful employment, access to state schools, health services, and adequate housing.⁴

Article 8 of the 1950 Statute of the Office of the UNHCR lists its protection responsibilities. The Statute does not go beyond (a) requiring the office to promote the 'conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto', and (b) to

¹ I want to thank all that commented on, and added to this paper: Rachel Levian, Zachary Lomo, Alice Nah, John Quin, and Chris Szabla. I remain responsible for any errors.

² See Anti-Warehousing Campaign of the US Committee for Refugees and Migrants (www.refugees.org/warehousing).

³ Recent failed attempts that I am aware of for a refugee to travel on a CTD include to Germany, Kenya, Tanzania, and the US.

⁴ Exceptionally, 'Kampala urban refugees access schools and health services, both the referral hospitals and health clinics run by the city council. The only issue is that they too must pay the usual fees just like hosts' (Email: Zachary Lomo, 1.8.2008).

promote ‘through special agreements with Governments the execution of any measures calculated to improve the situation of refugees....’ The statute then lists activities, each of which presumes the existence of an effective and functioning judicial system and an active and independent ‘civil society.’ While this may have been more or less the case in Europe at the time the Statute was devised, it is *not* the case in most countries of the South where most refugees are hosted today.⁵

More than 50 years have passed since the promulgation of the 1951 Convention and the 1967 Protocol that expanded its scope beyond Europe, yet very little has been done to promote *or* protect the rights of refugees in the South. The available evidence suggests the situation for refugees in these countries is rapidly deteriorating.⁶

The Infrastructure for Refugee Protection: What is Missing?

147 states have ratified either the 1951 Convention or the 1967 Protocol, but several signatories – Madagascar, Monaco, Saint Kitts and Nevis and Turkey – still do not accept refugees from the South. Because they either have not become states parties to the 1967 Protocol or have entered a reservation to the geographical expansion of the Protocol, they have obligated themselves to accept refugees only from Europe. Moreover, 45 states have not ratified *either* the Convention or its Protocol, including such major hosting countries as Jordan, Syria, Lebanon, Indonesia, Malaysia, Nepal, Pakistan, and Thailand.⁷ *How can a proper infrastructure for protecting refugee rights be built without this minimal legal foundation?*

Among those States in the South that have ratified the 1951 Convention, very few have enacted domestic legislation to regulate the administration of the 1951 Convention, or the other international human rights conventions that they have ratified. Where they have – in Tanzania, for example – there has been only one published evaluation of domestic law in terms of the degree to which it conforms to the standards of the 1951 Convention (Kamanga 2005), and no court challenges have been made to its content.⁸ Even though Uganda’s 2006⁹ domestic legislation is very progressive in certain respects – for example, it includes gender-based claims for asylum¹⁰ – it does not conform in other respects to the Convention, for example by denying refugees the right to appeal against rejection.

⁵ UNHCR funds a group of ‘implementing partners’ to deliver education and health services and the World Food Programme (WFP) delivers food rations to refugees in camps. UNHCR is responsible for supplying the micronutrients. This work, which had been largely conceived as ‘charity,’ has only recently begun to be couched in a ‘rights-based’ approach. A number of courses have been offered to start altering the attitudes of UNHCR’s NGO implementing partners. For example, at the American University in Cairo a two-week course in English and another in Arabic were offered in 2007.

⁶ For example, Egypt which has generally tolerated refugees on their territory is now regularly *refouling* recognized refugees and those seeking asylum (e.g. Amnesty Public Statement, 20 June 2008).

⁷ Source: <http://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>.

⁸ It is understatement to say that the 1998 Tanzanian Act is outrageous in the extent of its non-compliance with the 1951 Convention. Kamanga’s article is fairly muted in its analysis and critique. Again, so far as I know, no government official or parliamentarian in Tanzania has been approached about the need for this law’s reform.

⁹ See <http://www.refugeelawproject.org/resources/legalres/refugeesact.pdf>.

¹⁰ See *Ibid.* Art. 4(d). Gender discrimination includes ‘strict and forced adherence to a dress code, obligatory pre-arranged marriages, physically harmful facial or genital mutilation, rape, domestic violence and other gender related negative activities’.

In these situations, asylum seekers need lawyers to navigate the process and to challenge existing refugee law and its implementation. In South Africa, for example, asylum seekers were given only seven days to appeal their rejections and were not given reasons for them. This grossly unreasonable refusal to provide reasons was only cured by the order granted in the case of *Pembele & Others vs. Appeal Board for Refugees & Others*, a case brought by the Legal Resources Centre in Cape Town in 1996 (Klareen 1999).

Just as serious as the poor implementation of refugee law itself is the lack of effort to reform other domestic laws to bring them into harmony with refugee law. Extant and unreformed immigration, labour, health, and education legislation can be fatal to a refugee's claim, especially if judges and defence lawyers are not trained in the relationship between domestic and international law as applied to refugees. Even in States such as Egypt, a monist jurisdiction where the ratification of an international convention takes precedence over domestic law, international legal principles are unlikely to have any impact on asylum decisions if prosecutors and the judiciary are not trained in the content and meaning of these conventions.

There are a host of other 'infrastructural' problems that will need to be addressed if the rights of refugees are to be protected. The dearth of opportunities to seriously study refugee law at universities and law schools is a major problem *all over the world*. Even if a student specializes in public international law, the likelihood is that s/he will be made aware of the existence of the various refugee conventions in only one or two classes. But students need to *study* refugee law, in all its complexities. Without in-depth training in refugee law, they will not be prepared to practice it.¹¹

In 1982 there were only *two* places in the world where refugee law was taught *as a subject*: Osgoode Hall School of Law in Toronto, Canada, and the Centre for Refugee Studies at the University of Oxford.¹² Today, there are more law schools that teach refugee law as an area of concentration, but they are still only a handful, and mainly concentrated in the North.¹³ How many masters programmes in human rights include refugee law as an area of specialization, much less teach it as an option?¹⁴

The lack of education has real consequences. Outside South Africa,¹⁵ there was *no* refugee legal aid non-governmental organisation (NGO) in the South before 1998.¹⁶ Today, lawyers who do practice in the South tend to be concentrated in the capital

¹¹ Most lawyers working in this field – including lawyers at UNHCR – have simply 'learned on the job.' At least in the UK and the Netherlands, the only two examples that I know of, lawyers who provide legal aid to refugees and who are paid by government schemes, have to take regular courses to update themselves.

¹² It was previously the Refugee Studies Programme (RSP).

¹³ It is very satisfying to report that at the Faculty of Law of Makerere University, refugee law is now one of the options or areas of specialisation for Masters students.

¹⁴ Law schools already recognize the student market for public interest work. Harvard Law School, for example, guarantees funding for any student who spends a summer working in the public interest. Last year, 373 students passed up lucrative associate positions at law firms to participate in the programme. See <http://www.law.harvard.edu/students/sfs/sumfund/>.

¹⁵ There several anti-apartheid NGOs transformed themselves to provide legal aid and policy advocacy for refugees.

¹⁶ See below for one exception in Hong Kong, although not normally regarded as 'the South.'

cities and are generally ill-equipped to deal with cases of violations of refugee rights. Judges and magistrates themselves are usually totally untrained in refugee law.¹⁷

Although human rights NGOs have multiplied in the South, it seems to have escaped the awareness of the human rights movement generally that a refugee is a human being with the same rights as the people the movement focuses on. Little concern has been shown for refugee rights,¹⁸ and only a miniscule number of NGOs are providing legal assistance to them and advocating for their rights.¹⁹ This is reflected in the almost total neglect of violations of refugee rights by the Human Rights Council or the Office of the UN High Commissioner for Human Rights (OHCHR).

This Office was created in 1993 and the High Commissioner for Human Rights (HCHR) is appointed by the UN Secretary General with the approval of the General Assembly. Perhaps its first mention of refugees came in 1997 by Mary Robinson, then the HCHR, in a speech entitled 'Linkage between Human Rights and Refugee Issues'. Some excerpts from this speech demonstrate her awareness of the connection between refugees and human rights, and her strong commitment to realizing the reciprocal benefits of cooperation between UNHCR and her office:

...Let me reiterate that human rights are indeed deeply connected to the problem of refugees.... UNHCR and our Office are now looking at ways to strengthen and formalize this bilateral cooperation in a broad framework agreement, an MOU [Memorandum of Understanding], intended to deepen our cooperation not least through the holding of joint meetings and activities, through the exchange of staff, and co-sponsorship of staff training. ...[UNHCR], through its extensive field presence, could assist my Office, by signalling those situations requiring human rights operations, suggesting ways in which these operations could complement UNHCR's activities, and providing logistical support to the OHCHR' field presence. ... In turn, in view of UNHCR's presence in a large number of countries, the sharing of information with rapporteurs and UN experts – however confidentially – may improve the quality and thoroughness of the work of the human rights machinery.

One can only wonder why this offer of cooperation was not followed up or why the HCHR continues, for the most part, to neglect the violations of refugee rights in host countries. More training and education in refugee law and refugee rights could do much to rectify this situation.

The increase in the practice of adjudicating individual refugee claims in the South has created another gaping hole in the infrastructure that must be filled if refugees are going to succeed in having their legitimate claims recognized (Kagan 2006). Formerly, refugees in the South, especially those who arrived *en masse*, were granted

¹⁷ But see below for a record of the work of the Association of International Refugee Law Judges.

¹⁸ For example, the Danish government funded a huge project to upgrade the judicial system in Uganda which went so far as to produce little handbooks to put in the pockets of police for easy reference. None of this programme included even a reference to refugees although Uganda is a major host country.

¹⁹ See, for Uganda, www.refugeelawproject.org; for Kenya, www.rckkenya.org; for Egypt, www.amera-uk.org; for Lebanon, www.frontiersassociation.org; and Turkey, www.hyd.org.tr/?sid=23.

prima facie recognition and ‘gazetted’ by the government (albeit as they were herded into camps). Today, however, it is becoming increasingly common for their status to be adjudicated individually, and in most countries of the South, this is being done by UNHCR.²⁰

Unfortunately, the procedural standards applied by UNHCR country offices are far lower than those that the UNHCR declares that States should follow.²¹ UNHCR does not permit the refugee or his/her advocate access to the contents of his/her file or the transcript (let alone a tape recording) of his/her interview, and it withholds secret evidence from both the claimant and his/her representative (Asylum Access 2007).²² UNHCR also withholds country of origin information (COI), which may differ from that obtained by the legal advisor. If such evidence is incorrect, as it often appears to be,²³ there is no way to refute it. UNHCR does not give reasons for rejections, rendering it almost impossible to mount an effective appeal. Moreover, ‘appeals’ are reviewed by a colleague of the original decision-maker; UNHCR does not provide for independent appeals.²⁴ Most UNHCR offices do not allow a legal representative to be present during the adjudication of a claim. Only in Egypt,²⁵ Turkey, Lebanon,²⁶ and most recently Kenya, is representation allowed.

In 2006, UNHCR adjudicated claims for refugee status in eighty countries (www.rsdwatch.org). This same year, it received 91,500 individual refugee applications, making it the largest refugee status decision-maker in the world. Each application involves, on average, 2.4 family members (Harrell-Bond 2007).²⁷ More than 79% of these refugee status applications to UNHCR are made in countries that have ratified the 1951 Convention.

²⁰ See www.rsdwatch.org. All cases referred by UNHCR for resettlement are adjudicated by the government considering them. UNHCR mandate status is not enough to get them automatically accepted. Since refugees usually have no idea what constitutes the grounds for asylum, they urgently need legal assistance for this process to be successful (Kagan 2006).

²¹ See, for example, Iranian Refugee Alliance 1995, <http://www.irainc.org/text/pub/report.html>; Alexander 1999; Kagan 2002. An extensive bibliography of such literature can be found at <http://www.rsdwatch.org>.

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²² Such an illegal practice can be absolutely fatal to a case. For example, a refugee had been given a death sentence *in absentia*. Human Rights Watch (HRW) had written to UNHCR to alert them and recommend he be granted refugee status. *The letter was misunderstood by UNHCR staff and his claim was rejected*. Fortunately, but only by chance, his representative knew about the existence of this letter and wrote HRW to tell them how their evidence was being used. They immediately sent the legal advisor another copy so that there was evidence to reopen the case; eventually he was granted status.

²³ On one occasion we were privy to the UNHCR’s confidential COI on Sudan. It was completely inaccurate and out-of-date.

²⁴ See www.rsdwatch.org. The RSD Unit at UNHCR Geneva had, as of 2007, conceded that appeals will be handled ‘where possible’ by a senior member of staff who does not work in the RSD unit. This is as independent as appeals against UNHCR decisions will be in the foreseeable future. UNHCR has rejected the suggestion that an independent tribunal could be established in each country where UNHCR conducts RSD. The International Association of Refugee Law Judges (IARLJ) has offered to train such tribunal members.

²⁵ Although allowed by the protection officer in Cairo since legal aid became available there, some staff appeared to resent the presence of a legal advisor. And there was no guarantee that the interviewer read the dossier prepared for the claimant. AMERA has attempted to adapt to this latter problem by writing very brief submissions.

²⁶ In Lebanon UNHCR has been conducting an ‘experiment’ in its cooperation with the NGO, the Frontiers Ruwad Association.

²⁷ http://www.rsdwatch.org/index_files/Page386.htm.

Since refugees are unlikely to be aware of refugee law (they are sometimes totally unaware of the existence of UNHCR, to say nothing about its role in their claims), it is *crucial that refugees have access to legal aid and be represented as their claims are adjudicated*. Research (1997-1999) in Uganda and Kenya (Verdirame and Harrell-Bond 2005), and in Egypt (Briant and Kennedy 2004), ascertained that refugees reported that legal aid was a priority need.²⁸

Just as the staff of NGOs in the South need education and training in refugee rights and an understanding of the connection between human rights and refugee issues, so too are new NGOs needed, NGOs that will provide specialized and relentless legal representation to asylum seekers before UNHCR. These two infrastructural goals are inevitably connected: rights advocacy organizations can illuminate connections between human rights and refugee issues and identify cases in which targeted legal work is necessary and legal aid organizations can build cases that catalogue violations of refugee rights and create a factual record that allows for more effective advocacy.

Making a Start

In 2004, four refugee legal aid organizations began attending the September International Council of Voluntary Agencies (ICVA) and UNHCR annual consultations in Geneva. Until 2008,²⁹ these meetings preceded the September meetings of UNHCR's Executive Committee and attracted the UNHCR's implementing partner NGOs, which are primarily concerned with delivering humanitarian assistance. 2004 marked the *first* time that NGOs working exclusively on issues related to the violations of refugee rights participated in these consultations. Our reason for attending was to expose the whole NGO membership of ICVA to the procedural weaknesses of status determination as conducted by UNHCR. Side meetings and plenary sessions were designed to debate these issues. Each year these NGOs also arranged private consultations between the legal aid NGOs and staff of the Refugee Status Determination (RSD) unit within UNHCR, Geneva.³⁰

The first positive result of such efforts was that UNHCR made public for the first time its 'Procedural Standards for Refugee Status Determination under UNHCR's Mandate Status 2005'.³¹ Following the release, a group of NGO representatives and the UNHCR RSD unit began an e-mail discussion of the weakness of these 'Procedural Standards'. In the course of these discussions, UNHCR recommended that NGOs

²⁸ In Egypt, health services was the first priority need, legal aid second.

²⁹ In 2008, the ICVA/UNHCR consultations took place in June.

³⁰ Attending these meetings has been an important educational experience for the Southern NGOs. Some took advantage to also visit the offices of the UN Human Rights Commission. This office, which one would assume should be directly involved in violations of refugee rights, only acts on behalf of refugees in exceptional cases.

³¹ Since 2004, fairly dramatic improvements have been made in two country offices. Refugee legal aid NGOs in Turkey and Lebanon are now able to represent their clients. In Turkey they are sometimes able to see the transcripts, but in Lebanon a 'feasibility' study is being carried out with Frontiers, the refugee legal aid NGO there, to give reasons for rejection and to allow access to claimants' file (see www.rsdwatch.org).

adopt a code of ethics for its staff if they hoped to be allowed to represent refugees in UNHCR adjudications.³²

UNHCR decided to write this code itself and its first draft included certain objectionable items, such as the requirement that the legal representative hand over all case notes to UNHCR, which would make the maintenance of attorney-client privilege impossible. UNHCR also wanted to ensure that NGOs never represented an ‘unfounded’ claim, with being ‘struck off’ the list of approved organizations representing such refugees as the penalty if they did. Suffice to say, the perception of a claim as ‘unfounded’ is subjective, a matter of interpretation (Kagan 2003), and, ultimately, since the responsibility for giving accurate facts in the case rests with the claimant, NGOs could not tie themselves to such requirements (also discussed in Harrell-Bond 2007).³³ This ‘crisis’ catalysed the organization of a meeting for the purpose of devising a more workable code.

Beginnings of a Southern Refugee Legal Aid Network

In January 2007, a five-day workshop was convened in Nairobi.³⁴ Sixteen refugee advocacy and legal aid NGOs from the South attended,³⁵ two of which represented networks with branches in a total of 32 African countries. Under the chairmanship of Michael Gallagher, a lawyer who works with the Jesuit Refugee Service in southern Africa, a committee was formed to write what has become the Nairobi Code (*see also* Kenny 2007; Harrell-Bond 2007).³⁶

The group also decided to form the ‘Southern Refugee Legal Aid Network’ (SRLAN) and went on to produce a charter for membership. Since that time, the network has been operating by email on an informal basis. I have been acting as its ‘moderator,’ linking members with my network of contacts and working to expand it. During the year and a half the group has existed, members have been sent information on UNHCR’s changing policies and exchanged and responded to urgent calls for information concerning cases. Refugees have been assisted. Just one example: a Tanzanian was *refouled* from Australia to Tanzania but immediately escaped to Zambia. I got word of this and the next day he was in contact with two NGOs in Zambia. NGOs have supported each other with such diverse tasks as reuniting children across borders and finding competent refugee translators for preparing information pamphlets in different languages. They have also responded to unique requests for COI that are not covered in RefWorld, UNHCR’s source of COI.

The SRLAN has held two meetings in Geneva, in September 2007 and June 2008, which were also attended by representatives of UNHCR’s RSD Unit. At its second

³² The justification for creating a code of professional ethics for NGOs conducting refugee legal aid arose because not all persons who work for them are lawyers, who would naturally be bound by the ethics of their own bar associations.

³³ We appealed to a member of the International Association of Refugee Law Judges (<http://www.iarlj.nl/general/>) to ask them to intervene. He argued with the head of the RSD Unit in Geneva that this was *not* a UNHCR responsibility.

³⁴ It was funded by the US Institute for Peace.

³⁵ An NGO and a law firm from Hong Kong were included. Although China is a party to the 1951 Convention and Protocol, it has not been extended to the territory of Hong Kong which receives refugees from the same war torn countries as appear in most other host countries in the South. Guatemala was also represented.

³⁶ See the Nairobi Code of **page ??** of this issue.

meeting the SRLAN shared experiences of the operations of the network since its inception, planned its website pages, and reviewed the use of the Nairobi Code. The group approved its vision and mission statement,³⁷ and set an ambitious work programme for itself for the first year: defining a membership strategy, revisiting the Nairobi Code, establishing secure communication systems, developing a plan for training, and creating a COI database that goes beyond UNHCR's RefWorld and other traditional sources of information to meet the needs of the Network.³⁸ This will include a list of academic country of origin specialists who are prepared to provide *pro bono* affidavits for particular cases.

The SRLAN will attach itself to Fahamu, an NGO (<http://www.fahamu.org/>) with offices in Kenya, Senegal, South Africa, and Oxford. Fahamu's advocacy work aims to support human rights and social justice movements by promoting the innovative use of information and communications technologies to stimulate debate, discussion, and analysis.³⁹ Fahamu has a proven track record in facilitating the emergence of advocacy networks.⁴⁰ While concentrating on Africa, Fahamu has experience with global networks and will facilitate SRLAN's international reach.

Fahamu publishes the newsletter *Pambazuka News*, produced by a pan-African network of approximately 500 citizens and organizations. With a readership of approximately 500,000 people, it is now Africa's largest circulation magazine and online platform dedicated to human rights and social justice in Africa. It publishes articles on a wide range of subjects – to date over 2,000 on refugees and forced migration – and, in collaboration with SRLAN, it will strengthen its coverage of refugee rights internationally. It is published in English, French, and Portuguese, soon to expand to Arabic.

Fahamu's portfolio of distance learning courses has also been widely praised.⁴¹ Some 1,000 organizations and participants have completed its courses since 2003, and the methodology has been adopted by other institutions such as the University of Oxford and the office of the UNCHR.

The advantages of attaching the SRLAN to Fahamu are several, but the most salient for Network members is Fahamu's freedom to do fearless advocacy. It is not enough

³⁷ Vision: SRLAN aims at transforming the disparate refugee rights organisations into a global movement to root refugee assistance in human rights and international law by increasing their cooperation, information sharing, and coordinated advocacy. Mission: (a) Separately and in concert, our mission is to promote and advocate for the rights of refugees in places where they have previously been ignored. We address ourselves to any institution, government, inter-governmental agency, or non-governmental organization that has the power to affect refugees' enjoyment of their human rights. (b) We form this network in order to combine our efforts on issues of common concern, and to share as possible our resources. We work internally among ourselves to promote the highest standards of professional skill and ethics in our own work.

³⁸ There is still too little recognition of the resources contained in UNHCR's RefWorld, not only among NGOs. At the 2007 Nairobi meeting, it was discovered that UNHCR's Kenyan Country Office's RSD officers were unaware of it although it has been doing RSD since 1991.

³⁹ For three years running it has been voted one of the top ten websites that are changing the world of the internet and politics.

⁴⁰ Examples include the independent Equinet (the Regional Network on Equity in Health in Southern Africa: <http://www.equinet africa.org/>) and AU-Monitor, which was established by Fahamu to facilitate constructive engagement between African civil society and the African Union.

⁴¹ In 2005 it won the Tech Museum Award for its contributions to distance learning for human rights.

to pass crucial protection information to Amnesty International, Human Rights Watch (HRW), or the US Committee for Refugees and Immigrants (USCRI); if publicity and the shaming of governments are to have any impact or effect, they must be done *rapidly*. However, being identified with any public advocacy on particular issues and cases can be dangerous for individual NGOs.⁴² Fahamu, through its weekly newsletter, is able to do such advocacy while keeping sources anonymous.⁴³

Through SRLAN and Fahamu, legal aid organizations will have the array of sources they need to obtain accurate information, as well as the extensive contacts they will need to initiate public advocacy when the litigation of one case identifies systemic problems. And advocacy groups will have access to the education they need to understand the complexities of refugee rights, as well as the contacts they need to identify the most immediate threats to those rights.

The Challenges Ahead

Advocacy

The most serious and immediate problem facing refugees is the violation of their rights, beginning with the dangers of *refoulement*. UNHCR's role in the 'protection' of refugee rights is ambiguous to say the least. Since it relies on 'quiet' diplomacy with governments, it is not possible to know empirically whether it is actually preventing worse violations than would otherwise occur.⁴⁴ Even at its Executive Committee (ExCom meetings), UNHCR is apparently hesitant to 'name and shame' particular governments. In a speech to ExCom by Erika Feller, the Assistant High Commissioner for Protection, she noted that '...30 percent of all refugee children are not regularly attending school; that military recruitment of children occurred in some 6 percent of refugee camps; that fewer than 50 percent of refugees in 82 countries surveyed enjoyed full freedom of movement and the right to work...' (UNHCR 2006). Such statistical compilations of violations would imply that UNHCR is 'monitoring' States' performance, but the real effect of such generalized and anonymous reporting is dubious.

In the crisis that began in 2007 in the Aswan region of Egypt, some 1,500 Eritrean and other nationalities who were ostensibly seeking to smuggle themselves to Israel were detained in inhumane conditions. Several Egyptian NGOs, Amnesty International, and the Euro-Mediterranean Human Rights Group's sub-committee on Migrants and Refugee (MAWG)⁴⁵ mounted a concerted international campaign attempting to force the Egyptian Government to allow UNHCR access. It was only after High Commissioner for Human Rights Louise Arbour issued a press release

⁴² In Egypt, for example, the Association for Human Rights Legal Aid (AHLA), was closed by the government because it was prosecuting senior policemen for raping a refugee woman. It was successful, although the guilty party is freely living in his home despite his 25 year sentence. AHLA was also pursuing a case against a member of State security for the death of an Egyptian under torture.

⁴³ Some in attendance at the meeting in Geneva recommended that even the list of member organizations should be password protected in order that governments could not identify sources of information used by external lobbying groups such as Amnesty International or HRW.

⁴⁴ Each country office is responsible to produce an annual report that includes the protection problems refugees are facing. The sample from 1999 that I have read did not include information on demarches to governments or the response.

⁴⁵ MAWG is the Migration and Asylum Working Group of the [Euro-Mediterranean Human Rights Network \(EMHRN\)](#). It was set up in the frame of a project financed by the European Commission, under the [AENEAS programme](#).

decrying the situation that Egypt finally agreed.⁴⁶ Before UNHCR was allowed access to them, however, Egypt had already *refouled* at least 700 Eritrean asylum seekers.⁴⁷

It is significant that neither AMERA Egypt (which provides legal aid to refugees), nor its UK parent organization, AMERA UK (which raises funds for AMERA Egypt) publicly joined this campaign. Like most foreign human rights NGOs in Egypt, AMERA Egypt is allowed to operate under the Ministry of Foreign Affairs, but since it registered in late 2003, it has never been given a registration number. The insecurity experienced by AMERA's Egyptian staff (and its UK board members) seems to encourage unnecessary self-censorship. It is difficult to ascertain whether their fear of being closed down if they engage in such advocacy is justified.⁴⁸

Most refugee NGOs limit their work to advocacy and policy work rather than providing legal services.⁴⁹ It is difficult to conceive how one does effective advocacy/policy work, without in-depth research, which requires interviewing individual refugees. However, interviewing individual refugees for advocacy/policy work, without then providing legal aid when it is apparent that it is necessary, raises ethical questions. When researching for *Rights in Exile* (Verdirame and Harrell-Bond 2005), we found that we could not say to a refugee who has just divulged their situation (which will likely involve terrible suffering if not torture and/or despair about their current state of affairs), 'Thank you very much for the information you have provided, it will help my research'. We found it was *absolutely necessary on ethical grounds* to offer legal aid with such individual interviews.⁵⁰

This is not to suggest that advocacy and policy work *per se* should stop, simply that it should be embedded in the refugee experience and our experience indicates that the best advocacy is an outgrowth of providing legal aid. The lack of material assistance is real in most situations, although this could be overcome by refugees themselves if they were enjoying their rights. Thus it is necessary not only to connect advocacy groups to legal aid networks through an umbrella network like SRLAN, but to encourage, and train, advocacy organizations to provide some legal assistance themselves. Not only is this advocacy more ethical in what it asks of and provides for individual refugees, it will also be better-informed and more effective than 'pure' research. Only this kind of advocacy can turn the tide of the realization of refugee rights.

⁴⁶ See <http://www.un.org/apps/news/story.asp?NewsID=27078&Cr=asylum&Cr1>. UNHCR issued its press statement on the 20th of June (<http://www.unmultimedia.org/radio/english/detail/9935.html>) (accessed on 24 July 2008).

⁴⁷ We can assume that UNHCR was making demarches to the Egyptian government but this 'quiet' diplomacy was largely ineffective.

⁴⁸ Association for Human Rights Legal Aid (AHLA) was closed by the Egyptian government following its defense in an open court of a refugee who had been raped by police and a person who died from torture by a member of the security. It is hard to believe that joining in an publicity campaign well underway would have similar consequences.

⁴⁹ This represents the majority of SRLA Network members at the moment. Legal aid is provided in Ecuador, Egypt, Hong Kong, Kenya, Lebanon, Malta (not strictly part of the global South as it is an EU country), Thailand, Turkey, Senegal, South Africa, and on an ad hoc basis in Zambia.

⁵⁰ The American Anthropological Associations' Code of ethics requires that any working relationship with affected individuals must be 'beneficial to all parties involved'. <http://www.aaanet.org/committees/ethics/ethcode.htm>. See also Rynkiewich and Spradley 1976.

Developing a strategy to convince governments to ratify the Convention, introduce domestic refugee legislation and reform other legislation to conform

To succeed in the aim of convincing non-signatory countries to ratify the Convention as well as to introduce domestic legislation to regulate the implementation and reform other legislation in conformity with it will require concerted efforts on the part of actors both inside and outside the country. Lessons can be drawn from the Fox and Brown (1998) exposition: *The Struggle for Accountability: The World Bank, NGOs and Grassroots Movements*.

This book is a theoretical analysis of what it took to hold the World Bank to account for violations of the rights of various peoples whose lives and livelihoods were being destroyed by ‘development projects’. In summary, it shows that it was only when ‘grassroots movements’ protested in dramatic ways and Northern NGOs supported their work through lobbying government members of the World Bank, that any progress was made. Fox and Brown are very careful to explain the complexity of the situation and to argue that success was the result of numerous variables; one cannot identify precisely what factors brought about the change. Nonetheless, their study demonstrates new understandings of the effective roles of insider/outsider and how their collaborations can result in positive advocacy.

In order to encourage the ratification of the Convention, and introduce domestic refugee law and law reform, it will be necessary to engage representatives of Parliaments, political parties, ExCom governments, donors, legal specialists and others. Together, they will need to devise an effective local strategy in each country concerned and to identify a strong NGO to lead this process on a country by country basis.

Convincing law schools to offer refugee law courses

It has probably been almost accidental that law schools began offering courses in refugee law. It is rare that law schools go beyond simply mentioning the Convention in a public international law course. No concerted effort has been made to convince law faculties either of the ‘market’ for such courses or of their possible impact, especially if they were combined with the legal aid clinics that provide students with practical experience. Readers will doubtless have ideas of many ‘entry’ points to begin such a campaign. Do we need to form a syndicate of refugee law professors, analogous to that of International Association of Refugee Law Judges (IARLJ),⁵¹ to take over this responsibility?

There is great need to increase legal scholarship in and on the South, scholarship that could provide the *grounds* for lobbying/campaigning as well as strategic litigation. There are scores of law students who could be challenged to focus their masters, J.D., and/or doctoral research on refugee issues. Suggestions include such exercises as an analysis of domestic refugee law, where it exists, as well as other domestic law, in terms of its conformity with refugee law (see above). Statelessness, an issue that is also the responsibility of UNHCR, has also received too little academic attention, among other pressing concerns.

⁵¹ <http://www.iarlj.nl/general/>

If law schools were to begin offering robust education in refugee law, it is not only legal scholarship that would benefit. As discussed above, a new generation of refugee lawyers is needed to monitor compliance with and implementation of international commitments, to explore the connections between human rights and refugee issues, and to provide legal aid to individual asylum seekers trying to navigate the UNHCR or State process.

Increasing training in refugee law world wide

Several years ago, UNHCR, through the Hungarian Helsinki Committee, began a programme to start legal aid clinics in the States in Central and Eastern Europe which were aspiring to join the European Union. As a result of this investment, we now have a resource for law teachers, whether or not they are versed in refugee law, to introduce the subject. It is an on-line 'living casebook', created by groups of refugee law specialists (Byrne 2008).

While it was initially developed to provide legal resources and guidance for young professors in the region of East and Central Europe, it is now being used in five continents, by both experienced and new professors, advocates, and researchers. The next edition will launch the French, Spanish and Russian versions of the Reader, as well as expand its scope to include new sections on Africa, Asia and Latin America.

The Reader contains a comprehensive adaptable curriculum that is designed for teaching across different legal systems, but one of the notable benefits of being a 'living' casebook is that it is able to keep pace with an area of law that is in a period of rapid development. The Reader also provides the complete texts of over 600 up-to-date core legal materials, instruments, and academic commentary.

The *Refugee Law Reader* is designed primarily for refugee law instructors, although NGOs that practice legal aid can have access to many of the documents. In the meantime, there is a need for a distance learning course for the great number of countries where there is no access to such formal teaching. Fahamu will be developing one.

We have already mentioned the urgent need for training on refugee rights among the hordes of actors whose professional lives put them into daily contact with refugees, such as the police, immigration officers, camp managers, teachers, religious leaders, NGOs that serve (or fail to adequately serve) these populations, and refugees themselves. I only know of one organization, the Refugee Law Project in Uganda, that has a year round program of such training (www.refugeelawproject.org).

But there are encouraging signs. The IARLJ has held training conferences in Uganda, Egypt, Ethiopia, Ukraine, Russia, Belarus, Georgia, Malta, Poland, Japan, the Philippines, Ireland, Slovakia, Hungary, the Czech Republic, and Slovenia. Judges from many of the Eastern European countries which were applying to join the EU were also gathered in various places at various times in other centers. Judges from all over the world have attended training sessions at conferences organized by the IARLJ in New Zealand, Canada, Ireland, the UK, Switzerland, and Sweden. The next world Conference is in Cape Town, South Africa, in January 2009.⁵² It is intended that the

⁵² Information provided by Geoffrey Care (Email: 15 July 2008) <http://www.iarlj.nl/general/>.

SRLAN and the IARLJ will develop closer links to bring such training to more countries in the South.

Building capacity to provide legal aid in the South

Although important, advocacy condemning the violations of rights *after* they have occurred is not enough. The major challenge facing the Network will be to strengthen the capacity of existing refugee NGOs or to help new ones emerge, in order to provide legal assistance to individual refugees. The Network's ultimate goal would be to have a least one such NGO devoted to this work in every country in the South. The task is enormous, but a promising start has been made.

AMERA UK (www.amera-uk.org) is funding AMERA Egypt and partially funding the Refugee Law Project in Uganda (www.refugeelawproject). The Dutch foundation 3Rs Stifting (www.stichting3R.nl) is also raising funding for legal aid in the South. Operating on a financial 'shoe string', Asylum Access (www.asylumaccess.org),⁵³ has started new legal aid NGOs in Ecuador and Thailand. It has plans to found another in Tanzania in 2009.

In 2008, I was able to send Christophe Chabaud, a French lawyer who was a former student of mine at the American University in Cairo, to Senegal. There, he worked for nine months with the office of the West African Refugees and Internally Displaced Persons Network (WARIPNET, www.waripnet.org). Lisa Weinberg, an experienced refugee lawyer, also spent a month there writing a critical overview of the refugee situation in Senegal (Weinberg 2008).⁵⁴ Although this WARIP Network office is experienced in refugee advocacy, and has even taken cases to the African Commission on Human and People's Rights, it had little experience preparing testimonies for first instance applications to the Senegalese government or for appeals against rejection.

Alice Nah, who is organising an 'Asia Pacific Regional Consultation on Refugee Rights' on behalf of the Asian Forum for Human Rights and Development (Forum Asia), a regional NGO based in Bangkok, is planning to hold a first meeting in November 2008 in Malaysia. Thus far, this network is concerned with building collaboration across the Asia Pacific region, and enhancing advocacy on behalf of refugees. Hopefully some of these NGOs will develop the skills to represent refugees with all aspects of their legal needs.

Another important role for these NGOs will also be to monitor the work of UNHCR wherever it does refugee status determination, for irregularities in its procedures. UNHCR cannot expect States to do better than it does, so it must set the highest example. The Helsinki Citizens' Assembly, Turkey's Refugee Advocacy and Support Program, has integrated monitoring of UNHCR's practices into its mandate.⁵⁵ My experience in the past has been that States in the South usually have a higher

⁵³ Both the 3Rs, Stifting and Asylum Access were begun by former interns who worked at AMERA Egypt and others. All three, including AMERA UK, are able to tap sources in their own countries that are only available through charities, foundations registered in those countries.

⁵⁴ She has worked as an intern at AMERA Egypt for six months and at the Lutheran Immigrant and Refugee Services, Worcester, Massachusetts and the Community Legal Services and Counselling Center, Cambridge, Massachusetts.

⁵⁵ See, <http://www.hyd.org.tr/?pid=553>

acceptance rate than UNHCR. For example, in the 1990s, Tanzania was accepting 98% of individual claims, a fact that the UNHCR office in Tanzania complained about.⁵⁶ On the other hand, generally UNHCR's rate of acceptance is much higher than that of European and North American countries. For example, UNHCR in Turkey recognizes 75% while its neighbour, Greece, a member of the European Community, recognizes less than 1%.

Conclusion: 'Simply irritated at injustice'

However enthusiastic the members of the SRLAN itself, it is an understatement to say that promoting respect for refugee rights in the Global South will require the concerted efforts of individuals and institutions from around the world. I believe that all who read *Refuge* are as concerned as I am at the extent to which the very institution of asylum is under serious threat (Hathaway 2007). Many of us are extremely troubled about the expansion of UNHCR's mandate to include internally displaced persons (IDPs). *UNHCR* was never envisaged to become the world's largest welfare agency for displaced people: *it was established to protect the rights of refugees*.

The protection of those rights necessitates an international effort to build a new infrastructure in the South. Students must learn refugee law and human rights and must be encouraged to undertake research in numerous ill-explored topics. Better training in refugee rights, refugee law, and the interaction between domestic and international commitments must be offered to all the actors in the system. A new generation of better-educated and better-trained researchers, lawyers, and scholars must carefully monitor implementation of and compliance with international commitments. Legal aid organizations must engage not only in the representation of individual clients and careful monitoring of domestic and international law, but also in fearless advocacy for refugee rights more generally. Advocacy organizations must see the benefit of providing legal assistance, both for individual refugees and for the quality of the advocacy itself. And the various actors in the field, doing research, monitoring, legal aid, and advocacy, must communicate with and assist each other. Most of all, what is needed is vision, determination, and persistence. A new infrastructure is possible.

I think it best to conclude this paper anecdotally, with the story of how *one* person, Pamela Baker, a barrister from the UK, worked to change the situation for Vietnamese in Hong Kong, and how her efforts have had a lasting impact there and elsewhere for these refugees. She is the first person I know who responded to the need for refugee legal aid in the far corners of the world, and who inspired young volunteers to join her in this work. She was working for the Hong Kong Legal Aid Department,⁵⁷ when, in 1990, the territory changed its policy vis-à-vis the Vietnamese, introducing a screening process designed to send them back to Vietnam.

⁵⁶ Personal Communication, Mr. Johnson Braham, who headed the Government's refugee office. Also in Uganda, a Senior Protection Office complained that the government's Refugee Eligibility Committee (REC) was being 'too generous' in their decisions on RSD (Email: Zachary Lomo, 1 August 2008).

⁵⁷ She was in Hong Kong handling family law cases, spearheading a campaign to build the first shelter for battered women, and lobbying successfully for legislation against domestic violence.

Baker broke with her department's policy, granted legal aid to the entire crew and passengers of a boat so that they could bring *habeas corpus* applications to challenge their detention. The case became known as Boat 101, and caused considerable embarrassment to officials from Hong Kong to Whitehall (*The Times* 2002). UNHCR accused Baker of fostering false hopes among the boat people, and consequently government officials banned her from the camps and her files were removed (*ibid.*).

She resigned and set up law offices in her home, inviting young lawyers to work with her as volunteers. One, Mark Daly, describes the early days:

At any one time there were about 6 lawyers – including Peter Barnes from Australia, myself from Canada, two lawyers from the UK, another from Australia and one from the US. A law professor, a volunteer, acted as clerk. Most of the work was done *pro bono* – with some battles to get the Legal Aid Department to back up a case to keep the firm going. I know that Peter taught piano lessons to supplement his stipend and I taught tennis lessons. Vietnamese refugees would sometimes reward us with mangoes or the occasional bottle of brandy.

Hoi Trinh, a Vietnamese volunteer lawyer from Australia writes:

With a team of young volunteer lawyers and wannabes, [me] included, Pam set out to launch a series of landmark cases against cruel bureaucratic decisions made by first, the Hong Kong, then the British, and later, the Chinese administrations. To many a refugee, she was a savior. But I remember she used to respond to such acclamation with [a] classic English understatement: "I am simply irritated at the injustice." And as justice every so often demands, Pam's fights resulted in thousands of releases and changed many refugees' lives forever. To this day, I suspect, across the globe, her name still resonates in Vietnamese homes with much respect and admiration. As for me, apart from showing me how to be a true lawyer at a time when I was trying to imitate one, Pam showed me how to be genuinely caring of one's clients, to really listen without prejudice, that in the end one should "just do it and life will take care of the rest," and perhaps most importantly, that one should only really work if it's fun. "The moment you stop having fun, it means your heart is no longer there. Move on," she used to say. For all that I must thank her. Had I not met her, I wouldn't have had the courage to call it quits at the corporate law firm I was working for in Australia. Had I not met her, I wouldn't have found my calling in the Philippines....⁵⁸

When Pam Baker became ill with cancer, Mark Daly and Peter Barnes established the law firm, Barnes & Daly in Hong Kong. They won a case in the Court of Final

⁵⁸ Hoi Trinh now has worked tirelessly in the Philippines to find resettlement places with their families for the thousands of Vietnamese who were left behind in the 1990s when the US stopped taking refugees from there. Hoi wrote (on 12 August 2008) '... almost everyone is out! The US picked up around 1600 in 2005 and Norway picked up around 200 in 2006. So in the end, we had to lobby Canada. ...[where the] minister changed the policy last year and allowed the remaining 100 families to apply for resettlement. More than half have been approved and [have] left. So we are down to about 30 families/cases being processed right now. ... we are still trying to advocate for the resettlement of some 40 stateless Vietnamese families in Thailand and around 30 in Cambodia....' See www.vietnamvoice.org.

Appeal, ('Prabakar', CACV No. 211 of 2002), where it was determined that a refugee, who had been rejected by UNHCR, could not be *refouled* because of the threat of torture.⁵⁹

By way of short update, our firm continues to advise hundreds of asylum-seekers – and since the Court of Final Appeal case of *Prabakar* – CAT [Convention Against Torture] applicants....we continue to take cases challenging a number of the government policies with respect to asylum seekers in the areas of detention, support and social assistance, prosecution policy, fairness of the RSD procedures and the CAT process, as well as making individual submissions to the UNHCR despite the lack of procedural fairness in that process.⁶⁰ In addition, we take constitutional challenges in general human rights in an attempt to make the courts more receptive to international human rights law (Mark Daly; Email, 26 June 2007).⁶¹

Recently, two other unsung heroes have taken up the torch to evacuate the Iraqi Palestinians stranded in camps on the Syrian-Iraqi border and inside Jordan, Adam Shapiro⁶² and Perla Issa. They approached non-traditional resettlement countries where there were already large settled Palestinian and other Arab communities as well as places like South Africa, Malaysia and New Zealand. They went to Chile, having made contact with a Senator there who set up meetings with politicians, government officials, human rights and community leaders and businessmen in Santiago. Having gotten the issue to the top of the agenda with these groups, including the Deputy Secretary of Interior, in April 2006, the Chilean Ambassador formally declared Chile's intention to take 110 refugees. A misinformation campaign began in Chile that almost scuppered the scheme. Adam returned in August 2007 and a firm decision was taken by the government to accept 117 from Al-Tanf Camp in the No-Man's-Land between Syria and Iraq. At writing, news has just been received that the first baby born to one of these Palestinian refugees since arrival in Chile has been delivered, named Rafi. His mother was overjoyed, telling well-wishers she was 'very emotional that her son will be born a Chilean'.

Similar negotiations were undertaken with Brazil which resulted in its willingness to take Palestinians from *Runwayshid* camp, located just inside Jordan, near the border with Iraq. In September 2007, the first group of 35 Palestinians left for Brazil (out of a total of 127). In Brazil, UNHCR and NGOs have taken the responsibility for integration, language training and other services for the newly arrived refugees.

⁵⁹ States which have ratified the Convention Against Torture cannot send failed asylum seekers back to places where they would face torture.

⁶⁰ According to UNHCR approximately 2,500 people register claims with them in Hong Kong each year. Over 90% of asylum-seekers claiming refugee status come from South and Southeast Asia. 10% arrive from Africa

⁶¹ We are always looking for assistance from those with some relevant experience (paid or unpaid). We are looking for solicitors, trainees, and student interns committed to the area.

⁶² Adam Shapiro, a filmmaker, is also a co-founder of the International Solidarity Movement. The [International Solidarity Movement \(ISM\)](http://www.palsolidarity.org/main/about-ism/) is a Palestinian-led movement committed to resisting the Israeli occupation of Palestinian land using nonviolent, direct-action methods and principles. Founded by a small group of activists in August 2001, ISM aims to support and strengthen the Palestinian popular resistance by providing the Palestinian people with two resources, international protection, and a voice with which to nonviolently resist an overwhelming military occupation force. See <http://www.palsolidarity.org/main/about-ism/>. Accessed 2 August, 2008.

Adam Shapiro and Perla Issa have also gone to Caracas, Venezuela and are following up with the President's office and the Ministry of Foreign Affairs there. They have begun to make contacts in South Africa, Spain, Costa Rica, Malaysia, Australia, and New Zealand and are planning similar efforts with Uruguay and Ecuador.

Yemen was approached to provide a temporary place for all the Palestinian refugees from Iraq living on the borders as well as in Baghdad, but this idea for temporary respite from the desert camps while they worked to get the entire group resettled was undermined by less than determined efforts by the UNHCR and the PLO, as well as a seeming lack of motivation to address the urgency of the situation. In the camps on the border as well as in Baghdad, Palestinians face targeted attacks, killings, kidnappings and other violence persists, specifically aimed at Palestinians.

Sudan's offer to resettle the refugees was rejected by a vote in the *Al-Walid* and *Al-Tanf* Camps when it was first announced. However, the PLO has pressed forward with the initiative, and, given lack of options, or even hope for options, some refugees are considering accepting Sudan. However, now that the International Criminal Court has taken measures against the government, it is to be determined if the UNHCR as an agent of the international community will press forward.

It is a long and slow process depending on the diplomatic skills and personal financial resources of just two individuals, something akin to the work of Hoi Trinh, the Vietnamese lawyer in the Philippines.

REFERENCES

- Alexander, Michael, 1999, 'Refugee Status Determination Conducted by UNHCR', 11 *IJRL* 251
- Amnesty International Public Statement, 2008, 'Egypt: Amnesty International calls for President to stop flights to possible torture in Eritrea, 20 June
- Asylum Access, 2008, 'Disclosure of evidence in UNHCR's refugee status determination procedures: Critique and recommendations for reform', 20 June, www.asylumaccess.org
- Briant, N. and A. Kennedy, 2004, 'An investigation of perceived needs & priorities held by African refugees in an urban setting in a first country of asylum', *Journal of Refugee Studies*, 17(4)
- Byrne, R., editor in chief, 2008, *Reader in Refugee Law: Cases, Documents and Materials*, (<http://www.refugeelawreader.org>) (4th edition)
- Fox, J. A. Brown, L. D. (eds.), 1998, *The Struggle for Accountability: The World Bank, NGOs and Grassroots Movements*. Cambridge (MA): MIT Press.

Griek, I., 2007a, Access to Justice in Kenyan Refugee Camps Exploring the Scope of Protection, unpubl. MSc. thesis, School of Public Administration and Public Affairs, Leiden University, Leiden, The Netherlands.

_____, 2007b, 'Traditional Systems of Justice in Refugee Camps: Cause for Concern?' in (ed. Mukherjee, D.) *Refugee Rights and Issues: Concepts and Country Experiences*, ICFAI University Press, Hyderabad, India.

Harrell-Bond, B., 2007, 'Starting a Movement of Refugee Legal Aid Organizations in the South', *Journal of International Refugee Law*, Vol.19(4):729-735.

Hathaway, J., 2005, *The Rights of Refugee Under International Refugee Law*, Cambridge University Press.

_____, 2007, 'Why Refugee Law Still Matters', *Melbourne Journal of International Law*, Vol. 1(1).

Iranian Refugee Alliance, 1995, 'Evading Scrutiny: Does Refugee Status Determination Procedure Measure Up to International Standards?' <http://www.irainc.org/text/pub/report.html>

Kagan, M., 2002, 'Assessment of Refugee Status Determination Procedure at UNHCR's Cairo Office 2001-2002', American University in Cairo Forced Migration and Refugee Studies, *Working Paper No. 1*, Cairo 2002.

_____, 2003, 'Is Truth in the Eye of the Beholder? Objective Credibility Assessment in Refugee Status Determination', 17:3 *Georgetown Immigration Law Journal*, 367 (cited by US 9th Circuit Court of Appeals in *J. Singh v. Gonzales*, No. 02-74426, April 13, 2005).

_____, 2006, 'Frontier Justice: Legal Aid and UNHCR Refugee Status Determination in Egypt', *Journal of Refugee Studies*. Vol. 19 (1).

Kamanga, K., 2005, 'The (Tanzania) Refugees Act of 1998: Some Legal and Policy Implications', *Journal of Refugee Studies*, Vol. 18 (1): 100 - 116.

Kenny, M., 2007, 'The Nairobi Code: A client centred approach to ethical conduct' 35 *Immigration Review* 12.

Klaaren, J., 1999, 'A Guide to South African Refugee Law', 16 May <http://www.law.wits.ac.za/school/klaaren/sareflaw.htm> (accessed 27 July 2008).

LCHR (The Lawyers Committee for Human Rights), 1995, *African Exodus*

_____, 2002, *Refugees, Rebels and the Quest for Justice*

Rynkiewich, M. and J. Spradley. 1976, *Ethics and Anthropology: Dilemmas of Fieldwork*, Wiley and Sons Incorporated.

The Times, 2002, 'Obituary', London. Friday May 3,
<http://pambakerfoundation.org/docs/Pam%20Baker-obituary-Times.doc>

Verdirame, G. and B.E. Harrell-Bond, 2005, *Rights in Exile: Janus-Faced Humanitarianism*, Berghahn Books.

UNHCR, 2005, 'Procedural Standards for Refugee Status Determination under UNHCR's Mandate', 1 September

_____, 2006, 'Keeping the spirit of Cartagena alive, 20 years later', Colombia, Nov 11 <http://www.unhcr.org/admin/ADMIN/4524bc952.pdf> accessed 22 November 2006

Weinberg, L., 2008, 'West African Refugees and Internally Displaced Persons Network (WARIPNET) Senegal Legal Aid Assessment', (on file with author).