

# MIGRATION

July 2008

## Migrants Rights A Special Issue

*Also:*

After Myanmar's Cyclone  
South Africa's Inner Turmoil



IOM International Organization for Migration

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## MIGRATION

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**IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.**

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# The Human Rights of Migrants – A Shared Responsibility

By Richard Perruchoud, Director, International Migration Law & Legal Affairs Department, IOM Geneva

The positive contributions of migration to the development of countries of origin and destination as well as migrants themselves, are well documented if not always fully acknowledged. However, these contributions are undoubtedly linked to the effective respect for the human rights of all migrants regardless of their legal status, a respect that applies to all stages of the migration process.

Increasingly, the international community is conscious of the need to take a holistic view of migration – one that goes beyond a purely economic or security analysis to also incorporate the social and cultural aspects of this global phenomenon. The human rights of migrants is central to this approach.

Discourse on the protection of these rights often focuses on the obligations of host and transit countries, as under international law they have the responsibility of protecting the rights of all those on their territory, including migrants.

However, countries of origin also have an important role to play. Ensuring that migrants are fully informed of their rights (and duties) in the countries of transit and destination, that the recruitment process is regulated, and that the migrants are aware of their right to consular protection and assistance, are just some examples of how States can fulfil their obligation to protect their nationals prior to departure, whilst abroad and on their return. States also have the right – and the duty – under international law to defend and protect their nationals abroad, wherever they may reside, and irrespective of their migratory status.

Nevertheless, a considerable gap still exists between the rhetoric of the uni-

versal application of human rights, and the enjoyment of these rights in practice. The gap is further accentuated for migrants who are more vulnerable to human rights abuses because they are not natives or citizens of the country in which they reside. Irregular or undocumented migrants, especially women often engaged in exploitative or vulnerable employment such as sex work or domestic work, are at the sharp end of serious abuses.

How can this be stopped? By intensifying efforts across the board to ensure the impressive machinery of instruments already in existence at international and regional level that define and protect the human rights of migrants is effectively put into practice.

This is not an isolated process. There is increasing recognition by the international community that cooperation on providing equitable and humane conditions for migrants is a key component of migration management. Success on this would give effect to a shared responsibility on ensuring respect of migrants' human rights.

Underlying IOM's work since its inception has clearly been the recognition that, in the final analysis, all that it does is on behalf of individual human beings in need of international migration assistance and protection, and towards whom the international community recognizes a responsibility. Whilst IOM does not have a formal legal protection mandate, indisputably, the dignity and self-respect of migrants are fundamental concepts within all IOM activities. One of IOM's strategic objectives, confirmed by its Member States in 2007, is "to enhance the humane and orderly management of migration and the effective re-

spect for the human rights of migrants in accordance with international law."

The Organization does this directly or indirectly through its *action*. For example, by providing safe transportation or evacuation and related support in conflict situations, IOM protects the physical integrity of the migrant and contributes to the full realization of the right to leave any country and to return to one's country of nationality. IOM's provision of shelter to victims of trafficking protects the fundamental human right not to be held in slavery or servitude. IOM's special resettlement or emigration programmes in situations of internal strife contribute to the implementation of the right to find safe haven abroad. IOM's medical programmes ensure migrants' fitness to travel and facilitate health care follow-up in receiving countries, thus promoting the right to an adequate standard of living, including health and well-being. These are but a few examples of IOM's *de facto* protection of those falling under its mandate.

The Organization is also routinely incorporating the protection and promotion of the human rights of migrants in seminars and workshops it organizes. These rights and obligations, and those of States, are also included in capacity building and advisory services provided by IOM as it assists governments in developing or updating national migration policies, legislation and administrative structures.

More than ever and rightly so, the human rights of migrants are on the international agenda. This edition of *Migration*, largely devoted to various aspects of this issue, focuses on just some of the many outstanding challenges facing migrants and States alike. **M**



Illustration: Dina Ionesco/IOM, 2008

# IOM Rushes Medical, Shelter Aid to Cyclone Nargis Survivors

By Chris Lom, Regional Information Officer, Asia-Pacific, in Bangkok

“Tell them we’ll take whatever they have,” shouts Emergency Coordinator Federico Soda into the crackling Skype line linking his office in Yangon’s Trader’s Hotel to the emergency response support team huddled around a speakerphone in IOM’s Southeast Asia Regional Office in Bangkok.

The “whatever” is three USAAF C-130 transport planes on the tarmac at Thailand’s Utapao military airbase – two of them loaded

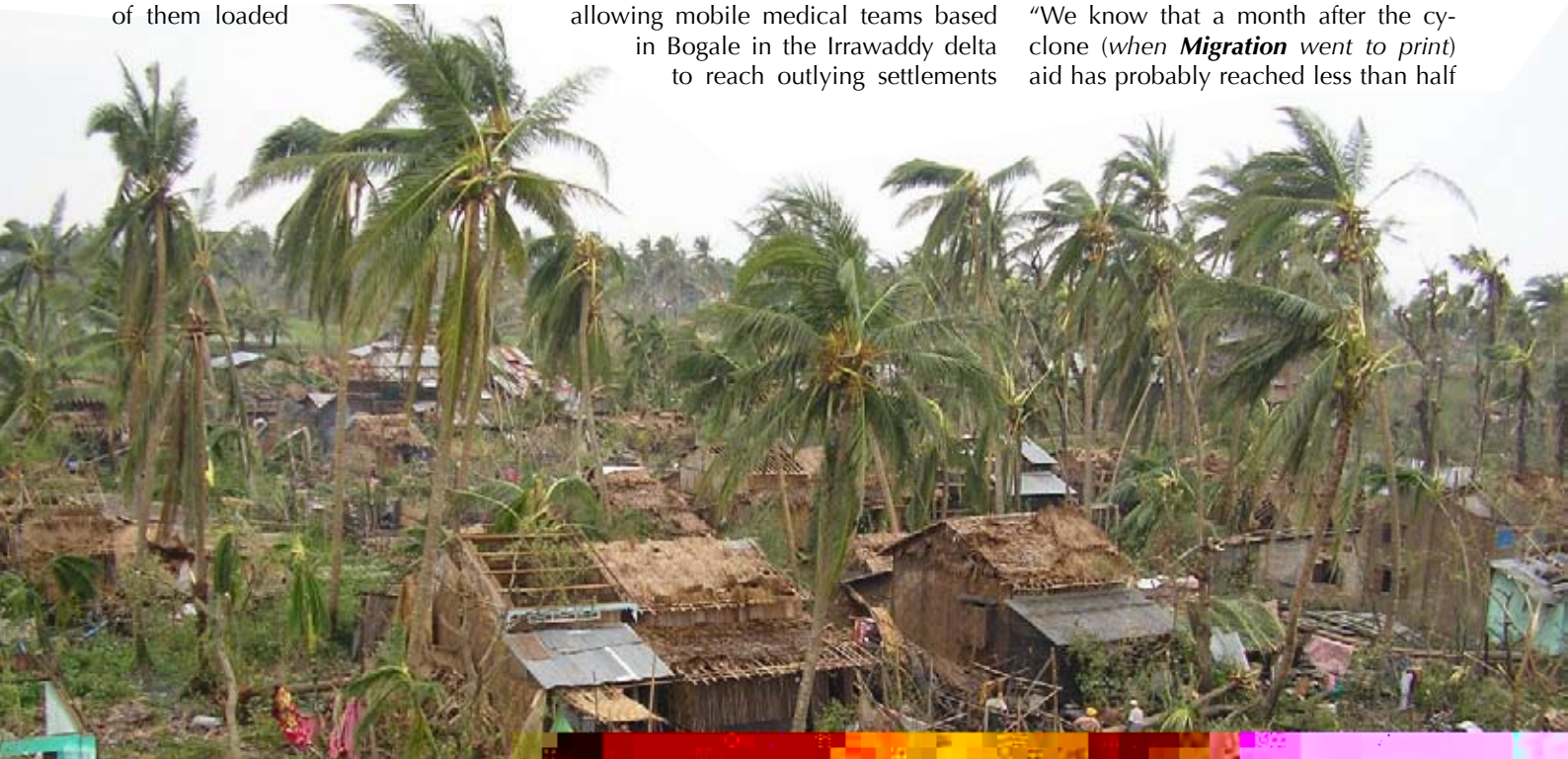
with 8,500 family hygiene kits and a third with 224 30 by 7 metre rolls of plastic sheet – the equivalent of 2,240 tarpaulins – donated by USAID for survivors of Cyclone Nargis.

A USAID donation earlier in the week, which included four Zodiac inflatable boats with outboard engines, 2,400 10-litre jerry cans and 768 hygiene kits, made Soda’s day. The boats, which arrived in Yangon on May 26<sup>th</sup>, will play a key role in IOM’s emergency response, allowing mobile medical teams based in Bogale in the Irrawaddy delta to reach outlying settlements

desperately in need of help, but only accessible by water.

With as many as 130,000 people dead or missing and 2.4 million displaced and in need of humanitarian aid in the wake of the cyclone which struck the Irrawaddy delta and Yangon on May 2<sup>nd</sup> and 3<sup>rd</sup>, IOM and other relief agencies are under no illusion that the needs of survivors in a region already impoverished before the disaster are vast.

“We know that a month after the cyclone (*when Migration went to print*) aid has probably reached less than half



▲ In many Irrawaddy townships as many as 95% of homes were destroyed or severely damaged (Photo: ©IFRC, 2008, MMM0011)

of the affected population. So while our mobile teams are providing medical treatment and assessing needs in the delta, we are now shipping in whatever we can in terms of essential medicines and emergency shelter materials," says IOM Yangon Chief of Mission a.i. Mac Pieczkowski.

Donations of medical supplies and equipment, including a health kit to meet the needs of 10,000 people for three months donated by the NGO International Medical Corps (IMC), have flowed into Thailand for onward shipment to Yangon through a newly-opened UN logistics hub at Bangkok's Don Muang airport, according to IOM Emergency Logistics Officer Al Meneses.

"We are moving 40,000 plastic sheet tarpaulins and 147 portable water purifiers from suppliers in India, as well as locally-purchased medicines through Don Muang on UN-charter flights in the coming weeks," he says.

The relief supplies and equipment, which are offloaded on arrival to an IOM warehouse in Yangon and have included some 14 MT of medicines donated by the NGO AmeriCares Foundation and 10,000 treated mosquito nets donated by the Swiss Agency for Development and Cooperation (SDC), are distributed in the delta by IOM national emergency medical staff or through NGO partners, in close cooperation with UN and government counterparts.

IOM, which has operated in Myanmar under a Memorandum of Understanding with the Ministry of Health since 2004, had over 200 local staff mainly working on grassroots migrant health projects in Mon State before the cyclone. Since the disaster, it has redeployed some medical staff from Mon State to the delta, hired new local and international staff in Yangon and flown in emergency experts from neighbouring countries to support the mission.

"We now have eight medical teams working out of our Bogale sub-office. One team focuses on displaced people sheltering in temples and other temporary urban relief sites. The other mobile teams provide medical outreach to communities south of Bogale and in Mawlamyine Kyune, many of which can only be reached by boat," says Soda.



▲ The cyclone tore through towns and villages, leaving many areas inaccessible by road (Photo: © Federico Soda/IOM, 2008, MMM0026)



▲ IOM Yangon takes delivery of 14 tonnes of essential medicines donated by the NGO AmeriCares (Photo: © Mac Pieczkowski/IOM, 2008, MMM0014)



▲ IOM trucks loaded with medical and shelter relief items leave Yangon airport for the delta (Photo: © IOM, 2008, MMM0037)

"Most of the cases are acute respiratory infection, injury and diarrhoea. But there is also a need for psychosocial care for people traumatized by the cyclone. We are now coordinating the work of international agencies that can help in this area at the Inter Agency Standing Committee (IASC) Health Cluster in Yangon," he adds.

While IOM has ramped up its international staff in Myanmar to respond to the disaster, it is prepared to commit far more to the relief and reconstruction

effort, if asked to do so by the government and the international community, according to Director General Brunson McKinley, who attended a donor conference co-chaired by ASEAN – the Association of South East Asian States - and the UN in Yangon on May 25<sup>th</sup>.

"Myanmar has stated a preference for aid workers from ASEAN member states. We have a pool of some 1,300 ASEAN national staff working in eight of the ten ASEAN countries, whom we can deploy at short notice, if the government decides



▲ IOM doctors treat cyclone victims in Bogalay township (Photo: © IOM, 2008, MMM0036)



▲ Respiratory infections and diarrhea due to lack of shelter and dirty water are common (Photo: © IOM, 2008, MMM0038)



▲ Few survivors have access to tented government-run camps (Photo: © Federico Soda/IOM, 2008, MMM0034)

to provide free access and issue visas," he notes.

Questions of access for aid workers and relief items continue to dog the international response to Nargis. Donors attending the Yangon conference, who have pledged to cover some 65 per cent of a \$200 million UN Flash Appeal to help the victims, told the government that much of the money will be contingent on issuing more visas and allowing free access to affected areas for international relief workers.

At the time of writing, IOM had received visas for some 13 international staff, the majority of them nationals of ASEAN member states. The visas allow free movement in Yangon, but do not guarantee access to cyclone-affected areas in the delta.

There are some positive signs of greater access to the delta following the Yangon conference, with several agencies reporting access for international staff accompanied by ministry officials. But progress remains painfully slow in the face of the growing humanitarian needs of survivors yet to be reached and the onset of the monsoon.

IOM is appealing for \$8 million for emergency shelter and health projects, as well as funds to coordinate the activities of a temporary settlements working group within the IASC Emergency Shelter Cluster to help people displaced by the cyclone now sheltering in camps, temples and public buildings.

It had already received US\$ 1.88 million, including US\$ 1.45 million from the UN Central Emergency Fund (CERF), \$400,000 from Chevron Corporation and \$31,500 from Denmark. **M**



▲ The cyclone left many children traumatized (Photo: © Federico Soda/IOM, 2008, MMM0020)

# Fearful Migrants Suffer Anti-Foreigner Violence in South Africa

By Nde Ndifonka, IOM Pretoria

**“A**n African must save an African,” says 50-year-old Begson Lubelo philosophically, as he waits at a makeshift bus stop near Johannesburg’s Park Station for a bus to take him home to Malawi.

One of several thousand foreign nationals fleeing violent attacks by locals in poor townships across the country, Lubelo has been at the bus stop for two days with his wife and two-year-old daughter, without food or shelter. The spreading attacks that started in May left about 60 people dead and tens of thousands homeless.

“

**During apartheid,” says Lubelo, “South Africans came to us because they needed help. We never robbed them or lynched them. We welcomed them. Today we are here, and this is what we get. We want to tell the South African people that an African must save an African.**

”

Originally from Blantyre, Lubelo arrived in South Africa nine years ago. Before the attacks began, he worked as a security guard for a private security firm. His wife and youngest child arrived to join him only two months ago, leaving six other children behind in Malawi.

On Friday 17 May, at about 9 pm, he was at home with his family in Angelo township in Boksburg, east of Johannesburg, when whistles and shouts began some distance away. Locals were gathering to start the attacks, but he didn’t recognize the imminent danger he and his family were facing.

At about 11pm, his neighbourhood was stormed by a large group of South Africans beating up foreigners and tearing down their shacks. He fled with his family into the bush nearby, while his home was ransacked and looted. The family slept in the bush for two days without food or shelter, too scared to return to their neighbourhood where the locals were waiting, threatening to kill any foreigner on sight.

Lubelo finally managed to make a distress call to his boss at work, who picked them up and drove them to the Malawian embassy. At the embassy they were given emergency travel documents. They then made their way to Park Station, where they found thousands of other foreigners waiting to escape.

Lubelo is deeply hurt and angered by this assault, but insists that as an African and a Christian, he would never hesitate to lend a hand to any South African, should the need arise when he returns to Malawi.

But the future is bleak for him and other foreigners, including Malawians, at the Park Station bus stop. Most of them have lived in South Africa for years as an inte-



▲ Like other displaced migrants in South Africa, Begson Lubelo and his family are saddened and bewildered by the violence that has left them with nothing (Photo: © Nde Ndifonka/IOM, 2008, MZA0032)



▲ A Mozambican waits to return home with what is left of his possessions. Up to 36,000 Mozambicans fled home in the aftermath of the violence (Photo: © Barbara Rijks/IOM, 2008, MZA0043)



▲ Until they can be reintegrated back into local communities, many displaced families such as this one in Kynsa in Western Cape Province, are being housed in government established temporary shelters (Photo: © Shaun Lotz/IOM, 2008, MZA0041)

gral part of local communities that have now turned against them. Robbed of all their possessions, businesses, jobs, documents and dignity, now all they want to do is return to the safety of their home countries.

"In Malawi, there is nothing for us, but at least we will stay alive and maybe find something to do later," says one of the Malawians sitting next to Lubelo. "Many of us have no money because everything was stolen during the attacks. People are waiting for friends and family back home to send money so that they can take a bus," he adds.

In the immediate aftermath of the crisis, IOM mobilized initial emergency relief packages that included mats and blankets for 2,000 people displaced by the violence, as well as 500 infant kits, providing parents with some basic necessities to care for their young children.

But the scale of the problem is huge. Just three kilometres from the Park Station bus stop, some two thousand foreign nationals had taken shelter at the Central Methodist Church. "As you can imagine,

food, blankets and basic medication are all badly needed," says Godfrey Charamba, speaking on behalf of the group.

The foreigners, who are too scared to go to work, have been surviving with the support of the church and the contributions from local well-wishers and humanitarian organizations, mainly in the form of food and blankets.

But Charamba says that there are also other challenges. "Firstly, the children here need to go to schools or crèches. We need financial support for that. Secondly, with two thousand people crammed here at the church offices, we need counsellors and sex educators, because the potential for sexually transmitted illnesses to spread in this situation is disturbing. We also need gas for the kitchen, so we can cook food. Finally, the toilets in the building are broken. We have skilled technicians here, so if we can get the materials, we can repair the drains ourselves," he adds.

Adding to the pressure are constant worries over their security. And that of many others in their situation.

Many are bewildered that events like this could happen in a country that was previously held up as a beacon of peace and reconciliation. But there is little doubt that the xenophobic attacks that have rocked South Africa will leave behind scars unpleasantly reminiscent of the country's violent past.

In a bid to minimize those scars and to help prevent such turmoil again, IOM is working with METRO FM, South Africa's largest urban commercial radio station and the South African Post Office. The collaboration is to educate the public on the dangers of xenophobia and human trafficking and to raise funds to provide immediate humanitarian assistance to displaced migrants. This initiative is now being taken further with plans for a two-year, US\$ 1.9 million anti-xenophobia programme to be implemented with government and civil society partners if the funds can be raised.

South Africa, as much as its large migrant community, needs a successful change in attitude towards foreigners. Without it, there is much to lose – on both sides. **M**



# Failed Migrants Look for a Dignified Way Out of Libya

By Jean-Philippe Chauzy, IOM Geneva, in Tripoli, Libya

At a busy intersection in a shabby area of Tripoli, four scarecrow-like figures stand under the shade of an acacia tree, looking forlorn in their ragged clothes. They are Ghanaian migrants, who for the past year have lived precariously on the margins of Libyan society because they have no regular status.

Like so many others, they have followed a well-trodden but perilous route that took them from Ghana's impoverished hinterlands across porous borders and scorching deserts to oil-rich Libya, where they thought they would find well-paid jobs working as carpenters, masons, tailors or traders.

"We all believed we'd do well in Libya," says 28-year-old Ibrahim Mohamed, who in March 2006 sold his small tailoring business in Ejura, a town in Ghana's northern maize-producing Ashanti region.

With little prospect of travelling to and working in Libya legally, he decided to spend some 3.5 million Cedis (US\$ 360) on the 3,000 mile clandestine overland trip to Tripoli. In the fall of 2006, he left Ejura, travelling light and accompanied by his three friends.

"The first leg of the journey from Ejura to Bitou in Burkina Faso was easy," he says. "We then made our way towards Tamba, on the border with Niger. There, we met up with smugglers who said they would take us by truck to Agadez and then on to Dirkou, the last town before the (Sahara) desert."

Things then got much tougher as he and his friends then had to travel in overcrowded trucks and pay extortionate amounts for water and food, mostly cassava flour, he says.

When they eventually made it to Dirkou, they were broke. They spent seven

weeks doing menial jobs to save enough money to pay for the next leg of their journey across the Sahara to the Libyan town of Al Katrun.

After crossing the Libyan border, events then took a turn for the worse when the vehicle transporting them repeatedly broke down. "We were told we'd be left behind if we didn't push the car," says Ibrahim. They were then ambushed at night and robbed of all their belongings by armed bandits.

Ibrahim's travelling companion, Ibrahim Zakari, quietly sobs, burying his emaciated face in his hands as he recalls the ordeal he and his friends went through on the road to Al Katrun.

**"We were thrown to the ground, kicked, punched and insulted. They had assault rifles and daggers. I was stabbed in the neck because they thought I was hiding money," he says, showing a deep purple scar.**

"I was left bleeding in the sand with nothing, not even the clothes on my back. I would have died if my friends hadn't helped me."

They then walked for two days in blistering heat, thinking that they would die of thirst. On the third day, the group was finally picked up by a Libyan patrol and taken to Al Katrun, where Ibrahim received treatment for his injuries.

In Al Katrun, the friends found odd jobs digging trenches for pipes. "We were told we would be paid five Libyan Dinars (US\$ 4) a day, but without board or lodging," says Amidu Fousseini. "After two weeks of hard work, we asked for our wages but were told we would only be paid if we completed another two weeks. After a month, we realized we would never be paid, so we left."

He says they survived thanks to the generosity of fellow West African migrants also marooned in the town.

They remained in Al Katrun for another two months before getting enough money



▼ Ibrahim Zakari bares a physical scar of the assault en route to Tripoli. The armed bandits thought he was hiding money he didn't have. (Photo: © Michele Bombassei/IOM, 2008, MLY0001)

to continue their trip towards Sabha, the main gateway to the Sahara. From there they travelled to Tripoli, arriving in February 2007.

"Libya attracted us like an evil magnet," says Suleiman Moro, who previously worked as a small retailer in Ajura. "But for a year, we've been standing by the side of the road waiting to be hired. We've washed cars and done heavy construction work, often without pay. We now feel we have no future in Libya and want to return home," he observes.

For years, Sister Shirley from the Franciscan Missionaries of Mary has been helping destitute migrants stranded in Libya. From the south-western Indian state of Kerala, she worked in the slums of Mumbai before arriving in North Africa.

She says that in Libya, as elsewhere, abused undocumented migrants can't fend for themselves because they have no status. "They sleep ten or more to a room, pay high rent and face eviction if they protest. Because of their poor living conditions, diet and lack of medical

care, many suffer from stress-induced illnesses and chronic depression," she says.

Undocumented female migrants are particularly vulnerable to all forms of abuse, she adds. "Women come to us, often with their children, because they are alone and destitute. Some say they have no news of their husbands, who have either disappeared at sea whilst trying to reach Europe, or been deported by the Libyan authorities. We do our best to help them with clothes, food and medicine and many ask us how they can return home. This is when we refer them to IOM for assistance," she says.

Since April 2006, with funding from the European Commission and the Italian Ministry of Interior, IOM has helped close to 1,900 migrants stranded in Libya with voluntary return and reintegration assistance. Most came from sub-Saharan Africa, but some came from as far afield as South Asia.

To meet increasing needs, in March 2008 IOM opened a humanitarian centre in Tripoli's East Janzour district. Lo-

cated in a large refurbished villa, the centre can provide temporary accommodation for up to 40 people and offers medical assistance, psychological support and counselling.

"The centre is open to all migrants who want to return home in dignity and benefit from some reintegration assistance," says IOM's Laurence Hart. "It will also offer training for our Libyan counterparts to strengthen their expertise in offering the option of voluntary return as a viable alternative to forcible return."

Representatives from the diplomatic community who attended the inauguration of the centre on 12 March also underlined the added value of IOM's programme. They included Mali's ambassador to Libya, H.E. Ousmane Tandia, who said that his country is very supportive of IOM's return and reintegration programme.

"I am confronted on a daily basis with pressing requests made by destitute Malian migrants who realize they've made a terrible mistake coming to Libya," says Tandia. "Until recently, the embassy

▼ Undocumented migrants on Libyan streets waiting to be hired for whatever work they can get (Photo: © Michele Bombassei/IOM, 2008, MLY0002)





▲ Sister Shirley with some of the children of destitute migrants her order, the Franciscan Missionaries of Mary are helping. (Photo: © Michele Bombassei/IOM, 2008, MLY0003)



could only help the most desperate humanitarian cases. Now, with IOM's support, we are able to provide a comprehensive response that goes far beyond simple return assistance."

One Malian migrant who benefited from IOM's return and reintegration assistance is Mr Tiemblemba. In 2005, he left his hometown of Kita in Western Mali because he wanted to go and work in Italy to help his extended family. But working as a baker in Benghazi, Libya's second largest city, he soon realized the additional risks he would have to take to make it to Europe.

"When your family sponsors you to go and work in Europe, you feel an enormous pressure to succeed at all costs," he says. "This is why thousands of people who have never seen the sea decide to put their lives at risk and why so many are reluctant to return home, especially empty handed."

Faced with the dim prospects of life as an irregular migrant in Libya, Tiemblemba says he grabbed the opportunity to return home under IOM's return and reintegration programme.

"Returning to Mali without an expulsion stamp in my passport and with some resources to begin a new job helped me

to accept my failure," he says. With a EUR 300 grant from IOM he bought welding equipment and drills and is now working with his brother in a small workshop.

"Providing failed migrants with new economic opportunities at home is essential if one is to persuade other people not to emigrate," says IOM's Michele Bombassei, who recently travelled to Ghana, Sudan, Mali, Niger and Burkina Faso to assess the effectiveness of IOM's reintegration programme.

"Overall, migrants who have benefited from IOM's return and reintegration programme are doing quite well. Because of the assistance provided, they tend to be more open and testify to the dangers of irregular migration. Their testimonies are part and parcel of the efforts deployed by IOM to better manage migration in this part of the world," he observes.

IOM has funding to help about 2,200 migrants in Libya through July 2008 and is looking for additional money for the centre to assist more migrants beyond the summer. "We need more funding as we are faced with ever more stranded migrants who require urgent assistance," says Laurence Hart. "We simply cannot let them down." **M**

# Making Return a Success

## – Migrants' Stories

These testimonies highlight the plight of irregular migrants stranded in North Africa in transit to Europe revealing the many sorrows and dangers suffered at the hands of unscrupulous smugglers who show no respect for the basic human rights of migrants. Here, the migrants explain their decision to return to their country of origin with assistance provided under an IOM programme funded by the European Commission and Italy to better manage transit and irregular migration in Libya – TRIM.



MGH0046

Mr. C left the Ghanaian capital, Accra, in 2002 with two friends, heading for Europe along the same route through Niger and Libya taken by thousands of Ghanaians every year.

When they reached the Libyan border, the smuggler's vehicle was intercepted by Libyan police and the occupants were told to walk off into the desert. They walked for three days without food following vehicle track marks. One of C's friends died of thirst and exhaustion.

When C finally reached the town of Sabah, he worked for two months as a carpenter to raise enough money to reach Tripoli.

In the capital, he survived by taking on two jobs as security guard and as a car washer to earn enough to pay a smuggler to take him to Italy.

But in 2005, when the planning of his journey was nearly complete, C's employer withheld his final salary payment, making it impossible for him to pay the last installment of the smuggler's fee.

It was a blessing in disguise. The boat that was to have taken him to Italy sank and, on hearing the news, his mother and his wife in Accra insisted that he come home. But C was stranded with no money and no documents until he learnt about IOM's assisted voluntary return and reintegration programme (AVRR).

He returned home and, with help from IOM, refurbished his old lorry, installing a new engine and other parts. He now transports goods in Accra, earning around US\$ 250 a month. **M**

Photos: © Michele Bombassei, 2008

Mr. S.C. left Bamako, Mali, hoping for a better life in Europe. He travelled through Libya, where he intended to stay to raise more money to pay smugglers promising a smooth crossing across the Mediterranean. After spending a few years doing odd jobs as a painter, he had an accident and broke his leg.

As an irregular migrant with no family support, he was unable to receive medical assistance. When the pain became unbearable, he decided he would try to return to Bamako. But with no money and no travel document, this was impossible. Hearing of IOM's AVRR pro-

gramme he applied and was successful. IOM's assistance went beyond providing return assistance and he qualified for a small grant to start a tailoring business.

"Business is good and even better during the festive season," says Mr. S.C.

"My fractured leg continues to make me suffer and I now have to walk with crutches. But all in all, I consider myself fortunate."

Today, grateful to be back home, he now employs two junior tailors, as well as his son, who is an apprentice. **M**



MIML0001



# Lost at Sea

## Who Takes Care of Migrants in Danger?

By Christine Adam, IOM Geneva

Photos: © Michael Tschanz/IOM, 2008 – MMR0001

**I**n October 2005, images of migrants trying to scale the fences into the Spanish enclaves of Ceuta and Melilla in North Africa were visual evidence of migration pressure on Morocco and Europe. Since then, focus has been on migrants on overcrowded, unseaworthy boats used by unscrupulous smuggling networks trying to take them to Europe's southern shores and often failing in the most tragic circumstances. Although there are no reliable figures on the number of migrants who have died trying to make these sea journeys from Africa, they undoubtedly reach the many thousands. This humanitarian crisis being played out in the Mediterranean, the eastern Atlantic Ocean and across the Gulf of Aden is being further exacerbated by the uncertainty concerning rules on who exactly should accept migrants rescued at sea.

### How the European Union Addresses Migration by Sea

Europe strives for a comprehensive response to the "continuous pressure of irregular immigration into the EU" and complements securing borders by, *inter alia*, measures of cooperation with third countries. The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union – or FRONTEX, has been tasked to secure these external borders, "...further enhancing the effectiveness of joint border control operations..."<sup>1</sup>

In 2007, the Commission published a "Study on the international law instruments in relation to illegal immigration by sea". The aim was to analyse the current legal framework on exercising control and surveillance powers on the

EU's external sea borders with a view to finding solutions that could involve the adoption of new instruments or amending or complementing existing ones. The study concluded that the legal framework regarding rescue at sea could benefit from the establishment of a correct *modus operandi* clarifying which was the most appropriate port for disembarkation following any rescue. Moreover, it recommended drafting practical guidelines to clarify the implementation of international law obligations by Member States. As a first step, it proposed the drafting of practical guidelines for FRONTEX joint operations.<sup>2</sup>

### The Legal Framework Governing Treatment of Persons Rescued at Sea

"Rescue at Sea" is a duty prescribed in international law, by both treaty and customary law. Article 98 of the UN Convention on Law of Sea (UNCLOS) states that "Every State shall require the master of a ship flying its flag... to render assistance to any person found at sea in danger of being lost".

However, there are several problems relating to such rescues. How can the non-refoulement principle be safeguarded? How can it be ensured that

<sup>1</sup> Several joint sea operations have been carried out under the coordination of FRONTEX. The operation "Nautilus" and "Nautilus 2007" in 2006 and 2007 targeted the Central Mediterranean region, i.e. Italy and Malta. The operations "Hera I – III" took place in 2006 and 2007 and targeted the migration flow departing from the coast of West Africa and heading to the Canary Islands (Information from [www.frontex.eu](http://www.frontex.eu)).

<sup>2</sup> IOM along with UNHCR participates in the working group of Member States for drafting guidelines applicable to the exercise of border management activities in the context of FRONTEX operations at sea.



MMR0007

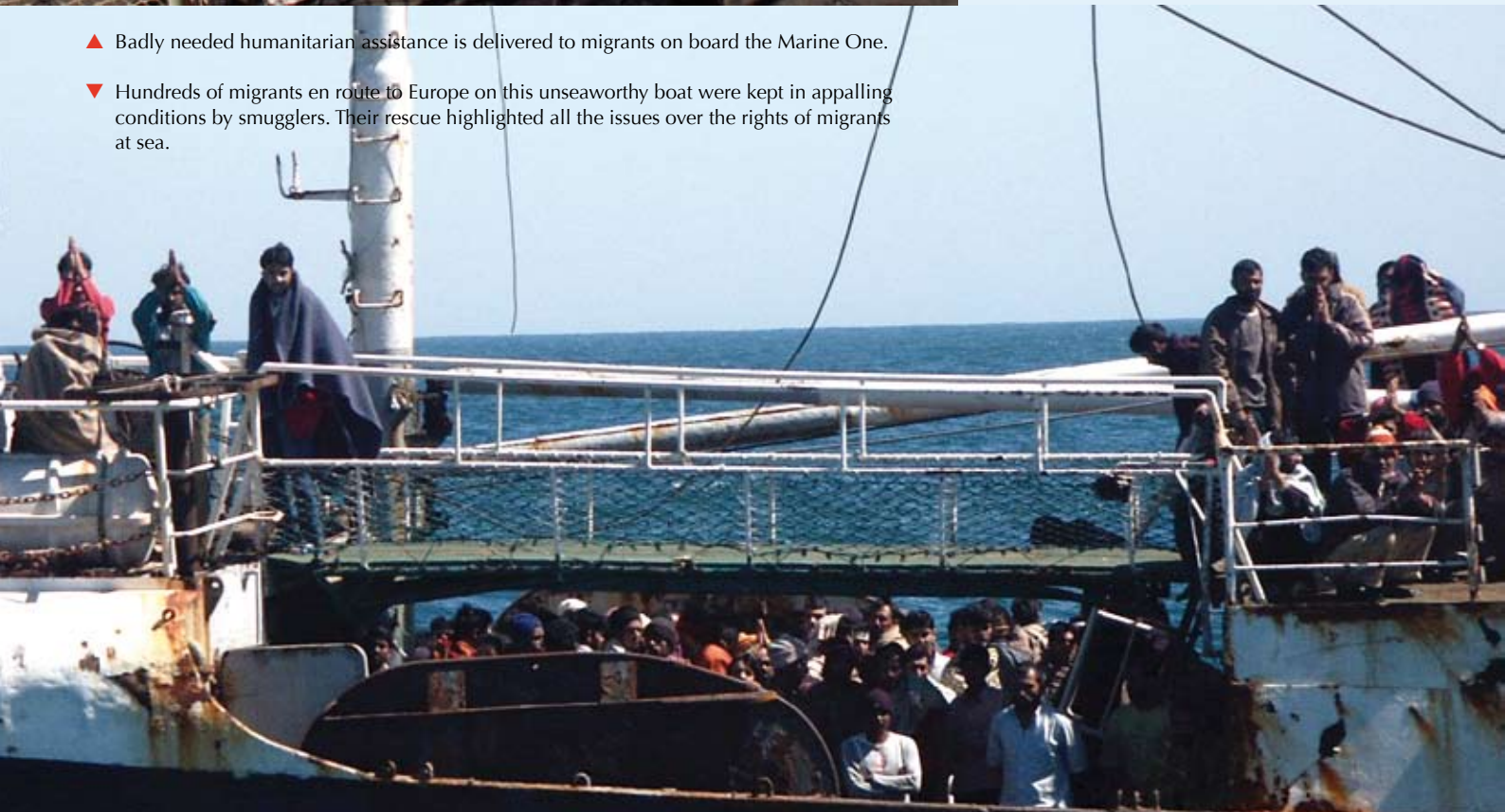
migrants are provided with food, water and necessary health care during the operation? How long can migrants stay on board the ship that rescued them? To which port should migrants be brought after they are rescued?

This last question in particular has practical implications given that States often object to admitting those rescued based on the concept that there is no obligation for them to admit people (rescued at sea or others) onto their territory. Ship masters consequently often face difficulties in finding a suitable and safe port. People rescued at sea might be forced to stay on board for long periods of time in uncertain conditions before they can be taken care of. For shipping companies, delays to normal business incur costs.

In an attempt to complete the obligation to rescue that falls on the ship master by a corresponding obligation of States to cooperate in rescue situations, amendments to the two main international conventions governing the treatment of persons rescued at sea - the 1974 International Convention for the Safety of Life at Sea (SOLAS) and the Search and Rescue (SAR) were adopted in May 2004 and entered into force in July 2006.

The amendments to the SOLAS Convention include a definition of search and rescue services and clarify the existing obligation to provide assistance by stat-

- ▲ Badly needed humanitarian assistance is delivered to migrants on board the Marine One.
- ▼ Hundreds of migrants en route to Europe on this unseaworthy boat were kept in appalling conditions by smugglers. Their rescue highlighted all the issues over the rights of migrants at sea.



MMR0003



▲ Whether on big or small boats, the lives of irregular migrants at sea are at risk.

MMR0003

ing that assistance has to be rendered “regardless of the nationality or status of such a person or the circumstances in which the person is found”. Moreover, the amendments mandate coordination and cooperation between States to assist the ship’s master in delivering those rescued to a place of safety and add a new regulation on the ship master’s discretion which states that “the owner, the charterer, the company operating the ship..., or any other person shall not prevent or restrict the master of the ship from taking or executing any decision which, in the master’s professional judgement, is necessary for safety of life at sea and protection of the marine environment”.

Amendments to the SAR Convention are aimed at strengthening cooperation between States to help the ship master in delivering people rescued at sea to a place of safety and at introducing additional operating procedures to begin identifying the most appropriate places to disembark.

However, gaps in the legal framework persist. Despite the obligation to deliver those rescued to a “place of safety”, this notion is not defined in international law. Practice has interpreted it to mean “the next port of call” (not the nearest/most convenient), to be determined largely at the master’s discretion.

In an attempt to clarify “place of safety”, the International Maritime Organization (IMO) issued a set of guidelines on the treatment of people rescued at sea in 2004. It defines “place of safety” as “a location where rescue operations are considered to terminate”, “where the survivors’ safety of life is no longer threatened and where their basic needs (such as food, shelter and medical ones) can be met”. Furthermore, it is “a place from which transportation arrangements can be made for the survivors’ next or final destination” before noting that this cannot be the assisting ship. However, this seems not to have been transformed into an obligation on any State – including the flag State of the rescuing ship – to

accept responsibility for those rescued.

When choosing the “place of safety”, special consideration must be given to asylum seekers that might be among those rescued at sea. A refugee must not, under international law, be forcibly returned to a country where his/her life or freedom would be endangered or, by extension, to a country where he or she would not be protected against such return.

Resolution on these outstanding questions on the law of the sea would do much to minimize the tragedies that befall on migrants at sea. Work is also needed to ensure that the human rights of all migrants, whether in a regular or irregular situation, are respected at all times – during rescue operations, on board, at disembarkation or thereafter. Similarly, special protection has to be extended to particularly vulnerable groups such as women, victims of trafficking and unaccompanied minors, the latter increasingly present and at risk on the seas. **M**

# A Happy Ending for an Unaccompanied Minor Returning Home to El Salvador

By Ana Beatriz Fernández and Jessica Saavedra, IOM Costa Rica

*Increasing numbers of unaccompanied minors are now taking the irregular migration path, many under pressure from families to find work and send money home. The trend is clearly evident. Italy and Spain reported some 13,000 unaccompanied minors arriving in recent years. In the Americas, most of the unaccompanied minors aged between 10 and 17 are making the journey alone to join one or both parents who are already in the United States. All unaccompanied minors, regardless of their age are, particularly vulnerable to abuse and exploitation; their basic rights aren't always observed. For most, the migration experience is a traumatizing one. And for those that do not reach their final destination, it is also a frustrating one.*

**D**ennys Quintanilla was just 15 years old when he decided to migrate to the United States from his native El Salvador.

An acquaintance of his great-grandmother encouraged him to go with him on the trip north and assured him that he would have no trouble finding a well paid job so that he could send money home to his great-grandparents and two sisters.

Although he didn't know the man well, he decided to take the risk. He remembers that while they were crossing the Arizona desert, the man gave him food and water and treated him well.

When they reached the city of Oxnard in California, the man found him a room in an apartment shared by four Mexican migrants who worked in a local car wash. His new roommates spoke to their boss and soon Dennys was hired.

"I realize that I took a big risk, but we had no money and life was really tough. I had no other choice. I was not in school, so I thought it would be better to go to the US and get a job. School was not as important as eating and helping my family," Dennys explains.

**"I felt strange and lonely in the US, but I did my best to adapt and make money."**

He worked at the car wash for two months until one day he felt sick and

asked the man who had brought him to the US for help. The next day he waited, but the man never showed up.

"After two weeks without work, the Mexicans threw me out of the apartment," recalls Dennys. "I lived for a few months on the streets, sleeping in parks and eating anything I could get my hands on. One day I met a family who spoke Spanish, so I explained my situation and they let me stay in their house for a few days and said I could call my great-grandmother in San Salvador."

This fortunate encounter and his phone call home started the process of returning home.

## Assistance to Unaccompanied Minors

Since 2005, IOM has been assisting unaccompanied minors to return home. The Reserve Fund for the Return of Highly Vulnerable Migrants created by the members of the Regional Confer-

ence on Migration\* makes the returns possible.

Jorge Peraza, IOM Officer in Costa Rica says the fund was created to assist the most vulnerable. "Besides the unaccompanied minors, we assist migrants who fall ill, are injured, stranded, handicapped, pregnant women and those with psychological ailments. These persons are primarily referred to IOM by Central American consulates in Mexico or by migration officials."

In 2005 IOM provided support to 96 minors, in 2006 a total of 71 were returned home, and in 2007 117 were assisted. Most of the minors are escorted home, usually by air, and are met by IOM staff and handed over to direct family members.

"But some don't have relatives and others don't want to return to situations of violence or abuse they escaped from in the first place," explains Juan Artola, IOM



◀ Dennys is reunited with his great grandmother (Photo: © IOM Salvador, 2007, MSV0003)





▲ Denny at home with his great-grandparents and one of his sisters (Photo: © IOM Salvador, 2007, MSV0004)

Chief of Mission in Mexico. "In those cases, the children are handed over to government or civil society entities working on children and family issues."

The number of unaccompanied minors travelling north to the United States is on the rise. Estimates indicate there could be some 20,000 per year.

Rafael Pretelin, of Mexico's National Migration Institute, confirms that in 2007 his agency returned 3,769 unaccompanied Central American minors who were trying to cross the Guatemala/Mexico border at Tapachula. In the first quarter of this year, 741 unaccompanied minors were apprehended while attempting to cross that border.

For these youngsters the journey alone is long, frightening and very dangerous, but extreme poverty and lack of opportunities prompt them to risk their lives.

Many children aged 10 and older who travel alone or with a smuggler are hoping to reunite with a parent in the United States. Often parents pay the smuggler to transport their teenage children.

Artola says there is a lot of work ahead to ensure that their rights are protected. "Most of the unaccompanied minors are 14 to 17 years old. Often, there are no guidelines and local governments do not have infrastructure, training and/or resources to assist this age group. Mexico's Under Secretary of the Interior, in cooperation with IOM, established an inter-institutional working group to promote synergies and concrete actions to protect these children. Our office is working with the State government of

Chiapas to develop guidelines and build capacity amongst all institutions that come in contact with the children."

Those that run out of money, if they are on their own, or are abandoned by the smuggler, end up in border towns in Guatemala and Mexico where life can be tough even for the most seasoned traveller.

Artola explains: "We can't lose sight of the fact that these are children. Even if they are tall and look and act mature, they do not have the experience to fend for themselves. Many of these children who

stay in the border areas survive by rummaging through garbage dumps, becoming street vendors or working as prostitutes. They need money to continue their journey, and this makes them especially vulnerable to abuse."

### Coyotes on the prowl

In the past few years, IOM offices in the region have documented an increase in the smuggling of minors from Central America and Mexico to the United States.

Peraza adds: "The smuggling of minors has not been formally researched. We assume it is just a side bar for the well-established *coyotes* or *polleros* who smuggle tens of thousands of migrants over the Mexico/US border every year. But it could be that some of these smugglers are now specializing in unaccompanied minors."

Small networks of smugglers or even individuals transport the minors from their country to the Mexico/US border. The actual border crossing into the United States is handled by other smugglers whose specialty is evading border authorities. They cross on foot, sometimes with false documents, across rivers or the hot and deadly desert. The more sophisticated crossings are just as deadly, with migrants crammed into trucks or containers.

Well established smuggling networks cover long stretches and have contacts along the way that provide makeshift way stations for the migrants to rest and drink. These contacts can either be part of the networks or are simply paid for their services.

### Home Sweet Home

In their modest home in the Miramonte neighbourhood of San Salvador, 86-year-old Rosa Amalia Recinos and 76-year-old Rafael Quintanilla anxiously awaited the return of their great-grandson.

Rosa Amalia and Rafael raised Denny and his sisters Stephany 13 and Karen 16. Their father is a long lost grandson, and the only news they have of the mother is that she lives in Guatemala. The children's parents have never provided financial support, but some of the sons living in the United States send remittances. Nevertheless, the old couple struggle to make ends meet.

Denny's smile lights up the room as he feels the love and protection of his family.

The US State Department Bureau of Population Refugees and Migration (PRM) provides funding to IOM so that these youngsters can be successfully re-integrated. They receive IOM support to return to school or learn a trade and stipends for food, transportation and other basic needs.

"We really have no resources at home. There is no money for recreation and clothes, the types of things that people our age long to have," says Denny. Trying to make amends for the scare he caused his great-grandmother he adds: "I know that my great grandparents have made incredible sacrifices for my sisters and me."

Denny has been home for a few months now and is back at school and taking computer classes, but he cannot forget how scared and lost he felt and how many times he regretted the decision to travel to the United States with someone he barely knew. "All I had were the clothes on my back," he recalls.

But after a brief pause the cloud lifts and Denny's optimism returns. "I know my life will improve, I am only 15. I aim to finish my education and will continue my computer lessons on Saturdays. I am very happy to be home again." **M**

\* The Regional Conference on Migration also knows as the Puebla Process is a multilateral regional forum on international migration where member countries address issues of common interest. Member countries are: Belize, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and the United States.

# When Rescue is Not the End but a Beginning

## – Ghanaian Child Victims of Trafficking



MGH0036

▲ James, who along with his brother Isaac was trafficked to Yeji. Ten children in his class were victims of trafficking.

By Jemini Pandya, IOM Geneva, in Central and Volta regions, Ghana

In a circle on a sandy coastline dotted with palm trees, a group of people sit enthralled, oblivious to the rolling waves of the Atlantic Ocean behind them or to the heated cries of boys playing beach football nearby.

A much more exciting football game between world famous Brazilian and Ghanaian stars is being played out in the mind of a small boy in the group and its full drama is being vividly brought to life by his breathtakingly rapid and hilarious commentary.

It's a rare moment of relief. As the laughter fades with the game's exciting conclusion, reality once more intrudes.

"I'm the only girl in the family so all the chores fall to me and I get so tired by the evening," says a girl in a brown print dress.

"The money I get from my parents to buy food at school is not enough and I am hungry," pipes up an older boy.

Of all the refrains, this is the most oft-repeated.

The gathering on the beach is a weekly mentoring session for a group of former child victims of trafficking in Cape Coast in Ghana's Central Region and an opportunity for the children to unburden their woes, get some advice, and some tutoring help with their schoolwork. Organized by Ghana's Education Service, the mentoring is part of a package

of services being provided by IOM, various government ministries and non-governmental organisations (NGOs) to help Ghanaian child trafficking victims recover from their trauma and reintegrate into families and communities.

Since 2003, with funding from the US State Department's Bureau of Population, Migration and Refugees (PRM), IOM has rescued nearly 650 children in Ghana knowingly or unknowingly trafficked by parents to work in fishing communities on Lake Volta in the belief they would be fed, educated and taught a useful trade.

The reality is often different. Forced to work painfully long hours doing heavy and dangerous work because owners or 'masters' can't afford to pay adults to do their jobs, the children are also severely underfed and often abused physically and verbally.

▼ Brothers Isaac and James try to recount some of their experiences in Yeji, but find it hard.

The rehabilitation and reintegration assistance provided to the children by IOM with and through its government and NGO partners includes medical care and psychological counselling in the immediate aftermath of rescue. After that, the children receive regular medical check-ups, help with school fees, books, materials and uniforms, as well as counselling and mentoring assistance for two and a half years after.

But helping the children to recover mentally and physically is proving to be a greater challenge than rescuing them.

"Many of the children have blanked out what happened to them," says Mavis Narh, public health nurse in Mfantiman district in Cape Coast. "Those who are living with their parents are coping better than those living with guardians who often have no jobs and have difficulty in making ends meet."



MGH0037

All photos were taken by Jemini Pandya/IOM, 2008



▲ Geoffrey, on the left, and Emmanuel on the right, with their brother Wisdom. More than anything, they need their mother to return if they are to truly heal.

## Food – the Main Issue

For 10-year-old Geoffrey and older brother Emmanuel, trafficked for three years, the absence of a mother unseen in seven months and barely present since their rescue is an unbearable pain etched on their faces.

“They long for some maternal affection, someone to care for them and feed them. Sometimes they come to my office and I give them some food and talk to them, but this is not enough. They need more,” explains Comfort Seglah, a social welfare officer.

Emmanuel asks if Comfort can find their mother but it is an impossible task. The boys live with their brother Wisdom and nine other children as well as Wisdom’s wife.

Food, Mavis Narh says, is *the* issue in the counselling sessions with trafficked children. “If we could feed these children properly, we would see significant results in just a few short months.”

Faustina Amegashie-Aheto, head of a clinical unit in a district in the Volta region where 90 per cent of the children rescued by IOM live, would agree.

A health assessment of 178 children a year after their rescue revealed that 38 per cent of the children were still suffering from stunted growth while 62 per cent were underweight. Although de-worming and improved food intake meant that these figures were a vast improvement on those just gleaned after the children’s rescue, they highlight the enormous work ahead to improve the children’s health.

But lack of financial resources means that even the three monthly regular medical checks to spot and treat illnesses are not always possible. And if children fall sick in between, there is no free health care.

Although the Ghanaian government is now paying for school fees through a grant, a pilot school feeding programme to address the food issue among trafficked children does not reach all.

**“The children in my school are not malnourished. They are just hungry and this hunger is affecting school performance,”**

says the headmaster of Srafa Wesley Community Primary School in Cape Coast, Em-

manuel Ekowa Arthur. Here, 96 of the 225 pupils were trafficking victims.

It is a situation IOM is aware of and while it recognises the impact this hunger is likely to have on the school retention rates of trafficked children, the Organization’s hands are tied without additional resources.

“At the moment, the retention rate is over 90 per cent but that is because of our sponsorship. The reality is that if 50 per cent of these children actually go on and finish their schooling, the programme would be successful. But we won’t know this for several years,” says Jo Rispoli of IOM in Ghana.

There are also other emerging long-term issues that will bear on the outcome.

## Challenge of Finishing School

Sitting on the low stone wall outside his classroom at the Srafa Wesley School is Ebenezer Coffie.

Aged seven and as the eldest son, he was sent to Yeji with a sister. His father’s death meant his mother couldn’t feed all seven children. He spent eight years in forced labour and even now, two years after rescue, he doesn’t talk about that time.

Immaculate in a pressed yellow-shirted school uniform and polished white shoes, Ebenezer stands out because of the obvious care he and the grandmother he lives with take over his appearance. Yet he is terribly shy, unable to look people in the eyes and stammers when he talks.



▲ A pupil at the Srafa Wesley Community School grabbing lunch. Food is the one number one issue among rescued children.

His headmaster says this is common among the trafficked children. Nevertheless, Ebenezer's goal is to finish his education and work in a bank so he can look after his mother and siblings who live far from him in Accra.

But 17-year-old Ebenezer is in a class for nine-year-olds. He would be 20 before he finished primary school and 28 if he finished secondary education necessary for such career aspirations. This assuming it would be financially possible.

"At times I am hurt because other kids my age have already finished school or are about to. If I had been here, I would have finished school and that hurts me," Ebenezer reveals.

Julia Damalie of the Ghana Education Service and in charge of girl and child education in his district recognises the difficulties older trafficked children face when going back to school.

"We may need to consider allowing the children to jump years if they have the ability. We know that some children would much rather not go to school any more because of this age difference issue and instead learn a trade but there is no such facility to provide this at the moment," she explains.

One such child is 16-year-old Ama Botwe. Angry and unforgiving towards her mother, she has dropped out of school because of the teasing from the other children. She wants to be a seamstress but her mother cannot afford to apprentice her.



MGH0035

▲ A strong desire to learn and make something of his life – but making it to the end of his schooling will be a major challenge for Ebenezer.

### If it wasn't for your help...

Although Afua Akyere received micro-credit assistance from IOM to help her provide for Ama and two of her other trafficked children, she is struggling to make her bar business a success. She wants to branch out and sell food but has no money to buy stock.

Nana, a mother of two trafficked boys in Ebenezer's class asks for some more money. Although she set up a small food stall at the school with her micro-credit assistance where at lunch time children can buy a bowl of rice and meat soup for less than \$0.20, her profits are too low. The same bowl of food in the nearest town could be sold for \$0.50. But the town is too far away and she has no transport.

"Whatever money you give me, I will use for the children's education so they can have a better future. One day they will point at you and say, 'if it wasn't for your help, we would not be who we are'. So please send us the money," she appeals.

But to provide even the minimum level of comprehensive rehabilitation assistance, IOM has cut down the number of children it rescues each year to 25 children. It was a tough decision considering how many other Ebenezers and Amas need rescuing.

"We know this assistance is not enough. We need to provide more than two years of care and support individually tailored to meet the needs of each child. Without this, we may not be able to avoid instances of re-trafficking," asserts Rispoli.

Generous public donations to IOM through television programmes in the US and France have led to 11 more children being rescued in 2008 than planned and the individual sponsoring of 95 children.

"We've made a great deal of progress but many challenges remain. The key is to secure enough funding to ensure that the future holds a promise for all the children," adds Rispoli.

To contribute or to sponsor a child through IOM's rescue and reintegration programme, please go to: [www.iom.int](http://www.iom.int) **M**



MGH0043

▲ Angry and resentful towards her mother, Ama Botwe is finding it hard to move forward with her life.



MGH0040

▲ Isaac and James' mother Nana says she could achieve more if she was given more money.



# Foreign Marriages: Love and Money in Asia – Vietnamese Brides in Korea

By Chris Lom, Regional Information Officer, Asia-Pacific, in Ho Chi Minh City

*Concern is growing in Asia over thousands of young women who put their futures in the hands of sometimes unscrupulous marriage brokers in the hope of finding husbands in wealthier countries. Vietnam's solution has been to clamp down on unlicensed marriage brokers and to encourage better pre-departure orientation offered by, among others, IOM. Cambodia, following the publication of an IOM report, has temporarily suspended all marriages to foreigners. In Korea, the destination of many of the "mail order" brides, the authorities are stepping in to ensure that the young women know something of the country's language and culture before they arrive and fully understand their rights under the law.*

For 12,000 Vietnamese brides migrating to Korea each year, the economic security of a Korean husband introduced by a marriage broker may seem the solution to many of the problems facing their sometimes impoverished and demanding families.

But with numbers of Vietnamese women marrying Korean men rocketing since 2001 and a growing volume of media coverage detailing failed marriages and domestic violence triggered by a lack of information, unrealistic expectations and cultural differences, public concern in both countries is growing.

Brokers fees of up to \$20,000, payments of a few hundred dollars to the women's families and a growing sense that brokered marriages, although often suc-

cessful, sometimes involve the sale of young women into a life of oppression in rural Korea, are also contributing to calls for action.

In October 2007 IOM's Ho Chi Minh sub-office, working with a Korean NGO KOCUN – the Korean Committee for UN Human Rights Policy - and the Viet Nam Women's Union, responded to the need with the launch of a programme to better prepare potentially vulnerable Vietnamese women for marriages to Korean men.

"The pre-departure orientation programme is based in Ho Chi Minh City because more than three quarters of the women come from villages in the Mekong Delta. It provides prospective brides with information about what their

marriage is likely to entail, the likely expectations of the groom's family, the language and cultural challenges that they will face, their rights in Korea and what to do if they run into problems. And it operates a free helpline providing free advice to them and their families, as well as an informational website," says IOM project manager Andrew Billo.

Korea is now the top destination for brokered marriages from southern Viet Nam – replacing Taiwan - for a variety of economic, social and cultural reasons, according to Korean academic Prof. Kim Hyun-jae of Youngsan University.

He points to greater rural urban income imbalances in the Mekong Delta, more women than men in the countryside because more men have migrated to the



▲ In October 2007 IOM Ho Chi Minh City launched a campaign to raise awareness of some of the realities and illusions of married life in rural Korea

towns, a greater cultural openness to foreign marriage than elsewhere in Viet Nam and a widespread enthusiasm for the glitzy lifestyle and beautiful people promoted by popular Korean soap operas.

Brokered marriages of Vietnamese women from the same area to Taiwanese men, which reached 13,000 in 2000, fell to 3,000 by 2005, when the similar problems of domestic violence and suspected human trafficking surfaced, leading the Taiwanese government to make it much harder for foreign brides to acquire Taiwanese citizenship, says Kim.

Van, 25, Nguyet and Trinh\*, both 21, who are about to leave Ho Chi Minh City to join their husbands in Korea, all agree that their choice of Korean men was based on Vietnamese affinity with Kore-

an culture. "Why a Korean? I suppose it's fate," smiles Van, a hairdresser from the Mekong Delta town of Can Tho.

Between October 2007 and February 2008 some 1,150 women, including Van, Nguyet and Trinh, attended the pilot phase of the IOM Ho Chi Minh pre-departure orientation project.

IOM trainer Ung Thi Hong Thu says that some of the women referred to her course by the Korean consulate had no idea of what they were getting into. "Most had very little education. One of them, who was leaving for Korea the same evening, told me that she was so scared she simply went and prayed," says Thu.

But Van, Nguyet and Trinh, who are studying Korean language, cooking and

the social skills needed to cope with their Korean in-laws at the Viet Nam Women's Union Marriage Support Centre (WUMSC) while waiting to join their factory worker husbands, are optimistic and say that they will work hard to make their marriages a success.

"I don't plan to get a job immediately, I need to learn the language, get to know my new family and consult with my husband. I'd also like to have kids," says Nguyet, who works in a factory making artificial flowers.

The IOM pilot project also focused on providing orientation training to counselors from the WUMSC and Justice Departments. "The WUMSC is now the only agency in Viet Nam officially authorized to counsel women and arrange foreign marriages. Couples also have to attend an

interview with the Justice Department to obtain a Vietnamese marriage certificate or recognition of a Korean marriage certificate," says IOM Ho Chi Minh project officer Nguyen Hoang Oanh.

"Our role is to provide support and counseling to these young women to help them make the right decision. We don't try to stop them, but we do try to give them the real picture," says WUMSC Director Nguyen Thi Bach Tuyet.

Viet Nam's interest in promoting a sustainable system that will prevent abuses through raising awareness in southern Viet Nam, while promoting bona fide

brokered marriages to Korean men, is shared by the Seoul government and Korean NGOs.

Korean Consul in Ho Chi Minh City Bok-Hyun Nam says that his country has the infrastructure in place to support the integration of Vietnamese and other foreign brides after they arrive, but is looking into what more can be done by way of pre-departure preparation.

"This is a big human rights issue in Korea and there is a lot of media interest. This has increased with Cambodia's ban on foreign marriages, following the publication of IOM's report (on brokered

marriages between Cambodian women and Korean men)," he says.

In 2006 the Korean Ministry of Gender, Equality and Family asked a Korean NGO, the Women Migrants Human Rights Center, to launch a 24-hour 365-day emergency helpline in six languages, including Vietnamese, for migrant women who are victims of domestic violence, sexual assault and other forms of abuse.

The 1577-1366 helpline number is printed on awareness raising materials prepared by KOCUN and distributed to prospective brides attending IOM Ho Chi Minh City's pre-departure briefing.

Cornell University PhD candidate Hyunok Lee, who is currently researching cross border marriages between Vietnamese women and Korean men, sees the biggest challenge as overcoming the isolation felt by young Vietnamese brides when they find themselves alone and unable to communicate with their new families in Korea.

"Women who know very little about Korea can be completely isolated. We need to both equip them with the basic information before they leave, and to ensure that they can access support services in Korea, if the need arises," she says. **M**

\* All three names have been changed to protect the identity of the women.



▲ WUMSC Director Nguyen Thi Bach Tuyet and IOM HCMC project officer Nguyen Hoang Oanh with Korean wedding dolls (Photo: © Chris Lom/IOM, 2008, MVN0028)

▼ IOM trainer Ung Thi Hong Thu prepares Vietnamese brides for life in Korea. (Photo: ©Andrew Billo, 2008, MVN0029)



# Cambodia Clamps Down on Foreign Marriages

By Chris Lom, Regional Information Officer, Asia-Pacific, in Bangkok

A decision by the Cambodian authorities in April 2008 to suspend all new marriages between Cambodian women and foreigners of all nationalities has highlighted fears in some of Asia's poorest countries that brokered foreign marriages may be resulting in cases of abuse.

The Cambodian move came after an IOM Phnom Penh report disclosed that in 2007 some 1,760 Cambodian women left the country to enter brokered marriages with Korean men – up from just 72 in 2004.

Explaining the decision, Cambodian Secretary of State of the Ministry of Women's Affairs You Ay said that the suspension of all foreign marriages was prompted by public concerns about exploitation and human trafficking, citing the case of seven Cambodian women who recently returned home because they could not endure married life in Korea. But, she says, there is no evidence of "systematic exploitation."

The rapid increase in the number of Cambodian women marrying Koreans through brokers mirrors a similar increase in Vietnam, where the authorities are responding by beginning to crack down on illegal private marriage brokers amid persistent media reports of exploitation and abuse.

The IOM report attributes the increase in brokered marriages between Cambodian women and Korean men to a variety of possible factors, including fewer formal links with Taiwan, previously the largest destination country for brokered marriages; the Vietnamese crack-down on illegal marriage brokers; and growing Korean links with Cambodia, including inward investment and a Korean expat community of over 3,000 in Phnom Penh and Siem Reap.

A registered Korean marriage broker in Phnom Penh – the Chanthin Group – cited in the report, says that Cambodian

women clients are mostly between 22 and 25 and come from middle income families in Kampong Cham and Kampong Thom provinces. The Korean men using the broker are older and primarily blue collar factory workers or farmers with a high school education. Most are Christian and their average income is between \$2,000 - \$3,000 per month.

Chanthin says that women applicants have to come to the agency to complete an application form and provide proof of identity and photos. These are translated and the details posted onto the agency's website. Korean men can then access the site, select a woman and schedule a meeting with her in Cambodia through the agency.

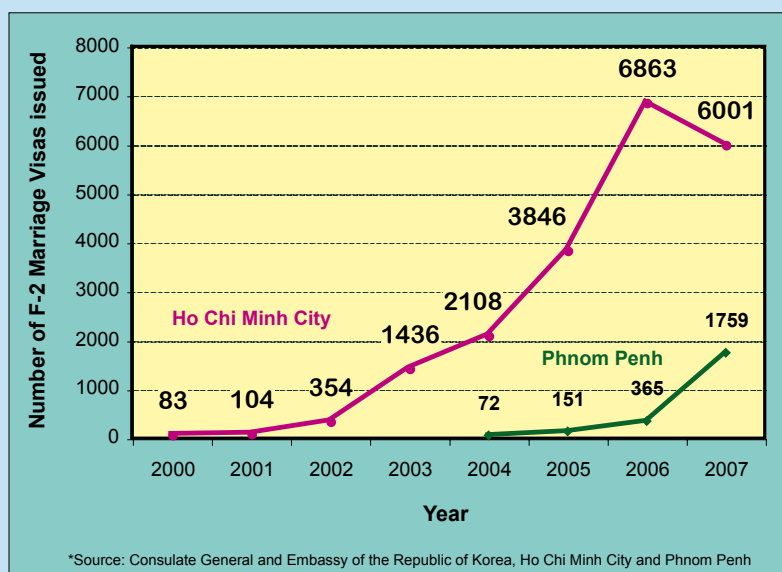
If they and their respective families subsequently agree to a marriage, it goes ahead, subject to clearance from the Cambodian Ministry of Foreign Affairs and the Korean Embassy in Phnom Penh, which subjects the prospective husband to a detailed interview and checks the documentation.

After the wedding, the husband returns to Korea almost immediately. While the bride waits for the documentation to clear and her visa, a period of some three months, Chanthin provides her with one month of intensive Korean language training. When she finally arrives in Korea, the agency claims that it monitors the couple to check whether they are having any problems, including telephoning the bride. It says that about 2 per cent of couples encounter some sort of difficulties.

But according to the IOM Phnom Penh report, only a tiny percentage of arranged marriages are through government-registered brokers like Chanthin. "The vast majority," it says, are through unregistered, informal and often exploitative brokers offering hasty "marriage tours" for between \$5,000 and \$20,000 to bachelors unable to find a wife in Korea.

Local brokers persuade young women that marriage to a Korean husband is an opportunity to make money and get a

F-2 Marriage Visas issued at the Consulate General and Embassy of the Republic of Korea in Ho Chi Minh City and Phnom Penh\*





better life for themselves and their families. If the girl and the parents agree, a prospective bride could be taken to Phnom Penh, where she could wait with up to 100 other young women to be selected by a Korean "marriage tourist," typically on a four to six-day visit to Cambodia. Meetings take place in restaurants or small hotels in or near Phnom Penh.

If a girl is selected, a hasty wedding is arranged. Photos are taken and the bride's immediate family is given the price of their travel to Phnom Penh and a wedding gift of \$300 to \$1,000. After the marriage, the groom returns to Korea and the bride returns home with her parents for the roughly three months it takes to process her visa.

According to the report, most of the women are poor, have little or no education and are, in some cases, illiterate. Most brokers provide no basic pre-departure orientation or language training and many Cambodian brides have inflated expectations of married life in rural Korea.

This frequently results in tensions between couples and in-laws, which is compounded by the fact that many Korean marriage tourists are older than their brides and relatively low income earners. It also seems that many lie to brokers and prospective brides about their financial circumstances, in the hope of finding a "better" partner, says the report.

It adds that the solution to these problems lies in raising awareness of the potential pitfalls and challenges of foreign marriage in rural Cambodia, particularly in schools, and stimulating public debate of the issues.

It also calls for a pre-departure orientation programme, including language training, for all migrant brides destined for Korea to be developed in close cooperation with Korean NGOs and the Embassy and Consulate-General of Korea in Cambodia. IOM has already launched a similar pilot pre-departure orientation programme of this type in Viet Nam. **M**

▶ A former Cambodian bride (left) discusses her experiences in Korea with an IOM researcher (Photo: © IOM, 2008, MKH0264)

*In 2007 Srey La, 21, who comes from a poor farming family in Kompong Cham, was introduced to her 42-year old Korean farmer husband by a broker from a neighbouring village to whom her father paid \$50. Her parents were invited to the wedding and given their expenses and \$400. One day later her husband gave her \$100 to get back home to her village and left for Korea. A month later she received a visa for Korea and moved in with her husband's family. She was scared, but her husband arranged for her to study Korean at home and she worked with him on the farm mostly planting and tending vegetables. She also picked fruit to earn extra money. But after six months she decided to divorce him and return home to Cambodia, citing abusive treatment from her in-laws, problems with the food and language, a feeling of isolation and arguments about money with her husband. During her time in Korea, she managed to send \$300 to her family in Cambodia. Her sister, who is still married to a Korean farmer, has managed to send home \$1,800.*

*Monika, 19, was one of seven girls from her village who married Korean men through Chanthin Group, after hearing a radio ad. They introduced her to a number of Korean men in Phnom Penh and she agreed to marry one of them – a farmer. Chanthin made all the arrangements and her mother received a \$500 wedding gift from the groom. For the next three months, Monika studied Korean language and culture every Saturday and Sunday at the company. In June 2007 she went to Korea, where she lived with her husband and parents-in-law. Despite problems with her in-laws, her husband was kind and affectionate and as a farm labourer, she earned about \$35 a day. Now divorced and back in Cambodia, she says that she really went to Korea to earn money – not for marriage. Her family, she says, supported her decision.*

*Ms X, now in a Seoul shelter run by an NGO, met and married a Korean man through a local marriage broker because he promised to send money to her parents every month. She knew very little about her husband and had spent only three hours with him before the wedding. The promised monthly remittances never materialized because her husband could not afford them. This caused tension which resulted in domestic violence and X became a virtual prisoner after the wedding. On arrival in Korea, she experienced bad living conditions, more domestic violence and was only allowed out when accompanied by her husband. With the help of an NGO she filed for a divorce, but was threatened by the Cambodian marriage broker who claimed that if she went through with it and returned to Cambodia, she would have to pay a penalty of \$1,000 for damaging his reputation or her parents would be harmed.*





▲ An Afghan woman registers to vote in Islamabad (Photo: © IOM, 2004, MPK0018)



▲ Afghan voters register in Pakistan's North West Frontier Province (Photo: © B.K. Bangash/IOM, 2004, MPK0013)

# Giving Voice to Migrants – the Political Way

By Francesca Marzatico, IOM Geneva

**“If the future of Iraq had a voice, what would it say? Iraqis abroad, the future of Iraq has a voice, Your Vote!”**

This was the slogan with which IOM launched an information campaign in December 2004 among Iraqis living abroad. The aim was to raise awareness on the importance of their participation in upcoming elections for a transitional government in a post Saddam Iraq.

A month later, against all odds and a near-impossible deadline, more than 265,000 Iraqis of the nearly 280,000 that had registered with IOM in 14

countries around the world cast their votes. The Iraq National Assembly was finally established in January 2005 on the strength of this election, giving an important voice not only to people still inside the country but also to the many nationals who, for different reasons, were abroad and who through their contribution to the democratic process showed their engagement to a better future for their motherland.

This was not IOM's first time in organizing out of country voting (OCV) for migrant and refugee diasporas. Following the Dayton Peace Accords that ended the conflict in the Balkans, the Organization of Security and Cooperation in Europe (OSCE) asked IOM in 1996 to organize the electoral process for Bosnian refugees and nationals living abroad so that they could participate in the first post-conflict general elections for Bosnia and Herzegovina. The opera-

tion, though difficult, was successful and since then the Organization has provided support to several other governments in giving their nationals abroad access to the democratic process back home. It is in this vein that IOM supported the enfranchisement of migrants – again for Bosnia in 1999, and then for East Timor 1999, Kosovo 2000-2001, Afghanistan 2004, Iraq 2005 and most recently for Ecuador in 2006 and 2007.

The strengthening of democratic institutions through the promotion of national and local elections as a fundamental component of democracy and human rights is at the centre of these efforts. The participation of migrants and/or displaced electorates and communities is in turn equally fundamental to the credibility of any electoral process and can also play a significant role in conflict-prevention, and community stabilization.



▲ Iraqis in Jordan proudly participate in the out-of-country voting process (Photo: © IOM, 2005, MJO0077)

▲ Iraqis in Iran participate in the out-of-country voting process (Photo: © IOM, 2005, MIR0010)

This is particularly so for countries in transition whose democratic institutions are in their infancy. Despite an almost overwhelming challenge in politically enfranchising their diaspora or displaced populations, by making this choice, governments build the foundation of durable democracies and social reconciliation. By enfranchising migrants, governments also help the undecided or sceptical to consider returning to home communities and be part of the effort to rebuild a nation and ensure its successful development in the future.

### Consolidating a democratic process, a right for all

However, there is no clear guidance on what to do with displaced populations when an election takes place, even if the right to vote is recognized in many international instruments. Voters who are displaced from their constituencies or countries, whether by conflict or disaster, face major obstacles in retaining their voice and vote in national governance.

Their participation in electoral processes raises complex technical and political issues. Sometimes the inclusion of displaced people in elections is not possible due to the costs and complicated logistics of organizing such an involvement or because the participation of displaced groups has not been taken into consideration during the negotiation of political agreements, or in the drafting of national constitutions or electoral laws. As a result, programmes to enfranchise forcibly-displaced elector-

ates are often driven by the international community and are included as terms in internationally brokered peace agreements. Bosnia and Herzegovina and the Dayton Peace Accords and East Timor and its Popular Consultation Agreement in 1999 are two such examples.

### Supporting governments to engage displaced communities

IOM believes that the promotion of free and fair elections and truly representative democratic institutions play an important role in establishing the link between the migrants – particularly for those who left following conflict or for political reasons – and their place of origin. This can lead to greater success in bringing peace and stability to their country.

That peace is then a necessary pre-requisite for making any eventual migrant return sustainable, reintegration possible and for the transfer and utilization of acquired new skills to help in the long-term social and economic development of the country.

By giving a member of the diaspora or an internally displaced person the vote, a transparent channel of communication is established between the two. It creates a certain amount of confidence and complicity among them and in addition, a belief or a recognition of their intrinsic value is acknowledged.

Also universally understood is that the right to vote is one of the most empowering rights a human being has. By ex-

tending this to displaced populations and to their diasporas, countries can bring into the fold marginalized or neglected groups. This broader participation can only provide greater legitimacy to any election result.

As a result, IOM is not only focusing on providing electoral access for migrants and assisting governments in the enfranchisement of their diasporas through its OCV programmes, but since 2002, has implemented two initiatives with an overall emphasis on strengthening the political participation of displaced persons, including refugees, asylum seekers, or internally displaced people (IDPs).

Through the Participatory Elections Project (PEP 2002-2004), IOM identified the obligations, standards, and best practices concerning the political rights of displaced populations in post-conflict elections and, with the Political Rights and Enfranchisement System Strengthening Project (PRESS 2004-2007) IOM further developed international, regional, and national capacities to enfranchise migrants and assist election management bodies, international organizations, government agencies and non-governmental organizations concerned with election and displacement issues.

Part of the work carried out by PRESS was in drawing up action plans that identified problems for forced migrant electoral participation and which made recommendations on resolving these problems. That programme has now ended, but IOM's commitment to the issue hasn't. **M**

# The Quest for Solutions to Timor-Leste's Land and Property Issues

Much focus is placed on the basic human rights of migrants, refugees and displaced people. But for those that have lost homes, land and livelihoods through conflict or persecution, land and property rights are of equal importance but are often less acknowledged. IOM, which provides technical advice and support to national and transitional governments on how to address displacement related land and property rights issues and conflicts, sees addressing this issue as key to ensuring durable peace and recovery in post-conflict societies. Here, Peter Van der Auwerart of IOM's Reparations Programmes Unit looks at the challenges facing Timor-Leste as it struggles to deal with its divisive land and property rights issues.

▲ Burnt houses in Comoro Road (Photo: © Luis Ramos Pinto/IOM-Dili, 2008, MTP0069)

Many observers were surprised when in March 2006 Dili, the capital of Timor-Leste, once again witnessed violence and large-scale house burnings and lootings. Until that moment, Timor-Leste had been one of the success stories of international support for state building and transition. The country was thought to be on a solid road to recovery and, eventually, oil funded social-economic development.

The causes of the 2006 crisis were multiple and included deep divisions within the security services which eventually spilled over to the streets; the existence of violent youth and martial arts groups quick to exploit a security breakdown; a widespread culture of impunity fostered by an overburdened and inaccessible justice system; and deep poverty combined with a very high unemployment rate aggravated by one of the highest

population growth rates anywhere in the world.

Between March and June 2006, 38 people were killed, at least 1,650 houses destroyed and approximately 150,000 persons displaced either by the general violence or as a consequence of direct threats against their safety.

Some of the displacement was, however, directly connected to the continued absence of a comprehensive property regime and the existence of a large number of unresolved property disputes, especially in Dili. East Timor has no unified legal framework to determine who had what rights to what properties. This was less of an issue in the rural areas where traditional mechanisms to resolve disputes over rights to land and property had more or less continued to function but created big problems in cities like

Dili where such mechanisms were no longer of much relevance.

With the state unable to fill the gap, some people seized the chaos brought about by the crisis as an opportunity to settle their scores privately, chasing away their neighbours to take over their properties. A considerable proportion of victims of such actions were people who in 1999 had come down from the hills to Dili and who settled in the houses left behind by the Indonesians. Their presence in Dili and, especially, the fact that they had managed to obtain free, often above-standard housing, incensed many.

Few doubt that a sustainable recovery requires a permanent solution for the land and property issues facing Timor-Leste. As in many countries in transition, however, the complexity of the situation



▼ Political violence in the spring of 2006 forced thousands of Dili residents from their homes into camps (Photo: © Nuno Nunes/IOM-Dili, 2008, MTP0066)



▼ IOM coordinates and supports the management of camps for the internally displaced in and around Dili (Photo: © Luis Ramos Pinto/IOM-Dili, 2008, MTP0070)



▲ One of the largest camps for internally displaced is located at Comoro airport (Photo: © Nuno Nunes/IOM-Dili, 2008, MTP0067)

makes this a very daunting task indeed. People invoke at least four different and, in many cases, competing sources for entitlement over land and property: titles dating back from Portuguese colonial times; Indonesian titles; title derived from traditional systems; de facto occupancy since 1999 and, to a lesser degree, the 2006 crisis. Any future resolution is further hindered by the absence of a comprehensive land and property register; the large-scale destruction of houses and landmarks in 1999 and again in 2006; the multiple waves of displacement and return; and the continued selling and buying of properties without proper documentation or registration.

This complexity itself is a formidable political obstacle to the adoption of a legal framework as politicians find it difficult to assess what social, economic and indeed political consequences any regularization would entail. In addition, some have a vested interest in maintaining the legal insecurity as the adoption of a formal legal framework may result in property losses for them.

There are at least two issues that need to be addressed to resolve the land and property situation in Timor-Leste. The first is determining what property rights regime will exist in the country. This is the less contentious of the two as the Timor-Leste Constitutional already enshrines the

move from the state-centered property system that existed in Indonesian times (whereby most of the land was in the hands of the government) to a system centered on private, individual property rights (whereby eventually most of the land will be in the hands of individuals).

The second is more challenging and concerns determining on what basis competing property claims should be resolved. In this respect, at least two, quite different approaches seem possible. A first approach would be to give priority to the right to restitution of all those who in the past lost property without receiving compensation. One downside of this approach is that it is likely to end up favouring the few who hold Portuguese or Indonesian title over the many that have no formal entitlement to their current homes. This, in turn, would result in a considerable number of evictions, itself a recipe for renewed violence and conflict and a source of considerable injustice. Moreover, the complexity and number of competing claims may simply be too high for such an approach to work.

A second, maybe more suitable, approach would be to prioritize actual peaceful possession and use of property over earlier formal title, while providing compensatory relief to those who have to give up their entitlement. Key would be to ensure that internally displaced people are allowed to claim for

the properties they occupied prior to displacement and to exclude those who used violent means to get their property from obtaining any entitlements now.

Independent of what approach will eventually be adopted, implementation will be a considerable challenge. On the institutional side, the establishment of a special-purpose land and property commission could relieve the court system from dealing with the competing property claims which, without significant reinforcement, it is not in any way equipped to tackle. Given the urgency of addressing the situation in the urban areas, it may also be wise to postpone the introduction of new legal framework in the rural areas until the state has sufficient capacity to take implementation action there.

Traditional dispute settlement mechanisms could be formally recognized to continue their work in those rural areas for the interim period. Finally, the sensitive nature of land and property rights issues in Timor-Leste probably requires that any new framework is adopted on the basis of a wide political consensus. This may not be easy to achieve, but this may be an area where the international community could try to provide support – urgently, because Timor-Leste cannot afford to postpone dealing with land and property rights issues much longer. **M**

# Peace and Reconstruction in Aceh: Three Years On

By James Bean, Coordinator of IOM's Post-Conflict and Reintegration Programme in Aceh

**A**fter 32 years of conflict and almost three years into a remarkably successful peace process, the Acehnese, the Indonesian government and key donors such as Japan, the US and the EU can congratulate themselves.

The December 2004 tsunami, which killed some 130,000 people in Aceh in the space of 30 minutes is widely credited with ending the armed conflict between the Indonesian authorities and the separatists of the Free Aceh Movement (GAM).

But in fact the tsunami recovery and peace processes are interdependent – although the former has attracted the lion's share of the resources made available by the international community.

Disaster recovery programming relies heavily on a peaceful environment, especially in fragile flashpoints like the North and East Coasts of Aceh and in the restive and ethnically diverse communities across the Central Highlands.

Recent clashes between former GAM combatants and anti-separatist militia groups in the Central Highlands, which left five people dead and a community leader wounded, illustrate the fragility of both processes.

Both need quick-impact, creative (often stop-gap) support to stay on track and meet the expectations of restive communities and vulnerable groups through the transitional phase until civil society and local government can fully function without external assistance.

**IOM has received more than US\$ 35 million for post-conflict programming from donors including Japan, the USA, Norway, Canada, the European Commission, the World Bank and various UN agencies. This support has enabled it, with the explicit support of the Indonesian government, to play a leading role on behalf of the international community in the post-conflict space.**

IOM was among the first international agencies to become involved in the peace process that followed the signing of the peace agreement between the Indonesian government and the GAM in Helsinki in August 2005. It remains one of the few organizations with ongoing

peace-building and reintegration programming in the field.

Within 15 days of the signing of the peace agreement, at the request of the Indonesian government, IOM secured and assisted the release and return of 1,924 political prisoners held across 47 prisons in four provinces throughout Indonesia.

IOM reinsertion and reintegration programming subsequently provided assistance to 3,044 former GAM combatants and 1,911 amnestied political prisoners through IOM's internationally recognized Information, Counselling and Referral Services (ICRS) model.

IOM community stabilization and peace-building programming is now active in over 1,200 villages to which former combatants have returned. It focuses on strengthening social cohesion

▼ Community stabilization and peace-building in the Central Highlands required coordination at every level (Photo: © IOM, 2006, MID0289)



and providing quick-impact peace dividends.

At the same time, parallel IOM programming is supporting Indonesian police reform by training police officers in Aceh in the areas of human rights and community policing.

But for three years aid agencies and their implementing partners have held a strangely two-dimensional view of Aceh – tending to classify communities as either post-tsunami or post-conflict.

Tsunami relief and recovery programming has seen over US\$ 6 billion in funding pour in. But the needs of former combatants, their families and neighbours, living in other communities shattered by decades of conflict, have often been overlooked.

Many actors in Aceh, Indonesia and the international community incorrectly presume that tsunami reconstruction will spearhead long-term development and that this will somehow trickle-down into the economy to cement lasting peace.

But in fact what conflict-affected communities and former combatants need are gains in the short-term to motivate them and build momentum for peace. Medium-to-long-run development is outside their timeframe, amid the economic distortions created by 32 years of war, a massive natural disaster, and expectations driven by an unprecedented international humanitarian operation.

IOM's objective – the sustainable reintegration of former combatants and conflict-affected communities – is underpinned by data showing relatively high

levels of employment and livelihood activity among GAM combatants and political prisoners before the war. It was the conflict that brought the economy to a grinding halt.

It is, therefore, the creation of sustainable reintegration for these communities rather than just 'sustainable livelihoods' for individuals on which a successful exit strategy for the international community may have to be based.

This is perhaps the only exit strategy that will not leave behind socially fragmented communities, angry vulnerable youth, and a resentful class of economically and politically marginalized people.

The Aceh Peace Process has essentially been based on a process of Disarmament, Demobilization and Reintegration (DDR). This process is circular, not linear. Forcing a linear process from disarmament to demobilization to reintegration will fail. The hard truth of DDR is that 'they' – the former combatants – never fully disarm, demobilize or reintegrate.

Underpinning this process there has to be real movement on legislative change, impartial law enforcement, amnestied collection of all illegal weapons, reintegration assistance to both GAM and anti-separatist former combatants, the development of early warning and early response mechanisms, and the promotion of structured dialogue and reconciliation interventions when and where breaches of the peace and communal violence flare up.

Reintegration programming starts with consultation and facilitation of high-risk communities, which in turn iden-

tify individuals and groups for targeted follow-up assistance. This is then complemented by surveying labour market opportunities, conducting vocational training and improving access to business capital for these same individuals and groups.

In Aceh, young men aged between 15 to 35 are of specific concern as a potential flashpoint. Newfound freedoms and high expectations confront a reality of few economic opportunities in an industrial wasteland at a time when the post-tsunami international aid effort is rapidly winding down.

Young people are relatively poorly equipped to successfully transition into normal socio-economic activities, and in a small but significant number of cases, their specific vulnerabilities can become backsliding pressures that directly threaten the peace process.

IOM's reintegration programme is, therefore, working with civil society groups and communities to identify youth at-risk from vulnerable communities – in a bid to further the already advanced peace process.

**The aim of the project, as much of the international community prepares to leave Aceh, is to transform vulnerable young people into responsible citizens through a combination of case management and quick-impact interventions designed to promote community, foster hope in a brighter future, and improve access to worthwhile occupations. M**



▲ Reconciliation and reintegration meant meeting expectations through a return to economic normality (Photo: © IOM, 2007, MID0283)





MID0277



MID0279



MID0292



MID0293



MID0275



MID0294



▲ Headquarters of the National Migration Institute, Mexico City (Photo: © INM, 2008, MMX0005)

# A New Vision for Mexico's Migration Policy

By Cecilia Romero Castillo, Commissioner of Mexico's National Migration Institute

The foundation of Mexico's new vision for its migration policy has as its central pillar the migration of Mexican nationals to the United States. But it is essential to include three other important aspects Mexico faces as a country of origin, transit and destination.

Migration flows affecting Mexico include the more than 400,000 nationals who each year leave the country on their journey north to the United States; those who are caught by the US Border Patrol and sent back to Mexico; a minimum of 120,000 undocumented foreigners per year, the majority of them from Central America; some 30,000 documented labor migrants from Guatemala who work in the State of Chiapas; and the approximately 500,000 migrants who have decided to live in Mexico and make this country their home, and are contributing to its development and partaking in its destiny.

When formulating a comprehensive migration policy that can successfully

manage these complexities, Mexico has successful antecedents that it can incorporate, such as its asylum tradition that dates back to the 1930s, as well as Mexico's most profound commitment to respect the human rights of migrants.

In order to define an integral migration policy, the National Migration Institute (INM) has identified four substantive principles:

- Recognize the complexity of migration flows;
- Prioritize the dignity and human rights of migrants;
- Uphold and strengthen Mexico's humanitarian focus on its migration-related practices; and
- Update and modernize Mexico's migration management initiatives.

In accordance with these principles, the National Development Plan for 2007-2012 establishes the need to create a new migration culture which will include the protection and respect of migrants on Mexican soil; promote a

vision of responsibility-sharing leading to an increase in development possibilities inside the country; contribute to the increase of development opportunities within the Mesoamerican region; promote productive capital investment, especially in areas affected by high migration; and improve the quality of services provided to migrants and of migration management as a whole.

In discussions leading to the drafting of the National Development Plan, participants agreed that successful initiatives such as the *Programa Paisano*,<sup>1</sup> the ongoing regularization programme, and new proposals to strengthen the services provided to migrants entering the country through its southern border would be considered.

The INM is currently working on several new activities. A relevant one is the Integral Programme for the Southern Bor-

<sup>1</sup> A governmental programme which coordinates the actions of a variety of institutions involved in the entry and reception of Mexicans coming from abroad.



▲ NMI official checking travel documents, Los Cabos, Baja California (Photo: © INM, 2008, MMX0006)

der (*Programa Integral para la Frontera Sur*), made public by President Felipe Calderón Hinojosa during his first 100 days in office. This Programme focuses on facilitating cross border movement, upholding the human rights of migrants, increasing border security and upgrading migration management initiatives.

Last March, the official government gazette (*Diario Oficial de la Federación*) published the new migration forms for labour migrants in border regions and for local visitors. These will allow for a more orderly flow, while strengthening the ability of migrants' to ensure the respect of their rights in the southern border area.

This new initiative will expand and support existing laws and favor increased circular migration of labour migrants and cross border visitors; which will translate into faster and more effective border crossing for legitimate travelers.

We also have continued to implement the regularization programme (*Programa de Regularización Migratoria*) which in the past five years has assisted an average of 4,000 persons per year, the vast majority of them from Central America.

In our quest to ensure the respect of migrants' rights, a regulation was issued in March 2007 dictating that prisons are not to be used as migrant holding centres. The communiqué reiterated that migrants are not delinquents *a priori* and specified that any official using detention facilities to house migrants will be summarily dismissed. This drastic

measure has ensured that migrants are not housed in prisons, even on a temporary basis, including those migrants who cannot account for their legal presence in Mexico. Other benefits of this measure include the swift and dignified return of migrants and the rehabilitation of premises (migration stations) outfitted to house migrants.

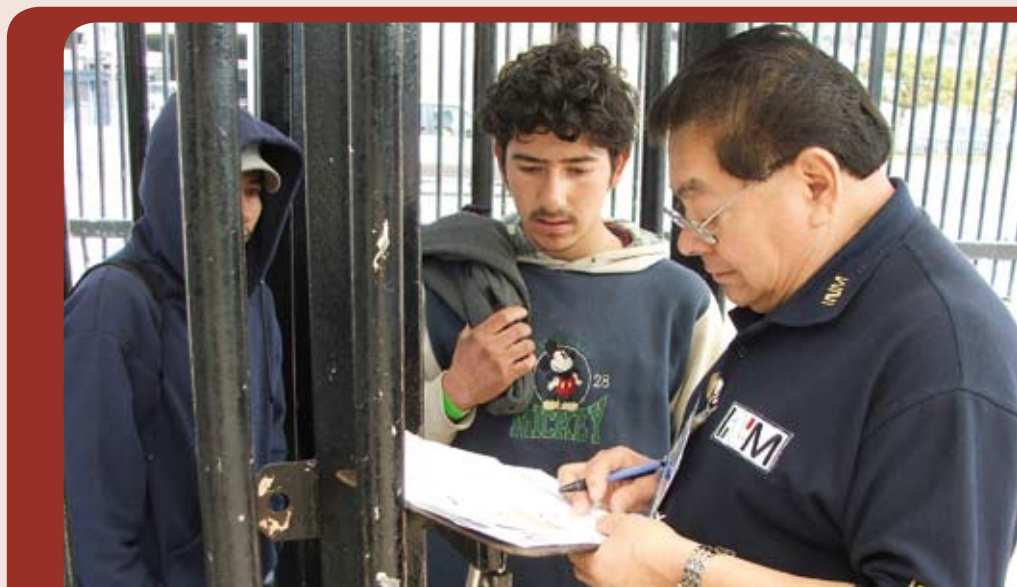
In 2007 the INM's Beta Groups<sup>2</sup> provided assistance, including rescue, to more than 300,000 migrants from Mexico and other countries.

We have also strengthened international cooperation which is vital for any successful migration policy. Proof of this is INM's close cooperation with IOM's Mission in Mexico.

At INM we firmly believe that increased security should not translate into harsh-

<sup>2</sup> Beta Groups are special units in charge of providing information, protection and assistance to Mexican and foreign migrants in border areas or near them.

▼ NMI official checking travel documents, Tijuana, Baja California (Photo: © INM, 2008, MMX0007)



er border control policies, but rather into increased capacity and professionalism for the public officials on the frontlines so that they can do their job while upholding the law and respecting the human rights of persons crossing international borders. We are also working towards increased efficiency so that we can detect individuals or organized crime networks that may represent a national security risk.

A central element of our work, when striving to put in place a more modern and efficient migration management system, has been to expedite the time needed to complete migration procedures. In 2007, some 95 per cent of all migration-related requests filed with our central and regional offices were resolved in a maximum of 19 days.

**Mexico's new migration policy can be called a policy of "hospitable doors". The doors open for documented migrants who wish to visit Mexico or to resettle temporarily or permanently in our country and contribute towards our nation's development, while at the same time working towards greater control over unauthorized entries, but keeping vigilant that all migrants' rights are respected.**

In short, Mexico is working towards a migration policy that is ready and able to respond to all aspects of international migration facing Mexico as a country of origin, transit and destination. And we are striving to do this in a coherent, imaginative and democratic way. **M**

# Brain Drain and Brain Gain

## – South Africa's Response to a Health Care Crisis

By Nde Ndifonka, IOM Pretoria

In January 2002, Thoko Mlungwana, a qualified South African nurse, succumbed to the allure of a well-paying job at a private psychiatric centre in the UK. She later left the centre to work in the Department of Sexual Health at Homerton Hospital in East London before returning to South Africa in 2004.



**I moved for curiosity," she says. "But most of my colleagues in the UK had moved there because of the better paying jobs. The three thousand rand you earn (per month and about US\$ 408) as a nurse here is not a lot of money, and when you see the amount of money that is offered in the UK, you have to move.**



She concedes, however, that life is a lot more difficult for South African health care workers in the UK than they expect upon departure mainly because the cost of living is as high as the salary scale. The extreme weather conditions compound acute feelings of nostalgia that many South African emigrants experience there.

Despite this, an estimated 1,000 doctors leave South Africa every year for greener pastures overseas. IOM's forthcoming World Migration Report of 2008 (WMR) states that doctors from South Africa make up 9.7 per cent of the foreign trained doctors in Australia and 7 per cent in the UK. Meanwhile, the Rural Health Initiative (RHI), an NGO

that places foreign doctors to serve South Africa's rural areas, has even more startling figures. It says less than half of the doctors that South Africa produces annually are working in the country and that the country lost 69 per cent of its nurses to overseas between 1996 and 2004.

The flip side is that while South Africa is losing its own skilled health workers, the country is also a major destination for Foreign Qualified Professionals (FQPs) from other African countries that can't afford to lose their own health workforce, mainly Botswana, the Democratic Republic of Congo, Ghana, Nigeria and Zimbabwe.

Although this puts South Africa in a slightly better position than its African counterparts, it is still facing a health-care workforce crisis with thousands of unfilled vacancies for doctors and tens of thousands of nurses.

The workforce inequalities between rural and urban areas and between the public and private sector paint an even bleaker picture. RHI research shows that currently, more than 14,300 general practitioners (GPs) serve 7.5 million people in the private healthcare sector, while only 5,406 GPs serve 34.6 million people in the public sector. It also estimates that only 35 out of 1200 doctors qualifying annually in South Africa end up working in the public rural health-care system when half the population lives in rural areas.

This situation calls for measures to both retain locally trained medical profes-



▲ Thoko Mlungwana, lured by higher salaries in the UK, is now back in South Africa (Photo: © IOM, 2008, MZA0045)

sionals and to attract FQPs to work particularly in the rural public health sector where need is acute.

To address the FQP issue, the South African Department of Health has entered into bilateral agreements to facilitate their recruitment from countries including Cuba, Iran and Tunisia, with a long-term strategy to decrease the dependency of the public health sector on FQPs by increasing local skills. South Africa has also taken some initiatives to manage brain drain at government-to-government level, by signing bilateral agreements with countries like the UK.

Besides better pay, Thoko feels that the working environment for health care professionals in the UK is another key pull factor for South African professionals. She feels that nurses, for example, are well respected and valued by patients



◀ Ugandan Dr. Yoswa Dambisya is frustrated that his full potential is being wasted (Photo: © IOM, 2008, MZA0044)

and authorities alike and that healthcare professionals there have many travelling and training opportunities. In addition, she says, there is mutual respect and fruitful cooperation between all sectors of the health industry, such as between pharmaceutical companies, doctors and nurses.

Such factors count as morale boosters and make working abroad more attractive for South African professionals. Thoko also argues that South Africa may not be doing enough to attract back its nationals working abroad and who may be thinking of returning but who are often regarded with some animosity by fellow professionals and authorities back home.

Other perspectives suggest that the challenge to resolve the issue runs beyond Thoko's experiences as everything is relative. There are a great number of qualified healthcare professionals from less developed healthcare systems who dream of working in South Africa in the same way South Africans seek to emigrate.

The South African Health Department's dilemma is the fact that these people come from even more under-resourced developing countries and as a result, South Africa is justifiably wary of recruiting them at the 'expense' of their own desperate countries. The consequences would be simply too dire, for example, on an already impoverished Zimbabwe's healthcare system if South Africa were to adopt an open-door policy to Zimbabwean doctors wanting to work there.

While such mutual restraint ensures that developing countries do not poach the

scarce human resources of each other's health systems, that restraint doesn't always exist when developed countries seek to fill their own healthcare shortages from countries such as South Africa. It not only compounds national shortages, but also widens the existing inequalities between the developed and developing world.

But E P Mafalo, President of the Democratic Nursing Organisation of South Africa (DENOSA), says the skills of many migrant health professionals in South Africa, who often fled their countries because of political and/or economic turmoil, are being wasted because of South Africa's anti-poaching policies at a time when the country needs them.

**“Migration is here to stay, so we need to deal with it,” he argues.**

Dr. Yoswa Dambisya, a Ugandan medical doctor who moved to South Africa to work as a senior lecturer at the University of Transkei with his wife, a qualified nurse, and his family in 1998, is a case in point. Although he has now been working in South Africa for 10 years, he says he has been unable to register fully as a GP because it would contravene the terms of his admission into the country and is only able to hold surgeries for limited hours at an understaffed local hospital. And after several failed attempts to register with the South African Nursing Council, his wife finally switched careers to work in public relations.

Trying to address the acute shortage of health personnel in rural areas, RHI has turned the tables on developed countries. It has recruited 260 doctors, mainly from the developed world, to work in rural areas. RHI director, Saul Kornik says that foreign doctors are attracted to South Africa by the enriching professional challenges, the adventure and the rare experience of rural life, as well as for humanitarian reasons.

He argues that this recruitment could be greater if administrative bottle-necks in the registration or integration processes were overcome and if professional support and supervision could be provided, especially for less experienced recruits.

A recent IOM report assessing the feasibility of placing foreign health care professionals from various developed countries and the South African diaspora into the public health care sector highlighted the unwieldy registration system as a key hindrance to the recruitment of foreign professionals.

The report recommends exchange programmes between South Africa and developed countries involving training assistance and temporary returns of South African migrant health workers in addition to creating rural centres of excellence. These would facilitate research, training and information sharing. Centralized databases for the recruitment, matching and tracking of health workers and establishing a central reference point for information useful for foreign workers are also urged.

But South Africa needs to tackle the much bigger problem of how to retain its health workers, the exodus of which costs the country one billion dollars each year, according to the IOM report. Appropriate incentives and facilitating the training and recruitment of health workers from under-resourced areas are just some of the report's recommendations.

“The cost, human and financial, of losing qualified health workers that leave major gaps in health care is too great for South Africa to bear. It needs to act creatively and quickly to turn things around. But it can be done,” says Reiko Matsuyama, IOM migrant health officer in Southern Africa and advisor on the report. **M**

# Expats' Expertise Benefits Senegal's Urban Landscape

By Severine Cirlande, IOM Dakar



▲ Marlène and Abdou Sene, architectural designers (Photo: © Didier Loire, 2008, MSN0001)

Dakar is experiencing a major building boom. It's obvious when you walk the streets of some of the up-and-coming suburbs, such as Le Plateau, Ouakam, Point E or les Mamelles. Whole neighbourhoods have turned into construction sites and buildings are mushrooming every week.

Yet, surprisingly, only six percent of all new constructions are designed by architects, a startling fact that did not escape Abdou Sene, a young and talented Dakar-born architect who studied and spent part of his working life abroad before returning to new opportunities at home.

After his baccalaureate, Abdou devoted all his time to music, hoping to make a name in this competitive industry but he soon found out he wouldn't make a living out of his passion. So he decided to return to university to study architecture, a "truly creative and multidisciplinary" profession.

At the age of 22, after having successfully passed a competitive entry examination at the Ecole d'Architecture de

Marseille-Luminy, Abdou left for Southern France with a heavy heart and the firm intention of coming back to Dakar the day after his graduation.

Leaving his family and wide circle of friends behind was particularly difficult. "When I arrived in Marseille, I said to myself: cheer up, you only have six years to go!"

But soon, things looked up as Abdou met Marlène Chaussé, a fellow student at the School of Architecture in Marseille, who was later to become his wife.

After three years in Marseille, the couple began to feel penned-in and started making enquiries about the possibilities of furthering their architectural studies in a "truly international city with abundant social and cultural life."

The couple finally settled for London, a city where, according to Abdou "only talent matters and where one's creativity can blossom in a truly multicultural environment."

After graduating from the South Bank University and the London Metropoli-



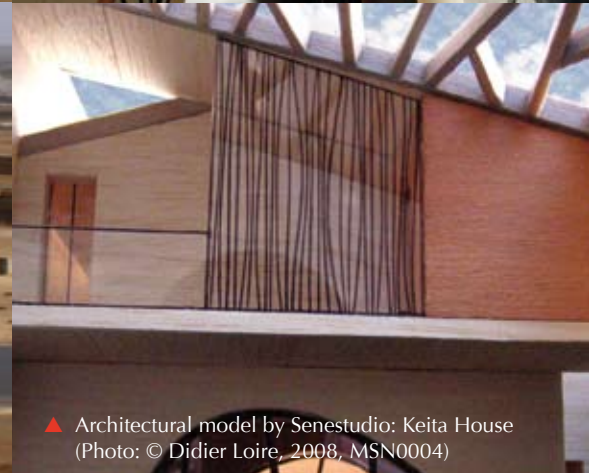
▲ Building site, La Corniche, Dakar (Photo: © IOM, 2008, MSN0002)



MSN0005



▲ Building site, Ouakam, Dakar (Photo: © IOM, 2008, MSN0003)



▲ Architectural model by Senestudio: Keita House (Photo: © Didier Loire, 2008, MSN0004)

tan University, Abdou quickly found employment in two of the United Kingdom's leading architectural firms, Norman Foster and Partners and Wilkinson Eyre Architects. Here, he worked on projects which included the regeneration of Trafalgar Square, one of London's most famous landmarks.

Encouraged by their stimulating working environments and convinced that they could capitalize on their newly acquired experience, Abdou and Marlène decided to set up *Senestudio*, an international architecture and design practice based in London.

Success came quickly as their first project, a house built in a newly developed residential area of Dakar, was selected among 300 others in an international architectural contest and featured in the prestigious 2005 *Bauwelt* publication.

"Rather than imposing a foreign style, we designed the house around the way people live, using local construction methods to better manage the climate," says Abdou, adding that hospitality continues to play a significant part

in Senegalese culture. "The house was designed around the many and varied social events using cement blocks, cast and cured on site to control costs and perforated aluminium panels to provide privacy and maintain natural ventilation."

Abdou's wish to settle in his hometown and Marlène's desire to discover more of her husband's home country grew with the couple's regular visits to Dakar.

"Taking the decision to return to Senegal was not easy," says Abdou. "But Marlène and I thought it would be easier to do so before our workload in London became heavier than in Dakar." With the arrival of their first child, the couple also felt it would be difficult for them to find a balance between their professional and family life in London. "We saw many colleagues make enormous personal sacrifices we weren't ready to make."

In August 2007, the family settled in Dakar and a few weeks later, the *Senestudio* was relocated in Senegal's capital.

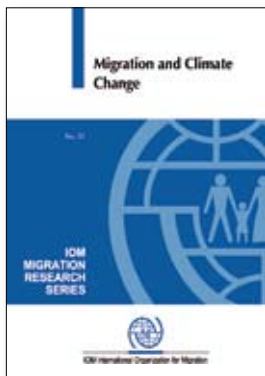
Abdou joined the 200 or so strong chamber of Senegalese architects to

support the re-opening of the school of architects in Dakar, which used to draw talents from all over West Africa but had to close its doors in 1989.

**"The fact that Senegal no longer has a school of architecture partly explains why so many young and talented students decide to leave the continent to study abroad with many never returning because they feel they have fewer professional prospects at home."**

Abdou feels his return and professional investment can usefully contribute to the renaissance of architecture in Senegal. "I want children to say: I want to be an architect when I grow up and I want young Senegalese to understand that they can find successful employment in this field of activity." The future of building design in West Africa looks promising. **M**

# NEW TITLES



## MRS N° 31 Migration and Climate Change

This report focuses on the possible future scenarios for climate change, natural disasters and migration and development, looking to increase awareness and find answers to the challenges that lie ahead. In 1990, the Intergovernmental Panel on Climate Change (IPCC) noted that the greatest single impact of climate change could be on human migration—with millions of persons displaced by shoreline erosion, coastal flooding and agricultural disruption. Since then various analysts have tried to put numbers on these flows of climate migrants, the most widely repeated prediction being 200 million by 2050.

2008/Softcover  
64 pages  
ISSN 1607-338X  
English, Français, Español  
US\$ 16.00



## MRS N°32 Irregular Migration from West Africa to the Maghreb and the European Union: An Overview of Recent Trends

The media and prevailing policy discourses convey an increasingly apocalyptic image of the massive outflows of desperate Africans fleeing poverty and war at home. The migrants themselves are commonly depicted as victims recruited by “merciless” and “unscrupulous” traffickers and smugglers. However, and notwithstanding the very real increase in regular and irregular West African migration towards Europe over the past decade, available empirical evidence dispels most of these assumptions. This study tries to achieve a more empirically and quantitatively founded understanding of the nature, scale and recent evolution of irregular West African migration to the Maghreb and Europe.

2008/Softcover, 68 pages  
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## MRS N°33 Climate Change and Migration: Improving Methodologies to Estimate Flows

Despite the growing awareness of the nexus between climate change and migration, the subject has not yet been explored empirically in a way that generates conclusive results. Climate change might increase migration as people need to search for a living elsewhere, but migration might as well decrease as fewer people can afford to move. Recent empirical studies have found that climate variability and migration are characterized by a non-linear relationship, identifying many other factors influencing the linkage between climate change and migration. Climate change represents only one of the factors influencing migration decisions, while changing migratory behaviour might be just one strategy among a variety of options available to respond to climatically induced stress and shocks

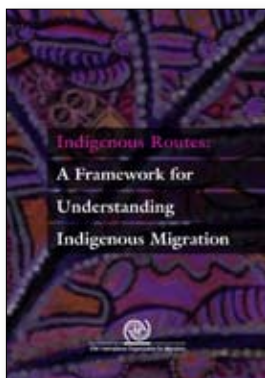
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## International Dialogue on Migration N°10 - Expert Seminar: Migration and the Environment

Environmental degradation, climate change and migration are not new to the global community. However, managing these phenomena has become both more challenging and more critical to ensuring human security and sustainable development. Not only are gradual and sudden forms of environmental change acquiring greater magnitude, but they are likely to lead to ever increasing waves of internal and international migration, including mass human displacement. Migration is also having a demonstrable impact - at times positive, at others negative - on the environment in communities of origin and destination. Both phenomena are figuring more prominently in the eruption of new and old conflicts.

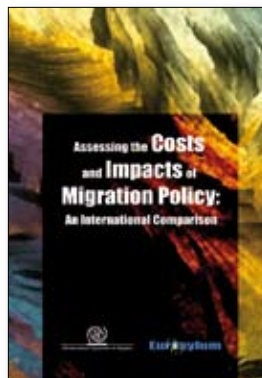
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## Indigenous Routes: A Framework for Understanding Indigenous Migration

As migration has not commonly been considered as part of the indigenous experience, the prevalent view of indigenous communities tends to portray them as static groups, deeply rooted in their territories and customs. Increasingly, however, indigenous peoples are leaving their long-held territories as part of the phenomenon of global migration beyond the customary seasonal and cultural movements of particular groups. Diverse examples of indigenous peoples’ migration, its distinctive features and commonalities are highlighted throughout this report, and show that more research and data on this topic are necessary to better inform policies on migration and other phenomena that have an impact on indigenous peoples’ lives.

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## Assessing the Costs and Impacts of Migration Policy: An International Comparison

The impact and costs of migration policy measures are often unknown, and performance indicators may be very rudimentary. Several studies, especially in the United States, have tried to measure the costs and benefits of immigration. However, there have been few cross-national attempts to assess how countries evaluate their migration policies and programmes and what procedures and mechanisms they use to conduct those evaluations. This book provides a range of recommendations for improving the design and implementation of evidence-based and accountable policies in the field of migration and asylum.

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