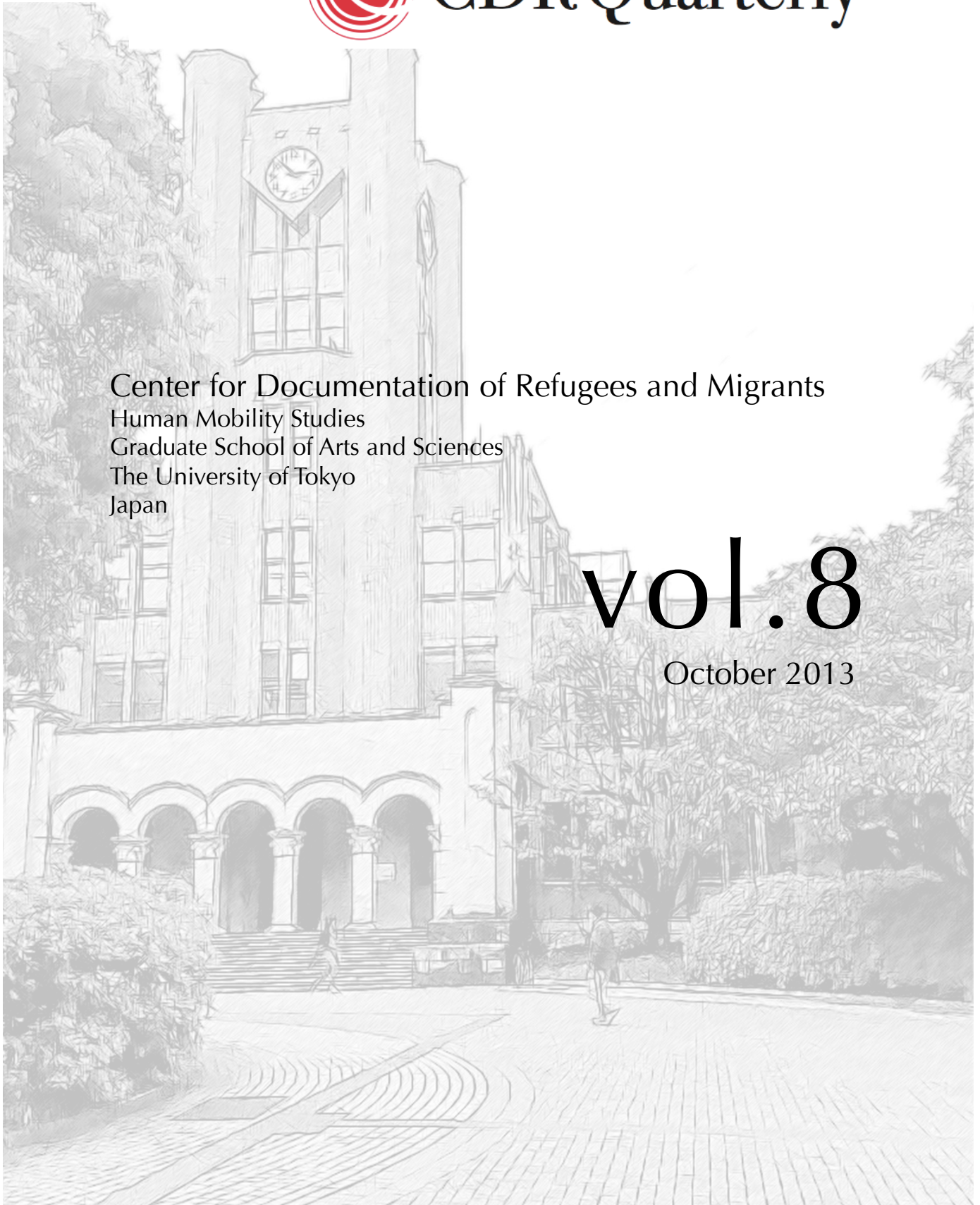# CDR Quarterly

Center for Documentation of Refugees and Migrants
Human Mobility Studies
Graduate School of Arts and Sciences
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A NOTE FROM THE EDITORS

The Centre for Documentation of Refugees and Migrants (CDR) is the secretariat of "Human Mobility Studies (HMS)", which is a series of lectures offered in the University of Tokyo. In addition to the daily management of HMS, CDR is engaged in several tasks relating to the documentation and dissemination of information on forced displacement and migration issues, which are considered from a broad range of disciplinary perspectives. Our tasks include inviting experts including academic researchers and practitioners such as government officers and lawyers to discuss the pressing issues in our field of research. Through publication of original research and information, and by providing lectures and training sessions for students, professionals, and the general public, CDR contributes to the building of a more conscious public opinion on human mobility and the future of our society. Moreover, the CDR is developing an online database for knowledge accumulation and dissemination.

We are happy to deliver the eighth volume of CDR Quarterly, which presents a variety of work by academics and practitioners active in this field. Kei Hakata's article, through a case study of Metro Manila, boldly introduces a new theoretical and analytical framework that goes beyond the traditional notion of internally displaced persons. Takuto Sakamoto's article newly brings a scientific perspective to our journal, by discussing the combined use of multi-agent simulation (MAS) and geographic information system (GIS) for the analysis of the spatial dynamics of civil conflicts. The potential of the computer based simulations is illustrated through two examples focusing on the countries in Northeast Africa. Douglas MacLean's article examines the last twenty years of anti-trafficking work in the main UN human rights mechanisms, focusing on the Commission on Human Rights' research organs and the role of Special Rapporteurs. The Asian Digest paper by Naoko Hashimoto describes in detail IOM's role in refugee resettlement to Japan, now in its fourth year. Finally, the Interview focuses on the work of Jumma Net, a Japanese NGO working with the indigenous people in the Chittagong Hill Tracts in Bangladesh.

We would like to thank the authors for their valuable contributions, and welcome submissions relating to human mobility from all parts of the world.

Editors: Satoshi YAMAMOTO and Miki ARIMA

October 2013

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REMARKS FROM DIRECTOR

It is truly an honour for us to publish an independent quarterly concerning the issues relating to the movement of people. Prior to CDR Quarterly (CDRQ), there were no journals in Japan with a specific focus on the issues of the movement of people, and which utilise a multidisciplinary approach. Moreover, there have been no journals published in English in this field in Japan. In this sense, CDRQ is the first of its kind. Although the level of discourse in Japan has developed to a point, the situation and activities in Japan have not been made well known to the rest of the world. The CDRQ will act as a doorway by which to pass through the language barrier and open the discussion in Japan to the rest of the world.

Japanese society is now facing serious decrease and aging of its population. While it is recognised that these issues should be tackled from a multidisciplinary perspective, there has been an insufficient platform for networking and discussion until now. Discussion across disciplines and interactive information exchange connecting different fields of professionals is important not only to benefit academia, but also to make research contribute to society. The academic world should be more aware of the need to facilitate engagement with the real world, as long as it tries to handle social issues. In this sense, I hope CDRQ to be one of the attempts to open a new frontier in discourse.

It is challenging to keep a balance between setting up an open platform for discussion and establishing an authoritative academic journal. However, I hope many of us will contribute to advancing the discussions and finding new solutions. Especially I expect those among the younger generations to propose to undertake unconventional styles of research, even if these new approaches may not be immediately complete. I strongly believe that we can improve our approach day by day, as long as we continue to try.

Yasunobu SATO

CDR Director
Professor, Graduate School of Arts and Sciences,
The University of Tokyo

October 2013

CONTENTS

ARTICLES

MOBILITY AND VULNERABILITY OF MIGRANTS WITH DISPLACEMENT BACKGROUND: A CASE OF METRO MANILA

Kei HAKATA*

ABSTRACT

Coinciding with the increased attention in the academic and policy arenas towards urban displacement, this paper examines the complexities of mobility and vulnerability of migrants with displacement background through a case study of Metro Manila, the National Capital Region of the Philippines. In contrast with the commonly held understanding, the study moves beyond the scope of internal displacement discourse by departing from the well-accepted notion of 'internally displaced person' (IDP). The paper begins with a brief discussion of the question of 'urban IDPs' and the concept of *migrants with displacement background*, together with the *human mobility and vulnerability lens*, introduced here as a new conceptual and analytical framework. The paper then explores the mobility patterns of those migrants towards and within Metro Manila, featuring their different causes and particular traits. This is followed by an analysis of the living conditions of such migrants in Metro Manila. Through describing the social conditions of these migrants in an inclusive manner and without excluding other groups of persons, the author underlines the importance of considering human vulnerability in a broader perspective that surpasses the narrow category of IDPs.

I. INTRODUCTION

Urbanization is a prevailing trend that is taking place in various parts of the world and influencing the lives of many. As we live in an increasingly urbanized and urbanizing world, we also witness urbanization of poverty as an undeniable reality. Accumulated wealth on the one hand and acute poverty with the prevalence of slums on the other thus typically characterize the 'urban divide', which is a shared feature among many urban communities (UN-HABITAT 2008).

Conscious of these social settings, this paper examines the complexities of mobility and vulnerability of migrants with displacement background through a case study of Metro Ma-

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nila, the National Capital Region of the Philippines.[1] This study coincides with the increased attention in the academic and policy arenas towards urban displacement; however, contrasted with previous studies on the topic, it identifies and analyses the issue from an alternative and imaginative viewpoint.[2] By introducing the term *migrants with displacement background* and thus by departing from the well-accepted notion of 'internally displaced person' (IDP), the study moves beyond the traditional scope of internal displacement discourse. The complexity of human mobility that seems to defy commonly accepted views and rhetoric necessitated this approach. Observing the phenomenon from a different angle, and along with new insights, this paper delineates another picture of human vulnerability and resilience for us to engage with.

In the present paper, I begin by considering the background and conceptual aspects of the issue. More specifically, I discuss the question of 'urban IDPs' and the concept of *migrants with displacement background*, together with the *human mobility and vulnerability lens,* introduced as a new conceptual and analytical framework (II). I then explore the mobility patterns of those migrants towards and within Metro Manila, featuring the different causes and particular traits (III). This is followed by an analysis of the living conditions of migrants with such background in Metro Manila (IV).

II. BACKGROUND AND CONCEPTUAL ASPECTS — INTRODUCING THE *HUMAN MOBILITY AND VULNERABILITY LENS*

A. The question of 'urban IDPs'

In recent years, urban factors have been given particular attention by United Nations and other international agencies in regards to the design and implementation of humanitarian assistance. Such attention seems to have become concretized at the policy level, as illustrated in the *IASC Strategy Meeting Humanitarian Challenges in Urban Areas*, elaborated by the Inter-Agency Standing Committee (IASC)[3] in 2010. In this policy document, the question of IDPs in urban areas is mentioned in the following terms: '[t]he increasing migration of IDPs, refugees and other undocumented migrants to cities is creating additional challenges to already marginalized communities in informal settlements and slums which host most of these migrants'

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1 Metro Manila, or the National Capital Region, is one of 17 regions comprising the Philippines. It is composed of 16 cities, including the city of Manila, and 1 municipality. As of 2007, its population is 11.5 million and accounts for 13% of the national population of 88.5 million (NSCB 2010: 1-4).

2 As may be evident, 'imaginative viewpoint' is an application of *sociological imagination* as suggested by C. Wright Mills (1959).

3 The IASC is an institutional mechanism for inter-agency coordination, which involves the UN and non-UN humanitarian agencies.

(2010: 2). The IASC document further admits that '[i]dentifying and targeting beneficiaries for humanitarian assistance in cities are particularly problematic for many humanitarians' (*ibid*.: 3). The same concern was shared by the Representative of the UN Secretary-General on the human rights of IDPs, who recognized that '[t]he number of urban internally displaced is likely to increase significantly in the future, largely due to today's rapid urbanization' and that '[i]dentifying and protecting them and addressing their specific needs, without neglecting the resident urban poor and migrants from rural areas, are challenges that deserve more attention' (UN 2010: para. 47).

These international policy trends are paralleled by an increasing interest in the question of 'urban IDPs' among academics. Researchers have thus far published a number of studies (Evans 2007; Fielden 2008; Jacobsen 2008, 2011; Lyytinen 2009; Refstie and Brun 2012; RSC 2010, to indicate only a few). Although review of the literature is not our present concern, it is of interest to refer to an article by Refstie *et al*., which discusses this question in a classical humanitarian tone. Based on a 'participatory action research' being conducted in Uganda, the article observes the 'reluctance of some humanitarian actors to address the needs of IDPs inconveniently located in urban areas' (2010: 32). Highlighting their situation in urban areas, it depicts these persons as 'victims of institutional convenience' (*idem*.). While disadvantaged groups other than conflict-induced 'urban IDPs' are generally overlooked in these authors' view, their article nonetheless identifies with pertinence the involved challenges at three levels: *practical*, *conceptual* and *ethical*. Practical difficulties stem from identifying IDPs in an urban setting. Conceptual challenges come from the neglect of these persons, which, according to the authors, can be explained through the two on-going debates concerning 'voluntary versus forced migration' and 'when displacement ends'. Ethical concerns are linked to 'singling out IDPs from other people experiencing similar hardships' (*idem*.). In an extension of this argument, I will touch on the conceptual question and some ethical aspects.

B. *Concept of* migrants with displacement background

It seems to be generally understood that the term 'urban IDP' refers to those IDPs who have moved to urban areas from rural areas, who have moved between different urban areas or who are kept displaced inside the original urban areas. Nevertheless, there are two conceptual questions that arise from the terms of 'urban' and 'IDP'. Firstly, it is difficult to define the contours of 'urban' in a universal way since the criterion of urban varies from one country to another (Bilsborrow 1998: 7).[4] Secondly, and perhaps more importantly for specialists in internal displacement, the notion of 'IDP' does not adequately correspond with persons involved in some specific cases of displacement and migration. Let me explain.

In accordance with the description by the *Guiding Principles on Internal Displacement*

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4   For example, in the Philippines, one of the criteria for 'urban' is that a barangay (the smallest territorial and administrative unit) has a population of 5,000 or more.

(hereinafter, the *Guiding Principles*),[5] IDPs are typically understood to be 'persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border' (Introduction, 2).[6] As my empirical findings suggest, this description, probably due to the wordings of 'obliged to leave' and 'in particular', is susceptible to be interpreted as applying to various people who have migrated for various reasons, surpassing the commonly accepted notion of 'IDP' at the policy level.[7]

In effect, my respondents in Metro Manila, some of whom are not usually associated with internal displacement discourse, voluntarily qualified themselves as falling into the description of 'IDP'. But again, it appears that the word 'IDP' carries too narrow of a notion to refer to these respondents. When using this term, a certain level of awkwardness is likely to be encountered in relation with those who have not been considered as IDPs in a conventional sense (for example, victims of human trafficking or escapees from forced marriage), as well as those who are relatively well-settled at the destination of migration.[8]

Given these observations, this study describes them loosely and inclusively as *migrants with displacement background*, instead of 'urban IDPs' or 'forced migrants'. Indeed, such an inclusive description responds to conceptual difficulties and, though partially, to ethical challenges in selecting one type of target population against others. In this sense, the qualification *with displacement background* is an important element that identifies each individual's experience in a broad perspective, while avoiding formal categorization. This wide description thus refers to those internal migrants who have experienced physical displacement, *i.e.* flee-

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5   The *Guiding Principles* were presented by the former Representative of the UN Secretary-General on internally displaced persons, Mr Francis M. Deng, to the UN Human Rights Commission in February 1998. It is now recognized as providing a basic framework for the protection, of IDPs.

6   At the national level in the Philippines, this description was adopted as a legal definition of the proposed IDP legislation (Bill No. 2635), introduced by House Representatives Bello and Bag-ao (2010). The definition is contained in Sec. 3(b), which nonetheless drops the phrase 'and who have not crossed an internationally recognized State border'.

7   Certainly, this description is supposed to permit a broad interpretation; the 'in particular' clause is considered indicative, or in the words of Kälin, 'the listed examples are not exhaustive' (2008: 4). Despite such a view, this description seems, in reality, to have shaped a certain and limited contour of the notion of 'IDP'.

8   Assuming that these migrants have been locally integrated attaining a certain degree of self-sufficiency, one might be inclined to suppose that their displacement has ended. But such a supposition must be nuanced. In addition to those in the street who experience acute impoverishment, some migrants are awaiting restitution or compensation of lands and/or properties, or others are looking for an eventual return once security improves. In many regards, problems are not settled yet. For the debate on 'when displacement ends', see Brookings Institution (2007).

ing, escaping or being relocated, expelled or evicted. The causes include, among others, armed violence, insecurity, human rights abuses, serious harassment, alienation, natural or human-made disasters, habitat change, development project, loss of livelihoods caused by the above factors, human trafficking, or other forms of slavery. In the present study, the time frame of when such a physical displacement happened is not particularly relevant; it could be an event of some 30 years ago or a year ago.[9]

Although the definition of the term 'migrant' therein is expressly loose, I admit that the term 'migrants with displacement background' becomes slightly uncomfortable when point-ing to persons who, having resided for a long time, became no different than local residents, or who are newly evicted or who make short-distance relocation.[10] Here we are confronted with the same old question of defining and measuring migration.[11] If the term 'migrants' re-mains contestable, *persons with displacement background* could then be an alternative.

These migrants could otherwise have been described as 'forced migrants', the term which I, however, avoided to employ. It is mainly because the notion of 'forced migration', and that of 'forced migrants' in a similar manner, seem to make it difficult to adequately explain the movement of persons who, as a coping strategy, make an informed decision to migrate for better security or livelihood possibilities. The element of force in human mobility is a varying factor depending on a particular person or a situation, sometimes mixed with a degree of vo-lition and awareness. Accordingly, the description of 'forced' becomes not quite accurate when a greater degree of human agency may be involved. Arguably, the qualification of 'forced' may be appropriate for advocacy purposes — conveying a strong sense and persua-sive in justifying claims —, and seems to be correct if we know the hardships experienced by such migrants. Be that as it may, this qualification could perplex social scientists. In short, human mobility is a manifestation of so complex an experience that labelling it as 'forced' could be quite arbitrary or, at best, self-consciously one-sided.

C. *Rationale for the* human mobility and vulnerability lens

From the conceptual standpoint, one could rightly argue that the reasoning behind the term of 'migrants with displacement background' is quite close to the logic of the 'migration-displacement nexus', articulated by Koser and Martin (2011). I believe that there is consider-able validity in this nexus approach. For my part, however, together with the term *migrants with displacement background*, I will apply the *human mobility and vulnerability lens*, intro-

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9   Actually, the word *displacement* implies temporal closeness to the cause of displacement or sense of unresolvedness. As Bakewell observes, 'displacement is not an objective state and it is more likely to be related to people's self-perception of being out of place' (2011: 23). In this study, the focus is on *physical* displacement, which may or may not involve a cognitive aspect of displacement.

10 This study accommodates a few evicted persons; they are at times referred to as 'evicted resi-dents'.

11 For that question, see Bilsborrow (1998: 3-8).

duced here as a new conceptual and analytical framework. The elements involved are individually not novel, but their combination and contextualization may be. Basically, this new framework allows us to strike a balance of mobility and vulnerability in analysing human conditions,[12] in part by deemphasizing 'movement' as an analytical starting point. In other words, it brings equity and a balanced focus. This framework is about a perspective, that is, a way of seeing and understanding, and may accommodate any appropriate methodological approach (such as human rights or development approach). By reconciling with the neglected and overlooked aspects, the human mobility and vulnerability lens is thus expected to cover the shortcomings of the concept of 'forced migration'. Incidentally, it will enable us to eschew, or defocalize, the decades-old debate on 'voluntary' versus 'forced' migration, since the term *human mobility* within this framework encompasses both *migration* and *displacement*, without qualifying them as 'forced'. Maybe the significant motif of this framework is that human vulnerability is not conceived from the sole viewpoint of movement. In effect, human vulnerability is regarded therein as a flexible and dynamic concept that recognizes contextual complexities and is viewed from a wider perspective *including* human mobility.[13] Accordingly, the proposed framework responds to another facet of ethical concerns. It allows us to analyse, reasonably and practically, the situation of larger residents who experience similar or more serious challenges in a given location and beyond, and that of immobile, stranded or trapped persons who are unable to move or flee. It is not to be denied that the question of limited or compromised mobility has been unjustly neglected within the landscapes of forced migration studies.[14] On balance, vulnerability is not the exclusive possession of those who have moved.

III. MOBILITY PATTERNS OF MIGRANTS WITH DISPLACEMENT BACKGROUND TOWARDS AND WITHIN METRO MANILA

Before discussing issues involved with urban settings in the next section, I will firstly illustrate the key characteristics of mobility patterns of migrants with displacement background towards and within Metro Manila. Decidedly, migration is a complex phenomenon that requires careful investigation of various elements. For this purpose, I drew various analytical points from previous studies dealing with internal migration. In many respects, this study is

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12 Despite its apparent emphasis on human conditions, this framework should not be understood in a narrow sense, since it may include in its analysis underlying societal problems as well as possible remedies and responses.

13 This framework postulates *human resilience* as a complementary concept and, through this link, has the potential to connect with a rich portfolio of resilience research in various fields, ranging from psychiatry to disaster response.

14 Lubkemann addressed a pertinent critique by arguing that forced migration/refugee studies' implicit definitional point of departure in 'movement' may have blinded it to the predicament of those who are involuntarily immobilized (2008: 468). I take a similar view.

inspired by the way in which migration scholars theorized internal migration; Ravenstein (1885, 1889), Lee (1966), or more recently Bilsborrow (1998), and many others provided a baseline for analysis. It should be noted, however, that security conditions at places of origin and destination of migration,[15] coupled with logistical constraints of my research, have limited the possibilities to fully explore such analytical points. These constraints together with heterogeneity of target population further limited the possibility to produce solid quantitative data.

The following discussion is based on the empirical findings of my research in Metro Manila. The study aims to inductively describe general characteristics of mobility and vulnerability among a certain kind of migrants in the Philippines, and constitutes them as titles of subsections. Although they might suggest general tendencies that could apply to other situations and countries, these characteristics capture only certain aspects observable in the Philippines (they are not exhaustive either). It is to note that some questions remain unanswered and require further investigation; I am also aware that my explanations — still hypothetical in many respects, albeit amply informed by respondents — are open to exceptions and susceptible to challenges. Further debates will be a welcome development from a theoretical standpoint. As explained, this study refers to the 'migrants with displacement background' (at times referred to as 'migrants') as a generic and inclusive notion rather than a rigidly defined one. This notion is conceived for analytical purposes and is not to be interpreted as negating the IDP concept altogether. Naturally, these persons are to be disaggregated into more precise segments of population, necessarily accompanied with more sophisticated data, should any programme be implemented.

Before moving on to the main theme, let me explain the methodologies. The field research was conducted mainly during the period from September 2010 to September 2011.[16] The oral information collected from respondents, corroborated with written documents, is the basis of this ethnographic study. In total, 74 face-to-face interviews based on a questionnaire were conducted from July to August 2011 with respondents of various social and regional backgrounds at different locations in Metro Manila (39 females and 35 males responded, their ages ranging from 22 to 75 with 39.5 as a median). Three group discussions and complementary interviews were also conducted. I accessed these respondents randomly, in an informed manner, or through referrals from different sources (my assistant, researchers, local adminis-

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15 For instance, at one location in Metro Manila known for acute poverty, a murder took place nearby where I was visiting together with my assistant. After having witnessed a new dead body lying on the street, we decided to pull out of the area (we met later with a few residents at the closest safe location). As regards the place of origin, while visiting Cotabato City in Mindanao, I had to reduce my exposure as much as possible in terms of time and area in order to avoid being kidnapped.

16 The field research included short exploratory visits to the Philippines in September and November 2010 and a longer research term in Manila from April to September 2011 as a visiting research associate at the Institute of Philippine Culture (IPC), Ateneo de Manila University. Exploratory visits to the cities of Cotabato and Davao in Mindanao were also made during my research.

trators, fellow migrants, community-based organizations, etc.). In addition, I made neigh-bourly visits to people living in slums or in the street and observed their situation, though they are not necessarily counted as respondents. The respondents included not only those who I thought would identify themselves to be 'IDPs' ('*mga lumikas na tao sa loob ng bansa*' in Tagalog) in line with the description of the *Guiding Principles*, such as those from Min-danao. But they also included urban poor people such as street dwellers, those working as scavengers and other residents in relatively poor communities. I initially integrated individu-als of different backgrounds in order to compare the resilience and vulnerability of differenti-ated groups. However, it turned out that people who are not regularly associated with the internal displacement discourse might also have displacement background. Consequently, identification of being an 'IDP' was left entirely to each individual's self-evaluation; to the question of whether they thought the description of IDP in the *Guiding Principles* applied to them, due to positive selection, 68 out of 74 respondents replied in this sense.[17]

Most of the discussions below are based on qualitative information and they are comple-mented by quantitative data where possible. In-depth interviews and focus group discussions were carried out under my supervision by a Filipino research assistant in Tagalog. The narra-tives are based on the transcriptions of interview or group discussion, which have been trans-lated into English from Tagalog and edited where necessary. I attempted to secure as much independence as possible from any actors (respondents, local organizations, operational agencies, etc.) in designing and planning the study and formulating my analysis. Informed consent was obtained from each respondent ahead of the interview. Identifiable elements, such as specific locations, are not disclosed in order to assure maximum confidentiality.

A. People flee or are obliged to leave their homes for diverse reasons, a loss of normal life and livelihood being a potential triggering factor.

At a first glance, the above fact may appear too evident for any observer, but the multifac-eted causes of displacement and migration in this country, often with regional variants, merit re-examination. In conflict-affected areas in the Philippines, a number of people have fled or left their places of residence in order to avoid cross-fires, rampant or occasional violence (sometimes caused by elections), disruption of peace and order, land grabbing, and human rights abuses, which include forced conscription and intimidating behaviour of armed ele-ments. These characteristics have been particularly evident in some parts of Mindanao and the adjacent Sulu and other islands where a climate of insecurity has been created by the war between the government forces and various armed groups (sometimes within themselves) as well as by recurring clan violence, locally referred to as *rido*. Examples of war include, but are not limited to, those between the Government of the Philippines and the Moro National Liberation Front (until 1996), the Moro Islamic Liberation Front, and the Abu Sayyaf Group (ongoing at the time of research). Armed conflicts in those regions generated hundreds of thousands of *mga bakwit*, or the displaced in local parlance, whose hardships and resilience have been widely reported (Canuday 2009). In a similar way, the confrontation between the

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17 It should be understood, however, that such an answer in response to my question does not nec-essarily signify outstanding identity or permanent self-perception.

government forces and the New People's Army, a communist-led armed group, in several parts of the country has also been a cause of displacement.

Another reason of displacement and migration is due to natural disasters or environmental degradation, which may or may not be related to climate change. In the Philippines, typhoons, which average 20 times per year, and water-related disasters, caused by typhoons or by heavy rains, are one main cause of mass displacement. As a matter of fact, the Philippines ranked second worldwide as being hit frequently by disasters triggering large-scale displacement during 2008-2010 (IDMC 2011: 16). An important point to emphasize is that in a disaster-prone developing country like the Philippines, poverty can exacerbate vulnerability to natural hazards, which in turn aggravates the consequences of disaster and results in triggering displacement and migration.[18] The case of one respondent, a licensed scavenger with a large family who lost her dwelling due to floods and consequently had to relocate within Metro Manila, is particularly indicative.

> When we got married, my husband brought me to his barracks near a river. Then heavy rains inundated our home, so we were obliged to move out and found refuge in the house of my husband's parents at the foot of the dumpsite. We built our own house near the dumpsite out of scrap materials taken from there. Again, we were forced to relocate here to our present site, the staging area that the city government offered to us in 2004. They said it was necessary because we occupied a permanent danger zone making us vulnerable to landslide due to excessive rainfall and frequent typhoons. (Female, 30s)

Other causes of displacement include development projects or public works, which sometimes result in forced eviction of residents. They could take place in urban areas as well as in rural areas displacing local residents,[19] as exemplified by the case of national railway project in Metro Manila (UN-HABITAT 2005: 41-50). Moreover, human-trafficking and illegal recruitment are also thought to uproot many people in the Philippines.[20] We will return to these cases with narratives later on.

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18 Within Metro Manila, some poor coastal and semi-coastal cities are often flooded in rainy season (those areas are called *dagat dagatan*). In one slum that I visited, seawater was already beneath a footbridge among the shanties. I heard from a respondent living in that slum that due to recurrent floods (and also insecurity), some residents had chosen to leave that slum and moved to another place within the vicinity. It is notable that while outmigration of residents occurred, their movement appeared geographically limited because of the necessity of maintaining their livelihoods.

19 Although their scale might be small compared to a dam, urban development projects can affect the lives of many residents, due to the heavy concentration of the population and the fact that these project sites could have already been occupied by impoverished people.

20 For example, see an article in the specialized website. [http://www.humantrafficking.org/countries/Philippines, accessed 3 September 2013]

In regards to insecurity-induced displacement, further analysis indicates that a loss of normal life and livelihood caused by insecurity can be a triggering factor for a decision to move. These elements are often combined with concrete experiences or a perceived sense of insecurity. Without much doubt, these aspects characterize what is sometimes referred to as 'war-time migration'. Armed conflicts disrupt ordinary life. For example, the schooling of children is considered no longer realistic when girls are targeted on their way to school. Parents may decide to resettle their children, if not themselves, into a more secure place elsewhere. For another example, a storeowner in a conflict-affected area may find herself with fewer and fewer clients, as people begin to desert the town. The procurement of goods also becomes increasingly difficult. Even if there is no physical coercion such as having a gun pointed at her, the owner might make a thoughtful and conscious decision to migrate for composite reasons. In addition to the fear that her family will be in danger, she might have a reasonable apprehension that her life and business are unsustainable and future prospects limited. According to one respondent, a former owner of a drugstore in Mindanao,

> Initially, my drugstore was doing good business. It started folding up when my Muslim brothers made frequent visits to solicit medicines for our injured comrades. Later on, favours became more difficult to do, as the rebels would ask for my services like curing wounded brothers, cash donations and medicines. The war heightened and customers decreased. The increasing number of injured Muslim brothers put my business into great debt. When I started complaining and turning down their requests, I felt that I was putting my family in danger. My husband and I were offered promising salaries by the rebels in exchange of our services, but we turned down their offer. The decision to flee became firm when my husband decided to move to Manila and it was supported by my own father. (Female, 50s)

Similarly in case of natural disaster, the element of the loss of livelihood can be a triggering factor for long-term migration. Natural disasters can displace thousands of people in an instance, but this displacement can be temporary as those affected can be evacuated to a nearby public building, like a school or barangay hall, and return back home once the disaster has settled down. In contrast, long-term or permanent migration can be induced: a) when a disaster devastates the area, making it less or no longer suitable for habitation or making recovery of former residence financially difficult, or b) when, even if the residence itself may be habitable, the recurrent and/or gradual disasters (including the propagation of pests) seriously undermine the livelihood resources and diminish the perspective of sustainable life. To illustrate, one respondent from Mindanao, now living in a shanty under the bridge adjacent to the river-bank squatter area, mentioned an interaction of underlying causes — rats, bullets and floods — for the loss of livelihood and resulting migration (making thus difficult a simple classification of mobility).

> Livelihood in our hometown was so difficult when we decided to flee in 2000. My husband a farmer and he planted corn. Our daily living became so strange especially during the times when *rido* grudges were at their peak. Stray bullets from open firing crossed over the farmlands while farmers were still at work. It became necessary to abandon our farmlands, which consequently gave an open opportunity for the rats to take over

our crops. In addition to rats and bullets, floods have devastated farmlands and worsened the condition of farming in our place. Farming became no longer profitable, as our financial situation has been challenged by the worst level of indebtedness, rats, bullets, and up to chest-level floods, which altogether gave us zero harvest. (Female, 30s)

B. People flee or are obliged to leave their homes for diverse reasons, human trafficking or flight from it being one of the reasons.

Whereas this aspect often goes unnoticed, the occurrence of trafficking of persons and other modern forms of slavery appears to have been a solid reason for displacement and flight in many developing countries, including the Philippines. There is a harsh reality about life for people, especially children, in many developing countries, which results in such form of human treatment. In addition to unlawful recruitment by brokers, some children are sent off by their own parents to a broker for labour or are sometimes forced into marriage. In those cases, children have no choice but to obey their parents (and are obliged to leave home), but some manage to flee the abusive domination of their parents or other family members by leaving their homes. As suggested by Martin (2006; Martin and Callaway 2011), their movement certainly constitutes a case of displacement.[21]

Several respondents to my survey explained such experiences that made them leave home at a young age (they all answered that the description of 'IDP' in the *Guiding Principles* applied to them). A Muslim respondent, living among other migrants from Mindanao, told her story of forced marriage and flight from it:

> I was 16 years old when I fled to Manila to avoid an arranged marriage with my cousin's grandfather who was then over 40 years old. My relatives were forcing me into that union that I greatly refused. I was supposed to be his third wife. My grandmother helped me escape that marriage. She gave me money to reach Manila because my uncle was very mad. I could be beheaded for that refusal. (Female, 30s)

Another respondent, now living in a shanty under the bridge of a highway, left her house in order to avoid the violence by her stepfather, but during her runaway, a female broker recruited her. All of this happened at the age of 12 in her hometown in Eastern Visayas region.

> [The broker] offered me work in Manila and I agreed on the condition that I will be fed. I did not consider the salary. All I wanted was to leave my place, far from home. I

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21 The question remains whether victims of internal trafficking are to be considered as 'IDPs'. I would argue that understanding of IDPs has been shaped differently from victims of such trafficking, leading to differentiated notions. Although there might be cases in which these two notions could overlap, it may be safe to say that victims of internal trafficking can constitute a case of internal displacement as a phenomenon, without automatically coinciding with IDPs as persons.

thought I was alone, but when I was brought inside the boat, I saw 5 more children, ages ranging from 13 to 16. I was the youngest then. (Female, 40s)

According to another respondent from Mindoro who now works as a licensed scavenger,

At age 12, I was fully aware of the deep poverty felt by our family when my mother offered me to work in a distant place. But I felt cheated when I learned that my mother took advance payments from my salary on the day of my departure. I was not able to enjoy my own pay for a period of 4 years. However, left with no choice, I ignored it for 4 long years. At first, I cried every night, I missed my mother until I got used to it. I was the youngest among the household helpers. (Female, 40s)

Although cases of cross-border trafficking have gained wide recognition so far, less reported instances of internal human trafficking are also prevalent in developing countries due to disadvantaged socio-economic conditions (UNODC 2012). The Philippines is no exception; trafficking of persons can be frequent, as they occur in a climate of impunity in a generally indifferent society. In the case of this country, as one staff of a specialized NGO explained, it seems to be an 'institutionalized problem' with the established practice of advanced salary (often not paid to those who are to work), lure of better wages, syndicates of recruiters and collaborators, and a certain 'culture of migration' that nurtures the mobility of people.

C. People may flee or leave their homes in a preventive and representative manner, while some others stay.

My empirical findings have confirmed that migration is sometimes a means of prevention before a conflict aggravates. Richmond (1993) clarified this by explaining a continuum of 'proactive' and 'reactive' migrations with regards refugee movement. His explanation holds true in my survey. What I would call here the *preventive migration* was observed among many respondents: they thoughtfully and proactively chose to flee their places of residence in anticipation of further aggravation of insecurity instead of waiting to be evacuated at the last minute. Overlapping with a quest for better security and livelihood opportunities, the early and selective migration of people from war-affected area appears to take place ahead of the rather chaotic last-minute displacement (the latter providing more familiar image of vulnerable conflict-induced IDPs). According to one respondent from Mindanao now living in the street,

In 2004, after 3 days of fighting, my father sent me away for safety. Our *barrio* (village) resisted the other Muslims taking over our lands. Both sides had casualties as the *rido* heightened. My father's priority was to save me from death, so he sent me away. I was only 15. One week after the 3-day battle in our place, I already moved to Manila. My father pleaded me to leave our place because he said I was his only child. (Male, 20s)

Preventive migration could also become *representative migration* when 'the family sends the young man to earn money and to [make him] avoid the war' (Male, 50s). This type of migration resembles the usual migration pattern to a certain extent, in which a member of the family is sent to a more promising destination in terms of wages and sends back money to the remaining family.

The phenomena of preventive and representative migrations imply that some members of the family or community (or society in a larger sense) stay in the place of origin, unless they all migrate early. This then begs the question of mobility, *i.e.* who migrates and who stays in times of conflict and difficulty. Among the same family, it can be supposed that family members who are at a greater risk and/or who are physically able and of economically active ages are more likely to migrate. Within the same community or society, then, mobility will depend on the assessment of the situation as well as motivations and personal conditions (age, sex, ethnic or religious affiliation, networks, family situation and occupation, etc.), which can differ for each individual.[22] In addition, when it comes to children, it will be essentially the decision of parents (except for a flight from parents); some children may be sent away for reasons of safety, but some may be kept at home for schooling, while parents migrate for livelihood reasons. To the question of 'who moves' in the case of Mindanao, a respondent replied to me that among Muslims, men of economically active age (17 to 50s) were the most likely to migrate to Metro Manila, sometimes encouraged by their family (according to him, Muslim women tend to come to Manila to apply for an overseas contract work). While more sophisticated debate is necessary, one could generally say that, when external conditions are the same and they permit it, those who possess physical strength, financial means, social networks, adequate information, or maybe simply 'courage', as an informant explained, might be the first to migrate (the imminent factor, such as real or perceived risk at the place of origin, may of course enhance an individual's mobility). This implies that those who are physically and financially less able are more prone to stay.

However, in terms of economic status, poverty might not necessarily be equated with immobility. This point deserves attention. For example, a person with a stable professional position (*e.g.* government official or school teacher) may find himself or herself unable to easily migrate due to a required responsibility or difficulty finding alternative work with the same benefits elsewhere. Properties and mortgages might tie a person to the locality. Or else, even if capable of moving, some people might be caught by the normalcy bias and prefer to stay. A case of the compromised mobility was explained by one respondent. A former school teacher from an adjacent island to Mindanao told me that he just watched other residents leave the town affected by the conflict while he kept exercising his profession. Accordingly, in some cases, poorer residents of the same area might have more mobility than those with stable economic or professional status, precisely due to their unstable social status. Relating to a war-affected region, an informant told me that 'rich people fled first' but he added that poor people likewise fled the area with the help of an affluent businessman known for sponsoring such migration among his ethnic community. Nevertheless, it is unclear whether the poorest

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22 It should be noted that an individual's mobility depends also on exogenous conditions (such as transportation means, legal restrictions, suspicion of outsiders in the rural milieu, etc.) which may impede an internal migration.

people without social networks have access to such opportunity.

D. Migrants with displacement background tend to be assimilated into the traditional migration stream (hence the presence of such migrants in urban areas).

Except probably for the temporary phase of displacement that they experienced at nearby places, the movement of migrants with displacement background in Metro Manila presents some similarities with those of traditional migrants. Expanding on previous research, Aysa-Lastra (2011: 280) raises a similar point in her observation of the situation in Colombia. Her remark that '[p]olitical violence generally increases already existing migration flows' (*idem*.) may be said of the Philippines. Even if the place of first displacement was an unusual destination of migration (*e.g.* closest town or forest), some of the displaced residents in the Philippines converged into the larger migration stream in a later phase.[23] This was illustrated in the narrative of a migrant with displacement background who came from an adjacent island to Mindanao.

> My family moved out of my hometown due the critical situation. Together with relatives and other families, we fled during night time to avoid the height of conflicts between the government forces and the Muslim rebels. I carried my wife and two children. We took a *jeepney*[24] and travelled for 20 kilometres to reach another town in the same island. It was a mass departure for us and a hard exodus passing five checkpoints of the government military forces. My family initially sought temporary refuge in my wife's hometown in Mindanao. After 3 months, we left for our next destination in my hometown island. When I cannot find a job there, we went back again to my wife's hometown. Life was then very difficult. I decided to bring my family to Manila. (Male, 40s)

Another pattern, albeit occurring in a different context, is of the return movement of residents who were forcefully evicted from their dwellings in Metro Manila and relocated to an adjacent province. They eventually made a short and circular migration back to the nearest initial place in Metro Manila in order to work within the more familiar livelihood conditions (we will deal with this point later). In both cases, the capital region functions as a strong magnet for migration.

In this regard, we have to briefly address internal migration and urbanization trends in the Philippines. In the post-World War II period, Manila experienced a strong move of urbaniza-

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23 The project-evicted population in rural area, further impoverished, might also migrate to urban area. One example in the Philippines is the situation of indigenous persons in Cordillera, in Northern Luzon, who have faced development-related evictions and some of whom, according to one researcher, have migrated to Metro Manila.

24 *Jeepney* is a type of bus used as a common means of public transportation in the Philippines.

tion and an increase of population,[25] which is attributed, among others, to inter-regional and rural-urban migration. As one author put it, 'migration was a significant contributor to the growth of Metro Manila and other big cities' (Pernia 1977: 139). It is also known that migration of Filipino Muslims from Mindanao to Manila started in the early 20th century and increased after the World War II (Watanabe 2008: 6-8). This migration preceded that of Muslims from Mindanao to the capital region in the 1970s and 1980s when the war was at its peak.

To put it simply, '[m]igration is not a rare experience among Filipinos' (Smith 1977: 127). Not so surprisingly, the respondents in my survey showed approximately the same migratory dynamics as usual migrants would. Those who identified themselves as 'IDPs' explained their reasons of moving to Metro Manila as follows: existence of easily accessible livelihood in the urban area, readily available help by already settled migrants, facility of transportation network, footstep for overseas migration, security in the capital region (generally a *rido* does not extend outside of Mindanao), etc. Admittedly, their reasons for migration were composite in many cases and security reasons were persistent particularly among migrants from Mindanao. Yet, it was interesting to observe during interviews that respondents' first answer was mostly 'livelihood'. While it may be still true that a wish to become a *taga Maynila* (resident in Manila) is a factor that attracts many rural migrants to culturally 'prestigious' Manila (Nolasco 1994: 35), labour possibilities, sometimes combined with expected safety at the place of destination, seem to be the most pressing reason of migration to the capital region for many of those with displacement background.

IV. LIVING CONDITIONS OF MIGRANTS WITH DISPLACEMENT BACKGROUND IN METRO MANILA

Having described their mobility patterns, I will now turn to the living conditions of migrants with displacement background in Metro Manila. A variety of migration and displacement has converged in this highly-dense urban area where differences and inequalities in human conditions are already salient. Against this backdrop, and employing the same methodologies as in the previous section, I proceed to focus on the situation of and reasons behind the vulnerability and resilience of those migrants as well as other populations facing serious social challenges. In this section, I also touch on the likelihoods of their return in light of prevailing circumstances. Broadly speaking, their situation is closely associated with the general conditions of poverty prevalent in the Philippines. Although the country is now praised as one of the 'Next 11' by a multinational investment firm for its promising economic outlook, it keeps showing persistent socio-economic discrepancies among its populations, including in urban areas. According to a report by the Asian Development Bank, an estimated 35% of the population of Metro Manila, which correspond to 3.4 million people, lived in informal settlements as of 2000 (ADB 2009:19). The general situation has not drastically changed since then. As the report explains, '[t]hese dwellers and informal settlers experience

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25 The population of Metro Manila was 1.5 million in 1948, but it increased to 3.9 million in 1970 and to 7.9 million in 1990 (NSO 2000:1).

no or insecure tenure; lack of adequate health and educational facilities; and inability to access capital, credit, and social safety nets' (*idem.*). The number of migrants with displacement background residing under such conditions in Metro Manila is unknown; we could only estimate that they are great in number. Although the present study's sample is small compared to the large population, it is still possible to describe their living conditions with some specificity. Nonetheless, due to its limited space, this study does not address in full the process or cycle of vulnerabilization nor the surrounding social structures, which would require another full investigation.

A. Migrants with displacement background tend to be absorbed into the urban poor.

As has previously been discussed by literature dealing with 'urban IDPs', it is possible to state with certainty that, in the case of Metro Manila, migrants with displacement background have been absorbed into the fabric of its urban poor population. Since my survey was conducted among seemingly poor migrants, the sample is naturally biased due to such selection. Yet, the existence of migrants with displacement background among the urban poor seems quite evident. In the case of the Philippines, limited possibilities for improving individual's economic and social status appear to produce, and reproduce in many cases, a process of impoverishment.

In terms of economic situation, my survey indicates that the daily household income of 68 migrants, those who identified themselves as 'IDPs' in my survey, ranged from 50 to 714 pesos,[26] while the daily cost of living for a family of six in the NCR was estimated to be 1,010 pesos in March 2011 (Partido ng Manggagawa 2011).[27] Their occupations are within the informal sector and are typically of the following types: shopkeeper (*sari-sari* store), street vendor, security guard, construction worker, tricycle or pedicab driver, water vendor, barker, scavenger (often with license), and so forth.[28] It appears that homeless migrants with displacement background are struggling with the less profitable jobs: scavenger in the street, barker, parker, beggar, water fetcher, street vendor, etc.

Geographically speaking, those migrants who identified themselves as 'IDPs' lived among the urban poor, either together with fellow migrants or individually. In general, the location and type of dwelling resemble that of the urban poor. Actually, in many cases, these migrants would be firstly noticed as informal settlers by the fellow Filipinos. With the exception of some better-off migrants, it is estimated that the majority of migrants with displacement background dwell either in squatter areas or more seriously in the street. Although the difficulty in profiling 'IDPs' among urban poor residents is often indicated in the literature, as far as the

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26 100 pesos is approximately 2.36 US dollars in August 2011.

27 The National Wages and Productivity Council once estimated it to be 917 pesos in September 2008.

28 It should be noted, however, that some kinds of jobs, like street vending, can be preferred or avoided by a certain ethnic community.

Philippines is concerned, it does not seem to be a difficult task, since the urban poor communities appear to contain a certain proportion of migrants and other local residents having displacement background. It should be added that in the dominantly Catholic Philippines, Muslim migrants are relatively visible as they might show particular traits (existence of the community around the mosque, traditional attire, etc.). The exception to this may be those Muslim migrants who live on the street and who do not exhibit these traits.

B. Not all migrants with displacement background are necessarily the most vulnerable or the poorest of society, but those migrants can also be found among the most vulnerable and poorest.

As regards economic conditions, research findings show that not all migrants with displacement background are equally poor. To clarify this, and for practical reasons,[29] it will be useful to divide the population of migrants with displacement background (68 persons in a total of 74 respondents) into three categories: a) sheltered migrants (52 persons in total), b) homeless migrants (13 persons in total), and c) migrants in a homeless-like situation (3 in total). Here I employ the term 'homeless-like situation' to refer to those respondents who live in a half-homeless, half-squatter situation. In reality, they are evicted residents who were given an alternative lot of land and housing, but who migrated back and chose to live as such in the vicinity of the initial place. Let us proceed with the comparison. My survey indicates that the average daily household income of sheltered migrants was 277.42 pesos, which is higher than that of homeless migrants, calculated at 147.07 pesos. These statistics, albeit imperfect, suggest certain economic discrepancies among migrants favouring the sheltered ones. Curiously, migrants in homeless-like situation had an average daily household income of 302.33 pesos with one respondent having 507 pesos. Compared to other homeless individuals living only with cardboard, project-evicted persons living in the street seemed to have more (though not abundant) resources.

Discrepancies can be found not only among these migrants themselves, but also, quite naturally, between these migrants and the rest of population. It is reasonable to consider that some sectors of migrants with displacement background, especially among those inhabiting squatter areas in Metro Manila, are better off than the worst of the social stratum, marginalized and living in the street. Field observations easily prove that while many migrants with displacement background live in more or less dilapidated shanties, the most vulnerable and excluded people in society lack neither the most basic shelter nor a fixed place to sleep. Although it is impossible to provide a precise number, street dwellers are visible in various corners of Metro Manila, making their situation an enormous social challenge to address.

If not all migrants with displacement background are necessarily the most vulnerable of

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29 The distinction between the poorest of the squatter inhabitants and the street homeless is sometimes blurred (Aoki 2008: 160). Therefore, these categories are not necessarily clear cut.

the society in socio-economic terms,[30] it merits stressing that many such migrants can be found among the most vulnerable people as street dwellers. Maybe partly due to positive selection, my observations brought to light a profile of the street dwelling population that encompasses some migrants from Mindanao who were displaced due to armed conflict or insecurity, as well as those who have displacement background resultant from human trafficking, natural disasters, and project-related evictions.[31] In fact, homelessness, coupled with increased exposure to different risks, is a plausible consequence facing poorer individuals, including poorer migrants, living in slums. Sometimes there is only a fine line between living in slums and living in the street. A decline of revenue would make one unable to pay for the rent of a shanty, which would then force him or her to live in the street unless helped by relatives or friends. Even a simple fire would easily make an entire family homeless (shanties are prone to fire, and insurance is usually not accessible to the informal dwellers).

Another problem that is faced by migrants with displacement background as well as the urban poor is the eventual eviction due to their informal dwelling status. Eviction could be related to an anti-vagrancy drive, a likeness of 'urban cleansing', or a particular development project. Unstable tenure rights and 'illegal' dwelling situations make forced eviction a sword of Damocles hanging over these dwellers. Yet, vulnerability to such a possibility varies largely with street homeless people being more prone to forced eviction (in many cases, squatter habitants benefit from a curious status quo). One respondent (whom I happened to interview just several hours after eviction) said that she always lived with a fear of being evicted. In 1997, the house that she had been renting was demolished due to the public works of a government agency. She was given a temporary shelter in a relocation site adjacent to Metro Manila, which was actually someone else's private property. Since the relocation site had no active means of livelihood and she was not allowed to make improvements to her shelter, she instead chose to live in the central reservation of a road near the initial place in Metro Manila.

> Since we have settled into our shanties at the central reservation in 1997, we have feared and experienced many demolitions and threats. For many years, since the time we occupied the central reservation, we also fear the policemen. In the past demolition, families who did not leave the road were taken by DSWD [Department of Social Welfare and Development] to a mental hospital where they were confined for almost a month. (Female, 40s)

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30 Particular attention should be paid to the situation of Muslim migrants. Even if they might not be the most vulnerable economically, migrants of Muslim background can be vulnerable to various human rights abuses, including discrimination in the local society or harassment and investigation by the police that fellow Christian citizens might not face.

31 In contrast to my findings, Roque explains the primary reasons for becoming homeless as observed in her survey: wanted to find a better job, ran away from home, left by a parent, house burned down, wanted to find a parent, family conflict, raped by a sibling, victim of illegal recruiter, and grew up on the street, among others (2011: 92-93).

C. Social networks (or the lack of them) are one of the determining factors of resilient adaptation of migrants with displacement background.

In the sense that displacement may bring people into a vulnerable state, it could be argued that the process of vulnerabilization is related to mobility. But as time passes, people who have experienced displacement may gain strength (it is to support such process, I believe, that outside assistance is usually provided). In fact, even in difficult conditions and often without official assistance, many of my respondents have demonstrated an impressive resilience in socio-economic terms. With limited data, it is difficult to determine whether it was mobility in the form of migration or other factors that have helped to foster resilience.[32] However, acknowledging that personal agency is an essential element, a conditioning factor at least appears to be commonly seen among the manifestly resilient migrants. Based on findings, and as indicated by previous research, I would posit that the existence of a social network, whether familial, informal or professional, is a plausible factor that might account for their resilient adaptation in the face of adversity. One respondent, who was initially obliged to accompany an injured commander from Mindanao to Manila and who took this opportunity to stay there permanently, told the following:

> While in Manila, I met my cousin. He taught me how to work as an agent for a recruitment agency where he worked. I succeeded in earning livelihood and created a larger network. My clients from Mindanao spread my name, which increased the number of my clients. Today, I have assisted over 2,000 overseas contract workers (OCWs) and domestic helpers over 20 years. I have become known to many people and sometimes I do not even know them personally. Today, I am maintaining linkage with five recruitment agencies and three placement agencies with direct hiring arrangements in the Middle East. (Male, 50s)

In contrast with those migrants with displacement background who have a solid social network, homeless migrants are seemingly deprived of such social capital. A description of Caplow *et al.* (1968: 494) that '[h]omelessness is a condition of detachment from society characterized by the absence or attenuation of the affiliative bonds that link settled persons to a network of interconnected social structures' is indicative of this aspect. That being said, word-of-mouth communication for survival does exist among homeless persons. As Roque explains, '[h]omeless people develop new social networks which form a significant role in their subsistence strategies' (2011: 17). In spite of, or perhaps due to the homophilic relationships that they build to sustain their lives, they are likely to lack the more consequential social networks that would give them access to a spectrum of information on available welfare

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32 An analysis which takes into account the time factor, *e.g.* which distinguishes newly-arrived migrants from long-residing migrants, would have given a more detailed account of vulnerability and strength. As Polzer put it, 'how a person moves through time from a (putative) starting position of vulnerability to a position where they are no longer as vulnerable (or possibly the other way around)' merits further study (2008:493).

programmes, as well as to solid livelihoods and capital to restart their lives. Such a situation makes it additionally difficult for them to step out of homelessness.

Then one may legitimately wonder if a homeless person of Muslim background cannot make use of the support networks that religious and ethnic affiliation seems to provide. In this case, it appears that belonging to a religious or ethnic group cannot be used as a 'life resource' if one is disassociated from it.[33] For instance, one respondent, a Muslim migrant of Maranao[34] ethnic group, felt that it was a shame to seek assistance from fellow Muslims and therefore detached himself from them. In fact, he dwells in the street near a Catholic church due to its feeding programme.

> Back in Mindanao, I refused to join an armed group and for this reason I was ashamed to seek financial help from my relatives. The poor living condition of my family and the separation from my wife made me feel inferior in the eyes of fellow Muslims, particularly Maranaos. (Male, 40s)

D. Threshold of return might be high for urbanized migrants as well as for heavily impoverished migrants.

Lastly, let us dwell on the likelihoods of return of migrants. While there could be other elements which keep them attached to Metro Manila, migrants with displacement background from Mindanao cited the following reasons as preventing their return (the following order does not indicate the preponderance of answers): a) insecurity created by the war, political violence and *rido* (and for some, past involvement), b) lack of livelihood opportunities, c) loss of land and residence, d) kidnapping, e) intimidating presence of government forces, f) investigation by the police, and g) the occurrence of natural disasters. While conditions differ from one location to another and, in particular cases, a *rido* can be settled, these problems are likely to persist to some extent in the near future. As such, the incentive for permanent return will generally remain low for many of them. Nevertheless, some few wish to return to Mindanao once it becomes stable and peaceful. This aspect should be borne in mind when designing any post-conflict programme. This said, the following narrative of a participant to group discussion is exemplary of the low enthusiasm:

> I only go to Mindanao to visit my family and a permanent return to my hometown is not my priority. The last visit I made was with my sister only to find out the same chaotic situation we had before. Our family's worsening financial condition, which was affected by the unstable security situation in Mindanao, made me to decide to work abroad. I visit Mindanao every year and unfortunately, the insecurity problem is still present. On the latest visit I had, the evacuation centre was filled with victims of ca-

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33 It was suggested during an interview with a sociologist in July 2011.

34 Maranaos are one of the ethnic groups of Mindanao. They are mainly Muslims and usually known for their keenness for business and solidarity among them.

lamity. Floodwater was at chest level. It has been a usual occurrence in our place dur-
ing rain months, but lately floodwater has been staying longer, as in months. (Female,
30s)

Without waiting for more stability in Mindanao, one respondent, an already cited migrant
living on the street of Metro Manila, wants to return to his native Mindanao, but cited a lack
of money as the reason for not being able to do so.

I want to go home because I have stayed here for a long time, but I have no money for
transportation. The boat fare is more than 2,000 pesos and we are four. I sought finan-
cial assistance from the *Balik-Probinsiya* programme[35] of the DSWD, but was informed
that they have no more funds. Back home, I have my own land to till which I inherited
from my mother. (Male, 20s)

At this point, a supposition can be made that those who have secured a minimum level of
subsistence in urban areas, and/or who are enjoying a degree of relative security, might have
a high standard for livelihood and security in deciding on a return. In general, migrants with
displacement background will stay in a place where they find themselves satisfied with these
conditions (what I would call a *pull in factor*, to paraphrase the familiar migration terminol-
ogy) and will not easily return to a place where they cannot (likewise, *push off factor*), unless
there is an overriding factor, such as a desire to live in a birthplace or to contribute to build-
ing a new society. While this supposition needs to be examined further, low enthusiasm for
return to an impoverished region should not come as a surprise. A respondent, an already
cited woman who had to relocate within Metro Manila due to floods but who now leads a
sustainable life by scavenging at the dumpsite, explained her hesitation:

I came from a remote *barrio* in Northern Samar, where frequent typhoons make it diffi-
cult for farmers to plant major crops like rice, corn or coconut. Food security is a major
problem in our province and it will be very hard for my children to adjust to our con-
dition there if I bring them home. We barely eat rice there because of the far distance
of the market from where we can buy it. (Female, 30s)

On the other hand, a return to the initial place might be an attractive option provided that
there are more livelihood opportunities. In fact, the circular migration of evicted residents to
the initial place becomes a coping strategy in the absence of adequate compensation. The
following is an example of a return movement of evicted residents. One respondent saw her
informal dwelling in Metro Manila destroyed due to public works some years ago. Although
she was given an alternative lot outside of Metro Manila, she keeps living, even in a
homeless-like situation, in proximity of the destroyed dwelling in order to maintain her liveli-

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35 *Balik-Probinsiya* programme has been implemented by the DSWD in order to promote the return
of migrants in Metro Manila to their respective home. Although the respondent might have been
refused due to the temporary lack of budget or for whatever reason, the programme was said to
have funding as of September 2011.

hood (she is among the numerous residents who opted to do so). She only occasionally visits the relocation site, but while staying in Metro Manila, she fears that she will be forcibly transferred to the relocation site. For this reason, she wants to remain invisible and does not wish to be recognized by any agency (she nonetheless answered that the description of 'IDP' applied to her).

> We were given a demolition notice by the governmental agency to vacate the area. We were given options: avail of the resettlement site or receive cash compensation. Those who refuse will have their homes demolished without compensation. I chose to avail of the resettlement, but on the very day that we moved to the relocation site, our family returned to the initial place. The relocation site lacked livelihood opportunity, electricity and the water source was a deep-well pump. (Female, 40s)

V. Conclusion

A wide range of vulnerability and resilience of human beings, concurrently with a variety of types of human mobility, are typically observable in the urban space. Metro Manila is a prominent example. Accordingly, this paper has sought to describe the social conditions of migrants with displacement background in an inclusive and encompassing manner. Reconstructed in this way, and examined in an urban context, the phenomenon presents us with a complex picture. Admittedly, the conventional approach tended to focus on the symbolic category of IDPs with presumed vulnerability. The fundamental concern of such an approach is not denied. Although there might be some instances in which the IDP concept becomes inoperative, this concept still has relevance in many cases. Nonetheless, this study has made it clear that human vulnerability is to be seen from a wider perspective than just one established category. In sum, focusing on only one type of IDPs is far from an equitable approach to human vulnerability. The complex and unexplained situations of many, especially those who are facing serious challenges and are not typically portrayed in the internal displacement/forced migration discourse, invite us to reflect. My suggestion here is to begin to reframe the familiar discourse, by critically reviewing the 'boundary-work' of the existing framework that has excluded as much as included the population to be catered to.

Proposed as a new framework to conceive mobility-related vulnerability in a balanced perspective, the *human mobility and vulnerability lens* has a chance to contribute to the detailed analysis of human vulnerability with its contextual specificities. Assuredly, such an analysis will then serve to identify the ways to improve human and social conditions. The present paper was an attempt in this direction. Whereas this study prioritized a scholarly debate, nothing precludes the new concept from being meaningfully applied at the policy level. The concept is *par excellence* an actionable idea that may bring equitable and responsible answers to salient social issues, such as the ones observed in the Philippines and probably observable in many other countries.

The situation described in this study is as of September 2011.

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EXPLORING SPATIAL DYNAMICS OF CIVIL CONFLICTS IN VIRTUAL AFRICA: A NEW RESEARCH DESIGN

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ABSTRACT

This article offers a unique approach to analyzing spatial dynamics of civil conflicts and the accompanying process of state territorial integration/ disintegration: crucial phenomena that have been defying vigorous theoretical treatment. Based on the combined use of multi-agent simulation (MAS) and a geographic information system (GIS), these dynamics are simulated in virtually constructed sovereign states that reflect the defining characteristics of the existing ones. These 'realistic virtual states' then provide a reliable environment for conducting policy as well as theoretical analyses of conflicts in a highly context-sensitive manner. Focusing on the countries in Northeast Africa, this article illuminates the promising potential of the proposed approach with two sets of illustrative simulations. The first aims to reproduce the diverse historical dynamics of conflicts actually observed in the region. The second conducts hypothetical policy experiments in virtual Sudan, which investigate the effectiveness of several policy options in bringing peace to the country.

I. INTRODUCTION

The sovereign state is a territorial entity. Therefore, an armed conflict on its soil is essentially a spatial phenomenon. Whether in Afghanistan, in Somalia, or in Syria, the occurrence and the intensity of civil conflict can vary greatly across the territory of the state concerned: some localities suffer more from the violence than others do. The dynamics of each conflict are also spatial in nature: a conflict intensifies as it expands on the territorial space, and wanes with spatial recession.

All of these aspects of civil conflict——spatial variability and spatial dynamics——seem quite obvious. Yet, for an equally obvious reason, grasping them has posed considerable challenges to researchers: it is intellectually intractable. Generally speaking, understanding spatially bounded phenomena, which most often consist of a countless number of mutually connected local interactions, demands far more complicated, and a far larger amount of, logical

reasoning than non-spatial ones typically require. Furthermore, it also requires a considerable capacity for information processing, as one has to deal with spatially disaggregated empirical data, which comprise a far larger amount of information than, say, cross-national conflict datasets typically contain. These intellectual requirements render the development of spatially explicit theory of civil conflict a simply daunting task. In fact, until quite recently, excluding several notable exceptions (e.g., Doreian and Hummon 1976, chap. 7), the spatial aspects of conflict had largely remained beyond the theoretical reach of the relevant literature (see the next section).

Hence, the challenges are enormous. On the other hand, overcoming these challenges could bring considerable benefits. Not only would it enable a much fuller as well as a more accurate understanding of civil conflicts. It would also allow researchers to shed light on a closely related——in a sense more fundamental——process: integration and disintegration of state territorial rule. How do the sovereign states, sometimes violently, organize themselves, or fail to do so, on their own territories? How do new political entities, which, on rare occasions, even successfully attain formal statehood, appear and disappear on parts of those territories? Vigorous theoretical treatment of these questions would make a substantial contribution to another body of research on 'state weakness', 'state failure', or 'state collapse', which has so far been characterized by the notorious lack of theories and models beyond a confusing array of classificatory labels (e.g., Migdal 1988; Rotberg 2004; Zartman 1995).

In short, some fresh approach to civil conflict, especially to its spatial dimensions, is both necessary and helpful. This motivates the present article. It articulates a research design for analyzing spatial dynamics of civil conflict and state disintegration that at the same time overcomes the intellectual difficulties mentioned above. The design builds on a distinctive research platform: 'realistic virtual states', which are constructed virtually but reflect some of the defining characteristics of the corresponding sovereign states that exist in the actual world. On the territories of these virtual states, various spatial dynamics of conflicts are simulated with the accompanying processes of state integration and disintegration. Specifically, the article focuses on several virtual states that approximate the actual states in Northeast Africa (Eritrea, Ethiopia, Kenya, Somalia, and the Sudan), a region where violent processes of state integration and disintegration have continuously been observed over the past half-century.

Methodologically, the platform is aided by the integrative application of multi-agent simulation (MAS) and a geographic information system (GIS), each of which has shown notable development and application in the past two decades. MAS offers a way to explicitly model complex interactions among a plenty of autonomous——but often spatially bounded——agents; GIS provides a powerful package for dealing with a variety of geo-spatial data. These two computer-based techniques, in combination, make the explicit treatment of spatial phenomena highly feasible and largely tractable (e.g., Gimblet 2002).

The proposed platform of virtual states can support a broad range of theoretical, empirical and even policy investigations into civil conflicts while maintaining close touch with reality. The present article aims to illuminate this potential. As such, the emphasis here is on drawing a broad picture of the alternative research method and practice made possible by MAS and GIS, rather than focusing on specific issues of contention in the existing literature. The article is organized as follows. The next section critically discusses the existing conflict literature with a particular focus on the recent trend toward 'disaggregation' of civil conflicts. Given the

limitations of the literature, the following section posits an alternative research design and describes its major components: the MAS model of a virtual state and the GIS data of the Northeast African countries. Then follow two sections that illustrate simulations conducted in the 'virtual Northeast African states'. The first set of simulations aims to reproduce, and thus understand, the diverse spatial dynamics of civil conflicts and state disintegration historically observed in Northeast Africa. The second set is more policy-oriented: it investigates the effectiveness of several policy options, including the partition of territory, in bringing peace to virtual Sudan and its component regions.

II. EMERGING TREND IN CIVIL WAR LITERATURE

'Disaggregation' is a recent major twist in the civil war literature that has been characterized by constant theoretical and empirical contestations (Cederman and Gleditsch 2009). The most conspicuous development in this regard is the more explicit treatment of space and geography in analyses of civil conflicts (Buhaug and Gates 2002; Buhaug and Rød 2006; Toft 2003; Cunningham and Weidmann 2010). As was indicated above, these elements had not received sufficient consideration in preceding studies, which mostly focused on the non-spatial dimensions of conflicts, such as their 'onset', 'duration' and 'termination'. This situation has been rapidly changing, most notably in the following two aspects.

The first aspect concerns empirical data and analysis. One common source of controversy in the past literature would be the lack of empirical association between certain country-level variables and civil conflicts. For instance, in major large-N analyses, the empirical relevance of the descriptive narratives that focus on ethnic fractionalization/polarization and socio-economic inequality has often been questioned because of the statistical insignificance of the proxies employed such as the Ethno-Linguistic Fractionalization index (ELF) and the national GINI coefficient (Collier and Hoeffler 2004; Fearon and Laitin 2003; Hegre et al. 2003. See also Cederman and Girardin 2007; Fearon et al. 2007). These indexes are calculated and aggregated at the national level, leaving sub-national differences seriously disregarded. But the dubiousness, if not absurdity, of building arguments upon aggregated factors alone becomes quite obvious, when one considers the simple fact that conflict events and their possible co-variates are not uniformly distributed over the state territory.

In this light, several recent works have re-examined the existing findings in more spatially disaggregated settings, and succeeded in 're-establishing' the causal relationships that were not fully captured in the previous analyses. Relying on GIS datasets, these works rescale units of analyses down to the sub-national level. For example, by conducting cross-sectional analysis of conflict events at the level of sub-national administrative regions, Cunningham and Weidmann (2010) revealed the strong influence of a particular local configuration of ethnic groups on conflict incidence in the given region. Similarly, Østby et al. (2009) obtained results indicating the significance of interregional as well as intraregional socio-economic inequality in promoting conflicts in the administrative regions of 22 African countries; while Hegre et al. (2009), adopting a uniformly imposed grid-cell rather than an administrative region as the basic data unit, investigated the spatial aspects of the Liberian civil war and confirmed the effect of similar socio-economic factors. Together with accompanying endeavors for spatial data collection such as the GREG ('Geo-Referencing of Ethnic Groups')

project (Weidmann et al. 2010), these studies have indeed brought renewed vigor to the civil war literature.

However, disaggregating a conflict implies more than mapping its constituent events onto spatial tracts; a civil conflict is not a mere collection of local armed clashes. While each clash between a government and insurgents might occur within a limited space, it often has conse-quences that stretch well beyond the locality concerned, interacting with events in the sur-rounding localities and causing diverse macro-dynamics of state integration and disintegra-tion in the process. Accordingly, understanding a civil conflict in its totality requires some logical link between the local competitions taking place in various localities of the given state on the one hand and the resulting macro-dynamics affecting that state's integrity in a certain direction on the other hand. In this respect, the works discussed above are of little help. In face of spatial data, most of these works have simply adopted the same type of statistical pro-cedures as their predecessors', without offering any logic that accounts for the complex spa-tial interactions involved in conflicts.

Given this situation, the second aspect of the trend toward disaggregation is important since it is more about constructing causal logic. For the past decade or so, there have been an increasing number of theoretical models that analyze civil conflicts in a spatially as well as temporally disaggregated manner (e.g., Cederman 1997; 2008; Lustick et al. 2004; Weid-mann 2006; Weidman et al. 2006). Employing the computational method of MAS due to the sheer amount of interactions involved, these models variously simulate the dynamic proc-esses of armed conflicts and the accompanying group formation on a virtual space. For ex-ample, on a space with a simple cultural makeup, Cederman (1997, chap.8) focused on the collective identity formation emerging from local interactions among spatially distributed communities that face repression by the central government. He later made a quite elaborate spatial model of a civil war, deriving insights about the impact of geographical and cultural factors on its incidence (Cederman 2008).

These models considerably deviate from the dominant modeling approach in the civil war literature, which heavily relies on traditional tools and concepts that were developed for ana-lyzing inter-state relations such as 'security dilemma' and 'credible commitment' (Posen 1993; Snyder and Jervice 1999; Walter 1997; 1999). In the latter approach, the spatial di-mension is totally omitted. So is the temporal dimension. Moreover, as is clearly seen in the game theoretic modeling, the groups in conflict are exogenously given, and treated as mono-lithic and constant (e.g., Fearon 1998; 2004). All of these seriously constrain the prospects for capturing the processes of state integration and disintegration accompanying civil conflicts, which almost always involve dynamic elements of group formation and dissolution. In con-trast, the new approach, which utilizes the technique of MAS, more or less overcomes these limitations: it is spatially explicit, dynamic, and treats mutually conflicting groups as endoge-nously emerging from interactions among 'agents' such as communities and individuals. There is no doubt that these aspects constitute significant theoretical advancement.

The emerging theoretical trend is not without its own problems, however. The most impor-tant problem is that many of its contributions disaggregate conflicts in highly abstract and stylized spatial settings. In other words, the spatial configurations of geographical and cultural features in a virtual world are abstractly, and often even randomly, determined without giving much consideration to the corresponding reality. Sometimes justified by referring to the so-called KISS ('keep it simple, stupid!') principle (Axelrod 1997, 4-5), this tendency can be

quite problematic, especially in dealing with spatial phenomena including civil conflicts. The reason is clear: a civil conflict consists of a series of local interactions taking place over the state territory, and local interactions almost by definition show strong dependence on the configurations of the space on which they occur. This means that spatial properties detached from reality may render the whole exercise irrelevant, at least in terms of the empirical relevance of the model concerned. Thus, in this aspect of disaggregation, quite contrary to the first one, the lack of empirical elements poses a serious obstacle to understanding conflicts.

Obviously, the path toward a better grasp of spatial dynamics of civil conflict seems to lie in much tighter integration of empirical data and theoretical logics. Several of the latest studies, including the present one, have thus been pursuing this promising path (Bhavnani and Choi 2012; Cederman and Girardin 2006; Lim et al. 2007; Weidmann and Salehyan 2013). Following what Lustick and Miodownik (2009) call a 'Virtualizations' strand of research designs for conducting MAS, this tiny body of researchers, with the aid of GIS, tries to reflect strong empirical elements on the geo-spatial makeups of their respective virtual worlds. Weidmann and Salehyan (2013), for example, built their MAS model of ethnic violence on several layers of GIS data that describe the ethnic compositions as well as the locations of sectarian clashes in Baghdad after the Iraq War. Prominently, this 'Virtual Baghdad' model, while illuminating dynamic causal relationships between ethnic segregation and violence, has attained a certain level of congruency between simulated and actual spatial distributions of conflict events.

Unfortunately, however, their model, together with similar ones dealing with ethnic violence in other places (Bhavnani and Choi 2012; Lim et al. 2007), faces significant limitations. In terms of the research interests set forth in this article, the most serious one is that they largely treat each ethnic clash as a basically localized, discrete event. In contrast, overall structure of political division such as that between Sunnis and Shias, which is supposed to connect these local events, is exogenously given in most cases, and not subject to vigorous treatment in any way. This compromises the utilities of these models as tools for exploring macro-dynamics of state territorial integrity: something that makes civil conflict the relevant subject to many political scientists. Additionally, these studies suffer from a potential problem of case-sensitivity. Most of them exclusively focus on a single case, avoiding extensive application of their respective models beyond that[1].

III. Constructing Virtual Africa

All of the above critical reflections on the civil war literature condition the specifics of the research platform offered here: a platform that enables spatially explicit analysis of civil conflicts and state territorial rule in multiple empirical cases. It consists of the following combination of a MAS model and GIS datasets.

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1   Lim et al. (2007) applied their model to two cases (former Yugoslavia and India), but not necessarily in a strictly comparable manner (see Weidmann and Toft 2010, 173-174; Harmon et al. 2010, 184).

A. MAS Model[2]

The proposed model of civil conflict builds on a virtually constructed state, which captures several basic components of statehood supposedly held by the existing sovereign states. This virtual state, first of all, has its territory represented as a two-dimensional space. Over this space, numerous virtual inhabitants are settled. They are differentiated from each other according to several socio-cultural traits (ethnicity, religion, etc.), and all of them are placed under the rule of a government at first. In addition to the inhabitants and the central government, the model assumes existence of a large number of latent insurgent organizations, whose aim is to subvert the rule of the government by force. Then, competition among the government and these insurgents for the exclusive rule over the territory and its inhabitants take place in various localities, driving the macro-state of territorial integrity of the virtual state in diverse directions.

1. Agents

Two types of agents, namely *PopCell* (Population Cell) and *Ruler* (Ruling Entity), are defined along the line of the above setting.

The model assumes a grid structure on the territory of a given state, and a *PopCell* agent represents each piece of the territory thus demarcated with the inhabitants living on it. In the simulations reported in the following sections, the territory of each virtual state is gridded at a resolution of 30 arc-minutes (approximately 55km at the equator).

A *PopCell* is characterized by three variables: *State*, *Traits* and *Resources*.

State specifies which of the competing organizations governs the *PopCell* concerned. It assumes a specific integer value that identifies one of the *Ruler* agents.

Traits describe the socio-cultural traits of the inhabitants on the cell. Following earlier MAS models (Axelrod 1997, chap.3; Cederman 1997, chap.8), this model represents these traits as a vector of strings consisting of several dimensions. Each dimension corresponds to a specific category of the inhabitants' traits. For example, in the context of 'virtual Ethiopia' that will be introduced later, the vector ("02", "93", "02") denotes inhabitants who are ethnically Tigrinyan ("02"), religiously Christians ("93"), and regionally Eritreans ("02").

Finally, *Resources* denote the amount of human and material resources that exist on the cell.

Of these three variables, *State* is a time-variant endogenous variable, while *Traits* and *Resources* are assumed to be time-invariant, their values being derived from empirical data in the way that will be shown later. Needless to say, the latter's assumptions of time-invariance are purely theoretical without denying the empirical variability of human traits and the quantity of resources. Macro-dynamics of conflict spread/recession and the accompanying territorial integration/disintegration in a virtual state are generated by time-series changes in the

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2 This model is implemented on *artisoc* (*arti*ficial *soc*iety), a general-purpose simulator developed and updated by Kozo Keikaku Engineering Inc. (KKE). Its freeware version, *artisoc player*, is available from KKE's web site (http://mas.kke.co.jp/, in Japanese). For a comprehensive introduction to *artisoc*, see Yamakage (2009). The model itself can be obtained from http://citrus.c.u-tokyo.ac.jp/vs/eng/.

overall configuration of *State*s of *PopCell*s across its territory.

The other type of agents is the *Ruler*. This agent represents either the government or insurgent organizations, the former being defined here as the *Ruler* that holds the capital of the virtual state. The *Ruler*'s main function is to forcibly exclude other competing *Ruler*s from gaining control of the state, and to expand and preserve its exclusive rule over the territory.

The defining characteristics of a *Ruler* are described by two kinds of variables: *Traits* and *Mobilization Factors*.

Traits display the *Ruler*'s political stance vis-à-vis inhabitants in terms of the former's alignment with the latter's socio-cultural traits. This variable is also represented in the form of a multi-dimensional string-vector, and, following Cederman (1997, chap.8), is allowed to take a value ("*") indicative of a political 'wildcard' that represents indifference toward the inhabitants' traits. Turning back to the above example, a vector ("02","*","02") describes a *Ruler* that is ethnically and regionally committed to Tigrinyans ("02" in the first element) and Eritreans ("02" in the last) respectively, while being religiously neutral (denoted as "*").

Mobilization Factors control the *Ruler*'s access to human and material resources both inside and outside the virtual state. This variable consists of two real numbers. The first element, *Mobilization Level*, stipulates the fraction of a *PopCell*'s *Resources* to be collected by the *Ruler* within each period of time. The second, *External Resources*, specifies the amount of resources that accrues to this *Ruler* irrespective of the number of *PopCell*s it possesses.

All the variables of *Ruler*s are time-invariant and exogenously determined, albeit in differentiated manners. With regard to *Traits*, the values assigned to the *Initial Government*, that is, the *Ruler* that is the government at the start of the simulation, are specified on the basis of crude empirical characterization of the corresponding government in reality. Otherwise, the *Traits*' values are randomly generated for each *Ruler* at the beginning, and held constant thereafter[3]. On the other hand, *Mobilization Factors*, as will be shown in the next section, are assigned values according to some drastic assumptions that make things tractable.

2. Interactions

The simulation proceeds as illustrated in Figure 1. Each run starts with the formation of the initial state. This is done by setting the *State* variables of all the *PopCell*s to the same value that is indicative of the *Initial Government*, thus placing the whole territory under the unitary rule of the government. The *Ruler*s other than the *Initial Government* are randomly scattered over the territory, without any *PopCell* to rule over yet. After forming the initial state, the model is run for a specified number of 'periods'. Each period consists of two phases, where the following behavioral rules are applied in turn[4].

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3   More specifically, each insurgent *Ruler* is set to infiltrate the virtual state from a predetermined point on the territory. Its *Traits* are then formed by randomly determining whether or not it is committed to each socio-cultural element that constitutes the Traits of the *PopCell* located on that point.

4   See Sakamoto (2011, chap.2) for more formal and complete specification.
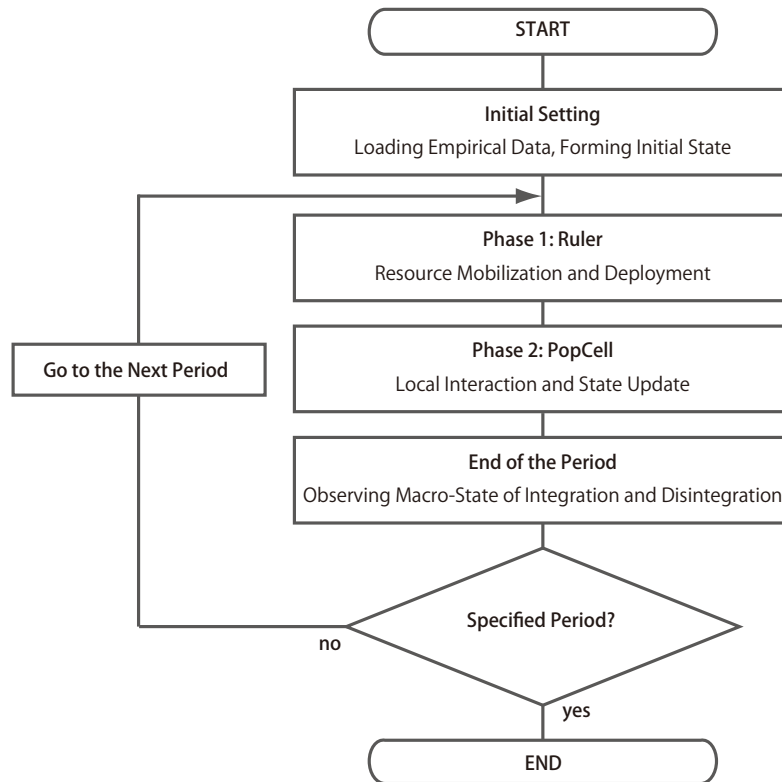
FIGURE 1. The Flow of a Simulation Run

Every *Ruler* is exclusively concerned with monopolizing the territorial rule in the virtual state. For this purpose, each *Ruler* mobilizes the human and material resources of the *PopCell*s under its rule, and spreads these resources——thus makes its presence felt——across the space.

The rules for the first phase describe how this happens. A *Ruler* mobilizes human and material resources from two sources: the *PopCells* under its rule (if the *Ruler* holds any *PopCell*), and an unspecified source that is external to the virtual state. The resources collected from the former are the sum of specific fractions of the Resources of the *PopCells* concerned, the size of these fractions being controlled by the *Mobilization Level* of the governing *Ruler*. To these resources, those from the latter source, the amount of which is exogenously determined in accordance with the *External Resources* of the *Ruler*, are added. Subsequently, the *Ruler* deploys the collected resources across the entire space that it controls. This is formalized as allocation of the resources to each *PopCell* in proportion to the 'weight', or importance that the governing *Ruler* attaches to the *PopCell* in question. As a plausible rule, a populous 'frontline' *PopCell* that adjoins another *Ruler*'s territory tends to receive more

weight from its governing *Ruler*[5].

The rules for the second phase depict the response of each *PopCell* to the preceding changes in the spatial configuration of *Ruler*s' presence. Here, all the *PopCell*s simultaneously update their affiliations with *Ruler*s on the basis of locally defined interactions, generating a renewed macro-state of territorial integration and disintegration. To be more specific, each *PopCell* stochastically determines its *State* variable in a way that, while allowing for a certain amount of contingency, basically reflects the following pair of logics[6].

Logic 1: Other things being equal, a *PopCell* tends to come under the rule of the adjacent *Ruler* that deploys the most resources to the neighborhood where it is located.

Logic 2: Other things being equal, a *PopCell* tends to come under the rule of the adjacent *Ruler* whose *Traits* are the most inclined toward its own *Traits* [7].

In the model, a *PopCell*'s 'neighborhood' is defined as a Neumann neighborhood that includes the cell itself and the four adjacent *PopCell*s that lie above, below, left and right. On the other hand, a *PopCell*'s 'adjacent *Ruler*' is defined as a *Ruler* that governs at least one *PopCell* in the neighborhood of the cell in question; or a 'latent' *Ruler* that happened to be

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5   More specifically, a *PopCell*'s weight is proportional to the product of the logarithm of its local population count multiplied by a certain inflator. The latter amplifies the effect of the former if the *PopCell* in question adjoins at least one *PopCell* under the rule of a *Ruler* other than its current *Ruler*.

6   In its formal representation, this stochastic rule follows the dominant spatial modeling approach typically found in stochastic mechanics. The basic idea is to define the 'potential' for a *PopCell*'s affiliation with each *Ruler* to be replaced with affiliation with another *Ruler*. The functional form of this potential satisfies both Logic 1 and Logic 2. Thus, for each *PopCell* i and for each *Ruler* k, if k is i's adjacent *Ruler* (see the main text), a local potential function $H_i(k)$ is defined as $H_i(k) = -Aff(i,k) - cR_i(k)$, where *Aff* denotes affinity between the *Traits* of i and k, $R_i(k)$ specifies a total amount of k's available *Resources* in i's neighborhood, and c, called *Coercion Effect* here, is a non-negative parameter scaling the potential of the second term in relation to the first. Otherwise, $H_i(k)$ is a sufficiently large constant, which effectively blocks i's state transition to k. By using a specific probability function that monotonically decreases with the potential thus defined, the probability of the *PopCell* being under the rule of each *Ruler* during each period can be calculated. On some grounds derived from information theory, this function takes the form of the Gibbs distribution, that is, $P_i(k) = \frac{1}{Z_i} \exp\left(-\varepsilon^{-1} H_i(k)\right)$ $(Z_i = \sum_{l \in \Psi} \exp\left(-\varepsilon^{-1} H_i(l)\right))$, where ε controls the amount of stochastic noise and Ψ is a set of all the *Ruler*s.

7   Affinity between the *Traits* of two kinds of agents is quantified almost the same way as Cederman (1997, 192) calculated his 'fit' value between a communal identity and a transcommunal identity.

placed on the cell at the start of the simulation but has not held it yet[8].

In short, Logic 1 represents military competition among *Ruler*s over the forced occupation of a *PopCell*; while Logic 2 reflects political competition among *Ruler*s to win over the hearts and minds of its inhabitants. The former drives the *State* of a *PopCell* in one direction in which the locally superior *Ruler*, in terms of the amount of resources deployed to the neighborhood, is likely to prevail on the cell. The latter drives the *State* of a *PopCell* in another direction in which the most preferred *Ruler*, in terms of the affinity between the Traits of two kinds of agents, is likely to dominate. As countless accounts of civil conflicts have revealed (e.g., Johnson 2003; Kurimoto 1994; Pool 2001; Young 1997), such interplay of forces, which often have conflicting directions, has almost always been observed in actual conflicts. The model places these essential politico-military interactions at the core of its micro-level logics.

B. GIS Data

Along the line shared by some of the latest research reviewed in the previous section (e.g., Weidmann and Salehyan 2013), the present study pursues the tight correspondence between virtual and actual worlds. In the context of the model introduced above, this can be achieved by assigning values that are based upon relevant empirical data to the variables of each agent in a virtual state. Specifically, this study relies on GIS data on several Northeast African countries: Ethiopia (before the independence of Eritrea in 1993), Kenya, Somalia, and the Sudan (before the independence of South Sudan in 2011). The following introduces two kinds of spatial datasets. Applying GIS data-processing methods to these datasets yields the spatial distributions of *Resources* and *Traits* of *PopCell*s in virtual states that strongly reflect the actual spatial makeups of those countries.

1. Resource Distribution

Every country has its own spatial configuration of human and material resources. Here, such a configuration is crudely approximated by employing spatial data on the population distribution of a country as well as non-spatial aggregated data of the country's Gross National Income (GNI); *Resources* variable of each *PopCell* is assigned a specific value that is the product of the total number of people living on the corresponding patch of territory and the annual per capita income derived from the country's GNI.

With regard to the sources of demographic data, the present study employs the Center for International Earth Science Information Network (CIESIN)'s *Gridded Population of the World version 3* (GPWv3) because of the clarity and simplicity of its mapping method (CIESIN et al. 2004). GPWv3 allocates the estimated world population to a series of geo-referenced grids at

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8   Logic 1 above should be interpreted in a slightly different manner for the case of a latent *Ruler*, since such a *Ruler* does not possess any *PopCell* to deploy its resources to. Specifically, the military capability of a latent *Ruler* is evaluated in terms of a total amount of resources available to itself, which in this case exclusively consist of its *External Resources*.

a resolution of 2.5 arc-minutes (approximately 5km at the equator)[9]. Figure 2 illustrates the estimated 1990 population distributions of Ethiopia and the Sudan. The gray scale shades display different sizes of local population on each cell as measured by its logged population count. The annual GNI of each country was acquired from the World Bank's African Development Indicators (World Bank 2005).
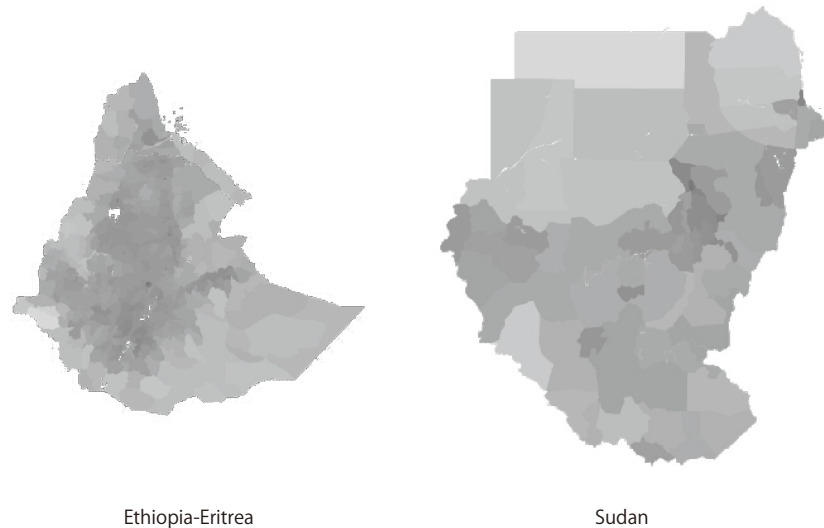

Ethiopia-Eritrea   Sudan

FIGURE 2. Population Distribution in Etiopia and the Sudan

2. Trait Distributions

With the notable exception of the GREG project that deals with the worldwide distribution of ethnic groups (Weidmann et al. 2010), there have been few comprehensive GIS datasets mapping socio-cultural traits that characterize human beings. Due to the paucity of available data, empirical spatial data on these traits have been gathered from various non-digital sources including paper maps, and have subsequently been integrated in a digitized form on a GIS platform. The endeavor is ongoing, and the data products themselves are still in need of constant improvement, especially with regard to their spatial precision[10]. Never-

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9   The geodetic system employed in GPWv3 is WGS84. This model is also applied to the other spatial data introduced below.

10 The latest version of the GIS dataset is available by request to the author. More accessible 'Virtual State Viewer', which is built on *artisoc* (see footnote 2), can also be downloaded from http://citrus.c.u-tokyo.ac.jp/vs/eng/. The latter shows the detailed spatial composition of the virtual states, on which the former's empirical data are directly reflected.

theless, these GIS data have sufficient quality and accuracy for certain purposes, including that of this study; a relatively large area of each *PopCell* in virtual states (30 min. x 30 min.) allows utilizing these data in the determination of the *PopCell*'s *Traits* without seriously compromising the reliability of the data.

The problem is which kinds of traits are relevant to analysis of civil conflicts. Focusing on the countries in Northeast Africa, at least three categories of traits have been conspicuous for their political and social importance: ethnicity, religion, and region.

The first category consists of traits that have been variously labeled as 'ethnicity', 'nation', 'nationality' and 'tribe' in the region. Construction of the spatial dataset in this category owes much to the existing linguistic distribution maps, such as those found in *Atlas of the World's Languages* (Asher and Moseley 1993). These maps were scanned, geo-referenced and then structured in the form of a vector-type GIS dataset, in which each data object represented as a polygon describes the spread of the corresponding ethnic group. Other relevant encyclopedias were also consulted for the purpose of examining and adjusting the classification of ethnic groups, although such adjustment remained minimal (Ayabe 2000; Skutsch 2004; Yaken 1999).

The GIS data regarding the second category, religion, were derived directly from those of the first. This is because a sizable proportion of the ethnic groups in the region retain their own systems of faith. These so-called 'traditional' religions exist side by side with the 'universal' religions, the latter including various denominations of Christianity and Islam, which also have a substantial number of followers in the region. Based on information obtained from the above-mentioned encyclopedias, the religion(s) that the members of each ethnic group are considered to believe in was specified, and the corresponding polygon object describing its spread was derived from the polygons in the first dataset.

As to the third category of traits, which captures the regional divides (e.g. 'North-South' division) observed in the region, the traits were approximated by the classification based on administrative units[11]. Such data were sought from several sources. For example, one of the principal regional divides in pre-1993 Ethiopia, between Eritrea in the north and the remaining part of the country, is directly reflected on the current border between the two separate sovereign states. Accordingly, its data were obtained from the spatial dataset on state boundaries provided as a supplement to the CIESIN's GPWv3 (CIESIN et al. 2004). In addition, the CIESIN provides detailed spatial information on the sub-national administrative units of each country in a PDF format. This information was utilized to generate spatial data on the north-south divide of the Sudan's territory. Finally, a similar division in Somalia was captured by the boundary between two colonial entities: Italian Somalia and British Somaliland. Digitizing and geo-referencing a paper map from the colonial period yielded GIS data on that division (Lewis 1998).

Sometimes, however, these three categories are too broad to differentiate peoples and characterize various political inclinations of ruling entities. Indeed, in the northeastern part of Africa, narrower kin and/or territorial subgroups not only have local importance, but also often have nation-wide political impact. In order to deal with these realities, the database of trait distributions has additional layers of information on sub-classes of each trait. The case in

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11 In fact, as Clapham (1996, 49) emphasizes, administrative divides have often assumed independent political importance in sub-Sahara Africa.

point here is the Somali lineage structure, whose spatial configuration was replicated in the dataset of ethnicity distribution from the detailed paper map that Lewis included in his work (Lewis 1998)[12].

Through somewhat complicated procedure of data conversion and interpolation applied to the above spatial datasets, the three-dimensional vector representation of *Traits* of each *PopCell* can be obtained (Sakamoto 2011, chap.3). Figure 3 displays examples of trait distributions in each dimension.
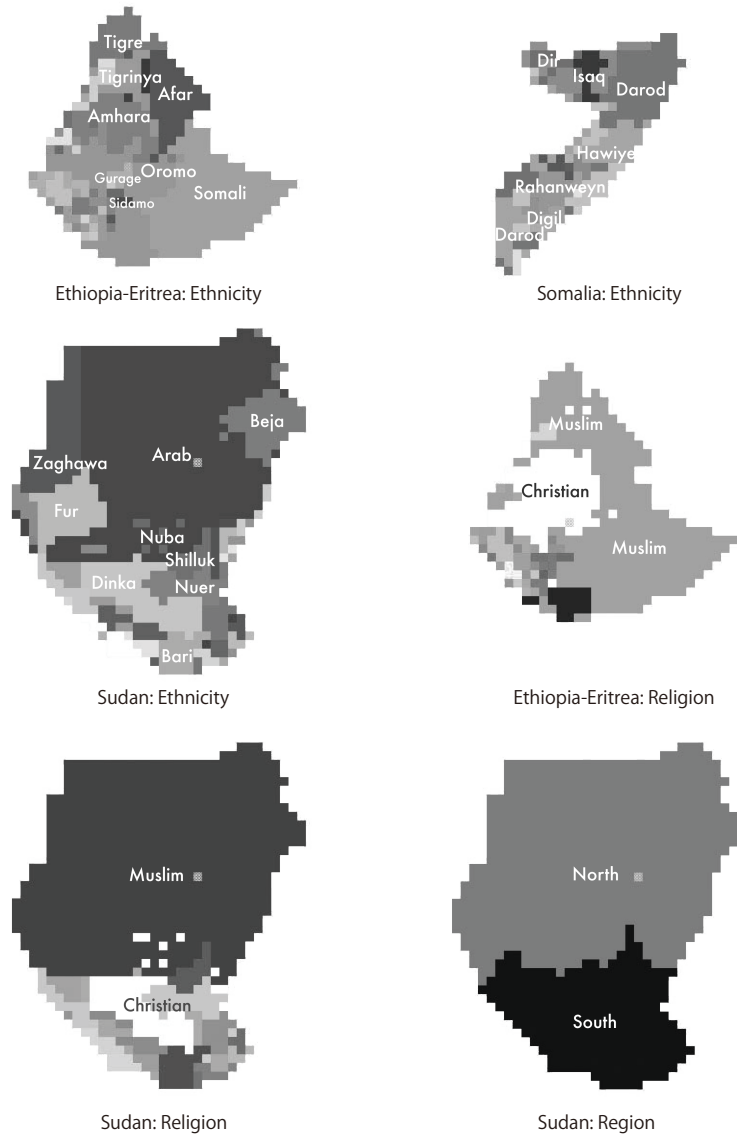

FIGURE 3. Examples of Traits Distributions in the Virtual States

12 In this case, a given trait is converted to an extended form of a string vector such that a string "18-03-01", for example, denotes inhabitants who belong to the Ogadeni clan ("01") of the Darod clan-family ("03") of the Somali ethnicity ("18").

IV. Understanding Observed and Unobserved Dynamics

The research platform just described allows researchers to tackle a variety of hitherto formidable questions on civil conflict, especially those about its spatial aspects as well as the accompanying dynamics of state territorial order.   One set of such questions pertains to understanding: how does civil conflict spread and recede across the territory of a sovereign state; how, in the process, does the state in question integrate and disintegrate on its territory; and why do all these things happen?   The following suggests a possible approach to handling these questions on the proposed platform, which is illustrated with brief reports on the simulations conducted in 'Virtual Northeast Africa'.

A. Target Countries and Governments

The intractability of spatial dynamics of civil conflict can be made clear from yet another angle: by showing their sheer diversity in reality. One can obtain a glimpse of this diversity in Table.1. The table summarizes the typical dynamics of conflict and territorial rule historically observed in the four countries in Northeast Africa while a particular government was in power in each country[13]. It also shows the GNI per capita of each country as well as empirical characterization of each government's inclination toward the traits of inhabitants (in order of ethnicity, religion, and region)[14]. Each dimension of the *Traits* of the corresponding *Initial Government* is determined according to the latter. Besides the data sources mentioned in the previous section, these pieces of information were derived from an extensive examination of the preceding case studies (e.g., Brons 2001; Gebru Tareke 1996; Johnson 2003; Kimenyi and Njuguna 2005; Lewis 2002; Markakis 1990; Pool 2001; Widner 1992).

Focusing on the last column of this table reveals a varying degree of deviation from the ideal of sovereign statehood that civil conflicts can bring to the existing states. On one hand, there are states like Kenya where armed conflicts, if they happen at all, lack a significant level of spatial expansion and temporal duration; and some semblance of territorial integrity is maintained as a result. On the other hand, that integrity can variously be eroded, starting from sustained but mostly localized conflicts of the sort that Imperial Ethiopia had faced in northern Eritrea and other places until it finally collapsed from the center in the 1974 revolution. The Sudan has been suffering from a still heightened level of conflict since its independence, especially in its south where the widespread expansion of insurgency, often accompanied by its own internal division, led to the effective division of the country's territorial rule. Somalia from the late 1980s offers the most extreme case of state collapse. There, a rapid succession of conflicts from the north eventually engulfed the whole country, leaving behind the serious disintegration of territorial rule among competing factions.

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13 Sakamoto (2011, chap.4) offers more extensive coverage of periods.

14 *Traits* in virtual Kenya do not include the regional dimension because of the relative lack, in its counterpart in reality, of the politicization independently based on administrative groupings. However, some historical examples, including the secessionist rebellion in the northeastern part of the country in the early 1960s (Markakis 1990, 182-191), might suggest otherwise.

These contrasting dynamics are admittedly crude as description; probably inevitably so given the general lack of spatial data describing precise conditions of territorial order in each sovereign state. Yet, the differences among these patterns are marked enough to treat the four cases as a representative set of samples that indicates the broad spectrum of actual conditions of civil conflict and territorial rule. As such, they offer a useful starting point to test the effectiveness of the platform of virtual states for capturing and explicating the complex reality.

	Government	Traits of the Government (Ethnicity/ Religion/Reion)	GNI per capita (1990)	Observed Pattern of Conflict and Territorial Rule
Ethiopia	Haile Selassie (1930-1974)	Amhara ("03") / Christian ("93") / Ethiopia ("01")	$168.94	Local Infiltration: sustained conflict in Eritrea; sporadic uprisings in the Southeast
Kenya	Daniel arap Moi (1978-2002)	Kalenjin ("53") / Indifferent ("*")	$343.92	Unitary Rule: sporadic clashes that are contained and localized
Somalia	Siad Barre (1969-1991)	Somali-Darod-Marehan ("18-03-02") / Indifferent ("*") / South ("01")	$116.58	Total Disintegration: nation-wide civil war among multiple factions; government collapse; ensuing relative tranquility in the North
Sudan	Successive Governments (1956-)	Arab ("01") / Muslim ("01") / North ("01")	$499.49	Division of Rule: North-South civil war; frequent conflicts in the South; uprisings in the North

Table.1　Target Countries and Governments

B. Simulations and Their Results

The virtual states are different from each other because each one is constructed from a particular set of empirical data, namely, the GIS datasets and other non-spatial data introduced above. The other aspects are set to be identical across all the virtual states, as Table.2 depicts[15].

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15 The parameters in the Table are measured against a scale that defines one unit of *Resources* as a value-added equivalent to 20 million US dollars on an annual basis.

The Number of Periods	500
The Number of Rulers (including the Initial Government)	100
Mobilization Level	1.0 for all the Rulers
External Resources	0.0 for all the Rulers
Coercion Effect	0.2
Sensitivity to Frontline	2
The Amount of Stochastic Noise	0.2

Table.2   Common Parameters of the Virtual States

Of the common parameters appearing in the Table, *Coercion Effect*, Sensitivity to Frontline, and Stochastic Noise have some functions in the formal specification of the model (see footnote 5 and 6), and each requires a brief mention. *Coercion Effect* controls the relative importance of military competition among *Ruler*s (Logic 1) as compared to political competition (Logic 2) in the determination of each *PopCell*'s *State*. *Sensitivity to Frontline* controls the amount of weight that each *Ruler* assigns to a *PopCell* located on the 'frontline' in the former's resource deployment. Lastly, *Stochastic Noise* specifies the extent to which each *PopCell*'s update of its own *State* is influenced by contingent factors.

Table 2 also shows that the *Mobilization Level*s of *Ruler*s are set to the same level while their *External Resources* are set to zero. Such assumptions about *Mobilization Factors* make subsequent simulations manageable. Moreover, the model's formal specification allows *Mobilization Level*s to be set to 1.0 without losing generality.

Given the parameters specified in the Table, and starting from the initial state where all the *PopCell*s are placed under the rule of a single *Initial Government*, the virtual states exhibit diverse spatial dynamics of armed conflicts and the accompanying territorial integration/disintegration. Some of these dynamics are realistic in the sense that the emergent spatial configurations are similar to the actual patterns of conflict observed in the corresponding real states. The four panels in Figure 4 depict examples of such configurations, each of which was sampled after 500 periods of simulation. In the figure, the *PopCell*s colored black are those that remain under the rule of the *Initial Government* after 500 periods. For example, the panel of virtual Sudan shows the typical north-south divide between the *Initial Government* based in the nort and a single insurgent *Ruler* that has emerged in the south. In virtual Somalia, on the other hand, the government's territory has completely disappeared amid the extreme disintegration of territorial rule. These simulated spatial patterns of conflict are consistent with the descriptions in Table 1, albeit in a somewhat exaggerated fashion.
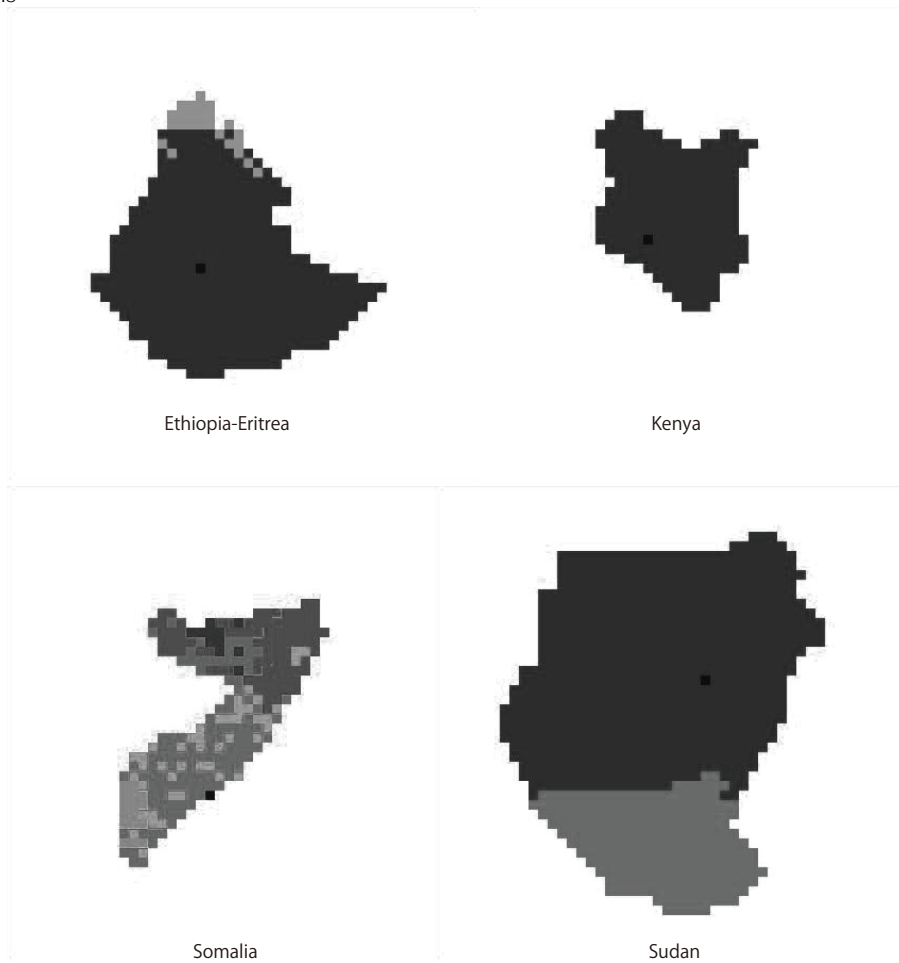
Ethiopia-Eritrea

Kenya

Somalia

Sudan

FIGURE 4. Spatial Patterns of Conflicts in the Virtual States

At the same time, however, the simulations generated other alternative scenarios with different spatial dynamics of conflict. This is not unusual given the highly stochastic nature of the model, which in turn demands a statistical treatment of the results. Figure 5 exhibits the simulation results of each virtual state in the form of frequency distribution of a certain summarizing index. This index, the *Disintegration Index* (*DI*), measures the amount of entropy that the given macro-state entails. Its value is non-negative, and increases as the territorial rule in a virtual state becomes more fragmented[16]. The frequency distribution was obtained from 20 simulation runs in each of the virtual states, and *DI* was sampled after 500 time periods in each run. In the figure, the dark-bordered areas correspond to the runs in which the *Initial Government* somehow survived the entire periods; while the light-bordered areas correspond

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16 More specifically, *DI* is defined as $DI=-\Sigma ter(k)\log_2 ter(k)$, where *ter*(*k*) denotes the ratio of a total area of *PopCell*s under the rule of *Ruler k* relative to that of the whole territory. The summation is taken over all *k*.

to those in which it disappeared from the scene prior to the end of the run. The lighter shade of colors indicates more disintegrative territorial order as measured by *DI*. The text labels in the graphs summarize the typical patterns found in the areas around them. These labels also reveal that some of the virtual states often show conflict dynamics considerably different from those observed in history.
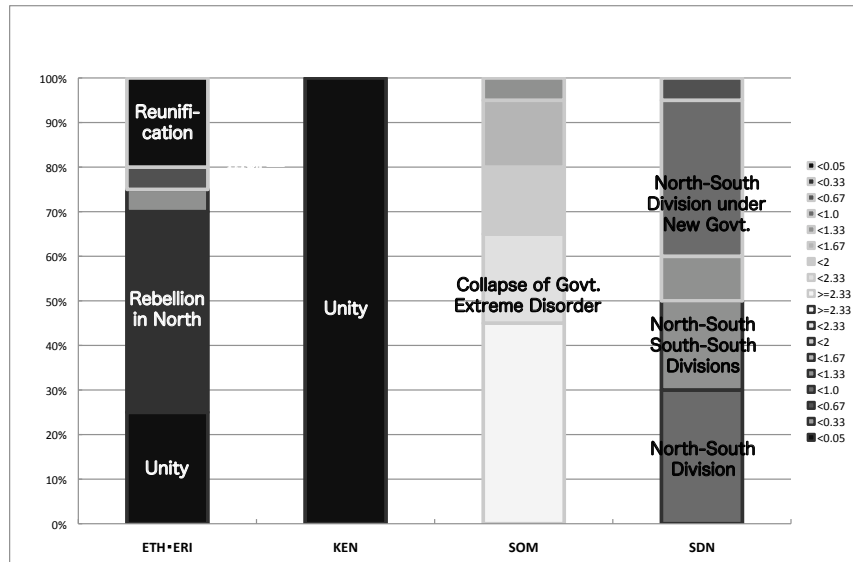

FIGURE 5. Long-Term Patterns of Conflicts in the Virtual States

The following is a brief account of each virtual state's dynamics drawn from these results.

1. Ethiopia (Haile Selassie)

The imperial government in virtual Ethiopia cannot avoid some form of rebellion in Eritrea in the north. Such a rebellion most often has a particular type of insurgent at its core, the *Ruler* whose *Traits* include Islam ("01") in its religions dimension and Eritrea ("02") in its regional dimension, reflecting the traits of the most excluded segment of the population concentrating in lowland Eritrea. Like the historical Eritrean insurrection, however, without mobilization of the large Christian population in highland Eritrea, these characteristics of the insurgents pose a certain limit to their long-term prospect for survival and expansion. Indeed, as the area of 'Unity' in the corresponding graph in Figure 5 indicates, the *Initial Government* was often successful in suppressing all of these rebellions during the 500 periods, thus maintaining the territorial integrity at the end of each run.

Moreover, rebellions were observed in other parts of the country as well, at least in the short term. One of the regions that witnessed their frequent occurrence is the southeast. This region has a vast stretch of a single locally dominant ethnic group, Somalis ("18"). This makes the coordination and expansion of insurgent activities relatively easy tasks. However, due to the thinly stretched demographic pattern, the region does not have enough resources to sus-

tain the challenges to the *Initial Government*, which makes most of their struggles quite short-lived.

Although these rebellions in the north and southeast did not directly threaten the *Initial Government*'s survival, they sometimes did so indirectly. As such rebellions force the government to deploy a larger fraction of its resources to the regions where the rebellions take place, they help induce potential insurgent *Ruler*s to emerge in other parts of the country. The most serious threat to the *Initial Government* in this regard comes from the populous area right around the capital, where ethnic Oromos ("16") are concentrated. In the simulations, this large and historically excluded group often exhibited the ability to sustain powerful insurgents, which occasionally overwhelmed the government and other competing organizations, thus bringing about the alternative 'Reunification' scenario found in Figure 5.

2. Kenya (Daniel arap Moi)

Among the four states, virtual Kenya shows the most robust tendency toward territorial unity. Conflicts there remained at most sporadic and localized. In fact, a large part of the territory of this state has a settlement pattern in which a number of different ethnic and religious groups coexist in a hugely mixed manner, making it hard for potential insurgents to organize and sustain a large-scale rebellion. Moreover, virtual Kenya has a relatively wealthy population that is mostly concentrated within a compact space, giving a substantial advantage to the *Initial Government* that can access their resources from the outset. Therefore, without denying the fact that territorial unity by no means implies an absence of bloodshed as the history of Kenya tells, it can be said that virtual Kenya is endowed with spatial configurations that are the least vulnerable to disintegration.

3. Somalia (Siad Barre)

As easily read from Figure 5, virtual Somalia, quite similarly to actual Somalia, is prone to face extreme disintegration of rule, and the government cannot expect even its survival in the long run. The extreme fragility of virtual Somalia in comparison with the other states can be explained by two factors. One is the severe material and demographic constraint that the state faces: any *Ruler* has to stretch its mobilized resources, a small quantity in itself, thinly over the vast territory. The other is the narrow extension of the *Initial Government*'s strongholds, i.e., Marehan ("18-03-02"), which prompts spontaneous emergence of insurgent *Ruler*s in many parts of the country.

As to long-term dynamics, the model generated substantial variation in results, including the prolonged division of rule among a large number of narrowly based fiefdoms. On the other hand, the model was largely unable to reproduce the formation of relatively large territorial entities observed in the north of the country: Somaliland and Puntland.

4. Sudan (Successive Governments)

As Figure 5 illustrates, virtual Sudan showed a strong tendency toward some form of north-south division. Broadly speaking, two typical patterns can be recognized here. One, which corresponds to the pattern observed in the first civil war (early 1960s-1972), is characterized by serious competition among southern insurgent movements along ethno-religious lines in addition to the north-south divide. This reflects a particular spatial configuration of the south where several locally dominant groups such as Dinka ("33") and Nuer ("35"), all alienated from the government in the north, are settled in their own homelands in a largely segregated manner. The other pattern, in contrast, overcomes the additional division in the south, and captures a certain degree of unity attained by SPLA during the second civil war (1983-2005).

Apart from the south, the government of virtual Sudan can face challengers in the north. The disastrous conflict in Darfur, for example, has its counterpart in virtual Sudan, although the latter never matched up with the former in its intensity and duration. Rather, more serious prospects for the *Initial Government* lies in its total collapse from the center, which is induced by emergence of insurgents based on the government's own stronghold among the Arab ("01") and Muslim ("01") population. Observed in as many as 50% of the simulation runs, these prospects become probable in the situation of a relative vacuum around the capital where most of the government's resources are devoted to the vastly stretched frontline in the south. It is instructive that, even in this alternative scenario of a full-scale civil war, which engulfs the northern as well as southern parts of the country, virtual Sudan demonstrates a persistent tendency toward north-south divide.

It should be noted that these juxtapositions of observed and unobserved patterns of conflict in the four virtual states are conditional on the parameter values given in Table 2. Manipulating each of the parameters across a broad range of values allows one not only to examine the robustness of the conflict patterns described above, but also to explore additional scenarios of war and peace that are yet to be seen in each virtual state. Although reporting such simulations exhaustively is simply beyond the space available, one example, which is illustrated in Figure 6, would be helpful for grasping the overall image. This graph plots successive histograms of the distribution of *DI*s among 20 simulations run in virtual Sudan as a function of the amount of the *Initial Government*'s *External Resources*. It is essentially an extension of the rightmost histogram in Figure 5: this histogram corresponds with the leftmost side of the graph in Figure 6 where *External Resources* = 0.0. The latter graph reveals that in the context of virtual Sudan, an increase in the amount of External Resources, a clear advantage to the *Initial Government*, does not necessarily translate into more integrative territorial rule. Rather, virtual Sudan demonstrates considerable resistance to change in this variable. While the relative frequency of each conflict pattern does in fact show dependence on its value (e.g., the decreasing occurrence of the 'south-south division' with increase in *External Resources*), the overall tendency toward the north-south division remains quite strong throughout.
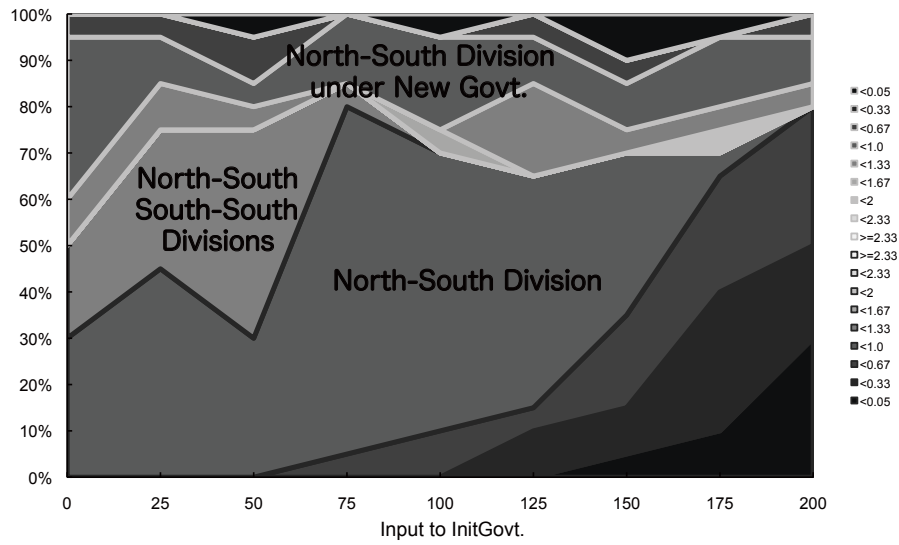
FIGURE 6. External Resources and Conflict Patterns in Virtual Sudan

C. Toward Richer Understanding of Conflicts

Illustrative and selective as they are, the above simulations suggest a certain degree of empirical relevance of the platform presented here. Given sufficient correspondence to actual sovereign states through empirical data, the virtual states generate diverse spatial dynamics of conflict that reflect some of the defining characteristics of the observed processes along with a variety of alternative dynamics. Obviously, there are still numerous aspects of reality that the model has been unable to capture (e.g., the formation of relatively peaceful areas like Somaliland in war-torn Somalia). Overall, the results obtained so far are nonetheless encouraging ones.

Different behaviors of the virtual states, observed as well as unobserved ones, are essentially generated through the model's application to a limited combination of mostly spatial datasets. Thus, the implication here is the importance of several dimensions of the state's spatial configuration for understanding civil conflicts. These include the spatial structure of political inclusion and exclusion; and the spatial distribution of human and material resources. As is indicated in the preceding analysis, the spatiotemporal dynamics of civil conflict and territorial rule show dependence on these factors in a largely non-obvious manner, defying easy reductionism: the simulated diversity can never be attributed to differences in one variable, say ethnicity distribution, alone. Although only extensive experiments and systematic comparisons conducted across diverse virtual states, of which those reported above constitute only a tiny part, would enable one to explicate the whole picture of this complex causality, the basic tool and procedure supporting such arduous endeavors are already in place.

V. Experimenting Policies

Given the virtual states that can more or less approximate observed dynamics of conflict, it is quite natural——almost irresistible——to ask another set of questions: how can spatial expansion of civil conflict effectively be prevented or managed across the territory of a sovereign state; how, in the process, can the unity and stability of the state in question be attained or sustained on its territory; and which policy means are effective in bringing about all these things? In fact, the proposed platform enables one to almost seamlessly proceed in this direction of policy analysis.

A. Three Options for Peace in the Sudan

The following offers a brief illustration of hypothetical policy experiments conducted in virtual Sudan, which has a persistent tendency toward the north-south divide as much as the actual one. Specifically, it focuses on three policy options that have historical as well as theoretical importance, and examines their respective effectiveness in bringing lasting peace to this country. The three options are as follows.

1. Pluralism

In view of the highly ethnocentric character of the successive governments in Khartoum, this policy prescribes an alternative of erecting a pluralistic government at the center: a government that embraces the coexistence of diverse peoples regardless of their ethnic, religious and regional backgrounds. In the context of virtual Sudan, the effectiveness of this option can be examined by changing the *Traits* of the *Initial Government* from highly inclined ("01","01","01") to totally indifferent ("*","*","*").

2. Autonomy

This option cedes a certain degree of political autonomy to the south under some form of regional governance. The historical precedents can be found in the institutional schemes stipulated in the Addis Ababa Agreement in March 1972 and the Comprehensive Peace Agreement (CPA) in January 2005.

Formalizing these schemes demands substantial extension of the model with various possibilities for their specification. The following, somewhat crude extension should be treated as the first step toward a more comprehensive treatment of the issue (see Sakamoto 2011, chap.6 for more complete specification):

(1) Allowing the *Initial Government* to have a dual-layered structure that consists of the 'central government' and the 'regional government' in the south.

(2) Introducing a new parameter, the *Degree of Decentralization* (*DD*), which assumes a value on [0,1], and which controls the degree of autonomy of the regional government in its relation with the central government.

(3) Extending the rule of the *Initial Government*'s resource mobilization in such a way that, of the resources mobilized in the south, the regional government takes the fraction specified by *DD*, and the central government takes the rest.

(4) Extending the rule of the *Initial Government*'s resource deployment in such a way that the regional government can deploy its resources only to the *PopCell*s located in the south while the central government can deploy its resources to anywhere under the control of the *Initial Government*.

(5) Extending the rule that calculates an affinity of a *PopCell*'s Traits with those of the *Initial Government* in such a way that its value for the *PopCell*s located in the south essentially consists of a *DD*-weighted sum of an affinity with the regional government and that with the central government.

(6) Allowing the regional government, along with its accompanying *PopCell*s in the south, to break away from the central government if the total amount of the former's mobilized resources exceeds that of the latter's.

The distinction between the 'north' and the 'south' here is identical with that in the regional dimension of *PopCell*s' Traits in virtual Sudan. Considering the situation in post-CPA Sudan, the central government inherits the *Traits* ("01","01","01") from the *Initial Government* in the preceding simulations; while the regional government's *Traits* is set to ("*","*","02").

3. Secession

From the perspective of the people of the south, the secession of their land from the northern half of the country represents the most advanced form of self-determination. They finally opted for this path, leading to the birth of the new state, South Sudan, in July 2011.

This policy option, historically much debated, can be easily examined in virtual Sudan: by splitting the virtual state into two parts along a specific border. This border is again derived from the data that was employed to differentiate regional traits of *PopCell*s in virtual Sudan[17]. Assuming the continued dominance of the current leadership in each part, the *Traits* of the two *Initial Governments* in two separate virtual states, namely, virtual North Sudan and virtual South Sudan, are set to ("01","01") and ("*","*") respectively, excluding the regional dimension of *Traits*.

B. Simulations and Their Results

Given the nascent nature of this study (see Conclusion), any policy implication should be drawn with some caveats on its real-world applicability. Still, policy experiments such as those illustrated here are very instructive: they sometimes reveal unanticipated consequences of various policies within a realistic environment where no one actually suffers or dies because of the negative effects of the given policy intervention.

The graphs in Figure 7 summarize the effects of the three policy options depicted above on the long-term behavior of the model. Except for the specific changes made for introducing

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17 The data attaches the heavily contested area of Abyei to the north.

each policy, the simulations were conducted in exactly the same setting as the previous ones (see Table.1 and 2). Each graph plots the frequency distributions of *DI*s sampled after 500 periods for different values of a control variable. The control variable in the first and the third graphs is the External Resources of the *Initial Government* while that in the second is *DD*. Each graph merits a brief account.
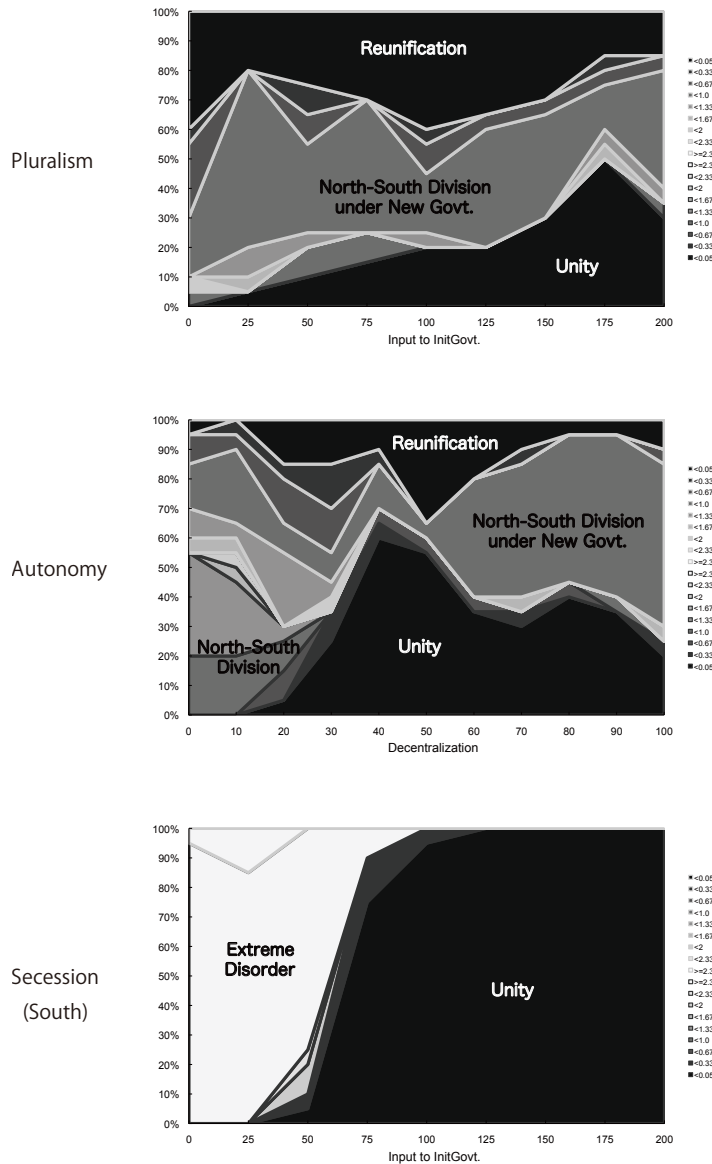

FIGURE 7. Policy Interventions and Conflict Patterns in Virtual Sudan

1. Pluralism

In virtual Sudan, pluralism does not contribute to the improvement in prospects for lasting peace. On the contrary, unless a considerable amount of *External Resources* is available, the pluralistic *Initial Government* cannot expect its own survival in the long run. Moreover, the most likely scenario after its collapse is exactly what it intended to avoid: a lasting civil war along the north-south division. This grim picture suggests the significance of the state's spatial configurations from another angle. The northern part of virtual Sudan has a vast area occupied by populous and mostly homogenous inhabitants, namely, the Arab/Muslim population. There, the pluralistic government cannot compete with a more exclusive *Ruler* that is deeply inclined to the Arab ("01") and Muslim ("01") traits. Since the latter *Ruler* has nothing to share with the southern population, with its rise in the north, the persistent pattern of the north-south conflict simply comes back.

2. Autonomy

Some form of decentralized arrangement in the south is likely to considerably alter the dynamics of virtual Sudan. While the corresponding graph in Figure 7 still shows the persistent pattern of the north-south civil war, it also suggests a notable change: the autonomy in the south can bring rare unity to virtual Sudan within a certain range of *DD*. Such a scenario is the most probable around *DD*=0.4, indicating that this level of decentralization ensures an appropriate mix of the *Initial Government*'s legitimacy and presence in the south.

3. Secession

The last graph in Figure 7 shows grim prospects for virtual South Sudan after the secession. In fact, as two panels in Figure 8 illustrate, the partition of virtual Sudan brings starkly contrasted scenarios to its former constituent parts. While virtual North Sudan maintains its territorial unity with less difficulty, its counterpart in the south is likely to be plagued with fierce conflicts among multiple *Ruler*s, which bring about serious disintegration of territorial rule. As the previous simulations demonstrate, the unity of the south is always precarious. Left with the sparsely populated and vastly stretched area that offers few resources, the government there finds substantial difficulty in consolidating this unity.

At the same time, the graph in Figure 7 also suggests that the situation is not totally hopeless. With a fair amount of *External Resources*, the government in the south can cope with the predicament. In the context of the actual Sudan, various sources of *External Resources* are conceivable for the south, including possible revenues from the oil fields scattered around the north-south border. Given this interpretation, it can be said that oil, which is one of the major issues yet to be settled between the north and the south, has direct implications for the peace and unity of the new country.
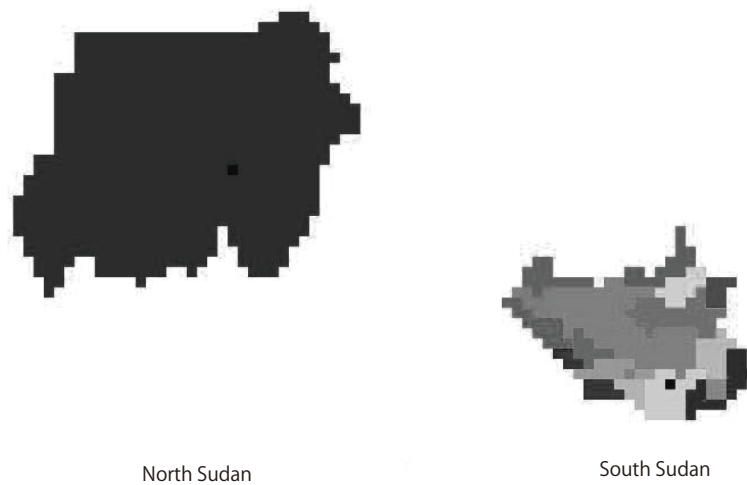
North Sudan   South Sudan

FIGURE 8. Spatial Patterns of Conflicts in Virtual North Sudan and South Sudan

VI. CONCLUSION

By employing MAS and GIS in a fully integrative manner, this study has offered a promising alternative for analysis of civil conflicts. First of all, it provided the research platform of virtual states, which makes the difficult intellectual task of capturing spatial dynamics of conflict largely manageable, and, in so doing, broadens the theoretical focus of conflict research to include the crucial process of state territorial integration and disintegration. Second, through the incorporation of various empirical data on the existing states within a common framework, this platform also enables researchers to explore spatial dynamics of conflicts in a highly contextual manner, without being bogged down in excessively idiosyncratic and unstructured arguments. Third, the research design built on this platform opened up the prospects for deeply integrated endeavors to theoretically understand as well as practically manage conflicts, which could significantly blur the traditional distinction between academic and policy fields of research.

This fresh approach to civil conflict received an encouraging initial boost from a considerable extent of congruence between the simulated spatial dynamics of conflict and their real-world counterparts. As is indicated above, however, the congruence is far from being complete. In order to achieve a better fit with reality in a broader range of cases, constant update both of the theoretical model and the empirical data is necessary. For example, the MAS model can be improved and extended substantially in several aspects, including, most notably, the explicit incorporation of trans-boundary influences exercised by neighboring countries and other external actors. Likewise, in addition to the efforts made to improve the quality of the GIS data, continuous efforts are needed to expand the data sample far beyond Northeast Africa. As is reported elsewhere (Sakamoto 2013), some of these endeavors have already been underway.

In addition to the problems about the research platform itself, there is also a crucial methodological challenge: its empirical validation. Specifically, the generated spatial dynamics of conflicts in different virtual states have to be subjected to more vigorous, preferably more quantitative, examination than the one offered here, which remains a somewhat sketchy comparison drawn with descriptive accounts of reality. This is a potentially serious but not insurmountable challenge since it is, in the end, largely a matter of data availability. In this respect, the ever-growing supply of relevant GIS data in recent years is quite encouraging. For example, there are now several GIS datasets on the location and scope of various conflict events (e.g., Raleigh et al. 2010). These data have enabled researchers such as Weidmann and Salehyan (2013) to employ sophisticated quantitative methods for validation as well as calibration of their respective MAS models. The comparative development is awaited here, especially in collection of the spatial data explicitly describing diverse conditions of territorial integration and disintegration that the sovereign states have actually displayed.

Overcoming these and other challenges would make it possible to analyze a larger number of civil conflicts in a more accurate and extensive manner. Researchers would also be able to draw more definitive conclusions regarding the effectiveness of various policies by examining the condition of virtual states prior and posterior to the implementation of these policies. It is hoped that the platform of virtual states offered here will not only become a useful academic tool for understanding and explaining conflicts, but also a strong practical tool for pursuing sustainable peace in many war-torn and war-prone societies in the world. The present study at least indicates that this is not an infeasible objective.

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RECLAIMING RELEVANCE: HOW THE UN's HUMAN RIGHTS BODY LOST ITS VOICE IN THE HUMAN TRAFFICKING MOVEMENT, AND HOW SPECIAL RAPPORTEURS ARE NOW BRINGING A NEW HUMAN RIGHTS PERSPECTIVE

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ABSTRACT

While human trafficking is often viewed as a human rights issue, current international law is firmly rooted in international criminal law. This was not always the case; the UN's human rights mechanisms had dealt with human trafficking issues since the UN's inception. By the late 1990's, however, these mechanisms became widely seen as ineffective in advancing the anti-trafficking cause. Today, Special Rapporteurs under the UN Human Rights Council are attempting to reinject a human rights perspective back into international human trafficking law, and often from a variety of perspectives that go beyond the current international criminal law framework of the Palermo Protocol.

This paper examines the last twenty years of anti-trafficking work in the main UN human rights mechanisms, with a focus on the Commission on Human Rights' research organs in the 1990's, the Commission's increasing irrelevance and the anti-trafficking movement's subsequent shift to international criminal law, followed by the emergence of the Special Rapporteurs in the 2000's, and their work in pioneering human rights approaches in their legal and policy recommendations. The article closes with an evaluation of their annual reports and the influence the Special Rapporteurs have had in bringing a human rights approach to current anti-trafficking law.

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I. INTRODUCTION

This paper analyzes the Human Rights Council's, and its predecessor, the Commission on Human Rights response to human trafficking over the last two decades. Beginning from 1993,[1] this paper analyzes the Working Group on Contemporary Forms of Slavery's track record of addressing a set of issues that included components of today's human trafficking paradigm. Entering the new century, the paper examines how an increasing number of Special Rapporteurs (SR) have addressed the various human rights aspects of human trafficking that go beyond the boundaries of Palermo, and that attempts to counteract the siloing that often separates the human trafficking movement from related human rights issues. Finally, this paper assesses the SRs' actual impact on the human trafficking movement, both in their roles in gathering knowledge and in developing solutions to current problems in the field.

II. THE CURRENT DEFINITION OF TRAFFICKING IN PERSONS

Before beginning our historical analysis, a brief introduction to today's dominant human trafficking paradigm is necessary to understand just how many disparate issue areas it brings together. For most of the relevant SRs and the HRC mechanisms overall, the definition of trafficking in persons comes from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo), supplementing the United Nations Convention against Transnational Organized Crime:[2]

> The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.[3]

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1   In the interests of length, 1993 was chosen as a convenient starting point, being ten years before the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo) came into force.

2   United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2237 U.N.T.S. 319, Nov. 15, 2000, entered into force Dec. 25, 2003 [hereinafter "Palermo"].

3   Id., art. 3.

The acts described as exploitation are what are now commonly identified as forms of human trafficking. They are roughly divided into 1) sexual exploitation, whether through prostitution or other means, 2) forced labor, 3) slavery, slave-like practices and servitude, and, somewhat oddly, 4) removal of organs. These elements each cover diverse fields of activity, and the phrase "at a minimum" ensures the definition can expand as new forms of exploitation are identified.

This definition has become the de facto definition within the UN system and among other intergovernmental organizations as well.[4] However, Palermo's widespread acceptance obscures the older set of conventions on slavery that the Commission based its work on prior to Palermo, and that the SR on Contemporary Forms of Slavery continues to reference in carrying out her mandate.[5]

III. THE 1990'S—THE SHIFT FROM HISTORIC SLAVERY TO TRAFFICKING IN PERSONS

This section examines the UN human rights mechanism's evolving paradigm on human exploitation during the 1990's, from historic acts of slavery to the broader focus on human trafficking seen today. It begins with an overview of the organizational structure of relevant human rights mechanisms in the UN at the time, with a focus on three particular bodies: the Working Group on Contemporary Forms of Slavery, which did the bulk of the work in researching and offering recommendations on issues that would eventually be called human trafficking, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which the Working Group reported to, and the highest level body at the time, the Human Rights Commission, along with its relevant resolutions. It concludes with an analysis of these entities' effectiveness in addressing trafficking in persons by the end of the 1990's.

A. Organizational structure of relevant human rights mechanisms within the UN

At the end of the 20th century, the main human rights-related body was the Commission on Human Rights, a subordinate body of the Economic and Social Council (ECOSOC). Beneath the Commission sat the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, a think tank that undertook human rights studies and made recommendations to the Commission with an aim of preventing discrimination "of any kind to human rights and fundamental freedoms and the protection of racial, national, religious, and linguis-

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4   Anne Gallagher, The International Law of Human Trafficking at 42, Cambridge (2010).

5   See infra, note 84.

tic minorities…"[6] Much of the Sub-Commission's work on human trafficking took place within the subordinate Working Group on Contemporary Forms of Slavery. Both the Sub-Commission and the Working Group were composed of independent experts, rather than country representatives.

B. The Working Group on Contemporary Forms of Slavery

Established in 1975 by ECOSOC,[7] the Working Group aimed "to review developments in the field of the slave trade and the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others." [8] The definitional contours of its mandate came from separate conventions on slavery and trafficking, namely: 1) the Slavery Convention of 1926[9], 2) the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956[10], and the 3) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949.[11] The Working Group provided annual reports on its findings to the Sub-Commission, which would summarize the report in a resolution it included in its own annual report to the Commission. The Commission would then pass resolutions, titled "Traffic in Women and Girls," that would highlight at most one or two issues from the Sub-Commission's resolution.

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6   See Sub-Commission on the Promotion and Protection of Human Rights, http://www2.ohchr.org/english/bodies/subcom/index.htm (previously the Sub-Commission on Prevention of Discrimination and Protection of Minorities). [hereinafter "Sub-Commsion"]

7   Cf. Commission on Human Rights, Report of the Working Group on Contemporary Forms of Slavery to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, E/CN.4/1993/27 (1993).

8   Report of the Working Group on Contemporary Forms of Slavery on its Eighteenth Session ¶ 1, E/CN.4/Sub.2/1993/30 (Jun. 23, 1993).

9   Convention to Suppress the Slave Trade and Slavery, Sep. 25, 1926, 60 LNTS 253.

10 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, Sep. 7, 1956, 226 UNTS 3.

11 Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, Dec. 2, 1949, 96 UNTS 271; Report of the Working Group on Contemporary Forms of Slavery on its Eighteenth Session, supra note 8 at ¶ 1.
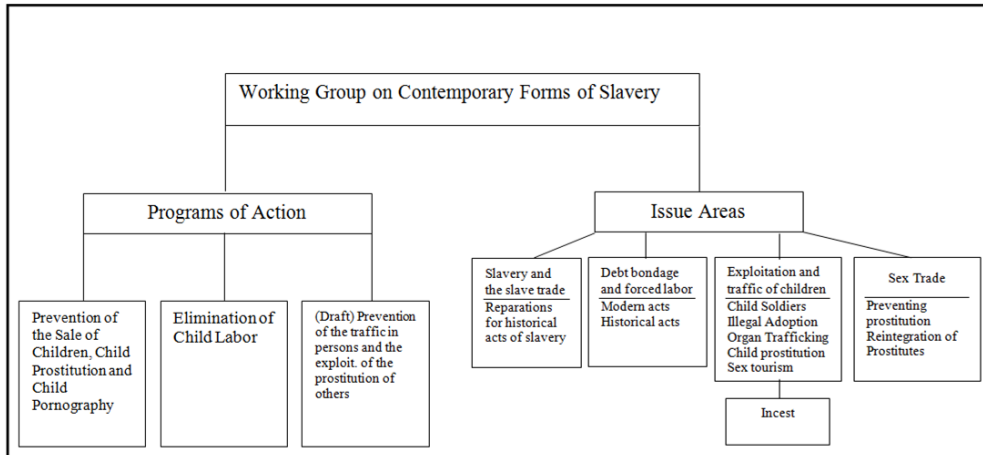
Figure 1: Summary of the 1993 report of the Working Group on Contemporary Forms of Slavery[12]

The Working Group's 1993 report captures its work at a point of conceptual transition, still discussing historical acts of slavery, such as Japan's practices during World War II, while shifting towards more modern forms of human trafficking. The historical issues largely disappeared from the Working Group's record after the mid-90's. The report's overarching theme reverses today's conceptual framework by making human trafficking a subset of slavery.[13] The issue areas also included those that today are outside of but related to human trafficking, such as child soldiers and illegal adoption.[14] The breadth of issues can be at least partially explained by the lack of an internationally established definition of human trafficking, despite the term appearing in international law for nearly fifty years by that point.[15] Regardless, the range of activities outlined above was likely due in part to the advocacy of particular NGOs, who appeared regularly in Working Group reports during the mid-1990's. These included the International Abolitionist Federation, Eyes Campaign Against Child Exploitation, Anti-Slavery

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12 See Report of the Working Group, supra note 8. (Figure 1 derived from Working Group's report)

13 As Figure 1 shows, human trafficking was discussed largely in terms of trafficking in children.

14 For example, the inclusion of incest as a form of slavery.

15 See Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 96 UNTS 271, Dec. 2, 1949.

International, and the International Fellowship of Reconciliation (IFOR).[16]

Human trafficking began to coalesce as a thematic issue in 1996, with the "Suppression of the traffic in persons and of the exploitation of the prostitution of others" becoming the Working Group's top agenda item in its review of developments in the field.[17] Other issues that would later fall under human trafficking retained their own agenda items, including bonded labor, child labor, forced labor, and child prostitution.

The Working Group's Record of Accomplishments

Throughout the 1990's, the Working Group acted as both information collector and advocate, taking testimony from NGOs and government representatives, while annually encouraging the UN and member states to respond to the issues it had raised. It also focused on advancing the accession and implementation of the three slavery and trafficking conventions, as well as the execution of programs of action it had drafted.

However, the body's recommendations had a decidedly mixed record of success. The conventions mentioned above saw an uptick in ratifications over the course of the decade, but the extent of the Working Group's influence on such modest progress is unclear.[18] The Working Group was handicapped by its lack of a mandate to review implementation of the three slavery conventions, and any authorization to proactively work with states in evaluating and reviewing their efforts to address slavery within their own borders.[19] For the most part, the Working Group could only request the Secretary-General to "invite" states to ratify the

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16 With the exception of the Eyes Campaign Against Child Exploitation, these groups continued to appear in Working Group reports through the mid-1990's. Reparations disappeared from the agenda after 1995, and with it, IFOR. The International Abolitionist Federation appears until 1997, while Anti-Slavery International appeared in the record through the Working Group's final report in 2005.

17 See Sub-Commission, Report of the Working Group on Contemporary Forms of Slavery on its Twenty-First Session at 2, Jul. 19, 1996, E/CN.4/Sub.2/1996/24.

18 Throughout the decade, the Working Group urged states to ratify the conventions. 16 countries ratified the 1956 Supplementary Convention on the Abolition of Slavery during the 90's, totalling 116 by the end of the decade, a 16% increase. 14 countries ratified the 1949 convention for the Suppression of Traffic in Persons, totalling 73, a 23% increase. Just 10 countries ratified the 1926 Slavery convention, totalling 81, or a 14% increase. An additional 2, 7, and 9 states respectively ratified the treaties in the 2000's. See Status of Treaties, united nations treaty database, available at http://treaties.un.org/pages/ParticipationStatus.aspx.

19 Although it requested an extension of its mandate and an appropriate authorization from the Sub-Commission in 1993 and 1994, no resolution from the Sub-Commission appears to have either granted or forwarded this request to the Commission. See Sub-Commission, Report of the Working Group on Contemporary Forms of Slavery on its Nineteenth Session at 29, Jun. 23, 1994, E/CN.4/Sub.2/1994/33 (Recommended draft resolution).

slavery conventions, and it made this request in every report throughout the decade.[20] Sadly, it seems that the Working Group's calls went unheeded. An observer from Anti-Slavery International noted that states failed to ratify the conventions not only because of a lack of understanding about slavery, but because states were often ignorant of these conventions' very existence.[21]

The Working Group was more productive in generating plans to address various forms of human trafficking, achieving modest success in moving the Commission to action on the issue. These plans were its three Programs of Action: the Prevention of the Sale of Children, Child Prostitution and Child Pornography in 1992[22] (SPP Program), the Elimination of Child Labor in 1994, and, finally, the Prevention of Traffic in Persons and the Exploitation of the Prostitution of Others in 1995.

The Commission's adoption of the SPP program reflects a particular moment in the children's rights movement in the early 1990's. The Convention on the Rights of the Child had just entered into force at the start of the decade,[23] with the first Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography appointed at the same time.[24] While the Convention contained provisions for its own committee body, the Working Group's creation of the SPP Program gave it a Commission-approved instrument through which to promote its policies.

A 59 paragraph comprehensive plan, the SPP calls for coordinated action at the national, regional, and international levels, with a focus on measures that today would be collectively called prevention, protection and prosecution.[25] It approaches child trafficking from a poverty lens, underscoring that economic conditions largely drive vulnerabilities to child trafficking,[26] and holds that neither tradition, poverty, nor lack of development is an excuse for a state to allow child trafficking to occur.[27] It also recognizes that developed nations have a responsibil-

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20 See e.g., Report of the Working Group on Contemporary Forms of Slavery on its Eighteenth Session at 33, Jun. 23, 1993, E/CN.4/Sub.2/1993/30.

21 See Report of the Working Group on Contemporary Forms of Slavery on its Twentieth Session, Jun. 13, 1995, E/CN.4/Sub.2/1995/28 at 5.

22 Programmes of Action for the Prevention of the Sale of Children, Child Prostitution, and Child Pornography, E/CN.4/1992/84/Supp.2, annex. (1992) [hereinafter "SPP Programme"]

23 Convention on the Rights of the Child, Nov. 20, 1989, 1577 UNTS 3 (Entered into force Sep. 2, 1990).

24 See Commission on Human Rights, Sale of Children, E/CN.4/1990/68 (1990).

25 SPP Programme, supra note 22, at ¶3.

26 Id., ¶5

27 Id., ¶¶ 9-10

ity to support developing countries in fighting child trafficking.[28] Major provisions of the program include information gathering and sharing, as well as cooperation between NGOs, the media and law enforcement, and effective legislation. Most importantly, the SPP highlights how economic development addressing structural poverty can attack the root cause of child trafficking.[29] These principles lay out the fundamentals of many good practices in modern anti-trafficking efforts.[30]

The SPP was a victory for the Working Group. The Commission's approving resolution was reasonably supportive: it recommended all states, not just parties to the Convention on the Rights of the Child, to adopt legislative and administrative measures to implement the program,[31] and it requested states to periodically inform the Sub-Commission of the progress of implementation.[32] With the Sub-Commission required to report to the Commission, the Working Group had an indirect way of speaking up should implementation lag. The Commission attempted to tie the SPP program to the Committee on the Convention of the Rights of the Child and the Special Rapporteur on the Sale of Children, Child Prostitution and Pornography (SR SPP) by inviting both to consider the SPP Program in their work.[33]

The SPP program survives today as a reference in the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.[34] While it is not clear the extent to which the regular reports on the SPP's implementation impacted the optional protocol's creation or implementation, it was a victory for the Working Group and was at least successful in pushing some member states to generate new informa-

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28 Id., ¶ 7

29 Cf. id., ¶ 32.

30 The statements summarized in this paragraph were common understandings at my work at both the UN Inter-agency Project on Human Trafficking, as well as at the Polaris Project.

31 Commission on Human Rights, Programmes of Action for the Prevention of the Sale of children, Child Prostitution and Child Pornography and for the Elimination of the Exploitation of Child Labor, E/CN.4/1992/84/Supp.2 at 175 (1992). (note Program of Action for the Elimination of Child Labor approved in 1992, but text of Program did not appear in the record until 1993).

32 Id. at 176, ¶ 7.

33 Id. at 175-76. The Working Group reported on and continued to encourage states to report their implementation until 2003. The Sub-Commission seems to have had some success; it regularly received reports from states, NGOs, and special rapporteurs. See e.g., E/CN.4/Sub.2/1999/17 at 36.

34 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, Preamble at ¶12, A/54/49, May 25, 2000, entered into force Jan. 18, 2002.

tion on the program's issue areas.[35]

The success of the Program of Action for the Elimination of the Exploitation of Child Labor (ECL) is less clear, as it was not tied, even loosely, to a new or existing convention. Still, it provided a conceptual framework that considered aspects of human trafficking within the larger context of child exploitation. It addressed forced labor and other acts that would today be considered human trafficking, alongside those that would not.[36] The program provides a useful illustration of how a set of human rights violations that fall outside of Palermo are in fact strongly connected to human trafficking.[37]

Finally, the Working Group struggled to gain Commission approval on its draft Program on the Prevention of Traffic in Persons and the Exploitation of the Prostitution of Others.[38] Eventual approval was qualified; the Commission did not pass an official resolution supporting the Program, leaving the Working Group, rather than the Commission, to request each year that the Secretary-General invite states to report on implementation of this program.[39]

Ultimately, the Working Group's accomplishments were those of engagement with some set of stakeholders concerned with human trafficking, and producing research and recommendations that in many cases are still relevant today. However, it is unclear the extent to which its work reflects the development of original ideas, and how much constituted reporting on shared thinking with advocates who likely lobbied the same ideas in other forums as

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35 It is easy to overstate the SPP Program's impact. The Special Rapporteur on the Sale of Children, Child Prostitution and Pornography ceased to refer to it in their annual reports after 1996, just six years after its adoption.

36 Child soldiers and using children as drug traffickers, are important issues that traditionally fall outside of human trafficking considerations. See Programme of Action for the Elimination of the Exploitation of Child Labour ¶¶3-5, E/CN.4/RES/1993/x79 (1993).

37 The Working Group continued to receive reports on the ECL through 2004, although like the SPP, the Special Rapporteur on the Sale of Children, Child Prostitution and Pornography ceased to refer to it in their annual reports fairly early on, after 1994.

38 While it welcomed the Commission's "adoption" of the Programme of Action, see E/CN.4/Sub.2/1996/24 at 25, the Commission never did so through official resolution, as it did for the other two programs. Ultimately, the Working Group's subsequent reports simply refer to the last draft it submitted in 1995.

39 The Program was less articulated than either the SPP or the ECL. Like both programs, it contained no definition of "trafficking," very problematic for a document focused on eliminating it, whatever "it" was. While the program contained provisions still relevant to modern anti-trafficking, including focuses on education, gender equality, and a need to address structural inequality in order to prevent trafficking, it also took "socially conservative" positions, including "strengthening the family nucleus and respect[ing] moral values," as a method of preventing prostitution and trafficking, advocating the abolition of all prostitution generally, and rehabilitation for those "saved" from prostitution. See E/CN.4/Sub.2/1995/28/Add.1 at ¶26.

well. Nevertheless, the Working Group cannot be held responsible for the overall lack of progress on human trafficking within the UN's human rights branch. The political organs above it, particularly the Commission,had the actual power to make official recommendations to states, and thus deserve the blame.

C. The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Throughout the 1990's, the Sub-Commission did little more than summarize the Working Group's findings into an annual resolution that it passed on to the Commission above it. Like the Working Group's reports, the Sub-Commission's resolutions covered the same issues each year.[40] In terms of a narrative on the Sub-Commission's understanding of human trafficking, the resolutions do show that the Working Group and the Sub-Commission gradually became aware of crucial issues that promote human trafficking, such as the role of corruption and the use of the then-nascent internet for sexual exploitation of children.[41] However, the largely unchanging content from year to year shows that little progress was made, and suggests resignation at the lack of movement among member states at the Commission level.

D. The Commission on Human Rights and Relevant Resolutions

If the Sub-Commission's resolutions were summaries of the Working Group's report, the resolutions on the "Traffic in Women and Girls" that the Commission passed annually contained bare references to all the work that had been done within its subsidiary bodies. In contrast to the detailed recommendations that the Working Group made, the Commission opted instead for short, broad policy recommendations that contained no suggestions for implementation, nor calls for member states to examine the recommendations of the Working Group. [42]

The recommendations became somewhat more specific as the decade went on, but nota-

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40 In a typical example, the 1997 report examined the "prevention of traffic in persons and the exploitation of others," a set of child exploitation issues that include segments covering the Special Rapporteur on SPP's report, the Program of Action on SPP, a section on organ trafficking, and multiple sections on labor exploitation. See Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its Forty-Ninth Session, E/CN.4/Sub.2/1997/50 at 54-61.

41 See e.g., E/CN.4/Sub.2/1999/54 at 51,52 respectively.

42 For example, its 1995 resolution simply "Request[ed] Governments to pursue a policy of information, prevention and rehabilitation of children and women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect." E/CN.4/RES/1995/27, ¶14.

bly not within the framework of the Working Group's Programs of Action. Instead, they were situated within the context of external frameworks, such as the Platform for Action of the Fourth World Conference on Women,[43] the Vienna Declaration, and the Program of Action of the World Conference on Human Rights. While the political nature of such declarations made by states could well have more normative force than recommendations advanced by experts, it is striking that the Commission, a political body, failed to advance an agenda of its own on the issue, particularly given the expert resources available within the Sub-Commission and the Working Group.

E. The end of the 1990's—speaking, but not acting on human trafficking

At the end of the 1990's, the Commission and its sub-units had mostly transitioned from historic issues of slavery with human trafficking as a sub-component, to a stronger focus on trafficking as a central issue, albeit mostly through the lens of trafficking in women and girls. While the Working Group had covered a range of issues broader than the scope of human trafficking as currently conceptualized, the Commission made little effort to actively promote the recommendations that were based on years of accumulated input. Given the growing acceptance of human trafficking as an issue of concern to so many nations in the late 90's, the lack of initiative was an example of the Commission's ineffectiveness as a political body.

Still, three issues do stand out. First, the resolutions were always adopted without a vote, suggesting that they reflected only a bare consensus amongst the member states of the Commission. The consensus held that trafficking was a problem, that states cared most about trafficking in women and children, and that some general exhortations towards addressing the issue were in order. The shining exceptions to this pattern of behavior were the Program of Action on the Sale of Children, Child Prostitution and Child Pornography and the Commission's contributions to elaborating an optional protocol to the Conventions on the Rights of the Child. Second, the absence of much of the Working Group's recommendations, and indeed the Commission's refusal to formally approve the Program of Action on Trafficking, suggests that disagreement between member states over content existed during the decade. Third, while recognizing and promoting accepted action plans on human trafficking in other political forums was perfectly reasonable, the Commission missed a valuable opportunity to insert its organization's own expert knowledge and suggestions into these declarations of support. The Commission thus proved incapable of taking the lead on the issue.

Ultimately, the Working Group persisted until the demise of the Commission, but with attention increasingly focused on the human rights battle looming over the drafting and implementation of the Palermo Protocol, the Commission continued to mostly ignore its reports, instead slowly outsourcing parts of its mandate to new Special Rapporteurs on Migration and on Trafficking in Persons. The HRCfinally replaced the Working Group with a Special Rap-

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43 See e.g., E/CN.4/RES/1998/30, ¶ 4.

porteur in 2006. Despite criticism of the Working Group's inability to affect policy,[44] its work expanded knowledge of human trafficking at a time when the issue was just emerging in the international community's consciousness, and its focus on child exploitation in the decade had at least some measure of success.

IV. THE 2000'S: RISE OF PALERMO AND THE SPECIAL RAPPORTEURS

With the turn of the 21st century, the Palermo Protocol began pulling attention on trafficking out of the human rights paradigm and away from the Commission. At the same time, existing and newly established Special Rapporteurs began investigating human trafficking issues from a variety of human rights perspectives, but with a position and authority that the old Working Group lacked. This section will briefly examine this transition before focusing on the rise of four Special Rapporteurs who have and continue to address various aspects of human trafficking.

A. Palermo and the Commission on Human Rights' Increasing Irrelevance

By the end of the century, inaction on human trafficking sent momentum towards criminal justice actors, [45] who negotiated both an anti-organized crime convention and an attendant optional protocol on human trafficking. Movement started as early as 1996, when ECOSOC directed the Commission on Crime Prevention and Criminal Justice, a sister body of the Commission on Human Rights, to establish a Working Group that would elaborate a comprehensive convention on transnational organized crime.[46] By November of 2000, the General Assembly approved the Convention on Transnational Organized Crime and the Palermo

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44 Professor Gallagher sums up the Working Group's stature: "…[it] exercised almost no influence on the policies or actions of States during its lackluster tenure. The insignificance of the Working Group on contemporary forms of slavery within the broader international system is brought home through the manner of its passing…That its eventual abolition went unnoticed is compelling evidence of its deep irrelevance." See Anne T. Gallagher, The International Law of Human Trafficking at 477, Cambridge (2010)

45 "[I]t was the chronic inability of human rights law and the human rights mechanisms to deal effectively with contemporary forms of exploitation, including trafficking, that provided a number of States with the incentive to move outside that system for a more effective response." Id. at 477.

46 See ECOSOC, E/RES/1996/27 (1996).

Protocol.[47]

The silence from the Commission and its subsidiary bodies on the development of the Convention and the Protocol, and the silence in return from those instruments' drafting bodies on the activities of the Working Group, underscores just how marginalized the human rights mechanisms were in this process.[48] The Commission, standing on the sidelines, simply "encouraged" drafters to give the convention and protocol a "human rights perspective."[49] By 2001, the Commission pivoted to urging governments to consider ratifying the Convention and the Protocol.[50] (emphasis added)

Until its demise in 2006, the Commission passed annual resolutions on the traffic of women and girls that went largely unchanged from year to year.[51] It would not move beyond these hortatory statements, never repeating the success of the optional protocol to the Convention on the Rights of the Child.

B. The Rise of the Special Rapporteurs related to human trafficking

With the Palermo Protocol quickly gaining acceptance as the conceptual basis in international law for human trafficking, four relevant Special Rapporteurs (SR), two established in the 1990's and two in the 2000's, shaped their mandates over the first decade of the 21st century to advocate for a human rights approach to the field. While some worked within the confines of the Palermo Protocol's definition of trafficking in persons, others continued to work through other legal paradigms, thereby bringing attention to issues outside of Palermo and underscoring the interconnected nature of human trafficking with other human rights issues.

This sub-section broadly outlines, in chronological order of establishment, the work of the SR on the Sale of Children, Child Prostitution and Child Pornography (SPP) (1990); the SR on the Human Rights of Migrants (1999); the SR on Trafficking in Persons, Especially Women and

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47 General Assembly, United Nations Convention against Transnational Organized Crime, A/RES/ 55/25, Nov. 15, 2000.

48 The Commission on Human Rights in 1999 "encouraged" governments to fully include "a human rights perspective and to take into account work being done in other international forums, particularly the Commission on Human Rights Working Group on an optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography." E/CN.4/RES/1999/40, ¶8. The Commission failed to mention the reams of material that the Working Group on Contemporary Forms of Slavery had generated, let alone its Program of Action on human trafficking.

49 See E/CN.4/RES/2000/44, ¶8.

50 E/CN.4/RES/2000/41, ¶8.

51 See e.g., E/CN.4/RES/2004/45.

Children (TIP) (2004); and the SR on Contemporary Forms of Slavery (2007). Particular attention is paid to the connection between their work on human trafficking and other human rights issues and the conceptual or legal frameworks they have developed. The section then addresses the challenge of evaluating the SRs' "effectiveness" in advancing human rights in the anti-trafficking world.

C. The Special Rapporteur on Sale of Children, Child Prostitution, and Child Pornography

The oldest SR mandate began approximately at the same time as the Convention on the Rights of the child.[52] Throughout the 1990's, the SR behaved much like the Working Group, examining a range of issues each year.[53] From 1999, successive SR mandate holders began to devote their time to annual thematic issues. These reports not only recorded on the ground conditions and developments, but also examined the conceptual underpinnings and the definitional issues surrounding that theme. For example, the SR's 1999 focus on the sale and trafficking of children examined the controversy over the exact meaning of "sale,[54]" and wrestled with the definition of human trafficking at a time when Palermo did not yet exist.

While the SR SPP mandate holders have spent many years focusing on issues of human trafficking of children, it has not been their only work.[55] Other times, they have approached human trafficking as merely a piece of a larger lens of child welfare. In 2004, the SR focused on commercial sexual exploitation of minors (CSEC). While welcoming Palermo as a method of dealing with this issue, the SR sought to inject CSEC considerations into child-centered programs, rather than informing trafficking specific programs with children's issues. This approach is a vital contribution to placing human trafficking as an element within broader human rights concerns, while at the same time hopefully attracting the attention and active participation of those government actors who may not normally be considered anti-trafficking stakeholders.

Finally, the SR has made direct contributions to the understanding of issues that cuts across multiple human trafficking issues, and in one case did so as a collaborative effort with

52 Comm'n On Human Rights, Sale of Children, E/CN.4/1990/68, Mar. 7, 1990.

53 See e.g., Rights of the Child, Report submitted by Mr. Vitit Muntarbhorn, Special Rapporteur, in accordance with Commission on Human Rights resolution 1993/82, E/CN.4/1994/84, Jan. 14 (1994) (topics included adoption for commercial purposes, exploitation of child labor, sale of organs, and child prostitution and pornography generally).

54 See Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Ms. Ofelia Calcetas-Santos, E/CN.4/1999/71 at ¶ 29-34, Jan. 29, 1999.

55 The reports for 2002-04, for example, focused on issues that would fall outside of Palermo's definition of human trafficking. See e.g., E/CN.4/2002/88, Feb. 4, 2002. (for example, the issue of sexually exploited children and HIV/AIDS)

another SR. In conjunction with the SR TIP, the two mandates undertook an ambitious plan to map demand for commercial sex across the world. Both SRs took an abolitionist position on prostitution, noting that respondents to inquiries often cited an increase in demand for prostitution when it was legalized.[56] At the same time, both were careful to acknowledge those respondents who wanted to draw a stronger connection between CSEC and forced labor. Taking Palermo's mandate for states to address demand, both SRs wrestled with how demand should be defined. Their analysis was informed from multiple human rights perspectives, including, gender, race, globalization, as well as whether supply or demand drives the market.[57] Noting that the end users (Johns) receive the least attention, the SRs recommended criminalizing Johns rather than prostitutes, while acknowledging that fully addressing demand would require increased action by recipient countries, including addressing the socially and economically oppressive conditions that drive women to meet that demand.[58] Their recommendations covered areas in trafficking that are as important as they are often overlooked, including stronger penalties on clients in order to end the culture of impunity and prevention strategies that target and also involve men.[59]

D. The Special Rapporteur on the Human Rights of Migrants

Despite the entry into force of the International Convention for the Protection of the Rights of All Migrants and Family Members in 1990, the related SR mandate did not receive approval until 1999.[60] In elaborating the legal framework of her mandate in 2001, the SR cov-

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56 See E/CN.4/2006/62 at ¶¶46-49. The SRs even repudiated the term "sex work", noting that the legitimate labor the term implies "reflects a profound misinterpretation of the current practice of prostitution throughout the world, and that based on the SR TIP's own experiences and work as an SR, the majority of prostitution throughout the world is accomplished as a form of human trafficking. Id., ¶ 48.

57 Id. at ¶¶50-78. Interestingly, the SR also questioned whether the economic perspective that the term demand implies can fully accommodate the human rights considerations of human trafficking. See id. at ¶55-56.

58 Id. at ¶¶74, 78, 84-86.

59 The SR also produced substantive work on child pornography on the internet in 2009. An excellent example of how an SR can bring laser-like focus on an issue and offer concrete recommendations, the SR discussed definitional elements, scope, forms, legislative framework, and existing actions against child pornography, and focused recommendations around victim assistance legislation and private sector cooperation activities. See A/HRC/12/23, Jul. 23, 2009.

60 Why this is so is not clear from published documents. However, one likely factor would be the more difficult politics involved. Migration involves sensitive issues of border control, national security, and state sovereignty, which can and have often trumped human rights considerations.

ered a wide range of human rights instruments, although noting only that the Palermo Protocol was relevant to her work.[61] However, she later referenced Palermo's definition of human trafficking as the definition relevant to her mandate,[62] underscoring Palermo's influence and growing acceptance, even at a time when the Protocol had not yet entered into force.[63] While accepting its definition as a starting point, she noted that Palermo should be interpreted from a migration lens. Similar to the SR on SPP, this SR was interested in her own mandate's particular perspective on human trafficking rather than on human trafficking as a central issue.

Given that Palermo's transnational focus[64] implicates human migration, this SR has devoted significant attention to trafficking.[65] The SR has been saddled with one of the more difficult challenges in the field, namely elaborating the difference between smuggling and trafficking.[66] The SR has addressed this issue multiple times, referring not only to Palermo, but also to its sister protocol on human smuggling.[67] Beyond these issues, the SR has addressed trafficking as a component of broader challenges, including the human rights of domestic workers,[68] the criminalization of irregular migrants,[69] and the protection of children in the context of migration.[70]

Aside from the critical delineation between trafficking and smuggling, mandate holders have contributed less to conceptual or legal issues. Instead, they have focused more on ground level issues that cut across the field. For example, the SR devoted one report to fraudulent documentation, a key issue related to both human trafficking and migration

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61 This was in some ways quite reasonable, as Palermo and its underlying convention are not human rights instruments.

62 Report of the Special Rapporteur, Ms. Gabriela Rodríguez Pizarro, submitted pursuant to Commission on Human Rights resolution 2000/48, E/CN.4/2001/83 at ¶33, Jan. 9, 2001.

63 See Palermo, supra note 2.

64 See Palermo, supra note 2, art. 4.

65 See E/CN.4/2002/94. Interestingly, the thematic focus was "Trafficking in Migrants, especially women and children." which echoes Palermo's wording. (emphasis added)

66 This is a distinction that many countries continue to struggle with. The SR in 2008 noted that "in certain cases there seems to be a largely superficial distinction between the two practices, as well as confusion about their definition and scope…" See A/HRC/7/12 at ¶18, Feb. 25, 2008.

67 See e.g., id.

68 See E/CN.4/2004/76.

69 See A/HRC/7/12, Feb. 25, 2008.

70 See A/HRC/11/7, May. 14, 2009.

generally.[71] That report highlights the value of multiple SRs engaging with human trafficking: by approaching an issue from their own mandate's foundation, they can bring knowledge and best practices from other fields that a mandate focused solely on trafficking may not have ready access to.

Finally, the SR is unique among the four SRs mentioned in taking a non-abolitionist stance on prostitution.[72] In pointing out the often overlooked reality that sexual exploitation is not the only form of human trafficking, the SR also asserted that sex work does not always amount to sexual exploitation; instead "sex work may be a voluntary choice of employment."[73] The SR's perspective represents a long-running controversy within the trafficking world over the nature of commercial sex, and whether it is a form of legitimate labor, or if it always amounts to human exploitation.[74] This again highlights the importance of multiple mandates addressing human trafficking, as they can represent different perspectives on controversial issues within the movement.

E. The Special Rapporteur on Trafficking in Persons, Especially Women and Children

Stepping in to an area that had already received significant coverage from previous SRs, the first SR TIP acknowledged she faced a complex mandate that overlapped with other SRs.[75] Defining her mandate in reaction to Palermo,[76] she acknowledged UNODC's work on trafficking, but criticized the tone of the movement behind Palermo as overly focused on criminal justice, and lacking in sufficient victim-focused protections.[77]

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71 See E/CN.4/2001/83.

72 Cf. E/CN.4/2004/76 at ¶43. Although this position may change should a subsequent another mandate holder hold the opposite opinion.

73 Id., ¶43.

74 Without speaking for any of the mandates on migration, one could imagine them responding that migration is a result of economic coercion, in that economic circumstances force people to find work abroad. Employers can take advantage of the desperation for work, even if by merely paying wages that are lower than what locals would accept. The debate brings up larger questions about how much coercion is "enough" to qualify as an element of human trafficking.

75 E/CN.4/2005/71 at ¶55.

76 Id. at ¶ 19.

77 The SR would revisit Palermo's, acknowledging its wide acceptance, but stating that the instrument's gaps and lacunae should be filled by other human rights instruments, as well as the older anti-slavery conventions. See A/HRC/10/16 at ¶26, Feb. 20, 2009.

With six reports between 2005-2011,[78] four have either examined overlooked areas of the field, or developed substantial theoretical frameworks that attempted to move the field's direction more towards human rights and a victim-centered focus.

As information-gatherer, she has examined relatively unexplored areas of human trafficking, such as forced marriage,[79] and the overlooked work on anti-trafficking that has taken place on the regional level. For example, in 2010, she conducted a broad survey of regional and sub-regional activities against human trafficking, covering the good practices of bilateral and multilateral bodies from each region of the globe.[80]

Finally, in what can only be described as a ground breaking work of normative entrepreneurship, the SR in her 2011 report elaborated a victim's right to an effective remedy under international law. Not only making the argument that the right exists, she tied it to state responsibilities under Palermo and international law generally. Her report included draft principles on this right, with a level of specificity that invites use by both advocacy organizations and by governments and regional organizations as well.[81]

F. The Special Rapporteur on Contemporary Forms of Slavery

Following the Human Rights Council's creation and the subsequent reevaluation of all previous mechanisms within the old Commission on Human Rights, the Council replaced the Working Group on Contemporary Forms of Slavery with a Special Rapporteur.[82] This new mandate would focus primarily on aspects of contemporary forms of slavery not covered by

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78 No report was released in 2008, for reasons unknown to the author. Reports in 2005 and 2009 were the initial reports of each of the two mandate holders to date, and did not have the thematic focus that other reports held. Her 2006 report on demand was covered in the previous section on the SR SPP.

79 A/HRC/4/23, Jan. 24, 2007.

80 See A/HRC/14/32, May 24, 2010.

81 Components include right of access to information, legal assistance, regularization of residency status, tie-ins to the rights of the child convention, concrete recovery provisions, confiscation of illegal proceeds, and free legal aid as a precondition to a right to remedy. Serious about pushing these norms, she also included a draft history of online discussions by stakeholders. See A/HRC/17/35, Apr. 13, 2011, at 20-27.

82 Special Rapporteur on Contemporary Forms of Slavery, A/HRC/6/14 Sep. 28, 2007.

existing mandates within the HRC,[83] particularly those forms falling within the ambit of the 1926 and 1956 slavery conventions.[84] In her first report, the SR identified these instruments, as well as Palermo, as the legal framework through which she would pursue her mandate. True to the resolution establishing the mandate, the SR highlighted forced labor as a particular area of focus, with child labor and domestic servitude being particular areas of concern.[85] Like the other SRs discussed, this SR also emphasized collaboration with other mandates as an important method of work.

After devoting her first full report in 2009 to forced and bonded labor generally,[86] the SR turned to domestic servitude in 2010[87] and child labor in artisanal mines and quarries in 2011.[88] While slavery is one of the forms of exploitation elaborated in Palermo, these two reports range beyond slavery and trafficking, examining related labor exploitation in the form of low wages, lack of payment, arbitrary wage penalties, working conditions, and coercive work situations generally.

The SR also broke ground on child labor in mining, an issue of particular concern in both the human rights and corporate responsibility fields over the last decade. The SR tied both fields together in her recommendations, including provisions for corporate responsibility within her legal and institutional framework recommendations.[89] This report was a rare (for SR reports) call to examine the role of the private sector in exploitation.

These discussions neatly sidestep the frequent agonizing over how much exploitation is sufficient for trafficking under Palermo. Given the tendency of both governments and advocates to pay attention only to those cases that fit within the lines of human trafficking as understood by Palermo, and to ignore those that do not, the SR's work on a spectrum of coercive and exploitative labor practices reconnects labor trafficking to the broader spectrum of other labor practices that violate human rights.

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83 "Convinced that the mandates of existing Special Rapporteurs do not adequately cover all slavery practices, and that the issue of contemporary forms of slavery needs to be given greater prominence and priority within the United Nations system if these practices are to be eradicated once and for all." See id., preamble ¶11.

84 Id. preamble ¶ 2. (citing Slavery Convention of 1926, Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, as well as ILO convention No. 29 on Forced Labor of 1930).

85 See A/HRC/9/20, Jul. 28, 2008.

86 See A/HRC/12/21, Jul. 10, 2009.

87 See A/HRC/15/20, Aug. 30, 2010.

88 See A/HRC/18/30, Jul. 4, 2011.

89 Id. at paras. 107-108. (corporate responsibility recommendations at).

G. The SRs' accomplishments—how much of a difference have they really made?

Given all of the reports made since the beginning of the century, just how effective have the SRs been? That turns out to be a more difficult question than it may seem at first blush. Some human rights advocates may ask whether the SRs have successfully influenced states to implement anti-trafficking initiatives that respect and promote human rights. Others may ask whether the SRs have helped the UN human rights mechanism "reclaim" human trafficking from Palermo's criminal justice focus. These criteria misunderstand the nature of the mandates, unfairly placing on them disproportionate expectations for shouldering the anti-trafficking agenda within the UN human rights mechanisms. Such responsibility instead belongs squarely with the HRC. The SRs should rather be evaluated in terms of 1) their mandates as laid out by the HRC, 2) the nature of their positions, and 3) the fruits of their labor.

H. The SRs objectives as mandated by the HRC

Since the turn of the century, the Commission (now the HRC) has mandated each SR for a set period of time, which it has so far renewed when the mandate expires. Renewals usually delineate the SRs functions,[90] and it is against these criteria that the SRs work can be most clearly understood and assessed.

All mandates examined have predominantly information gathering and recommendation formulating functions.[91] As appointed experts, their job, much like the Working Group, is to serve as an active brain trust, collecting the latest information and formulating recommendations for addressing issues within their respective spheres. Unlike the Working Group, all are empowered to directly request information from governments, and are specifically tasked with receiving communications on human rights abuses within their wheelhouses.

However, the HRC also mandates that SRs promote the application of relevant international laws and standards, or best practices within their area of specialty.[92] They may also act upon communications from individuals. Where communications contain sufficient informa-

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90 The HRC's mandate renewal resolutions can also leave the mandate as is, and simply refer back to the previous extension for the parameters of the mandate. See e.g., Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street, A/HRC/16/L.13/Rev.1, 22 March, 2011. (renewing SR on SPP but referencing previous 2008 mandate extension for substance)

91 See e.g., Mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography, A/HRC/ RES/7/13, Mar. 27, 2008; Special Rapporteur on contemporary forms of slavery, A/HRC/RES/15/2, Sep. 29, 2010.

92 See e.g., Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants, A/HRC/RES/17/12, Jul. 6, 2011 ("To promote the effective application of relevant international norms and standards").

tion on an issue within their mandate, they can initiate a dialogue with the government. These advocacy functions add a political dimension to their work, and their success as advocates lie in convincing states to act. The HRC has thus farmed out some of its political power to the SRs, delegating advocacy and investigatory powers that the Working Group never enjoyed.

Finally, SRs are empowered with something of a bully pulpit. They are required to report directly to the HRC, and to occasionally give reports to the larger General Assembly, putting them in front of the main actors who drive the UN. Their ability to draw media attention during a country visit helps promote their work, raise awareness,[93] and provide additional momentum for stakeholders to respond to and/or implement their recommendations.

I. Evaluating the Special Rapporteurs

In their roles as information gatherers and idea generators, the four SRs have been incredibly productive. Working both together and separately, they have produced a   broad spectrum of work that informs both human trafficking concerns and issues in other areas of the human rights movement, in ways that neither a single SR, nor a static working group could hope to duplicate. In addition to shining a light on under-examined issues in the field, most of the SRs have elaborated new legal definitions and frameworks that speak to their abilities as powerful normative entrepreneurs. Their work borders on the prolific, particularly given their small budgets and lack of logistical support. The three SRs with mandates that range outside of trafficking have also attacked the siloing endemic in the field by tackling issues from the broader perspectives of their respective mandates, and/or working jointly with each other. The SRs have thus injected multiple conceptual viewpoints into the movement, developed groundbreaking new legal or normative tools, and provided practical recommendations, all while reconnecting human trafficking to other human rights concerns.

More difficult to measure is their success as advocates. To date, no one has assessed the relationship between states' actions and the now very long list of recommendations the SRs have made.[94] Given the highly collaborative nature of their work, SRs also likely incorporate suggestions that others are already advocating. While direct adoption of recommendations, particularly proposed legal frameworks, creates the clearest evidence of their effectiveness, states' movement in the direction of what they recommend should also be a positive indica-

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93 Media coverage is of course dependent on local press freedoms within a given country, although access to the internet, where available, likely still gives SRs a voice even in places where traditional media coverage is restricted.

94 Opportunities for evaluating their work include examining the Universal Periodic Reports where trafficking is mentioned. Self-assessments that member states to Palermo will begin conducting, should they be made public, will also be a rich resource for gauging the SRs' influence. See Draft Terms of Reference of the Mechanism for the Review of Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, UN Doc CTOC/COP/WG.5/2011/2, ¶ 36, (6 April 2011).

tion of success.[95] Just as the Working Group might deserve some credit for ideas that appeared years later in other instruments, the SRs may be able to claim (substantially more) credit for the work they have done to date. At the very least, their direct work with both government and non-governmental stakeholders has added force to ongoing anti-trafficking efforts in ways the Working Group could not achieve.

At the same time, the SRs do face significant limitations. They cannot compel any state to action, whether to implement recommendations, respond to communications, or even to allow SRs into the country. All of their recommendations are just that, and it is ultimately the HRC that is empowered to add official weight to their work through resolutions. Until then, the SRs must instead rely on soft power, using the media attention they generate, and the networks of civil society, governmental, and other UN institutional stakeholders they build, to carry out their mandate.

That said, their ability to engage with international audiences is powerful. As advocates, they have built extensive networks in ways that committees rarely are able to do. They connect stakeholders across the world, even if it is through consultations and reports. These materials can also serve to bring government and civil society stakeholders together around a common plan, or at least provide the latter with information useful for lobbying their governments. The HRC thus essentially has proactive and tireless representatives it previously lacked. Such advocates add relevance to the Council's activities while simultaneously giving stakeholders on the ground a powerful conduit to advocate to states or the UN, regardless of how far from Geneva they may be.

Ultimately, however, the HRC is responsible for taking official action, and for bringing pressure on the international community to address this issue from a human rights perspective. Just as it is unfair to place responsibility for the entire movement on the SRs' shoulders, it is also unfair to expect them to have outsized influence as advocates. As prominent individual actors in the field, and in light of the terms of their mandates, they have been largely successful as both individuals and as a team.

V. Conclusion

The Working Group's track record in the 1990's and the SRs' in the 2000's are a study in contrasts. The Working Group achieved a measure of success in promoting its work on child exploitation issues, but the Commission's inaction on almost all of the Working Group's other recommendations ensured that it, and the Commission, would sink into irrelevance in the human trafficking movement. Ironically, the recommendations the Working Group produced are often still quite relevant today, and many of its ideas have been paraphrased in materials that the author has seen in the course of his own work on human trafficking at both the UN

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95 A pessimistic perspective would hold that the influence of their recommendations is questionable, given that in many cases, they reiterate recommendations made by the old Working Group as far back as the 1990's, including issues on lack of quality data, lack of examination of men as victims of trafficking, and the role of corruption in trafficking. At the same time, the number of recommendations they repeat is low compared to the annual reports of the Working Group, and these issues are among the most difficult to address, taking years, if not decades, to solve.

and in the NGO sector.

With the rise of Palermo, the Special Rapporteurs began producing substantive work at a time when many advocates were concerned that human trafficking as a field was being lost to a purely criminal justice perspective. The four SRs together have actively advanced both knowledge and conceptual norms of human trafficking from a variety of broader human rights concerns, and have maintained an international voice that draws attention back to human rights issues. Thanks to their investigatory and reporting powers, the SRs have actively engaged with civil society, the rest of the UN, and many governments, creating connections that have helped ensure their ideas are broadly disseminated. While further research is needed to determine their direct effect on individual countries, it is beyond a doubt that the materials they have produced have reached a wide audience, and have helped to reposition the HRC and its mechanisms as active players in the field. Maintaining and expanding that position will require more active engagement by the Council, but ongoing (and indeed increased) support for the SRs will be necessary to ensure that the Council, through its mandates, can can continue to produce work that helps make human rights a more central paradigm in the anti-trafficking field.

ASIAN DIGEST ON HUMAN MOBILITY

REFUGEE RESETTLEMENT TO JAPAN AND IOM

Naoko HASHIMOTO[*]

I. INTRODUCTION

On 16 December 2008, the Government of Japan (GoJ) announced its decision to launch a pilot refugee resettlement programme from fiscal year 2010[1]. The initial idea was to accept approximately 30 Karen refugees from Mae La "refugee camp"[2] in Thailand every year for three consecutive years from 2010 through 2012, which was later extended for another two years until fiscal year 2014, also with the expansion of additional "refugee camps" from which to accept refugees[3].

The announcement was widely hailed as "the first refugee resettlement programme in Asia" and keen attention both from international and national observers has been paid to the progress of the programme. Just as any other new initiatives, however, the programme has faced certain difficulties, which have required all the stakeholders to work even harder and more closely, to learn from Japan's own previous experience as well as from other traditional resettlement countries, and to seriously consider taking various options and measures to overcome such difficulties.

The International Organization for Migration (IOM) has been providing a range of services related to refugee resettlement since its inception in 1951, and has been requested by the Government of Japan to extend such services to the pilot refugee resettlement programme of Japan, too. Based upon such long-term global experience as well as the direct involvement with the Japanese pilot programme, this article quickly revisits the historical background of the global refugee resettlement, reviews the current status of the refugee resettlement in the world, scrutinises IOM's services for the Japanese programme, and proposes policy measures

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1 For analyses of the background leading to this decision, see: "Interview of Professor Saburo Taki-zawa", CDRQ, Vol.1, September 2010, pp.100-106; and Junko Miura and Shikiko Masutomi "Third Country Resettlement Programme in Japan" CDR Quarterly, Vol.2 / February 2011. P. 94-110.

2 According to the official terminology of the Government of Thailand (which is not a State Party to the 1951 Convention relating to the Status of Refugees), there is no 'refugee camp' in Thailand but instead, they are called 'temporary shelters'.

3 All the announcements are available from: http://www.cas.go.jp/jp/seisaku/nanmin/index.html.

for the Japanese programme to further flourish in the coming years[4].

II. Historical Background

Although the term 'refugee resettlement' was welcomed by most of the Japanese audience as a relatively new concept when the GoJ announced its decision in 2008, the institution of refugee resettlement actually dates back to as early as 1920s[5].

The League of Nations was already dealing with specific groups of refugees in Europe[6]. Thereafter, due to the unprecedented ravage caused by the WWII, the European continent was flooded with as many as 11 million refugees and displaced persons as of 1945[7]. To cope with such situation, a variety of agencies were involved with the issues concerning refugees and displaced persons since before the end of WWII, including the High Commissioner for Refugees under the Protection of League of Nations, the Intergovernmental Committee on Refugees (IGCR), the Supreme Headquarters Allied Expeditionary Force (SHAEF), and the United Nations Relief and Rehabilitation Administration (UNRRA). In order to streamline the operations and mandates of the multiple agencies and to respond to the new waves of refugees from the emerging Communist block, an International Refugee Organization (IRO) was established by the United Nations General Assembly on 15 December 1946. It had more than 2,800 staff members at its peak and possessed a fleet of 40 ships, making it one of the largest operational agencies of the early days of the United Nations. What was unique to IRO as compared to its predecessors was that it significantly expanded the resettlement activities for refugees and other persons displaced by the WWII and a large number of surplus populations in post-war Western European countries.

In addition to these two target groups, those fleeing the political persecution due to the rise of Communism in the Soviet Union and its satellite States started arriving in the West, as the Cold War atmosphere emerged in 1946 and was exacerbated at the break-out of the Korean War in 1950[8]. On the one hand, those countries allied with the Soviet Union opposed the implementation of any resettlement programme for those fleeing the Eastern block and

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4 All the information provided in this paper reflects the situation and operations at the time of writing, i.e. December 2012. All the information contained and opinions expressed in this article are solely those of the author and do not necessarily reflect the official positions of the Government of Japan or IOM.

5 G. Goodwin-Gill, The Refugees in International Law, Oxford University Press, 1998, pp.3-6.

6 For more details, see M. Ducasse-Rogier, *The IOM 1951- 2001*, IOM 2001, and L.W. Holborn, *The International Refugee Organization: A Specialized Agency of the United Nations. Its History and Work 1946-52* (1956).

7 Ibid. Ducasse-Rogier, p.11.

8 Ibid. p.14

demanded their mandatory repatriation to their country of origin. Within the Western block, on the other hand, the United States Congress on 31 October 1951 passed an Act which was to avail USD10 million "to be utilized for the emigration of surplus manpower" in Europe but "that none of the funds made available pursuant to the proviso should be allocated to any international organization which has in its membership any Communist-dominated or Communist-controlled country"[9]. In other words, the huge US funding was not to be given to any existing United Nations agency.

The stark disagreement between the West and the East in the prevailing context of the Cold War meant that no United Nations organization could be mandated to implement a major international resettlement operation, both politically and financially[10]. At the same time, the Western countries felt the impending need to swiftly make proper arrangements for population movements before the surplus populations and high unemployment rate in Europe would turn into major political, economic, social and 'ideological' instability. This is the general diplomatic climate in which UNHCR[11] was created *within* the United Nations as a small group of legal experts primarily to provide legal advice on legal protection of refugees, while the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME), the precursor of IOM, was created at the Migration Conference held in Brussels from 26 November to 5 December 1951, *outside of* the United Nations framework. The Brussels Conference which was attended by representatives of 28 governments[12] further agreed that "membership in the [PICMME] will be open to governments with a demonstrated interest

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9 "Mutual Security Act, Public Law 249 of 31 October 1951". Cited in Ibid., p.16.

10 For more details on the separation between the refugee regime and the migration regime, please see: Rieko Karatani, "How History Separated Refugee and Migrant Regimes: In Search of Their Institutional Origin", *International Journal of Refugee Law* (Oxford University Press, 2005), pps. 517-541; and Katy Long, "When refugees stopped being migrants: Movement, labour and humanitarian protection", *Migration Studies*, vol. 1, no. 1, (Oxford University press, 2013) pps. 4-26.

11 The Statute of the Office of UNHCR adopted by the UN General Assembly on 14 December 1950 reads as follows;
Art. 9 The High Commissioner shall engage in such *additional activities*, including repatriation and resettlement, as the General Assembly may determine, within the limits of the resources placed at his disposal [emphasis added].

12 Participant countries in the Brussels Conference were: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Denmark, Federal Republic of Germany, France, Greece, Guatemala, Holy See, Israel, Italy, Luxembourg, Netherlands, Norway, Paraguay, Peru, Sweden, Switzerland, Turkey, UK, USA, and Venezuela. International, inter-governmental and non-governmental organizations represented were: UN, ILO, IRO, UNHCR, Council of Europe, Organisation for European Economic Cooperation, Conference of non-governmental Organisations interested in Migration, ICRC, International Confederation of Christian Trade Unions, International Confederation of Free Trade Unions, and Standing Conference of Voluntary Agencies.

in the principle of the *free* movement of persons". The PICMME started its operations on 1 February 1952, practically taking over the operational tools and staff of IRO for the resettlement of refugees and displaced persons, and for emigration of the surplus populations from the post WWII West European countries. The Article 1 of its constitution mandates the PICMME (and subsequently IOM) to

"… concern itself with the *organized transfer of refugees*, displaced persons and other individuals in need of international migration services for whom arrangements may be made between the Organization and the States concerned, including those States undertaking to receive them."[13]

While both UNHCR and PICMME were created initially as organisation with "temporary" and "provisional" mandates, the needs for refugee resettlement never ceased but rather became intensified during the following decades. As Chart 1 shows, relentless occurrence of political uprisings, invasions by foreign powers, wars and internal strife since 1950s has required a series of major resettlement operations.

<Chart 1: Major Global Resettlement Programmes since 1950s>

1956	The Hungarian Uprising
1968	Resettlement of Czechoslovak refugees
1973	Refugee exodus from Chile
1975	Indo-Chinese Resettlement Programme
1979	Refugees from Afghanistan
1993	Refugees from Somalia
2000	Refugees from Balkan countries
2005	Refugees from Myanmar
2007	Bhutanese refugees in Nepal
2008	Iraqi refugees mainly in Syria and Jordan

Among the global refugee programmes listed in Chart 1, in particular, the Indo-Chinese refugee crisis since 1975 had huge implications for the Japanese refugee policy, since it encouraged Japan to consider establishing a refugee protection system inside Japan. In total, the Government of Japan granted residential status to 11,319 Indo-Chinese refugees by 2005 as a special scheme *outside* of the refugee status determination procedure pursuant to the 1951 refugee convention. More than 3,500 of them spontaneously and directly arrived in Japan as "boat people", while some 4,300 of them had stayed in a refugee camp or a camp-like setting in China (Hong Kong), Indonesia, Malaysia, the Philippines, Singapore, and Thailand at some point of their movement to Japan[14]. The latter group could be therefore regarded as "refugee resettlement" to Japan. Among these 11,319 Indo-Chinese refugees, IOM, upon request from the GoJ within the general framework of the 'Orderly Departure Program', facilitated the fam-

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13 Emphasis added by the author.

14 For more details, see http://www.mofa.go.jp/mofaj/gaiko/nanmin/main3.html.

ily reunification for the relatives remaining in Vietnam of those refugees who had already sought refuge in Japan. The total number of such family reunifications surpassed 3,000 individuals moving from Vietnam to Japan between 1980 until March 2006[15]. In close coordination with GoJ, IOM provided logistics assistance to the GoJ's interview mission, pre-departure medical examination, processing of applications and movements, and transportation to Japan. It could be therefore said that Japan already had experience in refugee resettlement since the Indo-Chinese refugee crisis, and the refugee resettlement programme launched by the Government of Japan in December 2008 was not necessarily completely "new" to Japan or "the first ever refugee resettlement in Asia". This is an important issue to re-acknowledge as this means that Japan already has its own past experience from which to learn and apply the lessons-learnt, as will be suggested in the section IV below.

III. OVERVIEW OF THE CURRENT REFUGEE RESETTLEMENT IN THE WORLD AND IOM ROLES IN IT

As mentioned above, both UNHCR and IOM's predecessors were supposedly 'temporary' and 'provisional' establishments, but the refugee problems continued to exist and evolve both in quality and quantity during the course of 20th and 21st centuries, as shown in Chart 1. As of end 2012, the world had approximately 15.4 million refugees (including those under the mandates of UNHCR and UNRWA) and the global resettlement placement needs were assessed by UNHCR at around 800,000[16]. Of them, only around 70,000 - 80,000 manage to win resettlement seats every year. So far, 27 countries[17] around the world have established a resettlement programme and 88,600 refugees were admitted by 22 resettlement countries during 2012. Among them, the USA, Canada, Australia, Sweden and Norway accept the vast majority of the resettlement refugees globally. The main countries of origin of refugees in 2012 include: Afghanistan, Somalia, Iraq, Syria, Sudan and DRC, while the main countries of first asylum in the same year were: Pakistan, Iran, Germany, Kenya, Syria and Ethiopia among others[18].

On its part, IOM has facilitated millions of refugees to start new lives with dignity and re-

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15 Cabinet Agreement on Integration Policy for Indo-Chinese refugees issued on 17 June 1980, item 3, specifying the criteria for family reunification. Also, see Cabinet Agreement on Policy for Indo-Chinese refugees issued on 14 March 2003, deciding the termination of the family reunification programme.

16 UNHCR Global Trends 2012.

17 27 countries are: Argentina, Australia, Belgium, Brazil, Bulgaria, Canada, Chile, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Island, Ireland, Japan, the Netherlands, New Zealand, Norway, Paraguay, Portugal, Romania, Spain, Sweden, the United Kingdom, Uruguay, and the Untied States of America.

18 UNHCR Global Trends 2012.

spect in a safe and orderly fashion through resettlement since its inception. Between 2001 and 2011 alone, IOM organised resettlement movements for 892,243 refugees from 186 locations all over the world. Upon request from and in coordination with the governments of receiving countries, IOM provides the following categories of resettlement services:

- Case Processing;
- Health Assessments and Travel Health Assistance;
- Pre-Departure Orientation; and
- Movement and Travel Operations[19].

Chart 2 shows the kind of resettlement services IOM provides for major receiving countries. [Chart 2: by-country resettlement service chart: arrivals in 2011]

A. Case Processing

The Case Processing services are designed to: 1) help refugee applicants in lodging correct and complete applications for refugee status; and 2) assist governments by providing selection authorities with accurate, detailed and objective information in standard formats in order to streamline the interview and selection process. IOM caseworkers are trained to conduct thorough non-adversarial interviews and case assessments to verify the eligibility and identity of each refugee applicant, to obtain biographic and demographic information required by governments and resettlement agencies and to accurately chronicle each applicant's claim for refugee status. A focus on intensive initial case preparation is aimed at reducing the number of times each case must be reviewed or deferred by selection authorities pending further information. Case processing services may include any or all of the following elements: conducting in-depth personal interviews with refugee applicants to elicit complete case information and an accurate record of testimony; gathering all required bio-data; providing on-site assistance during selection missions, including scheduling refugee appointments, managing case files, distributing government decision letters at the conclusion of interviews and supervising interpreters; requesting and receiving reception and placement information for all approved cases; referring approved applicants to designated panel or IOM physicians for medical exams; receiving completed medical exams for each case and notifying relevant government authorities and/or resettlement agencies of health conditions requiring follow-up treatment in receiving countries.

As of 2012, IOM runs three Resettlement Support Centres in Amman (Jordan), Moscow (Russia) and Damak (Nepal), as entrusted by the U.S. State Department's Bureau of Population, Refugees and Migration (PRM), offering the case processing services as well as other services as will be described below.

In addition to case-processing, upon request from and in coordination with the resettlement government, most notably the USA, IOM may conduct information campaign to solicit interest and applications from refugees for particular resettlement programme(s). Such campaign includes: formal / informal meetings with individual refugees and group discussions in camps, newsletter printing and distribution, establishment of picture-boards displaying panels

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19 The following section is an excerpt from the "IOM Resettlement Service" brochure.

of photos, letters and emails from resettled refugees capturing aspects of culture and lifestyle in the destination country (most notably the USA), drama and theater play depicting the experiences of one refugee family going through the resettlement process, etc. For instance, such information campaign was conducted from May 2006 through January 2007 upon request from the US government, as a result of which the applications for the US resettlement programme from the Myanmar refugees in Thailand significantly increased in 2007.

B. Health Assessments

Health assessments in the context of refugee resettlement constitute one of IOM's most established activities. Refugees often find themselves in a precarious environment, with their health profiles varying according to the place of origin, displacement experience, pre-existing health conditions, epidemiological profiles in the camp, among other factors. Health Assessments and Travel Health Assistance ensure that refugees are fit to travel and meet the requirements of the destination country. Health assessments of refugees admitted for resettlement to third countries are funded and carried out at the specific request of the resettlement countries, and thus, health assessment protocols are based upon the legislation and/or best practices of resettlement country governments. Pre-departure refugee health assessments are intended to ensure that they travel in a safe and dignified manner, are fit to travel, receive appropriate treatment and assistance when required, and do not pose a health risk to other travelers or receiving communities. Therefore, it is generally recommended that the initial health assessment be conducted well in advance before refugees' departure, to allow sufficient time for treatment, coordination and preparation. Traditional components of refugee health assessments conducted by IOM physicians include: an assessment of conditions of public health significance, pre-departure treatment and referrals (including pre-travel hospital stabilisation), pre- and post-test counseling, final fitness-to-travel assessments and medical escorts when required. Individuals in need of travel health assistance (such as medical escort, wheel chair, stretcher, oxygen bombe, etc.) during transportation are identified at the time of the health assessment to ensure that they travel safely and without undue hardship to themselves or to other travelers, and avoid in-flight medical emergencies or flight deviations. Specific provisions to the health assessment protocol (e.g. additional diagnostics, treatment, immunizations, referrals) can be made upon request of resettlement countries in order to facilitate proper follow-up of medical cases after arrival and to facilitate the integration of refugees into their receiving communities in a manner that their health conditions allow.

C. Pre-Departure Orientation

Pre-Departure Orientation usually consists of cultural orientation, language/literacy training, and pre-embarkation briefings, and is conducted upon request from and in consultation with the resettlement governments. Over the past 20 years, IOM has conducted pre-departure cultural orientation training courses for over 350,000 refugees accepted for resettlement, at more than 60 locations all over the world. Cultural orientation prepares refugees for resettlement by providing practical information on the country of destination, and assists refugees in

developing realistic expectations and acquiring basic skills and attitudes needed to settle down in their new environment. IOM works closely with governments to identify the key priority messages and values that are critical for refugees' successful integration. More often than not, such key priority messages include that refugees are to work hard and become self-sufficient as soon as possible. Since courses are conducted by IOM's multilingual, multi-ethnic, multi-cultural trainers, such priority messages can be conveyed to the refugees in a convincing and comprehendible manner, which helps refugees anticipate integration challenges. Topics addressed in the orientation include: housing, health, money management, role of settlement service providers, education, cultural adaptation, rights and responsibilities, and others. Upon request, IOM also conducts refugees' individual needs assessments (individual profiling) and produces cultural profiles of new refugee groups (group profiling) designed to help service providers in the resettlement countries better plan for the new arrivals. Language and literacy training equips refugees with basic language and communication skills in order to facilitate the very initial adjustment process and help refugees become less dependent upon arrival. With knowledge of these functional and practical skills of the language used in the resettlement country prior to arrival, refugees are able to have an easier start of the language acquisition process upon arrival, thereby increasing their chances for employment and becoming productive members of the receiving society more quickly in the medium to long term. Pre-embarkation briefings prepare refugees for their flight, including what to expect at the airport, in-flight, while in transit, and upon arrival in country of destination. The briefings also address safety, customs and immigration formalities, and how to travel with infants. IOM offers these briefings as close to departure as possible in order to ease the process and help first-time oversea travelers feel less anxious and more prepared for the often-long journey.

D. Movements and Travel Operations

Final parts are Movements and Travel Operations. Migration involves movement. Arranging the safe and orderly movements of refugees and other vulnerable persons is the cornerstone of IOM's Constitutional mandate, as seen above. IOM's worldwide network of experienced movement operations staff, supported by global agreements with major airlines, along with proprietary movement management applications and operations protocols, all serve to ensure that refugees are transported smoothly from remote, often far-flung locations to their final resettlement destinations. Movement services for refugees traveling under IOM auspices may include any or all of the following:
  - Obtaining travel documents: exit permits, transit / entry visas, passports, etc.
  - Pre-embarkation orientation: flight schedules, airline regulations, customs requirements, assistance in transit and upon arrival, etc.
  - Transportation to and passenger handling at embarkation airports: assisted check-in, help with customs and immigration formalities, etc.
  - Arrangement of international and domestic air tickets: reduced fares, preferential baggage allowances, selected routings, etc.
  - Provision of operational / medical escorts: help for passengers with special needs, monitoring and attending to medical requirements en route, liaison with flight staff and other

authorities, etc.
- Assistance in transit: meals and accommodation as needed, direction to connecting flights, booking adjustments, etc.
- Arrival assistance: meet and assist services on arrival, notification and handover to re ception authorities / agencies.

IOM moves most refugees by scheduled commercial air service using its unique negotiated agreements with leading airlines. However, IOM also maintains standby agreements with air charter operators to conduct movement operations in remote locations or where large numbers of refugees must be moved quickly, as was the case of the recent Libya crisis[20]. Real-time information management and monitoring of refugee movements and established communication protocols ensure that refugee passengers under IOM auspices travel safely and that all partners are kept informed of their progress from take-off to landing.

As part of the transit assistance as mentioned above, IOM Tokyo has been facilitating the transit assistance at Narita airport, particularly since the resettlement of Myanmar refugees in Thailand and other South-East Asian countries started in 2005. At its peak, some 100-400 refugees traveling under IOM auspices transited at Narita airport every week, which currently stands at 50-200 refugees every week. One of the important IOM Tokyo's activities is to ensure their safe and smooth transit, and to respond to any emergencies (such as sickness or flight cancellation) that may well arise during the course of their long journey mainly to the USA and Canada.

Bearing in mind the general picture of IOM's resettlement services at the global level as described above, the following section elaborates the details of the services IOM has been providing for the refugees bound to Japan, at the request from and in close coordination with the GoJ as well as other partners.

IV. IOM's Services for the Japanese Pilot Refugee Resettlement Programme

Based upon the Cabinet Agreement issued on 16 December 2008 and the subsequent Decision of the Inter-Ministerial Coordination Council for Refugee Issues announced on 18 December 2008[21], IOM and the GoJ held a series of discussions over operational details of the pilot Refugee Resettlement Programme throughout the year 2009 and formulated Standard Operating Procedures. Although the operations are constantly reviewed, modified and improved in light of the actual implementation of the Programme, at the time of writing, IOM provides the following services for the Japanese resettlement programme, based upon the requests from and the agreement with the GoJ.

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20 For the Libya crisis, see:

http://www.iom.int/jahia/webdav/shared/shared/mainsite/media/docs/reports/MENA-Three-Mont h-Report.pdf.

21 See supra note 3.

A. Logistics Assistance to the Interview Mission

IOM's logistic assistance to the interview mission of the GoJ is based upon the request from the Immigration Bureau of the Ministry of Justice which leads the interview mission. Upon receiving and examining the individual case profiles (so-called 'Resettlement Registration Form'[22]) of the refugees recommended by UNHCR as suitable candidates for the Japanese resettlement programme, the Japanese government officials visit Thailand and conduct interviews in person with each of the refugee families submitted by UNHCR. In case of Japan, the interviews take place in the Mae Sot Refugee Processing Centre (funded by the US Government and operated by IOM) and IOM facilitates the interviews by providing a variety of logistics assistance both for the GoJ interview mission and for the refugees to be interviewed. The assistance includes: making appointments with the refugees on behalf of the GoJ, transportation for both GoJ interviewers and refugee interviewees, arrangement of trained / experienced interpreters, arrangement of interview rooms, arrangement of meals and accommodation for the refugees during the interviews, arrangement of security escort for the refugees, among others. The refugees are in principle not allowed to go out of the 'refugee camps', and therefore it requires special procedures and security escorts by the Thai Government accompanying the refugees to move to the Processing Centre for the interviews. Also, the refugees staying in the refugee camp for a number of years may have a different concept of time and punctuality, which makes it important for IOM to carefully explain to the refugees in advance the importance of the interviews and ensure that they show up for the interview appointments at the given time and place bringing all the important documents with them. In addition, interviewing refugees requires special skills, experience, sensitivity, neutrality and awareness of special circumstances, not just linguistic skills. The interpreters assigned by IOM are not only multi-lingual, multi-cultural and often multi-ethnic, but are also trained and experienced in the particular techniques required for communicating with and interpreting for refugees.

Once the interviews are done, the Japanese Government officials bring back the results to Tokyo and make inter-ministerial discussions to select and decide which refugees to accept pending their health condition, and forward the names to IOM for health assessment and necessary treatment, as explained below.

B. Health Assessment and Treatment

As already mentioned above, health condition of the resettling refugees is a significant factor having influence upon the entire resettlement process. It is of utmost importance to ensure in advance that the refugees selected for resettlement are fit to travel oversea often for long hours without jeopardising their own health condition, on the one hand, and on the other that the refugees' health concerns do not pose any public health risk to other passengers traveling on the same commercial flight as the resettling refugees and the general public in the receiving country. In case a health problem which forbids their entry into a resettlement country in light of its domestic legislation or regulations is found through the health

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22 See UNHCR, Division of International Protection "Resettlement Handbook", 2011, p.335.

assessment, IOM in close coordination with the health authority of the receiving government identifies the necessary and appropriate treatment and ascertains when the refugees can depart for the destination country under what condition. In principle, IOM recommends that the initial health assessment be conducted six months before the anticipated departure date for the resettlement country, so that any curable diseases can be well treated before the travel, thereby not making the health problem an issue when the immigration authority of the receiving government examines their entry eligibility, and also so that a receiving community can sufficiently prepare both medically and financially to receive a refugee even with serious health conditions.

In case of Japan, IOM has tailor-made the Medical Protocol for the GoJ reflecting Japanese domestic health standards, rules and regulations, while taking into account the existing international best practices. In consultation with the Japanese health authorities, the vaccination protocol was also adjusted to make it par with the Japanese vaccination requirements. Certified physicians and nurses who are official IOM staff members conduct an initial medical screening for all the selected refugees, fill in the Health Assessment Forms for individual refugees, and submit them for the GoJ consideration. During the course of 6 months prior to departure, various medical follow-up checks and interventions are made in a phased-manner, which completes with the fitness-to-travel assessments on the day of or the day before the departure date. The GoJ authorities are kept informed of all the results and progress so that appropriate decisions and interventions can be made in a timely manner. When the refugees depart for Japan, they carry all the medical records, including the Health Assessment Forms, X-ray print, and vaccination cards, etc. so that the Japanese health authorities can make appropriate follow-up care upon arrival.

C. Cultural Orientation (CO) and Language Training (LT)

For those Karen refugees who were selected by the GoJ based upon their interviews and whose health conditions were cleared through the health assessment, IOM provides a week-long CO and three-week long LT. Separate CO sessions are conducted for children and adults, since they are going to have different life styles once resettled to Japan. Normally, children include those between five years old (who will start attending the Japanese school from the following April upon arrival in Japan) and up to 17 years old. If children above the Japanese compulsory education age prefer working to studying in Japan, they could be included in the adult class. In all circumstances, preferences and circumstances of the individual refugees are always fully taken into account, to make them feel that they can restore control over their own life. A CO Handbook written in Karen language was developed by IOM specifically for the Karen refugees in Thailand bound to Japan, duly coordinated with the Japanese receiving agency (Refugee Assistance Headquarters: RHQ) as well as the Japanese authorities. Refugees attending the CO course are given one copy each of the Handbook for them to study at home, review before departure, and refer even after they arrive in Japan. Given the hot climate in Thailand, the classes start at 8am and end at 2pm with some snack and lunch breaks and last three days for children and five days for adults, making the total class attendance time approximately 15 hours for children and 25 hours for adults, in principle. However, the composition of the child and adult classes and the lengths of the classes

may be adjusted according to the age, educational background, and literacy level among other factors, so that the refugees can learn most effectively and efficiently out of the limited hours of CO classes. Flexible arrangements are often required on site.

During the five day adult Japanese CO, the following topics are covered;
- Overview of Japan
- Pre-departure procedure
- Post-arrival reception and integration agencies
- Housing
- Transportation
- Education
- Health and medical care
- Law and regulations
- Rights and responsibilities as citizen
- Employment opportunities and work
- Household budgeting
- Cultural adaptation
- Do's and Don'ts during travel

Among these, a good number of hours are spent to make them go through quasi-experience of boarding an airplane, which is an absolutely new experience for the refugees. IOM trainers as well as refugees participate in role plays of such scenes as finding seats, inflight meals, and using the toilets. This toilet training is particularly important as refugees' concept of toilet is different from that of the Western style employed in the standard commercial airplanes, so that refugees using the onboard toilets wouldn't cause any troubles to the other regular passengers flying on the same flight. In case of Japan, besides, it is emphasised that refugees are to find employment and work strenuously so that they should become productive and independent as soon as possible. Based upon the first year experience, practice of household budgeting, using the actual Japanese currency value and a calculator was also added, since the refugees are not necessarily familiar with budgeting, let alone the high cost of living in Japan.

As far as the first few years of the Japanese pilot project are concerned, most refugees actively participate in and carefully attend the CO classes and often pose important questions. Typically, refugees are particularly interested in educational opportunities for children, chances for continuous education for adults, and availability of night-time schools. This reinforces the general reputation about Karen populations that they put great emphasis on education. Sometimes the questions posed by the Karen refugees during the CO classes are so specific and detailed that IOM Tokyo has had to immediately conduct research and confirm the information with the relevant Japanese authorities, so that precise answers could be provided back to the refugees in the camp during the CO class the following day.

As regards the three-week LT, IOM partners with Association for Japanese-Language Teaching (AJALT)[23], which has specific expertise and long-term experience in teaching refugees Japanese. A professionally trained Japanese language instructor who is experienced in teaching refugees (both the Indo-Chinese refugees and other refugees who have applied for

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23 For more information, see http://www.ajalt.org/english/.

asylum in Japan and are recently granted refugee status by the GoJ) is selected by AJALT among its staff and sent through IOM to the refugee camp in Thailand. While the logistical arrangements are made by IOM and some residual interpretation occasionally provided by an IOM on-site interpreter, the actual Japanese classes are directly taught *in* Japanese by the Japanese instructor, without any translation. This direct teaching method is presumably the most effective particularly for the Karen refugees some of whom may not have had sufficient educational opportunities and may not be fully literate even in their own mother tongue. All refugees five years old and above are to attend 4-hour long classes from 9am to 1pm (including light snack and lunch) for approximately 15 days, thereby making the total contact time for 60 hours, with some homework. A set of Japanese textbooks were developed specifically for the Karen refugees bound for Japan by AJALT, coordinated with IOM as well as the relevant Japanese authorities. Some refugees are already in their 50s and it is quite challenging to teach all the refugees with such a wide age range and background variety in one class only by one teacher. But efforts are made to divide the class into several groups or to assign them participatory activities so that refugees can learn through interacting and helping each other. The ultimate objective of this short pre-departure LT course is not necessarily to make refugees memorise all Japanese characters, but rather make them familiar with the sounds and shapes of the totally new language and facilitate some of the refugees to be able to say a few very basic greetings and phrases in Japanese, so that they can have a relatively easy start of Japanese language course once they arrive in Japan. According to the AJALT teacher, most of the refugees enthusiastically attend and actively participate in the classes, occasionally demonstrating a higher ability to memorise new characters and phrases in Japanese than what would normally be expected for such populations. Also, through observing the attitudes and capabilities demonstrated during the 15 day LT, the Japanese instructor can grasp the general characteristics, relationship and dynamics among the refugees. Since the same Japanese teacher is in principle going to be involved in the post-arrival Japanese language training to be arranged by the receiving agency (RHQ) and the subsequent evaluation of the Japanese acquisition progress of the refugees in Japan, such exposure in the pre-departure phase ensures the consistency of the Japanese education. This arrangement helps to improve the learning efficiency of the refugees on the one hand, and on the other, to facilitate formulation and refinement of the teaching methodology by the Japanese teachers of AJALT for the post arrival Japanese courses.

Based upon the long-term and global CO and LT experiences, IOM has accumulated a series of best practices in providing pre-departure orientation, which are duly reflected and implemented in providing the CO and LT for the Japan-bound refugees, as follows:

- Develop curricula and supporting activities with destination country: the contents of CO and LT have been closely coordinated with the relevant Japanese Ministries and the receiving agency (RHQ) and are duly updated annually, based upon the experiences and feedbacks from the previous arrivals.

- Recognise the transitional continuum: It is important to provide the same information in a consistent manner both during the pre-departure and post-arrival phases. To ensure this, IOM partners with AJALT, and invites the same Japanese language instructor

from AJALT to teach Japanese for the Myanmar refugees during the IOM LT in Thailand. As regards CO, likewise, IOM assigns a native Japanese to be a resource person during CO so that the most authentic and updated cultural and social information should be provided for the refugees.

- Develop trainings that are participatory and learner-centric: In general, refugees learn best and the lessons are more meaningful when the course is experiential and highly participatory. At the same time, bearing in mind the style of 6 month post-arrival integration course organised by the receiving agency (RHQ) and the typical teaching method employed by the Japanese public schools into which the refugee children are to be enrolled from the following April upon arrival in Japan, refugees are trained to sit still and listen quietly to teachers for a long period.

- Train in refugees' native language: CO is conducted in Karen, which is the native language of the refugees bound to Japan (as of the time of writing), by the IOM trainer who shares Karen cultural background and is trained and experienced in providing CO for resettling refugees. Meanwhile, LT is conducted in Japanese by a Japanese instructor without any translator, so as to familiarise refugees with the new language in an efficient manner. This approach works best in the refugee resettlement context, given that not all the refugees are literate even in their native language.

- Address psychosocial issues in pre-departure training: pre-departure orientation goes beyond dispensing information about Japan; it should also address the psychosocial well-being of the refugees bound for Japan, taking into account the social, anthropological, cultural, and psychological aspects of resettlement, which literally is a life-changing event for refugees. It is important to develop a holistic CO course that addresses the various concerns of the refugees. As such, topics include cultural adaptation, culture shock, communication, family dynamics, gender, cross-generational issues, among others.

- Reaffirm the dignity and positive contributions of every refugee: refugees should be made to feel valued for their individual assets, cultural background and unique experiences. Given the relative proximity between the resettling refugees and Japan in terms of geography and tradition (as compared to the differences between the refugees and Western countries), cultural similarities and commonality are emphasised for refugees to feel assured. Conversely, receiving communities in Japan are made aware of the positive contributions that refugees could potentially offer to the Japanese society, through seminars and information dissemination organized or attended by IOM Tokyo, as will be explained below.

Upon completion of the CO and LT courses, respectively, a comprehensive report is submitted to the GoJ and the receiving integration agency, with details of the general profiles of each refugee, attendance, achievements, difficulties, refugees' comments on the CO and LT courses among others, so that the post-arrival integration course can take into account in its

planning and organisation such information from the pre-departure orientation courses.

D. Movement and Travel Operations

In normal circumstances, one might well expect that the entry procedure into Japan is more difficult than the exit procedure from Thailand. In case of refugees, it's not necessarily the case. Refugees in the camp are in principle not allowed to go out of the camp and don't usually enjoy freedom of movement, and therefore the procedures to exit the camp and move within Thailand require special attention, preparation and close coordination with the Government of Thailand. Since the refugees are not necessarily well versed with such procedures, IOM as well as UNHCR takes care of them on refugees' behalf and coordinates with the Thai authorities. Specifically, they include preparation of identity documents (for many of the refugees don't have such documents), facilitation of issuance of exit permits by the Thai authorities, collection of finger prints (on behalf of the Thai Government), facilitation of issuance of travel authorisations for each Province that the refugees need to pass through from the current place of residence (in Tak) to the port of departure (in Bangkok), among others. IOM also assists preparations for the entry permit from the Japanese authorities, which would be the highest hurdle for normal migrants but has never been an issue for the resettlement refugees.

Besides, IOM staff need to closely assist the refugees in packing their belongings, constantly reminding what they can bring and what they cannot. With the regulations for the items permitted in flight becoming stricter and more complicated, it takes more time and special care particularly for refugees traveling for the very first time with infants.

For the ground transportation, IOM arranges a bus from the camp to the Bangkok airport. Since the refugees supposedly travel one-way only and never come back to the camp, the farewell moment at the camp carries special emotion, excitement and sorrow, particularly for refugees who will have to leave some of their families or relatives in the camp. Some elderly refugees choose not to join other family members and remain in the camp, hoping to go back to their country of origin (Myanmar). For most of the refugees, traveling in a huge bus for such a long hour (about 6 hours from Mae La to Bangkok, for instance) is the first ever experience, thus IOM often arranges an over-night stay around the Bangkok airport before embarking upon a long international flight the next day. While the refugees are taking rest around the Bangkok airport, the final pre-embarkation medical check is conducted 2-3 hours before the flight departure time, to re-ensure that refugees are fit to travel.

At the Bangkok airport, IOM operations staff assists the refugees with check-in procedures, final check of the luggage, preparations of infants for the long flight, and movement within the huge airport, among others. If requested by the receiving (donor) country, and depending upon needs, IOM can arrange a medical escort by a doctor or nurse or an operations escort to fly together with the refugees. In case of Japan, an operations escort, who was also involved in the CO training, is to travel with the refugees from Bangkok to Narita. Although it is not the case for Japan, IOM often arranges several medical escorts to travel with refugees particularly those bound for USA, for the refugee groups often include those with significant physical challenges, with severe illness or other special needs. It is not uncommon for IOM to arrange stretchers, wheelchairs, oxygen cylinder, etc. in flight or at the ports of embarkation, transit and disembarkation. The role of operations escorts, on the contrary, is mainly to facili-

tate the first time oversea travel by refugees, particularly because IOM uses normal commercial flights. While the airline companies usually extend special service and heartfelt kindness to the refugees, IOM also has to ensure that the travel of the refugees does not pose any inconvenience or discomfort to other regular passengers. The experience shows that the use of in-flight toilets sometimes cause problems to the refugees and regular passengers, as the concept of "toilet" is considerably different between the refugees and those in the industrialised world. IOM makes its utmost efforts to ensure that the mothers with infants use diapers, which is not necessarily always easy.

The resettlement refugees normally travel with a big white plastic bag with a blue IOM logo on it, which contains important identity and travel documents and medical reports. The IOM bag sometimes also functions as identification for the IOM beneficiaries, particularly when they are lost inside airports.

Upon arrival at Narita airport, IOM social escort also assists with the immigration procedure, quarantine, and customs declaration, in collaboration with the Japanese authorities and the receiving agency (RHQ). At the Narita airport, the receiving agency (RHQ) arranges a bus to travel directly to their initial accommodation. IOM's main operational roles in the resettlement procedure cease when the refugees are officially handed over to the receiving agency (RHQ) upon arrival at Narita Airport.

E. Public Information and Advice for Smooth Integration

While IOM's operational responsibilities in the resettlement procedure are completed at Narita Airport, IOM provides other indirect services to ensure smooth integration of the refugees and help improving the Japanese resettlement system.

One example of such service is the creation, translation and dissemination of "Karen Cultural Profile" in Japanese. This short document (8 pages) describes the historical background, tradition, culture, society, characteristics, taboos, and life in the camp of the resettling Karen refugees in a reader-friendly and succinct manner, particularly targeting those who directly deal with the resettled refugees every day in the host country, for the first time. The readers of this document may include case workers of the receiving agency, the integration assistants at the host communities, officials at the local municipality accepting such refugees, school teachers, workers at the nursery care facilities, etc. The Karen Cultural Profile is to make them familiar with the very basics of the Karen refugees, make it easier for them to formulate integration strategies for the newcomers, and help them avoid misunderstanding or friction with the refugees simply because of ignorance or difference. IOM puts emphasis on learning about refugees on the part of the receiving end, as well as on the part of refugees about the Japanese culture and language. For, integration only works in both way streets; i.e. both the newly arriving refugees and the receiving Japanese populations have to learn about each other and try to adapt to each other. IOM's role is to facilitate such a reciprocal process.

Another example of IOM's indirect resettlement service is to provide the Japanese Government with various information, advice, and best practices concerning the global resettlement programme and examples from other countries. In this context, IOM is invited by the Japanese Government to join the Resettlement Expert Group Meeting (EGM) convened by the Cabinet Secretariat, as a standing observer together with representatives from RHQ and

UNHCR. The EGM was established on 29 March 2012 based upon the decision made by the Inter-Ministerial Coordination Council for Refugee Issues to assess the current situation and problems of the pilot programme and consider and make recommendations on the future direction. The EGM started with seven independent experts and meets on an ad hoc basis[24].

In addition to the above-mentioned two examples, IOM is often invited as a speaker or a guest lecturer on global resettlement issues and IOM activities for public symposia, events, and other fora. IOM considers such opportunities as important occasions to raise public awareness on behalf of the resettling refugees.

This section has reviewed the details of the resettlement services IOM provides for the Japanese pilot programme, namely the logistics assistance to the GoJ interview mission, health assessment and treatment, CO and LT, movement and travel operations, and public information and advice for smooth integration. In a word, IOM's resettlement services provided for the resettlement government, the refugees and the receiving community serve as "*bridge*" between the three parties.

V. SUGGESTIONS FOR JAPAN AND WAYS FORWARD

The pilot Japanese resettlement programme is still at its embryonic phase, facing a number of challenges on both the newly arriving side and the receiving side. To make the most of the learning process during the pilot phase, the following suggestions may be considered.

A. Look Back

Although the pilot resettlement programme was hailed as "the first ever refugee resettlement programme in Asia", Japan does already have the experience in accepting refugees through resettlement process from 1980s to early 2000s for the Indo-Chinese refugees, as mentioned above. A total of 11,319 Indo-Chinese refugees were accepted including those who arrived via boat, those who came to Japan via the family reunification scheme, and those who were resettled through refugee camps. Also, the GoJ, as a State Party to the 1951 Refugee Convention, has the official refugee status determination procedure and has granted the refugee status to a certain number of refugees since 1981 and humanitarian status to others, although the number is relatively small. To be sure, the backgrounds and profiles of the Indo-Chinese refugees who came to Japan from Vietnam via the family reunification scheme and the Myanmar refugees who spontaneously arrived in Japan and applied for asylum are significantly different from those of the Karen refugees who have recently resettled to Japan. But Japan can learn from its own experience, as a first step.

In fact, there already are some wealth of literatures on the refugee acceptance history and experience in Japan. RHQ and AJALT have issued a number of excellent reports, for in-

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24 For more details of the activities and discussions of EGM, see:
   http://www.cas.go.jp/jp/seisaku/nanmin/yusikishakaigi/dai1/dai1.html.

stance[25]. Also, IOM, commissioned by the Ministry of Foreign Affairs, published a report entitled "Survey on Vietnamese female refugees' adaptation to Japan" in February 2008 after conducting quantitative and qualitative interviews with a number of Vietnamese female refugees who were resettled to Japan, for five years[26]. Among various interesting findings and recommendations, one of the issues facing the Vietnamese female refugees is the cross-generational gap with their children. While the refugee women who came to Japan as the first generation have struggled with acquisition of the Japanese language and social adaptation as many of them became house-wives, their children have easily acquired the language skills and adapted to the Japanese society. Some child refugees started serving as interpreter for their parents, while others tended to depreciate their mother tongue and culture kept by their parents. This cross-generational communication challenge has also been observed among the general migrant populations around the globe, and it should be taken into account when formulating and strategising the long-term integration assistance for the newly resettling Karen refugees.

B. Look Around

At the same time, Japan can look around and learn from experience and lessons learnt by other traditional resettlement countries, such as USA, Canada, Australia, Sweden, Norway, Finland, etc. Japan as a relative new-comer to the "resettlement club" is in fact in an advantageous position to learn from the experiences of other long-timers. There are a number of re-settlement fora in which Japan can participate and from which to learn. For instance, UNHCR organizes Annual Tripartite Consultations on Resettlement (ATCR) for strengthened cooperation between governments, NGOs and UNHCR in the area of resettlement in Geneva[27]. Another useful forum is "EU Resettlement Network"[28], which supports the development of reset-tlement programme in Europe by connecting a variety of operational actors involved in refugee resettlement. IOM is one of the active members organising and supporting the initiative, along with UNHCR and the International Catholic Migration Commission (ICMC). IOM believes that the European resettlement experience will be particularly useful for and relevant to Japan, since most of the major resettlement countries in Europe are not traditionally countries of immigrants like USA, Canada, Australia, and New Zealand, but have similar nation-state orientation as Japan. Also, some of the European countries have just started resettlement pro-gramme in a relatively small scale, with which Japan should be able to share the same challenges and problems and discuss solutions together.

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25 For RHQ reports, see http://www.rhq.gr.jp/japanese/profile/data.htm.

26 Accessible on the IOM Tokyo website:
http://www.iomjapan.org/archives/vietnamese_refugee_adaptation_report.pdf.

27 For more information on ATCR, see: http://www.unhcr.org/pages/4a2cd39e6.html.

28 For more details, see http://www.resettlement.eu/page/european-resettlement-network-0.

To facilitate such learning process, IOM co-organised a joint symposium together with the MOFA on refugee resettlement in February 2009[29], inviting a refugee resettlement expert from the Government of Canada. In his presentation, the Canadian official strongly emphasised the importance of language education and acquisition, saying "language, language, language!". It was rather eye-opening and yet reassuring to learn that even such an experienced resettlement country still needs to stress how important it is for refugees to master the local language skills to be smoothly integrated and become independent as soon as possible.

There is another meaning of "looking around". Although the current pilot resettlement programme has only targeted Myanmar (particularly ethnic Karen) refugees currently in the Thai camps, they are not the only refugee group in need of resettlement in the world. Even if Japan may well prefer focusing on Asia for geo-political and socio-cultural reasons, there are other Asian refugee groups in need for resettlement, such as various ethnic groups from Myanmar taking refuge in Malaysia and Bhutanese refugees in Nepal, to name a few. While the protection needs of Myanmar refugees in Thailand persist and repatriation to Myanmar might not be an immediate option for them, Japan might well look to other refugee groups in need of resettlement to gain a variety of examples and experience during the pilot phase.

C. Look Ahead

While many parties at the receiving end tend to expect the refugees to highly appreciate and get accustomed to the particular life style, work ethos, and education system in Japan within a short period of time, the newly arriving refugees also expect the adjustment to the life in Japan to be easy and smooth. However, things usually would not work that way. As much as the IOM pre-departure orientations and the awareness-raising activities try to diffuse the high expectation held by the receiving end and the arriving end, still both sides usually draw a rosier picture for integration than it usually turns out to be. But it is not uncommon that the first generation refugees (usually already in their 30s and above) find it extremely difficult to acquire a totally new language, to find, learn and maintain a job, to have their qualifications (even if they have one) acknowledged in the receiving country, to raise many children while working without close community support which they used to enjoy while in refugee camps, to send money to their families and relatives remaining in Thailand, to maintain the mother tongue and culture among their children, among other challenges. For instance, it is reported that highly qualified Iraqi refugees (such as medical doctors, professors, engineers, etc.) resettled to the USA find it psychologically difficult to occupy a cleaning job. Notwithstanding, the major reason why the refugees decide to resettle, knowing that they may not be able to see their elderly parents again and that they will have difficulties adjusting to the completely new life, is to secure safe environment and good education opportunities for their children. Resettlement always has an element, to a certain extent, that the first generation sacrifices their life so that the second generation can be successful in the new country. As has been observed among some second generation children of Japanese-Brazilian mi-

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29 For more details, see http://www.iomjapan.org/english/english_006.cfm.

The Canadian expert's powerpoint presentation is also available from:
http://www.iomjapan.org/archives/Presentation_Canada_Collinge.pdf.

grants to Japan (so-called "Nikkei Brazilians") and of those who are granted refugee status in Japan, several second-generation migrant and refugee children have started attending and graduating from universities in Japan. Some of the refugee children are granted scholarship arranged by UNHCR with a few selected universities. This could also be the case for the refugee children resettled to Japan in a few years time.

At the above-mentioned symposium, the Canadian expert clearly said that one needs to wait at least until second generations become adults, to judge whether the resettlement scheme was successful or not. For most of the cases, the refugee resettlement is an investment for the long-term future, most notably for the success of the second generation. Even if the initial integration phase may appear to be rough and challenging, one has to maintain patience to wait and look ahead into the future of the second generation. This is true both for the newly arriving refugees as well as for the receiving parties.

D. Look Up

In 2010, a group of British filmmakers completed a film called "*Moving to Mars*"[30], depicting two Karen refugee families' experiences of being resettled from Mae La refugee camp in Thailand to Sheffield in England. As the title of the film clearly indicates, the resettlement process for refugees was felt like an inter-planet migration. The resettlement experience for those Karen refugees most of whom have lived in the camp for more than 20 years to move and settle in Japan must be equivalent to those of us living in an industrialised country to get onto a space shuttle and move to another planet. Whatever the metaphor, resettling refugees have to overcome the huge social, economic, and cultural differences between the camp life and the life in an industrialised world. They can be regarded as structural differences, in a sense. If one acknowledges such intrinsic difficulties associated with any resettlement experience, it will not be difficult to comprehend all the challenges facing the recently resettled refugees and the embryonic pilot programme. When one looks up to the sky at night and sees stars, one should think of such "inter-planetary" migration experience that 45 refugees resettled in Japan are currently going through.

VI. CONCLUSION

This paper provides an overview of the global resettlement history, its current status and the IOM services to the Japanese pilot resettlement programme, and makes some suggestions for the Japanese programme for consideration. Regardless of several initial challenges, it should be highly commended that Japan – generally known as very 'prudent' in terms of accepting foreign nationals – has voluntarily launched the resettlement programme and that some refugees have taken the risk to be the pioneers to go through greater challenges than the subsequent cases. For the author, it has been an extremely humbling experience to work with all the stakeholders, including the refugees, the central government authorities, the staff of the receiving agency, the local government authorities of the host communities and all

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30 http://www.movingtomarsfilm.com/.

others involved such as employers, co-workers, local school teachers, case-workers, inter-preters, and volunteers.

Resettlement is an extremely noble humanitarian endeavor, sometimes life-saving and always life-changing. Looking at the evolving refugee landscape, there will be unfortunately more people forced to move across borders and who are in need of resettlement as the last resort. Resettlement is part of migration management; it can be regarded as "humanitarian migration", and is a long-term national investment in human capital. At the same time, one must not forget the golden rule that the resettlement business exists to help realise the best for each of the refugees, not to meet the quota, numbers and the national agenda set forth by the receiving countries.

INTERVIEW

INTERVIEW OF Mr. Takashi SHIMOSAWA

Interviewed by Takami ISHIZAKA*

on 31st May, 2013 at Shizuoka University of Art and Culture

PROFILE OF THE INTERVIEWEE

Mr. Shimosawa was born in Aichi, Japan, in 1958 and has worked for Shaplaneer, an NGO working in the People`s Republic of Bangladesh. After serving as staff based in Bangladesh for 5 years since 1988, he held various posts including that of the secretary-general. Upon retirement, he and several volunteers founded the Jumma Net in 2002. Currently, he is the co-representati- ve of Jumma Net and a professor of Shizuoka University of Art and Culture.

Mr. Shimosawa has been involved with ethnic issues in the Chittagong Hill Tracts (CHT) in Bangladesh. There are indigenous people called Jumma in this area. Because of large-scale development projects, settlement policy of the Bangladesh Government, and the occupation by armed forces, a part of the Jumma people started to arm themselves resulting in an armed conflict. Consequently, many Jummas lost their lands and became refugees or internally displaced persons. In 1997, a peace agreement was reached between the Government and Parbatya Chattagram Jana Samhati Samiti, which is the political party of the indigenous people, and the indigenous people were disarmed. However, most of the articles of the agreements have not been implemented. Even now, there still is a conflict between the indigenous people and the Bengalese settlers and the human rights of Jumma are violated through exploitation of lands, assaults and rape.

Q1. How did you start to be involved with the CHT issues?

In 1988, I went to work in Bangladesh as a Shaplaneer representative. It was an opportunity for me to learn about and to engage with Bangladesh through a development program. In the latter half of my 5-year assignment, I had some chance to visit CHT. Before then, I had already had some contacts with the indigenous people in the plains area, and I was very interested in them. They were under discrimination. In particular, there was little information about CHT, which was under military control as a conflict region. It was shocking to visit the area and hear from the Jumma people first-hand how they were frequently subjected to human rights violations including murder. Then, I started to think about this issue seriously.

At that time, foreigners were forbidden to enter the area. Information was available only

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from the side of the Bangladesh government or the armed forces. Therefore, many Bengalis living in the plains area thought that in CHT, indigenous guerrillas were killing Bengalis and the army was waging a war in order to control the guerrillas. Moreover, hardly any NGOs, except for foreign-based ones, were engaged with the issue of human rights violations against indigenous Jumma people.

It was a time when many development NGOs were active in Bangladesh. Their activities were socially recognized and they had secured a certain position in the society, so it can be said that it was an era when the NGO industry was growing swiftly. While NGOs were in the limelight, I felt that this issue [in CHT] was being left out and rather avoided by such NGOs. Supported by ample funds, NGO staff's life was being protected, and NGOs tended to prioritize safe implementation of projects, avoiding sensitive issues like human rights. I started to have strong doubts in my mind about this situation.

Q2. Please tell us about the establishment of Jumma Net.

Even after I finished my assignment and returned to Japan, I remained deeply concerned about the situation in CHT, where people were continually being killed. I assumed that the local government would strongly intervene against the NGO if we started to engage in the CHT issue. To work on this issue, Shaplaneer, which was working as a development NGO, did not seem to be suitable. Therefore I decided to work for the CHT issue after leaving Shaplaneer. Meanwhile, I collected information and prepared for the next step by contacting several small groups.

It was in 2002 when I left Shaplaneer that I was determined to devote myself to the paramilitarized area remaining in Bangladesh. At that time in Bangladesh, international NGOs were seeking to provide assistance through partnership with local NGOs, by transferring their powers and competence. What came to my mind were such questions as: "Is there any need for assistance which could be offered by Bengali people?" "What is the assistance only foreigners can provide?" and "What kind of role can we play?"

Thus we established Jumma Net with a strong emphasis on the following two points. First, we thought that Jumma Net should be an organization that works to create external pressure. It is quite unlikely that foreigners lose their lives, even though they fall out of favor with the local Government. Thus I thought that we foreigners could work as an external pressure. Second, as an equal partner, we tried to seek an approach that is not based on money; that is to say, we tried to avoid the project-based approach. Even now we follow these two principles as an organization.

Q3. Will you tell us about Jumma Net's activities and achievements?

Jumma Net has been working for 11 years. What we have achieved could be summarized in the following three phases.

Phase 1: Starting-up the organization (From 2002 to 2003; gaining support within Japan and trying to identify local activists)

Our volunteers organized several events and study sessions in Japan. Human rights groups might have appeared difficult for ordinary people, so we tried to keep events enjoyable to gain more support. By appealing to people's hearts through events including cultural understanding and hands-on learning, we were able to mobilize more than 100 guests for an event. Thus Jumma Net came to be known among the civil society.

At the same time, we contacted some human rights activists to carry out fieldwork and identify local partners in the area. Thanks to a monks' organization managing orphanages, we visited the area including places where once massacres took place.

Phase 2: (From 2004; working for victims and learning through the experience)

While we were investigating the situation in the area with our local partner, in August 2003, in Mahalchari, a series of attacks against Jumma people took place. 400 houses got burned, and 3 Jumma residents were killed. In response to the incident, we started to work for the victims. Later, more similar attacks followed.

We went to the attacked villages for relief operations. Thanks to the experience from relief operations for the victims of disaster in a development NGO, we were able to smoothly proceed with the fund-raising, financial management, and relief operation itself. The peace accord which had just been reached at the time allowed NGOs to enter the attacked area, so we had a chance to learn what had happened there, and the structural problems of the area.

For three years, we went back and forth between Japan and the field and conducted research on the situation of the attacked area. We learned about the damages and how the military and the Bengali settlers were involved in the incidents. We also understood the area's structure; which organizations were sensitive to human rights and which were oppressive, etc. As we learned, we realized how much the Jumma people were being oppressed.

Through our assistance to the victims, we found out in particular that there were many incidents of rape, and that support to the assaulted women was not enough. Whether rape was committed or not is hard to prove as there is usually only the victim's testimony, and in many cases there is no remaining physical damage. So, there was a tendency for people to take rape as something already finished. The fact that usually men were planning the support programs for victims was also a factor in leaving this issue behind. Therefore, Jumma Net decided to tackle the issue on a long-term basis. At the same time, we launched another program to support the education of children who had lost their parents due to the attacks. The program is still ongoing today.

Phase3: (From 2006; international advocacy)

We appealed to the Japanese embassy in Bangladesh with an expectation that the CHT issue could be solved through the diplomatic power of Japan, which was the biggest donor for Bangladesh. However, the Ministry of Foreign Affairs of Japan did not show interest. It seemed to consider that touching on human rights violations could be interference in the

domestic affairs of that country. On the other hand, European governments, governmental bodies, and NGOs had strongly condemned the CHT issue. There was even an ambassador who officially expressed regrets at the attacks in Mahalchari. Taking such situations into account, we decided that it would be better to form the public opinion with organizations in Europe. Starting with the 11 European organizations dealing with the CHT issue and major NGOs, we visited various organizations focusing on the issue in the UK, Denmark, and Netherland, often without appointment.

Many of the organizations had released written protests against massacres and violence that took place in the CHT in the 1980s. They also had made booklets telling about the CHT issue. However, their actions and interests had moved on to conflicts in other areas and countries. The organizations supporting the CHT did not have information from the field and were unable to fully grasp the latest situation, due to the split among the indigenous peoples. We came to notice that we had more information, and by providing our information to the European organizations, we could call their attention to the issues.

Later, we assisted the reorganization of the Chittagong Hill Tracts Commission, together with the International Work Group for Indigenous Affairs (IWGIA), which is a Danish NGO that was seeking to fully engage with the CHT issue. The Chittagong Hill Tracts Commission, which consisted of European intellectuals and parliamentarians, had published reports in 5 volumes titled "Life is not Ours: Land and Human Rights in the Chittagong Hill Tracts" from 1991 to 2000. I remember being shocked at reading these reports. Jumma Net has provided financial support for the Commission for three years from 2008, and for another three years from 2011.

The international advocacy by Jumma Net was accelerated by the reorganization of the CHT Commission. By collaborating with European NGOs, we conducted a campaign to collect signatures from all over the world by using the Internet, which successfully resulted in gathering 35,000 signatures in total. Those signatures were handed to the Prime Minister of Bangladesh directly by Japanese Diet members during their visit to Bangladesh. This clearly demonstrated that Japan, as the biggest donor, has an interest in this issue. I believe that this contributed to put external pressure upon the Bangladeshi government.

The United Nations Declaration on the Rights of Indigenous Peoples has already been adopted, and the United Nations Permanent Forum on Indigenous Issues (UNPFII) is one of the most influential organizations working on indigenous and minority issues. The Forum is held annually, working on comprehensive understanding of the topic, publishing reports, and issuing recommendations. We also have had opportunities to attend the Forum and expand our worldwide networks.

In 2011, one day out of the three-day Forum was allocated to focus on the CHT issue, resulting in the issuance of three recommendations to the government of Bangladesh; namely, withdrawal of the army from CHT; implementation of the peace accord; and restriction on PKO troops who had committed human rights abuse. For Bangladesh army, PKO has been a source to gain foreign currency. Having considered that it might help pressure the government army to step back from the CHT issue, we insisted that the troops who had committed violations of human rights in CHT should not be dispatched to the PKO operation. In 2012, the IWGIA released a detailed report about the military operation in CHT. The Bangladeshi government has been criticized in the international arena, and will be under watch as to how it will respond to the recommendations. These campaigns in fact have produced huge exter-

nal pressure on the government. Jumma Net's and other foreign groups' activity has been successful in the sense that they have come to serve as watchdogs on human rights violations in CHT.

However, the Bangladeshi government has since begun to take an oppressive attitude towards this issue, banning the official use of the term "indigenous people" (*Adibasi* in Gangla language), restricting the activities of NGOs supporting the rights of minorities, and abandoning its own events in the name of "indigenous people". It is still in debate whether external pressure indeed has led the government and the military to change their policies on this issue. The present regime in the early days showed more positive attitude towards the implementation of peace agreement, and made a decision to withdraw a part of the troops in August 2009. However, due to internal criticism within the government as well as the pressure from the military, those initiatives were abandoned.

At present, Jumma Net continues to work on providing support to the victims as well as on international advocacy.

Q.4. Are there any Jumma people in Japan, and if so, how do you work with them?

It is estimated that between 40 and 50 Jumma people live in Japan, particularly in the Kanto area. When Jumma Net was established in 2000, there were a few Jumma people in Japan. They were trying to accuse the CHT issue from Japan, and Jumma Net also supported and collaborated with them. Those Jumma people had already applied for refugee status, although no serious risk to life was found by field research in case they went back to their own country. Later, we had a chance to meet Mr. D. Chakma, a famous indigenous leader in the field. We learned that he was a true activist, whose life was endangered several times, and would face a threat of death if he went back to Bangladesh. He had already applied for asylum in Japan and continued renewing his special permission for residence. However, his application was dismissed and he was suddenly detained by immigration authorities, and spent nearly 15 months in detention. In the meantime, volunteers among Jumma Net members supported calling for the release of Mr. Chakma, and filed a lawsuit with the support of an attorney who had the experience of representing Burmese refugees. In 2007, we won the case and Mr. Chakma was finally recognized as a refugee. He was the first Jumma to be recognized as a refugee in Japan, and is still the only one so far. After his case, Jumma Net has often been asked to sup- port asylum applications, but we understand that Mr. Chakma's case was exceptional, so we rarely conduct a campaign for refugee status these days.

Now, Mr. Chakma lives in Japan with his family from Bangladesh. He is working in Jumma Net as an advisor because of his extensive knowledge from the field. Moreover, he has established a Japan-based organization for Jumma, named 'World Jumma Voice', and continues working on the human rights issues in CHT. However, indigenous Jumma organizations have split up in two groups both in Japan and in the field. We have decided not to take sides, so we will not collaborate with Mr. Chakma's organization unless this dispute comes to an end.

Q.5. Is CHT affected by the recent demonstrations and riots against the government launched by Muslim parties and Muslim organizations throughout the country?

When a disturbance or political instability happens in Bangladesh, the minority Hindu communities and ethnic minority tribes have always been targeted. However, for the moment, it is not reported that CHT has been largely affected or harmed by this development. The security condition rather became severe around six months after the UN issued the recommendations. The conduct of military became exacerbated, and there were many reports of unlawful arrests and rapes. Furthermore, a student movement turned into a violent mob in Rangamati and unexpected violence against Jumma continued for several days.

As the majority of the population in CHT is non-Muslim and Mongoloid, it may be difficult to operate a fundamentalist campaign within CHT. Recently, it has been frequently reported that Jumma children are secretly taken to Madrasa, or Islamic religious school, raising alarm among Jumma activists.

There is a belief that Bangladesh is leaning toward Islamic fundamentalism, and religion would be used as a method to mobilize people; in fact, some people have turned into mobs because of this influence. Nevertheless, many others are well educated and prefer peace, which makes it difficult for us to believe that fundamentalism would have deep impact on the mentality of the people in all of Bangladesh. I still believe that the majority of Bangladeshis share a secular sense of value and a desire for peace.

NOTES

DEVELOPMENTS OF HMS/CDR

Miki ARIMA

I. Steady Progress on Projects and Further Development of the Summer School

During this reporting period (May-Oct 2013), CDR was able to make steady progress on its two main areas of concern: resettlement and refugee status determination. On the issue of resettlement to Japan, CDR organised a seminar in July and published *100 Q&A on Basics of Refugee Protection: Third Country Resettlement of Refugees*. On the issue of refugee status determination, CDR continued to make practical contributions through the country of origin (COI) pilot project with Lexis Nexis Japan, in which we answer specific COI queries from Refugee Examination Counsellors (RECs) and other practitioners in Japan.

Also relating to refugee status determination, this year's summer school focused on the issue of complementary protection. While the official role of the RECs in the administrative appeal stage is to interview appeal applicants and to provide advice on refugee status determination, many RECs in practice provide recommendations for humanitarian status for those who fall outside of the Convention refugee definition. Therefore, we feel that it is important to understand the basics of complementary protection and how it is applied in Japan and in other countries. The lecturers included CDR staff and judges from UK, New Zealand, Netherlands and Germany, all members of the International Association of Refugee Law Judges (IARLJ). As course materials, CDR published *100 Q&A on Basics of Refugee Protection: Complementary Protection*, as well as the second edition of *100 Q&A on Basics of Refugee Protection: Refugee Status Determination and Credibility Test*. This year's summer school and its accompanying seminar were historical in the sense that Asian judges came to attend, including four district court judges from the Republic of Korea, and a high court judge from Japan. We hope this trend will continue next year. The details of CDR events are provided below.

II. Staff as of October 2013

General policy of CDR is decided by the CDR Executive Committee in its monthly meetings. The daily work of CDR is managed by the following members.

A. Members of the CDR Committee

- Professor Yasunobu SATO (Chair)
- Professor Shinji YAMASHITA
- Professor Misako KAJI
- Professor Yuichi SEKIYA

B. Staff

- Yasunobu SATO (Director)

- Satoshi YAMAMOTO (Vice Director / CDRQ Editor)

- Miki ARIMA (CDRQ Editor / Researcher)

- Junko MIURA (Secretariat / Researcher)

- Kumiko NIITSU (Research Assistant)

- Kie HORIKOSHI (Research Assistant)

III. EVENTS

May - October 2013

【*Seminars and Symposia*】

▪ *CDR Seminar "Refugee Resettlement in Japan"*

Date: 26 July 2013,14:00-18:30
Venue: Building No.18 Hall, Komaba Campus, the University of Tokyo
First Session: Introduction
Presenters:

- Satoshi Yamamoto (Vice Director of CDR, and Refugee Examination Counselor of the Ministry of Justice)

- Junko Miura (Researcher at CDR)

Second Session: Research
Presenters:

- Takahito Ogino (Assistant Professor, Faculty of Human Life Design, Toyo University)

- Junko Miura (Researcher at CDR)

Third Session: Visions for the Future
Presenters:

- Koji Abe (Director, Human Rights and Humanitarian Affairs Division, Foreign Policy Bureau, Ministry of Foreign Affairs)

- Hiroaki Ishii (Japan Association for Refugees)

- Saburo Takizawa (Professor of Toyo Eiwa University)

■ *CDR/HSF/IARLJ Summer School 2013: International Protection for Asylum Seekers beyond the Refugee Convention*

Day1: Introductory course on International Protection of Refugees and Complementary Protection
Date: 2 October 2013, 9:45-17:30
Venue: The Open Space, Building No.18, 4th Floor, Komaba I Campus, the University of Tokyo
Lecturers:

- Dr. Satoshi Yamamoto (Vice Director of CDR, and Refugee Examination Counselor of the Ministry of Justice)

- Ms. Kumiko Niitsu (Research Assistant at CDR, and Refugee Examination Counselor of the Ministry of Justice)

- Ms. Miki Arima (Researcher at CDR; and Refugee Examination Counselor of the Ministry of Justice)

    Language : Japanese

Day2: Advanced course by Guest Lecturers
Date: 3 October 2013, 9:15-17:30
Venue: The Open Space, Building No.18, 4th Floor, Komaba I Campus, the University of Tokyo
Guest Lecturers:

- Judge Allan Mackey (Former President of IARLJ and Judge in UK and NZ)

- Judge Martin Treadwell (Deputy Chair, NZ Immigration and Protection Tribunal and IARLJ Councillor)

- Judge Harald Dorig (Judge of German Supreme Administrative Court, Leipzig and IARLJ Councillor)

- Judge Sebastiaan de Groot (President of IARLJ and Judge of Netherlands Administrative Court)

    Language : English/Japanese (simultaneous interpretation provided)

Day3: Advanced course continued and Symposium with video link to Australia
Date: 4 October 2013, 9:00-16:30
Venue: The Open Space, Building No.18, 4th Floor, Komaba I Campus, the University of Tokyo

Lecturers:

- Judge Harald Dorig (Judge of German Supreme Administrative Court, Leipzig, and IARLJ Councillor)

- Judge Martin Treadwell (Deputy Chair, NZ Immigration and Protection Tribunal and IARLJ Councillor)

Symposium Panelists:

- Professor Yasunobu Sato (Professor, Graduate School of Arts and Sciences, The University of Tokyo)

- Judge Martin Treadwell (Deputy Chair, NZ Immigration and Protection Tribunal and IARLJ Councillor)

- Judge Rolf Driver (Judge in Australia and Vice President of IARLJ)

- Judge Harald Dorig (Judge of German Supreme Administrative Court, Leipzig, and IARLJ Councillor)

- Judge Sebastiaan de Groot (President of IARLJ and Judge of Netherlands Administrative Court)

- Judge Seong Soo Kim (Judge in Suwon District Court, Korea)

- Judge Allan Mackey (Former President of IARLJ and Judge in UK and NZ)

- Dr. Satoshi Yamamoto (Vice Director of CDR, and Refugee Examination Counselor of the Ministry of Justice)

   Language : English/Japanese (simultaneous interpretation provided)

   Organisers: International Association of Refugee Law Judges (IARLJ);

       Human Security Forum(HSF); and

       Center for Documentation of Refugees and Migrants (CDR);

       in cooperation with Japan Association for Refugees (JAR)

■ *CDR/HSP International Seminar "International Human Rights Framework for Asylum Seekers and Refugees"*

Date: 5 October 2013, 10:00-12:00
Venue: K303 Room, 3rd Floor, 21KOMCEE, Komaba I Campus, the University of Tokyo

Co-chair:

- Dr. Satoshi Yamamoto (Project Associate Professor, Vice Director of CDR, and Refugee Examination Counselor of the Ministry of Justice)

- Judge Allan Mackey (Former President of IARLJ and Judge in UK and NZ)

Opening Remarks:

- Mr. Michael Lindenbauer (UNHCR Representative in Japan)

- Judge Sebastiaan de Groot (President of IARLJ and Judge of Netherlands Administrative Court)

Keynote Speaker:

- Professor Kohki Abe (Professor, Kanagawa University, President of Human Rights Now)

Comments:

- Judge Harald Dorig (Judge of German Supreme Administrative Court, Leipzig, and IARLJ Councillor)

Special Guest:

- Judge Shinji Sakakibara (Judge of Nagoya High Court)

Panelists:

- Ms. Naoko Obi (UNHCR Deputy Representative in Japan)

- Judge Martin Treadwell (Deputy Chair, NZ Immigration and Protection Tribunal and IARLJ Councillor)

- Judge Seoung Soo Kim (Judge of Suwon District Court, Republic of Korea)

- Professor Yasunobu Sato (Professor, Graduate School of Arts and Sciences, The University of Tokyo)

Moderator:

- Judge Allan Mackey (Former President of IARLJ and Judge in UK and NZ)

Concluding Remarks:

- Professor Misako Kaji (Professor, Graduate School of Arts and Sciences, The University of Tokyo)

> Language : English/Japanese (simultaneous interpretation provided)

> Organisers: International Association of Refugee Law Judges (IARLJ); Graduate Program on Human Security of the University of Tokyo (HSP); Center for Documentation of Refugees and Migrants (CDR)

> Supporters: Human Security Forum(HSF); Research Center for Sustainable Peace, Institute of Advanced Global Studies (IAGS), the University of Tokyo; UNHCR Representation in Japan; Japan Association of Asian Law; The Japan Chapter of the Asian Society of International Law

【*Projects*】

▪ *Country of Origin Information (COI)*

CDR, in cooperation with volunteers from Lexis Nexis Japan, has continued to provide COI query service upon request. Requests have come from some Refugee Examination Counselors who interview asylum applicants on appeal, as well as from legal counsels representing asylum seekers in the judicial procedure.

On 28 October, Yamamoto attended the presentation of the Training Manual *Researching Country of Origin Information, 2013 edition*, published by the Austrian Centre for Country of Origin & Asylum Research and Documentation (ACCORD) in Vienna. Yamamoto and Arima had provided comments on its draft prior to publication.

▪ *Resettlement*

CDR hosted a seminar on resettlement of refugees to Japan at the end of July. The details of the seminar are provided above. CDR continues to monitor the resettlement program in Japan, now in its fourth year.

▪ *Translation*

Translation of the Rights of Refugees under International Law by Professor James C. Hathaway is under way.

【*Publications*】

▪ *"100 Q&A on Basics of Refugee Protection: Third Country Resettlement of Refugees", July 2013*

Authors: Satoshi Yamamoto and Junko Miura

▪ *"100 Q&A on Basics of Refugee Protection: Refugee Status Determination and Credibility Test", Second Edition, October 2013*

Authors: Satoshi Yamamoto and Miki Arima

▪ *"100 Q&A on Basics of Refugee Protection: Complementary Protection", October 2013*

Authors: Satoshi Yamamoto and Miki Arima

【*Other*】

▪ *Academic Presentation on Refugee Resettlement*

Date: September 22
Occasion: Third annual conference of Japan Association for Human Security Studies
Presenter: Junko Miura
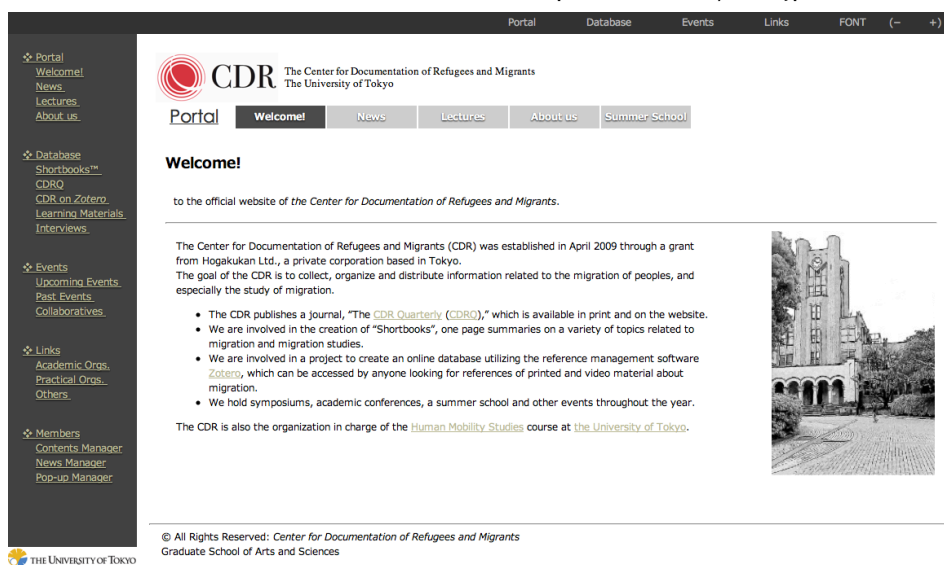
CALL FOR CONTRIBUTIONS

CDRQ is an open journal published on a quarterly basis. The aim of the journal is to disseminate information collected from research activities of CDR and related partners. It also welcomes contributions not only from academics but also from practitioners who are facing real social problems. This journal primarily focuses on issues of movement of people. However the contents also include variety of related fields such as governance and conflict resolution and prevention, as these issues induce and escalate forced displacement and more longer-term movement of people. The purpose of the journal is to provide a crosscutting perspectives on refugee and migrant issues with comprehensive awareness of the issues of movement of people.

For more details, please access the official website of the CDR and download the "CDRQ Handbook": http://cdr.c.u-tokyo.ac.jp/Quarterly/Q_handbook.pdf

Official Website of CDR [http://cdr.c.u-tokyo.ac.jp/]

CDR Quarterly