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NOTE FROM THE EDITOR

The Centre for Documentation of Refugees and Migrants (CDR) is a research organisation and the secretariat of "Human Mobility Studies (HMS)", a series of lectures in the University of Tokyo. Both of these initiatives are sponsored by the Hogakukan Co.Ltd. under a donation initiative. The initiative was started in April 2010 and will continue till March 2015.

The CDR is charged with several tasks relating to the documentation and dissemination of information on forced displacement, and migration issues; these issues are to be considered from a broad range of disciplinary perspectives. Tasks include inviting experts including academic researchers and practitioners, governmental officers, and lawyers to discuss the pressing issues in our field of research. In addition, by the publishing of original research and information and by providing lectures and training sessions for students, the general public, and professionals, CDR is contributing to the building of a more conscious public opinion vis-à-vis having an open or closed society. Moreover, the CDR is developing an online database for knowledge accumulation and dissemination.

The publishing of this journal, the "CDRQ", is one of these tasks, and the focus of this journal is to record the activities of the CDR. The CDRQ includes records on seminars, workshops and symposia conducted by the CDR and HMS. While some of the articles published here are written by the reporters and panelists of these events, outside contributions are also welcome.

This issue is originally scheduled to be publicised at the end of June 2011. However, it took three more months due to some circumstances including most seriously the earth quake and Tsunami disaster in March. However, we could accidentally include a series of research outcomes of fieldwork researches conducted in this period comprehensively. We hope it could help you to understand current Japanese refugee policy in context.

Editor: Satoshi YAMAMOTO

CDR Vice Director
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September 2011

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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. Until now in Japan there have been no journals or magazines focused specifically on the issues of the movement of people, and which utilise a multidisciplinary approach through which to view these issues. Moreover, there have been no journals published in English, on this field in Japan. The CDRQ is the first of its kind in Japan. 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 decreasing of population and ageing society. 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 facilitating engagement to 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 might contribute to advancing the discussion and finding new solutions. Especially I expect those among the younger generations will propose to undertake unconventional styles of research, even though 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

September 2011

CONTENTS

ARTICLE

ADDRESSING GENDER-BASED VIOLENCE WITHIN BHUTANESE REFUGEES CAMPS IN NEPAL

Simona DONINI*

ABSTRACT

Hundreds of thousands of Southern Bhutanese of Nepali origins were forced to flee Bhutan at the beginning of the 1990s as a result of the ethnic cleansing campaign implemented by the monarchical government of Bhutan. Among the refugee population who sought protection in Nepal, 50 per cent were women and girls. In the past few decades, much research has shown that women are increasingly targeted during armed conflicts or political violence, and systematic acts against women are usually supported by governments and committed by military forces.[1] This paper aims to give an account of gender-based violence among Bhutanese women in refugee camps in Nepal. It is based on secondary resources and primary research conducted in terms of informal interviews in Nepal. It also shows that displacement can provide opportunities for changes as refugees are exposed to influences of international aid workers and to ideas of equality and its promotion.

* MSc Violence Conflicts and Development, School of Oriental and African Studies, University of London. I would like to thank Michael Hutt and Tania Kaiser for the advice and help. I am also especially grateful to my Bhutanese friend, Ganga Neupane, for having shared her story with me and for having inspired me to choose the subject of my dissertation. Many thanks to Ellen Gough for all the suggestions and support throughout my year at SOAS, to Daria De Carlini, for being such a patient and caring listener, and to Chiara Lanti for having encouraged me to attend SOAS. My big thanks finally must go to my father and mother for funding my studies and for being my lovely family and home.

1 Ward 2002, 7.

I. INTRODUCTION

Hundreds of thousands of Southern Bhutanese of Nepali origins were forced to flee Bhutan at the beginning of the 1990s as a result of the ethnic cleansing campaign implemented by the monarchical government of Bhutan. Among the refugee population who sought protection in Nepal, 50 percent were women and girls. In the past few decades, much research has shown that women are increasingly targeted during armed conflicts or political violence, and systematic acts against women are usually supported by governments and committed by military forces.[2]

While an increasing amount of research has been conducted on gender based violence (GBV) during times of conflict, very little attention has been given to the lives of the hundreds of thousands of female Bhutanese refugees, some of whom have been living in camps in Nepal for well over 15 years. To what extent have their experiences paralleled the lives of other refugee women described in the literature on GBV, and in what ways have their ordeals been unique? Other than the conflict itself, what are the broader societal issues that play a role in the mistreatment of refugee women? And, how have Bhutanese refugees shown that displacement can, at times, be a means by which women find a voice?

This article is a summary of my dissertation which discussed gender-based violence (GBV) experienced by female Bhutanese refugees and emphasized that a continuum of violence[3] has persisted in Bhutanese women's lives from one phase to the next: in peace time, during the ethnic conflict and in displacement. It highlighted that violence against Bhutanese women was not only a manifestation of the political violence or ethnic conflict, but was present in domestic life before displacement and was enforced in refugees camps, bred by frustration, boredom, unemployment and so on. The situation was perpetuated not only by the Bhutanese community but also by the Nepalese society' discrimination. This article will explain how women re-experience GBV in refugee camps in Nepal at the hand of both their own community and and that of the Nepalese administrators. It points to the fact that the violence against Bhutanese women in peacetime increased during the ethnic conflict has also persisted in displacement. On a more optimistic tone, the last section will attempt to highlight how displacement can become an opportunity for change and empowerment.

2 Ward 2002, 7.

3 Cockborn 2004.

II. GBV IN NEPALESE REFUGEE CAMPS

A. Becoming Refugees

'My family was compelled to leave Bhutan, it was not voluntary. My father was arrested and released in poor health; the army used to come home and ask for grown up daughters. It is a known fact that living a refugee life for too long is very miserable. Slowly, our ramshackle huts of bamboo and plastic having thatched roofs are turning into our permanent homes. There are no means to come into a normal state as we have a disturbed mind, a life of indefinite exile and no future for our aims and desires. When I was a school girl in Bhutan I used to tell my teachers that I would become a lawyer in future. Who must be held responsible for making me unable to fulfil my aim?'[4]

Ganga is one of the Bhutanese women who left Bhutan in 1990 and have lived as refugees in Nepal for the last 20 years. According to the 1951 Geneva Convention and its 1967 Protocol, the term 'refugee' applies to any person who lives "outside the country of his nationality" because of "a well-founded fear of being persecuted for reason of race religion, nationality, membership of a particular social group, or political opinion, and due to this fear is "unable to return". Considering the vagueness of the refugee definition, women could arguably be included in the broad definition of "membership of a particular social group",[5] as this perfectly describes the status of Bhutanese women who fled to Nepal for fear of persecution.

Norms and procedures during crises have been institutionalized by the 'International refugee regime' which comprises the Government of the country of origin, the host state,

4 Ganga Neupane, SARC meeting, Kathmandu 23 March 2007.

5 Fitzpatrick 1996, 238.

UNHCR, Donors and NGOs.[6] Although Nepal[7] has not signed the 1951 UN Convention concerning the status of refugees, since 1990, it has assisted more than 100,000 refugees who have left Bhutan to seek asylum.[8] Due to the increasing number of arrivals, in September 1991, the Government of Nepal officially invited UNHCR to coordinate emergency relief. Local NGOs and INGO's such as Caritas, Save The Children UK, WFP, Oxfam, Nepal Red Cross and CVICT (Centre for the Victims of Torture) started working as implementing partners providing different services: food, water, shelter, health, education, legal protection.[9] There are seven Bhutanese refugee camps in the district of Jhapa and Morang and 50 per cent of the refugee population is female.[10] When first established in the early 1990s the camps were considered by the UHNCR a model of good practice because of the high levels of refugee participation, good infrastructure and good educa-

6 Matlou 1999, 129.

7 The Constitution of the Kingdom of Nepal does not distinguish among citizens and foreigners regarding basic rights. Therefore, refugees equally benefit from some basic rights such as the Right to Criminal Justice, the Rights against Preventive Detention, the Right to Education and Culture, the Right to Religion, the Right against Exploitation, the Right to Privacy and the Constitutional Remedy Right and have access to Court. Furthermore, International Human Rights Law and other international instruments guarantee a minimum of legal provision for refugee protection: The Universal Declaration of Human Rights (UDHR), The Convention for the Elimination of Discrimination Against Women (CEDAW), The Child Rights Convention (CRC), The Convention against Torture (CAT), The International Convention for Elimination of all forms of Racial Discrimination (ICERD), The International Convention on Civil and Political Rights (ICCPR), The International Convention on Economic, Social and Cultural Rights (ICESCR). See Kharat 2004, 84-88.

8 The governments of Nepal and Bhutan have met sixteen times at ministerial level to discuss a resolution to the crisis, with no concrete results. Bhutan has opposed Nepal's request for international engagement in the talks, India has maintained a neutral stance assuming the crises to be a lateral issue between the two governments. Finally, in 2000, under increasing pressure from the international community Bhutan and Nepal agree to start a pilot screening of the refugees in one of the camps, to establish their status. See Hutt 2005. Lacking any progress towards a resolution the US government offered in 2006 to resettle 60,000 Bhutanese refugees. The resettlement process started in 2008. By May 31, 2008, 828 refugees had been settled: 673 in the US, and the remaining in Australia, Canada, Denmark, the Netherlands, New Zealand and Norway. The resettlement is being managed by the International Organisation for Migrations (www.bhutaneserefugees.com).

9 Reilly 1994, 13.

10 Baral 1996, Kharat 2004.

tion system. However, a combination of factors as well as the protraction of the Bhutanese refugee crises lead to a dramatic decrease of the quality of living conditions in recent years.

While during crises most refugees are women and children, the aid industry is regarded to be male-dominated and policies have not often considered the interest of women.[11] In refugee camps, men usually are more educated and more likely to speak English; therefore, their male colleagues typically seem to see this situation as natural and make use of refugee males as culture mediators, translators and facilitators. Nevertheless, women's issues are increasingly gaining more attention among policy makers and practitioners. Turner has noted that in the last 15 years, they have become central in UNHCR policy.[12] The 1991 Guideline on the Protection of Women, providing a framework to ensure that refugee women may benefit from assistance and protection, is the result of the increasing interest in women's issues. Although basic principles of gender equality have been incorporated in policies, what happens in the camps often reinforces unequal gender relation.[13] The case of Bhutanese refugee women is an example of gender inequality. The following section will highlight how women in refugee camps re-experienced the discrimination and GBV that started in peace time, increased during the government repression and ethnic campaign and is persisting in displacement in a continuum.

B. Discrimination and GBV in Refugee Camps

Refugee camps should be considered safe havens from gender based violence perpetrated during conflicts, but often, unfortunately, they become again "sites of violence",[14] and Bhutanese refugee camps are not an exception. Such violence is part of a process which can be linked to gender relations and women's historical definition within their own culture and households. It has been argued that gender relations in refugee camps are influenced by traditional ideologies and are shaped by memories of home as a domestic sphere of patriarchal family. Thinking of the refugee camps as home, they can be viewed as a space composed by women and children where refugee men and foreigners exercise power.[15] Having previously argued that Southern Bhutanese culture is a patriarchal male dominated society, such background is reflected also within the camps where women are bound to remain within the periphery of household activities, in danger of

11 Matlou 1999, 131.

12 Turner 2000, 8.

13 Matlou 1991, 135.

14 Giles 1999, 90-94.

15 Ibid.

experiencing dependency on men in the process of getting aid, domestic violence in patriarchal homes, and public invisibility.[16]

In addition to discrimination within their own community since their arrival in the camps, Bhutanese refugee women have been under the protection and the legal system of the Nepal government. Nepal is strongly influenced by Hindu orthodoxy and maintains a patriarchal socio-cultural system where women have a lower and subordinate position and are subjected to various forms of violence and discrimination. Women in Nepal face not only social and cultural prejudice but they are also discriminated by laws, which strongly protect the patriarchal domination of men.[17] The existing law, for instance, deprives women of the right of property. While a son is heir from birth, a daughter is entitled to inherit parental property only if unmarried and when she is 35 years old. If she gets married, she has to return it. Discrimination against women in the law also includes the impossibility for a mother to transfer the citizenship to her child, recognising the father to be the unique source of nationality. According to Nepalese Constitution a child "whose father is a citizen of Nepal at the birth of the child shall be a citizen of Nepal by descent".[18] Further discrimination includes the impossibility for a women to retain custody of their children if they remarry.

Camp administrators, with reference to Nepalese justice, have therefore applied discriminatory practices toward Bhutanese refugee women during the registration process. According to Human Rights Watch report[19] the government of Nepal discriminated on the basis of gender by registering children who have a refugee mother but a non-refugee father. Women who have been victims of abuses by the army and got pregnant for instance, were unable to register their children, depriving them not only of the right to access aid packages such as food, clothes and nursery school, but becoming stateless and not entitled for the verification process.

UNHCR considers registration an essential condition to guarantee legal and physical protection to refugees. It allows each individual to access assistance and to be independently identified, and is particularly important for women and children. The guidelines on Protection of Refugees Women emphasises that "providing registration cards to all adult refugees, male and female, is necessary to ensure equal access to resources (in Martin, 2003:19). However, in Bhutanese refugee camps, UNHCR and the Government of Nepal have implemented a registration policy based on cards under the name of male-headed households, therefore failing to ensure that all refugee women have independent access to their full entitlement of aid. Being dependent on others for economic survival makes Bhutanese women extremely vulnerable to exploitation.

El Bushra and Fish note that, "GBV is widespread in displaced communities and

16 Martin 2003, 53.

17 Sangruola and Pathak 2002, 23.

18 Sangruola and Pathak 2002, 28.

19 Human Rights Watch 2003, 29-34.

takes many forms including domestic violence, trafficking, enforced prostitution and sexual violence".[20] GBV incidents have been occurring among Bhutanese refugees, numerous cases of women severely beaten by their husbands have been reported.[21] According to Martin the frustration experienced by men for not being to carry their socio-economic roles can often lead to an aggressive behaviour towards women and an increased family tension and violence.[22] Therefore, frustration caused for instance by unemployment and the subsequent increase in use of alcohol have created within the Bhutanese refugees community an environment fostering GBV. In addition, women who experienced domestic violence were unable to obtain safety because of the discriminatory refugee registration procedures, which obliged them to share humanitarian aid with their husbands. As long as these women are not able to obtain their own ratio cards and separate housing, they will continue to be dependent on perpetrators of violence or have to find refuge with other family members in already overcrowded huts.[23]

Perpetrators of violence against displaced women include not only partners and military, but also humanitarian aid workers. Sadly, sexual exploitation among girl refugees was brought to international attention after a study on Liberia, Guinea and Sierra Leone carried out by UNHCR and Save The Children in 2002. Numerous examples of sexual exploitation were reported, perpetrated by male national staff employed by UNHCR and NGOs, who traded humanitarian aid in exchange for sex with girls.[24] Bhutanese refugee camps have been also a theatre of sexual exploitation, including rape and sexual harassment committed by Nepalese government officers, waged by UNHCR and refugees, most of them teachers, working for implementing NGO partners. According to the HRW report[25] in 2002, eighteen cases of sexual abuse have been addressed.

In the field, efforts to tackle sexual violence have taken the form of legal assistance, counselling and prevention. Legal assistance to victims of GBV including legal counselling and legal representation has been provided by UNHCR and lawyers. UNHCR also focused on preventive activities trying to bring a change in the attitudes of male refugees promoting respect for women and bringing perpetrators to justice. Nevertheless, HRW report[26] pointed out that the camp management committees and counselling board did not have the suitable training, gender understanding, or legal authority to solve gender-based violence cases. Domestic violence situations have always been sorted out by discharging women's complaints and recommending them to "live happily with their hus-

20 El Bushra and Fish 2004, 8.

21 Human Rights Watch 2003, 36.

22 Martin 2003, 54.

23 Ganga Neupane, personal interview, March 2007.

24 Martin 2003, 48.

25 Human Rights Watch 2003, 36.

26 Human Rights Watch 2003, 40.

bands", arresting husbands just for a night as punishment. In such cases, refugee women and girls have been doubly victimised—first by their attacker, and second by the minimal response carried out by the government of Nepal and UNHCR, leaving refugee women with few options for finding safety and often reinforcing cycles of abuse. In addition, the social stigma prevented many women from reporting domestic violence as community tended to treat differently and reject women who incurred in those incidents.[27]

Though this paper has argued that discrimination and GBV among Bhutanese women persists from peace time to displacement in a continuum, the concluding section will try to be more optimistic and highlight the opportunity of changes women can experience during displacement.

C. Displacement as an Opportunity for Change?

During armed conflicts and displacement, women and men often assume new roles and tasks. Communities bring their own cultures to the camps' settings.[28] Southern Bhutanese culture is very similar to Nepalese culture; in such a male dominated society, it is very difficult for women to raise their voices. As it has been pointed out by P.D.[29], "women are forced to follow men's decisions, which are considered to be the only possible opinion".[30] Women in the camps were not included in any kind of decision-making; they have been often ignored, discouraged from expressing their opinions, especially in public. Many women's lives are bitter, education and jobs opportunities are preferably given to males, and the society makes them feel inferior. [31] However, it is also true that refugees have to deal with new modus vivendi, and build new identities in order to develop a sense of belonging to the new host society. This situation can cause social disorder and changes in family relations, as power hierarchies are sometimes challenged.[32] In addition, refugees are exposed to the influences of international aid workers, to ideas of equality and its promotion which, together with the implementation of programmes that aim to include women in camp governance, can help bring changes and improvements.

Thus, despite all the difficulties, limitations and discrimination, some positive examples of improvement and steps toward empowerment can be identified. First, many women, through Oxfam support, have learnt to read and write later becoming social

27 Ganga, Neupane, personal interview, March 2007.

28 McSpadden and Moussa 1996, 218.

29 This informer does not want her name to be mentioned in the paper.

30 P.D., Personal interview, March 2007.

31 Ganga Neupane, personal interview, August, 2008.

32 McLean 1999, 6.

activists.[33] Ganga Neupane managed to study at university level and then become a volunteer teacher. She has also been strongly committed to raising women's awareness and has founded, along with a colleague "Voice for Change", the only independent women's organization in the camps which advocates for women's rights. Voice for Change has given women the opportunity to meet together, to express themselves and defend themselves against violence. It has helped to raise women's voices and has created a platform for discussion, for sharing experiences, and finding solutions.[34] In addition, they conduct a radio program named Saranarthi Sarokar (Refugee Concern) broadcasted in Jhapa and Morang camps. It aims to highlight the issues, inform women and help them understand their own problems. Their advocacy activities have been sustained by local NGOs such as TEW Nepal, by The Global Fund for Women and INGOs. It can be argued that external influences of international aid workers have clearly created the terrain for changes through programs which include training, information and support services for local women and public education events.

Ganga's effort of creating a positive environment for women has been constrained by some political organizations such as the Bhutan People Party, which has continuously tried to limit their initiatives by putting restrictions during the implementation of activities in the camps and by intimidating and terrorizing members; particularly, during public talks, in the presence of a BBC reporter or UNHCR personnel people have often menaced women for speaking out. They were also denied to take part in the indefinite sit-in protest in front of the UN building coordinated by the Bhutanese Refugee Repatriation Representative committee seeking UN help to resolve refugee problems. On this occasion in 2006, an influential Bhutanese leader[35] endangered their personal security and also attempted to violate women's right of expression and participation.

Though political organizations silenced women's voices, with the help of NGOs Ganga continued to implement her communication campaign trying to make women understand that they are not less valuable than men and violence against women is intolerable. She has helped to break the culture of silence and it can be considered a great achievement. However, changes in attitudes are difficult to bring about. While programs and policies can support these changes, the attitudes can be modified only by people, and it is a very long process.

Another instance of potential positive change in of GBV among Bhutanese refugees occurred in early 2008, when several countries, including the United States, Australia, Canada, Norway and New Zealand, began to accept tens of thousands of Bhutanese refugees. Since the bilateral talks between Nepal and Bhutan have ended in (?) no solution for the refugee crises, as Ganga Neupane has said, "to guarantee the normal and

33 Acharya 2000, 13.

34 P.D., Personal interview, March 2007.

35 Ganga Neupane does not want me to mention the name of the leader.

secure lives of women, only third country resettlement would help".[36] In March 2008, resettlement started for 828 refugees. Each refugee will be sponsored by NGOs that will provide housing, food, clothes, English classes and help to search for jobs. GBV cases have been given the priority for resettlement. Migration scholars have shown that the concept of men's role as breadwinner sometimes becomes inadequate after immigration. Migrant women often become the new provider for the families because they adapt better and are more willing to accept any kind of job in order to help the family.[37] Gender relations within the families are challenged and empowerment and opportunities accompany difficulty and losses. While resettlement is, for many, not the ideal solution- many women would prefer to see empowerment within their own country - it could present more opportunities for women and further steps toward empowerment. Because the resettlement phase is in its infancy, we will have to wait a few more years to properly assess how resettlement affects these Bhutanese women's lives.

III. CONCLUSION

The present article has discussed GBV experienced by female Bhutanese refugees who have been living in Nepal for more than 15 years.

To answer the questions posed at the beginning, first it can be said that Bhutanese women had to experience some issues common to refugee women in any geographic areas, such as discrimination, domestic violence, and dependency on male heads of the household, though every context needs to be distinguished by its own characteristics depending on the cultural, historical and political context. Refugees' fleeing was in this case caused by political violence and persecution. While in a war context the women refugee population is usually superior in numbers, due to the loss of men in the battlefield, women may have to become breadwinners, which encourages a changing of roles within the community. In the case of Bhutanese refugees the percentage of displaced women and men was very similar and Bhutanese women did not have this opportunity for change. Second, their experience of violence is not exclusively the consequence of the ethnic conflict but also the reflex of gender biases embedded in patriarchal societies. Third, as has been demonstrated in the last section of chapter three, displacement has been also an opportunity to achieve change; though cultural attitudes are difficult to transform and it requires time, some small steps have been accomplished. Furthermore, the steps taken towards the resolution of the Bhutanese crisis, such as the third country resettlement started in March 2008, may be a further opportunity for women to improve their status. This, however, remains beyond the scope of the present paper.

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36 SARC meeting, March 2007.

37 Matsuoka and Sorenson 1999.

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C. Interviews

P. D. (The informer want to be anonymous) is a Bhutanese refugee woman who has been living in Nepal for 16 years.

Ganga Neupane is a Bhutanese refugee, founder of "Voice for Change" and committed advocate of women"s rights in the camps.

Harka Ketri is a Southern Bhutanese woman who still leaves in Bhutan. Sonam Lhaden is working for Solution Exchange, UN in Thimpu.

OLD WINE IN NEW BOTTLES: THE EU COMMON MIGRATION POLICY

Magdalena IONESCU *

ABSTRACT

In recent years, against a background of increased politicisation and securitisation of migration issues, various innovative institutional and technological tools have been devised in an attempt to reduce the number illegal immigrants. Successive Western governments have been keen to display their ability to control migration by adopting increasingly restrictive policies and conditioning their politico-economic relationship with transit and origin countries on the latter's support in stemming illegal flows. Despite the best efforts of governments however, the 'problem' of illegal immigration has persisted and has been identified as a source of vulnerability and questionable legitimacy of the leadership. Consequently, in an apparently intrusive move that undermines state sovereignty, some European states have decided to coordinate their efforts through various methods and, in certain areas, even pool together their sovereign capabilities in search for effective solutions to international migration challenges, in effect laying the foundations for a European common migration policy. This article asks whether it is possible for a regional organization to own and operate a migration policy of its own and, if so, what would be the benefits of doing so. Moreover, it analyses the ways in which the content of the EU migration policy competes with or complements national policies.

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"Theoretically, sovereignty is nowhere more absolute than in matters of emigration, naturalisation, nationality and expulsion."[1]

"It is not that the state has been replaced, but that the stage has become more crowded."[2]

I. INTRODUCTION

The processes of globalisation have seen on the one hand, an unprecedented increase in the transfer across borders of goods, capital and cultural exchanges, while on the other, ever tighter restrictions of the movement of people across the same borders. The explanations provided for this restriction in developed countries are as varied as the actors and interests involved. For example, ruling governments hide behind lofty security rhetoric their own political calculations when justifying the exorbitant costs of cutting age technologies associated with restrictive immigration policies; extreme right wing parties argue that large populations of immigrants 'pollute' the national identity and values of the native population (see Austrian, German, Dutch right wing discourse),[3] organised labour unions argue that increased availability of cheap immigrant labour pushes many natives out of jobs and depresses the value of real wages, at the same time reducing their own bargaining power.

In recent years, against a background of continued politicisation and securitisation[4] of migration issues, a series of innovative institutional and technological tools have been devised in an attempt to reduce the number of those who enter the country illegally. The persistence of illegal migration and the growing migration industry show however, that despite the best and most expensive efforts of governments, it is virtually impossible to

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1 Hannah Arendt quoted in Shaw 2002.

2 Nye, Joseph - BBC America interview February 8, 2011.

3 Betz 1994, Klandermans and Mayer 2006, Muddle 2000, Geddes 2003.

4 Politicisation is the process that turns a previously non-political issue into a subject of political contestation and debate. Securitisation is the process through which a political actor turns an issue regarded as belonging to the 'common politics' realm into a 'national security threat', the high (hard) politics sphere, in order to justify and legitimise the adoption of certain measures considered otherwise 'extraordinary'. See Waever 1995. Thus, the securitisation of migration means the identification of migration as a high politics issue, on the premise that it represents a threat to national identity and security. Huysman 2006, Guild and van Selm eds. 2005.

completely stop people from circumventing state restrictions. Actually, the most cursory analysis of the historical record would show that "the general history of government migration control has been the history of its failure."[5]

Seen as a source of vulnerability and questionable legitimacy, successive Western governments have been keen to display their ability to control migration by adopting increasingly restrictive policies and conditioning their relationship with transit and origin countries on the latter's support in stemming illegal flows. Proponents of globalisation theory have argued that these national policies are meaningless as the nation-state has lost control over these issues.[6] Moreover, because of the state's inability to deal with global issues unilaterally, globalists have gone as far as to herald an 'obsolescence of the state.'[7] The present article argues against this scenario and explains why current challenges ought to be understood not as a crisis of the modern state and the state-system in itself, but rather as an 'image crisis' of the state.

This crisis refers to the Weberian image of the nation-state as a political body possessing an identity distinct from that of both rulers and the ruled, having absolute monopoly over the means of force that guarantee exclusive authority over a fixed, clearly delimited territory and which bases its legitimacy on the collective consent and loyalty of its citizens. At the same time, it is a crisis of perception of the state as the ultimate expression of the people's will and power triggered primarily by the people's loss of faith in state institutions and their democratically elected political representatives who are seen as incapable of living up to their expectations.

In arguing this I do not imply that the state is in perfect control over the entire array of issues and aspects that make up the modern society and its activities. On the contrary, regarding the field of migration with which this article deals, it is argued that the state has never been in complete control; but until recently this was never identified as a major challenge to the state and its ability to control immigration had never before been so closely linked with politics to be considered a barometer for judging its legitimacy. Nor do I mean the image crisis of the state in the sense argued by globalists who see globalisation as a vehicle for the emergence of a post-Westphalian, de-territorialised new world order. Rather, as the analysis of the emergent European common migration policy illustrates, there is a continued preference and relevance of the territorial aspect of social order.

The most serious challenges that globalisation lays down at state's doorsteps are of a transnational, de-territorialised nature such as environmental (ex: pollution, global warming, draught), health (ex: pandemic viruses), economic (ex: regional or even global financial crises), security related (ex: organised crime: arms, drugs, cultural property or

5 Kleinschmidt 2006, 70.

6 Clark 2003 for example, argues that globalisation has diminished significantly the state ability to provide security to its citizens.

7 Strange 1996, 2003, Ohmae 1996, 2009, McCarthy and Jones 1995, Mathews 2003.

human trafficking) issues, to name the obvious. However, it should be remembered that these transnational phenomena are not new developments characteristic only of our modern age. The state, or the empire before it, has always had to contend with non-territorial challenges.

What is different today is the territorial nature of the modern state's approach at governing these challenges and the way in which it justifies its actions. In an age that speeds up and magnifies the intensity of these challenges, it has become obvious that national approaches and tools are highly ineffective. Consequently, more than ever, states (i.e. politicians and state bureaucracies) are forced to find solutions together, by bringing their efforts in a common international forum of debate and collaboration to tackle these challenges, effectively re-territorialising national policies and practices at the regional level.

In the case of international migration this kind of cooperation had been until recently thought to be impossible since this would imply a rethink of the idea of nation-state and a redefining of the state's role and its relationship with its citizens. This is because of the proximity of migration to core issues such as citizenship, national identity and welfare, which fall under the rubric of sovereign rights of the nation-state and which are by implication not to be shared with other states.

However, some states have decided to coordinate their efforts through various methods and, in certain areas, even pool together their sovereign capabilities in their search for effective solutions to international migration challenges. In Europe, this tendency to intensify cooperation on migration related matters through intergovernmental methods among national policy makers began following the Single European Act and the Schengen Agreement and gained further impetus following the collapse of the Soviet bloc and the subsequent fears of mass East-West migration. Moreover, the September 11, 2001 terrorist attacks provided new meaning and justification for further integrating EU member states' national policies and practices.

Since the 1999 Tampere Convention, against the background of growing salience of migration related concerns, the European Commission has identified the development of a common European migration policy its express objective.[8] At the same time, the intensification of national and sub-national level cooperation on migration issues facilitated and shaped by EU institutions points to an increasing supra-nationalisation of migration-policy that goes beyond the intergovernmental cooperation method initiated by member states.

Therefore, this article asks: is it possible for a regional organisation to own and operate a migration policy of its own and, if so, what would the benefits of doing so be? Also, how is the content of the EU migration policy different from that of national ones? Does it replace national policies, or does it complement them in some way? To answer these questions, first I look at the relationship between migration, the state and the region, second I identify the effects that these new institutional and operational tools developed

8 Tampere Conclusions 1999.

at the European level have both at national and supranational level, and third, I analyse the effectiveness of these tools in achieving the objectives desired.

II. MIGRATION AND THE STATE

To define the state in its most basic form and role we need to refer to the basic notions of social order and social entities. For as long as humans have lived in social communities for security to be effective it has had to be collective. Where individuals cannot provide for their own security there is a need to cooperate, to create a community and a social structure that regulates the order within that community. When the social structure, containing all the practices and procedures needed to ensure security, becomes formalised and the people' united support for the security provider becomes institutionalised then the first nucleus of the state is created.

The definition of the state in current international law postulates that for a state to exist a condition of a 'triple unity of elements' must be fulfilled: of territory, of government and of people.[9] That is, a state must have complete control over a single territory clearly delimited by physical borders, which implies that an integration of that territory into the state must be fulfilled. A second condition is the capacity of the state to control the government of that territory (the state creates and controls the organisational borders of all social activity within its territory), thus being the sole provider of security. Last, and probably most difficult to achieve, there is the condition of the unity of population, which means the capacity of the state to control and verify the population within that given territory. Here, the conceptual borders of identity, belonging and entitlement, which represent the foundation of the nation come into play.[10]

To be accurate, this definition is describing the characteristics of an ideal created during the late eighteenth and nineteenth centuries' process of nation-building in the European context that later merged into the idea of the nation-(based) state. The modern nation-state emerged at a time when social unrest and dissatisfaction with the monarchical rulers of Europe reached its zenith. This dissatisfaction was undeniably caused by the incompetence and abuses of those rulers, but it must also be understood against the

9 Jellinek was the first one to identify and explain these 3 unities. See Jellinek 1960 and Rosenau 1989. The same principles were laid as conceptual foundations of the 1933 Montevideo Convention on the Rights and Duties of States, which codified the "declarative theory of statehood" as understood in international law. Article 1 provides that "The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states." For the full text of the Convention see http://avalon.law.yale.edu/20th_century/intam03.asp.

10 Geddes 2005.

background of the spread of the vernacular in writing and increased scientific knowledge as well as the result of the attack on the Divine-mandate thesis (people no longer believed that their sovereigns were mandated by the God and that opposing their sovereign was sacrilegious).

Following the complete de-legitimisation of the *ancien régime* the new security provider had to devise new ways to justify and thus legitimise its claim to power. Philosophers, historians and other academics were called upon to provide the framework on which the unity of the people could be based and the legitimate claim of the state supremacy derived from. Politicians and diplomats then, using the tools within the grasp of the state, undertook the task of disseminating the idea of the nation-based state.[11]

The legitimacy of the new (European liberal democratic type of) nation-state was to be drawn from the relationship with its citizens, its ability to ensure the security and provide the rights they required.[12] Consequently, the right to decide who is and who is not a citizen has been recognised as an ultimate expression of state sovereignty. Regardless of the differences in the constitutional and judicial systems according to which the decision to grant citizenship is made (whether based on *jus soli, jus sanguinis* or acquisition through naturalisation), and the discretion which each individual state possesses in deciding how that protection right is to be exercised, the basic principle of reciprocity on which the relationship between the citizens and the state is based and from which their respective rights, duties and responsibilities result from, is universal.

In other words, just as there can be no secure rights for the individual without the state, there can be no state without citizens and their allegiance. This is why issues such as citizenship and migration are considered to be central concerns for the state and why non-nationals - classified either as foreigners, (legal, illegal, irregular or undocumented) migrants, refugees, stateless persons – are seen to pose a serious challenge to the state.[13] In the most extreme way, the case of stateless persons shows not only what problems the phenomenon of statelessness throws at states, but also the fact that people who owe allegiance to no country are lacking the guarantee of provision of even the most basic human rights, as no state is willing to assume responsibility for them.[14]

Although the discourse surrounding the modern nation-state has continuously claimed control over alternative entities and their sources of power, the state has never managed to completely control, not to mention eliminate all its challengers, although the attempt to do so has been a constant preoccupation. The interdependent nature of world affairs today is not only increasing the number and diversifying the nature of these chal-

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11 Lipson 1993.

12 Mitsilegas, Monar and Rees 2003, Milward 2000.

13 Joppke ed. 1998.

14 This is despite the fact that as early as 1954 the UN drafted and proposed for signature the Convention Relating to the Status of Stateless Persons. As of October 15, 2009, only 65 countries have ratified it.

lenges the state, but it also exposes the contradictions that have been embedded into the nation-state system ever since its emergence.[15]

The 'sovereignty' discourse is based on a Weberian[16] definition of the state as the sole security provider that has monopoly over the means of violence within its territory. Maintaining this image of the nation-state is not only unrealistic, but also misleading as it fuels arguments heralding the 'end of the state' premised on a 'loss of control'. The state has never had complete control either over the means of violence (mercenaries, pirates, terrorism and thugs, organised crime, to name just a few challengers) or over its population and people movements (both emigration and immigration).

This discourse is unrealistic in that it portrays the state and its most basic concepts as fixed in time and meaning. Despite the intrinsic practical flexibility that characterises concepts such as 'state' or 'sovereignty' and that has allowed to maintain their relevance over the centuries, the discourse surrounding them in the context of the modern nation-state as created and recreated by state-actors not only ignores the changes they have gone through in their process of adaption to the needs of the society,[17] but also helps maintain an ideological 'status-quo' that is increasingly distancing itself from reality and in the process becoming the source of countless problems.

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15 In legal terms, the principles of sovereignty, autonomy and non-interference guaranteed that all states are equal members of the international order, regardless of their territory and population size or overall power. Although often these principles are disregarded in practice, they have helped create the normative aspect that characterises the current international law. Today the most challenging contradiction lies in the protection of human rights, the respect the principle of 'self-determination' and that of the inviolability of state borders. Mandelbaum 2003. In migration terms, statelessness, double-citizenship, or the non-membership of migrants, are 'anomalies' of the nation-state which are becoming more poignant as globalisation intensifies. Brubaker 1990.

16 Max Weber defined the state as the territory and the people over which a governing bureaucracy has established a legitimate monopoly of the use of force. Weber 1964, 154.

17 The meaning of sovereignty has changed in the past centuries from the original meaning in the European context of authority and legitimacy within the domestic arena to the external meaning of sovereignty throughout the newly independent states (following decolonisation and the recognition of sovereignty for certain elites and regimes over their alternatives, mainly by their former European colonisers according to expediency or the latter's domestic interests). As democratisation and demand for the respect of human rights proliferates world-wide, the previously non-democratic states are assuming their democratic right to chose their leaders, and therefore to shift the balance of sovereignty from the external to internal side. For an in-depth analysis see Howland and White eds. 2009.

Also characteristic of the image of the nation-state is its extended regulatory power and role as sole security provider. In many ways the citizen has never been so much dependent for his/her security on a single provider as today. "The state appears to be omnipresent, regulating the conditions of life from birth registration to death certification. From the policing of everyday activities to the provision of education and the promotion of health care, the steady expansion of state power appears beyond question."[18]

Mainly due to the way in which the nation-state has assumed supreme control over the security of its citizens (directly or indirectly regulating public and private security providers) and pledged to care for them through the expansion of the welfare system, citizens have come to expect their states and their elected leaders to live up to that promise. Therefore, the current perception of the 'state losing control' needs to be partly understood in the context of the citizenry's high expectations for security provision from the state and the political leadership representing them.

The ideological sustainability of the welfare system is undermined by the diversification of population and the distinction between the nationals and non-nationals living within the territory of the state. The economic sustainability of welfare systems is undermined by low birth-rates, decreasing national labour force (although replenished by non-nationals) and increasing lifetime expectancy not to mention the global financial crises that have had an impact on the growth of industrialised economies leading to austerity budgets and painful public expenditure cuts. Either way, politicians (and bureaucrats alike) are faced with impossible challenges in maintaining the welfare system afloat while justifying the state's role and by implication, as public servants, their own role in providing for the security of the citizen. This only means that for the governing leadership to be able to maintain its legitimacy it also has to undertake a heavy campaign of public confidence management. Today, the very occurrence of a crisis triggered either by a natural or man-made disaster is seen as a crisis of public's confidence in its leadership.

The expectations are so high, that leaders and, by implication, the state are seen as capable to foresee and prevent impending crises. "In previous times, government leaders could safely assume public sympathy in times of duress. Today, they have to battle to (re)obtain it."[19] Managing the legitimacy discourse for both the domestic and external audiences is one of the most difficult challenges that politicians are facing today. Theirs is not only a political role but also a normative and ideological one, as through their cumulative choices they are practically negotiating the gap between reality and discourse, in the process, effectively updating the latter to the former.[20]

Proponents of the globalisation thesis explain these political changes as consequential to the current socio-economic globalisation and are citing a functional 'crisis of the state' and a 'loss of control' as proof of what to them is an unmistakable transition to-

18 Held and McGrew 2003, 8.

19 Boin and 't Hart 2003, 551.

20 Teschke 2006.

wards a post-national, post-Westphalian de-territorialised social order.[21] They define the challenges to the nation-state as twentieth century developments and consider the current world order to be in a transitory process either towards a federal super-state,[22] a confederation, a polycentric 'dispersed polity',[23] or an international state.[24]

The general problem with the globalisation argument lies in some of its basic assumptions. An accurate analysis of current challenges would have to take as starting point the economic developments witnessed by the late eighteenth and nineteenth centuries and the role that surveillance gained following the removal of the city walls beginning in late sixteenth century. Such an analysis would clearly prove that from its very beginnings the state has had in capitalist economic actors a transnational/de-territorial partner whose activities it has always sought to influence but over which it has never had a complete control; thus, the tension in the relationship between the two is not a twentieth century development.[25]

To foster economic development by allowing greater movement of goods and people between the town and the countryside, cities had to remove their walls and in effect give up their ability to close the city at night and control 'daily coming and goings'.[26] This loss of control over the physical borders through the removal of city walls created a need for surveillance and control, which would play a vital role in the process of nation-state formation and shaping the meaning and value of nationality and citizenship. The question of "how to police the mobility of the population, and how to reconcile or adjust such mobilities (sic) to norms of settlement and sedentary life"[27] inevitably led to the creation of passport control, visa systems and restricting border access to non-nationals.

It is with the emergence of the nation-state and the attempts to control all aspects of life that the clear distinction between *in* and *out*, between *public* and *private*, *domestic* and *foreign* spheres, and the separation between politics and economics were reinforced. Capitalism and the modern economic patterns emerged in the specific conditions of seventeenth and eighteenth century Britain and it slowly expanded into the rest of Europe over the following century.[28] However, the non-territorial aspect of economic enterprise has always existed and so has the desire to control it. Beginning with the ancient times, throughout the Middle Ages and during Renaissance the ruler (pope, emperor, monarchs, bishops, lords, city-authority) tried to assert control over the three main

21 Strange 1996, Ohmae 1996, McCarthy and Jones 1995, Ohmae 2009.

22 McKay 2001.

23 Wind 2003, Dehousse 2003, Schmidter 1996.

24 Caporaso 1996, Weiler and Wind 2003.

25 Wood 2002, especially 166-81.

26 Foucault 2009, especially chapters 12 and 13.

27 Walters 2010, 222.

28 Wood, 2002.

aspects of the economy through commercial policy: communications, currency and the food supply, but it was never a complete control. This would remain so after the eighteenth century as well, when the emergence of powerful colonial enterprises, and the advocacy of the *laissez-faire* economics began to widen and institutionalise the gap between the state and the economy.

True, compared with the European state during the Middle Ages, where the feudal system implied overlapping and constant competition for authority that was non-territorially bound and never absolute, the modern nation-state with its clearly determined territorial and institutional authority has considerably much more control over the activities within its territory. However, this is far from being a complete, perfect control. As Benno Teschke argues, the modern state "was never master over its territory, but contained already a trans-territorialising logic, expressed in the transnational flows of capitalism that easily crossed borders *without*, however, necessarily challenging the sovereign nation-state."[29] (Italics in original)

The greatest points of novelty that the eighteenth century nation-state creation processes brought were the institutionalisation of the strong surveillance aspect that came to dominate state affairs and the clear territorial approach that the state has been employing in governing non-territorial phenomena. The former aspect, as previously mentioned, came out of the removal of the city walls. The latter aspect "emerged in a system of dynastic polities that had consolidated their territories and overcame feudal fragmentation during the absolutist period".[30] Therefore, it is correct to argue that the contradictions playing out in current world affairs are not the product of twentieth century developments, as argued in the globalisation theory, but have been embedded into the nation-system from the very beginning.

The same basic tension or contradiction inherent in the current system between the transnational non-territorial nature of the economic venture and the territorial, limited nature of the state and its governance are also reflected in the challenges that migration poses modern states. Before the nineteenth century state-building process began and forging a common national identity became the primary concern of the state, migration-related issues did not represent a major concern. As state-building took off though, the state promoted the creation of a single nation and a common identity based on the distinction 'us' versus 'them'. Regardless of the way in which it was achieved, (either by emphasising the ethnic homogeneity of the population and purposely ignoring the existence of ethnically distinct groups within its territory as in Germany, or by ignoring the ethnicity aspect altogether and emphasising the cultural aspect of its population as in France) national identity was linked directly with the territorial aspect by positioning "the place of birth as the key characteristic of the individual identity."[31]

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29 Teschke 2006.

30 Hollifield 2000, 59.

31 Behr 2005, 5.

Regarding migration, globalisation theories argue that it is primarily the result of the dualities existent in the international economy and that the state plays only a marginal role in managing international migration.[32] This argument suffers from two problems. First, it is incorrect to assume that globalisation 'robbed' the modern Westphalian state of the full control over the physical and socio-political aspects of the society within its fixed territory it used to possess. Second, arguing that the state has only a marginal role in the management and control of migration is deeply flawed when placed in historical context. Moreover, whereas it has been shown to lack the ability to fully prevent illegal immigration and human smuggling, the state does possess a wide range of policies and measures through which it significantly influences international migration.

Migrants, as well as other trans-border actors, construct non-territorially defined social spaces[33] over which states try to assert control by initially applying traditional territorially defined strategies and tools. Thus, it can be argued that the reasons why the state cannot possibly exert full control over people movement lie in the basic incompatibility between the territorially limited nature of the institutional organisation that underpins the modern nation-state and its control tools on the one hand and the trans-border/de-territorialised nature of migrants on the other. This distinction is imperative since "the control of places and the control of flows require different ideas and instruments depending on which definition of region one employs."[34] It is this distinction, which is the key to understanding the developments concerning migration in the European Union. The point of concern to our analysis here is whether the EU is replicating the state in its common European migration policy, and if not what are the points of novelty that allow it to manage the post-national/transnational social spaces created by migrants.

III. THE EU AND ITS COMMON MIGRATION POLICY

As early as the 1980s (and especially after the adoption of the European Single Act that created the common market and removed internal borders) there was a growing realisation among European states that an effective migration management would require intense cooperation and even national policy integration. However, the lack of consensus between the intergovernmental approach preference of UK and Denmark and the common European approach preference of the older member states (the Benelux countries, France and Germany) meant that little meaningful progress was achieved. Moreover, whatever progress was made it had been achieved through outside the treaty informal avenues of cooperation such as the Schengen Convention, the Trevi Group, and its

32 For a typical interpretation Castles and Miller 2009.

33 Kleinschmidt 2006.

34 Väyrynen 2003, 27.

Ad-Hoc Working Group on Immigration or the Dublin Convention.[35]

The 1993 Maastricht Treaty was the first important step towards the creation of a common immigration policy as it institutionalised under its third pillar of justice and home affairs (JHA) the entire network of actors and tools that had been previously developed through outside treaty intergovernmental cooperation. While it brought under the European umbrella issues that were previously of strict national concern, the third pillar continued to see only intergovernmental cooperation. Although it led to the formulation of a series of joint positions and action plans, this method prevented the achievement of significant progress on any of the issues involved. What this period did achieve however, was to create a closer link between internal security and immigration and asylum.

This institutionalisation and formalisation of previously informal (outside the treaty) negotiation frameworks in effect led to a limitation of the ability of member states to make decisions in this area. The domination of the Council of Ministers and the primacy of the executive forces at the European level to the detriment of other EU institutions such as the European Commission and the Parliament were strongly criticised and there were calls for greater EU institutional change, transparency and accountability.

The 1997 Treaty of Amsterdam made a series of sweeping reforms meant to address these institutional problems. In the field of JHA the most important change was the introduction of an asylum and immigration chapter in the treaty framework and the transfer of the freedom of movement matters into the first 'Community' pillar under the additional Title IV Art. 63 'Visa, Asylum, Immigration and Other Policies Related to the Free Movement of Persons'. A number of institutional tools were also created: Europol and its In-

35 The Schengen Agreement of 1985 was signed between the Benelux countries, France and West Germany. In 1990 the same countries signed the Convention Implementing the Schengen Agreement.
The TREVI Group was an intergovernmental group of experts set in 1975 by the European Council to cooperate on antiterrorism, whose mandate was expanded after 1985 to include cooperation against arms and drugs trafficking, bank theft and other types of organised criminal activities.
The Ad-Hoc Working Group on Immigration was a sub-element of TREVI which was set up in 1986 as a forum of consultation and exchange among top interior ministry officials on immigration. It was responsible for setting the standards for external border controls, deportation, combating forgery of documents, coordinating national visa policies, harmonising national asylum rights, and improving the exchanges of information between member states on immigration.
The Dublin Convention was signed in 1990, but came in effect only in 1997 for the signatory countries. It was set up to prevent 'asylum shopping' by determining which Member States is responsible for the asylum application being made. In 2003 it was replaced by the Dublin Regulation and the EURODAC Regulation, which set up the fingerprint database of asylum seekers EU-wide.

formation System, the Customs Information System and the Eurodac, a finger-print database.

Although the framework contained clear restrictions on the involvement of supranational actors, the closeness of the JHA issues to national identity and sovereignty meant that the Treaty could only go ahead if it allowed more sceptical member states the institutional flexibility of an opt-out of those provisions they considered threatening to their national interests.[36] However, this compromise meant that for the first time, immigration and asylum issues were subject to the EU legal system of directives and regulations.

Following the Treaty of Amsterdam, the European Commission which had previously been confined to an observer role with only the power to propose agenda issues, was given competence to negotiate external affairs with non-EU states concerning internal issues of common interest for the member states such as border control, the fight against organised crime and terrorism as well as the police and judicial cooperation in criminal and civil matters. Since then, for the past decade, the European Commission has strengthened and extended its operational basis and has sought to penetrate areas considered to belong strictly to the state domain such as economic migration[37] or the integration of third country nationals.[38]

Another point of innovation brought by the Amsterdam Treaty was the EU objective to achieve an 'area of freedom, security and justice' and the five-year action plan tradition where the Commission issues clearly defined targets that are to be pursued in the following years. In the first such plan known as the Tampere Programme, adopted immediately after the Amsterdam Treaty entered in force in 1999, the European Commission outlined a series of comprehensive liberal guidelines (including legal migration) based on a real assessment of the Union's economic and demographic needs. The heads of government discussed the issues of migration and asylum (as well as the creation of a European area of freedom, security and justice and combating transnational crime) in the special meeting in Tampere and agreed to the need for a 'common asylum system', managing migration flows and particularly that of illegal migration, human smuggling and trafficking, as well as pursuing closer partnership with the origin and transit countries and agreeing and implementing 'more vigorous' integration policies of third country nationals into the host communities.

1999 represents an important moment in the development of the relationship between the Commission, and the European Council (and the member states). It is the mo-

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36 Denmark is a Schengen member and participates in the free movement area, but adopts European provisions as international law and not as EU law. Ireland and UK maintain their opt-out from Schengen and the lifting of internal border controls, but selectively adopt JHA provisions.

37 For example European Commission 2001.

38 European Commission 2003. The Commission's efforts only led to the creation of a network of National Contact Points and the issuance of a Handbook on Integration.

ment when we begin to talk about a common migration and asylum system (albeit an incomplete one). It is also a crucial moment in the development of the relationship between the Commission and the Member States. Following the scandal and malpractice[39] that led to the resignation of the entire College of Commissioners led by Jacques Santer, the new Commission headed by Romano Prodi assumed office in a highly unfavourable situation. Wishing to present itself as a capable trustworthy force, the Commission outlined a series of proposals for restructuring the EU institutions and giving the EU a viable strong vision for the future. Regarding migration, the Commission's position was that if the Union were to maintain its competitiveness on the world labour market and the demographic pressures were to be relieved, migration should not be viewed as a threat, but rather as an opportunity.

The Prodi Commission was soon acquainted with the lingering distrust and criticism left over by its predecessor and the fierce determination of the European Council to control the process of policy-making in the JHA area. Moreover, the events surrounding September 11 attacks in the US caused a shift of balance towards the most hawkish elements within the domestic political establishments across developed countries, whose views and decision would reverberate not only across the security policy domain but also across those areas deemed to be even remotely connected with security, leading to what we currently refer to as the process of 'securitisation' of JHA matters.

Inevitably this also caused a shift of approach and discourse among EU institutions; particularly, the Commission realised that henceforward, the only way in which it could be able to increase its competence and forward its own agenda would be by working together with the member states on matters they were willing to bring to the EU table (i.e. control focused measures like the fight against illegal immigration, human trafficking, refugee and asylum issues, repatriation, etc).[40] Consequently, ever since September 2001 the Commission has adopted a strategy of priority readjustment, tone-softening[41] and self-censorship where t, knowing the position of its powerful members, avoids pushing for contradictory (liberal) views for fear of antagonising them, which is seen as highly undesirable considering its total dependence on member states for the human and financial resources needed for its policies' implementation. As a result, "windows of opportunity for a more liberal and comprehensive idea of migration that would include prevention and inclusion measures were definitively closed after that date."[42]

Although member states seem to agree on who should be in charge of migration related issues, they tend to disagree about the level of policy and practice integration. Some members wish to see a deeper and more meaningful operational integration

39 See for example the Committee of Independent Experts 1999.

40 European Commission 2007.

41 It relaunched the economic migration debate in 2004, European Commission 2004. This in turn led to the adoption of The Policy Plan, European Commission 2005.

42 Bendel 2007, 36.

(France, Germany, the Benelux), others prefer to leave these matters entirely up to national governments (the UK, Denmark) and still others wish to see further developments and a more equitable sharing of the migration burden but with the powers resting with national governments (Spain, Italy and Greece for whom illegal immigration and asylum are a serious concern).

Some of these countries have sought outside treaty avenues to further their cooperation while avoiding the lengthy and cumbersome processes involved in decision-making at the European level. In 2005 they set up the Prüm Treaty[43] to deepen the cooperation between police, law enforcement agencies and immigration offices, treaty that was later included into the EU legislation. Although they allow member states to make progress and take action on issues of common concern, once incorporated into the EU treaty these negotiation frameworks have been criticised for their lack of transparency and democratic character and seen as not entirely representative of all member states' interests, since the original framework was developed under limited membership conditions.

The Prüm Treaty is not the only example. The Salzburg Forum[44] or the Future Group[45] type initiatives are characteristic of what Sandra Lavenex calls a 'reinvention of intergovernmentalism', also proof of the fact that member states are not willing to relinquish their sovereign powers now or in the immediate future. "The model of governance by this type of agency illustrates the choice for promoting integration through the better coordination of national law enforcement systems rather than by replacing them with new supranational structures."[46]

43 German initiative with Austria, Belgium, France, Luxembourg, the Netherlands and Spain launched in 2005.

44 A Group of cooperating Interior Ministers of 8 European countries: Austria, Bulgaria, Czech Republic, Hungary, Poland, Slovakia, Slovenia, and Romania. Was set up in 2000 under Austrian initiative, and it replaces, informally, the Quantico Groups and the Berne Group, predecessors with similar goals but more secretive. Its main objective is cooperation on internal security and regional stability the priorities being police cooperation, border checks, illegal migration, and asylum.

45 EU Future Group on European Asylum Policy and Integration of Third Country Nationals, set up in 2007 under the German Presidency, with the purpose of setting priorities for JHA cooperation after 2014, when the Hague Program expires.

46 Lavenex 2010, 467.

So far the Europeanisation[47] of migration policy has allowed for the adoption of certain restrictive measures that would have been otherwise impossible to adopt at the national level. This has been possible because until the introduction of the qualified majority voting (QMV) by the Hague Programme, the JHA Ministers in the Council of Ministers "more often than not, exploited the absence of public opinion and the practical exclusion of the European Parliament and the Court of Justice in Brussels to push forward decisions they might not have got through in domestic politics, while selling the negotiated directives in their member states as an 'EU decision'".[48]

Consequently, the result of negotiation and harmonisation among the EU member states is more restrictive than the original national legislation in some states, effectively representing the 'least common denominator' of all the member states' policies. For example, the European Return Directive COM (2005)0391 sets clear rules allowing member states to detain illegal immigrants for up to 6 months (Art. 15). Although this represents an improvement compared to the British national law, which allowed for indefinite imprisonment, it is far more than in other member states like France where previously authorities could not have detained an illegal immigrant for more than 30 days.

Until recently it was a widely held view that the EU institutions are virtually powerless in the area of migration and asylum. Ette and Faist for example, following an extensive analysis of the effects of EU on national immigration policies and politics, reached the conclusion that, with the exception of the Schengen Agreement (which was agreed to only after compensatory measures were implemented) and the signing of the EU anti-discrimination directive COM(2008)426 final (which was the rare result of a "particular constellation of circumstances - European opposition to the extreme right-wing successes of the FPO in Austria and the engagement of an array of concerned interest groups"[49]), the EU has failed to make an impact.[50] Although they recognise that the EU effect on domestic policies of immigration is higher in the newer member states, they also recognise that this is primarily due to the forceful adoption of the *Acquis Communautaire* before accession. Arguably the strongest effect of Europeanisation has been on the politics of immigration in the CEES, which, in spite of a lack of immigration policies and politics before

47 In the JHA field Europeanisation is not taken to mean the processes through the EU supranational institutions become part of the policy and decision-making of the national governments. Here the definition of Europeanisation should be understood through the horizontal approach of transfer and adjustment between the politics and policy-making of the member states, thus a process of integration through mutual recognition and 'best practices' emulation. See Olsen 2002.

48 Bendel 2007, 34.

49 Ette and Faist 2007, 17. For an analysis of the EU anti-discrimination directive and the factors that made its adoption possible see Geddes and Guiraudon 2002.

50 See Geddes 2007.

enlargement, have fully appropriated the 'Fortress Europe' approach. Overall, Ette and Faist argue that so far member states have absorbed only "non-fundamental changes without real modification of the essential structures or changes in policy and politics."[51]

It has to be mentioned, however, that the process of Europeanisation is a 'two-way street'. The state shapes the EU, but the EU also shapes domestic policies and politics. This is because once the EU member states cede competence to the EU and legislation is enacted, the EU law supersedes national legislation, effectively binding national executives to EU decisions. The power of the EU is most evident in trade and financial issues.[52] Migration is still an area where the EU is much at the discretion of national governments that have the freedom of interpreting, adapting and implementing EU directives at the national level.

The growing impact that the EU institutions are beginning to have is in their monitoring and reporting powers, which can go as far as the European Commission's ability to begin infringement procedures before the European Court of Justice[53] against any member state who fails to adapt its national legislation to or who purposefully and repeatedly disregard EU provisions. As the most recent row between France and the European

51 Ette and Faist 2007, 17.

52 The strongest influence of the EU on domestic policy has been in the trade, monetary policy (EMU), environment, social policy and agricultural policy (CAP). Areas such as health care and employment policy are areas the opposite end. For a comprehensive analysis see Bulmer and Radaelli 2004.

53 Due to the nature of the ECJ adjudications and the fact so far it has predominantly sought to facilitate resolutions to court case through political negotiation and bargaining, this institution has been characterised as more political than judicial. The European Institutions do not have much to gain by angering the member states, and so except some extreme cases, they have sought to persuade states to comply with EC law by employing 'stealth politics' rather than hard outright confrontation. Everson 2010.

Commission has shown,[54] the EU institutions are monitoring the member states' implementation track record and at times forcing them to adjust the national law to the standards and requirements set out in EU directives and regulations. In this particular case, the European Commission, in what was thought to represent a toning down of its initial position and threats, concluded that the French had failed to update national law in line with the latest European legislation. Consequently, it allowed the Sarkozy government a time limit to make the necessary changes in domestic law, and it reaffirmed its commitment to beginning infringement procedures with the ECJ provided France did not comply with both the dateline and following the EU standards.[55]

This trend of change has also been reinforced by the changes which the Treaty of Lisbon has made and which affect the JHA dynamic. Most importantly, it replaced the unanimity voting system on JHA with a qualified majority vote system. Moreover, the European Court of Justice has been given more power by being allowed to rule on whether the national legislation on JHA is compatible with EU laws (except for Britain and Ireland, who have opted out). Also the European Parliament has been given an equal legislative role with the European Council (of government ministers). At the same time, however, the power of the national parliaments has also been strengthened, the treaty

54 In July 2010 in the small Loire Valley town of Saint Aignan, a group of dozens of French Roma armed with hatchets and iron bars attacked the local police station and set cars on fire in protest to the shooting and killing of Luigi Duquenet, a 22-year-old French Roma, by a member of the local gendarmerie. What had began as isolated incidents, turned into a serious challenge for the Sarkozy government, who has been recently announcing a series of hardline security measures aimed as reviving the dwindling popular support. As a response to these particular riots, Sarkozy convened an emergency ministerial meeting in which illegal camps were identified as "sources of illegal trafficking, of profoundly shocking living standards, of exploitation of children for begging, of prostitution and crime." The proposed solution to this problem was the dismantling of 300 illegal camps and squats over the following 3 months. The measures led to the forced expulsion of about 1000 Gypsies back to Romania and Bulgaria. Later an Interior Ministry circulaire leaked to the public seemed to point to the fact that the Roma had been singled out as target of expulsions and that their cases had not been judged individually. This caused tensions between France and the European Commission because the repatriation of EU nationals in this context was judged to go against the principles of equality, non-discrimination and freedom. (Whereas within the European context, repatriating third country nationals is considered to be a sovereign right of any EU member country which, in exercising its obligations to ensure the security of its nationals, deems appropriate the removal of certain individuals who constitute a threat to that security.) Carrera and Atger 2010, Severance 2010, ERRC 2010.

55 See European Commission 2010.

having given them the right to object to draft EU legislation (the orange card) as a reinforced control measure against the principle of subsidiarity. It is too early to make a definite argument regarding which direction the JHA will head for in the long term. One thing is sure: that the change, whatever that may be, is going to be slow.

In the meantime, in the current format national governments have retained enough powers to control the general direction in which they wish JHA, including migration and asylum, policy to head. Against the powers that the supranational institutions have been given, it is to be expected that member states will be even more cautious and protective over those aspects they consider as belonging to the national realm. The fact is that, the Lisbon treaty is about the functioning of the EU institutions much more than about which JHA issues belong to the national or supranational level. The treaty has reinforced the EU's ability to fight international crime, human-arms-drugs trafficking and illegal immigration, but it has not been given competence over legal immigration or integration policy.[56]

The most recent developments surrounding the temporary reinstitution of border controls in extreme and unexpected cases, as in the influx of more than 25,000 North Africans following the political uprisings there and the measures taken by the Italian and French governments are proof of the control of national governments.[57] The debate taking place now is one that will shape the future of Europe as it surrounds the issue that has so long been heralded as the most significant achievement of the EU to date: the removal of internal border checks and the creation of freedom of movement.

At the same time, in the past decade we have witnessed a move away from the debate on whether the EU ought to have competence in migration and asylum matters or not, and onto a debate about the content of that policy. As Geddes explains, these developments represent a sign of the "consolidation of the EU as a regional bloc", but one "within which many of the classic dilemmas of migration policy are replicating, particularly the balancing on openness and closure and the relationship between state borders and international human rights."[58]

The decision to cooperate on migration issues within the European Union did indeed intensify following the implementation of the Single European Act and the decision to remove internal border checks, but the subsequent developments were not a spillover effect, a bitter pill that the Member States had to swallow. On the contrary, the member states saw the European framework as a place where they could regain the 'perception' of being in control of the migration problem. Pooling sovereignty together in areas of asylum issues ought to be understood not as a 'either/or' type of reasoning, where EU institutions have gained a foothold into asylum and migration matters at the expense of the state, or as states being in complete control and refusing to cede any sovereign pow-

56 Bendel 2007.

57 Carrera et al. 2011.

58 Geddes 2007a, 253-7.

ers and rights to supranational institutions. Rather, as Geddes again reminds us, recognition should be given to the fact that cooperation on migration and asylum areas has so far been possible in areas where the states have seen cooperation as beneficial and the creation of new avenues for migration policy discussion and creation as reinforcing rather than diminishing the capacity of states to achieve their migration policy goals. [59]

Equally important, as the literature on networks and governance[60] points out, is the recognition that the EU institutions have developed own agendas and are engaging in a wide range of network-cooperation both at national and sub-national level, so that they are both directly and indirectly affecting not only the migration policy making process but also the policy preferences of many of the actors with an interest in the area. What does this mean for the content of the migration policy?

IV. OLD WINE IN NEW BOTTLES?

Against the background of an increasing number of transnational/non-territorial challenges brought by global actors and phenomena ranging from human rights movements, private economic giants to criminal and terrorist networks working with, but mostly against, the state, the question of sovereignty in the twenty-first century is as pertinent as ever. Particularly for our discussion here, as the Hannah Arendt quote in the beginning of this article reminds us, migration is one issue where state sovereignty is absolute. However, following the brief analysis of recent developments and the mixed picture of, on the one hand, the reassertion in Europe of the nation-state and its sovereign monopoly over migration policy and implementation and, the increasing power and interest of European institutions over migration and asylum issues on the other, how are we to understand the direction of the common migration policy and its implications for the sovereignty of member states?

The pressures that globalisation processes exerts on the state are indeed real and serious. However, these challenges are not questioning state sovereignty as argued by globalists but rather the legitimacy of the governing elite. And this is mainly constrained to democratic states whose populations elect their leaders through periodic processes where their democratic rights are exerted. In non-democratic states, the legitimacy of the

59 Geddes 2007b.

60 Rosenau 2003 makes the point that world affairs today are governed through a bifurcated system- one made up of national governments, and another a multi-centric system of actors that together create multiple 'spheres of authority'. Slaughter 2003 argues that globalisation causes the state to disintegrate into its component institutions which determine not only the domestic but also international politics giving rise to government networks that create a distinctive transgovernmental type of global governance.

state is not only ignoring popular preference but the sovereignty of the state as recognised on the international stage (the right to non-interference, the ability to sign treaties, wage wars, etc.) is not linked to the domestic legitimacy of the ruling elite.

As argued in the beginning of this article, the state has never had complete control to begin with, this being no more that a myth. The perception of 'the state in full control' was created during the nineteenth century Europe with the purpose of building the nation-state as we know it today. However, that perception of the state in full control that has been the central pillar of its legitimacy claims is being threatened today. Moreover, vital for our discussion is the securitisation and politicisation of migration issues and the expectation that the state can fully control it. As the new security threats expose the gap between reality and myth and render state policies and measures highly inappropriate, thus raising questions about state legitimacy, national states have everything to gain from partly pooling their sovereignty at the European level.[61] This happens however, only in areas where the states are perceived to have 'lost' control (especially as a result of globalisation). Behr calls this the re-territorialisation of control.

Recent developments towards a common migration policy represent the member states' "effort of creating a common political space to gain control and monitoring power over migration by pooling sovereignty into a supranational institution. Such re-territorialisation of politics at the EU level is projected as the counter model against the de-territorialisation and denationalisation effects of globalisation and is put forward as a new strategy while it actually refers to the traditional nation-state principles of conceptualising politics on the basis of a fixed territory and of assigning political and cultural identity to a demarcated space."[62] Therefore, the decision to pool sovereignty at EU level has not meant a ceding of sovereignty to supranational level and therefore a weakening of the state, but rather a *reclaiming* of state control.

The reasoning behind current immigration policies (of predominantly industrialised countries) still springs from the nineteenth century residentialist theory, which assumed that the 'normal' way of life was for people to spend their whole life in the same society and to view as a threat those who do not. This view became institutionalised when the issuance of citizenship and related documents (passports) by the state began in the nineteenth century. Thus, the migration regulation principles on which European states base their policies are the result of the changing of collective identity according to qualities acquired at birth.[63]

Various scholars[64] have argued that the EU is replicating the same process of identity building that nation-states in Europe went through between the end of eighteenth and mid nineteenth century. That is, the process through which elites have imagined and

61 For more see Geddes 2001.

62 Behr 2005, 12.

63 Kleinschmidt 2003.

64 See Puntscher 1997, Della Salla 2010, Hulsee 2006, Jo 2007, Smismans 2010.

constructed national identity[65] in order to fulfil political and economic aims which could not have been justified through other variables like common history, language or ethnicity.[66] For the EU to be able to claim legitimacy, they argue, it needs to create a common European identity. Guibernau argued back in 1996 that "the engineers of the new Europe will have to look at 'common European trends' and design a myth of origin, rewrite history, invent traditions, rituals, and symbols that will create a new identity."[67]

While it is true that the EU structure and, importantly for our discussion here, the EU citizenship are premised on the principles that form the basis of its member states, there is also an element of novelty in the EU policies that we do not witness in the national contexts.[68] The tension that plays out both in migration, integration, labour and rights area at the European level is one between exclusion (in line with nation-state principles) and one of inclusion (in line with the liberal democratic values that the EU and its member states identify as the bedrock of a European identity). The success of the European integration and the sales point of the EU depends on its ability to project the EU as an institution that is capable of providing common goods, as well as viable solutions to many of the problems that overwhelm national governments and the extent to which it can transcend national considerations and resonate with to every one of its citizens, on a personal level.

So far the reconfiguration of identity and belonging in Europe has diverted away from the nation/ethnic lines that characterise the national identity building principles and towards a more regional identity based on common historical experiences and common values. It can be said thus, that in this the EU represents a challenge to the nation-state, but one that attacks more the nation component of the state rather than its sovereignty, considering the fact that the member states are still the ones who push the buttons of

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65 The concepts of nation and national identity have been two of the most challenging for social scientists. Defining these terms is extremely difficult, and a pure reduction to the shared language and history or common ethnicity is highly misleading. For example, based on this definition how do we account for the existence of a Swiss nation, when there are concomitantly three languages being spoken there at the same time? Also the element of territory fails to fully explain it for example, when we consider the Irish people who live outside the motherland but still consider themselves to belong to the Irish nation. The best way to understand a nation therefore is by acknowledging that nation and national identity are socially imagined concepts that have been driven by some external factors (the state is usually held responsible) but which continues to exist even in the absence of the state because it springs from a perennial human need of belonging. See for example: Ignatieff 1993, Schopflin and Hosking eds. 1997, Hobsbawm 1990.

66 For more see Gellner 1983, Tilly 1975 or, Giddens 1985, White 2010.

67 Guibernau 1996, 13.

68 Jacobs 2007, Kostakopoulou 2007.

integration when it comes to migration policy. (It remains to be seen to what extent the growing power of EU institutions is going to affect this balance in the future).

At the same time, the EU has not gone as far as making the case for global norms of 'universal personhood' that a truly post-state entity would make as it still maintains the distinction of 'us versus them' of the nation-states (only that it defines these differently). This can only mean that a common European immigration policy inherently contains the same exclusionary principles (the 'us' versus 'them' distinction) that have characterised nation-states for the past 200 years. In spite of post-modernist arguments about the withering power and meaning of the state, the relevance of these concepts in today's world is still as evident as ever.

A EU migration policy will not be that different from that of national states. After all, the EU is totally dependent on the member states for the implementation of its decisions. The same principle of territoriality is going to define it. What is does, is that it allows the nation-state to regain the perception of control by negotiating a new interpretation of the concept of sovereignty and allowing the discourse to catch up the changes on the ground. Moreover, it will not be able to solve the most basic mismatch between the non-territorial nature of the problem created by transnational actors and flows and the territorial approach through which current states are seeking to govern.

This re-territorialisation will manage to diffuse some of the tensions built between the governing elites and the citizenry, but it will only reformulate and postpone a problem that will eventually resurface when the ineffectiveness of region-wide solutions to global problems becomes again impossible to mask. What will the consequences of this pooling of sovereignty do to the nation component of the nation-state is not yet clear, but it is obvious that the 'nation' format is long overdue for a makeover.

V. CONCLUSION

This article has analysed the logic and the dynamics behind the emerging European common immigration policy. It has argued that the current developments ought not to be understood as the triumph of global forces at the expense of the state. Far from the imminent obsolescence of the state heralded by globalists, the evidence presented here has aimed to show that the state continues to be highly resourceful in adapting to new socio-political demands.

The deeper and wider intergovernmental cooperation and the cautious supra-nationalisation of certain areas of common interest does not represent a bitter pill that the states have to swallow, as globalists would have us believe, but a conscious decision to strengthen national interests. Through a reinterpretation of sovereignty and a re-territorialisation of national migration politics, the state in the European context proves that it can reinvent itself and its image of 'being in charge'.

At the same time, however, it cannot be denied that the European institutions are extending their powers in areas that were previously thought to be sacred ground for the

nation-state. In the migration and asylum area, they have done so but only with the explicit accord of the member states. Although their future role is likely to increase, as argued by scholars of international institutions, who point out to the fact that once established, these actors tend to take a life of their own, their supervisory and regulatory role is limited due to the lack of implementation powers and the safeguards that the states have put in place to protect them and prevent European institutions from becoming too powerful.

The problems surrounding migration in Europe however are not and will not be solved through the Europeanisation of migration policy. This is because the common migration policy is based on the same territorial logic that underpins national migration policies. The migratory pressures will only mount in the decades to come. And so will EU's dependence on foreign labour. There can be no talk of a real solution until states start to take into account the reality that the current challenges they face originate in the increasing gap between sovereignty discourse and reality and the mismatch between the territorial nature of the solution and the de-territorial nature of the problem. This also requires a reassessment of how various state and non-state actors interact with one another and how the state wants them to interact with one another.

Specifically related to migration, states need to de-territorialise the way in which they define national identity (us-them dichotomy) and make a clear distinction between cultural identity and political identity. The solution, according to Hartmut Behr, lies not only in the re-conceptualisation of core state principles like sovereignty or autonomy, but also in the way it views the concept of power. "Much more conducive for states to gain governing power over transnational conflicts and security issues is a more 'radical' approach, namely to share power not just with other states but with private actors through multiple forms of cooperation. The state has to further 'globalise' itself."[69]

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69 Behr 2008, 37.

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WORKING PAPERS

WOMEN-CENTERED BUSINESS IN UGANDA

Etsuko YAMADA*

I. INTRODUCTION

After the end of the Cold War, a new type of war, low-intensity conflicts, has been emerging.[1] Simultaneously, the growth of conflict also created an augmentation of peacekeeping operations and reconstructions mainly by the United Nations (UN). Especially, it caused a necessity for the UN to tackle with preventive diplomacy, peacemaking and peacebuilding.[2]

Moreover, the increase in conflicts brought about an escalation of civilian victims. In particular, the problem draws attention to violence against women. In fact, the conflicts experienced in the former Yugoslavia and in Rwanda in the 1990s had a devastating impact on civilians. At the same time, violence against women was used systematically and became widely known throughout the world. Thus, women tend to be exposed to violence during conflict and their weaknesses tend to continue in the process of peacebuilding. However, such recognition is not adequately addressed in studies on peacebuilding.

The first purpose of the study is, to ask "How did women at risk in the peacebuilding process come to be the focus?" The second research question is as follows: "How did the role of women through business come to be understood in peacebuilding?"

To investigate this matter, the women-centered business case in Uganda is chosen. In this case, the experiment was implemented during constant conflict even though Ugan-

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1 Kaldor 2007.

2 The 1990s are placed as the commemorative years prompting the publication of An Agenda for Peace in 1992 by former UN Secretary-General Ghali. After this, in 2000, the Report of the Panel on United Nations Peace Operations (the Brahimi Report) was published and after eight years, the United Nations Peacekeeping Operations: Principles and Guidelines (the Capstone Doctrine) was also published. In brief, peacebuilding means those activities that are not limited to post-conflict situations and are comprehensive operations for building the foundation for peace. (A/47/277-S/24111,1992), (A/55/305-S/2000/809, 2000) United Nations Department of Peacekeeping Operations and Department of Field Support 2008.

dan women received support from a foreign aid organization; they participated in the process of peacebuilding through business.[3] Through this case, the question of how women face difficulty during conflict, how they overcame these difficulties and what they obtained as a result of utilising business will be investigated.

In the research, discussion by Lederach on peacebuilding that presents an approach on actors in top, middle and grass roots is adopted.[4] In general, peacekeeping can be seen as an effort to contain the violence of conflict; peacemaking can be seen as an attempt to change the attitude of current combatants, and peacebuilding encompasses both, while attempting to understand and change the root causes of the conflicts.[5] Discussion on peacebuilding can be divided into two features: theory-oriented and practice-oriented. The former is based on peace and conflict studies represented by scholars such as Galtung.[6] In his main discussion to investigate the cause of conflicts, model of conflict, peace and violence was proposed and it also offers an analytical view to understand them in structures and contexts of each society.[7] On the other hand, the latter's discussion is based on field operations, mainly by the UN. The feature of the discussion attempts to respond to certain issues and demands from the field. Thus, there is a disconnect between the two approaches. The discussion by Lederach is moderately placed between them. He engaged as a facilitator and trainer of conflict resolution and peacebuilding in Colombia, Somalia, Philippines, Nicaragua and Northern Ireland.[8] His holistic approach on conflict transformation including peacebuilding is derived from his experiences; moreover his approach implies roles of people who are involved in the conflicts.[9] Therefore, the research that aims to investigate the role of women in peacebuilding adopts the discussion by Lederach.

Chapter 2 gives a brief description of the case study in Uganda and explains the background and impact of the conflict. This chapter also introduces stakeholders and some strategies relating to the project. Chapter 3 assesses the implications of the project answering research questions using discussions by Lederach. In conclusion I elaborate on lessons learned from the project.

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3 The study on business in the peacebuilding process has been conducted by analysing the role of multinational companies in developing countries and easing the impact on local societies through CSR (Corporate Social Responsibility) as a conflict prevention measure. Rienstra 2004. Santa-Barbara 2004. During this time the study on local business by local people has also been a focus. Killick et al. 2005.

4 Lederach 1997.

5 Ramsbotham 2010, Hudson 2009.

6 Galtung 1976.

7 Ramsbotham 2010.

8 Lederach 1997.

9 Ibid.

II. WOMEN-CENTRED BUSINESS IN UGANDA: THE NORTH UGANDA SHEA PROJECT (NUSP)

A. The North Uganda Shea Project

Business by women in peacebuilding: "The North Uganda Shea Project (NUSP)"[10] (See Figure 1) was put into operation in Otuke County in the northern part of Lira District, Northern Uganda from 2005 to 2008.[11] Otuke County has a high concentration of Shea trees.[12] The trees grow in natural open forests and their nuts have traditionally been collected for domestic use and local markets.[13] It has been the role of women to gather Shea nuts with the help of their children.[14] The oil from these nuts is used domestically for cooking and skin care and some are also sold as a source of income. [15]

10 In Uganda there are traditional patterns of cultivation: some crops are farmed by men and some by women. Coffee and cashew-nuts are traditionally harvested by men. Some of the spices, vanilla, sesame and safflower appear to be cultivated by women. In addition to that, bananas, maize, cassava, potatoes, cereals and millet are also cultivated by women because of the contribution to household food security. African Development Bank Group 2005, 20 and EPOPA 2004, 44.

11 EPOPA 2008, Organic exports - a way to a better life, 37.

12 Shea: shea nilotica is a semi-dominated, slow-growing tree indigenous to a band of vegetation running from 5,000 km south of the Sahel, across 16 African countries from Senegal to Ethiopia and Uganda. Women are the traditional custodians of the shea resource, with responsibility and control over all stages of processing. Although women are not allowed to own land in Uganda, they do have access to the shea resources. This strong presence of the women in the shea sector does not, however, guarantee their ownership and control of the Shea resources. African Development Bank Group 2005, VI; ALCODE and EPOPA ; FAO, 41.

13 ALCODE and EPOPA 2008.

14 Ibid.

15 Ibid.

Figure1: Map of Uganda

Source: (African Development Bank Group 2005, iV)

B. Situation in Lira

During the project in Otuke country, it was subject to the rebel activities of the Lord's Resistance Army[16] (LRA).[17] The long-running conflict in northern Uganda[18] began in 1986 as a rebellion against the Government of Uganda.[19] It has deep historical roots from ethnic hostilities, colonial-era marginalisation of the north, institutional weakness, and troubled politics. [20] In this long-lasting war, the displacement of over 1.5 million people turned northern Uganda into a humanitarian disaster area. [21]

The LRA abducted 54,000 to 75,000 people, including 25,000 to 38,000 children, into their ranks between 1986 and 2006.[22] Most of the LRA returnees were thirteen to eighteen years old (37 cent) and nineteen to thirty years old (24 per cent). Twenty-four per cent of the LRA returnees were female and 76 per cent were male. [23] Girls and women, on average, were abducted for nearly two years (643 days) - more than twice the average length of abduction for boys and men (258 days).[24] In particular, women aged nineteen to thirty years old tended to be abducted. They are forced to serve as long-term sexual partners and domestic servants to commanders.[25]

On 14 October 2005, given the severe situation, the International Criminal Court (ICC) acted. The ICC presented arrest warrants against the LRA leader Joseph Kony and four of his top commanders for crimes against humanity and war crimes. [26]

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16 In April 1987 Joseph Kony started his own military movement by drawing support mostly from the Acholi UPDA (Uganda People's Democratic Army) deserters. His movement, first called the Lord's Salvation Army and later the United Democratic Christian Force, became the LRA in 1994. Nannyonjo 2005, 476.

17 EPOPA 2008, North Uganda shea project.

18 Uganda has 77 districts and in North Uganda includes 21 districts and consists of 3 main ethnic groups/regions: Acholi, Lango and Teso. Lira belongs to Lango and 7 IDP camps and approximately 766 abductees were recorded. (See Figure 4: Number of abductions and IDP camps in selected districts of North Uganda, at the end. Pham et al. 2008, 404-11; Pham et al 2009.

19 Vinck and Pham 2009, 59-77.

20 Nannyonjo 2005, 474.

21 Pham et al. 2009, 2.

22 Pham et al. 2008, 404.

23 (ibid).

24 Ibid, 407.

25 Ibid, 409.

26 ICC Press release 2005.

The 2008 Final Peace Agreement (FPA) is still not concluded due to the absence of the LRA leader. Due to the failed attempts to sign the FPA, the government of Uganda, the DRC and the Sudanese People's Liberation Army (SPLA) initiated a joint military attack named Operation Lightning Thunder on the LRA in Garamba National Park. [27] However, the attack was not able to annihilate the LRA. Until now the activities, including the recruitment of child soldiers, sexual exploitation and attack against refugees still continue.[28] By February 2009, hundreds of thousands of Ugandans remained in displacement camps throughout the North and, in eastern Congo.[29]

Figure 4: Number of abduction and IDP camps in selected district of North Uganda.

Main Ethnic Group	District	Abductees	IDP Camps	Total
Acholi	· Amuru	3,140	6	
	· Gulu	5,738	4	
	· Kitgum	3,775	5	17,176 Abductees
	· Pader	4,523	5	20 Camps
Lango	· Lira	766	7	1,552 Abductees
	· Oyam	786	4	11 camps
Teso	· Amuria	268	5	287Abductees
	· Soroti	19	2	7 Camps
				19,015 Abductees 38 Camps

Source: (Pham et al. 2008)(Pham et al 2009, 2)

C. Movement of People

Due to the unstable conditions, people were forced to evacuate their homes to Internally Displaced Persons (IDP) camps. In general, women and girls can be at risk of psychological and physical attacks in refugee and IDP camps due to the weakening of existing community and family protection mechanisms;[30] for example, they may be attacked

27 Vinck and Pham 2009, 59-77; OHCHR 2010, 2.

28 UNHCR Briefing Notes 2010.

29 Pham et al. 2009, 2.

30 UN 2002, 26.

by militia or members of different ethnic groups in the camps.[31] Moreover, even in the camps, women and girls tend to face situations of being forced to exchange sex for all manner of aid, including cooking oil, wheat, medicine, transport, educational courses or training in order to survive in their severe situation.[32]

D. Stakeholders in the Project

Despite the situation, women in Otuke County in the northern part of Lira District organised a group called the Rwot Ber Women's Association (RWBA) in IDP camps, and all members were living in the camps.[33] Approximately 1,500 women were engaged in the project as Shea nut gathers.[34]

The women's group RWBA is a partner of the NUSP as gatherers of Shea nuts.[35] The ladies gather and sell their nuts as individuals at a buying centre owned by ALCODE. ALCODE has been working with women gatherers for a number of years processing their Shea nuts into Shea oil. As a processor, ALCODE has good knowledge of the collection, handling, storage and processing of Shea butter. The Shea oil, which has been produced, has been marketed on the local market. The Shea butter has been exported by the Export Company, KM International/KFP. Thus, tripartite partnership among RWBA, ALCODE and KM International/KFP was organised and conducted. As coordinator, EPOPA. provided the following support:

- Technical agricultural support to the exporter's extension staff to assist the farmers directly in developing sustainable agriculture.
- Marketing assistance to the exporters to gain contacts in the organic markets.
- Technical assistance to the projects to meet the ever-changing organic standards in all the main markets. (See Figure 2)

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31 Rehn 2002, 26.

32 (ibid).

33 In Otuke County, there are six camps for IDPs. IDP camps were located near Shea trees, thus women could gain access to trees on foot. (e-mail from Bo V. Elzakker, former programme director of NUSP and Director Agro Eco - Louis Bolk Institute, August 25, 2010) ALCODE and EPOPA, 2008; EPOPA 2008, Organic exports - a way to a better life, 37.

34 Male members, who are husbands of the members, have been allowed to join. Their numbers comprise 20 per cent of the group. EPOPA 2006, 7.

35 ALCODE and EPOPA.

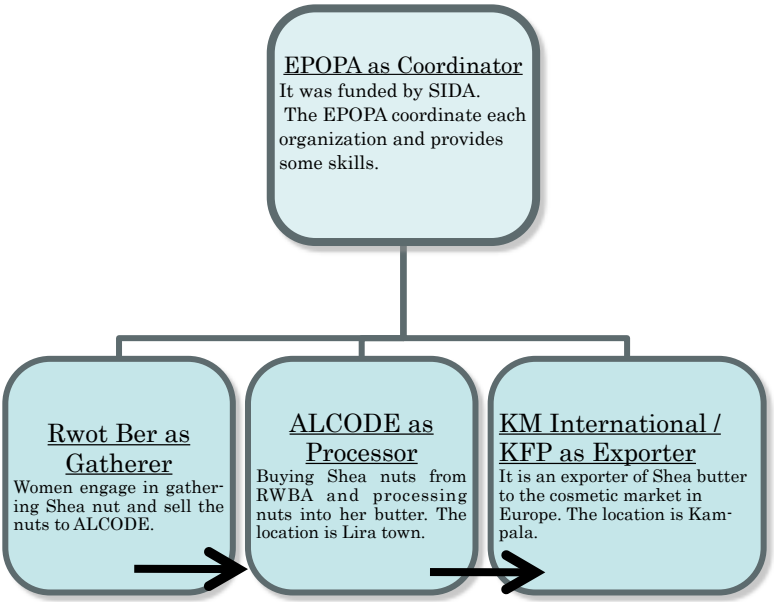

Figure 2: Structure of the North Uganda Shea Project (NUSP)

Source: (EPOPA Final Report 2006, 3)

EPOPA also aims to improve equality between men and women, and "shared responsibility" with both men and women in farm activities; moreover "gender[36] equality" in the programme is implemented.

E. Strategies

In order to implement organic agriculture/trade[37] the project undertook the following

36 Gender relates to socially-constructed differences between men and women. Differences are embedded in social relations and therefore differ between different cultures; they are constructed through - and also help to constitute - the exercise of other forms of social differences such as those of age, race or class. El-Bushra 2000, 66.

37 EPOPA 2006. Uganda; EPOPA 2008, Organic exports - a way to a better life.

strategies: 1) Security Improvement 2) Quality Control, Organic Premium 3) Benefits, Profits

1. Security Improvement

Due to the Cessation of Hostilities agreement in 2006, the risk of women being attacked by the LRA has been reduced, however, they continue to be at risk of sporadic attacks from cattle rustlers and of Sexual Gender Based Violence (SGBV) from armed members of the police, army, Amuka[38] militia and unarmed ordinary men from their own communities.[39] Risks of attack are heightened by the fact that the best time to collect nuts is early in the morning when it is still dark.[40]

In the project, the safety of the female Shea nut gatherers remains a focal concern therefore some measures were taken:[41]

- They now travel in groups and stay together. If they are travelling by bicycle, they will all stop and walk with that person so as not to abandon her alone.

- They try to take along torches, if they have any, and project consultants encouraged them to use the income from the project to buy more if they need to.

- They have also asked for some selfdefense classes in order to be in a better position to defend themselves when cornered by an assailant.

- In some cases, some of the husbands, or their male community members who are supportive of the project, accompany the women and even assist in the collection. This could help increase the women's safety.

Through these experiments, women seem to feel more prepared to discuss these

38 Amuka (Boys): It consisted of 8,000 men and women, established and armed by the government of Uganda, to support the UPDF (Uganda People"s Defence Forces) offensive against the LRA and enhance security through community policing and IDP camps. (Program on Humanitarian Policy and Conflict Research at Harvard University)

39 EPOPA 2006, Final report, 3.

40 (ibid) EPOPA 2008, (North Uganda shea project).

41 EPOPA 2006, Final report, 16.

issues with each other and with somebody else and to seek a solution together.[42]

2. Quality Control, Organic Premium

To improve the quality[43] of the Shea nut product EPOPA organised the Internal Control System (ICS) that all persons dealing with the product (gatherers, buyers, storekeepers) are identified, registered, instructed on the requirements for organic certification and contracted to ensure compliance.[44] The activities of these persons are then monitored in a system of regular visits and documentary control (ibid). The final responsibility for implementation of the ICS lies with project managers who are recruited locally and trained through EPOPA, which is undertaking this project (ibid). To improve the quality of Shea nut products EPOPA also implemented individual interviews with the gatherers and at the annual gatherers' meetings and gatherers' awareness workshop (ibid).

Through technical assistance: quality control, risk assessment on collection, storage, processing, labeling and export certification, the quality of Shea butter improved (ibid). In 2006 organic status was achieved.[45] It means organic products receive a higher price on the international market: organic premium. [46]

3. Benefits, Profits

Moreover, due to the project, women are now in control of their activities as well as their income. Therefore, they are confident and spend their income on the wellbeing of their households.[47]

The project lessens the poverty that women face, and thus they are able to recover from the effects of conflict.[48] The project supplied the female Shea nut gathers the ability to organise themselves, work together and develop their capacity, knowledge, and real life skills, which has given them some hope during the conflict and that will help them recover and improve their lives after the conflict.[49]

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42 Ibid.

43 Used standards are based on EU regulation 2092/91. ALCODE and EPOPA, 2008.

44 ALCODE and EPOPA, 2008.

45 EPOPA 2008, Organic exports - a way to a better life, 37.

46 EPOPA 2006, Article about EPOPA, 6.

47 EPOPA 2008, Gender learning and sharing.

48 EPOPA 2006, Final report, 4.

49 Ibid, 20.

III. Implication of Women-Centered Business in Uganda

Through the project, the chapter envisages the implication to answer the research question: "How did women at risk in the peacebuilding process come to be the focus?" After that, the question "How did the role of women through business come to be understood in peacebuilding?" will be addressed.

In this chapter, the analysis based on the definition of peacebuilding by Lederach[50] is used. Peacebuilding by Lederach is defined as an experiment that aims to show how peacebuilding continues and how to achieve sustainable peace. In the discussion, peacebuilding is described as the integration of five points: process, resources, actor, approach and implying an institutional design for sustainable peace (ibid).

The explanation begins from the point where women are at risk from conflict to peacebuilding.

A. Women at Risk from Conflict to Peacebuilding

Once conflict occurs, the impact is widespread and indiscriminate towards all people and; however, the effect is different on women and men. In particular, the violence against women is prone to emerge; women are often described as the vulnerable ones.[51]

However, it is not intended to imply a simple dichotomy based on an essentialist gender theory: men are the aggressors and perpetrators of conflict and women are victims, passive observers, and bearers of the social burden of societies torn apart by conflict.[52]

Therefore, various perspectives are needed. These include the fact that women are also perpetrators in conflict and men also suffer vulnerability during conflict. For example, women have always exercised an influence over whether men go to war or not.[53] This influence has often had the effect of inciting violence. Women are also perpetrators or instigators of violence.[54]

Moreover, the vulnerability of men includes conscription, which is a measure by which to accommodate nationals into the army, and most of those people are men. Young boys are subjected to forcible recruitment and complete severance from what otherwise might have been a normal childhood.[55] Due to men's absence and women

50 Lederach 1997.

51 Shepherd 2008.

52 Sikoska and Solomon 2004, 65.

53 El-Bushra 2000, 71.

54 Ibid, 74.

55 Ibid, 66-86.

overworking during times of conflict, women need to undertake both of economic and inter-personal relationship roles with their children.[56] On the other hand, men have also complained of feeling excluded from the family circle, having ceded much economic responsibility to their wives, and of being unable to re-establish close relations with their children when war is over. Thus, women, in a variety of contexts, "take up arms" as members of the military and insurgent groups, and support, collude with, or acquiesce to, the use of violence in civil unrest and international conflict.[57]

The reason why it is necessary to pay attention to women is that their vulnerability already exists in time of peace. Women's vulnerability is based on gender differences in society. Gender differences are embedded in social relations and therefore differ from culture to culture.[58] On the other hand, women are less able to articulate and act upon insecurity because of their lower status in society compared with men.[59] Women were also ascribed the status of "the protected" ones when in the private/domestic sphere.[60] Due to their gender differences, the norm is established, such as the fact that women are described as "the protected" ones and men are described as "the protector(s)" of "the protected" (women). In times of war and conflict, violence against "the protected" ones (women) often occurs. This has had the effect of a breakdown in protection and restriction within society.[61] Moreover, to break down this protection and restriction, sexual violence against women tends to be chosen.

In this context, the raped woman is considered to be dishonored or worse. Her purity is a measure of her male relatives' honour, making men the aggrieved parties.[62] For example, rape was used in the former Yugoslavia to terrorise populations and inflict maximum humiliation on communities, but it was women who carried the shame because they embodied the failure of men to "protect" their homeland.[63] Additionally, violence against women is also used systematically because the violence encompasses various meanings: demoralising an enemy that places a high value on women's purity and men's ability to protect them, deracination in settings where racial or ethnic categories are critical, demasculinising an enemy by sexually degrading its men, or rewarding troops by fostering access to sex.[64] Therefore, violence against women is used much

56 Ibid, 69.

57 Kelly 2000, 46; Sikoska and Solomon 2004, 72.

58 El-Bushra 2000, 66-7.

59 McKay 2004, 153.

60 Jacobs et al 2000, 7.

61 Heineman 2008, 11.

62 Ibid, 8.

63 Kelly 2000, 53.

64 Heineman 2008, 11.

more than against children, the elderly or men. In this respect it is possible to identify women's vulnerability.

B. Women at NUSP -Implications for Peace-building

In the discourses of peacebuilding by the UN as described above (Footnote 1), there was no clear reference to women. Moreover, peacebuilding by Lederach, as mentioned above, paid attention to institutional design, therefore it tended to be described from a macro point of view. In this point, the discussion by Lederach pointed out a lack of view towards women during conflict and peacebuilding.[65] Moreover, by and large, one of the aspects of the discussion on peacebuilding has been described as "gender-blindness" (ibid).

In 2000, however, it is necessary to mention that there is a remarkable change in attitude to "women at risk in peacebuilding" in the context of the discussion on peacebuilding. A historically significant move in mainstreaming the gender perspective during peacebuilding in the policy implications was the passing of the UN Security Council Resolution 1325 (SCR1325) on 31 October 2000.[66] The resolution was based on the cumulative discussion on violence against women during conflicts internationally and women's participation in peacebuilding, mainly within the UN.[67] Through the discussion, the importance of integrating women and gender in conflict and peace has risen[68]. The resolution demanded that all actors: the UN, governmental agencies and NGOs, make women proactive in peacebuilding. These momenta are called 'gender mainstreaming'. In the resolution, women are described as 'peacebuilders'.[69]

Firstly, these discussions were held in places that were outside of war-affected coun-

65 Reimann 2002.

66 Ramsbotham et al 2010, 272.

67 The issue on women has been discussed in the UN from the outset. However, the discussion in the context of peacebuilding and conflict has been more focused since the 1990s. In 1993 at the Vienna conference and the Fourth UN World Conference on Women in Beijing, the discussion on violence against women during conflict became an issue. On the other hand, NGOs organised a Working Group to bring the issue on violence against women during conflict to the UN Security Council. Moreover, the NGOs contributed to the adaptation of the UNSCR1325 due to an appeal to the member states through the informal consultation process: the Arria formula. Shepherd 2008, 112,135-7, 142-4.

68 Sikoska and Solomon 2004, 63.

69 S/RES/1325, 2000.

tries, by the UN, governments such as member states in the Security Council[70] and NGOs. After that, these discussions were implemented in the war-affected countries by the UN, governments and NGOs. This phenomenon raises 'the boomerang effect' mentioned by Keck and Sikkink.[71] In the NUSP, a gender-sensitive project was brought by EPOPA to local women. The NUSP focused on local women's activity. In the discourses on peacebuilding, it was pointed as being a bottom-up aspect of peacebuilding. On average, peacebuilding is held by the top echelons i.e. the key political and military leaders in the conflict.[72] These people are the highest representative leaders of the government and opposition movements or present themselves as such (ibid). There is often the manipulation of peace agreements by the elite that has not led to sustainable peacebuilding. To make peacebuilding sustainable, building peace through the empowerment of communities from below is recognised.[73] This is 'peacebuilding from below'.[74] Peacebuilding from below is based on the recognition that formal agreements need to be underpinned by understanding, structures and long-term development frameworks that will erode cultures of violence and sustain the peace processes on the ground.[75] Moreover, the significance of local actors, including ordinary people and NGOs, and links with

70 At 2000, member states in the Security Council (10 countries) except permanent members (the United States, France, the United Kingdom, Russian Federation and China) are following: Argentina, Bangladesh, Canada, Jamaica, Malaysia, Mali, Namibia, Netherlands, Tunisia and Ukraine (United Nations Security Council: Member of the Security Council in 2000).

71 'The boomerang effect' or 'the boomerang pattern' The word is based on study on transnational advocacy network (TAN). For example, in a state that violates human right or refuse to recognize rights, individuals and domestic groups, national NGOs does not urge against the state directly. Instead of a direct pressure by national NGOs, the national NGOs built cooperation among foreign NGOs, foreign states and the UN, beyond borders. This cooperation, called 'network' finally brings pressure against the state and urges improvement of human right's situation. Like boomerang, cooperation and network by various transnational actors such as NGOs, the UN and states, tackles with one issue (human tights, climate change and land mines) and put pressure from outside on states and finally improve the situation on particular states or governments. Keck and Sikkink 1998, 12-3.

72 Lederach 1997, 38.

73 Ramsbotham et al 2010, 215.

74 Lederach 1997.The approach is illustrated in the work of two scholar-practitioners, Adam Curle and John Paul Lederach. Ramsbotham et al. 2010, 217.

75 Ramsbotham et al. 2010, 215-6.

local knowledge and wisdom, emerge.[76]

In the NUSP, the local knowledge was 'Shea nuts'. 'Shea nuts' are a crop traditionally handled by women in the context of Uganda. Moreover, Shea nuts have a potential for income generation. In other words, Shea nuts, as a material, have easy access for women to acquire them, to manage the acquisition by themselves and to empower women economically.

Then, "How did the role of women through business come to be understood in peacebuilding?"– the second research question - will be explained.

C. Between Peacebuilding and Business

According to the explorations by Lederach, conflicts are described as having dynamics. A conflict is never a static phenomenon; initially, when a conflict erupts, awareness of the conflict is high and through negotiation and peace agreement, the tension is eased. On the other hand, even though the situation looks dormant, latent conflict is not completely removed, therefore, how we understand the progression of a conflict is significant.[77]

For instance, how to shift from emergency relief during a conflict to the reconstruction and development stage is the focal point in peacebuilding. This is explained as a "seamless transition". It implies that the method of continuing a coherent approach to peacebuilding has an effect on the potential recurrence of conflict within five years. Therefore, in the peacebuilding process, state building based on governmental institutional building, and social and economical developments, are implemented simultaneously.

1. Peacebuilding and Business

In the peacebuilding process, most trials fail and majority of the war-affected societies return to conflict within five years.[78] In the process of peacebuilding, such a factor that causes conflict to recur is called a "conflict trap". The main factor that provokes a conflict trap is economic instability. For example, countries that have much lower incomes tend to enter into conflict more than other countries. Collier et al. believe that economic motivation brings local people a root cause of conflict to participate in the fight and a desire to continue conflicts. This low income tends to make the conflict last

76 Ibid, 216.

77 Lederach 1997, 63-9.

78 Collier et al. 2003.

and make it more likely to continue to be prone to conflict.[79] Even though a peace agreement may be signed, peace does not guarantee a stable income and economic recovery immediately; therefore, if the process of peacebuilding does not bring economic stability in society, it might revert to conflict again. Some of the attempts, which have been seized by a conflict trap, have fallen into conflict again. Therefore, economic development is the critical instrument in preventing further conflict and maintaining a stable society during the peacebuilding process. The business by NUSP provided an adequate opportunity for women to recover and maintain stability in their lives.

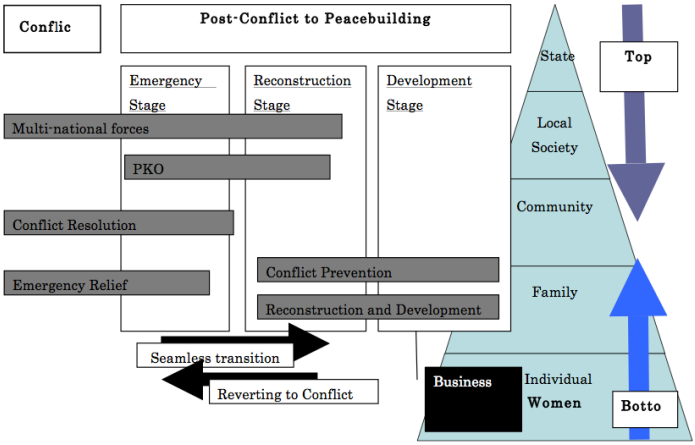

Figure 3: Conflict, Peacebuilding and Business

Source: Adapted from (Institute For International Cooperation JICA 2002)(Lederach 1997)

2. Case Study in Uganda

Through the NUSP, the implication is that generating income provides stable lives for women and their families. Stable families lessen the instability to the communities to which they belong and the stable situation ripples through local societies to the state,

79 Ibid, 83-4.

therefore it contributes to state stability[80](See Figure 3). Hence, business is able to maintain a stable situation after the conflict.

Thus, Lederach insists upon the importance of participation at the grassroots level in peacebuilding: "peacebuilding from below", however, Reimann casts doubt on it because of the fact that building peace based on local knowledge and customs tends to be based on gender inequality (like the stereotypical notion of masculinity and femininity), therefore "peacebuilding from below" is also indifferent to women. "Below", as used, by Lederach implies only local male people and does not guarantee women's participation in the peacebuilding process.[81] Reimann criticised Lederach on this point (ibid). On the other hand, the Ugandan case illustrates a practical example of peacebuilding by women using local knowledge through business as being possible.

IV. Conclusion

In the case of Uganda, women organised a group and they obtained profit using local knowledge through business. Even though their business was supported by foreign aid organisation(s) and NGOs, nevertheless, this case implies that women themselves can engage in the peacebuilding process not just as victims of conflict. Moreover, they can participate in the process of the reconstruction by rebuilding their own and their families' living. These experiments conjugate local knowledge, therefore it is "peacebuilding from below" and would have the possibility of a more robust reconstruction from the bottom.

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80 Institute for International Cooperation JICA 2002, 17.

81 Reimann 2002, 25-26.

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ASIAN DIGEST ON HUMAN MOBILITY

FORCED MIGRATION IN JAPAN: MARCH 11 CATASTROPHE

Junko MIURA*

ABSTRACT

The March 11 catastrophe has resulted in forced migration in Japan. Having been affected by a magnitude 9.0 earthquake, tsunami and a nuclear crisis, great human mobility has occurred. As of early June 2011, there are approximately 10,000 evacuees in about 2,500 evacuee shelters in 18 prefectures. The numerous displaced people in Japan should be categorized under a specific status, such as Internally Displaced People (IDPs) or Environmental Refugees. The displacement which has occurred in Japan can be divided into two types: 1) forced migration by natural disasters, i.e. the earthquake and tsunami, and 2) forced migration caused by nuclear radiation leak from the Fukushima nuclear power plant. Furthermore, due to insufficient information, and following their embassies' orders to evacuate numerous foreign expatriates also left Japan. Along with largest scale of disaster, no one, even Japanese government, has been able to deal with the current situation. Multiple factors, the broad extent of disaster and the ongoing nature have perpetuated the chaotic situation. This paper will attempt to provide a much needed overview of the population affected by the Great East Japan Earthquake and the human mobility patterns it created.

I. INTRODUCTION

An earthquake of the largest scale, magnitude 9.0[1] since records began has struck in north-east coast in Japan at 14:46 on 11 March 2011. It was the forth-largest recorded earthquake in the world, after the 1960 Chile earthquake of magnitude 9.5, the 1964

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1 The scale of earthquake was announced 8.8 magnitude in 11 March, but officials at Japan's Metrological Agency have revised its scale to 9.0 on 13 March 2011.

Alaska 9.2, and the 2004 Indonesia Sumatra 9.1.[2] This massive earthquake has caused extensive damage affecting not only on Japan but also the rest of the world. The damage was caused primarily by the ensuing tsunami which, much larger than anticipated, inundated a surface of nearly 500 square kilometres.[3] According to the National Police Agency, as of 2 June 2011, 15,327 were confirmed dead, 8,343 were still missing, 108,825 buildings were fully destroyed, and 99,592 people were still living in 2,506 evacuee shelters in 18 prefectures.[4] Furthermore, due to the Fukushima nuclear crisis, the tragedy has become worse; large numbers of people were ordered to move out of the evacuation zone and the seacoast hit by tsunami, where many dead bodies and still missing people were left behind.

Japan has engaged in development activities for more than five decades, since 1954 when the Official Development Assistance (ODA) began.[5] Nevertheless, numerous countries including developing countries offered assistance and a huge amount of donations has been collected for Japan. For instance, by 26 April 2011 funds gathered from all over the world at Japan Committee for UNICEF for Great East Japan Earthquake[6] amounted to 1.5 billion yen. By 19 March, the Japanese government had been offered assistance from 128 countries and regions and 33 international organisations[7] offered assistance, although it has been impossible to accept all offers of assistance.

Due to the catastrophe, numerous people have lost their home, properties, families, friends, jobs and daily living and a huge number of people have been displaced. How has the earthquake affected human mobility in Japan? Currently, there is no legal status and appropriate definition of these displaced people, and so English-language media uses various terms to describe them: 'displaced persons', 'refugees', etc. Most Japanese media call them 'Hinansha', which literally means 'evacuees' in Japanese. In this paper the term 'evacuees' is used, as it is considered to represent one of the most adequate English translations.

Strictly speaking, the types of displacement need to be discussed more, but numerous displaced people in Japan could be categorised as 'Environmental Refugee' or 'Internally Displaced People (IDPs)'. Black, professor of international migration at University of Sussex, states environmental refugees as "'millions' of displaced people, and their

2 Sankei 2011d.

3 Yomiuri Online 2011b.

4 National Police Agency 2011.

5 Ministry of Foreign Affairs 2011.

6 The earthquake on 11th March 2011 in Japan called, 'Higashinihon Daishinsai', determined by Cabinet meeting on 1 April 2011, which means the 'Great East Japan Earthquake'. International media tend to call it simply the 'Japan Earthquake'.

7 Ministry of Foreign Affairs of Japan 2011.

dramatic impact on host regions, such that regional security is threatened".[8] UNHCR defines IDPs as "Millions of other civilians who have been made homeless by natural disasters are also classified as IDPs".[9] These definitions match the current situation for displaced people in Japan.

To make matters worse, along with the largest scale of damage, there has been an overall chaotic management of information due to the ongoing situation. As a result, nobody, not even the government, has been able to provide a holistic data and analysis on displaced people. This paper, therefore, will attempt to provide a much needed overview of how human mobility has been affected by the Great East Japan Earthquake. The movement of evacuees following the tsunami and Fukushima nuclear crisis will be analysed through numbers, and distribution of evacuation zones and shelters.

The quake has affected people not only in north-east Japan, but in the Tokyo area. Due to the Fukushima nuclear crisis, many foreign government officials made announcements advising their citizens living in Japan to move out of Tokyo or Japan, and numerous expatriates and non-Japanese institutions fled to either the West of Japan or outside of Japan. Not only foreign nationals, but many Japanese mothers and their children evacuated to the west.[10] The following section describes this movement.

II. Displaced People in Japan

A. Overview

Miyagi, Iwate and Fukushima are the three most affected prefectures by the 11 March quake. 9,034 deaths have been confirmed and 5,058 people are still missing in Miyagi.[11]

In Iwate 4,510 also lost their lives and 2,878 people are still not identified.[12]

In Fukushima, 1,586 people died and 393 people are unaccounted for.[13] The physical damage is also great in these three prefectures, with 108,825 buildings fully destroyed or swept away by tsunami.[14]

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8 Black 2001, page?

9 UNHCR 2011.

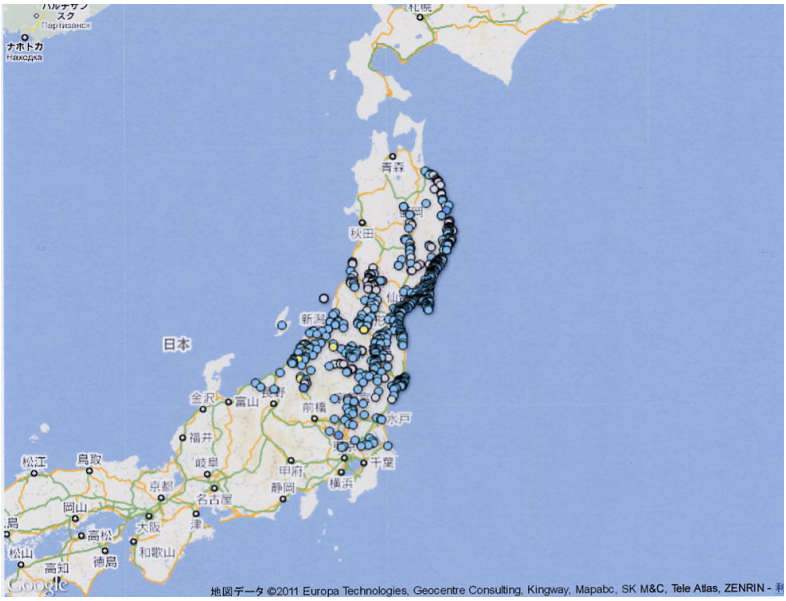
10 Yoshida 2011.

11 Miyagi Prefectural Government 2011.

12 Iwate Prefecture 2011b.

13 Fukushima Prefecture 2011b.

14 National Police Agency 2011.



Source: Google

Consequently, numerous people are displaced and living in evacuee centres. The number peaked on March 15th, but has been decreasing ever since; some have returned to their partially destroyed homes, others have been taken in by their relatives. However, approximately 12,000 people still cannot go back home although two whole months have passed since. They are scattered all over Japan as the map above shows. Google has been the first organization to compile a graphic summary of the distribution of evacuee centres which can be accessed online by the public, something which the government has not yet done. Many people were forced to move away from their homes due to the tsunami caused destruction, but there are also a lot of people, who, although unaffected by the direct impact of the tsunami, have had to evacuate following the Japanese government's official order regarding the Fukushima nuclear crisis. It is challenging to estimate the actual number of evacuees not only because of the fluid nature of the situation but also because not all of them moved to official evacuation shelters. For instance, World Health Organization quoting official prefectural estimates reported that the number of evacuees peaked on 15 March at 440,000 people,[15] while Asahi Shimbun estimated from own sources around 520,000 evacuees, which shows a higher number. According to a Tokyo Metropolitan police report from 8th May, 119,091 evacuees were distributed around 18 different prefectures from Hokkaido to Shizuoka. In the next sec-

15 WHO 2011.

tion a distinction is made between two main categories of displaced people: 1) evacuees caused by tsunami and 2) evacuees caused by the Fukushima nuclear crisis.

B. Forced Migration Due to Earthquake and Tsunami

a) Miyagi

In Miyagi prefecture, as of 20th April 2011, 43,588 people were evacuated in 420 centres.[16] Despite the reduction of evacuees, 25,395 people were still displaced in 389 shelters on 2 June 2011.[17] Ishinomaki-shi[18] has the largest number of deaths, 3,025, and still has 2,770 missing people as of 2 June 2011. It also has 7,580 evacuees in 100 centres.[19] Higashimatsushima-shi has the second largest number of victims, 1,038 people lost their lives and 190 people are still missing, while 2,055 people are displaced in 42 evacuation centres. Kesennuma-shi has 3,738 evacuees living in 61 shelters,[20] Minamisanriku-cho[21] has 3,387 evacuees in 32 centres,[22]and Onagawa-cho has 14 evacuation centres with 1,412 evacuees[23] including 130 evacuees in Onagawa Nuclear Power Plant.[24]

16 WHO 2011.

17 National Police Agency 2011.

18 'Shi' means 'city' in Japanese.

19 Ishinomaki-shi 2011.

20 Kesennuma-shi 2011.

21 'Cho' means 'town' in Japanese.

22 Minamisanriku-cho 2011.

23 Miyagi Prefectural Government 2011.

24 Yomiouri Online 2011a.

Table 1: Disaster situation in Miyagi prefecture, as of June 2, 2011.

	deaths	missing	evacuees	evacuation centres
Ishinomaki-shi	3,025	2,770	7,580	100
Kesennuma-shi	964	522	3,738	61
Higashimatsushima-shi	1,038	190	2,055	42
Onagawa-cho	508	487	1,412	14
Minamisanriku-cho	519	664	3,387	32

Table created by the author, data derived from Miyagi Prefectural Government sources.[25]

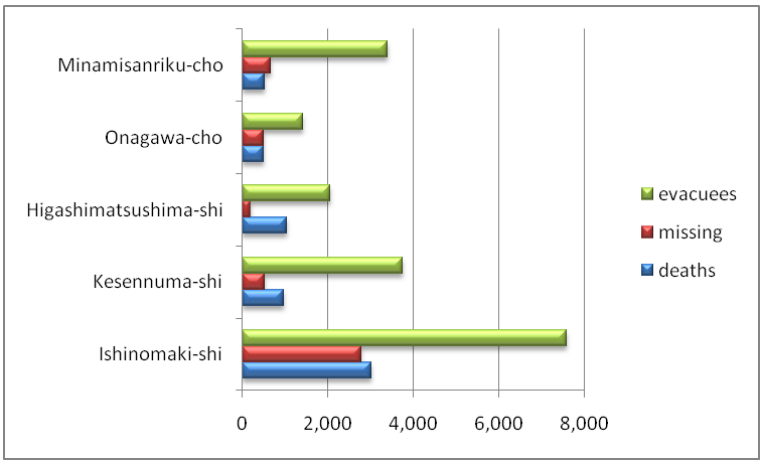


Figure 1: Disaster situation in Miyagi prefecture, as of June 2,2011.

Graph created by the author, data derived from Miyagi Prefectural Government sources.[26]

25 Miyagi Prefectural Government 2011.

26 Miyagi Prefectural Government 2011.

b) Iwate

Regarding the displaced people in Iwate, as of 31 May, there were 25,747 evacuees in 325 shelters. The number of evacuees includes both people staying at shelters and people residing in their houses who obtain foods supplies from shelters. The following cities and towns have sustained major damage and still have over 1,000 evacuees. The most affected city in Iwate prefecture is Rikuzentakata-shi where 1,506 people are reported to have died, 8,068 households[27] were damaged and 80 per cent of their houses were submerged by water.[28] It has 14,080 evacuees in 87 evacuation centres as of 10 May, and despite its reduction, it still has 7,954 evacuees in 76 centres on 31 May. Ofunato-shi has 3,328 evacuees in 40 evacuation places, Kamaishi-shi has 2,591 evacuees in 53 shelters, Otsuchi-cho that has 5,215 evacuees in 34 shelters, Yamada-machi[29] where has 2,668 evacuees and 32 centres, and there are 1,823 evacuees in 23 shelters in Miyako-shi.[30]

Table 2: Disaster situation in Iwate prefecture, as of May 31, 2011.

	deaths	missing	evacuees	evacuation centres
Rikuzentakata-shi	1,506	643	7,954	76
Ofunato-shi	320	149	3,328	40
Kamaishi-shi	854	452	2,591	53
Otsuchi-cho	776	952	5,215	34
Yamada-machi	576	296	2,668	32
Miyako-shi	417	355	1,823	23

Table created by author, data derived from source provided by Iwate prefecture.[31]

27 Rikuzentakata-shi 2011.

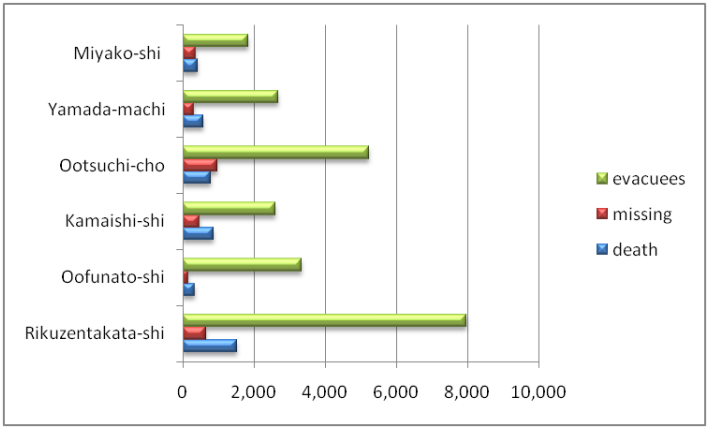
28 Sankei News 2011c.

29 'Machi' means 'town' in Japanese.

30 Iwate Prefecture 2011b.

31 Iwate Prefecture 2011b.

Figure 2: Disaster situation in Iwate prefecture, as of May 31,2011.



Graph created by the author, data derived from Iwate Prefecture sources.[32]

c) Conditions at Evacuation Centres

The tremendous tsunami made people flee to evacuation centres. Soon after hearing the tsunami warning alarm, people ran out of their homes and offices without holding any cash or properties. Some people who tried to flee by cars lost their lives, while most who ran to higher ground survived. However, as these "tsunami survivors" lost all their money and properties they have been experiencing a protracted evacuation life in evacuation centres, were the confusion, constant inexistent privacy, limited support and scarce information provisions have added to the traumatizing experience and the worries of an uncertain future.

The first week after the earthquake, most 'tsunami survivors' struggled to search for their families and friends. NHK (Japan Broadcasting Cooperation) had been reporting daily the messages of people from the evacuation centres. Countless numbers of warm messages were reported on media from people expressing their great gratitude for having survived and from people giving their considerate support. However, inevitably, there were also many challenges that was not reported on media, too.

Immediately after the quake, there were many isolated shelters, which faced material shortages. For instance, at evacuation centres in Iwate, some evacuees did not welcome new evacuees due to food shortage. Some of them behave irrationally, hiding extra foods and eating them without sharing with others. In other cases, due to the lack of informa-

32 Iwate Prefecture 2011b.

tion and real time-needs reporting (communication systems had either no electrical power or had been damaged by the quake and/or the tsunami) there were many instances where the supply of materials was not well-balanced. For example, an evacuation shelter where there were only two babies received hundreds of boxes of baby's diapers.

In a different case, at an evacuation centre set up in a Rikuzentakata-shi school, people used curtains instead of blankets because they did not have any supplies. Living spaces in the school gymnasium were arranged depending on the home address, and meal times were announced for each groups. Physical exercise began at 7:40 in the morning there, and, everyday at the morning meeting, the staff announced the schedule and the number of vacant seats of the bus bound for mortuaries and disaster areas to seek missing families and friends.[33] The atmosphere must have been a very mixed one with some people finding about the death of family members or friends while others expressing their joy for reunion.

As the number of evacuees increased, it became hard to maintain discipline. Leaders at each shelter let people keep basic order. For instance, at Shichigou Elementary School in Sendai, which hosted in March over 1,000 evacuees, school teachers remained at school and working for 24 hours a day to manage the school as an evacuation shelter until volunteers arrived.[34] Some other shelters also have been sustained by leaders, representing school teachers or neighbourhood associations.

Due to a protracted evacuee situation, life in shelters has become very frustrating and stressful for evacuees. Numerous people have been mentally damaged and feel uncertain about their future. During the first week, when it was very cold in Tohoku, living conditions at shelters were very challenging for all evacuees, especially for the elderly. They were required to sleep on hard and cold floors in the gymnasium, and without enough food (limited cold food for days took a toll on their spirits too) and lively other supplies. Sadly, many elderly people passed away while in the shelters because of poor living conditions and lacking medical care. Moreover, the physical confines of the evacuation centres and the lack of movement has greatly impacted on the elderly people's ability to stand and walk on their own.[35] There are numerous elderly people who need nursing care and better access to medical care. The advantage of living in an evacuation centre is that elderly people, who have no family, do not have to spend time alone. However, conditions for people in centres need to improve if further damage and trauma are to be avoided.

33 Aonuma 2011.

34 Kyodo News 2011.

35 Asahi Shimbun 2011c.

C. Forced Migration Due to the Fukushima Nuclear Crisis

a) Fukushima

Fukushima was hit tragically not only by the devastating earthquake and the ensuing tsunami, but also by leaking nuclear radiation. Due to the crippled Fukushima nuclear power plant,[36] displaced people especially from Fukushima prefecture have been facing a very difficult period and an uncertain future as the situation still remains fluid. Within the prefecture, the quake and tsunami claimed 1,586 lives, 14,921 houses were fully destroyed, and 393 people are still unaccounted for. Minamisoma-shi lost 542 people and still has 164 missing people which has the worst damage out of all the cities in Fukushima prefecture.[37]

An enormous number of residents in Fukushima have been displaced from their hometowns and forced to live in temporary evacuation centres, hotels or at relatives' home. On 22 April, the government established a 20-kilometre evacuation zone around Fukushima Daiichi and Daini Nuclear Plant with legal restrictions on designated areas, referred to as the 'No-entry Zone'.[38] Following the order, as of 6 June 2011, there were 99,049 evacuees including people who fled from the radiation risks, 21,362 evacuees from Namie-machi, 15,480 evacuees from Tomioka-cho, and 14,269 evacuees from Minamisoma-shi. 23,672 people have fled outside the prefecture, and 35,972 people, 5,831 in shelters and 17,841 in hostels or hotels, are displaced within Fukushima prefecture.[39] After the earthquake and the nuclear power-plant crisis, the Japanese government announced a 20-kilometres evacuation zone, 'No-entry Zone', around the Fukushima nuclear plant to encourage residents to evacuate. Eventually, 177,503 residents had evacuated from evacuation zone by 12th March 2011.[40] Areas between 20 and 30 kilometres distance from Fukushima Daiichi nuclear plant were under the 'Stay Indoors Zone'. In mid-April, the Japanese government announced the 'Planned Evacuation Zone' which are outside the evacuation zones, but have high radiation risks according to data

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36 The power plant failure was caused by the earthquake and tsunami on 11 March 2011, powerful explosion has hit a Fukushima nuclear power station. The react of cooling system has been badly damaged, which has led to a nuclear radiation leak around the plant. Tokyo Electronic Power Company, which runs the Fukushima nuclear plant, is still struggling to find solutions as of May 2011. TEPCO: http://www.tepco.co.jp/en/challenge/index-e.html

37 Fukushima Prefecture 2011b.

38 Fukushima Prefecture 2011a.

39 Fukushima Prefecture 2011b.

40 Nuclear Emergency Response Headquarters 2011.

provided by International Commission on Radiological Protection (ICRP) and International Automatic Emergency Agency (IAEA). Residents living in the area, such as part of Katsurao-mura,[41] Namie-machi, Kawamata-machi, and Minamisoma-shi, have been evacuated to outside the zone. Furthermore, officials have also established an 'Emergency Evacuation Preparation Zone', in Fukushima. People in these areas, such as part of Hirano-machi, Naraha-machi, Kawauchi-mura, Tamura-shi and Minamisoma-shi, are advised to prepare to evacuate in case of an emergency.[42]

People, who have left their homes, have been distributed across almost all prefectures in Japan. Currently, Niigata has the largest number of evacuees, 7,876 people from Fukushima staying in 187 evacuation shelters. 3,080 evacuees have been living in 34 evacuation centres in Saitama, and 4,588 people are in 116 shelters in Tokyo. Furthermore, 11,308 people have been living in 915 shelters in other 37 regions and prefectures.[43] Japan's Prime Minister Naoto Kan stated that the period nuclear plant disaster could be long-term,[44] which indicates that the period of evacuation could also be prolonged.

Table 2: Number of evacuees from Fukushima

Local Municipality	Evacuees
Minamisoma-shi	14,269
Tomioka-shi	15,480
Ookuma-machi	11,507
Namie-machi	21,362
Soma-shi	700
Shinchi-machi	119
Iidate-mura	1,707
Iwaki-shi	571
other	33,334
TOTAL	99,049

41 'Mura' means 'village' in Japanese.

42 Prime Minister of Japan and His Cabinet 2011a.

43 Fukushima Prefecture 2011b.

44 Nikkei Shimbun 2011.

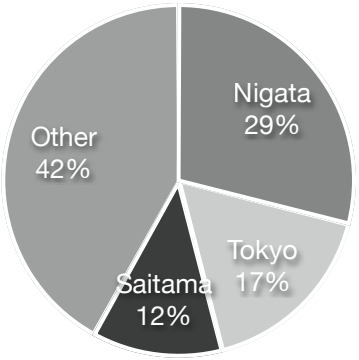

Figure 3: Destination of Displaced People from Fukushima

Table and graph created by the author, data derived from Fukushima prefecture sources, as of June 6, 2011.[45]

Diagram 1: Locations of prefectures which have evacuees from Fukushima.

Diagram and labels created by the author, map retrieved from Tecnoco Image Factory.

45 Fukushima Prefecture 2011b.

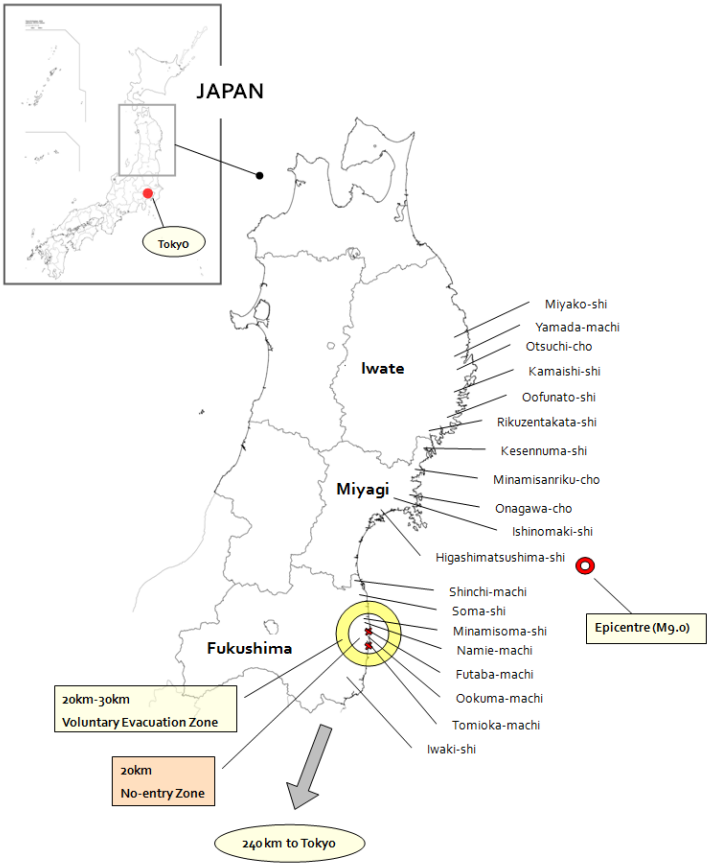

Diagram 2: Areas affected by the earthquake and evacuation zone in Fukushima.

Diagram and labels created by the author, map retrieved from Tecnoco Image Factory.

b) Suffering for Fukushima Residents

Most displaced people from Fukushima intended to leave home for only a short period; however as the situation becomes prolonged, most of them are losing hope and are not sure when they will be back. On 12 March, due to the order issued by Japanese government, approximately 50,000 residents close to the two Fukushima nuclear plants had to flee to the west. People in an evacuation centre, located 3.5 km from the nuclear plant, were ordered by local government to evacuate. Around 2,000 people, carrying bottles of water and food, have left the town to the west by bus, without any information and destination.[46]

Compared to the evacuees in the tsunami disaster area, the situation is much more difficult and complicated. Some had to leave home even though they have had no direct tsunami or earthquake damage to their homes at all. For instance, the evacuees from Futaba were forced to move because of radiation risk although their homes are not damaged.[47] Katsunobu Sakurai, the mayor of Minamisoma-shi, reported that within the 20 km zone from the Fukushima nuclear plant around 10,000 dead bodies[48] were left behind on the coast since police and fire crews were not allowed to enter the zone. Residents who were living in the 'stay indoors' zone also had troubles securing lifelines of foods and material supplies. In the evacuation zone, many farmers have kept cattle and horses, and so some residents keep going back from shelters to their homes to take care of them despite radiation risks. Some animals were allowed to move outside the zone if their exposed radiation dose was lower than standard level. Unfortunately, complying with the Japanese government's order, thousands of domestic animals have had to be killed in the evacuation zone.[49] Patients were also transferred to safer places. For instance, a hospital for the urology in Iwaki-shi, located within 50 km from nuclear plant, was holding 11,000 patients under the treatment of dialysis. Doctors in the hospital called for cooperation within medical networks in times of disaster,[50] and 651 dialysis patients were already transferred to hospitals in Chiba, Tokyo and Niigata by 18 March 2011.[51]

The situations at evacuation centres for Fukushima residents are similar to those of shelters in Tohoku. However, the difference is that most of them evacuate in large units, such as a whole village or town. For instance, around 14,000 civilians, which accounts for 20 per cent of residents, from Futaba-cho have moved to Kazo-shi in Saitama. At an unused high school building, 15 to 20 people are staying in each class room, and around

46 Asahi Shimbun 2011b.

47 Rachel Harvey 2011.

48 Katsunobu Sakurai 2011.

49 Sankei News 2011a.

50 Tokyotokubu Saigaiji Touseki Iryou Nettowaku. http://www.tokyo-hd.jp/index.php.

51 Medical News 2011.

200 people live in the gymnasium. Those displaced people have been struggling to decide whether to wait to go home, or find new jobs in Saitama. What is unique about the Fukushima evacuees is that most of them have already moved from place to place, such as relatives' homes between 3 to 8 times.[52] Their frustration and stress have been growing.

Fukushima residents have been facing discrimination in the new places of residence. Some adults even feel that they would like to change their car-licence (number) plates, on which it is written 'Fukushima'. Children have also faced challenging situations at schools where they are bullied by other students for coming from Fukushima. Displaced Fukushima citizens have nothing to do at shelters, and are not active and face an uncertain future. Some people have become depressed due to this hopeless situation. Young families, especially those who have small children tend to voluntarily move out from the prefecture, but for the elderly or families who need to take care of the elderly refuse to evacuate outside the prefectures. There is also a cultural barrier which prevents young wives from leaving without the permission of the parents-in-law.

c) The Flight from Radiation Leak: Expatriates in Panic

The catastrophe in Japan led people to panic all over the world due to the fear of radiation from the Fukushima nuclear plant. The ways in which Japanese and foreign media reported the events were completely different. However, international journalists, who should in theory produce well-balanced information, also lost their composure.[53] A New York Times journalist, Martin Fackler, states that Japanese media has provided only limited information announced by the government and Tokyo Electric Power Company (TEPCO). Furthermore, he points out that journalism in Japan has demonstrated a very 'passive' approach while the overseas media, such as New York Times, has conveyed more sceptical and critical assessments of Japanese authorities.[54] Hence, overseas media felt anxious about whether the Japanese government was providing reliable information or not, and this caused most people to wonder where the truth laid. A week after the quake, an considerable number of foreign residents were in panic for fear of radiation leak. Numerous embassies and foreign companies gave instructions to people living in Japan to leave. Not only foreigners, but Japanese mothers, children and pregnant

52 Naoki 2011. A family, known to the author, who used to live in the 20 kilometres distance from the nuclear plant area, left their home with just a small luggage immediately after the earthquake and have moved between their son's home in Saitama, and their daughter's home in Osaka. Despite the fear of radiation, they still wish to return to Fukushima.

53 Yokota and Yamada 2011.

54 Fackler 2011.

women rushed into train stations and airports, and left for the west of Japan. Confusion caused by food shortage due to disruption of transport and power cuts by TEPCO in the Kanto area could also be considered a reason for their departure.

On 16 March, foreigners rushed into Narita airport in order to evacuate due to the nuclear crisis. Airport and airline staff found that many came to Narita airport without any flight ticket. Some of them stayed the whole night there, so Narita airport provided snacks and bottled water to 2,220 people.[55] Approximatively 3,000 Chinese people without flight tickets were staying at airports trying to evacuate.[56]

Many embassies gave instructions to their citizens to evacuate to a safer area. France, for instance, issued a statement which ordered French people to evacuate to the south of Japan or leave the country. It also prepared a few Air France flights for its citizens to leave Japan. The Chinese government advised citizens, including students and workers, to move out from the quake or tsunami stricken areas, and prepared tens of buses from Miyagi, Fukushima, Ibaraki and Iwate to Narita and Haneda airports in Tokyo. Indonesia also evacuated approximately 100 people from the stricken regions to Indonesia. South Korea also provided some emergency flights thus enabling them to return.[57]

Due to the emergency announcements of several authorities, not only people, but also several embassies and companies temporarily transferred their offices to the west of Japan, primarily to Osaka. The US embassy and several foreign companies allowed their staff and their families to leave Japan. On 17 March, the US embassy in Japan states that "the United States, we are recommending, as a precaution, that American citizens who live within 50 miles (80 kilometres) of the Fukushima Nuclear Power Plant evacuate the area or to take shelter indoors if safe evacuation is not practical".[58] In addition, 25 embassies, such as Australia, Germany and Switzerland, temporarily closed or shifted their offices to the west of Japan, such as Osaka, Hiroshima and Kobe, amid radiation fears in Tokyo.[59]

As a consequence, between 11 and 22 March 2011, the number of foreign nationals entering Japan was around 67,000 people, which represented 60 per cent decrease from 170,000 during the same period last year. The number of foreign nationals who left Japan was 190,000, a reduction of 20,000 people from 2010. On 13 March when the condition of the Fukushima nuclear plant worsened, the number of foreign nationals exiting Japan peaked at 40,000 people. The number of international tourists visiting Japan fell by 50 per cent compared to March 2010. March reports of Japan National Tourism Organization (JNTO) confirmed a reduction of the foreign population entering Japan of 47.4 per cent reduction from Korea, 49.3 per cent reduction from China, 53.0 per cent reduction

55 Kyodo-tsushin 2011.

56 Aonuma 2011.

57 J-cast News 2011.

58 Embassy of the United States 2011.

59 CNN World 2011.

from Taiwan, and 45.6 per cent reduction from United States. JNTO states that primary cause of this dramatic decrease stemmed from the fears of earthquake and radiation, and the cancellations of numerous airline services. Particularly worried were the European counties' nationals who have remember the experience of Chernobyl disaster in 1986.[60] Consequently, a tremendous number of people left Japan, and many more tourists avoid visiting Japan.

Furthermore, there were 6,000 foreign residents who applied for 're-entry permit' in order to temporarily evacuate from Japan.[61] Nishikasai area in Edogawa Ward usually has over 2,000 Indian residents, but almost of all them left Japan after the quake and nuclear plant disaster. Several Indian companies let their staff and families depart from Japan. At the end of March, an Indian woman explained that "90 per cent of my Indian friends around me have already left Japan. I am also leaving Japan, soon".[62]

However, on the other hand, Japan also received substantial international human support. By 18 May, Japan had received offers of assistance from 156 countries and regions, and 39 organisations. So far, 23 countries and regions, such as Israel, Italy, India, Indonesia, UK, Korea, Australia, Singapore, Switzerland, Sri Lanka, Thai, China, Germany, Turkey, New Zealand, France, United States, South Africa, Mexico, Mongolia, Jordan, Russia, Taiwan, and several organisations, UNOCHA, FAO, IAEA and WFP, have sent specialists in Japan, and have been carrying out various activities.[63]

At the same time, a lot of individuals have also provided significant assistance for Japan. The issue of Indonesian and Filipino nurses and care workers have widely been reported in media. Currently, numerous nurses and care workers from Indonesia and the Philippines under the Economic Partnership Agreement (EPA) between Japan and these countries are working in Japan. Although those women were fearful of the earthquake and radiation risk, they continued to work as nurses and care workers in disaster areas. After the earthquake, for instance, around 35 Indonesian nurses and care givers have been working at disaster areas in five prefectures.[64] Filipino care workers also continued working in the area close to Fukushima Daiichi nuclear plant. Despite the advice given by the government and families to evacuate, nurses and care workers from Indonesia and the Philippines continued caring for the victims and elderly people. Their courage was reported as 'heroic' in the Philippines and 'glory' in Indonesia. Ex-Vietnamese refugees residing in Kanagawa, provided Vietnamese traditional food in Kawasaki-shi where 100 evacuees from Fukushima were resettled. Their volunteer leader explained that they were also forced to leave their home, so they understand the feeling of hardship and sorrow of the displaced people from Fukushima. Myanmar refugees are also involved in support

60 JNTO 2011.

61 Sankei news 2011b.

62 Sakuda 2011.

63 Ministry of Foreign Affairs 2011.

64 Tjandraningsih 2011.

activities in the disaster area. Approximately 100 Myanmar refugees living in Tokyo carried out aid activities in most affected areas of Tagajo-shi and Ishinomaki-shi.[65] They say that they wish to share the suffering of the affected people, and express their gratitude to Japan, who has accepted them as refugees.

Although the Japanese government is still not positive about officially accepting immigrants, the fact is that the Japanese economy relies considerably on its non-Japanese/foreign residents for filling the labour shortages in various areas, especially in agriculture and fishing industries, medical and welfare services. The March 11 earthquake and tsunami have devastated the agriculture fishing and industries in coastal areas of north-east Japan.

III. COMMENTARY

The earthquake on 11 March 2011 was one of an unexpected scale. Furthermore, tsunami and nuclear crisis has made the situation worse. Japan's Prime Minister Naoto Kan, states that Japan is facing the most severe situation after the World War II. Japan has lost over 23,000 citizens including the missing people two months after the earthquake. People, who could be called IDPs, have been displaced all over Japan. One group has been forced to move by tsunami and earthquake, and another by the Fukushima nuclear crisis. Some residents have suffered from both conditions.

The Ministry of Labour, Health and Welfare has revealed that by 14 April 101 children under the age of 18, were confirmed to have lost their parents after the earthquake and tsunami.[66] One elementary school lost 70 per cent of its students. A substantial part of agriculture and fishing industries have been taking place in the most affected coastal areas. The population of those areas mainly consists of elderly people with only a small number of youths. Elderly people usually settle in local places, and they rarely have the experience of moving to other places. However, due to this catastrophe, a massive number of people, including many elderly people who need care, have been displaced. In addition, due to the nuclear radiation risks and confusion in affected areas, many foreign residents returned to their countries of origin. It is anticipated that it will be difficult for Japan to continue to generate the crucial labour power needed in fishing and agriculture industries only through the system of trainees from Asian countries.

As the number of victims is unexpectedly high, the construction of temporary dwellings has not caught up with the number required. As of 18 April, 72,290 temporary houses needed to be constructed all over the disaster areas. People in disaster areas and especially those in Tohoku area, which is known for its strong community ties, claim that temporary housing should be constructed and allocated considering the groups of vil-

65 Kanaloko 2011.

66 Yomiuri Online 2011c.

lages and communities. It is also important to consider how temporary dwellings should be constructed. In terms of restoration, the government has given an objective on 20 May to close most of evacuation centres and allow people to live in temporary housing maintained by the existing a local communities and networks before the middle of August.[67]

Evacuees at shelters have been facing an uncertain future. Displaced people especially from Fukushima, feel great anxiety, for their housing, job and education, since they are not sure when they will be back. Human mobility of this scale has rarely occurred in Japanese history. Some temporary evacuees might be back home within few months, but some would not be able to return home for many years. Despite its common ethnic as Japanese, different cultures and customs would be mixed and change in the future. Some places, especially in rural areas, are still very conservative and there might be reluctant to accept newcomers. However, it would also be a good opportunity to become flexible and open to communicate with people from different areas. As most local authorities were also damaged, there is a long way to reconstruction in Japan, but the famous Japanese resilience will allow it to gradually recover like after the WWII.

However, although Japan has experienced numerous earthquakes in its long history, it could be said that no one, even officials, has been able to cope with the disaster. The government has not yet given any clear instruction to the displaced people about when or where to move and return. The complex nature of the multiple factors (earthquake, tsunami and nuclear crisis) and the broad extent of disaster have prolonged the chaotic situation. Since it will be impossible for all displaced people to be able to return in completely the same conditions as before, Japan should grant a particular legal protection status as the current situation would be prolonged. A long way to reconstruction has just begun. I hope this report will help to view comprehensively the picture of forced migration in Japan following the March 11 catastrophe.

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RESETTLED REFUGEES IN JAPAN: RELOCATION

Interviews conducted by CDR research team*

I. INTRODUCTION

The UNHCR-promoted third country resettlement programme was implemented in Japan in the form of a three-year pilot project in 2010. The Japanese government agreed to resettle approximately 30 Myanmar refugees each year over the given period.[1] Twenty-seven Karen refugees consisting of five families from Mae La refugee camp in Thailand arrived in Tokyo in September and October 2010 and participated in a 180-day Settlement Support Program administered by the Refugee Assistance Headquarters (RHQ). Having completed the course on 9 March 2011, the resettled refugees subsequently moved to new locations in order to start their life in Japan; two families settled in Tougane-shi in Chiba prefecture, and three in Suzuka-shi in Mie prefecture.

The difference between the situation in Tougane-shi and that in Suzuka-shi is evident both through the accounts of the refugees and our own observations. The contrast between the two will be made in each section of this report.

The information obtained through the interviews is complemented by our own research and observations and restructured, utilising Ager and Strang model of analysis which is widely used by Member States of the European Union.[2] The model offers a useful framework, albeit simple, for investigating integration processes; it identifies key domains of integration, which can be considered as "indicators of integration".

The application of the model to an Asian context may be challenged; the concept of "integration" varies. In Japan, "integration" is not a word commonly employed by public administrations, which prefer terms such as "tabunka-kyousei"; the literal translation

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* Burmese-Japanese translation by Myo Myint Swe (Graduate Student, Graduate Program on Human Security, the University of Tokyo); Documented by Junko Miura and Shikiko Masutomi (CDR Staffers).

1 Cabinet Approval 2008.

2 Ager and Strang 2008.

would be "multicultural (tabunka) co-living (kyousei)".[3] Whatever the verbal representation of the concept, there are both individual and collective intentions amongst Japanese citizens to work towards a society where individuals and communities co-exist without causing any trouble to one another. In 2001, an association was established to call for partnership amongst municipal authorities, which host many foreign residents, and local organizations dedicated to international exchange.[4] Almost every year, a conference is held in a participating city to discuss specific themes regarding foreign residents and make collective efforts to find solutions to emerging problems. However, the government tends to undermine its ability to call attention to immigration or integration, which makes it difficult to assess the degree of success or failure of the process. Efforts should be made to establish a systematic and longitudinal monitoring of different stages of integration, in order to offer a more comprehensive policy than ad hoc solutions.

This report, however, assumes that integration is a "two-way process" requiring "adaptation on the part of the newcomer but also by the host society," [5] and therefore what is portrayed below offers only one perspective of the process. It is nonetheless an important source of information for ultimately presenting a comprehensive depiction of the resettlement programme. The authors wish to draw information from a variety of sources in the future so as to provide a counterfactual to this report, which would enhance the quality of programme analysis.

The government has been very cautious in allowing the press to report the lives of resettled refugees because they fear that too much media attention could become an unwelcome intrusion for the refugees who are small in number and that the resettlement programme itself could become too sensitive an issue if it entered public and political debates. The latter reasoning explains the strictness with which inter-Ministerial planning was kept under cover particularly before the Cabinet officially gave an approval to the

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3 Tabunka-kyousei is a uniquely Japanese term. The idea itself is an equivalent of what is known as "integration" in Western communities, and it is used in an ideological discourse. It can be translated more naturally in French: cohabitation multiculturelle. The most common English translations include "multicultural coexistence" and "multicultural society". The former would be an accurate term to describe the current state of society in Japan in the sense that different ethnic groups simply exist next to each other and are not integrated, whereas the latter conveys an ideological discourse in a way similar to "multicultural co-living" does but it points at the end product rather than the process. For the Japanese history of multiculturalism, see Iwasaki 2010.

4 Gaikokujin shuju toshi kaigi (Council for cities where many foreigners live) constitutes of 28 cities. For the list of participating cities, see http://www.shujutoshi.jp/member/index.htm.

5 Castles et al. 2002, 113.

implementation of the programme.[6] Moreover, it is difficult to know what kind of public opinion the scheme would gain from now on in the aftermath of the March 11 earthquake, tsunami and the following nuclear crisis in Eastern Japan, whereby the public has re-questioned their values and priorities. However, there is a need to facilitate access to information regarding the overall management of the programme as its implementation is doubtlessly a positive move towards a more humanitarian Japan, and the country should be credited for it by the international community, let alone its own people. The government should be able to manoeuvre their way through the early phase of resettlement history, which is still in the making, if they made a tactical use of media coverage. Meanwhile, the media should be reminded to commit to fair reportage and critique that both identify problems and acknowledge good practice. This study attempts to fill in those gaps which have so far remained untouched and, in a broader framework, to give voice to newcomer migrants such as those resettled refugees who are rarely a target for research.[7]

Compiling a comprehensive account of the resettlement programme is equally important for refugees who will apply to come to Japan in the future. Refugees in Thai refugee camps have limited knowledge of Japan, which remains unpopular compared to other resettlement countries which have a longer history of resettlement, such as the US, Australia, Canada, Norway and Finland.[8] None of the refugees who were received under the resettlement programme in 2010 had any particular reason why they chose Japan over other resettlement countries. In fact, Japan was their second choice; they had already applied for the US or Australia, and were waiting for those applications to be processed when they applied for resettlement in Japan. They arrived in Tokyo not knowing what to expect; all they hoped was to give their children good education. Japan's pilot programme only has two more chances to prove that this is a valuable scheme. Assessments of the programme, therefore, need to be carried out as quickly as possible.

I. METHODOLOGY

The interviews with resettled refugees were conducted in their homes in May 2011, each lasting one or two hours. Although the Minister of Justice and media reports suggested that the refugees had acquired a level of Japanese which was sufficient for them to "not have any problem doing their work,"[9] Burmese-Japanese and Japanese-Burmese translation was needed for the interviews in order to ensure the quality of the

6 Takizawa 2011, 32.

7 Castles et al. 2002, 178.

8 Takizawa 2011, 28.

9 The Ministry of Foreign Affairs (MOFA) 2011.

interviews.[10] However, the mother tongue of the resettled refugees is Karen. Most of the adults can also speak some or are fluent in Burmese; some, however, had difficulty communicating with our translator. The children, on the other hand, do not speak or understand Burmese with the exception of a few words, but were capable of understanding and responding to most questions in Japanese at the interviews.

The quality of this report is subject to a number of other conditions in which the refugees were interviewed. The interviews were semi-structured and questions were asked by all members of our team so as to avoid unnecessary formality, which could have made the interviewees feel uneasy. Special care needed to be taken in ways of addressing certain issues, given the timing of the interviews: it had only been two months since the interviewees had moved to their new residence (some were moving to a different house on the day of the interview) and the relocation took place within few days after the March 11 earthquake. There were occasional disruptions during the interviews as the interviewees had to attend to their daily needs, though they should not have had any major impact on the quality of the interview overall. The principle interviewees were adults or above the age of 16 and they were interviewed in groups; some in families, some mixed, and some in single-sex groups. In the case of Mie, our research team was unable to interview women refugees as they were away from home.

II. LANGUAGE AND CULTURAL KNOWLEDGE

A. Japanese Language Proficiency

On the days of the interviews, the refugees demonstrated similar levels of Japanese language proficiency. Some managed to construct simple phrases and pick out some of the words in the questions asked. Many of them were eager to practise their Japanese and even wove some Japanese words into Burmese phrases.

According to a translator working for RHQ, Karen women are more competent Japanese speakers than the men as they have the tendency to talk more. This is an interesting phenomenon as women have generally had less or hardly any education whereas men were schooled for at least few years at primary school. In reading, however, adults – both men and women – struggled more than in speaking. One parent was unable to comprehend the comment which her child's nursery teacher had left in a diary; the writing was all in hiragana and the parent was able read it out, but she could not identify individual words as they were not separated. Mails delivered to their homes are too difficult to read or understand for all the refugees as everything is written in kanji and bureaucratic processes are unfamiliar to them.

10 A Burmese translator, rather than Karen, was chosen for practical reasons.

The families in Chiba have experienced more difficulty in riding local buses than others, partly because of language competence. They claim that they have not been given satisfactory instructions on the use of buses except for being given a piece of card on which the bus stop where they need to get off is indicated, but are still unable to work out at which stop to get off and so on. They ask questions to the bus driver or other passengers who are often very helpful, but find it difficult to keep up with the Japanese spoken by those helpers who are not accustomed to adjusting to simple Japanese. Another problem is that the buses are often empty and there is no one to ask for immediate help. As a result, they hardly use the buses. They state that they need more help knowing how local transports work:

"They did explain it [how to ride buses] to us, but not so much in detail. We had things written down for us, but we didn't understand them. So we kept getting on the wrong buses. It was difficult. We said to them that if they could teach us how things work here for, say, a week, we would be able to cope. But they didn't do anything for us." (Female refugee in Chiba)

Children were apt to learn the language remarkably faster than adults and able to understand almost everything they were asked in Japanese. There was high fluency in their spoken Japanese, and many of them started to count numbers only in Japanese and no longer in Karen, which was becoming a concern for their parents. They develop their knowledge of Japanese, not only through people they speak to, but also from television programmes, such as anime. One child was practising writing kanji for his homework and his speed of writing seemed to match that of an average child of his age.

The language barrier is a salient hindrance to the process of integration at the current stage of resettlement, but it is nonetheless an inevitable - if not natural - outcome. In fact, the biggest concern lies on the discontinuance of language education for the refugees, particularly for the adults. Due to their lack of language proficiency, they are unable to obtain information which is crucial for planning their life, including financial issues. This is in part a culturally embedded problem as Karens were previously committed only to subsistence living and not required to undergo bureaucratic procedures, and it will take some time for them to adapt to the Japanese way of life. Language assistance is available but limited; RHQ offers "Aftercare Service" for those who have participated in their Settlement Support Program, which includes "counselling service on daily life" in Burmese, but this can only be accessed through the phone line as RHQ offices are in Tokyo and Kobe. Furthermore, the refugees' most frequent need is to have letters or documents read to them, but they do not possess any fax machine or computer to transmit copies, without which the phone-line service is ineffective. The refugees are therefore highly dependent on the occasions when RHQ staff or their employers visit them and can be asked for help.

RHQ provides free Japanese learning material for resettled refugees, and can introduce them to local volunteer groups which offer language teaching as a way of supporting refugees after the completion of Settlement Support Program. However, as of the days

of the interviews, none of the adult refugees received any language lessons or were aware of any possibilities of finding someone to teach them, even if they wished to do so.

B. IOM Pre-departure Training and RHQ Language Course

The resettled refugees took part in a one-month pre-orientation programme administered by the International Organisation of Migration, Japan (IOM) at Mae La camp in Thailand. For some of the women, it was the first time that they were taught to read and write. Once in Tokyo, the refugees were received by RHQ to join its Support Center in Shinjuku for a six-month Settlement Support Programme.

RHQ Support Center awarded 22 refugees with "diplomas" for having completed both the language and cultural Settlement Support Program on March 10, 2011; the remaining five were too young to take part in the programme.[11]

The refugees were educated on Japanese language and ways of living, and now have an adequate knowledge of Japanese customs; for example, they practise Japanese greeting gestures such as bowing. However, they all agreed that six months was insufficient for them to acquire an adequate level of Japanese, although they found the training itself very useful.[12]

During the training period, the refugees only communicated with people who came into the Support Center and those working in shops where they purchased daily commodities. This could have also limited the opportunities for them to meet more people, which would have positive effects on the psychological state of refugees in the early stages of integration, and to apply their knowledge of Japanese to real life situations whilst getting used to different voices. However, RHQ generally has a good reputation for its language courses.

III. EMPLOYMENT

Employment was a key factor in determining the refugees' place of resettlement. The refugees were informed of three work options before they were able to choose their place of residence, and most of them went to visit all three workplaces recommended by the Ministry of Health, Labour and Welfare (MHLW) – that is Chiba, Mie, and Tsukuba - in order to make their decisions. Two families eventually chose leafy vegetable farming in Yachimata-shi, Chiba prefecture, and three others shiitake farming in Suzuka-shi, Mie prefecture. Families in each prefecture are employed by the same agricultural corpora-

11 Ito 2011.

12 This had been feared by many, including … Sougakukai. UNU Symposium 2010.

tions (nougyou-houjin)[13] and they work at the same workplaces.

Prior to receiving offers of employment, the refugees had visited a farm as part of RHQ's Guidance for Japanese Life course.[14] They also saw several other workplaces: a food-processing factory, a newspaper printing factory, an automobile parts factory, and a towel and linen factory. However, many of them expressed their wishes to engage in farming.

In the case of Mie, Masaharu Nakagawa, Democratic Party of Japan (DPJ) MP, is known to have played a catalytic role in coordinating a healthy working and living environment for the resettled refugees,[15] although exactly how the offers of employment were made and received or whether the concerned municipal authorities were contacted during the process of decision-making is unclear, as is the case with Chiba.

The choice of agriculture as a profession might have seemed a foreseeable decision given the wishes expressed by the refugees upon arrival in Japan, but some stakeholders of the programme had alternative ideas. In August 2010, prior to the refugees' arrival, UNHCR organised a symposium inviting panellists from the government and various other organisations. While a representative from the Ministry of Foreign Affairs (MOFA) stressed the importance of respecting the wishes of the refugees in deciding their new places of residence, the layout of the symposium assumed or at minimum advocated the suitability of Shinjuku as the refugees' place of resettlement. Amongst the panellists was an official from Shinjuku-ku, a ward in Tokyo where RHQ Support Center is located, who discussed Shinjuku's capacity to host refugees and other migrants. Moreover, RHQ would have welcomed the idea because if the refugees had decided to live close to their office, they would have been able to provide more frequent service and there could have been other promising volunteers to help them, particularly amongst the 1,200 Burmese residing in the area.

In fact, there is a difference between the way in which the refugees chose (or turned out to choose) their place of residence and that in which UNHCR would have done so for them. As mentioned above, their employment was decided before their place of resi-

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13 MOFA 2011.

14 RHQ 2010.

15 Masaharu Nakagawa is currently the Head of House of Representatives Budget Committee. He was formerly a member of Mie prefectural assembly for 12 years. In 1996, he was elected a member of House of Representatives for the 2nd Electoral District of Mie Prefecture, which is composed of Suzuka-shi, Kameyama-shi, and some parts of Yokkaichi-shi. Nakagawa served as Senior Vice Minister of Education, Culture, Sports, Science, and Technology (MEXT) between September 2009 and September 2010. He is also Head of DPJ Caucus Supporting North Korean Refugees and Human Rights (Kitachousen Nanmin to Jindou Mondai ni kansuru Minshutou Giin Renmei), and Co-Chairman of the International Parliamentarians' Coalition for North Korean Refugees and Human Rights (IPCNKR).

dence, and it is most likely that RHQ and MHLW recommended this principle in finding optimum conditions for resettlement in line with MOFA's wish for the refugees to "lead stable, independent life."[16] However, UNHCR would have prioritised the presence of a potential ethno-social network for the same objective. The case of Indo-Chinese refugees has proved that ethnic minorities tend to relocate in order to reunite even if they are encouraged or forced to disperse.[17] For youths, cities, regardless of the presence of ethnic communities, may become more attractive as for many Japanese youths because they are likely to overcome language difficulties more quickly and grow up more as Japanese than as Karen in mentality. This could cause families to live separately and disintegrate, unless children make efforts to remain close to their family both linguistically and culturally.

The choice of employment has also resulted in splitting the families into groups of two and three. The refugees in Chiba wanted to live with the other three families in Mie, but they were told that only three families could go there. They claim that RHQ did not give them any explanation as to why all the resettled refugees were not able to stay in one area. Whether MHLW was only able to find that particular set of work placements because those were the only offers they managed to collect or certain arrangements were made in order to avoid creating an ethnic minority enclave remains unknown.

RHQ has been successful in so far as fulfilling the parents' wishes to work in the desired profession. However, speculations remain as to how their choice of profession will affect the mobility of the families (or different members of the family) in the long term.

B. Past Employment in Myanmar and Thailand

The refugees and their families in Myanmar engaged in traditional rice farming. However, in the Thai refugee camps, they did not have any work permit and were unable to make an earning. Some managed to find farming jobs outside the camp and worked there for a month. They earned 100 THB per day, but the money earned was confiscated by Thai officers on the way back to the camp as they did not carry any form of identification.

The sedentary nature of the type of farming the refugees practised in their homeland is noteworthy for observing the future mobility of the parents' generation. Karens tend to stay in one village for all their life and, not only that, they produce rice for their own use

16 MOFA 2011.

17 Kawakami 2005, 4.

rather than to make an earning (subsistence-orientated, rather than cash-orientated).[18] These tendencies suggest that the parents' generation is likely to stay within the chosen places of residence, although their children's generation is likely to migrate to urban areas as they do in the highland of northern Thailand.[19]

C. Earnings

The financial aspect of their employment raises concerns. Those who work currently earn between 80,000 and 120,000 JPY each per month and this is in fact received through RHQ, who also provides the employers with a training commission fee of 25,000 JPY per person employed per month.[20] They are employed as trainees, but in fact not guaranteed any formal positions when the six-month period of training terminates in September 2011. Once the training period ends, the refugees will no longer receive any financial assistance from RHQ, unless ad hoc exceptions are made. They have not yet searched for other employment opportunities, but there is a clear need for a safety net.

Men work full time (approximately 9 hours per day, 5 days a week), and women part time; the latter start work later and finish earlier so that they can allow time to look after their children. In addition, the men in Mie have assumed hourly-paid jobs on the weekends to work on green tea farming and they normally work for a few hours on either Saturday or Sunday.

The refugees need to secure not only employment itself after the first 6 months as a trainee, but also better earnings. Currently, they do not have room to make savings, which would be helpful, for example, for allowing their children access to higher education in the future and also for purchasing an automobile to facilitate their movement between home and elsewhere.

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18 Delang 2003, 157-160. There are similarities between Karen rice farming and Japanese farming, which explains why the Japanese government has specifically chosen to resettle Karen refugees: Karens have a particular notion of territory in farming which assumes that one practises farming as a member of community within a given territory; that is, taking on collective responsibilities such as to mutual support. They also have an egalitarian mentality and an ability to adapt to the land which they occupy. Tazaki highlights the importance of understanding Karen rice farming as a factor influencing the formation of social relations amongst Karens (Tazaki 2008, 230).

19 Kunstadter 1978, referenced by Tazaki 2008, 231.

20 RHQ 2009.

D. Working Environment

In Mie, both men and women walk to work, and it takes 20 minutes for two of the families who live at the same address.[21] In Chiba, the men cycle and the women walk to the farm, as they have not learnt to ride bicycles, which takes 40 minutes and 60 minutes respectively for one family who are in fact unhappy with the time it takes to travel to work and some feel unsafe cycling next to other vehicles.

Vegetable farming in Chiba is done in both outdoor fields and green houses. In Mie, shiitake farming is carried out indoor, and green tea farming outdoor. The work involves planting seeds and applying pesticides.

The farms in both Chiba and Mie employ relatively large numbers of workers. The families work at the same farm in respective areas. There are approximately 20 workers at the farm in Chiba, of which about a quarter are Chinese, a tenth Filipino, and the rest Japanese. The average age of the workers at the farm is relatively high, and the women refugees who are the youngest are "well looked after." The farm runs a stable business: it owns 300,000m2 of crop acreage and directly trades with 1,500 companies including major restaurants and hotels. It also emphasises product branding and produces 8 different vegetables as well as 6 kinds of processed products. Karens feel that this type of farming is "different" from what they are accustomed to and, given their level of spoken Japanese, it will take some time for them to familiarise with the diversity of products and with the business mindset.[22]

The refugees are in good relations with both the employers and co-employees, who are "very kind" to them. Both the employees are also their landlords. In the case of Chiba, their employer offered them a house to rent after other landlords rejected them "for being foreigners." The employer in Mie visits them occasionally and reads for them any letters and documents that they cannot understand. One weekend, he organised a day trip for all his employees to go and see a festival.

IV. EDUCATION

The language education and training completed by the refugees and some educational backgrounds of the refugees have been mentioned above. This section will give details on RHQ's Guidance for Japanese Life course, and rather focus on the education of children after the families moved to their current places of residence. Financial issues surrounding education will also be discussed.

The refugees contended that their children's education is the most important purpose

21 Initially, all three families lived in the same house, but one family moved out on the day of the interview. For more information on the housing, see Chapter 5.

22 Kiyosawa 2011.

for coming to Japan, and that is what they told the Japanese government officials who interviewed them during the resettlement application process when they were still in Mae La camp in Thailand. At the initial presentation of Japan's resettlement programme, the refugees were informed that all children can be educated in Japan and that there is a possibility of receiving higher education. Some families, particularly whose fathers have received education for longer periods, are keen to eventually send their children to university. Their son who is currently studying at an evening junior high school has also expressed his wishes to go onto higher education if possible. However, they are unaware of the fact that higher education scholarships are only available for only a handful who are most able and that if they were to pay for their child's higher education without any financial assistance from the government, long-term financial planning would be essential. Although RHQ offers financial assistance for the education of Convention refugees recognised by the Minister of Justice or their family if MOFA recognises that they are having financial difficulties, the resettled refugees do not qualify for that framework because they have not yet applied for official refugee status. Unless this is explained to them at an adequate timing, it could lead not only to disappointment but also to wasting of potentials.

A. Guidance for Japanese Life

The course at RHQ Support Center equipped the refugees with necessary knowledge of Japanese customs through 90 hours of training.[23] There was a particular emphasis on certain customs, such as rubbish disposal and parking rules. On the days of the interviews, the refugees demonstrated an impressive awareness and application of such rules, and had not caused any problems within the neighbourhoods.

Guidance on how to be aware of the smell of the food one is eating has also been followed carefully. The refugees take lunch boxes to work and eat with co-workers, and some in Chiba, out of their own will, consume their food outside so as to avoid disturbing other co-workers with the smell of Karen, or Thai food, which has an unfamiliar smell to some Japanese. However, this has an effect on the way in which they interact with other workers; lunchtime is potentially an important opportunity for them to get to know their co-workers better and vice versa, but if they do not eat at the same table, they cannot have conversations. The lack of interaction is particularly concerning at this early stage of resettlement as it detaches them from the community emotionally.

The advice given is nonetheless reasonable given the lack of exposure to foreign cultures amongst some Japanese, particularly in rural areas. As with the application of rules, rural communities tend to be less open to unfamiliar practices and more defensive of their own customs than in cities. The problem with the advice was that it did not offer an alternative. They should have been taught how to cook basic Japanese food so that

23 RHQ Support Center provides 120 Units of lessons, each lasting 45 minutes.

they could have an option of taking Japanese food and not worrying about the smell. One lesson on how to make children's lunch boxes (bento) is insufficient. Better knowledge of Japanese cuisine could have given them more options for cooking; it is often difficult to practise one's native cuisine in a foreign country because ingredients and equipment required are not necessarily available or affordable. Meanwhile, an invitation from their co-workers to eat together would be most desirable.

The refugees have also been instructed to keep a regular account of how much money they spend. However, some of them find it difficult to continue this practice as they are not originally accustomed to do so and they also want to avoid seeing the harsh reality of their financial situation.

B. Schooling

The children currently attend local state schools and their education is funded by their parents' own money. The families in Mie pay 16,000 JPY per child for primary education, and 4,000-6,000 JPY per child for the nursery, which is a reduced sum thanks to the understanding of local authorities, though the families still find it expensive. Some of the parents in Chiba did not understand the school fee system and were not entirely sure how much or for what they were paying.

On the whole, there is no major problem with the children attending primary or nursery schools. Although the children are not yet completely as fluent in Japanese as an average Japanese child and cannot get any help with their homework as their parents' Japanese is not any better, they are most likely to overcome the language problems and settle in very quickly. They enjoy going to school and playing with their friends both during and after school.

The children in Mie walk to their primary school, which takes 30 minutes, while those who go to a nursery school take a school bus, which is a 20 to 30-minute ride. One family's primary school children in Chiba also take a school bus, but those of the other family have to cycle for 30 minutes to school, as there is no school bus route near to their house. For the latter family, their child's nursery school is two hours away on foot and the mother accompanies the child both to and from school. As mentioned above, the parents of this family are unable to work out how to use the buses and the mother has not learnt to ride a bicycle.

One child in Chiba goes to an evening junior high school in Ichikawa, where there are many children from foreign countries such as Korea, Mongolia, the Philippines, and India. The child is in an intensive Japanese language class, and will also start studying Mathematics, Science and English after three months. He is optimistic about studying more subjects as he has already studied some science at the Thai refugee camp. He enjoys the company of his friends at school and during the journeys between home and school. However, a single journey to school from his home in Tougane is 90 minutes in total; this includes a 30-minute bike ride to the closest station followed by a 60-minute

train ride. Furthermore, he feels unsafe cycling back home in the dark.

The child's parents expressed their dissatisfaction with the arrangement of his schooling. They had been told that all their children would be able to go to normal local schools. However, it turned out that the child's level of Japanese was not sufficient for him to join a junior high school, and so he was told to join an evening school where there is more focus on the Japanese language teaching. After the parents made complaints, RHQ became less supportive with finding an appropriate institution, and in the end they found a school without the assistance of RHQ.

Another family felt that the school teachers were not accurately informed of the level of Japanese they had acquired. When they were invited for an interview before the beginning of the academic year, RHQ staff were slightly too complimentary and told the teachers that they were able to write some kanji, although they in fact hardly could.

There is also a concern regarding the communication between the families and the teachers in Chiba. As the families live far away from schools, it is difficult for them to see the teachers to ask for their help or advice. There is a need to ameliorate the interactions between the families and the teachers as schools can become a valuable space for creating connections with local host communities, whereby support for integration is gained.[24]

V. HOUSING

The conditions of housing vary significantly between Chiba and Mie, and each has its own advantages and disadvantages.

The families in Chiba live in separate two-storey houses, which are within a walkable distance from one another. The rent for one of the houses is 50,000 JPY per month and 57,000 JPY per month for the other. The houses secure enough space for families of their size and are in good condition. One of them even has a little gardening space, where the family has started to grow some vegetables for their own use. They are, however, distanced from their schools, workplace and shops,[25] and feel relatively isolated although the children manage to entertain themselves by playing amongst themselves (the farm where they work is in Yachimata-shi, but their houses in Tougane-shi). They lament the lack of transportation options, and they would ideally like to have a car so as to reduce the physical burden caused by walking from one place to another. One refugee stated that she preferred the geographical convenience of Shinjuku and even reminisced about her time at the refugee camps in Thailand where everything was easily reachable: "Living in Shinjuku area was more convenient than here because shops and schools were closer to where we lived" (Female refugee in Chiba).

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24 Ager and Strang 2008, 172.

25 The nearest supermarket is 40 minutes away on foot for one family.

In contrast, those in Mie originally lived all in one house, each family occupying one large room. The rent is 36,000 JPY and is divided between the occupying families. Although the house allows just about enough space for them to live, especially now that one family has moved out, in the future there will be a concern for the capacity of the house to accommodate the needs of the fast-growing children and for the capacity of the occupants to tolerate those living conditions. On the one hand, living so close together limits the level of privacy amongst families and family members; on the other, it creates a unique environment where the children of both families mix interchangeably and the parents take turns to look after them. This is practical when they go out for their weekly grocery shopping, which is done in a suburban shopping mall in Suzuka (45-minute bus ride).

All families were assisted by RHQ staff throughout the process of decision-making on housing. In Chiba, the families made their decision on housing based on the pricing of rent, proximity to work and school, and proximity to each other. As mentioned earlier, in Chiba it was particularly difficult for one family to find landlords who were willing to let their properties other than their own landlord:

> **"We looked at three houses. When we approached the owner of the house that we liked the most, the owner said that he could not take us because we are foreigners. We were rejected a few more times after that. We asked the RHQ staff, 'Why can't they let us rent a house if we are foreigners? Why did you bring us to a place where people would be hostile to foreigners?' But they gave us no answers." (Female refugee in Chiba)**

The landscapes surrounding the houses in Chiba and Mie have different characteristics, but both are idyllic and embody plenty of natural vegetation and fields. They seem to contribute to the refugees' overall enjoyment of living in rural Japan. Both locations are a great contrast to the middle of a busy, concrete-dominated mega-city where they spent the first six months upon arrival.

The houses in both Chiba and Mie are within a quiet neighbourhood and there are other houses very close by. All families exchange words of greeting with their neighbours, though the families in Mie seem to have more interactions with their neighbours. According to the refugees in Mie, there are not very many children or young families in the area. In Chiba, they only receive occasional visitors, who are primarily RHQ staff.

The residents who live in the area were informed of their arrival in advance; RHQ staff gave a briefing and there was a welcome party for some families. However, the refugees are mostly left to cope with their daily life on their own; they feel that they no longer receive the kind of care they used to at RHQ Support Center; particularly in the case of Chiba: "When we were in Shinjuku, people were really helpful. But after we moved here, they wouldn't help us with anything. If it is going to continue like this, I would rather go back to Mae La. … But I know that shouldn't happen. I want to establish

a good life here. There is no going back" (Female refugee in Chiba).[26]

A. Financial Management

RHQ provided each family with settlement allowance (teijuu-teate), all of which the refugees have already spent, mostly on buying furniture and electrical appliances; 156,900 JPY per person above the age of 15, and 78,450 JPY per person aged 15 or below.[27] As mentioned above, the refugees do not have much experience in financial management and, as a result, they tend to be carefree with their spending habits. Currently, a large proportion of their money is spent on food and they receive very expensive phone bills, sometimes tens of thousands, as they make frequent and long calls to their friends left in the refugee camp.

Savings would be necessary if they wish to move to a place that is more accessible to work, schools and public services. However, the difficulty with housing is that financial means alone cannot guarantee the refugees to obtain what they hope for, because many Japanese landlords are reluctant to accept foreign tenants. This is a common problem for many non-Japanese, which needs to be addressed by Japanese society.

VI. HEALTH

Although employment is often considered to be the most important dimension of integration, health in fact comes first because it acts as an enabling factor for all other elements of integration to be realized. As it was implied by the list of criteria compiled by the Ministries, unless the refugees are in good health, they cannot communicate actively with host communities or work to fulfil other requirements for integration.

The majority of the resettled refugees have not had any major health problems during the course of the programme. However, two families were affected by flu immediately before their planned arrival in Japan, and postponed their flight to Tokyo by two weeks. One refugee suffered from pneumonia while he was participating in RHQ's Settlement Support Program in Shinjuku.

The refugees are registered for National Health Insurance (kokumin-kenkou-hoken), for which RHQ was responsible, and have been given essential information about their access to health care both during and after the Settlement Support Program. In addition, they have been registered with a local doctor. However, they have little grasp of the health care system in Japan, mainly due to their lack of comprehension in Japanese, and

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26 Including this particular refugee, all the refugees also expressed their gratitude to the Japanese government for having accepted them.

27 RHQ 2010.

they need assistance with the comprehension of written information, which is sent to them by post. There is a concern as to how they will manage to gain accurate diagnosis without a translator if they fall ill and see a doctor. Although it might be possible to ask RHQ for assistance, they would either have to travel to the RHQ office or wait for an RHQ staff to come to them.

VII. SOCIAL CONNECTION

Refugees had strong bonds amongst themselves, both within and amongst families. Those who originally lived under one roof in Mie work together as one household and take turns to look after the children or to do shopping. As mentioned above, one house shared amongst three families does not allow sufficient privacy, but it provides a safe and happy environment for children to grow up in. The two families in Chiba also lend support to each other, making frequent visits even though their houses are 30 minutes apart by bicycle (one hour on foot). Their children play not only with their siblings, but some now have friends from school to spend time with. As there is no community of their ethnic group in the area where they live, many of them feel that they only have each other to rely on. However, they keep in close contact with the Karen community, mostly residing in Tokyo.

Families in Mie have more interactions with their neighbours than those in Chiba. Their neighbours gave them toys and sometimes bring them little holiday gifts. Our research team observed that the nearby areas accommodate a healthy neighbourhood where people often greet one another even if they are unknown to them. In contrast, there were little signs of interactions between refugees and their neighbours in Chiba. We felt that some neighbours were more sensitive about the space which they occupy, and preferred to keep a certain distance from people who live next door to them. They recognise that other local people such as those whom they encounter on the bus are friendly, but their ability to communicate in Japanese currently restricts how much they converse with others. On the whole, all refugees have, so far, limited "social bridges"[28] with local people.

Adults appreciate the company of their colleagues at work. They observe and learn simple Japanese practices, such as how to serve tea, from those who work at the farm. However, their willingness to acquire Japanese culture has side effects; for example, they feel conscious of eating Thai food in front of their co-workers. There is therefore a mixture of comfort and uneasiness at work for the Karens; on the one hand, they feel that their co-workers are supportive towards them, but on the other they are obliged to conform to the already existing working environment.

Children feel that they have many friends and friendly teachers at school. Most of

28 Ager and Strang 2008. Social bridges refer to the relationship between refugees and host communities.

them are comfortable talking even to strangers in Japanese. Their language ability allows them to communicate with people and to obtain information faster than their parents. They are therefore more confident dealing with daily routines.

Refugees do not feel that they have many "social links".[29] From the refugees' point of view, there is no connection with local authorities or NGOs, and they do not know how to access them. As with other aspects of living, RHQ seems to be the only source from which to collect information.[30] Although the refugees express desire to be able to live independently as much as the Japanese government, gaining necessary knowledge and applying it to practice is not an easy task, given the refugees' proficiency in Japanese language and the lack of access to the internet. It seems that the lack of practical support also has emotional effects on the refugees:

> **"If somebody like you [interviewers] or community-based organizations could give us instructions, we would understand the way of life here, but there is nobody around us who would ask us 'Are you OK? Is there anything you are concerned about?' If there were someone like that, that would be good emotional support." (Female refugee in Chiba)**

With regards to means of access to information, their life style both before and after they fled from Myanmar must be taken into account. The refugees are not necessarily accustomed to processing written information. Just as they do not find motivation in learning Japanese from textbooks, they are less likely to find interests in handbooks.

The refugees keep in contact with friends and relatives who reside outside Japan, such as those who remain at Mae La camp and others who moved to other third countries, to offer emotional support for each other and to exchange information. Some can compare their experience with what they hear from the latter group. In fact, they originally did not plan to come to Japan:

> **"I have some friends in the US who moved from Mae La camp, and I get information from them. So we were interested in applying to other countries such as the US for the resettlement programme, but our application was rejected since we have no relatives there." (Male refugee in Mie)**

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29 Ager and Strang 2008. Social links describe the connection between refugees and structures of the sate.

30 For those in Chiba, meetings with RHQ staff are another concern. They are required to meet the RHQ staff at the nearest railway station, and this necessitates a bus journey, which is only run twice a day, and if the bus is missed, they are obliged to take a taxi back home at their own expense.

Their knowledge of other resettlement examples both in Japan and elsewhere may have an effect on how they experience their own as it allows them to view it in relation to one another. To this end, their experience at the refugee camp also influences how they value their new life in Japan:

> **"I had been in a refugee camp in Thailand for a few decades, but there was no hope for the future. We would never be accepted by Thailand, neither as 'refugees' nor 'citizens'. There was no guarantee for our life in the refugee camp. That is why we decided to apply for the resettlement programme." (Male refugee in Chiba)**

Meanwhile, potential for social connection and language ability are in direct correlation as it is indicated by the comparison between adults and children; the more social connection they have with people around them, the more opportunities they have to practise their Japanese, and vice versa.

VIII. CONCLUSION

The most concerning aspect of the life of resettled refugees is language, as with other refugees and those in refugee-like situations in Japan. With insufficient competence in Japanese language, they struggle not only to communicate with people but also to find out where to seek assistance. They currently have no means to receive language education, except for the language textbook provided by RHQ, despite their willingness to learn. However, this issue only concerns adult refugees. Child refugees acquire Japanese language with less effort and seem to make social bonds very quickly.

Another predominant issue that raises concerns is the security of their future employment. Although they are currently able to live off the sum given by RHQ for participating in vocational training at the farm, there is no guarantee that they will be able to continue working at the same farm and to obtain a contract after the training period ends in September 2011. It is not clear whether the government will provide ad hoc assistance or a different actor will take over the responsibility if employment is not secured from then on.

The situations of Chiba and Mie differ, particularly in terms of housing and physical access to facilities and services such as schools and shops. Those in Chiba enjoy the space and privacy that their housing offers, although they are distanced from their workplace and schools. In contrast, those in Mie enjoy proximity to their workplace and schools, but they lack privacy at home as all three families live together in one house. Moreover, refugees in Mie seem to have more social connection with the host community than those in Chiba.

Perceptions of safety and stability are difficult to assess, but they are one of the most important indicators of integration, particularly in the context of refugees. As Ager and

Strang's diagram suggests, all core domains of integration both as facilitators and indicators of integration and are interlinked; and for refugees, safety and stability should be emphasised more than other domains of integration as those are what they intended to secure in fleeing their country of origin. Overall, refugees in Mie enjoy more stability than those in Chiba, and children more than adults. The sense of stability is founded on proximity to other families and support from their neighbourhood including their employer. The children's ability to speak Japanese fluently allows them to adapt to the new environment more quickly, whereas the adults struggle in this aspect, particularly after their language training was discontinued. The adult refugees are also uncertain about their employment when their 6-month vocational training period ends, as their current employers have no legal obligation to employ. In terms of safety, long-distance walking and cycling at night for the refugees in Chiba raise concerns, but generally all the refugees feel safe in their neighbourhood.

The refugees concerned in this report are still in an early stage of resettlement in Japan, and the resettlement programme itself is a new history that is still in the making. So long as the programme remains a pilot project, there is room for experimentation on the part of Japanese government provided that future decisions reflect what is learnt from it. As for the refugees, their integration into Japanese society should be considered in terms of a longer span of time than the period of time for which the government is officially responsible in providing necessary support, and therefore the issues which have so far emerged should be assessed in light of what is expected to be achieved at this stage in resettlement.

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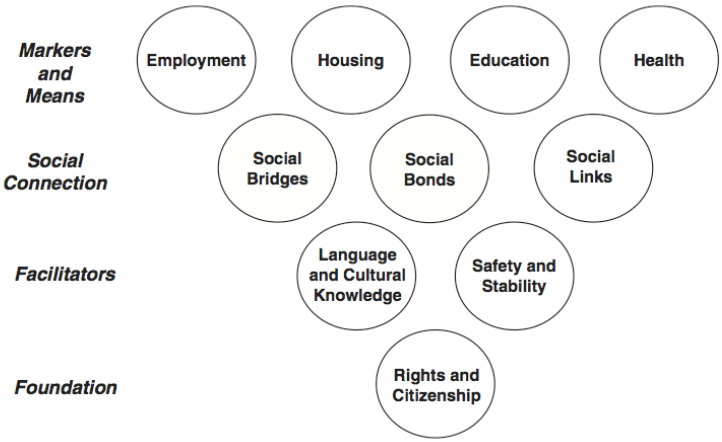
X. ANNEX



A conceptual framework defining core domains of integration.

Alastair Ager and Alison Strang 2008, 170.

A SHORT REPORT FROM BURMA AND ITS BORDER AREA WITH THAILAND

Yumi TSUDA*

I visited Burma and the border area Mae Sot in Thailand in August and September 2011. Here I would like to report what I saw and what I felt is the problem and how it can be solved.

Through this visit, I found that what is needed most in Burma now is the development of "civilians." For more than 20 years, intelligentsias in Burma have been against the government to change its regime. However, such a drastic change has not occurred. It is because most people are not educated enough and they have no idea about the regime of their nation. Therefore, campaigns by intelligentsias do not cause a nationwide movement.

Here I would like to highlight some problems I found about the education in Burma.

First, there is the problem of educational opportunities. As often seen in developing countries, there is a serious gap between the upper class and the lower class in Burma. Though most children can enter school, they cannot graduate because of financial problems. The difference among regions also causes inequality in educational opportunities. In the rural area, the living conditions are very tough and the people cannot do much more than survive. So they do not have enough opportunity to go to schools. They even cannot have the interest to study.

Seondly, I think there are serious problems in the quality of education as well. I had the opportunities to interview some intelligentsias. In the interviews, many of them often referred to the problem of the quality of education. I report some of their comments here. There might be some exaggeration in their statements, but they can provide some insights into the problem.

A man who runs a social NGO said that the government does not teach about ethics, so the general public cannot tell what is right and what is wrong. Another man who runs a private school for middle class children said that in Burma there are only public schools with poor quality education and private schools for upper class children (people who run those schools only want to get money from their parents). He also said that

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every problem has its roots in the fact that the government does not provide good education. Another man who recently launched a NGO for education for citizenship development told us that there does not exist the concept of political science. Intelligentsias study politics by themselves, by getting books from abroad. He also told us that it is prohibited to enter the universities faraway from one's hometown. It is because the government aims to prevent the youth from developing their network widely. In the interviews, most of the speakers referred to the problem of the education. There are a lot of problems like the public health, poverty and ethnic issues, but all of them are related to education of the public.

What is being done to change these situations? There are many social NGOs and organizations. It could be said that to work in social organizations is another way to show their stance for those who do not want to settle in the current resume. They do not rebel against the government on the surface, but have the common mind that they have to change the current regime. Many of them find their business in social welfare like medical care, care of the elderly, and so on. They know that the government does not provide enough social welfare, so they try to fill the gap by themselves. Moreover, we can also find many NGOs and organizations focusing on citizenship development of the public. They noticed that eventually what is needed is the movement from all the public. They provide education in various subjects such as ethics, citizenship, politics, and practical skills, in order to raise awareness among the public. They are trying to reach all Burma, not only big cities like Yangon.

From the government perspective, these NGOs and organizations seem to be countering the government. Though the government authorities cannot arrest their managers, they always keep a close watch on those organizations.

Since last year, around the election time, the government has been behaving a little "democratically". For example, they released Aung San Suu Kyi, and eased some censorship rules. In addition, during our stay, a conference was held with 1,500 organizations and 3,000 people attending. Of course some police officers were there to watch, but they carried it through.

In the interviews we had, many activists referred to the recent changes. Members of an organization for citizenship development said that they had been providing the service for long, but they had not established an organization until recently. It was because of the belief that even if they had established an organization, the government would have stopped it in some way. However, the situation has changed somehow, so they finally made their activities into an organization.

We asked how they analyze the recent change of the government, and we found an interesting difference between activists in Yangon and Thailand. In Yangon, they tend to consider the change as positive or useful. They told us that there is no choice to hesitate to use the opportunity they have now. They are not sure if this change will continue, but they are just trying to make the most of it. For them what is important is the existence of the opportunity. What is intended is the next question. On the other hand, in Thailand, they tend to see the situation with a little more caution. When we asked for their opinion, they were more incredulous about the change than their counterparts in Yangon.

They told us that there are still a lot of problems to be solved and tried hard to tell the foreign people not to believe the change easily. Outside Burma, the change of the government does not affect their activities directly.

Now, why is it that the current government order has been continuing this long? There are still many people who work on the government side. They are not necessarily supportive of the government, but they continue to work in it. It is because if they do so, they do not have to fear to be blamed by the government. They cannot get high salary, but they can live without inconvenience. Those who absolutely do not want to compromise themselves to the government take the choice not to go into the government, so the revolution from inside the government is not likely to happen.

Within the environment where the government does not provide enough service, there is no way for the Burmese people other than to do everything on their own. What is needed now is that the organizations for citizenship development increase and expand their work. The increase of private schools for middle class or poor children is also necessary. And what is most important is that the youth, i.e., people younger than the 1988 generation, grow up and take action by themselves. Now, most of the activists belong to the 1988 generation. The cultivation of young opinion leaders is an urgent necessity.

INTERVIEW

INTERVIEW OF KOICHI YAMAUCHI

Interviewed and translated by Shikiko MASUTOMI. Documented by Taichi UCHIO and Junko MIURA. *

PROFILE OF INTERVIEWEE

Koichi Yamauchi (born 1973, Fukuoka Prefecture) has been a Member of the House of Representatives for North Kanto District since 2009 and is currently the Diet Affairs Chief of Your Party. He began his political career in 2005 as a member of the Liberal Democratic Party and was first elected a Member of House of Representatives for the 9th Electoral District of Kanagawa Prefecture. He graduated from International Christian University in 1996, having spent his junior year at Silliman University in the Philippines. He worked for Japan International Cooperation Agency (JICA) between 1996 and 2000, and was engaged in emergency humanitarian aid activities conducted by various NPOs including Peace Winds Japan. His experience includes management of development projects in South East Asia and a refugee support project in Afghanistan. Having obtained his Masters degree in Education and International Development from the University of London in 2004, he returned to JICA and participated in a humanitarian mission to areas affected by the Indian Ocean tsunami.

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Q1. Would you tell us about your experiences in conflict and natural disaster areas such as in Afghanistan, Indonesia and East Timor?

After East Timor became independent, I headed there as a member of an NGO called Peace Winds Japan. This was when the capital, Dili, was still a burnt-out area. I was involved with the provision of shelter in Likisà. After that, I assisted Peace Winds and other NGOs by distributing goods such as food, clothes, boots, and fuel in refugee camps in Northern Afghanistan. I was then involved with one of the repatriation programmes administered by UNHCR. In Japan, I served on the board of directors for an NGO, which provided assistance to refugees residing in the country on a voluntary basis.

Before my involvement with NGOs, I worked for JICA. When you are in a governmental organization, you can gain knowledge of the mechanisms of ODA,[1] the structure of a public office, and so on. I was valued for having that kind of experience and as a point of contact for public bodies. I also helped to lobby politicians. Although Satsuki Eda, the current Minister of Justice, and Keiko Chiba, former Minister of Justice, have been interested in refugee issues, there was little awareness of such issues amongst politicians at the time and, generally speaking, the situation has not changed. Normally, it is very difficult for NGOs to get an appointment with a politician. In the world of politics, you often hear people refer to refugees as "no money," "no votes": since refugees do not have a right to vote, nor do they make any donations, they are often not considered to be any benefit to anybody. Politicians who are particularly interested in human rights or international affairs such as Mizuho Fukushima, Taro Kono, and Yasuhisa Shiozaki were sympathetic. However, there is a limit as to how much they can do to help. I thought to myself, "it would be quicker if I became a politician myself," and that is what partly triggered my aspiration to become a politician.

I worked for JICA for about 5 years, but this was when, by law, the organization could not be involved with refugee issues until around 2000. As I was already interested in refugee issues when I was with JICA, that was one of the reasons why I decided to move to an NGO. Now, they can help a little bit with refugee assistance. However, when the PKO[2] law was established, a clear demarcation was formed: the PKO office of the General Administrative Agency of the Cabinet was responsible for refugee issues, and JICA for natural disasters. Hence, until the 1990s, refugee assistance had never been a task JICA recognised as their mandate. Things started to change when Sadako Ogata was inaugurated as their president. It doesn't mean that they are now directly involved with refugee assistance, but they can work around refugee return programmes camp management and so on.

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1 Official Development Assistance.

2 Peacekeeping Operations.

Q2. How are you involved with refugee issues now as a politician?

During my first term, which lasted for about 4 years, I actively tried to bring refugee issues to discussion as a member of the standing committee on Foreign Affairs. When the Liberal Democratic Party, where I belonged at the time, was in power, subcommittees within the party were the most important. The discussions that take place behind closed doors are done without any restraint and they are very lively. The government office takes the draft plan to the sub-committee in order for the law to be examined. Bills and budget proposals discussed at the National Assembly are formed mostly during this stage. Within the Liberal Democratic Party, the Economic Cooperation Special Committee, the Foreign Diplomacy Subcommittee, the NGO Subcommittee are the three sections that may deal with refugee-related issues. I worked as the head of the NGO Subcommittee. This NGO Subcommittee is something of less importance in comparison to some others, but for that reason, it turned out sometimes that my ideas were directly reflected in policies. Now, as an opposition party, I can't do anything at that stage in the process, but I can raise questions at the Diet. I can express my opinions in front of the Foreign Affairs Minister or the Justice Minister at televised Budget Committee meetings. At times, a Democrat minister says positive things, and the system changes accordingly. For example, until a few years ago, it used to take two years on average to process a refugee status application, but from what I gather, they say externally that it has been reduced to an average of eleven months in the recent years. I think public opinion demonstrated through the media probably had an influence, but the National Assembly's monitoring function was also important. I would like to continue listening to the NGO community and to speak on their behalf. That is what I consider a politician's role. I also believe that, as representatives of the National Assembly, we have a role of disseminating the trends, ideas, and discussions at the policy level by participating in symposia for the public and media as panellists.

Q3. In your blog, you wrote on January 18, 2011, "With regards to refugee protection, there are many problems with the law and the ways in which judicial procedures are carried out. There are many things that need to be changed."[3] What problems and improvements, specifically, are you referring to?

There are problems of work permit, for instance. There is inconsistency in the system: the asylum seeker cannot work during the refugee status determination process, but there is no financial assistance given, so she or he is obliged to work illegally. Meanwhile, there is still room for improvement in the refugee status determination process.

With regards to refugee status determination, the reality is that people who are not

3 http://yamauchi-koichi.cocolog-nifty.com/blog/2011/01/post-3e11.html

specialists are being asked to make decisions. For example, in cases of Kurdish refugees, people who have no in-depth knowledge of Kurdish and Turkish history or the political climate in the country of origin are involved in the determination process, and that is what the institution obligates them to do. The determination process takes place in a normal court, and the judges are not specialists in refugee issues.

Therefore, we should not just be looking at the law, but we must also make sure that people who have better knowledge can be appointed. I hear that, in Europe and Australia, there are government agencies that specifically deal with refugee status determination, or they have a legal framework that is designed specifically for that purpose.

Moreover, the reality is that the lawyers work on a voluntary basis, and we are too dependent on it, so I think it is necessary to publicly support the system.

Otherwise, I think what is important is an overall atmosphere where we actively receive refugees. Courts, prosecutors, and police agencies and the like surprisingly do care about public opinion. I think that if the public becomes sympathetic towards refugees, the judgment, too, will probably become sympathetic. In Japan, if you heard the word "refugees", many people would often think of refugee camps in Afghanistan, but they are in fact political asylum seekers,[4] which means they have fled their country of origin after having been under threat of political persecution, and that is what I would like people to know. Historically, pre-war Japan used to accept asylum seekers[5] who eventually became heroes of independence activities in Asia, such Sun Yat-sen[6] and José Rizal.[7] They can be called refugees in contemporary legal vocabulary. Reinforcing public relations, we have to tell the public that accepting refugees is a duty for any respectable industrialized country.

To this day, there are political asylum seekers who are working at restaurants, for example, but once the military regime collapses in their country of origin (Myanmar, for example) and democratization is realized, they have the potential of becoming high-profile figures. The Ministry of Foreign Affairs needs to realize that taking good care of those people will benefit our national interests in the long run. This may be difficult to do in obvious domains, so it is also important to make use of the "second track" such as think tanks, NGOs and universities. It shouldn't cost any more than 5 million JPY per year to employ a refugee under the category of researchers in Japan. Under the ODA, the construction of one bridge costs 5 billion JPY. You can see how much one is a lot

4 The interviewee has used these exact words in English (political asylum seekers).

5 Boumeisha in Japanese.

6 Sun (1866-1925) first fled to Japan in 1895, having been discovered being a key organiser of a revolutionary secret society in Hong Kong.

7 Rizal (1861-1896) came to Japan in February 1888 and spent about a month in Yokohama and Tokyo. This was, however, a self-imposed exile, unlike his deportation to Dapitan in 1892, having stirred reactions to his political activism in the Philippines.

cheaper than the other. It costs MEXT[8] around 6 to 7 million JPY to host an international student, and there are about 10,000 of them. I think it is possible to reserve a hundredth of that for refugees and we could ask them to work for research institutions and so on as researchers; that is, refugees themselves conduct research on refugee issues. It should be easy to do an investigation on the community they come from. We should also strategically collect funds through MEXT's Grants-in-aid for Scientific Research.[9] If you look ten or twenty years ahead, you can see how it could be useful for Japan's national interests. I think it could also be beneficial from the perspective of education for Japanese students learning at the same universities and research institutions.

Q4. What do you make of the third-country resettlement in Japan? How do you weigh it against the assistance in refugee camps?

I think it would be good to carry out third-country resettlement on a massive scale. It's only fair that you start with 90 refugees because it's a pilot programme, but I would like to see the number grow in the future, and we have to establish an effective system so that refugees would say they want to come to Japan.

The most desirable outcome is where a refugee can return to his or her country of origin; if he or she is taken to a third country, it can become difficult for him or her to do that. Refugee camps in border regions, such Peshawar in Pakistan where Afghan refugees cross the border, are almost like towns in themselves, and I think they provide a comfortable environment to live in. If you thought that people in those camps come to Japan and it eventually becomes difficult for them to return to their country of origin, you would place the priority on the assistance given to those refugee camps in border regions. Of course, if refugees cannot receive sufficient education in the country of asylum, for example, they should be accepted by a third country, but humanitarian aid should be our top priority.

Q5. What do you think about the actions taken by the Ministry of Foreign Affairs regarding the third-country resettlement programme?

I don't know what prompted their decision to adopt this programme. There are things that make me think that there is no strategy in what they are doing. You might wonder if there was, by chance, somebody who is particularly committed to the project, or you

8 The Ministry of Education, Culture, Science, Sports and Technology.

9 Kagaku-kenkyu-hojo-kin in Japanese.
http://www.mext.go.jp/english/org/struct/025.htm

might even think it was something they came up with out of the blue. Or could it also be Refugee Headquarters' (RHQ) strategy to extend their existence? I don't think that there was a remarkable change in public opinion or that there was anyone who had a particular interest in the issue within the Ministry of Foreign Affairs. I wonder if it had been UNHC'"s Mr Takizawa's efforts. In any case, I think it's fine as long as we can produce good results.

As with Indo-Chinese refugees during the Cold War when the West had a duty to accept them, Japan also ended up accepting them as a US ally. This was a period when many of those who had taken a positive attitude towards refugee assistance were either hawkish or conservative. As you can see, it was a time when there were many political forces around. However, now there is no such climate, and that is why it appears so peculiar that the third-country resettlement project was suddenly allowed to go ahead.

Q6. What do you think about the financial assistance provided for asylum seekers in Japan?

The financial assistance is insufficient in the current system, and it should be provided at earlier stages, without making refugee status applicants, who have no income, wait for months. It would be difficult to make the municipalities find their own resources to provide financial assistance to refugee status applicants, so I think it's necessary to set up a specialised organization. If financial assistance cannot be provided, the asylum seeker should be given an opportunity to work. We must solve the financial assistance and the work visa issues together. If a work permit cannot be given, then a financial assistance should be provided; on the other hand, if the financial assistance cannot be provided, then the work permit should be given.

Q7. What kind of stance has Your Party taken with regards to refugee issues?

To tell you the truth, there is hardly any opportunity where we can discuss refugee issues. The reality is that our party members have not shown much interest, and refugee issues are not in Your Party's top ten discussion topics. However, following the concept of 'an open country', Your Party is keen on receiving foreigners, so they shouldn't, of course, refuse the reception of refugees. I think everyone in Your Party is fairly positive. But we need them to work productively and pay tax, and in return we provide proper security. I believe one should take on both one's rights and responsibilities.

Q8. Why is there still so little concern for refugee issues in Japan?

Even in the UK, for example, there are people who are not interested in refugee issues, but meanwhile it is true that there is an Oxfam shop even in a little town, and that it has a very broad base. The British Ministry of Education is working very hard on multiculturalism, inclusion and so on. In London, one in four people are non-British, and its residents are open-minded about foreign cultures. As a country which previously had colonies, the country has a decades-long history of receiving refugees. Some politicians, depending on the constituency, could have a hard time if they didn't think much of immigrants and refugees. At the same time, there are exclusive nationalists too.

Moreover, I think there is a difference in how the media treats overseas news. BBC, for instance, plays a role of reporting events that are occurring around the world to individual homes. In actual fact, because there are many people from many cultural backgrounds around you, I think it is easier for the public to be interested in those issues.

In Germany too, there are problems with the reception of Turkish migrant workers and so on, but if you look at the whole picture, I think it has positive effects. Amongst third-generation Turkish people who have grown up in Germany, there are some who go back to their mother country and make investments, and so economic bonds are formed between the two countries. As a result, the presence of those people also contributes to national interests. Furthermore, I hear that the US are currently making vast investments in Vietnam, and in the US there are many second-generation Vietnamese refugees who have families and relatives in Vietnam. Vietnamese Americans are getting a toehold in the Vietnamese market. We therefore have to bear in mind those merits that come with the reception of refugees, too. In Japan too, for example, there are children of Indo-Chinese refugees who came to Japan twenty or thirty years ago, and there are cases where they go to Vietnam as resident staff when Japanese companies start their businesses in Vietnam. So in that sense, it could become Japan's national interest.

NOTES

DEVELOPMENTS OF HMS/CDR

Satoshi YAMAMOTO

I. Great Eastern Japanese Earthquake and HSF, a newly established non-profit organization

Since the last issue of this journal, there have been significant changes around CDR. Professors and graduate students relating to activities of CDR have been committing to the newly established organization "Human Security Forum", a non-profitable organization since its establishment at 2 April 2011. Although HSF is not directly affiliated with the University of Tokyo, and it is an independent organization, it is deeply connected with CDR and Graduate Program on Human Security (HSP) of the University of Tokyo, as the core members are overlapped each other.

Although HSF was originally conceptualized and planned to engage in variety of issues related to human security especially in Japan, the main activities have been focusing on the issues of Tsunami survivors and revival of Tohoku reconstruction since the Great Eastern Japanese Earthquake. HSF has launched the Weekend Volunteer Project from Tokyo right after the disaster, and has dispatched repeatedly of volunteers working for the recovery of tsunami devastated areas mainly in Miyagi prefecture every weekend. Although the voluntary work has been mud removal mainly, HSF staffers have been able to contact local people and other voluntary workers and various aid workers including those from international organizations and other NGOs. Throughout the activities, our staffers have been trying to collect information as much as possible, directly from affected people and indirectly from local information sources including newspapers and information magazines.

II. STAFF AS OF FEBRUARY TO SEPTEMBER 2011

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 11 staff.

A. Members of the CDR Committee

- Professor Yasunobu SATO (Chair)
- Professor Shinji YAMASHITA
- Professor Mitsugi ENDO

B. Staff

- Yasunobu SATO (Director)
- Satoshi YAMAMOTO (Vice Director)
- Junko MIURA (Secretariat / Research Assistant)
- Shikiko MASUTOMI (Research Assistant)
- Kumiko NIITSU (Research Assistant)
- Yumi NAGANUMA (Secretariat)
- Joseph TABAGO (Research Assistant)
- Tomoya SOEJIMA (Translator)
- Mizuo KUDO (Translator)
- Tsuyoshi HAGIWARA (Translator)
- Mutsuhisa BAN (Research Assistant)

III. Events

February 2011- September 2011

【*Seminars and Symposia*】

▪*22 February*：*Human Security Program (HSP) Seminar "Photo Presentation by Mr. John Isaac, former UN photographer"*

This event was organized for the purpose of sharing Mr. Isaac's 40-year experience as a professional photographer for the United Nations, and also as an opportunity to search for new ways of collaboration among academic institutions, international organizations, private companies and the civil society. This event took place with the cooperation of Olympus, the United Nations Development Programme (UNDP) and the United Nations Information Center (UNIC), making it an example of collaboration among the private sector, academia, and international organizations.

▪*2 April*：*Human Security Forum (HSF) inaugural meeting and charity concert*

HSF, a non-profit organization, was established with CDR's support. After almost one year of preparation, its inauguration took place just after the Greater East Japan Earthquake. HSF aims to realize "human security", a concept born in Japan and advanced by the United Nations but not widely known yet. Headed by Ambassador Takasu (former Ambassador from Japan to the United Nations), the members consist of professors and students mostly from the University of Tokyo. The charity concert was organized to promote HSF and to invite new members. Many professionals and dignitaries attended the event, including a former prime minister of Japan.

▪*27～29 September*：*Summer Course on "The Rights of Refugees under International Law"*

This was the third summer course hosted by CDR, and the second one with Professor

James C. Hathaway. This year's theme was the rights of refugees under international law. Professor Hathaway has advocated that people are entitled to protection throughout the status determination procedure regardless of whether or not they are determined to be refugees in the end, in accordance with the level of attachment to the country of asylum. A total of 70 people participated, including many law students and 4 attorneys.

【*Research Projects*】

▪*HSP/CDR Joint Project on Human Security*

In April, CDR and HSP compiled a list of 50 references on "Human Security" in Japanese, to be incorporated into the human security literature database managed by the Australian National University.

http://ceps.anu.edu.au/research_projects/ceps_jf_partnership/literature.php

▪*Resettlement*

May:

Field Research on Resettlement in Japan

Yachimata City and Togane City, Chiba Prefecture

Suzuka City, Mie Prefecture

CDR played an important role in research on resettlement in Japan, where information on the newly introduced resettlement program has been limited. A refugee in the HSP graduate program coordinated the filed research, with a team of CDR staff members. Research has started with an innovative approach of looking at the program from the perspective of the refugees, while placing the issues within the context of global trends. CDR will continue to monitor the resettlement program in Japan.

August:

Field Research of a refugee camp in Thailand and the Thai-Burmese Border

Field research was conducted in order to learn about the conditions in a refugee camp, to understand the challenges of resettlement from the perspective of the first country of asylum, and to seek ways of better communication and coordination with refugees already resettled in Japan. The field research opportunity was made available to interested students from other universities as well, thereby contributing to the increased awareness of refugee issues.

▪*Translation*

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

【*Other*】

▪*9 April：Co-hosted the 7th forum of the Migration and Refugee Studies (MRS)*

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 basically. 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 crosscut perspectives on refugee and migrant issues with comprehensive awareness to the issues of movement of people.

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


CDR Quarterly