
The Indochinese Refugee Information Centre (IRIC)

The Indochinese Refugee Information Centre (IRIC) was established in November 1987 within the Institute of Asian Studies, Chulalongkorn University. It is composed of researchers of the Institute of Asian Studies as well as professors of Chulalongkorn University and interested scholars.

The Centre's objectives are: to systematically collect information on Indochinese refugees; exchange information on Indochinese refugees by participating in an emerging international refugee documentation network; study and analyze problems and policies regarding Indochinese refugees; and provide organizations, individuals and academics in Southeast Asia with a better access to information on the wider refugee problem.

Present collections include books

and research papers; newspaper clippings, currently updated, special press audio-visual materials (slides, video-tapes, cassettes and photographs); conference materials (conference proceedings and reports); as well as journals and newsletters.

Publications appear mainly in English and Thai, but several documents in French, Japanese and Khmer are also represented. Emphasis is on material concerning Indochinese refugees in Thailand not selected for resettlement, but information on refugees resettled in third countries is also included.

The Centre is in close contact with institutions and information centres across Europe, Canada and the United States in order to share refugee information and cooperate in an international refugee documentation network. It is equally concerned with

broadening contacts with institutions in the Asian region.

IRIC has both an explicit academic purpose as well as a fundamentally humanitarian concern. It is the hope of the Centre that through the collection, analysis and dissemination of information on Indochinese refugees, the region's refugees problem can eventually be understood and solved. The Centre's main target groups, therefore, are non-governmental organizations, policy makers and academics.

For more information please contact the IRIC staff: Supang Chantavanich, coordinator; Marisa Benyasu, researcher and secretary; Kanokhpan Sangruang, researcher; Saikaew Choosup, researcher; Paul Rabe, researcher.

Thorvald Stoltenberg New UNHCR Boss

Thorvald Stoltenberg, a former Norwegian foreign minister, 58, took over in January 1990 as United Nations High Commissioner for Refugees after being elected for a four-year term by the UN General Assembly on

November 20, 1989 to fill the position previously held by Swiss official Jean-Pierre Hocke, who resigned following allegations he misused a special educational fund.

Peter Zwart First Recipient of Kelly Award

Peter Zwart, Director of Sponsorship at the Council of Christian Reform Churches, is the first recipient of the Vincent Kelly Award. He is being honoured at the Centre for Refugee Studies annual dinner on

February 8th at the China Town International Restaurant for his personal contribution on behalf of his Church to overseas refugee work and to the sponsorship of refugees in Canada.

New Publications

- Tanya Basok's doctoral dissertation, highlighting her research on "durable solutions" and their practical applications in Costa Rica, has now been published under the title *Local Settlement and Salvadorean Refugees in Costa Rica: Small Urban Enterprises* (North York, Ontario: Centre for Refugee Studies, 1989). The price, including surface mail costs, is \$25 in Canada and US \$30 in all other countries. The publication is available from the Centre for Refugee Studies, York University, Suite 234, Administrative Studies Building, 4700 Keele St., North York, Ontario, Canada M3J 1P3.



Individual Human Rights Protection: The Case of State-Initiated Returnees

The Working Group on Refugee Protection of the Canadian Council of Refugees has released a discussion paper prepared by Tom Clark with colleagues from the 20th Study Session at the International Institute for Human Rights.

The paper briefly distinguishes asylum from the principal focus of the paper, return by a state. When a state act of return is explicitly or implicitly at issue in an asylum decision, the standard of procedure must be capable of protecting the human rights at issue in the return. The paper develops an approach which views the international and world regional human rights treaties as elaborating, never weakening, some of the rights declared universally.

The paper shows return is related to certain human rights by these treaties and by decisions of the UN Human Rights Committee and of the European and American Commissions and Courts. These rights include the 1951 Convention Concerning the Status of Refugees, Article 33 (life and liberty), the Convention against Torture, Article 3.1 (no torture), the International Covenant on Civil and Political Rights, Article 7 (no cruel or unusual treatment or punishment), the European Convention, Article 3 (no cruel or unusual treatment or punishment), Article 8 (family life), Article 6 (fair trial). The principle emerges that the sending state is responsible for anticipating and protecting the individual from violations of these rights as a result of

a state act of return. This is true despite the caution applied by these bodies that the rights are at issue only in certain situations.

The discussion paper considers the Fourth Geneva Convention and argues that states who wish to return nationals to armed conflicts are situated with respect to these nationals as would be a Detaining Power and therefore should be governed by Article 45. Under this provision, protected persons (civilians) may not be transferred to a Power by a Detaining Power until "after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention." The Fourth Convention, in Article 3, sets out the violations prohibited and the human rights at issue.

The paper notes that in a return procedure, the standard of justice must be able to protect all these rights shown to be at issue, including the "life and liberty" at issue for refugees or asylum seekers. Most of these rights are shown to be non-derogable and a case is made that the due process or fair trial involved must itself be non-derogable.

The paper examines what procedural standard should apply. Since liberty is involved, detention standards apply. Since life is at issue in return and also in only the most serious of criminal cases, at least the provisions for criminal cases should apply. Procedural provisions for several treaties are reviewed and an

appropriate procedural standard deduced.

The paper discusses the effect of interaction between treaty provisions and the effect of equality rights provisions. Whereas examination of the class of person may be appropriate in identifying a "refugee" from a historic context, a person cannot be discriminated against on a class of person basis in a procedure to protect fundamental rights at issue in a proposed current state act of return. This is true even when the distinction is made between aliens legally on a territory and those not. Only the potential violation of the rights at issue in the act of return should be considered.

Noting the need of states to have a simple procedure to implement, the paper suggests that the Fourth Geneva Convention Article 45, expanded to refer to elements of Article 3, is a test for safety in return and suggests that procedures used for asylum-granting could be relatively easily improved to deal with state responsibilities to protect in proposed acts of forcible return.

Copies are available at cost from the Canadian Council for Refugees, 4285 de Maisonneuve Ouest, Montréal, Québec H3Z 1K7 or Tom Clark, 40 St. Clair Avenue East, Toronto, Ontario M4T 1M9. A discussion proposal, "Procedural Safeguards for refugee Claimants," by David Matas is also available.

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Canadian Immigration Law and Policy Conference

The Canadian Bar Association is organizing a major conference on Canadian immigration law and policy at the Bonaventure Hilton International in Montréal on February 15-17, 1990. Issues will vary from advocacy law, the selection system, the role of the provinces, refugees and immigrant women to representation of immigrants and immigration for business.

Two workshops in particular deal largely with refugee issues.

The first one, on refugee and immigrant women, starts at 3:45 pm on Friday, February 16th. Its moderator is Dora Lam (Beaumont Church & Scott, Calgary, Alberta) and the speakers are Nanette Kelly (Coordinator, Geneva Conference on Refugee Women, Toronto, Ontario), Linda Holmes (Employment & Immigration Canada, Hull/Ottawa) and Juanita Westmoreland-Traoré (President, Québec Commission on Cultural Communities & Immigration, Montréal, Québec).

The second one, on refugees, starts at 10:30 am on Saturday, February 17th. Its moderator is Pierre Duquette (Borenstein Duquette Brott, Montréal, Québec) while the speakers are David Matas (Chairman of the Working

Group on Overseas Protection of the Canadian Council for Refugees, Winnipeg, Manitoba), Jim Hathaway (Osgoode Hall, York University, North York, Ontario), Noël St-Pierre (UNHCR representative, Montréal, Québec) and Arthur Helton (Director, Political Asylum Project, Lawyers Committee for Human Rights, New York, New York).

The conference is open to all those interested. For further information on the program, including registration fees and accommodation, please contact the Canadian Bar Association, 50 O'Connor, Suite 902, Ottawa, K1P 6L2, tel.: (613) 237-2925, fax: (613) 237-0185. For air travel convention rates call: (800) 361-7585 and quote Event #90-495.

The Search for Peace in Uganda International Symposium

World University Services of Canada Local Committee at Queen's and Queen's University at Kingston, Ontario, in conjunction with Ugandans residing in Kingston, Toronto, Ottawa and elsewhere in Canada have planned a three-day international symposium, "The Search for Peace in Uganda: Let Us Document the Events", to be held at Queen's main campus at Kingston on May 5-7, 1990.

The main objective of this event is to inform the international community

about the current political, socio-economic and cultural conditions in Uganda and to search for meaningful alternative solutions to the problems. Among other topics, the conditions of Ugandan refugees in the Sudan, Zaire, Kenya and other neighbouring countries will be discussed. For further information about registration fees and accommodation, contact Oryema Johnson, 24 Collingwood Street, Kingston, Ontario K7L 3X4, tel.: (613) 547-4362.