

Living beyond the Bound: A Human Rights Perspective towards Habitat of a Refugee Camp

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Abstract

Currently, there is widespread international attention to the issue of the quality of treatment accorded to the refugees by states and humanitarian agencies. The level of importance attached to addressing the predicament of refugees is due mainly to several human rights declaration, like Universal Declaration of Human Rights (1948) and other major international treaties on human rights. However, the laws and covenants about human and civil rights that consider housing, healthy living environment and identity become forged when people and condition of the refugee camps all over the world come into discourse. Since the camps are purpose-built to temporarily accommodate displaced persons, in the long run they usually fail to fulfill even the most basic long-term requirements of such shelter. Bangladesh had been hosting about 2,40,000 stranded 'Pakistani' refugees since the liberation war of 1971. Since then, they are located in several camps, of which Geneva Camp in Dhaka is the largest. This camp area holds one of the examples of how, in real life, people are being dealt with when they are in crisis. It is the purpose of this paper to highlight a few selected habitat issues with special focus on housing and environmental condition of the camp. The paper aims to analyze the situation in relation to the international human and housing rights, treaties and standards for refugees in a global context.

Key words: Refugee Camp, Universal Declaration of Human Rights, Housing Rights, ICESCR.

1. Introduction

Since the human history of war and disasters, 'camps' are considered as the most familiar temporary shelter of the victims; explicitly of the displaced people usually known as 'refugees'. The majority of today's refugees have spent years of their lives in confined areas, restricted to camps or enduring a meager existence in urban centers. Most of them survive in an indeterminate state, and are usually dependent on others to find solution to their sufferings. The camps that accommodate these refugees are destined to be a part of the host-land or city, with time, if the crisis reaches no solution. More paradoxically, a lot of refugee camps keep on existing even when the emergency situation is over or a political solution to the crisis is reached. Due to the lack of interest or inadequate institutional support to repatriate, the camps often remain as they were. As a result, the sufferings of refugees tend to continue for an indefinite time. Refugees, who are being trapped in these distressed situations, frequently face significant restrictions on their rights. Since the conditions that led to the creation of refugees have not changed yet, and since today's protracted refugee crises show no signs of being resolved in the near future, predictably the situation will keep on distressing the humanity even in the coming decades.

Presently, there is intense international attention to the issue of the quality of treatment accorded to the refugees by states and humanitarian agencies. The level of importance attached to addressing the predicament of refugees is due mainly to several human rights declaration, like Universal Declaration of Human Rights (1948), Convention Relating to the Status of Refugees (1951), International Covenant on Economic, Social, and Cultural Rights (1966) and other major international treaties of human right. However, the laws and covenants about human and civil rights that consider housing, healthy living environment and identity become forged when the condition of the refugees and their camps all over the world come into discourse. With the growing number of natural disasters and the rising tension in world politics leading to wars and genocides, new refugee camps are coming into scene recurrently where the perception of human rights faces regular violation. Conditions of the long-existing camps are more wretched. Children are born as refugees in these settlements and by virtue of that status they are denied all human rights – right to food, clothing, education, health care and decent housing. Since the camps are purpose-built to temporarily accommodate displaced persons, in the long run they usually fail to fulfill even the most basic long-term requirements of such shelter.

2. Human Rights and other Covenants for Refugees

2.1 Human Rights:

The Universal Declaration of Human Rights (1948) is the major legal document that protects the inherent dignity and the equal and inalienable rights of all members of the human family. Different articles of this declaration are considered here to assess the condition of Geneva Camp. The highest aspiration of the common people that is to enjoy 'freedom of speech and belief' and 'freedom from fear and want' has been proclaimed in this document. It protects everyone's right to 'life, liberty and security of person' [article 3]. Moreover, it gives emphasis to the right to freedom of movement and residence within the borders of each State [article 13(1)]. It also recognizes people's right to leave any country, including his own, and to return to his country [article 13(2)]. The right to a nationality is also enforced in the Declaration [article 15]. Besides, the document secures the right to equal access to public service in the country [article 21(2)]. It gives prior right to parents to choose the kind of education that shall be given to their children [article 26(2)]. All the rights and freedoms that are set forth in this Declaration are entitled to everyone without any kind of distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, etc. No distinction is allowed to be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, trust, non-self-governing or under any other limitation of sovereignty [article 2].

Several other fundamental rights of human being including economic, social and cultural rights are included in various international legally binding documents. Among the most significant of these is the ICESCR or the International Covenant on Economic, Social, and Cultural Rights (1966). The ICESCR aims to ensure the protection of economic, social and cultural rights including the right to self-determination of all people [article 1]; the right to non-discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, birth or other status [article 2]; the equal right of men and women to enjoy the rights in the ICESCR [article 3]; the right to social security [article 9]; protection and assistance to the family [article 10]; the right to an adequate standard of living [article 11]; the right to health [article 12]; the right to education [articles 13–14]; and the right to cultural freedoms [article 15]. Thus the ICESCR tries to uphold the issues, which ensure rights of refugees' as human being.

2.2 Housing Rights:

The human right to adequate housing is the right of every woman, man, youth and child to acquire and sustain a secure home and community in which to live in peace and dignity. The right to housing is codified as a human right in the Universal Declaration of Human Rights [1948] – *"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services"* [article 25(1)]. Moreover, International Covenant on Economic, Social, and Cultural Rights recognizes 'the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions' [article 11(1)]. Furthermore, "General Comment 4" of the Committee on Economic, Social, and Cultural Rights (CESCR) elucidates that the individuals or female-headed households are also entitled to adequate housing regardless of age, economic status, group or other affiliation or status, and enjoyment of this right must not be subject to any form of discrimination [paragraph 6]. The Covenant declares that the right to housing should be interpreted in a broad and inclusive sense as the right to live in "security, peace and dignity" rather than a narrow or restrictive sense. The right to housing is inextricably linked to other fundamental human rights and should be seen as referring to not only accommodation (housing) by 'adequate housing' [paragraph 7].

While the definition of 'adequacy' with regard to housing is influenced by social, economic, cultural, climatic, ecological, and other factors, certain aspects of the right are applicable in any context. These are *"legal security of tenure, availability of services, materials, facilities and infrastructure, affordability; habitability, accessibility, location, cultural adequacy, etc."* [Paragraph 8].

2.3 Rights of Refugees/ IDPs:

The 1951 Geneva Convention relating to the Status of Refugees is the key legal document in defining refugees, determining their rights and the legal obligations of states to them. The convention defines a refugee as a person with *"well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion"* and who due to these reasons *"is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country"*. It is enforced that the provisions of this Convention to refugees should be applied without discrimination as to race, religion or country of origin [article 3]. The

refugees should have the right of freedom to practice their religion and freedom as regards the religious education of their children [article 4]. Housing is declared to be as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances [article 21].

Formally, it is the role of the United Nations Commission on Human Rights (UNCHR) to protect refugees. However, unlike refugees who cross national borders and benefit from an established system of international protection and assistance, those forcibly uprooted within their own countries i.e. IDPs lack predictable structures of support. UNCHR characterizes an IDP (Internally Displaced Person) as one who has also fled his or her home because of armed conflict or other similar situations as the refugees like internal strife and systematic violations of human rights but remain within the borders of their own countries. Neither the 1951 convention nor any other international humanitarian agency specifically covers the IDPs because of the sole fact that they remain within their own territory and thus are still subject to the laws of the state. Too often, they are overlooked in the humanitarian system whether it is a matter of aid or protection of human rights.

ICESCR, in its General Comments in 1996, has particularly elaborated on the right to adequate housing of refugees and the displaced persons. It is applicable for all, "*including internally displaced persons who do not or no longer take an active part in the hostilities*", and both in situations of non-international and inter-state armed conflicts. It is declared that whether during their displacement, in transit, or when resettled in camps, all displaced persons should be entitled to the enjoyment of the most basic rights mentioned in the Convention (Deng, 1998).

3. Geneva Camp in Dhaka: Human Rights at Stake

The refugee camps in the world are the living monuments of non-fulfilled human rights. On the most basic level, the movement of refugees from their homes signifies either the violation, or lack of protection of human rights. From the first exodus, begins the plight of refugees and defiance of their rights continues in the camp life. Every refugee camp has a long and painful story of people displaced from their land, living in temporary and inadequate shelters. Nearly every country in the world hosts refugees, including many of the poorest nations. Bangladesh, too, had been hosting about 240,000 stranded Pakistani refugees (typically known as 'Bihari') in about sixty-six camps for more than three decades since 1971. This group of people left their homes in Bihar, Uttar Pradesh, Madhya Pradesh and few other states in India in 1947 with a hope of living in the newborn Muslim state 'Pakistan'. During the war in 1971, many of them joined the auxiliary forces of Pakistan army since culturally they were closer to and identified with West rather than East Pakistan's Bengali culture. As a consequence of this role, this community was persecuted after the independence and soon was domiciled in camps through a Presidential order (Chowdhury, 1998). For the Biharis, the move into the camps was intended to be temporary, as they wished to repatriate to Pakistan and assumed they would soon be able to do it. But most of them never did so, although thirty-six years have already passed by. As a matter of fact, the people of these *refugee* camps do not fit into the definition of either 'refugee' or 'IDP'. Neither have they been persecuted, nor do they have reason to fear persecution, in their 'home' country, Pakistan. They are not at risk in Bangladesh either. However, because they are regarded as 'Pakistanis', they do not have the privileges and benefits accorded to the Bangladeshi citizens. Since the Biharis face many of the same problems as refugees, U.S. Committee for Refugees (USCR) includes them among the populations who are facing "refugee-like circumstances". A recent High Court verdict declaring the community as citizens of Bangladesh and giving the community right of voting might be expected to bring certain change in the situation.

Conditions in the camps are wretched. Most of the Biharis live in one-room houses built by the government in 1972. In many camps, the population has more than doubled since 1971 but available housing has remained fairly static causing families to share already crowded rooms. Geneva camp is the largest of all these settlements in Bangladesh. The camp was named like this, as the Geneva based ICRC appeared at the scene much to the relief of the Bihari community during that state of disorder in 1972 (Nahar, 2000). The residents of this settlement are made up of low-income groups who work mainly as weavers, rickshaw-pullers, barbers, technicians, drivers, tailors and cooks. Women work in garment factories and as domestic help (Chowdhury, 1998). The camp is situated in the heart of the city occupying about 50,500 sq.ft. of land. A fair estimation of population would be around 22,000 persons, resulting into a density of 2.3-sq.ft./ person. The Slum Survey Report conducted by the Center for Urban Studies (CUS, 1991) showed this camp as a slum of Dhaka city in terms of its physical appearances and characteristics. The condition of the area is illustrated below by discussing the elements of houses and infrastructures, uses of inadequate space and the level of privacy and the crisis of identity inside the camp area.

3.1 Extent of Houses

From the very beginning, the camp was divided into nine blocks. Houses or 'huts' are arranged in rows placing the dwelling units on two sides of a common wall. The houses, in most cases, are comprised of only one small room of about 3m X 2.5m in size and, usually, have a regular shape. Family units are found to be consisting of 5 to 10 members, generally being the extended ones. The linear space is subdivided into more rooms according to the needs. Orientation of the houses is chosen without making an allowance for any climatic requirements. Their placement in rows, in most cases sharing two or three walls, makes the houses suffer from poor or no ventilation, inadequate daylight, and other negative attributes. As there is single or no window provided, the houses are generally dark. Small ventilating windows in the walls and skylight in the roofs allow little daylight and air to get in. Even if there is any small opening, the problem of excessive dust and odor compel most houses to keep their street side windows shut. Therefore, the situation inside is warm and humid.

At the inception of the camps, the materials used for the construction of the houses were mainly plastic sheets and bamboo for walls and roofs and mud for the plinth. Eventually, people have paved the floors and changed the walls and roofs to CI sheet and brick. Some of the houses have made vertical extensions because of shortage of space in the ground level. The houses, in all senses, are unable to protect sun, rain and provide security for the inhabitants.

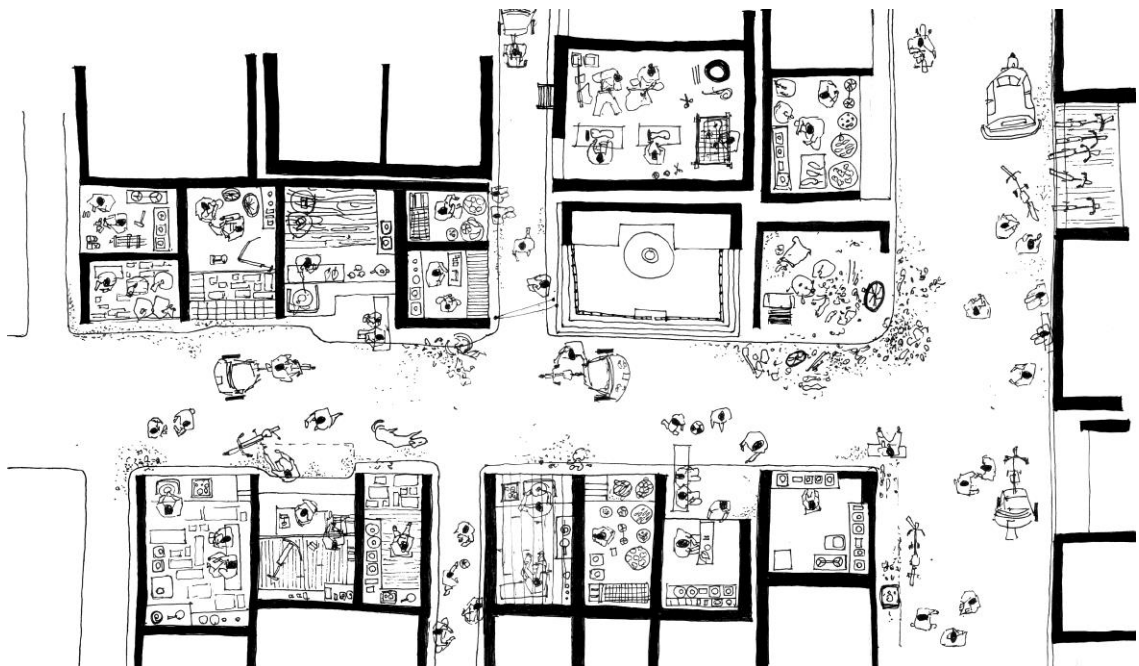


Figure 01: Dwelling units placed on two sides of common walls and the narrow streets flanked by them
Source: 4th year design studio (2008), Department of Architecture, BRAC University

3.2 Use of space

From the need to derive optimum benefit of the limited space in the camp area, people try to work out different activities in the same place, by different individuals and in different periods of the day. Almost all households have single room, where all members of the family are forced to stay disregarding age, relation and privacy. During night, usually children and senior members sleep on bed and the young people on floor. The two-room houses, somewhat, ensures less congestion and provides more privacy. Commonly a room is kept without any bed to allow its flexible uses, like as domestic workspace (i.e. for cooking, eating, washing, studying, etc.) during day and sleeping at night. Usually a corner in the house is used for cooking and as there is no access to gas supply, people use kerosene stoves creating unbearable congestion of smoke inside. Some households have separated a small part inside the house for bathing and washing etc., though majority people of the camp use the common baths. Due to the absence of piped water to individual houses, water is needed to be stored. Bringing water in sufficient quantity from distant tube wells is laborious, so attempts are made to minimize water use.

Apart from daily works, many households in the camp are involved with income-generating works inside the house. Weaving and embroidery are very common activities that generate earnings of the community. These works are also integrated in the scarce space inside the houses. People sometimes come out and work on the alley considering it as an extension of their house when lack of space does not allow any extra activity inside. Usually, domestic works that do not require privacy and small professional works that do not need specific machine or standard size of space are executed in these outdoor spaces.

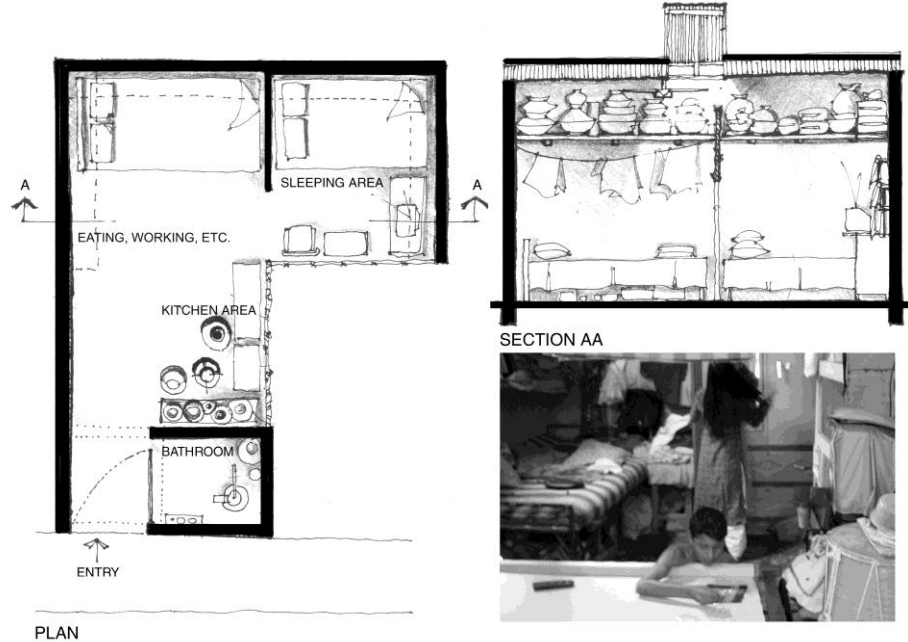


Figure 02: View of multiple uses in limited space

3.3 Open Space

Streets/ alleyways and the community service points are the only open spaces of the Geneva Camp. Due to absence of any proper open space, the intense use of the street and the pavement for most differing kinds of activities is very common in the area. Depending on time and weather, the street's use is always altered from outdoor kitchen to children's playground and sports-field to street café or restaurant. These narrow streets serve as the only breathing space of the camp-dwellers where they can gather and communicate. It constitutes their working area for embroidery and crafts, and their selling units. Thus, the internal alleys have formed a type of semi-public space, used by the camp-dwellers and the pedestrians passing by.

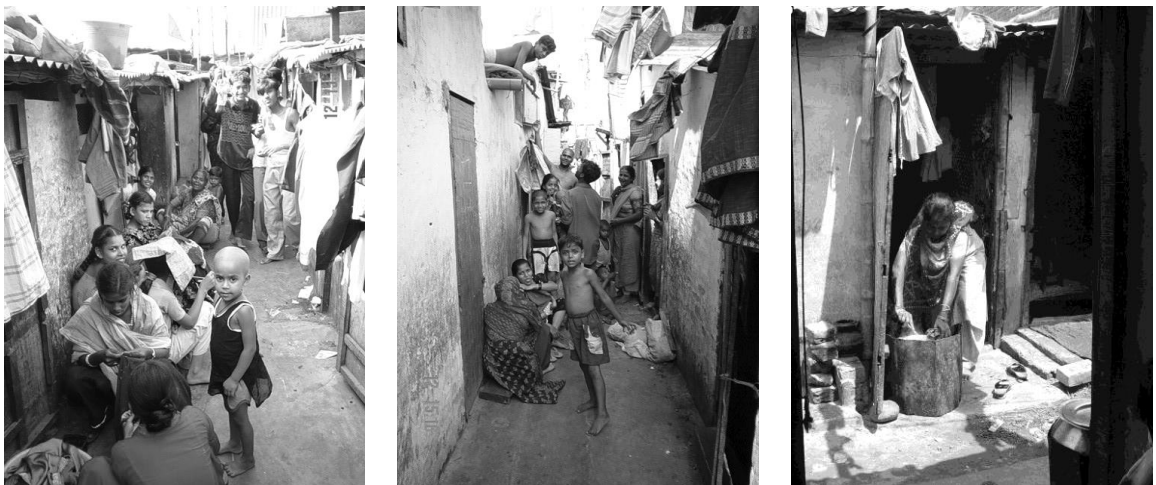


Figure 03: Intensive use of alleyways as 'open space'

3.4 Provision of Infrastructure

While started as the camp, very little infrastructure was provided to support individual houses in this area, as the experts earnestly considered temporality. The area was controlled mostly to share common infrastructure and facilities. The standard of life has been violated. The houses had no electricity, water or gas supply, sanitation facility and other essential infrastructure to live a standard life. Even though, some houses have arranged for own electricity and water supplies through illegal channels, there are still several inadequacies that make the community struggle throughout the year. Poor road network, inadequate water supply and sewerage system, lack of toilets and bathrooms, water clogging in rainy season are some of them. A survey conducted on sanitation in the camp area (Al-Falah International, 2002) shows that there exists 273 toilets in 35 shades and 36 bathrooms serve the entire community. That is, in average, one toilet is to be used by 80 people. Reportedly, many women have to wait from 4 o'clock in the morning to get the chance to use toilet.

Disposal of garbage has been identified as a persistent problem. No regular service of the municipality is allowed to collect solid wastes. Though there are six specific points determined by Municipal Corporation of disposing waste, it is neither maintained by the camp-dwellers nor is the authority very regular in collecting refuse. The narrow internal roads and walkways are often found to be filled with garbage, making the whole camp area a dirty place full of waste and odor, a source of pollution, disease and contamination of drinking water. During the wet seasons, the condition becomes critical. The alleyways get submerged under water and filled with wastes due to inefficient sanitation and drainage system.



Figure 04: Toilet blocks: a mere inadequacy of services

Source: 4th year design studio (2008), Department of Architecture, BRAC University

3.5 Level of Privacy

Maintaining privacy is very difficult for a displaced group of people residing in temporary shelters. Along with lack of resources, this happens also because of limitation of space and lack of sufficient infrastructure. Though this community have a very conservative background and before being displaced, especially the women, used to observe strict *purdah* system, now they are forced to go through an adaptive mechanism in their way of living. The lack of adequate infrastructure aggravates the situation. For the women, it is hard to maintain privacy when they need to fight everyday for collecting water and have to wait in long queue to use toilets that are provided for common use. At home, most of the people use curtains to obtain a level of seclusion. Inside the dark houses, generally there is no access of outsiders. Sexual separation is almost impossible when most of the families have only one room for the whole family to live in. Sometimes, the women have to stay even with distant or non-relatives in the same space. The conjugal life is maintained in mid of this atmosphere.

3.6 Identity and Culture

Rolph (1976) illustrated three interrelated components that comprise the identity of a place- physical features or appearance, observable activities and functions, and meanings or symbols. As for the Geneva Camp, the area has gained a decaying character throughout the years. From the identity of a 'refugee camp', the area now poses a new manifestation that is closer to that of 'slum' area. Owing to the media, observable functions primarily include criminal activities like '*gambling, drug trafficking, arms, wine and toll collection*' (The New Nation, 1997). It is now known as 'a den of crime or criminals', or 'urban cancer' to the city dwellers. Nevertheless, over the decades, this place and its

people have achieved a very distinct and unique identity. The commodities available in this area are the traditional products from people of the community. These are hand-woven clothes of North India (*Benarasi saree*), customary Indian ornaments (*bangles*) and delicious foods like *kebab* and *biryani*. With their color, shine and flavor, these products convey the tradition of the people and allow the camp to achieve a distinct social and cultural identity.

Children of the community do not have proper opportunity to go to school and get education in Urdu, which is their mother tongue. Other than in one 'primary school' run by Al-Falah International (an NGO), no Urdu-medium education is available in or around the settlement. The only possibility of getting higher education is through Bengali medium schools that, in turn, destroy their linguistic culture. Most of the young-generation people in the camp can speak Urdu, but cannot read or write the language. This gives rise to a cultural and linguistic loss and leads to a new way of life, which is predominantly hybrid in nature.

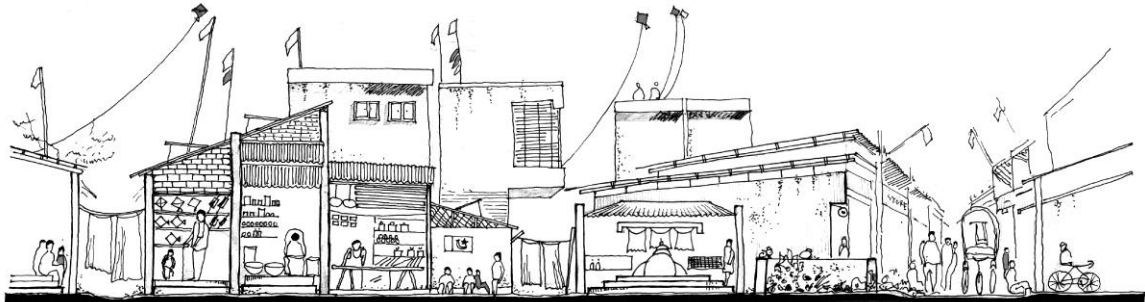


Figure 05: Street-side façade showing a distinct character
Source: 4th year design studio (2008), Department of Architecture, BRAC University

4. Review of the Geneva Camp from Human Rights Perspective

As with all human rights, the right to adequate housing is comprised of a web of intertwined obligations and entitlements which, when combined with one another, constitute the full right. In the case of Geneva Camp, numerous violations to which the right to housing is susceptible are depriving the community resulting into exclusion, thus leaving the refugees beyond the limit of human rights. The situation seems ironic considering that the right to adequate housing for every human being is recognized in several legal documents. The right is equally applicable, and at some points more responsive towards the refugees and displaced people. However, in the Geneva Camp area, the entire community is forced by circumstances to reside in desperately inadequate housing that threatens their '*security, peace and dignity*'. Despite of different economic categories, people are unable to have a better or bigger house, due to spatial constraint. The area of the camp is same as it was thirty-six years ago, though the population has multiplied in the mean time. Certainly, the tiny houses that were built temporarily have now become insufficient to give shelter to the expanding large families. As a result, the use of the extremely limited space harms their health, education, safety and privacy that are declared to be ensured by the human rights laws. The arrangement of the houses and the building materials are not suitable to provide protection from severe tropical weather. This insufficiency intimidates habitability of housing defined by ICESCR, which includes "*physical safety of occupants as well as adequate space free from vagaries of weather and threats to health*". [1966] Therefore, in terms of materials and habitability, the housing environment in the area fails to sustain the standards set in the international documents.

Although ICESCR focuses on 'availability of services, facilities and infrastructure and accessibility' to housing as right of every human being, the camp area is significantly inadequate in this regard. The settlement does not offer 'reasonable accesses' to sanitation and water sources as defined by the World Health Organization (UNCHS-Habitat, 1982) as a situation where household members do not have to spend a disproportionate part of the day fetching water. The word 'reasonable access' can therefore cover both distance and waiting time at the source of water. While distance may be less important in the camp, the waiting time, which is often several hours, certainly has to be considered disproportionate to other daily activities. The accessibility of the area is thereby inadequate according to the definition of ICESCR as well, which is to ensure "*sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, refuse disposal, site drainage and emergency services*" [1966] for the health, security, comfort and nutrition of the occupants.

In addition to these, ICESCR noted that the human right to adequate housing is of central importance to the enjoyment of all economic, social and cultural rights. This right, in its full expression, is a powerful means of gaining political and democratic rights and through that of building cultural identity. Housing is a vital form of cultural expression that utilizes a rich array of skills, tradition and crafts and is a vibrant expression of cultural diversity. However, the cultural adequacy of housing which is supposed to be expressed in “*the way housing is built, the materials used, and the policies supporting these*” facilitating ‘*cultural expression and housing diversity*’ is totally absent in the Geneva Camp area. Furthermore, the Urdu-speaking community is losing their linguistic and cultural identity due to lack of opportunities (i.e. lack of educational institutions, cultural practices, etc.) that would enable them to retain their language, culture and tradition. The result is a loss of identity, skills and the sense of ‘being’ and belonging to a place that is so crucial to the survival of the diversity of the world’s people.

5. Conclusion

A simple reason for the lack of adequate attention to the problem of displaced people has been the absence of their voice at international forum, where the interests of this group have not been sufficiently represented. A second reason for such lack of attention is the fact that until recently, refugee issues have tended to be separated from human rights in legal systems (Beyani, 1995). This has continued despite the obvious link between the two sets of concerns. Despite the significant steps towards the development of the refugees’ human-rights perspective -- from the Universal Declaration of Human Rights in 1948, through the 1951 Convention Relating to the Status of Refugees to the International Covenant on Economic, Social, and Cultural Rights in 1966 and its General Comments -- the plight of refugee people has not always been featured on the agenda of international gatherings convened to advance the cause of humanity. The theoretical and practical gap which exists between the protection of refugees on the one hand, and the assertion of human rights on the other, is clearly reflected in the case discussed where no humanitarian organization is playing role to eradicate the sufferings of this long-existing refugee community.

As mentioned, the exodus of refugees and their living in the camps worldwide indicate the obvious violation of human rights. Geneva Camp in Dhaka is no exception and the people suffer from same predicament, as the settlement is nothing but an example of a long-existing refugee community of the world. This community is not the only long standing uprooted population in the world: many Palestinians have been refugees since 1949, and Tibetans since 1959, and there are other examples too. The quality of life is precarious in these settlements and this has been justified over the years exploiting the concept of temporariness of the camps. A durable solution is to be sought right now to accommodate the displaced and distressed group of refugees in decent shelter. The meaning of the term ‘right to housing’ must be defined more socially and understood against the background of the international context, taking the realities of world politics and regional variations thereof into account.

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