CHAPTER III

REFUGEE PROBLEM IN INTERNATIONAL RELATIONS

This chapter critically reviews the various refugee problems across the world and analyses their implications for international relations. It explores the many triggers of the complex refugee crises, the reasons and politics behind them, and the role played by the UNHCR in managing them. A review of asylum and migration policies of different countries has been undertaken. The development of an international refugee system and issues of burden-sharing, internal displacement and specific problems of women refugees and various alternative approaches to resolution of the refugee problem have also been discussed in this chapter.

Evidences of war, famine and oppression that displace millions of people, forcing them out on to the road of exodus, are abundant. The multiplication of conflicts and violent situations have swollen the ranks of refugees and displaced populations to over 21 million people (UNHCR 2007b). The magnitude of forcibly displaced population and the growing numbers of asylum seekers pose a tremendous challenge for the international system of refugee protection. Of the many global issues that increasingly occupy decision-makers and theorists, the world refugee problem is perhaps the most complex. Though basically a problem of individuals, it also manifests itself in various forms on the societal, governmental and international levels. It is a humanitarian and moral issue, a security issue, a development issue and, to a great extent, an environmental and natural resources issue. To apply an abstract typology, the refugee problem is both a ‘trans-boundary’ and a ‘shared’ problem, and a problem increasingly linked to the ‘conflicting uses of international commons’.

Causes of Refugee Generation

Refugees are not born; they are created by states, individuals and groups. Sadako Ogata, former UN High Commissioner for Refugees, has rightly said, “The issue of human rights and the problems of refugees are inextricably linked. The vast majority of refugees are driven from their homes by human rights abuses. Persecution, torture,
killings and the reprehensible practice of ethnic cleansing generate huge flow of refugees” (Penjore 2004). The root causes of violence and repression that generate refugee outflows seem to be governmental instability, the power context, poverty, environmental problems, societal-regional cleavages and related trans-boundary links.

There is, roughly, an equal positive correlation between ‘refugeeism’ and repression, the variety of which ranges from modest violations of human or social rights to summary massacres. According to Hakovirta, countries that have generated the main refugee flows belong to the world’s most repressive ones (Hakovirta 1993: 42). Some of them, like Rwanda, Uganda, Kampuchea, etc., are known for brutal executions. By contrast, there are some Third World countries, such as Senegal and Costa Rica, with good human rights records and insignificant refugee outflows. However, there is also much evidence to the contrary. Although, the “vast majority of Third World countries are more or less repressive” (Hakovirta 1993: 42), only about one-third of them have produced considerable number of refugees. The majority of South American countries, in particular, are characterised by a combination of widespread repressiveness and only modest refugee outflows. A refugee situation typically arises in connection with the outbreak of a conflict. Similarly, the ceasing of a refugee stream usually coincides with the ending of the repressive conflict.

Refugees: Homelessness as Hopelessness

Refugees live in a state of homelessness. Forced to flee their country of origin because of the ruling government’s lack of protection, at best, and, at worst, persecution or torture by the ruling government, they are left adrift on the world’s refugee highways, usually without money or possessions and frequently without the skills to quickly find work in a new nation. Such a situation persists, irrespective of whether the refugees relocate within the geographic boundaries of their original country or physically leave the nation. In general terms, no country has a duty to accept refugees (Sieghart 1983: 11-12). Governments owe them no fundamental duty and have the power, within the bounds of international norms, to treat them as they wish (Grah-Madsen 1966: 57). There may be no government authority, either in their country of origin, the new recipient nation, or in third party states, from whom the refugees can seek assistance (Hyndman 1986: 148).
Refugees have few options, besides continued travel and flight, to escape continued oppression by individuals or governments (Ohaegbulom 1985: 197-225). They often end up being pushed back and forth across international borders or between outlying areas of their nation of origin, with no state formally taking responsibility for their care and safety. In isolated cases, neighbouring states have welcomed large groups of refugees from war-torn areas, but, in most cases, refugees are interned in abysmal refugee camps in Third World countries (Dowty and Loescher 1996: 43-47).

Refugees vs. Migrants

Scholars of population migration usually employ the ‘push-pull’ model to identify the various forces acting on the ‘migrants. The forces of ‘push’ provide migrants with motivations to leave their country of origin. The forces of ‘pull’, on the other hand, provide reasons for settling in a specific host country. Nonetheless, the decision to relocate depends on the migrant and on the country of destination. Once an understanding between the migrant and the host country is reached, the former departs for the new place of residence in an orderly manner, optimistic about life in the new environment. Studies have shown that an overwhelming majority of displaced persons in the Third World, who are generally classified as voluntary migrants by host governments and international agencies, belong to the minorities and economically backward sections of the society (Bose 2000: 11).

Refugees on the other hand, leave their countries of origin against their will and reluctantly stay in the new environment. The reluctance to uproot oneself and the absence of positive original motivations to settle elsewhere characterise all refugee decisions and distinguish refugees from voluntary migrants. In other words, the pressures to which refugees are subjected characterise the manner of their flight, from the time they leave their homes to the time they finally cross international borders.

Thus, migrants are distinguished from refugees in the ‘kinetics’ of their flight and in their motivations. The overwhelming pressure to leave, because of violence, makes it impossible for refugees to negotiate their flight, either with their home government or with the host country. Clearly, even if negotiation for flight were
possible, the home government would automatically restrain its citizens from leaving, because this would be interpreted as a failure of the state to fulfil its most elementary function of maintaining law and order and providing safety and security to its citizens. The host country may also reject admitting tens of thousands of refugees, owing to economic and political repercussions. This is especially true for a significant number of developing nations, including those in the Horn of Africa, which are among the poorest, economically, and the least stable, politically.

The State of World Refugees

By the start of 2006, the global refugee population had dropped from 9.5 million to 8.4 million, the lowest total since 1980, largely as a result of more than 6 million refugees (two-thirds of them Afghans) returning home over the past five years. In addition, 2005 saw other major repatriation to Liberia, Burundi, Iraq and Angola, all of which welcomed back more than 50,000 returnees during the course of the year. Mass movements of new refugees into neighbouring countries totalled 136,000, the lowest such number since 1976. The largest exodus in 2005 took place from Togo, where 39,000 people fled their homes. Refugees currently constitute 40 per cent of the total population of concern to the UNHCR (UNHCR 2006b).

At the beginning of 2007, there were a total of 21,018,589, including internally displaced people (IDPs), population of concern to the UNHCR, of whom more than half were directly protected or assisted by the UNHCR, while the rest were taken care of through alternative arrangements (UNHCR 2007b). The total population of concern to the UNHCR rose to 31,722,710 by the beginning of 2008 (UNHCR 2008c: 11)\(^2\). These populations were spread almost throughout the world, with the exception of the continent of Australia, which has also hosted refugees coming from such countries as Papua New Guinea and Fiji, but the number involved has been too minuscule to deserve a mention.

When people flee their own country and seek sanctuary in another state, they often have to apply for 'asylum' – the right to be recognised as bona fide refugees and

\(^2\) This figure was 32.9 million (UNHCR 2008: 36).
receive legal protection and material assistance. At the beginning of 2006, there were some 773,500 asylum seekers, whose individual claims had not yet been adjudicated, including some 668,400 people, who had made asylum applications during 2005. The largest numbers of claims were filed by nationals of Myanmar, Somalia, Serbia and Montenegro (UNHCR 2006b). More than half of the new applications were lodged in Europe. With several million people having been granted asylum worldwide, the number of claims has been dropping steadily. Asylum applications in a grouping of 50 industrialised countries, for example, fell sharply for the fourth year in a row in 2005, reaching their lowest level in almost two decades.

In times of huge crises, the system of asylum is sometimes modified. During the 1990s’ Balkan wars, when millions of people fled their homes, the UNHCR recognised that such large outflows could overwhelm the individual asylum process in receiving countries. The agency suggested a simpler and faster mechanism of offering the arrivals ‘temporary protection’ for a limited period of time, insisting, however, that asylum remained the cornerstone of its mandate to protect refugees. In all, around one quarter (24 per cent) of the world’s refugees were granted refugee status after going through an individual asylum processing system, whereas 64 per cent were granted refugee status on a group – or prima facie – basis.

The UNHCR also extends protection or assistance to certain groups that were not included in its original mandate, but were requested by the UN Secretary General or the UN General Assembly to help. They include the so-called IDPs, who are caught in situations similar to refugees, but who have stayed within the confines of their own countries rather than cross an international frontier. Because they in effect ‘fall between the cracks’ of current humanitarian law and assistance, a widespread debate has been underway for several years over how best to help all IDPs, and who should be responsible for their well-being.

At the start of 2006, there were an estimated 23.7 million IDPs worldwide. The UNHCR was helping about 6.6 million IDPs in 16 countries, a 22 per cent jump compared to the previous year. The increase primarily reflected newly reported IDP situation in Iraq (1.2 million) and Somalia (400,000), and a rise in the number of IDPs of concern to the UNHCR in the Darfur region of Sudan. There were other groups of
long-term IDPs in Sudan, Azerbaijan, Sri Lanka, Liberia and Georgia. The UNHCR was also involved with an additional 519,400 IDPs, who went home during the course of the year, making an overall total of 7.1 million IDPs past and present (UNHCR 2006b). However, the number of IDPs went up significantly and stood at 13,740,330 on 1 January 2008, (UNHCR 2007c: 17).

The UDHR underlines that everyone has the right to a nationality (Article 15) (UNHCR 1998b: 45). Unfortunately, circumstances have conspired to deny this right to many, often leaving them in a Kafkaesque legal vacuum. The UNHCR has increasingly been asked to assist an ever growing number of the world’s stateless people. As a result of a concerted effort to improve the data provided by states, the number of stateless people identified as being of concern to the UNHCR rose sharply from 1,455,900 in 2005 to 2,381,900 at the beginning of 2006 and stood at 2,973,190 on 1 January 2008 (UNHCR 2007c: 17). Although precise numbers are still difficult to estimate, the UNHCR believes that the actual total of people without a country to call their own may be, at least, 11 million. A further 960,400 people, who do not fit readily into any of the main categories, were also considered of concern to the UNHCR at the start of 2006 (UNHCR 2006b).

At the global level, the UNHCR faces six priority challenges (UNHCR 2008b: 16), which include: preserving and building asylum space, working with States and other partners; protecting asylum-seekers and refugees in mixed migration movements; acting as an effective and predictable partner in the enhanced international response to the protection and assistance of IDPs; cooperate effectively with partners to reintegrate refugees and IDPs within the framework of peace-building efforts; developing comprehensive solutions to protracted refugee situations; and sustaining internal management reform, with a focus on results-based management, while also participating in the reform of the wider humanitarian system.

And to face the above challenges, the priority objectives having impact on the lives of people of concern, as set by the UNHCR, include: protecting the displaced against violence, abuse, intimidation and exploitation, including sexual and gender-based violence; reducing malnutrition and major health hazards, notably malaria, HIV and AIDS, and addressing inadequate reproductive health services; reducing the
‘protection risks’ people of concern face and improving their standards of living, especially in relation to water, shelter and sanitation services; facilitating the economic empowerment of displaced women and their meaningful participation in management and leadership of community decision-making bodies; and improving the educational and vocational skills of young people (UNHCR 2008b: 33).

**Major Refugee Crises**

**Indo-China**

The first major post-World War II challenge to the international relief system occurred in response to the fall of the Republic of Vietnam and the Cambodian Lon Nol governments in the mid-1970s. Vietnamese refugees, eventually numbering over two million (Chimni 2000: 203), fled their homeland in anticipation of and in response to the fall in 1975 of the South Vietnamese government. Over 800,000 of these became the famous ‘boat people’, chancing the perilous waters of the South China Sea and the constant presence of preying pirates to secure temporary or permanent refuge in neighbouring countries. In adjacent Cambodia, the 1975 Khmer Rouge capture of Phnom Penh and evacuation of nearly all of the city’s population of 2.5 million into the countryside began an infamous process of forced homelessness and executions that eventually claimed the lives of over a million people. In 1978 and 1979, operations against the Khmer Rouge and a Vietnamese invasion of Cambodia drove tens of thousands of Cambodians across the border into Thailand.

The initial response by other states to the subsequent refugee crisis reflected a regionalist approach; neighbouring countries, including Malaysia, Indonesia, Thailand, the Philippines, and Hong Kong, all accepted refugees in varying amounts. The UN-convened Geneva Meeting on Refugees and Displaced Persons in South-East Asia in mid-1979, on the other hand, reflected a universalist approach, stressing the need for neighbouring countries to abide by the principle of non-refoulement and intending that the international community would develop longer-range plans for refugee resettlement and increase the number of refugees processing centres. However, before plans could progress much further, another massive exodus of boat people from Vietnam arose in 1986.
By this time, many countries in the region considered themselves saturated with refugees, and, as a result, most of the neighbouring nations adopted a traditionalist approach to the exodus. By 1989, Malaysia had adopted a policy of redirections, which provided minimum assistance to arriving boats of refugees, but then redirected them to other states, a policy that resulted in numerous deaths at sea. Hong Kong, the primary port of first asylum for the Vietnamese, following Malaysia’s implementation of ‘redirection policy’, initiated a policy of ‘humane deterrence’, which included incarcerating arriving Vietnamese in prison-like conditions to deter further arrivals. Thailand, an occasionally willing host to Cambodians fleeing across the border, was noticeably less hospitable to Vietnamese boat people (Chimni 2000: 295) and instituted a ‘push-off policy’, which sent arriving boats back to sea and after a few months of the policy’s enforcement, resulted in more than 200 deaths. The indifference to the plight of these refugees was actually a cause of great concern to many humanitarians and scholars (Sutter 1990: 224).

Cuba and Haiti

The Mariel Boatlift in 1980 tested the liberal US policy towards refugees (Keely 2001: 311), with disastrous result. Despite an already established government administrative system for assisting Cuban refugees and the willingness of the Cuban community in the US to assist in resettling new refugees, the arrival of over 125,000 individuals within few months overwhelmed the existing system. Worse, the negative publicity cause by the large number of refugees, rumours that Castro had opened his jails and lunatic asylums in order to foist these unwanted Cubans onto the US, and the horror stories of criminal conduct in US detention centres served to sour the American public attitude toward any proposals of increased immigration quotas to handle similar crises in the future. The US, which had ended the 1970s on a universalist note by advocating a flexible refugee policy, turned increasingly traditionalist.

This traditionalist turn is best demonstrated by the case of the Haitian refugee crisis. In 1982, faced with an increase in Haitian refugees attempting to enter the United States by sea, President Reagan ordered the US Coast Guard to stop Haitian boats in international waters and return them, if possible, to their country of origin (Xenos 1993: 419). Such action was justified by the terms of an agreement between
the US and Haiti, under which migrants could be returned to their country of origin. In 1991 and 1992, another wave of Haitian refugees attempted to enter the US by sea. In response to this wave of refugees, President Bush, in May 1992, revised the US interdiction programme so that it ignored the non-refoulement provision of the 1967 Protocol. The resulting programme ordered the interdiction and return of all Haitian refugees, regardless of any claims of persecution.

**Eastern Europe**

Similar domestic pressures existed in Germany following the fall of the Berlin Wall in 1989, when over a million refugees fled their former communist homelands to what they hoped would be a new life in the West. The German Federal Republic, like the US, found itself under substantial pressure to modify its once virtual open-door policy toward refugees. In the 1970s, procedural complexities in the German immigration law had allowed refugees to remain within the Federal Republic for up to eight years while they awaited determination of their status. By the 1980s, this liberal policy encouraged the filing of over 100,000 applications for asylum each year.

With the break-up of communist control in Eastern Europe in 1989, Germany, perhaps sympathetic by virtue of its proximity to the bleak Eastern European conditions, resulting from four decades of communism, accepted the refugees who swarmed across its borders. But by the end of 1992, the tide had reached over 50,000 refugees a month, and the total number of applications per year was approaching half a million. The euphoria with which most Germans had greeted the fall of the Berlin Wall gave way to a more pragmatic realism concerning refugees when viewed against both the harshness of German domestic economic conditions and the seemingly unending instabilities present in neighbouring Eastern European nations. With the German economy already undergoing a recession, the German government found itself under even more severe financial pressure due to the costs of reunification.

**Africa**

Notwithstanding Darfur, much of the rest of Africa was described as a 'continent on the March home' in 2004. Years of civil war ended in Liberia and the UNHCR began
a three year operation to help 340,000 refugees living in neighbouring states to return home. There were major returns in Angola, Central Africa and in the Horn of Africa. A new President was sworn in the failed state of Somalia, bringing at last a sliver of hope for that benighted region and untold numbers of homeless Somalis.

**Sudan**

Sudan is both Africa’s largest country and the scene of the continent’s longest civil conflict. In nearly half a century of fighting between Animist and Christian South, an estimated two million persons were killed. At least, four million civilians were displaced inside Sudan itself and another half a million people sought shelter in neighbouring states as refugees (UNHCR 2004d: 14). Incongruously, perhaps, Sudan also played host at the same time to hundreds of thousands of foreigners fleeing in the opposite direction, from wars in their own countries.

In 2004, a major contradiction hung over this land of seemingly unending desert and savannah grasslands. In the west, hundreds of thousands of civilians fled their villages during renewed fighting, many of them spilling into neighbouring Chad. But in other parts of the country, the conflict was winding down and the UNHCR and other humanitarian agencies geared up in anticipation of a massive return of refugees to their homes in peaceful areas. It is a public knowledge now as to how people in the same country can face radically different futures and even when they go home, the sheer joy of return is sometimes tempered by unforeseen difficulties.

The seeds of crisis had been planted in the 1980s when cataclysmic droughts destroyed the region’s delicate ecosystem, setting the stage for clashes between black African farmers and Arabic nomadic communities (though, both are largely Muslim), as centuries of co-mingling degenerated into battles for diminishing land and water resources (UNHCR 2004a: 9). The mounted raiders, reputedly backed by the central government, brandished ancient flintlocks for modern AK 47 rifles to swiftly sweep down on villages to loot, rape and burn, were given an old Darfur epithet for bandits – *janjaweed* or ‘devils on horseback’. Hundreds of communities were destroyed. New guerrilla groups, calling themselves the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), emerged as champions of the villagers.
Under the threat of international sanctions, Khartoum, while still denying there was any emergency, reluctantly opened the area to outside scrutiny and assistance. Hundreds of aid officials, including the UNHCR field staff, and a handful of peacekeepers poured into the region and were shocked by the devastation. By late 2004, some 200,000 civilians had stumbled into Chad, where they were relatively safe, but still lived on a knife-edge, receiving enough help to keep them barely alive, but little else. Many bore the scars of brutal assault and had been forced to leave wives, husbands and especially children behind to an uncertain fate.

Inside Darfur, the World Health Organisation (WHO) estimated, at least, 70,000 civilians had died just from war-related problems such as disease and malnutrition, but there was no accurate estimate of how many others had been killed directly by combatants. At least, 1.8 million people fled their homes after watching wives and daughters being raped and abducted, friends and neighbours being slaughtered and their homes being destroyed. Survivors escaped into the desert and mountains until they could find sanctuary in one of the rudimentary camps thrown up by aid workers, but even there, lives hung by a thread.

**Rwanda**

In the ethnic cauldron of Central Africa, the UNHCR was already struggling with an earlier regional crisis, helping some of the 700,000 ethnic Hutus, who had fled from Rwanda to neighbouring countries, following the death of Rwanda’s President in a plane crash at Kigali Airport in April 1994. Rumours of newly-formed death squads had swept Kigali for weeks and within hours of the presidential aircraft being downed, tracer bullets arched high over the city and the killings began, directed by an extreme ethnic Hutu leadership against the minority Tutsi population and other moderate Hutus (UNHCR 2004c: 22).

Newspaper reports and rumours that the death had been masterminded by a Rwandan opposition party, initiated a spate of killings throughout the country that resulted in the death of over half a million people and displaced over half the country’s six million inhabitants. Traditional animosity between the two major tribal groups, the continued slaughter of individuals (including those within Rwandan
refugee camps), and fear of reprisals caused significant numbers of refugees to flee the country to neighbouring Zaire, Uganda, and Tanzania.

Although, the Rwandan Patriotic Front (mainly of the Tutsi tribe) restored some semblance of order within three months, most refugees (mainly of the Hutu tribe) refused to return to Rwanda for fear of reprisals for earlier killings. By the end of 1994, relief assistance for Rwandan refugees was being effectively provided to some 800,000 refugees and returnees in the region, most of whom remained in refugee camps, scattered across four separate nations. However, ethnic animosities, the complicity of neighbouring countries in allowing arms smuggling to refugee groups and the inability of international peacekeepers to separate the combatants, complicated the work of relief organisations and resulted in the slaughter spilling over in neighbouring countries, most notably eastern Zaire, near the Rwanda border.

Aid agencies faced appalling logistical problems and equally difficult moral dilemmas. Huge camps, some containing hundreds of thousands of people, sprung from the red dust plains of Tanzania and the unforgiving black volcanic rock of Goma. At least two billion dollars worth of assistance was pumped into Zaire in the first two weeks of the emergency alone, yet 50,000 people died of cholera. It quickly became clear that members of the old regime and their gunmen controlled the sites, the refugees in them and much of the assistance meant to alleviate their suffering.

Too many of the camps were within gunshot of Rwanda’s vulnerable borders, allowing the militias to recruit volunteers and launch hit-and-run raids across the borders, a situation that helped spark a broad military conflict two years later. Though hundreds of agencies poured into the region, their flags and banners turning the camps into some type of squalid medieval pageant, it was obvious, that only military logistical muscle, eventually supplied by the US, France and others, could meet the overwhelming humanitarian needs.

At the start of 1994, Rwanda was already one of the world’s poorest countries and also one of the most densely populated. During that year, out of a population of about 6.5 million, nearly half were either murdered or fled the country. Of those who stayed, three-quarters were forced out of their homes. Most of the country’s basic
infrastructure was destroyed. With the possible exception of Somalia, no state was nearer to total meltdown. More than 2.5 million people fled Rwanda starting in 1994. But by early 2004, 3.2 million had gone home (UNHCR 2004a: 8), many with the help of the UNHCR. They included not only people uprooted due to the genocide, but those who had left the country during earlier crises (UNHCR 2004c: 25).

The UNHCR played its own modest part in piecing the country together again. Under the terms of its mandate, the organisation had concentrated on helping people fleeing the country in 1994, but when this flow reversed itself two years later, the agency refocused its attention toward helping to reintegrate more than three million people into a shattered society. An initial priority for the UNHCR was to monitor the safe return of refugees, a difficult role at a time when the country was still deeply traumatised by the genocide. Monitors were at great physical risk. Relations with a government, incensed at what it considered the disproportionate help given to genocidaires rather than the innocent Tutsi victims, was often spiky.

Eventually, the UNHCR spent almost 200 million dollars on a variety of projects including the construction of 100,000 homes, the rehabilitation of water systems and schools, training a new judiciary, and encouraging small-scale economic activities. The agency has now reverted to its more traditional role of assisting nearly 40,000 Congolese and some Burundi refugees, living in Rwanda. It is trying to tie up the last loose end of the genocide and its aftermath by assisting 60,000 to 80,000 Rwandans, still living in surrounding countries, to finally come home (UNHCR 2004c: 25).

**Horn of Africa**

Nowhere has the refugee problem been more severe than in the Horn of Africa. While attention is focused on the Great Lakes region of Africa, conflicts between and within nations have caused similar movements in the Horn of Africa for more than thirty years. Huge numbers of people in Ethiopia, Eritrea, Sudan and Somalia have suffered dislocation, crossed international borders and sought asylum in neighbouring countries. Often, governments have manipulated these movements out of concern for national security, undermining the security of others. The resulting spread of chaos
has attracted intervention from outside the region, thereby internationalising existing conflicts and refugee formations.

The refugee problem in the Horn of Africa has persisted for decades, making the region one of the top refugee generating regions not only in Africa but also in the world. Indeed, the total refugee numbers in the region have increased at a much faster rate as compared to the total number of African refugees and, in 1986, accounted for about one in two of all African refugees. Although this ratio decreased to about one in four in 1995, it still represented a disproportionate share of refugees from the region. In 1974, the ratio had been one in sixteen (Bariagaber 1999: 598).

The conflict in Ethiopia, where for decades most of the refugees have originated in the Horn of Africa, may be traced to three sources: the actual or perceived oppression of various ethnic groups by successive governments; the quest for Eritrean independence; and Somalia’s claim to the Ogaden region of Ethiopia. The latter developed into a full-scale war in 1977-78, in which external powers intervened on both sides of the conflict. This intervention was accompanied by large-scale exodus of refugees to Somalia. In the north, Eritreans fled to Sudan and other places because the war of independence, waged in opposition to the incorporation of Eritrea into the Ethiopian empire, made life harder, especially in rural areas.

In particular, the repressive measures taken by successive Ethiopian governments against civilians, as part of their counter-insurgency measures, generated hundreds of thousands of refugees. In other parts of Ethiopia, the politically motivated drive for more centralisation by consecutive Ethiopian regimes and the non-recognition of cultural pluralism, when ethnic segmentation became increasingly sharp, provide the most plausible explanation for conflict escalation and attendant refugee flows. Refugee exodus from Ethiopia to neighbouring countries, therefore, has multiple sources, including ideologically motivated persecution of opponents, suppression of cultural groups, increased drive for political control through villagisation and resettlement programmes, especially from drought-prone areas, and the protracted political violence in Ethiopia and Somalia.
Afghan Refugees

The 1979 Soviet invasion of Afghanistan triggered a massive refugee crisis and in the next two decades millions of people fled the country. Many returned as the fortunes of war changed, but there were new upheavals and further displacements. The UNHCR alone spent more than 1.6 billion dollars to help, what had become, the globe’s single largest refugee community. But when foreign troops withdrew, the big powers lost interest in, what they had helped turn into, a benighted piece of real estate in Central Asia. Traditional donors became wary of a country increasingly identified with unending war, international terrorism and debasement of female population (UNHCR 2001a: 15). Though basic aid continued to be pumped into the country, Afghanistan’s refugee problem turned into an unending or forgotten crisis for much of the outside world. Pakistan and Iran, between them, still host around 3.5 million long-term Afghan refugees. Both never flinch from criticizing the international community for walking away from the problem several years ago (UNHCR 2001a: 16).

After the withdrawal of Soviet forces in 1989 and the fall of the Communist Government of Najibullah in 1992, over four million people were repatriated by the summer of 1998 (Lama 2000b: 17). Though many million Afghans have already returned, an estimated one million still remain in camps in Pakistan, an undetermined number in its cities, and one million in Iran (UNHCR 2004a: 20). Afghanistan has remained the UNHCR’s single largest repatriation operation and nearly 800,000 uprooted people are supposed to have returned home in 2004 (UNHCR 2004a: 11). They joined more than three million compatriots, who had already gone back to their towns and villages since the Taliban regime was overthrown by American-led forces and an interim government was established in late 2001. The country held its first ever democratic Presidential ballot in October, 2006, one of the most important developments of the year, overwhelmingly electing interim leader Hamid Karzai as the head of the executive cabinet (Roy 2003: 187).

Europe and America

Refugees have always been a part of Europe’s landscape, but in the last century their numbers and type of reception fluctuated dramatically, depending on the prevailing
political, military and social climate. Two global wars resulted in the flight of tens of millions of civilians across a ravaged continent. Between those cataclysmic events, millions of Armenians, Turks, Greeks and Spaniards sought sanctuary in different parts of Europe as genocide and conflict destroyed their own ancestral homes.

In 1921, the League of Nations, forerunner of the UN, appointed Norwegian explorer Fridtjof Nansen as its first High Commissioner, to mainly help 800,000 Russian refugees (UNHCR 2004b: 10). Following World War II, the establishment of the UN and the Council of Europe, the adoption of the UDHR, the 1951 Convention on the Status of Refugees and other instruments guaranteed refugees minimal legal and human rights.

The movement of large numbers of uprooted civilians continued, but often in a relatively orderly and politically welcome way. During the Cold War, refugees became both political pawns and political capital. Admissions of refugees were used to embarrass and discredit nations defined as ‘adversaries’ by international policymaking community. Individuals, with equally convincing or more compelling cases for resettlement, who were fleeing from non-communist countries and repressive regimes that the State Department considered friendly to the US, could never secure equitable access to the refugee admissions programme. Most prominent among the excluded were persons who fled persecution in Chile, South Africa, South Korea, Pakistan, El Salvador, Haiti and the Philippines (Nanda 1989: 68).

Western Europe and countries further afield, such as the US and Australia, warmly greeted the escapees from Soviet communism, and were rapidly granted asylum and easily integrated. Starting in the late 1970s, Europe was exposed, for the first time, to the large-scale arrival of non-Europeans, when thousands of Indo-Chinese boat people were granted sanctuary in the wake of decades of war in that region. In the prevailing political climate, they, too, were openly embraced even in such unlikely places as Iceland.

For a quarter of a century, the number of asylum seekers arriving in Western Europe remained relatively stable at under 100,000 annually. But as more people arrived from Africa, Asia and the Middle East as well as Eastern Europe, the figures
climbed inexorably, doubling from 200,000 in 1986 to 316,000 in 1989 and peaking to 696,500 in 1992, during the early stages of the war in the former Yugoslavia (Nanda 1989: 10). Those spiralling figures, the large increase in the number of people moving across the world in search of a better economic life, Europe’s planned expansion and the deteriorating security situation and the global war on terror, shaped the continent’s asylum debate and its subsequent raft for legislation.

In essence, the proclaimed objectives were designed to produce a level playing field among very diverse national asylum systems, in official parlance, member states would ‘harmonise’ their policies. In practice, this would produce a more streamlined, efficient and humane European-wide system, benefiting both governments and the people seeking sanctuary. A harmonised system would allow countries, for instance, to more easily sift out genuine asylum seekers from economic migrants and also half a practice known as ‘asylum shopping’, whereby applicants moved from country to country seeking the best deal possible. Conversely, however, the basic rights of applicants would also be strengthened (Nanda 1989: 11).

The UNHCR has also put forward a set of national, European and global proposals. These include the establishment of centralised reception centres where certain categories of asylum seekers entering the EU would be processed speedily and efficiently by multi-national teams. Rejected applicants would be returned promptly to countries with which Europe had already negotiated readmission agreements, again under EU rather than national auspices. So-called burden sharing among states would be improved so that individual countries would not receive a disproportionate number of refugees. Eventually, an EU asylum agency and an asylum review board to manage centralised registration and processing systems would be established.

Nationally, immigration and asylum systems would be strengthened. Additional resources would be earmarked to help build capacity in poor countries, like Africa, Asia and elsewhere that receive the bulk of the world’s uprooted peoples, and the refugees themselves. The message being that, if this project was successful and protection standards in regions of origin improved, the number of asylum seekers travelling further afield to Europe would be reduced.
Since 1979, more than one million El Salvadorans, Nicaraguans and Guatemalans have left their countries. Some 118,000 are in the UNHCR supported refugee camps in Costa Rica, Honduras and Mexico. Large numbers of others – estimated to be around 300,000 – are living clandestinely in these countries and perhaps a half million are in a similar situation in the US. Additionally, nearly 500,000 are displaced inside their own countries (Gallagher 1989: 590).

Since 1980, the countries of North America and Europe have faced, what is often termed, ‘an asylum crisis’. Increasing numbers of migrants have sought refuge in industrialised countries, citing concerns about their personal safety if returned to their home countries. Trying to balance their humanitarian obligations to provide asylum to bona fide refugees and concerns about the ultimate impact of these newcomers on the broader society, the receiving countries have had limited success in developing appropriate or effective policies for handling complicated movements of political migrants. The government put into place measures designed to deter the entry of asylum seekers. The most controversial were the interdiction of boats from Haiti and the detention of all individuals apprehended prior to physically entering the country and placed in exclusion proceedings (Gallagher 1989: 592).

Canada has long had the reputation for having one of the most generous approaches to asylum. However, this country also faced new pressures arising from the movements of political migrants. Several incidents sparked debate within the government over restriction of asylum procedures. Most notable was the arrival of boat-loads of Sri Lankan and Sikh migrants, who claimed to have come directly from their country of origin, but had actually travelled through Germany (Gallagher 1989: 592). Also, of concern was the entry of several thousand Salvadorans, who feared the consequences of implementation of the Immigration Reform and Control Act in the US. New legislative proposals and administrative procedures in Canada replaced the existing system with a new streamlined process, using an independent Immigration and Refugee Board. A second bill substantially increases penalties for smugglers, imposes heavier fines on transportation companies that bring undocumented people to Canada, and permits the detention of people arriving without proper documentation until their identities can be established.
For many years, Western Europe faced the same dilemma of definitions and procedures as the US and Canada for the same reasons. First, many of the asylum seekers had left conditions of generalised violence rather than individual persecution. Unlike the US, most of the European countries recognised a variety of statuses that allowed these individuals to remain on humanitarian grounds, but governments are increasingly questioning the use of these intermediate statuses for large numbers of people. Second, most asylum seekers had transited another country where they could have sought asylum, and some had actually been afforded asylum elsewhere. The governments have argued that refugees are obliged to remain within the country that first provides asylum until resettled or repatriated. Third, administrative procedures led to the development of large backlogs and increasing difficulty in resolving cases. Applicants were given permission to remain on humanitarian grounds, sometimes because they had been in the country for a long time, even though their asylum applications were pending. Fourth, measures designed to deter the arrival of asylum seekers have been politically controversial and, in many cases, ineffective. Following several years of the implementation of restrictive measures, Europe has again seen major increases in these numbers.

Owing to renewed urgency in the asylum crisis, the European governments are looking towards coordinated policies that may permit more effective handling of asylum applications. The intention to develop a coordinated set of policies is evident as the European Economic Community issued policies to deal with opening of borders within the community in 1992. Private groups, meeting under the European Consultation on Refugees and Exiles, issued recommendations for a more coordinated and comprehensive approach to asylum issues. Dialogue between North American and European public and private groups also developed (Gallagher 1989: 594).

**Internally Displaced People (IDPs)**

Internal displacement of persons, as a result of internal conflict, ethnic strife, forced relocation and gross violation of human rights is recognised as one of the most challenging problems. The UN’s working definition holds as internally displaced those “persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of
human rights or natural or man-made disasters, and who are within the territory of their own country” (Chimni 2000: 406). According to the UNHCR, global warming and environmental degradation have resulted in 25 million people leaving their homes with nowhere to go. The number could reach 50 million by 2010 and and 200 million by 2050. The UNHCR has thus far refused to grant refugee status to these people. They are environmental migrants. The UNHCR lacks the resources to address their needs (Khasnobis 2009: 4).

IDPs often flee for the same reasons as the refugees, political and religious persecution, massive human rights violations, civil war, and external aggression. The crucial characteristic being that the IDPs do not cross an international border. They remain stationed within their own country and, therefore, remain subject to the laws of their country (UNHCR 2008a: 20-21). Indeed, the crisis of internal displacement has increased both in scope and intensity, compelling attention and effective action, both at national and international levels. The number of IDPs, which was close to 24 million in 1992, when the Commission on Human Rights first considered the issue, came to be around 30 million in 1995. Their number exceeds almost 10-15 million the number of refugees which is around 20 million.

While the phenomenon of internal displacement is a global one, there are some significant regional variations. Africa is reported to have 16 million IDPs, while Asia has 6-7 million, Europe has 5 million and Latin America has up to 3 million. These numbers are expected to rise. Conflicts within state borders, which have become far more prevalent in the post-Cold War era than conflicts between states, are a major reason for the increasing number of displaced persons. The UNHCR, in an address to the World Bank in June 1994, presented that in 1992-1993 alone, internal conflicts had forced an estimated 10,000 persons every day to flee their homes and either cross borders or become displaced in their own countries. Another factor for the increase is the current international preoccupation with preventing refugee flows. The reluctance of states to admit large numbers of refugees or finance their stay in third counties force greater numbers to remain displaced in their own countries.

Because the internally displaced, unlike refugees, live under the control of national authorities, they do not normally receive international protection and
assistance, guaranteed by international law and convention to refugees. In fact, the first call for assistance and protection must be, under the canons of national sovereignty, to the government of the state they live in. However, here lies the crux of the problem. Very often, the internally displaced live under adverse conditions of a hostile domestic environment. They are vulnerable to round ups, arbitrary arrest, forcible resettlement, conscription or sexual assaults. They may be regularly deprived of food and health services. The nature of the conflicts the internally displaced are caught up in, compound the lack of clear international responsibility. Internal conflicts have no accepted ground rules of battle. Even Governments who recognise the 'rule of war', covered in the four Geneva Conventions of 1951, do not consider applying those provisions to internal conflicts.

IDPs lack protection under international law, mainly in situations that are below the threshold of application of humanitarian law. In such cases, the human rights guarantees, crucial for the displaced and enshrined in State Constitutions, are legitimately derogated or restricted in the interest of public order or security. A similar legal vacuum may exist where states have not ratified key treaties embodying human rights and humanitarian law. Lack of legal protection may also exist where armed groups exert control over territory and the government writ is not applicable. In such cases, abuses do not constitute international human rights violations, but infractions of a country's domestic law, and it is not possible to bring the transgressor to justice until the area is brought under government control.

No single operational agency in the international system is responsible for IDPs. Although the UNHCR's mandate does not include IDPs, it has increasingly become involved in situations of internal displacement at the request of its Secretary General. In 1993, the UNHCR adopted criteria for involvement with the IDPs, which provides, inter alia, that it will assume primary responsibility in situations where there is a direct link with its basic activities for refugees, in particular, where returning refugees are mingled with IDPs, and in situations where there is a significant risk that the IDPs will become a refugee problem. This is clearly the principle on which the UNHCR is involved with the protection and assistance of IDPs, especially in Mannar district in Sri Lanka. The rationale for this logical extension of the role of the UNHCR has been clearly manifested its 2007 report to the Executive Committee.
For a solution to the refugee problem to succeed, it must be reached through dialogue between all the stakeholders, in particular developed and developing countries, on the basis of shared interests. Global Consultations and Convention Plus moved the dialogue on the refugee problem forward. The former led to the reaffirmation of the 1951 UN Refugee Convention by states and also helped clarify core aspects of international refugee law. The process encouraged a cooperative spirit in tackling refugee issues and roused an interest in multilateral dialogue to find solutions to an increasingly internationalised set of problems. It led to the adoption of the UNHCR’s Agenda for Protection, a comprehensive programme to tackle the various issues besetting refugee protection in today’s complex environment.

The tangible achievements of the Convention Plus initiative include the adoption of a Multilateral Framework of Understandings on Resettlement in September 2004. It also led to a dialogue on a number of elements, including resettlement, targeting development assistance and irregular secondary movements, to give concrete shape to the principle of international responsibility-sharing. These three elements were brought together in efforts to formulate comprehensive solutions for Afghanistan and Somalia. To the extent that initiatives such as Convention Plus acknowledge growing North-South inter-connectedness in areas of migration, security and development, they take a step forward. But the substantive achievements of Convention Plus, in terms of new commitments by states to responsibility-sharing and, thus, to refugee protection, have been very few. This is largely due to the limited time-frame of the initiative and initial scepticism towards it because of its association with the concept of asylum transit processing and protection in regions of origin.

Any proposed mechanism for responsibility-sharing, if it is to yield favourable results, must be dialogic and global. Both these dimensions are neglected when a regional solution to refugees is recommended as the model to respond to the global refugee problem. This is the approach of states that propose protection in the regions of origin. From a global perspective, the regional solution can be adopted either as a complementary or an exclusive solution. The exclusive approach is often advocated to help reduce the burden of the refugee problem on affluent regions of the world.
The efficiency and culture arguments, used to justify an exclusively regional approach, are used without any serious attempt to conceptualise their meaning and implications. Moreover, the idea of refugee-resources exchange (where rich states compensate poor states for hosting refugees) that informs cruder versions of the efficiency argument is ethically problematic. It treats refugees as commodities and ignores the possible social, security and environmental costs for the developing host countries from such an exchange.

The other premise, that cultural similarities facilitate the hosting of refugees in regions of origin, is also debated. Quite often the assumption of cultural similarities is a myth. For instance, it is often erroneously presumed, that all Africans share a common culture, language and traditions. Furthermore, geographical proximity cannot be the basis for advocating an exclusively regional approach. A regional solution is, therefore, better used as a complement to a global approach. The regional approach can, however, put in place structures that facilitate preventive action, ensure a quick response to the need for humanitarian assistance and help parcel out responsibility for specific refugee groups.

The World of Refugee Women

The faces of refugees are overwhelmingly those of women and children, as they comprise up to 80 per cent of the refugee population. There are approximately 50 million uprooted people around the world, refugees who have sought safety in another country and people displaced within their own country. Between 75-80 per cent of them are women and children. In 2002, the UNHCR was looking after 21.8 million of these people, around half of them being women and girls (UNHCR 2002b: 7). Women have the right to help make decisions that will affect their lives (UNHCR 1999b: 26). It is, therefore, vital that refugee women actively participate in planning and implementing programmes designed for refugees. Unfortunately, women's participation in activities are hindered by cultural norms, lack of skills and low self-esteem. Inequality in the public sector often begins at home, with unequal power relations and unequal division of labour between men and women.
The UNHCR begun redressing management skills to build women’s self-confidence and enable them to contribute effectively to community management. These programmes continue in Uganda, Liberia, Bulgaria, Slovenia and the Middle East. In Eastern Europe and the newly independent republics of the Commonwealth of Independent States and Central Asia, traditional family and social structures are crumbling, as men leave to fight or to seek better economic opportunities. Women, then, assume the roles of bread-winner, protector and head of the household, in addition to their traditional role as care-giver (UNHCR 1999b: 27).

Majority of people flee their homes because of war. The proportion of civilian war victims has leaped from five per cent to over 90 per cent of the casualties. 80 per cent of the casualties by small arms are women and children, far outnumbering military casualties. Domestic violence is the most widespread form of abuse against women, with a quarter to half of them being abused by their partner. Only 44 countries specifically protect women against domestic violence. Women are also subjected to widespread sexual abuse. In Bosnia and Rwanda, rape became a deliberate aim of war. More than 20,000 Muslim women were raped in Bosnia in 1992 alone, and a great majority of women survivors of Rwanda’s 1994 genocide were sexually assaulted.

One in five women worldwide is victim of rape, many by known attackers. Between 40-60 per cent of sexual assaults are committed against girls younger than 16 years. More than 300,000 youngsters, many of them female refugees, are currently serving as child soldiers around the world. Girls are often forced into different forms of sexual slavery. More than 16.4 million women have HIV/AIDS and the percentage of infected women has risen from 41 to 47 per cent of the affected population (UNHCR 2002b: 7). In sub-Saharan Africa, teenage girls are five times more likely to be infected than boys. The introduction of sex education and safety procedures can have dramatic results. In Uganda, the rates of sexual infection among educated women dropped by more than half between 1995 and 1997. Around 170 countries are party to the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, major instruments to protect women’s rights and to achieve gender equality.
The Statute of the International Criminal Court, adopted in 1998, gave it power to adjudicate a wide spectrum of offences, including rape, sexual slavery, enforced prostitution and forced pregnancy. The majority of trafficked people are women, especially those bound for the world's sex industries. Women are particularly vulnerable to trafficking because many have little individual security and economic opportunity, property or land ownership. The largest numbers of trafficked women are from South-East and South Asia, and the former Soviet Union nations. Many victims are kidnapped or sold into slavery by their own families. An estimated 45,000 households in Rwanda are headed by children, 90 per cent of them being girls. An estimated 1.3 billion people worldwide, 70 per cent of them women, live in absolute poverty on less than one dollar per day.

The nature of humanitarian practices and laws in South Asia are not gender sensitive. Nowhere it is more apparent that in the way women feature as refugee-subjects in refugee management. Citizenship, as a status marked by universality and equality, flows above all from the structure of the liberal-humanitarian regime, which is characteristically patriarchal. This implies that the humanitarian system by itself dominates women, or is constituted by forms of rule in which men will systematically dominate women. The humanitarian law is almost a male agency. The way a refugee is defined, or the way in which the Geneva Conventions define humanitarian protection in war, shows that such laws see and treat women the way condescending men see and treat women.

It is the male gaze that frames the humanitarian law. The non-gender specific nature of fear, persecution and threat as outlined in The UNHCR Handbook on Procedures and Criteria on Determining Refugee Status does not, therefore, think deeply on the fear of violence, of state, of law, assault, and breakdown of security and life around, faced by more than half of the refugees on earth. The gender-blind concept and application of humanitarian law can go to harsh extent, as evident from the experiences in Sri Lanka (Samaddar 2001 65-66).

Development of the International Refugee System
The refugee issue is by no means a new one, for human history is full of episodes of people forced to leave their homes. But it was not considered a specific social phenomenon until the end of the sixteenth century. In fact, the word ‘refugee’ was coined in 1573 with regard to Dutch Calvinists, who fled persecution in their Spanish-dominated homeland and were taken in by their French brethren. Despite the fact that they were Protestant, they were protected by the king of France, then hostile to the king of Spain. The etymological history of the term reveals that, from the start, refugees were identified not only by the persecution they suffered, but also by the sense of responsibility they evoked in others. Refugees have always existed, but their protection has depended upon questions of specific solidarity and political interests.

The twentieth century marked a change from ad hoc responses and selective solidarity to universalisation and institutionalisation of the refugee problem. With the creation of the League of Nations at the close of World War I, came the notion of the international community’s global responsibility to aid and protect refugees. After World War II, the establishment of the UNHCR and the signing of the 1951 Convention introduced the existing international system of protection of refugees. The Convention defines as a refugee any ‘person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular group or political opinion, 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’ (UNHCR 1998b: 9). Moreover, the Convention insists on the essential principle of non-refoulement, whereby no refugee can be compelled against their will to return to their country of origin, where they might risk persecution (UNHCR 1998b: 20).

Though the 1951 Convention remains the cornerstone of the refugee protection system, it is, however, marked by the context of its origins. The Convention’s definition, founded on an individual approach, concentrating upon persecution and discrimination, reflects the concerns of a Europe marked by the aftermath of the Nazi nightmare and already threatened by the Soviet system. Since the beginning of 1950s, Europe was locked into two opposing blocs, and in this Cold War context, refugees became synonymous with dissident; most refugees were fleeing totalitarian regimes to seek asylum in democratic countries (Martin 1993: 753-755).
The solution then was to relocate them definitively in Europe or the US and to confer upon them legal status and rights, similar to those of the citizens of their host country.

Asylum policy was more liberal since, in the Cold War climate of ideological confrontation, eastern European refugees were greeted with sympathy and were apt to blend easily into the host population because of common cultural affinities. In fact, until the end of the 1950s, the refugee problem was essentially an intra-European one, of movement from the east to the west. Although, it pretended universality, the 1951 Convention actually applied only to Europe. It was not until the New York Protocol of 1967 that the UNHCR mandate was extended to the rest of the world. In the early 1960s, wars of national liberation and conflicts in the newly independent states of Asia and Africa began provoking important movements of refugees. After decolonisation, the UNHCR, as well as the World Bank and other UN organisations, turned its attention to the Third World and had to adapt to a new situation of south-south movements of populations and large-scale exodus caused by war and insecurity.

Unlike dissidents from behind the Iron Curtain, who arrived individually at the portals of the West, refugees from the south collectively flee situations of conflict, usually seeking temporary haven in a neighbouring country. Thus, the UNHCR’s area of competence was expanded by the UN General Assembly to encompass mass exodus of populations, and the definition of refugee was de facto enlarged from persecuted individuals to mere victims of violence. This expansion was more or less formalised, for Africa and Latin America, by the Convention of the OAU, in 1969, and by the Cartagena Declaration of 1984, both of which recognised as a refugee anyone fleeing from war, insecurity, or mass violations of human rights. The international community responded to these mass exoduses of the Third World mainly by providing humanitarian aid in the refugee camps.

The Issue of Asylum

Confronted with a considerable increase in requests for asylum, western countries dramatically modified their asylum policies. The effects of these change were quickly felt, for, while the number of demands for asylum rose from 70,000 in 1983 to 700,000 in 1992, they were, however, reduced to less than 300, 000 by 1995 (Martin
At a time of increasing crises and in the context of restrictive immigration policies, a demand for asylum provides the only access to the industrialised countries. The dramatic drop in the number of such demands indicates the effectiveness of methods of dissuasion, using administrative and policing measures.

Facing a veritable obstacle course, very few asylum-seekers make it to the portals of Europe, and when they knock at her doors, they are frequently met with flat refusal and are shunted off to the last safe third country of their transit. The rules have multiplied, legislation has become more restrictive, and constitutions have even been revised in order to legitimise the refusal of access to these people to a Europe, increasingly resembling a fortress. This hardening of policy, which is taking on the aspect of a lock-out, is justified by an obsession with economic refugees. Nevertheless, it brings into question the very right to asylum, which is a founding principle of so many European democracies. Simultaneously, the percentage of people accorded refugee status has plummeted from 42 per cent in 1984 to less than 10 per cent in 1995. The harmonisation of refugee policies within the EU is based upon the lowest common denominator. Europe is increasingly restrictive in its interpretation of the concept of persecution, contrary to the spirit and letter of the 1951 Convention.

The European Justice and Interior Ministers, on 23 November 1995, concurred that only people persecuted by a state could be defined as refugees. This new definition refuses international protection to the victims of extremist movements, for example, Algerians threatened by the GIA (a splinter group of the Front Islamique du Salut), and to the nationals of virtually disintegrated states, like the Somalis and Liberians at the mercy of armed bands, not to mention the Bosnians, who have been flushed out by ethnic cleansing, and unquestionably meet the 1951 Convention definition of refugees. This disastrous decision is evidence of a will to be rid of the refugee burden, while turning a blind eye to the crises and distress of the victims. This is how the European countries seek to unload the obligations undertaken by signing the 1951 Convention. Under judicial cover, the refugee question has been addressed with political and ideological considerations. The spectre of mass immigration led the European countries to refuse protection to nationals of countries in crisis and this tendency of Western countries contains the risk of becoming generalised.
There is a definite correlation between the drastic reduction in the number of people the European countries have accorded the refugee status and the number of de facto refugees – people who are not recognised as refugees, but can not be sent back to their homes in turmoil-stricken countries. This development is more apparent because, for the first time since World War II, the problem of war refugees, once restricted to the south, has become a European problem. Confronted with a massive exodus of refugees, the European countries created temporary protection procedures that allowed them to accept refugees from ex-Yugoslovakia, without making any commitments about their status. Clearly, the great exoduses caused by conflicts do not fit with policies of planned reduction and the European countries fear an unexpected extension of their international obligations. The new procedures do not grant the same rights and guarantees; the refugees are merely tolerated. The future of their temporary and precarious status is left entirely to the discretion of public powers.

Preventive Policies

Apart from repatriating refugees to their countries of origin, the international community seeks to prevent new refugee situations. This poses the political problem of the attitude of the international community in the face of repressive regimes and internal conflicts that provoke major movements of refugees and displaced people. The end of the Cold War gave birth to the ephemeral concept of a consensus on what is unacceptable and the illusion that massive violations of human rights within a country would no longer be tolerated. Simultaneously, the UN, long paralysed by the East-West confrontations, became the recipient of these hopes and seemed, for a time, capable of playing a major peace-keeping role.

The euphoria, however, was short-lived. Events of the past few years have revealed the limitation of such intervention, and the problems of making peace-keeping missions effective underline the difficulties of international intervention in situations of internal crisis. Demands for protection far outnumber offers, and the highly selective international community is motivated to act largely by political interests, media visibility and public opinion. Preventive policies are actually mainly reactive, often late, and essentially defensive. Far from treating the causes of refugee
exodus, western countries rather attempt to avoid the consequences. Incapable of finding a remedy to the source of the problem, they seek to stem the tide of flight.

The example of Iraq in the spring of 1991 is a good illustration of the international community’s concern to avoid any new refugee problem, even at the price of providing a temporary protection for people repatriated to their own country. Coalition forces remained on guard in Iraq, though the country was already defeated and placed under international surveillance, during the bloody repression of Shiite and Kurd uprisings. But the spectacle of an entire people spilling over the frontiers of neighbouring countries and off the television screens finally provoked an international reaction. In the guise of an effective humanitarian enterprise, ‘Operation Provide Comfort’ was geared to convince the suffering Kurds that they should leave the Turkish border areas and go back home in exchange for the offer of temporary protection and humanitarian aid in the north of Iraq.

The international reaction to the Kurdish exodus is perhaps the most apt example of the new containment policy, or even push-back, based on the triad of repatriation, security zones and humanitarian assistance. It was as though this policy was designed to force refugee camps back into countries in crisis, in zones theoretically protected by an international presence and, in principle, supplied by aid convoys. Thus, the mandate of the UNHCR has been extended de facto to enable it to intervene in war-torn countries, to encourage the process of repatriation, and to assist locally displaced populations that threaten to spill over international borders. Modification of statistical criteria published in the 1995 UNHCR report is indicative of this evolution. Here, listed as persons of concern for the UNHCR are not only refugees, but also repatriated populations and over five million displaced persons.

This new policy has become a general one from Iraq to ex-Yugoslavia. Peacekeeping operations, despite their mixed results, have familiarised UN organisations with the concept of intervention in countries in conflict. And since 1989, the increase in assistance programmes, based upon the idea of negotiated access, such as ‘Operation Lifeline Sudan’, has made this kind of intervention in zones of contested sovereignty relatively common. Humanitarian aid is no longer simply distributed in refugee camps in peripheral areas of conflict; it is increasingly delivered to the very
heart of combat zones in the countries in crisis, to help displaced populations. But this internalisation of international assistance means, in fact, the replacement of the concept of humanitarian sanctuary with that of the security zone, a factor that is more often than not detrimental to protection.

The result of military-cum-humanitarian interventions is in this respect disturbing. All the resolutions adopted by the UN Security Council in the past few years have concentrated on protecting aid operations, but have neglected the protection of civilian populations. During the war in Bosnia, 'Blue Helmets' of the UN provided protection for the relief convoys, but did nothing whatsoever to end the massacres and ethnic cleansing. They proved incapable of defending the security zones they had themselves set up, and finally had to abandon them to the Serbs. The mediocre results of UN interventions in the past several years underline the fact that it is difficult to protect displaced populations, which flee for the same reasons as refugees do, but which remain within their country's borders and consequently are not recognised by the international community.

It is particularly worrying that preventive policies to stop refugees from crossing their own frontiers deny them the benefits of a system of international protection based precisely upon the notion of crossing international borders. It is as if potential refugees were being relegated to the status of displaced persons, deprived of any real protection, and offered only uncertain assistance that depends on conditions of access. This is all the more disquieting because Western countries, which provide quasi-total of the UNHCR's budget, are often willing to finance aid programmes in countries in conflict merely to pay lip service to their obligations to the 1951 Convention. The creation of security zones and aid programmes can not serve as a pretext to refuse asylum to seriously threatened populations.

Need for defining responsibility-sharing

The UN General Assembly has reiterated time and again that even though initial burden may fall upon the receiving country, but lasting solutions are responsibility of the international community at large (Goodwin-Gill 1990: 107-108). The duty of not returning refugees to persecution or to a situation of danger to life or limb is owed to
the international community of states, as represented by the UNHCR. The international community is likewise entitled to require of individual states, not only that they accord to refugees the benefit of non-refoulement through time, but also the opportunity of finding a lasting solution to their plight (Goodwin-Gill 1990: 122).

A dialogue-based approach requires that responsibility-sharing be defined in accordance with criteria that are acceptable from the perspective of all the parties involved. A global approach would anticipate that responsibility is shared both in hosting the displaced and providing the funds required to offer durable solutions. There are three possible ways to define global norms for responsibility-sharing. First, agree on situation-specific comprehensive plans of action that respond to particular mass influx situations. This kind of agreement, envisaged in the Convention Plus initiative, will have a limited objective, and to yield positive results it must be based on acceptance of responsibility-sharing as a principle of customary international law.

Second, go beyond specific mass influx situations to adopt general rules of responsibility-sharing. Such a multi-lateral framework will take a more holistic approach and bring within its sights all practices that are not in line with the spirit of international responsibility-sharing, such as the restrictive asylum policies of some states. For this option to be effective, restrictive asylum practices have to be moderated to allow persons in need of international protection to have access to it.

Third, arrive at a multi-lateral framework that formulates rules that not only automatically come into play in situations of mass influx, but also apply to protracted refugee situations. Such a framework will define the obligations of states more clearly and make the response of the international community more predictable by removing the element of discretion from the scheme of things. This can only be achieved by, among others, the recognition of the need for effective and equitable responsibility-sharing in situations where developing countries are hosting large numbers of refugees, the provision of greater relief and reconstruction aid to post-conflict societies and a common understanding based on shared interests.

All three models would define the criteria and modalities for burden-sharing and the role of states involved. They would focus on providing effective protection
within the framework of international human rights and refugee law. They should not, however, lay down any particular formula for sharing the burden of asylum; rather, states would be expected to respond appropriately in light of the global refugee situation and the specific refugee flow. The theory of ‘state responsibility’ rests on a simplistic but complex practical proposition. According to it, every State must be held responsible for the performance of its international obligations under the rules of international law, whether such rules derive from custom, treaty or other source of international law. Failure to discharge international obligations, incumbent upon a State, constitutes an international wrong, for the consequences of which the erring State should be held accountable (Chimni 2000: 297).

An important aspect of effective responsibility-sharing is financial burden-sharing, whereby the financial cost to countries hosting great numbers of the displaced is shared. Unfortunately, the provision of humanitarian assistance does not necessarily permit appropriate relief to be provided to states in need. In some cases, the political interests of states override humanitarian concerns based on needs. As a result, a number of critical refugee crises remain under-funded, while other less urgent situations are allocated a surplus of funds. Furthermore, prompted by foreign policy and domestic political considerations, major donor states have increasingly channelled much of their humanitarian aid through large NGOs. This has led to the ‘bilateralisation’ of humanitarian assistance. Donors also have begun to earmark much funding to gain visibility and political influence, overlooking the comparative advantages and legitimacy of the UN agencies.

Countries of origin have a responsibility to tackle the causes that force people to flee, and to create the political and practical conditions necessary for their safe return and reintegration. According to Principle 1 of the International Law Association’s Declaration of Principles of International Law on Compensation to Refugees,

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13 For example, in 1999 European Community Humanitarian Office (ECHO) funding for former Yugoslavia and Kosovo was four times the funding for all 70 African, Caribbean and Pacific countries.
14 The largest bilateral donors work together through the OECD’s official Development Assistance Committee (DAC). They include the United States, the United Kingdom, Germany, Sweden, the Netherlands, Japan, Norway, Italy, France and Switzerland.
“The responsibility for caring for the world’s refugees rests ultimately upon countries that directly or indirectly force their own citizens to flee/or remain abroad as refugees. The discharge of such responsibilities by countries of asylum, international organisations and donors, pending the return of refugees, their settlement in place, or their settlement in third countries, shall not relieve the countries of origin of their basic responsibility, including that of paying adequate compensation to refugees” (Chimni 2000: 300).

Voluntary repatriation is a difficult undertaking, involving great political and operational complexity. The potential for solution can become a seed for disaster if the refugees are pressurised by frustrated countries of asylum to return prematurely to insecure and unsatisfactory conditions. Therefore, in an effort to meet the concerns of countries of asylum and to assist countries of origin to create conditions conducive to the return of refugees, the UNHCR has increased its involvement in countries of origin, establishing early presence and operations in the areas of return as a confidence building measure, and monitoring the safety of those who return. The UNHCR played this role in monitoring the return of over 200,000 Rohingya refugees from Bangladesh to Myanmar (Magluff 1997: 84-85).

The success of repatriation is linked, on the one hand, to protection and security issues, and, on other, to the prospects of economic and social reintegration and rehabilitation. Clean water, primary education, and health care, basic income generation, are as much guarantees of safety, and are necessary to ensure that those who return are then able to remain at home. Based on the UNHCR experiences in situations of mass return, such as Mozambique, Bosnia and Herzegovina and Rwanda, humanitarian agencies can make an indispensable contribution to rehabilitation of societies in the immediate post-conflict phase.

After the initial spirited phase in 1979-80, the world’s response to the refugee problem has successively lagged behind the growing challenge. This could well be called a crisis gap, a major characteristic of the problem. The general impression is one of gradual resignation in the face of a cumulative problem to which there seems to be no solution. The insufficiency of the international response must be regarded as an increasingly significant cause of the refugee problem. Given this aspect, the conflict potential and dynamics involved are allowed to play an increasingly significant role in the world conflicts.
Three Lasting Solutions

Traditionally, there were thought to be three lasting solutions to the refugee problem: integration in the host country, resettlement in a third country, or repatriation to the country of origin. However, the first two options, integration and resettlement, i.e., asylum in third countries, are less and less considered as solutions.

Some refugees can not or are unwilling to go home, usually because they face continued persecution. In such circumstances, the UNHCR helps to find them new homes, either in the asylum country where they are living, or in third countries where they can be permanently resettled. People facing particular problems or threats in their first asylum countries also benefit from resettlement. Though many nations have agreed to temporarily accept refugees during the early phase of a crisis, fewer than 20 nations worldwide take part in the UNHCR resettlement programmes and accept quotas of refugees on an annual basis. 16 countries participated in 2005. The number of refugees accepted for resettlement plunged sharply following the September 11, 2001 terrorist attacks, especially in the US. But they have been increasing gradually and reached 80,800 in 2005, including some 30,500, who were resettled with the UNHCR assistance. In all, 83 UNHCR country offices were involved in resettlement departures during 2005 (UNHCR 2006b).

Even if many countries, particularly in Africa, remain relatively open to refugee movements, integration in a host country is regarded less and less as a realistic solution. In fact, in most cases, the host countries are poor, fragile, and have neither the means nor the required cohesion to integrate thousands of refugees. Their reticence is evident since northern countries, which are supposed to set the example of respect of asylum rights and had for a long time made it possible for certain categories of refugees to seek refuge on their territory, are increasingly reluctant to do so. Over the years, perceptions have changed immeasurably in western countries. The refugees, who had a political significance during the Cold War (they voted with their feet) and a positive image (they chose liberty), are considered undesirable by increasingly isolationist countries haunted by the spectre of mass immigration.
Developed western nations, the recipients of substantial numbers of refugees following the devastation of World War II, find themselves increasingly unwilling and often unable to grant asylum to new arrivals. The UDHR proclamation that "everyone has the right to seek and to enjoy in other countries asylum from persecution" (UNHCR 1998: 45) assumes that refugees will be able to locate a recipient country of asylum, often an invalid assumption. The US, wrestling with immigration policies concerning Mexican workers and Haitian boat people, has, in the past, actively deported thousands of Central American asylum seekers back to their homelands. The Canadian government, in 1988, passed the Refugee Reform Act and the Refugee Deterrents and Detention Act, both designed to substantially limit the number of asylum-seekers attempting entry into Canada. Germany, a traditional recipient of asylum seekers during 1970-1980 and a key haven for Eastern European refugees, following the fall of the Berlin Wall in 1989, has manifested increased xenophobic tendencies in both its immigration policies and in the domestic attitude of certain segments of the German citizenry toward foreigners on German soil.

Western nations are not the only ones to manifest 'compassion fatigue' toward the plight of new generations of refugees. In the Third World nations of Southeast Asia, 'human deterrence' keeps Vietnamese refugees from crossing national boundaries into adjoining areas. For example, Hong Kong, a major port of first asylum for fleeing Vietnamese 'boat people', has now, under the UN auspices, adopted a policy of forcible repatriation for all, but a small percentage of bona fide political refugees arriving from Vietnam. As in the West, with the increase in the number of refugees seeking or demanding asylum, traditional receiving nations in Southeast Asia are no longer willing to accept large numbers of refugees, even in temporary status, and are exercising their prerogative of refusal or deflection onto other receiving nations. The evolution of the question of the Vietnamese boat people illustrates this change in perception. The Vietnamese boat people, recognised a priority in 1979, were considered potential immigrants a decade later. The Global Plan of Action, adopted by the international community in 1989, instituted a policy of so-called human deterrence to prevent people from leaving Vietnam and began to permit forced repatriation of those boat people who were not recognised as refugees.
Events in the Caribbean, in the context of Cuban-American relations, the last stronghold of Cold War logic, confirm this change of policy. Since the summer of 1994, the Cuban boat people have lost their political value, their symbolic status and their media visibility. The American Coast Guard now systematically turns them back at sea, in flagrant violation of the principles of the 1951 Convention. The history of these two groups of people, who long enjoyed a privileged status allowing them to seek asylum in Europe or the US, is indicative of the climate of rejection which continues to grow in the West. The attitude of the developed countries was aptly summed up by Rudd Lubbers in 2001, when he reprimanded Australia’s treatment of refugees, which he termed as resorting to the ‘law of the jungle’ and sending asylum-seekers ‘into orbit’ (Commission of Human Rights 2002).

Cold War constraints have given way to a profound disquiet in the face of upheavals all over the globe and the fear of mass immigration. This reticence has increased with south-north flows, which continue to drain off the bulk of refugees. Although, those seeking refuge in the north represent only a marginal percentage of numbers of those requesting asylum in Europe, by the 1980s a profound policy change was motivated, confusing the refugee question with migration problems.

Western countries try to discourage asylum-seekers from knocking at their doors and confine themselves to an increasingly restrictive interpretation of the 1951 Convention. The refugee question, once considered in the light of human rights, is now seen as a threat of immigration. The magnitude of refugee movements and the growing number of asylum-seekers in western countries has catalysed a profound change in refugee policy in the north as well as in the south. The chronic state of camps reveals the inadequacy of aid policy in the south, and the reticence of host countries marks the limits of a policy of reinstallation in the north. The tandem of aid/resettlement, which has been the cornerstone of refugee policy for some decades, has now been replaced by the key words ‘repatriation’ and ‘prevention’.

The Stakes of Repatriation

By virtue of the UN General Assembly resolution 428 (V) of 14 December 1950, and the Executive Committee’s General Conclusion on International Protection, the
UNHCR is entrusted with the task of facilitating and promoting voluntary repatriation. It is worthy of note here that at times the distinction between facilitation and promotion is blurred. By virtue of article 35 of the 1951 Convention, State parties are under obligation to cooperate with the UNHCR in this and other areas. The UN General Assembly has repeatedly broadened the UNHCR’s functions with regard to voluntary repatriation and has foreseen an active role in the country of origin.

The Executive Committee conclusions lay down standards governing voluntary repatriation process including core elements are as follows: providing necessary information to refugees about conditions in their country of origin to facilitate decision-making; where appropriate, ‘go and see’ visits without loss of refugee status; formal guarantees for the safety of returning refugees; the UNHCR’s returnee monitoring function, including its direct and unhindered access to returnees at all stages; the provision of necessary documentation and the restoration of citizenship; the need for reception arrangements and the provision of reintegration assistance by the UNHCR and other UN agencies; the promotion of dialogue between the main actors; the establishment of consultative and tripartite mechanisms; the UNHCR’s leading role in promoting, facilitating and coordinating voluntary repatriation; and States’ primary responsibility in creating conditions conducive to voluntary repatriation (Hussain 2002: 57).

From a general perspective, the right of repatriation has been upheld as a fundamental human right by Article 13 (2) of the UDHR, which states that “Everyone has the right to leave any country including his own, and return to his country” (Chimni 2000: 334). Most refugees prefer to return home as soon as circumstances permit, generally when a conflict has ended, a degree of stability has been restored, and basic infrastructure is rebuilt. The UNHCR encourages voluntary repatriation as the best solution for displaced people, provided it is safe and their reintegration is viable. The agency often provides transportation and a start-up package, which may include cash grants and practical assistance such as farm tools and seeds.

On occasion, it extends this help to include the rebuilding of homes, schools, clinics and roads. Field staff monitors the well-being of returnees in delicate situations. The duration of such activities varies, but rarely lasts longer than two
years, when the UNHCR’s aid is normally replaced by longer-term development assistance from other countries. The last few years have seen an unprecedented level of return with more than 6 million refugees, 4.6 million of them Afghans, going home. The high levels continued in 2005, with an estimated 1.1 million exiles, 752,100 Afghans, 70,300 to Liberia, 68,300 to Burundi, 56,200 Iraqis and 53,800 Angolans, returning to their countries (UNHCR 2006b).

In an absolute sense, repatriation of refugees is probably the best solution, since their indefinite maintenance in camps is neither humanely acceptable nor politically desirable. This is, of course, assuming that the situation in the country of origin permits their repatriation, and the international community guarantees their voluntary return, Along with the international system of protection for refugees, the basic principles for repatriation were conceived essentially in the European context of the Cold War following the World War II. At that time, it was a question of the return of millions of persons displaced by the war to their countries of origin. After several false starts, the West defied Moscow and reasserted the policy of free choice by insisting upon the voluntary nature of repatriation, even of Soviet citizens, and by enlisting the protection of the international community.

Traditionally, the UNHCR supported the notion of free and individual consent to repatriation and took no part in effecting repatriation unless it felt assured of the profound and lasting change of those circumstances that initially inspired exile. Thus, it could facilitate the return of refugees in dignity and safety by negotiating agreements between the country of origin and the host country which would grant a minimum of guarantees to returning populations.

This traditional policy began to evolve at the beginning of the 1990s. It would appear that priorities underwent a significant change and political factors have taken an upper hand to the once-essential principle of free and individual consent to repatriation. The 1993 report of the UNHCR Working Group on International Protection emphasised that the voluntary nature of a return must be weighed against the guarantees of security. Moreover, the rule of profound and lasting change has become subject to increasingly loose interpretation. The repatriation programme of the Rohingya refugees to Burma is a case in point. From July 1994, with the end of
individual interviews and the inception of mass registration of refugees, the rule of individual consent was abandoned in favour of rather vague and general considerations regarding the political evolution of the Myanmarese regime.

Generally speaking, refugees are increasingly pressured to return to their home countries, and these repatriation programmes are not always conducted with respect for the professed principles of the international community. Some repatriation (Sri Lanka, Myanmar, Rwanda) have been carried out with a rather lax regard for real change in those conditions (conflict, repression, violence) that forced the refugees into exile and with little attention paid to the principle of voluntary return. It is as though the UNHCR has somewhat abandoned the question of free choice and the rule of profound and lasting change in favour of a vague notion of voluntary repatriation with that of a safe return. This is to replace the refugee’s individual judgement with the discretion of the UNHCR or the states involved (Gassmann 1996: 50).

This overruling of the will of the refugees is all the more disquieting in that it increases the risk of pressure. In a context where repatriation is increasingly considered the only solution by the western countries that are the major contributors to the UNHCR budget, there is a variety of methods, for example, reduced food rations, or coercion, or intensified propaganda in the camps, by which pressure can be brought to bear upon those who are totally dependent upon international aid and the goodwill of host countries.

In theory, at least, since refugee humanitarian agencies, such as the UNHCR, and major governments agree on the overall solution, the process of ‘going home’ should be relatively straightforward. Instead, it is always a complex equation, embracing extreme emotion and practical considerations – euphoria, fear, dreams, nightmares, nostalgia, hostility – which must be addressed. Why the refugees should be compelled to abandon the relative safety of a refugee camp, no matter how desperate the conditions, for a leap into the unknown? Will there be any homes, schools or clinics to return home to? What about land and crops? Will there be jobs and education? What about physical dangers such as land mines? Can people who have been away, sometimes for years, socially reintegrate with the civilian population.
which stayed at home during the war? Satisfactory answers to these questions must be found before exercising the forced 'repatriation' option.

Both sides have often changed, their families grown larger, some people even changing their religion. Can civilians, especially the young, who have tasted city or urban life during exile, even within the confines of a crowded refugee camp, return to isolated and often primitive hamlets and farms? Refugees sometimes face the perplexing prospect of deciding whether to go back to a country where there is peace in one region, but fighting in another. That has happened in Afghanistan, the Congo basin and in Sudan, where hundreds of thousands of refugees returned to the south of the country, while similar numbers have been displaced by ongoing fighting in the west, some of them fleeing to neighbouring Chad.

If individual refugees face such dilemmas, agencies, including the UNHCR, must factor into their planning, the prospect of how and when refugees will eventually go home from the very moment an emergency begins. There are obvious and immediate logistical considerations, like how long are the incoming refugees expected to stay and how much shelter, food and medicine will they need? But there are more subtle concerns, too, which will eventually influence the ‘going home’ process. If civilians stay for an extended period, when schools should be established? What curriculum should be followed – that of the host country or the region from which they have come? In the case of refugees from Mozambique, should children have been taught in the lingua franca of that country, Portuguese, or in English as spoken in surrounding host states? What language eventually will be more useful?

What kind of skills should be taught in the camps which would be appropriate if and when refugees return home? How involved should humanitarian agencies become in addressing obvious social and cultural inequities in a refugee community? The empowerment of women has been a major theme in refugee work for many years, but what impact will that have when families do return to their traditional villages and resume their former lifestyles? Should girls continue to go to school? There is already a backlash against this in some parts of Afghanistan. Who actually will make the decisions in the households and who will go to work? How can the infamous gap between the emergency aid, food, shelter and medicine doled out in refugee camps,
and the longer-term development aid, the rebuilding of clinics and other infrastructure in returnee villages, which has plagued refugee situations for decades, be eliminated? Even though many refugees do return to their ‘old homes’, how best to help others who, for various reasons can not return and find ‘new homes’ in other countries?

‘Going Home’ operations have also been a steep learning curve for humanitarian agencies. With most of their attention focused on the ‘front end’ of emergencies, the flight of refugees and legal and logistical help for them in camps, repatriations often received only fleeting attention and resources. Subsequently, operations have improved considerably. Refugees returning under the UNHCR auspices generally receive not only assistance with transport, but also basic items ranging from blankets to seed, several months’ supply of food and shelter materials to rebuild, at least, part of their homes.

Although little research has been conducted, it is quite clear that the refugees themselves are canny operators in deciding when and how to go back. Often a family will send one or two members, generally elderly people who most want to return, to reconnoitre the situation. They might re-establish themselves and begin re-building or report back on the difficulties. In the Balkans, some of these returnees were known as ‘day trippers’ because of their shuttle visits (UNHCR 2004d: 10). The rest of the family, meanwhile, would continue to receive international assistance and shelter. The UNHCR also recognised the importance of including local communities as well as returnees in all economic, social and cultural projects.

So-called Quick Impact Projects (QIPs), such as rehabilitating roads and clinics, were launched to benefit entire villages, though according to some critics there has not been enough sustained follow-up to determine the long-term viability of many of these programmes. For those, who can not return under any circumstances, the UNHCR continues to encourage countries hosting refugees to integrate them into their own populations, and for other governments further afield to offer more uprooted persons the chance to permanently resettle there and begin new lives.

Despite difficulties, the pull of home, for most refugees is stronger than any obstacle. Nearly one million ethnic Albanians fled Kosovo in 1999, often forced out
at gun-point. They saw family members being butchered by Serb forces, their homes destroyed and their identification papers deliberately torn up. Yet, within three months, in a dramatic reversal of fortune and under the protection of North Atlantic Treaty Organization (NATO) forces, most of them returned home to their shattered province. The expulsion and return of virtually the entire ethnic Albanian population of Kosovo was one of the fastest reversals of fortune in the refugee history (UNHCR 2001b: 2). Perhaps never before had so many people left and then returned in such a short time (UNHCR 2001b: 10).

The UNHCR is required to make sure that repatriations are voluntary and in line with the non-refoulement provisions in international law, free of coercion. This means it has to take into account the wishes of refugees, as it has done in Eritrea and Ethiopia, prior to actual repatriations\textsuperscript{15}. Mindful of state supremacy in the post-Westphalian state system, the UNHCR has to extract the consent of both the state of original residence and the asylum state. In sum, it is constrained by the interests of the origin and refugee host states, the individual refugee and its limited resources. Such constraints – cost, state sovereignty and non-refoulement – constitute the driving force behind the strategic decision making approach that the UNHCR employs.

Regardless of agreements reached between the state of origin, the host state, and the UNHCR, individual refugees may choose to repatriate or stay in exile, depending on their evaluation of the political and economic situation in the country of origin. They opt to repatriate, especially if the economic and security environments prevalent in their home country are comparably better than in the asylum country. Those who decide to repatriate may do so on their own volition, that is spontaneous, or they may wait until an official repatriation plan is set in place.

The Future of Refugee Resettlement

With the foregoing discussion, it is obvious that no nation can solve the refugee problems alone. However, individual states, for a variety of domestic reasons, tend to act in their own self-interest once the nation has reached a certain level of refugee

\textsuperscript{15} In both instances, the UNHCR arranged a visit to the refugee origin country by a select group of refugees to help them decide whether or not to repatriate.
saturation. This situation exists, despite a recipient nation’s best humanitarian intentions, intensions which may have even been previously evidenced by the country’s signing of international instruments concerning refugee issues (for example, the 1951 Convention and the 1967 Protocol) or even by the country’s enactment of flexible and pro-refugee domestic legislation (Germany and the US in the 1970s).

The approaches, as described above, have attempted to categorise how nations react when faced with large-scale refugee populations demanding sanctuary and entrance across borders. Although most nations philosophically espouse a universalist approach to assist refugees in their search for sanctuary, the traditionalist approach more accurately represents the attitude states take toward the treatment of refugees. The regionalist approach works well in areas (for example, Africa) where the spirit of community, family and protection of neighbours is well-entrenched into social mores. However, in most other areas of the world, the regionalist approach only serves to provide an initial (possibly first asylum) and usually temporary answer. As demonstrated by the situation in Indo-china and the Comprehensive Plan for Action (CPA), the regionalist approach faded significantly once saturation had occurred in neighbouring South-East Asian countries and in overflowing refugee camps. As a result, traditionalism, with its natural tendency toward a no-duty rule, was readopted by most of the South-East Asian nations, although some elements of regionalism remained in the neighbouring nations’ lenient interpretation of the CPA that could have had harsh consequences for refugees.

The causalist approach also has severe limitations. While it is relatively simple to determine the culprit in the refugee game (namely which government or domestic situation caused the refugees to leave his country of origin), it is much more difficult to determine how the individual refugee should subsequently be treated. The international community has traditionally divided the refugee populations into two distinct groups, ‘political refugees’, who may be harmed by a return to their homeland and who are, therefore, deserving of asylum or, at least, special protection, and ‘economic refugees’, who presumably left their homeland merely to secure a better life and who should be repatriated immediately, unless some receiving nation needs their specific skills and is willing to offer asylum.
In cases where the number of political refugees generated by a specific situation have been immense or where the circumstances have shocked the international conscience (Cambodia or the former Yugoslavia), the international community, under the auspices of the UN, has occasionally been willing to take a closer look at remedial actions. In Cambodia and former Yugoslavia, intervention into the affairs of the country of origin was viewed as the appropriate solution to hostilities and persecution that might otherwise continue indefinitely. These examples closely approximate the hybrid approach, which includes the best elements of the other four approaches. It firmly focuses on the requirements of individual refugees, rather than on the protection of national self-interest. The keys to the hybrid approach are dynamic leadership and planning. Leadership can come from many quarters, the UNHCR and its staff in Geneva or the operational locations throughout the world, the national leaders of stature who are willing to advocate assistance for refugees, or the individual nations willing to take the first steps toward the creation of international coalitions or alliances aimed at remedying the plight of large groups of refugees.

Planning assumes a pre-determined programme, focused on the refugees, designed to accomplish specific goals as per a specific time-table. Such a plan usually involves a check-list drawn from the best of the other four approaches: the temporary securing of regionalist assistance for refugees to protect them from immediate harm; the creation of an international coalition of nations based on universalist principles to secure more permanent sanctuary for refugees; a continued public relations effort by international organisations (specifically the UN and the UNHCR) to forestall the protectionist emergence of traditionalist behaviour by potential receiving nations; and where appropriate interventionist efforts to effect causalist repatriation of refugees, unless repatriation would place the refugees in harm.

A real hybrid approach, based on the above principles, must not be confused with the pseudo-hybrid approaches. In pseudo-hybrid approaches, such as Indo-china and the CPA, even though the participating nations may appear to be using elements from the various approaches to reach a common goal, burden avoidance is the dominating principle, rather than burden acceptance. Pseudo-hybrid approaches are never truly focused on the needs of the refugees, although nations may freely claim that such is the case. For a hybrid approach to be real, the 'every man for himself' or
‘count me out’ attitude of individual nations must be replaced by a genuine willingness to join in international cooperation.

There are good and bad news on the refugee horizon. The bad news is that nations continue to take the traditionalist road when faced with refugee problems. This tendency has increased, moving further away from the spirit of cooperation that dominated the refugee climate in the years following World War II. The actions of the US toward the Cuban and Haitian boat people, the closing of Europe to refugees, pursuant to it economic integration, and the forced repatriation of Vietnamese civilians to a country, with a plausible risk of harm, are all evidence of an international refugee system that is not operating in the best interest of the people who are least able to protect themselves – the refugees. The good news is that the refugee problem does not require any new tools to fix it. The post-World War II years provide a concrete example of the best way to resolve individual refugee crises, employing a hybrid approach coupled with strong leadership and a genuine plan for action. International norms for refugees are well-codified, and when applied, offer the refugees significant protection. Though regionally limited in scope, the UN initiatives in both Cambodia and Bosnia offer great promise in mobilising international support for interventionist actions.

Influences on National Responses to Refugee Problem

Three principal influences affect the way nations respond toward the problem of refugees: the tradition of international norms concerning refugees; the emergence of international cooperation/initiatives; and the domestic pressures and politics that often make states act contrary to humanitarian principles (Cort 1997: 311).

At any given time, how nations view the priorities of the above three influences determines, to a major extent, which of the following approaches they will select when confronted with any individual problem. While there is no right solution to the problem of international refugees, individual states, when faced with specific refugee problems, tend to allocate the burden of refugees through five principle approaches namely traditionalist, universalist, regionalist, causalist and hybrid. Each of the five approaches apportions the burden of refugee costs a little differently, relies
for its validation on a different ordering of priorities for these three influences and in practice, may overlap with other approaches. However, the significance of the approaches is that, in most cases, they do not operate in the best interest of the refugees themselves, but instead in the state’s perception of its own best interests (Cort 1997: 314). The implications of sovereignty have also been examined in a new light. Challenges to sovereignty in cases of genocide, international peace-keeping and enforcement of human rights are instances where state sovereignty and the mass movement of people often collide.

In refugee policy-making, prior legal-bureaucratic decisions affect subsequent refugee policy decisions, i.e., earlier policy outputs become subsequent inputs. Since refugees are the means to bureaucratic survival and career advancement, the personnel in refugee-related agencies have a vested interest in refugee matters. These personnel are likely to set more positive refugee policies, such as allotting greater resources to refugee camps. By contrast, when refugees are the responsibility of the army or a department with other responsibilities and priorities, few officials have any self-interest in refugees’ welfare. Refugees then are more likely to be seen as an extra burden on existing resources and workloads or in the case of the army, as a potential threat to security. As a result, more negative refugee policies are likely to be pursued.

**The Traditionalist Approach**

When utilising the traditionalist approach, a state bases its refugee policies on three fundamental beliefs: first, no nation has an absolute duty to accept refugees, although there is some responsibility to see that refugees come to no harm; second, a nation accepting refugees and offering asylum is responsible for their maintenance; and third a global refugee market effect will somehow regulate the system and make it work. The classic example of the traditionalist approach is the case of Merhan Karimi Nasseri, an Iranian immigrant with an alleged, but undocumented, British bloodline, spending over six years in Paris’ Charles de Gaulle Airport waiting to be accepted as a refugee by a Western country. Under no obligation to grant entry, the governments of Iran, France, and Britain all refused to accept Nasseri as an immigrant or refugee, despite the awkwardness of his situation. These governments shifted the burden of Nasseri’s maintenance onto the Charles de Gaulle Airport administration and onto
sympathetic bystanders and their handouts. This form of burden avoidance is common and places the refugees in a state of legal limbo.

**The Universalist Approach**

The universalist approach motivates states to adopt international instruments that advocate lofty humanitarian principles, while the traditionalist approach encourages states to violate these principles later in the name of national self-interest. The universalist approach has for its ultimate goal the protection of refugees under the 1951 Convention and the 1967 Protocol. In addition to the various protections already guaranteed by these documents, the universalist approach insist that every refugee is entitled to a secure homeland and all states espousing humanitarian principles have a duty to actively assist the refugee in finding that homeland. Thus, the pure universalist approach unequivocally favours the refugee, with little concern for the domestic political and economic requirements of individual nations or ruling governments.

**The Regionalist Approach**

The regionalist approach maintains that refugees pose a regional problem and the nations of each region have a duty to care for refugees in that region, at least, temporarily. However, the duty to care for regional refugees does not extend to a global commitment to care for all refugees worldwide. The regionalist approach, therefore, makes a valuable contribution to the care of these individuals. Regionalist approach involves little onward movement of refugee migration to more developed nations and usually consists of the maintenance of refugees within geographic localities. In addition, different social and economic patterns permit more efficient integration of refugee groups into the local structure because of the similarities in the agricultural and animal husbandry backgrounds of rural populations and in the common ethnic relations between the refugee generating and receiving communities.

**The Causalist Approach**

Like the traditionalist approach, the causalist approach focuses on one nation as the solution to the refugees’ problem. But unlike the traditionalist approach, which
emphasises the duty or lack thereof of the recipient nation, the causalist approach places the burden of refugee costs firmly on the refugees’ country of origin, the nation that caused the problem in the first place. The UN has adopted this approach for a number of years, by its advocacy of voluntary repatriation, as the preferred solution to refugee situations. Because many refugee situations have resisted resolution under traditionalist or universalist approaches, the UN and many member nations have become increasingly causalist. In many cases, the causalists advocated and effectuated intervention into the country of origin, forcing a change in the circumstances that prompted widespread refugee migrations and repatriating the refugees.

The Hybrid Approach

None of these approaches, by itself, has offered the kind of permanent solutions that refugees deserve as citizens of the global community. What has worked, albeit, has been a hybrid mixture of key elements derived from each of the above approaches. The ‘hybrid’ approach involves a multi-pronged approach to solving the refugee problem: overcoming individual states’ reliance on negative no-duty norms; underlying refugee relief with humanitarian principles that focus on the refugee and not on the burdens imposed on states; solving short-term refugee needs through regional cooperation and ultimately intervening in the affairs of the state of origin to terminate conflicts; and to allow the permanent voluntary repatriation of the refugees.

But the ‘compassion fatigue’ of many nations toward refugees has been contagious, causing other countries to likewise change their immigration policies along more traditionalist lines. Canada, for example, recently incorporated changes in its Immigration Act, mirroring the provisions of the German law and providing that immigration from prescribed countries involves a presumption of freedom from persecution. Other nations, such as the UK and France, have enacted similar restrictions that limit the ability of asylum-seekers to gain access to these countries. Thus, the compassion fatigue of the 1990s, caused in large part by the economic and social burden of refugee maintenance in receiving nations, has led many traditional recipient nations of refugees to enact domestic legal restrictions on the humanitarian-based international refugee norms of the 1951 Convention and the 1967 Protocol. This resurgence of traditionalist policy, after decades of refugee acceptance, is a
pessimistic sign for the future of refugee protection, especially among the more developed nations, who can most afford to assist refugee resettlement.

Tackling the Refugee Problem: The UNHCR Role

In 1951, when the UNHCR was created and the Refugee Convention was approved, it was recognised that massive displacements result from wars and redrawing of borders. The Refugee Convention, however, was not an attempt to provide an international structure for dealing with such massive displacements. Rather, it was an attempt to define those categories of people, within the larger displacements, who should receive special attention and protection. Priority was placed on the legal protection function. The UNHCR provided relief for those who met the categories of displaced persons delineated in the Refugee Convention.

The UNHCR must contend with two different approaches nation states use in dealing with refugee problems. In developing nations, broad definitions tend to be employed, such as in the OAU Convention. Temporary rights to remain are supported on the basis that groups of forced migrants have a prima facie claim to being in a 'refugee-like' situation. The primary orientation in developing countries is on providing material and technical assistance and on fund-raising from the international community to pay for such assistance. In developed nations, by contrast, the emphasis remains on application of a more restrictive definition on a case-by-case basis. Where applications for refugee status are approved, the refugee usually acquires a permanent right to remain. It is not assumed that people will return, if circumstances do not change in their countries of origin, nor that international assistance will be available to offset the costs of receiving refugees.

There is an increasing awareness of the inadequacies of both these approaches. In Africa, for example, massive build-ups of refugee populations have resulted from the inability to find durable solutions to refugee problems. Increasing international resources are required just to provide care and maintenance assistance to those populations whose stays turn out to span years, if not decades. In developed countries, too, the inadequacy of current approaches to dealing with asylum and refugee admission issues is apparent. A major unmet challenge is to provide the necessary
flexibility to allow nations to be especially generous when it is in their interest to do so, while at the same time maintaining standards that assure fair review and access for those who come from areas that are of less political concern.

To a large degree, the resources available for addressing refugee situations dictate the nature of the responses. The international system for addressing refugee situations is dependent upon governmental funds. In earlier years, funds principally came from the private sector and the role of international organisations was to coordinate their use. Subsequently, financial resources were overwhelmingly committed to material assistance efforts, particularly for the relief, care and maintenance phases of refugee responses. While material assistance in emergencies is needed, a preoccupation with assistance beyond that stage has mixed effects.

The purpose of an international refugee system is to provide safety for people who are in jeopardy. Such people are of concern owing to the causes that force them to leave. Thus, it is a critical weakness of the international refugee system that the plight of those who have not been able to exit should be forgotten. In southern Sudan, Mozambique and elsewhere, people are suffering out of the reach of the international community. An effective international refugee system needs to reach persecuted people wherever they are; bringing protection and assistance to them, where this is not possible, bringing their plight to the public attention.

Ideally, such an approach would help avert mass flows of refugees by ameliorating the conditions that cause flight and providing remedies for those facing persecution within their home countries. Even where the movements can not be averted, improved monitoring of the root causes of refugee flows can lead to rapid and informed responses to what may be inevitable movements. In some cases, better information about these situations may assist the international community to get assistance and protection to people or, if this is not possible, to help them escape even if the result is an increase in the refugee population. Stronger working relations are needed between organisations that monitor human rights and related conditions inside refugee-producing countries and organisations that protect and assist displaced people. Unfortunately, there is a deplorable lack of information sharing among the very institutions that are needed for such efforts. This must change because the
success of the international community in linking refugee and human rights concerns will determine future capacities to address refugee problems in their broadest context.

There is, however, one phenomenon that cannot be ignored i.e. the dismissal of large groups on the ground that they are merely economic refugees. It is felt that the term ‘economic refugee’ is a misnomer. Strictly speaking, if a person leaves or stays away from his home country for well-founded fear of persecution, that fact overrides all other considerations, and that person is a refugee. However, wealth in this world is unevenly distributed, and to a great extent, is concentrated in countries that are also democracies, while some of the poorest countries are afflicted by more or less oppressive regimes of the kind that produces refugees. There is a perennial stream of persons from poor countries into more affluent ones. Many of these people make no claim to be anything, but migrants in search of a livelihood. Others claim to be refugees. A few are able to prove that they are already victims of persecution. Others may make a convincing case to the effect that upon their return to their home country, they will almost certainly be subjected to severe measures of a persecutory nature.

It is part of the tragedy that several states, by various methods, seek to prevent or, at least, discourage refugees from reaching their shores to seek sanctuary. Military security zones may be established along frontiers and coastlines, making penetration hazardous, to say the least, or vessels carrying would-be refugees may be intercepted at sea and ordered to return with their human cargo. Visa exemption agreements between certain states may be abrogated, simply to prevent an uncontrollable influx of asylum seekers by air, sea or land. In order to reduce further the pull factor, or in other words, to make refugee life as unattractive as possible, asylum seekers may be denied the right to work and may be restricted in their movements, even confined to a camp. There has also emerged the concept of humane deterrent, the idea being to make living conditions in camps as miserable as possible to deter others from considering flight a viable alternative to their fear, anguish, and misery at home.

In order to counter the protectionist and xenophobic tendencies, new mechanisms must be considered that will help in bringing more justice for the refugees. It is essential to generate a popular feeling that no nation is shouldering the burden alone, on the contrary, each nation is merely taking its allotted share, to
uphold decency and human dignity as important and respected values. One possibility may be the establishment of regional eligibility commissions, which could determine both refugee character, in particular, and which country should assume responsibility for a given refugee or refugee group, when it comes to matters of principle. For this purpose, a system of quotas or distribution might perhaps prove useful.

International events, structures and processes may have direct effects on policy outcomes or they may shape them indirectly through their impact on domestic structures. Refugees are manifestation of the problems of another country, which suddenly become the problems of one's own. The extra-legal crossing of people from one country to another usually affects international relations between those governments, thereby drawing the attention of other governments with interests in the region. International organisations also become involved, both with the refugees and in relations between the concerned governments.

For many decades, the majority of populations fleeing war, famine and repression have been from countries in the south and they seek refuge in neighbouring countries. At the end of the 1970s, the hardening of the East-West confrontation and the multiplication of low-intensity conflicts caused major refugee movements in Afghanistan, South-East Asia, Central America and the Horn of Africa. Since the end of the Cold War, great concentrations of refugees is found around countries in conflict, like Myanmar, Afghanistan, ex-Yugoslavia, Chechnya, Liberia, Somalia, Sudan, Burundi, Rwanda etc. These refugees are usually placed in camps organised in the host countries with the assistance of the international community.

Faced with such immense exoduses, as those of the Kurds of Iraq, the Rohingyas of Burma, or the Rwandans, the international community must act quickly and effectively in order to meet the needs of helpless populations driven to the borders of countries in conflict. Although the refugee camps are conceived of as totally dependent upon international aid, they are perpetuated for upto ten or fifteen years, making this assistance all the more necessary. Effective assistance in the form of rapid delivery of aid and prompt arrival of humanitarian teams in a crisis situation is also essential to the acceptance of refugees by a host country that might otherwise be tempted to repatriate them forcibly. The central role of the UNHCR, in the
coordinating international assistance, is certainly a factor permitting it to assume the mandate of protection that the international community has bestowed upon it. The protecting role of the UNHCR is important since the refugees are victims of violence and war, and a simple passage over a border does not isolate them from the tensions and power struggles that afflict their homeland.

Moreover, refugee camps are not wastelands where crowds of victims, who know no past, drift to a haven. They are complex societies, where force often reigns, and control is, more often than not, in the hands of politico-military movements. Over the years, some refugee camps have become humanitarian sanctuaries and consequently a factor in the perpetuation of conflicts. Guerrillas find political legitimacy in the camps through their control over the refugee populations, and an economic base, since the camps are supplied with aid and a ready reservoir of fighters. The sites controlled by the Contras in Honduras, the Khmer Rouge in Cambodia, or the Rwandan refugee camps in Tanzania and Zaire, are perfect examples of the manipulation of refugee aid by politico-military movements. Realisation of the limits and perverse effects of indefinite prolongation of humanitarian status quo in refugee camps raise the crucial question regarding the possible solutions beyond immediate aid.

Not even the best efforts of the UNHCR and international relief organisation can remedy the plight of the millions of global refugees when recipient nations close their borders to further immigration. Despite millions of dollars given annually by these organisations for refugees, the money can never replace what the refugee population languishing in camps require the most — permanent sanctuary and assistance in building a new life in an adoptive nation. In the absence of repatriation — often an impractical goal because of continued war, persecution, or hostility in the reigning government toward the refugee populations — convincing recipient nations to open their borders should be the primary goal of international refugee efforts.

According to Guy S Goodwin-Gill, “The individual rights model has today been replaced by the security model. The language of security is increasingly being deployed to justify the dilution of the language of protection”. In this regard, Maura Leen, like Goodwin-Gill, calls for a more responsible and human rights-infused
response to the plight of asylum seekers and refugees informed by each country’s generous traditions. For this to happen, there is an urgent need to change political attitudes (Chimni 2001a: 4-5). Critics have contended that the UNHCR has moved away from its fundamental objective of protection to stressing relief and assistance, its extensive involvement with IDPs is incompatible with its mandate to protect refugees and under pressure from states, it has diluted the principle of voluntary repatriation. Gil Loescher points out that UNHCR’s management culture accords declining importance to the culture of protection. Hence, protection needs to be restored as UNHCR’s central concern.

One of the problems in the effective defence of refugee rights is that the UNHCR is not in a position to effectively supervise the conduct of states. Article 35 of the 1951 Convention does not secure state compliance. The UNHCR’s interpretations of the Convention are sidelined by states and are often openly resisted. Its dependence on donor countries does not make it a suitable organization for exercising the supervisory role. Leanne Macmillan and Lars Olsson argue the case for setting up an independent and impartial body to oblige states to report on monitoring and implementation of the 1951 Refugee Convention, to advise on questions of interpretation of the Convention and to receive individual complaints from refugees whose rights are being violated (Chimni 2001a: 4-5).

In the last few years, concrete policy initiatives to address the global refugee problem have come either from concerned states or the UNHCR. The initiatives coming from states are essentially a response to the concerns of their citizens who have become a soft touch for bogus asylum seekers. In tandem with growing xenophobia, restrictive administrative and legal measures have sharply reduced the number of asylum applications in many western states. Such policies have led to the general erosion of the core principle of non-refoulement. New initiatives proposed include, ‘extra-territorial processing of refugees’ and ‘protection in the region of origin’. Broadly based on the Pacific Solution, they seek to limit the number of refugees entering industrialised states by establishing a deterrent asylum regime.

Indeed, developing countries often point to the policies of western countries to justify their increasingly restrictive asylum practices. These practices include the
more frequent detention of asylum seekers, while increasing encampment and restrictions on freedom of movement. Furthermore, in many developing countries, no distinction is made between asylum seekers and refugees, on the one hand, and illegal migrants, on the other. As a result, the rights of the former are often violated due to the indiscriminate implementation of measures aimed at combating illegal migration.

Concerned about these developments around the world, the UNHCR launched two important initiatives, the Global Consultations on International Protection and Convention Plus, to address global refugee problems (UNHCR 2006c). Both these initiatives were based on the assumption that the policy responses of states and international organisations would be effective if they arose from dialogue between all the relevant actors (Chimni 2001b: 151-68), including developed and developing states, international agencies, the refugee community and NGOs, all of whom play a role in protecting and assisting refugees.

The Global Consultations represent UNHCR’s bid to rise to the new challenges confronting refugee protection and shore up support for the international framework of protection principles. It was an effort to enhance protection through new approaches, which address the concerns of states and other actors, as well as the inadequate asylum practices of states. Convention Plus focuses on generic multi-lateral agreements to tackle three priority challenges which include: the strategic use of resettlement as a tool of protection, a durable solution and a tangible form of burden-sharing; more effective targeting of development assistance to support durable solutions for refugees, whether in countries of asylum or upon return home; and clarification of the responsibilities of State in the event of secondary movements of refugees and asylum-seekers, that is, when refugees and asylum-seekers move from an initial country of refuge to another country (UNHCR 2008a: 50).

The Convention Plus initiative was informed by the understanding that developed states can take on greater responsibility for the protection of refugees within the ambit of international human rights law. The initiative highlighted the need for developed nations to respond to the concerns of the developing states that host most of the world’s refugees. In short, the two initiatives recognised better management of international refugee crises. The UNHCR also embarked on another
programme called ‘Agenda for Protection’ in 2002, which is an ambitious, though practical, programme of action to improve the protection of refugees and asylum-seekers around the world (UNHCR 2008a: 48-49).

Institutionally, the legal mandates of refugee agencies, including the UNHCR, need to be further clarified, their efforts requiring further supported by the world community. Adequate funding of these organizations has to be a priority. In seeking durable solutions, the UNHCR has been pursuing a policy of linking refugee aid and development to promote self-reliance, a concept promoted at the second International Conference on Assistance to Refugees in Africa in 1984, in order to reinforce the absorptive capacity of host countries and to enhance the refugees’ contribution to their host states. The examples of this promising policy include UNHCR’s collaboration with the World Bank in Pakistan, Somalia and Sudan and in several places with the United Nations Development Programme (UNDP). The UNHCR has also engaged in exploratory discussions with other potential partners, such as the International Fund for Agricultural Development (IFAD) (Nanda 1989: 204-205).

Need for a Refugee Policy

Faced with the greatest exodus of war refugees since the World War II, European countries can not continue to treat the problem with stopgap humanitarian measures. They must define a clear policy and assume their obligations according to the 1951 Convention. Any liberal refugee policy rests on a combination of open-door policy, founded on respect for the right to asylum, and a discriminating hearing process that allows for a selection between refugees and immigrants.

The primary obligation of any state is to preserve the right to asylum and not to allow the fear of migrating masses stifle the values basic to all democratic states. Its second obligation is to determine the status of war refugees’ thorough just, rapid and adequate procedures. In an atmosphere of identity-related narrow-mindedness, increasingly restrictive immigration policies, and increased population movements, criteria must be established to protect the most threatened. Finally, a state is obliged to humanely treat refugees and displaced people, and guarantee them aid and protection.
Defining coherent policy is necessary because the attitude of democratic countries, regarding the defence of human rights and respect for international norms, has a determining influence upon the countries receiving the main flows of refugees. At a time when the right of asylum seems to be visibly shrinking, the risk is great that the European example will serve as a pretext for other countries to institute closed-door policies of ostracism. But quite apart from the repercussions of changes in European policies upon those of potential host countries in the south, the attitude of northern countries, in general, considerably affects policy decisions all over the globe. Western countries, which finance in large part the activities of the UNHCR, exercise considerable influence in the current redefinition of institutional priorities of prevention and repatriation.

Dissuasive procedures adopted by European countries, repatriation operations set up by host countries and greater preventive measures in countries in conflict are all simply aspects of an overall policy designed to maintain potential refugees in their countries of origin and, failing that, to get rid of the refugee burden by keeping them at a distance or by sending them home. In the north as well as the south, one hears the watchwords of the same logic: humane deterrence, safe country, safe return or humanitarian aid. It is, indeed, a broad-minded humanitarian, who allows states to slither away from the problem, while they profess the very best of intentions. Thus, the humanitarian alibi allows western countries to manage the problem of war refugees without actually granting them refugee status.

By the same token, in countries of conflict, humanitarian aid lends credibility to the idea of an international commitment to displaced populations, while it limits the risks of refugees spilling over international borders. This favourable tendency towards humanitarian aid is disturbing, because it is frequently detrimental to protection. Given the will of western countries to close the refugee chapter, the UNHCR faces an increasingly difficult task of maintaining a balance between solving the refugee problem and ensuring the protection of refugees. In this unfavourable context, humanitarian organisations have an essential role in reminding the UNHCR of the principles it must respect, and in reminding states of their international obligations.
Refugee problems are the concern of the international community and their resolution is dependent on the will and capacity of states to respond in concert and whole-hearted spirit of international solidarity. The principle of burden-sharing, another aspect of international refugee law, needs to be progressively applied to facilitate the process of durable solutions for refugees and reduce their vulnerability. This should be manifested through effective measures in support of states requiring assistance, either through financial or material aid, or through resettlement opportunities.