UNHCR

United Nations
High Commissioner
for Refugees

THE STATE OF THE WORLD'S REFUGEES

A Humanitarian Agenda

Introduction

People in need of protection

'Fresh wave of displaced people arrives in Afghan capital'. 'Rwandan refugees dying in Kisangani'. 'Hong Kong forces more boat people home'. 'UNHCR says right to asylum in Europe under threat'. 'Georgian refugees insist on the right to return'. 'Thousands displaced by violence in Colombia'. 'Military intervenes to stem Albanian exodus'.

Those are some of the headlines which appeared in the newspapers during a single week in April 1997. As they suggest, the problem of forced displacement now affects every part of the world and has become a major subject of public and political concern. This introduction identifies a number of the new and most important dimensions of the problem and outlines some of the themes and issues examined in the following chapters of the book.

Forced displacement: new dimensions and dilemmas

Throughout the centuries, people have been obliged to flee from their own country or community as a result of persecution, armed conflict and violence. And in every part of the world, governments, armies and rebel movements have resorted to moving people by force in order to attain their political and military objectives.

The people most seriously affected by the problem of forced displacement are often the most marginalized members of society: minority groups, stateless people, indigenous populations and others who are excluded from the structures of political power. Persecuted by their governments or by other members of their society, many find themselves living in a state of constant insecurity and uncertainty. Even if they have managed to find a safe refuge, they may never know if or when it will be possible for them to go back to their homes.

It would be unduly alarmist to suggest that the problem of forced displacement is more serious now than it has ever been in the past. The period since the late 1980s has certainly been an unusually turbulent one, but this is not the first time that the international state system has undergone a fundamental change. In the post-cold war years, as in the period after the first and second world wars, forced population displacements have proven to be a prominent consequence of the demise of old ideologies, the collapse of existing empires and the formation of new states.

While it may be an age-old problem, the issue of forced displacement has assumed some particularly important – and in several senses new – dimensions in the final years of the 20th century. First and foremost, the numbers have been staggering. UNHCR – the Office of the United Nations High Commissioner for Refugees – is now responsible for the welfare of some 22 million people around the world, around 13 million of whom are refugees in the conventional sense of the word: people who have left their own country to escape from persecution, armed conflict or violence (see Figures 0.1 and 0.2). To this figure can be added a very large number of uprooted people who do not receive any form of international protection or assistance, the majority of whom remain within the borders of their own country.

In total, some 50 million people around the world might legitimately be described as victims of forced displacement.[1] Many of this number are to be found in areas which were not significantly affected by refugee problems during the cold war years: the Balkans, the Caucasus, Central Asia and other parts of the former Soviet Union.

Second, it has become increasingly clear that forced displacement is a complex phenomenon which assumes many different forms. This development has given rise to a somewhat bewildering variety of terms. As well as the familiar notion of a refugee movement or mass exodus, academic analysts and humanitarian organizations now also make frequent use of concepts such as asylum flow, mass expulsion, ethnic cleansing, disaster-induced displacement, development-induced displacement, forced migration, internal displacement, population transfer, population exchange, involuntary repatriation and imposed return.

The circumstances and characteristics of the people affected by these different forms of displacement vary substantially. There are clearly some important differences between the peasant farmer who has been displaced by the fighting in southern Sudan, the middle-class Bosnian from Sarajevo who has taken refuge in Germany, and the second-generation Palestinian refugee who has never set foot on the territory which she considers to be her home. Nevertheless, such people have a similar need for protection and a common right to be treated in a way that is consistent with humanitarian principles and human rights standards.

Third, while refugee movements have always been intimately linked to political and military conflicts, forced population displacements have in recent years been perceived as an increasingly important element of national and regional security. In Bosnia, for example, the successful implementation of the Dayton peace accord is widely considered to hinge upon the return of the many refugees and displaced people created by the conflict. In the Great Lakes region of Africa, it is impossible to understand the dynamics and dimensions of the current crisis without reference to the long history of forced displacement in the region.

Large-scale displacements of people may also prompt other states and regional organizations to deploy their armed forces, as witnessed in countries such as Albania, Iraq, Liberia, Somalia and former Yugoslavia. Whether such action is taken with or without the consent of the country concerned, and whether it is prompted by humanitarian or strategic considerations, it inevitably has an important impact on the local balance of political and military power.

Fourth, and in many cases precisely because of the link between forced displacement and the security concerns of states, forcibly displaced people are faced with mounting rejection when they attempt to seek safety elsewhere. As a result of the physical and administrative barriers erected by states, it is becoming increasingly difficult for the victims of persecution and violence to gain access to the territory of potential asylum countries.

Safety during asylum is also threatened, whether as a result of armed attacks on refugee camps, the forced recruitment of young men into military forces or sexual violence inflicted upon displaced women and girls. And the principle that refugees should only return to their homes on a

voluntary basis has been undermined by the frequency with which states and other actors have forced displaced people to repatriate, often to conditions that are far from safe. According to some commentators, the international regime of refugee protection, painstakingly developed since the beginning of the 20th century, is now under unprecedented pressure.[2]

As a result of these developments, UNHCR and other humanitarian organizations have in recent years been confronted with a wide range of difficulties and dilemmas, many of which are examined in subsequent chapters of this book. For example:

- to what extent have the world's more powerful states used humanitarian action as a substitute for the decisive political and military action that is sometimes required to bring armed conflicts to an end?
- how can the integrity and impartiality of humanitarian action be preserved in the increasingly political context in which it is undertaken?
- what action can be taken to protect and assist displaced and other war-affected populations, and what role can multinational military forces play in this task?
- why are many traditionally generous asylum countries now closing their borders to displaced populations, and how can they be encouraged and assisted to provide refugees with a satisfactory degree of security?
- how can the civilian character of refugee camps be maintained, and what can be done to demilitarize those which have come under the control of armed groups?
- under what – if any – conditions is it legitimate for humanitarian organizations to encourage or even insist upon the repatriation of refugee populations to their country of origin?
- how does the return and reintegration of displaced populations affect the broader process of peacebuilding in countries which have experienced civil wars and communal conflicts?
- to what extent can refugees be distinguished from other migrants, and what kind of procedures can states establish to assess large numbers of individual asylum applications in a fair, thorough and sufficiently speedy manner?
- how is the question of citizenship related to the problem of forced displacement, and how can governments be encouraged to desist from actions which leave large numbers of people stateless and vulnerable to expulsion?

The changing parameters of international interest

In order to examine these and other elements of the international humanitarian agenda in a coherent manner, this book focuses on those forms of forced displacement and groups of displaced people which are of direct concern to UNHCR: refugees, internally displaced people, returnees, asylum seekers and stateless people. The opening chapter of the book places these issues in their contemporary context, examining recent changes in the notion of international security, the nature of armed conflict and the role of humanitarian action.

As the second chapter of the book explains, more than 45 years after its establishment in 1951, the main focus of UNHCR's work continues to be on refugees in the conventional sense of the word. Totalling some 13.2 million, the majority are to be found in low and middle-income regions of the world, particularly Africa, Asia and parts of the former Soviet Union.

Unfortunately, as already indicated, those people who attempt to take refuge in a neighbouring or nearby state increasingly find that they have simply swapped one situation of insecurity for another. Chapter Two examines the declining standard of protection experienced by refugees in many parts of the world and suggests some ways in which this disturbing trend might be halted.

In recent years, UNHCR and other humanitarian organizations have become increasingly involved with other forms of forced displacement. Perhaps the most important, at least in numerical terms, is that of internal displacement. According to United Nations figures, there are up to 30 million people around the world who have been forcibly displaced and who remain, whether by necessity or choice, within their country of origin. Around five million of this number now come under UNHCR's responsibility.

Given these alarming figures, it is not surprising that the problem of internal displacement, and the closely related issue of war-affected populations, now occupies a prominent position on the international humanitarian agenda. Nevertheless, as Chapter Three explains, recent multilateral efforts to protect such populations have raised a wide range of conceptual, legal, operational and organizational questions, many of which remain to be resolved.

Despite the turbulent nature of the post-cold war world and the general increase in the number of forcibly displaced people, there are also some positive trends. Since the beginning of the 1990s, many longstanding conflicts have come to an end or have significantly reduced in intensity, enabling millions of refugees and internally displaced people to go back to their homes. The countries to which they return, however, are frequently characterized by continued instability and insecurity. Chapter Four assesses the international community's changing approach to the reintegration of displaced populations, and examines the close relationship between that task and the broader challenge of peacebuilding in war-torn societies.

While the problem of forced displacement is concentrated in the poorer countries of the world, it is certainly not confined to them. Since the beginning of the decade, more than five million claims for refugee status have been submitted in the industrialized states. Up to a million asylum seekers in those states are currently waiting for their status to be determined.

Asserting that many of these asylum seekers are economic migrants rather than refugees, the governments of the more affluent countries have in recent years made a concerted effort to limit the number of new arrivals on their territory. Chapter Five examines the consequences of these restrictive practices and identifies some of the steps that might be taken to ensure that people who need some form of protection are able to receive it.

The sixth and final chapter of the book focuses on a relatively neglected humanitarian issue and on another group of people who may lack the protection of the state in which they live: those who are legally stateless or whose nationality is disputed. The dissolution of several states and the creation of new political entities in Eastern and Central Europe and the former Soviet Union has certainly been instrumental in bringing these issues to the attention of the international community. But as this chapter argues, statelessness is a global and growing problem and stateless people are at particular risk of displacement. If new refugee movements are to be averted, this issue must be addressed more vigorously.

Human security and state responsibility

In terms of their legal status, some clear distinctions can be drawn between refugees, the internally displaced, returnees, asylum seekers and stateless people. In terms of their human needs and the humanitarian issues associated with their plight, however, they share a number of important characteristics.

All of the manifestations of forced displacement examined in the subsequent chapters of this book entail varying forms and degrees of human insecurity. In the most dramatic and tragic cases, that insecurity may be such as to threaten the very existence of the people concerned. Bosnians living in an area that is about to be 'ethnically cleansed', for example, or internally displaced people caught up in the fighting in Liberia, or refugees who have been forcibly returned to a conflict zone in Burundi, are all likely to be confronted with very immediate threats to their life and liberty.

In other instances, the insecurity experienced by forcibly displaced people is more subtle and insidious in nature. The asylum seeker waiting for a decision on his or her claim to refugee status, for example, may spend months or even years in a situation of hardship and uncertainty. Even in the world's most prosperous states, he or she may be denied the right to seek employment, disqualified from claiming social welfare benefits and kept in detention while waiting for the authorities to make their asylum decision.

Similarly, while stateless people may not in most instances be threatened with death or serious injury, individuals who lack an effective nationality may live in constant fear of expulsion from the country which they consider to be their home. Even if they are allowed to stay, they may be subjected to systematic discrimination and be deprived of the sense of belonging and identity that citizenship normally provides.

What can be done to safeguard the security of forcibly displaced people, to provide them with the protection to which they are entitled and to find a lasting solution to their plight? As each of the following chapters suggests, humanitarian action has a valuable role to play in the effort to achieve these objectives.

Humanitarian action is a very broad concept, covering a variety of different activities undertaken by many different institutions. This book focuses primarily on international and multilateral humanitarian action, particularly the activities of UNHCR and the organizations with which it works on a daily basis: other UN agencies, non-governmental or voluntary agencies and governmental bodies.

In the popular consciousness, humanitarian action is most commonly associated with the provision of relief assistance such as food, water, shelter materials and medical care. During a complex emergency or refugee crisis, the rapid and equitable distribution of such scarce resources can evidently help to save lives and prevent unnecessary human suffering. Even if it does little to restore people's livelihoods or enable them to return to a more settled way of life, emergency assistance can safeguard the most fundamental components of human security.

Humanitarian action can also assume many other and no less important forms. It can mean removing the land-mines which make it impossible for refugees and displaced people to go back to their homes. It can mean trying to ensure that the parties to a conflict respect the laws of war and the rights of civilian populations. It can take the form of advocacy activities, intended to persuade a government that it is wrong to act in a manner that is contrary to international refugee or human rights law. And the concept of humanitarian action can also be understood in terms of

military intervention, if armed forces are deployed to safeguard the security of a displaced or war-affected population.

The importance of such activities cannot be overstated, especially in a period of turbulence in the international system and at a time when the world's most powerful states are demonstrating a reduced willingness to take action other than to support humanitarian relief operations. As one eminent analyst reminds us, "humanitarian efforts have achieved some important results since 1991... It enabled Iraqi Kurds, stranded in the mountains, to return home to relative albeit temporary safety. It averted the worse consequences of famine in Somalia in 1992-93. It subsequently prevented or mitigated at least two widely predicted disasters – mass starvation in Sarajevo and the uncontrolled spread of cholera and dysentery in the camps on the border of Rwanda in 1994."[3]

At the same time, however, there is a need to acknowledge that humanitarian action has some important limitations. It cannot avert armed conflicts or bring them to an end. It cannot act as a substitute for political will. It may have a variety of unintended and even negative consequences, and be exploited by the parties to an armed conflict. And it can never act as a satisfactory substitute for national protection.

National protection can be said to exist as long as the state is able and willing to ensure the security of its citizens, as long as those citizens recognize the legitimacy of the state, and as long as different groups within society acknowledge the need to reconcile their differences by peaceful means. National protection is manifested most clearly in the maintenance of the rule of law and an absence of social or political violence; in effective law enforcement mechanisms and impartial judicial systems; in constitutional, participatory and non-discriminatory forms of governance; and in the equitable distribution of resources and access to public services. There is abundant evidence to demonstrate that the states and societies which lack these attributes are precisely those whose citizens are most likely to suffer the trauma and hardship of displacement.

If such displacements are to be averted and the growing number of displaced people around the world are to return safely to their homes, then states must individually and collectively pursue a political and economic agenda as well as a humanitarian one. While these agenda can accommodate a diversity of ideological, religious and cultural traditions, they must nevertheless be founded on the principle that everyone has a right to security and freedom: security from persecution, discrimination, armed conflict and poverty; and the freedom to fulfil their personal potential, to participate in the decisions which affect their lives and future; and to express their individual and collective identity. If such rights and freedoms could be realized, then millions of people around the world could be spared the physical and emotional pain of being uprooted.

NOTES

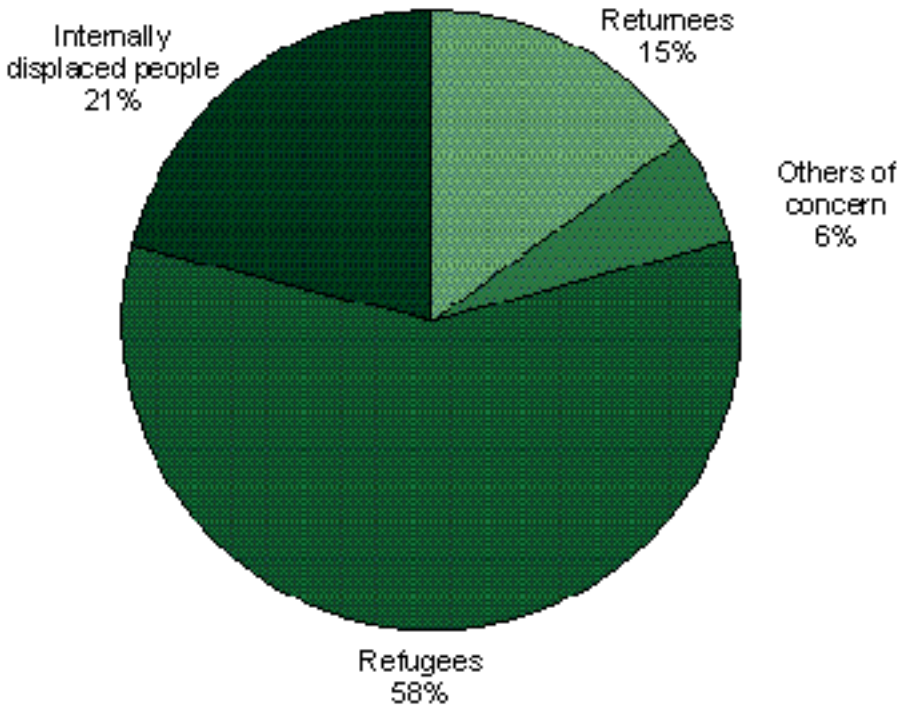
1 This figure is highly speculative, given the absence of an agreed definition of 'forced displacement' and the difficulty of collecting accurate statistics on uprooted populations. The nominal figure of 50 million includes around 22 million people who are of direct concern to UNHCR, an additional 20 million internally displaced people for whom the organization has no responsibility, and around three million Palestinian refugees who are assisted by the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

2 See, for example, Human Rights Watch, 'Uncertain refuge: international failures to protect refugees', report no. 9/1, New York, April 1997.

3 A. Roberts, *Humanitarian Action in War*, Adelphi Paper no. 305, International Institute for Strategic Studies, London, 1996, p. 79.

Fig. 0.1

People of concern to UNHCR by category



Millions (rounded)

Refugees: 13.20
IDPs: 4.85
Returnees: 3.31
Others of concern: 1.36
Total: 22.72

Statistics at January 1997

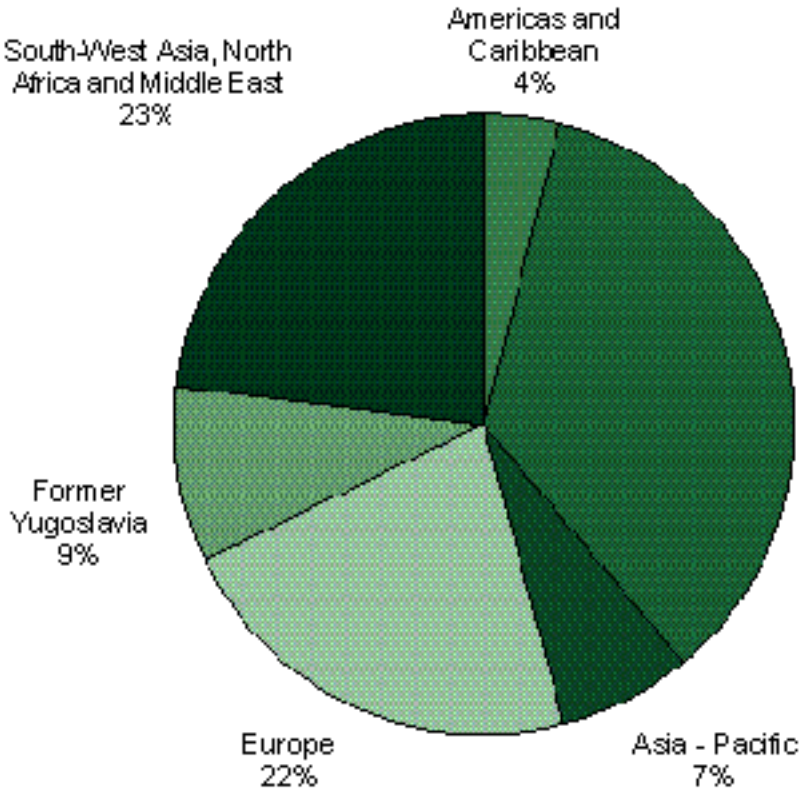


Fig. 0.2

People of concern to UNHCR by region

Millions (rounded)

Sub-Saharan Africa 7.84
South-/West Asia, North Africa and Middle East: 5.26
Europe: 5.01
Former Yugoslavia: 2.16
Asia - Pacific: 1.57
Americas and Caribbean: 0.88
Total: 22.72

Statistics at January 1997