



UNHCR

United Nations  
High Commissioner  
for Refugees

# THE STATE OF THE WORLD'S REFUGEES

*A Humanitarian Agenda*



## 2. Defending refugee rights

For many people who are confronted with threats to their life and liberty, fleeing to another country is the only way in which they can find safety. At the beginning of 1997, just over 13 million people found themselves in this situation. The vast majority of this number come from and live in the world's poorer countries, and it is their plight which forms the focus of the following pages.

Sadly, it is becoming increasingly difficult for refugees to find a place of safety beyond the borders of their homeland. Confronted with pressing domestic problems and declining international support, a growing number of countries have closed their borders to impending large-scale refugee influxes. In many parts of the world, moreover, people who have taken refuge in another country have been harassed, attacked and even forced to go home against their will.

This chapter explains why refugee protection standards are under such threat in the developing regions and discusses some of the difficulties and dilemmas which this trend has created for UNHCR and other humanitarian organizations. The chapter also sets out an agenda for action, which, if effectively implemented, would help to reinforce the institution of asylum, safeguard the security of refugees and help them to find lasting solutions to their plight.

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### THE REFUGEE DEFINITION AND REFUGEE REGIME

The word 'refugee' is frequently used by the media, politicians and the general public to describe anyone who has been obliged to abandon his or her usual place of residence. Normally, when the word is used in this general manner, little effort is made to distinguish between people who have had to leave their own country and those who have been displaced within their homeland. Nor is much attention paid to the causes of flight. Whether people are escaping from persecution, political violence, communal conflict, ecological disaster or poverty, they are all assumed to qualify for the title of refugee.

Under international law, however, the refugee concept has a much more specific meaning. As established in the 1951 UN Convention relating to the Status of Refugees, the word refugee refers to a person who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, or membership of a particular social 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."<sup>1</sup>

In the years since the 1951 Convention was established, legal experts have examined this somewhat complex definition in great depth, focusing particularly on the meaning of phrases such as 'well-

founded fear', 'persecution' and 'membership of a particular social group'. Such details are not a direct concern of this chapter, which uses the refugee concept to denote those people who have had to leave or remain outside of their homeland because of serious threats to their life and liberty.

This inclusive approach to the refugee definition has been formalized in the Organization of African Unity's 1969 Refugee Convention, which was established in response to the growing scale of the African refugee problem during the period of decolonization and national liberation. "The term refugee," it states, "shall apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality."<sup>2</sup>

Regional refugee instruments in other parts of the world, most notably in Central and South America, have adopted a similar approach, placing less emphasis on a fear of persecution and more on objective conditions of violence and disorder in the country of origin. This is also the definition favoured by UNHCR.

Experience in the less-developed regions of the world has demonstrated that when large numbers of people move across an international border, it is not usually possible to ascertain whether every person involved in the influx actually meets the criteria for refugee status. Low-income countries simply do not have the logistical, administrative and financial capacity to undertake such a demanding and time-consuming task. When conditions are objectively dangerous in a country of origin, individual screening of new arrivals may also not be necessary. It is for this reason that refugees in Africa, Asia, Latin America and the Middle East are frequently recognized on a group or prima facie basis.

### **The international protection system**

As the preceding discussion suggests, refugees leave their homeland and seek admission to another country not from choice or for reasons of personal convenience, but out of absolute necessity. As nationals of states which are either unable or unwilling to perform their primary function – ensuring the well-being of their citizens – refugees are obliged to rely on international rather than national protection.

Throughout the 20th century, and more specifically since the end of the second world war, states have devoted a considerable amount of effort and resources to the task of providing refugees with international protection. Their purpose has been twofold: first, to safeguard the lives and liberty of people whose basic rights have been threatened in their country of origin; and second, to safeguard their own interests by ensuring that large-scale population movements are managed in a predictable manner and in accordance with agreed principles. Demonstrating the importance which governments attach to this issue, no fewer than 134 states have now ratified either the 1951 Convention or its 1967 Protocol, making it one of the most widely endorsed of all international legal instruments.<sup>3</sup>

The laws, agreements and institutions which have been established to regulate and resolve the refugee problem are often collectively referred to as the 'international refugee regime' or 'international protection system'. At the centre of this system is UNHCR. The broad-based nature of the international protection system is also to be seen in the composition of UNHCR's Executive Committee, which oversees the organization's budget and provides general guidance to its activities. Consisting of some 53 states, the Executive Committee includes representatives from all parts of the world and from almost every political, religious and cultural tradition.

As its name suggests, the international refugee regime was established in relation to one particular category of people. Over the years, UNHCR has become increasingly involved with groups of displaced and threatened people who do not conform to the refugee definition. In many parts of the

world, the organization has also implemented area or community-based programmes, designed to safeguard the security of all those in need, irrespective of their nationality or legal status. Despite the importance of these innovations, refugees remain a specific group of people under international law, with a particular set of rights and obligations.

With regard to their rights, refugees benefit from the principle of 'non-refoulement', which forbids states from returning them in any manner to countries where their safety would be at risk. In addition, countries of asylum have an obligation under international law to ensure that refugees enjoy a range of economic, social and political rights, as well as freedom of movement. Moreover, as stated very clearly in the Preamble to the 1951 Convention, people who have been obliged to leave their homeland and seek safety elsewhere are assured "the widest possible exercise" of all the other fundamental rights affirmed in the UN Charter and 1948 Universal Declaration of Human Rights.<sup>4</sup>

As well as enjoying such rights, refugees are required to respect a number of obligations. Most notably, they must abide by the laws and regulations of the country which has granted them asylum and conform to any measures taken for the maintenance of public order. Under the terms of the 1951 Convention, people who have committed serious criminal offences, crimes against humanity and war crimes can be denied refugee status. As these provisions of the 1951 Convention suggest, the founders of the international refugee regime were particularly eager to prevent the refugee problem from becoming a cause of tension between states. This principle was made more specific in the OAU Refugee Convention, which affirms that the granting of asylum to refugees "is a peaceful and humanitarian act, and should not be regarded as an unfriendly act by any member state."<sup>5</sup>

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## REFUGEE NUMBERS, LOCATIONS AND CHARACTERISTICS

While there is a popular perception that the international refugee problem is growing inexorably in size and geographical scope, the statistics collected by UNHCR tell quite a different story. Certainly, the problem of forced displacement has by most measurements become considerably larger and more complex over the last decade. But the number of refugees in the strict sense of the word has actually declined in recent times: from 18.2 million in 1993 to 13.2 million at the beginning of 1997 (see [Figure 2.1](#)).

This trend appears to be the result of two principal factors. First, the reduction in refugee numbers can be attributed to the succession of large-scale repatriation movements which have taken place since the beginning of the 1990s, involving countries such as Afghanistan, Cambodia, Mozambique, and Rwanda. Altogether, more than 10 million refugees are thought to have gone back to their homes since the beginning of the decade, either voluntarily or because they had little or no other option. Second, recent years have witnessed a dramatic increase in the number of people who have been uprooted by persecution and violence but who have not crossed the border into another country. While the problem of external displacement has diminished in scale, therefore, so the problem of internal displacement (discussed in the following chapter) has augmented.

Despite the recent reduction in numbers, by the middle of 1997, large-scale refugee populations were still to be found in most parts of the world, most notably in Central and West Africa, the Horn of Africa, South and South-West Asia (see [Map C](#)). In addition, some three million Palestinian refugees, assisted by the UN Relief and Works Agency, are to be found on the West Bank, in Gaza and other parts of the Middle East. As these Palestinians do not fall under the mandate of UNHCR, they have not normally been included in the organization's refugee statistics.<sup>6</sup>

While many of the world's largest refugee populations are the result of population movements that took place a decade or more ago, cross-border population displacements continue to take place on a

regular basis (see [Figure 2.2](#)). The second half of 1996 and the first half of 1997, for example, witnessed refugee movements from Myanmar into Thailand, from southern Sudan into Uganda, from Colombia into Panama, from Afghanistan into Pakistan, and from Zaire into a number of neighbouring states. In the latter case, many of the refugees were Rwandese citizens who had been uprooted twice: initially in their country of origin and subsequently in their country of asylum.<sup>7</sup>

In the popular imagination, refugees are perceived as people who live in sprawling camps where they are dependent for their basic needs on international relief organizations. This image is not entirely false. Governments in many parts of the world prefer refugees to live in camps for two different reasons: because they feel that such an approach minimizes the social and political risks involved in hosting large numbers of foreign nationals; and because it encourages donor states and humanitarian organizations to assume a greater degree of financial responsibility for the refugees. Relief agencies have also tended to favour the establishment of camps, given the relative ease of providing food, health care, education and other services to refugees when they are concentrated in large settlements.

Even so, many refugees live outside organized camps and settlements and receive little or no international assistance. Indeed, some analysts have suggested that in Africa, well over half of all exiles fall into this category.<sup>8</sup> Most frequently, such 'spontaneously settled' refugees are to be found living in the border areas of their asylum country, as close as possible to their homeland. Such is the situation in Guinea and Côte d'Ivoire, for example, which have hosted more than 700,000 Liberian refugees since the early 1990s, almost all of whom are spontaneously settled and many of whom are now partly self-sufficient.

Given the general pattern of rural-to-urban migration in low-income regions of the world, it is not surprising to find that more and more refugees appear unwilling to live in rural camps and settlement areas, preferring to move into a town. This trend can again be witnessed very clearly in Guinea, where urban centres such as Nzerekore, Gueckedou and Macenta have become crowded with young Liberian men, looking for work, income-generating opportunities and a more interesting lifestyle than is available in a village environment. In general, the movement of rural refugees into urban areas is not a trend that has been welcomed by host governments and humanitarian organizations (see [Box 2.1](#)).

In terms of their demographic and socio-economic composition, it is not easy to make generalizations about the world's refugee populations. It is frequently stated, for example, that the vast majority of refugees are women and children – an assertion which simply reflects the fact that the vast majority of people in any population are also women and children! Broadly speaking, however, adult males tend to be under-represented in refugee populations, often because they are engaged in other activities, whether farming, working or trading in another location, fighting in an army or rebel group, or visiting their country of origin in order to prepare for the repatriation of their family members (see [Figure 2.3](#)).

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## REFUGEE RIGHTS AT RISK

Many of the world's poorer countries have a remarkable record of hospitality towards refugees. Malawi, for example, a country which has few natural resources, a serious shortage of land and a population of under eight million, hosted more than a million Mozambican refugees from the mid-1980s until the early 1990s. During that period, UNHCR recorded very few incidents in which displaced Mozambicans were refused admission to the country or were forced to leave Malawi against their will. Similar acts of generosity have been recorded throughout most of Africa, which continues to accommodate more refugees than any other region of the world.

South and South-West Asia provide several examples of countries which have pursued generous refugee policies. Pakistan and Iran, which jointly hosted more than five million Afghans throughout most of the 1980s, are perhaps the best-known cases. Somewhat less attention has been paid to India, which now provides asylum to some 250,000 refugees, including Tibetans from China, Chakmas from Bangladesh and Tamils from Sri Lanka, as well as a significant number of urban refugees from Afghanistan, Bhutan and Myanmar.

In South-East Asia, Thailand has in recent years constituted the most important refugee-hosting country, having granted temporary refuge to people from four neighbouring and nearby states: Cambodia, Laos, Myanmar and Vietnam. While the country's refugee population had diminished to some 100,000 by mid-1997, in the mid-1980s, it had stood at close to half a million.

Although refugee numbers in the Americas have generally been on a much smaller scale than those recorded in Africa, Asia and the Middle East, the region has witnessed some generous attitudes on the part of host governments and communities. Mexico, for example, provided asylum to over 100,000 Guatemalans during the 1980s and early 1990s. While many have been able to go home during the past few years, Mexico recently announced that up to 30,000 of the remaining refugees could stay in the country indefinitely and benefit from an accelerated naturalization procedure.

Despite these and many other positive examples (see [Figure 2.4](#)), the global picture of refugee protection is not a very happy one. Indeed, protection standards appear to have declined quite significantly over the past decade, even in countries which have traditionally pursued the most generous refugee policies. Sadly, some of the fundamental principles of the 1951 Convention and other refugee instruments are now being challenged – and in some cases even flouted – by industrialized and less-developed states alike. The Director of the US Committee for Refugees speaks for most humanitarian organizations when he observes “a continuing deterioration in the quality of protection and assistance which countries are prepared to offer to those fleeing persecution and violence.”<sup>9</sup>

In a recent speech to UNHCR's Executive Committee, the UN High Commissioner for Refugees identified the three principal ways in which refugee protection standards are currently being undermined: by the denial of asylum by potential countries of refuge; by threats to the physical safety and human security of exiled populations; and by a weakening commitment to the principle of voluntary repatriation.<sup>10</sup> These comments provide a useful framework for the following analysis.

### Denial of asylum

According to the High Commissioner, the declining willingness of states to grant asylum to refugees is now one of the most important issues on the international humanitarian agenda. Many countries, she has pointed out, are “blatantly closing their borders,” while others are “more insidiously introducing laws and procedures which effectively deny admission to their territory.” “The threat to asylum,” she observes, “has taken on a global character.”<sup>11</sup>

Some countries, fearing large and potentially destabilizing influxes from neighbouring states, have prevented displaced populations from entering their territory. Such was the case, for example, with Tajikistan, Uzbekistan and Pakistan, who denied entry to displaced Afghans during the Taliban offensive in the second half of 1996. In the same year, having already admitted very large numbers of refugees from Rwanda, both Tanzania and Zaire closed their borders to uprooted Hutus arriving from Burundi.<sup>12</sup>

Similar events have taken place elsewhere in the world. In early 1997, UNHCR expressed strong concern at the decision of the Thai government to deny asylum to fleeing adult and adolescent males from eastern Myanmar. During the same period, some 900 Myanmar women and children were returned from Thailand to a particularly dangerous part of their homeland, obliging UNHCR to

express its alarm again.<sup>13</sup> By mid-1997, however, Thailand had admitted about 100,000 refugees from Myanmar onto its territory.

### Physical safety

Regrettably, admission to a country of asylum no longer brings with it a guarantee of safety. Increasingly, the right of refugees to live in peace and security is being threatened, whether by the government of the host country, members of the local population or by other people who belong to the community in exile. More specifically, the safety of refugees has been threatened by a number of different developments. In brief, these include:

- the militarization and politicization of refugee camps by armed groups and rebel factions;
- armed attacks on refugee camps by rebel groups and by the military forces of the country of origin;
- the forced conscription of boys as well as adult and adolescent male refugees into armies, rebel groups and militia forces;
- sexual and other forms of violence committed against refugee women and girls, and their exploitation for sexual purposes;
- the harassment and arbitrary detention of refugees, particularly those living in urban areas; and,
- the obstruction of UNHCR and other humanitarian organizations in their efforts to gain access to, protect and assist refugee populations, as well as the deliberate diversion of aid intended for them.

It should be stressed that none of these security problems is entirely new. Abuses have always taken place in the essentially artificial and often highly volatile environment characteristic of refugee camps and settlement areas. But the growing prevalence and severity of such incidents is a major cause for concern.

Nowhere has this issue been more apparent than in the Great Lakes region of Africa, where the Rwandese refugee camps in Zaire and Tanzania, established in 1994, quickly came under the control of the political leaders, soldiers and militia forces who had been responsible for organizing the genocide in their homeland. In November 1994, UNHCR field staff reported that as many as 30 refugees a day were being killed in the Goma area of eastern Zaire, whether because of their ethnic origin, their political background and affiliation, or because they had expressed the desire or intention to repatriate.

Despite repeated attempts by UNHCR to address the security situation – including a request to the UN Secretary-General and Security Council for the creation of a multinational force which could attempt to separate civilian refugees from those bearing arms – the international community failed to take decisive action. In effect, as a senior UNHCR staff member has pointed out, the organization was left alone to find a way of maintaining law and order in a cluster of refugee camps which housed more than a million people.<sup>14</sup> The only way it could seek to achieve this objective was by engaging a contingent of Zaire's best trained soldiers and by appointing expatriate liaison officers to supervise their activities.

In December 1996, concerns about the militarization of a refugee settlement and intimidation of its population prompted UNHCR to announce the closure of the Atrush camp in northern Iraq, which at the time was home to some 14,000 Turkish Kurds. In a statement on this situation, UNHCR

explained that the camp had come under the control of a Kurdish rebel movement, and pointed out that it could “no longer assist a camp where people are deprived of their basic freedoms and which has become politicized to an unacceptable extent.”<sup>15</sup>

It has long been recognized that refugee camps are particularly vulnerable to insecurity when they are sited close to an international frontier – because they may be seen as a threat by the authorities in the country of origin, and because they are more easily attacked in a cross-border incursion. Incidents of this type have taken place in the Somali refugee camps of northern Kenya, the Karen refugee camps of western Thailand and the Sudanese refugee settlements of northern Uganda.

Regrettably, insecurity in and around refugee camps presents a growing threat to the welfare of refugees and a mounting obstacle to UNHCR’s protection and assistance activities. Some of the most serious incidents of this type occurred in eastern Zaire during 1996 and 1997, where some 250,000 Rwandese refugees went missing as a result of the armed conflict in that area and the advance of the Zairean rebel forces. Addressing the UN Security Council on this matter, the UN High Commissioner for Refugees described the “desperate efforts” that UNHCR was making to reach the refugees, “carrying out impossible negotiations with the rebel forces and overcoming nightmarish logistical hurdles.” “We do not yet know,” she continued, “how many lives have been lost through exhaustion, war or outright killing.”<sup>16</sup>

### **Human security**

While physical safety constitutes the most evident component of human security, people also have essential material, social and psychological needs which must be met if their well-being is to be assured. Refugees cannot be properly protected if such needs are ignored or neglected.

Unfortunately, while the resources devoted to humanitarian relief have increased enormously since the end of the 1980s, there has been a growing tendency in recent years for refugee assistance programmes to concentrate almost exclusively on the most basic and visible forms of relief, particularly food, shelter and medical care. Other activities, such as education, skills training, income-generation, recreational activities, counselling and other community services, have generally been amongst the last programmes to be established in refugee emergencies and the first to be cut when financial savings are required.

In parallel with these developments, the long-established notion that refugees should be active participants in the management of their camps and assistance programmes is quietly being set aside. Increasingly, donor states assess humanitarian organizations in terms of their capacity to deliver emergency relief, rather than their ability to empower marginalized populations and to bring a degree of dignity to their lives.

This trend is the result of several different factors. Donor states now want refugee problems to be resolved with the minimum of delay, and are no longer prepared to finance community and social services programmes which, they erroneously believe, might discourage refugees from going home. Host governments have also come to associate such programmes with the long-term presence of refugees, and have in some instances expressed their concern that refugees have access to better services than the local population. Similarly, a number of governments have discouraged refugees from becoming self-sufficient and have barred them from seeking paid employment, believing that it is easier to induce the repatriation of exiled populations which are dependent on international assistance for their basic needs.

### **Voluntary repatriation and the right to return**

The notion of voluntary repatriation is one of the fundamental principles of refugee protection. Although no explicit reference is made to it in the 1951 Convention, the concept is endorsed in



UNHCR's Statute, in a number of resolutions approved by the organization's Executive Committee, and in regional refugee instruments such as the 1969 OAU Refugee Convention. In brief, the principle of voluntary repatriation affirms the right of all refugees to return to their own countries, stipulates that repatriation must be the result of a free and well-informed choice, and forbids any action which is taken with the intention of obliging refugees to go back to a country where their life and liberty would be at risk.

As Chapter Four explains, a significant proportion of the refugees who have repatriated in recent years have done so not because conditions have become safe in their country of origin, but because conditions have become too dangerous or difficult in their country of asylum.<sup>17</sup> When refugees are caught up in armed conflicts, the principle of voluntariness may prove difficult or impossible to uphold. But as UNHCR's Division of International Protection has pointed out, returns which take place under duress do not conform to the principles of international refugee law: "refugee repatriation is not voluntary when host country authorities deprive refugees of any real freedom of choice through outright coercion or measures such as reducing essential services."<sup>18</sup>

One of the most disturbing recent examples of such 'outright coercion' was witnessed in July 1996, when the armed forces of Burundi organized the expulsion of up to 90,000 Rwandese refugees. As the UN High Commissioner for Refugees observed in a letter to the country's President, this incident was "a serious violation of a cardinal principle of human rights."<sup>19</sup> It was by no means, however, an isolated example. In its 1997 World Refugee Survey, the US Committee for Refugees lists no fewer than 20 states which expelled refugees from their territory during the preceding year.<sup>20</sup>

While the problem of refoulement and involuntary repatriation has attracted a great deal of attention in recent years, much less interest has been shown in those situations where the refugees want to go home but are unable to exercise their right to return – a right that is recognized in several international legal instruments, including Article 13 of the 1948 Universal Declaration of Human Rights, and Article 12 of the International Covenant on Civil and Political Rights.

In some cases, such as that of the Rwandese refugees in Zaire and Tanzania and the Tajik refugees in Afghanistan, large numbers of refugees have effectively been held hostage by militant groups within the exiled population, who believe that repatriation would be to their political and military disadvantage. The 90,000 refugees from Bhutan who have lived in Nepal since the early 1990s have been unable to repatriate for a very different reason: because their nationality – and therefore their right to return – is disputed by the Bhutanese authorities.<sup>21</sup>

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## PROTECTION AND THE CHANGING WORLD ORDER

The preceding chapter of this book explained how the international community's response to the problem of forced displacement has changed during the past decade. Rather than waiting for refugees to cross a border and seek safety in a country of asylum, there has been a growing recognition of the need to take action within countries of origin, providing humanitarian assistance (and if possible, protection) to displaced and vulnerable populations.

The recent emphasis on multilateral action in countries of origin is potentially positive, in the sense that it could, if undertaken effectively, both resolve existing refugee problems and avert new situations of forced displacement. Unfortunately, however, this approach towards the protection of threatened populations has also in some instances been used as a pretext to obstruct the flight of people whose lives are in danger, to limit their right to asylum and to return them prematurely to conditions of danger.

Sadly, the world's richest and most powerful states have taken a lead in eroding the right of asylum and undermining the principles of refugee protection. As Chapter Five will explain, since the beginning of the 1980s, the industrialized states of Europe, North America and Australasia have introduced a vast array of measures specifically designed to restrict the arrival of asylum seekers on their territory.

When the very countries responsible for establishing the international refugee regime begin to challenge its legal and ethical foundations, then it is hardly surprising that other states, especially those with far more pressing economic problems and much larger refugee populations, have decided to follow suit.

Increasingly, when low-income countries close their borders to refugees, they tend to justify their actions by referring to the precedents which have already been set by the more affluent states. "In the current situation, what country would keep its border open?" asked a government minister in an African country when confronted with an impending refugee influx. "If this was a western country," he continued, "it would have been well accepted."<sup>22</sup>

As the preceding statement indicates, the world's poorer countries feel that they are expected to bear too great a responsibility for the world's refugees and that they are required to observe standards which the industrialized states themselves no longer attempt to respect. Such attitudes have been reinforced by a number of other developments.

First, many of the low-income countries which have admitted large numbers of refugees in the past now feel that the problems created by their generosity have been too quickly forgotten. The regions of Malawi which accommodated large numbers of Mozambicans, for example, have experienced serious environmental difficulties such as deforestation and soil erosion. But now that the refugees have returned to their homeland, the world's attention has moved away from Malawi and the country has been left to cope with the problems which the refugees left behind. Confronted with examples such as this, the world's poorer states have understandably become more wary of opening their borders to large refugee influxes.

Second, donor states can be said to have exacerbated the decline in protection standards by making it increasingly clear that they are no longer prepared to support long-term refugee assistance programmes in other parts of the world. Programmes which have already been in existence for a number of years, they argue, should be brought to an end as rapidly as possible. And when new refugee movements take place, immediate efforts should be made to facilitate the repatriation of the people concerned, thereby averting the need for long-term 'care and maintenance' programmes.

An illustration of this linkage was seen in October 1996, when donor states attending a meeting of UNHCR's Executive Committee said in very certain terms that they wished to see a speedy end to the assistance programme for the Rwandese refugees in Tanzania and Zaire. According to one of the principal donors, resources were "limited and diminishing," and there was a need to break the "intolerable and unsustainable status quo" through a process of "prompt, voluntary and orderly repatriation."<sup>23</sup>

There is evidently a need to avoid the kind of protracted refugee situations associated with groups such as the Afghans, Angolans, Eritreans and Palestinians. But it is equally clear that the recent emphasis on speedy solutions has not been conducive to the maintenance of high refugee protection standards. Indeed, it has diminished the willingness of host countries to admit large numbers of refugees, obliged humanitarian organizations to limit the services which they provide to exiled communities, and in some cases has led to the organization of premature and non-voluntary repatriation programmes.

Third, in order to understand the declining commitment to asylum in the low-income states, it is necessary to situate the refugee problem in the broader context of the international economy. When such states began to receive large numbers of refugees in the 1960s and 1970s, they were relatively well placed to cope with this responsibility. The global economy was booming, agricultural commodity prices were high and new employment opportunities were being created in the world's poorer countries.

Over the past 20 years, that situation has changed significantly. During this period, many of the world's less affluent states, particularly in Africa, have experienced low and in some cases negative rates of economic growth. At the insistence of the industrialized states and the international financial institutions, such countries have been obliged to introduce free-market economic reforms and to make substantial cuts to public spending. Since the beginning of the 1990s, however, the level of official development assistance provided by the richer nations has not only been in decline (see [Figure 2.5](#)), but has also been increasingly targeted at a relatively small number of states with good development prospects and investment potential. In such difficult circumstances, a growing number of the world's poorest states appear to have concluded that large refugee populations are one luxury which they can no longer afford.

### The refugee impact

In the circumstances described above, it is also understandable that low-income host countries should begin to express a new degree of concern about the impact of refugees upon their economy and environment. That impact can, of course, be a positive one. As with the Ugandans in southern Sudan, refugees may introduce new crops and expand agricultural production in the areas where they settle. As with the Afghans in Pakistan, they may open up new trucking and trading opportunities, making cheaper goods available to the local population. And as with the Mozambican refugees in Zambia, they may attract international assistance to an area which has traditionally been neglected in national development efforts.<sup>24</sup> It would, however, be naive to ignore the fact that large-scale refugee populations can have a negative impact on the countries and communities where they are granted asylum.

One of the most obvious consequences of a refugee influx is to increase the level of competition for scarce resources such as employment, income-generating opportunities, education and health care, as well as basic commodities such as food, fuelwood, drinking water and construction materials. A less evident impact of the refugee presence can be seen in the 'brain drain' which takes place when humanitarian agencies move onto the scene of a mass influx and sign up the most skilled and best educated members of the local population, thereby depriving indigenous institutions of their expertise. Moreover, even when generous amounts of international assistance are available, refugee influxes can make heavy demands on the authorities of their host country. Rather than attending to the needs of the local population, government officials may find their time and resources occupied by the management of refugee camps and other emergency-related tasks.

The environmental impact of refugees has attracted a great deal of attention from academic analysts and aid organizations during the past few years. It has also been cited by many low-income states as one of the predominant reasons for their declining willingness to host large-scale refugee populations.

In reality, the environmental damage caused by exiled communities may not always be as great as is sometimes assumed. Recent research has raised some doubts about the hypothesis that refugees tend to deplete natural resources in a reckless manner because they lack a long-term commitment to the area where they have settled. In some cases, moreover, environmental problems caused by other factors have been wrongly (and even maliciously) attributed to the presence of refugees.<sup>25</sup>

Nevertheless, the evidence from many refugee-hosting countries supports the general view that the long-term presence of a refugee population in an area of resource scarcity can have a very detrimental impact upon the physical environment.<sup>26</sup> This is clearly the case in situations where refugees move in very large numbers into an area which has previously supported a much smaller population.

In the Ngara district of Tanzania, for example, Rwandese refugees outnumbered the local population by four to one when they arrived in 1994. As an environmental expert pointed out, in the early days of the emergency, the only provision made for the refugees' shelter needs by the international community came in the form of plastic sheeting. "This leaves the procurement of all other shelter materials and fuelwood completely up to the refugees, who (are forced to) exploit whatever the surrounding natural vegetation offers them. A free-for-all attitude is created within the refugee communities with regard to firewood, poles, timber, grass, animal fodder and any other plant material available within walking distance."<sup>27</sup>

The negative impact of such problems on the local population is frequently reinforced by the perception that refugees receive preferential treatment from the international community. Despite attempts by UNHCR and other humanitarian organizations to promote integrated and area-based assistance programmes in situations of mass influx, most notably in the Horn of Africa, it remains the case that relief efforts are normally focused on refugees, rather than needy members of the local population (see [Box 2.2](#)).

Inevitably, such situations can easily lead to resentment, tension and conflict between the two groups. Thus according to the aid agency Médecins sans Frontières (MSF), one of the principal causes of the crisis which erupted in eastern Zaire in 1996 was "the indifference of the international community to the fate of the local population." The growing resentment of Zairean citizens towards the Rwandese refugees, MSF suggested in November of that year, "lies in the living daily parody that the refugees in the camps have a far better quality of life."<sup>28</sup>

The growing reluctance of low-income states and societies to accommodate large numbers of refugees is based in part on a perception that exiled populations constitute a serious threat to social stability and political security. At the local level, refugees are frequently associated with problems such as crime, domestic violence, prostitution, alcoholism and drugs. Sadly, there is often some truth in this perception, although refugees can easily become scapegoats for problems which are not wholly of their own making. Violence and other forms of anti-social behaviour are an almost inevitable characteristic of refugee settlements which accommodate large numbers of young males who are deprived of education, recreation and the opportunity to engage in productive activities, and who are unable to plan for their future.

In many instances, moreover, host countries simply do not have the capacity to maintain law and order in the remote and underdeveloped areas where the largest number of refugees are often to be found. The current decline in protection standards is thus not simply the result of a declining willingness to treat refugees in accordance with humanitarian standards; it also derives from the inability of weak states to guarantee the security of all the people who are living on their territory, whether they be citizens or foreigners.

The increasingly hostile reception received by refugees in many low-income states is also related to political developments at the national level. According to some commentators, there is growing evidence of a linkage between the process of democratization and the decline in refugee protection standards.<sup>29</sup>

Prior to the 1990s, it has been argued, authoritarian governments in Africa and other parts of the developing world were relatively free to offer asylum to large refugee populations when they considered such a policy to be in their own interests. But with the end of the cold war and the

introduction of pluralistic systems of government in many low-income countries, the refugee question has assumed a new degree of political importance. As in the industrialized states, in the attempt to maximize their electoral support, both governments and opposition parties are now more prone to encourage nationalistic and xenophobic sentiments, and to blame their country's ills on the presence of refugees and other foreigners. In countries where large numbers of people are living below the poverty line and where income differentials are increasing, such messages can have a potent appeal, irrespective of their veracity.

Finally, recent years have witnessed some important developments in relation to the impact of exiled populations on bilateral state relations and the quest for regional security. During the cold war years, the generous refugee policies pursued by many developing countries were underpinned by the geopolitical interests of the superpowers. With the support of the western alliance, countries such as Honduras, Pakistan, Somalia and Thailand gave refuge to large numbers of refugees from Nicaragua, Afghanistan, Ethiopia and Cambodia respectively, states which were all allied to the Soviet bloc. In a bipolar world, low-income states were often more interested in maintaining a close alliance with one or other of the superpowers than with neighbouring and nearby states.

Now that the cold war has come to an end and there are no longer two superpowers, vying for the support of other states, developing countries have a much greater interest in establishing a good working and trading relationship with countries in the same region. In this new political context, moreover, refugees tend to have a negative rather than a positive value. Even if the granting of asylum is supposed to be a humanitarian act, there is no doubt that it can act as an irritant between countries of origin and countries of asylum.

Evidence for the latter assertion can be found, for example, in the reluctance of Thailand to admit large numbers of displaced people from Myanmar, and in the eagerness of Tanzania to repatriate its Rwandese refugee population. In both cases, the presence of refugees has been contrary to the foreign policy objectives of the countries concerned and a potential impediment to their relationship. With the current strengthening of regional groupings such as the Southern African Development Community (SADC), the Association of South-East Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC), the incentive for states to admit refugees from neighbouring and nearby states may diminish further. This tendency is not confined to the developing regions. The European Union (EU), for example, has established an agreement making it very difficult for a citizen of one EU state to seek asylum in another. Such an arrangement, UNHCR has stated, is inconsistent with the provisions of the 1951 Refugee Convention.<sup>30</sup>

### **UNHCR and the protection dilemma**

UNHCR, it must be acknowledged, has been limited in the extent to which it has been able to prevent the decline in standards of refugee protection. According to its critics, this is because the organization has become involved with a broad range of humanitarian activities, and as a result has neglected its primary task of defending refugee rights. At the same time, it has been argued, the organization has been too ready to become involved in operations which are inconsistent with the principles of refugee protection and too hesitant in taking states to task when they violate those principles. Human Rights Watch, for example, has suggested that UNHCR "has worked in conjunction with states to fashion questionable protection measures that come dangerously close to accommodating rather than challenging [the] global deterioration of refugee protection."<sup>31</sup>

Other commentators have interpreted UNHCR's recent efforts differently, emphasizing the extent to which the agency has adapted to the new world order and thereby helped to safeguard the security of displaced populations. According to one academic analysis, "today's UNHCR is regarded by most observers as being at the top of the UN scale of performance – competent, well managed, purposeful, disciplined." Looking at the organization's recent activities in Bosnia, the authors conclude that "reinventing UNHCR to confront the tragedy of the former Yugoslavia was a useful and necessary adaptation to the emerging humanitarian needs of post-cold war disorder."<sup>32</sup>

Whatever the validity of these contrasting viewpoints, it is evident that the emerging world order and the changing attitude of states towards refugee problems and humanitarian action has presented UNHCR with some acute dilemmas.<sup>33</sup> As an organization which is mandated to defend refugee rights, UNHCR has an obligation to uphold the principles of international protection, to ensure that states respect their obligations under international law, and to make the necessary public and private representations when governments and other actors put refugees at risk.

At the same time, however, as an organization which is part of the broader United Nations system, which is guided (and largely financed) by states; which normally relies on the authorization of host governments to establish operations in the field; and which is ultimately incapable of obliging other actors to respect international refugee law, UNHCR does not enjoy complete freedom of action.

Such constraints have been exacerbated by several other characteristics of the post-cold war world: the growing tendency for the parties to a conflict to exploit the activities of humanitarian organizations for their own political and military purposes; the mounting – and in many cases unrealistic – expectations which the international community has placed upon UNHCR and other humanitarian organizations; and the declining willingness of the world's more powerful states to participate in multilateral military operations and to take the decisive action required to bring armed conflicts to an end.

As a result of these interrelated trends, UNHCR has increasingly found itself in 'no-win situations', where it is obliged to choose between a limited number of options, none of which is fully consistent with the principles which the organization is mandated to uphold. Withdrawal is rarely a realistic option. Unless its activities actually begin to endanger the safety of refugees, and unless the lives of its staff members are at serious risk, UNHCR cannot simply pull out of an operation and abandon the people under its care. And while the organization can and should attempt to influence the behaviour of states and other political actors, it cannot make them act in a manner which they consider to be against their interests. As the UN High Commissioner for Refugees explained to the Security Council in April 1997, in some situations, UNHCR has no option but to pursue the "least worse" course of action.<sup>34</sup>

During the past few years, UNHCR has been confronted with such 'dilemma situations' on an almost daily basis. In 1991, for example, the organization was confronted with Turkey's unwillingness to admit the refugees who were fleeing from northern Iraq, and had to decide whether to participate in the US-led effort to protect and assist the Kurdish population within their country of origin. In 1992, UNHCR had to resolve an equally if not more difficult dilemma in former Yugoslavia: should the organization help to evacuate people from situations of danger, and thereby indirectly facilitate the process of ethnic cleansing?

In 1993, UNHCR had to determine whether it could be involved in the repatriation of the Rohingyas from Bangladesh to Myanmar, given the pressures which had been exerted on the refugee population by the former state and the serious human rights problems which still existed in the latter. And from 1994 to 1996, UNHCR had to decide if it could continue to assist the Rwandese refugees in eastern Zaire, when they were known to include people who had been involved in the 1994 genocide and who, despite the organization's strenuous efforts to reinforce security in the camps, were using violence to prevent the repatriation of their compatriots.

In responding to each of these questions, UNHCR ultimately decided to answer in the affirmative and to proceed with a course of action which, while far from optimal in terms of protection standards, nevertheless appeared to be in the best interests of the refugees concerned. Even so, the difficult decisions which UNHCR has felt obliged to take have not met with universal endorsement.<sup>35</sup>

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## REALIZING THE RIGHTS OF REFUGEES

As suggested already in this chapter, the trends which have led to the decline in protection standards are in many senses deep-rooted, intimately linked to broader changes in the international balance of power and distribution of resources. This should not lead to defeatism, however, as there are a variety of different initiatives that might be taken to reinforce the security and welfare of refugees.

### Enhancing protection capacities

Despite the many changes which the world has witnessed since 1951, the UN Refugee Convention remains of vital relevance to the protection of exiled populations. It is also in the interests of states themselves to respect the Convention and other refugee instruments, which were established with the specific intention of ensuring that the refugee problem was dealt with in a consistent and predictable manner.

The right of people to seek asylum in another country and not to be returned to a place where their life and liberty are at risk are fundamental principles which must be upheld by all states, whether or not they have ratified the Convention. All states should, of course, accede to the Convention and Protocol, as well as those regional instruments which stipulate the rights and obligations of refugees.

Considerable progress has already been made in this area, as indicated by the very large number of states which are now parties to the 1951 Convention and its 1967 Protocol. It is, however, particularly disappointing to note that so few Asian countries have signed the international refugee instruments, and that five of the states which sit on UNHCR's Executive Committee have themselves not adhered to these agreements.

By defining the principles and standards which states are expected to observe, international and regional refugee law (not to mention broader human rights instruments such as the 1989 Convention on the Rights of the Child) provide an essential foundation for the protection of exiled populations. But legislation alone does not provide protection, particularly at a time when there is a growing hostility towards refugees. Unfortunately, some of the states which have adhered to the principal legal instruments have nevertheless been responsible for serious breaches of international refugee law.

If this negative tendency is to be countered, active training, education and awareness-raising efforts will be required, and need to be targeted at those people who influence the way in which refugees are treated: politicians, national and local government officials, the security services, community leaders, religious organizations and the media, not to mention the general public. At the same time, greater efforts are required to inform refugee populations of their responsibilities under international and national law, so as to ensure that they do not become involved in activities which threaten or alienate their local hosts.

In some parts of the world, the problems encountered by refugees derive less from the unwillingness of the host government to provide effective protection and more from its limited capacity to maintain the rule of law. In such situations, it is imperative that donor states, UNHCR and other humanitarian organizations provide the necessary support to the authorities by providing financial contributions, equipment and training.

An interesting example of this approach is to be found in the Women Victims of Violence Project, a UNHCR initiative undertaken in north-east Kenya, intended to combat the high incidence of rape and sexual violence occurring in the Somali refugee camps. Adopting an integrated approach to the problem, the project has improved security by providing refugees and the local police with special training, by encouraging women to bring offenders to justice and by making physical changes to the

layout of the camps, including the establishment of perimeter fences.<sup>36</sup> Initiatives of this type should evidently be replicated in other situations where female refugees are at risk of assault.

Last but by no means least, if the rights of refugees are to be effectively defended, then UNHCR must have direct contact with them. As the organization recently informed its Executive Committee, “a key element of the institution of asylum is UNHCR’s unimpeded, rapid and secure access to persons of concern.”<sup>37</sup> An obvious reason for such access is to monitor the physical safety of refugees and to ensure that they are not being subjected to any form of ill-treatment, whether by the host government, the local population or by elements within the exiled community itself. But UNHCR access is also required as a means of ensuring that the different members of a refugee population, particularly those groups with special needs, are treated in an equitable manner.

As demonstrated by events in eastern Zaire during 1996 and 1997, there are situations in which the denial of access is so complete and serious that additional measures may have to be taken to reach refugees who are at risk. As the UN High Commissioner for Refugees told the *International Herald Tribune* in relation to this situation, “international action – not just humanitarian, but political and military action – is long overdue.”<sup>38</sup> Regrettably, as indicated earlier in the chapter, such warnings were not heeded, and the proposal to establish a multinational military force in eastern Zaire, endorsed by two Security Council resolutions, never went beyond the preliminary planning stages.

### **Assistance and protection**

There has been a tendency amongst some refugee specialists to talk about ‘protection’ and ‘assistance’ as if they were completely different functions.<sup>39</sup> Yet the provision of assistance can legitimately be described as a form of human rights protection, in the sense that everyone, under the terms of the international human rights instruments, has a right to be free from hunger, to be educated and to have adequate shelter. As a result of its assistance programmes, UNHCR also normally enjoys good access to refugee populations and is able to maintain a substantial presence in the areas where they have settled.

Assistance programmes can also make a direct contribution to the protection of refugee populations. Education, training, income-generating and recreational activities sponsored by UNHCR and other humanitarian organizations can play an important part in strengthening social structures in refugee communities, and thereby reduce the risk of conflict and violence.

Meaningful forms of refugee participation in the management of camps and in the design and implementation of assistance programmes also have an important role to play in defending the rights of refugees. It is well known that the principle of refugee participation can be difficult to put into practice and can be manipulated by the most powerful and articulate members of a community to serve their own interests. But when promoted in an effective manner, refugee participation can help to limit the social and economic exclusion of the most marginalized members of a refugee population.

### **Preserving the humanitarian character of asylum**

Another way in which refugee protection can be strengthened is by reasserting the strictly humanitarian and civilian character of asylum. When refugee camps become militarized and overtly politicized, and when they are used as a base for activities intended to destabilize the government in the country of origin, then they inevitably become more vulnerable to retaliatory cross-border raids. Militarized camps are also particularly prone to factional conflict and violence, phenomena which inevitably reinforce the already widespread perception that refugees are a threat to local, national and regional security.



One of the problems associated with the granting of prima facie refugee status in situations of mass influx is the likelihood that some of the people who receive international protection may not actually deserve it. As indicated at the beginning of the chapter, the UNHCR Statute, the 1951 UN Refugee Convention and the 1969 OAU Refugee Convention all include provisions which make it possible to deny refugee status to certain categories of people on the basis of their previous activities: war criminals, persons guilty of acts contrary to the purposes and principles of the United Nations, and individuals who have committed serious non-political crimes.

It is now clear that the international community's inability to apply these 'exclusion clauses' to relevant members of the Rwandese population in Tanzania and Zaire was one of the principal reasons for the insecurity which existed in and around the refugee camps in those countries between 1994 and 1996. Even so, a degree of caution is required in invoking this somewhat neglected element of international refugee law. As people who are excluded from refugee status no longer benefit from the principle of non-refoulement and can in most instances be returned to their country of origin, care must be taken to ensure that the exclusion clauses are applied in a fair manner and by means of an examination of each individual case. Moreover, as UNHCR has observed elsewhere, "in a climate of numerous challenges to asylum, exclusion clauses must not become another avenue by which deserving cases are denied access to international protection."<sup>40</sup>

Recent experience in Zaire has also demonstrated that if the exclusion clauses are to be applied effectively and if the civilian character of refugee camps is to be maintained, then combatants must be disarmed and physically separated from their compatriots at a very early stage of a refugee influx. If the authorities of the host country are unable to undertake this task, then multilateral military involvement, endorsed by the UN Security Council, may well be required. Humanitarian organizations evidently do not have the mandate or the operational capacity to carry out this vital but potentially dangerous function.

Even camps which are strictly civilian in character should, as recommended by the OAU Refugee Convention, be situated in locations well away from international borders, thereby reducing the possibility that they will become a source of friction between the country of origin and country of asylum. Ethnic, cultural, economic and environmental considerations should also be taken into account when choosing refugee settlement sites, so as to minimize the potential for conflict between the new arrivals and the resident population.

### **Sharing responsibility for refugees**

The decline in protection standards might also be halted and reversed through a reaffirmation of the principle of responsibility sharing – a principle, it should be emphasized, on which the whole international refugee regime was premised when it was established. In this respect, the primary onus is on the industrialized states to demonstrate a much greater degree of solidarity with those poorer countries where the vast majority of the world's refugees are to be found.

More specifically, the industrialized states might legitimately be expected to share the global responsibility for refugees in three ways: by pursuing less restrictive policies towards those people who wish to seek asylum on their territory; by establishing resettlement programmes for refugees who cannot remain in their country of first asylum (see [Box 2.3](#)); and by pursuing humanitarian assistance and development policies which assist and encourage low-income states to cope with the presence of large refugee populations.

With regard to the issues of refugee relief and development assistance, particular emphasis must be placed on efforts that will mitigate the environmental, economic and infrastructural impact of refugee populations on host countries and communities. Without such efforts, both during the refugees' presence and once they have returned to their homeland, the least affluent countries can hardly be expected to pursue generous asylum policies.

If the institution of asylum is to be reinforced, the needs of host communities, particularly their poorer members, should always be taken into account in the design of refugee assistance programmes. There is, of course, nothing very new about this suggestion. Indeed, the first initiatives of this type date back to the 1960s, when countries in Africa and other developing regions began to experience large-scale refugee influxes for the first time.

In recent years, however, interest in this issue has tended to wane, largely because of the international community's preoccupation with the delivery of emergency relief and its belief in the need to resolve refugee problems by means of speedy repatriation movements. Even so, UNHCR and its partners have enjoyed some success with the implementation of community-based environmental rehabilitation projects in countries such as Malawi, Nepal, Pakistan and Zimbabwe, states which have coincidentally been able to maintain generous asylum policies.

Donor states must recognize that an investment in refugee assistance programmes is also an investment in protection and solutions. When funds are available to build roads, bridges, schools and health centres in refugee-populated areas, and when national and local authorities are properly compensated for their work on behalf of exiled populations, then it is far more likely that refugees will be treated in a reasonable manner.

### **Voluntary and involuntary repatriation**

The challenge of protecting refugees is inseparable from that of seeking permanent solutions to their plight. Indeed, the two tasks stand side-by-side in the very first article of UNHCR's Statute.

Refugees can resolve their plight in three basic ways: they can return voluntarily to their homeland, settle permanently in the state which has granted them asylum, or they can move on and establish a new life in a third country. In each case, a refugee can be said to have found a lasting solution when he or she is no longer in need of international protection and when he or she has assumed all of the rights and responsibilities of other citizens living in the same state.

During the past decade, the international community's efforts to find solutions to large-scale refugee populations have focused almost entirely on voluntary repatriation – in contrast to earlier periods of history, when large numbers of refugees found a solution to their problems through local integration and resettlement in a third country. This situation seems unlikely to change, given the general reluctance of both affluent and poorer states to consider the permanent settlement of exiled populations, particularly when they involve many thousands of refugees.

The international community's desire to promote the return of refugees has been so strong that both states and humanitarian organizations have started to re-examine the concept of voluntary repatriation. Most crucially, they are asking, should repatriation always take place on a voluntary basis and at a time of the refugee's own choosing? If conditions have improved in their country of origin and if safety in their country of asylum cannot be guaranteed, could refugees not be expected or required to go home?

A number of comments are required in relation to this important but problematic debate on the principles of voluntary repatriation. First, the suggestion that refugees – people with a need for international protection – should be returned to their country of origin against their will is clearly inconsistent with international refugee and human rights law. As UNHCR has affirmed, the principle of voluntariness, "implying an absence of any physical, psychological or material pressure to repatriate... is the cornerstone of international protection with respect to the return of refugees." A refugee, the organization has stated, "cannot be compelled to repatriate."<sup>41</sup>

Second, in the vast majority of situations, the principle of voluntariness presents no obstacle whatsoever to the repatriation of refugee populations. As Chapter Four of this book explains in more

detail, refugees are normally very keen to go back to their own country, and often do so well before the time when peace and stability has been completely restored in their homeland. To give just one example, some 2.5 million refugees have returned from Pakistan to Afghanistan since the late 1980s, despite the continuing violence in their homeland and in the absence of significant pressures to leave their country of asylum.

Third, there is a well established mechanism, incorporated in the 1951 UN Refugee Convention, which can be applied to facilitate the repatriation of people who were recognized as refugees but who no longer need international protection. Commonly known as the 'cessation clause', this mechanism is based on the principle that people should enjoy refugee status only for as long as it is absolutely necessary, and that such status can be withdrawn when fundamental and durable changes have taken place in their country of origin. During the past 20 years, UNHCR and states have applied this principle to refugees from 15 different countries where peace has been restored and where democratic systems of government have been established (see [Figure 2.10](#)).<sup>42</sup>

Finally, and most controversially, while established principles governing the repatriation of refugees are unambiguous, there is a need to acknowledge the fact that it is sometimes impossible to ensure that those principles are observed in practice. As the UN High Commissioner for Refugees has explained, "UNHCR faces increasing pressures to support repatriation which is neither strictly voluntary nor strictly safe. Either safety in the country of asylum cannot be guaranteed, because of armed conflict or insecurity, or because asylum is being withdrawn by the host government." In these circumstances, the High Commissioner concludes, "although there may be problems at home, returning in such situations may be better than staying."<sup>43</sup> Such has been the case with regard to the repatriation of Rwandese refugees from Zaire, the return of Rohingya refugees from Bangladesh, and the return of Iraqis who fled to the Turkish border in 1991.<sup>44</sup>

Such situations provide an important example of the protection dilemmas which have confronted UNHCR in recent years. When refugees are under inexorable pressure to repatriate, and when the situation in the country of origin has not improved to the extent that the cessation clause can be invoked, what position should the organization adopt?

In the cases mentioned above, UNHCR decided to become involved in the repatriation of the refugees concerned, primarily by transporting them home, by providing them with material assistance and by monitoring their welfare once back in their country of origin. Examining the dilemma which such situations create for UNHCR, the organization's Division of International Protection concludes that if UNHCR declines all involvement, "refugees who have no alternative but to return may suffer even greater hardship. Their protection will not be monitored and their assistance needs will not be attended to."<sup>45</sup>

As the preceding statement suggests, there is a humanitarian rationale for UNHCR's involvement in repatriation programmes which do not fully meet the standards prescribed by international refugee law. When confronted with such situations, however, the organization has a particular obligation to act in a transparent manner. In practice, this means being honest and open about the fact that refugees are returning under duress, making it clear that the organization's exceptional involvement does not signify any weakening of its commitment to established protection principles.

At the same time, there are a number of practical criteria which UNHCR should strive to meet before becoming involved in situations where refugees are under pressure to repatriate. The organization must examine the case of any refugee whose life and liberty might be at risk if they are obliged to return, and ensure that such individuals are provided with continued protection, either in their country of first asylum or in another state. UNHCR must be satisfied that the repatriation will take place in a safe and dignified manner and that adequate arrangements have been put in place for the reception and reintegration of the returnees. The organization must have free and unhindered access to the refugees once they have returned to their country of origin. Finally, UNHCR must try to ensure that

refugees who have been repatriated under some kind of duress are subsequently able to leave their own country and seek asylum elsewhere if they find it impossible to remain safely at home.

### **An alternative solution: local integration**

Although voluntary repatriation is clearly the preferred outcome for most refugees, donor states and countries of asylum, other solutions should not be neglected. Indeed, there is now a growing recognition of the need for a more sophisticated approach to refugee problems, helping different groups of refugees to find different solutions to their plight, according to their varying circumstances, needs, opportunities and aspirations.

Local integration was a popular response to large-scale refugee problems from the 1960s to the early 1980s. This was particularly the case in Africa, where millions of dollars were spent in the effort to encourage self-sufficiency amongst refugee populations, in the hope of allowing UNHCR and donor states to withdraw their support from the continent's many refugee camps.

Reviews of these local integration programmes have demonstrated that they were generally not very successful.<sup>46</sup> Refugees often found it difficult to support themselves on the land which had been allocated to them, and rarely benefited from full social, economic and legal integration in the country of asylum. Host governments, according to one African scholar, had little real interest in the integration of refugees, preferring UNHCR and other international actors to provide indefinite support to displaced populations which had settled on their territory.<sup>47</sup>

As a result of the economic, environmental and demographic problems confronting many low-income states, it seems unlikely that there will be a major revival of interest in the solution of local integration. Speaking at the 1996 meeting of the UNHCR Executive Committee, for example, the representative of the Tanzanian government reflected the views of many countries. "One thing should be clear," he said. "The government of the United Republic of Tanzania is not considering granting permanent residence or offering resettlement to refugees. While we will continue to accept genuine asylum seekers, we expect them to return home as soon as conditions in their countries of origin normalize."<sup>48</sup>

Despite the evident constraints, there may nevertheless be situations where it is possible to pursue the solution of local integration. In Mexico, for example, the government has recently agreed to the permanent settlement of up to 30,000 Guatemalan refugees (see [Box 2.4](#) ). And in Uganda, around 180,000 refugees, primarily from Sudan, have been given land and agricultural inputs, with the aim of facilitating their long-term integration.

Drawing from these different experiences, it is possible to identify the conditions which must be met for local integration to be pursued successfully. First and most evidently, host governments must be in full agreement with and actively supportive of any effort to facilitate the local integration of refugee populations. This condition is, of course, unlikely to be met in the case of large refugee populations which present any kind of political, social or economic threat to the country of asylum.

Second, the population of the refugees' settlement area must also be supportive of the exiles' long-term presence. If there is already a degree of animosity between the two communities, this is unlikely to be possible. Local integration is more likely to prove successful, however, if there are some ethnic, cultural or linguistic affinities between refugees and the resident population.

Third, local integration must be economically viable if it is to be a lasting solution. Sufficient agricultural land must be made available to the refugee community, as well as access to markets, employment and income-generating opportunities. Local integration programmes must also assume an appropriate form for each refugee population. Sedentarized agricultural schemes, for example, are unlikely to be suitable for nomadic and pastoralist groups.

Fourth, there must be a guarantee of sufficient external funding if local integration programmes are to succeed, particularly in their initial stages. While donors may not currently be inclined to support local integration programmes, such efforts may actually represent a more cost-effective use of funds than long-term emergency relief or care and maintenance programmes. At the same time, care must be taken to ensure that local integration efforts make use of and develop local skills, expertise and technology, rather than relying on unsustainable external inputs.

Fifth, like repatriation, local integration must be voluntary if it is to be durable. It is unlikely to be suitable for refugees who view their stay in the asylum country as temporary and who are eager to go home.

Finally, for local integration to be a durable solution, refugees must be fully incorporated into their new society, not least by having the opportunity to acquire national citizenship and to exercise all of the rights associated with that status. Once refugees have become fully fledged citizens of their asylum country, then they can genuinely be said to enjoy national protection again.

The opportunity for local integration should not, however, be used as a pretext to limit the right of refugees to return to their homeland – a particular danger in situations where people have become refugees as a result of expulsions on ethnic or communal grounds, and where there is opposition to their return from the authorities in their country of origin. As the UN High Commissioner for Refugees has asked in relation to former Yugoslavia, if there is organized obstruction to the return of refugees to their place of origin, should UNHCR simply give up and settle the people elsewhere? “My answer is no,” she has replied, “as that would be tantamount to ratifying ethnic cleansing.”<sup>49</sup>

### The responsibility of states

The task of protecting refugees is ultimately the responsibility of states and other political actors. Of course, UNHCR and other humanitarian organizations have an important role to play in this area, whether by acting as advocates for the refugee cause, monitoring the situation of exiled populations, providing them with material assistance or ensuring that they are able to repatriate on a voluntary basis. But there is a severe limit to what such organizations can do in situations where refugees are prevented from crossing a border, where they are subjected to armed attacks and where they are expelled from their country of asylum.

Article 35 of the 1951 UN Refugee Convention calls upon states “to cooperate with the Office of the United Nations High Commissioner for Refugees... in the exercise of its functions.”<sup>50</sup> If that undertaking were to be more fully respected, then the disturbing decline in refugee protection standards witnessed of late could be halted and reversed, and UNHCR would not be confronted with the acute dilemmas which it has experienced in recent years.

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## NOTES

1 Article I, 1951 UN Convention relating to the Status of Refugees, on *Refworld* CD-Rom, UNHCR, Geneva, 1997.

2 Article I, 1969 OAU Convention governing the specific aspects of refugee problems in Africa, *ibid*.

3 The 1951 Convention was essentially limited to refugees from Europe, whereas the 1967 Protocol extended the scope of the Convention to refugees from other parts of the world. In this chapter, references to the Convention should also be read as references to the Protocol.

4 Preamble, 1951 UN Refugee Convention, *op cit*.

5 Article II, 1969 OAU Refugee Convention, *op cit*.

6 Palestinians in the West Bank, Gaza, Jordan, Lebanon and Syria are normally assisted by the UN Relief and Works Agency for Palestine Refugees in the Near East, which was established prior to the creation of UNHCR. Palestinians outside of this area may come under the mandate of UNHCR.

7 For further details of these and other recent refugee movements, see US Committee for Refugees, *World Refugee Survey 1997*, Washington DC, 1997.

8 W. Van Damme, 'Do refugees belong in camps? Experiences from Goma and Guinea', *The Lancet*, 5 August 1995.

9 G. Kramer, 'Global refugee flow reported declining, along with prospects of safe haven', Reuters despatch, 19 May 1997.

10 S. Ogata, opening statement at the 47th session of the UNHCR Executive Committee, Geneva, October 1996, on *Refworld* CD-Rom, *op cit*.

11 S. Ogata, opening statement at the 46th session of the UNHCR Executive Committee, Geneva, October, 1995, on *Refworld* CD-Rom, *op cit*.

12 Details of the incidents mentioned in this and the following paragraph – and UNHCR's reaction to them – are posted on the UNHCR Website, <<http://www.unhcr.org>>.

13 See untitled UNHCR press release, 28 February 1997.

14 S. Vieira de Mello, 'The humanitarian situation in the Great Lakes region', statement to the Standing Committee of the UNHCR Executive Committee, Geneva, 30 January 1997; and 'Impact of military personnel and the militia presence in Rwandese refugee camps and settlements', paper submitted by the UN High Commissioner for Refugees to the Bujumbura Conference on Assistance to Refugees, Returnees and Displaced People in the Great Lakes Region, 15 – 17 February 1995.

15 Untitled UNHCR press statement, posted 21 December 1996 on ReliefWeb Website, <<http://www.reliefweb.int/>>.

16 S. Ogata, remarks at the UN Security Council, New York, 28 April 1997.

17 For examples of this phenomenon, see Human Rights Watch, 'Discussion paper: protection in the decade of voluntary repatriation', New York, September 1996.

18 UNHCR handbook, *Voluntary Repatriation: International Protection*, Geneva, 1996, p. 42.

19 'UNHCR protests forcible return of Rwandese refugees', UNHCR press release, 23 July 1996.

20 *World Refugee Survey 1997*, *op cit*, p. 13.

21 See Chapter Six for additional details.

22 Internal UNHCR memorandum, 17 October 1996.

23 P. Oakley, statement of the US representative to the 47th Session of the UNHCR Executive Committee, Geneva, 7 October 1996, posted on US State Department Website, <<http://www.state.g.al/prm/961007.html>>.

24 See UNHCR, *The State of the World's Refugees: In Search of Solutions*, Oxford University Press, Oxford, 1995 pp. 143-170, *passim*.

25 G. Kibreab, 'Environmental causes and impact of refugee movements: a critique of the current debate', *Disasters*, vol. 21, no. 1, 1997.

26 K. Jacobsen, *The Impact of Refugees on the Environment: A Review of the Evidence*, Refugee Policy Group, Washington DC, 1994.

27 H. Ketel, 'Tanzania: environmental assessment report of the Rwandese refugee camps and the affected local communities in Kagera region', UNHCR, Dar es Salaam, July 1994.

28 Médecins sans Frontières, 'Ethnic cleansing rears its head in Zaire', November 1996.

29 See, for example, UNHCR, 'Report of the advisory group on refugee policies in the African region', Geneva, May 1996.

30 'UNHCR concerned about restricted access to asylum in Europe', UNHCR press release, 20 June 1997.

31 Human Rights Watch, 'Uncertain refuge: international failures to protect refugees', Report no. 9/1(G), New York, April 1997, p. 20.

32 T. Weiss and A. Pasic, 'Reinventing UNHCR: enterprising humanitarians in the former Yugoslavia, 1991-1995', *Global Governance*, vol. 3, no. 1, pp. 50-51.

33 See N. Morris, 'Protection dilemmas and UNHCR's response: a personal view from within UNHCR', forthcoming, *International Journal of Refugee Law*.

34 S. Ogata, remarks at the UN Security Council, *op cit*.

35 See, for example, Human Rights Watch, *op cit*; Amnesty International, 'Rwanda: human rights overlooked in mass repatriation', report no. AFR47/02/97, January 1997, and 'Great Lakes region: still in need of protection: repatriation, refoulement and the safety of refugees and the internally displaced', report no. AFR02/07/97, January 1997; K. Lambrecht, *The Return of the Rohingya Refugees to Burma: Voluntary Repatriation or Refoulement?*, US Committee for Refugees, Washington DC, 1995.

36 UNHCR, 'Review of UNHCR's women victims of violence project in Kenya', Geneva, March 1996. See also Human Rights Watch, *op cit*, pp. 15-19.

37 UNHCR, 'Note on International Protection', UNHCR document no. EC/47/SC/CRP.26, Geneva, May 1997, p. 9.

38 'Refugee official calls for lifeline', *International Herald Tribune*, 5 November 1996.

39 This position is suggested in G. Goodwin-Gill, 'United Nations reform and the future of refugee protection', unpublished e-mail, 4 June 1997.

40 UNHCR. 'Note on the exclusion clauses', UNHCR document no. EC/47/SC/CRP.29, Geneva, May 1997, p. 6.

41 UNHCR handbook, *Voluntary Repatriation: International Protection*, Geneva, 1996, pp. 10-11.

42 UNHCR, 'Note on the cessation clauses', UNHCR document no. EC/47/SC/CRP.30, Geneva, May 1997.

43 S. Ogata, statement to the InterAction annual forum, Alexandria, Virginia, 5 May 1997.

44 See above, notes 17 and 35, for references to these situations. The Iraqi case differs from the others somewhat in the sense that most of the fleeing population did not cross the border into Turkey, and so were technically internally displaced people. See G. Rudd, 'Operation Provide Comfort: humanitarian intervention to save the Kurds in northern Iraq, 1991', US Army Center of Military History, Washington DC, 1992.

45 UNHCR Division of International Protection, 'Imposed return', Geneva, 1996, p. 4.

46 Refugee Policy Group, *Older Refugee Settlements in Africa: Final Report*, Washington DC, November 1985.

47 G. Kibreab, *State of the Art Review of Refugee Studies in Africa*, Uppsala Papers in Economic History, Uppsala University, 1991, p. 55.

48 Quoted in E. Ferris, 'Refugees: new approaches to traditional solutions', paper presented to the UNHCR conference 'People of Concern', Geneva, November 1996, p. 12.

49 S. Ogata, 'Managing and solving forced displacement: issues and dilemmas', remarks at the Carnegie Council on Ethics and International Affairs, New York, November 1996.

50 Article 35, 1951 UN Refugee Convention, *op cit*.



## **Box 2.1**

### **Urban refugees**

As a result of the images projected to the public by humanitarian organizations and the international media, the popular notion of a refugee is someone of a poor, rural background living alongside thousands of other destitute people in a densely packed camp. While such images certainly reflect the reality of exile in certain parts of the world, they fail to take account of the many refugees who live in other circumstances, most notably those who are commonly referred to as 'urban refugees'.

The urban refugee concept is commonly used to describe at least three different groups of people:

- refugees with an urban, non-agricultural and usually educated background, who take up residence in a town or city so that they can live in a familiar environment, maximize their social and economic opportunities or apply for resettlement in another, more developed country;
- refugees of a rural, agricultural and uneducated background who initially take up residence in a camp, but who subsequently move to a town or city in search of work, trading or income-generating opportunities; and,
- individual and small groups of asylum seekers who arrive independently in the capital cities of low-income countries and who submit a claim for refugee status to UNHCR and the national authorities.

According to a recent UNHCR study, up to 200,000 people around the world can be considered as urban refugees – less than two per cent of the global refugee population. While urban refugees are to be found in almost every capital city in the world, the largest groups registered with UNHCR are to be found in locations such as Cairo, Islamabad, New Delhi and Rio de Janeiro.

### **Socio-economic profile**

In view of the various meanings given to the concept, it is difficult to generalize about the socio-economic profile of urban refugees. Accurate statistics on urban refugees are also difficult to collect, as relatively few receive assistance from or are registered with UNHCR and other humanitarian organizations. Moreover, in the many countries where refugees are officially

confined to rural settlement areas and where they are not welcomed in the main towns, urban exiles have a strong incentive to maintain as low a profile as possible.

Most typically, however, those refugees who are to be found in the towns and cities of low-income states are young, unaccompanied males with a secondary or university education, who have held positions as civil servants, teachers, traders or shopkeepers in their country of origin. Fewer refugee women and children live in the urban environment, in contrast to the situation in camps, where they tend to predominate. There is a link between these two phenomena, as in many refugee situations, able-bodied men will head for the towns to look for work, leaving their dependants to benefit from the support systems which are usually to be found in a camp.

In many cases, it would appear, urban refugees originate from groups who have a long history of trade-related migration and who therefore possess the skills required to cope with the difficulties of life in an unfamiliar city. The presence of Somalis throughout east and southern Africa, for example, and the presence of Afghans in much of South-West Asia and the Middle East provide two examples of this phenomenon. Inevitably, the mobility and adaptability of such refugees has led to frequent suggestions that they are actually economic migrants. Similarly, some commentators have suggested that educated men and women in certain low-income countries become refugees with the primary purpose of seeking resettlement in one of the industrialized states.

### Refugees in New Delhi

One of the largest groups of urban refugees is to be found in India. New Delhi is home to some 20,000, primarily Afghans, many of whom arrived directly from Kabul when the Soviet-backed government fell. India has no laws on asylum and the Afghans are not officially recognized as refugees. Their presence is tolerated, however, as 'foreigners temporarily residing in India'.

Each asylum seeker who approaches UNHCR in New Delhi is interviewed individually to assess his or her claim to refugee status. Those who are recognized as refugees are issued with a UNHCR refugee certificate, which normally enables them to obtain an official residence permit. For those without any other documents, the refugee certificate is sometimes the only measure of protection against arrest and deportation.

While urban refugees of other nationalities experience certain protection problems in India, the main challenge for the Afghans is to build a new life. What, for example, can a former senior government official from Kabul do to earn a living in New Delhi? Nor is it much easier for the doctor who suddenly finds his Afghan qualifications worth very little in India, or the university student who can no longer continue his studies. For them, the dream is usually either to go home or to move to an industrialized country.

Afghan traders and shopkeepers are generally better able to utilize their entrepreneurial skills in India, but even they are often hindered by a lack of capital or contacts in a strange city. Dispersed throughout the capital, living in cramped and rented accommodation, urban refugees are unable to develop the kind of community support structures which are often available in camps.

When the first Afghan refugees contacted UNHCR in 1981, the organization's New Delhi office responded by paying them a monthly cash allowance. In theory, such assistance was to be for a limited period. In practice, however, because they were not authorized to work, the refugees failed to become self-sufficient. As a result of this problem and the growing number of Afghan refugees in the city, UNHCR's budget rose: from \$2.3 million in 1983 to \$4.8 million in 1995. By that time, some of the refugees had been living on UNHCR assistance for more than a decade.

There was little hope for their resettlement in a western country, and with the continuing violence in Afghanistan, the prospects for repatriation appeared bleak.

### Change of policy

As a result of these considerations, UNHCR was forced to review its policy. A survey undertaken in 1994 found that many of the Afghans actually had substantial resources of their own and had found some kind of gainful employment. UNHCR's assistance was therefore supplementing a lifestyle that was quite prosperous by local standards. In addition, the study showed, many of those Afghans who were living in poverty were able-bodied and had the potential to earn a reasonable income if they were given appropriate training and advice.

Since 1995, UNHCR has shifted the focus of its urban refugee programme in New Delhi, providing a subsistence allowance only to those with a particular need for it, such as some female heads of household, the disabled, elderly and newly arrived exiles. Other refugees have been encouraged to take a lump sum payment, to set up small-scale businesses and to gain new skills such as motor mechanics, airline ticketing, TV repair, tailoring, embroidery and baking. Since 1996, new arrivals have been provided with assistance for up to a year, during which time they receive intensive counselling and vocational training. Small grants have also been made available to groups of refugees who wish to set up cooperatives.

Refugee women have found it much more difficult to establish an independent livelihood, partly because they have few marketable skills and partly because they are prevented or discouraged from working outside the home. Moreover, some are heads of their household and many have young children which they are expected to care for. Nevertheless, some progress has been made in this area. When one refugee woman found a job, a delegation of Afghan leaders called on UNHCR to protest. The woman replied, "if on the first day of each month, the leaders can pay me the 3000 rupees (about \$90) that I am now earning, I will stop working." The leaders then backed down.

UNHCR's local implementing partner, the YMCA, has found great interest and enthusiasm for skills training among Afghan women, particularly the younger ones, who appreciate the greater freedom which they enjoy in India. Beauty culture is the most popular training course, and New Delhi's thriving beauty parlours provide plenty of employment. Parents and husbands are also happy to see their daughters and wives working in a women-only environment.

The reorientation from subsistence to self-reliance has not been easy. Urban refugees, angry at losing what they had come to regard as their salary, threatened UNHCR staff and smashed its office windows. In several cases, Afghan business ventures have failed and the refugees have come back to UNHCR, asking for a reinstatement of their monthly allowances.

In general, however, the new policy has had some positive effects. By mid-1997, only 2,500 people out of a total caseload of some 20,000 urban refugees were still dependent on a monthly subsistence allowance, many of them because they had medical problems. UNHCR has now established a medical assessment and referral project with the Voluntary Health Association of Delhi, so that their condition can be assessed and treated. If and when their medical problems are resolved, they will be referred to the YMCA for employment counselling, vocational training and placement in a job.

## Assistance dilemmas

Given the growing difficulties of life in the rural areas of developing countries, coupled with the declining level of services available in many refugee camps, it seems likely that a growing number of refugees will in future make their way into the towns and cities of their asylum country. At the same time, UNHCR has increasingly been confronted with the problem of 'irregular movers' – urban refugees who have been granted asylum in one country but who have subsequently moved on to another state, and who have approached the organization for material assistance.

A Somali refugee living in a camp in northern Kenya, for example, might initially go to Nairobi, and later move on to Lusaka in Zambia, Harare in Zimbabwe or Johannesburg in South Africa. Iraqi refugees and asylum seekers have proved to be particularly mobile, arriving in capital cities such as Ankara, Islamabad, Bangkok, Beijing and Moscow, as well as the more traditional countries of asylum in Europe and North America.

Both of these trends have created some difficulties and dilemmas for UNHCR. Host governments are generally not very keen to see significant numbers of refugees in their major towns and cities, particularly when they have established refugee camps in rural areas. As in India, UNHCR has found that urban refugees are relatively expensive to assist and may not take the opportunity to become self-sufficient if they are provided with material support. Moreover, as UNHCR's study of this issue concluded, "urban refugees and asylum seekers tend to share a culture of expectation which, if not satisfied, often leads to frustration and violence."

## Scarce resources

Responding to these difficulties, in early 1997, UNHCR established a comprehensive policy on urban refugees, the purpose of which is "to ensure protection and to maximize access to solutions, both for individual refugees and for groups, and to make the best use of scarce resources." In brief, the policy document states that irregular movers should not normally receive assistance from UNHCR, but should benefit from the organization's protection. In some circumstances, they might also be helped to go back to the country where they were first granted asylum.

Similarly, refugees who have moved of their own accord from a rural camp to an urban centre in the same country will not normally receive assistance from UNHCR. If they are to settle in a town or city, they must find their own way to make ends meet, as many urban refugees already do. In Sudan, for example, despite strong official discouragement, thousands of Ethiopians and Eritreans have made their way to Khartoum and have found a niche in the local labour market. More recently, many thousands of people from other parts of the continent have made their way to Johannesburg and other cities in South Africa, where they have entered the informal economy.

With regard to urban refugees of the type found in New Delhi – skilled and educated people who do not have the option of going to a camp – the primary objective must be to find a long-term solution. If neither repatriation nor resettlement in another country are feasible, then efforts must be made to integrate the refugees locally, preferably by assisting them to participate in existing activities for nationals, such as job-creation, income-generating and skills-training programmes. As well as benefiting refugees themselves, an integrated approach of this kind will help to demonstrate that exiled populations can make a positive contribution to the country which has granted them asylum. Given the likelihood that the number of urban refugees will increase in the years to come, a more positive and imaginative approach to this issue is now required.

## **Box 2.2**

### **Refugees from the Horn of Africa**

The political crisis in the Great Lakes region of Africa and the continuing violence in the West African states of Liberia and Sierra Leone have tended to divert international attention from the issue of forced displacement in the Horn of Africa. And yet Djibouti, Eritrea, Ethiopia, Somalia and Sudan – five of the world's poorest countries – continue to be affected by some very large and longstanding refugee problems. In total, some 1.3 million refugees from the Horn of Africa are to be found within the region and in nearby states.

#### **Armed conflicts**

The refugee problem in the Horn of Africa is rooted primarily in the succession of armed conflicts which the region has witnessed over the past 20 years: the war between Ethiopia and Somalia for control of the Ogaden region in 1977-78; the struggle for Eritrean independence from Ethiopia, which began in the 1950s and was finally achieved in 1993; the battle for territorial control between the clans and warlords of Somalia, prompted by the disintegration of the Siad Barre regime at the beginning of the 1990s; and the ongoing conflict between government and rebel forces in the south of Sudan.

The scale and complexity of the refugee problem in the Horn of Africa has been reinforced by two other factors. First, while armed conflict and human rights violations have been the primary cause of the mass displacements witnessed in the region, environmental and economic factors have also contributed to the refugee problem. In many cases, of course, these different causes of displacement have been inextricably linked. When large numbers of Eritreans and Ethiopians fled to Sudan in the mid-1980s, for example, and when thousands of Somalis fled to Kenya in the early 1990s, they did so not only to escape from violence, but also because the armed conflicts in their respective countries had destroyed their livelihoods and undermined their traditional survival strategies.

Second, the conventional categorizations employed by UNHCR and other aid agencies are not always appropriate or relevant in the socio-economic context of the Horn of Africa. A large proportion of the region's displaced people come from a nomadic or pastoralist background, where movement is the norm and where international boundaries have little or no meaning. In such circumstances, it is not always possible to say whether a person is a refugee, a returnee, an internally displaced person or a member of the local population. As a result, the registration and enumeration of refugees in the Horn of Africa has proven to be especially problematic and a constant source of controversy. Responding to these problems, in the early 1990s, UNHCR pioneered a new approach to humanitarian assistance in the region, designed to support all those people in need in a given geographical area, irrespective of their nationality or their legal status.

## The search for solutions

As a result of the political, economic and environmental problems experienced by the region, populations in the Horn of Africa have quite literally been scattered in all directions. Citizens of all five countries are living in exile, not only in the region itself but also in nearby countries such as Egypt, Kenya, Uganda and Yemen (see Figure 2.6). Large numbers of Eritreans, Ethiopians, Somalis and Sudanese have also moved to other parts of the world, either as migrant workers or as asylum seekers.

Now that the Horn of Africa is experiencing a period of relative peace, UNHCR's primary concern is to find lasting solutions for people who have lived in exile for many years. In this respect, the organization's efforts are focused on the two largest refugee populations in the region: the Somalis in Ethiopia and, as discussed below, the Eritreans in Sudan.

An estimated 900,000 Eritreans fled from their homeland between 1967 and 1990, the largest number of whom moved westwards to Sudan. When the 30-year conflict with Ethiopia came to an end and a peace settlement was signed in June 1991, there was an evident expectation within the international community that those refugees would soon be able to go back to their homes. In practice, however, progress on this front has been slower than anticipated.

Initially, large-scale repatriation was delayed by the devastation that had taken place in Eritrea, the refugees' caution in returning to such conditions, and the need for discussions with the new government concerning the repatriation and reintegration effort. In 1993, after some intense negotiations, the Eritrean authorities and the United Nations agreed upon a \$260 million repatriation and reintegration programme for refugees in Sudan, and in November 1994, UNHCR launched a six-month pilot project involving the return of 25,000 Eritreans.

While the pilot project is generally considered to have been a significant success, the organized movement of refugees from Sudan to Eritrea quickly became stalled, largely as a result of two factors: the deteriorating relationship between the Sudanese and Eritrean governments, which eventually led to a rupture of diplomatic relations; and growing insecurity in the border area, resulting from clashes between the Sudanese armed forces and a rebel group.

Despite the difficulties which have affected the organized repatriation programme, the Eritrean government estimates that around 130,000 refugees had returned independently from Sudan by mid-1997. While the exact number of Eritreans remaining in that country is a matter of some dispute, UNHCR put the figure at around 330,000 at the beginning of 1997, of whom 135,000 were receiving international assistance.

According to a study by Eritrean scholar Gaim Kibreab, over 90 per cent of the refugees are positively disposed towards repatriation, but the risks they have to take in returning without assistance are so great that many prefer to wait until the organized repatriation and reintegration programme resumes. "There is nothing more frustrating than waiting," he observes, "especially when those who are waiting are not in a position to influence either the tempo of the process or its outcome."

**Map D**  
The Horn of Africa: principal refugee locations



### **Box 2.3**

#### **Refugee protection and resettlement**

Since the end of the first world war, the resettlement of refugees from their first country of asylum to another state has proved to be an effective method of protection as well as an important solution to refugee problems. Indeed, refugees from a very wide range of situations have benefited from resettlement during the 20th century: Russians who fled to China after the revolution of 1917; Jews fleeing from Nazi persecution in the 1930s; European refugees in the aftermath of the second world war, Hungarian refugees who had fled from the Soviet invasion of their country in the 1950s; Chileans and Argentineans in the 1970s; Eritreans and Ethiopians in Sudan during the 1980s; and Iraqis in Saudi Arabia during the 1990s, to give just a few examples.

The largest resettlement programme in recent history was that established for the Vietnamese boat people following the collapse of the Saigon regime in 1975. By 1979, a major protection crisis had developed in South-East Asia. Certain asylum countries in the region refused to accept any new arrivals and pushed them back to sea. Thousands more languished in camps without a solution to their situation in sight. Confronted with this political and humanitarian crisis, it was agreed at a major international conference that the boat people would be granted temporary refuge by states in the region and then be resettled in other countries. In the years that followed, nearly 700,000 Vietnamese boat people were resettled, most of them going to Australia, Canada, France and, in the largest numbers, to the USA.

The decision to adopt an across-the-board approach to resettlement in South-East Asia undoubtedly helped to save lives and to safeguard the principle of asylum. But it also created new problems. By the late 1980s, resettlement – designed as an important solution and protection tool for individual refugees meeting specific criteria – had also become a factor in inducing large numbers of people to leave Viet Nam, many of whom were subsequently found not to qualify for refugee status. Unfortunately, the notion that resettlement can act as a ‘pull-factor’ for economic migrants continues to obscure the vital role which resettlement can play in the protection of refugees who, for one reason or another, cannot remain safely in their country of first asylum.

#### **Contemporary resettlement**

Ten of the industrialized states have well-established resettlement programmes involving an annual allocation of places and organized reception arrangements. UNHCR plays a central role in identifying refugees needing resettlement and presenting their cases to the governments concerned: Australia, Canada, Denmark, Finland, Netherlands, New Zealand, Norway, Switzerland, Sweden and the USA (see Figures [2.7](#) and [2.8](#)). While funding for these resettlement programmes comes largely from central and local government sources, other partners such as specialized resettlement agencies, individual sponsors and community associations play a critical role in making resettlement work.



A number of countries also have overseas refugee admissions programmes which function without the involvement of UNHCR. These programmes benefit refugees with family links or sponsors abroad. The USA, Canada and Australia also make allocations for a certain number of persons to be admitted directly from their countries of origin without first seeking asylum in another state.

The number of refugees benefiting from resettlement under UNHCR auspices has dropped considerably in the recent years, largely as a result of the conclusion of the Comprehensive Plan of Action for Vietnamese refugees. At the peak of the Indo-Chinese programme, resettlement provided a durable solution for one in twenty of the world's refugees. By 1993, this ratio had dropped to just one in four hundred. And while UNHCR helped to resettle over 200,000 people a year in the late 1970s, the number of refugees resettled by the organisation in 1996 was 27,000 (see [Figure 2.9](#)).

### Why resettlement?

There are four reasons why some refugees need to be resettled. First and foremost, resettlement represents a vital method of protection for those whose safety and security can not be guaranteed in their country of first asylum. Refugees who are threatened with refoulement, refugee women who are at risk of sexual violence, refugees who are threatened with violence or arbitrary detention because of their ethnic, religious or social background all come into this category.

Second, resettlement can be an effective measure to assist refugees with special humanitarian needs which cannot be met in their country of first asylum. Such refugees include, for example, those who are suffering from life-threatening medical problems and who require urgent evacuation; those with serious injuries, mental problems or physical disabilities; victims of torture and rape and severely traumatized refugees; and refugees who wish to be reunited with family members living elsewhere. In each of these cases, UNHCR tries to ensure that resettlement is arranged only if no local alternatives are available.

A third main reason for resettlement is to be found in the situation of refugees who have already been living in their country of first asylum for some time, who are unlikely to be able to return to their homeland in the foreseeable future, and who are nevertheless unable to remain or integrate in their host society. Such refugees may be considered for resettlement if it is felt that they would have better prospects in another country, or if they have no other way of finding a lasting solution to their plight. Such has been the case for more than 35,000 Iraqi refugees who fled to Saudi Arabia after the Gulf war, and who were offered only temporary refuge in the latter country. By early 1997, around two-thirds of these refugees had been resettled, primarily in the USA, Iran, Sweden, Australia and the Netherlands. This international effort is now drawing to a close as most of the refugees have been resettled.

Fourth and finally, there is a growing consensus that resettlement represents an important means of sharing responsibility for the global refugee problem. While the vast majority of refugees continue to be hosted in some of the world's poorest countries, the offer of resettlement opportunities, if only to a very limited number of people, is a positive gesture of solidarity on the part of the wealthier nations.

## Problems and challenges

Despite the very obvious benefits which resettlement can bring to selected groups of refugees, it has tended in recent years to be viewed by governments, UNHCR and some other humanitarian organizations as the least desirable solution to a refugee problem. As has been pointed out elsewhere, the transfer of refugees from one part of the world to another goes against the grain of contemporary refugee policies, which emphasize concepts such as prevention, containment, speedy repatriation, and asylum in the region of origin.

Nevertheless, the decision to resettle a refugee is normally taken only in the absence of other options and when there is no alternative way to guarantee the legal or physical security of the person concerned. In the light of this observation, the common description of resettlement as a 'last resort' should not be interpreted to mean that there is a hierarchy of solutions and that resettlement is the least valuable or needed among them. For many refugees, resettlement is, in fact, the best (or perhaps only) alternative.

It is certainly the case that some people seek refugee status, and that some refugees move from one country to another, in order to seek a resettlement opportunity. But this unwanted side-effect should not obscure the important role which resettlement has played, and continues to play, in protecting refugees whose human rights are at risk in their country of asylum.

Given the traumatic nature of the refugee experience, resettled refugees in particular can be expected to require extra assistance as they face the challenges of life in a new country. Government bodies and voluntary agencies in countries of final destination often go to great lengths to provide counselling and practical support to those refugees who are granted a resettlement opportunity.

## The future

While UNHCR is sensitive to domestic considerations linked especially to budgetary constraints, unemployment and the politics of immigration policy, it is becoming more difficult for the organization to find resettlement places for some of the most vulnerable refugees. This is largely because resettlement countries are placing more emphasis on the potential of a refugee or a group of refugees to adapt and become economically self-sufficient upon resettlement.

As a consequence, there is a risk that the few countries which are still willing to accept the most difficult and urgent resettlement cases will grow more reluctant to do so. Iranian refugees in northern Iraq, for example, have compelling protection problems, but the number of resettlement places available to them falls considerably short of those needed. Some attempts have also been made to resettle refugees within their region of origin, rather than moving them from one part of the world to another. While few low and middle-income states consider themselves in a position to participate in such arrangements, the possibility of broadening the base for resettlement is now being seriously explored.

Finally, as highlighted by the situation of refugees and displaced people in former Yugoslavia, there is now a growing awareness of the need to adopt a comprehensive approach to refugee problems, providing different solutions to different groups of people, according to their specific needs and circumstances. In this context, resettlement is a vital tool of protection and a valuable solution for those who are unable to go home and who cannot settle in their country of first asylum.

## **Box 2.4 - Local integration in Mexico**

Unlike many other regions of the world, where local integration has largely fallen out of favour with host governments, this approach to the resolution of refugee problems has remained a viable option for limited numbers of exiles in Mexico and Central America. This box focuses on recent developments with regard to the local integration of Guatemalans in Mexico.

By the mid-1990s, the majority of Guatemalans, Nicaraguans and Salvadorans who had been forced to flee abroad during the political violence of the 1980s had been able to go back to their home areas. But smaller numbers of Central American refugees living in Belize, Costa Rica and Mexico have been given the opportunity to settle permanently in their respective countries of asylum, thus acquiring full rights to employment, social, educational and legal services, and to eventual citizenship.

The process of local integration in these countries has been aided by two principal factors. First, in each of these cases the refugees have been living in exile for long periods of time, many of them for over a decade. Most are at least partially self-sufficient and are already well integrated into the society and economy of their host countries.

Second, according to the nationality laws of the region, children have an automatic right to the nationality of their place of birth. Large numbers of refugee children who were born in exile therefore already enjoy full rights to citizenship and residence in their country of asylum. For parents with such children, local integration represents much less of a rupture in family life than a return to their country of origin.

### **Guatemalans in Mexico**

One of the most recent and largest local integration programmes in the region can be found in Mexico, where the government has agreed to grant permanent residence to those Guatemalan refugees who wish to stay and settle in the country. Over 200,000 Guatemalans, the majority of them from indigenous groups, left their own country in the early 1980s, fleeing from a civil war and a counter-insurgency campaign which made it impossible for them to remain on their land. Many fled to Mexico, where some 46,000 were officially registered by the Mexican government.

The refugees initially settled in camps in the state of Chiapas, on the border with Guatemala. Already an area of extreme poverty and political unrest, the refugees in Chiapas had very poor access to land and few employment opportunities. Between 1984 and 1986, therefore, the government refugee agency and UNHCR relocated nearly half of the refugees away from the border, taking them to the states of Quintana Roo and Campeche.

The Mexican government was keen to pursue a policy of self-sufficiency and local integration for these relocated refugees. With support from UNHCR and donor governments, in particular the

European Union and Germany, the refugees were provided with land, seeds and tools. Although in some cases the land provided was insufficient and of poor quality, the refugees were able to attain a degree of self-sufficiency with the help of crop diversification and specialized training.

By 1987, UNHCR and the governments of Mexico and Guatemala had signed a tripartite agreement for the official repatriation of the refugees, although by this time some people had already decided to return of their own accord. Large-scale repatriation did not occur, however, until the refugees formed the Permanent Commissions of the Representatives of Guatemalan Refugees in Mexico and had themselves entered into negotiations with the Guatemalan government. By 1992, the government and the refugees had reached an agreement on the terms and conditions of repatriation, and by the end of 1996 over 22,000 refugees had gone back to Guatemala.

The signing of a peace agreement between the Guatemalan government and the country's rebel movement at the end of 1996 encouraged smaller numbers of refugees to return in early 1997. Nevertheless, by June 1997 some 27,000 Guatemalan refugees remained in Mexico, of whom only 7,000 had indicated a wish to return. In general, those refugees who have returned to Guatemala are the more politicized element of the refugee population: those who were involved in negotiations with the government concerning the conditions of their return, who have maintained strong links with their homeland and who intend to play an active role in the continuing peace process.

### **The CIREFCA process**

The Mexican government first announced its intention to make local integration an option for the Guatemalan refugees in 1984 and reiterated this option throughout the CIREFCA process, a regional initiative to find solutions to the problem of forced displacement, which ran from 1989 until 1994. Intervening events, however, such as the peasant uprising in Chiapas, meant that the government was unable to pursue this policy in a systematic manner until 1996. Initially, the emphasis of the government's local integration programme was on providing the refugees with land and encouraging self-sufficiency. Most recently, however, the authorities have agreed to provide the refugees with the documents they need to remain in the country indefinitely and to provide them with a secure legal status.

Of the Guatemalan refugees remaining in Mexico, some 20,000 are expected to apply for permanent residency, of whom over half are children who were born in Mexico. By the end of 1996 the government had already provided immigrant visas to up to 4,000 refugees in Quintana Roo and Campeche. Apart from the right to vote, these visas give the Guatemalans the

same rights as Mexican citizens and entitle them to apply for permanent residence after five years. Those refugees with Mexican descent or spouses have also been given the opportunity to apply for accelerated naturalization. Some 600 refugees are expected to be naturalized in this way by the end of 1997, and a further 1,800 adults are expected to receive immigrant visas.

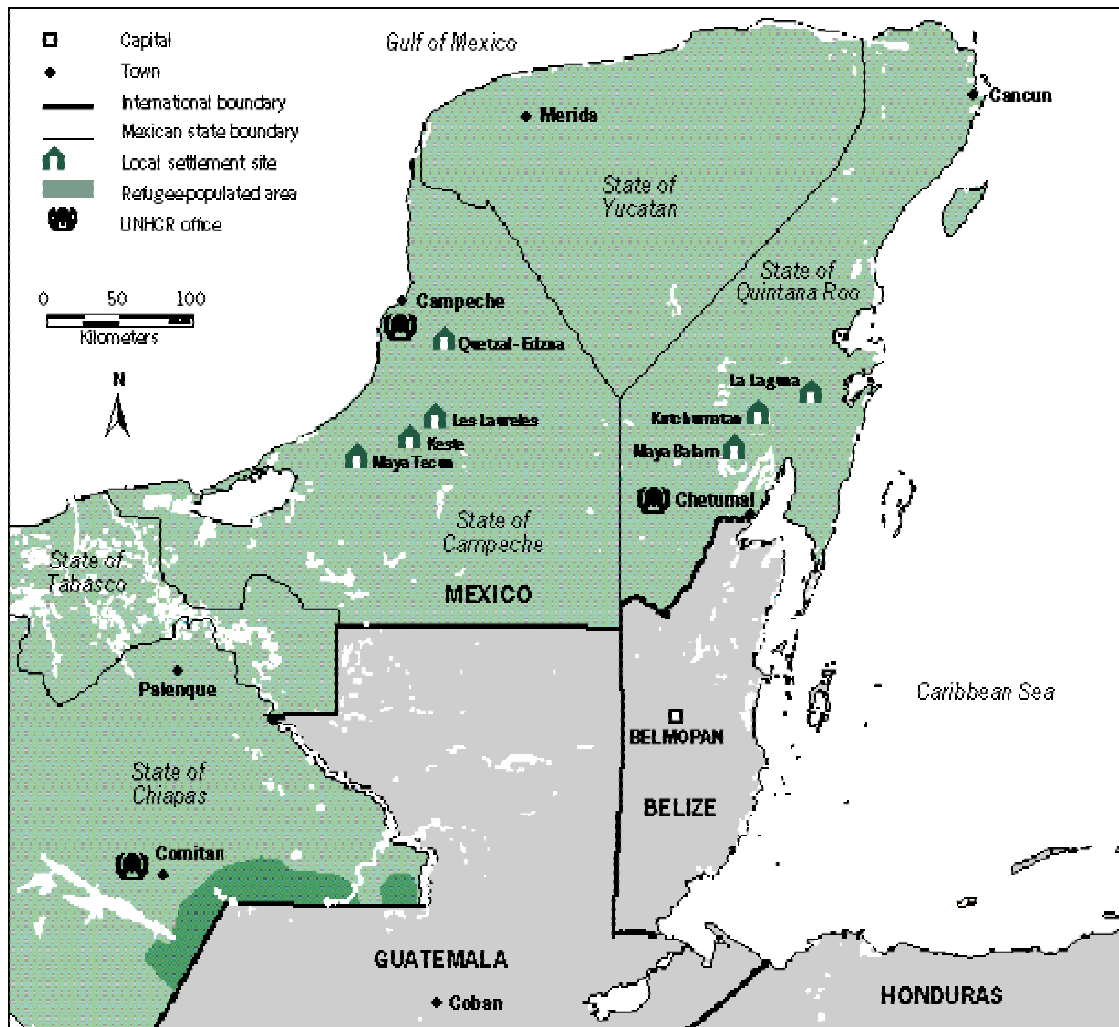
So far, the local integration programme has been extended only to refugees in Quintana Roo and Campeche, who are well-established in Mexico and who enjoy a relatively high standard of living. The challenge for 1997, according to the UNHCR office in Mexico city, is to facilitate the integration of refugees in Chiapas, most of whom are still dependent on food assistance. Access to land is a contentious issue in this area, and yet without land it is unlikely that the refugees will ever become fully self-sufficient.

Local integration has been a popular option for the refugees, especially those who were born and brought up in exile, and who acknowledge that life might be more difficult if they were to go back

to their nominal homeland. As one Guatemalan youth observed as he watched a group of refugees set off on their journey back home, "I would have to be crazy to go back to Guatemala now: I will wait and see how it goes for the ones who are leaving today. Then I will make up my mind." "We have got to study", he continued, "not like my parents, who have never learned to read and write."

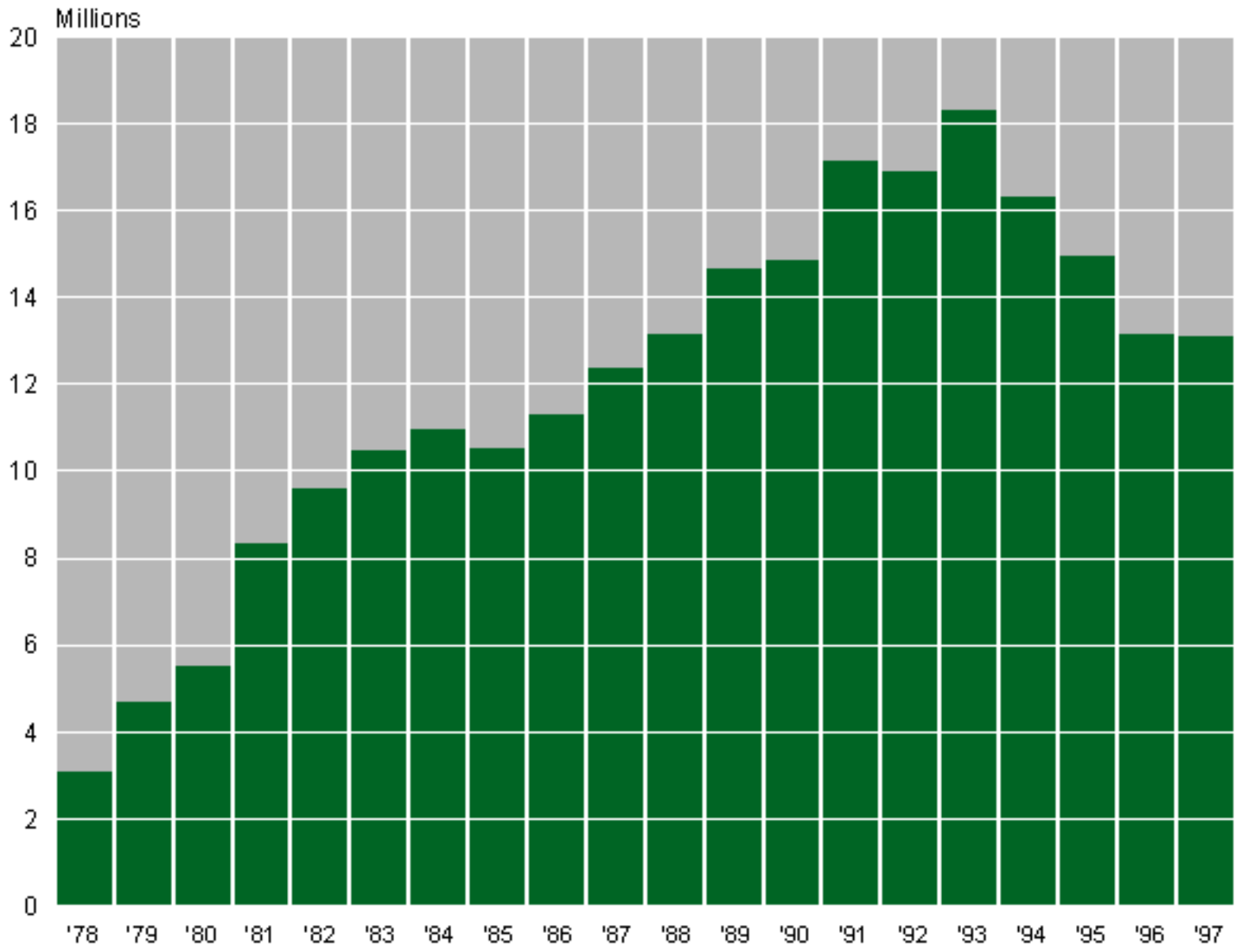
Local integration has also been a desirable option for the Mexican authorities. The remaining Guatemalan refugees are already well integrated and productive, and are generally less politically demanding than those who have returned. They could also make a positive contribution to the local economy. In Campeche and Quintana Roo, for example, refugees constitute only nine per cent of the population, but are responsible for twelve per cent of agricultural production. The Mexican government's support for local integration also represents an important gesture of support for the Guatemalan peace process and the CIREFCA Plan of Action. It is to be hoped that donor states will respond to this gesture by providing the local integration programme with continued financial support.

**Map E**  
Guatemalan refugees in Mexico

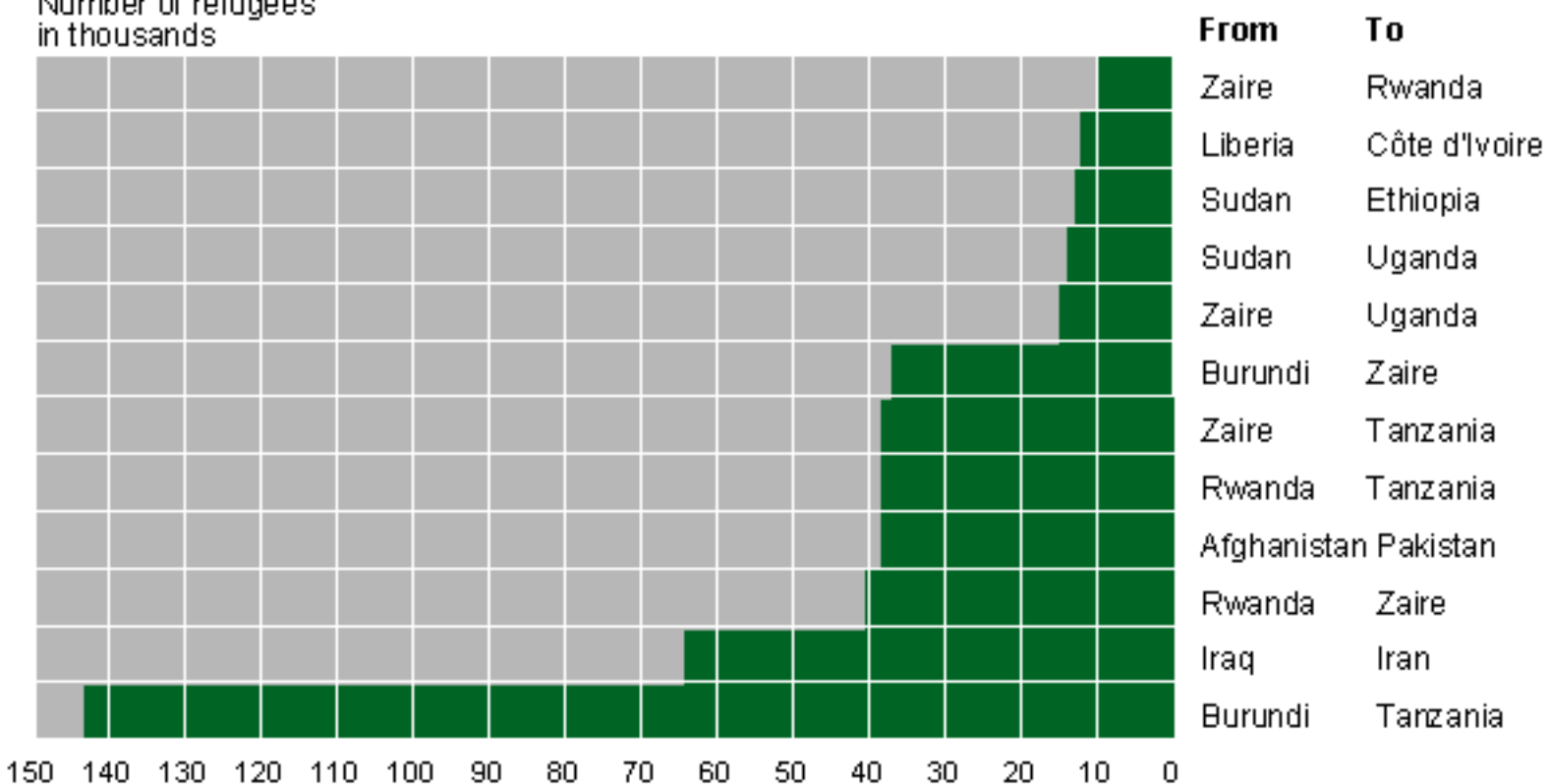


**Fig. 2.1**

**Global refugee population, 1978-97**



Statistics at January each year. Totals do not include other groups of concern to UNHCR and Palestinians assisted by the UN Relief and Works Agency for Palestine Refugees in the Near East.

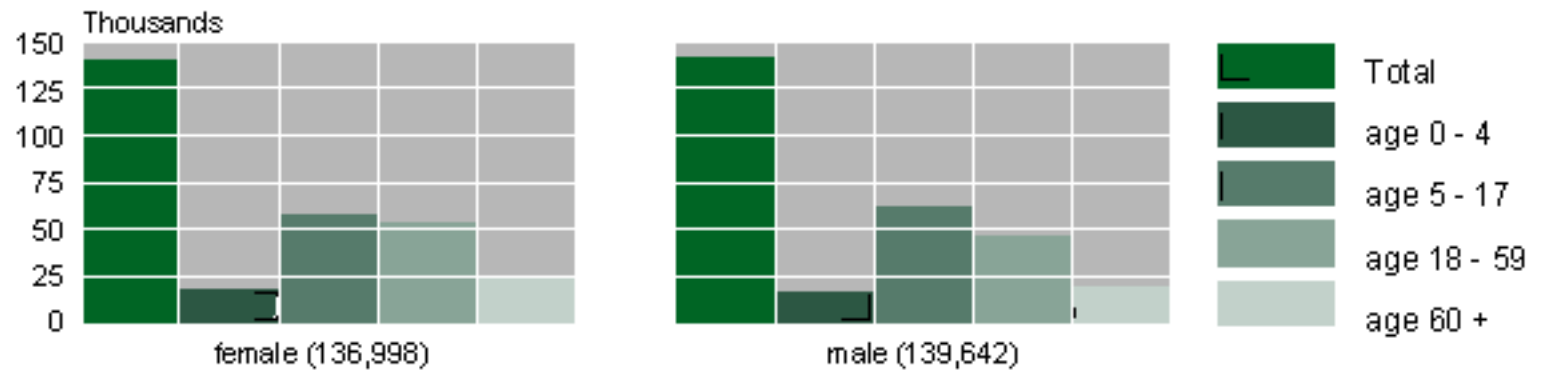
**Fig. 2.2****Major refugee movements in 1996**Number of refugees  
in thousands



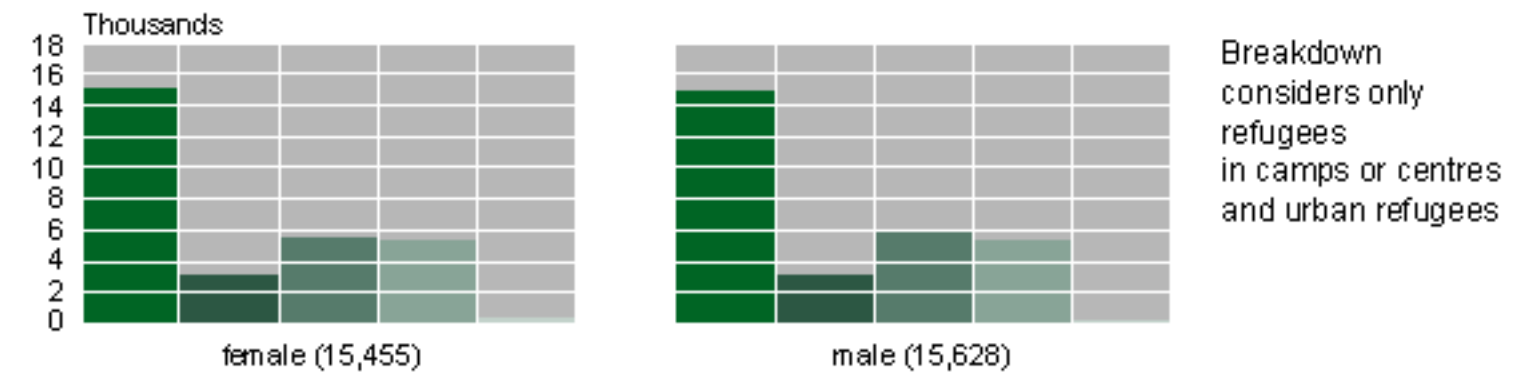
**Fig. 2.3**

**Refugee demographics in selected countries**

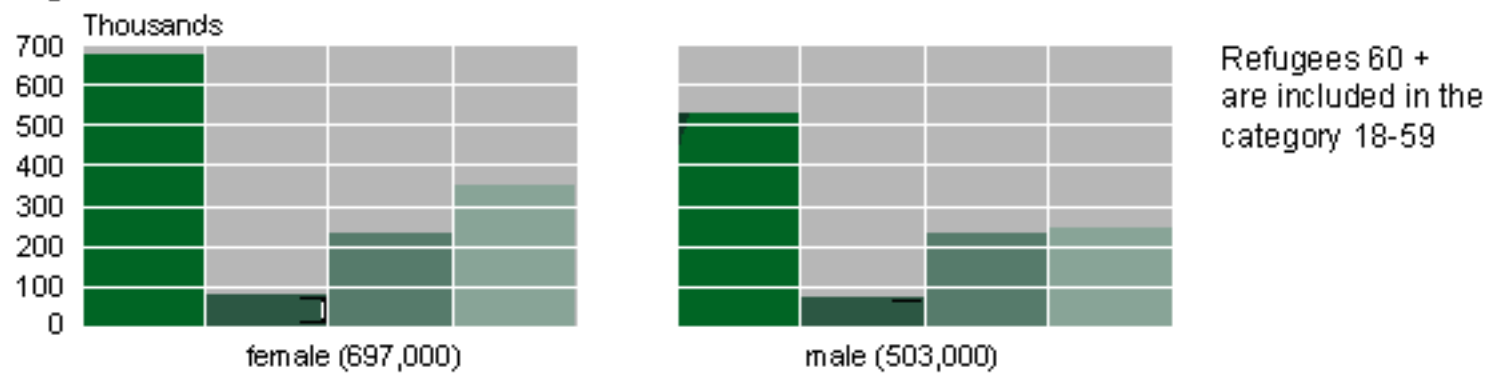
**Somalis in Ethiopia**



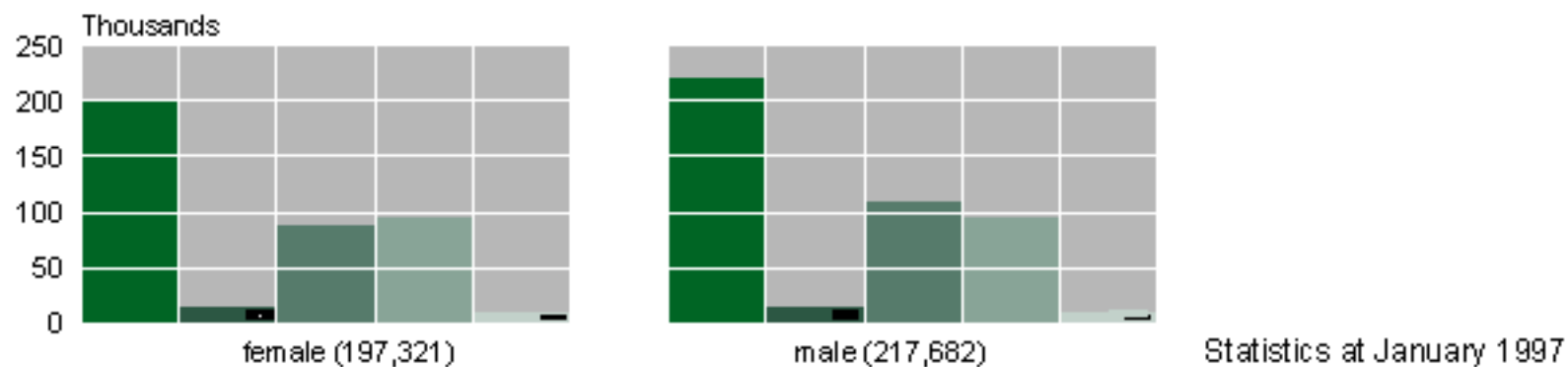
**Guatemalans in Mexico**



**Afghans in Pakistan**

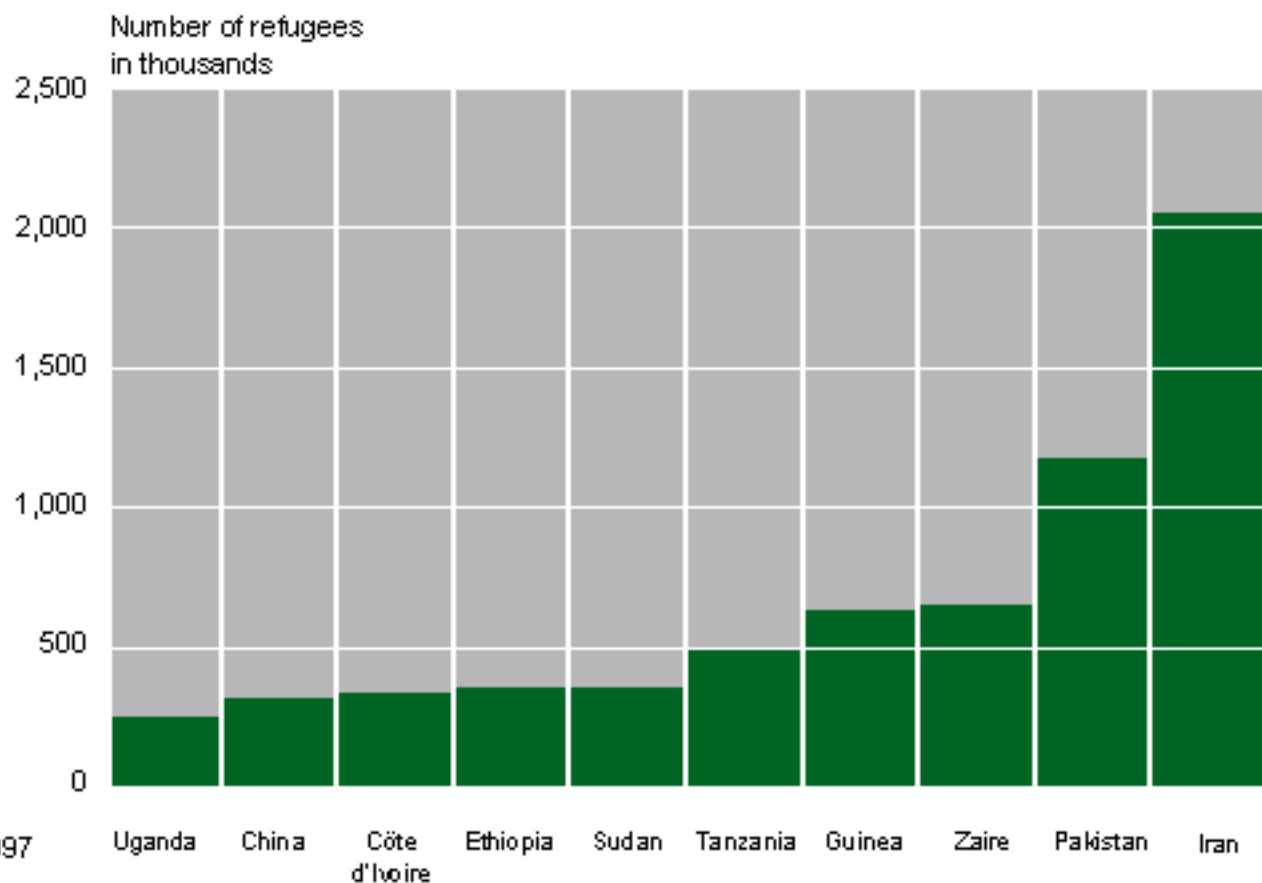


**Liberians in Guinea**



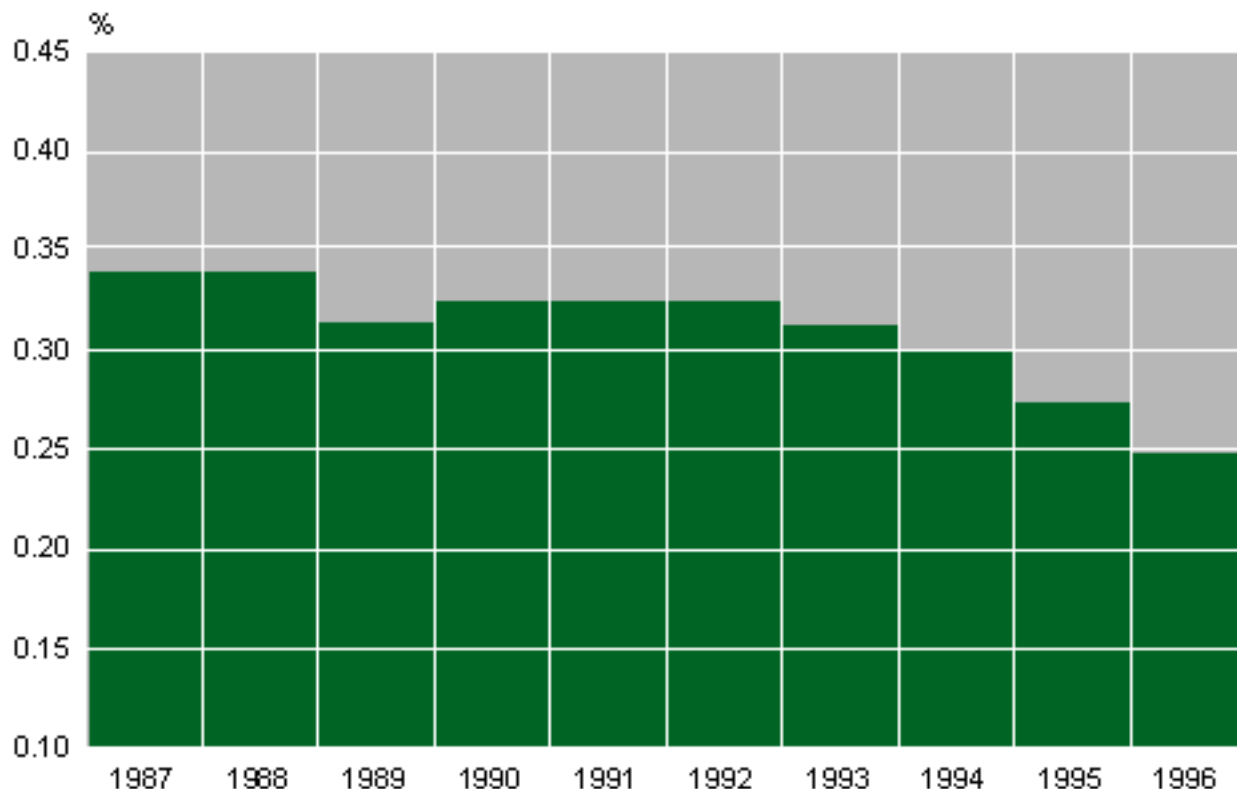
**Fig. 2.4**

## Major refugee hosting countries in developing regions



**Fig. 2.5**

**Official development assistance, 1987-96**



Source: OECD

Figure shows average ODA as % of Gross National Product (GNP) for members of the OECD Development Assistance Committee.

**Figure 2.6****Refugees from the Horn of Africa:  
principal countries of asylum**

<b>Countries of asylum and refugee population</b>	<b>Number of refugees</b>
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<b>Djibouti</b>	
Somalis	23,000
Ethiopians	2,000

<b>Egypt</b>	
Somalis	3,500
Sudanese	1,500

<b>Eritrea</b>	
Somalis	2,000

<b>Ethiopia</b>	
Somalis	288,000
Sudanese	76,000
Djiboutians	18,000

<b>Kenya</b>	
Somalis	171,000
Sudanese	33,000
Ethiopians	7,000

<b>Countries of asylum and refugee population</b>	<b>Number of refugees</b>
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<b>Sudan</b>	
Eritreans	328,000
Ethiopians	51,000

<b>Uganda</b>	
Sudanese	224,000

<b>Yemen</b>	
Somalis	44,000
Eritreans	2,500
Ethiopians	1,000

<b>Zaire</b>	
Sudanese	97,000

<b>Total</b>	<b>1,372,500</b>
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Rounded statistics, dated January 1997

**Fig. 2.7**  
**Refugee resettlement**  
**by UNHCR:**  
**departures**  
**by region of origin**  
**in 1996**

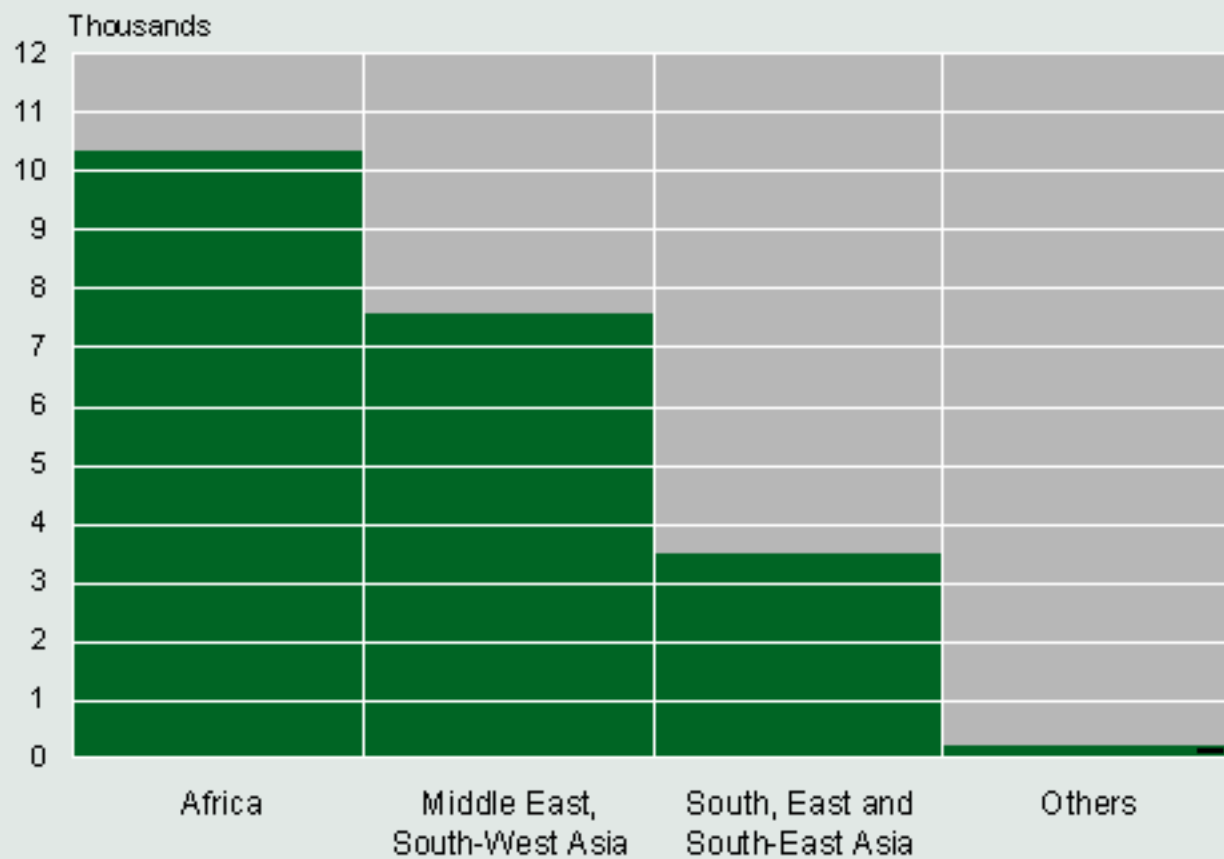


Figure shows only departures facilitated by UNHCR

**Fig. 2.8**

**Refugee resettlement by UNHCR: arrivals by country in 1996**

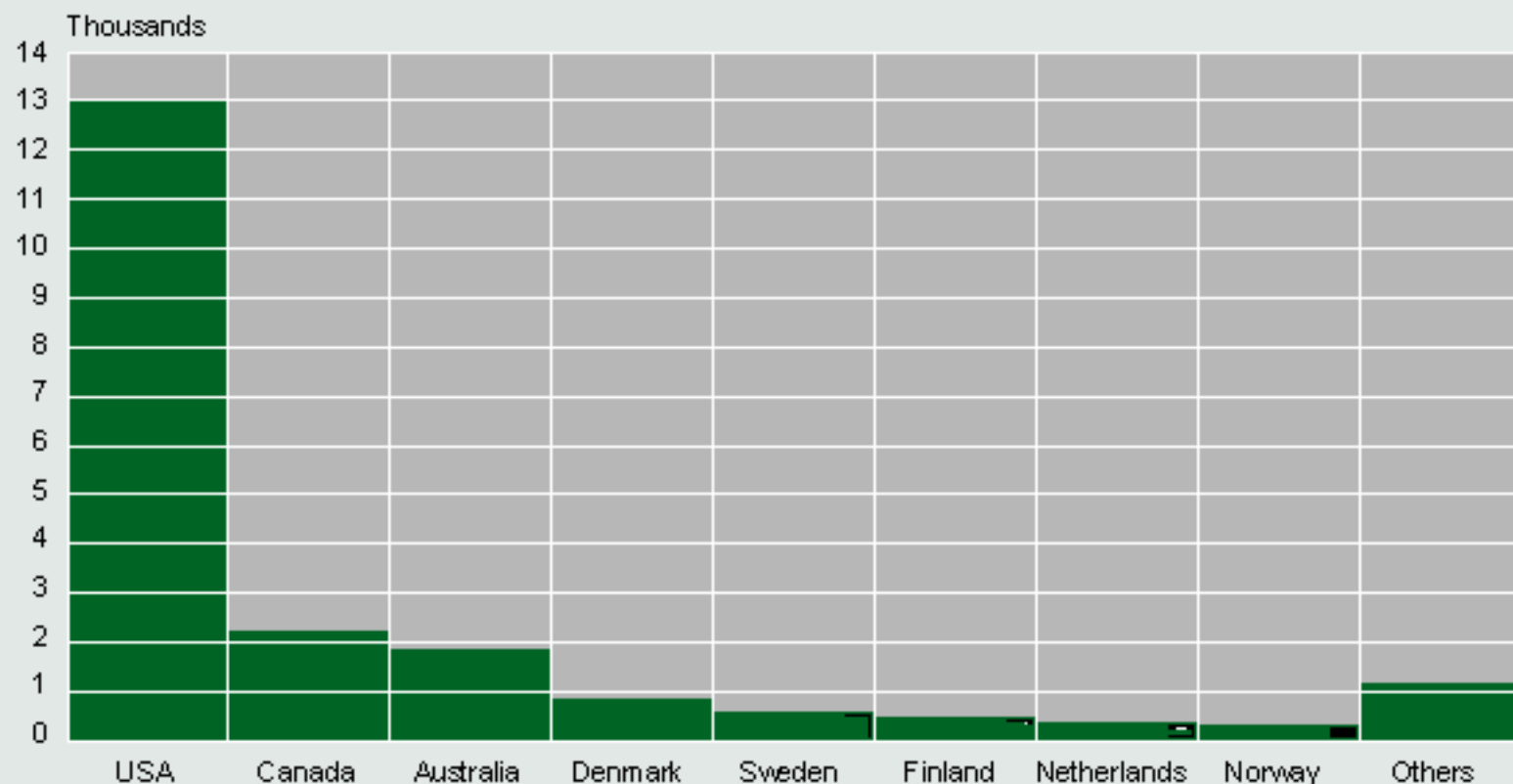
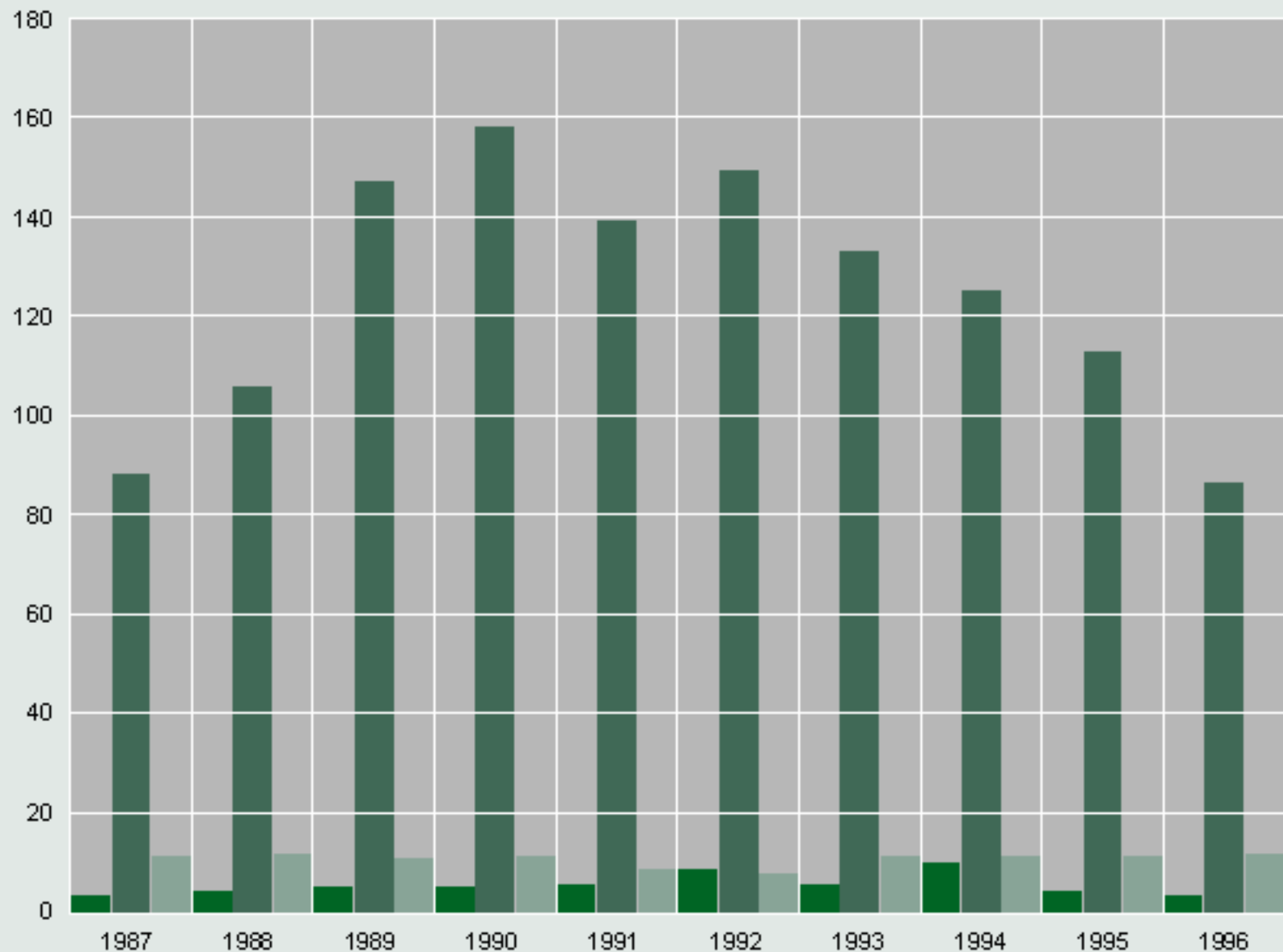


Figure shows only countries with more than 400 refugee resettlement arrivals in 1996 and only arrivals facilitated by UNHCR

**Fig. 2.9****Refugee resettlement arrivals in Western Europe, North America and Australia, 1987-96**

Number of arrivals  
in thousands



**Nationality of refugees****Date of application**

Mozambicans	November 1975
Guinea-Bissau	December 1975
Sao Tomeans	August 1976
Angolans	June 1979
Zimbabweans	January 1981
Argentinians	November 1984
Uruguayans	November 1985
Polish	November 1991
Czechoslovaks	November 1991
Hungarians	November 1991
Chileans	March 1994
Namibians	April 1995
South Africans	April 1995
Malawians	December 1996
Mozambicans	December 1996

**Fig. 2.10****Application of the  
cessation clause,  
1975-96**



## Map C Major refugee populations worldwide

### Palestinians

The Palestinian diaspora has spread to practically every corner of the globe, but the largest number - over three million - are still to be found in Jordan, Syria, Lebanon, the West Bank and Gaza.

It is one of the oldest refugee problems in the world. The fourth generation of refugees is now growing up in camps initially constructed by their great-grandparents.

### Algeria

There are around 165,000 refugees from Western Sahara in the Tindouf region of south-western Algeria, of whom half are assisted by UNHCR. In addition, Algeria has granted asylum to nearly 30,000 other refugees, most of them Tuaregs from Mali and Niger, as well as Palestinians.

### Mexico

The 32,000 Guatemalans recognized as refugees in Mexico at the end of 1996 constituted the largest refugee population in Latin America. Almost half of this number were born in exile and will eventually be able to apply for Mexican citizenship. Many other unregistered Guatemalans - between 50,000 and 100,000 according to many estimates - have also taken up residence in Mexico.

### Côte d'Ivoire and Guinea

The civil war in Liberia, which began at the end of the 1980s, has prompted large numbers of people to take refuge in neighbouring states: around 420,000 in Guinea and up to 300,000 in Côte d'Ivoire by early 1997. Guinea, one of the poorest countries in the world, has also offered asylum to as many as 250,000 refugees from Sierra Leone.

### Zaire

Some of the largest and most complex population displacements of 1996 and 1997 took place in Zaire. Despite the armed conflict affecting parts of the country, by mid-1997, Zaire continued to host a large number of refugees: 160,000 from Angola, 40,000 from Burundi, around 20,000 Ugandans and 110,000 Sudanese. At this date, UNHCR and other humanitarian agencies were continuing to trace the whereabouts of almost a quarter of a million missing Rwandese refugees.

### Uganda

Uganda has pursued a notably liberal asylum policy in recent years and now has a refugee population of around 265,000, predominantly from southern Sudan. By mid-1997, armed attacks by Ugandan rebels had displaced 30,000 of the refugees and disrupted a UNHCR-financed local settlement programme.

### Iran and Pakistan

For many years, Iran and Pakistan have hosted the largest refugee population in the world: the Afghans. At the beginning of 1997, Iran was providing asylum to around two million Afghans, as well as over half a million Iraqi refugees. Most of the Afghans live in urban areas. In Pakistan, however, around 1.2 million Afghan refugees live in camps, villages and settlements.

### Nepal

Around 90,000 refugees from Bhutan were accommodated in seven camps in the Jhapa and Morang districts of eastern Nepal in mid-1997, where they were assisted by UNHCR. Nepal also has a longstanding Tibetan population of around 20,000. An average of 2,000 Tibetans transit through the country each year, making their way to India.

### Thailand

A host for many years to refugees from Cambodia, Laos and Viet Nam, Thailand has more recently admitted a substantial population of refugees from Myanmar: around 115,000 by mid-1997. While UNHCR monitors their situation by means of regular visits to the border area, assistance is provided by a group of voluntary agencies known as the Burmese Border Consortium.

### India

The Indian government has not acceded to the major international refugee laws, nor does it give UNHCR access to some of the refugees on its territory. Even so, it continues to accommodate a large and varied refugee population: 100,000 Sri Lankans, a similar number of Tibetans, around 50,000 Bangladeshi Chakmas and a substantial number of Afghans, many of whom have settled in New Delhi.

### Ethiopia

In mid-1997, Ethiopia was host to around 340,000 refugees, mainly from Djibouti (8,000), Kenya (8,600), Somalia (285,000) and Sudan (35,000). Responding to the improved security situation in north-west Somalia, UNHCR launched an organized repatriation programme for the Somali refugees early in 1997.

### Sudan

Sudan has traditionally been one of the most important refugee-hosting and refugee-producing countries in Africa. By mid-1997, Sudan was still host to more than 400,000 exiles, predominantly from Eritrea. Around 45 per cent of the refugees in Sudan are from a nomadic background, although many have adopted a more sedentary way of life since leaving their country of origin.

