

"On the International Refugee Situation"

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Turn on today's television news, and reports of refugees are brought before your eyes. It is not an exaggeration that a day does not pass without one hearing a refugee drama on the television news. This phenomenon is not a recent one, but has been evident for several years. You might refresh your memory, recalling the exodus of the Kurdish refugees, which occurred just after the Gulf War in the spring of 1991, not to mention the pre-1991 outbreak of refugees.

It was 1941 when the United Nations High Commissioner for Refugees (UNHCR), an organization which deals with refugee issues, was established to help refugees from the Eastern block countries. Nevertheless, dramatic changes in the refugee situation occurred in the last several years. The refugee populations assisted by the UNHCR, evidencing the surprising increase in the last two decades, peaked at 18 million in 1993, seven times as much as in 1975. It must be noted that 3.25 million of the Palestine refugees were not included in this figure.

With the end of the Cold War, a strong sense of optimism about the refugee situation was generated. As the rivalry of two super powers was over, people were almost convinced that many conflicts, both national and international, would be solved. This would allow a large number of refugees to return to their homes and the reallocation of relief-assistance resources for rehabilitation and development.

But that was not the case. Even after the Kurdish outflow in 1991, unprecedented segments of populations around the world became refugees. This included the former Yugoslavia, which has produced 3.7 million refugees and internally displaced persons (IDPs) since 1991; the former Soviet Union Republics, Armenia, Azerbaijan, Georgia, and the Russian Federation itself, which have produced 1.5 million refugees since 1990; Rwanda/Burundi, producing 2.2 million refugees since 1994; Myanmar, with 200,000 refugees since 1993, and the Horn of Africa/ Somalia, which produced 1.6 million refugees. These are only examples.

The number of refugees grows like water spilling from a broken water pipe. Why such an outbreak? What is behind the frenzy? The answer is complex, with the

circumstances varying from one case to another. But a common element underlying most cases is ethnic conflict. It is believed that about 3,000 racial or ethnic groups exist within the confines of less than 200 nation-states. What a volatility! The collapse of the Cold War certainly opened a Pandora's Box.

Faced with continuous refugee emergencies, the UNHCR asked itself the following questions:

Can aid agencies, such as the UNHCR, respond more effectively to large and sudden movements of displaced persons?

To what extent do states have an obligation to keep their borders open when confronted with large influxes of asylum seekers?

Can a meaningful distinction be made between refugees and other types of migrants?

What action can be taken to avert the need for people to enter exile?

How can the world's refugees be helped to resume more settled and productive lives?

In responding to these concerns, the UNHCR, after agonizing discussions, has introduced a number of innovative and often quite revolutionary initiatives. These can be, generally speaking, categorized into two groups. The first group would include tactical or technical initiatives, specifically:

- ?? The creation of a "safety zone;"
- ?? The use of armed forces to protect humanitarian assistance activities, such as the delivery of food, medicine, or clothing to refugees;
- ?? New policy initiatives to cope with refugee-related environmental questions, such as alternative energy sources and reforestation;
- ?? Concluding the stand-by agreements with some of the UNHCR member states, which allow the UNHCR to request that member states send emergency rescue teams on rather short notice

The second group would include more strategic or fundamental initiatives related to the principle of refugee relief activities. While the nature of a traditional approach could be characterized as "reactive, exile oriented and refugee-specific," the new initiatives are "proactive, home-based and holistic."

Although the first group of measures is rather self-explanatory, the second group needs elaboration. But before doing so, we must return to the very fundamental question; that is, "who are the refugees"?

For most of the public, Vietnamese Boat People may be a typical example. However, many people would be shocked to find that all Vietnamese Boat People cannot have been refugees; and, in fact, as history shows, they were not. There is a very clear definition of "refugee." Where? The answer is found in the 1951 UN Convention relating to the status of refugees. Those who do not fit the conditions set by this convention cannot be considered refugees.

According to the Convention, a refugee is any person who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country..."

Two important elements emerge from this hardly understandable provision. First, those who exit their own country seeking economic improvement cannot be regarded as refugees. Many of the Vietnamese Boat People fell into this category and their refugee status was denied. There is no such thing as an "economic refugee." They are (economic) immigrants.

Secondly, those who still remain in their own country are not refugees. This provision was originally intended to preserve sovereignty of a nation and reject interference of foreign governments into domestic affairs. This principle has caused serious trouble in recent years.

The first case involved Kurdish refugees in 1991. With the Gulf War approaching its final stage, 2 million Kurds in Iraq tried to flee the country, splitting into two groups; one headed for Iran, the other for Turkey. While the Iranian Government accepted the Kurdish people as refugees, the Turkey Government did not. Under these circumstances, the UNHCR had no choice but to wait until a special arrangement was made with the Iraqi Government to provide relief assistance to the group that went to Turkey.

The second case was the former Yugoslavia, where not every newly split republic was internationally recognized as a full-fledged nation. So those who are forced to leave their homeland because of so-called "ethnic cleansing" are considered internally displaced persons (IDPs), not refugees. Strictly speaking, the UNHCR is not mandated to give relief assistance to IDPs. How did the UNHCR cope with this dilemma? The UNHCR report states:

"...While the definitions of the 1951 convention still form the core of her mandate, additional criteria have been progressively introduced to accommodate the evolving nature of refugee flows in recent years. Moreover, the (UN) General Assembly and the (UN) Secretary General have increasingly, frequently called on the UNHCR to protect or assist particular groups of internally displaced persons who have not crossed an international border, but are in a refugee-like situation inside their country of origin. In November 1991, for example, the Secretary General asked the UNHCR to assume the role of lead UN agency for humanitarian assistance to victims of the conflict in the former Yugoslavia."

This extension of the mandate enabled the UNHCR to give refugee assistance to IDPs in the former Yugoslavia. For instance, by July, 1993, more than 2 million IDPs received such assistance in Bosnia Herzegovina.

However, such an extension of the mandate should certainly be restricted to the cases where the following conditions are met:

1. UNHCR's assistance to IDPs is closely linked to the prevention or solution of a refugee crisis;
2. The UNHCR received a specific request from the UN (UN Secretary General and/or Security Council, General Assembly, etc.) and
3. All the parties concerned agree on UNHCR assistance.

New Initiatives

In the past, UNHCR officials often described their work very much like that of firefighters. Whenever you see a fire (refugee), you dash to the spot and put it out. How speedily and efficiently the fire was extinguished was key. When the refugee population is a manageable number, this might be workable.

But if you live in a big city, where the roads are congested and housing is more concentrated, you need a new strategy. The same applies to refugee assistance. Responding to 17 million refugees and 10 million IDPs requires a lot of brainwork by UNHCR officials. On top of streamlining daily operations, it becomes necessary to develop a good medium- and long-term strategy.

Three major changes must be mentioned in this respect:

1. First, the UNHCR is moving from a reactive to a preventive role. In the past, the UNHCR in principle tended to act only when people became displaced and sought asylum in another country. The prevention of such displacement had hardly been considered. However, with today's unprecedented, massive outflow of refugees, it has become so important to remove threats which

force refugees out of their homelands, thereby preventing the displacement. From this point of view, the following new initiatives have been successfully implemented, including:

- ?? Monitoring the country/region in question for early detection of warning signs;
- ?? Promoting economic and social development;
- ?? Assisting with conflict resolution, and
- ?? Protecting human rights.

These measures are wide-ranging and require good planning suited to each individual case. Much international and bilateral cooperation is required.

2. Secondly, the UNHCR is moving from an "exile-focused to a homeland oriented" approach. Refugee organization experts believed for a long time that assistance policy must aim among three fundamental solutions:

- ?? Refugees could remain in their country of asylum and become socially, economically and legally integrated there, a solution known as *local settlement*;
- ?? They could move on from their country of asylum and take up residence and citizenship in another state which had agreed to admit them, a solution described as *resettlement*;
- ?? Or they could go back to their homeland and assume all the rights and obligations of the resident population, *voluntary repatriation*.

The emphasis, however, was apparently put on the first two solutions, with the third option remaining secondary for a long time. This attitude was somewhat reflected in the fact that the 1951 convention limited the scope of UNHCR work primarily to refugees leaving their home country, but not those returning home. As a matter of fact, the political environment, before the 1980s especially, was not favorable towards repatriation on a large scale.

Please realize that in the first two solutions, the admission of exiles is regarded almost as a given. In other words, primary responsibility for these people's care rested with the country of asylum, or the third country. The responsibility of the country of origin, that the people left, was not

considered. This has become more serious in recent years, when population displacement sometimes is not a result of armed conflicts, but a policy objective of the government.

A typical example is the "ethnic cleansing" policy in the former Yugoslavia, where the government intentionally forced people to leave the country. A fundamental human right to live peaceably in one's own country was ignored. Of course, in Yugoslavia, governmental responsibility was seriously questioned.

3. Thirdly, the UNHCR is moving from a "refugee specific" to a "comprehensive" approach. With the end of the Cold War, a positive political environment was created for pre-existing refugee crises. The possibility of a large-scale repatriation emerged, in contrast to the new out-flow that was still seen throughout the world. In the past, the UNHCR's involvement in repatriation was very modest and limited to such activities as:

- ?? Registration of (potential) returnees
- ?? Verification of their will to voluntarily repatriate
- ?? Arrangement of transportation back to their homeland.

It was understood that once refugees reentered their own country, the primary responsibility for their care lay in the hands of home governments. Virtually no provisions exist in the 1951 Convention in this respect.

To call on the home government to assume more responsibility is a good step in the right direction. It is obvious, however, that the war- or conflict-torn government can't do much to help returnees. Without adequate assistance, these returnees simply become IDPs. This practical necessity brought about the following measures:

- ?? Providing protection and relief aide to the besieged and war-affected population, namely returnees and IDPs
- ?? Monitoring the protective needs of returnees and IDPs
- ?? Among other things, implementing a resettlement program in the returnees' area.

Furthermore, to make these measures more effective, all of the actors, not only the UNHCR, but also governments and other international organizations, must work together.

It must be acknowledged that these three, somewhat revolutionary changes were possible because of the very able leadership of the UN High Commissioner for Refugees, Ms. Sadako Ogata, and her staff. After taking the high commissioner's post in 1991, she made the UNHCR more efficient and reliable than it had ever been.

We must also note that, preceding these changes, the collapse of the Cold War had created a new environment that enabled the UN to play a new role.

New Role of the United Nations

Mr. Boutros Boutros-Ghali, the former UN secretary general, once stated, "the world in which the UN must act is radically different from that which emerged in the aftermath of the Second World War. Today, it is no longer a question of maintaining the peace between nation-states... Remedies now have to be found for the conflicts that divide people within states. It is those conflicts that require us to invent new responses and to find new solutions." The same is true for refugee assistance and the UNHCR.

In the past, refugee relief activities had been carried out under relatively quiet and safe circumstances, probably to the surprise of many people and in most cases in the country of asylum, or the third country. But the collapse of the Cold War regime brought about dramatic changes in the refugee situation in many ways. The most serious of these changes is that the UNHCR has to operate within the country of origin, sometimes where armed conflicts are still underway.

Therefore the UNHCR, unlike in the past, increasingly needs to work alongside UN Peace Keeping Operations (PKOs) and other military forces. Essentially, this means changes are needed in the UN's role. The UN, no longer under the constraints of the Cold War, has recaptured its vitality. The former stalemate in the Security Council is no longer an issue, which statistics clearly demonstrate. For example, during the six years from 1988 to 1994, the number of resolutions adopted in the Security Council jumped from 15 to 78. During the same period, the number of PKOs increased from five to 17, which cost \$3.6 billion in U.S. currency in 1994.

But there's more evidence than figures. The substance of PKO activities also changed dramatically. As the UNHCR put it, "until the late 1980s, UN Peace Keeping Operations normally involved deployment of lightly armed multinational forces in the areas of past, potential or ongoing conflict, where they acted as a neutral buffer between the opposing armies, monitoring cease-fire and assisting with troop withdrawal...The UN

peace keeping role had been strictly based on the consent and cooperation of the governments concerned. When one or both parties to a dispute decided that it or they could no longer tolerate the UN presence, PKO forces had no option but to withdraw."

Furthermore, the size of each PKO was very modest, normally a dozen to a few hundred persons. Also, the military-focus assignment had little to do with humanitarian assistance activities, excluding three of 13 cases before 1989, namely Congo (now Zaire) Cyprus and Lebanon. In other words, roles played by both entities, both the PKO and humanitarian assistance organizations like the UNHCR, are considered irrelevant because their objectives, deployment locations and responsibilities are so different. Some of these humanitarian organizations sometimes even try to keep a distance from the PKO.

Comprehensive Peace Program - Symbol of Changing Role of the UN

Under the new political circumstances, the UN is now called upon to become a key player in achieving a comprehensive peace program (CPP).

CPP has been implemented in countries including Cambodia, Mozambique and others where, after prolonged conflicts, national reconciliation was established. A typical CPP may include the following initiatives:

- ?? Demobilize and disarm soldiers;
- ?? Monitor peace;
- ?? Assist the establishment of a new judicial system;
- ?? Promote human rights;
- ?? Supervise constitutional and administrative reform;
- ?? Train government workers;
- ?? Register voters; organize and monitor elections;
- ?? Coordinate a reconstruction and development plan, and
- ?? Organize repatriation and re-integration of refugees and IDPs.

As CPPs are instituted, the relationship between PKOs and humanitarian organizations are also entering a new era. The new PKO initiatives enhanced operational capability of UNHCR and other humanitarian organizations significantly. Among others, the following contributions are particularly noteworthy:

- ?? Removing mines;
- ?? Protecting the refugee transit center;

- ?? Monitoring safe repatriation;
- ?? Providing air or land transportation to UNHCR personnel, returnees and necessary equipment, and
- ?? Repairing roads, bridges and other infrastructure.

A new political climate, coupled with fresh initiatives of PKOs, enabled the UNHCR to organize a voluntary and large-scale repatriation of refugees. More than 9 million people returned to their homeland in the last several years, a number almost 7.5 times as large as those who returned between 1985 - 1990.

Some examples are:

Namibia:	42,000 returnees
Cambodia:	370,000 returnees
Mozambique:	1,500,000 returnees.

As far as we know, the evidence to date shows that CPPs for these countries worked well, and the returnees' reintegration experienced no major obstacles.

Another new role of the UN and PKOs, one that is perhaps a bit difficult, should be mentioned here. Under the new circumstances, the UN is sometimes asked to intervene in the on-going domestic conflicts. In the Cold War era, such intervention would hardly be imaginable, given the national conflicts of the day; particularly those in the African countries of Nigeria (1960), the Sudan (1970), Uganda (1980) and Ethiopia, (1960s - '90s); and the Asian countries of Vietnam (1960s - '70s) and Cambodia (1970s). It was highly unlikely that the five permanent members of the Security Council would reach an agreement for intervention. But now, the rules of the game have changed.

In response to such an emerging situation, the UN is urged to employ a double-track strategy, on one hand, to mediate political negotiations; on the other hand, to provide humanitarian assistance to conflict-affected populations. It is clear that in many cases, assistance would not be possible without the support of military forces. This fact has tightened the relationship between UN PKOs and humanitarian organizations.

It is within this context that refugee issues became one of the top agenda items in the Security Council, which had never before occurred. This new PKO role is also quite different from the traditional one. Unlike in the past, new PKOs are being sent to areas where internal conflicts are still young and where the consent of the concerned parties is either nonexistent or very volatile. It goes without saying that the PKOs' mission became more dangerous, and was often large-scale and certainly complex.

The merits of such a "strong" PKO were witnessed in many difficult operations, such as:

- ?? Airdrops of relief materials;
- ?? Protection of the system of land transportation;
- ?? Airlifting, and
- ?? Removing mines.

Furthermore, the expense proved that the mere presence of a PKO itself, despite the noncombatant nature of its mission, often creates stability in an area.

Limitations and Short-comings of New PKOs

In addition to the merits, we must touch upon the limitations and shortcomings new PKOs possess. First, PKOs can't replace a political solution; their role is to support and supplement political settlement. Similarly, PKOs are no substitute for humanitarian assistance activities. What's more, the differing purposes of PKOs and humanitarian organizations sometimes cause serious conflicts. As a matter of fact, UNHCR and other humanitarian organizations have had to face this serious dilemma.

A typical example is UNHCR activities in Bosnia. When relief activities in Bosnia were protected by UN PKOs, the parties involved in the conflict would often accuse the UNHCR of favoring the opposing side. In the eyes of the parties involved in the conflict, the neutrality or impartiality of the UNHCR became questionable. Many UNHCR personnel became targets of shootings. Such situations can be suicidal for humanitarian organizations. This is the very reason that, for a long time, relief organizations like the UNHCR tried to keep a distance from PKOs and other military forces. Therefore, the maneuverability of relief organizations became restricted.

It is, however, a fact that without military protection, the UNHCR could not complete their operations. To quote Boutros Boutros-Ghali, "Realistically, no operation can use force in one part of the theater, while serving as a neutral humanitarian mission and an impartial partner to agreements in another." Peace enforcement activities pursuant to Chapter 7 of the UN Charter will conflict with humanitarian relief operations, which are in principle carried out with the consent of all parties concerned.

Regarding the difference between peace keeping and peace enforcement, Boutros Boutros-Ghali stated, "The UN can be proud of the speed with which peace keeping has evolved in response to the new political environment resulting from the Cold

War... But the last few years have confirmed that respect for certain basic principles of peace keeping are essential to its success, namely the consent of the parties, impartiality and the non-use of force except in self-defense. Peace keeping and peace enforcement should be seen as alternative techniques and not as adjacent points on a continuum."

Refugee and Economic Development

Obviously, the well-being of people is closely linked to political stability, a fact that leads to the refugee problem. Top ranked nations in the UN Human Development Index (UNDP - HDI) have shown no sign of displacement of their people, while the lower countries experienced a quite different situation. No one can argue this point. Being aware of that, the UNHCR had been paying much attention to economic development. Especially the refugee situation in the last several years urged the UNHCR to take a more positive role in this respect.

Two notable points should be mentioned. First, preventive action, as previously touched upon. Economic well-being is believed one of the most influential elements in preventing refugee outbreaks. Secondly, and perhaps more importantly, a large-scale repatriation can be possible only when accompanied by appropriate development assistance.

Previously, the UNHCR provided returnees with a very modest package: basic food stuffs, including wheat flour and cooking oil, until the next harvest, agricultural tools and seeds, and a minimum shelter kit. A popular joke was, "The UNHCR gives returnees a cooking pot and a handshake." The prevailing idea behind this modesty is, "Now home governments hold a major responsibility for the returnees."

This irrational attitude of the UNHCR caused serious doubt among her own staff, and understandably so. First, most of the home countries, where returnees are heading, are poor, sometimes among the poorest, and war-torn. Their basic infrastructure is destroyed and worse, these home countries cannot afford to assume full responsibility for reintegration of returnees. A shortage of human resources also poses a problem. One might think, "what about the international agencies? They are the right persons to do these jobs." But such a hasty conclusion is not rational. These agencies suffer shortcomings in solving these problems.

Normally, these agencies implement medium- to long-term projects, mostly on a large scale, while what the returnees need are small-scale and neighborhood

infrastructures. For example, they need bridge repairs, secondary or tertiary road construction, new drinking wells, new schools and clinics. These are small, but the returnees urgently need these improvements. The needs of the returnees are acute. Someone must fill the gap.

Secondly, the change in the political climate triggered by the end of the Cold War has produced new expectations among the war-stricken countries and people. No longer subject to long-lasting conflict, the people have high aspirations of reconstructing their country. The same holds true for returnees. But past experience tells us that, if these returnees receive the assistance of an inappropriate reintegration program, they can easily become displaced persons, worsening the situation.

In light of these circumstances, the UNHCR introduced a new initiative called "Quick Impact Projects," or the QUIPS approach. The QUIPS approach can be summarized as follows:

1. Projects should be in principle small-scale, basic infrastructure-related and provide a quick fix, so as to meet the immediate needs of the returnees;
2. The cost of the project should be less than approximately \$10,000 for each case;
3. Typical projects are the building or repair of small bridges, the construction of secondary and tertiary roads, the digging of wells, the construction of schools or clinics, vocational training, etc.;
4. Beneficiaries of the projects may include the local community population in addition to returnees themselves; (The experience showed that to make projects more efficient and sustainable, cooperation or participation from the local community is indispensable.)
5. QUIPS should become a bridge to mid- and long-term development projects, which aid agencies will later implement. The key word here is bridge.

Under this new philosophy, the first QUIPS program was implemented in 1989, when the voluntary repatriation of Nicaraguan, El Salvadoran and Guatemalan refugees occurred. The program achieved quite remarkable success, and QUIPS were introduced in every place experiencing large-scale repatriation. These countries included Cambodia, Ethiopia, Mozambique, Myanmar, Sri Lanka and others. There, the QUIPS approach won unanimous support.

But one should not presume that QUIPS is a panacea that can be used in every situation. A few points should be mentioned:

1. Political stability of the home country, most of all, is a key to the success of QUIPS. The disruption of conflicts will impair success.
2. Timely and appropriate follow-up should be done through the arrangements of either bilateral governments or international development agencies.
3. QUIPS is only one of the tools to be used in reconstructing the countries. For instance, the recent international meeting on Rwanda confirmed the following reconstruction needs of the country:
 - a. The establishment of an independent judiciary and independent political forces;
 - b. The payment of soldiers' salaries;
 - c. The restoration of a nation-wide electrical system;
 - d. The solution of local tenants disputes, and
 - e. Debt relief assistance.

Conclusion

As thousands and thousands of tired and helpless looking refugees are shown on the television news, we are made to feel desperate. The refugee crisis seems endless. Like a non-curable disease, it spreads everywhere.

But let's not jump to a hasty conclusion of despair. There is a sign of hope, seen in the statistics. The refugee population, which peaked at 18.2 million in 1993, has dropped to 14.4 million. Refugee questions in Latin America are no more, and the Asian refugee population has decreased drastically.

These changes were achieved because of the collapse of the Cold War and the economic development of a certain part of the world. The UN and other international organizations, among them, the UNHCR, played and are still playing a crucial role to this end.

While it is dangerous to become too optimistic, it is a fact that at the same time, the refugee issue is a curable disease.

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