



The Future of Refugee Flows and Policies

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*The Future of Refugee Flows and Policies*¹

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The number of forced migrants—recognized refugees, persons in “refugeelike” situations, and internally displaced—is estimated today to exceed 40 million. The changed international climate of the 1990s (a renewed emphasis on human rights; broader concepts of national security; and the profound political changes in Eastern Europe and the former Soviet Union) has shifted the focus from the asylum and resettlement countries to the countries of origin: there is today a greater willingness to intervene in other countries’ affairs either to avert the creation of new flows of focused migrants or to assist internally displaced populations, and there is the expectation of large-scale voluntary returns of refugees in asylum. This article discusses these and other policy issues concerning forced migration in this new international environment.

The early 1990s is an appropriate time for an assessment of the global refugee situation. We are today in a new era with respect to issues of forced migration. Several changes have occurred in the international system that together call for a review of traditional policies, for an evaluation of new initiatives taken in the last few years either to avert new population displacements or to solve old situations of refugees and displaced persons, and for the identification of gaps in the current system for dealing with forced migrants. This is a time of new opportunities and challenges, but also of new dangers. This article is concerned with all forced migrants who lack their government’s protection: recognized refugees, externally displaced, and internally displaced. Whether a person ends up in one or the other category is often accidental, and it is increasingly recognized that solutions to the

¹ This article has benefited from research for an issues paper on global refugee policy I am writing in collaboration with Emily A. Copeland (Rogers and Copeland, forthcoming) and from the discussions at an international, invitational conference on “Global Refugee Policy: An Agenda for the 1990s” (The Aspen Institute, Wye Center, Queenstown, Maryland, February 20–22, 1992) that we jointly organized. I am grateful to the John Whitehead Foundation and the Pew Charitable Trusts for their support of both endeavors.

situations of these groups frequently call for comprehensive measures which deal with all of these populations simultaneously.

Among recent important changes in the international system is a renewed emphasis on human rights. Today, the UN is willing to scrutinize the human rights records of a wide range of countries, and there is in general a greater readiness to question a country's right to do as it will with its citizens—a readiness to put limits on sovereignty. Strong actions may be undertaken to avert new forced migrations or to protect and assist populations that were displaced within their home countries. This new policy stance represents an important change: from a reactive one, when the international community was essentially waiting until refugees reached an asylum country (where they would then be protected and assisted), or an inactive one (with respect to many of the internally displaced), to a more proactive stance in which the focus is quite explicitly on the countries of origin.

Second, today countries are redefining their conceptions of national security. The new conceptions go beyond military threats to countries' borders or threats to particular regimes, to include broader concerns such as the populations' quality of life or whether governments are able to preserve their full range of policy choices in all issue areas (see for example, Ullmann, 1983). In this context, matters pertaining to voluntary and forced migrants are increasingly regarded as security issues and are now at the top of many countries' policy agendas. One need only recall governments' concerns about the rising numbers of illegal migrants and asylum seekers in Western Europe today, as well as the challenges presented by the violence perpetrated against foreigners by various groups in a number of European host countries.

Third, the political changes in Eastern Europe and the former Soviet Union, and the end of the Cold War, are having profound effects on the global refugee situation. In the region itself, some countries which formerly created refugees have now joined the international refugee regime, while at the same time violent conflicts in the former Yugoslavia, the Caucasus and Tajikistan have created large numbers of new forced migrants, and there is the threat that other such situations may arise. In other world regions, the end of the Cold War has signified the end of proxy wars between the superpowers. Although some of the old conflicts still continue and new power struggles have arisen (such as in Angola or Afghanistan), there is today the possibility of large-scale returns to their home countries for certain refugee populations in asylum. This is the second way in which the focus of the international community has decidedly shifted back to the origin countries.

The next section of the paper briefly discusses the institutional and legal mechanisms created by the international community for the protection of and assistance to refugees. I then offer some statistics on the current numbers and locations of the major populations of forced migrants. The two subsequent sections review what I perceive to be critical issues with respect to forced migration today.

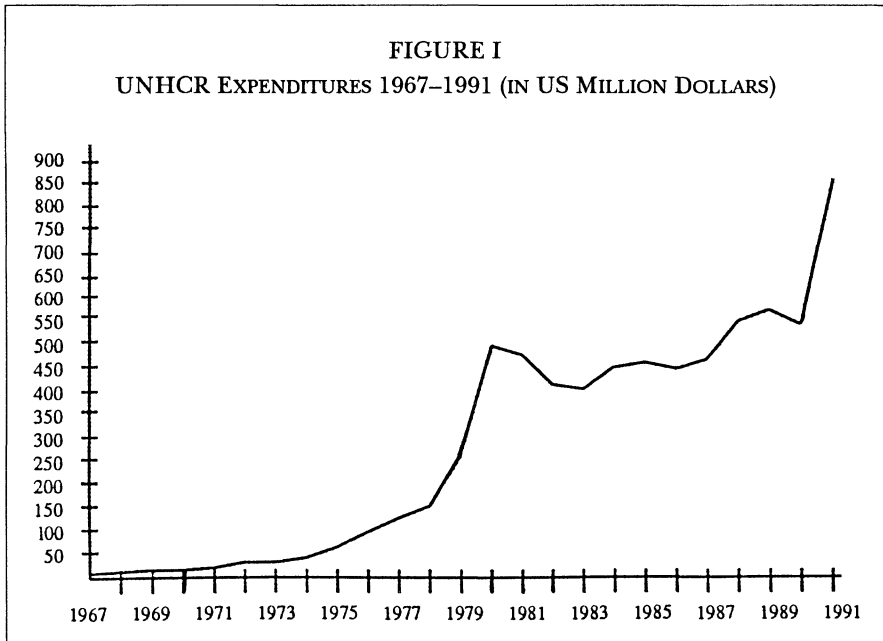
THE INTERNATIONAL REFUGEE REGIME AND THE POPULATION OF FORCED MIGRANTS TODAY

The Actors in the Regime and the International Legal Instruments

Governments remain the major actors with respect to forced migrants. They create the refugees and internally displaced. They take back refugees and permit or help internally displaced to return to a normal situation after a reconciliation has occurred or the government has changed. Other governments grant asylum to refugees and/or make funds available—bilaterally or through international institutions—to support refugees in asylum countries and to effect permanent solutions to refugee problems through returns, through permanent integration into countries of first asylum, or through third country resettlement. Increasingly, governments have been willing to intervene in the affairs of other countries to forestall the creation of forced migrants or to assist and protect internally displaced populations. Today's international refugee regime—the set of norms, laws and institutions designed to protect and assist forced migrants who have crossed an international border because they fear persecution or generalized violence in their own countries—was created in the early post-World War II years and has been further developed since then, but it has its roots in the 1920s (Holborn, 1975; Keely, 1981; Gallagher, 1989). As they had done between the two World Wars, governments created again after World War II, this time within the UN framework, institutions to protect and/or assist certain groups of refugees.

In 1948, the UN Relief and Works Agency for Palestine Refugees in the Near East (UNWRA) was established (under a different name) to assist Palestinian refugees in Syria, Jordan, Lebanon, the West Bank and Gaza. However, UNWRA's mandate does not include protection or the search for durable solutions.

The central international institution working on behalf of refugees today, the office of the UN High Commissioner for Refugees, was established in 1951. It was to be temporary and nonoperational, with a two-part mandate: the international protection of refugees and assistance to governments and



Source: United Nations High Commissioner for Refugees, "Information Paper." Geneva: UNHCR, February 1992, Annex IV.

private organizations in their search for permanent solutions to the problems of refugees. UNHCR's Euro-centeredness at the time of its founding is evident from the optional geographical limitation as well as the temporal limitation involved in the international definition of refugee, which was formulated at the same time and embodied in a UN Convention.

Today, 40 years later, the organization is alive and well, but, paradoxically, its mandate is still temporary, having to be renewed at five-year intervals. However, UNHCR has become an operational agency whose expenditures in 1991 amounted to U.S.\$860 million (Figure I). Only a negligible portion of the organization's administrative costs is financed from the regular UN budget; for the remaining costs UNHCR depends on voluntary contributions, primarily from governments.

In 1952, the international community also created a migration organization entirely outside the UN system, the Intergovernmental Committee for European Migration, which still exists today as the International Organization for Migration (IOM). For 40 years IOM has been responsible for much of the logistics involved in refugee resettlement. It also serves a variety of needs of labor migrants.

A set of important actors assisting forced migrants are nongovernmental organizations (NGOs), whether indigenous to the country in which they work or headquartered elsewhere. NGOs act as “implementing partners” to UNHCR and individual governments, and/or undertake independent activities, which in many instances are funded by private contributions. NGO personnel are often the most knowledgeable about problems (including protection problems) of refugees or the internally displaced, since they are closest to the affected populations. International NGOs can be particularly important for the protection of forced migrants; they can “blow the whistle” on human rights violations, and thus their presence in itself often acts as a restraining force.

Countries’ refugee policies are guided by national laws. In many instances these conform in their basic thrust to the content of international and/or regional legal instruments to which the countries have acceded and which also guide the actions of international institutions. The most widely embraced international instrument is the UN Convention Relating to the Status of Refugees, formulated in 1951.

After World War II, who was to be considered a refugee? Despite the displacement of millions that had occurred as a result of the war, the international community settled on a rather narrow definition, both in terms of standard of recognition and in terms of apparent expectations concerning future refugee flows. The Convention defines as a refugee

any person who . . . [a]s a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or . . . unwilling to avail himself of the protection of that country.

States acceding to the Convention were free to restrict their interpretation of “events occurring before 1 January 1951” to “events occurring in Europe before 1 January 1951.” As new refugee flows emerged, the time limitation became constraining (for example, in 1956 it had to be stretched to accommodate the Hungarian refugees), until it was finally abandoned in the 1967 Protocol to the Convention. As of November 1992, 116 states were party to one or both of these instruments (Ogata, 1992c:1).²

² International refugee law receives support from humanitarian law and human rights law for its most basic principle, *nonrefoulement*, which stipulates that no refugee may be sent back to the frontiers of territories where his life or freedom would be threatened on account of one of the five reasons used to determine who is a refugee. The 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (humanitarian law) and the 1966 International Covenant on Civil and Political Rights (human rights law) contain similar stipulations, without using the term refugee.

In time it became evident that the condition of granting asylum based on fear of individual persecution was too narrow as well. In many parts of the world people were fleeing from generalized violence rather than because they had been singled out for persecution (for example, during colonial independence struggles). This fact was finally taken into account formally by the African countries in the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, which recognizes, in addition to fear of individual persecution as a reason for fleeing one's country and being unwilling to return to it, reasons of "external aggression, occupation, foreign domination or events seriously disturbing public order." The Convention stresses that "[t]he grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State."

A similar definition of refugee was found useful by the Central American countries, which agreed in 1984 in the nonbinding Cartagena Declaration on Refugees that

The definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugee persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed the public order.

Today, UNHCR protects and assists refugees when it is invited to do so by an asylum country, whether or not that country is a signatory to the 1951 Convention or any of the regional instruments. Most refugees are recognized on the basis of the broader criterion of fear of generalized violence, rather than because of fear of individual persecution, and most determinations are made for entire groups rather than separately for individuals. The international donor community also uses the broader definition in its overseas assistance activities, although for asylum determinations on their own soil the industrialized countries generally use the 1951 Convention definition and employ individual status determinations.

Different conceptions of asylum prevail in different world regions. Southeast Asian countries intend their grant of asylum to be short term, making it contingent on the availability of third country resettlement opportunities. Over one million Indochinese refugees have been resettled in the United States, Canada, Australia and in a number of European countries since 1975.

In other countries in the Third World, asylum tends to be granted for the medium or long term, but offers of permanent integration—which must go

beyond “self-settlement” and “self-sufficiency” to include the option of citizenship—have been rare. Tanzania and Botswana are partial exceptions. The asylum countries expect the refugees to return home. However, many refugee-generating conflicts have been slow to resolve themselves, and large numbers of refugees have remained in asylum for years if not decades.

Even as recently as the early 1980s, the traditional immigration countries still saw themselves primarily as refugee resettlement countries, not as countries of first asylum. In Europe, too, the number of asylum seekers was small. However, the expectation in the Western industrialized countries has been that those granted asylum would stay for good. Asylum is granted on the basis of the 1951 Convention definition. Some of those whose applications are rejected are nevertheless permitted to stay if sending them home would constitute refoulement or for humanitarian reasons (for example, if they have become so well integrated that being asked to return would create exceptional hardship).

Numbers of Refugees and Other Forced Migrants

Table 1 shows the numbers of recognized refugees in different asylum regions and in selected asylum countries at the end of 1991.³ The total of 16 million—which does not include the over one million refugees from the former Yugoslavia in various Yugoslav successor states (as of September 1992) nor the over 500,000 refugees from the former Yugoslavia in Western and central Europe (as of August 1992; U.S. Committee for Refugees, 1992a:16)—represents an approximate doubling of the 1980 figure of 8.5 million (United Nations, 1991:363). The largest number of refugees is found in the Middle East/South Asia, where Pakistan and Iran each host over 3 million refugees from Afghanistan. The other “refugee continent” is Africa, with a total of over 5 million refugees, of whom almost one million are in Malawi.

Every decade since the 1940s has produced “long-stayers:” the Palestinians go back to the 1940s; the Tibetans to the 1950s; the Rwandans to the 1960s; and numerous groups, including the Afghans, experienced their first outflows in the 1970s. With the sharp rise in numbers over the 1980s, more and more resources have had to be spent simply on maintaining refugees in asylum from year to year, which led a participant at a recent refugee conference to remark that “the innkeepers are tired!”

³ The yearly *World Refugee Survey* reports the “numbers of refugees in need of protection and/or assistance.” Since 1989, it has included in this statistic persons in Europe and North America who applied for asylum in the preceding year. I deducted this number (677,700) from the total for 1991 to make the data comparable with those from other (*e.g.*, UN) sources.

TABLE 1
 REFUGEES IN ASYLUM REGIONS AND SELECTED ASYLUM COUNTRIES,^a 1991^b

Asylum Countries	Number of Refugees
Africa	5,340,800
Algeria	204,000
Burundi	204,300 ^c
Cote d'Ivoire	107,000 ^c
Djibouti	240,400 ^d
Ethiopia	534,000 ^c
Guinea	566,000 ^c
Kenya	107,150
Malawi	950,000
Mauritania	40,000
Senegal	53,100
South Africa	201,000 ^c
Sudan	717,200 ^{c,e}
Swaziland	47,200 ^c
Tanzania	251,100
Uganda	165,450 ^c
Zaire	482,300
Zambia	140,500
Zimbabwe	198,500 ^c
Europe and North America	31,500 ^f
Latin America and Caribbean	119,600
Mexico	48,500
Middle East/South Asia	9,820,950 ^g
Gaza Strip	528,700
India	402,600 ^c
Iran	3,150,000 ^c
Iraq	48,000
Jordan	960,200
Lebanon	314,200
Pakistan	3,594,000 ^c
Syria	293,900
West Bank	430,100
East Asia and the Pacific	688,500
Hong King	60,000
Thailand	512,700
Total	16,001,350

Source: U.S. Committee for Refugees, *World Refugee Survey 1992*. Washington, DC: U.S. Committee for Refugees, Table 1.

Notes: ^a Asylum countries hosting 40,000 or more refugees are enumerated separately in the table.

^b The numbers refer to December 31, 1991.

^c Sources vary significantly in the numbers reported.

^d Does not include 34,000 Ethiopian military and dependents who entered in 1991 but repatriated during the year.

^e Does not include 51,000 Ethiopian military who entered in 1991 but whom UNHCR repatriated during the year.

^f This number represents 29,500 Iraqis and 2,000 Iranians in Turkey.

^g By late March 1992, the number of Burmese refugees in Bangladesh had risen from 30,000 at the end of 1991 to some 145,000.

TABLE 2
ESTIMATED NUMBERS OF ASYLUM APPLICATIONS IN THIRTEEN EUROPEAN STATES, 1983-1991

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1983-91
Austria	5,900	7,200	5,700	8,700	11,400	15,800	21,900	22,800	27,300	127,700
Belgium	2,900	3,700	5,300	7,700	6,000	5,100	8,100	13,000	15,200	67,000
Denmark	800	4,300	8,700	9,300	2,800	4,700	4,600	5,300	4,600	45,100
Finland	—	—	—	—	50	50	200	2,500	2,100	4,900
France	14,300	15,900	25,800	23,400	24,800	31,600	60,000	56,000	46,500	298,300
Germany	19,700	35,300	73,900	99,700	57,400	103,100	121,000	193,000	256,100	959,200
Italy	3,000	4,500	5,400	6,500	11,000	1,300	2,200	4,700	31,700	70,300
Netherlands	2,000	2,600	5,700	5,900	13,500	7,500	14,000	21,200	21,600	94,000
Norway	200	300	900	2,700	8,600	6,600	4,400	4,000	4,600	32,300
Spain	1,400	1,100	2,300	2,300	2,500	3,300	4,000	8,600	8,100	33,600
Sweden	3,000	12,000	14,500	14,600	18,100	19,600	32,000	29,000	27,300	170,100
Switzerland	1,900	7,500	9,700	8,600	10,900	16,700	24,500	36,000	41,600	163,400
United Kingdom	4,300	3,900	5,500	4,800	5,200	5,100	10,000	30,000	57,700	126,500
Total	65,400	98,300	164,400	194,200	172,250	220,450	306,900	426,100	544,400	2,192,400

Source: Intergovernmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia, "Asylum Statistics." Geneva: Intergovernmental Consultations, mimeo. Table 2.

TABLE 3
ESTIMATED NUMBERS OF ASYLUM APPLICATIONS SUBMITTED IN EUROPE, NORTH AMERICA AND AUSTRALIA, 1983-1991

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1983-91
Europe	75,000	110,000	178,500	314,700	203,150	243,950	321,900	461,100	599,400	2,407,700
Western Europe ^a	65,400	98,300	164,400	194,200	172,250	220,450	306,900	426,100	544,400	2,192,400
Central, Eastern and Southern Europe ^b	9,600	11,700	14,100	20,500	30,900	23,500	15,000	35,000	55,000	215,300
North America	25,000	31,400	28,400	41,900	61,100	102,000	122,000	109,600	100,500	621,900
Canada	5,000	7,100	8,400	23,000	35,000	45,000	22,000	36,000	30,500	212,000
United States	20,000	24,300	20,000	18,900	26,100	57,000	100,000	73,600	70,000	409,900
Australia	—	—	—	—	—	—	500	3,600	16,000	20,100
Total	100,000	141,400	206,900	256,600	264,250	345,950	444,400	574,300	715,900	3,049,700

Source: Intergovernmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia. "Asylum Statistics." Geneva: Intergovernmental Consultations, mimeo, Table 1. "Asylum Statistics." Geneva: Intergovernmental Consultations, mimeo, Table 1.

Notes: ^aIncludes the thirteen countries listed in Table 2.

^bIncludes Portugal, Greece, Turkey, Hungary, CSFR, Romania, Poland.

Tables 2 and 3 show the increases in the numbers of asylum applications in Europe and North America between 1983 and 1991. In Europe most of the numbers have risen further in 1992; Germany, the most impacted country, is expected to report close to 500,000 applications for the year. At the same time as the number of applications has increased, recognition rates have fallen. In 1991, the percentage of asylum applications adjudicated in the first instance that were recognized under the 1951 Convention ranged from 21 percent in the United Kingdom to less than one percent in Finland, with intermediate proportions of 20 percent in France, 13 percent in Austria, 10 percent in the Netherlands, 7 percent in Germany, 5 percent in Sweden, and 3 percent in Switzerland (Intergovernmental Consultations 1992:Table 3).⁴

Although some asylum applicants are accepted permanently or temporarily under other statuses, the majority are generally rejected. According to Widgren (1991:4), "on average 70 percent of asylum applications in Europe are not recognized after thorough scrutiny in the first or second instance, and that percentage is growing." Although all asylum countries have increased their staff, the application and appeals process can still take several years. Widgren estimates that after a final negative decision, about 15–25 percent of the rejected applicants return to their home countries, either voluntarily or through deportation, and that the other 75–85 percent remain illegally in the country in which they had submitted their claim or in a neighboring country.

The asylum process is exceedingly expensive, both because the bureaucratic apparatus to administer the system has to be constantly expanded and because of the considerable funds needed to maintain the applicants while their requests are pending (the proportion of asylum applicants permitted to engage in remunerated work varies from country to country). It is estimated that in the early 1990s the European asylum system cost more than 6 billion dollars per year to administer—several times the annual budget of the Office of the UN High Commissioner for Refugees.

There is wide agreement among policy-makers in Western Europe that the asylum system has gotten out of control (*see* Rogers, 1992:15–17). The general assessment is that most applicants hope to use the system as a surrogate immigration channel. If their claim is rejected, they have nevertheless had the opportunity of living and perhaps working in the host country for several months or years, and, as has been noted, after a negative decision most of those who wish to do so succeed in staying on illegally.

⁴ By comparison, in 1979 the acceptance rate in Switzerland was still 46 percent, and it was 9 percent in 1988 (Switzerland, Interdepartementale Strategiergruppe, 1989:52).

TABLE 4
SELECTED POPULATIONS IN REFUGEE-LIKE SITUATIONS,^a 1991^b

Host Country	Origin	Number
Jordan	Palestinians	740,000
Iran	Iraq	500,000 ^c
Mexico	Central Americans	340,000 ^c
Bangladesh	Pakistan (Biharis)	260,000
Guatemala	Central Americans	250,000 ^c
United States	Salvadoran and others	200,000
Burundi	Rwanda	187,000
Thailand	Burma	160,000 ^c
Uganda	Rwanda	120,000 ^c
Egypt	Palestinians	100,000
Turkey	Iran	100,000
Kuwait	Palestinians	80,000
Costa Rica	Central Americans	80,000 ^c
Honduras	Central Americans	50,000 ^c
Hungary	Yugoslavia	45,000
Lebanon	Palestinians	40,000
Cameroon	Chad	35,000
Belize	Central Americans	28,000
El Salvador	Central Americans	20,000
Nicaragua	Central Americans	16,000
Pakistan	India (Kashmiris)	10,000
Greece	Albania	9,800
Austria	Yugoslavia	8,000
Lesotho	South Africa	4,000

Source: U.S. Committee for Refugees, *Word Refugee Survey 1992*. Washington, DC: U.S. Committee for Refugees, 1992. Table 2.

Notes: ^a Many people who may fear persecution or harm if returned to their home countries, and thus who may be refugees, are not recognized by governments as refugees or asylum seekers. Some are given temporary refuge or allowed to remain on humanitarian grounds; others remain undocumented. Information on these groups is fragmentary (U.S. Committee for Refugees, 1992: Table 2).

^b The estimates in this table refer to December 31, 1991.

^c Although most estimates in this table vary by source, those marked with a "c" vary particularly widely.

Table 4 illustrates the other side of the coin: some negative asylum decisions violate the protection principle. *Bona fide* refugees may be denied refugee status. It is likely that this was happening in the United States in the 1980s, when applicants from "friendly" countries such as El Salvador had only a minimal chance of being granted asylum. Determining who is a refugee can be a political decision. Refugee recognition can be used as a means to embarrass another country (or can be interpreted as such), and it is therefore denied when the country creating the refugees enjoys the support of the potential asylum country. When they have almost no chance

of receiving asylum, bona fide refugees will not even apply for it, but will rather remain in an illegal status. Thus, whether or not bona fide refugees receive official recognition may in some instances depend more on the particular host country in which they arrive, rather than on the strength of their cases. Table 4 contains partial estimates of the size, origin and location of such populations worldwide. The numbers are necessarily rough estimates, and no total figure is offered, so as to underscore the fact that the list is incomplete.

Finally, it is often quite accidental whether an individual becomes forcibly displaced within his or her home country or crosses an international border. The reasons for one or the other outcome may include timing, geography, the potential refugees' financial resources, health, family obligations, or ethnic affinity with the population on the other side of the border, to name a few. Table 5 shows that a considerable number of situations have produced international refugees as well as internally displaced. Internally displaced populations have been assisted in the past sporadically and on an ad hoc basis, often at the point when the situation in a country was already beginning to be normalized (*see* the examples given in Keely, 1991). An important issue confronting the international community today is the absence of norms and institutional arrangements that would allow an automatic international response to the protection and assistance needs of internally displaced populations.

NEW DIRECTIONS IN REFUGEE POLICY

At the same time as we are dealing with staggeringly high numbers of refugees and externally and internally displaced worldwide, with the potential of new conflicts that may create yet more and with increased migration pressures generally, there exist also unprecedented opportunities to create new norms and institutional relationships, to revise old policies better to respond to the challenges concerning the situation of forced migrants today, and to experiment with new measures. In a recent address dealing with the situation in Europe, the current UN High Commissioner for Refugees called for "courage to face the challenge fairly and squarely, vision to build a strategy which goes beyond national interests and short-term political considerations, and political will to pursue such a strategy" (Ogata 1992b:3). Her words apply equally to the global refugee situation. Courage is indeed demanded from policy-makers and from the populations in whose name they act and whose support they need. The next few pages identify a number of issue areas which, in my view, call for vision. The concluding section briefly discusses several issues concerning the need for political will.

TABLE 5
 PRINCIPAL SOURCES OF THE WORLD'S REFUGEES
 AND INTERNALLY DISPLACED CIVILIANS^a, 1991^{b,c}

Source Country or Population Group	Number of Refugees	Number of Internally Displaced Civilians
Afghanistan	6,600,800 ^d	2,000,000
Palestinians	2,525,000	—
Mozambique	1,483,500 ^d	2,000,000
Ethiopia/Eritrea	752,400	1,000,000
Somalia	717,600	1,000,000
Liberia	661,700	500,000
Angola	443,200	827,000
Cambodia	392,700	180,000
Iraq	217,500	700,000
Sri Lanka	210,000	600,000
Burundi	208,500	—
Rwanda	203,900	100,000
Sudan	202,500	4,750,000
Sierra Leone	181,000	145,000
Western Sahara	165,000	—
Vietnam	122,700	—
China (Tibet)	114,000	—
Burma	112,000	1,000,000
Zaire	66,700	—
Mauritania	66,000	—
Bangladesh ^e	65,000	—
Laos	63,200	—
Mali	53,000	—
Iran	50,000	—
Guatemala	46,700	—
Nicaragua	25,400	354,000
El Salvador	24,200	400,000
South Africa	23,700	4,100,000
Uganda	14,900	300,000
Philippines	—	1,000,000
USSR	—	900,000
Lebanon	—	750,000
Yugoslavia	—	557,000
Cyprus	—	268,000
Haiti	—	200,000
Peru	—	200,000
Colombia	—	150,000
Guatemala	—	150,000
India	—	85,000

Source: U.S. Committee for Refugees, *World Refugee Survey 1992*. Washington, DC: U.S. Committee for Refugees, 1992, Table 1 and 3.

Notes: ^a Refers to persons who have been displaced within their homeland as a result of conflict or forced relocations. Information on internal displacement is fragmentary. The total number of internally displaced civilians is undoubtedly considerably higher than the 23 million people included in the table.

^b The numbers refer to December 31, 1991.

^c Groups numbering 40,000 or more in either category are included in the table.

^d Sources vary significantly in the number reported.

^e By late March 1992, there were an additional 115,000 refugees from Burma in Bangladesh.

Humanitarian Intervention

Significant changes are occurring in how the international community views state sovereignty. There is less willingness to permit states to claim that certain issues are strictly internal matters, with the corollary of greater willingness to intervene. Intervention may take several forms and may occur in a variety of spheres or for a variety of reasons, not all related to human rights abuses or issues of forced migration (other issues, for example, might concern adherence to arms control agreements or environmental protection; *see* Lyons and Mastanduno, 1992:4–5).

Intervention can be preceded by active diplomacy, by pressures on a country through threats or positive inducements to change certain policies, by public condemnation of certain behaviors, or by economic sanctions, and can itself range from flooding a country with human rights monitors to, finally, military measures. The world community's willingness to intervene militarily to protect and assist forced migrants and to prevent the creation of still larger numbers has been illustrated in this decade by the intervention in the Liberian civil war by the Economic Community of West African States (ECOWAS), in Iraq by a multilateral force led by the United States to protect the Kurdish and Shiite populations through the creation of safety zones in the north and the south of the country, in the former Yugoslavia by UN peacekeeping forces, and in Somalia, again by a multilateral force led by the United States.

It is significant that in these contexts governments desire their actions to be multilateral and that they seek the legitimation of these actions by the international community. So far such legitimation has been based primarily on statements of the UN Security Council, as in the case of Resolution 688 with respect to Iraq. The UN's commitment to humanitarian relief—combined with a gentle chipping away at the concept of sovereignty—is also illustrated in the creation, in December 1991, of the new position of Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and the guideline in the same General Assembly resolution (46/182) that humanitarian relief be provided with the “consent” of, but not necessarily at the “request” of, the affected country.

Given memories of colonialism and of recent instances when a strong country like the United States intervened freely and unilaterally in the internal affairs of other countries in this hemisphere, it is not surprising that some UN member states have been reluctant to back humanitarian interventions of a military character or even the creation of the position of an Under-Secretary-General for Humanitarian Affairs within the UN. Some weak states simply anticipate arbitrary decisions on the part of powerful states. Such unease points to the urgent need to develop appropriate norms

and guidelines that will govern international institutions' and individual states' behaviors with respect to humanitarian intervention. At present, no such guideposts exist and decisions are necessarily made in an ad hoc manner.

A second danger involved in humanitarian intervention when it is designed to avert the creation of new refugee flows is that potential asylum countries may use this fact as an excuse to close off the asylum option. However, during the time that an intervention is occurring, or if it has not been completely successful, such a choice leaves people in harm's way and clearly violates the principles of refugee protection. Also, even in the case of a successful outcome there may be persons who find it almost impossible to continue living in their country and who are therefore in need of protection and assistance elsewhere.

New Accessions to the International Refugee Regime

With the end of the Cold War, a number of states that in the past had been creators of refugees have now joined the international refugee regime. The former communist countries, which have more experience with restricting exit than with regulating immigration, are now facing the task of devising national legislation to deal with all kinds of population movements—immigration, the return of members of their majority ethnic groups, transit, asylum and so forth.

This may be an opportune time to seek further to strengthen the international refugee regime by inviting countries from other regions to join the regime, which up to now have not been part of it. This group includes most countries in the Middle East, South Asia, Southeast Asia and the Caribbean. A first step would be to ascertain what are the perceived obstacles to accession by particular countries. In Southeast Asia, the process of formulating and implementing the Comprehensive Plan of Action (discussed below) may actually turn out to be the beginning of drawing more countries from that region into the regime.

New Concepts of Protection: The Need for Temporary Asylum in Industrialized Countries

As was noted earlier, until the 1980s the classical immigration countries (which also have been the major countries of refugee resettlement) did not view themselves as countries of first asylum. Western Europe's relatively small number of asylum seekers came from Eastern Europe and the Soviet Union and were not expected to return to their home countries; if they were not resettled, the durable solution in their case was local integration.

However, today Western Europe not only must respond to a growing number of individual asylum seekers from the east and the south, but Europe and the United States also are confronted with mass flows of people escaping persecution or violent upheavals in their home countries, as in the case of Bosnia and Haiti. In these situations, the individual status determinations based on the 1951 Convention and the grant of asylum with the understanding that it means permanence no longer serve.

These cases call for providing temporary protection rather than permanent asylum to large groups of people. Such a solution is being strongly advocated by policy analysts and refugee advocates and by the UNHCR (for example, Meissner, 1992; Frelick, 1992; U.S. Committee for Refugees, 1992a; Ogata, 1992b). Instead, the response to these flows on both sides of the Atlantic has been defensive and restrictive. It is true that the obstacle represented by the fact that Western Europe and the United States have found it difficult to enforce the return of rejected asylum seekers and of those given a form of temporary safe haven in the past cannot be overestimated. Meissner and the UNHCR acknowledge this fact.

Meissner argues that temporary refuge for Haitians should be provided not on U.S. soil but in the immediate region (at Guantánamo or perhaps on a Haitian island that would be made into a safe zone—a confrontational option; or in neighboring countries—an option over which the U.S. has no control). Toward a similar goal, Germany has offered to help Croatia build housing for refugees (Dempsey, 1992). The UNHCR simply states that, “the basic principles of temporary protection must include admission, respect for *nonrefoulement* . . . , humanitarian treatment, and repatriation when conditions so allow in the country of origin” (Ogata 1992b:4).

Thus either no specific solutions to the question of return are proposed (the UNHCR), or those that are proposed are very difficult to achieve (Meissner). In the end, those who advocate policies of temporary asylum by the industrialized countries recognize that it will be necessary at the same time to address the root causes of the mass flows. Indeed, in Bosnia, where the purpose of the conflict is the very creation of refugees, doing nothing but offer asylum would mean abetting the process of “ethnic cleansing.”

Voluntary Return

Stein (1992b:Table 2) estimates that between 1975 and 1991 approximately 7 million refugees returned to their home countries, spontaneously or in assisted repatriations.⁵ Elsewhere, Stein (1992a) observes that many refu-

⁵ Although this is a substantial number, it was far exceeded by the additions to the global refugee population during the same period.

gee movements are accompanied by spontaneous returns even when most of the flow is still in the other direction. In large-scale returns, the involvement by the international community plays a vital role through providing return assistance (transportation, food for several months, materials to build housing, tools, seeds and so forth) and protection. Nevertheless, some refugees prefer to return on their own even when repatriation assistance is available.

So great are today's expectations of large-scale returns that UNHCR has declared the 1990s the "decade of repatriation" (*see* Ogata, 1992a). At the beginning of 1992, UNHCR anticipated repatriation operations for 21 countries, involving 3 million expected returnees, at a projected cost of U.S.\$405.5 million (*Refugees*, 1992:9,10). However, the political and economic obstacles proved to be larger than expected: not all operations were initiated, and others resulted in fewer returns than had been projected.⁶ Returnees must be both safe and able to establish a new livelihood in the area to which they return; otherwise they will become tomorrow's internally displaced or again refugees. The challenges to be overcome to make returns successful are truly daunting.

For one, refugees often return to countries or areas in which peace is still fragile, if it has been reached at all. The Zimbabweans and the Namibians are the exceptions, the El Salvadorians of 1990 and the Cambodians of 1992 are the rule. This raises issues of timing of repatriation programs and of protection of the refugees after their return. On the one hand, opportunities for repatriation should not be missed (sometimes the refugees themselves decide that it is time to return even while the international community still has serious concerns about safety); on the other hand, the potential returnees should not be pressured to return to unsafe conditions (which sometimes happens for political reasons). The fact that there may be protection needs after the refugees' return has been recognized, and UNHCR's mandate has been expanded accordingly. It now almost routinely performs a monitoring function in the home country for one or even two years after a group's return. The presence of such monitors can contribute to building a stronger peace.

A second major condition for returns to be viable is the reconstruction of devastated home regions or countries. Refugees frequently return to areas where land mines are abundant and much of the infrastructure has been destroyed. Some of the necessary rebuilding must occur immediately. In Nicaragua, UNHCR developed the concept of "Quick Impact Projects" (QIPs)—highly specific, relatively low-cost development projects (for exam-

⁶ By the end of November the High Commissioner reported that close to 1.5 million refugees returned home in 1992 (Ogata, 1992c:3).

ple, the building or repair of wells, bridges, roads or schools) which are planned by the affected community and are generally implemented by local NGOs over a period of months. Such projects are now being undertaken also in Cambodia. However, far greater reconstruction needs must be met over the long term. The need for removing land mines alone represents a formidable challenge.

Third, for refugees returning to rural areas the issue of available land is paramount. Whether it is a question of land reform, of settling old claims, or of assigning other available land to the returnees, without this issue settled many refugees will not be able to start a new life. In the currently ongoing repatriation of Cambodians from the Thai border camps, it was not possible to implement the original plan of supplying every refugee family that chose this option with two hectares of agricultural land: “. . . it was back to the drawing board almost as soon as repatriation began” (Guest, 1992:25). Refugees can still choose land (among other options such as a housing plot and a housing kit; a professional tool kit; or strictly cash), “but they will have to wait until land becomes available.” UNHCR deserves to be criticized for lack of more realistic planning (*see also* Robinson 1992), and some also have criticized it for rushing the returns unduly for political reasons.

Fourth, there is a multiplicity of issues concerning human resources and needs. Refugees returning to agriculture have often lacked the opportunity to use their skills for years or even decades. Their children may have known no other life than that in refugee camps. Another issue is the physical and mental health of the returnees. They will need adequate medical attention, and not all will be able to provide for themselves. A study of the population in the Thai-Cambodian border camps (Mollica *et al.*, 1991) allows some predictions of potential mental health difficulties. Until the mid-1980s, specific protection and assistance issues concerning single women and female heads of households had been almost completely neglected in policy planning concerning asylum; they are now coming to the fore with respect to the repatriation process (*see* Martin, 1992; Women’s Commission for Refugee Women and Children, 1992).

Finally, the repatriations have highlighted a number of organizational issues that must be addressed. In particular, they have shown that there is a gap between humanitarian work on behalf of refugees on the one hand and necessary development work on the other. Furthermore, it is now increasingly taken for granted that efforts aimed at helping returning refugees reintegrate successfully into their communities must be broadened to benefit all populations who return—refugees, externally displaced and internally displaced—as well as the local populations who have never moved.

Third Country Resettlement

The option of resettling refugees from countries of first asylum to third countries is a costly and scarce resource. Troeller (1991:568–569) reports that in 1990 only ten countries formally announced refugee resettlement quotas. The United States, Canada, Australia, New Zealand and six countries in Western Europe (four Nordic countries, the Netherlands and Switzerland) made 156,800 resettlement places available. Several other Western European countries (including France, the United Kingdom and Germany) also resettle refugees, but do not announce annual quotas.

UNHCR argues for offering the scarce resettlement slots to refugees who have the greatest protection needs. Such needs arise from situations in which the asylum country demands resettlement, the refugee's safety in the asylum country is in jeopardy, where there are special needs for family reunification, or if refugees belong to particularly vulnerable groups such as difficult medical cases, survivors of torture or other forms of violence, or women-at-risk (see UNHCR, 1991a).

UNHCR publications note that, although their resettlement quotas are small, the Nordic countries are important partners for UNHCR in that they are particularly willing to resettle difficult cases. The traditional immigration countries' resettlement policies—especially those of the United States—are more heavily influenced by foreign and domestic policy. Foreign policy considerations lead the United States to reward refugees fleeing hostile countries or to pay historical debts, while at home certain ethnic groups press for the admission of their members. Since the United States accounts for approximately three fourths of all refugee resettlement, and its policies diverge most widely from UNHCR's resettlement priorities, it is appropriate to take a special look at this country.

In 1991, approximately 70 percent of all refugees resettled in the United States were selected directly from countries of origin—Vietnam, the Soviet Union and Cuba (these persons never appear in the global refugee statistics). With respect to Vietnam, there had been a good argument for the Orderly Departure Program when it was instituted in 1979—the protection of potential boat people, threatened by drowning and piracy. However, today direct resettlement from all three countries is largely surrogate immigration; and even though some of those resettled have claims to refugee status, these programs do not target those persons who have the most urgent protection needs worldwide. A second characteristic of U.S. refugee resettlement policy is the fact that even today approximately 90 percent of resettled refugees come from former communist countries. By contrast, Canada—the second most important resettlement country—dis-

tributes its resettlement offers more evenly with respect to regions and origin countries.

The changed international context invites a reconsideration of their resettlement policies by all major resettlement countries. Family reunification can be accomplished through immigration channels. There are strong arguments against using valuable resettlement slots (and the initial domestic support through special social services that comes with them) to continue programs that have lost their rationale. There is today the opportunity to strengthen again the focus on protection—the central principle of the international community's concern for refugees.

UNHCR's assessment of resettlement priorities is one guidepost. New conflicts may be producing other urgent resettlement needs (couples in mixed marriages from the former Yugoslavia, for example). Resettlement could also be used to resolve the situation of a number of long-stayers in asylum who have no prospect of other durable solutions (local integration or voluntary return) within any realistic time frame. Certain African refugees (Africa generally being an underserved region with respect to refugee resettlement) come to mind, for example refugees from Rwanda. Finally, given the changes in the international system as well as the shrinking resources for the domestic side of refugee resettlement, there is an argument for reducing U.S. resettlement quotas altogether (particularly if the overall allocations for domestic resettlement costs were not reduced accordingly). Suggesting a reduction in the number of resettlement slots is no doubt a controversial proposal, but it may be quite in tune with recent policy thinking within UNHCR.⁷

Regional Initiatives to Resolve Longstanding Refugee Situations

Since 1979, various regional efforts have been undertaken to ameliorate or resolve the situation of refugees: in Southeast Asia, Africa, Central America and Europe. Although lack of space does not permit a review of these efforts in depth, it is worthwhile to do so briefly, with a view toward identifying methods that could be used elsewhere, approaches that proved unsuccessful, and obstacles that were encountered. In all instances, the main actors have been the governments.

⁷ A document submitted to the Executive Committee by the High Commissioner in 1991 notes that “. . . certain emerging trends . . . foreshadow the evolution of a situation in the 1990s which will be significantly different from the previous decade. With some exceptions . . . UNCHR may continue to call for less resettlement assistance annually. Such assistance, however, will be inextricably linked to protection cases and will, in turn, require flexibility on the part of governments in the determination of annual admission ceilings and allocations by nationality, and less emphasis on immigration criteria by resettlement countries when admitting refugees” (UNHCR, 1991b).

In two International Conferences on Assistance to Refugees in Africa (ICARA I, 1981 and ICARA II, 1984), asylum countries sought funding for development projects to benefit areas heavily impacted by the presence of refugees, but the donor countries' responses were relatively meager. Two more successful efforts in other regions, which are discussed below, differ from ICARA in their comprehensiveness—with respect to who came to the conference table and to the policies developed—and, most importantly, in the participants' commitments to finding durable solutions. At ICARA, the asylum countries did not offer local integration as a durable solution, which was, however, expected by the donors if they were to make additional resources available (*see* Stein, 1987).

The Comprehensive Plan of Action (CPA) was formulated in Southeast Asia in 1988–1989, when the number of arrivals of boat people from Vietnam was increasing rapidly. It is a complex instrument, developed by the asylum countries, other major countries in the region, the resettlement countries, and, importantly, Vietnam—the major refugee-sending country, which until then had been quite isolated. The plan succeeded in preserving the asylum system in the region, in return for agreement on a number of measures that assuaged the asylum countries' security concerns: resettlement of long-stayers in refugee camps, the commitment to continue the Orderly Departure Program (which was seen as an emigration program), the establishment of a refugee determination procedure (heretofore absent) in ASEAN countries, and—the most contentious issue—the agreement on the part of most participants that screened-out asylum seekers would henceforth be returned to Vietnam, forcibly if necessary (*see* Jambor, 1992; Knowles, 1989). Not only did the plan succeed in upholding principles of humanitarianism, but it seems to have eased political tensions among former enemies—ASEAN and Vietnam—and has led to increased economic exchanges.

The most successful intergovernmental effort to solve a regional refugee problem is currently taking place in Central America. At the 1989 International Conference on Central American Refugees (CIREFCA), seven governments came together to seek permanent solutions for an estimated 2 million persons who were displaced in the region as of 1987. In addition, the needs of affected local populations are also being taken into account.

One key to CIREFCA's success is the fact that it builds on a regional peace initiative. A second important aspect is its integrated approach: its concern with all affected populations. Third, it offers forced migrants not only the option of a safe return, but also that of local integration for those who wish to remain in the host countries. Finally, it recognizes the need to combine repatriation with short- and long-term development efforts. In this context,

CIREFCA has helped to identify problems in the transition from humanitarian aid to development.

The contrast between ICARA and CIREFCA indicates that today the donor countries are not willing simply to fund development projects in refugee-impacted areas without contributions by the asylum countries toward durable solutions. Unlike in the case of ICARA, UNHCR has been quite successful in obtaining funding for CIREFCA, but the donor countries have insisted on permanent results and have closely monitored the process. One may ask whether similar solutions, adapted to the specific conditions of particular regions, also could not be sought elsewhere, including in parts of Africa.

Institutional Gaps and Changing Institutional Relationships

Not only UNHCR, but a number of other organizations within the UN as well as specialized UN agencies and international organizations independent of the UN system (such as IOM), have been involved with refugees, in addition to governments and NGOs. Such involvement differs with the different stages of refugee flows: from efforts to deal with the root causes of refugee flows, to emergency relief and protection, to more routine maintenance of refugees in asylum situations, to support of return movements or of third country resettlement. My goal here is to highlight some of the institutional gaps that have become evident with recent experiences.

Human rights concerns have been receiving increased attention by the international community. However, as Cohen (1992) has shown, within the UN many of the relevant resolutions concerning humanitarian intervention, as well as peacekeeping agreements that include extensive human rights provisions (such as those for Namibia, Cambodia or El Salvador), have resulted from initiatives of the Security Council or the Secretary General, rather than of the Human Rights Commission. So far the Commission also seems to have had little involvement in the return of refugees.

Part of the explanation may lie in the sensitivity of the issue: the focus on human rights remains somewhat more oblique when the Security Council or the Secretary General addresses matters of “peace-keeping” or of “election monitoring,” than when an issue is explicitly identified as one of “human rights.” There are also structural explanations: on the one hand, the low frequency of the Commission’s regular meetings and the fact that it was only recently (1990) authorized to convene exceptional sessions—but this is in itself an indication of the Commission’s modest role, as compared with that of other actors within the UN system; and on the other hand, the composition of the different bodies—the Human Rights Commission being dominated by Third World countries which are concerned that human rights

standards may not be uniformly applied, whereas the powerful countries predominate in the Security Council.

With respect to emergency relief, in which most UN agencies have been involved at different times, one issue has been that of coordination. For example, in the civil war in Liberia—four UN agencies—Office of the United Nations Disaster Relief Co-ordinator (UNDRO), UNHCR, United Nations Development Programme (UNDP), and World Food Programme (WFP), were involved in relief efforts, with little coordination among them (Dewey 1992:27). This situation should improve with the recent appointment of an Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. A second issue is that of the need for humanitarian agencies to rely on cover from governments' militaries or from UN peacekeepers, in order to carry out their relief operations. This refers not only to the work of UNHCR, but also to that of the International Committee of the Red Cross.

CIREFCA and other recent initiatives have illustrated a gap in the institutional system between refugee aid and development. Although this gap becomes especially evident with respect to aid to returning refugees, others have stressed the need to build development considerations into all relief programs from the start (Woodrow, 1988; Anderson and Woodrow, 1989). As was noted earlier, many communities to which forced migrants return are in need of immediate development aid. However, traditional development agencies—whether those of donor governments or of international bodies—tend to work with long-term plans and priorities, in cooperation with the respective governments. As a result, they find it difficult to reorient ongoing programs to respond to emerging needs, and they are generally not used to thinking in terms of linkages between humanitarian assistance and long-term development. Furthermore, when the needs of returnees have not been included in national development plans, development agencies do not have the funds to assist these populations.

However, within the UN this situation is now changing. During the second half of the 1980s, the UN General Assembly repeatedly instructed UNDP to work toward the inclusion of refugees in development programs and plans, and since 1990 the UNDP Governing Council has authorized expenditures on staff and programs relating to refugees, displaced persons and returnees. UNHCR and UNDP are both charged with providing technical support to CIREFCA through a Joint Support Unit based in Costa Rica (UN High Commissioner for Refugees, 1992a). By mid-1993, UNDP will probably become the lead agency for CIREFCA.

More generally, interagency cooperation within the United Nations with respect to return and reintegration of forced migrants should be facilitated by the recent establishment of an Inter-Agency Working Group on the Reintegration of Refugees and Internally Displaced Persons, which held its first meeting in January 1992. It is composed of representatives of the United Nations Department of Humanitarian Affairs (DHA), UNDP, UNHCR, United Nations Children's Fund (UNICEF), the WFP, and the Food and Agriculture Organization (FAO).

Finally, although the internally displaced are now not infrequently included in return and reintegration programs, there is nevertheless an important gap in the international system that protects and assists forced migrants: the internally displaced are not within any organization's formal mandate. Responses to the needs of these populations have been ad hoc and therefore unpredictable and slower than if there were an automaticity of response.

In a recent statement, the UNHCR noted that protecting internally displaced persons "in the midst of war and violence" has been "the traditional role of the International Committee of the Red Cross" (Ogata 1992c:5). Should ICRC's mandate be strengthened so that the organization would indeed have formal authority and responsibility for protecting and assisting all populations that have suffered forcible internal displacement? Would ICRC accept such a role?

In her address, the High Commissioner went on to say that,

UNHCR has no mandate for internally displaced persons. We can only act at the specific request of the General Assembly or the Secretary General, and are increasingly asked to do so, as the UN undertakes a more active role in internal conflict situations.

In the absence of adequate legal principles or an effective mechanism for their enforcement, international presence has become the most effective practical tool of protection in conflict situations. UNHCR is moving into security situations from which in the past we would have evacuated our staff. In northern Iraq, UNHCR assigned 180 staff members, augmented by the presence of international NGOs. In an innovative move, the UN deployed some 500 guards, ostensibly to guard UN property but in reality as a confidence building measure to enhance security. . . . (Ogata 1992c:5)

A decision to expand UNHCR's mandate to include the internally displaced would raise several issues. One concerns funding: the organization would then be responsible for at least twice as many persons as it is now, when it already finds it a difficult task to secure the annual funding for its most urgent activities on behalf of recognized refugees. There are also other,

substantive concerns. Placing the internally displaced under UNHCR's, rather than another organization's, mandate may increase the danger (always present) that assistance to internally displaced would be used as an excuse by neighboring countries to deny asylum. It also may create the expectation that this population can be effectively protected, which may not be the case. Furthermore, problems could arise for UNHCR when it seeks to protect and assist refugee populations in a given country—and has to work with that country's government to accomplish this task—and at the same time seeks to protect and assist the internally displaced that the same government has created from among its own population.

CONCLUDING COMMENTS

Whether in this decade forced migrants will be adequately protected, and whether their numbers will grow or decline, will in part depend on whether governments have the political will to keep asylum options open, and indeed create stronger mechanisms of temporary safe haven, while at the same time supporting preventive actions that are ethically justified as well as facilitating durable solutions for those in asylum. This challenge is all the greater because it is occurring at a time of slow economic growth and of a multiplicity of claims on governments' resources at home and abroad, and in a climate of increasing antforeigner sentiment and violence in many countries. Some of the necessary policies will be unpopular with public opinion.

One crucial issue will be that of resources. The costs of preventive actions with respect to countries threatening forcible population displacements, and of the massive reconstruction of countries to which forced migrants in asylum may now be able to return, are competing with needs at home (whether in the United States or, say, in Germany, which has to deal with the additional costs of unification) as well as abroad (where there is already a plethora of development needs arising from such factors as rapid population growth, droughts and the restructuring of economic systems in the former communist world). Given these demands upon governments, combined with the fact that with the end of the Cold War refugees have lost much of their strategic importance, will there be the political will to invest sufficient resources in averting new flows and securing durable solutions for these populations?

Another challenge is the ethical issue of building a consensus on norms of humanitarian intervention. When is intervention called for, and by what mechanisms are such decisions to be made? Are we still in an era of "might makes right," despite the emphasis on multilateralism and UN resolutions, as some "realists" would argue, or does this emphasis signal the beginning of a qualitative change, toward the guidance of such actions by the "inter-

national community?" I see support for the second position. However, the work of developing guideposts for action remains to be done.

There is a growing antiforeigner sentiment in Western Europe and perhaps in a milder way in the United States (*see* Sontag, 1992). The physical violence against foreigners, especially in Germany, is particularly alarming. Although opposition to foreign migrants by extremist groups is not a new phenomenon in post-World War II Europe (in some countries the movements go back to the 1960s; *see* Harris, 1990), opinion surveys demonstrate a change from the past with respect to the salience of the migrant issue among countries' general populations (*see* Rogers, 1992).

Messina (1990) has shown that the opposition to foreigners by extremist groups and parties in Western European countries has had the effect of shifting the discourse of the mainstream parties to the right. What is desperately needed today, especially in the face of physical violence, is strong political leadership: the willingness forcefully to condemn all aggression against foreigners and to take all measures available within the law to protect the foreign populations. In Germany, it was not until the end of 1992 that the government showed the political will to take such forceful measures as revoking certain civil rights of individual extremists and forbidding the activities of a number of extremist groups.

The continued functioning of the European asylum system is threatened by the large numbers of applicants with unfounded claims. Will Europe continue to protect bona fide refugees by allowing them continued access to the system? Will it open its migration doors a bit more widely and thus perhaps succeed in taking some of the pressures off the asylum system? Will it at the same time have the political will to enforce the returns of rejected asylum seekers (after considering them for admission on humanitarian grounds, in addition to the determination based on the 1951 Convention)? For, when everyone is a refugee, no one will be able to claim this status in the end.

At the same time there is the need, in Western Europe and in the United States, to deal differently with mass flows of people who flee turmoil in their own countries: a need for options of temporary asylum based on group determinations. The magnet effect of the wealthy countries must not be minimized. There is ample reason for concern that temporary asylum may not turn out to be temporary after all, given the time it may take to rebuild security in the origin countries (during which the asylees become integrated into the host society), the possibility that a feeling of trust cannot be restored at all (a not unlikely outcome for Muslims from Bosnia), and the economic attraction of the Western industrialized countries. But where the affected populations' protection needs are overwhelming, a positive response is

needed. Recent events suggest the urgency of a search for comprehensive strategies, including seeking asylum options as close to the asylees' homes as possible, through effective burden-sharing, and addressing the root causes of the flows.

I make no claim that the list of issues discussed in this article is exhaustive, although I hope to have addressed the most important ones. As it is, it suggests a major challenge to the international community today. It is impossible to predict the number and situation of forced migrants by the end of this decade, but one point is certain: there will be little chance for positive outcomes without the political will and generous economic support of those actors in the system who possess these resources.

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