

UNITED NATIONS AND THE REFUGEE PROBLEM

“A refugee is a man who votes with his feet”
.....Lenin¹

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INTRODUCTION:

The UN is making an invaluable contribution towards mitigating the sufferings and plight of the displaced and uprooted people. In achieving this noble goal its specialized agency related to the refugee problem, UNHCR, is playing a very phenomenal role. However, because of number of reasons UN faces different problems in achieving this goal. In this paper an attempt is made to assess the role of UN and its specialized agencies, specially UNHCR, in providing humanitarian assistance to refugees by discussing different legal, political, and institutional strategies adopted by them. Before discussing these different strategies, in order to understand the question in hand, a brief history of international action for mitigating the sufferings of refugees[sentence not correct]—starting with the appointment of Fridjof Nansen of Norway as the first High Commissioner for Refugees by League of Nations in 1921, is given. And in the end the problems faced by UN in provision of assistance to refugees is discussed.

The United Nations has been dealing with the refugee problem since its inception. In fact, two years before the establishment of the UN, an international organization was formed under the name of United Nations Relief and Rehabilitation Administration (UNRRA) to extend relief and humanitarian assistance to refugees. This was the first use of the title of United Nations for an international body. The growing UN

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concern for refugees was the result of rapid multiplication of their number in the post-World War II period. Initially the problem was mainly confined to Europe. With the passage of time the uprooted and displaced persons became a worldwide phenomenon. They swarmed almost all continents, especially Africa, Asia and Latin America, causing innumerable social, cultural, political and economic problems. Since most of these problems could not be adequately dealt with by individual states, it became imperative to adopt a global approach. The UN has taken upon itself the main responsibility of formulation and execution of global solutions to the problems of refugees. One of the purposes of the UN calls for the promotion of cooperation for “solving international problems of economic, social, cultural and humanitarian character” as well as the promotion of “respect for human rights and fundamental freedom.”² The refugee problem has ramifications for, and it is connected with, the political, economic and security problems which are the major concern of the UN as a part of its effort “to maintain international peace and security.”³ The UN is thus fulfilling its goals by active participation in global efforts to deal with the humanitarian aspects of the refugee problem.

HISTORY OF GLOBAL EFFORTS:

International action for refugees goes back to 1921 when League of Nations appointed Fridtjof Nansen of Norway as the first High Commissioner for Refugees. His main job was to extend humanitarian assistance to Russian refugees who fled the Soviet Union in the wake of the Bolshevik Revolution and the subsequent civil strife. They were spread over Europe and in the refugee camps in Turkey. Some went to China and the Far East. The Armenians and the refugees of the Greco-Turkish conflict of 1922 were other major refugee-groups tackled by the

League's High Commissioner for Refugees. In addition to humanitarian assistance, help was rendered for their resettlement. Nansen died in 1930. His office was renamed as the Nansen international Office for Refugees that continued to perform relief work up to 1938 as an autonomous body. In the meanwhile the League's Office of High Commissioner for Refugees was kept operational because with the rise of Nazism and then the outbreak of World War II, Europe faced the problem of Jewish and other refugees. As the volume of refugee flow increased an international conference was held in 1938 in France on the initiative of President Roosevelt to formulate comprehensive plans for dealing with the refugees. An international body—intergovernmental Committee on Refugees (IGCR)—was set up with headquarters at London to coordinate relief work for refugees.⁴

In November 1943, a conference of 44 nations held at Washington, DC. decided to set up another body to deal with the humanitarian problems caused by the war, including the problems of the uprooted people. This was the United Nations Relief and Rehabilitation Administration (UNRRA). It was set up to “plan, coordinate, administer or arrange for the administrative measures for the relief of victims of war... through the provision of food, fuel, clothing, shelter and other basic necessities, medical and other essential services.”⁵ The UNRRA provided useful service but it was dissolved in 1947. A non-permanent specialized agency of the UN under the name of International Refugee Organization (IRO) was set up in 1947 to replace the IGCR AND League of Nations Office of High Commissioner for Refugees. Its mandate expired in 1952.⁶

THREE MAJOR STRATEGIES TO DEAL WITH GLOBAL REFUGEE PROBLEM:

The United Nations has endeavored to deal with the global refugee problem through three major strategies:

1. Establishment of legal and political basis of assistance to refugees;
2. Institutional arrangements for extending humanitarian assistance; and;
3. Promotion of cooperation among the member-states, other national and international organizations. It also appeals to the conscience of mankind for seeking their support for its work.

Legal and Political Basis of Assistance

The legal and political basis of assistance to, and rights of, the refugees can be found in the Statute of the Office of the UNHCR, 1950; the Refugee Convention, 1951; the Refugee Protocol, 1967; several resolutions of the UN General Assembly, the Universal Declaration of Human Rights; and the resolutions of a number of other international organizations, especially the 1969 Convention of the Organization of African Unity (OAU).

The Statute of the UNHCR identified two major objectives:

- i. To provide international protection to refugees;
- ii. To seek permanent solution to the refugee problem by arranging their voluntary repatriation, or if this is impossible, by promoting their assimilation within new national communities either through local integration or through settlement in another country.⁷

The Refugee Convention, 1951 determined a refugee and his rights. According to this Convention,

*“A refugee is a person who 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 owing to such fear, is unwilling to avail himself of the protection of that country”.*⁸

This instrument, which established the legal basis for the rights of the refugees, was applicable to those persons who were uprooted by 31 December 1950. Most of them were residing in Europe and it was thought that the refugee problem would be over in a couple of years. However, more refugees appeared on the scene due to a number of crises in different parts of the world, i.e. the Hungarian crisis, 1956; the Tibetan crisis, 1959; the Cuban revolution, 1960; to name a few. These developments made it imperative to waive the time limit on the Convention and make it applicable to the new categories of refugees in the fifties and the sixties. This objective was achieved by a protocol approved in 1967, which made the provisions of the 1951 Convention applicable to all refugee situations irrespective of any deadline. As the refugee problem cropped up in Africa, the Organization of African Unity (OAU) broadened the scope of the UN definition of a refugee in 1969 by suggesting that refugee would also include a person who

*“Owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.”*⁹

In December 1967, the UN General Assembly unanimously adopted a Declaration on Territorial Asylum which entitled a person to seek in other countries asylum from persecution in his own country subject to limitations that this right could not be invoked for non-political crimes or for acts in contravention of the principles and purposes of the UN.¹⁰ This Convention was also adopted by the OAU and it stressed that repatriation could only be voluntary and that those who returned to their home country should not be penalized.¹¹

These Conventions and Protocols guarantee two major sets of rights to refugees:

- i. A number of rights similar to those available to the nationals of the country of asylum— freedom of religion, economic pursuits in general, public relief, education, and protection of law, including access to the courts of law.
- ii. A number of rights related specifically to their status as refugees—legal status as refugee, right to family life, succession and inheritance, and provision of necessary documents.¹² A refugee can neither be sent back against his will to the country he fled nor expelled from the country of asylum without the due process of law. In case he has to be sent to a third country, the country of first asylum (host country) is duty-bound to facilitate his departure.¹³

The Universal Declaration of Human Rights, 1948, provided another basis for their rights when it recognized the inherent dignity and equal and inalienable rights of mankind. It also guaranteed the right of people to enjoy freedom from fear and want.¹⁴ These noble assertions made it incumbent on the UN, its specialized agencies and the signatories

of the Universal Declaration of Human rights to see to it that these guarantees are provided to the displaced and uprooted people.

2. Institutional Arrangements

The UNHCR is the key institution engaged in humanitarian assistance to refugees. It has offices or at least active contacts in different parts of the Third World to monitor refugee situations and inform the local government as well as the headquarters of the UNHCR about any change in the flow and problems of refugees. The UNHCR may send its experts to survey the situation in collaboration with their local representative and the host government. These survey-reports become the basis for the UNHCR assistance and other arrangements for the refugee population, advice and assistance to the host government for dealing with the humanitarian aspects of influx and presence of refugees. At times the host government may request the UNHCR for necessary assistance.

Three Types of Assistance by UNHCR:

The UNHCR undertakes three types of assistance for refugees in collaboration with other international relief organizations, the UN agencies, and the governments of several states.

i. Provision of humanitarian assistance

It provides necessary humanitarian assistance to the incoming refugees to minimize their sufferings, i.e. food, shelter, clothing, medical care and other basic facilities. If they are to stay there for some time, various other facilities have to be provided, i.e. education and recreation, provision for acquiring skills, which will gradually make them self-sufficient.

ii. Assistance during Repatriation

Efforts are made to facilitate their return to their home country. In case, this is not possible (mostly it is like that) long-term plans *are* prepared and executed for their resettlement in the country of first asylum.

iii. Assistance during Resettlement

In case they cannot be absorbed in the country of first asylum, steps are taken to resettle them in other countries. Even after their resettlement the UNHCR monitors the state of progress of the resettled refugees in their “new” environment.

A number of other UN specialized agencies join the UNHCR in its efforts to deal with the problems of refugees and their permanent settlement. The leading partners are FAO, UNESCO, WHO, ILO, UNIDO, WFP, the UN Development Program, and the UN Disaster Relief Organization. These agencies provide emergency as well as long-term assistance for relieving the misery and plight of refugees and other displaced persons through joint projects with the UNHCR and the host country or make a direct input to humanitarian assistance program.

The UN also created two other agencies to deal with specific refugee problems. These included the UN Relief and Works Agency (UNRWA) for the Palestinian refugees, which were set up in May 1950. In 1951, the UN created the Korean Reconstruction Agency (UNKRA). In October 1954, the UN General Assembly established the UN Refugee Fund (UNRF) to facilitate the permanent solution of the refugee problem. *Two* non-UN international organizations need to be mentioned here. These are: Inter-governmental Committee for European Migration

(ICEM December 1951); the US Escape Programme (USEF—March 1952).¹⁵

3. International Cooperation

The UNHCR seeks international cooperation for its work from the governments of the UN members, other international and regional organizations. There are numerous denominational organizations, which also extend humanitarian assistance. These include, inter alia, the World Council of Churches, the National Catholic Welfare Council, Church World Service, Several non-denominational international organizations (i.e. International Red Cross, SERVE, International Rescue, Save the Children) render useful services. Some organizations provide assistance to a specific group of refugees, i.e. Jewish, Palestinians, Koreans, Afghans. These voluntary organizations share the burden of the UNHCR and the host state.

The UN members, especially the states adhering to the Refugee Convention, 1951, and subsequent protocols and resolutions provide useful help to the UNHCR by making available funds for its ongoing program. Every year when the Executive Committee of the UNHCR meets, the member states make pledges for funds. They also make direct contributions to a specific refugee relief programme in cash or kind. These governments also encourage (at time subsidize) their national voluntary organizations to provide funds, relief goods and medical supplies for refugees either directly to the country of first asylum or to the UNHCR.¹⁶

The UNHCR is fully alive to the fact that the success of its humanitarian operations depends on international support to its program.

It has, therefore, kept the international community informed of the plight of refugees and the work this organization undertakes to mitigate their sufferings. This is being done by a thorough dissemination of data on refugees in various parts of the world. The year 1959-60 was designated as the World Refugee Year to focus attention on this global problem. The awards of Nobel Prize for Peace to the UNHCR in 1954 and 1981 acknowledged the work of this agency.¹⁷ These Nobel prizes also provided respectability to the organization and a worldwide publicity to its work. The prize-money was used for the extension of its humanitarian work.

The UNHCR has been arranging consultations with various governments, organizing international conferences on refugee problems to encourage greater coordination of relief work and financial assistance for such program. Three major consultations and conferences were held during 1978-81. In December 1978, the UNHCR held consultations with 38 countries in Geneva about various issues relating to the Indo-Chinese refugees, i.e. agreed asylum procedures, more liberal criteria for receiving refugees, resettlement quotas, streamlined immigration procedures and more aid for resettlement schemes. As the Indo-Chinese refugee situation became grave, the UN Secretary General convened an international conference at the ministerial level to deal with the humanitarian aspects of the Indo-Chinese refugee influx. This conference was held in July 1979 and sixty-five states participated.¹⁸ Similarly the UN organized an international conference in April 1981 in collaboration with the OAU to draw greater attention towards the plight of refugees in Africa. The second international conference on the refugees in Africa was held in July 1984 at Geneva in pursuance of resolution 37/1977 of the UN General Assembly passed in December 1982. The conference

reviewed the results of the 1981 conference and suggested ways and means to provide necessary humanitarian assistance to the refugees spread over a large part of the African continent. The UN Secretary General pointed out that the ever-increasing influx of refugees had created serious problems for the African states that were already facing serious economic crises due to drought, shortage of food and widespread poverty. The conference examined 130 projects (approximate cost \$362 million) submitted by 16 states to enable them to cope with the refugee problem.¹⁹ These conferences and appeals to the international community have been instrumental in generating support to the refugee cause, facilitating the job of the UNHCR for maintaining a reasonable pace and quality of relief and rehabilitation operations.

Dimensions of the Refugee Problem:

When the UN first began to deal with refugee problems it was viewed as an ephemeral phenomenon. The general impression was that once the European refugees were settled the job of the UNHCR and other relevant agencies would be over. However, this hope did not materialize. The ranks of refugees began to swell in the late fifties and sixties as more refugees appeared in Europe, Africa and Latin America. By early seventies refugees had become a global affair. There were ten million people recognized as refugees in 1982.²⁰

Two sets of factors have caused greater migrations and refugee problem in the post-World War II period. The “push” factors force people to leave the place of their habitual residence. The major “push” factors include war (international or civil strife), ideological, political, ethnic, religious and economic discrimination or persecution; economic stagnation, depression and general poverty; famine and climatic factors.

The “pull” factors include the conditions outside of one’s own country of habitual residence, which encourage or attract a person to migrate to other places, i.e. economic opportunities, security and peace; political, social and religious freedoms; and climatic conditions.

Though, both factors (push and pull) explain the refugee phenomenon in The Third World, the “push” causes have been greatly responsible for the accentuation of this problem. Africa makes a pathetic picture of refugee plight. The wars of liberation, internal strifes, oppressive and dictatorial regimes, inter-state wars, external interventions, poverty, starvation and climatic conditions have created a continent-wide refugee problem. About half of African states have refugees living within their borders. The major concentrations of refugees are in the Sudan (from Ethiopia, Uganda and Chad), Somalia (from the Ogaden region), Uganda (from Rwanda and Zaire), Tanzania (from Burundi, Rwanda and Uganda), Zaire (from Angola, Rwanda, Burundi), Cameroon (from Equatorial Guinea, Chad), Mozambique (from Zimbabwe), Algeria (from Western Sahara).²¹ There are thousands of people wandering in search of food and shelter within their own state who are not considered refugees by the UNHCR, though some international assistance is made available to them. During and immediately after World War II, Latin American countries accommodated a reasonable number of European refugees but this pattern was reversed in the 1960s when the refugee problem cropped up in this continent as well. Coups, civil strife, external interventions, political oppression, economic insecurity and poverty created a flood of refugees. Some of them wandered in different parts of Latin America, others got asylum in the US, Mexico and some European countries. The

refugees were mainly from Cuba, Chile, Argentina, El Salvador, Nicaragua, Guatemala and Haiti.²²

In Asia, the single largest refugee concentration is of the Afghans who fled to Pakistan and Iran of the civil strife in the wake and the direct Soviet military intervention in Afghanistan. Over three million refugees were housed in Pakistan and a million or so in Iran.²³ The other major refugee groups are the Indo-Chinese refugees who fled from Vietnam, Kampuchea and Laos since 1975. The mass exodus of people from these states was caused by the long and traumatic war, oppressive policies of the Pol Pot regime in Kampuchea, repression of the dissidents in Laos and Vietnam, the Vietnamese invasion of Kampuchea, the conscious policy of these governments to push the dissidents and the people of different ethnic origin (i.e. Chinese in Vietnam) out of the country. A misperception that they would have a secure future outside of their own country also tempted them to leave their home country. Some Vietnamese escaped to other Southeast Asian countries primarily to get settled in the US. A large number of them escaped in small and unsafe boats—popularly known as the boat people.²⁴ Not all often managed to reach Hong Kong, Malaysia, Thailand, Indonesia and Philippines—the countries of first asylum. A serious refugee problem developed in 1971 in South Asia when a few million Bengalis crossed over to India in the aftermath of the military action in East Pakistan by the Pakistan army. Almost all of them returned to Bangladesh after its independence.²⁵

The Middle East faces the problem of Palestinian refugees who were uprooted during the 1948 Arab-Israeli conflict and the subsequent wars. A good number are living in refugee camps in Jordan, Lebanon and Syria for over a quarter century. Some are now settled in other Arab states, European and North American countries. The civil war in

Lebanon and Israeli's invasion of Lebanon in 1982 also created thousands of refugees.²⁶

Problems and Difficulties Faced By United Nations:

The relief and rehabilitation work undertaken by the UNHCR and other UN agencies is beset by several problems. The foremost being the operationalization of definition of a refugee: who is a refugee? The 1951 Convention and the 1967 protocol provide a general definition of a refuge but by 1983 only 92 states subscribed to them. Political and economic considerations influence the decision of a government to accord refugee status to the uprooted people. The leaders of the countries that people flee from often question the bonafides of refugees claim, calling them bandits, criminals, smugglers and guerilla fighters. The Karmal regime of Afghanistan disputed the genuineness of Afghan refugees in Pakistan and Iran. The Kampuchean government described the fleeing Khmer as bandits and those attracted by the facilities provided in the camps in Thailand.²⁷

The government of the country of first asylum (host country) is sometimes unwilling to accept the incoming mass of people as refugees. The reason being that most of the states receiving refugees are poor and underdeveloped. They view the incoming refugees as a drain on their meager economic resources. The incoming people are either refused entry, arrested for illegal crossing of international borders or pushed back by force to the country they are fleeing, or quietly compelled to go to some other neighboring country. For example, Thailand and a number of East Asian countries did not initially welcome the Kampuchean refugees. Several groups of refugees were pushed back into Kampuchea by Thai troops. The boat people were refused entry or kept in what was described

as detention camps. It was later on, when the plight of Indo-Chinese refugees became known worldwide and several western countries came forward for humanitarian assistance that the policies of the Southeast Asian countries changed.²⁸

Some states make a distinction between political refugees and economic refugees. The latter are the persons fleeing a country for economic reasons—lack of job opportunity, poverty and no prospects for the future. It is argued that since they do not leave the home country for fear of political persecution, they are not entitled to asylum as refugees. The US refused political asylum to Haitians by declaring, them to be economic refugees.²⁹ The distinction between economic and political refugees is arbitrary. An oppressive economic system is no less devastating than political suppression or an intense civil strife. Invariably economic deprivation and political exploitation are closely interlinked. The people deprived of normal livelihood in an exploitative economic system should be entitled to international protection.

The UNHCR faces difficulties in mobilizing resources for its relief operations and then, making such facilities available at the places where these are needed most— refugee camps. Since contributions to humanitarian assistance programs are voluntary, political considerations of the donor states influence the flow of assistance. The Afghan refugees in Pakistan have enjoyed liberal humanitarian assistance from the western countries because the Afghanistan crisis fitted well into the west's policy of containing and discrediting the Soviet Union in the international system. Unlike the Afghan refugees, relief work for the refugees in Africa suffered due to the lack of the required international support. The response of the west was not so enthusiastic because not

much political capital could be made from refugee influx in African states.³⁰

The governments of the states the refugee flee do dispute the humanitarian nature of relief measures. They argue that the assistance to refugee trickles to the insurgents in the strife-ridden polity. The refugee camps, it is argued, are used as a front to cover assistance to guerillas and insurgent groups. This is more likely to happen when the perspective of a contending party in a civil strife converges with policies of neighboring or other states, especially the super powers. There have also been charges that the availability of protection, food and shelter in a neighboring accentuates refugee problem. Many prefer to become refugees in order to avail themselves of relief facilities.

The provision and assistance to refugees depends on cooperation of the host government and a careful periodic review of the program. The host governments generally do not object to international relief but at times, some governments do not want the international agencies to have a direct access to refugee camps or exercise direct supervision over relief measures. These governments want that the international agencies should simply collect resources and relief goods, and then, hand these over to the host government. India did not allow the UNHCR and other international agencies to have a direct access to the camps of Bengali refugees in 1971.³¹ Such a policy creates administrative complications. The vital need of better planning, coordination and reappraisal of relief measures underlines the need of making the refugee camps accessible to international agencies and independent observers.

The Problem of Resettlement and UNHCR:

The UNHCR is also engaged in international efforts for the permanent settlement of refugees—return to their home country, settlement in the host country, or a third country. If the host country is unwilling or unable to accommodate refugees on a permanent basis, they have to be settled elsewhere. This involves intense diplomatic efforts to obtain permanent asylum. The Indo-Chinese refugees were settled in the US and a number of European and Asian states because the states of first asylum were unable to provide permanent settlement to all of them. The experience of resettlement of these refugees showed that it is a complex and slow process involving international agencies, the government of the host country as well as the government of the state accepting refugees for permanent settlement. A large number of refugees have to spend years in the camps or outside on international dole before they are offered permanent settlement. Some have no option but to spend their lives in transit—refugee camps—in the hope that one day they will either return to the home country or obtain asylum on permanent basis.

CONCLUSION:

The UN is making an invaluable contribution towards mitigating the sufferings and plight of the displaced and uprooted persons. However, the permanent solution of the refugee problem is not in sight as its roots are much deeper than the provision of humanitarian assistance and rehabilitation. These include the social, political and economic factors which sustain inequality, injustice, deprivation, persecution, and devastation caused by natural or man made calamities. As long as these root-causes are not eliminated, or at least not brought within the manageable limits, the transnational arrangements for the

relief and rehabilitation of millions of refugees will continue to be an imperative need. In fact, relief and rehabilitation measures should be strengthened and streamlined if we want to serve the cause of peace and stability in the international system.

Protecting refugees and searching for durable solutions to their plight is a humanitarian imperative—but it is also fundamentally about contributing to international peace and security. For how can we live in a world without crime and terrorism, if we are unable to give new hope to those whose lives have been torn apart by violence, conflict, and persecution?

END NOTES

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