

# The State of the World's Refugees 1993

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## Chapter Eight Broadening the Focus of Protection

The world of refugees is a violent and uncertain one. Action to protect them is beset with political upheavals, ethnic clashes, ideological struggles, wars and persecution. Access to asylum and material relief are their most immediate requirements. In the longer term, they need a return to peace and the means to start rebuilding their livelihoods. Both humanitarian assistance and political efforts to resolve the underlying causes of displacement are therefore crucial to the welfare and security of today's refugees. Nevertheless, although humanitarian action must take place in parallel with political activity, it must not become politicized.

Humanitarian and political initiatives have very different starting points: international political negotiations proceed from the interests and priorities of states; humanitarian actions proceed from the needs of individual human beings. The overlap between the two is, however, considerable, and so, therefore, is the scope and need for co-operation between humanitarian and political organizations.

Although the core of the traditional response to refugee problems is humanitarian, it is increasingly clear that action to deal with such problems must extend into broader realms if it is to be successful. More effective ways – and, above all, greater international will – have to be found to address the dire poverty and economic decline which is swelling the tide of migrants from many parts of the world. At the same time, political and economic initiatives are necessary to prevent and resolve the causes of refugee flows. If solutions are to be durable, humanitarian assistance must be linked to long-term development, and protection for the displaced allied to reconciliation efforts.

Strategies to solve refugee problems must take into account all the various factors that compel people to leave their homes. Protecting people against forced displacement requires a comprehensive and integrated response that deals with such problems in their entirety. It is likely to begin by tackling the immediate humanitarian needs of the people affected, including the need for asylum, at least on a temporary basis. It continues with an array of actions designed to enhance respect for human rights and humanitarian law, to prevent further displacement, to resolve armed conflict and to create conditions conducive to voluntary repatriation. It must also make provision for protection and assistance during re-integration, and link these with broader development and reconciliation plans.

Implementation of a comprehensive response to a refugee problem requires the co-operation of a broad range of actors: the governments of the country of origin and the countries of asylum, donor states, international agencies, NGOs and opposition forces. While being tailored to fit particular regions and specific situations, such a response would be likely to include co-ordinated action in the fields of foreign policy, international law, economic co-operation, immigration and asylum policy, as well as official development assistance. This is obviously beyond the scope of humanitarian organizations alone.

Humanitarianism may not be enough on its own, but it is essential. Political initiatives to address causes, obtain peace agreements and negotiate solutions are necessary, but often move forward slowly and uncertainly. Humanitarian, non-political action on behalf of refugees must not be held hostage to politics. Just as humanitarian action cannot substitute for political initiative, neither can the political replace the humanitarian. The needs of people have an independent priority. No matter what political mêlée surrounds it, protection and material assistance must be provided as quickly, efficiently and neutrally as possible. Close co-ordination between political bodies and humanitarian agencies is therefore needed to ensure that the capabilities, as well as the limitations, of humanitarian work are taken into account.

One situation which demands close co-ordination is when economic sanctions are imposed. Sanctions are important instruments for containing and punishing aggression. However, unless clear exemptions are provided for humanitarian activities and for relief supplies such as food and medicine, the first to suffer are vulnerable people. The UN sanctions imposed on rump Yugoslavia (Serbia and Montenegro) for its role in supporting the Bosnian Serb militias have directly affected refugees and other vulnerable groups in that country. On occasion, they have also hindered UNHCR deliveries to besieged Muslim enclaves in eastern Bosnia, which have been supplied by convoys that cross Serbian territory. Convoys have not only been held up by Bosnian Serb obstruction but also because they are obliged to await clearance from the Sanctions Committee in New York.

As humanitarian action becomes dynamically linked to peace-keeping and peace-making in the 1990s, humanitarian organizations have to strive to keep the issues of refugees and displacement on the political agenda while preserving a non-political approach. Meanwhile, the challenge for political bodies is to support humanitarian action while resisting the temptation to use it as a bargaining chip in negotiations.

The emerging strategy of comprehensive response to refugee crises emphasizes the need to strengthen the state's responsibility for its own citizens, within an international framework and according to internationally accepted standards. The link between state responsibility and the international agenda is human rights.

The international community's willingness to see people exiled from their own countries and thrown into dependence on international assistance and protection is being stretched to breaking point. This is manifesting itself in a more active international insistence that states meet their obligations towards their own people.

The international community does not insist on a right of intervention but it does, increasingly, insist on a right of regard. It is now clear that internal policies and practices which cause large numbers of people to flee are a threat to international peace and security. The international community is consequently more willing to act collectively to assert a concrete interest in human rights, the treatment of minorities and other matters that were previously shielded from view by the screen of national sovereignty. Today, that screen is becoming more transparent. Authorities who persist in actions likely to generate mass displacements across, or even within, their borders can expect to find themselves subject to international pressures ranging from urgent diplomatic representations, to sanctions, and, in extreme cases, to full-blown military intervention.

In 1991, the United Nations Security Council set a precedent by emphasizing that violations of human rights in Iraq threatened international peace and security. It went on to pass resolution 688, which authorized member states to deliver assistance to the Kurds by whatever means necessary – paving the way for military intervention. The importance of human rights has been subsequently stressed in peace agreements in El Salvador and Cambodia.

Long paralyzed by ideological confrontation, the various mechanisms that the United Nations has established to monitor human rights should now be used to greater effect. Special attention must be given to ethnic and minority rights as the recent conflict in former Yugoslavia has shown. Moreover, to take full advantage of the more universal approach that has become possible, the industrialized world needs to move beyond its traditional emphasis on political and civil rights and also acknowledge the economic and social rights and aspirations of citizens in the developing world.

Recently, many welcome changes have occurred that increase respect for human rights. Dictatorships have given way to more democratic forms of government in many parts of the world. Unprecedented cuts have been made in military arsenals. Equally importantly, there is a growing acceptance that the human rights of citizens within a state are not the exclusive business of the government of that state and that the international community has a legitimate interest in seeing that rights are respected.

Protection of refugees has in the past focused on their fundamental right to asylum. Asylum, however, can be seen as a single point on a spectrum of the human rights that relate to movement. Those rights begin with the right to remain safely at home. Forcible displacement violates this right and gives rise to the need for asylum. Action on behalf of refugees should focus on preventing the development of conditions that impel people to flee. Failing that, it should aim to restore the normal state of national protection, in which states accept and fulfil their responsibilities towards their own citizens and receive help, if they need it, to carry out those responsibilities.

The concept of protection, therefore, needs to be broadened to include notions of prevention and solution. Human rights and refugee law need to elaborate more fully standards on the right to remain and the right to return home, and to emphasize that those who have been forced to move, or who are in imminent danger of displacement have a right to humanitarian assistance and protection.

International protection is being extended to more and more refugees, and special arrangements are being made to protect considerable numbers of internally displaced people. Concerted efforts are needed to strengthen the structures of international protection to keep pace with the growing needs.

The challenge of protection in the 1990s is a twin challenge. The first element is indeed to provide international protection to those who are forced to flee violence and persecution, through the offer of asylum and the pledge of *non-refoulement*. The second is to insist vigorously that national protection of fundamental human rights be maintained and restored so that people do not have to seek protection outside their own countries.

Safeguarding human rights is a domestic responsibility of sovereign states, and one of the primary objectives of the United Nations. It is a goal in its own right, and a necessary condition for the attainment of international peace and security. For both these reasons, it is here that the solution to the refugee problem must begin.