

Refugees and Forced Displacement

*International Security,
Human Vulnerability, and the State*



Edited by
**Edward Newman and
Joanne van Selm**

Refugees and forced displacement: International security, human vulnerability, and the state

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Refugees, international security, and human vulnerability: Introduction and survey

Edward Newman

Your humanitarian work is used, or rather abused, as a substitute for political action to address the root causes of mass displacement. You have become part of a “containment strategy”, by which this world’s more fortunate and powerful countries seek to keep the problems of the poorer at arm’s length. How else can one explain the disparity between the relatively generous funding for relief efforts in countries close to the frontiers of the prosperous world, and the much more parsimonious effort made for those who suffer in remoter parts of the world such as Asia or Africa? And how else can one explain the contrast between the generosity which poor countries are expected to show, when hundreds of thousands of refugees pour across their frontiers, and the precautions taken to ensure that as few asylum seekers as possible ever reach the shores of rich countries?¹

Refugees, human displacement, and international politics

Migration, whether voluntary or forced, has always been a characteristic of individual and collective human behaviour. Refugee flows and human displacement have, *ad infinitum*, been a feature, and consequence, of conflict within and between societies. It is questionable whether there have been qualitative changes in patterns of forced displacement over the past century despite the popular perception of refugee flows and human displacement as phenomena that have seen marked upturns in recent years. Nevertheless, one key change in the twentieth century was the move by governments towards regulating migration, in particular immi-

gration, and towards defining those who were to be granted the special status of refugees. This change is fundamentally linked to the subject of this volume: the question of how governments regulate immigration and define categories of immigrants has, over time, led people to view migration as an issue related to the security both of the state and of existing citizens and legal residents. Simultaneously, there has been an evolution of security analysis that can shed new light and renewed attention upon the importance of refugees and human displacement in international relations and security. There have also been changes in the nature of the state, in socio-economic organization within states and at the international level, and in demography that indicate particular patterns – or at least explanations – of contemporary forced migration. This volume examines the phenomena of refugees and human displacement in the context of these background themes, which can be classified broadly as socio-economic and conflict related.

In terms of socio-economic factors, the explanatory variables of migration are well known. The international economic environment is broadly characterized by globalization and neo-liberal orthodoxy. Many scholars have asserted that changes in economic organization and the reduction of state capacity have contributed to poverty and inequality, and that this is an underlying explanatory cause of migration.² In the developing world, traditional social support mechanisms have been eroded by the modernization of economic production. In many societies, localized high population density, in conjunction with environmental degradation and resource shortages, has rendered areas untenable for human support. Urbanization, coupled with changes in social and economic organization that have reduced the viability of rural lifestyles, has encouraged the movement of people into unsustainable urban lifestyles. All have been offered as underlying explanations for migration, sometimes with a linear increase – increases of inequality and poverty in the world directly relating to the numbers of people seeking more prosperous and stable lives in other countries. More visibly and more demonstrably, violent conflict and persecution are key explanatory variables for refugee flows and displacement within and across borders.³ Ethnic and civil conflict, state building, state collapse and failure, and government persecution are all inherently violent and lead directly to mass forced migration.

The broader context for migration flows is often identified as being a consequence of globalization, technological progress, and interdependence: easier and cheaper transportation across greater distances, a greater awareness of better opportunities “elsewhere,” a reduction of physical boundaries to movement in some regions of the world.

All of these factors help to explain refugee flows, displacement, and migration (both forced and voluntary). However, this volume is not

premised upon the idea of a fundamentally changed environment or unique modern conditions that have brought about qualitatively new patterns of migration. We do not primarily seek to explain why, where, or how refugee flows or displacements occur; we rather address the nexus between security concerns and migratory flows in looking at how societies do and could deal with the consequences of migration. In doing so, we find that the legal, political/normative, institutional, and conceptual frameworks through which the international community addresses refugee and displacement issues are inadequate in the context of contemporary conflict and international relations.

The starting point for this is based upon the following propositions:

1. Refugees are in various contexts both a cause and a consequence of conflict. As such, the management of refugee movements and the protection of displaced people should be an integral – not peripheral – part of conflict settlement and peace-building within communities and an integral element of regional security. Human displacement itself is a major factor in national and international instability, requiring policy responses that recognize this and a model of security that is broad and multifaceted. Many conflicts have involved the displacement of population groups as a motive and weapon of conflict. Refugee flows and displacement are in turn central to “post-conflict” reconstruction and peace-building. In Bosnia–Herzegovina, Georgia (Abkhazia), Angola, Rwanda, Congo, Palestine/Israel, and numerous other places in the world, displaced populations have been the critical element in continuing conflict and instability, the obstruction of peace processes, and the undermining of attempts at economic development. Refugee flows are demonstrably a source of international – mainly regional – conflict through causing instability in neighbouring countries, triggering intervention, and sometimes providing a basis for warrior refugee communities within camps that can form the source of insurgency, resistance, and terrorist movements.
2. International legal instruments do not perfectly reflect the contemporary reality of displacement or of protection and asylum needs. However, the tools of protection established in these legal instruments are not as deficient as their application by contemporary governments leads one to believe. When the existing international refugee regimes were established, the political images of refugees and asylum needs – and obligations – were quite different from those of today. The global refugee regime – based on the Convention Relating to the Status of Refugees of 1951 and its 1967 Protocol, and the Office of the UN High Commissioner for Refugees (UNHCR) – was initially a temporary arrangement established in a Cold War context that centred on a Western concern to assist people seeking refuge from communist

countries.⁴ Although the regime has displayed an admirable adaptation to evolving demands, expanding its remit temporally and spatially, it operates under great practical, conceptual, and legal strain. The definition of a refugee is a person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality [or of habitual residence], and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country” (1951 Convention Relating to the Status of Refugees, Article 1(2)). Mass displacement owing to generalized violence and conflict or civil war, or war-related conditions such as famine and homelessness, has strained the application of this definition. So has the visibility in developed countries of people not ideologically or racially welcome. Economic migrants further blur the definitions; there are often not clear distinctions. The legal rights of refugees – as refugees and also as humans with human rights – are often demonstrably unfulfilled or violated. Other times these rights are unclear or not defined. There are significant discrepancies in terms of the granting of asylum, international protection, and assistance in different regions and in the conditions for refugees and displaced populations. Opportunities and assistance to refugees and displaced people are in large part a reflection of politics, geostrategic interests, and fickle international donor and media priorities.

3. The refugee definition cited above includes an important criterion that excludes a great many of the world’s displaced persons. In order to fall within the realm of the protection of the international refugee regime, such persons must have crossed the border of their country of nationality or habitual residence and be in another country. On some occasions, the United Nations has designated UNHCR or another UN agency to lead efforts to offer assistance to internally displaced persons (IDPs). On rare occasions, the international community has intervened militarily or politically in a civil war situation on behalf of IDPs. For the most part, however, the principle of state sovereignty, which requires the consent of the state involved to any assistance for its own displaced citizens, has prevented these people from either receiving aid or being granted adequate protection. Progress has certainly been made in recent years, but this remains a glaring problem in the face of human suffering. Indeed, in the security discourse, internally displaced people often represent the starkest example of a tension between human security and legal and political constructions such as state sovereignty.
4. The institution of asylum is under grave threat. Many politicians governing states see refugees and asylum seekers in negative terms, as

a threat to social cohesion or employment, or even as posing a threat of insurgency and terrorism. Since the terrorist attacks against the United States on 11 September 2001, this latter concern has been exacerbated. In both developing and developed countries, governments have for some time been constructing legal and physical barriers against the influx of asylum seekers or those displaced by war. “Safe countries” of origin, whose citizens are in effect precluded from asylum, visa regulations, carrier sanctions, shifting the burden of assessing and processing claims to adjoining territories, physical closing of borders, detention of asylum seekers, and withdrawal of welfare support have all been employed to interdict and deter asylum seekers.⁵ The image of economic migrants and “bogus asylum seekers” overwhelming Western societies is a regular characteristic of media reporting on refugee issues and political debate. The reality is that developing countries shoulder the social and economic strain of the vast majority of asylum seekers and people displaced through conflict and state failure. This imbalance must be recognized and acknowledged. In the developed and developing world alike, the reality is that violations of international refugee and human rights law occur on a vast scale. There has been a “shift from the protection *of* asylum seekers to protection *from* them.”⁶ Some commentators and politicians have hinted that the 1951 Convention was a “Cold War” document that is not appropriate for the contemporary era.

5. The orthodox definition of international security – premised on the military defence of territory – puts human displacement and refugees at the periphery of politics. This is wrong for two reasons. First, as this volume will demonstrate, human displacement is both a cause and a consequence of conflict within and between societies. Second, normative and political developments in the post-Cold War world have reached a point where international security no longer automatically or solely privileges the state above all other agents as the referent object of security. At the turn of the century, individuals and communities are increasingly central in security thinking – legally, ethically, and politically. “Human security” is a key component of this evolving security discourse. It is a normative, ethical movement and it also rests on self-interested empirical reasoning. It is normative in the sense that it argues that there is an ethical responsibility to reorient security around the individual in a redistributive sense, in the context of changes in political community and the emergence of transnational norms relating to human rights. Those who have the capacity to extend security to people perilously lacking it have a basic human obligation to do so. Human security also rests upon empirical reasoning regarding the foundations of stability within and between states.

Attitudes and institutions that privilege “high politics” above disease, human rights, hunger, or illiteracy are embedded in international relations and foreign policy decision-making. This is not to presume that human security is necessarily in conflict with state sovereignty; the state, as an aggregation of capacity and resources, remains the central provider of security in ideal circumstances. It does, however, suggest that international security traditionally defined – territorial integrity – does not necessarily correlate with human security, and that an over-emphasis upon statist security can be to the detriment of human welfare needs. Traditional conceptions of state security are a necessary but not sufficient condition of human welfare. The citizens of states that are “secure” according to the traditional concept of security can be perilously insecure to a degree that demands a reappraisal of the concept. Human security is a reorientation to redress this asymmetry of attention.⁷ Human security therefore regards human displacement as a pressing issue not only because it has repercussions on other essential constructions – such as state borders and economic development – but because individuals and people collectively have rights that must be upheld even when they do not fit squarely with the “high politics” agenda of conventional international security.

6. Much of the discussion relating to human displacement and refugees is on a policy level, drawing upon security studies, international law, and international relations theory. Most of this analysis is aimed at addressing the challenges in the context of existing processes, institutions, and vocabularies.⁸ However, there may be a need to step outside or challenge the existing rules of the game if that is what is necessary to realize that refugees have the same rights as anyone else and need to be centralized in international security policy. The normative and ethical framework for analysing the refugee debate must be examined anew. Many of the “givens” – constructions such as state sovereignty, international security, citizenship, identity, and international law – may require a fundamental reappraisal. Normative moral theory allows such a questioning. It brings into question all of our assumptions regarding “security”: it questions what should be the focus of security, both within societies and internationally; it challenges the distinction between “high” and “low” politics, and the privileging of the former at the expense of the latter, especially in the context of the prevailing “national security” paradigm; it questions the institutions and policies with which we invest our security; it questions the idea that people living within different political communities are not entitled to the same rights and opportunities as we are.⁹
7. The distinction between different types of migrants – including asylum seekers, economic migrants, and those displaced by war and in need of

temporary protection – is often clearer in theory than in reality. The blurring of the distinction in legal, political, and semantic terms works against the rights of asylum seekers and displaced people, and is being exploited by actors who prefer more restrictive policies. Definitions, norms, and terminologies require careful, positive reassessment.

8. The normative framework within which we consider our moral obligations regarding refugees, displacement, and asylum must be reappraised in the context of solidarist ideas of global community and human security. In a sense this owes a lot to the liberal and cosmopolitan traditions of political thought. Thus, in recent years the individual has been accorded greater prominence in international governance and codes of conduct. This is reflected in the emergence of norms and institutions, in both a regional and global context, that embrace issues ranging from development, criminal and humanitarian law, human rights, humanitarian intervention, economics, to democracy. Yet the exclusionary institution of sovereignty is still paramount. And in political discourse the notion of “insiders” and “outsiders” is still the underlying assumption. In the interplay of liberal and statist thought, there are obvious tensions and contradictions that need to be deconstructed and worked out. In most countries, solidarist sentiment in the face of deprivation and grave human suffering is an established part of political and public discourse. Yet restrictive policies are increasingly a part of Western national and international policy and legal infrastructure. Why is there such a mismatch between solidarist human sentiment and legal/political institutions?
9. Many of the challenges from refugees, and the challenges posed by societies and governments to refugee protection, have been exacerbated by the events of 11 September 2001. This has taken a number of forms. First, the terrorist attacks and the ensuing “war on terror” reinforced our understanding of the connections between human displacement and international security. It became clear that the origins of the unchecked fundamentalist Taliban, and their links to al-Qaida, lay in the long-term refugee camps of Pakistan.¹⁰ Dispossessed, aggrieved, and rootless populations are a potential breeding ground for radical political movements and terrorism inside and across borders. “Permanent” refugee camps can give rise to enmity among the displaced and provide a source of insurgency and instability elsewhere, especially when those people, often not receiving the attention of a government or international organization, are preyed upon by people with evil intent and the means to sway followers and carry out their destructive plans. Second, the terrorist attacks have accelerated the move towards more restrictive asylum and refugee policies. After the terrorist attacks, refugee movements and asylum seekers

have been regarded by some with a heightened wariness as sources of instability and even potential sources of terrorism. Despite the empirical weakness of any claimed connection between asylum and terrorism, this perspective has provided a pretext for some political leaders (especially of the right) to exploit the “threat” of terrorism for political gains and further tighten asylum policies. In the United States, the most affected immigrant group in terms of admissions policies has been resettled refugees. The refugee admission quota was set at a ceiling of 70,000 for 2002. Only some 30,000 were admitted as the programme stalled with new security controls in place, both in verifying the identity of refugees and in terms of permissions for officers of the Immigration and Naturalization Service to travel in order to carry out status determination procedures. Although concerns have arisen about the possibility that terrorists could enter Western states disguised as asylum seekers, little has been done to establish greater controls over other immigrant groups, including foreign students (although that was the immigration category most used by the September the 11th hijackers). In other words, the most vulnerable group – refugees – have been the target of the greatest number of new controls, although they were already the most scrutinized arrivals.

UNHCR, the European Commission, and others have pointed out that the concern that terrorists will use the asylum channel is unfounded for a number of reasons. As the Commission has noted, the stringent procedures that accompany the process of applying for asylum in European states (as well as in the United States, Canada, Australia, and other states) mean that a terrorist would not find that route palatable. Secondly, the 1951 Convention contains clauses that exclude certain individuals from refugee status. These include people about whom there is “serious reason for considering that” they have committed crimes against humanity, serious non-political crimes, and crimes against the principles of the United Nations (Article 1F). What is lacking is a genuine commitment by states to apply these clauses seriously and appropriately and to develop the ways and means to deal with those individuals who are excluded from refugee status but who cannot be returned to their country of origin because they would be in danger there (their return would then constitute *refoulement*) and who may even not be admissible for trial in the country that has rejected their asylum claim.¹¹

Connected with this, the prominence of terrorism in the security mindset of many governments is resulting in an increased tendency to “profile” immigrants, naturalized citizens, asylum seekers, and refugees, thus increasing the implicit discrimination and explicit exclusion that have characterized asylum policies since the end of the Cold War.

People of Arab origin and Muslims are particularly vulnerable to discrimination. There have been concerns that anti-terrorist and security legislation privileges anti-terrorist concerns over the rights of genuine asylum seekers. UNHCR has expressed concern that “bona-fide asylum seekers may be victimized as a result of public prejudice and unduly restrictive legislation or administrative measures.”¹² The UNHCR’s concerns cover racism and xenophobia; the tendency to link asylum seekers and refugees to crime and terrorism; restricted admission and access to refugee status determination; exclusion based on religion, ethnicity, nationality, or political affiliation; deteriorating treatment of asylum seekers; withdrawal of refugee status; deportation and extradition; and increasing obstacles to resettlement. It is important to note that restrictive and discriminatory asylum policies are not confined to “Western” or European states.¹³

The evolving security discourse and refugees

International security has traditionally been defined, ultimately, as the military defence of territory. The context is traditionally seen as an anarchic state system whose chief characteristic is a perennial competition for security based upon (primarily military) power. In international relations theory, this is “structural realism”: although unit-level changes may occur inside states, the system remains a self-help, anarchic, hierarchical arena that conditions or even determines the behaviour and attitudes of the units.¹⁴ National security therefore is the imperative of defending territory against, and deterring, “external” military threats. A sense of “security dilemma” – for example during the Cold War – provides a pretext for the extremes of the narrow national security paradigm. Mainstream structural realism is a systemic, structure-dominant school. Therefore, developments such as democratization within states, the growing multiplicity of transnational actors, economic interdependence, and the growth and thickening of international institutionalization are viewed as not changing the basic nature of the system: “the structure of international politics is not transformed by changes internal to states, however widespread the changes may be.”¹⁵ Interests, identities, and the need for relative gains are determined by structure. Agency is secondary.

In the context of this structural realist analytical security framework, refugees are almost invisible: they are an inevitable and peripheral consequence – although not a cause – of conflict, insecurity, and instability. The realist model focuses mainly on conflict amongst states and the structural determinants of conflict in a state-centric environment. Accordingly, human displacement is seen as part of a “humanitarian”

agenda issue, a spillover, but substantively separate, from the security agenda. Furthermore, refugees were to a large extent simply part of the ideological and political game of the Cold War. Those within Europe were protected by the strategic use of the 1951 Convention. Only in 1967 did developed states expand the refugee regime to cover those arriving from Africa, Asia, and Latin America, fleeing conflicts induced by the Cold War in those regions too. During many major conflicts in which refugees were a result of the battles, refugees' well-being was assured or presumed owing to their links to one or other "side": the flow of Vietnamese refugees was managed through international agreements, relieving the pressure on South-East Asian states because the burden of the protection of the anti-communist refugees was shouldered by the anti-communist Western states. The issue of refugeehood was subsumed in the ideological issues relating to conflict more broadly.

Patterns of refugee flows

The "realist" view of conflict prevailed during the Cold War and this has helped to give rise to a common and spurious assumption that patterns of conflict have changed, when in fact it is rather the way in which we analyse conflict that has changed. According to this assumption, trends in modern conflict, which reflect a high level of civil war and state collapse, have resulted in a proportionately high rate of victimization and human displacement amongst non-combatants. The conclusion of the Carnegie Commission on Preventing Deadly Conflict echoed a widely accepted belief:

These internal conflicts commonly are fought with conventional weapons and rely on strategies of ethnic expulsion and annihilation. More civilians are killed than soldiers (by one estimate at the rate of about nine to one), and belligerents use strategies and tactics that deliberately target women, children, the poor, and the weak. . . . In some wars today, 90 percent of those killed in conflict are non-combatants, compared with less than 15 percent when the century began. In Rwanda alone, approximately 40 percent of the population has been killed or displaced since 1994.¹⁶

The UNHCR's *State of the World's Refugees* report follows a similar line. It suggests that there have been "changing dynamics of displacement"¹⁷ and describes "the changing nature of conflict."¹⁸ It observes the "devastating civilian toll of recent wars," stating that "in the post-Cold War period, civil wars and communal conflicts have involved wide-scale, deliberate targeting of civilian populations."¹⁹ Again, amongst

many academics, a common theme is that “the global dynamics of flight and refuge are changing” in the context of the “changing nature of conflict.”²⁰ The data presented by the UNHCR appear at first to support this.

In fact these patterns, trends, and departures are partly the construction of researchers, international civil servants, and politicians – albeit well intentioned. In many cases, this constructed reality is a response to the perception that states in and of themselves have felt threatened by migration and displacement: it is a pandering to the discourse that states and governments seemed to want.²¹ Clearly, civilian victimization and human displacement – both within and across borders – are a cruel characteristic of contemporary conflict. However, it is important to clarify whether these represent a genuine departure or change from the past (say, the Cold War) or are simply fluctuations owing to specific incidents of conflict. The UNHCR states that “[r]efugee movements are no longer side effects of conflict, but in many cases are central to the objectives and tactics of war.”²² It observes that the brutality of “contemporary” civil conflict includes gender-specific violence, rape, mass murder, the use of child soldiers, and the spread of terror through conspicuous atrocities.²³ But it is questionable whether there has been a dramatic qualitative increase in these activities in a linear manner that would point to an obvious changing dynamic of refugee flows or displacement.

Clearly, historical, technological, and socio-economic changes have had an impact on societies in many different ways. The nature and impact of conflict have changed in line with this. In the post-war era, for example, a number of historical forces and processes have influenced trends and patterns of refugees, displacement, and migration – both legal and illegal. The Second World War left some 40 million people in Europe outside the borders of their homeland. Decolonization and the wars of independence, proxy Cold War conflicts, state collapse, globalization, the end of the Cold War, and the so-called “resurgence” of identity politics have all had an impact. A common device is to make a comparison between contemporary post-Cold War conflict – which involves a relatively high level of civil conflict and state failure, resulting in civilian victimization and deliberate and consequential displacement – and “earlier times,” such as the turn of the twentieth century, when it is asserted that warfare was primarily between states and fought by soldiers. This is the implication of the Carnegie Report conclusions. But it is far from clear that there is a genuine departure or change from the past historically. Human displacement has always been central to the objectives and tactics of certain types of war.

Certainly it is possible to identify conflicts (such as the First World War) that may indicate a high combatant-to-civilian victim ratio when

compared with a civil war (such as Bosnia or Rwanda) at the end of the twentieth century. But it would be misleading to deduce from this that the patterns of conflict and civilian victimization have changed in a linear fashion. The First World War was hardly a typical conflict and, around the same time as the battle of the Somme, large-scale civilian victimization and displacement were occurring elsewhere – the Armenian “genocide,” for example. One could make a similar point regarding the post-war context. The UNHCR statistics suggest a fairly steady, exponential increase in refugees and internally displaced persons, especially after 1990, which is in line with the common image of a resurgence of domestic conflict in the immediate post-Cold War era. Yet this may well be accounted for by two alternative explanations: a lack of reliable data over time, and the increased *visibility* of human displacement and civilian victimization. Moreover, the manner in which these phenomena have become increasingly international issues, and thus “of concern” to UNHCR and, by extension, to “the international community,” has often obscured the fact that they have always occurred, to varying degrees.

The seemingly international nature of displacement is itself fuelled by two phenomena that may lead people to think there are more refugees. First, as is often noted, viable transportation links between the region of origin of refugees and places in which they might seek protection have made mobility more likely. Second, through television, people in the developed world see displacement and suffering as they occur. Television cameras were in Macedonia to see how Kosovars became trapped in no-man’s land when protection was not forthcoming beyond the immediate region in March and April 1999.²⁴

If one considers the post-war era, and even with a lack of reliable data, one can intuitively reason that displacement and civilian victimization have not shown a clear direction or pattern as a proportion of all victims of conflict. Indeed, contrary to much contemporary thinking, one could even argue that conflict has become more limited in terms of its civilian death toll and impact upon displacement since the end of the Cold War. The post-colonial conflicts in Africa (for example, Angola, Mozambique, Congo, Nigeria–Biafra, Rwanda, Burundi), Asia (for example, India, Pakistan, Bangladesh, Sri Lanka, Vietnam, Indonesia, Cambodia), and the Middle East resulted in huge numbers of displaced persons, both within and across boundaries. Similarly, in Latin America (for example, Nicaragua, Colombia, Guatemala, El Salvador, Argentina, and Chile) conflicts or uprisings resulted in displacements and civilian victimization that were markedly worse than those in the post-Cold War era. In addition, although not traditionally considered as situations of “conflict,” Russia and China experienced upheavals that resulted in the death or displacement of many millions of people. Afghanistan, too, saw displace-

ment on a scale during the Cold War that dwarfed what occurred since, until late 2001.

Even in the case of “inter-state” war, where the presumption of many analysts has been that the proportion of civilian to combatant victims is lower than in intra-state war, and displacement is accordingly less, history tells a different story. In Germany’s advance across the Soviet Union starting in June 1941 – Operation Barbarossa – the number of displaced civilians was astronomical. The civilian toll of the conflict between Japan and its Asian neighbours during the Second World War is also well known. One hardly need mention the expulsion and extermination of millions of European Jews during the Second World War. It is simply not empirically verifiable to state, in a definitive and linear sense, that “[t]he number of refugees, those crossing international borders, is declining while the number of IDPs, those displaced within borders, is increasing dramatically.”²⁵ At the same time, given the absence of reliable data, it is also difficult to refute such a claim conclusively.

Refugees and human security

Human security is the latest turn in the evolving security discourse. Defining human security is conceptually and practically troublesome, but a broad definition may be as follows:

Human security is concerned with the protection of people from critical and life-threatening dangers, regardless of whether the threats are rooted in anthropogenic activities or natural events, whether they lie within or outside states, and whether they are direct or structural. It is “human-centered” in that its principal focus is on people both as individuals and as communal groups. It is “security oriented” in that the focus is on freedom from fear, danger and threat.²⁶

In other words, contemporary security, if it is to be relevant to changing conditions and needs, must focus on the individual or people collectively. This does not exclude the importance of traditional ideas of security, but it does suggest that it may be more effective to reorient the provision of security around people – wherever the threat comes from.

Traditional conceptions of state security – based on the military defence of territory – are an important but not a sufficient condition of human welfare. Human security has at its heart a multidisciplinary and comprehensive approach to *critical* welfare issues and questions of survival. Challenges and solutions are seen not as phenomena that can be addressed in isolation from each other, but as being interconnected, and even sometimes interdependent. Human security must be approached in

an inclusive and holistic manner – not only examining the symptoms or manifestations of human insecurity, but also seeking to produce recommendations that address root causes.

Does the concept of human security bring new insights or new analytical rigour to the study of refugees and human displacement? Can refugees and the states that seek to manage the impact of refugee flows and guarantee the protection of refugees ultimately benefit from it? To answer positively, one could argue that human security thinking can highlight the plight of refugees, attract more resources, and push the issue higher up the policy agenda. Refugees suffer through being displaced and they suffer while being displaced. Even in resettlement or return, they experience particular vulnerabilities. Their needs are not adequately met through the conventional “high politics” security mindset. Therefore, it could be argued, human security offers a reorientation of security that embraces both the ethical and humanitarian requirements and the practical needs of contemporary security. A negative response to the question might suggest that the concept of human security is itself analytically weak – in fact not a concept at all – in addition to being overly broad. Moreover, in terms of forced migration and human displacement, as some of the authors in this book indicate, there is a danger that, by “securitizing” refugees, a pretext is provided for states to interdict and deter them even more. The result can be an even greater deterioration in the rights of refugees and a heightened sense of vulnerability.

The legal rights of refugees, institutional responses and support mechanisms, must be reoriented within a framework of a broader definition of security in the contemporary interdependent era. The ethical framework regarding refugees, displacement, and asylum – our moral responsibilities beyond borders – must be reconsidered in light of the emergence of solidarist ideas of global community and human security. This book seeks to make a contribution to this debate. An overarching objective is to suggest strategies through which legal, political/normative, and institutional frameworks can genuinely confront these challenges rather than simply putting a “cap” on the situation and developing policies that keep refugees “out of our backyard.”

Outline of the volume

Part I deals with a broad range of political, security, and normative perspectives. Gil Loescher (“Refugees as Grounds for International Action”) demonstrates that refugee flows should and must be seen as

a pressing security challenge. In recent years, traditional notions of security and sovereignty have been challenged, placing refugee issues much higher on the international agenda and creating the need for international action. This has become more pronounced since the terrorist attacks of 11 September 2001. Refugee movements have increasingly come to be seen as a cause of instability; refugees are viewed not only as people in need of protection and assistance but also as potential threats to national security and even as a potential source of armed terror. Although international responses to humanitarian crises remain more often than not reactive, self-interested, and based on ad hoc initiatives, there is growing international awareness of the linkage between human rights abuses, forcible displacement of civilian populations, and local, regional, and international security. Humanitarian measures alone are seldom enough to deal with refugee problems. A wide range of actions – an intervention continuum – must therefore be considered and evaluated to avert large-scale refugee crises. Sustained political and diplomatic initiatives, development assistance, human rights monitoring, and the strengthening of civil societies through the building of democratic institutions are all measures that, if initiated early and given sufficient economic resources and political support, can prevent the outbreak of violence and the mass displacement of populations. However, where armed hostilities have already broken out within a country and are accompanied by widespread violations of human rights, “hard” forms of intervention, including military action, may be necessary to bring such violations to a halt. Acting early to avert refugee crises can be demanding, but it is considerably less expensive than dealing with the fallout of a full-blown and protracted crisis. The imposition of refugees on other states, as a threat to peace and security, falls under Chapter VII of the UN Charter and therefore legitimizes enforcement action not subject to the limits of purely humanitarian action.

With the increasing recognition of the link between refugee flows and national, regional, and international security, international intervention related to refugee flows has in fact become more frequent since the end of the Cold War. Such intervention, in other words, is not only increasingly justifiable but actually happening. However, Loescher accepts the difficulties of achieving widespread international agreement on the use of force to resolve refugee problems. He therefore suggests that some steps are needed in the short term to deal with the problems associated with mass forcible displacements of people. At a minimum, these include the establishment of an international rapid reaction capacity along with credible safe haven policies to respond to refugee emergencies, and the promotion and building of civil society infrastructure

and human rights monitoring in local communities in conflict. Currently, the United Nations, and the international system more generally, are not well equipped to deal with human rights violations and state-building responsibilities.

Until the capacity of the UN human rights regime is fully developed, non-governmental organizations (especially human rights NGOs) will have to assume a larger share of responsibility for ensuring the protection of forcibly displaced people. In countries where central government itself is weak or non-existent and therefore unable to protect its citizens, the key issue will be not only how to bring together contending groups but how to build institutions of governance.

Gary G. Troeller (“Refugees and Human Displacement in Contemporary International Relations: Reconciling State and Individual Sovereignty”) provides the social and political context for refugees and human displacement. He situates the challenge in the context of different and sometimes competing forces and norms, including globalization, secessionism and fragmentation, communal violence, and ideas of good governance and individual sovereignty. These involve four conflicting concepts: state sovereignty, the right to national self-determination, democracy, and respect for human rights. Glaring inequalities in wealth between industrialized and poorer countries as a result of pervasive market forces; armed conflict; and state persecution – these are all inherent in the contemporary international political system. In turn, forced displacement and refugees are a defining characteristic of the post-Cold War era and contemporary international relations. Troeller observes that refugees, long regarded as a peripheral issue or a matter of discretionary charitable concern to policy makers, now figure prominently on the international policy agenda. Liberal internationalists argue that, in the name of basic values, something must be done to address this issue. Even realists, largely driven by concern for national interests acknowledge that the sheer numbers involved can constitute a threat to regional security. Along with the impact of a globalizing economy, the refugee issue has forced many academics and policy makers to recognize that the basic unit of analysis in international relations – the state – is no longer wholly adequate as an explanatory or predictive tool and, by extension, traditional conceptions of dealing with security issues are inadequate in an increasingly post-Westphalian world. Within these broad underlying themes, Troeller focuses on the causes of forced displacement and the legal and normative framework of refugee protection. The chapter then moves to developments in the post-Cold War period and current challenges confronting the Office of the United Nations High Commissioner for Refugees, not least in the aftermath of September 11. It is argued that there is an increasingly solid basis for action that would

significantly mitigate if not resolve the refugee issue if the political will can be marshalled.

Joanne van Selm (“Refugee Protection Policies and Security Issues”) considers the differing policy approaches to refugee protection practised in developed states, posing the following questions: Can different or particular security concerns and “national interests” explain divergences and patterns in refugee protection policy approaches in developed states? Can broader conceptions of security, which go beyond military and state-centric dimensions, positively impact upon refugee protection? These questions are of particular relevance for a volume that seeks to examine a range of issues and debates relating to refugees and displaced people in modern conflict. The question of how refugee protection policy operates, differs, and converges around the globe is of major importance.

Three types of refugee protection policy approach are described in this chapter: distinct but linked refugee and immigration approaches; refugee protection subsumed by immigration concerns; and asylum processing as immigration control. The characterization of each approach refers to global security concerns, national interest concerns in the sense of safety and security issues, and the link to immigration policies in order to include societal and human security concerns. The themes of “control” and “management” are pervasive. The examples of each type are the United States, Australia, and the European Union. Van Selm uses this framework to explore the central issues of refugee policies and restrictions: resettlement, temporary protection, asylum and detention, offshore processing, and the link between security and asylum in different regional and national settings. She finds divergent, particularistic goals of national immigration and refugee protection policies underlying some of the most significant differences between the policy approaches in different settings. The US focus on selection and citizenship is in part a reflection of the way in which national interest informs the “recruitment” process, as is the use of detention for spontaneous arrivals. Australia’s use of resettlement places for unauthorized boat arrivals and of mandatory detention can be explained by its security concerns. Concerns about border security might make it logical to treat those breaching it as (potential) criminals, even if such a practice is indefensible by most other standards. Using the existing quota makes some sense in terms of maintaining the public image of control – the numbers do not increase in spite of the spontaneous arrivals.

Astri Suhrke (“Human Security and the Protection of Refugees”) considers the merits and limitations of examining refugee challenges and solutions in the context of the evolving – and contested – security discourse. In particular, she focuses on the broadening of security studies from a traditional military and state-centred model to the concepts of

“societal security” and “human security,” and she raises a number of core questions. What are the implications and impact of this discourse upon academic and policy discussions? What are the implications of placing the discourse on migrants and refugees in a security context, or what is often called its “securitization”? Is it useful to reconceptualize refugee issues in terms of “human security,” as some suggest?

From both a normative and an analytical perspective, Suhrke argues that the term “human security” is not useful for examining the needs of individual groups that, on some critical dimensions of belonging, stand apart from the community in which they find themselves. Applying a “security” perspective to examine the needs of “outsiders” and their relationship to the community typically involves assumptions of antagonistic relations and non-tradable interests. In other words, the negative effects often assumed to follow the “securitization” of the discourse on refugee movements that was associated with “societal security” in the 1990s are likely to occur even when the adjective is “human” rather than “societal.” If the aim is to build a normative and policy-oriented model that places the interests of the displaced populations at the centre, a better starting point is “vulnerability.” The concept lends itself to methodological and empirical elaboration, and does not evoke the same conflictual connotations as “security.”

Mervyn Frost (“Thinking Ethically about Refugees: A Case for the Transformation of Global Governance”) argues that refugee issues must be understood as essentially ethical problems and not merely technical, legal, political, or administrative challenges. On this basis, he sets out a particular approach to the ethical problems presented to us by migrants. The strength of this mode of analysis is that it allows us to see the changes that are taking place in our global practices from within which we make our judgements about how, from an ethical point of view, we ought to treat migrants of all kinds. The analysis he offers is radical in that it shows how the language we use about international ethics, especially the language of universal human rights, indicates how aspects of domestic and international law are now in need of reform. A crucial feature of his argument is that our own constitution as free people depends on our treating migrants ethically. Frost situates his argument in constitutive communitarian thought, which holds that we are constituted as the actors we are within social practices, not simply by merit of our birth. All practices contain a range of different kinds of rules which specify, *inter alia*, who may participate, how to participate, what participants should aim at, what will count as success in that practice (and what as failure), what the consequences of rule breaking are, what punishments are authorized, to mention but a few. A particularly difficult kind of ethical dilemma confronts us when, as participants in good standing in more

than one social practice simultaneously (and we are all constituted in this way), we find that what is required of us by the ethic embedded in one of these practices is contradicted by what is required of us by the ethic embedded in one or more of the other practices. It is these kinds of predicament that Frost applies to refugee issues. In response, he demonstrates that we must become *ethical constructivists*.

If we are to capitalize upon a deepening understanding of refugees and displacement in international security, a systematic grasp of the causes and consequences of these phenomena is essential. Susanne Schmeidl (“The Early Warning of Forced Migration: State or Human Security?”) argues that a central part of this is early warning of conflicts and refugee migration as a way to avoid human suffering as well as to decrease the financial burden on the international community. As Schmeidl observes, although almost everyone accepts the logic and utility of a reliable system of early warning, there are methodological difficulties in constructing such a system. There are also political sensitivities. In methodological terms, the challenge is to generate a set of propositions that have general explanatory relevance during times of crisis for the purposes of forewarning of displacement and refugee flows. In a sense, this gets to the heart of one of the central problems of social science: at one level every conflict or social phenomenon is unique and therefore it is difficult to construct predictive indicators; at the same time, patterns emerge upon which flexible contingencies can be prepared. Political sensitivities concern “interference” in internal affairs in terms of monitoring indicators and in terms of publicly warning of imminent catastrophe. Political dangers also exist: early warning analysis can be used to head off incoming displacement in times of crisis, including the closing of borders. Early warning may not necessarily be congruent with the human rights or needs of displaced people.

Part II examines the dynamics of displacement, return, and resettlement. Erin Mooney (“Towards a Protection Regime for Internally Displaced Persons”) addresses the challenge of internally displaced persons. Some 25 million people are displaced within the borders of their own country as a result of armed conflict, internal strife, and serious violations of human rights. Essentially, they are “internal refugees” – people who would be considered refugees were they to cross an international border. For most purposes they have the same needs as refugees – protection from violence, housing, sustenance, education, health care, employment – but, having not crossed a border, they do not benefit from the same system of international protection and assistance. International action on behalf of the displaced is ad hoc and therefore not assured. Responsibility for providing protection and assistance to internally displaced persons rests with their government. However, governments are

often unable or unwilling to meet these obligations fully, sometimes even deliberately displacing populations or denying them their rights. There is thus a pressing need to bridge the institutional, legal, and policy gap that has so often hampered effective responses to the protection and assistance of internally displaced persons. Concretely, an international regime for protecting internally displaced persons worldwide would need to consist of international standards, institutional apparatus, and operational strategies integrated into a coherent and cohesive system of response. Mooney's chapter examines the extent to which normative, institutional, and strategic frameworks are in place for protecting internally displaced persons and identifies steps that are necessary to further their development and, taken collectively, that of a comprehensive and effective protection regime.

Mooney concludes that the international community is better equipped today to address the protection needs of the internally displaced than it was 10 years ago when the issue was first placed on the international agenda. A normative framework has been developed with the formulation of the Guiding Principles on Internal Displacement, which spell out the rights of the internally displaced and the obligations of states, insurgent forces, and international actors towards them. Institutional arrangements, though by no means fully defined or dependable in ensuring international protection and assistance for internally displaced persons worldwide, nonetheless have been tested and are being strengthened. Protection is finally now recognized as a priority concern, and an international protection regime for internally displaced persons has begun to take shape. Even so, it is argued that, to constitute a comprehensive regime, the three separate components of standards, institutional mechanisms, and strategies of protection, once firmly in place, must collectively amount to a cohesive and consistent system of effective response. Mooney suggests that the Guiding Principles on Internal Displacement, which not only are the culmination of efforts to develop a normative framework but also have acted as a catalyst in the development of more effective institutional arrangements and the design of protection strategies, are already proving to be an important unifying thread. Beyond simply consolidating and clarifying the norms of special importance to internally displaced persons and thereby laying down the legal foundation of protection, the Principles are serving as a tool for building an entire protection regime for internally displaced persons.

Khalid Koser ("Reconciling Control and Compassion? Human Smuggling and the Right to Asylum") explores an area that is under-studied and often misunderstood: the link between human smuggling and asylum. The assumption amongst most national decision makers, the public, and the media is that human smuggling is characterized by the illegal trans-

portation of economic migrants. However, there is growing evidence that a significant proportion of asylum seekers rely on smugglers to enter industrialized nations. At the same time, smuggling clearly can and often does expose them to vulnerability. On the one hand, advocates are concerned that successfully stamping out smuggling would deprive many people of the possibility of seeking asylum in the industrialized nations, but on the other hand they can hardly be seen to support a system that exploits asylum seekers. At least partly as a result of this quandary, asylum advocates – including the UNHCR – have been surprisingly reticent in the human smuggling debate, and legislation by states to stop smuggling has advanced more or less unchallenged, despite its implications for asylum seekers. As a result, some advocates have begun to lament that the debate has already been lost, and that asylum in industrialized nations may be doomed. Koser accepts (and supports) greater measures to combat human smuggling, which can only become more stringent after the terrorist attacks of 11 September 2001. At the same time, he argues that human smuggling cannot be stopped unless asylum is centralized in the policy framework. In other words, the rise of human smuggling on political agendas actually presents a fairly unusual opportunity for state security and the individual security of asylum seekers to be combined – for control and compassion to be reconciled. The role of asylum advocates, it is suggested, should be to suggest realistic asylum policies that might operate in tandem with anti-smuggling policies.

B. S. Chimni (“Post-Conflict Peace-Building and the Return of Refugees: Concepts, Practices, and Institutions”) embraces an underlying theme of the book: repatriation has come to be seen by the international community and the UNHCR as *the* solution to the global refugee problem. Local integration and resettlement in third countries have been de-emphasized, applicable to less than 1 per cent of the world’s refugees. Therefore, he argues, the current focus is on early return, often without satisfactory knowledge of the sustainability of return, or the needs of reintegration, or of the conditions that are necessary for long-term development. There is an absence of any systematic theoretical and legal framework for so-called “peace-building” strategies or a critical and integral understanding of the problems that characterize “post-conflict” societies or of refugees who return to them. The result is an array of measures that have rarely been arrived at in consultation with refugees and returnees, and that are often coercive or work at cross purposes with each other. They have been assembled in the matrix of a neo-liberal vision which, among other things, does not focus on the international causes of internal conflicts and excludes the possibility of building a participatory “post-conflict” state. Chimni argues that the basic problem with the policies relating to the return of refugees to “post-conflict”

societies and their reintegration is the poverty of the epistemology deployed to identify suitable measures that will go to promote “sustainable return.” He concludes that the United Nations system is trying virtually to (re)produce a sustainable society and state without addressing the international causes of structural violence, and that is destined to failure.

Patricia Weiss Fagen (“The Long-Term Challenges of Reconstruction and Reintegration: Case-Studies of Haiti and Bosnia–Herzegovina”) also explores the challenges of reintegration, learning from the experiences of two cases. She observes that donors and operational agencies put great emphasis on establishing the foundations of good governance, security, civil society organizations, and economic development as quickly as possible, i.e. during the emergency phase and even during actual conflict. In practice, however, the “massive intervention and quick fix” approaches typical of humanitarian emergencies rarely yield durable results. The disappointing performance of international assistance during emergencies underscores the prevalent lack of coordination, duplication of efforts, fragmented programmes, and expenditures that are too large to be absorbed locally that so often characterize these situations. Considering two very different countries, Fagen illustrates how international actors invested major resources during the early phase of their involvement, but impeded the achievement of the very results they sought by failing to plan comprehensively and by reducing resources too quickly. The cases of Haiti and Bosnia–Herzegovina – far from the least successful examples of international humanitarian interventions – illustrate a limited understanding of, or preparation for, the challenges of long-term transition periods. Donors and agencies proposed to lay the foundations for political, social, and economic objectives (which require a decade or more to achieve under favourable conditions) on the basis of planning, funding, and mandates that change from year to year. Even where there are indications that international interventions are producing favourable results, the supporting agencies have found themselves unable to capitalize on this success owing to arbitrarily determined phase-out projections. Continued funding for fundamental changes was still programmed according to unrealistic indicators that are supposed to establish year-to-year progress, although in nearly all cases improvements in one area are accompanied by – or cause – regressions in another. Finally, donor fatigue sets in when it is perceived that an emergency has been managed, but well before the desired durable changes can reasonably be expected.

In terms of Bosnia, Fagen concludes that international resources could have been used to greater effect in addressing post-conflict peacebuilding and return. Establishing citizen security should have been

among the first objectives. Despite the fact that humanitarian assistance was plentiful at first, the international community could not induce refugees and displaced minority populations to attempt to reclaim their homes in areas hostile to their ethnic group. In both Bosnia and Haiti, which are still in the midst of the transition from war to peace, international agencies have been cutting back operations and donors reducing support, despite the fact that the specific needs for which international assistance was initially mobilized are still high, and before national institutions and capacities to meet these needs have been established.

In some respects the needs of refugees are essentially gender neutral – something that is reflected in the main institutions, laws, and organizations that manage and address refugee and displacement issues. Yet approximately 75–80 per cent of the displaced are women and children. Women suffer differently during conflict and displacement and have particular needs. The experience of flight and displacement has different implications for male and female members of a population. The human rights dimensions leading to flight are also gendered. Although women may experience the same human rights deprivations as men, human rights violations often take different forms for women and men because of their perceived gender roles.

Julie Mertus (“Sovereignty, Gender, and Displacement”) argues that refugee issues reflect the socially constructed roles of women *and* men in society, and that displacement itself is gendered and influenced by real and perceived roles, responsibilities, constraints, opportunities, and needs of men and women in society. The existence of an uprooted and imperilled population should be filtered through a “gender lens,” to include root human rights violations and other causes of flight, the type of violence and other rights violations encountered during flight and in temporary encampments, and the consideration of permanent solutions for resettlement or return. At the same time, the mechanisms for both the delivery of humanitarian aid and the protection and resettlement or return of uprooted and imperilled people should account for the gender dimensions of their work. Mertus argues that the gendered process of displacement occurs within the context of shifting and competing sovereignties described throughout her chapter. She thus considers two inter-related variables: the gender dimensions of displacement and changing approaches to sovereignty. Each dimension has important consequences for displaced populations.

Mertus demonstrates that there has been progress in recognizing gendered needs, but that four sets of roadblocks remain: (i) a gap between policies adopted at headquarters and their implementation in the field; (ii) a continued failure to address the needs of uprooted populations who remain internally displaced; (iii) the continued inability of those who

suffer gender-based persecution to obtain asylum; and (iv) the failure of gender programmes to address the position of men.

Part III considers international actors and institutions, broadly defined, that play a role in the refugee and displacement debates. Gregor Noll (“Securitizing Sovereignty? States, Refugees, and the Regionalization of International Law”) addresses the quandaries and difficulties confronting refugee law in a world of sovereign states. In principle, international law should guarantee both state sovereignty and individual sovereignty. The existence and autonomy of a state are secured by the obligation incumbent on other states to respect its territorial integrity and the prohibition on intervening in domestic affairs. At the individual level, internationally guaranteed human rights serve comparable functions: they secure a minimum of autonomy and even preserve an “exit” option, because each individual retains a right to leave any country, including his or her own. In the area of forced displacement, this ostensible harmony has never existed in practice. The “right to seek and enjoy asylum” laid down in Article 14 of the 1948 Universal Declaration of Human Rights has largely remained an unfulfilled privilege for refugees, mainly because it was designed to insulate states granting asylum from reproaches by countries of origin rather than to protect individuals.

The lack of entry rights also stems from the 1951 Refugee Convention. Although it launched an abstract refugee definition and a basic norm of non-return (the prohibition of *refoulement*), it fails to address the crucial question of access to an asylum state in an effective and unequivocal manner. To be protected by the Convention, the refugee needs to make contact with the territory of a potential asylum state. This is the Achilles heel of the international refugee regime: states may block access to their territory, and thus avoid situations in which persons in need of protection could invoke the provisions of the 1951 Refugee Convention or other protective norms of international human rights law.

Noll suggests that the dynamics behind recent developments in refugee and migration law can be condensed to an interplay between three factors: the number of refugees on state territory, the level of rights accorded to them, and the degree of solidarity between states in protecting them. Although there is a minimum level of rights in international law that states cannot undercut, international solidarity in refugee reception is largely absent, so host countries make every effort to reduce the number of refugees by systematically outlawing refugee migration and by blocking all possible avenues of access. These limitative dynamics take many expressions, and affect the internal domain, the transit routes, and also the countries or regions of origin. A marked feature of these limitative dynamics is that they undercut both individual sovereignty and the sovereignty of other states. Destination states in the North are constantly

redesigning their asylum systems in order to remove incentives for protection seekers. They legislate on new reasons to reject claims and they attempt to make the return of rejected cases more efficient. This puts the protective provisions of international law under increasing pressure and challenges the principle of non-discrimination in a number of areas. Destination states in the North also attempt to control the travel routes of protection seekers and to cut them off by administrative measures such as visa requirements, sanctions against carriers transporting aliens without documents, and externalized forms of border control. Such policies affect the exercise of the human right to leave any country. Attempts to control refugee migration may even go so far as to comprise military intervention. But intervention may also take milder forms than the use of force. Transit states as well as countries of origin are increasingly coming under pressure to police their territory or their seaways in order to block refugee migration.

Noll argues that the language of “human security” is unhelpful and merely colludes in the losses for individual sovereignty that contemporary refugee policies entail. He considers the range of national responses to refugee flows, from outright rejection of protective obligations (*insulation*) via refugee reception (*palliation* of human rights violations) to enforcement action in the country of crisis (*intervention*). Isolation, palliation, and intervention raise different questions of international law, and the objective is to demarcate the boundaries.

The international norms, institutions, and laws that govern the management of refugees and their rights are clearly a central objective of refugee policies and analysis. They provide a policy focus for most of the discussion of the volume, and almost all the chapters individually address the institutional and legal dimensions of their respective subjects, including recommendations for improvements. William Maley (“A New Tower of Babel? Reappraising the Architecture of Refugee Protection”) focuses specifically on the international institutional mechanisms of refugee protection and identifies the most pressing concerns that confront them.

As a starting point, Maley observes that the definition of refugees has become problematic. The 1951 Convention definition – a person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership in 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” – does not match the volume and nature of displaced peoples in need of sustenance, shelter, and care when events drive them en masse from their homes, whether they cross a border or not. This is more an issue of refugee relief. The kinds of response demanded vary considerably, and so does the disposition of the international community to

respond appropriately: relief is calculated to keep refugees at arm's length from Western populations. There is no shortage of actors in the field to provide aid to refugees. But too often they occupy a dysfunctional Tower of Babel, metaphorically speaking languages that their fellows cannot understand. And the refugees whom they aim to help are the immediate victims of their operational and organizational weaknesses. It is therefore worth while to explore how things might be done better. Maley examines the ways in which refugee assistance has been shaped by the contours of the international system and by the characteristics of international organizations. He discusses specific problems of refugee assistance, drawing for examples on developments from the post-Cold War period. He then considers past proposals to reform refugee mechanisms, and offers suggestions for institutional reorganization to overcome some of the most troubling problems that beset the present regime for refugee protection. A theme that runs through the chapter is that *all* refugee assistance has political implications, and that to believe in a "pure" humanitarianism divorced from politics is profoundly naive.

A central question in international relations in recent years is the extent to which the media have a substantive/decisive impact upon "outcomes" at different policy levels. In terms of the politics of refugees and displacement, a number of questions are of interest to this volume. The impact of the media on public discussion relating to refugees and on public perceptions of asylum seekers/refugees; the nature of media imagery, terminology, metaphor, and choice of coverage; the impact of the media on national policies towards asylum and refugees; government control of the media and of information going to the media; and the impact of the media on donor behaviour – these are all important subjects for analysis. Peter Mares ("Distance Makes the Heart Grow Fonder: Media Images of Refugees and Asylum Seekers") looks at the way the media in the developed world portray refugees and asylum seekers, especially in Australia. He argues that the level of concern and empathy expressed in the media for the plight of refugees and asylum seekers is in inverse relation to their proximity to the place where any given report appears. Viewed from a distance, displaced people are often portrayed as helpless victims of circumstance, deserving of compassion and assistance. This imagery changes dramatically when refugees and asylum seekers make their way to the developed world to seek protection under the 1951 Convention. Refugees and asylum seekers who display this level of agency suddenly shed the veneer of innocence and become a threat to the order and security of the receiving state. They are transformed from passive objects of compassion into untrustworthy actors who provoke a sense of fear. Mares claims that this results, in part, from a lack of political courage among authority figures in developed nations,

and sometimes from political expediency. He also argues that humanitarian agencies are themselves at times responsible for promoting unrealistic and unsustainable images of refugees that ill prepare developed nation audiences for coping with the complexity of the unauthorized movement of people in the contemporary world.

Finally, Mark Raper explores the comparative advantages that NGOs bring to the refugee issue in "Changing Roles of NGOs in Refugee Assistance." He describes how NGOs offer an effective avenue for interpreting and addressing the needs of the millions of needy people, and argues that their comparative advantage is based on their independence (which often enables them to gain early access to affected populations), their flexibility and mobility, their capacity to collaborate with many other actors, and their credibility. His chapter is written from the perspective of an NGO practitioner and considers the various roles of the private sector in the humanitarian field, the relationships between NGOs, governments, and international organizations, and the practical, professional, and even ethical challenges posed to NGOs by the new contexts. He demonstrates the range of tasks relating to both local and international NGOs – including advocacy and protection, monitoring human rights standards, cooperating with other service agencies, and assisting in return, reintegration, and reconstruction. In doing so he recounts the challenges that NGOs face, including the difficulties of gaining access in times of emergency, issues of safety, and the dilemmas of cooperating with different types of actors in the field.

In conclusion, Raper argues that the success of NGOs often comes from their flexibility and capacity to innovate in response to needs, as well as from their ability to form alliances among themselves but also with other interest groups such as ethnic associations, workers, students, and religious groups. In serving forcibly displaced people, NGOs' roles differ from those of governments and international organizations, yet they provide a needed complement to them. While acknowledging the painful factors that give rise to the NGOs, we can give thanks that they are growing, acknowledge their focus on the human and ethical aspects, and welcome the initiatives for service and cooperation that they represent.

Notes

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2. See Saskia Sassen, *Globalization and Its Discontents: Essays on the New Mobility of People and Money*, New York: New Press, 1999; Stephen Castles and Mark J. Miller, *The Age of Migration*, 2nd edn, New York: Guilford Press, 1998.

3. See Aristide Zolberg, Astri Suhrke, and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World*, Oxford: Oxford University Press, 1989.
4. UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action*, Oxford: Oxford University Press, 2000, chap. 1.
5. See Joanne van Selm, "Access to Procedures: 'Safe Third Countries', 'Safe Countries of Origin' and 'Time Limits'," paper commissioned for the UNHCR's Global Consultations, at www.unhcr.ch (2001).
6. Emek M. Ucarer, "Managing Asylum and European Integration: Expanding Spheres of Exclusion?" *International Studies Perspectives*, vol. 2, no. 3, 2001, p. 289.
7. Edward Newman, "Human Security and Constructivism," *International Studies Perspectives*, vol. 2, no. 3, 2001.
8. See, for example, Guy S. Goodwin-Gill, *The Refugee in International Law*, Oxford: Oxford University Press, 1996; Gil Loescher, *Beyond Charity: International Cooperation and the Global Refugee Crisis*, Oxford: Oxford University Press, 1994; Joanne van Selm, *Refugee Protection in Europe: Lessons of the Yugoslav Crisis*, The Hague: Kluwer Law International, 1998.
9. Hans van Ginkel and Edward Newman, "In Quest of 'Human Security'," *Japan Review of International Affairs*, vol. 14, no. 1, Spring 2000.
10. See, for example, Peter Bergen, *Holy War Inc.*, New York: Free Press, 2001.
11. See Commission of the European Communities, "Commission Working Document: The Relationship between Safeguarding Internal Security and Complying with International Protection Obligations and Instruments," Brussels, 5 December 2001, COM (2001) 743 final; "Farewell, Londonistan?" *The Economist*, 31 January 2002; "September 11: Has Anything Changed?" *Forced Migration Review*, June 2002.
12. UNHCR, "Ten Refugee Protection Concerns in the Aftermath of Sept. 11," Press Release, Geneva, 23 October 2001.
13. Amnesty International, "The Arab Convention for the Suppression of Terrorism: A Serious Threat to Human Rights," London, January 2002.
14. Kenneth Waltz, "Structural Realism after the Cold War," *International Security*, vol. 25, no. 1, 2000.
15. *Ibid.*, p. 10.
16. *Carnegie Commission on Preventing Deadly Conflict, Preventing Deadly Conflict, Final Report*, Washington DC: Carnegie Commission on Preventing Deadly Conflict, 1997, pp. xvii and 11.
17. UNHCR, *The State of the World's Refugees*, chap. 11.
18. *Ibid.*, pp. 276–280.
19. *Ibid.*, p. 277, emphasis added.
20. Albrecht Schnabel, "Preventing the Plight of Refugees," *Peace Review*, vol. 13, no. 1, 2001, p. 109.
21. See, for example, James C. Hathaway, *Reconceiving International Refugee Law*, Dordrecht: Martinus Nijhof, 1997.
22. UNHCR, *The State of the World's Refugees*, p. 282.
23. *Ibid.*, pp. 277–280.
24. See Joanne van Selm, ed., *Kosovo's Refugees in the European Union*, London: Continuum, 2000, and Joanne van Selm, "Perceptions of Kosovo's Refugees," in Mary Buckley and Sally Cummings, eds., *Kosovo: Perceptions of War and Its Aftermath*, London: Continuum, 2001.
25. Schnabel, "Preventing the Plight of Refugees," p. 109.
26. UNU working definition, 2001.

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Refugees and Forced Displacement: International Security, Human Vulnerability, and the State

Edited by Edward Newman and Joanne van Selm

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The orthodox definition of international security puts human displacement and refugees at the periphery. In contrast, *Refugees and Forced Displacement* demonstrates that human displacement can be both a cause and a consequence of conflict within and among societies. As such, the management of refugee movements and the protection of displaced people should be an integral part of security policy and conflict management.

Refugees and forcibly displaced people can also represent the starkest example of a tension between 'human security' – where the primary focus is the individual and communities – and more conventional models of 'national security' tied to the sovereign state and military defence of territory. This book explores this tension with respect to a number of pressing problems related to refugees and forced displacement. It also demonstrates how many of these challenges have been exacerbated by the 'war on terror' since September 11, 2001.

The analysis of conflict and human displacement has changed, particularly concerning the links between security and migration. In seeking to address the nexus between security concerns and migratory flows, *Refugees and Forced Displacement* argues for a reappraisal of the legal, political, normative, institutional and conceptual frameworks through which the international community addresses refugees and displacement.

Edward Newman is an academic officer in the Peace and Governance Programme of the United Nations University, Tokyo. **Joanne van Selm** is a senior policy analyst at the Migration Policy Institute and a lecturer in political science at the University of Amsterdam.

"For too long the study of refugee issues has been seen as an isolated and often secondary challenge. It should now be analyzed within a much broader context with the needs and rights of people at the centre, rather than on the periphery. This book represents a substantial input into this developing debate."

From the foreword by **Sadako Ogata, United Nations High Commissioner for Refugees, 1991–2000.**

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