



25 years of forced migration

Jeff Crisp

During the past 25 years, *Forced Migration Review* (FMR) has played a vital role in enabling researchers, practitioners and policymakers to exchange information and ideas on refugee-related issues. In this article, Jeff Crisp provides a personal (and alphabetical) perspective on some of the events, trends and organisations that FMR has covered over the past two and half decades.

Age, gender and diversity

Twenty-five years ago, refugee populations were often regarded as if they were an undifferentiated mass of people characterised by the single fact that they had been forced to leave their own country and seek sanctuary in another state. Since that time, the humanitarian community has developed a much more sophisticated understanding of such populations, based on a recognition that they include women and men, girls and boys, older people and youths, as well as people with different abilities and disabilities, sexual orientations and ethnic origins. But one form of diversity continues to be neglected, namely that of socio-economic differentiation and exploitation (or what we used to call 'class'). Is it time for a Marxist perspective on forced migration?

Boat people

FMR was launched at a time when the world's attention was still focused on the plight of the Vietnamese (and to a lesser extent Cambodian) boat people, around 1.5 million of whom fled from their countries of origin, the majority of them eventually being resettled in the USA and other industrialised states. While maritime refugee movements of this scale have not been witnessed again, 'boat people' continue to take their chance on the high seas: Somalis and Ethiopians crossing the Gulf of Aden to Yemen; sub-Saharan and North Africans seeking entry to Europe by means of the Mediterranean; as well as Afghans, Iraqis and Sri Lankans sailing from Indonesia to Australia. But the political context of such movements has changed remarkably. Whereas the Vietnamese boat people (and those responsible for organising their departure) were widely acclaimed as heroic figures, asylum seekers who take to sea (and even more so the 'people smugglers' who transport them) are now widely regarded as cheats and criminals.

Central America and Mexico

The current preoccupation with protracted refugee situations has tended to obscure the fact that long-term situations of displacement frequently come to an end – and can do so very swiftly if the political conditions are conducive to the search for solutions. No region is a better example of this than Central America and Mexico, an area that accommodated huge numbers of refugees and internally displaced people in the 1980s, the vast majority of whom were able to go back to their homes after the 1987 Esquipulas peace agreement, signed by the presidents of five Central American countries. Sadly, however, the region is now confronted with a new wave of human displacement, generated not by civil war but by gang, drug and crime-related violence. According to some estimates, around 1.5 million Mexicans have been uprooted by such violence in the last five years.

Development linkages

Ever since the 1984 ICARA 2 conference (Second International Conference on Assistance to Refugees in Africa), UNHCR and other humanitarian actors have been hunting for the holy grail known as 'relief-to-development linkages'. The idea is a simple one: that in refugee and returnee situations, short-term humanitarian assistance should be quickly succeeded by longer-term development aid that brings tangible and sustainable benefits to both displaced and resident populations. Over the years, UNHCR has launched several initiatives that were intended to put this principle into practice: the Brookings Process, the 4Rs, Development Assistance to Refugees and, most recently, the Transitional Solutions Initiative. But with relatively few exceptions, these efforts have yielded disappointing results. Why is that? Could it be, for example, that developing countries are less than enthusiastic about the allocation of scarce development resources to areas populated by refugees and returnees? And are humanitarian and development organisations so different in their ways of thinking and working that establishing linkages between them will always prove to be an elusive task?

Extra-territorial processing

It's an idea that simply won't go away. Why allow asylum seekers to gain access to the territory and refugee status determination procedures of a potential country of asylum, when they are likely to remain there for months or years and when it may prove impossible to remove them, even if their claim has been rejected? Would it not be more convenient for states to examine asylum applications elsewhere? The USA pioneered this strategy in relation to Haitian asylum seekers in the 1980s. Australia employed the extra-territorial approach with the so-called Pacific Solution between 2001 and 2007, a model that the United Kingdom and some other European Union states were eager to emulate but which they ultimately failed to implement for both legal and practical reasons. Earlier this year, Australia reintroduced extra-territorial processing, despite a High Court ruling there which deemed it to be unlawful. At the time of writing (October 2012), just under 300 asylum seekers had been transferred to a holding centre on Nauru, a Pacific island just over 2,000 hectares in size and with a population of under 12,000. No-one knows how long they will be obliged to stay there, even if their claim to refugee status is accepted.

Faith

Is this the big new theme in refugee studies? There are signs that it might be. Two years ago, the Refugee Studies Centre in Oxford convened a workshop on the issue of 'faith-based humanitarianism in contexts of forced migration', which led to the publication of a special issue of the *Journal of Refugee Studies* on this theme. UNHCR has contributed to this trend, sponsoring a book on the



contribution of Islam to the development of refugee law and, earlier this year, convening an international conference on refugees in the Muslim world. UNHCR will also promote a more inclusive approach to religion and refugees in December 2012, when the High Commissioner's Annual Dialogue will focus on 'faith and protection'. What exactly is driving this trend? Has it something to do with the increased presence and visibility of faith-based organisations in the humanitarian sector? Does it derive from the specific challenges and opportunities encountered by aid agencies in the Islamic world? Or is the upsurge of interest in faith (or 'spiritual capital' as it has been described) connected in some way to the newly popular notion of 'resilience'? In other words, are people of faith better able to withstand major shocks in their life than non-believers?

Great Lakes region of Africa

Trawl through the UNHCR archives and it is impossible not to be impressed by the extent of the organisation's engagement in the Great Lakes region of Africa. And that engagement shows no sign of coming to an end. UNHCR and its partners are currently striving to respond to a new wave of internal displacement caused by fighting in North Kivu Province of the Democratic Republic of Congo. Others who have been uprooted by the conflict have crossed the border into Uganda, creating a new emergency in the west of the country. Meanwhile, UNHCR is still trying to find solutions for the remaining Burundian refugees in Tanzania, some 160,000 of whom are caught up in a stalled naturalisation process and another 35,000 of whom are expected to be repatriated by the end of 2012, following the invocation of the Cessation Clause.¹ There is a great book to be written on the history of displacement in the Great Lakes region; why has no-one yet taken up the challenge? Is it just too complicated?

Harrell-Bond

No review of the past 25 years would be complete without a mention of Barbara Harrell-Bond, the founder of Oxford University's Refugee Studies Centre and FMR's predecessor, the *Refugee Participation Network* newsletter. Barbara has at least four achievements to her credit: (1) establishing refugee studies as a legitimate field of research and teaching; (2) enthusing successive generations of young scholars, attracted by her belief that academic analysis could (and indeed should) be combined with activism on behalf of refugees; (3) being a thorn in the flesh of UNHCR through her trenchant (and often contentious) criticisms of the organisation's policies and practices; and (4) being awarded the Order of the British Empire, despite her anti-colonial credentials (not to mention being an American)!

Internally displaced persons

From the early 1980s onwards, advocates such as Francis Deng and Roberta Cohen led a vigorous campaign to highlight the plight of the world's internally displaced persons (IDPs) and to ensure that the international community assumed greater responsibility for their protection. The campaign was in most respects an enormous success, leading eventually to the establishment of the Guiding Principles on Internal Displacement², the appointment of a Special Representative of the UN Secretary-General

for Internally Displaced Persons and eventually the introduction of the Cluster Approach, whereby UNHCR and other humanitarian organisations made specific commitments with regard to their engagement with internally displaced populations. But is interest in the plight of IDPs now waning, subsumed within a much broader concern for civilians who are victims of violence and human rights violations? As indicated by the current crisis in Syria (and as was demonstrated in Sarajevo some 20 years ago), displacement is not the only criterion of vulnerability. And in some situations, those people who have been forced to flee elsewhere may actually be able to find better protection than those who remain trapped in war zones.

Journals

Twenty-five years ago it was possible to argue that refugee and forced migration issues were not adequately covered in the academic literature. That is no longer the case. In addition to FMR, researchers have access to a variety of different periodicals – the *International Journal of Refugee Law*, *Journal of Refugee Studies*, *Oxford Monitor of Forced Migration*, *Refugee*, *Refugee Survey Quarterly* – not to mention the working paper series published by organisations such as the Refugee Studies Centre and UNHCR, as well as the many refugee-related articles that are published in journals specialising in migration and humanitarian issues. The question now is one of quality control. Are there sufficient articles with something interesting and original to say to usefully fill the pages of the many refugee-related journals that are now on the market?

Kenya

Until recently, Kenya was almost certainly the country most visited by refugee researchers. Not surprising really, given that it is an English-speaking country, is well connected by air to other parts of the world, has a reasonably well developed infrastructure and provides good opportunities to spend some spare time on the beach or in a game park. And of course, the refugee camps at Dadaab and Kakuma are iconic, in the sense that they conform exactly to the stereotypical image of a refugee camp. But things now seem to be changing, with refugee researchers going in ever growing numbers to neighbouring Uganda. This may of course be because Dadaab is now generally off-limits to visitors for reasons of security but could it also be because most of the more obvious research topics in Kenya have already been covered? And what feedback do such highly-researched communities receive from those who come time and time again to conduct interviews and discussion groups? Are the academic and humanitarian communities taking this issue sufficiently seriously?

Local integration

While it has generally been recognised that refugees in the industrialised states should be allowed to remain in their countries of asylum and ultimately gain citizenship there, developing countries have generally been reluctant to offer refugees the option of local integration – hence its description by one author as "the forgotten solution". But is this an accurate assessment? Recent research has demonstrated that *de jure* (legally achieved) local integration, leading to naturalisation



and citizenship, is a relatively rare phenomenon but that many refugees attain a high level of *de facto* integration, finding a niche in the economy and society of the country in which they have settled. At the same time, there are some encouraging signs from West Africa, where governments are demonstrating a readiness to provide long-term residence rights to refugees and former refugees, underpinned by the ECOWAS Protocol on the Free Movement of People. This is a very positive trend. Given that many refugees are unable to return to their country of origin, and in view of the fact that resettlement places are so limited, local integration remains the only viable solution for many refugees.

Migration

When FMR was established, refugee and migration issues were still regarded in very discrete terms, with their own journals, academic institutes, areas of research and communities of practice. UNHCR consciously reinforced this separation, considering that any effort to associate refugees with migrants would undermine the protection claims of the former. Thus as recently as 2005, a senior UNHCR official published an article that was unambiguously titled 'Refugees are not migrants'. Since that time, there has been a considerable turn-around in the organisation's thinking on this matter, epitomised by a 2007 paper on 'Refugee protection and solutions in the context of international migration'. Far from reinforcing the traditional distinction between refugee and migratory movements, the paper pointed out that the two phenomena are in many respects intimately related. People often move from one country to another, the paper suggested, for a complex combination of reasons, including the fear of persecution and human rights violations as well as the desire to attain a better standard of living. At the same time, the paper gave considerable prominence to the growth in the scale of 'mixed migrations', situations in which refugees, asylum seekers, migrants and others move alongside each other in an irregular manner, using the same routes, means of transport and human smugglers. In many cases, moreover, they have similar protection needs.

Northern Iraq

Of all the humanitarian operations of the past 25 years, perhaps none has been as important and influential as that of the NATO-led Operation Provide Comfort, which took place in northern Iraq in 1992-93. There are several reasons for its significance. First, because NATO convinced UNHCR to abandon its initial insistence that Iraqi Kurds fleeing from Saddam Hussein's army should be given asylum in Turkey, and persuaded the organisation to provide them with protection and assistance in a 'safe haven' on the Iraqi side of the border. Second, because humanitarian organisations which had previously eschewed any engagement with military forces found themselves closely and operationally involved with NATO troops, benefiting very directly from the logistical and material support that the armed forces were able to provide. And third, because Operation Provide Comfort initiated an ongoing and unresolved debate concerning the legitimacy of 'humanitarian intervention' and the international community's responsibility to protect the rights of citizens who are attacked by their own state.

OCHA

A further outcome of the crisis in northern Iraq was the establishment of the UN's Department of Humanitarian Affairs, which in 1998 was renamed the UN Office for the Coordination of Humanitarian Affairs (OCHA), headed by the UN Under-Secretary-General and Emergency Relief Coordinator. As its title suggests, the principal purpose of OCHA has been to ensure better coordination amongst the growing number of UN, governmental and non-governmental actors involved in humanitarian action. Not an easy or enviable task! Some of the larger operational agencies in the UN system, most notably UNHCR, have been consistently wary of any effort to create a more hierarchical humanitarian system, fearing that such a move would impinge upon their mandate and autonomy. One of the most important humanitarian actors, the International Committee of the Red Cross, is constitutionally prevented from being coordinated by any other entity and thus maintains a semi-detached relationship with the coordination framework established by OCHA. And the NGO community has generally considered that framework to be excessively concerned with the interests of the large UN agencies and the donor states which support them.

Prevention

One of the great hopes of the immediate post-Cold War period was that of 'prevention.' According to this notion, the disappearance of the bipolar world would provide humanitarian organisations and the broader international community with opportunities to avert situations in which people are obliged to flee for their lives. While the concept lives on to some extent in the form of 'the responsibility to protect', the idea of prevention itself quickly became discredited. First, because the post-Cold War world proved to be just as (if not more) dangerous than the one that preceded it, as demonstrated most starkly by the conflicts in the former Yugoslavia and Great Lakes region of Africa. Second, because the notion of prevention became associated with that of 'containment', whereby displaced populations were expected to seek protection and assistance within the borders of their own country, rather than being granted asylum elsewhere. And third, because actors such as UNHCR, which had attracted unprecedented amounts of funding, visibility and publicity in the 1990s, began to acknowledge that they were at risk of over-reaching themselves. In the words of former UN High Commissioner for Refugees Sadako Ogata, "there are no humanitarian solutions to humanitarian problems."

Queer and Questioning

Perhaps no issue has risen to such rapid and recent prominence in the refugee world as that of LGBTI – Lesbian, Gay, Bisexual, Transgender and Intersex refugees (with Queer³ and Questioning as optional additions). It promises to be an abrasive discourse. While the issue has been firmly embraced by UNHCR and the organisation's major donor, the USA – Hillary Clinton devoted a whole speech to the issue to commemorate Human Rights Day in December 2011 – a good number of the world's refugee-hosting countries and UNHCR Executive Committee members continue to espouse policies which are explicitly hostile to members of the LGBTI(Q) community.



Resettlement

Resettlement is one of the three long-accepted durable solutions to refugee situations – and the one that has also proven to be quite divisive in the humanitarian community. On one hand, there are those who regard resettlement as a vital means of providing the world's most vulnerable refugees with protection and solutions, while at the same time working for better conditions for refugees whose only real option is voluntary repatriation or long-term residence in their country of asylum. Other commentators take a less enthusiastic view of resettlement, arguing that it is highly resource-intensive, does not necessarily target the most appropriate cases, can encourage corruption and can block the search for alternative solutions. Irrespective of this debate, it is evident that resettlement provides some refugees (and more specifically their children) with new opportunities in life, including the opportunity to contribute to the economy and society of the country to which they have been admitted. According to a recent Australian study, the record of resettled refugees “is one of considerable achievement and contribution.” Resettled refugees “help meet labour shortages... display strong entrepreneurial qualities compared with other migrant groups... and also benefit the wider community through developing and maintaining economic linkages with their origin countries.”⁴

Statelessness

One of the most significant developments of the past 25 years has been the inclusion of statelessness issues in the forced migration discourse. Previously neglected because of its highly politicised nature, as well as its relative invisibility when compared to large-scale refugee movements, the issue is only now gaining the attention it deserves. But addressing the plight of the world's stateless people promises to be an uphill struggle. This is demonstrated most clearly by the situation of Myanmar's Rohingya population, a Muslim minority group who are not recognised as citizens by the country's government, who are unwanted by neighbouring Bangladesh – to which some 300,000 of them have fled – and who appear to enjoy little or no support within Myanmar's principal opposition party.

Tuvalu

The South Pacific island of Tuvalu has been at the forefront of recent discussions of the issues of climate change, natural disasters, 'sinking islands' and statelessness – topics that were certainly not on the agenda of FMR when it was launched 25 years ago. But has the connection between climate change and forced migration been oversimplified, with other variables being ignored? And how does one account for the fact that estimates of the number of people who are likely to be displaced by climate change in the years to come vary so widely? Focusing on the emblematic case of Tuvalu, David Corlett's book, *Stormy Weather: the Challenge of Climate Change and Displacement*,⁵ provides a useful corrective to some of the more apocalyptic literature on this issue.

UNHCR

Well, the organisation may appear superficially the same as it did in 1987 but in fact UNHCR has changed a

great deal over the past 25 years. First, it has undergone a process of geographical expansion into areas such as eastern and central Europe, the Balkans, the former Soviet Union and, most recently, North Africa and the Middle East. Second, UNHCR has moved well beyond its original focus on refugees to a new engagement with other groups, including asylum seekers, returnees, IDPs and stateless people. And third, the organisation's policy concerns have expanded beyond a relatively narrow interest in refugee protection and solutions to including issues such as human rights, migration, development, peacekeeping and peacebuilding. But where does the organisation go next? UNHCR's funding seems certain to decline in the near future, and both donor and host states seem unlikely to endorse any further expansion in the organisation's activities, as demonstrated by the chilly reception given to the High Commissioner's suggestion that UNHCR should play a leading role in the protection of victims of natural disasters.

Voluntary repatriation

While generally considered to be a cornerstone of the international refugee protection regime, the notion of voluntary repatriation has come under periodic pressure during the past 25 years. From the mid-1980s onwards, states increasingly referred to voluntary repatriation as the “best” and “most preferred” solution to refugee problems and, in their determination to bring about this outcome, began to encourage, induce and even force refugees to return to countries of origin even when the causes of flight had not been eliminated. On a number of occasions in the 1990s, UNHCR became implicated in such movements, attracting strong criticism from human rights agencies and the NGO community. Most recently, the issue of involuntary repatriation has arisen in relation to countries of origin such as Burundi and Rwanda, where the Cessation Clause has been invoked; nationals of those countries have been deemed not to be in need of continued protection but the refugees themselves are unwilling to return. Rather than these people being obliged to repatriate, could alternative solutions be found for them?

Work

With growing numbers of refugees and asylum seekers taking up residence in urban areas, their right to work is slowly moving to the forefront of the forced migration discourse. Research suggests that the majority of urban refugees manage to eke out a living, even if they are officially excluded from the labour market and even if they are sometimes obliged to resort to negative coping mechanisms such as survival sex or criminality. The reluctance of refugee-hosting states to provide refugees with the formal right to work is based on a number of misperceptions: first, that employment is a zero-sum game, in which every job taken by a foreigner means that it is denied to a citizen; second, that refugees who are able to establish sustainable livelihoods will be reluctant to repatriate once it is safe for them to do so; and third, that it is preferable for refugees to scrape by in the informal sector than to provide them with the education and training that would allow them to generate wealth and create new jobs for nationals and compatriots alike. Greater prioritisation of this issue on the international agenda would now seem to be in order.



X-Factor

Try googling 'UNHCR' and you will find that many of the first entries are devoted to actress Angelina Jolie and her role as UNHCR's Special Envoy. Not an isolated phenomenon of course. In the post-Band Aid era, it seems, every humanitarian organisation and movement has to have its own X-Factor celebrity. And what is wrong with that? They attract public and media attention. They often donate much of their own time and money to their chosen cause. And they may even be able to play a role in 'soft diplomacy', encouraging governments to take account of humanitarian issues in their decision-making processes. But is there also a risk that celebrity culture will demean and even undermine the humanitarian enterprise, especially in countries where the cultural values of society are at odds with those of the celebrities concerned?

Yugoslavia

By any standards, the first half of the 1990s was an extraordinary period in humanitarian history: the northern Iraq refugee crisis; the Rwandan genocide and exodus; the massive repatriations of refugees to countries such as Cambodia and Mozambique; and last but not least, the wars in former Yugoslavia. Remember what they entailed. Ethnic cleansing. The siege of Sarajevo. The Srebrenica massacre. A massive movement of asylum seekers from the Balkans to western Europe. The mass expulsion of Kosovo's Albanian population, as well as their rapid return following NATO's bombing of Serbia. And all of this happened just a short drive away from some of the European Union's major cities! Let us hope that the Balkans have well and truly entered the 'post-conflict' era.

Zimbabwe

The growing complexity of forced migration over the past 25 years is perhaps best exemplified by the case of Zimbabwe, a country which has witnessed the departure

of at least 1.5 million citizens (around one tenth of the population), the majority of them moving to South Africa. But how are these people to be categorised? Both South Africa and UNHCR have refrained from granting Zimbabweans *prima facie* refugee status, requiring them instead to provide individual proof of their need for protection by means of a refugee status determination process. While relatively few Zimbabwean asylum seekers have been recognised as refugees in this way, it would be fallacious to suggest that Zimbabweans are 'economic migrants' in the normal sense of the term, given the extent to which their country of origin has been afflicted by poor governance and political violence. Responding to this anomaly, some commentators have suggested that they should be described as 'survival migrants' (a useful descriptive category but one that does not exist in international law), while others have argued Zimbabweans should be recognised as refugees under the OAU Refugee Convention, which extends the refugee definition to people who have been forced to flee by "events seriously disturbing public order in either part or the whole of his country of origin".

This article has only been able to touch on a few of the forced displacement issues and situations that have arisen during the 25-year history of FMR. We rely on the Review to keep up with its valuable efforts to inform, educate and provoke us on a regular basis. Happy birthday!

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1. www.unhcr.org/refworld/pdfid/3c06138c4.pdf
2. www.asil.org/pdfs/stlp.pdf
3. 'Queer' was originally a pejorative word used in reference to gay men. In more recent years it has been taken up by both gay men and women to describe themselves, in defiance of its original and negative connotations.
4. Graeme Hugo, *Economic, social and civic contributions of first and second generation humanitarian entrants*, Australian Department of Immigration and Citizenship, 2011
5. University of New South Wales Press, 2008



Y is for Yugoslavia.