

Lessons from the 1990s for Belize today

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Belize is currently facing a refugee situation that in many ways is reminiscent of the Central American refugee crisis it dealt with, successfully, in the 1990s. Could lessons from the past be key to the most effective response today?

The relatively young State of Belize – an independent nation only since 1981 – is perched on the eastern coast of Central America and has a population of just 380,000. Belize has always experienced migration flows, which tended to be rather more outward than inward until the 1980s when varying degrees of civil unrest and conflict engulfed a number of Central American States, principally Nicaragua, El Salvador, Honduras and Guatemala.

As a result of the violence, tens of thousands of people fled their homes and sought safety in Belize. Most of these refugees were subsistence farmers, caught in the crossfire between rebels and government forces. Many sought to settle on unoccupied land in order to grow crops to feed their families and to sell in the local market. Others laboured in Belize's citrus, sugar and banana industries. A smaller number were political or human rights activists or other professionals at risk at home for expressing their opinions. These refugees were more likely to seek work teaching or working in urban environments. Regardless of their profile, the refugees encountered a country that was not equipped to deal with their arrival. The newly independent government was not a party to the 1951 Refugee Convention and had no existing asylum framework.

In response to the arrivals, UNHCR, the UN Refugee Agency, opened an office in Belize and the government decided to take measures to ensure refugee protection. In June 1990, Belize acceded to the Convention and its Protocol, and in August 1991 a national law – the Refugees Act¹ – came into force. Although not perfect, the Act was largely a faithful replication of the provisions of the Convention; it also incorporated the extended refugee definition from the 1969 Organization of African Unity Convention.²

Throughout the 1990s, UNHCR continued to assist the government in setting up and staffing a Refugees Office and establishing a Refugee Eligibility Committee (REC). UNHCR also helped refugees and asylum seekers to establish and maintain themselves, while supporting the government to ensure their protection from forcible return.

Policy choices and their implications

The positive features of Belize's treatment of refugees from the conflicts of the 1980s provide valuable insights for the present.

First, Belize did not establish refugee camps nor otherwise restrict refugees' movement. Instead, the government designated an area, which became known as the Valley of Peace, for settlement by the Central American refugees, and provided them access to farming land. (Belizeans were also made the same offer.) Refugees who did not settle there were encouraged to settle in other existing or new Belizean communities. Under the CIREFCA initiative,³ UNHCR and its non-governmental organisation partners, together with the government, supported the building of schools, health clinics, water towers, roads and other infrastructure in communities welcoming refugees. Crucially, these developments were of equal benefit to the Belizeans who lived in these same towns and villages. This forward-thinking policy facilitated the holistic integration of the refugees and helped to avoid many of the more divisive attitudes found in some refugee-hosting situations where refugees are physically segregated and have parallel support and service systems, leading to complaints by locals of preferential treatment of refugees.

Second, the government accepted asylum applications even from those people who applied for refugee status after the limit of

14 calendar days specified in the Refugees Act (meaning that they processed the claims without regard to the date of entry into Belize). Furthermore, cases were judged according to the situation in the country of origin at the time the claimants arrived in Belize, as opposed to the date of adjudication. The reasoning behind this approach appeared to be twofold. Firstly, as there was no refugee law or status determination system available at the date of the refugees' arrival, it seemed unfair not to consider the situation at the date when asylum was first sought. Secondly, by the early to mid-1990s some of the refugees who had arrived in the 1980s were well established in communities, their children were attending school, and they were contributing economically and developing the agricultural base of the country; to force them to leave the country at this point would be unduly disruptive to them and to their communities.

By the time the asylum system was well established, peace was spreading in Central America. UNHCR, with the help of the international community (most notably through generous funding provided by the CIREFCA initiative), was able to offer administrative and financial help to those who wanted to repatriate, assistance to the government to ensure the smooth integration of those intending to stay in Belize, and support through resettlement to a third country for the exceedingly small numbers for whom neither of the other solutions was appropriate. In 1998, once the backlog of asylum applications was cleared, and many refugees nationalised, UNHCR closed its doors and shortly thereafter the government disbanded its REC and Refugees Office.

The 2010s: a new refugee situation

In the 2010s, new situations of conflict and violence began to flare up in El Salvador, Honduras and Guatemala, and once again thousands of people sought safety in Belize. As arrivals increased, the need for a functioning asylum system became more acute. Eventually UNHCR re-established a presence in the country and in June 2015 the government re-instituted the REC, which began reviewing asylum claims

in November that same year. In May 2016, the Refugees Department was re-established and the government took over the registration and processing of asylum cases, with the support of UNHCR.

Despite these positive steps, the current state of refugee protection is not without its challenges. The government has discontinued its former practice of allowing all asylum seekers' claims to be adjudicated regardless of when they arrived in the country and the Refugees Act's 14-day deadline is being strictly implemented. This seems to be due to concerns about issues such as national security and the need to counteract fraudulent applications. Ironically, though, this may result in a situation of lesser security, rather than greater. Those who are unable to register by the deadline may go 'underground', making it more difficult for the government to know who is in the country and what circumstances they face. These refugees are vulnerable to exploitation by smugglers, traffickers, abusive employers or others. And when victims or witnesses of such crimes, these persons would probably fail to report them, for fear of being detained and deported. A robust asylum system – which quickly and fairly adjudicates applications – is, by contrast, widely considered to be one of the best ways to ensure protection and security of the population.

Moreover, most asylum seekers in Belize who have been able to access the process remain in prolonged limbo, without full access to rights and solutions. Since the REC began to adjudicate refugee claims in November 2015, just 15 cases (28 people) have received refugee recognition. Other cases that have been judged positively have not yet received the required ministerial confirmation. As a result, these refugees remain in a state of uncertainty, and the backlog of asylum-seeker cases continues to grow.

The effects of restrictions and delays are serious. The lack of a right to work legally, combined with the lengthy processing time for asylum adjudications, places many asylum seekers (and those outside the asylum system) in extreme vulnerability. Some parents are unable to send their children to school

because they cannot afford to pay the fees; women are pressured to accept unsafe work conditions; urgent medical care may be out of reach; and there have been rumours that, out of desperation, asylum seekers are moving on to find safety elsewhere or are returning to their home countries, at great risk. Meanwhile, Belize is not benefiting from the skills, talent and potential economic input of thousands of people who have looked to the country as a beacon of safety and an opportunity to restart their lives.

Steps in the right direction

Despite these challenges, there are signs of hope. Since restarting the asylum process, the government has recognised the first refugees in nearly 20 years. Moreover, the authorities responsible for refugee adjudications have continued to engage in capacity building and are currently working to strengthen the asylum process. Other relevant Belizean officials are open to positive engagement on refugee issues. In addition, UNHCR and its governmental and NGO partners have successfully instituted projects to support refugee-hosting communities in Belize – projects that assist refugees and Belizeans alike. With only minimal policy changes, Belize could reap significant additional benefits while ensuring protection for those in need of it, as it did in decades past.

Particularly positive in this regard is the decision of Belize to join the current regional effort to strengthen refugee protection and solutions in Central America. Known by its Spanish acronym, MIRPS (Marco Integral Regional para la Proteccion y Soluciones), the initiative is the regional incarnation of the global Comprehensive Refugee Response Framework (CRRF), mandated by the UN General Assembly in its 2016 New York Declaration.⁴ Much as the country's participation in the CIREFCA process in the 1990s allowed it to successfully navigate the consequences of the 1980s arrivals, the MIRPS offers Belize opportunities to garner international support and partnership to ensure a 'win-win' result, for the State as well as for these new refugees.

Along with its longer-term efforts under the MIRPS, Belize appears to be considering additional steps that would quickly improve the situation of refugees and asylum seekers. Removing the deadline for asylum applications, guaranteeing quick and fair adjudication of claims (a process that would also identify more readily those persons who are not in need of international protection), and providing unrestricted access to legal employment for registered asylum seekers would all contribute to easing current difficulties for refugees and asylum seekers – and to ensuring they are more quickly able to integrate and contribute to Belize. This could be achieved while working with UN and other regional and international partners under the regional MIRPS framework to provide any support needed. As history has shown, such collaboration is likely to encourage economic development activities that would benefit both refugees and Belizean society. Drawing on its past experience, Belize can once again quietly but effectively act as a leader in the region on refugee protection and solutions.

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The opinions expressed in this article are those of the authors, and not necessarily those of UNHCR.

1. www.refworld.org/docid/46d55f6b2.html
2. Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) www.refworld.org/docid/3aefb36018.html
3. CIREFCA (International Conference on Central American Refugees, Returnees and Displaced Persons, in Spanish) established a five-year (1989–1994) regional initiative to bring about and consolidate lasting solutions to the displacement caused by the Central American wars of the 1980s. The initiative, supported by all the Central American States plus other asylum countries, was considered an important and successful regional process. See Crisp J and Mayne A (1994) *Review of the CIREFCA Process*, UNHCR bit.ly/Crisp-Mayne-CIREFCA-1994
4. www.unhcr.org/57e39d987 Annex I, p16

See also FMR issue 56 (October 2017) on 'Latin America and the Caribbean: building on a tradition of protection.' www.fmreview.org/latinamerica-caribbean