

The United Nations and World's Refugees Crises

Shahid Khan*

Abstract

The “Refugees” phenomenon is as old as organized violence or war. In the modern history of mankind wars have become more frequent. Violence has become a permanent pattern of human behavior. People leave their native habitat in such situation and search for a secure place. The number of refugees in today’s world is very alarming. UN and its subordinate agencies and private organizations are busy in finding solutions of various problems they confront. With the war in Syria, the situation has become even direr. Turkey hosts the largest number of refugees. Previously Pakistan held this position, providing shelter to millions of Afghan refugees. The UDHR recognizes the right of Asylum in Article 14. The 1951 Geneva Convention ensures that a refugee shouldn’t be sent back to the country of his origin if his life is threatened there. Some of the policies of European Union contradict with the 1951 Geneva Convention.

Keywords: refugees’ phenomenon, history, laws, UN

Introduction:

A person displaced from his country and unable to return home is called an “asylum seeker”, till he gets a “refugee” status, which is granted by the UN High Commissioner for Refugees or the contracting state. The registered number of refugees in the year 2006 rose to 8.4 million. The number has now reached 21.3 m including 16.1 m under UNHCR and 5.2 m under UNRWA mandate. Among these the number of Syrian in the year 2015 was 4.9 m i.e. the largest refugee group. According to UN, Turkey hosts 2.5 m, which is the largest number and Pakistan ranks second which hosts mainly Afghan refugees. In the year 2015, the number of asylum seekers and refugees and likewise IDPs was the highest level on records.¹

Statement of the Problem

Today the number of refugees in the world is all time high. The Syrian crises are the biggest in history since WWII. Due to the crises a “lost generation” is being produced. United Nations, its specialized agencies and private organizations are struggling hard to cope with the situation. But the magnitude of the crises is alarming.

Aims and Objectives of the Study

* Teacher in K.P.K Elementary and Secondary Education Department. Email: shahidihsangonda@gmail.com

- I. The paper aims to analyze the role of UN in meeting the challenges of the refugee's crises.
- II. It aims to make suggestions for better results and outcome of the humanitarian efforts.
- III. It gives a short background of the previous mass moments of individuals across International Frontiers, making a comparison with the recent Syrian refugees' crises.

Methods

Secondary data of temporary nature has been collected to analyze the role of the world body. Qualitative research design was applied. The research is descriptive in nature.

Definition

The English word "refugee" is derived from the French word "refuge" which means "Shelter or protection from dangers". Refugees are people, who have fled war, violence, conflict, or persecution and have crossed an International border to find safety in another country.²

The UN convention defines it in Article 1 (A) (2) which says any person who "owing to well-founded fear of being persecuted for reason of race, religion, nationality, membership of a particular 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 or not having a nationality and being outside the country of his habitual residence as result of such event, is unable or is unwilling to return to it".³ This definition was further widened by the protocol of 1967 and expanded its scope. The concept of "refugee" also includes descendants of refugees in the case of two groups viz Palestinian refugees and Sahrawi refugees.

Historical Background

The king of Ethelbert of Kent first codified the law in 600 A.D which gave the right to a person of asylum in a church or holy place. A similar concept of this practice was called political exile. This was applied to Voltaire, who was sent in exile to England. The Treaty of Westphalia 1648 formed the independent Sovereign nation states and the nationalism of the 18th century gave much importance to the concept of "country of nationality". In France in 1685 AD the Edict of Fontainebleau banned Protestantism and hundreds of thousands fled to other European Countries. The Balkan wars produced more than 800000 refugees in the year 1912.-13. The Communist Revolution of 1917 produced 150000 refugees. Furthermore, Lenin revoked their citizenship, making them stateless. Under the Treaty of Lausanne Turkey and Greece exchanged 2 million people. The Emergency

Quota Act was passed by the U.S Congress in the year 1912. Then in 1924 the Immigration Act of 1924 was formulated which restricted Europeans specially Jews, Slavs and Italians entering the United States since 1890.⁴ A brutal act of Nazi Germany was that it deprived Jews of their citizenship. This was done through the Reich Citizenship Law of 1935. From 1933 to 1939 200000 Jews took refuge in French and 5500 in Palestine.⁵ At the end of the WW II there were 40 million refugees. During the war from 1945 to 1961, about 560000 refugees traveled from Soviet controlled Eastern Germany to take asylum in West Germany.

Around 3 million Russian had become forced Laborers i.e. “*Oster Beitors*” in Germany- about million and half soviet soldiers imprisoned by the Nazis were sent to “*Gulag*” - Those who survived and returned to Russia were treated as “traitors”- The most influential scientists of the 20th century, Albert Einstein (1879-1955) was among those who fled Germany during the anti-Semitism of the 1930s. An internationally recognized advocate of human rights, his Holiness the Dalai Lama fled Tibet in 1959 because of the Chinese crack down of Tibetans. The refugees produced by the Spanish civil war (1936-39) numbered about 20000. They crossed the Atlantic to reach Mexico. Refugees from Baltic States who escaped from the Russian atrocities during and after the WWII reached Canada where they called their ordeal as “triumph”. The decolonization since WW II created ethnic conflicts in Asia and Africa. The collapse of national institutions in countries like Somalia is a cause of social conflict and disorder. About 1 million Bosnians fled Serbia and 2 million Afghan refugees live in neighboring Pakistan and Iran.

Establishment of UNHCR

To meet the refugee crises the United Nations High Commissioner for Refugees was founded by Resolution 319 (iv) of the UNGA of December 1949. Its mandate was set out in its statute, annexed to resolution 428 (v) of the United Nations General Assembly of 1950. It is worth mentioning that after the demise of the League, the international community had founded IRO (International Refugee Organization) which was the first of its kind to meet the refugee challenge. In 1948 the treaty establishing IRO formally entered into force and IRO became a UN Specialized Agency. But even before that there existed UN Relief and Rehabilitation Administration, founded in 1944, to tackle the problem of displaced people, affected by WW II.

The 1967 protocol relating to the status of Refugee was ratified to remove the restriction of the 1951 convention. The convention dealt with refugees produced in the aftermath of WWII. The protocol addresses “*new refugee situations*”.

In 1956 UNHCR was engaged in efforts to respond to the uprising in Hungary. The following year it tackled the problem of Chinese refugees in Hong Kong and also responded to Algerian refugees who had fled to Tunisia & Morocco in the wake of Algerian Independence war.

Two-third of UNHCR's budget was focused on operations in Africa, following the decolonization in the 1960s that triggered refugee movements in Africa. In the 1970's, after the birth of Bangladesh and mass exodus of East Pakistanis to India and the tragic and horrific war in Vietnam the operations of UNHCR continued worldwide. The decade 1980's saw new challenges. Refugees were fleeing because of ethnic conflicts. Newly independent states were often in hostile environments, the UNCHR was heavily involved in assistance programs. Unfortunately, the 1994 Rwanda Genocide had little attentions as compared to the 1999 NATO mission in Yugoslavia. UNHCR was awarded the 1954 and 1981 Nobel peace prizes and was chosen for the prestigious Indra Ghandi prize for peace, Disarmament and Development in 2015. It won the prince of Austria's Award for international co-operation in the year 1999.

UNHCR maintains a database of refugee's information, progress, which was created during the Kosovo war in the 1990s. This database includes data of more than 11 million refugees. This database has biometric data, fingers print and iris scans which are used for aid distribution for recipients. This kind of verification when used in 2013 in the camps & Kakuma and Dadaab in Kenya, enabled the WFP to save \$ 1.4 m of fraud. World refugee day is celebrated every year on June 20. The UNHCR works in different regions to raise awareness and meet needs of the refugees. It hosts round tables to discuss issues of concern to the international refugee community.

International Law of Refugees

To protect the rights of refugees the General Assembly of the United Nations adopted Res 319 (IV) of December 1949 to re-affirm to safeguard the rights of refugees. The main principles of the 1951 convention are the principle of non-refoulement. This is contained in Article 33. It ensures that a refugee shouldn't be sent back to the country of his origin where his life is threatened – only in the cases where he is considered as threat to the security or convicted of a non-political crime, he can't avail this right.

Along with rights, the refugees have some obligations too. As per law they are required to respect the measures taken by the country of his asylum for the maintenance of Public order. The UNHCR assists the states in the process of determination of refugees. It is noteworthy that the principle of non-refoulement is a rule of customary

International Law and all states, whether they have signed the convention and its protocol or not, are bound to protect the principle of non-refoulement. The UN General Assembly has authorized the UNHCR to seek solution for the refugee's crises. There is a generally accepted view that the regional and universal HR systems are complementary and that the protection at the regional level may further develop as a result of cooperation between the existing systems. The UN human rights system provides the main architecture and the regional mechanisms complement it and thus constitute its fundamental pillars⁶.

Europe and Latin America have refugee policies that are starkly different from each other. Both these regions have adopted the UDHR and the 1951 Convention. But the Dublin Regulations authorize a European state to determine itself whether it is responsible to care for the refugee or not? Thus, they run contrary to the principle of non-refoulement which states that a country shouldn't expel a refugee to the frontier of a territory where his life or freedom would be threatened.

Unlike EU the Cartagena Declaration (1984) provides a wide spectrum of rights. Countries like Brazil, Ecuador and Mexico have implemented friendly refugee policies. The Universal Declaration of Human Rights is the foundation and basis of International human rights. It consists of 30 Articles. Adopted in 1948, it has been signed by 192 countries. The Declaration in Article 14 addresses the refugee issue, stating that "Everyone has the right to seek and enjoy in other countries asylum from persecution". UNHCR was established in December 1950. UNHCR's 1950 statute and the 1951 refugees' convention formed the basis as how UNHCR should work and how to formulate policies regarding refugees.⁷ Besides, its duty of refugee protection and solution of the problem of refugees, its function is to promote the conclusion and ratification of international conventions for the protection of refugees.

UN and Refugees Crises

- i. *Afghan refugees' problem:* Forty years ago, Afghan began fleeing the violence in their country; about 400000 fled the violence of communist led Tarakai and Amin governments. The number rose much higher after the Russian invasion on Christmas Eve in 1979. By the end of 1980, there were more than 4 million Afghan refugees in Afghanistan. They represent the world's largest protected refugee population. Currently, there are more than 2.6 million registered Afghan refugees in the world from Afghanistan, second highest number after Syria. Pakistan is not a signatory of the 1951 Refugee Convention; resultantly Afghans face a lot of problems. After the December 2014 massacre of

more than 100 school children in Peshawar. Pakistani authorities began a cracked down on refugee's camp. In 2016, up to 365000 refugees were forcibly returned to Afghanistan. One of them Shabbat Gula, who was featured on the cover of National Geographic Magazine in June 1985. For decades her blazing green eyes served as a reminder of the Afghan refugee's plight.⁸ The world's attention, crucially funding, has shifted to other corners of the globe as massive number of the people fled places like Syria, South Sudan, Myanmar and Venezuela. Guterres words, at the two days conference on Afghan refugees at Islamabad offered hope. "Afghanistan and its people cannot be abandoned" Guterres said "now it is the time for international community to act and deliver".⁹

- ii. Rohingya Crises: Started after the 1962 coup, the "The Who was first" debate over nationality has turned into bloody crises. Over 742000 refugees had fled to Bangladesh since August 25, 2017, as of July 31, 2019. Latest exodus began on August 25, 2017 when violence broke out in Rakhine state. Vast majority was women and children. Under age 12 group accounts for 40%.¹⁰

It is far from clear whether the UN could have prevented the slaughter? A key obstacle was opposition from China and Russia, both allies of Myanmar with vetoes. A joint diplomatic solution by involving both Myanmar and

Bangladesh and organization such as OIC and UN are the cry of the day.¹¹ The United Nations has termed the Rohingya people as the most persecuted in the world.¹²

- iii. Syrian conflict: The Syrian civil war has received significant international attention and both Syrian government and opposition have received support militarily and diplomatically from foreign countries. More than 6.5 million people have been displaced and almost 4 million have fled the country to destination like Turkey, Lebanon, Jordan, Iraq and Egypt and become refugees. Millions have been left in poor living conditions with shortage of food and drinking water. UN High Commissioner for Refugees Antonio Guterres said that "The Syrian crises are the biggest humanitarian emergency and the world has failed to meet the Challenge". Due to these crises the number of refugees has exceeded 50 million, for the first time since WWII. On 21 April 2012, the UN Supervision Mission in Syria was established under Resolution S/Res/2043/2012. Moreover, Security Council has offered its support to the Six-point plan spearheaded by the UN-Arab league special Envoy Kofi Annan, which was until recently considered the best opportunity to resolve the conflict.

As the opposition was supported by USA the dictatorship of Assad was supported by Russia, and later on, china. The history of

their cordial relations goes back to the time of the cold war. The role of the UNSC is not fully successful because of the lack of coordination for a joint action. The P.5 of UNSC has no consensus because of the intricate incompatibilities of interests. The situation in Syria shows that the UN structure has an intrinsic fragility where the main interests of the member states precede International Justice¹³.

In a total population of about 22 million people nearly 7.6 million are internally displaced while about 3.2 million have become refugees. Moreover, 12.2 million are in need of dire humanitarian assistance.¹⁴ They are in large part hosted by the neighboring nations like Turkey, Lebanon, Egypt and Iraq. For their aid the UN proposed a “3RP” plan i.e. Regional Refugee and Resilience plan. It was introduced to be applied for the duration of two years¹⁵. The plan was a part of the Global Regional Strategic Framework of the United Nation. The 3RP is characterized by its will to link humanitarian aid to development.

Debates now include on emphasis on linking humanitarian aid and development with security in the context of post 2011.¹⁶

The UN Secretary General Ban-Ki Moon on 1st October 2014 linked the humanitarian question to development. According to the plan the UN will intervene in matters of health, food supply, hygiene, housing, education and social cohesion. The plan will try to integrate the refugees in the host's nation economy.

In fact, many developing nations have positive economic growth indicators but maintain generalized poverty i.e. “growth without development”.¹⁷

Conclusion

The definition given by the convention is extremely narrow and only five reasons have been mentioned under which one can apply for asylum to the UNHCR. The idea of persecution is not defined. It involves threats to life, freedom and other violations of human rights. It should also include social, political and economic discrimination.¹⁸ The 1951 convention does not include IDPs in its fold ignoring yet another number of 7.6m internally displaced people in Syria. The intricate system of asylum in both US and EU are not capable of absorbing thousands of refugees reaching every day on the shores of Greece. Due to the failure of Greece and the EU to formulate a joint humane refugee policy, many languish in appalling conditions as they try to access protection centre.¹⁹

UNHCR is severely underfunded. In its article “funding shortage leaves Syrian refugees in danger of missing vital support”. Two hundred partners in the 3RP in response to the Syrian crises face

a gap of staggering \$3.47 b. A question arises “Are not the sovereign member states bound and violating its legislation by letting UNHCR become so grossly underfunded”?

Article 35(1) says that the contracting states shall cooperate with the office of UNHCR and facilitate its duty of supervising in the application of the provisions of its convention. UNHCR has several times deplored a trend towards a more restrictive interpretation of the 1951 Convention and its 1967 Protocol in various countries or even regions of the world. These developments undermine the protection regime created by these instruments.²⁰

The European court of human rights found that the “Dublin Regulations” were opposed to the international refugees Law. In 2011, the ECtHR declared condition for refugees as “inhuman and degrading” when they arrive at the Mediterranean states. Amnesty International in December 2015, denounced Turkey and EU for the illegal detention practices. The crises which is impacting not only the neighboring countries like Turkey, Jordan, and Lebanon but EU as well, has sparked a debate and discussion that has still to reach a conclusion and solution.

Suggestions

- i. To act promptly and work aptly Russia and China should stop hindering the work of the Security Council. These powers have vetoed twice the resolutions of the Security Council.
- ii. In order to end the suffering of millions of people in Syria the Security Council should impose embargo of arms and impose targeted sanctions against those involved in human rights abuses.
- iii. The issue will be resolved fully by durable political solution of the Syrian crises. The UNSC has mainly focused on humanitarian assistance which is not a substitute for long lasting political resolution of the conflict.
- iv. There is a need of greater involvement of donors for the improvement of infrastructure in host countries.
- v. Water system, health and education sectors are in need of such funds and assistance in host countries.
- vi. The situation shouldn't be treated as merely crises but as opportunity as well. The refugees bring skill and expertise that help address the labor market in an environment where many EU state face the problems of population age and birth rate decline-Europe should adopt a more humane response.
- vii. The UN Security Council must consider new options like the referral of the situation in Syria to the International Criminal Court (ICC). UN Human Rights Council's resolution of 5th December 2011 deplores the

Government of Syria's non-cooperation with Independent Commission of Inquiry and continued violation of human rights.

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