

# The State of the World's Refugees 1993

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## Introduction

### The Challenge of Protection

Refugees are the symptom of the ills of an age. The state of the world's refugees in 1993 shows the monumental challenges that need to be met before this decade can hope to earn a clean bill of health. As the year began, the number of people forced to leave their countries for fear of persecution and violence had risen to a total of 18.2 million.<sup>1</sup> To reach that painful sum, an average of nearly 10,000 people a day became refugees – every single day throughout the previous year.

Nearly four million people from the former Yugoslavia have come to depend on international emergency assistance since late 1991, as the term “ethnic cleansing” has joined the 20th century's lexicon of horrors. Fully one-tenth of Somalia's entire population is outside its borders, and is being helped to survive by international aid. Well over half a million Liberians have been in a similar situation since early 1990. New upheavals continue to drive out new victims: by June 1993, more than 280,000 people had fled from political repression in Togo, some 500,000 from the war between Armenia and Azerbaijan, 60,000 from clan-based struggles for power in Tajikistan and up to 100,000 from ethnic strife in Bhutan.

Refugees, by definition, are people who have left their countries. Many people who flee from violence and persecution do not become refugees for the sole reason that they do not – and in many cases cannot – cross an international border. Yet the needs, and the numbers, of the internally displaced are very similar to those of refugees. At a conservative estimate, some 24 million people are displaced within the borders of their own countries.<sup>2</sup> Adding their numbers to those of refugees means that, in a world population of 5.5 billion, roughly one in every 130 people on earth has been forced into flight.

The state of the world's refugees in 1993 is not one of unbroken gloom. Some of the conflicts that generated displacement within and across borders have subsided to the point where uprooted people feel able to go home. About 2.4 million refugees did so in 1992 alone. Returnees now far outnumber the remaining refugees in Central America. The last remaining refugee camp on the Thai border with Cambodia closed in April as its former residents went home in time to take part in the national elections in May. By mid-1993, over 1.6 million Afghan refugees had returned home from Pakistan and the Islamic Republic of Iran, despite very uncertain conditions in their native land; the total was expected to pass the two million mark well before the end of the year. And the repatriation of 1.3 million Mozambicans, the largest organized repatriation ever attempted in Africa, got under way in July. Meanwhile other solutions continue to be found for refugees unable to repatriate. Significant – if much smaller – numbers have been able either to integrate permanently in the countries where they first sought asylum or to resettle in third countries where they have begun new lives.

“The number of refugees continues, relentlessly, to grow”

The total number of refugees continues, relentlessly, to grow. The international framework for meeting the needs of these people, which includes the Office of the United Nations High Commissioner for Refugees (UNHCR), is being stretched to cover the new demands of larger and more complex refugee problems. It has at its core a simple but powerful commitment: refugees must be protected, and helped towards a lasting solution to their plight.

Today, the problems of refugees raise not only humanitarian and human rights concerns but also fundamental issues of international peace and security. This report will examine the challenge of protection amid the dynamics of changing political realities.

## ***New realities***

Wars, persecution and intolerance are ancient themes in the human drama, and refugees are perennial characters. If there is a dreadful sameness in the fact that people are still being forced to flee, there have been changes in almost every aspect of the framework in which their stories unfold. The problems of refugees have not changed, but the refugee problem has. Policy is being set against the background of radical geopolitical shifts, the enormous growth in refugee numbers, the prevalence of refugee emergencies in situations of armed conflict, and the shrinking opportunities for permanent large-scale integration in countries of asylum.

At the start of the 1990s, optimists foresaw a reduction in the number of refugees around the globe. Several long-standing armed conflicts had declined in intensity, apparently opening the way for the repatriation of millions of displaced people. But as the decade draws on, the euphoria that greeted the end of the Cold War has given way to a sober reassessment of how refugees are affected by the new geopolitical realities.

The reduction of East-West tensions has created new possibilities for international co-operation in the settlement of disputes. But the proxy wars of the previous decades have proved to have lives of their own after their patrons withdrew, leaving devastating armouries behind in the hands of rival factions. Many of the recently independent states that arose from the dissolution of the Soviet Union are experiencing violent clashes based on ethnicity, ideology or simple struggles for power. A number of states in other parts of the world have fragmented or imploded. In every region that is subject to these new or persisting forms of instability, people have fled their homes to escape persecution and violence. The same reduction of tensions that allowed recent conflicts to escape becoming Cold-War battlegrounds also meant that they – and their victims – could be neglected in the highest councils of international politics, especially when the perceived interests of influential powers were not at stake.

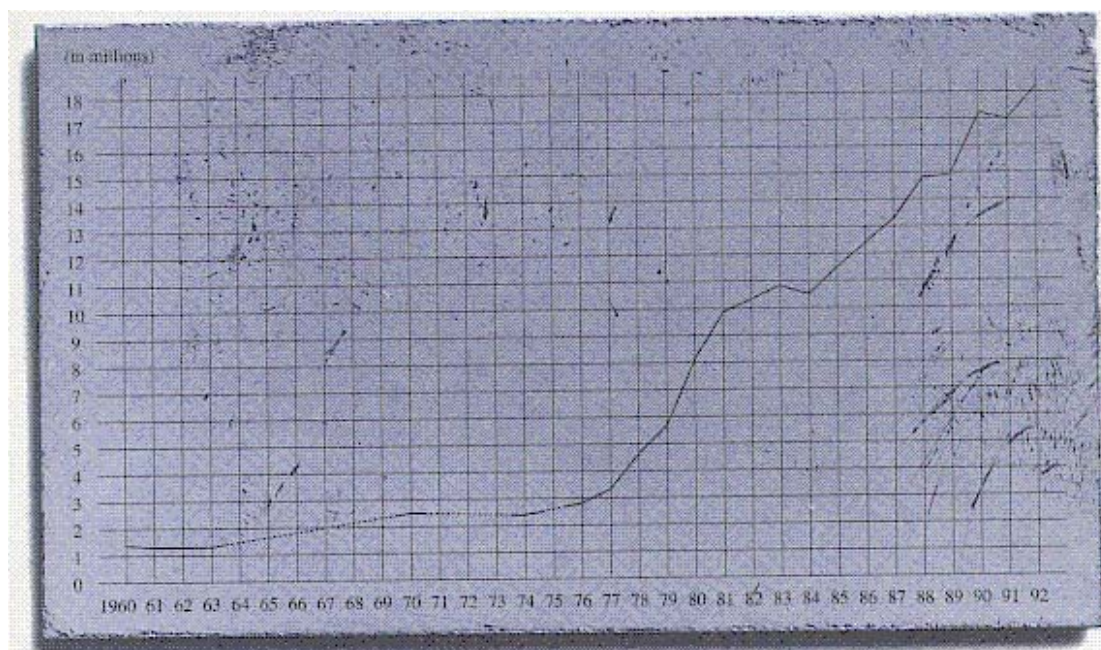
In 1978 there were only 4.6 million refugees looking to the international community for assistance and protection. The quadrupling of that number is placing serious strains on a system of protection that was conceived as temporary and finite. When UNHCR was set up in 1951, it had a projected life span of three years. It was assumed that the existing post-World War II refugees would be integrated into the societies in which they had found refuge, and that the organization could then be disbanded.

Local integration and third-country resettlement on the scale that would be needed to meet today's mass displacements are not realistic options. Permanent integration in countries of asylum has, in practice, only been available to a fraction of the displaced from the 1960s onwards. The vast majority of refugees sought and found sanctuary in neighbouring countries in the Third World, and returned home when conditions permitted.

As the total number of refugees continues to grow, temporary protection followed by voluntary repatriation is now seen as the most practical and, in the majority of cases, the most satisfactory means of protecting many of today's refugees, the great majority of whom are fleeing from armed conflict.

A policy of offering temporary protection, however, implies an active responsibility to pursue improved conditions in the country of origin, thereby allowing refugees to return voluntarily and in reasonable safety. Action on behalf of refugees is, therefore, becoming more closely tied to peace-making and peace-keeping efforts in their home countries. At the same time, states and international institutions are being compelled to address themselves to the causes of flight *before* it occurs. A new emphasis on prevention supplements the international community's earlier commitment to protect people and try to solve their problems *after* they have become refugees.

Fig. A  
**Global Number of Refugees: 1960 – 1992**



	1963: 1.3	1969: —	1975: —	1981: 9.8	1987: 13.3
	1964: —	1970: 2.5	1976: 2.8	1982: 10.4	1988: 14.8
	1965: —	1971: —	1977: 3.3	1983: 10.9	1989: 14.9
1960: 1.4	1966: —	1972: —	1978: 4.6	1984: 10.5	1990: 17.2
1961: 1.3	1967: —	1973: —	1979: 5.7	1985: 11.6	1991: 17.0
1962: 1.3	1968: —	1974: 2.4	1980: 8.2	1986: 12.4	1992: 18.2

*Note:* Totals are as of 31 December of each given year. Figures for the years 1964-69, 1971-73 and 1975 and incomplete, and are represented by a broken line. The total for 31 December 1992 does not include some 810,000 internally displaced people in Bosnia and Herzegovina. For a detailed breakdown of the totals for 1991 and 1992, see Annex I.1.

### ***The meaning of protection***

What sets refugees apart from other people in need of humanitarian aid is their need for international protection. Most people can look to their own governments and state institutions to protect their rights and physical security, even if imperfectly. Refugees cannot. In many cases they are fleeing in terror from abuses perpetrated by the state. In other instances they are escaping from oppression that the state is powerless to prevent because it has lost control of territory or otherwise ceased to function in an effective way.

The protection that the international community extends to refugees recognizes the specific needs of people who have good reason to fear that their own governments will not or cannot provide safeguards against abuse. It provides a temporary substitute for the normal safeguards until the refugee can again benefit from national protection – either by returning voluntarily to his or her original country of nationality, or by assuming a new nationality. Until a solution of this sort is found, international protection also means that countries of asylum will not discriminate against refugees, allowing them at least the same civil and economic rights that are enjoyed by other legal immigrants.

The core of international protection is the principle that people should not be forced to return against their will to a country in which their lives or freedom would be endangered because of “race, religion, nationality, membership of a particular social group or political opinion”. The legal term for this guarantee is *non-refoulement*. It can only be implemented through co-operation with governments at the political level, although extending protection according to the terms of international agreements remains a non-political, humanitarian act. A state can offer refuge without being seen to pass judgment on the country of origin. During the Cold War the criteria for recognizing refugee status were often highly politicized, and they remain so in some instances today. In principle, however, international protection is conceived as a response to the needs of the refugee rather than to the national interests of the country of asylum.

**“Refugees must not be forced to return to a country where their lives or freedom could be in danger”**

Protection must include physical security of refugees. There are two dimensions of physical protection. One is personal security from physical attack whether from armed forces, death squads, or lone assassins. Physical protection also means keeping people alive through humanitarian assistance. Food, water, sanitation and medical care are fundamental to survival. As more and more refugee crises erupt in the midst of armed conflict, the physical aspects of protection have assumed a compelling urgency.

The essential elements of international protection, then, are admission to safety, exemption from forcible return, non-discrimination, and assistance for survival. With growing numbers of people in need of protection, these principles are more important than ever. The increasingly volatile international context requires innovative strategies for implementing the traditional principles and extending them to cover new kinds of challenges.

### ***Emerging issues in protection***

The refugee problem is reaching critical proportions in almost all parts of the world, placing the structures and institutions of international protection under stress. The needs of refugees are too often seen as being at odds both with the interests of states and with political pragmatism. Many of the people in need of protection are fleeing from armed conflict, generalized violence, severe disruptions of public order or widespread abuses of human rights. Their claims to international protection are widely acknowledged, even though they may not always conform to the notion of persecution found in the 1951 Convention relating to the Status of Refugees (see Box 2). The situations from which they flee do not necessarily entail individually targeted persecution but do provide fertile breeding grounds for it.

New claims for international protection assert themselves in great numbers even as many old ones persist. The intermingling of refugees with economically motivated migrants complicates the effort to protect those who have a well-founded fear of persecution. Asylum countries must struggle with the pressing economic and political demands of their own populations, while fulfilling international obligations that at present seem much more likely to grow than to diminish.

These pressures on the established system of protection make it imperative to take advantage of the new possibilities for international co-operation. The difficult task under way is to preserve the principles of protection while devising new approaches that balance humanitarian needs and political realities.

**“Traditionally, international protection was only seen to be necessary after a refugee had crossed a border”**

The process of becoming a refugee is not instantaneous. It proceeds through the often slow growth of root causes to the sometimes quite sudden flash of an immediate catalyst that generates actual flight. Asylum follows when another state grants those in flight access to its territory and extends protection to them. Finally, for the more fortunate, a permanent resolution of their status is sought and found, and they cease to be refugees.

Traditionally, the need for international protection was seen to arise only after a refugee had crossed a border and ceased to apply when a solution was found. Today, that truncated approach is seen to be inadequate. An effective strategy needs to address the entire continuum of refugee flows from causes through to emergency response, protection and eventual solution. A comprehensive policy must, therefore, be one that seeks to prevent the deterioration of conditions to the point where people are forced to flee. It must meet their needs for protection and assistance in flight and in asylum. It must also promote the resolution of problems and contribute to the safety and welfare of the refugees in the early stages of repatriation or settlement.

New issues have emerged from the changed circumstances and perceptions of the 1990s. They call for fresh strategies to meet the need for international protection. The chapters that follow in this report examine these emerging issues in depth. Seven of the most salient are highlighted here.

**1. The climate of receptivity for refugees has cooled in many asylum countries.**

Economic difficulties, domestic political instability, the resurgence of ethnic tensions and the rolling up of the West's ideological welcome mat for refugees from communist countries are among the explanations for the less hospitable climate facing refugees. There is also a more general sense of weariness at the apparent intractability of refugee problems. In virtually all regions, the persistent growth in numbers of actual and potential refugees has prompted a more conservative approach. The authorities in many industrialized countries are increasingly inclined to interpret their obligations to refugees according to a narrow "persecution standard" and to apply a restrictive definition of what constitutes persecution. Part of the reason is that the asylum practices of the Cold-War period tended, in the West, to equate the grant of asylum with permanent settlement. Fewer asylum countries remain willing to accept what they see as an unlimited obligation to people fleeing violence.

**2. Refugees are part of a complex stream of migration.** The movement of refugees in search of safety takes place against a background of much larger migratory movements which engender unease among many people and xenophobic or racist reactions in a few. In many settings, refugees mingle with people who move not out of fear for their lives and freedom but in search of better opportunities or to escape from poverty. There is widespread anxiety in some countries that the special provisions made for the protection of refugees are being abused by people who have no valid claim to refugee status, and this is undermining support for generous provision of asylum in a number of recipient countries.

**3. Refugees are often interspersed with other people who need humanitarian assistance.** In the humanitarian emergencies that more and more often accompany political upheaval and armed conflict, refugees mingle with internally displaced people, victims of mass expulsion, returnees, demobilized soldiers and their families, as well as local people caught up in the same turmoil. Dealing with mixed populations of refugees and non-refugees poses serious practical difficulties as well as questions of principle. Does it make sense to ignore the humanitarian needs of non-refugees living in proximity to recognized refugees – for example, a local population severely affected by drought in a region where resources are further strained by an influx of refugees? Humanitarian agencies have been called upon to reach beyond their mandates in a number of situations where both categories face the same dire need for material help. Yet it remains essential not to lose sight of the distinction between those who require international protection and those who need only relief.

**4. Humanitarian assistance is an increasingly important aspect of protection.** The majority of today's refugees come from and find refuge in some of the poorest countries in the world. The combination of large numbers, remote and fragile environments, violence and extreme poverty can make the provision of humanitarian assistance both difficult and extremely urgent. With one refugee emergency following hard on the heels of another throughout the early 1990s, the capacity of the international community to mount adequate responses has been strained to breaking point. At the same time, valuable experience has been accumulated, and there is a new awareness of the need to address long-neglected problems. For example, women far outnumber men in most refugee populations, yet only recently has serious consideration been given to the ways in which their needs for both protection and assistance differ from those of men. The way in which assistance is provided can have an impact not only on the immediate safety and welfare of the refugees but also on the prospects for a durable solution.

**5. Voluntary repatriation is occurring with growing frequency in conditions of continuing conflict and insecurity.** Voluntary repatriation was traditionally thought of as the last stage in the process of return to normality, and usually took place after peace and stability had been restored to a country. Today's large-scale returns tend to occur in the midst of this process, and refugees themselves play an important role in peace-making and peace-building. Negotiations on the terms of repatriation are often an important early step in establishing contact between opposing parties to a conflict. The transition to stable government may depend on returning refugees being able to take part in elections or referenda on the form of government or its leadership. Repatriation in an unstable setting poses considerable risks for refugees, but they often make the decision to return despite the dangers that confront them.

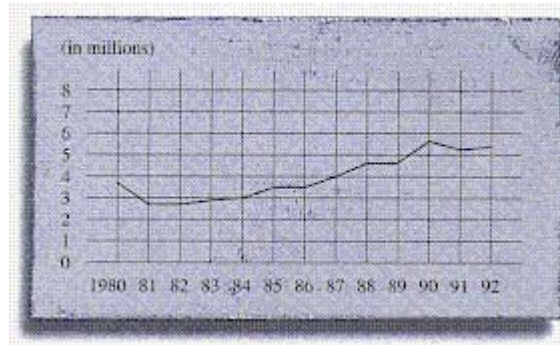
**6. The refugee problem is essentially a human rights problem.** The right to seek and attain asylum is fundamental, but so is the right to live in peace and safety in one's own homeland. An actual or anticipated violation of rights is the direct reason for the departure of countless refugees. A pattern of violations is implicated in many of the conflicts that impel others to leave their homes. Safeguarding human rights is necessary to prevent conditions that force people to become refugees, and is a key element in protecting them. Improved observance of human rights standards is often of critical importance for the solution of refugee problems.

**7. Prevention is preferable to cure.** In the context of international protection, this does not mean erecting obstacles to refugee movements, which would constitute a denial of protection. Rather, it means addressing both the root and the immediate causes of flight. At the most fundamental level, prevention is not specific to refugees; it lies in the larger realms of peaceful resolution of conflict, respect for human rights, economic development, stable participatory government, a fair and independent judiciary and tolerance for diversity. Societies in which no one has cause to fear persecution or generalized violence do not produce refugees. The root causes of refugee flows are often very complex and difficult to identify precisely. The immediate causes may, however, be susceptible to more direct preventive strategies, including diplomacy, information campaigns and provision of training and advice on matters such as nationality law and communal relations.

Prevention should aim at arresting and rolling back the deterioration of conditions in a country that is, or seems to be, on the verge of producing refugees, so that people feel secure enough to remain in or near their homes. Preventive efforts should also seek both to persuade and assist the authorities in such countries to meet their obligations to protect the rights and security of their people to the best of their capacities – and should support them in strengthening those capacities in every way possible.

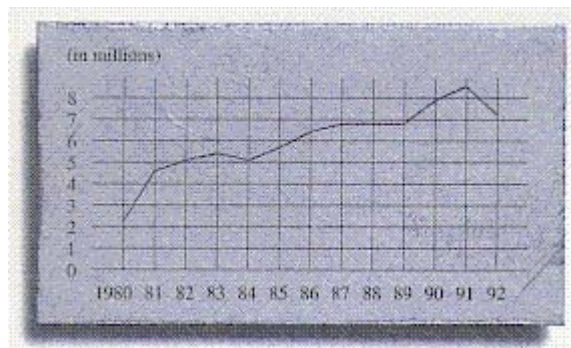


**Fig B.1**  
**AFRICA: Number of Refugees, 1980-1992**



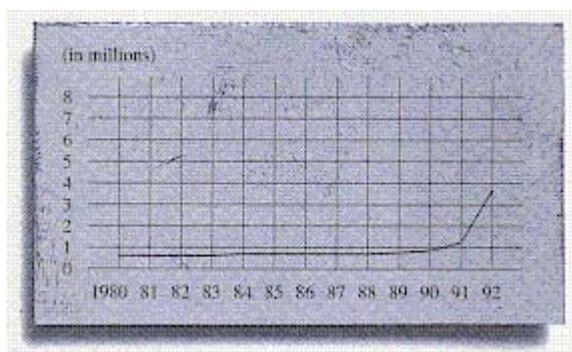
	1981: 2.7	1984: 3.0	1987: 4.0	1990: 5.6
	1982: 2.7	1985: 3.5	1988: 4.6	1991: 5.3
1980: 3.7	1983: 2.9	1986: 3.5	1989: 4.6	1992: 5.4

**Fig B.2**  
**ASIA: Number of Refugees, 1980-1992**



	1981: 4.6	1984: 5.1	1987: 6.8	1990: 7.9
	1982: 5.1	1985: 5.7	1988: 6.8	1991: 8.6
1980: 2.3	1983: 5.4	1986: 6.4	1989: 6.8	1992: 7.2

**Fig B.3**  
**\*EUROPE: Number of Refugees, 1980-1992**

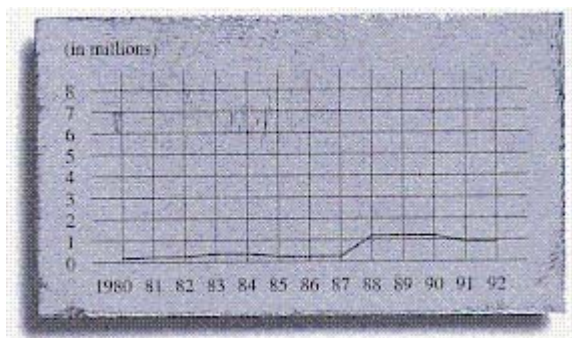


	1981: 0.6	1984: 0.7	1987: 0.7	1990: 0.9
	1982: 0.6	1985: 0.7	1988: 0.7	1991: 1.2
1980: 0.6	1983: 0.6	1986: 0.7	1989: 0.8	1992: 3.6

\* The total for 31 December 1992 does not include some 810,000 internally displaced people in Bosnia and Herzegovina.

*Note:* See Annex I.1 for breakdown of regions by country.

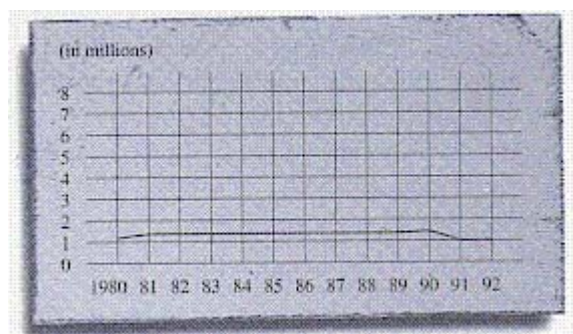
**Fig B.4**  
**LATIN AMERICA: Number of Refugees, 1980-1992**



	1981: 0.3	1984: 0.4	1987: 0.3	1990: 1.2
	1982: 0.3	1985: 0.3	1988: 1.2	1991: 0.9
1980: 0.2	1983: 0.4	1986: 0.3	1989: 1.2	1992: 0.9

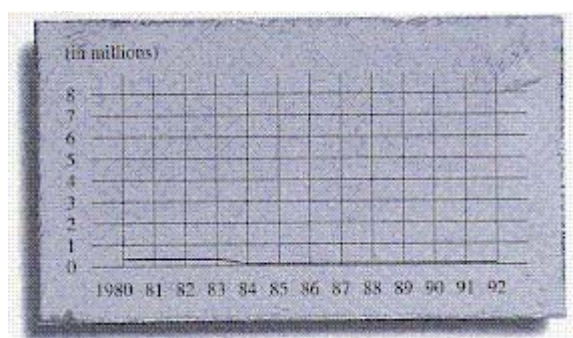


**Fig B.5**  
**NORTH AMERICA: Number of Refugees, 1980-1992**



	1981: 1.4	1984: 1.4	1987: 1.4	1990: 1.5
	1982: 1.4	1985: 1.4	1988: 1.4	1991: 1.0
1980: 1.2	1983: 1.4	1986: 1.4	1989: 1.4	1992: 1.0

**Fig B.6**  
**OCEANIA: Number of Refugees 1980-1992**



	1981: 0.3	1984: 0.1	1987: 0.1	1990: 0.1
	1982: 0.3	1985: 0.1	1988: 0.1	1991: 0.1
1980: 0.3	1983: 0.3	1986: 0.1	1989: 0.1	1992: 0.1

*Note:* See Annex I.1 for breakdown of regions by country.

### ***State responsibility***

The new emphasis on prevention necessarily throws the spotlight on the conditions and events that force people to flee. Such attention was conspicuous by its absence in the first three decades after World War II, an omission that in part reflected the political paralysis of a bi-polar world. In the receiving countries of the West, anyone arriving from the Soviet Union or one of its allies was automatically granted some form of asylum; no detailed scrutiny of their reasons for leaving was felt necessary. In the Third World, too, it was almost impossible to address the causes of flight if the source country could call on the protection of one of the superpowers – and almost all could to some degree. In the system of refugee protection, the country of origin was shielded from scrutiny by the privileges of national sovereignty.

Refugee policy was thus limited to dealing with the manifestations of the problem, since the causes were beyond the reach of international co-operation. The approaches developed in this period concentrated exclusively on the roles and obligations of countries of asylum. In the

1951 Convention, no specific reference was made to the responsibilities of countries of origin.

The preventive approaches being developed today are based on notions of state responsibility. Countries of origin are being called upon to eradicate the causes of flight and to facilitate return. This is in keeping with a growing tendency for the international community to concern itself with conditions that until recently would have been treated as internal matters: violations of human rights, repression of minorities, indiscriminate violence and persecution. Such conditions can no longer be seen as falling exclusively within the realm of domestic concern especially when they affect other countries by causing an outpouring of refugees. Efforts are being made to draw refugee-producing countries into a framework of international co-operation aimed at preventing, halting and reversing the conditions that cause people to flee.

The focus of international protection of refugees has broadened gradually. The shift makes itself felt in an emerging emphasis, alongside the right to seek and to enjoy asylum, on the right not to be unjustly compelled to leave home. There is, in the idea of a "right to remain", a strong presumption against expulsion, denationalization, exile and denial of return – and even against ways of pursuing political or economic objectives that cause masses of people to fear so deeply for their lives or security that they become refugees.

## **“The responsibilities of countries of origin are only now emerging from the distorted political perspectives of the Cold War”**

The emphasis on state responsibility is not limited to countries of origin. External forces, states and institutions often play major roles in triggering and sustaining refugee flows. They are even more strongly implicated in the deeper root causes of displacement such as economic inequality and deprivation, militarization and internal factionalism. An acknowledgment of shared responsibility can form the basis of broadly based political efforts to resolve refugee problems.

The principle of no forcible return of refugees to places where their lives or freedom would be threatened is essential to protect people whose right to remain at home has been violated. *Non-refoulement* has always been, and remains, indispensable to international protection. It is expressed as an obligation of states in the 1951 Convention, and has gained universal recognition through regional refugee instruments and as a part of customary international law. Despite broad acknowledgment of the principle, however, refugees continue to be refused entry or forcibly expelled, sometimes in very large numbers and to situations of grave danger.

The new emphases on prevention, repatriation and the responsibilities of states of origin do not in any way detract from this core principle of non-refoulement. Prevention is not prevention of movement but prevention of compulsion to move; repatriation of refugees must be voluntary and should not be encouraged until it is safe for them to go back. No country should act in a way that compels its people to flee but, in an imperfect world, the right not to be sent back is a crucial safeguard of life and liberty. Without it, there can be no meaningful international protection.

The responsibilities of asylum countries are well-established, even if they need to be constantly reaffirmed. The responsibilities of potential countries of origin, however, are only now emerging from the distorted political perspectives of the Cold-War period. The causes of refugee movements must now be urgently addressed in order to preserve the foundations of international protection – which could otherwise be overwhelmed, if only by the sheer numbers of claimants.

The conclusions now being reached seem self-evident in the cold light of current crises: the protection that the international community can offer to refugees is not an adequate substitute for the protection that they should receive from their own governments in their own countries. The generosity of asylum countries cannot fully replace the loss of a homeland or relieve the

pain of exile. In this time of heightened tensions between peoples within states, displacement is in too many cases not a by-product of aggression but one of its fundamental aims. Making sure that human rights are respected where people live so that they do not have to flee to find protection is a matter of the greatest urgency.

### **Box 1 Fridtjof Nansen: Pioneer of Protection**

Fridtjof Nansen, who is widely regarded as the founding father of the international system of protection and assistance for refugees, was born in Christiania, now the city of Oslo, on 10 October 1861. After achieving considerable success as a zoologist in his early twenties, he went on to make similarly valuable contributions to marine biology, oceanography, geology, anthropology and sociology.

Not content with purely academic pursuits, he became one of the leading Arctic explorers of the period. In 1888, at only 26 years of age, Nansen led the first expedition to cross Greenland. Five years later, he set about proving his theory that the Arctic icepack flowed from Siberia to Greenland via the North Pole region. In June 1893, he set sail in the specially designed *Fram* which was duly caught up in the ice and began the long drift north. By March 1895, however, the ship had made much slower progress than anticipated, so Nansen and a companion, Hjalmar Johansen, started off on their own across the ice. Although they failed to conquer the Pole, they went further north than anyone else had been, before being forced to turn back. After surviving a long and perilous trek south, and an entire Arctic winter spent in a makeshift hut living off walrus and polar bear meat, they were finally rescued in June 1896 and arrived back in Norway to tremendous acclaim on 13 August – five days before the *Fram*.

As a scientist and explorer, Nansen acquired such enormous stature that his transformation to statesman was almost inevitable. In 1905, when the union between Norway and Sweden broke up, he used his diplomatic skills and prestige to help win international recognition of Norway as an independent state.

When the League of Nations was created in 1920, the world was still suffering from the ravages of World War I and the ensuing political and social upheaval. Nansen believed that the new world body provided an unprecedented opportunity for establishing peace and reconstruction in a devastated Europe. He set out to prove that it was not just an idealistic concept but a practical tool for improving the lot of humankind.

Over the next three years he took responsibility for no fewer than four huge humanitarian operations. First, on behalf of the newly-formed League, he organized the repatriation of half a million prisoners of war from 26 countries, mainly in south-eastern Europe and the USSR. Next, after a devastating famine struck the USSR during the winter of 1921, Nansen was asked by the International Committee of the Red Cross (ICRC) and a number of governments to supervise a massive relief effort for some 30 million men, women and children who were threatened with starvation.

In addition to the prisoners of war, World War I and its turbulent aftermath had left a legacy of 1.5 million refugees and displaced people scattered in a variety of countries. In the autumn of 1921, in order to provide a focal point for the co-ordination of relief efforts, the League of Nations appointed Nansen as the first High Commissioner for refugees – a role he was to perform tirelessly until his death. One of the fundamental problems facing refugees and displaced people was their lack of internationally recognized identity papers. So in 1922 the new High Commissioner introduced the “Nansen passport”, the forerunner of today’s Convention Travel Document for refugees. It enabled thousands to return home or settle in other countries, and represented the first in a long and still evolving series of international legal measures designed to protect stateless persons and refugees.

In the same year, a war between Greece and Turkey caused several hundred thousand Greeks to flee from their homes in eastern Thrace and Asia Minor to Greece. Charged with finding a solution to this colossal dislocation, Nansen proposed a population exchange, as a result of which half a million Turks moved in the other direction, from Greece to Turkey, with the League of Nations providing compensation to help both groups reintegrate. This ambitious

and unprecedented scheme took eight years to complete, but was ultimately successful.

In 1922, Nansen received the Nobel Peace Prize for his work on behalf of refugees and displaced people. He died on 13 May 1930 at his home near Oslo. His name lives on as one of the great humanitarian innovators of the 20th century and a powerful reminder to humankind of its moral duty to protect and assist refugees and others in similar distress.

## **Box 2 The Evolution of Refugee Protection**

The international protection of refugees is a framework for promoting and defending the rights of people who have been forced to sever links with their home country. They know that they cannot rely, at home, on the protection of the police, access to a fair trial, redress of grievances through the courts, prosecution of those who violate their rights or help from their country's consular services when abroad. These are among the forms of legal and social protection that properly functioning government is normally expected to extend to its nationals at home and abroad. They make up the content of "national protection". Since refugees cannot count on national protection, and are unable to take advantage of the normal standards laid down by international law for the treatment of people outside their home country, special international standards have had to be defined to take account of their particular plight.

### **The foundations of international protection: 1921-47**

The conviction that the international community of states – rather than individual governments or private charitable organizations – has a duty to provide refugees with protection and find solutions to their problems dates from the time of the League of Nations. The aftermath of World War I, the Russian Revolution and the collapse of the Ottoman Empire produced mass movements of people in Europe and Asia Minor. The League of Nations defined refugees in terms of specific groups of people who were judged to be in danger if they returned to their home countries. The League's first action on behalf of refugees took place in 1921, when it created the position of High Commissioner for Russian Refugees – and elected Fridtjof Nansen to fill it.

Over the following years, the League set up a succession of organizations and agreements to deal with new refugee situations as they emerged. The list of national categories was progressively extended to take in Assyrians, Turks, Greeks, Armenians, Spaniards and Austrian and German Jews among others. Starting with the problem of identity papers and travel documents, measures to protect refugees became more comprehensive as time went on, covering a wide range of matters of vital importance to their daily lives, such as the regularization of their personal status, access to employment and protection against expulsion.

When the United Nations replaced the League of Nations in 1947, it established a new body, the International Refugee Organization (IRO). The IRO's mandate was to protect existing refugee groups and one new category – the 21 million or so refugees scattered throughout Europe in the aftermath of World War II. Initially, the IRO's main objective was repatriation, but the political build-up to the Cold War tilted the balance instead toward resettlement of those who had "valid objections" to returning home. Such "valid objections" included "persecution, or fear of persecution because of race, religion, nationality or political opinions".

### **UNHCR and the 1951 Convention**

The IRO was replaced by the Office of the United Nations High Commissioner for Refugees (UNHCR) in 1951. By that time, international protection was firmly enshrined as the new organization's principal *raison d'être*. The Statute of UNHCR, adopted by a General Assembly resolution in December 1950, outlines the responsibilities of the Office, the most important of which are "providing international protection ... and ... seeking permanent solutions for the problem of refugees".

The 1951 **Convention Relating to the Status of Refugees** was drawn up in parallel with the creation of UNHCR. It is a legally binding treaty and a milestone in international refugee law. It contains a general definition of the term “refugee” that no longer ties it to specific national groups: a refugee is a person who is outside his or her former home country owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, and who is unable or unwilling to avail himself or herself of the protection of that country, or to return there for reasons of fear of persecution. The Convention also clearly establishes the principle of non-refoulement, according to which no person may be returned against his or her will to a territory where he or she may be exposed to persecution. It sets standards for the treatment of refugees, including their legal status, employment and welfare.

The scope of the Convention, however, was confined to people who had become refugees as a result of events that took place before 1 January 1951, and signatory states were given the option of limiting its geographical application to Europe. In contrast, UNHCR was given a general competence to deal with refugee problems wherever they might arise, irrespective of date or location, as long as those concerned had a well-founded fear of persecution.

Subsequent decades demonstrated that movements of refugees were by no means a phenomenon confined to World War II and its immediate aftermath. As new refugee groups emerged, it became increasingly necessary to adapt the Convention in order to make it applicable to new refugee situations. In 1967, a **Protocol** was introduced which abolished the dateline, making the Convention truly universal. By June 1993, 111 states had signed both the 1951 Convention and the 1967 Protocol, and a further seven had signed one or the other.

## Regional initiatives

The Organization of African Unity (OAU) decided as early as 1963 that a regional refugee treaty was needed, in order to take account of special characteristics of the situation in Africa. The resulting 1969 **OAU Convention Governing the Specific Aspects of Refugee Problems in Africa** expanded the definition of a refugee to people who were compelled to leave their country not only as a result of persecution but also “owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his county of origin or nationality”.

In 1984, the Central American nations, joined by Mexico and Panama, adopted a declaration that built upon the OAU definition, adding to it the additional criterion of “massive violation of human rights”. Although not formally binding, the **Cartagena Declaration on Refugees** has become the basis of refugee policy in the region, and has been incorporated into the national legislation of a number of states.

The extended refugee definitions of the OAU Convention and the Cartagena Declaration have brought international protection to large numbers of people who may not be covered by the 1951 Convention but who are forced to move for a complex range of reasons including persecution, widespread human rights abuses, armed conflict and generalized violence. The extended definitions have been of particular importance in situations of massive influx where it is generally impractical to examine individual claims for refugee status.

The broadening of the refugee definition in response to regional considerations has provided much needed flexibility to international action on behalf of people forced to flee their countries. However, it has also introduced a new complexity in that a person recognized as a refugee in one country or region may not necessarily be considered one elsewhere.

## Refugees and displaced people

The UN General Assembly and the Secretary-General have, on an *ad hoc* basis, frequently asked UNHCR to take care of groups of people – usually referred to as “persons of concern” – who are covered neither by the 1951 Convention, nor even by the extended regional definitions of a refugee. It has been recognized, for example, that some groups of internally displaced people need international protection, such as the Kurds in northern Iraq and civilians in parts of Bosnia and Herzegovina.



The international community continues to devise innovative ways to respond to the needs of people who cannot rely on the protection of their own governments. It is less likely, today, to insist that they must first cross an international border in order to find help. While such flexibility marks a welcome advance, it is vital that the core elements of the international refugee protection system are not diluted in the process.

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<sup>1</sup> Unless otherwise indicated, all figures in the text are based on UNHCR statistics.

<sup>2</sup> Francis Deng, *Protecting the Internally Displaced: A Challenge for the United Nations*. Report by the Special Representative of the Secretary-General on Internally Displaced Persons to the UN Commission on Human Rights, 1993.