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A new asylum paradigm?
Globalization, migration and the uncertain future of the international refugee regime

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Introduction

"Stop the asylum invasion." "New shambles over asylum." "Poison gang are asylum seekers." "Asylum blamed for AIDS crisis." "Asylum threat to house prices." These are a few of the front-page headlines that have appeared in British newspapers during the past few months. [1]

As these headlines demonstrate, the last year has witnessed an extraordinary effort on the part of the press, supported by certain pressure groups and politicians, to convince the British public that the majority of asylum seekers are cheats, criminals and charlatans. Some commentators have suggested, somewhat naively, that the current challenge to asylum in the United Kingdom is simply a result of the competition for newspaper sales, and that it has no deeper social or political significance. This paper presents a different argument, suggesting that that recent developments in UK refugee and asylum policy are a manifestation of much broader and deeper trends, which are providing an important challenge to the international refugee protection regime.

That regime can be quickly summarized. In the 50-year period between the 1920s and the 1970s, a series of steps were taken to ensure that the international community could respond to refugee movements in a predictable and principled manner, protecting the rights of people who had been displaced by persecution or armed conflict. Those steps took three essential forms:

- the establishment of international institutions: for example the League of Nations High Commissioner for Refugees, the UN Relief and Rehabilitation Administration, the International Refugee Organization and, in 1951, UNHCR;

- the introduction of international legal instruments, such as the UN Refugee Convention, the otocol to that Convention, and the Organization of African Unity Refugee Convention; and,

- the development of international norms relating to the treatment of refugees, such as the right to leave one's own country; the right to seek and enjoy asylum in another state, and the principle that refugees should only go back to their country of origin on a voluntary basis.

The following pages of this paper suggest that the international refugee regime - its institutions, its legal instruments and its norms - are now under serious pressure. And as a result of that pressure, a new asylum paradigm appears to be emerging, based on the notion that the movement of refugees, asylum seekers and irregular migrants can be effectively "managed", thereby ensuring that such population movements take place in an orderly, predictable and organized manner.[2]

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[1] This paper, which is written in a personal capacity, is based on a May 2003 presentation at the inauguration of the British Refugee Council Archive at the University of East London, United Kingdom.

[2] See also Jeff Crisp, 'Refugees and the global politics of asylum', in Sarah Spencer (ed), *Refugees and the Global Politics of Asylum*, Blackwell Publishing, Oxford, 2003.

Some qualifications

Before going on to explain these developments, it is necessary to qualify the previous statement in three specific ways. First, we should not imagine that there was ever a golden age of asylum. States and other actors have always been prepared to violate the laws and norms of refugee protection when it suited them to do so.

Second, and as a corollary to the preceding point, the challenge to asylum is not a particularly new phenomenon. Even in early 1980s, for example, at a time when the UK was receiving only 4,000 asylum seekers a year, there were already clear signs that European governments were preparing to tighten up their asylum legislation. At that time, African countries were also beginning to violate the principle of *non-refoulement*, forcing or inducing refugees to go back to countries where they would be at risk.[3] So the current challenge to the international refugee regime is not particularly new, although it has certainly gained an increased impetus in the past few years.

Third, while the challenge to asylum appears to be a global phenomenon, it has taken different forms in different places. It would be misleading to suggest, for example, that Australia's refugee policy is the same as that of Norway's, or that refugees in Uganda are confronted with exactly the same protection problems as refugees in Kenya. Clearly there are national and regional variations.

Fourth, we have to be careful when making sweeping statements about the challenge to asylum. British asylum policy, for example, would appear to have become far more stringent in recent years. But the figures tell a more complex story. Between 1997 and 2001, the UK gave refugee or humanitarian status to more than 147,000 people, compared with just 40,000 people in the period between 1987 and 1991 - i.e. almost a 400 per cent increase in a decade.

In 2001, the number of asylum seekers allowed to stay in the UK was not only the highest of all the industrialized states, but was also more than the combined total of Canada, the Netherlands, France, Sweden, Australia and Denmark. On the basis of these figures, one could argue that the UK's recent asylum policy is less draconian than it is often assumed to be.

But these qualifications do not detract from the central point of this paper: namely that the past three decades have witnessed a declining willingness on the part of states to admit refugees onto their territory, to allow them to remain there, and to provide them with the rights to which they are entitled under international refugee law. As the High Commissioner for Refugees, Mrs Sadako Ogata, said before she left office in 2000: "Many countries are blatantly closing their borders to refugees while others are more insidiously introducing laws and procedures which effectively deny refugees admission to their territory." "The threat to asylum," she observed, "has taken on a global character."

The next sections of this paper look more closely at the reasons why the international refugee regime has come under such pressure in recent years. And in providing that

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[3] See, for example, Jeff Crisp, ''Voluntary repatriation programmes for African refugees: a critical examination', *Refugee Issues*, no. 2, 1986.

analysis, the paper makes a distinction between the less-developed countries of the world and the industrialized states.

Asylum, poverty and politics in less-developed countries

The declining commitment to asylum amongst the world's developing countries is a consequence of several interrelated political and economic trends. In the 1960s and 1970s, many of the world's refugees were the product of anti-colonial struggles and wars of national liberation, and they were therefore welcome by neighbouring and nearby states which had shared the same experience. The relative prosperity of many former colonial states in the early years of independence, coupled with the modest size of the refugee movements which took place at that time, also enabled those countries to bear the brunt of refugee influxes without too much strain.

These favourable conditions for asylum were reinforced by the relatively generous provision of international aid. In most developing regions, an implicit deal was struck, whereby states admitted refugees to their territory and provided land on which they could live and farm, while western donor states provided the funding - much of it channelled through UNHCR - that was required to feed, shelter, educate and provide health care to these exiled populations. As well as being an important humanitarian gesture, such assistance played a useful role in the efforts of western states to establish friendly relations with developing countries, thereby reinforcing their efforts to contain the threat of communist expansion.

During the past two decades, the political and economic underpinnings of asylum that existed in the 1960s and 1970s have been progressively dismantled. Sheer numbers have played a part in this process, because the scale and speed of refugee movements increased significantly in the 1980s and 1990s, due to the new forms of armed conflict and communal violence that flared up as the Cold War came to an end. No longer the victims of anti-colonial struggles, the new generation of refugees have not always been able to count on the sympathy of and solidarity of the countries to which they have fled.

During the 1980s and 1990s, countries such as Guinea, Malawi and Pakistan, which had previously admitted very large numbers of refugees, also began to feel that their generosity was too easily and quickly forgotten by the international community. Once the emergency was over and media attention had shifted elsewhere, levels of international assistance began to decline, and host countries were left to cope with the environmental and economic impact of the influx.

Once the Cold War had come to an end, donor states had less interest in using refugee assistance programmes as a means of developing closer ties with actual and potential allies in the fight against communism. Indeed, many of the world's largest refugee populations are currently to be found in countries which have little geopolitical significance and which have been bypassed by the process of globalization.

At the same time, these very same countries have been confronted with a wide range of political, economic and social problems: high levels of population growth and unemployment, declining levels of official development assistance, environmental degradation, the HIV/AIDS pandemic, and the imposition of structural adjustment

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programmes that led to cuts in public sector spending, services and jobs. Not surprisingly in this context, local populations began to resent the fact that refugees received free food, education and health care from the international community, while they were living in increasingly desperate circumstances and received almost no services from their own state.

The increasingly hostile reception accorded to refugees in developing regions can also be attributed to political developments at the national level. Prior to the 1990s, authoritarian governments and one-party states in Africa and other less-developed regions were relatively free to offer asylum to large refugee populations when they considered such a policy to be consistent with their own interests. But with the end of the Cold War and the introduction of pluralistic systems of government in many parts of the world, the refugee issue has achieved a new degree of political salience.

As in the industrialized states, both governments and opposition parties in less-developed regions have sought to mobilize popular support by promoting nationalistic and xenophobic sentiments, and by blaming their country's ills - such as insecurity and unemployment - on the presence of refugees, asylum seekers and illegal immigrants. In countries where large numbers of people are living at or below the poverty line - Cote d'Ivoire, Guinea, Pakistan and South Africa provide four good examples - such messages can have a potent appeal to voters.

The notion that refugee movements bring insecurity and economic hardship to local populations should not be entirely discounted. Indeed, there is evidence to suggest that problems such as crime, environmental devastation and declining wage rates can become more serious when large numbers of refugees enter an area, especially when those refugees receive inadequate assistance and they are obliged to pursue survival strategies that impact negatively on local communities.

There are two other factors that have to be taken into account when explaining the decline of asylum in less-developed regions. The first is the role of UNHCR. According to some critics, UNHCR has in recent years become preoccupied with the task of providing humanitarian assistance, and has not acted with sufficient vigour in relation to those states that disregard the basic principles of refugee protection.[4]

Indeed, some commentators have argued that UNHCR has actively participated in initiatives which withdraw or limit the protection available to refugees. The forced return of Rwandan refugees from Tanzania in 1997 is one case in point. Another is the decision to accommodate Afghan refugees in the volatile border area of Pakistan following the USA's bombing of the Taliban and Al Qaeda in 2001. According to this critique, UNHCR, the most important institution within the international refugee regime, has paradoxically been a factor in that regime's decline.

Second, if we are to understand the challenge to asylum that has taken place in less-developed regions, then we must look to the example that has been set by the world's most prosperous and powerful states. For the fact of the matter is that the industrialized states of Western Europe and North America - those states which

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[4] There is now a voluminous literature which expresses this point of view. See, for example, Gil Loescher, The UNHCR and World Politics: A Perilous Path, Oxford University Press, 2001.

played a leading role in the establishment and development of the international refugee regime - have in many respects led the effort to challenge the principles on which that regime is based.

Asylum and migration in the industrialized states

Most of the people who abandon their homes to escape from persecution and armed conflict either remain in their own country as internally displaced people, or they seek asylum as refugees in a neighbouring or nearby state. In other words, they remain in their region of origin. Between 1992 and 2001, for example, developing countries accommodated on average more than 70 per cent of the world's refugee population. At the beginning of 2002, around nine million of the world's 12 million refugees were to be found in the world's two least developed continents: Africa and Asia.

While most refugees remain in their region of origin, a growing number have looked for safety and security further afield, by seeking asylum in the industrialized states of Western Europe, North America and, to a much lesser extent, Australasia and Japan. In doing so, they join a broader stream of international migrants whose primary objective is to look for work, to attain a better standard of living, or to join family and community members who have already moved to another part of the world.

In reality, it has become increasingly difficult to make a sharp distinction between refugees and other international migrants. For in many cases, people move from one country and continent to another in response to a complex set of threats, hardships and opportunities. Fear of persecution and the threat of violence may coexist with a desire to gain access to the opportunities, services and resources that are available in the industrialized states.

Irrespective of their exact motivation, a large proportion of those people who have managed to move from poorer and less stable parts of the world to one of the industrialized states have sought to secure the right of residence there by submitting a claim to refugee status. Indeed, given the very limited opportunities that have existed for legal migration from the 'south' to the 'north' since the global economic crisis of the 1970s, it has been one of the few routes available to them.

Over the past 20 years, almost nine million asylum applications have been submitted in the states of Western Europe and North America. In the early 1980s, the number of applications filed each year stood in the region of 150,000, but thereafter the number increased very rapidly: from 250,000 in 1987 to a peak of 850,000 in 1992. While the annual totals have subsided since that time, they have remained at a relatively high level - between 500,000 and 600,000 - in each of the past four years.

The presence of these asylum seekers has met with mixed reactions. Refugee and human rights advocates have consistently pointed out that asylum seekers tend to come predominantly from those countries which are most seriously affected by persecution and armed conflict: Afghanistan, Iraq, former Yugoslavia, Sri Lanka and, most recently, from Zimbabwe. According to this argument, it is reasonable to assume that a large proportion of them have a valid claim to refugee status or some other form of humanitarian protection.

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Rejecting this claim, governments have pointed out that less than a third of all asylum applicants in the industrialized states are eventually recognized as refugees or given permission to remain in their intended country of asylum. On the basis of such statistics, they argue that asylum procedures have been abused by large numbers of economic migrants who have no need of international protection, and who have used illegal or irregular means to enter the country where they have submitted an asylum request.

Responding to this abuse, governments have over the past 15 years introduced a barrage of measures designed to prevent or deter people from arriving on their territory and seeking asylum there. Such measures include: extended visa requirements, carrier sanctions, pre-boarding documentation checks at airports, readmission agreements with transit countries, the interdiction and mandatory detention of asylum seekers, restrictive interpretations of the refugee definition, restrictions on freedom of movement, the withholding or withdrawal of social welfare benefits, and limitations on the right to work.

The introduction of these measures has been surrounded by considerable controversy and political turmoil. The issues of asylum and migration have risen to the top of the political agenda in many of the industrialized states. And in a number of countries, the fate of governments and opposition parties has been determined by public attitudes towards the asylum issue.

While it may only be in Britain that asylum seekers have been seen as a threat to house prices, the citizens of many other industrialized states now appear to perceive illegal and irregular migration as a threat to other aspects of their way of life. Of course, such opinions are not shared by all of the citizens or politicians in the world's more prosperous countries. But recent opinion polls and election results would appear to suggest that the challenge to the international refugee regime has the support of significant numbers of people in Western Europe, North America and Australia.

Why exactly have attitudes towards asylum become so negative in the industrialized states? The next part of the paper seeks to answer that question, drawing attention to three major clusters of factors: racism, terrorism and globalization; the limitations of public policy; and the role of the media and of political leadership.

Racism, terrorism and globalization

A number of commentators have suggested that public opinion in the industrialized states is generally not averse to migration *per se*. Indeed, traditional settlement countries such as the USA, Canada and Australia owe their modern existence to international migration (albeit migration of a selective type), and continue to view it favourably.

According to this argument, which appears to have some validity, migration is acceptable to the public when it is modest in scale, orderly in nature and appears to meet national or local labour market needs. Britain's readiness to accept significant numbers of immigrants from Asia and the West Indies in the 1950s and 1960s, at a time when the country was more insular and racist than it is today, would appear to support this case.

Immigration is not appreciated, however, when it involves large numbers of people who enter the country in an irregular or illegal manner and who appear to bring little financial or social capital with them. And that, of course, is how asylum seekers are generally perceived today in the industrialized states.

While this argument has a certain element of truth, it hides a more uncomfortable reality. And that is the reality of racism, religious prejudice and the inequitable nature of global power relations. Is the current outcry about asylum seekers in the UK and other European countries really because the people concerned have come to the country without a visa and have thrown away their passport? Or is it because a considerable proportion of them are young men, originating from countries in the Middle East and Central Asia which are associated in the public mind with radical Islam and political violence? In this respect, it could be argued that an important connection exists between the 'war of terror' and the mounting challenge to asylum since the events of '9/11'.

Finally, there is an important link to be explored between the challenge to asylum and the process of globalization. Globalization appears to have prompted the movement of people from one part of the world to another by exacerbating socio-economic differentials between and within states. In general, those migrants and asylum seekers who make their way to Europe and North America come from countries and communities which have lost out in the globalization process. At the same time, globalization has facilitated the movement of migrants and asylum seekers through the establishment of complex social, technological and cultural networks that link the less-developed countries to the industrialized states.

As many commentators have pointed out, while globalization is predicated on the principle of free movement - of goods, services, information, capital and highly-qualified personnel - it does not admit the principle of free movement for people who are poor, relatively unskilled or who are escaping from persecution and violence. So, while globalization has created the conditions which prompt and enable people to migrate, it has also prompted the world's more prosperous states to obstruct such movement. In this respect, the challenge to asylum has exposed an important contradiction in the process of globalization.

The limitations of public policy

One of the most striking features of the asylum issue in the industrialized states is the extent to which it has proved impervious to the usual instruments of public policy. Of course, the restrictive measures introduced in the late 1980s and 1990s succeeded in first reducing and subsequently stabilizing the number of asylum applications submitted in the world's richer countries.

But there is also considerable evidence to suggest that these measures also prompted asylum seekers and other migrants to move to alternative destinations, to identify new migratory routes, and to fuel the growth of an industry that is dedicated to human smuggling and which is linked to other illicit transnational activities: the trafficking of women and children for sexual purposes, as well as the smuggling of narcotics, firearms and other prohibited goods.

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In the case of the UK, migrants, asylum seekers and their smugglers have been particularly adept in remaining one step ahead of the state. Over the past decade, British governments have introduced an almost constant stream of legislative and administrative measures, all of them designed to limit the number of asylum applications the country receives. And yet the figures have risen quite consistently: from just over 30,000 in 1992, to more than 110,000 in 2002.

As well as failing to control the numbers in the way they would like, the industrialized states have generally found it very difficult to establish effective and expeditious procedures to process claims to refugee status. This problem has been manifested in a number of ways: in the prevalence of asylum backlogs, delays in status determination, in a failure to ensure the removal of asylum seekers whose claims to refugee status have been rejected, and, in the *de facto* or *de jure* declaration of amnesties for irregular migrants.

These developments have had three consequences. First, they have arguably made seeking asylum a less risky business and thereby a more attractive proposition for potential migrants. In other words, they have actually encouraged people to make use of the asylum route into the industrialized states.

Second, they have entailed considerable costs. While the accuracy of the figures is somewhat doubtful, the industrialized states claim to spend in the region of $10 billion each year on their asylum systems - a figure that is far higher than the $850 million that UNHCR spends on almost 20 million refugees and other displaced people around the world.

Third, the difficulties and inefficiencies experienced by asylum systems in the industrialized states have communicated an impression of governmental hesitancy and incompetence which has played into the hands of those newspapers and politicians who argue that the issue of asylum can only be resolved by means of draconian measures which give much greater weight to the imperative of immigration control than respect for human rights.

In this respect, asylum policy in the industrialized states may have become a proxy for a more general authoritarian political agenda. In other words, if you can first establish the case for detaining asylum seekers without trial, requiring them to carry identity cards and subjecting them to random checks, then eventually you may be able to introduced similar controls in relation to other sectors of the population.

The role of the media and political leadership

The tabloid press in the United Kingdom has done an extremely effective job in weaving together the concerns and fears of the British public and associating them with the asylum seeker: illegal immigration, radical Islam, terrorism, crime, disease, an overstretched health service; and to make it all worse: falling property prices.

There is something quite farcical about the frenzied way in which the British tabloids have treated the asylum issue. But this is not a laughing matter. To quote from a spokesman of the far-right British National Party: "There's an old saying that you need a bit of luck in politics. Well, we've had quite a bit of luck in that newspapers

have become obsessed with the asylum issue. I have not been able to believe the Daily Express. Issue after issue, day after day, asylum this, asylum that. So we now have the luxury of banging on people's doors with the mainstream issue of the day."

The tangible results of these developments are to be found in the rising tide of violence inflicted on refugees and asylum seekers - incidents which are reported in the headlines of the very same newspapers that have whipped up such xenophobic sentiments: "Thugs attack asylum seeker." "Refugee hurt in city gang attack." "Afghan man beaten to death after night out." "Refugee fled Saddam's torture, only to be attacked by racists."

Regrettably, the inability of the industrialized states to address the asylum issue effectively has proven to be socially and politically corrosive. Rather than showing real leadership in this area of public policy, governments and opposition parties in Europe and other continents have too often been locked into an unseemly competition to talk tough on asylum, to scapegoat the asylum seeker and to mollify the more rabid sections of the media.

An almost inevitable effect of these negative political tactics will be to reinforce the marginalization of those asylum seekers who are recognized as refugees, making it more difficult for them to find work and to contribute to the economy of the country where they have been granted asylum. In this way, the notion of the dependent refugee, unable to get a regular job and relying on social welfare benefits, will become a self-fulfilling prophecy.

Looking to the future

Having looked at the past and the present, the final section of this paper examines the future of the international refugee regime, continuing to focus on the situation in the industrialized states.

Throughout the 1990s and the early 2000s, the industrialized states pursued a two-track approach to the asylum issue. On one hand, they introduced the range of restrictive measures described earlier in my presentation, in the hope that these measures would limit the number of asylum seekers arriving and remaining on their territory. At the same time, and perhaps recognizing that these restrictive measures would not work very effectively, they examined - and to a limited extent pursued - a range of alternative asylum and migration policy measures.[5]

Some states (and the European Union) looked at the possibility of reducing 'migration pressures' in countries and regions of origin by means of development assistance, debt reduction, the promotion of human rights and good governance. Others began to look into the possibility of opening up regular channels of labour migration, so as to meet their own labour needs and to make it unnecessary for migrants to move by illegal and irregular means. During the 1990s, governments also began to place their faith in

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[5] These alternative approaches are in examined in Jeff Crisp and Damtew Dessalegne, ''Refugee protection and migration management: the challenge for UNHCR', New Issues in Refugee Research, no. 64, August 2002.

'migration information campaigns' so as to counter the unrealistic expectations of potential migrants living in low and middle-income countries.

While such proposals remain on the table, they have to a considerable extent been overshadowed by a newer and more radical approach to the asylum issue, based on the notions of 'extraterritorial processing' and 'protection in regions of origin'. Such concepts are at least 10 years old, and were operationalized to some extent in the early 1990s, in the USA's treatment of asylum seekers from Haiti. But they have recently gained a new degree of prominence, not least because of Australia's policy of initially detaining and subsequently refusing to allow the disembarkation of asylum seekers who arrive in the country by boat[6], and because of a controversial report prepared jointly by the UK Cabinet Office and Home Office in early 2003.[7]

According to the recommendations presented in that report, the UK should in future not process any asylum applications on British territory, with the possible exception of some special groups, such as children, disabled people and high-profile political dissidents. All other asylum applicants should be removed from the country.

Some would be sent to a regional processing centre on the outskirts of the European Union (Albania, Croatia and the Ukraine apparently being some of the locations under consideration) where their applications for refugee status would be examined. Successful applicants would subsequently be resettled in the UK or another EU country. Rejected cases would be returned to their country of origin.

According to the report, other asylum seekers would be removed to so-called 'protection areas' in their regions of origin, locations where some of the money saved on the UK's domestic asylum procedures would be used to enhance the protection and assistance available to refugees. As a result of these measures, it was suggested in the report, people who faced the threat of persecution and armed conflict in their own country would no longer need to move halfway round the world, spending large amounts of money and taking huge risks in the process, in order to find a safe refuge.

Since that report was originally prepared, the UK has repeatedly modified its proposals, while retaining the central concepts of regional processing and protection in regions of origin. At the same time, UNHCR has made its own proposals in relation to the future of asylum in Europe, which would limit regional processing to asylum seekers from countries that do not normally produce refugees, and which would bring any regional processing centre within the boundaries - and the legislation - of the European Union.

Inevitably, these new approaches to the asylum issue have met with very mixed opinions. Those who support the notions of regional processing and protection in

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[6] 'Protecting Australia's border', Research Note no. 24, Department of the Parliamentary Library, Canberra, November 2003. See also, Amnesty International, 'Offending human dignity: the "Pacific Solution"', Report no. ASA 12/009/2002, August 2002, and Human Rights Watch, 'By invitation only: Australian asylum policy', New York, December 2001.

[7] For details and a critique of the UK proposal, see Gregor Noll, 'Visions of the exceptional: legal and theoretical issues raised by transit processing centres and protection zones', European Jounral of Migration and Law, vol. 5, no. 3, 2003; and, Amnesty International, 'Unlawful and unworkable: Amnesty International's views on proposals for extra-territorial processing of asylum claims', London, April 2003.

regions of origin argue that these innovations constitute a genuine attempt to provide protection to *bona fide* refugees, while simultaneously addressing the issue of illegal and irregular migration, undertaken by people who do not have a valid asylum claim. Others, most notably human rights and refugee organizations, have suggested that these new approaches are simply a new tactic in the challenge to the principle of asylum, and are designed to ensure that the world's less-developed countries continue to bear a disproportionate responsibility for the world's refugees.

Whatever the motivation and justification for these recent proposals, it would be naïve to think that new asylum policies, based on the notions of regional processing and protection in regions of origin, will prove easy to implement. As the UK's Refugee Council has pointed out, numerous practical considerations will have to be taken into account if these approaches are to be implemented[8]:

- will asylum seekers who have made their way to Europe quietly accept their removal to a regional processing centre or to a protection area in their region of origin?

- will it be possible to manage, and to uphold human rights standards, in processing centres where a considerable number of very disappointed people from a wide variety of different countries and cultures are detained?

- if such centres and areas are established, will it be possible to exclude human smugglers, seeking new clients from amongst the mass of people whose dreams of moving to the industrialized states have been shattered?

- is it possible to establish areas that are genuinely safe and secure for refugees in troubled locations such as West Africa or the Horn of Africa?

- will western governments really be able to transfer funds which are currently used for domestic asylum purposes to their overseas development and humanitarian assistance budget?

- even if such funding is available, will states agree to the establishment of regional processing centres and protection areas on their territory?

- if asylum seekers know that they will be removed to a regional processing centre or a protection area in their region of origin, why would they even submit a claim to refugee status and present themselves to the authorities? Would it not be less risky for them to simply enter their country of destination and to remain their on an illegal basis?

While such questions remain to be answered, the significance of recent proposals in relation to extra-territorial processing and protection in regions of origin cannot be disputed. For these proposals represent an important shift in the asylum paradigm.

Traditionally, the international refugee regime has functioned by responding in a reactive manner to the arrival of refugees and asylum seekers in potential host

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[8] Refugee Council, 'Unsafe havens, unworkable solutions: a Refugee Council position paper on the UK proposals for transit processing centres for refugees and regional management of asylum', May 2003.

countries. Today, states and other actors are increasingly talking in terms of the need for more effective "migration management," whereby the movement of people from one part of the world – including refugees and asylum seekers - assumes a more predictable, orderly and organized form.

It is for this reason that a number of European governments have begun to express a new interest in organized refugee resettlement programmes, and in 'humanitarian visa' systems, which would allow asylum seekers to submit a claim to refugee status in their country of origin. Similarly, it seems likely that in the years to come, the industrialized states will seek to use their combined economic and diplomatic weight to ensure that countries of origin in less-developed regions re-admit nationals whose claims to refugee status have been rejected.

It is difficult to question the advantages of predictable and orderly population movements - not least for refugees and asylum seekers themselves, who often encounter numerous threats to their security and welfare in the search for a safe haven in another country. But in pursuing the objective of "migration management", two issues must be taken into account.

First, migratory movements involving refugees and asylum seekers are inherently chaotic and unpredictable, involving individuals and groups of people with strong fears, emotions and aspirations. While the notion of "migration management" has a reassuringly technocratic ring to it, we can be sure that the reality will prove to be considerably more complex, controversial and costly than this concept implies.

Second, and to return to the opening theme of this paper, the international refugee regime has a long and proud history of providing protection to people whose lives and liberty are at risk. In seeking new approaches to the issue of asylum, the fundamental human rights principles on which that regime is founded must be jealously guarded.