



Discussion Paper by the Office of the High Commissioner for Refugees on Racism, Racial Discrimination, Xenophobia and Related Intolerance towards Refugees

1. Background: The Nature of International Protection

What sets refugees apart from other categories of 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. The protection that the international community extends to refugees recognises the specific needs of people who have good reason to fear that effective protection will not or cannot be provided in their own countries.

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 principle of *non-refoulement* is therefore extremely important in the protection of refugees. Protection must include both the physical security and human dignity of refugees. The essential elements of international protection, then, are admission to safety, exemption from forcible return (*non-refoulement*), non-discrimination, and assistance to meet their basic needs and fundamental human rights.

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. The process of becoming a refugee is not instantaneous. It proceeds through the often slow growth of root causes to the sudden flash of an immediate catalyst that generates actual flight.

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. This no longer applies as millions of people have become displaced within their own countries and the recognition of the need to monitor returnees after they have returned to their countries or places of origin.

UNHCR's protection strategy therefore encompasses a comprehensive policy that deals with the whole cycle of forced displacement. Firstly, it seeks with others, to prevent the deterioration of conditions to the point where people are forced to flee. Secondly, it tries to meet their needs for protection and assistance during flight and in countries of asylum. Lastly, it tries to promote and contribute to the safety and welfare of refugees in the early stages of repatriation to their countries of origin. UNHCR has seen at first hand that issues of racism and intolerance are serious obstacles at each stage of this displacement cycle.

2. Racism and the Cycle of Forced Displacement

Refugee numbers have been increasing dramatically. The world's refugee population has grown to 22.2 million. Millions more people have been uprooted but remain displaced within their own countries. UNHCR has reacted by trying to address the refugee problem in its totality, from exodus, protection during asylum to voluntary return and successful reintegration. In seeking durable solutions to refugees' problems, UNHCR attempts to help

those who wish to return to reintegrate into their countries of origin. Failing that, UNHCR assists in other durable solutions such as local integration in the host state or resettlement to some third country.

Conflicts and tensions between ethnic groups have proliferated in nearly all parts of the world. Armenia, Azerbaijan, Kosovo, Former Yugoslavia, Sierra Leone, Rwanda, Burundi, Sudan, Eritrea, Indonesia and Ethiopia are among the long list of examples. Very few states are ethnically homogeneous.

Racism as a Root Cause of Refugees' Displacement

Ethnic and racial tensions can be seen as a root cause of refugee flows for two reasons, First, they can be a consequence of, or form an intrinsic part of political strategies to exploit the differences between different ethnic groups in order to mobilize support. Ethnic antagonisms can be deliberately fanned for their own and sometimes unrelated ends. Second, despite the fact that most states contain a variety of ethnic groups, the ethnic identity of a single group is all too often made into a defining characteristic of nationality. Some minority groups may be seen as an obstacle to nation-building, incapable of adapting to a homogeneous, national identity.

Recurrent conflict among ethnic or communal groups within a state calls for mediation by the central government. If the state is party to the conflict or if it is otherwise unwilling to perform its mediating role effectively, 'ethnic cleansing' or other forms of forcible segregation of populations may be the result. This can lead to the creation of very large flows of refugees as in Kosovo, Bosnia-Herzegovina, Armenia, Azerbaijan and Rwanda.

While the events that trigger refugee outflows are specific to each particular setting, certain common characteristics are apparent. The immediate cause of flight is in most cases an imminent threat to life, liberty or security. The deliberate expulsion of an ethnic group may be the direct tactic and object of the conflict itself.

A requisite for the prevention of refugee flows and for the promotion of voluntary repatriation as a solution to refugee problems is sufficient political will by the States directly concerned to address such issues such as respect for human rights, the non-use of force, the peaceful settlement of disputes and economic and social development.

Racism during Refugee Displacement

The impact of forcibly displaced persons, including refugees, on the host state and population can be significant, particularly in mass influx situations. Some host communities regard the arrival of refugees as an unwelcome disruption to their normal lives. Some see refugees as a threat to their national way of life or culture and even as a threat to the national security and stability of the state. Yet others regard all foreigners as competition for limited local resources in the labour market or social welfare support systems. The positive contribution that refugees can make to their hosts' societies and the fact that they are in need of humanitarian support and protection which is lacking in their own countries, is often lost in the emotive debate about "unwanted" migrants generally.

This environment can be a fertile ground for racism, xenophobia and related intolerance to develop. It can be easily aggravated by an irresponsible media, a lack of education in the host population or by manipulation for political rather than humanitarian purposes. This environment can erode the quality of asylum offered by the host state and once it has taken root, it is not easily eradicated. To combat these negative trends, it is important that host

populations are encouraged to see refugees not as ordinary migrants but people needing and deserving international protection and support. This can be addressed, in part, through education programmes and responsible media coverage of refugee issues in order to de-dramatise and de politicise issues that are, essentially, of a humanitarian character.

Racism as a Factor in Finding Solutions, Particularly Return and Re-integration

There are three durable solutions to refugee displacement; local integration in the host country, resettlement in a third country; or voluntary repatriation to a refugee's country of origin or place of former habitual residence. In relation to the first two options, racism and xenophobia will be serious obstacles to the successful integration of people into the new societies for some of the reasons given above. Although the most viable durable solution will depend upon the specific context of each refugee situation, voluntary repatriation will be the most preferred of the durable solutions to the refugee problem, particularly where mass movements of refugees are involved.

By September last year, UNHCR had assisted some 513,000 refugees to return home in 1999. In the past, repatriation operations took place as the last stage in the process of a states' return to normality and usually after peace and stability had been restored to a country. However, in the 1990's we have seen that repatriation is increasingly taking place in less than ideal circumstances and sometimes in conditions of continued conflict and general insecurity in the country of return.

Today's large scale returns tend to occur in the midst of this process. It is important to emphasise that refugees themselves play an important role in peace-building and peace-making process in the countries of origin. 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 and its leadership. Repatriation in an unstable setting poses considerable risk for refugees, but they often make the decision to return despite the dangers that confront them.

UNHCR's legitimate concern therefore for the consequences of return has been acknowledged since 1985. UNHCR has sought to ensure the sustainable return or effective re-integration of refugees and, where relevant, internally displaced persons, which involves the reinstatement of national protection by the country of origin.

The paper addresses some of the current dilemma in reintegration. It does not provide any specific operational recommendations but, rather, it describes some of the main obstacles posed by racism and ethnic discrimination to effective return and reintegration. It also gives a non-exhaustive summary of the key areas that need attention if these obstacles are to be overcome and if return is to be sustainable.

Some of the obstacles to the return of refugees to their country of origin can be attributed to a weak state and civil society which makes the process of peace building and the creation of a stable and secure environment difficult. In addition, the precise nature of the return movement will also affect any peace-building process. Repatriation of refugees *en masse*, as opposed to smaller numbers over a long period of time, has significant implications for the reintegration process. It may affect the process of economic reconstruction, especially where large numbers of returnees place a strain on local resources and infrastructures. Large scale return may also influence the policies and legitimacy of the state, especially in the context of elections, or where return alters the military or political balance of power from one ethnic group to another. Repatriation may also either facilitate or jeopardise the process of reconciliation between parties to a conflict.

Another consideration is that social and economic tensions caused by large-scale return may, in themselves, undermine peace-building efforts. For example, where large numbers of returnees wish to reclaim occupied property after a long period in exile the reintegration process will be very complicated.

Given the enormity of these challenges, the reintegration of returnees is treated as an integral element of the broader process of peace building. Likewise an effective process of peace building will be *sine qua non* for the effective establishment of national protection. In order to meet these challenges, the state is essentially dependent on the successful reconstruction of civil society and the process of reconciliation. It is therefore crucial for states emerging from violent ethnic conflicts to secure the commitment and participation of all levels of society to the process of reconciliation.

Reconciliation in its widest sense, requires that the parties to the conflict have a common understanding of the causes and nature of the conflict and develop some shared notions of responsibility. At the very minimum, reconciliation involves ensuring the peaceful co-existence of parties to the conflict. Reconciliation requires a number of components, including consensus-building on notions of responsibility and justice. It also involves the promotion of human rights and minority rights through legislation and education, and some form of equitable redistribution of economic and social wealth of the “new” society. goods. Finally, it is vital to provide a safe environment for people to be able to invest in rebuilding social relations.

In 1985 the Executive Committee concluded that the monitoring of amnesties, guarantees and assurances ‘should be considered as inherent in the High Commissioners mandate’. Since the early 1990’s UNHCR’s protection role has extended beyond the monitoring of amnesties and guarantees, to monitoring key human rights of refugees. In this context key human rights are understood to mean, at a minimum, the right to life, liberty and physical integrity. Increasingly, UNHCR also monitors a broader set of rights, including access to due process, property restitution or compensation, education, right to work, the right to freedom of movement. In some recent return operations, such as in Rwanda, Kosovo and Former Yugoslavia, UNHCR has also introduced new approaches to protection, supplementing monitoring with protection activities such as promotion of freedom of movement and inter-ethnic reintegration.

Central to the role of human rights monitoring has always been the principle of non-discrimination between returnees and local populations. Once it has been established that returnees were not discriminated against in the enjoyment of key human rights, or if discrimination persisted but national institutions provided an adequate remedy, then it was commonly assumed that UNHCR could phase out its monitoring activities in the country of origin. More recently, in the context of complex multi-national peace keeping operations, UNHCR has also increased its collaboration with military and human rights actors in order to encourage or assist the state in providing national protection to returnees.

Monitoring is often complemented by activities to promote equity, justice and demilitarisation. Community-based activities at the grass-roots level are particularly valuable and effective and often involves multilateral partners. Clearly, for repatriation to be sustainable and if the root causes of refugee flows are to be curbed, then strong action must be taken at the national level to deal with discrimination of minority groups upon their return.

Conflict and tension increase when affected groups resolve to fight back, or seek other remedies. Racism or discrimination on the basis of race and ethnicity affects all of us and all of us have the responsibility of challenging and ending it. Efforts must be made to ensure that this issue is tackled by all concerned parties. There can be no doubt that failure to take

positive action often leads to more serious social problems, even to violent conflict and the outflow of refugees. The protection of returnees from discrimination of any form and the protection of the rights of minorities in general becomes imperative.

3. Common Steps That Must Be Taken:

Although the context of refugee displacement varies greatly from situation to situation, there are a number of common issues relating to racism and discrimination that will always need to be addressed if refugees are to be treated humanely during the period of displacement and in common efforts to find durable solutions to it:

- States should ensure that all sectors of the society take concerted action to address with urgency the persistence of racial division and conflict in the society, especially the persistence of racism against people perceived as ‘foreigners’ or ‘aliens’. This requires sustained educational and proactive initiatives in those various sectors at the community level which are geared towards promoting harmonious social relations between different ethnic groups.
- The major institutions at all levels of community life should be targeted. For example, the family is the primary building block for the healthy development of the child and needs specific attention if future generations are not going to be drawn into the same cycles of prejudice and intolerance that give rise to further refugee displacement; the schools, colleges and universities are places of growth and enlightenment where a culture of respect for human dignity and difference can be developed : law and policy-makers and other members of the elite in any society are opinion-makers who can mould the shape and future direction of the society; the workplace is where reward and advantage can take place in a spirit of Competitiveness but where respect for human dignity and non-discrimination on the grounds of race can be respected; religious leaders and religious institutions will be essential if moral, ethical and spiritual rejuvenation of the society is to take place.
- States at the national and local levels need to invest more resources and efforts towards eliminating the root causes of racism and xenophobia in the society. What is needed is for states to help bring about a change in the economic, social, political and ethical policies that encourage or allow racism, xenophobia and discrimination against returnees.
- States should take the lead in promoting inter-cultural activities where all sectors of the community participate in and learn from each other in the spirit of harmony and mutual respect and co-operation. In these initiatives, NGOs and the various religious organisations would be willing partners.
- Public officials, in recognition of the influence they exercise on public opinion must be made more responsible and accountable for their public statements. They should reflect on and be made aware that they contribute to social tensions.
- To help create and foster health social attitudes, there is a need to expand communication and education about racism and xenophobia. On-going public information campaigns by States, NGO’s, UNHCR and other UN agencies should be encouraged. Here, the media has an essential function as a tool for positive social change as opposed to an instrument to propagate hatred and intolerance. The mass media can shape perceptions and attitudes and media reporting and commentaries often stereotype minorities. Given the importance of this medium of communication, UN agencies and all responsible sectors within the state should sensitise the public to the existence and

extent of racist and xenophobic prejudices and their consequences. In other words, the Media should be used as a conduit for positive rather than negative messages.

- In the search for solutions to the problem of racism and xenophobia, we must not only debunk assumptions about the socio-economic context in which they are supposed to occur - and which have often been used by some groups to encourage it – but we must seek actively to eliminate economic racism and ethnic discrimination from the structures and systems of government itself.
- The perpetrators of racist and xenophobic violence must be effectively and openly condemned through the courts of law, human rights commissions and ombudsmen's offices. The judicial system and penal institutions must ensure that racially motivated attacks are not tolerated and that a culture of impunity is not allowed to take hold in any "newly" forming society. This should take place at the international and national levels.
- There is also a need for strong and independent advocacy by NGO's in order to sensitise the public and government officials on the issue of racism and ethnic discrimination and xenophobia. As a corollary, state party reporting to the Committee on the Elimination of Racial Discrimination should take place in a spirit of open and constructive dialogue rather than one characterised by defensiveness and suspicion of external interference.
- Independent National Human Rights Commissions, Ombudsmen Offices and members of the Judiciary within the state will also be crucial partners in overcoming racism and xenophobia, ethnic tensions and discrimination against minorities.

4. Conclusion

If all of these efforts are addressed in a comprehensive and rational way, then two purposes will be served. First, returnees will be humanely and effectively reintegrated into the fabric of their former societies. Second, the root causes of any future displacement will be addressed and hopefully ameliorated before they are too far advanced and become intractable. No-one can pretend these efforts are easy. They require the collective and comprehensive engagement by all members of the international community and those at all levels of civil society in countries of asylum and within the country of return.

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