Refugees and the Politics of Asylum since the Cold War

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What is ‘forced migration’?

- Forced migration has been a major feature of the post Cold War era:
  - **Refugees**: are outside their country of origin due to a well-founded fear of persecution
  - **Internally Displaced Persons (IDPs)**: have not crossed an international border
  - **Stateless persons**
  - **Environmental displacement**
  - **Development-induced displacement**
  - ‘Protection’ as the common challenge
Forced migration and IR

- International relations (IR) has not systematically engaged with forced migration
  - Initial interest during ‘issue-widening’, but not sustained
  - Yet forced migration “touches on issues relating to international cooperation, globalization, global public goods, ethnicity and nationalism, sovereignty, international organizations, regime complexity, security, regionalism and North South relations, for example” (Betts, 2009)

- Likewise, the study of forced migration has not systematically engaged with IR
  - Dominant approaches: Law and anthropology
Forced migration and IR

- Forced migration not just a humanitarian issue, but linked to broader political dynamics
- Betts (2009), *Forced Migration and Global Politics*
  - Utility of IR topics to the study of forced migration
  - **Causes:** Underlying political causes linked to trends in the international system and geopolitics
  - **Consequences:** In addition to human rights concerns, forced migration may cause conflict and undermine conflict management and regional relations
  - **Responses:** The role of IR in explaining the response of states to forced migration and the effectiveness of the global refugee regime – especially since the Cold War
Refugees and asylum

- **1948 Universal Declaration of Human Rights**
  - Art. 14(1): Everyone has the right to seek and to enjoy in other countries asylum from persecution

- **1951 Convention relating to the Status of Refugees**
  - Art. 1A(2): Refugee definition: Outside country of origin owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion
  - Art. 17: Right to work
  - Art. 26: Freedom of movement
  - Art. 33: *Non-refoulement*
The global refugee regime

- Krasner: Regime as “principles, norms, rules, and decision making procedures around which actor expectations converge in a given issue-area”
- UN General Assembly Resolution 428 (V): Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR)
  - Mandate to ensure protection and find solutions
  - Limited temporal and geographic mandate
  - Dependent on voluntary funds (politics of donors)
- The global refugee regime (1951 Convention and UNHCR) as a case study for the broader study of regimes and global governance
Refugees in the Cold War

- **Political utility of refugees**, especially during the ‘Second Cold War’:
  
  “As part of the geopolitics of the Cold War, the United States perceived refugee problems in the Third World as possible sources of instability which the Soviet Union could exploit. Western governments consequently came to see assistance to refugees as a central part of their foreign policy…” (Loescher, Betts and Milner, 2008)

- **Three ‘types’ of Cold War refugees**
  - Resettlement for refugees fleeing Communism
  - Support for ‘refugee warriors’ in proxy wars
  - Limited engagement with others
Type 1: Anti-Communist

- Response to Eastern European refugees throughout the Cold War: Resettlement
- Political utility of refugees “voting with their feet” against Communism
- Expansion to refugees from Vietnam, Laos and Cambodia post 1975 and the Comprehensive Plan of Action (CPA)
  - 1975 to 1995: 1.95 million refugees resettled
Indochinese refugee crisis
Type 2: Refugee warriors

- Material and strategic support to exiled communities fighting Soviet allies
- **Examples:** Southern Africa, Horn of Africa, Central America, Southeast Asia and Southwest Asia
Afghan refugees in Pakistan

- US-backing to *mujahideen* following Soviet invasion of Afghanistan in 1979
- 1980s: Some US$750 million pa in funding for covert operations against Soviet forces
Type 3: Others...

- Lack of international engagement with refugees not tied to politics of the Cold War
- 1980: 4 million refugees in Africa
- Shift from settlements to camps in response to the concerns of host states
- 1981 and 1984: First and Second International Conferences on Assistance to Refugees in Africa (ICARA I and ICARA II)
- 1990: 5.4 million refugees in Africa
The end of the Cold War

- Refugees lose their political utility
- Some incentive to resolve particular refugee situations (CIREFCA), but less interest to resolve others (Asia and Africa)
- Coupled with:
  - New transportation technology
  - New patterns of conflict
- **Result**: Dramatic increase in number of asylum seekers in and reduced willingness to grant asylum and find solutions
Asylum post-Cold War

- End of the Cold War and changes to the causes, consequences and responses to refugees
- Global North
  - Shift from asylum to containment
  - Efforts to prevent arrivals
  - Proposals to export asylum
- Global South
  - Protracted refugee situations, burden sharing and a range of direct and indirect security concerns
  - Other domestic and international pressures
  - Limits on quantity and quality of asylum
- Pressures on global refugee regime
Asylum in the Global North

- **Rise in numbers**
  - 1976: 20,000  →  1990: 450,000

- **Changing nature of claims**
  - Movements from global South to North
  - Myth of difference
  - Rise of the ‘asylum-migration nexus’

- **States respond with restrictive immigration and refugee laws and procedures**
  - Withdrawing benefits and detention
  - Visa requirements and carrier sanctions
Fortress Europe

- Non-arrival policies
  - Carrier sanctions, physical barriers
- Diversion policies
  - Safe-third country policies, efforts to contain refugees in regions of origin
- Deterrent policies
  - Detention, denial of social assistance
- Justification
  - Increasing numbers, unpredictability of arrivals, ‘mixed flows’, poor distribution between states
  - But also electoral politics and regional developments
Global South

- 80% of refugees are in the global South
- Host state concerns:
  - Numbers and prolonged exile
  - Impact on hosting states and communities
  - Lack of burden sharing
  - Security concerns
- Host state responses:
  - Limits on *quantity* and *quality* of asylum
Protracted refugee situations

- Some two-thirds of today’s refugees are trapped in protracted refugee situations (PRSs)
- Average duration of refugee situations: From 9 years in 1993 to 18 years today
- Most PRSs are in some of the poorest and most unstable regions of the global South
- Links to rise in state fragility and new patterns of conflict?
<table>
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<tr>
<th>Country of asylum</th>
<th>Country of Origin</th>
<th>Total</th>
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<tbody>
<tr>
<td>Chad</td>
<td>Sudan</td>
<td>110,000</td>
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<td>DRC</td>
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<td>Serbia and Montenegro</td>
<td>Croatia</td>
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Refugee ‘warehousing’
Consequences: Political and security

- PRSs give rise to a range of political and security concerns for host states, countries of origin and regional actors
  - Tanzania and Burundi
  - Guinea, Liberia and Sierra Leone
  - Thailand and Myanmar
  - Afghanistan and Pakistan
- Concerns reinforce encampment policies and restrictive asylum policies by host states
- Range of security concerns
Direct security concerns

- Armed elements
- Spill-over of conflict
- Proliferation of small arms
Indirect security concerns

- Competition over scarce resources
- Hostility from local population
- Group identity and relative deprivation
- Exacerbated by democratization and economic liberalization
Global refugee regime

- Inability of UNHCR and global refugee regime to respond to asylum challenges

- Global North:
  - Reliant on donors for funding
  - US (30.5%), EU (7.4%) and Japan (7%)
  - 100% of these contributions earmarked

- Global South:
  - Politics of relations with host states
  - Limited ability to *independently* address consequences of forced migration and challenge of finding solutions to PRSs
Asylum since the Cold War

- Refugees as more than a humanitarian issue
- Post-Cold War dynamics have had an impact on causes, consequences and responses:
  - **Causes:**
    - New patterns of conflict and pressures of globalization result in complex flows
  - **Consequences:**
    - Human rights concerns for refugees
    - Impact on conflict management and regional relations
  - **Responses:**
    - North-South divide, challenges of international cooperation and limitations on global governance and international institutions
Conclusion

- Politics of asylum since the Cold War
  - Shift in response to refugees post Cold War
  - UNHCR’s ability to respond to the needs of refugees is constrained by the policies of states
  - Discussion on UNHCR’s future role

- Insights for global governance
  - Ability of international organizations to regulate the behaviour of states

- Towards solutions?
  - Links between Refugee Studies and IR
  - Mainstream refugees into broader discussions of peacebuilding and development