

International Protection: Are Doors Closing on Refugees?

— A report on the UNHCR Executive Committee Meeting, Geneva, October 1982 —

The United Nations High Commissioner for Refugees' Executive Committee¹ meets every October to approve the UNHCR's proposed budget. It is also the occasion to debate and discuss refugee issues. This year, the main theme of discussion was protection of refugees, both protection through asylum and "physical" protection.

World economic recession and high levels of unemployment in receiving countries have impaired the desire and the ability of many countries to absorb large numbers of refugees. There has been a reduction in levels of financial assistance available for international relief and assistance. At the same time, these recessionary trends have prompted many to migrate in search of better economic opportunities. Many governments have reacted to these external

This year the Committee approved the revised financial target of U.S.\$430 million for UNHCR programs in 1982 and U.S.\$425 million for projected requirements in 1983. Projected expenditures by country are as follows: (in U.S. dollars) Pakistan, \$78 million; Somalia \$42 million; Thailand, \$32 million; Sudan, \$25.5 million; Zaire, \$14.5 million; Philippines, \$9.6 million; Iran, \$7.5 million; Malaysia, \$7.5 million; Indonesia, \$7.3 million; Tanzania, \$7 million; Angola, \$5.4 million and Honduras, \$5.3 million. The High Commissioner's request for 30 new staff within UNHCR's regular programs was denied: several members wanted more information. Canada was strongly in favour of granting the High Commissioner's request. (Michael Molloy, speaking for Canada, delivered an impassioned speech arguing that the staff increases were essential to ensure protection of refugees.) The matter will come up for review again in January 1983 at an informal meeting of the Committee.

¹The Executive Committee, elected by the Economic and Social Council, is comprised of representatives from 41 member states selected from a broad geographical basis with a demonstrated interest in solving the refugee problem. The Committee acts in an advisory rather than a governing capacity. Attendance is further swelled by representatives from members of the U.N. system and observers from non-member governments, intergovernmental organizations, other organizations and liberation movements.

and internal pressures by adopting restrictive admission practices, reducing immigration quotas and introducing deterrent measures in order to curtail the flow: these have included making status determination regulations more difficult.

If refugees have difficulty in attaining protection through asylum, their situation is compounded by a lack of "physical protection". There have been military attacks on refugee camps, and many ships have refused to rescue refugees adrift on the high seas.

While the High Commissioner addressed both protection issues at this year's meeting, he also strongly reaffirmed the value of the UNHCR's non-political, humanitarian mandate (perhaps in response to pressure to act otherwise in efforts to attack the root causes of massive exodus.) Today's world refugee situation differs in several ways from the post World War II years. Twenty or 30 years ago, most refugees were of European origin and ended up settling in developed countries. Now, the majority of refugees are in and come from developing countries.

Many migrants attempt to circumvent restrictive immigration regulations by trying to gain admission as asylum seekers. Deterrent measures adopted by some countries (e.g. application of very strict refugee criteria, "prior assumption" that certain groups are ineligible for refugee status and the use of "humane deterrents" such as detention) could have a potentially detrimental effect on established principles of international protection.

The Sub-Committee on Protection recognized the need for measures to meet the problem of manifestly unfounded or abusive applications for refugee status and recommended that this be examined at next year's meeting as a separate item on the agenda on the basis of a study to be prepared by UNHCR. Also, states party to the 1951 Convention and 1967 Protocol were urged to establish procedures for determining refugee status if they had not done so already.

Protection Through Resettlement

In a speech to the Executive Committee, Michael Molloy, counsellor for the Perma-

nent Mission of Canada to the United Nations, stated that resettlement may be seen as a protective function in cases where individuals or small groups cannot be provided with an acceptable durable solution in the country of asylum or within the surrounding region and for whom serious protection problems may arise. Canada intends to become increasingly involved in areas where its resettlement capacity can be used to solve protection problems, such as in the case of refugees from Africa, El Salvador and Belize.

Some European states complained that North American states were not admitting for permanent resettlement refugees who have temporary asylum in Europe. However, European member states were criticized "in the corridors" for their perceived unwillingness to grant permanent asylum to refugees. Other traditional countries of resettlement felt that many European states were at least as able as they (if not more so) to afford the economic cost of resettlement.

Physical Safety of Refugees — in Camps and at Sea

The recent attacks on Palestinian refugee camps in Lebanon added fuel to the already burning issue of the physical protection of refugees in camps and settlements. At the meeting of the Sub-Committee, several speakers indicated the urgent need for preventive action, mentioning in particular, military attacks on refugee camps in Southern Africa, Asia, Central America and Lebanon. (The refugees affected in Lebanon were not covered by the UNHCR's mandate.)

The High Commissioner had asked Ambassador Felix Schnyder to study this question. In presenting his preliminary report, Mr. Schnyder stressed the need for the UNHCR to safeguard its humanitarian and non-political mandate. Thus, the UNHCR cannot and must not actually prevent military attacks on refugee camps. How-

Between Jan. 1, 1982 and July 31, 1982, 66% of all boats reaching Thailand reported pirate attacks resulting in 123 murders, 120 abductions and 139 rapes. From *Refugees*, No. 9, Sept. '82. (Published by UNHCR.)

"If the Geneva Convention is interpreted broadly, there must be a billion refugees in the world, at least one billion individuals who do not agree with their governments... I believe we should get back to a more political concept of what a refugee is, and not confuse a charitable welcome, which is desirable when we can afford it, with the right to asylum or the status of refugee which implies an acknowledged duty of protection on the part of the state. This is a matter of fairness and, ultimately, of human rights." Gilles Rosset, OFPRA's Secretary-General. (French Office for Protection of Refugees and Stateless Persons).

From Refugees, No. 9, Sept. 1982. (Published by the UNHCR).

ever, he argued the UNHCR could promote the adoption of principles to ensure the safety of refugees. He further suggested that refugee camps and settlements be granted special status under a distinctive sign, such as the Red Cross, as if principles and signs could protect refugees from soldiers with M6's, rockets, tanks and helicopters with gunships. How can the safety of refugees be guaranteed when armed guerillas sometimes use refugee camps as military bases

and armies then attack the camps believing or with the pretext, that they are military bases?

Ambassador Schnyder was asked to survey camps and settlements of concern to the UNHCR and prepare a report on the problem to be ready no later than September 1983.

In the other "physical" protection issue, asylum seekers at sea, recent statistics indicate that fewer ships have been stopping to rescue refugees adrift in small boats on the open seas. The reasons are obvious. Rescue operations and disembarkation procedures can prove quite costly to ship-owners. The small maritime nations whose flags of convenience these ships fly are faced with increasing numbers of refugees. They are obliged to rescue but can ill afford to offer asylum. All that emerged from this discussion was a reiteration of the obligation to rescue asylum seekers in distress at sea.

Complex issues were raised at the 1982 Executive Committee meeting. The changing world economic situation and political unrest in developing nations guarantee an increase in already large numbers of asylum seekers fleeing both economic and political repression. Backlash and shrinking economic resources are causing resettlement countries to close their doors. No matter how great the pressure exerted from

without by the waiting refugees, it appears likely to be matched by mounting pressures from within and the prospect of the doors opening enough to relieve the present world refugee crisis is far from promising.

Nansen Medal

This year's Nansen Medal was awarded to Crown Princess Sonja of Norway at a ceremony held on October 11 (the formal opening of the Executive Committee meeting) at the Palais des Nations. The medal is named after the famous Norwegian explorer, Dr. Fridtjof Nansen, who was the first League of Nations High Commissioner for Refugees. The award is granted for outstanding services to the cause of refugees. Crown Princess Sonja has been working to help refugees both in Norway and outside for over ten years.

The funds for this year's prize (U.S.\$50,000) were donated by the Canadian government. The princess announced that the prize money would be used for the construction of schools for refugees at the Katumba settlement in Tanzania.

Canadian News in Brief

Joe Stern, the former assistant to Lloyd Axworthy, has been appointed chairman of the Refugee Status Advisory Committee (RSAC).

During the summer of 1982, an agreement was signed with the government of Newfoundland under which the federal government and the province work jointly with private groups to provide resettlement help for refugees with special needs. The agreement benefits handicapped refugees, those with tuberculosis, and unaccompanied minors who could not otherwise be admitted because of the difficulties they would face in becoming established in Canada. This agreement is similar to one concluded with the government of Manitoba in September, 1981. *From Annual Report to Parliament on Immigration Levels, November 1982.*

Early Notice: The Next Standing Conference of Organizations Concerned for Refugees will be held in Montreal, May 13, 14, and 15, 1983. The theme will be

CLOSING
"REFUGEES at OUR DOORS."

At the Standing Conference of Canadian Organizations Concerned for Refugees, December 3rd and 4th 1982, a resolution was passed to ask the Canadian government to give financial assistance to all people who have asked for refuge in Canada, are waiting for a response to their claim from the competent authorities and are presently out of resources and close to unacceptable misery.

The conditions of group sponsorship are now under review to achieve a more equitable distribution of the costs undertaken by government and the private sector. *Annual Report to Parliament on Immigration Levels, November 1982.*

About 150 persons, including former detainees who belong to the Polish trade union Solidarity and their families, will soon arrive in Canada.

Oct. 26, 1982 - Minister Employment and Immigration - Press Release

In July, Refugee-Aid of Victoria, B.C. integrated with Immigrant Services. Stuart Beaveridge terminated his posi-

tion as Refugee-Aid Coordinator on September 30, 1982.

The Inter-Church Committee for Refugees issued a report in September to the UNHCR concerning the protection of refugees and the coordination of material assistance in Honduras. The High Commissioner and member governments of UNHCR were urged to persuade Honduras to sign the Refugee Convention and Protocol to ensure protection guarantees for refugees. Twelve UNHCR staff should be sent to Honduras for the sole purpose of providing protection. A task force should be set up to report on protection and relocation issues and a meeting called to coordinate effort. The brief suggested the need to delimit clearly the protection and assistance functions of UNHCR personnel.

The brief was well-received, particularly two suggestions: the need for UNHCR to coordinate the different NGOs in Honduras so there would be open lines of communication between them; and the need for UNHCR to talk directly to the refugees.