



Policy Brief

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Overview

Despite the need for a multifaceted approach to protracted refugee situations, the overall response of policy makers remains compartmentalised. Security, development and humanitarian issues tend to be discussed in different forums, each with their own institutional arrangements and independent policy approaches. Meaningful comprehensive solutions for protracted refugee situations must overcome these divisions and instead incorporate the recent policy initiatives of a wide range of actors. This type of broader engagement—with a catalytic role by UNHCR—cannot occur without the sustained engagement of all branches of the UN system. In this way, the establishment of the UN Peacebuilding Commission provides both a timely opportunity and a possible institutional context for this type of cross-sectoral approach.

Written by GIL LOESCHER, JAMES MILNER, EDWARD NEWMAN AND GARY TROELLER

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Protracted Refugee Situations and Peacebuilding

THE INTERNATIONAL COMMUNITY'S APPROACH TO refugees focuses largely on mass influx situations and high profile refugee emergencies, delivering humanitarian assistance to refugees and war-affected populations, and encouraging large-scale repatriation programmes. In stark contrast, of the total number of refugees in the world (which exceeds 10 million) some 70 percent – or 7.7 million – are not in emergencies, but trapped in protracted refugee situations. Such situations—often characterized by long periods of exile, stretching to decades for some groups—constitute a growing challenge for the international refugee protection regime and the international community. While global refugee populations have fallen to their lowest in many years, the number of protracted refugee situations and their duration continue to increase. There are now well over 30 protracted refugee situations in the world, and the average duration of these refugee situations has nearly doubled over the past decade: from an average of 9 years in 1993 to 17 years in 2004.

The overwhelming majority of these situations are found in the world's poorest and most unstable regions and originate from some of the world's most fragile states, including Afghanistan, Myanmar, Burundi, Liberia, Sierra Leone, Somalia and Sudan. Refugees trapped in these situations often face significant restrictions on a wide range of rights, while the continuation of these chronic refugee problems also frequently gives rise to a number of political and security concerns for host states and states in the region. In this way, protracted refugee situations represent a significant challenge to both human rights and security.

Despite the growing significance of the problem, protracted refugee situations do not feature prominently on the international political agenda. In response, humanitarian agencies such as the Office of the United Nations High Commissioner for Refugees (UNHCR) have been left to cope with caring for these forgotten populations while attempting to mitigate the negative impact of prolonged exile. These actions do not, however, constitute a solution for protracted refugee situations. Such a response also fails to address the security implications associated with prolonged exile, with the potential consequence of undermining stability in the region and peacebuilding efforts in the country of origin.

Protracted Refugee Situations, Fragile states and Peacebuilding

The challenge of protracted refugee situations is rooted in the dynamics of fragile states and a response to this challenge is therefore closely linked to effective peacebuilding. Protracted refugee situations originate from fragile states, and the causes and consequences of the two are connected in multiple ways. The prolonged exile of refugees is a manifestation of failures to end conflict and promote peacebuilding, and the prolonged presence of displaced populations contributes to the perpetuation of conflict while frustrating peacebuilding efforts. For example, the collapse of the Somali state in the early 1990s resulted in the flight of hundreds of thousands of refugees and continues to frustrate efforts to find a solution to their plight. Similarly, inability to consolidate peace in Liberia in the late 1990s resulted both in renewed conflict and renewed refugee movements. In both cases, conflict spilled-over into neighbouring countries, with refugee populated areas becoming an extended dynamic of the conflict in the country of origin. In Kenya, Somali combatants siphoned humanitarian assistance from the Dadaab refugee camps to support their campaigns in Somalia. In Guinea, refugee camps became the base for Liberian armed elements as they pursued their campaign against Charles Taylor.

Similar dynamics exist across the rest of Africa and in Asia, where the prolonged presence of refugee populations is a result of the persistence of fragile states and simultaneously contributes to the continuation of conflict and instability. Recurring refugee flows are a source of international—mainly regional—conflict, causing instability in neighbouring countries, triggering intervention, and sometimes giving a

base to armed refugee communities within camps that can form a source of insurgency, resistance and terrorist organization. The militarization of refugee camps creates a security problem for the country of origin, the host country and the international community. Security concerns such as arms trafficking, drug smuggling, trafficking in women and children, and the recruitment of child soldiers and mercenaries occur in some of the camps hosting protracted refugee situations.

The prolongation of refugee crises also has indirect security implications. Tensions often arise between refugees and the local population as refugees are perceived by host societies to receive preferential treatment; access to local social services such as health and education are often limited, while such services are often widely available in the refugee camps. As donor government engagement for camp-based refugee populations decreases over time, competition between refugees and the host population over scarce resources becomes an increasing source of insecurity. In the same way, reductions in assistance in the camps may lead some refugees to pursue coping strategies such as banditry, prostitution and petty theft, which creates additional local concerns.

While these security implications of refugee movements can manifest themselves immediately following displacement, they may also take many years to emerge. The outbreak of conflict and genocide in the African Great Lakes region in the 1990s serves as a clear example of the potential implications of neglecting long-standing refugee populations. Refugees who fled Rwanda between 1959 and 1962 and their descendants filled the ranks of the Rwandan Patriotic Front (RPF), which invaded Rwanda from Uganda

About the Authors

Gil Loescher is Senior Research Fellow at the Centre for International Studies, University of Oxford.

James Milner is a Postdoctoral Research Fellow at the Munk Centre for International Studies, University of Toronto.

Edward Newman is Director of Studies on Conflict and Security in the Peace and Governance Programme, United Nations University.

Gary Troeller is a Research Associate and recent Co-Chair of the Inter-University Committee on International Migration at the Center for International Studies, Massachusetts Institute of Technology (MIT).

in October 1990. Many of these refugees had been living in the sub-region for over 30 years. In the aftermath of the Rwandan genocide, it was widely recognised that the failure of the international community to find a lasting solution for the Rwandan refugees from the 1960s was a key factor that put in motion the series of events that led to the genocide in 1994.

This lesson has not, however, been lost on states that host prolonged refugee populations. Many states in Africa and Asia have come to view these populations as both an unending burden and a security concern. These refugee populations are increasingly seen not as passive victims, but as active agents engaged in the politics not only of their country of origin but also in the host country and the region. Refugee populations are increasingly being viewed by host states not as victims of persecution and conflict, but as a potential source of domestic and regional instability.

These concerns are heightened as protracted refugee situations fall further off the Western political agenda. Because protracted refugee situations are generally 'old' problems that defy an immediate durable solution, they are often prone to 'donor fatigue' and diminishing interest on the part of some international actors. Declining donor government engagement with the refugee populations has left many host states with fewer resources with which to address the needs of refugees and respond to the increased pressures on local environments and economies. According to UNHCR, the world's 41 Least Developed Countries hosted over 35 per cent of asylum seekers, refugees and others of concern to the agency in early 2003.¹ Given that these states are themselves heavily dependent on overseas development assistance to meet the needs of their own citizens,

the additional burden of large refugee populations becomes all the more significant. Such concerns are often exacerbated by the additional pressures of democratization, economic liberalization and the rising expectations of local populations in many host states.

Long-standing refugee populations can place additional strain on diplomatic relations between host states and the refugees' country of origin. The prolonged presence of Burundian refugees in Tanzania, coupled with allegations that anti-government rebels are based within the refugee camps, led to a significant breakdown in relations between the two African neighbours from 2000 to 2002. The prolonged presence of Myanmar refugees on the Thai border has been a frequent source of tension between the governments in Yangon and Bangkok. Similarly, the elusiveness of a solution for the Bhutanese refugees in Nepal has been a source of regional tensions, involving the host state and the country of origin, as well as regional powers such as India.

A wide range of host states respond to these security and political concerns by pursuing policies of containing refugees in isolated and insecure refugee camps, typically in border regions and far from the governing regime. Many host governments now require all refugees to live in designated camps, and place significant restrictions on refugees seeking to leave the camps, either for employment or educational purposes. This trend, recently termed the 'warehousing' of refugees, has significant human rights and economic implications. Levels of sexual and physical violence in refugee camps remain a cause of significant concern. More generally, the prolonged encampment of refugee populations has led to the violation of a number of rights contained in the 1951 UN Convention relating

As UNHCR observed, "the failure to address the problems of the Rwandan refugees in the 1960s contributed substantially to the cataclysmic violence of the 1990s".¹ More than 10 years after the genocide, it would appear as though this lesson has yet to be learned, as dozens of protracted refugee situations remain unresolved in highly volatile and conflict-prone regions.

1. UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action*, Oxford: Oxford University Press, 2000, p. 49.

to the Status of Refugees, including freedom of movement and the right to seek wage-earning employment. Furthermore, containing refugees in camps prevents them from having a positive contribution to regional development and peacebuilding.

Refugees and the Regional Dynamics of Peacebuilding

Given these diverse links between protracted refugee situations and regional instability, it is striking that the question of refugees has been largely absent from recent debates on peacebuilding. Contemporary policy and research debates on peacebuilding have generally addressed refugees as a matter of secondary concern, focusing instead on programmes in the country of origin to consolidate peace and prevent a return to conflict. Within this approach, the relationship between peacebuilding and refugees is seen to be unidirectional, with the return of refugees seen as a barometer of the extent to which peacebuilding has been successful.

Current thinking stresses that effective peacebuilding activities must address the needs of refugees by ensuring that the preconditions for successful return and reintegration—such as the restoration of infrastructure and services—are present in the refugees’ home country. As the lessons of the past decade make clear, effective peacebuilding in such contexts should also address a wider range of issues affecting returnees, including justice and reconciliation, housing and property rights, human rights monitoring, and the provision of livelihoods in war-torn economies. In this way, the reintegration of displaced populations poses a wide range of peacebuilding challenges, many of which fall beyond the mandate of humanitarian agencies such as UNHCR.

Addressing such challenges should not, however, obscure the fact that the prolonged presence of refugees in neighbouring countries cannot be treated as an isolated factor, to be addressed at the end of the peacebuilding process. In fact, a number of the political and security challenges associated with the prolonged presence of refugees in the region have the proven ability to undermine peacebuilding efforts, including the presence of so-called ‘spoilers’ in refugee populations and pressures from the host country to push for an early and unsustainable return of refugees to their country of origin. A failure to engage with such regional dynamics has the real potential to undermine peacebuilding efforts within the country of origin.

Challenges to peacebuilding: ‘refugee spoilers’

The most significant challenge to peacebuilding posed by protracted refugee situations is the presence of so-called ‘spoilers’ in refugee camps or in refugee populated border areas. Spoilers, understood as “groups and tactics that actively seek to hinder, delay or undermine conflict settlement”,² are akin to so-called ‘refugee warriors’, a dominant feature of refugee movements since the 1950s.

Refugee warriors are those organized elements of exiled communities, typically intermingled with a refugee population and based in a country of asylum, who are engaged in a wide range of armed campaigns against their countries of origin. During the 1970s and 1980s, examples of refugee warrior communities could be found among Afghan mujahidden in Pakistan, the Khmers Rouge in Thailand, and the Nicaraguan Contras in Central America. In Africa, refugee warrior communities were the product of proxy

wars in the Horn of Africa and in Southern Africa, wars of national liberation, especially in Southern Africa, and post-colonial conflicts, especially in the African Great Lakes region. These groups of armed elements typically used refugee camps as a source of materials and recruits to support campaigns against their country of origin. Similar dynamics exist in many contemporary conflicts, both in Africa and elsewhere, and constitute a serious challenge to peacebuilding activities.

It is widely understood that the best response to the presence of armed elements within a refugee population is through their physical separation and legal exclusion from refugee status, but such an undertaking has consistently proven to be beyond the capability of humanitarian actors, such as UNHCR. For example, in the aftermath of the Rwandan genocide and the militarization of refugee camps in the region, UNHCR called for closer cooperation with regional and international security actors to address more effectively the challenge posed by refugee warriors. More than a decade later, however, broader cooperation within the UN system to deal with the problem of refugee warriors remains problematic, and the militarization of refugee camps and settlements continues to undermine refugee protection, regional security and peacebuilding efforts in the country of origin.

Push for early and unsustainable repatriation

A second challenge to peacebuilding posed by protracted refugee situations is the potential for the large-scale repatriation of refugees before the necessary conditions of safety and sustainable return exist in the country of origin. If the concerns of host states relating to the prolonged presence of refugees on

their territory are not addressed, host states may pursue early and coerced repatriation, placing fragile institutions in the country of origin under significant strain and further undermining peacebuilding efforts.

The potential for forced and premature return is heightened as donor interest shifts from the host country to the country of origin following the outbreak of peace. Given that many host states feel that they are unfairly burdened with the great majority of the world's refugees, failure to consider the needs and interests of host states as part of broader peacebuilding efforts could exacerbate the concerns of countries of asylum, leading to additional restrictions on asylum and a push for early forced repatriation.

Such concerns were clearly visible in the case of Tanzania in recent years. With the early signs of peace in Burundi, coupled with a significant shift in donor engagement away from the refugee programme in Tanzania in early 2002, the Tanzanian government began to push for a tripling of the number of repatriated refugees to Burundi. The scale of these returns—involving 85,000 refugees—placed a significant strain on the fragile peace in Burundi.

Similar dynamics have been experienced elsewhere in Africa and Asia, where donors and host countries all see an interest in pursuing refugee repatriation at the earliest possible opportunity. In many instances, however, such repatriations do not alleviate protracted refugee situations. Instead, as the root causes of flight are often left unaddressed and the preconditions for sustainable return are not ensured, they result in a reoccurrence of conflict and future refugee movements.

Recognizing that part of the solution to this dynamic is to ensure that the preconditions for repatriation are

There are 4,375,000 registered Palestinian refugees living in UN camps in Jordan, Lebanon, Syria, and the Occupied Territories. Unofficial estimates suggest a much larger number of Palestinian refugees and displaced persons around the world. An estimated 914,000 people lost their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict, and their number has naturally expanded over six decades. This expansion underscores the fact that many generations of Palestinians are born into a situation of deprivation. The Palestinian protracted refugee situation has become an acute political—as well as a humanitarian—challenge that must be resolved in the context of regional conflict settlement.

in place, it is also important to ensure that donor interest does not rapidly shift to peacebuilding in the country of origin at the expense of refugee assistance programmes in neighbouring countries. Instead, the interests and concerns of host countries need to be more fully considered as part of the regional dynamics of peacebuilding. Such an approach would not only help to avoid early and unsustainable repatriation by the host state, it would also contribute to the rehabilitation of refugee populated areas in host countries. While the majority of peacebuilding activities must necessarily be focused on the country of origin, any approach to peacebuilding that is not mindful of broader regional dynamics, including the presence of refugees, risks overlooking factors that could undermine peacebuilding efforts. Early engagement with refugee populations in neighbouring countries may also contribute to peacebuilding in the country of origin.

Contributions to peacebuilding

It is increasingly recognized that refugees can make a significant contribution to peacebuilding in their country of origin. In a statement to the UN Security Council on 24 January 2006, the UN High Commissioner for Refugees noted that “refugees return with schooling and new skills... Over and over, we see that their participation is necessary for the consolidation of both peace and post-conflict economic recovery”.³ Refugee contributions may result from particular skills that they acquire in exile and which may directly contribute to post-conflict reconstruction, from the direct involvement of refugees in the negotiation of a peace agreement, through to peace education and reconciliation activities that can occur prior to repatriation.

A wide range of training opportunities can be extended to refugees in prolonged exile that would eventually contribute to ensuring a durable solution to their plight, either through repatriation, local integration or resettlement in a third country. Opportunities such as language training, vocational training, professional development, peace education and other activities could all form part of a broader solutions-oriented approach, and contribute both to peacebuilding and the self-reliance of refugees. Notwithstanding the clear benefits of such programmes, they remain difficult to fund. At the same time, host states are generally wary of such programmes and view them as a backdoor to local integration.

Given the potential benefits of such programmes to both peacebuilding and the livelihood of refugees, it is important to address donor and host country concerns and ensure that such programmes become a standing feature of strategies to alleviate protracted refugee situations. Programmes to enhance the self-reliance of refugees do not, however, constitute a solution to protracted refugee situations. These short-term interventions can only help manage the situation until a resolution can be found. In the long term, the implications of protracted refugee situations can only be fully addressed through the formulation and implementation of comprehensive solutions.

Towards a More Predictable Response to Refugees and Peacebuilding

Given the links between protracted refugee situations, fragile states and peacebuilding, it is clear that actions by humanitarian agencies such as UNHCR will lead to neither comprehensive solutions for protracted refugee

situations nor an effective response to the peacebuilding implications of prolonged exile without the support of peace and security as well as development actors. So long as discussions on protracted refugee situations remain exclusively within the humanitarian community and do not engage the broader peace and security and development communities, they will be limited in their impact. A number of conclusions and policy recommendations follow:

- The resolution of refugee problems must be seen as a primary, not a secondary, issue for peacebuilding. If neglected, protracted refugee situations can undermine peacebuilding initiatives in conflict-prone regions.
- The challenges demand a holistic approach which transcends purely humanitarian policies. This approach must be multifaceted and embrace security, development and humanitarian challenges in an integrated manner, and incorporate a wide range of actors.
- The composition of the Peacebuilding Commission (PBC) places it in a unique position to take a broad approach to the challenges of protracted refugee situations. However, the approach must be thematically comprehensive and it must address the regional dimensions of long-term displacement and peacebuilding, including challenges which fall outside the country under consideration. One-dimensional, country-specific approaches run the risk of neglecting challenges outside the country—including protracted refugee situations—which could upset post-conflict recovery.
- The PBC should seek to deepen understanding of the links between long-term displacement and peacebuilding. A wider recognition of the role of refugees and the regional

dynamics of peacebuilding will be an important pre-condition for the success of the PBC, especially as it undertakes country-specific deliberations on Burundi and Sierra Leone. Conflict in both countries is tied to broader regional dynamics and neighboring conflicts. The refugee issue is both a consequence and a source of conflict.

A closer consideration of the links between protracted refugee situations and peacebuilding will be important to ensure effective international responses to both issues. The establishment of the PBC draws together the full range of actors required to formulate and implement truly comprehensive solutions for protracted refugee situations, and therefore represents a unique opportunity to articulate a system-wide response to a long-standing challenge to the international community. At the same time, effective peacebuilding initiatives must incorporate a full consideration of the potential role that refugees and the regional dynamics of conflict can play both in undermining and supporting peacebuilding activities in the country of origin.

Notes

1. UNHCR, Executive Committee of the High Commissioner's Programme, "Economic and Social Impact of Massive Refugee Populations on Host Developing Countries, as well as Other Countries", Standing Committee, 29th Meeting, UN Doc. EC/54/SC/CRP.5, 18 February 2004, p. 2.
2. Edward Newman and Oliver Richmond, "The Impact of Spoilers on Peace Processes and Peacebuilding", United Nations University Policy Brief, No. 2, 2006.
3. Statement by Antonio Guterres, United Nations High Commissioner for Refugees, to the United Nations Security Council, 24 January 2006.

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Protracted refugee situations are both a consequence and a source of conflict. These situations must be addressed as a part of regional peacebuilding.

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53-70, Jingumae 5-chome
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Japan

