Boston Consortium *for* Arab Region Studies

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The Boston Consortium for Arab Region Studies (BCARS) is pleased to launch a series of bulletins covering essential themes relating to migration and refugee policy and research. Throughout 2017 and 2018, the series will shed light on migration-relevant issues such as the history of refugees, durable solutions, trafficking and smuggling, gender and migration, and humanitarian aid versus development. The bulletins will present data in a variety of formats, including briefing notes, podcasts, and dispatches authored by migrants and refugees.

Why should we care?

The current situation of the world's refugees is the most severe since the end of World War II. More and more people are now on the move, compelled to leave their places of habitual residence for many reasons including armed conflicts, natural and human-made disaster, poverty, large scale development projects, climate change, and human rights violations.

Refugees are by no means a new phenomenon of the human experience. Rather, more recent contextual factors have likely made us more aware of refugees as a pressing global issue. Such factors today include the increasing number of people on the move, the frequency and scale at which the causes of displacement are occurring, the higher speed of global information dissemination, the relative ease of travel in today's world, and the fact that refugees are just one category of people within the broader increase in human migration.

Refugees have existed as long as history, and the idea of a person seeking sanctuary in a holy place is commonly recognized within most religions. However, the first international agreement that addressed refugees and their rights for protection emerged only in 1951 with the Geneva Convention Relating to the Status of Refugees. This Convention also extended the definition of "refugee" to individuals and groups who were forced to flee their homes prior to its emergence.

This includes for example the massive displacement of the Jews through several historical eras, Protestants from France to various countries in Europe in 1685, the emergence of Turkish refugees in 1928, and many others who were largely displaced during World War I.

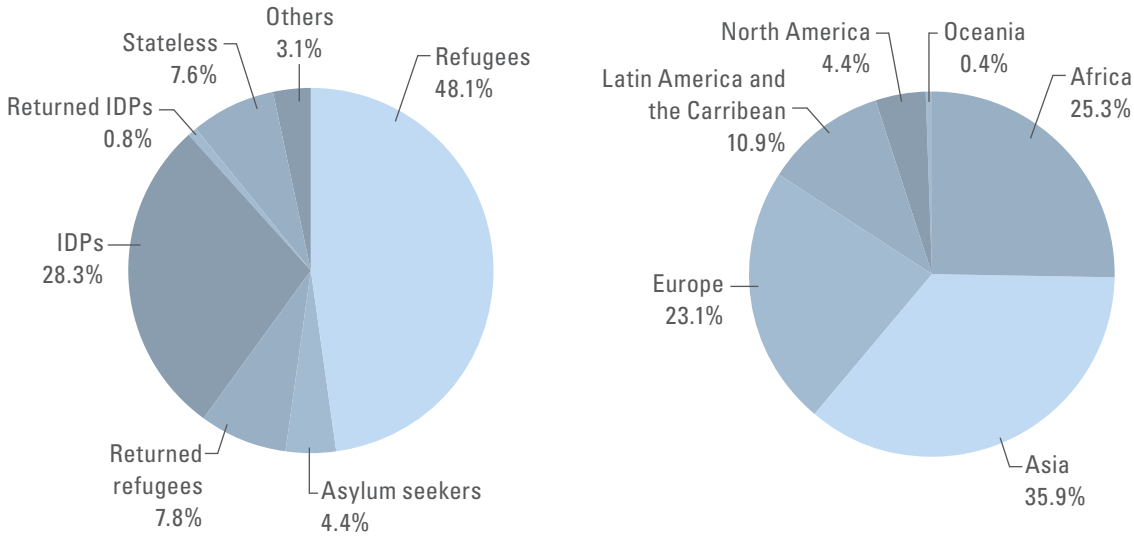
What distinguishes the contemporary debate around refugees is the political climate in which it is occurring—in migrants' countries of origin, along their journeys, or in their destinations. So intensely charged is today's discourse on refugees and migrants that there are increasing calls for a review and adaptation of the basic global, regional, and national legislative frameworks and policy instruments that have been governing refugees and migrants since the end of World War II.

In August 2015, the story of the Sudanese migrant who walked almost the entire length of the 31-mile Channel Tunnel from France to the United Kingdom captured global media attention. Risking his life in the perilous journey to seek asylum in the UK, 40-year-old Sudanese migrant Abdul-Rahman Haroun was arrested after walking for 11 hours, less than a mile from the tunnel's UK exit.

He remained in custody until being granted asylum 9 months later in the United Kingdom (Calais Migrant Solidarity 2016). This is one of few such journeys with a happy ending; others are not as positive. Another Sudanese irregular migrant, this one 20 years old, was crushed by a truck while likewise trying to cross via the Channel Tunnel. A number of similar attempts by migrants from Africa and the Middle East have taken place at the Calais border.

Activists have given us the names of a few of the migrants who have been found dead in the tunnel in the past few years—Youssuf, Adam, Saleh—but there are countless other anonymous youths from Sudan and other countries (ibid).

Figure 1
Total Population of Concern to UNHCR: by Category (left) and by Region (right)
1 January 2005



Twelve years ago, the global magnitude of the refugee crisis was already considerable, as these United Nations High Commissioner for Refugees (UNHCR) charts illustrate.

Today, the scale of the refugee population is staggering. As of the end of 2016, UNHCR estimates that there are more than 67.5 million "persons of concern" worldwide as part of the broader global population of migrants, which includes internally displaced persons (IDPs), returned IDPs, and stateless persons.

Even when only the categories of refugees (including persons in refugee-like situations), asylum-seekers (pending cases), stateless persons, and others of concern are considered—excluding returned refugees and returned IDPs—this number still amounts to almost 40 million.

The following page illustrates how diverse and perilous the flow of migrants to Europe remains.[1] The most current refugee statistics are available in UNHCR's Population Statistics Database.[2]

1 Mohamed, Amira Ahmed. 2017. "Sudan and South Sudan Migration to Europe." Pp. 245-265 in Escaping the Escape: Towards Solutions for the Migrant Crisis, edited by Bertelsmann Stiftung. Germany.

2 http://popstats.unhcr.org/en/overview [accessed 29 September 2017].

As a destination site, the European Union (EU) and its member states have, in recent years been confronted with the largest migratory flows since the creation of the EU. Most of the land borders within the EU are now closed, but strong pressure remains on the Mediterranean crossing points, particularly the Central Mediterranean Route, which saw a 376 percent increase in migrant traffic between 2013 and 2014. Unfortunately, even as these flows have increased, the conditions of the journey have deteriorated (ESCWA and IOM 2015).

Refugees and other migrants usually reach Europe in vessels commissioned by traffickers and smugglers, departing from Egypt, Libya, and Morocco. More than 40,000 migrants have been reported missing or dead in the Mediterranean since 2000, including 3,132 during the month of August 2016 alone, according to the International Organization for Migration (IOM 2016).

Approximately 75 percent of migrant deaths worldwide occur in the Mediterranean, with more than 1 million attempted crossings by refugees and migrants in 2015 and more than 332,000 in the first ten months of 2016 (ibid.). Migrant-origin countries include Syria, Afghanistan, Pakistan, Sudan, the occupied Palestinian territories, Eritrea, Somalia, Egypt, Bangladesh, the Gambia, Nigeria, Ghana, Mali, and Senegal (ibid.).

Who is a refugee?[3]

The legal definition of the term "refugee" is generally far narrower than the popular one. In the popular understanding, refugees are often thought of as forced migrants—people who have had to leave their country of origin or habitual residence.

The legal definitions of the term are contained in an international instrument, the UN Refugee Convention,[4] and two regional instruments, the African Refugee Convention[5] and the Cartagena Declaration.[6]

According to the UN 1951 Refugee Convention, a refugee is a person who:

- Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former residence … is unable or, owing to such fear, is unwilling to return to it [Art. 1A(2)].

Thus, the UN Refugee Convention offers protection to a narrow category of persons who are outside their country of origin or residence and unable to return to it because of one or more of the reasons outlined in the Convention.

The African Refugee Convention offers protection to a wider group of people by defining a refugee far more broadly, as a person who:

- Satisfies the criteria set out in the UN Refugee Convention, or
- Owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality [Art. 1, para. 2].

Many African states are parties to both conventions. The African Refugee Convention should be seen as a complement to the UN Refugee Convention.

Latin American countries have their own nonbinding declaration on refugees, the Cartagena Declaration, which defines refugees in a manner similar to the African Refugee Convention.

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3 Amira A. Ahmed Mohamed. Lecture Notes. University of Roehampton, United Kingdom, 2006.

4 http://www.unhcr.org/en-us/1951-refugee-convention.html.

5 http://www.unhcr.org/en-us/about-us/background/45dc1a682/oau-convention-governing-specific-aspects-refugee-problems-africa-adopted.html.

6 http://www.unhcr.org/about-us/background/45dc19084/cartagena-declaration-refugees-adopted-colloquium-international-protection.html.

According to the Cartagena Declaration, the term "refugee" includes not just those persons specified in the UN Refugee Convention, but also:

- Persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order [Part III, para. 3].

How does UNHCR define "refugees" and other "persons of concern"?

Language used to describe refugees or migrants has become a divisive part of the discourse. UNHCR uses the following definitions:[7]

Refugees include individuals recognized under the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, those recognized in accordance with the UNHCR Statute, individuals granted complementary forms of protection, or those enjoying temporary protection. Since 2007, the refugee population has also included people in refugee-like situations.

Asylum-seekers are individuals who have sought international protection and whose claims for refugee status have not yet been determined, irrespective of when those claims may have been lodged.

Internally displaced persons (IDPs) are people or groups of individuals who have been forced to leave their homes or places of habitual residence—in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, or natural or human-made disasters—and who have not crossed an international border. For the purposes of UNHCR's statistics, this population includes only conflict-generated IDPs to whom the UNHCR extends protection and/or assistance. Since 2007, the IDP population has also included people in IDP-like situations. For global IDP estimates, see www.internal-displacement.org.

Returned refugees are former refugees who have returned to their country of origin, spontaneously or in an organized fashion, but have yet to be fully reintegrated. Such return would normally take place only in conditions of safety and dignity.

7 http://popstats.unhcr.org/en/overview [accessed 29 September 2017].

Returned IDPs refer to those IDPs who were beneficiaries of UNHCR's protection and assistance activities and who returned to their areas of origin or habitual residence during a given year.

Stateless persons are defined under international law as persons who are not considered nationals by any state under the operation of its law. In other words, they do not possess the nationality of any state. UNHCR statistics refer to persons who fall under the its statelessness mandate because they are stateless according to this international definition, but data from some countries may also include persons with undetermined nationality.

Others of concern refers to individuals who do not necessarily fall directly into any of the groups above, but to whom UNHCR extends its protection and/or assistance services, based on humanitarian or other special grounds."

Many migrant advocates take issue with terminology that implies lack of recognition of refugees' and migrants' right to freedom of movement.

Whether from an ethical, moral, legal, political, or sociocultural perspective or from a semantic, pragmatic, or scientific one, many researchers, policymakers, and practitioners have expressed strong views about how refugees should be described. Thus, terms such as "illegal migrants" are shunned by most actors in the current debate, with some observers even criticizing the labels widely used to distinguish "irregular" from "regular" migration.

Similar debates also exist regarding the appropriate terms for characterizing the patterns and trajectories of migration (e.g., linear and circular routes, locations of origin, transit and destination), as well as those that attempt to define the origins or the outcomes of refugee processes.

Whether to call the migratory process "voluntary," "coerced," "spontaneous," or "organized" is one part of that debate, as is the characterization of refugees' motivations to escape their countries (e.g., political motivation as opposed to economically motivated migration).

Who are the key global actors concerned with refugees?

With the advent and increased use of social media in recent years, a rising amount of concern and engagement has been focused on the refugee issue.

However, it is UNHCR that is the designated UN refugee agency, based on current international norms, with the International Organization for Migration as the recently designated UN migration agency. The International Committee of the Red Cross also plays a key protection role in situations with conflict or incarcerated populations as a main feature.

Beyond global actors, various regional intergovernmental bodies have established norms and systems that address at least some elements of the refugee issues in their regions. These include the EU, the African Union, the Organization of American States, and others.

At the national and subnational levels, as well as on the regional and (often) global scenes, a range of nongovernmental organizations are strongly involved in advocacy, policy development, research and evaluation, protection, and assistance services for refugees and other migrant populations.

In the case of refugees and asylum-seekers, however, the most important factors ultimately influencing the outcomes of their journeys are the legislative frameworks, laws, policies, and political atmospheres in historical resettlement countries such as Canada, Australia, the United States of America, New Zealand, and select other industrialized countries.

Nevertheless, even the designation of different countries as "resettlement countries" is being contested by many governments in Africa, Europe, Latin America, and Asia. While often perceived merely as transit countries for refugees, countries in these regions are increasingly facing the challenges that accompany hosting (even if temporarily) large numbers of refugees, whose presence places considerable stress on their fragile political, socioeconomic, environmental, and cultural situations.

Among such countries are Mexico, which many Latin American migrants use as a gateway to enter the United States or Canada; Jordan and Lebanon, as hosts to massive numbers of Syrian refugees (at times constituting up to a fifth of their populations); and Greece and Italy, which host large numbers of Asian, African, and Middle Eastern refugees seeking to enter other European countries. In some places, such as the Pacific Islands hosting refugees seeking to reach Australia, the stresses on environmental resources, land, and freshwater pose an almost existential threat to the host population.

What solutions are available for refugees?

The UN Refugee Convention not only enforces the safeguarding of refugees' rights in the camps and in urban settings; it also calls for providing durable solutions for refugees.

The Convention states three durable solutions—integration in the country of asylum, voluntary and safe repatriation to the country of origin, or resettlement in a third country.

These solutions will be discussed in the next BCARS bulletin.

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