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(IJPID) **The Massive Influx of Global Refugees from Developing Nations; An  
existing Gap in the United Nations role in promoting Universal Human  
Rights.**



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## **The Massive Influx of Global Refugees from Developing Nations; An existing Gap in the United Nations role in promoting Universal Human Rights.**

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### **Abstract**

**Purpose:** Refugee issues are international emergency significantly disrupting socio-economic structure of the receiving States and governments struggling to manage the impact of a nearby conflict and addressing development challenges. This study is aimed at analyzing the global predicament of refugees, assess the existing legal framework at global, regional and national scale through the existing organizations and their roles like United Nation and African Union. Since every State has a responsibility of protecting the rights of its citizens, they are forced to flee for safety in case of threats prompting the host country to step in ensuring ‘refugees’ basic rights are protected as per international protection of human rights (the 1951 Convention and 1967 protocol). Humanity’s protection is longstanding traditions and shared value in our cross-cultural traditions, beliefs and now part of international law as per the United Nations’ Declaration of Refugees and Migrants 2016 reaffirming the fundamental principle of refugee protection, at a time when the population seeking safety is burgeoning.

**Methodology:** This is a desk research where data was collected from the existing information.

**Findings:** The findings indicate that over 66 million people displaced by conflict, violence and persecution, a third this group has fled across borders as refugees, the magnitude and complexity of forced displacement is linked to prevalence, scale and longevity of today’s conflicts, and the inability of the international community to find the unity of purpose necessary to resolve them. About 80 per cent of people running away from their countries, 60 per cent of them are children in comparison to around one third of the world’s general population.

**Unique Contribution to Theory, Policy and Practice:** The study adopted an interlink of the ‘Contemporary Migration Theories’ which states that high fragmentation of migration is due to either micro, macro, and political causes and effects on one hand, and between micro-individual and macro-structural approaches on the other. A lot must be done to reduce the daily increasing number refugees around the world. Specifically, the study takes keen interest in discussing the plight of Rohingya people in Myanmar.

**Keywords:** *Asylum-seeker, Migrant, Refugee*

## 1.0 INTRODUCTION

Migration, both internal and international, has important implications in terms of development, demographic, poverty, and gender dynamics, national and international security and inter-State relations. Government and international community's find complex challenges although there are some levels of migration importance. Globally, the number of People migrating keeps rising, studies estimates that about 175 million persons leave outside their country of origin. This could be due to development gaps between developed and developing nations which are fueled by demographic dynamics globalization processes. More so, conflicts are great contributors to displacement of persons across the borders.

However, this paper draws its interest on the plight of refugees, these are a separate category of people who are entitled to international protection as a result of the persecution that they may face in their home country; persecution could be based on specific criteria. According to Article 1 (2) of the Geneva Convention Relating to the Status of Refugees (1951), ethnicity, race, religion, nationality, membership of a particular social group or political opinion<sup>1</sup>. The paper aims at analyzing the trend through which the UN and its agencies have grown in achieving its aims as per the organizational goals and mission right from its inception in conjunction to the objectives of the organization this involves; maintaining world peace and security, developing good relations among countries, promote and achieve international cooperation in solving economic, social, cultural and humanitarian problems and promoting respect for human rights and basic freedoms to be a center for harmonizing the actions of nations in attaining the common ends under which all member nations are provided with a forum to balancing their national interests with the interests of the global whole. More specifically the paper takes a close discussion on the specific aims of the organization in reference to the factual happenings based on humanitarian issues as stipulated by the organization in respect to human rights as evidenced in the contemporary world more so among organizational member countries which should take a center stage as an emergence in addressing issue by the most powerful body of U.N. responsible for maintaining international peace and security and enforcing rules as assigned to the Security Council.

The discussion of this paper focuses on status of refugees around the world. Thus a number of factors pose enormous challenges for the international humanitarian community leading to displacement of people such factors include; acceleration of drought, desertification, the salinization of ground water and soil, and rising sea levels, climate change too, can contribute to the displacement of people<sup>2</sup>. Other human-made calamity, such as severe socio-economic deprivation, also contributes to people fleeing across borders others may be escaping persecution,

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<sup>1</sup>[https://www.google.com/search?q=Geneva+Convention+Relating+to+the+Status+of+Refugees+\(1951\)&aq=chrome..69i57j0i22i30l2j0i390l5.7695j0j7&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=Geneva+Convention+Relating+to+the+Status+of+Refugees+(1951)&aq=chrome..69i57j0i22i30l2j0i390l5.7695j0j7&sourceid=chrome&ie=UTF-8)

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<https://www.google.com/search?q=causes+of+refugees&aq=chrome..69i57j0i512l4j0i2i30l4j0i15i22i30.9943j0j7&sourceid=chrome&ie=UTF-8>

although some leave because they lack any meaningful option to remain. However, the study focuses on the plight of refugees caused by violent conflicts and persecution a case of the Rohingya people in Myanmar<sup>3</sup>. This is a group of people who can be termed as the most discriminated people in the world as they do not know where to call home centuries down the line of their existence. This paper examines the roles, limitations and prospects in relevant portions in line with the Charter 33 of UN that seeks to solve conflicts through mediation, negotiation and inter-mediation without imposing authoritative decisions<sup>4</sup>. Despite all these a number of countries in the world especially in Africa subsequently continue to experience security and governance challenges in relation to promoting respect for human rights and basic freedoms as may favor refugees in accordance to international law.

### 1.1 The Gap

An annual report by UNCHR<sup>5</sup> since 2014 has indicated a huge number of people migrating through land or water to Europe either through Italy, Cyprus, Spain, Greece and Malta as of December 2021 (*Table.1*), of late in what the UNHCR (2019) calls desperate journey's, the Agency urges most countries to accommodate the migrants who have endured not only dangerous and difficulty journeys but protect and support refugees and migrants more importantly the children whom most of them have no parents or guardians to protect them. In 2018, the number of migrants who arrived through Mediterranean Sea (102,700) a quarter of this number was children traveling without parents, some fled conflicts in their home area, others lost family members, still others enduring horrific abuses during their journeys from countries such as Afghanistan, Syria, Yemen, Lebanon, and Northern and West part of Africa. These desperate journeys are due to searching for green pasture yet leading to most immigrants being detained in European states. The UNHCR report (2019) in its recommendation indicates the urge of European countries to end the use of detention for children and if possible appoint guardians and social workers to take charge of the education of the migrant children. These can help in protecting and improving the lives of the migrant children and equipping them with their best interest lives can offer them.

Previous year	Arrival	Dead and Missing
2021	123,318	3,231
2020	95,774	1,881
2019	123, 663	1,510

<sup>3</sup><https://www.google.com/search?q=rohingya+refugees+in+myanmar&og=Rohingya+people+in+Myanmar+&ags=chrome.1.69i57j0i22i30l4j0i390l4.12907j0j7&sourceid=chrome&ie=UTF-8>

<sup>4</sup><https://www.google.com/search?q=charter+33+of+un&og=charter+33+of+un&ags=chrome..69i57j0i22i30l2j0i390l4.16557j1j7&sourceid=chrome&ie=UTF-8>

<sup>5</sup><https://data.unhcr.org/en/situations/mediterranean?ID=100>

2018	141,472	2,277
2017	185,139	3,139
2016	373,652	5,096
2015	1,032,408	3,771
2014	225,455	3,538

**Table.1 UNHCR 2021.****1.2 Theoretical understanding**

The refugee problem in Africa is a result of an inter-play ranging from social-economic, political, and also climatic changes leading to environmental issues. Therefore, isolating one factor and neglecting others doesn't give a real picture in certainty. Thus, the contributing factors to refugees are inextricably intertwined. Some people have different perceptions of what they consider to be exact threat to them. In some incidences, a mere rumour of instability can compel people to flee, others will not move until they have been overtaken by violent conflict (Piche, & Dutreuilh, 2013).

Hence, this study adopted the 'Contemporary Migration theories' <sup>6</sup> which highlights three diversified approaches to understanding migration from the countries of origin or destination. The approaches include; Micro-individual approaches as per Sjaastad Larry 1962, where migration is seen as an investment whereby human resource productivity can be increased, the costs also renders returns cost which can be broken into both money and non-money costs. On the other hand, Alan Simmons in 1987 places migration theories in their context such change in residence, a shift in employment, and shift in social relations.

The other approach is Macro-structural approaches, proposed by Mabogunje in 1970. It identifies all elements that could influence migration ranging from social-economic, technology, and political factors. This approach sees migration not in one a way but in circular phenomenon of interlinked variables.

Lastly, the gender approach confirms the migration issues affecting both male and female unlike initially when it had been pointed out that migration focused essentially on men. Mirjana Morokvasic in 1984 points out that female migration cannot be ignored as cases of female labour exploitation are rampant.

In summary, the migration related neoclassical theory has been criticized by new economics of labour migration. According to Bloom and Stark in 1985 understanding of migration, micro-economics theories are not all but the notion of family strategy that highlight mutual

<sup>6</sup> [https://www.cairn-int.info/article-E\\_POPU\\_1301\\_0153--contemporary-migration-theories-as-refle.htm](https://www.cairn-int.info/article-E_POPU_1301_0153--contemporary-migration-theories-as-refle.htm)

interdependence between migrants and families as risk handling and risk pooling. Here migration exists as a form of social insurance alongside human capital and social capital.

### ***1.3 Methodology***

This being a desk research, the data collection relied upon existing data both past, recurrent and mostly updated literature. Sources included; textbooks, peer-reviewed journals, government archives, libraries and internet.

## **2.0 BACKGROUND OF THE UNITED NATIONS**

In Nineteenth century lived a European philosopher and a statesman by the name Immanuel Kant during his time he proposed creation of a federation of Nations dedicated to promoting rights of smaller countries that could be caught up in the struggle between larger countries<sup>7</sup>. Hence, the federation would design a way to punish such a nation that would commit any act of atrocity or aggression against another nation.

Kant's proposal became a reality after the First World War when the League of Nations was established as the brain-child of the 28<sup>th</sup> president of U.S Woodrow Wilson (1913-1921) with some European powers who were victorious<sup>8</sup>. Between the years 1920-1946 during its operation, a few notable successes were achieved although it was faltered when it couldn't prevent Second World War, the flaws attributed to the failure were: First, Powerful and influential nations like United States were not members of the organization. Secondly, the league lacked a unanimous agreement in opposing any aggression. Thus, when Germany, Italy and Japan waged military actions against members of the league in 1930's it was impossible to take action against themselves to stop the atrocities<sup>9</sup>. These were seen as failures of the league of nation in its primary duty in preventing Second World War.

It's out of this brief history that led to establishment of the United Nations Conference on international organization in San Francisco in 1945 where the UN charter was drafted and signed by fifty nations. The aims of the organization were; maintaining world peace and security, developing good relations among countries, promote and achieve international cooperation in solving economic, social, cultural and humanitarian problems and promoting respect for human rights and basic freedoms to be a center for harmonizing the actions of nations in attaining the common ends<sup>10</sup>. Under it all member nations are provided with a forum to balancing their national interests with the interests of the global whole. The operation of organization is based on voluntary

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<https://www.google.com/search?q=emmanuel+kant+on+formation+of+united+nations&aq=emmanuel+kant+on+formation+of+&aq=chrome.1.69i57j33i10i160l3.36680j0j7&sourceid=chrome&ie=UTF-8>

<sup>8</sup> <https://history.state.gov/milestones/1914-1920/league>

<sup>9</sup> <https://www.google.com/search?q=failure+of+league+of+nations&aq=failure+&aq=chrome.6.69i57j0i512l4j46i512j0i20i263i512j0i512l3.8082j0j7&sourceid=chrome&ie=UTF-8>

<sup>10</sup> <https://www.lewik.org/term/12100/peaceful-solution-in-the-dispute-article-33-charter-of-the-united-nations/>

cooperation and participation of its members. For anything to be accomplished, all members' states must participate and agree (World Almanac, 2012).

Hopefully, in the minds of those who drafted the Charter of the United Nations<sup>11</sup> were painful memories of generalized violence and mass sufferings thus called upon its signatories to save succeeding generations from the scourge of any armed violence. They asked the United Nations to help in achieving international cooperation by member states in solving international crisis of such magnitude in socio-economic equality, cultural, and or on humanitarian character and to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion<sup>12</sup>.

For avoidance of structural failures envisaged in the League of Nation, the U.N. founders and those who drafted the charter had gathered the support of the world's most powerful nations<sup>13</sup>. Therefore, to secure the full participation of U.S., the U.N. headquarters were located in New York City<sup>14</sup>. More importantly, in provision of enough power for imposing and enforcing its will, a security council was developed with authority to take action against aggressor nations and the sovereignty of powerful nations were assured by provision of veto authority over its actions. The veto authority was based on the five victors of Second World War i.e. Britain, China, France, Russia and U.S. A veto authority provides any one of the five permanent Security Council members the power to accept or reject any U.N. resolution<sup>15</sup>.

### 2.1 The Structure and operation of the United Nations; (Structured into six main organs);

- **General Assembly.** All member states each with one vote, approves budget, and establishes agencies and programs, elects members to serve on agencies and coordinates programs of the agencies.
- **Security Council.** Most powerful body of U.N. responsible for maintaining international peace and security and enforce rules through resolutions where 9 votes are required to pass a resolution. Consist of 15 members 5 permanent seats and 10 rotational memberships elected to serve for a period of 2 years.
- **Secretariat.** Executive branch of U.N. mandated in overseeing programs and policies. Secretary General is the chief executive nominated by Security Council and chosen by the

<sup>11</sup><https://www.archives.gov/milestone-documents/united-nations-charter>

<sup>12</sup>

<https://www.google.com/search?q=formation+of+united+nations&oq=formation+of+Un&aqs=chrome.1.69i57j0i512l6j69i60.9814j0j7&sourceid=chrome&ie=UTF-8>

<sup>13</sup> <https://www.un Geneva.org/en/league-of-nations>

<sup>14</sup>[https://www.google.com/search?sxsrf=ALiCzsaLPD8wo\\_jl1KrzPzTAM9vdcCKHdg:1659448784618&q=Where+is+the+United+Nations+Main+headquarters%3F&sa=X&ved=2ahUKewj519G6qKj5AhXByKQKHUQACqQQzmd6BAgZEAU&biw=1366&bih=624&dpr=1](https://www.google.com/search?sxsrf=ALiCzsaLPD8wo_jl1KrzPzTAM9vdcCKHdg:1659448784618&q=Where+is+the+United+Nations+Main+headquarters%3F&sa=X&ved=2ahUKewj519G6qKj5AhXByKQKHUQACqQQzmd6BAgZEAU&biw=1366&bih=624&dpr=1)

<sup>15</sup><https://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php>

General assembly. The Secretary General serves as neutral mediator in international conflicts.

- **Economic and Social Council.** Comprised of 54 member countries serve on the council elected by the general assembly for 3-year term. Organized on a committee system that conducts programs in medicine, education and social needs. Coordinates various agencies to promote higher living standards, full employment, respect to human rights and socio-economic progress.
- **Trusteeship Council.** Established to oversee transition of colonies to independence.
- **International Court of Justice (World court).** Judicial arm of the U.N. hears cases brought by nations against each other in territorial disputes, human rights violations and trade disagreements. 15 judges elected by Security Council and general assembly.

UNHCR is a U.N. lead agency with respect to the protection of refugees and the internally displaced<sup>16</sup>. It is Headquartered in Geneva Switzerland, but about 89 per cent of staff are in the field, a staff of more than 9,700 people in 126 countries provides protection and assistance to nearly 59 million refugees, returnees, internally displaced and stateless people. The largest portion of UNHCR staff is based in countries in Asia and Africa, the continents that both host and generate the most refugees and internally displaced people in the world. Many are in isolated locations where staffs work in difficult, more so often dangerous conditions. Among the biggest UNHCR operations are Afghanistan, Colombia, Democratic Republic of the Congo, Iraq, Jordan, Kenya, Lebanon, Mali, Pakistan, Syria, Turkey, Tanzania and Uganda. Being the lead agency for camps coordination and management, it shares with respect to emergency shelter along with International Organization for Migration (IOM), the International Federation of Red Cross and Red Crescent Societies.

Despite all these efforts for global peace and security and respect for human rights by the U.N., the International community is faced with a huge influx of refugees today. According to Brandit citing UNHCR report, by 2015 there was an average of 24 people per minute being forced to flee their homes and that 1 out of 113 people globally were either asylum seekers, displaced or refugees and majority of this group was under the age of 18 years<sup>17</sup>. In 2017 for example half of Syria's population had been displaced 7 years of civil war creating over 6 million refugees<sup>18</sup>. The huge influx of people in the neighboring states cause socio-economic strains thus according to McKenzie (2018) the sheer scale of refugee crisis poses unparalleled humanitarian, economic, and political challenges in an already fragile region. Most of these refugees have limited access to labor

<sup>16</sup> <https://www.unhcr.org/4ca34be29.pdf>

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<https://www.google.com/search?q=unhcr+report+on+refugees+2015&dq=UNHCR+report+on+refugee+in+2015&gs=chrome.1.69i57j0i22i30j0i390l4.32674j0j7&sourceid=chrome&ie=UTF-8>

<sup>18</sup> <https://reliefweb.int/report/world/unhcr-global-report-2020>



market opportunities yet some are schooled properly with good training, cannot access education which is a basic need for every human being and one of the sustainable development goals of the UN in reducing illiteracy in the world. These groups of people cannot also access other public goods necessary for survival. In fact, they are often forced to work in what is called grey economy where they are vulnerable to exploitation<sup>19</sup>.

This continues to create a lot of pressure on socio-economic status of refugee-receiving States which are called upon to maintain their commitment to the protection of refugees and encourage tolerance towards diversity while on the other side the refugee-producing States have the duty to prevent acts that produce mass exoduses of their populations. At the same time all states in the world under the union of the United Nations needs to reach an agreement on how best to prevent new flows of refugees. The root causes of these situations should be further be studied and rectified. If poverty is the major cause of global refugee mass flow, then some solutions could be found in development aid or technical assistance specifically in those areas most affected. If human rights violations are the principal causes of mass exoduses, then solutions may lie in continuous monitoring by United Nations human rights bodies. If it happens that violent conflicts are the causes of mass flows of refugees, solutions may be found in preventive diplomacy and promotion of mediation or otherwise as means to conflict resolution and in respect for provisions of humanitarian law at all costs<sup>20</sup>.

According to the report by the UNHCR, (2018) the problem of the world's refugees and internally displaced is among the most complicated issues before the world community today. This calls for more effective measure to be undertaken as a way of dealing with the vulnerable groups in protecting, assisting and more importantly to get a permanent solution as strides of ever growing numbers of refugees around the world more so from developing nations. Mixed arguments are being raised on the solution to the issues of massive refugee influx. While some call for increased levels of cooperation and coordination among relief agencies, like state agencies and other development partners of the same interest, others point to gaps in international legislation and appeal for further standard-setting in this area. Everyone, however, agrees that the problem is both multidimensional and global. Any approach or solution would therefore have to be comprehensive and to address all aspects of the issue, from the causes of mass exodus to the elaboration of responses necessary to cover the range of refugee situations from emergencies to repatriation<sup>21</sup>.

Based on these debates some facts tend to remain beyond disputes for instance some massive displacement can be prevented although none are on voluntary basis since nobody wants to be a refugee by themselves depending on others for basic needs and living in exile. United

<sup>19</sup>[https://www.unodc.org/documents/human-trafficking/2013/2013\\_GMG\\_Thematic\\_Paper.pdf](https://www.unodc.org/documents/human-trafficking/2013/2013_GMG_Thematic_Paper.pdf)

<sup>20</sup>[https://reliefweb.int/report/world/solutions-needed-stem-global-refugee-crisis-says-grandi?gclid=CjwKCAjwlqOXBhBqEiwA-hhitAPdMuB4fh\\_KdpfRUg3tFT2p6bvB4vFovp6ZosVmejajaGiOvtWVhhoCBTsQAvD\\_BwE](https://reliefweb.int/report/world/solutions-needed-stem-global-refugee-crisis-says-grandi?gclid=CjwKCAjwlqOXBhBqEiwA-hhitAPdMuB4fh_KdpfRUg3tFT2p6bvB4vFovp6ZosVmejajaGiOvtWVhhoCBTsQAvD_BwE)

<sup>21</sup> <https://www.unhcr.org/refugeebrief/latest-issues/>

Nations High Commission for Refugees (UNHCR) as an agency of U.N. was established in 2006 as a subsidiary organ of the United Nations General Assembly replacing International Refugee Organization 1951 (IRO)<sup>22</sup>. It was established to provide international protection to refugees in collaborations with governments to seek lasting solutions to their plight. Its legal foundation for its working is stipulated in its Statute<sup>23</sup>. At its inception the number refugees around the world was about 1 million, today the world is witnessing the highest levels of displacement on record so far. At the end of 2018, a report by UNHCR indicates that over 70.8 million people around the world had been forced from their homes majorly by conflict and persecution. Among them are nearly 30 million refugees, over half of whom are under the age of 18 including millions of stateless people, who have been denied a nationality and access to basic rights such as education, healthcare, employment and freedom of movement.

The number of refugees therefore continue to soar, the available data by UNHCR indicates that the number has grown to an estimated 17.5 million refugees with an additional 2.5 million refugees that are being cared for by the United Nations Relief and Works Agency for Palestine refugees in the Near East (UNRWA) and more than 25 million internally displaced persons (UNHCR, 2016). By June 2022, the number of people displaced had doubled due to COVID-19 impacts leading to hunger hence forcing people to migrate, according to the statement by the UN chief, people living in the Horn of Africa and SAHEL regions are at risk of hunger and malnutrition. A case of Ethiopia alone has more than 5.6 Million people as internally displaced and 7.4 million have been pushed to hunger due to war, the Ukrainian war with Russia has left many seeking for new homes furthermore, the whole world is affected by the same challenges of inflation hence, the cost of leaving hiking suddenly<sup>24</sup>.

By 1951 the huge number of refugees were European, yet today majority of refugees are from developing countries from Africa, Middle East and Asian continents. The current refugee movements are in mass exoduses as opposed to individual flights among earlier refugees. Interestingly, most of these refugees are women and children as statistics shows that out of all refugees, 80 per cent are women and children. Although, the causes of these massive exodus continues to vary from natural or ecological disasters and extreme poverty making it difficult to define refugees according to the Convention relating to the Status of Refugees which refers to victims of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion<sup>25</sup>.

<sup>22</sup> <https://ngofeed.com/unhrc-full-form/>

<sup>23</sup> <https://www.britannica.com/topic/human-rights/The-UN-Commission-on-Human-Rights-1946-2006-and-the-UN-Human-Rights-Council>

<sup>24</sup> <https://www.unhcr.org/refugeebrief/the-refugee-brief-24-june-2022/>

<sup>25</sup> [https://reliefweb.int/report/world/tackle-root-causes-migration-protect-refugees-and-displaced-people-leaving-their-homes?gclid=CjwKCAjwlqOXBhBqEiwA-hhitB1V5DZH\\_nX0IF9AGb4joA3BCBXgggriWt6qJOjNxxvZjt2zuR5yZR0CBEcQAvD\\_BwE](https://reliefweb.int/report/world/tackle-root-causes-migration-protect-refugees-and-displaced-people-leaving-their-homes?gclid=CjwKCAjwlqOXBhBqEiwA-hhitB1V5DZH_nX0IF9AGb4joA3BCBXgggriWt6qJOjNxxvZjt2zuR5yZR0CBEcQAvD_BwE)

Since the Second World War, Europe is facing a rapid migration surge which is becoming the largest challenge ever faced. In 2014 alone approximately 800,000 migrants arrived at the borders of European Union using irregular channels, the cause of this being fleeing conflicts and violence at home and in search for green pasture. This has become a sensitive political issue generating public debate across the globe on the weaknesses in migration system in Europe thus leading to many refugees and migrants being left vulnerable (Hough, 2016). A study by Squires, (2015) citing UNHCR (2015) indicates that, 13% of new arrivals in Europe by 2015 were women and 18% children. The routes used by these refugees are quiet dynamic, mostly shifting so fast as response to changing restrictions at the borders for security checks. Most of these people take great risks; a report by the International Organization for Migration (IOM) indicates that more than 3,100 people died in 2015 while traveling to Europe<sup>26</sup>. This is due to dangers caused by sea journey since they move across the Mediterranean from North Africa and Turkey. The report suggests that sometimes migrant children who are not accompanied disappear either on the way or after they arrive in Europe as they fall prey to human traffickers.

A report by UNHCR, (2019) show that more than 80% of people who arrived in Europe by sea were from the world's ten top refugee-producing countries and that over 50% were from Syria, 15% from Afghanistan, 6% from Eritrea and 4% from Iraq most of these countries were in conflict or crisis of some kind. In their effort to trying to curb the influx of immigrants, European Union member states have learned that the migration is becoming a threat to the sovereignty of their nations and regional borders, their economies and societies. Some member states have tried to tighten controls on the access that is irregular to their territories and legal channels. Although the restrictions are not very effective in keeping away the refugees but only exposed them to much greater vulnerability<sup>27</sup>.

Mallett et al, (2015) alludes that majority of these people seeking entry to Europe are running away from conflict and violence in their home countries. The findings show that in Syria alone over 12 million people are in dire need of humanitarian assistance and over 4 million have fled the country. There are indicators that the citizens of Iraq are facing a resurgence of violence and conflict, due to Islamic State influence and that more than 4 million Iraqis were displaced in their own country. In Syria 6.8 Million, Venezuela 4.6 million, Afghanistan 2.7 million, South Sudan 2.4 million, Myanmar 1.2 million others include Somalia, the Central African Republic, DRC, Burundi, Mali, Nigeria and Eritrea were faced with protracted conflicts and crises which threaten lives of millions of civilians, forcing many to leave their home country in search of safety and security either in Europe or elsewhere<sup>28</sup>. In addition to these the Ukrainian's have joined the

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<sup>26</sup><https://publications.iom.int/books/migration-health-annual-report-2017>

<sup>27</sup> <https://www.europarl.europa.eu/factsheets/en/sheet/152/immigration-policy>

<sup>28</sup> <https://www.worldvision.org/refugees-news-stories/forced-to-flee-top-countries-refugees-coming-from>

league of massive displacement as of 2022 February this continues to increase the number of refugee camps in different countries.

### 3.0 SOME INTERNATIONAL RECOGNIZED REFUGEE CAMPS;

A study by Frischtak, (2017) on the paradox of permanent temporariness of refugee crisis indicates that the underlying reasons for significant influx of refugees vary from conflicts, persecution, environment disaster or even dire economic situations more settlement patterns varies, some may join camps that were previously created by other refugees or camps planned and created by different relief agencies. Over 34 million refugees in 125 different countries live in camps that are governed by UNHCR, although other camps are controlled by the country hosting the refugees like Kilis in Turkey still others are self-governed like Yida in South Sudan for Sudanese displaced people. Globally, statistics indicate that by 2021, around 89.3 million people were forcefully displaced, 53.2 million are internally displaced on top of this 27.1 million were refugees, with 4.6 million being asylum seekers<sup>29</sup>.

Currently, Bangladesh, Ethiopia, India, Jordan, Kenya, Pakistan, Rwanda, South Sudan, Tanzania, Pakistan and Turkey are among the largest refugee camps in the world hosting between 60,000-185,000 refugees. There have been some debates that '*camps keep refugees alive, but they prevent them from living*'. This is due to the most prevalent health conditions in the refugee camps such as; anemia, hypertension, diabetes, and mental illness. Over 70 percent of primary healthcare visits in camps are due to communicable diseases, non-communicable diseases comprise roughly 20 percent, and injuries, mental illness make up the rest. A case of the women in Zaatari camp in Jordan who may have access to birth control and family planning services yet half of children and women of child-bearing age in Zaatari camp are anemic<sup>30</sup>. While a negligible number of children are acutely malnourished, 17 percent of children in the camp suffer from chronic malnutrition leading to stunted growth<sup>31</sup>. Together, the fifty largest camps in the world house over 1.9 million people.

By 2015, Syrian conflict that displaced close to five million people sought refuge in neighboring countries like Egypt, Iraq, Jordan, Lebanon and Turkey, before the outbreak of the conflict in 2011 the population of Syrian's was about 22 million. Hence, the UNHCR high ranking officials came up with three proposals on how to absorb the pouring refugees in the neighborhood. These were: voluntary repatriation; incorporation with citizenship into the country of refuge; and country resettlement; Repatriation to a country in chaos being out of the question, and with

<sup>29</sup><https://www.google.com/search?q=meaning+of+IDMC&oq=meaning+of+IDMC&aqs=chrome..69i57j0i5i30j0i390.15631j0j7&sourceid=chrome&ie=UTF-8>

<sup>30</sup><https://www.aljazeera.com/news/2022/3/29/a-life-of-isolation-for-syrian-refugees-in-jordans-azraq-camp>

<sup>31</sup> <https://www.oxfam.org/en/life-zaatari-largest-syrian-refugee-camp-world>

resistance from politicians in Jordan and Lebanon to the second option, Syrians were forced to seek resettlement in whatever other country would accept them<sup>32</sup>.

The Congolese refugee population (DRC) is the sixth largest in the world, the vast majority of Congolese refugees re-settled in Uganda, Tanzania, Burundi, and Rwanda. About 500,000 people had fled the DRC by January 2014, yet in total, over 3 million Congolese are displaced<sup>33</sup>. Interestingly, the refugee situation in Africa is that countries producing thousands of refugees also serve as host nations to neighboring countries' refugees. This is experienced in great lakes region and East Africa, quite dramatic as though is an exchange program. Even though Congo has sent thousands of refugees to Uganda, Rwanda, Burundi and Tanzania, it is also the host country to some 222,000 refugees from Rwanda, Central African Republic, and Burundi<sup>34</sup>.



*Fig.1 Refugee Camp.*

Other refugee camps include; in Kenya: Kakuma-185,000 refugees, Dadab (Hagadera-106,000, Dagahaley-87,000, and Ifo-84,000) majority of refugees in Kenya are Somali's and South Sudanese<sup>35</sup>. In Tanzania: Nyarugusu-64569 number of refugees, Mishamo-62,000 and Kutumba-66,000 majority being Burundians<sup>36</sup>. Rwanda has about 72,988 refugees distributed in different refugee camps including; Nyabiheke, Kiziba, Gihembe, Kigeme and Mugumobwa<sup>37</sup>. Burundi has about 45,124 refugees distributed in different camps including: Kinama, Bwagiriza, Musasa and Kavumu<sup>38</sup>. Uganda hosts about 155,742 refugees with 60,000 refugees in Nakivale camp in

<sup>32</sup> <https://reliefweb.int/report/syrian-arab-republic/resolution-adopted-human-rights-council-8-october-2021-4815-situation>

<sup>33</sup> <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-regional-refugee-response-plan-january-3>

<sup>34</sup> [https://en.wikipedia.org/wiki/Banyamulenge#cite\\_ref-Mamdani250\\_7-0](https://en.wikipedia.org/wiki/Banyamulenge#cite_ref-Mamdani250_7-0).

<sup>35</sup> <https://reliefweb.int/report/kenya/kenya-registered-refugees-and-asylum-seekers-31-may-2022>

<sup>36</sup> <https://reliefweb.int/report/united-republic-tanzania/unhcr-tanzania-factsheet-december-2021#:~:text=Tanzania%20has%20a%20long%20history,from%20Burundi%20and%20DR%20Congo>.

<sup>37</sup> <https://reliefweb.int/report/rwanda/unhcr-operational-update-rwanda-february-2022>

<sup>38</sup> <https://reliefweb.int/report/burundi/burundi-regional-refugee-response-plan-2021-mid-year-report>

western Uganda one of the oldest refugee camps established by UNHCR back in 1960's<sup>39</sup>. In Asia Nepal has a population of 107,000 refugees in Bhutanese camps, Pakistan hosts 62,000 refugees in Pawian camp mostly Afghans, Jordan has 78,000 in Zaatari camp mostly Syrians and Turkey has a camp in Kilis hosting a number of refugees from Syria<sup>40</sup>.

By the year 2000, a number of refugees from Congo and other countries started resettling in the U.S., mainly coming from camps in Tanzania. Between 2008 and 2013, about 11,000 Congolese refugees arrived in the U.S. Due to the escalation of conflict in Kivu, however, in 2012 the U.S. Bureau of Population, Refugees and Migration announced that they would accept 50,000 Congolese into the U.S. between 2013 and 2018. Most refugees were received in Texas, Arizona, Kentucky and New York<sup>41</sup>. It's unfortunate that under international law and the principle of family unity, the children of refugees and their descendants are also considered refugees until a durable solution is found. Both UNRWA and UNHCR recognize descendants as refugees on this basis, a practice that has been widely accepted by the international community, including both donors and refugee hosting countries, although, nobody want to be a refugee by choice.

In many camps as indicated above most people live in a protracted refugee situation, a situation when they have lived in exile for more than five years, and when they still have no immediate prospect of finding a durable solution to their plight by means of voluntary repatriation, local integration or resettlement while most refugees face immeasurable hardship, persons living in protracted situations. Examples of protracted refugee situations in Africa include Liberian refugees in Ghana and in Côte d'Ivoire, Somali refugees in Kenya, Djibouti, Ethiopia and Yemen, Sahrawi refugees in Algeria, Sudanese refugees in Uganda, Kenya, Chad and Ethiopia, Angolan refugees in Zambia, Burundi refugees in Tanzania, Eritrean refugees in Sudan and Sierra Leonean refugees in Guinea<sup>42</sup>. For various reasons, protracted refugee situations often seem to be intractable. Armed conflicts, often lasting many years, frustrate the repatriation process. As repatriation is often seen as the favoured solution<sup>43</sup>.

### ***3.1 The Rohingya Refugees;***

Rohingyan people have a long history of conflicts that makes them to be refugees for many centuries past. Two narratives are at the center of the origin of this conflict, the conflict is often cast as a religious war although it never existed until Second World War. Up to date Rohingya are considered minority Muslims while the government of Myanmar is made of the Buddhist and

<sup>39</sup> [https://reliefweb.int/report/uganda/uganda-unhcr-and-partners-launch-2022-2025-uganda-country-refugee-response-plan-ucrrp?gclid=CjwKCAjwlqOXBhBqEiwA-hhitP3bVsuunZ6CaNKSyd85GXjBSQJRY\\_467-TpdTs2R-7E6Bz5HcznpRoCu4MQAvD\\_BwE](https://reliefweb.int/report/uganda/uganda-unhcr-and-partners-launch-2022-2025-uganda-country-refugee-response-plan-ucrrp?gclid=CjwKCAjwlqOXBhBqEiwA-hhitP3bVsuunZ6CaNKSyd85GXjBSQJRY_467-TpdTs2R-7E6Bz5HcznpRoCu4MQAvD_BwE)

<sup>40</sup> <https://www.unhcr.org/asia-and-the-pacific.html>

<sup>41</sup> <https://www.rescue.org/sites/default/files/document/6324/ircdrcnrcjointreportv4final.pdf>

<sup>42</sup> <https://ccis.ucsd.edu/files/wp68.pdf>

<sup>43</sup> <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/african-displacement/jamal.pdf>

Civilians hence, religion and politics happen to collide<sup>44</sup>. During colonial period in Myanmar by the British, it's claimed that minority Muslim Rohingya sided with British colonial rulers while majority Buddhist allied with Japanese who invaded them<sup>45</sup>. History has it that in 1982, the Myanmar government stripped of the citizenship of Rohingya in Myanmar by law. In September, 2017 conflict arose in Myanmar a senior military officer (Gen. Min Aung Hlaing) shared a statement suggesting that the military action against Rohingya was unfinished business as Rohingya had demanded recognition as citizens yet according to him the Rohingya had never been ethnic group in Myanmar<sup>46</sup>.

### 3.2 History of Rohingya in Myanmar:

The truth about Rohingya's history is not very clear, three perspectives try to suggest their original background; two perspectives from within tend to be in opposition against each other regarding Rohingya ethnic, the Rohingya narrative and the Bamar narrative while the third is from outside, scholarly and historical based which acknowledges both the two narratives as each having some elements of truth<sup>47</sup>. The Narrative of the Rohingya is that they lived in Rakhine (the most western part of Myanmar) for centuries, even before Islam arrived in the region at the end of the 8<sup>th</sup> C., their language and culture was dominant in the area during the rule of Mrauk U Dynasty from the 15<sup>th</sup> -18<sup>th</sup> C., the dynasty was Muslim but ended when Burmese Empire conquered the region. Despite the conquest, the Rohingya stayed in the region even after the collapse of the Maruk U Dynasty. Later in 19<sup>th</sup> C. the region became a British colony in 1826, making Rohingya British subjects. When Second World War started many Rohingya joined the British Military and fought against Japanese in a guerrilla war. Therefore, their contention is that the British promised them an independent state after the war although this promise might have been broken making the Muslim parts of Rakhine to remain part of Myanmar.

On the other hand, the Rakhine and Bamar People's perspective is slightly different. Like the Rohingya, the Rakhine people as ethnic minority are Buddhist and live in the Rakhine state. The Bamar are majority ethnic group in Myanmar are also Buddhist. Contend that; Islam had only a small presence in Rakhine during the Maruk U Dynasty's rule, which was Buddhist, not Muslim and that Rohingya are migrants of Bengali (Chittagonians) who arrived in Rakhine in 1826 after the British conquest. The number of Muslims who lived in Rakhine before British colonization were few and that they are not the ancestors of the modern Rohingya. The Rohingya benefited from British colonization and used the World War II to consolidate their strength in Myanmar.

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<sup>44</sup><https://www.unrefugees.org/news/rohingya-refugee-crisis-explained/#:~:text=The%20Rohingya%20have%20suffered%20decades,to%20seek%20refuge%20in%20Bangladesh>

<sup>45</sup> <https://www.unocha.org/rohingya-refugee-crisis>

<sup>46</sup> <https://www.cfr.org/background/rohingya-crisis>

<sup>47</sup><https://www.aljazeera.com/features/2018/4/18/who-are-the-rohingya>

However, scholar's perspective is as follows; the Rohingya are union of peoples from native Muslim Rakhines who lived in Myanmar for many centuries and Bengali immigrants who arrived in Rakhine in the 19<sup>th</sup> C. Islamic religion and culture had a strong influence in the state of Rakhine before as colonized by the British hence, Mrauk U Dynasty sought and held Islamic titles. Thus, there is still ongoing debate as to whether the Mrauk U Dynasty was actually Islamic or not since it was common for non-Muslim rulers in Southeast Asia to seek Islamic titles due to the perceived prestige but not to actually be followers of Islam. As if this is not enough, there is further evidence that some semblance of the Rohingya community existed in Myanmar before British colonization. History has it that in 1799 that is 25 years before the British invaded Myanmar, a surgeon employed by British East India Company by the name Francis Bacon, traveled throughout Myanmar and documented the existence of a Muslim ethnic group "who have long settled in Arakan which is Rakhine, and who call themselves Rooinga, or natives of Arakan.

### ***3.3 During the colonial time;***

The modern Rohingya may not be solely descendants of the "Rooinga. It is undeniable that large-scale migration from Bengal to Rakhine occurred during the British occupation of Myanmar from 1826 to 1948. The native workforce of Myanmar could not meet the demands of their British occupiers. The British therefore encouraged Bengalis to migrate to Myanmar where they could find higher wages and absence of a border between Bengal and Myanmar which resulted in an influx of migrants into Rakhine. The British labeled these immigrants either "Mahomedan" or "Chittagonian," who became an important part of the colonial workforce and bureaucracy. According to the hypothesis of Professor Rei Nemoto the new migrants integrated with the Muslims in Rakhine, but alienated the Buddhist Rakhine. During the Second World War tensions ensued between the two communities as Japanese and the British militaries took advantage of underlining sectarianism to win the war. The Japanese recruited Buddhist Rakhine into the "Patriot Arakan Force," while the British recruited the Rohingya into "Force V. This led to massive violence after the Second World War between these two communities. Initial attempts by the Muslims in Rakhine to carve their own state, and later to join East Pakistan (now Bangladesh), failed. All of Rakhine became part of an independent Myanmar in 1948, the term "Rohingya" arose at this time.

### ***3.4 The Rohingya Crisis & Buddhist Extremism in Myanmar;***

For many generations, Rohingya people have suffered so greatly. The Myanmar's military launched a crackdown that was so deadly in 2017 August, which aimed at exterminating Rohingya Muslims. This military offensive crackdown made hundreds of thousands to flee in trying to escape for their lives by either sea or on foot across the border to Bangladesh. It's out of this act that made the UN Secretary-General Guterres to describe the Rohingya people as the most discriminated people in the world and the United Nation described this offensive act as a "textbook example of ethnic cleansing".



Amartya Sen (1999) on development as freedom opines that a society is more successful if its citizens are free, but any group of people in any society if their rights are not protected they tend to look for their own alternative ways of protecting themselves. These is done through formation of vigilante groups within the community as seen all over the world including communal or groups based on clans as evidenced in many nations that are struggling with conflicts or even a certain group of people being discriminated in any way might be in job opportunities or equal sharing of resources in that society. Rohingya plight has been quiet mixed since Myanmar government was formed. The formation of Rohingya Arsa militant group that launched attack on police post could be as a result of frustration of this people not being considered as human with rights, the government not giving them full protection as needs be by any group of people<sup>48</sup>.

The attack by the government could not have aimed at citizens and their habitants, according to medicines San Frontiers (MSF, 2017) the respond of the government included touching their villages, attacking and killing civilians who may have been armed thus over 6700 lives of Rohingya people was lost including 730 children under 5 years of age who are very innocent of the happenings. In addition, the Amnesty International reports that the Myanmar military raped and abused women and girls from this group of people. According to BBC correspondents the attack never ended there it continued for sometimes until most of the Rohingya people and their villages were completely reduced to smouldering rubble and ethnic Rakhine left intact and over 288 villages were destroyed. According to Human Rights Watch most damages occurred in Maungdaw Township<sup>49</sup>.

### ***3.5 Response by international community on Rohingya's continued massacre;***

Despite all the killings and destruction of properties in Rakhine, the Myanmar government has continual denied carrying out genocide. After inquiry by the country's independent body (Independent Commission of Enquiry-ICOE), it was learned that members of the security forces could have carried out war crimes, violation of serious human rights and domestic laws<sup>50</sup>. A report by the UN, (2018) indicates that the Myanmar military carried out mass killings and rape intended for genocidal. On behalf of other Muslim countries, small Muslim-majority nations like Gambia in West Africa had lodged a case with ICJ calling for emergency measure to be taken against Myanmar military the 'Tatmadaw'. In January 2020, the Court's ruling ordered Myanmar government to take emergency measures of protecting the Rohingya from persecution and killings. This was quiet little done as justice for the Rohingya people, in his address to the English

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<sup>48</sup><https://www.amnesty.org/en/latest/news/2018/05/myanmar-new-evidence-reveals-rohingya-armed-group-massacred-scores-in-rakhine-state/>

<sup>49</sup><http://www.atimes.com/article/rohingya-insurgency-takes-lethal-form-myanmar/>.

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[https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/20180510\\_-\\_iscg\\_-\\_sitrep\\_final.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/20180510_-_iscg_-_sitrep_final.pdf).

parliament in West Minister Hall<sup>51</sup> in May 25, 2011, the U.S. president Barack Obama reiterated the need for the International community to call for action when a certain leader threatens to massacre its people<sup>52</sup>. This is due to the fact that all action by all leadership is essential to the cause of human dignity.

### ***3.6 Challenges facing Rohingya (Refugees);***

A part from increased poverty levels due loss of properties and displacement, refugees are confronted with situation of physical insecurity, attacks and recruitment by armed elements, tension with local host communities and types of conflicts. Most of them endure particularly difficult living conditions for a big period of time. Many times camps are situated in remote, insecure, marginalized socio-economic areas, in many host countries, freedom of movement is limited to refugees, right to education is limited, limited civil, political, and legal rights.

They hardly access land as a form of production and employment opportunities, due to all this, the camps are often characterized by tension and violence. Because of this progressive loss of hope of finding solutions to their plight, young male refugees are likely to engage in various forms of delinquent behaviour, exposing the refugees to greater risks and hardships.

Majority refugees are not issued identity documents other than ration cards furnished upon registration in the camps. There are few, if any, prospects for these refugees to restart self-reliant and productive lives in their camps. They are, in principle, not allowed to engage in wage-earning employment or self-owned commerce depending on host country. In some countries, refugees are characterized in public opinion as unwanted competitors for scarce jobs. Nevertheless, it is generally known that in some countries some refugees live and work in several cities without the requisite documents but when arrested, they end up facing an imprisonment and/or hefty fines for having violated the Refugee Security Act of the host country. More especially if the country is a party to the 1951 Refugee Convention, its 1967 Protocol, and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

The 1967 Protocol is independent of, though integrally related to, the 1951 Convention. The Protocol removes the temporal and geographic limits found in the Convention. By acceding to the Protocol, States agree to apply the core content of the 1951 Convention (Articles 2–34) to all persons covered by the Protocol's refugee definition, without limitations of time or place and does not operate in isolation but complemented by other bodies of laws like international human rights law, international humanitarian law, and international criminal law which are interconnected. Like the Universal Declaration of Human Rights of 1948 affirms, 'all human beings are born free and equal with dignity and rights'<sup>53</sup>. This is interpreted to mean that all human

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<sup>51</sup> <https://www.youtube.com/watch?v=fp85zRg2cwg>

<sup>52</sup> <https://www.americamagazine.org/content/all-things/obama-westminster-hall-seals-alliance-values>

<sup>53</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

beings whatsoever and at all cost ought to be protected by international human laws which extends to everyone within a State or territory or authority of jurisdiction (Nicholson and Kumin, 2017).

However, up to 2017, many Rohingya refugees have massively continued joining the refugee camp in Kutupalong in Bangladesh, which happens to be the largest refugee settlement in the world today with over 600,000 refugees<sup>54</sup>. While still more than half a million Rohingya believed to be living in Rakhine province in northern Myanmar, the UN has continued to warn against the uncertainty of the lives of this people alleging that serious risks of genocide occurring or recurring because situations under which previous killings, rape, torture, forced displacement and other human rights and law violation in 2017 and before then still remain unchanged.

Although an agreement was reached on Rohingya refugees returning back, and Bangladesh announcing that it would no longer accept Rohingya refugees from Myanmar by 2018, Rohingya refugees swore never to return unless and until they are guaranteed full protection and be given citizenship<sup>55</sup>. An investigation by BBC on what awaits any Rohingya refugees who return to Myanmar shows that those considering returning in Myanmar may not be able to do so since villages had been destroyed to make way for government facilities<sup>56</sup>. The Status of a Refugee is the foundation of international refugee law in relations to 1951 Convention, establishes the principle that refugees should not be forcibly returned to a territory where their lives or freedom would be threatened<sup>57</sup>. It also sets out the duties of refugees and the responsibilities of States towards them<sup>58</sup>.

#### **4.0 DURABLE SOLUTIONS FOR REFUGEE PROBLEMS AS SUGGESTED:**

UNHCR is trying its best in ensuring that there shouldn't be any more refugees in the future or even reducing the present number of refugees to a negligible extent<sup>59</sup>. Through the formation of Steering Groups on Durable Solutions, the organization is headed towards Durable Solutions in a number of ways including; through Steering Group in Sudan and Columbia working on transitional Solutions Initiatives (TSI) short term measure being held by help of World Bank and UNDP in encouraging amalgamation or local integration of refugees with the local population or repatriate those who can go back to the country of origin. This is done by trying to redress the grievances of stateless people and enhancing their protection as per the international traditions<sup>60</sup>. The Secretary

<sup>54</sup> <https://www.facebook.com/InfomationCommittee/posts/810620129111095>.

<sup>55</sup> <https://www.dhakatribune.com/bangladesh/2017/10/01/who-really-attacked-the-rohingya-hindus-in-rakhine/>

<sup>56</sup> <https://www.irrawaddy.com/news/burma/hindu-refugee-shares-eyewitness-account-maungdaw-violence.html>

<sup>57</sup> <https://humanrights.gov.au/our-work/what-universal-declaration-human-rights>

<sup>58</sup> <https://www.amnesty.org/en/what-we-do/universal-declaration-of-human-rights/>

<sup>59</sup> [https://www.rebuildingalliance.org/mrs-najahs-](https://www.rebuildingalliance.org/mrs-najahs-kitchen?gclid=Cj0KCQjwgO2XBhCaARIsANrW2X1wJ5X6flxQLrQzYP6PHcgZb1B83Z7c0u8H2Y1HicXjzCpKALYSBYaAsZcEALw_wcB)

[kitchen?gclid=Cj0KCQjwgO2XBhCaARIsANrW2X1wJ5X6flxQLrQzYP6PHcgZb1B83Z7c0u8H2Y1HicXjzCpKALYSBYaAsZcEALw\\_wcB](https://www.rebuildingalliance.org/mrs-najahs-kitchen?gclid=Cj0KCQjwgO2XBhCaARIsANrW2X1wJ5X6flxQLrQzYP6PHcgZb1B83Z7c0u8H2Y1HicXjzCpKALYSBYaAsZcEALw_wcB)

<sup>60</sup> [https://worldrelief.org/refugees-immigrants-and-displaced-](https://worldrelief.org/refugees-immigrants-and-displaced-people/?gclid=Cj0KCQjwgO2XBhCaARIsANrW2X2xODvJYn86G4p39YPSdReZk4YQbIN86QyfJB0Lsqar3o5bAXC72O4aAreMEALw_wcB)

[people/?gclid=Cj0KCQjwgO2XBhCaARIsANrW2X2xODvJYn86G4p39YPSdReZk4YQbIN86QyfJB0Lsqar3o5bAXC72O4aAreMEALw\\_wcB](https://worldrelief.org/refugees-immigrants-and-displaced-people/?gclid=Cj0KCQjwgO2XBhCaARIsANrW2X2xODvJYn86G4p39YPSdReZk4YQbIN86QyfJB0Lsqar3o5bAXC72O4aAreMEALw_wcB)

General's Committee on Durable Solution working in Afghanistan, Cote D'Ivoire and Kyrgyzstan are tasked with collecting information about displaced persons in affected states and from persons who have returned back to their countries of origin. In collaboration with concerned governments, the UNHCR is asking the respective countries to include these people in their national plans, and work for their betterment through development plans.

Measures for Protection and Development of Refugees where the Steering Group on Durable Solutions should focused its attention on the protection and development of the refugees. By provision of certain tools and techniques such as issuing and publication of various documents which are related with problems of the refugees in relations to UNHCR livelihood Strategy, guidance on responsible withdrawal, voluntary repatriation, and guidelines on re-Integration<sup>61</sup>. It has also to initiate measures related to solving refugee problems such as movement, transportation for labor mobility where skilled and professional refugees to the countries that are in dire need of human resource in certain sectors and fields, after which these workers will become part of the labor force. For Durable Solutions for refugees to be achieved it's also imperative to adopt Country-to Country, Case-to Case studies with a wider and general approach not forgetting the bitter realities of the past. To achieve these, all the concerned Governments, Government Agencies, Private Sector and Non-Governmental Organizations (NGOs) must be full involved in efforts and initiatives, being launched by UNHCR (Malik, 2015).

Other measures include voluntary repatriation and resettlement, the choice of solution is inextricably linked to the reasons for flight, as this will provide key indicators of the prospect for a durable solution to succeed International protection which is a temporary substitute for the normal safeguards of national protection in one's country of origin. Also durable solution will be necessary because, in recent years, international support for the aid effort is dwindling because of what is known as donor fatigue resulting from economic downturn and depression brought about by severe pandemic like COVID 19, lack of lasting peace prospects in many parts of the world, and, as a consequence, reduced international media attention.

According to the report by joint NGO's recommendations on durable solutions for the global compact on refugees' program of action, bringing to a close to forced displacement of human beings is very crucial and essential element growth and development of humanity. Displacement of any form violets and undermines the rights and dignity of human potentials. A lasting solution is critical for societal sustainable development since it catalyses' development and mitigates any negative potential impacts that affect the society otherwise. When this is achieved and durable solution for refugee issues realized there will be no need of specific humanitarian protection and assistance linked to discrimination resulting from displacement.

The report further argues that reaching a permanent solution to refugee problem is quiet challenging as refuge issue has become politicized hence many Countries are turning away from

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<sup>61</sup><https://www.unhcr.org/ke/durable-solutions>

taking their full responsibility in providing solutions to refugee displacement. Study indicates that by 2016, refugees who were safely repatriated were only 741,000. This could be due to complex patterns of conflict and protracted displacement whereby, the refugee hosting countries are also fragile and conflict affected and majority are faced with severe socio-economic and political development challenges hindering their ability to provide for their own population leave alone the refugees.

Therefore, the institution of asylum cannot be safeguarded and be a reliable basis for durable solutions because restriction on right of one to seek asylum, denouement practices, coerced and unsafe returns that happen in many places are in violation and highly contravenes international law and hinder access to durable solutions as witnessed in some European countries, Jordan and Turkey. From the report when the following suggestions are adhered to, durable solutions for problems of refugees can be reached. Recommendations for the Global Refugee Compact and its Program of Action of which it should reinforce commitments to the New York Declaration of promoting voluntary, sustainable return and reintegration done through reinforcement of existing legal norms and codifying good practices for return. As per the report, on the Program Action the Joint NGO's report came up with the following recommendations for achieving quality standards for dignified and sustainable return:

- ❖ All stakeholders including the government should come up with modalities in anticipation and mitigation of any arising conflicts to prevent future discrimination and forced displacement.
- ❖ Asylum space has to be upholding as per the requirement of international refugee law.
- ❖ The operations should not be carried in hurry but the Program Action should encourage gradual return.
- ❖ The whole process must adhere to the principle of voluntarism to safeguard the safety and dignity in the process of return.
- ❖ In the return program, the diaspora communities must be involved since they play an important role in shaping attitude and incentives.
- ❖ Human rights-based approach corded with humane and dignity in response to refugee solutions.
- ❖ Successful return must be comprehensive, returnees be facilitated by provision of necessary items including mental, psychological, emotional and social preparation including the receiving communities for easy integration.

According to a paper co-written by Plan International country directors of Tanzania and Uganda 'Putting the CRRF into Practice General Issues and Specific Considerations in Tanzania and Uganda 3, July, 2017', a number of dialogues, discussions and recommendations by High Commissioners, UNHCR/NGO's and their partners have been reached yet the implementation of

such discussion need to be put into account<sup>62</sup>. At the same time the development actors need to change their mind-sets and look at how they can become more flexible and responsive to the needs of refugee-hosting areas and communities in terms of finding a durable solution to their plight and not just being in the camp the rest of their lives. The approaches of donors and development actors put in different stages including short term, medium term and long-term solutions that will include handing over to the government institutions and repatriation of the refugees.

To achieve long term solutions which include repatriation of refugees a shift in the mind set of development actors is necessary in order to achieve the long-term goals of global peace and security as entailed in the UN charter as its core target. Donors also need to ensure that the right incentives are put in place, shift the funding engagement approaches to ensure better responses by refugees and hosting communities. Above all the shift should focus on supporting humanitarian development and its complementary response for betterment of the lives of the affected people. Donors requires coordination between a range of actors, at different levels including national, regional, international organizations, actors from private sectors, international financial institutions and from the field of academia. Different States and donors should now start focusing on how to finding ways of ensuring greater protection of refugees, finding out the root causes of displacement and increasing resettlement/repatriation activities both at home countries of the refugees.

## 5.0 CONCLUSION

Although the UNHCR has been tasked to protect the interest of refugees as its main objective, she tries to evolve such strategies that will lead towards the Durable Solutions of the problems of these refugees, and that will help them to live in a dignified manner in their respective countries of origin. These Durable Solutions may include, but not limited to, Transitional Solutions Initiatives by UNHCR (TSIs), and expedites the efforts being made by the respective Governments in regard to this, the UNHCR further publishes some guidelines for the guiding respective Governments on the same issue. In addition, a number of steps are being launched on the same that are encouraging.

The role of UN as initiated was majorly to make sure that there shouldn't be any occurrence of another world war as happened before, its establishment was to fill the gaps and loopholes identified in the League of Nation. Under its mandate there is emphasize of human rights protection under international human rights law, protection of refugees is a matter of concern. While many development actors working with refugees in their camps, resettlement is often thought of as the forgotten solution, as it is often considered an option of last resort. This simply isn't true, and, for many refugees, resettlement is in fact the best, or only, alternative because; resettlement is a

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<sup>62</sup><https://www.unhcr.org/events/conferences/595e2b1c7/crrf-practice-general-issues-specific-considerations-tanzania-uganda.html>

solution that very few actually access: less than 1 per cent of the refugee population is able to access resettlement as a durable solution.

The availability of resettlement as a solution in any given context rarely, if ever, reflects the need. Resettlement in a third country involves the voluntary transfer of refugees from one country in which they sought refuge to another country that has agreed to admit them. It is a vital tool, as, in some circumstances, refugees, lives, liberty, safety, health, or other fundamental rights are at immediate risk in the country of asylum because of their identity or because the country of refuge is not willing or able to protect them. However, resettling some refugees in the third country may not be permanent solution because the question is until when will these go on?

Resettlement can also be used to meet the special needs of a refugee that cannot be adequately addressed in the country of refuge. Survivors of violence, torture, or severe trauma may fall into this category. It can also be the only solution for refugees who have no prospect of returning home in the foreseeable future and who have no prospects to integrate in the country of refuge. It is also a means for international responsibility-sharing, so that no one country carries an undue burden for protecting refugees. It is important to emphasize that not all those who meet the resettlement criteria will be resettled. Many people do meet the criteria, but often the quota is full, and some resettlement countries will use additional criteria such as language or other skills, which further limits opportunities for those who would otherwise qualify.

Humanitarian workers should understand that there are standards for determining when pursuit of one of the durable solutions is appropriate and also what can be done to ensure circumstances that will lead to one solution or another. It should be emphasized that, in the pursuit of any of these three solutions, there are difficulties and that in all circumstances the voice of the refugee must be heard and that they must be part of the decision of what is the best solution for them. The process of reintegrating in one's own country – often devastated by conflict – or integrating in a new country is hardly ever easy, and there are many examples of difficulties faced by returnees. These include reacquisition of land and property, employment, access to social assistance, and continuing discrimination and harassment. Returnees ought not to be treated as second-class citizens; rather, they should be considered full-fledged members of the community.

A linkage between humanitarian assistance workers in the host country and the country of return is important in ensuring positive reintegration experience by the community. It's worth pointing out that fulfillment of rights and provision of benefits either by the government or development actors like local and international NGO's must be done on a nondiscriminatory basis. In their spirit of empowering and skills acquisition like, access to vocational training, land and land ownership, education for literacy, and other services should apply equally across all genders. Instead of leaving a section of gender deprived and marginalized on their return and integration. The role of International Court of Justice must also be upheld and given mandate to prosecute without political interference.

## 6.0 RECOMMENDATION

In much reflection to the continued concern for the plight of refugees it is necessary that Governments should address the factors that contribute to forced displacement and strengthen their support for international activities to protect and preserves human rights. Adequate international support should be extended to countries of asylum to meet the basic needs of refugees and to assist in the search of durable solutions.

The UN Security Council, the Super-power and developed nations must not hastate to come forward to protect humanity from any country around the world that is likely to undergo through a conflict that may lead to genocide leave its people as refugees like what happened in Rwanda 1994, the UN took long to respond. Refugee country of origin must be tasked to take charge in supporting the needs of refugees in host countries.

As Obama argues, the international community must move with speed and call for action when a certain leader in any nation or society threatens to massacre its people because all actions by all leadership is essential to the cause of human dignity. The society is more successful if its citizens are free and citizens are not defined by race or ethnicity but by believing in certain set of ideas, rights of individuals and the rule of law which should not lead to persecution.

The international community should commit to work under the guidance of UNHCR principle body dealing with refugee protection in ensuring that refugees receive adequate protection, including safeguarding and strengthening legal protection for person's fleeing persecution and also enhancing assistance to those most in need in provision of durable solutions to refugee situation.

States must focus particular on addressing the root causes of refugee flows mostly in Africa and Asia and how to come up with better responses to mass influx, how to target development assistance in achieving shared responsibility in promoting self-reliance of refugees and establish multilateral commitments for resettlement to enhance refugee protection, national protection capacities, and finding durable solution.

In their development projects, States and development actors must aim at poverty reduction programs and development projects. These can easily be done through empowerment and skill development in recognition that empowered refugees are better able to contribute to their own and their communities' protection. The program must consider and recognize the need for expanding possibilities for education, vocational training, agriculture and other income-generating programs to benefit men and women equitably. Education, training and literacy programs for all refugees has to be seen as vital and only second to the provision of food and health care. This is because refugees who led a productive life in exile received an education and developed skills that lead to contribution and reconstruction of their home country. Education will always facilitate their easy reintegration into host or home community, poverty reduction programs and conflict resolution strategies must be prioritized in any government to reduce migration of people.



### **Terminologies**

***Asylum-seeker:*** a person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments. In case of a negative decision, the person must leave the country and may be expelled, as may any non-national in an irregular or unlawful situation, unless permission to stay is provided on humanitarian or other related grounds.

***Migrant:*** an individual who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate.

***Refugee:*** A refugee is an individual 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 (UNHCR, 2011).

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