

COMMENTARY

ADDRESSING THE REFUGEE PROBLEM IN THE EARLY OF 21ST CENTURY BY UNHCR[©] Σ

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ABSTRACT

UNHCR as an international UN agency that focuses on helping to deal with international refugee problems has faced bitter challenges as early as the 21st century. This is due to the financial problems faced by UNHCR and also the change in refugee trends as a result of internal conflicts in certain countries. UNHCR's main challenge during this era is to fend off the accusations of the international community in the refugee destination country's negative perception of this group. Thus, UNHCR's approach changes in line with international political currents by strengthening the element of responsibility to protect. This approach is to strengthen the protection of refugees in the country of destination and UNHCR also cooperates with the government in the country of destination in terms of finance, mobilization, registration and resettlement. This effort is seen as potentially helping to deal with the refugee problem collectively and continuously until this issue is successfully resolved comprehensively.

Keywords: UNHCR, UN, 21st century, R2P

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KOMENTAR**MENANGANI MASALAH PELARIAN PADA AWAL ABAD KE-21 OLEH UNHCR***AIZAT KHAIRI, MOHD RAMLAN MOHD ARSHAD, MOHD NA'EIM AJIS*

ABSTRAK

*UNHCR sebagai agensi antarabangsa PBB yang memberi fokus membantu menangani masalah pelarian antarabangsa telah menghadapi cabaran getir seawal abad ke-21. Hal ini disebabkan masalah kewangan yang dihadapi UNHCR dan juga perubahan trend pelarian kesan daripada konflik dalaman negara tertentu. Cabaran utama UNHCR ketika era ini adalah untuk menangkis tohmahan masyarakat antarabangsa di negara destinasi pelarian kesan persepsi negatif ke atas golongan ini. Justeru, pendekatan UNHCR berubah selari dengan arus politik antarabangsa iaitu dengan memperkasakan elemen *responsibility to protect*. Pendekatan ini adalah untuk memperkasakan perlindungan ke atas pelarian di negara destinasi dan UNHCR turut bekerjasama dengan pihak kerajaan di negara destinasi dari segi kewangan, mobilisasi, pendaftaran dan penempatan ke negara ketiga. Usaha ini dilihat berpotensi membantu menangani masalah pelarian secara kolektif dan berterusan sehinggalah isu ini berjaya diselesaikan secara menyeluruh.*

Kata kunci: *UNHCR, PBB, Abad ke-21, R2P*

Introduction

UNHCR faced a bitter challenge in dealing with the refugee problem in the early 21st century when this organisation was heavily criticised for being slow to act and for lack of preparation in dealing with the refugee problem, especially during the Kosovo refugee crisis at the end of 1999 (Verhoeven 2014, 216). At the same time, UNHCR was also facing financial issues in managing operations costs and providing aid to refugees. At the end of 2000, there was a change of position for the High Commissioner for Refugees where Dr. Sadako Ogata, whose term of service had expired, was replaced by Ruud Lubbers from 2001 to 2005 (IDMC 2020). UNHCR's role has been influenced by the changing trends in the refugee problem in the 21st century, especially in the worldwide decrease in internal conflict cases, which also affects the reduction in the number of refugees recorded by UNHCR. For example, the number of refugees in 1992 was more than 18 million and decreased to 9 million in 2005 (Crisp 2019, 608).

UNHCR has to face the financial crisis in its organisation and the problem of destination countries that do not want to cooperate in protecting the refugees (Awan and Nunhuck 2020). The problems occur due to the weakness of international organisations such as the United Nations in identifying problems including war conflicts and issues related to human rights. National policies that do not recognise the status of refugees and do not allow for cooperation to protect this group have not helped to address the problem of refugees appropriately (Division of International Protection, UNHCR 2021, 54). Indeed, the situation prolongs the refugee problems and puts the refugees' fate uncertain and their position risky.

Challenges and Solutions

The refugee problem has become even more complicated after September 11, 2001, when terrorist attacks destroyed the World Trade Center in the United States (Chami *et al.* 2021, 239). As a result, every government has announced anti-terrorist sentiments worldwide. In addition, migration and border control policies have been tightened to curb terrorist movements, especially in Europe and the United States. Thus, this has made it difficult to protect the refugee group because the government prevents their move to the destination country, especially when they want to cross the destination country's border and are also suspected of being terrorists.

UNHCR has stated all these challenges based on a report issued in 2003 (Ankerl 2010, 685):

The secretary-general has called for the mobilization of political, military, and humanitarian aid assets in a coherent manner to build peace and security. It is widely accepted that refugee emergencies pose security concerns, and that finding solutions promotes stability. UNHCR needs to link up with the United Nations' peace and security pillar, notably with the departments of political affairs and peacekeeping operations. Being present in many unstable parts of

the world, UNHCR is in a good position to contribute to peace and security, for instance, by providing early warning and contributing to the formulation of preventive policies. UNHCR's own staff security concerns also necessitate close contacts with the office of the United Nations security coordinator (unrecord). Wider security issues, such as human smuggling and trafficking, the recruitment elements from refugee populations, and countering terrorism also warrant closer cooperation between UNHCR and the relevant New York-based United Nations agencies and organizations.

To find a solution to dealing with the refugee problem in the 21st century, the High Commissioner for Refugees at that time, Ruud Lubbers (2004), launched a new approach called the Convention Plus Initiative in September 2002, as mentioned in his speeches at the Global Consultation Process, and the European Summit, Thessaloniki:

During my three years as High Commissioner, there is one central message I have heard so frequently that I have no hesitation about what our priority should be. This message is without the prospect of durable solutions, our common duty to protect refugees cannot be fulfilled effectively, (Lubbers 2004, 8).

I wish to dispel any misunderstanding about UNHCR's position regarding ways to enhance protection for refugees in those regions that bear the brunt of the world's refugee problem. UNHCR's position has been widely misinterpreted and misrepresented. Let me make it very clear to you all, UNHCR is primarily concerned with making more concerted and imaginative efforts, within this Convention Plus framework, to find durable solutions to refugee situations. Access to a durable solution is the ultimate protection. Where despair and hopelessness push refugees and asylum seekers into the hands of human smugglers and traffickers, we must act to address the causes, not to move the problem into a hypothetical 'zone'. This is not about burden-shifting, it's about burden-sharing, (Lubbers 2004, 8).

The Convention Plus Initiative, worked on by Ruud Lubbers, adopted the framework of the 1951 Refugee Convention and its 1967 Protocol as the leading guide. The approach was developed into three top solutions in dealing with the refugee problem, namely Development Assistance for Refugees (DAR), Development through Local Integration (DLI), and Repatriation, Reintegration, Rehabilitation, and Reconstruction (4Rs) (Betts 2011, 24). Moreover, this proposed solution was deemed long-lasting through cooperation and capacity building between the countries involved and humanitarian workers.

However, the Convention Plus Initiative was terminated three years later, in 2005, without successfully achieving its goals. Zieck (2009, 388) argued that it was due to the failure of the Convention Plus Initiative to address the issue of why the refugee destination countries had to bear the burden of the problem as well as the absence of support and the unwillingness for the countries to cooperate in dealing with the refugee problem. Among other factors in the failure of the implementation of the Convention Plus Initiative was UNHCR's inability to resolve disputes between the countries of the South and the North in finding a point of agreement to deal with the refugee problem

(Clark and Simeon 2014, 2). For this reason, starting in 2005, UNHCR experienced a change from a Global Security Actor organisation to an International Protection Agency based on UNHCR's statement in 2007 (UNHCR 2007), namely:

The legal framework for the protection of refugees and others of concern contained in the 1951 convention relating to the status of refugees, its 1967 protocol and relevant international human rights and humanitarian law, continues to provide a solid foundation for more predictable responses to international protection needs, (UNHCR 2007).

Protection Versus Security

Two speeches by Antonio Guterres (see also UNHCR 2008), the new High Commissioner for Refugees, who replaced Ruud Lubbers, highlighted the role of UNHCR regarding the primary goal of UNHCR's handling of the refugee problem being protection rather than security, namely:

I want to take this opportunity to reassert that UNHCR is, above all, a protection agency. Protection must inform all our actions and be the starting point for the solutions we seek for the people in our care. It must be our direction and our guide, (UNHCR 2008).

"First commitment. To strengthen UNHCR's identity as a protection agency... That identity, as I said last year, should inform everything we do. At a time of rising intolerance, fueled by security concerns and confusion in public opinion between migrants and refugees, we are bound first to preserve asylum and rebuild trust in asylum systems, (UNHCR 2008).

The change in the implementation plan for handling the refugee problem by UNHCR has been driven by three factors, namely the transformation implemented by Antonio Guterres as the new High Commissioner for Refugees, UNHCR's concern for the protection of refugees affected by the events of September 11, 2001, and UNHCR trying to remain relevant as an agency, the UN that focuses on refugees in the 21st century (Division of International Protection, UNHCR 2021, 507).

The direction of the UNHCR, which has changed from a security philosophy to the aim of protecting refugees, became more relevant when the UN held The World Summit on September 14 to 16, 2005, in New York. The Summit launched a new initiative called Responsibility to Protect or R2P (Cater and Malone, 2016). R2P is a concept developed by the UN Commission and introduced by the previous UN Secretary-General, Kofi Annan, focusing on the international community having the mandate to intervene in political unrest when a country's government fails to deal with genocide, internal war, ethnic cleansing and crimes against humanity.

UNHCR and Responsibility to Protect (R2P)

The R2P plan is in line with UNHCR's goal to protect refugees who are not covered

by their country of origin or the country of destination (Aldoghmi 2019). In the following years, UNHCR has been considered a leader in international humanitarian organisations and has become a significant contributor to protecting victims of terrorist conflicts and internal wars. UNHCR has also expanded the scope of its operation by focusing on people who became refugees due to global climate change, such as natural disasters. The responsibility of UNHCR was stated in a media statement by Antonio Guterres, the High Commissioner for Refugees, during The 2009 United Nations Climate Change Conference, known as The Copenhagen Summit, in Copenhagen, Denmark, on December 7 to 18, 2009 (Newman and Stefan 2019, 127). The Copenhagen Summit is a field for UN delegates from all over the world to gather and discuss the effects of climate change on global peace, and UNHCR has used all its expertise and experience to explain during the conference that climate change has the potential to result in large-scale refugee situations around the world.

Although climate change can trigger the problem of refugees, the conflict of war and government persecution in a country dominates the increase in the number of refugees today (Masoumi 2022, 201). Because of this, protection assistance needs to be urgently provided by UNHCR to the victims of the conflict who are forced to flee to save their lives. So, at this point, UNHCR's primary focus is urging the international community and countries to provide a safe space for refugees and humanitarian workers during protection operations in conflict areas. The focus parallels with the statement of Antonio Guterres, who paid attention to the security situation in UNHCR protection assistance operations in the field:

The need to preserve the autonomy of the humanitarian space and to safeguard the key humanitarian principles of neutrality, impartiality, and independence, particularly in those countries where a durable peace settlement has not yet been reached.... While reinforced security is a regrettable necessity, it is impossible to protect our staff by means of barbed wire and barricades alone. We must work hard to ensure that humanitarian action and humanitarian organizations are perceived to be neutral and impartial, (Ahmad 2017, 94).

Refugees Protection Initiative: The Way Forward

Since 2006 to 2012, the main challenges in handling refugee problems by UNHCR were security and terrorist conflicts (Brady 2017). To address these issues, UNHCR no longer portrays its organisation as a global security actor; instead, its role has changed to an agency that seeks to ease security threats and tensions by protecting refugees. Through the protection assistance of the UNHCR, it can deal with the security threats brought by refugees to the destination country. This proves that UNHCR's role remains relevant today as it helps destination countries deal with refugee problems.

The issue of security threats to the destination country by the refugee group can be addressed when government considers UNHCR's assistance to be neutral, non-political, and humanitarian-based (Quinn 2016, 278). However, in reality, the problem of perception or perception by refugee destination countries towards the role of UNHCR is not easy to deal with as the situation of the refugee group in itself can be dangerous,

conflict, violent and unstable. This situation will impact security at the local, national and international levels, as explained by Feller (2020):

UNHCR's ability to extend protection is challenged in many regions by the absence of political will to support it and the disinclination to recognize that asylum is a non-political and humanitarian act. Asylum is viewed through the security prism in many parts of the world, (Feller 2020, 270).

Different points of view are a challenge for UNHCR in providing protection assistance to refugees in the destination country because its government does not necessarily allow UNHCR to operate in it (Alchatib 2021, 90). After all, the assistance involves the security and sovereignty of a nation, even though UNHCR only aims to help refugees in precarious situations.

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