Refugees in 'Regions of Origin': Towards a Common EU Policy?

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In recent years a number of new concepts have flowed from the policy field which has emerged at the interface between foreign affairs and home affairs, around the "external dimension of Justice and Home Affairs" in the EU: the development-migration nexus, co-development, re-admission agreements, protected-entry procedures, regional protection areas, transit-processing centres, and the protection of refugees in regions of origin, or, in Danish, the *nærområdestrategi*. The latter, which is the subject of this article, is conceived as a means of combining efforts to forge development in the refugee hosting areas in developing countries and to reduce the number of asylum seekers entering EU territory. The article will, first, outline the specific, political context in the EU in which concrete proposals for refugees in 'regions of origin' have developed; secondly, show how these proposals have rearticulated initiatives and policies from past decades, which were designed to change international refugee policy in developing countries; thirdly, sketch out the environment and dynamics that characterise refugee-hosting regions outside of Europe, which have to be taken into account in the operationalisation of the new EU strategies for refugees in these regions; and, finally, discuss the problems, contradictions and controversies inherent in the proposed strategies.

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TAMPERE, SEVILLA AND BEYOND:
HOME AFFAIRS IN NEW TERRITORIES

The development of a strategy for assistance and protection for refugees and displaced populations in regions of origin is part and parcel of a process which, since 1998, has institutionalised as the 'external dimension' of the EU Council of Justice and Home Affairs (JHA). The influence of home and justice affairs on the development co-operation and foreign policy of EU Member States is not a novelty, but the Treaty of Amsterdam gave a new impetus to a process in which ministries of justice, home affairs and integration have successfully put specific issues onto the foreign policy agenda. At a general level, addressing the "root causes" of migration became an explicit policy objective immediately after the signing of the Maastricht Treaty in 1992, when the potential migration from Central and Eastern Europe was perceived as a serious threat to the EU. In Edinburgh 1992, the "Declaration on Principles Governing External Aspects of Migration Policy" stated that the Council was "conscious of the role which effective use of aid can have in reducing longer term migratory pressures through the encouragement of sustainable social and economic development".[2] This approach gave rise to the 'aid in place of migration' policy.[3]

However, from a policy point of view, the structure of the Union represented a problem for the development of the external aspects of migration policies. In the Maastricht Treaty, asylum and immigration issues were located in the third pillar of intergovernmental "Police and Judicial Co-operation," while the decisive instruments for implementing policies regarding external relations were located in the first (the supranational European Community) and the second (the Common Foreign and Security Policy) pillars.[4] This changed somewhat when the 1997 Treaty of Amsterdam communitised large parts of the former third pillar, locating asylum and immigration policies within the first pillar's "Area of Freedom, Security and Justice", under the Directorate General JHA. Hence, the slow but progressive institutionalisation in working groups, budget-lines, conventions and agreements with third countries which has taken place since 1998 marked a change from former *ad hoc* initiatives, and reinforced the tendency

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[2]   Council of the European Union, Declaration on Principles Governing External Aspects of Migration Policy, 1992:2, quoted in Lindstrom 2003: 7.

[3]   Böhning & Schloeter-Paredes, 1994.

[4]   Lindstrom, 2003.

for asylum and migration policies to be a controversial political field with implications for non-EU countries. A brief account of this process and the place and evolution of the 'region of origin' initiative in this context is necessary to understand the policy's different forms and implications.

While the JHA meeting in Tampere 1999 and the Council meeting in Sevilla 2002 are important markers in the process, the Austrian Government provided an influential preamble during its Presidency in 1998 when it issued a strategy paper calling for EU to "use its economic and political muscle" to enforce readmission agreements with the countries of origin and of transit of rejected asylum seekers. This implied that development and trade policies should take migration issues into account.[5] The context of the strategy paper was the arrival in 1997 and 1998 of Iraqi Kurds on the shores of Greece and Italy from Turkey, and the subsequent development of an action plan to fend off "illegal refugees" and send them back to "safe areas in the region of origin", in this case Jordan and Turkey.[6]

The Austrian draft strategy paper did not survive the political negotiations in the Council and was shelved. But in late 1998, on the basis of a Dutch proposal, the EU Council established an "inter-pillar" task force, the High Level Working Group on Asylum and Migration (HLWG), which resurrected the concerns and ideas of the Austrian strategy paper. The HLWG was charged with the task of preparing, for the JHA Council meeting in Tampere in 1999, Action Plans for six migrant-sending countries, covering border controls and the co-ordination and reallocation of development aid for these countries.[7] In practice, the "inter-pillar" nature of the HLWG implied that the Ministries of Foreign Affairs were represented in the working group alongside representatives of Ministries of Home Affairs, Justice and/or Integration, as well as relevant representatives of the Commission. This nature means that a very broad range of capacities and fields of interests are represented in the working group, and the participating ministries from each country may change over time. Hence a certain unpredictability and lack of continuity is inherent in the inter-pillar working group, where stable alliances and groups of 'likeminded', known

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[5]   Hayes & Bunyan, 2003: 73.
[6]   Hayes & Bunyan, 2003.
[7]   The countries were Iraq, Somalia, Sri Lanka, Morocco, Afghanistan/Pakistan, and Albania/Kosova.

for example from the co-operation on development assistance in the EU, are less likely to stabilise.

The HLWG Action Plans proposed a range of instruments for the reduction of migration pressures, including measures for: protection of human rights, support for democratisation, the promotion of a constitutional state, social and economic development, combating poverty, support for conflict prevention and reconciliation, co-operation with UNHCR and human rights organisations with respect to refugees' and asylum seekers' right to protection, and measures to combat illegal migration.[9] At the JHA meeting in Tampere, the action plans were endorsed and the mandate of the HLWG renewed. At parallel meetings, NGOs criticised the Action Plans as unbalanced, on the grounds that the development and conflict prevention measures were left in very vague terms while the core concerns of the Justice and Home Affairs – such as readmission agreements, carrier liaison officers for the identification of suspicious persons, and devices for the detection of false documents – were elaborated in great, technical detail.[10]

The new element introduced at the Tampere meeting has been described in terms of a 'globalisation of immigration control': i.e. that the EU passed the responsibility for immigration control on to the countries of origin and transit of EU-bound migrants.[11] The conclusions at Tampere emphasised the importance of partnerships for "a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit" and for a "more efficient management of migration flows at all their stages".[12] The latter implied, according to the Council, that the EU assists countries of origin and transit to strengthen their capacities to combat trafficking and to "cope with their readmission obligations towards the Union and the Member States".[13] Finally, the Council concluded that readmission provisions should be included in all agreements with relevant Third countries, and that, in general, the Union's external action in Justice and Home Affairs should be defined in operational detail.

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[9]   Sørensen et al., 2002.
[10]   See for example European Council of Refugees and Exiles, 1999.
[11]   Webber, 1999.
[12]   Council of European Union, 1999: §§ 10 + 22.
[13]   Council of European Union, 1999: §26.

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One of the first tangible effects of the Tampere meeting was the inclusion of the issue of readmission and repatriation clauses in the final stages of the Lomé IV negotiations with 77 ACP countries. Despite resistance from the ACP countries and continuing doubts regarding the foundation in international law, the clause was included in the final 'Cotonou Agreement' (§13).[14] After Tampere, the HLWG Action Plans were also "brought to the attention of the concerned countries". However, the officials of the newly formed DG JHA soon realised that, as in the case of Morocco, the third-country authorities felt that the plans "lacked balance", putting too much emphasis on the "security dimension".[15] As has been repeated on various occasions since negotiations started, it is "important to ensure that the implementation of the plans respects the balance originally sought between the various areas (foreign policy, development, asylum and migration)". Otherwise the EU runs the risk of a "flat refusal" to co-operate by the countries concerned.[16] As of June 2003, by which time the Council had authorised negotiations with 11 countries on "readmission agreements," only three had been concluded (Sri Lanka, Hong Kong and Macao).

After Tampere, the next milestone in the development of the external dimension of JHA was the Council in Seville in 2002, which restated the need to conclude all future agreements on co-operation and association with a clause on "joint management of migration flows and on compulsory readmission in the event of illegal migration."[17] But in addition, the Council considered it necessary to carry out "a systematic assessment of relations with third countries which do not co-operate in combating illegal migration" and stated that, in case of "unjustified lack of co-operation," the Council "may [....] adopt measures or positions under the Common Foreign and Security Policy and other European Union policies while [....] not jeopardising development co-operation objectives".[18] The latter addition seems to be an important signal for the traditional actors within EU and Member States' development co-operation field, many of whom regard the

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[14]   Hayes & Bunyan, 2003.
[15]   Van de Rijt, 2001:5.
[16]   Van de Rijt, 2001:7. See also CEC, 2003:13-14. The latter document emphasises the need for greater incentives and notes that a "greater generosity is expected from the EU and its Member States in areas such as market access and WTO compatible tariff preferences".
[17]   Council of European Union, 2002: §33.
[18]   Council of European Union, 2002: §§ 35 and 36.

prioritisation of migration and asylum issues as a serious threat to future development co-operation and to resources for genuine development.[19]

This position is reinforced in the following communication from the EU Commission addressing the integration of migration issues in EU's relations with third countries. The Commission states that dialogue on these matters should be "fundamentally incitative by encouraging those countries that accept new disciplines, but not penalising those who are not willing or not capable to do so", and that addressing root causes should be the long-term priority of the Community.[20] The communication also suggests that the mid-term review process of the regional and Country Strategic Papers (CSP) in 2003 would be a unique opportunity to negotiate these issues, and that in this connection the Council should consider setting up a corresponding budget line to support third countries' capacity and build co-operative migration management into it.

In 2003, the Council meetings endorsed this new budget-line and set aside some 250 million euro over a five-year period for such activities. The other important step in the process taken in 2003 was the establishment of a set of procedures for assessing Third countries' efforts and collaboration in migration management. However, while these procedures have been outlined in the HLWG, the decisive (and potentially very divisive) step of deciding upon the measures to be taken in case of insufficient co-operation remains to be dealt with in the HLWG in 2004.

THE 'PROTECTION OF REFUGEES
IN THE REGION OF ORIGIN' INITIATIVE

Within the process described above, a particular cluster of proposals and discussions crystallised around the concept of 'Protection in the Region of Origin'. The debate was started by the British Minister of Home Affairs, Jack Straw, who argued in 2000 that all refugees want is to return safely to their country of origin and that they therefore should be assisted and protected as close as possible to their homes.[21] The subsequent debate coincided with a UNHCR-driven process in the wake of the 50th anniver-

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[19]   See for example interview with Poul Nielson, Andersen, 2003.
[20]   CEC, 2002:4.
[21]   Straw, 2000.

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sary of the Geneva Convention on refugees, which led in 2002 to the adoption of an "Agenda for Protection", endorsed by the Member States of the UNHCR. The two processes address a common set of concerns including: 1) 'hybrid' or mixed flows of asylum seekers and economic migrants, and the apparent abuse of asylum procedures by trafficking agents; 2) the 'secondary movement' of asylum seekers from 'safe countries of first asylum'; and 3) the lack of burden-sharing, where poorer countries host the majority of the worlds refugees but receive only a minor proportion of the funds for refugee assistance available worldwide.

High Commissioner Ruud Lubbers presented UNHCR's proposal, 'Convention Plus', at an informal JHA Council meeting in Copenhagen in 2002, during the Danish Presidency, which sought to promote an EU initiative for co-ordinated assistance and protection of refugees in the regions of origin as part of the overall process of linking migration and development issues. Lubbers and Convention Plus proposed a number of special agreements[22] including:

- targetted development assistance to achieve more equitable burden-sharing and to promote self-reliance among refugees and returnees in: a) countries hosting large numbers of refugees, b) refugee-hosting communities, so as to facilitate local integration in remote areas, and c) countries of origin, so as to facilitate reintegration;
- comprehensive plans of action to ensure more effective and predictable responses to a mass influx;
- multilateral commitments for resettlement; and
- the roles and responsibilities of countries of origin, transit and destination in "irregular" or "secondary movement" situations (multi-lateral re-admission arrangements; capacity-building; extraterritorial protection arrangements in a responsibility-sharing framework).

Although still formulated in very vague terms, the proposal seemed to take on board many of the preoccupations of the EU Council, including the issue of re-admission agreements. However, no concrete initiatives were agreed upon. While the Danish Government unilaterally decided to set aside funds for a Danish *nærområdestrategi* (including support to the UNHCR for initiatives in this regard),[23] the UK Government took over the initiative in the EU arena. Given the intense attention that the hard line on refugees and

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[22] UNHCR, 2003.
[23] Møller, 2002.

other migrants produced, the Danish Government probably welcomed the British initiative to take the lead.

For the informal JHA Council meeting in March 2003, the UK Government submitted a proposal for "New International Approaches to Asylum Processing and Protection".[24] Besides restating many of the former proposals for improved "regional management" of migration flows – so as to "reduce the incentive" for asylum seekers, refugees and other migrants to move to Europe – the UK proposal launched the idea of "protected areas" in the regions of origin, and "transit processing centres" *en route* to the EU, "to which those arriving in EU Member States and claiming asylum could be transferred to have their claims processed". These centres "could be managed by the International Organisation for Migration (IOM) with a screening system approved by the UNHCR".[25]

The British proposal should be seen against the background of record high numbers of asylum-seekers to the UK in 2002, which had became a liability in the British political arena where the Conservative party was capitalising on the issue at national level and the British National Party was gaining votes in local elections in traditional strongholds of the governing Labour Party. Together with deportation of Afghans, the involvement of the British navy in patrolling in the Mediterranean and other initiatives, the British proposal was meant to present a picture of the Blair Government determined to reduce migration.

The proposal aroused much criticism from human rights NGOs and, as suggestions for the location of transit centres leaked to the press, also from some of the countries considered, such as Croatia.[26] The critics held that the proposal threatened to undermine fundamental human rights and the principle of non-refoulement. But also more practical issues were raised: the involvement of IOM as manager of the centres was questioned, since this intergovernmental entity is neither accountable to the UN General Assembly nor bound by its Member States' international legal obligations, including the prohibition against non-refoulement.[27] Commentators have seen the suggestions to increase IOM involvement as a way of putting pressure on UNHCR to become more active in the field of control of

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[24]   UK Government, 2003.

[25]   UK Government, 2003: § 2.

[26]   See for example Human Rights Watch, 2003. Countries mentioned for protected zones or transit centres were Albania, Croatia, Romania, Ukraine, Russia, Turkey, Morocco, Iran and Northern Somalia.

[27]   Human Rights Watch, 2003.

"secondary movements", re-admission agreements and "protected entry procedures" (i.e. the extra-territorial processing of asylum applications).[28] Having a very limited core grant, UNHCR is, furthermore, extremely dependent on annual provisions from Member States.

Blair's proposal did not survive the Thessaloniki Council meeting in June 2003. While Austria, Holland and Denmark – all with influential anti-migration parties in the national parliaments – supported the proposal, other Member States articulated critical scepticism. Swedish Foreign Minister Anna Lindh was fiercely opposed to the proposal and explained that the British "had understood that sending people back out of our countries to protection camps is not something we or others will support," while for the German Government, the media comparisons of the proposed Transit Processing Centres with concentration camps had made the issue very sensitive.[29] The Greek Presidency and other Mediterranean countries did not endorse the proposal either. They seemed more interested in the issue of EU external border controls, an issue which was dealt with in the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA), a parallel JHA working group to the HLWG, which was very active during the Greek Presidency.

As noted in a Commission Communication, the "concept of protection in the region of origin, [...] has hitherto been behind a large number of misunderstandings and controversie". Hence, while the Thessaloniki Conclusions invites the Commission to "examine ways and means to enhance the protection capacity in regions of origin", the only reference to the British proposal is to note that a number of Member States "plan to explore ways of providing better protection of refugees in their region of origin, in conjunction with the UNHCR".[31]

WHAT'S NEW?
INTERNATIONAL PRECURSORS TO THE CURRENT POLICY

When moving from the internal EU policies to the international domain of refugee policy, it is clear that the new policies reinvent strategies and policy

[28]   Hayes & Bunyan, 2003.
[29]   Moller, 2003.
[31]   Council of European Union, 2003: §26.

instruments which have been around for several decades. But the rationale for these strategies has changed. In the 1960s, for example, UNHCR – with limited success – launched a 'development-oriented refugee strategy' and the concept of 'zonal development' that aimed to improve conditions for refugees as well as poor host communities,[32] but the ultimate aim was to reduce costs for relief programmes rather than to limit migration of asylum seekers towards the richer countries. As the number of refugees tripled in the early 1980s, 'local integration' and 'self-sufficiency' of refugees[33] was emphasised in Africa and Central America, so as to enable the UNHCR to free resources for new emergencies.

Meanwhile the acute refugee crisis in Indochina created the conditions for some of the concepts and approaches which came to dominate refugee policy in the 1990s, such as 'burden-sharing', 'transit camps' and 'countries of first asylum'. The neighbouring countries to the Indochina conflict started closing their borders or placing the refugees in 'human deterrence' camps, demanding that the rich countries with an interest in Cold War conflicts contributed to the solution of the refugee crisis. As a result, after selection processes in transit camps in the region, some 700,000 refugees were resettled in the US, Canada, Great Britain, France, Australia, Nordic and other countries.

While this kind of burden-sharing was probably only possible because the US, as the dominant power, had political interests in the resettlement programme,[34] pervasive "refugee fatigue" from the mid 1980s led to the development of a Comprehensive Plan of Action (CPA) signed by 70 countries in 1989. The CPA marked a turning point in the history of international refugee policy since, for the first time, as asylum procedures were tightened in the rich countries, repatriation was launched as the preferred durable solution. Support for repatriation was accompanied by interception of boat transports and the development of an alternative migration programme, the "orderly departures programme".[35] In several ways, the Comprehensive Plan of Action seems to have inspired current attempts to reinforce solutions "in the region of origin". In fact, the Danish

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[32] Limited mandates and funds as well as poor management have been cited as reasons for the limited success of these strategies. See Gorman, 1987.
[33] Hartling, 1984.
[34] Suhrke, 1998.
[35] See UNHCR, 2000.

Government proposed as early as 1986 that the UN set up regional transit-centres where asylum requests could be processed.[36]

In general, the refugee policy of the 1990s turned towards what we may call an 'internalisation of the refugee crisis': by seeking to push the crisis back across the borders through a number of instruments and programmes, such as support for repatriation, conflict resolution and conflict prevention; by attempts to create safe or protected zones within areas of conflict; and by a progressive institutionalisation of the protection of 'Internally Displaced Populations' (IDPs), together with this new expression in the international vocabulary of the 1990s[37].[38] These instruments and policies are still part and parcel of the tool box of the international community, although some of them have proven to be weaker or more difficult to apply than expected. Thus, the Srebrenica massacre shattered confidence in the creation and enforcement of safe, humanitarian zones in conflict areas; the IDP regime proved to be much weaker in practice than the refugee regime;[39] and the strong push for repatriation was severely criticised after the massive, but seemingly premature, 'facilitated' repatriation operations in Afghanistan in 2002.[40]

Hence, an important question for the "refugees in the region of origin" strategy remains what possibilities there are for improving protection and the development of refugees in the neighbouring countries to a conflict. In this context, the third of UNHCR's traditional "durable solutions" – the local integration alternative which was promoted in the 1980s – has increasingly been directed to looking for donor governments and international agencies, leading to the definition by UNHCR of new instruments such as "Development Assistance for Refugees" and "Development through Local Integration".[41]

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[36] Noll, 2003.
[37] Suhrke, 2002.
[38] In 1994, a UN undersecretary for IDPs was appointed, and in 1997, the UN issued a set of Guidelines for the Protection and Assistance to Internally Displaced People.
[39] See Stepputat, 2002 and Suhrke, 2003.
[40] Turton & Marsden, 2003.
[41] Crisp, 2002; 2004.

MOBILE LIVELIHOODS, SECURITY AND DEVELOPMENT IN 'REGIONS OF ORIGIN'

Turning from the international policy environment to the situation and dynamics on the ground, the following sections will seek to analyse what kind of effect the new EU policy and strategy may have on the conditions of refugees in developing countries. According to UNHCR, the majority of the world's 12 millions refugees[42] live in the developing countries.[43] While a total of 86% of the refugees between 1999 and 2001 had fled persecution and armed conflict in developing countries, 72% were living in developing countries.[44] This means that 85% of the refugees stayed in these regions, while some 15% moved on towards richer countries.

Looking at the dynamics of flight and refuge in the regions of origin, we may use the categories of the current humanitarian regime to distinguish between groups who are perceived as living under somewhat different conditions. Apart from the IDPs mentioned above, agencies talk about *stayees*, those who do not flee or, if they do so, return after a short lapse of time. Others cross an international border and become *refugees*, who, in many cases, are concentrated in settlements or camps of "care and control".[45] And others again become what the agencies label as *self-settled*, spontaneous or dispersed refugees.[46] These are usually not counted as refugees since they never identify themselves, and therefore their number is impossible to verify. They move in with kith or kin in rural areas, or they seek to survive by blending in with poor migrant populations in rapidly expanding urban neighbourhoods, where they live without documents, assistance or protection.

A closer look, however, reveals that, in practical terms, it is difficult to establish clear-cut boundaries between the categories. First of all, people often move in and out of categories and may, over time, appear in several of the categories as they move around in the conflict areas. Secondly, families are likely to spread out in order to diversify their livelihood strategies and spread their risks. Thus, one part of the family may live in a refugee camp while others seek employment in rural or urban areas, travel around as petty

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42   19 millions if we include 'persons of concern'.
43   UNHCR, 2002.
44   UNHCR, 2002.
45   Mallki, 1995.
46   Hansen, 1990.

merchants, or cross the boundary back into the conflict area to seek ways of upholding or re-establishing entitlements and control over resources (cattle, fields, harvests) in the home area.[47] In general, access to mobility and extended social networks is a primary resource for survival and development for the displaced populations: they negotiate access to land or cattle away from refugee camps, and seek out niches for trade and seasonal labour, while part of the family may maintain access to the health and education services in refugee camps.

While such mobile livelihood strategies are normal means of survival in economically marginal areas, the most common way of dealing with refugees in host countries is to keep them in designated areas and deny them rights of movement, among other rights. Host governments perceive the refugees as direct or indirect security threats, fearing that armed factions will use the refugees as bases for recruitment and logistical support; and that the refugees' presence may change or politicise established balances between ethnic, religious or national groups, bring epidemics, or may spur conflicts over scarce resources with host communities.[48] Finally, camps render refugees visible politically speaking, which is often perceived as a precondition for attention and assistance from a fickle international community with rapidly changing priorities.

Due to restrictions, movement outside the designated areas becomes, if not impossible, then laborious, illegal and therefore dangerous for refugees. They become easy targets of harassment, assaults and robbery, and without papers their wages and the prices of their products are extremely low. Without legal access to land, jobs etc, some refugees engage in smuggling, prostitution or other illicit activities, which further undermine their security.[49]

Currently, the trend in Africa, Asia and the Middle East does not point towards more openness and freedom of movement for refugees. On the contrary, the tightened asylum regime in Europe, in addition to political and economic problems in the host countries, has led the governments of, for example, Tanzania, Pakistan and Thailand to close their borders for refugees.[50] In Guinea in 2001, the President released a hate campaign

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[47]   Turton, 1996; Stepputat & Sørensen, 2001; Horst, 2001.

[48]   Crisp, 2003, argues that the grievances resulting from competition of resources are exaggerated as refugees in many areas provide labour for an effective use of natural resources.

[49]   Jacobsen, 2002.

[50]   Chimni, 2002.

against refugees from Sierra Leone and Liberia, who were turned overnight into a threat to the security of the country and assaulted by neighbours, militias and vigilante groups.[51]

Meanwhile conditions for refugees have deteriorated in the camps, where the major part of UNHCR budget is spent. In 1999, only 60% of UNHCR's budget for refugees outside Europe was funded, and the lack of schools and other forms of education in the camps is an increasing problem. Also the security situation inside the camps seems to be deteriorating, which has led the UNHCR to adopt special measures for camp security.[52]

Thus, overall there is plenty of scope for improvement and support from donor governments. While conditions in camps and settlements can be improved, "local integration" can be pursued as an option in many cases where repatriation is not possible. Contrary to the beliefs of most governments, this "durable solution" does not seem to discourage voluntary repatriation. It is not a zero-sum choice between repatriation and local integration. Indeed, the latter is probably a better way of preparing refugees for return to their country of origin than "warehousing" them in camps where they risk being deskilled.[53]

Prospects for local integration depend of a series of factors, such as, the density of the population in the area, the kinds of resources available, and the potential for conflict between different groups. Shared language, culture and religion can favour local integration, and so can the particular skills of the refugees. As Karen Jacobsen has argued, there is plenty of scope for income-generating programmes, micro-credit schemes, education and skills training among both hosts and refugees; and the presence of refugees may be an asset for host communities if it attracts funds and initiatives for local development.[54] Finally, as the debate on the migration-development nexus has emphasised, relations between refugees and wider diasporas can bring social and economic remittances to the area.[55] However, whether local integration and development is possible depends entirely on the willingness of the host government to give the refugees legal status, residence and freedom of mobility, and on whether there is potential for economic

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[51]   Crisp, 2002.
[52]   UNHCR, 2002.
[53]   Crisp, 2004.
[54]   Jacobsen, 2002.
[55]   Sørensen et al., 2002.

development in the refugee-hosting areas in the first place, since these areas
are often on the margins of global and national economies.

MOVING ON TO EUROPE?

While there are some prospects and instruments for improving conditions
in refugee hosting areas, it remains an open question whether such
improvements will reduce the likelihood of refugees' moving on towards
Europe. The argument runs that improvements in the region, together with
resettlement schemes, will undercut the need of poor refugees to become
subject to traffickers and embark on dangerous and costly voyages towards
the EU. From the perspective of European migration policy, this is one of
the main arguments for the strategy of 'protection in the region'.

Unfortunately we do not know enough about these dynamics. Taking
Somalia as an example, we know that 15% (80,000) of the registered
500,000 refugees have arrived in Europe, North America, and South Africa,
while 85% have stayed in Ethiopia, Kenya, Yemen, and Djibouti.[56] Between
1980 and 2000, 127,000 sought asylum in the EU, but half of them were
rejected.[57] In addition, some 500,000 Somalis are living and working in the
Gulf States. Many of these would qualify for asylum elsewhere, but in the
Gulf States it is not possible to seek asylum. This proportion of those
moving is evident in a number of cases where refugees have formed part of
the general labour migration, such as the Turkish Kurds in Europe, and the
Salvadoreans in the US.

The conflict in Sri Lanka has produced a somewhat similar proportion to
the Somali case. Some 6-800,000 were internally displaced; 110,000 became
refugees in India, where more than half of them live in camps; 2-300,000
became refugees in Europe and North America, where they have melted in
with groups of labour migrants, while many among the 800,000 Sri Lankans
in the Gulf States and in South East Asia would have qualified as refugees.[58]
Since 1980, 210,000 have applied for asylum while 40,000 have been

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[56] UNHCR, 2000.
[57] It is likely that some have registered several times due to 'asylum shopping' in various
       countries. See Lisborg & Lisborg, 2003.
[58] USCR, 2001; van Hear, 2002.

granted status as refugees.[59] Thus, in this case a larger percentage of (potential) refugees have sought refuge beyond the neighbouring countries.

As it has become much more difficult to enter the EU and apply for asylum, asylum migration has been increasingly professionalised. This has made it more difficult and more expensive to get to the EU, but it has also made it more difficult for the asylum seekers to control where their voyage ends, and thus for them to link up with pre-existing networks in specific European countries.[60] At the same time, the geography of asylum has become more diversified, in the sense that a lot of cheaper, but also very laborious and dangerous, overland routes have emerged, passing through several transit countries, such as Turkey, Romania, and Hungary, where asylum seekers may stay for months and years before they are able to move on.

These conditions mean that economically well endowed refugees who can get to a city with an international airport in the country they flee to or in a neighbouring country are more likely to get to the EU – and the country of the choice. Poorer refugees will take the extremely insecure routes and/or enter slave-like work contracts (*trafficking*). We do not however have precise data on the social distribution of asylum seekers in the regions of origin and in Europe, so the claim that only the richer refugees go to Europe, while the poorer stay put – as argued by politicians to advance the strategy of protection – in the region – remains a qualified guess.

It also remains to be seen whether improved conditions in the refugees' regions of origin will reduce secondary and irregular migration. As Crisp has argued, the disparity in living conditions is likely to be maintained or deepened in the future and if it is true that most asylum seekers in the EU are economic migrants, improved conditions for the refugees are not likely to reduce the number of asylum seekers in the EU.[61] In addition, many refugee groups are linked through diasporic and transnational networks to richer countries which give them the means to move towards Europe. In fact, involvement in these networks tends to undermine the whole distinction between proximity and distance which is assumed in the region-of-origin strategy, according to which proximity to 'home' should increase

[59]   UNHCR, 2000; Lisborg & Lisborg, 2003.
[60]   Koser & Pinkerton, 2002.
[61]   Crisp, 2004

the likelihood of repatriation since refugees remain "closer" in terms of culture and information.[62]

CONCLUSION: DILEMMAS AND PROBLEMS

Preoccupation with the effects and risks of high numbers of refugees and migrants coming to the EU has spurred the interest of member states in managing migration flows in general, and in particular of finding ways of avoiding the 'secondary movement' of refugees from countries of first asylum to countries further a field. One of the means invented to achieve this aim is the improvement of protection and assistance of refugees in the region of origin, which is assumed to reduce their need to move on from countries bordering those in armed conflict. Together with repatriation and resettlement schemes, the strategy attempts to stabilise refugee populations and their host communities and increase their participation in, and contribution to development at local and national levels, so as to improve the possibility of reaching durable solutions, whether through repatriation or through local integration.

These instruments are not new as such. They have a long history in the work of UNHCR, but the current process has given a renewed momentum to these efforts which hold the promise of improving conditions and the scope for development in refugee-hosting regions. The new programmes being developed in specific countries have, at a programmatic level at least, incorporated some of the experience from former attempts at merging refugee assistance and development: such as improving the co-ordination between UN agencies, supporting refugee-hosting areas, and supporting refugees as well as their hosts with the aim of going beyond the bureaucratic labels of refugee and non-refugee.

However, the same trend that generated this renewed momentum constitutes the major hindrance for development and local integration in refugee hosting areas. Host governments, like their northern counterparts, have become more restrictive in terms of the rights and entitlements of refugees, whom they tend to regard as a security threat. This change in perception is not necessarily related to actual changes in levels of violence, crime or militarisation, but may be an answer to general anxieties and

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[62]   Crisp, 2004.

changes in globalising societies. Researchers have noted an increased obsession with questions of belonging and the definitions and entitlements of locals and aliens.[63] This tendency to conceive of refugees as security threats combines with very real problems and grievances in some refugee-hosting areas as a result of congestion, crime, militarisation and over-exploitation of scarce resources.

The most important effect of the 'securitisation' of refugees is the containment of refugees in camps and designated areas. This makes it difficult and/or risky for refugees to develop their pervasive mobile livelihood strategies, which otherwise extend their networks and enable people to survive in marginal areas through the combination of a range of resources and sites of labour, trade, investment, education and other social services. Hence, it may be argued that the most effective instrument for achieving the self-reliance of refugees and development of refugee-hosting areas is the negotiation with host governments of rights for refugees to move freely within the territory and to have proper documentation and entitlements to justice, security and social services, along with the right to own property and to engage in trade and other remunerative activities across the territory – the monitoring of which would amount to the 'protection' of the refugees. The drawbacks to this instrument is the predic-table resistance of host governments, and the fact that many refugee-hosting states are not even remotely in a position to secure their own citizen's rights and access to services, justice and security.

As the case of Zambia has shown,[64] it is not impossible that some host governments are flexible, understanding, and willing to co-operate on the issue of refugee rights, protection and assistance – in particular if the funds offered are generous and agreements are linked to improved trade conditions for the countries in question. But experience from the 1980s CPA in South East Asia and from the current negotiations over readmission agreements, show that an explicit aim of diminishing migration to one's own area is a difficult point of departure for negotiations over refugee rights in the countries of first asylum. It is difficult to reconcile with the whole idea of 'partnership', which has otherwise guided relations over develop-ment co-operation, and it is difficult to imagine that, if the interests of

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[63]   Geshiere & Nyamnjoh, 2000.

[64]   The Danish Government, together with a number of international agencies, US Aid and other donors are currently engaged in the Zambia initiative for local integration of Angolan refugees in Zambia.

donor and host countries are to be reconciled, 'effective protection' will not take the form of internment of refugees in camps.

One of the problems of the strategy is that the refugees risk becoming pawns in negotiations over larger packages of development aid, trade agreements, political support in international forums etc. Refugees have often been pawns in international relations, but if asylum requests can only be processed outside the EU (as proposed in the UK government's "new vision"), the right to asylum will depend on the EU governments' will to resettle the asylum seekers in the EU. The refugees therefore risk becoming victims of the EU governments' attempt to pressure the host governments to comply with their side of agreements.[65] As Gregor Noll argues, placing asylum seekers in processing or holding centres outside the jurisdiction of the EU countries, and hence separating territory and asylum, risks becoming the beginning of the end of the 1951 Refugee Convention.[66]

Thus, the existing proposals for 'protection in the region of origin' entail a number of legal and practical problems of definition of 'safe country' and 'effective protection', not only in relation to the Refugee Convention but also in relation to Human Rights treaties, including the European Convention on Human Rights. None of the proposals, for example, gives weight to legal status and the recognition of a person before the law.[67] Neither do they seem to take into account the principle of 'effective control', according to which "an asylum seeker who enters the territory of a state party to the Refugee Convention or who falls under the effective control of the state or those acting on its behalf (such as the IOM), engages not only the obligations of the state under the Refugee Convention, but also the human rights by which the state is also bound".[68] This means, that even though EU states delegate responsibility for processing asylum seekers to other states or international agencies, they are still bound by their obligations under international human rights accords.

As an alternative to the proposed forms of extra-territorial processing, Noll and associates suggest that the EU develops and harmonises 'protected entry procedures' based on the embassies of the EU governments.[69] Experience shows that these procedures give fewer ungrounded asylum requests

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[65] Noll, 2003.
[66] Noll, 2003.
[67] Amnesty International, 2003.
[68] Amnesty International, 2003: 28.
[69] Noll et al, 2003.

and that they therefore work in line with the intention to reduce human smuggling and trafficking. In support of this solution may also be cited the fact that the 'Pacific solution', the Australian efforts to extra-territorialise asylum procedures by diverting refugee ships to islands outside Australian jurisdiction, has proven to be a very expensive way of reducing the number of asylum seekers.[70]

In conclusion, the current strategies regarding refugees in the regions of origin are resulting in more resources being transferred to a field which has seen substantial deterioration during the past 10 years. It remains to be seen whether the funds freed by decreasing numbers of asylum seekers are reinvested in refugee-hosting areas, as was argued when the strategy was introduced. And it remains to be seen whether improved conditions will eventually reduce the number of asylum seekers and trafficked people entering the EU. Although the current proposals, not to mention of the radical UK proposal, have not been able to generate consensus in the EU over the past 6-7 years, the issue has been moving steadily ahead and proposals keep popping up in new forms. There is a consistent trend towards the incorporation of migration issues in the agendas of foreign policy and development co-operation. But the proposed strategies contain a number of contradictions and unresolved problems that need to be solved. On the basis of current experience it seems difficult at the same time to improve conditions for refugees and poor hosts in the regions of origin; pose demands on the host governments; and transfer asylum procedures to the same areas. The strategies risk leading to more people having to stay indefinitely in camps, which is a huge human, juridical and economic problem.

[70]   Noll, 2003.

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