



# Protracted Refugee Situations

POLITICAL, HUMAN RIGHTS AND SECURITY IMPLICATIONS

EDITED BY GIL LOESCHER, JAMES MILNER,  
EDWARD NEWMAN AND GARY G. TROELLER

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and Gary Troeller

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# 1

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## Introduction

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*Gil Loescher, James Milner, Edward Newman  
and Gary Troeller*

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Since the early 1990s, the international community's engagement with refugees has focused largely on mass influx situations and refugee emergencies, delivering humanitarian assistance to refugees and war-affected populations, and encouraging large-scale repatriation programmes in high-profile regions. In stark contrast, over two-thirds of refugees in the world today are not in emergency situations, but instead trapped in protracted refugee situations (PRS). Millions of refugees struggle to survive in camps and urban communities in remote and insecure parts of the world, and the vast majority of these refugees have been in exile for many years. Such situations constitute a growing challenge for the international refugee protection regime and the international community. While global refugee populations are at their lowest now for many years, the number of protracted refugee situations and their duration continue to increase. There are now well over 30 protracted refugee situations in the world, and the average duration of these refugee situations has nearly doubled over the past decade.

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

represent a significant challenge to both human rights and security and, in turn, pose a challenge to refugee and security studies.

Despite the growing significance of the problem, protracted refugee situations have yet to feature prominently on the international political agenda or in mainstream security studies. Humanitarian agencies, such as the United Nations High Commissioner for Refugees (UNHCR), have been left to cope with caring for these forgotten populations and attempt to mitigate the negative implications of prolonged exile. These actions do not, however, constitute a durable solution for protracted refugee situations. Such a response also fails to address the security implications associated with prolonged exile, with the potential consequence of undermining stability in the regions where PRS are found and peacebuilding efforts in the countries of origin.

Protracted refugee situations hold significant implications for asylum debates, international peace and security, peacebuilding and security studies. The existence of protracted refugee situations is most directly a symptom of conflict and persecution: push factors associated with armed violence and state failure, which force large numbers of people to flee their homes. This is compounded by the challenges inherent in stabilizing conflict-prone regions and societies which have experienced violent conflict. Many such situations are essentially ignored by the international community. Frequently when ceasefires and peace agreements are achieved, they are unsuccessful or give way to renewed, and often escalated, violence. Progress is often incremental, in some cases spanning decades. Many peace processes become interminably protracted: lengthy and circular negotiations in which concessions are rare, and, even if fragile agreements have been reached, they have stumbled at the implementation phase. As the UN Secretary-General observed: 'Our record of success in mediating and implementing peace agreements is sadly blemished by some devastating failures. Indeed, several of the most violent and tragic episodes of the 1990s occurred after the negotiation of peace agreements'.<sup>1</sup> Some estimates have suggested that as many as half of the ceasefires and peace agreements established in conflict-prone societies fail, resulting in renewed armed violence. Protracted situations of violence, which thwart efforts at stabilization (or go largely ignored), continue to obstruct the return of forcibly displaced people. Protracted refugee situations are therefore indicative of broader challenges regarding civil war and peacebuilding.

However, protracted refugee situations also reflect pathologies inherent in attitudes towards asylum in policy circles, in both the developed and developing worlds. Refugees, asylum seekers and displaced people – especially in situations of mass influx – are universally regarded with negativity as a strain upon resources and a potential threat to stability,

identity and social cohesion. Protracted refugee situations stretch the original assumptions which underpinned the international legal regime on refugee protection. They are also indicative of the marginalization of refugee communities in policy circles and, above all, the reluctance on the part of governments to undertake serious remedial action, especially if that might include local integration. Protracted refugees situations are, therefore, the most acute test of refugee and asylum policy, and one that is indicative of broader challenges in this field.

Protracted refugee situations also demand new analytical thinking – as well as new policy – in the area of conflict and security. Conventional policy analysis and scholarship in the area of national and international security privilege the defence of territory and the state against external military threats. These external military threats are generally embodied in adversarial states. According to this, forced human displacement is a *consequence* of armed conflict, to be approached as an essentially secondary (humanitarian) challenge. However, there is ample evidence that protracted refugee situations are a source – as well as a consequence – of instability and conflict. Many regional conflicts demonstrate that protracted refugee situations are a driving force of ongoing grievances, instability and insurgency. In some cases, such as the conflicts in Rwanda and the Democratic Republic of the Congo, protracted refugee situations may have been the principal source or catalyst for conflict, rather than a mere consequence. Displaced communities sometimes contain combatants and militants able to exploit an environment of grievance and aimlessness amongst young men in order to build fighting forces or, on very rare occasions, groups prepared to engage in terrorism. On other occasions, conspicuous refugee communities – especially when concentrated in border regions – can upset local balances and generate local antagonism. PRS are indicative of the complex nature of contemporary conflict, which defies conventional state-centric modelling. All refugee situations are, above all, humanitarian emergencies and human rights must remain the overriding rationale for generating durable solutions. The security challenges of protracted refugee situations must not form a pretext for even greater cantonment and warehousing of refugees. Nevertheless, the security implications of leaving PRS unresolved suggest that greater efforts are essential.

Security studies is characterized by a debate between conventional military approaches and non-traditional (including critical) approaches, which seek to deepen and broaden security discourse. Some non-traditional approaches suggest that security policy and security analysis, if they are to be effective and legitimate, must focus on the individual as the primary beneficiary. Protracted refugee situations – especially in developing regions of the world where there is conflict – are highly relevant

to this debate, even though they receive scant attention in non-traditional security studies. PRS are symptomatic of the reality of conflict and insecurity in much of the world: weak and failed states, civil war and persecution.

Non-traditional security studies scholarship, whilst acknowledging the nature of contemporary conflict and insecurity, has been wary of 'securitizing' forced migration as a part of the solution because of the fear that this will bolster military, exclusionary approaches to addressing the challenge. Indeed, some analysts have argued that these challenges are more humanely addressed within the realm of 'normal' politics.<sup>2</sup> However, the security implications of protracted refugee situations suggest that a purely humanitarian rationale in attempting to achieve durable solutions may not bring the necessary resources and attention to bear on the challenges. The security consequences – when thinking about conflicts in the Great Lakes region, Afghanistan and Burma, amongst other areas – and the regional and sometimes even global repercussions of PRS are now undeniable. Protracted refugee situations must be considered at the centre of a broadening security discourse that embraces a range of actors and challenges, including social, economic and human rights issues. Simultaneously, it is necessary to be aware of the 'normative dilemma of speaking and writing security'.<sup>3</sup>

One of the starting points for this volume, therefore, is that a principal challenge in approaching PRS, from both a theoretical and a policy perspective, is the need for a balance between securitization and human rights. The negative security implications of PRS must be understood and acknowledged – and policy approaches designed in light of this – but the protection of human rights must remain the overriding guiding principle. There need not be an inherent tension between recognizing, and acting upon, the security implications of PRS and their humanitarian protection. Nevertheless, as this volume demonstrates, PRS raise a range of sensitive conceptual and policy debates which are not easily resolved.

## Structure of the volume

The rest of Part I includes chapters on the definition, causes and consequences of protracted refugee situations. These include the link between the securitization of asylum and migration in industrialized states and the containment and encampment of refugees in developing countries; the role of UNHCR and host states in response to PRS; the prospects for achieving durable solutions for chronic refugee populations; and the record of past programmes employing comprehensive solutions to difficult

and complex protracted refugee situations. It also focuses on the perspectives and roles of actors from the humanitarian, development and security communities in addressing the problem of PRS. Part II examines several contemporary case studies of chronic refugee situations including the Palestinians in the Middle East, Somalis in Kenya and the Horn of Africa, Sudanese in Uganda and Kenya, Afghans in Pakistan and Iran, Bhutanese in Nepal, and Burmese in Southeast and South Asia. Part III concludes the book with two chapters offering conclusions and policy implications.

In chapter 2, Gil Loescher and James Milner discuss how we should understand PRS and what further conceptual and empirical questions remain to be answered. The chapter highlights the limitations of current definitions of protracted refugee situations, and argues that there is a need to further disaggregate and nuance the notion of PRS. The authors also argue that there may be many displaced people who fall 'below the radar' of policymakers, such as urban refugees, and that they should also be accounted for. Loescher and Milner illustrate the growing significance of PRS and emphasize that, contrary to popular perception, PRS are not static but often involve fluctuations in numbers and other changes within the population. While protracted refugee situations in host countries are usually viewed on a 'country-by-country' basis, the authors point to the fact that many of the largest PRS, such as the South Sudanese, Afghan and Burmese, exist in several host countries across entire regions, which suggests that solutions should sometimes be sought on a regional basis. The chapter also maintains that the underlying causes of PRS are rooted in 'impasses', themselves closely related to other issues such as security, human rights, democracy and peacebuilding. The key to finding solutions to PRS, therefore, lies in linking the refugee issue with these other issues and overcoming the impasses that give rise to the particular PRS. Moreover, the authors argue that the current impasse in finding solutions to these long-standing refugee problems is also caused by a lack of strategic, political and financial engagement with this problem among the principal donor countries.

Chapter 3 examines the links between asylum trends in industrialized countries and their impact on protracted refugee situations. Gary Troeller outlines recent developments in the industrialized Western states which have simultaneously undermined the international protection regime and reinforced the containment of protracted refugee populations in the developing world. These developments, in both the North and the South, are intrinsically linked and must be firmly borne in mind in attempting to formulate realistic policy recommendations and tools to resolve protracted refugee situations. These developments in turn point to the likelihood that any resolution of long-standing refugee problems

will be concentrated in regions of origin. Moreover, for solutions in the region to be realized, the all too elusive political will on the part of all concerned must be found. Industrialized countries will have to muster sufficient resources to play a catalytic role, and all actors relevant to development and peacebuilding will need to be actively involved.

Protracted refugee situations are often associated with the phenomenon of failed and fragile states, highlighting the limitations of a purely humanitarian approach to resolving long-standing refugee situations. Moreover, these situations pose particular challenges to the human rights of refugees, especially vulnerable groups of refugees. They also pose political, development and security challenges to host states and states in the region. Given the political causes of protracted refugee situations, an effective response to this global problem must include engagement from a broader range of humanitarian, security and development actors, as chapters in this section will argue. Chapter 4 highlights the need for security planners to address the issue of PRS. Stephen John Stedman and Eric Morris argue that there remains a yawning divide between the refugee and security fields. They maintain that what is important to refugee scholars is generally not important to security scholars and that, perhaps to a lesser degree, the obverse holds as well. Moreover, there is a gap within policy planning between the humanitarian domain and the political domain. Finally, there is a disconnect between, on the one hand, those who analyse and advocate and, on the other, practitioners who make and implement conflict management policy. This results in disagreement regarding policies aimed at ending intractable conflicts. The authors maintain that security researchers and policy planners view refugees – when they do consider them at all – as a by-product of violent intractable conflicts. Security analysts tend not to think about how refugee populations are independent actors and causes of conflict, and believe that by resolving conflicts refugee crises will end and refugees will return home. In a world of scarce resources, therefore, security planners advocate putting resources into negotiation and implementing peace agreements, believing that peace settlements end the refugee crises.

Stedman and Morris argue that there is a need for refugees to be considered as an independent variable in conflict; in this way, conflict literature and forced migration scholarship need to be more fully integrated. Understanding the relationship between conflict and refugees is particularly important for the role of global and regional bodies, such as the UN Peacebuilding Commission.

Chapter 5 examines protracted refugee situations through the lens of human rights, with a particular focus on civil society's engagement with long-term refugee situations. Elizabeth Ferris discusses the links between protracted refugee situations and human rights, and the ways in which

human rights actors, particularly humanitarian and human rights non-governmental organizations (NGOs), have responded to these situations. She then explores the relationships between human rights/civil society actors as well as peace and security and development actors, noting the radically different normative and political frameworks they each work under. The chapter concludes with a discussion of the roles these actors could play in implementing comprehensive solutions to PRS.

Ferris argues that the task of developing and implementing comprehensive solutions to protracted refugee situations will require the contributions of human rights actors and civil society. In particular, much more commitment by the UN and NGOs to collaborative action is needed. For example, the UN's human rights machinery should do more to highlight the human rights dimensions of protracted refugee situations, including through the special procedures, and by contributing to the development of solutions. International human rights NGOs should develop an advocacy strategy with the UN Office on Human Rights to press for more attention to protracted refugee situations. Similarly, national NGOs could press for national human rights institutions to play a more assertive role vis-à-vis protracted refugee situations in their countries, including monitoring implementation of solutions. Finally, at the regional and global levels, UN agencies and NGO/Red Cross/Red Crescent staff could work together to develop programmes which support comprehensive solutions in their areas of operation. Ferris notes, however, that this would require not only increased consultation between actors in accord with a common framework, but also a willingness by all actors to relinquish some of their tenaciously defended independence of action.

Chapter 6 addresses the link between development and humanitarian relief, and the role of development actors in addressing protracted refugee situations, focusing particularly on the role of the World Bank. The link between development and displacement has long been recognized. For example, conflict prevention and mitigation are crucial elements of the poverty reduction strategies of the World Bank. As Mark Mattner notes, 80% of the world's 20 poorest countries have suffered a major war in the past 15 years. Moreover, on average, countries coming out of war face a 44% chance of relapsing into conflict in the first five years of peace. Even with rapid progress after peace, it can take a generation or more just to return to pre-war living standards. Development itself has been shown to have a significant impact on the likelihood of conflict, as well as its duration. In addition, the recognition of the connection between conflict, poverty and displacement is now more widely accepted, and development actors have deepened the scope of their involvement in conflict-affected countries. International responses to protracted refugee situations, however, still tend to focus primarily on humanitarian

assistance. In practice, protracted refugee situations are often seen as aberrations of development progress and are largely ignored by development actors. Mattner notes, however, that development actors such as the World Bank can make a positive contribution through sustained engagement with the socioeconomic roots of the crises, which are at the heart of protracted refugee situations. In situations where violent conflict has come to an end, furthermore, they can assist the sustainable reintegration of returnees through targeted development programmes.

The following three chapters all focus on various aspects of the international refugee regime, exploring in particular the record, challenges and prospects of the UNHCR. Chapter 7 argues that humanitarian agencies in general, and UNHCR in particular, have assumed responsibility for PRS in order to fill gaps in the international refugee regime that were not envisaged at the time of its establishment. Amy Slaughter and Jeff Crisp suggest that the UN's refugee agency has been limited in its ability to address the problem of protracted refugee situations. They link this to the intractable nature of contemporary armed conflicts and the policies pursued by other actors, the priorities chosen by UNHCR, and the limited amount of attention which it devoted to this issue during the 1990s. The chapter concludes by examining the organization's more recent and current efforts to tackle the issue of protracted refugee situations, and identifies some of the key principles on which such efforts might most effectively be based. Within the context of collaboration among UN agencies and NGOs, the authors suggest that UNHCR would be able to 'do more by doing less'. It could take on a more focused 'catalytic' role of facilitation and leadership as part of a broader 'clustered' approach within the international community.

Chapter 8 calls for a realistic, segmented and reinvigorated UNHCR approach to resolving protracted refugee situations. While recognizing that PRS are caused by political factors and must be resolved by political actors, Arafat Jamal argues that UNHCR has a responsibility to safeguard the rights of refugees and alleviate the plight of refugees in limbo. This role should be bold – it must accept the obligations imposed by its perceived centrality in such situations; and modest – it should attempt to responsibly devolve functions to the host state and other actors. Jamal outlines how UNHCR must take the lead in ensuring that refugees are able to enjoy secure conditions of asylum, along with their due rights and freedoms, and also develop their human capabilities, no matter what the long-term prognosis for a lasting solution is. He argues further that UNHCR could do so by segmenting the population and focusing on specific responses to receptive sub-groups, and by elaborating longer-term visions that are both principled and specific to each given refugee situation.

At the same time, Jamal argues that UNHCR must devolve certain activities to others and act as a catalyst to achieve more effective inter-agency cooperation. He points out that this approach should reward flexibility and imagination, and should be constantly revised and calibrated in light of regular evaluations and measurements of progress. While this chapter focuses on ad hoc, modest and segmented approaches, rather than comprehensive ones, Jamal does not dismiss the importance of politically grounded approaches. Moreover, when it seems that a political solution could be found, UNHCR should make more use of the United Nations system, including the moral authority of the Secretary-General or the use of such bodies as the UN Peacebuilding Commission, to move refugee issues higher up the international agenda and push for solid political support to resolve them. Until political solutions are obtained, however, Jamal argues that the UNHCR should act with responsibility, accountability, imagination and ‘constructive impatience’ to bring about immediate changes in the condition of refugees stranded in chronic and unresolved situations. An implication of the papers of Crisp and Jamal – who were amongst the first to highlight PRS as a problem and undertook some of the initial research on this issue – is that UNHCR, through its well-intentioned desire to assist and protect long-term refugees, has in a sense inadvertently become a part of the problem. By assisting refugees in these situations and institutionalizing aid delivery via long-term care and maintenance programmes, it has allowed political actors – and especially governments – to ignore PRS challenges or at least avoid making the decisions which are necessary to achieve durable solutions. This has become known as ‘administering human misery’: providing the minimum human needs necessary for survival while keeping the challenge off the political agenda.

Chapter 9 addresses historical lessons which exist for resolving protracted refugee situations. Drawing upon material from UNHCR’s archives and interviews with stakeholders in the various initiatives, the chapter outlines what those lessons are and how they might be applied to address contemporary protracted refugee situations. Alexander Betts argues that the most successful examples have been multilateral approaches aimed at durable solutions for refugees within a given regional context – so-called comprehensive plans of action (CPAs). Such approaches had a number of characteristics. They were *comprehensive* in terms of drawing on a range of durable solutions simultaneously; *cooperative* in terms of involving additional burden- (or responsibility-) sharing between countries of origin and asylum, and third countries acting as donors or resettlement countries; and *collaborative* in terms of working across UN agencies and with NGOs. The lessons from these historical experiences suggest that future multilateral efforts to address PRS are likely

to be more successful if they are based on the 'political engagement' model. That is, an approach based on sustained UN-facilitated political dialogue, culminating in political agreement between a range of governmental and non-governmental stakeholders, and including but not being confined to addressing the refugee issue.

Part II of the volume considers a range of experiences of prolonged displacement in order to derive lessons from specific cases, whether historical or contemporary. While individual cases are to a large extent unique and have specific differentiating features, it is nevertheless important to observe patterns – in terms of the nature and dynamics of PRS, and also attempts to address them – across different cases through a comparative approach. Comparative study helps to contextualize individual cases of protracted refugee situations and draw out the key elements that need to be addressed. It highlights more clearly the points of similarity and difference in each PRS with other refugee cases, and in this way highlights some of the gaps in the construction of solutions.

Chapter 10 discusses the case of the Palestinian refugees, one of the longest-standing and numerically largest refugee situations in the world. Michael Dumper argues that the Palestinian case appears to some extent unique, or at least very different from many of the other refugee cases discussed in this book. The most striking difference or unique aspect of the Palestinian refugee situation is its sheer longevity, which produces specific dynamics of exile. Over time, a degree of political and economic integration has been permitted, especially in Syria and Jordan (but not in Lebanon). Yet there has also been a strong growth in nationalist feeling and Palestinian self-identity during their long years of exile. This long duration has meant that the number of Palestinian refugees has multiplied numerous times over the decades. It is estimated that there are more than 7 million Palestinian refugees and displaced persons out of approximately 9.3 million Palestinians worldwide. Thus, this is not only the largest refugee population in the world, but the proportion of refugees to the total Palestinian population is significantly higher than in most other refugee situations.

Dumper also points out that the legal framework for refugee status and protection for Palestinians is quite exceptional. Most Palestinian refugees are registered with the United Nations Relief and Works Agency (UNRWA) and not UNHCR, leading to a highly separate culture and ethos, and a close association between UNRWA and the sense of 'refugee identity' felt by Palestinians. The case of the Palestinian refugees is also more complex and politically charged than in many other refugee cases. The Palestinian refugee case turns the principle of *non-refoulement* on its head. The issue is not whether the conditions are safe for repatriation, as in many other refugee cases, but whether they will ever be

allowed to return to their original homes, given the fact that this would undermine the *raison d'être* of the Jewish and Zionist state of Israel. Moreover, any likely future repatriation programme will be to a new state of Palestine, which is not from where the majority of refugees have come.

Chapter 11 examines the case of Somalia, where there is a close link between the existence of a fragile state and the persistence of a long-standing protracted refugee situation. The chapter focuses on the fundamental connection between shifting security dynamics in the Horn of Africa, especially after 9/11, and the prolonged Somali refugee crisis. Sixteen years after the collapse of Somalia, hundreds of thousands of Somali refugees live in protracted exile throughout the Horn of Africa and Kenya. Peter Kagwanja and Monica Juma analyse the causes of the Somali refugee problem, outlining the response of the Kenyan government and how this had an impact on the protection, assistance and experiences of Somali refugees. Finally, the chapter examines the measures taken at the national, regional and international levels to strengthen the protection of Somali refugees and to expand space for durable solutions: repatriation, local integration and resettlement. Kagwanja and Juma argue for the stabilization of Somalia as the best option for ending the country's protracted refugee crisis. They urge a careful mix of 'hard' power options (military/peacekeeping) and 'soft' power such as diplomacy and dialogue to stabilize the fragile state of Somalia.

Chapter 12 examines the long and brutal exile of Southern Sudanese refugees, and the prospects for a comprehensive solution to their plight following the signing of the Comprehensive Peace Agreement in January 2005. In considering the causes and consequences of the prolonged exile of Sudanese in the region, Tania Kaiser examines the important differences in the responses of Kenya and Uganda. Kaiser argues that important similarities and differences exist between the responses of the two primary host states, with the encampment of refugees being preferred in both instances. More significant for Kaiser, however, are the differences between the policy responses, with regional politics, internal security and domestic politics contributing substantially to the different hosting policies developed by the two states. Exploring the causes of flight from Sudan and the characteristics of the Sudanese refugee populations in Kenya and Uganda, Kaiser considers the impact of prolonged exile on both refugees and states. This analysis highlights the importance of considering the range of security concerns at play in protracted refugee situations, including the physical security of refugees, security in refugee-populated areas, and perceptions of national and regional security. Kaiser then examines how this range of interests and concerns informed the responses to Sudanese refugees, namely the hosting of refugees in

camps rather than settlements. This analysis is especially useful given the long-standing debate on the merits of camps versus settlements for the well-being of refugees, and the recent prominence given to the Self-Reliance Strategy (SRS) extended to refugees in Uganda. Kaiser ends by arguing that, while greater thinking is needed on the role that development approaches can play in laying the foundation for durable solutions for refugees, the most significant obstacles to such an approach remain the unwillingness of donors to support a more development-oriented approach to PRS, and the reluctance of host states to permit such an approach.

Chapter 13 deals with the case of Nepali-speaking Bhutanese, the Lhotsampa refugees, who have been in long-term encampment in eastern Nepal for the past 17 years. The Lhotsampa were expelled from Bhutan as a consequence of ethnic discrimination and the threat of force by government authorities and their nationality status has been the subject of long-standing bilateral negotiations between Nepal and Bhutan ever since their expulsion. Mahendra P. Lama provides a critical history of the nationality issues and the behaviour of the Bhutanese government leading up to the forced exile of the Lhotsampa. He then examines refugee management in the camps, before providing an overview of the recent developments in the Nepal–Bhutan negotiations over the nationality question and repatriation, as well as recent initiatives by the international community to resolve this protracted refugee situation.

Lama argues that, in addition to opening up resettlement opportunities, the only viable way to resolve the Lhotsampa refugee situation is to achieve an agreement between Bhutan and Nepal to verify once and for all the status of the refugees, thereby permitting those who want to return home to do so. If this is not possible, the author proposes the appointment of an independent commission under the South Asian Association for Regional Cooperation (SAARC) to examine the issues of identification, determination and repatriation, with a view to making recommendations that the two governments will be obliged to undertake. Moreover, the article calls for more active involvement from a number of key stakeholders who have been on the sidelines to date, including India as the region's leading state and hegemonic power, UNHCR and the King of Bhutan. A key consideration for Lama is that, after a long period of difficult exile, the Lhotsampa be offered the opportunity to choose the durable solution that they want.

Chapter 14 examines refugees from Myanmar (Burma), one of the world's most intractable protracted refugee situations. Gil Loescher and James Milner examine these situations from both a host state and a regional perspective. The ongoing conflict in Myanmar has created at least

four separate but related protracted refugee situations in Bangladesh, India, Malaysia and Thailand. While each of these situations has individual dynamics and characteristics, little understanding of the regional dynamics and connections between these refugee situations exists. At the same time, the prolonged presence of these refugee populations has an impact on bilateral and regional relations. Given the particular regional and geo-strategic location of these refugee populations – on the axis between South and Southeast Asia and at the centre of regional competition between India and China – Loescher and Milner argue that situating the related protracted Burmese refugee situations within a broader comparative and regional context will prove more useful in the formulation of a comprehensive solution.

This chapter provides an overview of the root causes of conflict in Myanmar and the patterns of displacement, and traces the significant refugee flows to neighbouring states. The authors also outline the political and strategic impact of refugees, both for individual host states and at a regional level. In light of these concerns, Loescher and Milner then examine how the main host states have responded. Based on this comparative analysis, the authors consider what lessons and solutions can be generated, both for specific short-term challenges and for the refugee situations themselves. Based on preliminary fieldwork in the region and interviews with stakeholders engaged in negotiation with the regime in Rangoon, the authors conclude that in the long run a regional response, both to the situation in Myanmar and to the associated refugee populations, will likely be more successful than the current international response, which principally relies on US and European trade sanctions against Myanmar.

Chapter 15 examines the protracted Afghan refugee situation. While millions of refugees have repatriated since the late 1990s, millions more still remain in prolonged exile in Pakistan and Iran. Ewen Macleod argues that the Afghan refugee problem can no longer be understood or effectively addressed through refugee policy frameworks and humanitarian arrangements alone. Indeed, dependence on the traditional refugee solutions may only contribute to deepening the intractability of many of the complex political, economic and social issues now confronting policymakers and practitioners. Macleod maintains that the abundance of evidence and experiences in the host states in recent years suggest that the pursuit of classical refugee solutions and approaches is compromised by the range and scale of post-conflict challenges inside Afghanistan, by contemporary population movements, by poverty and exclusion, and by past and present policies and practices. Without greater political convergence on an achievable and pragmatic set of solutions, progress will

remain in doubt. But, as the author argues, neither the current policy environment in Iran and Pakistan nor the situation inside Afghanistan is favourable. New approaches that go beyond the standard refugee paradigm are essential to future prospects for finding solutions.

Part III of the volume concerns policy conclusions and recommendations. Building on the conceptual understandings of the causes, consequences and possible responses presented in the volume, chapter 16 presents a possible framework for responding to protracted refugee situations. In presenting the framework, Loescher and Milner argue that PRS pose a challenge to refugees, the agencies that care for them, and a wide range of other actors. Given the diversity of these concerns, the chapter argues that responses to PRS must address the current challenges and work towards longer-term and comprehensive solutions, engaging the full spectrum of peace and security, development and humanitarian actors. Underlying their argument is the importance of shifting from the current management-driven, 'care and maintenance' approach to PRS, towards a more 'solutions oriented' approach which is based upon real engagement amongst peace and security, development and humanitarian actors. With this in mind, Loescher and Milner outline how these three sets of actors can cooperate in the short, medium and long term to develop and implement comprehensive solutions to protracted refugee situations. Finally, chapter 17 offers a range of broader conclusions and policy implications.

### *Core policy and conceptual issues*

At the core of this book is a desire to develop a better understanding of the causes, consequences and implications of protracted refugee situations. From the beginning of the project, we have sought to encourage research that has conceptual, policy and practical relevance. In so doing, the project sought to develop a better understanding of the circumstances which give rise to protracted refugee situations in the context of contemporary patterns of violent conflict, the nature of PRS in various parts of the world, the consequences of prolonged exile, and a more conceptually rooted and empirically informed understanding of how these situations may be resolved. In this way, the authors of the chapters contained in this volume were set a similar task: to reflect on the challenge of protracted refugee situations as it relates to their area of work and research, and to provide insights that have conceptual, policy and practical relevance. As a consequence, this volume is the first major effort to draw together conceptual and empirical research on protracted refugee situations.

The chapters of this volume together relate to a number of core conceptual and policy questions that need to be addressed if our ability to resolve PRS is to be enhanced. One of the most pressing conceptual questions is how we define a protracted refugee situation. Are quantitative and qualitative measures necessary or appropriate in determining what constitutes a protracted refugee situation? Or do such definitions favour certain situations over others? Likewise, what are the causes of protracted refugee situations? In chapter 2, Loescher and Milner argue that they are simply the result of impasses in the country of origin, in the country of asylum, and in the response of the international community to particular cases. Is this sufficient, or are there deeper, more systemic causes? While an understanding of the causes of PRS will contribute to the longer-term objective of finding solutions, it is also important to understand the full range of consequences of PRS, for refugees, host states and states in the region. What are the political, human rights and security implications of PRS? How does the prolonged presence of refugees relate to other policy objectives, including development? Given these links, how can the engagement of major donor and resettlement countries be sustained?

It is also important to understand why protracted refugee situations are growing in significance and representing a higher proportion of the world's refugee population. As outlined above, PRS now account for two-thirds of the world's refugees, and the average duration of prolonged displacement has increased. Are refugee situations becoming harder to resolve, or is the international community left with a particular set of more difficult situations to resolve? How important are the links between the rise of protracted refugee situations and the rise of so-called 'failed' and fragile states? How can a better understanding of the political, security and human rights context of PRS contribute to their resolution?

Finally, it is important to ask if there are different types of protracted refugee situations. This is a question that has both conceptual and policy significance. Is a typology useful, necessary or relevant? Do different kinds of situations in countries of origin result in different kinds of protracted refugee situations? Are there some situations that remain fundamentally different from the others? To what extent can lessons from historical cases be implemented in contemporary cases? Does each PRS require an individual and separate response, or is there a common approach that can be employed in all cases?

In addition to these conceptual questions, the chapters in this volume pose a number of policy questions. Paramount among these questions is the role that UNHCR should play in responding to PRS. A number of authors stress that the inaction of other actors in the international system has left humanitarian actors, especially UNHCR, to assume the burden

of managing protracted refugee situations. What implications does this have for solutions? Can UNHCR continue to act independently to find solutions for refugees, or should UNHCR play a more specialized catalytic and facilitating role? As most chapters in this volume argue that a broader range of actors are required to resolve protracted refugee situations, what role can and should be played by other humanitarian actors, both within the UN system and within the global refugee regime? Likewise, what role can and should be played by other actors within the UN system, especially peace and security and development actors?

If a range of actors are required to formulate and implement solutions to protracted refugee situations, how can these actors be more effectively coordinated? Do new structures, such as the UN Peacebuilding Commission, provide new opportunities for structured cooperation? How can the history of competition between these various actors be overcome? Have these tensions been resolved in particular cases? If these tensions can be overcome, how should the actions of various actors be sequenced? Are certain activities essential prerequisites for a solution, or will each situation call for a unique response? Should responses to PRS be designed and implemented according to countries of origin, to host countries, or on a regional basis?

Finally, it is important to consider what we mean by a solution for a protracted refugee situation. Does a solution mean that refugees are no longer in camps, or does it mean that they have achieved a legal status which no longer requires international protection? Are the three durable solutions – repatriation, local integration, and resettlement – sufficient to resolve today's PRS? Are there other solutions that are being pursued in contemporary cases? What are the limits to these solutions? How can these solutions be reinforced to make solutions for PRS more realistic?

The conclusion of this volume draws on the insights of the preceding chapters to offer some answers to these conceptual and policy questions. From the outset, this project has had two objectives. First, it was to contribute to the academic and policy understanding of the origins, nature and significance of protracted refugee situations. Second, by examining specific cases and considering attempts to find comprehensive solutions, the project sought to make specific policy recommendations for the resolution of long-standing refugee populations. The chapters of this volume make an important contribution to our understanding of the causes, consequences and possible responses to the growing challenge of protracted refugee situations. The cases also illustrate that protracted refugee situations involve a wide range of local, national, regional and international actors, and relate to a wide range of issue areas. Above all, this volume demands that we – as scholars and policy practitioners – go beyond the administration of misery.

## Notes

1. *In Larger Freedom: Towards Development, Security and Human Rights for All: Report of the Secretary-General to the General Assembly*, A/59/2005, paragraph 114.
2. For example, Astri Suhrke, 'Human Security and the Protection of Refugees', in Edward Newman and Joanne van Selm, *Refugees and Forced Displacement: International Security, Human Vulnerability, and the State*, Tokyo: UNU Press, 2003; Ole Wæver, Barry Buzan, Morten Kelstrup and Pierre Lemaitre, *Identity, Migration, and the New Security Order in Europe*, London: Pinter, 1993; M. Ibrahim, 'The Securitization of Migration: A Racial Discourse', *International Migration* 43, no. 5, 2005.
3. Jef Huysmans, 'Defining Social Constructivism in Security Studies. The Normative Dilemma of Writing Security', *Alternatives* 27, 2002.

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# Protracted Refugee Situations: Political, Human Rights and Security Implications

Edited by Gil Loescher, James Milner, Edward Newman and Gary Troeller

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Over two-thirds of the world's refugees are trapped in protracted refugee situations, struggling to survive in remote and insecure parts of the world. This volume brings together a collection of eminent scholars and practitioners to explore the sources, nature and consequences of these situations and the record of the international community's attempts to find durable solutions. On this basis, the volume presents new thinking to address protracted refugee situations that incorporates security and development—as well as humanitarian—actors and attempts to reconcile the policy difficulties which have obstructed progress for many years.

"This excellent volume considers the causes and impact of this crisis and exposes the consequences that we face – across the broad spectrum of human rights, politics and security – if we do not respond effectively and humanely. It also points to policy ideas and prescriptions that should be considered seriously in the future."

—*António Guterres, United Nations High Commissioner for Refugees*

"Protracted Refugee Situations draws upon some of the most thoughtful scholars and experts in the field. It is a must for policy makers and practitioners as well as academics who seek durable solutions for the millions of refugees who find themselves in the limbo of protracted situations."

—*Susan F. Martin, Donald G. Herzberg Chair in International Migration and Director of the Institute for the Study of International Migration, Georgetown University*

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