

*In Commemoration of the 80th Anniversary of the
Establishment of Diplomatic Relations*

Embassy of Japan and Baghdad University

Peace Building Seminar

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Peace Building and Forced Displacement

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Self-Introduction

- Chairman of Japan for UNHCR
- Professor of Toyo Eiwa University
- UNHCR Representative in Japan
- UNHCR Controller/Director
- UNIDO Director for Program Coordination
- UNRWA Finance Officer etc (Jordan, Lebanon, Austria)
- Ministry of Justice, Japan
- University of California MBA
- Born in 1948
- Marathon runner
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Today's Presentation

- 1. What are the problems?**
 - Victimization of refugees and IDPs
- 2. What are the causes?**
 - Conflicts
 - Persecution
- 3. What are the International Responses?**
 - Global Refugee Regime
 - Protection of IPs
- 4. Are the responses effective?**
 - Limitations
- 5. In search for a new approach**
 - Balancing principles and interests

Cycle of Forced Displacement

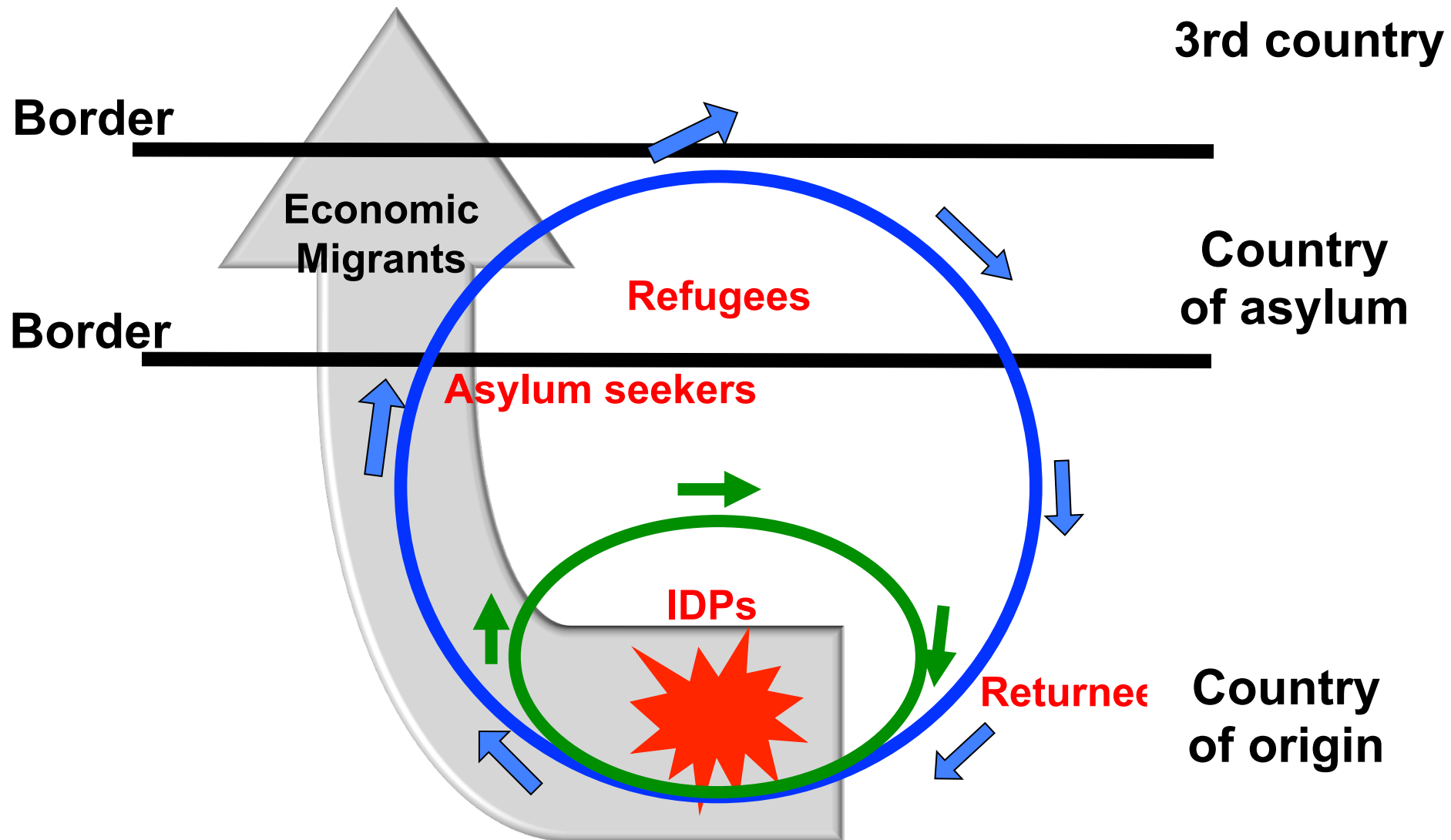
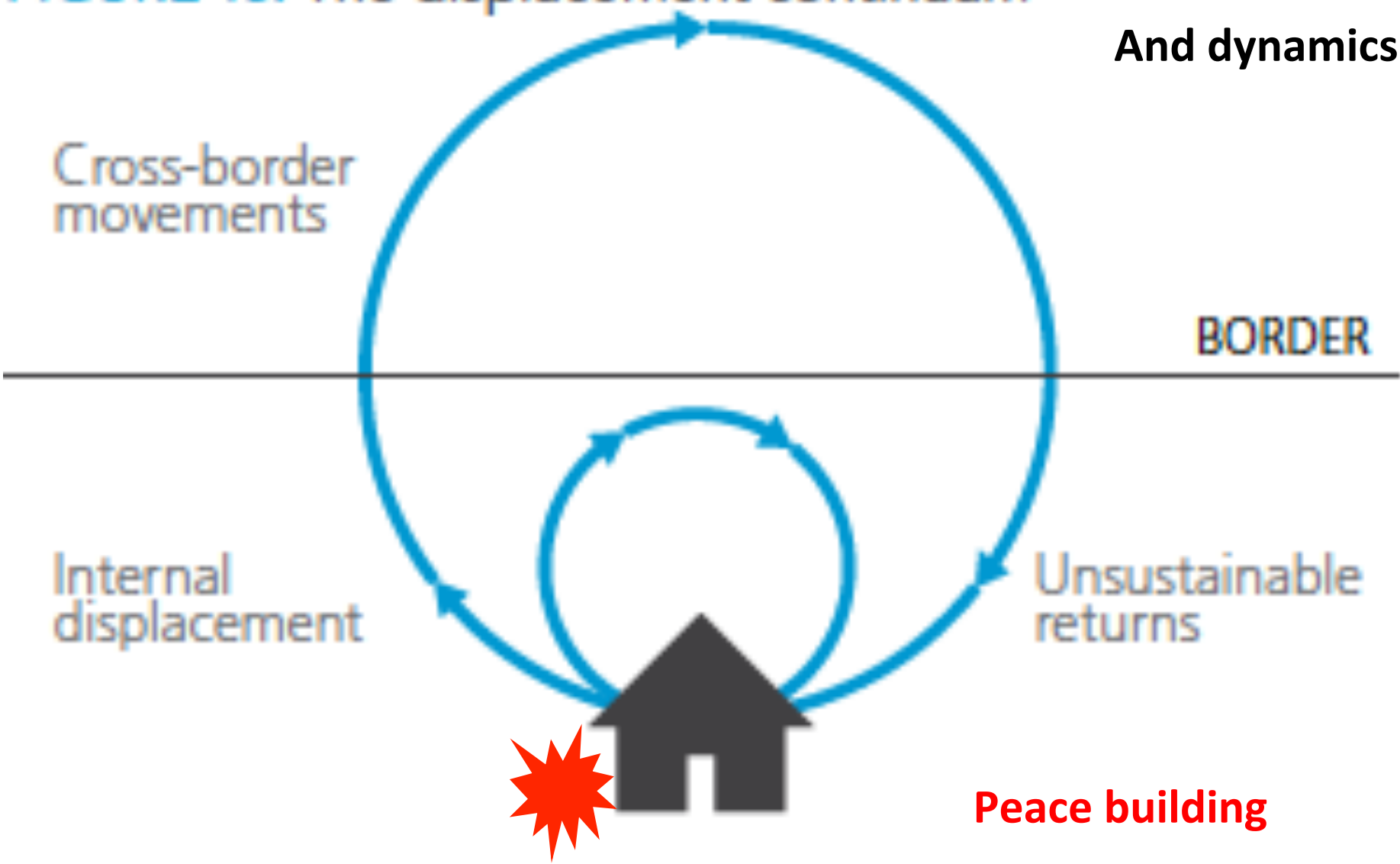


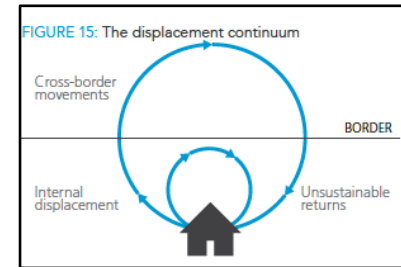
FIGURE 15: The displacement continuum

And dynamics



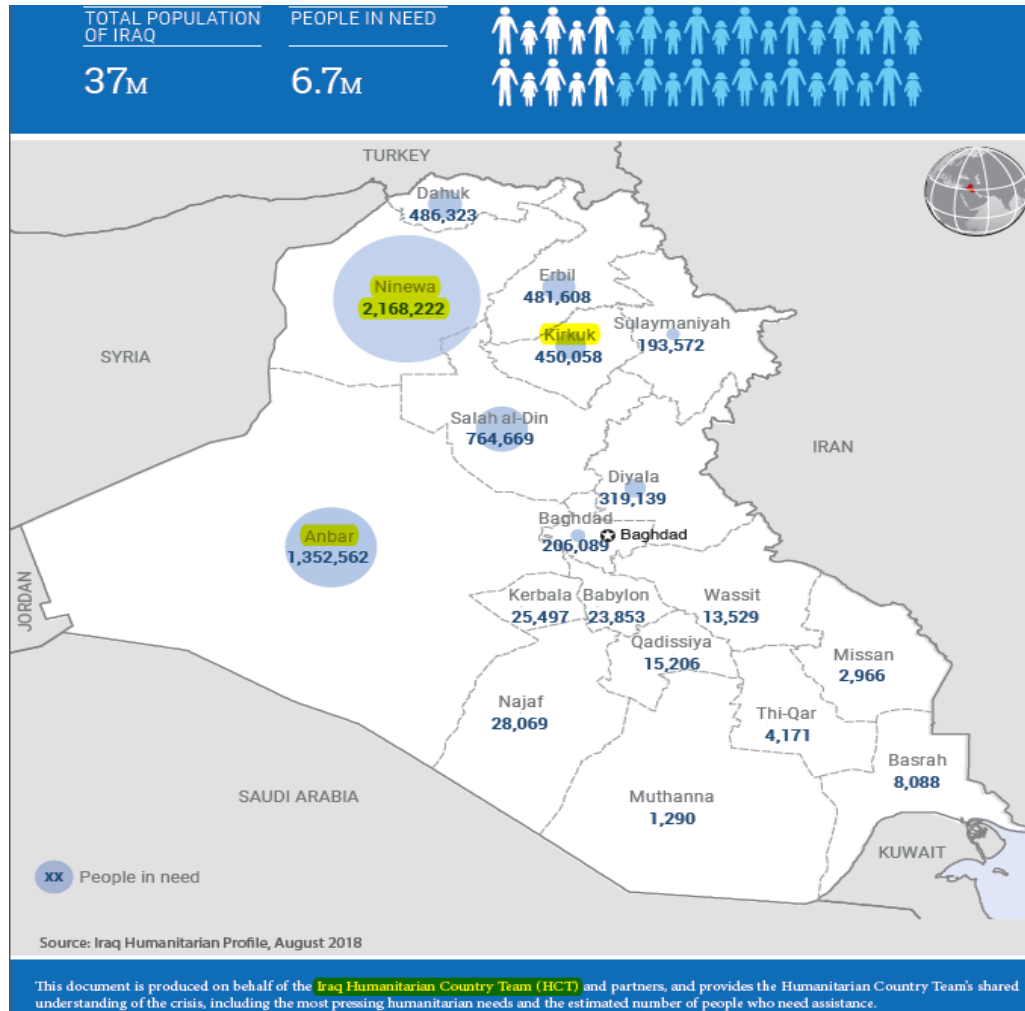
Victims of forced displacement: World

- **UNHCR Global Trends Report 2017**
 - **Refugees 25.4M**
 - **IDPs 40M**
 - **Asylum seekers 3M**
 - **Total 68.5M**
- **44,000 are displaced daily**
- **52% are children, 50% are girls/women**
- **85% are in developing countries**
 - **30% are from Syria, Afghanistan and South Sudan**
 - **They are in Turkey (3.5M), Pakistan(1.4M), Uganda(1.4M)**



Victims of forced displacement: Iraq

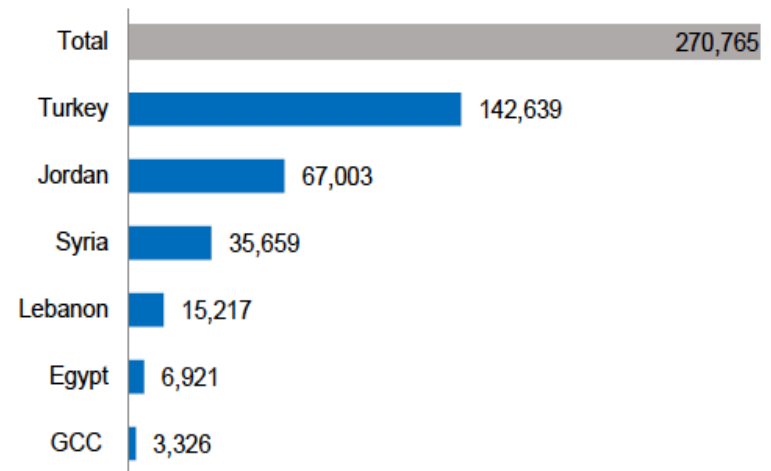
IDPs (incl. returnees)



Refugees

Iraq situation

Iraqi refugees in neighbouring countries



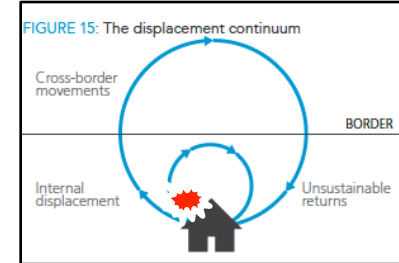
- Why IDPs cross border to become refugees?
- Why they came back?
- What are their conditions?

(source: Iraq Humanitarian Country Team,

1 WHAT ARE THE PROBLEMS?

HUMANITARIAN VALUES/PRINCIPLES

Problem ①: Forgotten IDPs

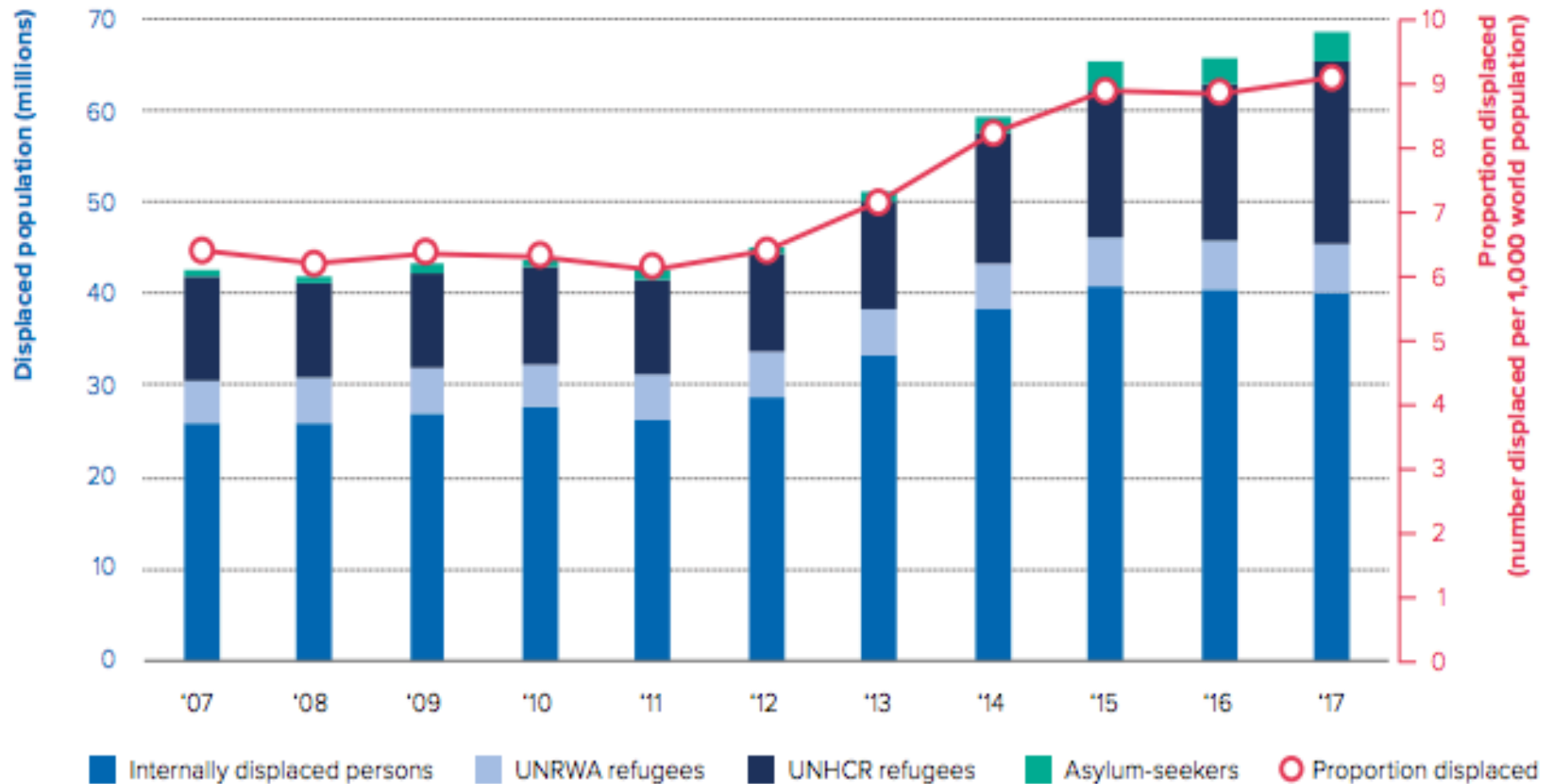


- **UN Guidelines on IDPs, 1998**
 - “Persons ...who have been forced to ...flee their homes ... who have not crossed a state border”
- **IDPs suffer as much as refugees, yet often forgotten**
 - IDPs are invisible and often ignored by International Society
 - The issue has been regarded as an “internal affairs”
- **IDPs are “ground zero” for refugee crises**
 - IDMC report on Iraq “Nowhere to return to” (Nov 2018)
 - Half of the refugees have been IDPs before leaving Iraq, many of them several times
 - They left Iraq due to a lack of opportunities for durable solutions
 - Many of returnees to Iraq have again become IDPs
 - And they may become refugees again..
 - **If left in limbo, they could be enticed by extremist groups..**

Trends of IDPs and Refugees

Figure 1 | Trend of global displacement and proportion displaced | 2007-2017

70M in 2018?

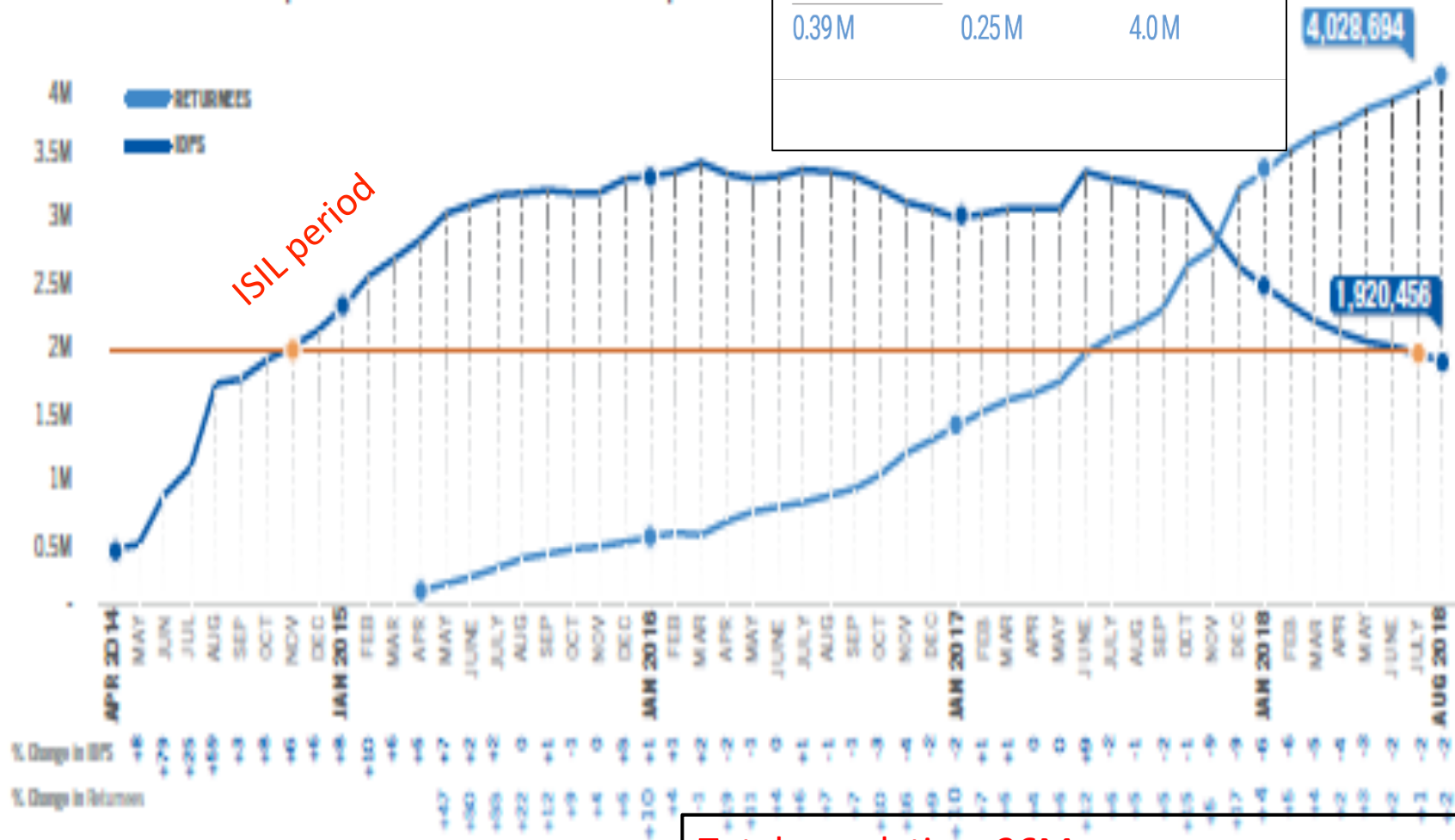


(one out of ten..)

(source: UNHCR Global Report 2017)

Trends of IDPs: Iraq

FIGURE 1: Internal displacements and returns in Iraq¹⁴



(Source: IDMC Report)

Total population: 36M
 People in conflict-affected areas: 11M
 People in need of humanitarian assistance: 6.7M

Problem ② : Mass Flight of Refugees

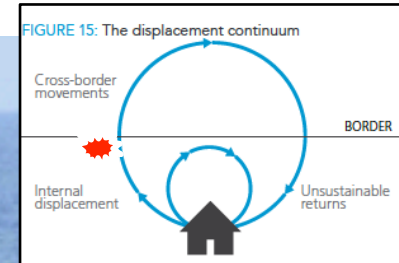
- Life in perilous flight
 - Loss, confusion, despair..
- **Iraq**
 - IDPs 2M
 - Refugees 271,000
- Syria
 - IDPs 6.3M
 - Refugees 6.2M
- Myanmar
 - 700,000 Rohingyas fled to Bangladesh in 2017/18
- Venezuela
 - 3millions left the country, creating regional crisis
- Afghanistan, South Sudan...



Problem③: Burdens on Host Countries

- Burdens of refugee inflows on host communities
 - Competition with local residents for physical resources (land, water, firewood,...)
 - Economic and social burdens (shelter, job, schools...)
 - Political (security, ethnic and religious balances..)
- Host states often are unable to protect refugees
 - International assistance is not coming fast or not at all
 - Causing “protracted refugee situations”
 - Average life in exile is over 20 years
 - With no hope for the future
- Desperate refugees may choose to move on...
 - To find their own solutions
 - Crossing seas
 - With the help of smugglers

In search of safety...



難民船転覆の瞬間 救助の伊海軍が捉える (提供写真) (提供 : Marina Militare/ロイター/アフロ)

<http://www.bbc.com/Japanese/video-36394894>

Problem④ : Global Refugee Crisis

- 2015
 - One million refugees entered in Germany
- 2016
 - Terrorist attacks
 - Politicization and manipulation of refugees
 - UK Bexist
 - Electin of Trump in the US
- 2017～
 - **Xenophobia, anti migration/refugee movements**
 - Refugee issues are now not only humanitarian issues but international political problems
 - Global context has changed for refugees



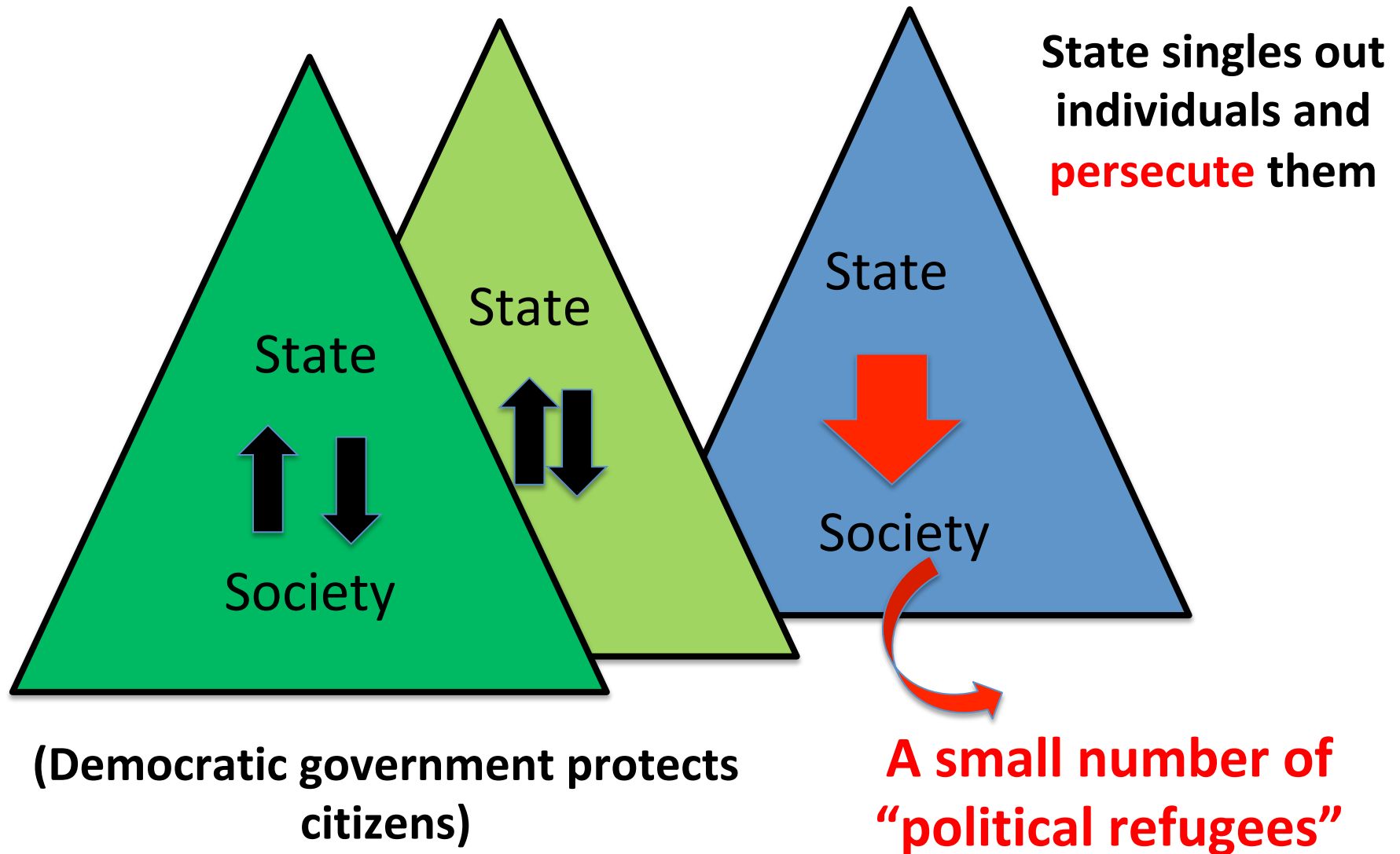
チェコのプラハで行われた移民受け入れ反対デモで、チェコ国旗やプラカードなどを掲げる参加者ら（2015年9月12日撮影）。(c)AFP/MICHAL CIZEK

2 WHAT ARE THE CAUSES?

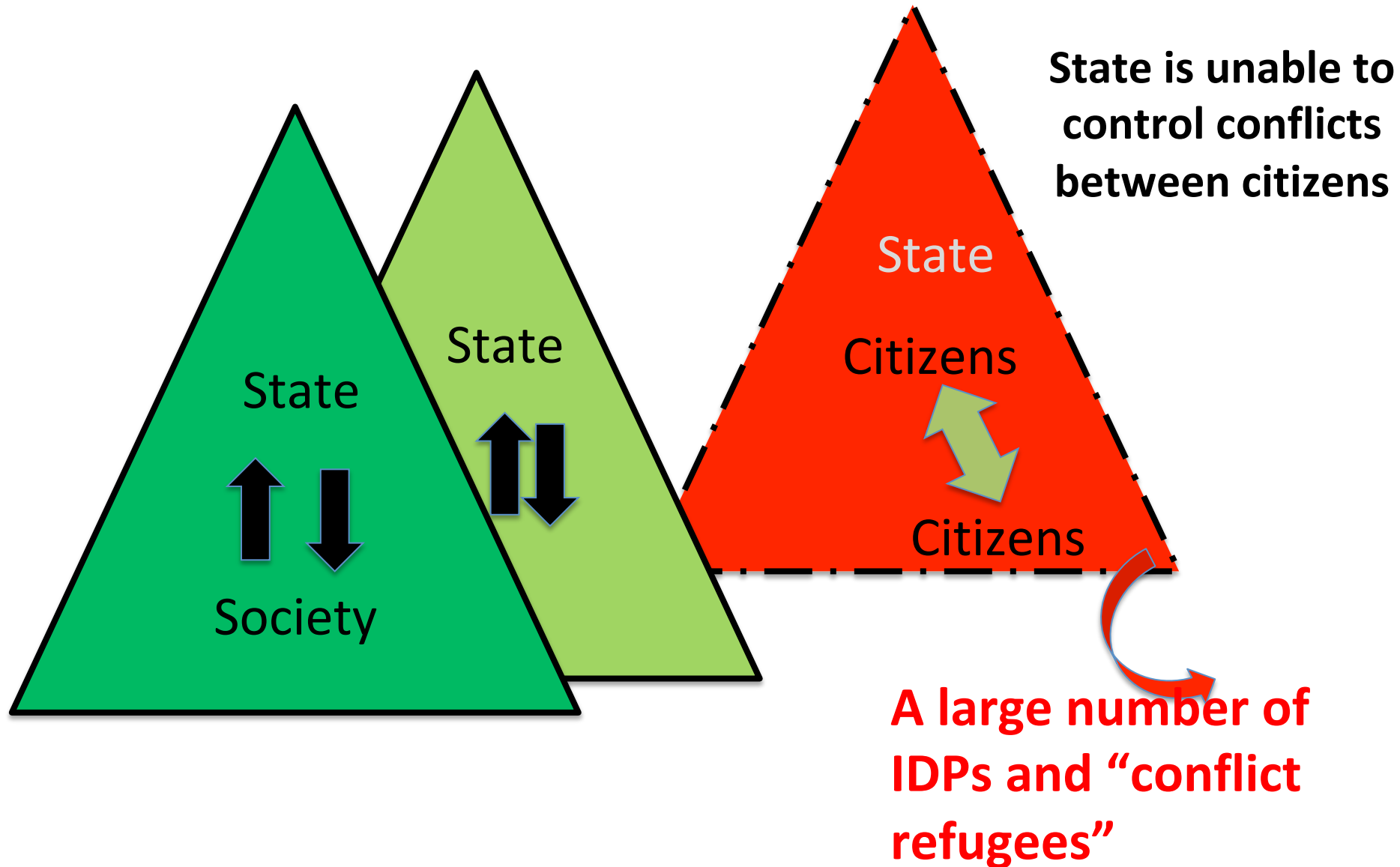
Nation States System

- **Nation State system (Westphalia Regime)**
 - 7 billion people live in 192 **Sovereign States** which form the International Society
- **Principle of the International Society**
 - Each Nation State is responsible to protect its citizens
 - States should not intervene in internal affairs of others
- **Not all States abide by the principle**
 - Some persecute its citizens
 - Others are unable to stop conflicts that harm people
- **Resulting in displacement of IDPs and refugees**
 - Forced displacement may be an inevitable consequence of current International System

Too Strong States



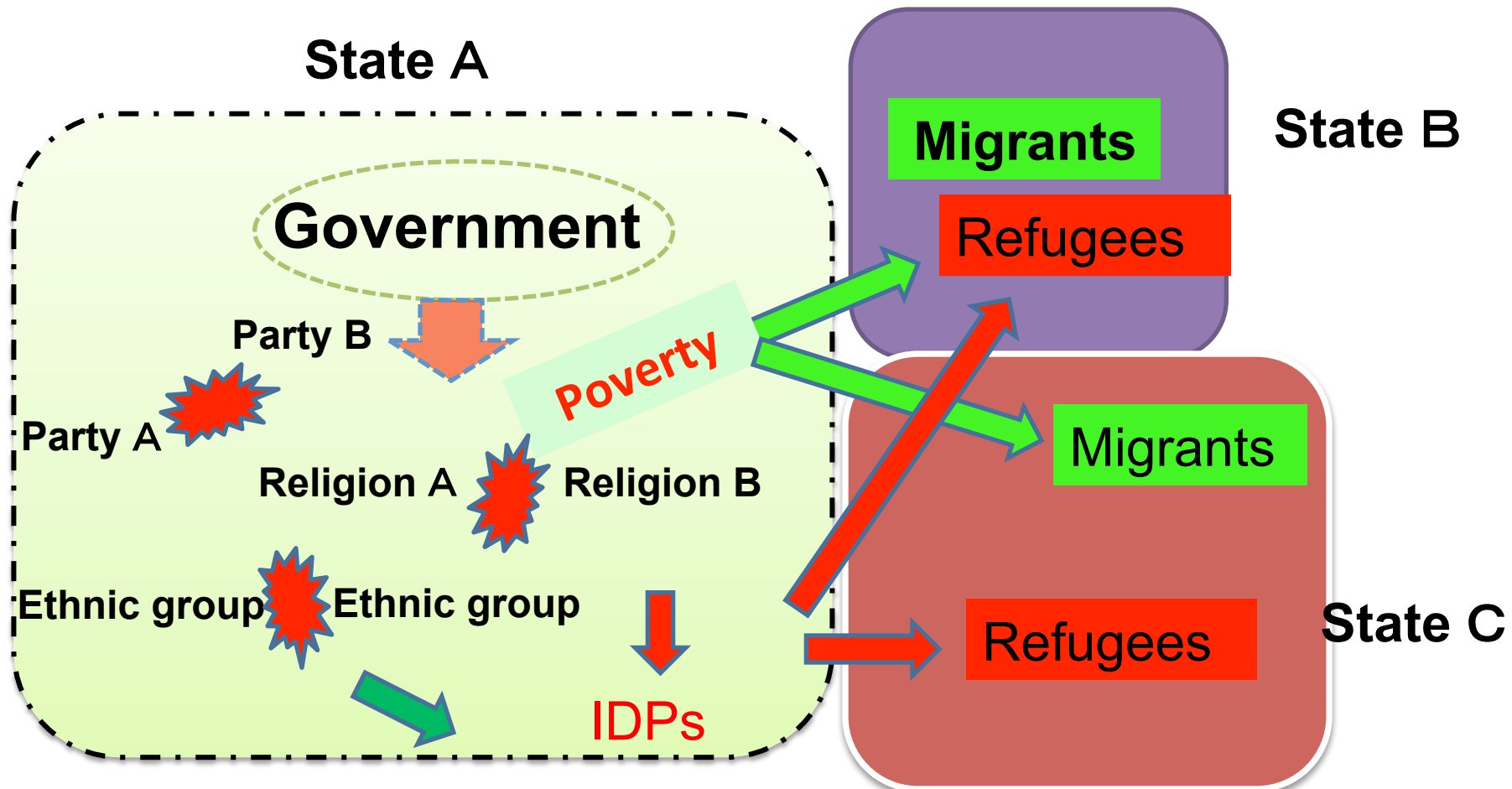
Too Weak States



Causes of increasing IDPs

- **Changing faces of conflict**
 - Persecution, violence, terrorism, tribal/ethnic/religious armed conflicts have increased in post-Cold War era
 - Mechanisms for peaceful settlement of disputes are missing
 - Good governance, the rule of law, accountable and inclusive institutions are missing
 - Tactics of armed conflicts have changed: **civilians are deliberately targeted**
 - **Terrorist attacks**
 - International humanitarian law and principles are ignored
- **Restrictive asylum policies**
 - By neighboring and Northern States make it difficult for asylum seekers to reach destinations
- **Many cannot flee their country and remain IDPs**
 - The journey is too risky or too costly

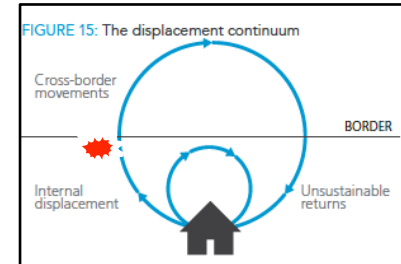
Failed/Fragile States



Failed governance, generalized disorder/violence and poverty

Complicating Factors: Survival Migrants

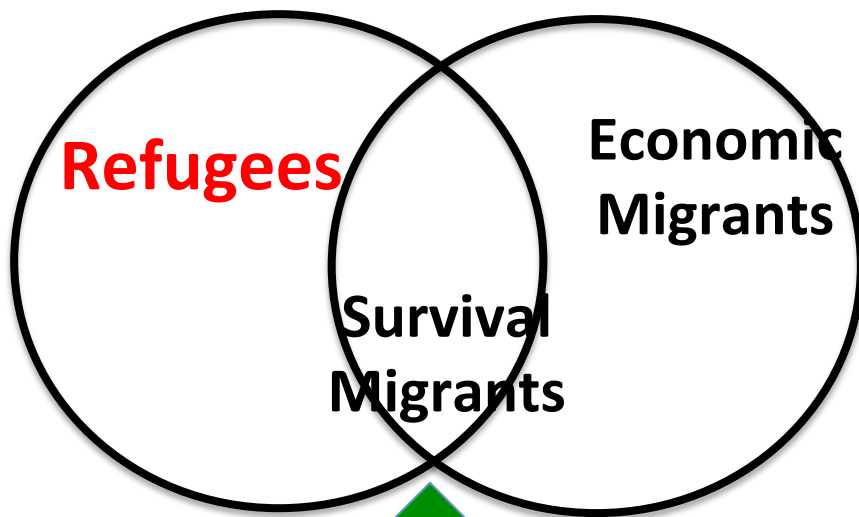
- Due to lack of work and opportunities, young people (of Sub-Saharan Africa) migrate to Europe
- Their motivation is “survival” (**Survival Migrants**)
- They move with refugees(mixed migration) and ask for asylum claiming that they are refugees
- Very difficult to distinguish refugees and migrants
 - Conflicts lead to poverty and poverty leads to conflict
 - Many may be both refugee and migrant (**Venezuerans**)



THEATLANTIC.COM

Photos of the Central American Immigrant Caravan

Causes and Consequences of Mobility



Global North

Pull factors : Peace, opportunities, labor shortages
Pushback factors : Xenophobia, discrimination

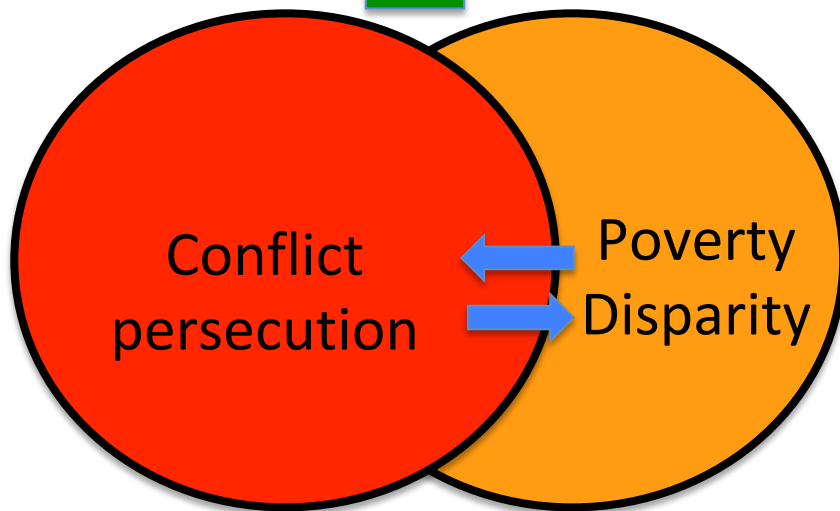


Push factor : conflict, persecution, unemployment, poverty
Pull back factors : cost, family ties



Brain drain

Global south



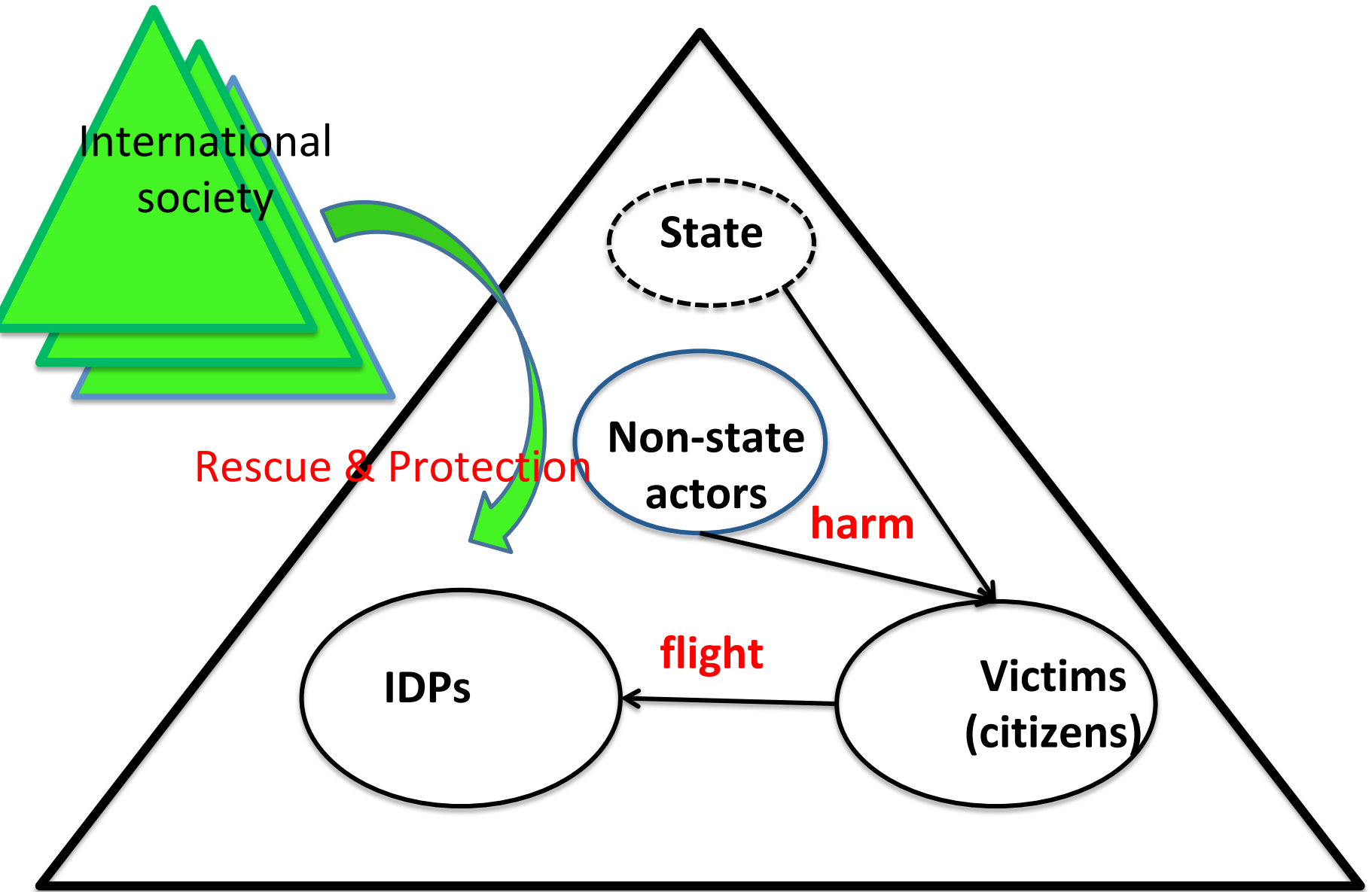
3 WHAT ARE THE INTERNATIONAL RESPONSES?

(UN)INSTITUTIONS

① International Assistance to IDPs

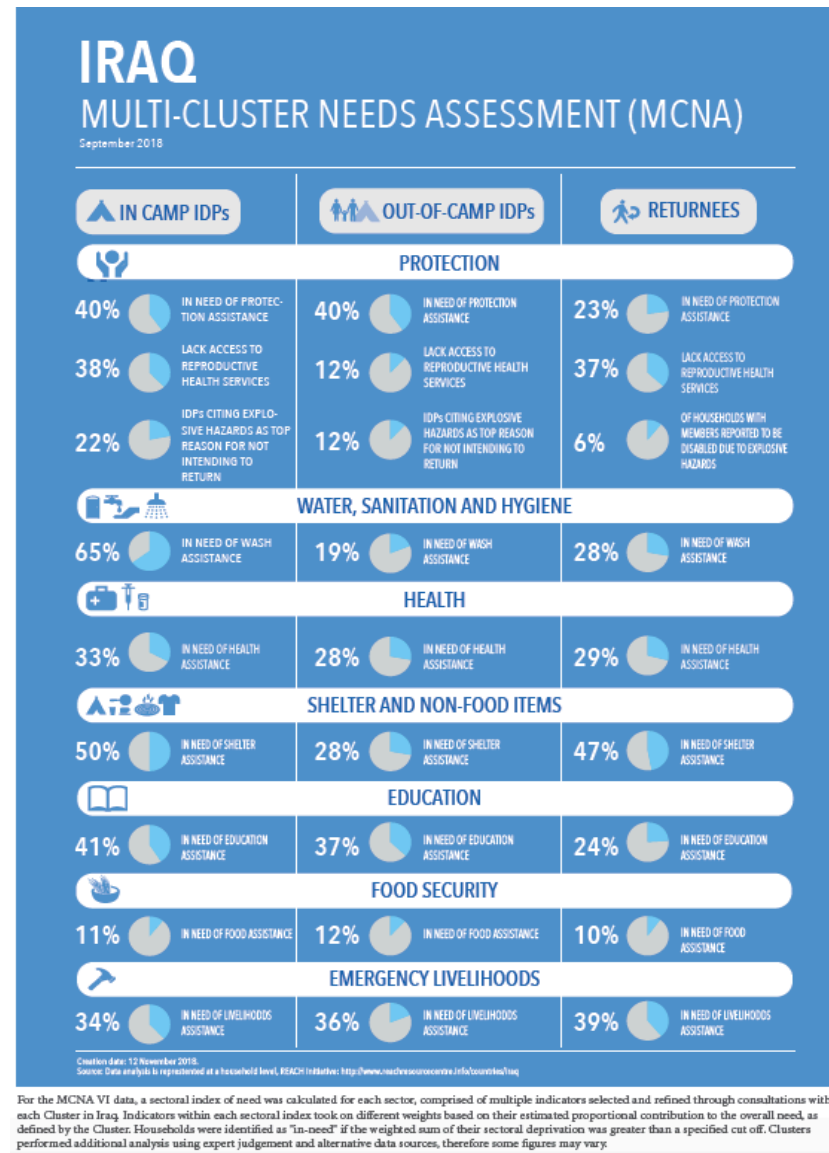
- **Kurdish IDPs in Northern Iraq (1991 Gulf War) was a turning point for IDP protection**
 - UNHCR entered into Iraq to help Kurdish IDPs
- **UN Guiding Principles on IDPs (1998)**
 - **Responsibility to protect (R2P):**
 - “Sovereign States have responsibility to protect their citizens”
 - “When a State is unable/unwilling to protect citizens, international society has the responsibility to protect them”
 - Intervention requires the approval of the UN Security Council and its application was limited to a few cases
- **A challenge to the principles of International Society**
 - Does non-interference principle have a limit?
 - What are the views from the South and those “protected”?

“Responsibility to Protect”

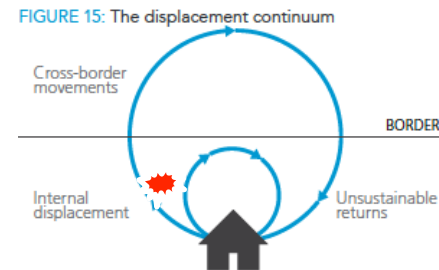


IDP Cluster Approach

- R2P provides a moral basis for IDP protection, but actual work needs operational arrangements
- In 2005 the UN introduced the **Cluster Approach** to enhance predictability, accountability and partnership
- Its aim is to strengthen preparedness and technical capacity to respond to humanitarian emergencies with clear leadership and accountability
- Clusters are groups of humanitarian agencies, UN and non-UN, in each of the sectors



(Source: Iraq Humanitarian Needs 2019)



National and
local
government
organizations

- The UN has established Iraq Recovery and Resilience Programme (RRP) to accelerate the social dimensions of reconstruction
- RRP is aligned with governmental multidimensional reconstruction plan
- But the government may not give requisite priority to IDPs

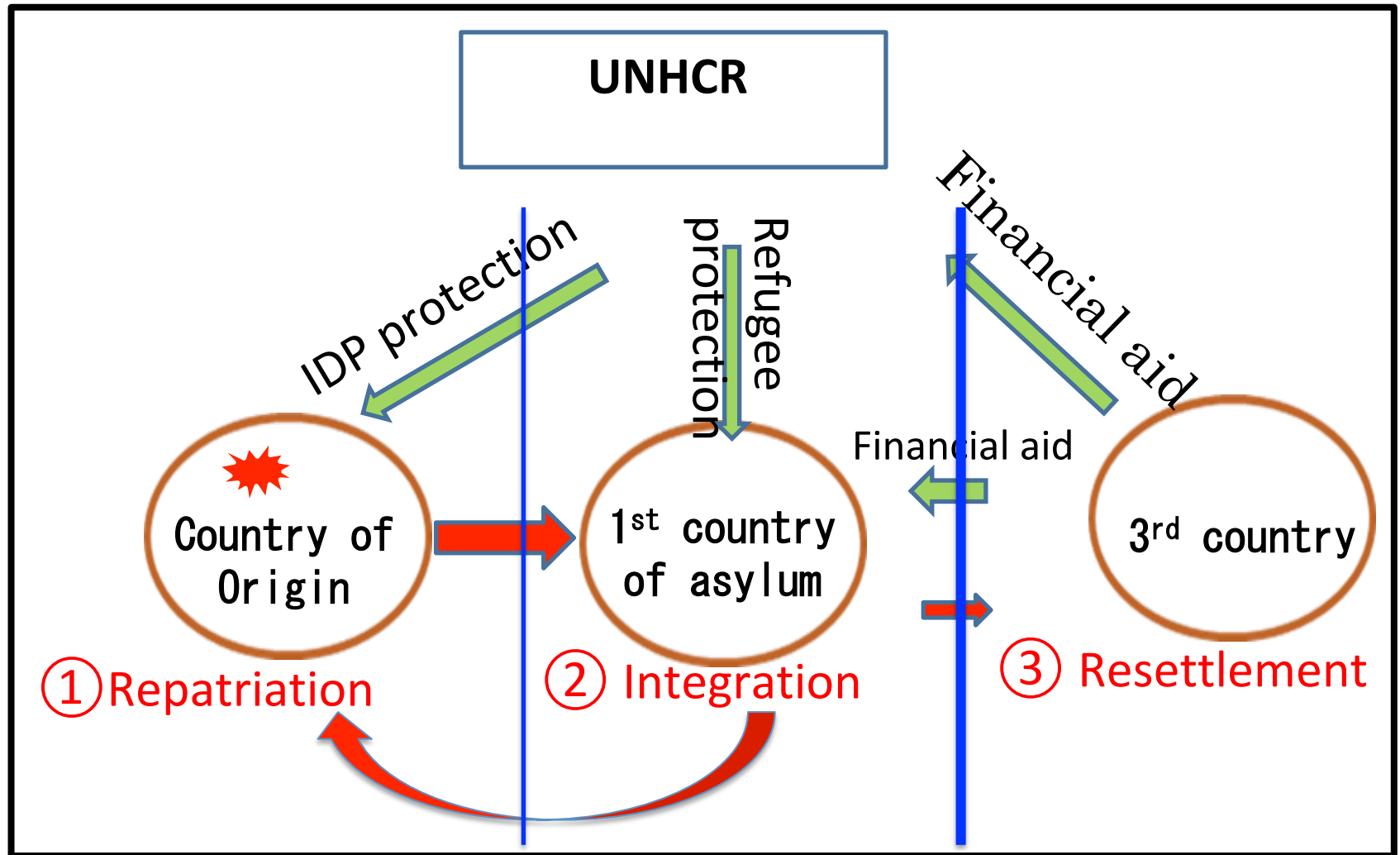
② International Protection of Refugees

- **Global Refugee Regime is based on two premises/ideas**
 - State responsibility to offer asylum (solid part)
 - Responsibility/Burden Sharing among States (soft part)
- **Institution of Asylum**
 - ① **1951 Refugee Convention**
 - Refugees are shielded from persecution by “territorial protection”
 - Principle of **Non-Refoulement** (Do not forcibly return refugees to countries where persecution/victimization may occur)
 - ② **UNHCR**
 - ③ **Many NGOs delivering services to refugees**
- **Most Arab and Asian States have not joined the Refugee Convention**
 - Although in practice they accept hundreds of thousands refugees aw
 - Iraq has a political refugee (since 1971)

UNHCR

- **Established in 1951**
 - As a subsidiary organization of the General Assembly
- **Mandate**
 - 1. Protection**
 - Protect lives in emergency situations
 - 2. Assistance**
 - Provides assistance in camps and towns
 - 3. Solutions**
 - Repatriation, local integration and third-country resettlement
 - 4. UNHCR also provide assistance to IDPs as part of UN Team**
- **Organization**
 - Staff of 11,000 (6,500 in 2002, 34 in 1951)
 - Largest humanitarian agency in the UN system
 - Operates in more than 140 countries
 - Annual budget **USD8 billion**
 - But only 50% is funded and assistance operations are limited

UNHCR “three solutions”



③ Return and Peace Building

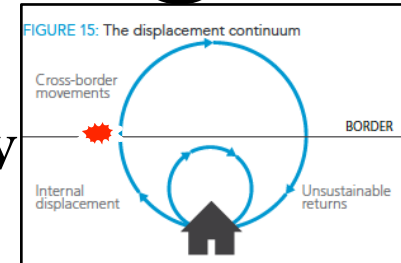
- Return/repatriation is not a sustainable solution
 - Unless/until causes of flight are removed and peace is reestablished
- “An Agenda for Peace” of 1992 on Peace Building
 - “A range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development.
 - Peacebuilding strategies must be coherent and tailored to the specific needs of the country concerned, **based on national ownership**, and should comprise a carefully prioritized, sequenced, and relatively narrow set of activities aimed at achieving the above objectives.”
- Institutional arrangements
 - UN Integrated Missions
 - All agencies are involved to assist the country to build peace

4 LIMITATION OF THE GLOBAL REFUGEE (IDP) REGIME

DIVERGENT INTERESTS

Limitation of Global Refugee Regime ①

- **Definition of Refugees in 1951 Refugee Convention**
 - Is persecution-based and does not address the millions of people fleeing from threats to lives
 - States restrictively interpret 1951 Convention
 - Some do not comply with the 1951 Convention
 - If they merely flee war and armed conflict, they will not qualify as a refugee
 - The Convention definition is silent on armed conflicts/violence
 - “Conflict refugees” are granted only complimentary protection, subsidiary protection or evacuation opportunity
 - **The Convention definition is too narrow in an age of mass outflow or refugees fleeing armed conflict / violence**
 - The Convention does not adequately consider interests of host States



Limitation of Global Refugee Regime②

- Principle of Territorial Asylum
 - IDPs are excluded by definition
 - Unless and until you reach the country of destination, you are not granted asylum
 - States use this principle to deter refugees to come
 - Passport and visa check at the port of embarkation
 - Physically closing the border by barbed wire
 - Stop boats before entering territorial waters (Australia)
 - Sending asylum seekers back to safe third country
 - Refugee Convention is politically used to exclude refugees
 - To calm anxieties of people of host States
 - IDPs are partly a result of refugee containment policy

Limitation of Global Refugee Regime③

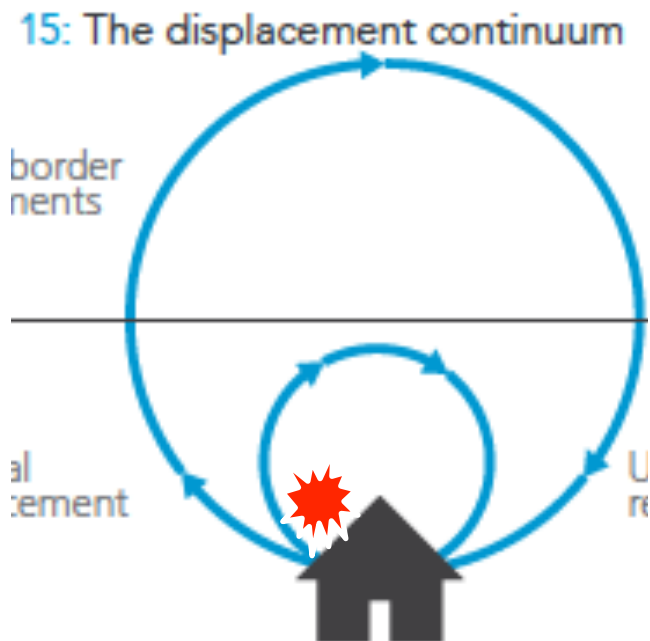
- **Responsibility Shifting, not Sharing**
 - Protecting IDPs/Refugees is a Global Public Good (GPG) that benefits not only IDPs/Refugees (humanitarian value) but States and populations (political value)
 - All countries benefit from human rights and security outcomes it yield
- **However,**
 - States have an interest in **free-riding** (enjoying benefits but refusing to pay costs of the GPGs)
 - States tend to **shift**, not sharing, burdens/responsibilities
 - **Many Northern States are closing doors to refugees**
 - Southern States suffer from heavy burdens to host refugees
- **No authority exists to assign responsibility to States**
 - Compared to the institution of asylum, no legal framework is available for responsibility / burden sharing

Limitation of Global Refugee Regime④

- Northern States are **narrowing doors** to refugees
 - Influx of Syrian refugees into Europe in 2015/6 triggered **politicization/securitization** of refugee issue
 - Politicians take advantages of anxiety of population
 - Southern States are suffering from burdens
- **Real “3 solutions” for refugees (Betts/Collier)**
 - ① Stay in refugee camps indefinitely
 - ② Live in urban slums, or
 - ③ Risk lives to travel to Europe etc., with smugglers
- Crisis of the Global Refugee Regime
 - Refugees are neither given rescue, autonomy nor dignity, and are in limbo

Challenges of IDP

- Post Conflict Peace Building
 - Returnees need demined land, housing, employment, water, electricity, gas, roads, schools, medical facilities..
 - Reconciliation between ethnic/religious, political groups to live together
- However, country of origin may not have sufficient resources, or may not allocate enough resources
 - International assistance is needed
- Otherwise returnees/IDPs may again become refugees **or respond to calls of extremist groups**
- Peace Building human resources are inadequate due to “brain drain”



5 IN SEARCH FOR A NEW APPROACH

BALANCING PRINCIPLES AND INTERESTS

① New York Declaration

- **Syrian (European) refugee crisis was a turning point**
 - Realization that existing refugee regime is not working
- **2016 UN General Assembly**
 - To address the **large-scale movement** of refugees not foreseen in 1951 Refugee Convention
 - Stressed the need of **responsibility-sharing** to among Member States
 - Recognized importance of addressing **root causes** of forced displacement
 - Decided to prepare **Global Compact on Refugees** (GCR)
 - Including Comprehensive Refugee Response Framework(**CRRF**)

② Global Compact on Refugees

- **Approved by the UN General Assembly in 2018**
 - The first global instrument in more than half a century.
- **Aims to:**
 - ① Reduce burdens of host countries
 - ② Promote self-reliance of refugees (reduce dependencies)
 - ③ Expand 3rd Country Resettlement and other legal pathways
 - ④ Improve conditions of the country of origin (to facilitate return and reintegration)
- **Through Whole of Society approach**
 - Involving humanitarian partners and development partners (World Bank, UNDP) and Private sector
 - with **inclusion, self-reliance, and leveraging solutions**
- **14 countries are implementing CRRF**

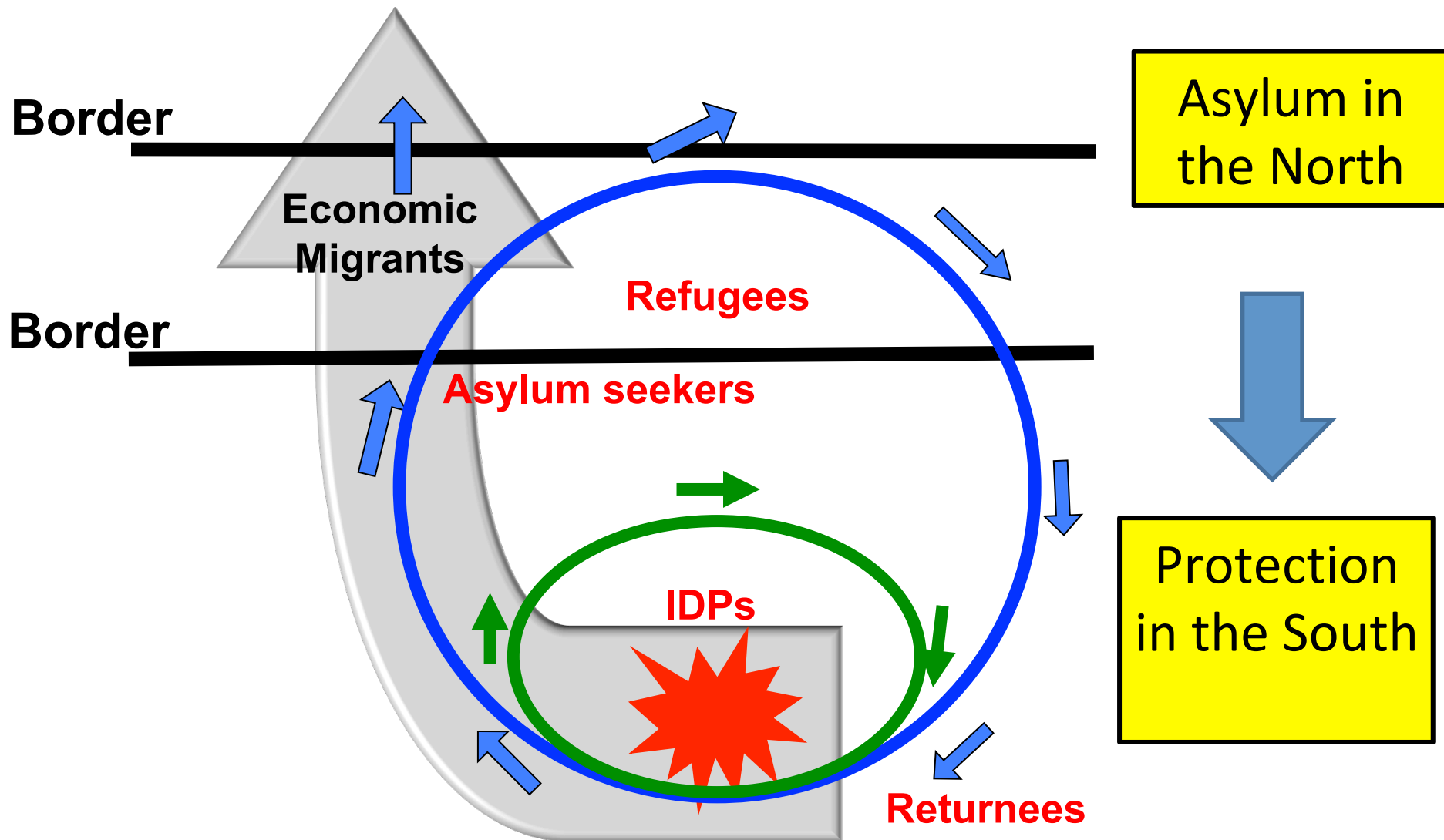
③ From Asylum to Protection

- **Existing Global Refugee Regime (GRR)**
 - Is built on offering territorial asylum to those who spontaneously arrived
 - Global North is shifting responsibilities by closing doors to refugees from Global South
 - Global South is suffering from burdens of hosting millions of refugees for years
 - Refugees and IDPs are in limbo
- **Existing GRR is not cost effective**
 - Huge sum of money is spent for protecting refugees who arrived in the North
 - Not enough is spent for refugees/IDPs in the Global South

③ From Asylum to Protection

- New approach
 - To move from asylum in the North to protection in neighboring countries, as well as assisting IDPs
 - To go beyond persecution-based asylum system towards economy-oriented protection
 - To utilize the potentials of refugees/IDPs by providing work opportunities
 - Must into account of interests (particularly economic interests) of host States and communities
 - Instead of spending billions of dollars (USD12,000+ per capita) to help refugees who reached Europe, spend (part of) that in neighboring host countries
 - Makes economic sense

From Asylum to Protection



Japanese Assistance to Iraq

- Japan's ODA principles include Human Security and Peace Building
- **Humanitarian assistance (USD361M)**
 - Assistance for IDPs (USD27M)
 - Assistance for Syrian refugees(USD34M)
 - Through UN, International agencies, NGOs
- **Support to Iraq (15 billions of USD)**
 - Emergency humanitarian aid
 - Consolidation of peace
 - Reconstruction and development
 - Financial support
- **Japanese official money helps millions of Iraqis**
 - Japanese citizens (NGOs and Japan for UNHCR) also run campaigns for Iraqi refugees/IDPs

Conclusions

- Post-conflict peace(State) building is a daring task
- In the absence of peace and stability in countries of origin, refugees/IDP crises will recur
- IDPs in limbo could undermine peace building efforts
- Reestablishing democratic governance and economic growth, or achieving the SDGs, is crucial
- Give refugees work opportunities (eg, Jordan Compact)
- Political leaders are responsible for the task, with international assistance
- Solutions in the region is better than that in the North
- Humanitarian institutions (UNHCR) need to balance (economic) interests and principles
- Japanese aid assists millions of Iraqi people

References

1. “Nowhere to return to - Iraq search for permanent solutions” IDMC, November 2018
2. “Refuge – How to fix the broken system”, Alexanear Betts and Paul Collier, Oxford University, 2017
3. “Japan Refugee Policy”, Saburo Takizawa, available at http://www2.jia.or.jp/en/digital_library/index.php