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RECENT WCC STATEMENTS CONCERNING REFUGEES

At the Beirut meeting of the Commission on Inter-Church Aid, Refugee and World Service (CICARWS) in June 1980, staff members of the WCC's Refugee Service were instructed to begin preparation of a statement about the world refugee crisis. It was suggested that such a statement might summarize the present situation, outline the current issues, and offer guidelines to the churches as they respond to the refugee problem everywhere. The statement was also envisaged as a background paper for deliberations about the world refugee crisis at the meeting of the WCC's Central Committee that took place in Dresden, German Democratic Republic, in August 1981.

A copy of the statement, which is the result of extensive study and consultation both within and outside the WCC, and which went through several drafts, is attached. It is entitled "The Churches and the World Refugee Crisis." Also attached is a copy of a shorter statement by the same title that was adopted by the Central Committee at its Dresden meeting. This was one of three statements made on public issues.

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CICARWS Refugee Service Mailing List

Revision of our mailing list is a constant necessity, so we ask you please to use as appropriate the form that appears on the reverse side of this sheet. Thank you.

Refugee Service, CICARWS
World Council of Churches
150, Route de Ferney
1211 Geneva 20
Switzerland

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As the churches and other refugee-serving organizations seek to devise new international strategies, certain trends in refugee movements are becoming more prominent.

The Churches and the World Refugee Crisis

INTRODUCTION

(a) The burden

The burden of the world's refugee problem is borne by countries of the Third World. A worldwide refugee disaster of unprecedented proportions is fast developing, a cumulative nightmare for many millions of men, women and children forced to flee their homes. Whole populations have become refugees from war, repression or deprivation. Semi-permanent concentrations of refugees continue to accumulate in several parts of the world, but they risk being forgotten as newer refugee movements claim priority.

While some people choose to leave home, refugees do so involuntarily*. The choice is forced upon them by turmoil or pervasive injustice where they live. In Africa an estimated 5 million refugees and displaced people have fled apartheid and its consequences in the southern part of the continent, or wars or oppressive regimes elsewhere. Somalia, in the Horn of Africa, has one of the highest concentrations of refugees in the world -- 1.5 million. In Asia there are nearly 2 million refugees from Afghanistan in Pakistan, and at least 1.5 million people have fled wars and turmoil in Indochina. In the Middle East a just solution for the 1.7 million Palestinian refugees remains elusive, and hundreds of thousands of other refugees and displaced persons, including many Christians, are concentrated in Lebanon, Cyprus and elsewhere. In Latin America close to 150,000 persons have sought refuge from repression in other countries, especially today in Central America. North America, Western Europe, Australia and New Zealand remain the major recipients of resettled refugees, and the recent Cuban and Haitian refugee movements have made the United States a country of first asylum.

Refugees have a natural claim on the churches. The concept of refuge is well-known in biblical thought and reflected in the Psalmist's cry for a place of refuge as well as in the prophet's intercessions on behalf of the oppressed and the "stranger" in the land. It is also manifested in the life of Christ who came to announce the Gospel to the poor and oppressed and "to free the captives". Thus for many years the churches have organized large-scale efforts to help refugees, first in Europe, then in all parts of the world. Often these efforts have been exemplary, setting the pattern for much bigger service and welfare undertakings supported by public funds, but they have almost invariably been in local or national contexts. Needed now, more urgently than ever before, is a truly international effort to meet the refugee challenge. Here the churches, with their essential life at the grass-roots of every nation and yet with strong international awareness and ties, are called to provide new leadership.

* For the sake of limiting the scope of this statement, we make an arbitrary distinction between "refugee" and "migrant," the former being one who, for whatever reason or combination of reasons, leaves home involuntarily while the latter does so voluntarily. This distinction is not meant to imply that migrants have no claim to the churches' compassion. They do, but their special claim is not the subject of this statement.

As the churches and other refugee-serving organizations seek to devise new international strategies, certain recent trends in refugee movements must be taken into account:

a) The burden

The brunt of the world's refugee burden is borne by countries of the Third World. Although many Western countries have made substantial efforts in settling and in financing and staffing refugee work generally, it is the countries which can least afford the presence of refugees that have the largest numbers of them. These Third World countries pay a high price in terms of domestic instability and deferred development goals, and yet, though they are often reluctant hosts to the refugees, remarkable instances of generosity to the homeless and uprooted can be cited.

b) Population increases

Rapid increases in much of the world's population, especially in parts of the Third World, have magnified the potential for movements of refugees and others. In much of the Third World, populations have doubled in size within the last 25 years, which means that the number of people who might become refugees within or from these countries is larger than ever before. According to even the most conservative predictions, this number will increase. This has coincided with the virtual exhaustion of empty land areas which used to absorb large numbers of refugees and resettlers.

c) National borders

National borders are much more sharply defined than they formerly were, which increases the probability of many people becoming refugees. In a world where nations have become acutely aware of their territorial integrity, national boundaries assume an importance they never had before. Fixed and closed national frontiers mean that people fleeing across them become "refugees" by that very act.

d) World instability

The world is far more unstable than it was a generation ago. This is especially true politically and economically but also socially. Wars within and between nations, widespread domestic turmoil, growing shortages of commodities basic to the sustenance of life coupled with gross inequities between the world's rich and poor -- all these contribute to the current dramatic growth in the world's refugee population which will most certainly continue to grow unless these causes are removed.

e) Modern communications

Improvements in communication have allowed the world to become much more aware of refugee situations, and simultaneously better transportation has made possible the movement over long distances of considerable numbers of refugees. Refugee movements have

become "news" and are accordingly widely reported. Modern communications media powerfully influence the attitudes that people take toward refugees, and when these attitudes, whether positive or negative, are shared by whole populations, the effects on the well-being of refugees can be profound. At the same time, the comparative ease and availability of modern transportation have resulted in an unprecedented phenomenon: some refugees from far away are now suddenly able to appear in person, claiming asylum (although by far the greatest number of refugees still walk or ride to the nearest border or other haven to seek safety).

f) Growing pluralism

Movements of refugees and other people are making the world increasingly and irreversibly pluralistic. This is too often seen in a purely negative way which overlooks the many advantages that pluralism can bring. Yet at the same time refugees and other people on the move can undeniably be threats to peace and stability if their numbers are too massive and their change of place too sudden. With tens of millions of refugees and migrants moving throughout the world, there is little indication that this trend will soon abate, and even if the numbers were to decline, many people would still remain where they are. Increasing pluralism is certain to be accompanied by heightened racial, ethnic, social and economic tensions -- "backlash" -- which will be of growing concern to all involved in refugee service.

MAJOR ISSUES and CONCERNS

Definitions: Who is a Refugee?

The question of who, by definition, is and is not a refugee is of primary importance, but the definitions that have been formulated so far are by no means free of difficulty. The two basic international agreements which set guidelines for dealing with refugees are the United Nations 1951 Convention Relating to the Status of Refugees, and the very similar 1967 Protocol Relating to the Status of Refugees which eliminated the 1951 cutoff date, and the geographic restriction for refugees covered by treaty. According to these international instruments, refugees are qualified as:

- a) stateless persons (i.e., those who have been stripped of citizenship while abroad or being sent into exile); and
- b) people who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinions ... are unable or unwilling to return to their own countries" (Article 1 of both Convention and Protocol).

Soon after the adoption of these definitions it became clear that there existed groups of persons who found themselves in situations similar to those of refugees, but who did not meet the criteria of the definitions. Some of these had left their country for reasons other than those contained in the Convention or Protocol, especially war or civil war. Others were in principle entitled to the

protection of a given State, but in fact did not or could not, for reasons beyond their control, benefit from such protection.

Recognizing the limitations of the existing definitions, the Organization of African Unity adopted in 1969 the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. This Convention reflects a much more comprehensive and liberal understanding of who is a refugee when it includes in its definition: "... any person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality." Obviously, by adding this paragraph, the OAU recognized the realities of the African continent in its struggle for freedom and self-determination.

It is the Office of the United Nations High Commissioner for Refugees, created in 1951, which is charged with the task of supervising international conventions providing for the protection of refugees and of seeking durable solutions for the problems of refugees in cooperation with governments and voluntary agencies.

Asylum

The granting of asylum is not dealt with in the Convention or Protocol. It is, however, recognized as an important issue in the Universal Declaration of Human Rights which states that every person has "the right to seek and enjoy asylum" when his life and liberty are in danger. Subsequently it has been dealt with as a special issue in the Declaration on Territorial Asylum (1967), which is nothing more than a moral undertaking of Contracting States to respect Article 14 of the Universal Declaration of Human Rights. The fact remains, however, that the granting of asylum remains the prerogative of the State "in the exercise of its sovereignty." Efforts to introduce a Convention which would guarantee asylum as a subjective right in cases of genuine persecution have failed.

Asylum procedures differ from country to country. The fact that now no country escapes the risk of becoming a country of first asylum, and seeing refugees in search of asylum arrive by boat, plane, car or on foot, has created a climate of concern and anxiety. Countries which, until the mid-1970s, were able to admit refugees on a selective basis, now have to contend with refugees arriving on their doorsteps as asylum-seekers. As a result there is a clear tendency to introduce more restrictive measures rather than consider a more liberal approach to the granting of asylum. Growing unemployment, overriding concerns for national security, fear of racial conflicts, overpopulation, an attitude of "enough is enough" -- all these are arguments used to keep refugees out rather than allowing them asylum or lawful residence.

"Non-Refoulement"

Directly connected with the question of asylum is the basic right of "non-refoulement," included in the Convention and Protocol, according to which governments should not expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. It is unfortunately well-known that in many parts of the world, governments have violated this fundamental right and that it is happening on a rapidly-growing scale.

Mass Exodus

Although the needs of individual refugees may be met under the Convention and Protocol provided the host country so decides, nowhere is the phenomenon anticipated that in recent years has so dramatically swelled the world's refugee population: the mass exodus. Thus the refugee problems that have attended decolonization, and the huge movements today that are a complex mixture of political and other factors are left uncovered by the Convention and Protocol. Because of their essentially subjective criteria based upon the fears of individuals, the Convention and Protocol fail to take into account the conditions which cause entire populations to flee.

Refugee Rights

Because refugees are people, their rights go far beyond their claims to asylum from persecution. Refugees too are covered by all the basic provisions of the Universal Declaration of Human Rights and are therefore entitled to the same treatment as nationals, or at least as favourable a treatment as possible.

Solutions

It is a sad reality that whilst the number of refugees is on the increase, the possibilities for solutions are decreasing.

- a) Voluntary repatriation, the ideal solution, remains a distant dream for most refugees.
- b) Local settlement within the region has very limited success because of the social, political and economic instability in the less-developed host countries.
- c) Resettlement of refugees from Third World countries in the industrial world may offer certain advantages and new opportunities to those who are admitted, but this "solution" is fraught with risks of discrimination, cultural shock, racism and exploitation.

Understanding Why

"Memorandum"

It is distressing to consider the likelihood of more refugees nearly everywhere. Indeed, the ever-growing number of homeless, uprooted people throughout the world unmistakably suggests that the presence of refugees has become a permanent characteristic of world politics.

The conventional response to refugee movements has been the one of humanitarian assistance, which is of course a vital necessity. But this response, commendable and imperative as it is, is by itself insufficient. The indispensable counterpart to giving refugees emergency and even longer-term help is to understand why the recipients have become refugees and then attempt to take corrective action. Only in this way can the problem be understood in its totality and progress made toward solving it at its roots. Assistance to refugees must therefore simultaneously take two forms, one direct and practical, the other indirect and ultimately preventive. Of the two, only the latter holds promise for eventually reducing the world refugee population because it aims at helping create the conditions which will encourage people to stay where they are. If the opposite were true, this population would presumably now be getting smaller, for seldom if ever has the volume of practical assistance to refugees been greater than today.

GUIDELINES FOR THE CHURCHES

The world's Christians represent a vast potential for refugee advocacy and service. In many cases they already are the leading exponents of refugees' rights. The churches also form an important part of the worldwide refugee service network, so the basis exists for the expansion of effort that is required to meet present and future challenges. Consideration of the refugee issues outlined above should prompt more action by the churches. As new strategies take form, the following guidelines for the churches are suggested:

On issues pertaining to the interpretation and application of the Convention and Protocol,

- a) The churches can help refugees by taking into account the importance -- and the weaknesses -- of the Convention and Protocol (and certain other international instruments like the OAU Convention) first by urging their respective governments, if they have not already done so, to accede to these agreements, and, further, to encourage the liberal application of the provisions of the Convention and Protocol in matters of definition. Meanwhile, the churches play an indispensable role by serving refugees according to a much broader criterion: that of need.

- b) The churches can also be protagonists for refugees by encouraging governments to accept the right to asylum of genuine applicants as an inalienable human right that transcends con-

siderations of domestic or foreign policy. Governments should be pressed to make a clear distinction between these policies and their obligations to defend fundamental rights. To do otherwise is to debase the priority of values that the churches share with all of human society.

c) In full realization that it is a long-term prospect, the churches should support a preventive approach to the world refugee crisis. Part of such an approach should be the gradual incorporation into national and international legal instruments of the concepts embodied in the Universal Declaration of Human Rights and the Declaration of Territorial Asylum, neither of which has any force in law.

On issues having to do with the rights of refugees,

d) The churches should recall that their role in upholding the rights of refugees and other oppressed people is based upon an ancient biblical and historical mandate. This begins with the story of the Creation when God creates man and woman "in his own image." The clear implication here is that violation of the lives of human beings is therefore a violation against God, a concept which has had unchanging validity throughout all history and which continues to make Christians today the natural allies of refugees and defenders of their rights.

e) The churches should remember that these issues are raised in two places: where the refugees fled from, and where they are now. Thus a Christian programme of refugee service will be characterized not only by the knowledge that the violation of certain fundamental human rights causes refugee flows, but also that the need for defending refugees' rights continues in the country of asylum.

f) The churches can serve as advocates and teachers. The inter-relatedness of the many human rights issues pertaining to refugees, their complexity, and the need for action have to be explained again and again even to maintain the present insufficient level of service endeavors. This is a measure of the expansion of effort that will have to take place if the degree of understanding among Christians and others is to rise in proportion to current and anticipated refugee needs.

g) The churches should strive first for much improved co-operation between themselves, and then with all other refugee-serving organizations and the relevant international institutions. The present patterns of cooperation are far too haphazard and ineffective to meet the enormity of the need posed by the crisis now and in the future.

h) The churches can promote healing and reconciliation. Recognizing that any progress toward eliminating the human rights violations that produce refugees is likely to be very slow, the churches should in the meantime expand their efforts to ameliorate the suffering of homeless people wherever they are.

Here the churches have often shown innovation and effectiveness in many refugee-stricken areas. What is needed now is a coordinated response of truly global dimensions -- one whose primary emphasis is on healing the wounds of refugee trauma, but which simultaneously looks beyond the immediate needs of refugees to the reasons underlying their homelessness. This is the dual approach to refugee service which bears the most promise wherever concentrations of refugees are found.

i) The churches should study the recent idea of establishing an international code of conduct which would make governments accountable for policies that produce large movements of refugees. This idea deserves serious study by the churches, and strong support should be given to any code which, once adopted, would tend to slow or stop the refugee tide at its many sources. The accountability under such a code should include the imposition of economic and diplomatic sanctions against the offending country, and international support for the code could be based on the idea that actions by governments which create outpourings of refugees can no longer be tolerated as acts of sovereignty because such acts are in fact infringements on the sovereignty of the country which receives the refugees.

On the issue of understanding why refugees come into being, these guidelines are relevant:

j) The presence of refugees can no longer be considered as an isolated deviation from the norm. It has become a characteristic of contemporary world politics. Progress toward solving this problem presupposes a thorough understanding of its nature. The churches can advance such understanding by analyzing and exposing the reasons for refugee movements, and thereby point the way to workable, durable solutions.

k) The importance and complexity of refugee movements must be understood so as to avoid simplistic solutions. The churches can contribute by according top priority to the matter -- probably for the rest of this century -- by encouraging careful studies of why refugees exist, and promote ways in which just, humane and peaceful solutions may be found.

l) One alarming aspect of the problem is its very magnitude. People everywhere must perceive that the refugee crisis is worldwide and can therefore be effectively met only on the basis of greatly improved international cooperation. The churches too are worldwide, and so, provided they act in a unified way, are unusually equipped to influence the development of workable global solutions.

m) Understanding the essentially political character of refugee problems is also very important. At the international level this means that nations must be encouraged to solve

their differences peacefully; at the national and local levels it means that refugee matters should be considered as issues of public policy which affect not only the welfare of refugees but also the life and security of communities and whole nations. Churches can be extremely influential on behalf of refugees by assuming an advocacy role, and action can be taken at all levels.

n) The presence of refugees has to be seen in the larger setting of institutionalized national and international injustice. The refugee crisis is no isolated phenomenon, but rather the clearest evidence of widespread violent confrontation and massive violations of people's rights. In response, the churches can work to free their own members from complicity in evil and injustice, and also remind their constituencies that service to refugees is not an end in itself but rather part of the affirmation of our faith that God alone is Lord of this world. Equally true is the affirmation that under God all people and nations are mutually responsible and therefore called to protect and enhance the welfare of all humanity. This necessarily implies that the churches may on occasion have to take issue with "principalities and powers" whose aims in refugee service diverge from those which God requires.

CONCLUSION

The basic question raised by this refugee challenge is a twofold one: whether sufficient international action can be organized and sustained to meet the immediate needs of far greater numbers of refugees, and also whether there is enough will now to accelerate the process whereby the causes of refugee movements are identified and gradually eliminated.

Despite the difficulties of establishing order in a disordered world, and of bringing hope to refugees now in despair, the churches must strongly express their determination to help ease and finally solve the world refugee crisis. Churches everywhere should state and show their refusal to accept the chaos and injustice of the world as it is, and express their solidarity with all the refugees who have become its victims. Translated into action, this expression of solidarity means for the churches a much fuller participation in the search for global justice. When this is achieved, and human rights are everywhere observed, then people will stop becoming refugees.

The seriousness of the above trends calls for intensified vigilance and action on the part of the churches and of the WCC. For that reason the Central Committee appeals to member churches to intensify their efforts to:

I. PUBLIC ISSUES

1. "THE CHURCHES AND THE WORLD REFUGEE CRISIS"

One of the most dramatic phenomena of our times is that of the involuntary movement of millions of people forced to leave their homes and their countries. They are variously known as refugees, displaced persons, expellees and exiles. They are the victims of the unjust social, economic and political structures of societies, of the violation of fundamental human rights, and of brutal armed conflicts. They are struggling for survival; in search of food, refuge, identity and belonging. They need justice, peace and recognition of their human dignity. Therefore refugees have a natural claim on the churches.

The Central Committee notes with deep concern the following disturbing trends affecting the lives and future of refugees:

1. more and more countries in the less materially developed world, which are also vulnerable to political instability, mal-development and external influences, are not only the source of the largest refugee movements but also are forced to be host to the majority of refugees and displaced persons in the world today;
2. the appeal from these refugee-hosting countries for a reasonable degree of burden-sharing, both at the regional and international levels, has met with inadequate response. Consequently, countries which can least afford it have to bear the brunt of the world's refugee problem;
3. most countries of the world are becoming increasingly restrictive in admitting asylum-seekers by introducing stricter border controls and visa requirements;
4. the number of refugees who are rejected (refoulés) or expelled is increasing at an alarming rate;
5. the movement of refugees across cultural borders often brings to the surface racial and ethnic prejudices which are compounded by the unemployment problems;
6. responses to newly arising refugee emergency situations often occur at the expense of ongoing, unsolved refugee needs;
7. the growing complexity of the refugee situation, frequently closely related to a disputed colonial legacy, to questions of national security and power politics, to the aspirations of oppressed minorities or majorities and the struggle for self-determination, reflects the difficulty of identifying and eliminating the root causes and enabling refugees to return to their homes.

The seriousness of the above trends calls for intensified vigilance and action on the part of the churches and of the WCC. For that reason the Central Committee appeals to member churches to intensify their efforts to:

- a) deepen the understanding of the complex social, economic and political realities that create and affect refugees;
- b) promote and undertake biblical, theological reflection as an indispensable base for the churches' ministry with refugees;
- c) assist in strengthening a global ecumenical research and information network which will help the churches to be well informed and to speak out more clearly on refugee issues;
- d) work with their governments to assure that the basic human rights are respected, including the right of every person to stay, to leave and to return to their country;
- e) help prepare the legal, political and economic conditions which would facilitate voluntary repatriation;
- f) consult with local churches and councils in countries of potential refugee movements and provide local assistance in order to stem a growing exodus and a cruel separation from families and familiar surroundings;
- g) ensure that efforts to assist refugees always contain two essential elements: meeting the immediate and longer-term needs of refugees and taking appropriate action at political and socio-economic levels, to eliminate the basic causes of refugee movements;
- h) ensure that refugee assistance makes a positive contribution towards meeting overall community needs, and does not adversely affect the life of local groups of oppressed and marginalised people;
- i) urge governments to respect the security and territorial integrity of countries which are hosts to refugees;
- j) promote dialogue with refugees of all faiths who have come to live within Christian communities and help to ensure opportunities and places of worship for them;
- k) emphasize the churches' pastoral responsibility to serve the spiritual needs of refugees;
- l) use to the fullest the resources of refugees and of local host communities to work towards rapid self-sufficiency and developmental goals;
- m) support or initiate programmes to assist the most vulnerable groups of refugees such as persons with disabilities, women and children.