



PROTECTION PARTNERSHIPS FOR REFUGEES: IN SEARCH OF PEACE AND HARMONY*

INTRODUCTION

The definition of refugee has changed according to time and place. A standard form of definition states those who are forced to flee their homes due to persecution being an individual or as part of a mass exodus due to political, religious, military or other problems, and also who are unable to protect them due to the circumstances of their country are known as refugees.

Refugee Rights are similar to fundamental Rights of a citizen modified with certain conditions. When we talk about Refugee, the two terms strike in the mind of a layman, i.e. Xenophobia and Racism.

It has been a trend of mania of fear that Refugee means Xenophobia. It is (a form of discrimination) defined as the unreasoned fear of that which is perceived to be foreign or strange. It comes from the Greek words "xenos" meaning "strange", "foreigner", and phobos, meaning "fear". Xenophobia can manifest itself in many ways involving the relations and perceptions of an in-group towards an out group, including a fear of losing identity, suspicion of its activities, aggression, and desire to eliminate its presence to secure a presumed purity. Stepped-up interaction at the interface between assistance and protection has highlighted the issues that are currently being examined in this paper.

Many Researchers have shown that severe economic inequalities and the marginalization of persons from access to basic economic and social conditions give rise to manifestations of racism and xenophobia. Those perceived to be outsiders or foreigners, often migrants, refugees, asylum-seekers, displaced persons, and non-nationals, are main targets.

The first thing which comes to light in evaluating position of refugees in different states are racism and xenophobia, which ultimately led the conclusion in making possibility of partnership in protection of Refugee Rights. Both the terms Racism and Xenophobia are distinct in meaning, but both makes the resettlement and rehabilitation of refugees difficult.

Vienna Declaration and Programme of Action urges all governments to take immediate measures and to develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance, where necessary by enactment of appropriate legislation including penal measure to promote and protect refugee rights.

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The chronicle events of protection partnerships:

In the Early days of 1951, the UNHRC not actively operational as today. It was the numerous organizations with significant refugee experience existed who forwarded the hand to work together. The displacement which occurred due to the wake of Second World War in Europe was able to manage and resettle refugees with the sweat-investing hard work of one hundred national and international voluntary societies.¹

In 1955, fund of \$1 million was raised in a national campaign by a Dutch NGO, the Netherlands Committee to Aid Refugees, which supported the High Commissioner's work in Europe.

The First Leading Action taken by UNHRC in the past days:

During the Hungarian crisis of 1956, the first televised international refugee crisis which was inaugural emergency operation by UNHCR²

It was the first time when UNHCR was designated as “lead agency” by the international community. Meanwhile, UNHCR received large contributions from NGOs, including \$400,000 from the United Nations Association of Great Britain and Northern Ireland. The Hungary crisis conveyed the way for mutual cooperation with partners such as the International Committee of the Red Cross, the League of Red Cross Societies and others.

The Greater Challenges brought More Partnerships to UNHRC:

During the mid-1960s, UNHCR's NGO partners were less than 20, of which half were large international NGOs. Increased Challenges and operations led to a greater diversity of partnerships which gave the birth of a large number of humanitarian and refugee oriented organizations in North America and Europe.

In 1968, the High Commissioner, Prince Sadruddin Aga Khan, addressing the support of NGO partners, stated,

“I am convinced that the cooperation between us will grow even closer and closer as we continue our work together.”

In the emerging hours of 1980s NGOs continued to increase in number in being responsive to major refugee emergencies in the Horn of Africa, Asia and Central America. By the end of the decades, there were More than 100 international NGOs working in the Afghan refugee camps and settlements in Pakistan.

By the early 1990s, UNHCR came to realize that the magnitude of the global challenges exceeded its own capacity. Given the growing needs of refugees, returnees, internal displaced persons and others of concern to UNHCR, the High Commissioner adapted a redoubling of the organization's partnership efforts. These led to the formation of the Partnership in Action (PARinAC) initiative in 1994. This period witnessed the largest increment in the number of NGOs. UNHCR operational capacity and resources expanded significantly during this period as demonstrated by their presence in major refugee emergencies in the Balkans and Africa. In these ways, UNHCR engaged new partners and began to focus on expanding their resources to meet the needs of the refugees.³

¹ NGO Partnership in Refugee Protection ,published by UNHCR

² Ibid

³ **The Rights of Refugees, University of Minnesota, Online Human Rights Library**

The partnership which exists between UNHCR and NGO's were faith based responsibilities. Between 1994 and 2003, UNHCR channelled over \$721 million to faith-based NGO partners. The Faith-based organizations, like all UNHCR partners, were required to fulfil the basic conditions as marked in the Framework Agreement for Operational Partnership.

The duration of partnerships depends on the additional criteria of NGO's quality of service, rapid response, local experience, contribution of resources, previous experience working with UNHCR, and phase-out potential.

The ultimate purpose of this partnership is to maximize resources dedicated to protection of refugees and other beneficiaries.

The term "partnership" here means sharing of costs. The Project agreements are operated on annual budget cycles and project monitoring reviews are conducted twice a year. The word protection in the partnership is the backbone and NGOs play a valuable role in supporting UNHCR's efforts in the field of international protection⁴

NGOS is a tool which is used by the UNHCR to contribute towards assistance and protection of refugees such as well-being of refugees and asylum-seekers in their reception, counselling and care, in finding durable solutions, and in advocacy and public awareness activities.

UNHCR and its one of the partners like, the International Rescue Committee (IRC), have developed the Protection Surge Capacity Project. IRC provides recruitment; training and quickly places qualified protection officers to UNHCR field offices in case of "protection surges" when there are requirement of increased protection needs and limited UNHCR staff.

The Role of PARinAC process in protecting refugee rights:

At the Oslo conference in 1994, the context of growing refugee challenges led the way to the Partnership in Action process (PARinAC) established guidelines for cooperation between UNHCR and its NGO partners. The conference adapted a broad plan of action including recommendations on refugee protection and emergency circumstances.

PARinAC notes all the activities in which UNHCR and NGOs are jointly involved and the process has resulted in the strengthening of ties between UNHCR and its partners, especially with the national NGOs.⁵

The International Council of Voluntary Agencies (ICVA) and the various other NGO networks provide precious efforts in the form of ideas and recommendations, especially concerning joint needs assessment, planning and implementation. ICVA, a Geneva-based global network of over 75 human rights, humanitarian and development NGOs, has contributed to the development of numerous dynamic relationships between UNHCR and NGOs over the decades.

The sufferings of the refugees due to the violation of fundamental rights:

As a citizen of a country has fundamental rights, similarly a refugee has all the rights to enjoy his life in all aspects.⁶ But, we have to mention those rights specifically to ensure that they are not discriminated in any grounds. Many hours of time shows that a refugee having a

⁴ REFUGEE PROTECTION: A Guide to International Refugee Law ,Ms. Kate Jastram and Ms. Marilyn Achiron, UNHCR

⁵ www.unhcr.org

⁶ International Convention on the Protection of the Rights of All Migrant Workers and Members of their families

citizenship of the resettled country, still suffers from discrimination as a common people distinguish them from colour, caste, behavior, culture etc.

The Articles 12 - 30 of the Refugee Convention states the rights which the country is entitled to once they have been recognized as Convention refugees. A refugee faces not only discrimination but also harassment in exercising their fundamental rights.

There is shameful occurrence of such, which was upheld by Khalid Hussain in a speech at Durban Review Conference in Geneva.

In discussing about protecting the Refugee Rights, he spoke up his real-life experience of such events.⁷The partition of the East and West components of Pakistan in 1971, made over 300,000 Bihari people, refugees who settled in 116 makeshift inhuman camps situated all over Bangladesh.

He described himself as one of the Urdu-speaking Bihari community, the most disadvantaged group in Bangladesh due to the composed of Indian immigrants sympathetic to the unavoidable circumstances of Pakistan in 1947.

The distinct language, culture and traditions of them make Bengalis easier to discriminate and they were unable to integrate into the local population.

After completing primary education in Geneva Camp School, they had to go for higher education in Government School as the Geneva Camp doesn't have that facility.⁸ The Government School denied admitting him and his fifteen of batch mates as they were "bihari, non Bengalis. As there were no stone unturned for admission in government schools, they had to go for private schools. Eventually admission in private school also made Hussain to face discrimination. They were marginalized in the class, Bengalis used to treat them as war criminals, no Bengalis used to sit beside them as they thought that they used to stay in dirty camps.

They were tagged as, "*sons of Bihar*" everywhere. Due to the intolerance of the Bengali students and the cost of attending the school, some of his friends were now only able to work as day laborers living below the poverty line.

Even when he thought of renting a building outside the camps, the owner denied by recognizing him as bihari. The owner told him that Hussain's language and culture will interfere and disturb them to maintain a peaceful life. He further added that to access employment in government position, they faced harassment as they doesn't have certain legal status documents as like character certificate from a local commissioner, etc. Without these 'papers of citizenship', much of the market is inaccessible to them and many of refugee rights are restricted. Even those who find themselves in formal employment often face wage discrimination and inequality of treatment. As a result, the vast majority of Biharis are pushed into the informal sector, working as rickshaw-pullers, drivers, butchers, barbers, and mechanics, etc to earn their daily breads. Hussain also quoted further real life story of "Imam Uddin" a Bihari Graduate in Khulna, who passed the examination for the post of Accountant in the Bangladesh Forest Department. But he was denied providing a job, despite of his qualification, because he is Bihari and living in the Camps.

As a result the poverty rate of the camp dwellers increases and children are forced to get jobs in the garage shop or Handicrafts shops to avoid such circumstances. Some decides to do harmful and hazardous work, which causes physical and mental damage and become a burden in the family and society.

⁷ KHALID HUSSAIN'S VOICE, 22 April 2009

⁸ Ibid

He cited another incident of a girl child who lost her father and needed to get admission to an orphanage because her mother needed to go to work in the garment factory to earn her livelihood and could not look after her. The regulation of the orphanage was that the parents should enclose a Ward Commissioner certificate declaring or confirming that he is an orphan. But the Ward Commissioner didn't issue any kind of certificate for the camp dwellers, as they are not Bangladeshi. That girl wasn't able to get admitted to the orphanage and ultimately her mother gave her in marriage at an early age.⁹

The Intolerant attitudes and social marginalization was the major barrier of integration in mainstream society.

The last 37 years of his suffering from racial discrimination due to their language, intolerances made him to conclude that. As "Biharis "they had no access to any means of survival in society, socially, culturally, and economically.

In the fundamental rights of the constitution of the People's Republic of Bangladesh It states, "***There shall be equality of opportunity for all citizens in respect of employment or office in the service of the republic***".¹⁰

But it is not implemented in the society practically.

The United Nations High Commissioner for Refugees (UNHCR) formed in 1951 to assist in the international protection of refugees. This organization's pre-liminary objective is to ensure that all persons can exercise the right to seek asylum and find safe refuge in another state, and to return home voluntarily. One of the agency's mandatory tasks is to encourage governments to adopt justified and flexible processes to promote just and effective refugee law.¹¹ During the first year of UNHCR establishment, basic rights of refugee relief (e.g., housing, food) were seen to be as the responsibility of the government that had granted asylum. As many of the world's events took the way towards refugee flows which occurred in less developed countries, the UNHCR has adapted the additional role of coordinating maximum assistance possible for refugees. Although this was not UNHCR's original mandate, coordination and implementation of these rights has become one of its major principal functions alongside protection of refugee rights.

The types of partnership which conducted successful result in protecting refugees:

In Subject to protection partnerships, UNBHC made two types of partnership with NGOs which are-operational and implementing. Implementing partnerships receives financial support from UNHRC to perform certain assigned activities to help and protect the refugees. These formal project agreements are made by obeying the financial rules and regulations of UNHRC.

UNHCR has such formal project agreements with over 500 NGOs across the world. Eighty percent of these are local or national organizations; the others are international, among which some are UNHCR partners for decades. Operational partnership is made based on voluntary mutual coordination, no financial assistance is provided by UNHRC. These operational partners help UNHRC in emergency situations like relief and resettlement.¹²

Both these partnerships work with UNHCR on promoting refugee rights, awareness programme and state responsibility in refugee protection. UNHCR continues to urge more new partnerships with NGOs in meeting the needs of refugees and working towards effective

⁹ Ibid

¹⁰ Constitution of People's Republic of Bangladesh,

¹¹ Partnerships in the protection of refugees and other people at risk: emerging issues and work in progress

Written by Larry Minear, July 1999

¹² NGO Partnership in Refugee Protection ,published by UNHCR

solutions. In order to have greatest impact the UNHRC also expertises its own resources to address demanding requirements in legal assistance and protection.

The recent circumstances which curved the way towards protection partnerships for refugees between UNHRC and non –profit organizations:

During the time of June, 2012, the brunt bore by the Bangladesh due to the forced displacement of Myanmar, was greatly appreciable. This is an incident which again makes the researcher to light the lamp towards making partnership between the countries, suffering maximum in xenophobic events.

During the violence of the Myanmar Rakhine State, the desperate people were fleeing to save their lives. Many women and children were in boats drifting in the mouth of the river, which marks the border of Bangladesh and Myanmar. The estimated figure by UNHCR was of 30,000. The hungry people were desperately in need of food, water, shelter and medical care. During this humanitarian situation, Bangladesh lighted the lamp of hospitality towards them.

Afterwards, the UN Refugee Agency provided assistance and support to the governments and people of both the countries in such evolving incident. Bangladesh never considered this event as xenophobic.

Of course a partnership between UNHRC and NGO will pour the oil in the lamp more effectively. It's not only the human rights get violated but their cultural, social, political rights also are tainted.

Conclusion

When a problem rises in the society, the main objective of the law is to find best solution to that problem. A circumstance like refugee rehabilitation when occurs and after receiving citizenship of that country also, they are not treated as citizens by the society.

It should borne in mind that one person becomes refugee not by choice. It is the circumstances which makes the people to be addressed as refugee, rather it is the failure of the country to protect the citizen from such unavoidable circumstances .Every countrymen should realize that the situation which occurred to the refugees ,can also occur to them, as such circumstances are not pre-planned. But by making partnerships between UNHCR and NGOs will promote a healthy competition which will turn out in benefactions to the refugees. As we turn the pages of history, we clearly affirm the conclusion that the partnership between the UNHCR and NGO is the most mutual bonding adapted for protecting the refugee rights.:-

A refugee needs are enormous and resources are limited, UNHCR cannot fulfil their demands alone. It heavily relies on the supportive backbone of NGOs with special skills and resources to help refugees. The possibility of making partnership is increasing day by day and their bread and butter activities are really appreciable.

There is a great demand of financial resources in providing assistance and protection to the refugees, so the researcher suggests that if it is made mandatory in shopping malls to pay one rupee per person buying materials and these small depositions can make a huge amount of fund which can be used by the governments for providing rehabilitation to the refugees. Certain small steps can fill the path in which we want to show light.

Till date no failure of protection partnerships has noticed .Such partnerships have proven to be especially useful and effective during emergencies by providing life-saving assistance. Special committee should set up to look after for justified implementation of refugee Rights in the society and the infringement of their fundamental rights should be noticed as early as possible.

Being the researcher of the paper, I would like to conclude that it is no more a legal issue but an emerging social concern of the day. Law is the cement of the society and it is the essential medium of social change. Such social impact can be further modified with emerging partnership for protection of refugee rights.

