

Delovarova L.F., Starkova A.V.

The problem of refugees in contemporary international relations: brief analysis

The problem of forced migrants and refugees lies far in the past. Actualization of this problem in modern international relations occurred in the period between two world wars, when development and formation of general approaches and institutions took place, and also after the World War II within the UN framework. This issue acquires special significance and multidimensionality in the context of development of globalization processes on the background of increase of conflict zones in all regions of the world, climatic and social changes. The volumes of forced migration and refugees flows acquire enormous scales and consequences. There is an urgent need to rethink theoretical approaches, including conceptual apparatus, legal aspects and practical approaches with the participation of the entire international community.

Key words: Migration Issues, Refugees, Forced Migration, UNHCR.

Деловарова Л.Ф., Старкова А.В.

Қазіргі халықаралық қатынастардағы босқындар мәселесі: шолу талдауы

Мәжбүрлі көші-қон мен босқындардың мәселесінің негізі тереңде жатыр. Қазіргі халықаралық қатынастардағы бұл мәселенің өзектілігі жалпы тәсілдер мен институттардың қалыптасуы мен дамуы жүзеге асқан екі дүниежүзілік соғыстар арасындағы кезеңде, сонымен қатар Екінші Дүниежүзілік соғыстан кейін БҰҰ шеңберінде пайда болды. Әлемнің барлық өңірінде даулы аймақтардың ұлғаюы, климаттық және әлеуметтік өзгерістер жағдайында жаһандану үрдісінің даму мәтінінде бұл мәселе ерекше маңыздылық пен көпқырлылыққа ие. Мәжбүрлі көші-қонның көлемі мен босқындардың ағыны аса ірі ауқымдар мен салдарларға ие болып отыр. Әлемдік қауымдастық қатысуымен теориялық тәсілдерді, оның ішінде түсініктік аппарат, құқықтық аспектілер мен тәжірибелік тәсілдемелерді қайта қарастырудың үлкен қажеттілігі туындайды.

Түйін сөздер: көші-қон мәселелері, босқындар, мәжбүрлі көші-қон, БҰҰ БЖКБ.

Деловарова Л.Ф., Старкова А.В.

Проблема беженцев в современных международных отношениях: обзорный анализ

Проблема вынужденных мигрантов и беженцев уходит корнями в глубокое прошлое. Актуализация данной проблемы в современных международных отношениях произошла в период между двумя мировыми войнами, когда происходит развитие и формирование общих подходов и институтов, а также после Второй Мировой войны в рамках ООН. В контексте развития процессов глобализации на фоне увеличения конфликтных зон во всех регионах мира, климатических и социальных изменений данная проблема приобретает особую значимость и многоаспектность. Объемы вынужденной миграции и потоки беженцев приобретают колоссальные масштабы и последствия. Возникает острая необходимость переосмысления теоретических подходов, включая понятийный аппарат, правовые аспекты и практические подходы с участием всего мирового сообщества.

Ключевые слова: миграционные проблемы, беженцы, вынужденная миграция, УВКБ ООН.

**THE PROBLEM
OF REFUGEES IN
CONTEMPORARY
INTERNATIONAL
RELATIONS: BRIEF
ANALYSIS****Introduction**

Modern migration processes are becoming large scale, changing the face of many regions and societies, have a wide demographic, socio-economic and cultural impacts and influence key trends of international relations.

Economic factors can be considered as dominant factors stimulating migration. At the same time, social, informational and political factors are sufficiently strong and modeling numerous movements of people. In addition, modern migration processes have acquired a completely new features and contours of globalization and rapid changes in the geopolitical and geo-economic processes. This explains the main migration trends as globalization of migration, urbanization of migration, feminization, the growth of illegal migration, increasing the volume and value of labor migration and forced migration and refugees [1]. All trends are more and more interdepend in terms of development, integration and security.

The number of countries participating in global migration processes have increased tremendously covering every region. Open borders and labor markets actively promote the population movement. One more important aspect is the escalation of the frozen conflicts and the emergence of new centers of instability worldwide. This in turn activates the forced migration, and creates huge refugee flows. Over the last few years this issue became on the top of the agenda in most of the countries all over the world.

Today, the problem of refugees combines various trends, such as volume and geographical expansion, feminization and growth of illegal migration growth of illegal migration, including people smuggling and trafficking.

Issues relating to refugees cause different effects in the countries in which they are directing, including economic, social, political, religious, cultural and many others. For countries which are sources of large flows of refugees there are also many disturbing aspects. But the most important problem is the status and the fate of these people themselves. A key aspect is compliance with all the rights of forced migrants in the way they gained the status of refugees and afterwards. Realities make the refugee issues studies very relevant

and this requires rethinking and refreshing the approaches to improve the advocacy and management of the processes.

Concepts and Definitions

The world community has already accepted that the refugee issue is global and multilateral. Accordingly, approaches to its analysis, methods of solution should take into account the diversity of its aspects by reasons for the mass exodus to the development of the necessary responses in a variety of situations tend to crop up in connection with the problem of refugees – from preventive measures to provide emergency assistance and measures to facilitate the repatriation and integration of refugees.

In 2015, forced migration and displacement continued affecting people, reaching 65.3 million individuals by the end of the 2015 [2].

Considering the problem of refugees in the context of contemporary migration situation, it is necessary to mention that the military conflict – it is not the only reason why thousands of people are leaving their country. People are displaced by natural disasters caused, in particular, by extreme weather events and earthquakes, diseases, and others.

The increasingly important role in the movement of large numbers of people play factors associated with human activities, in particular, urbanization, rapid economic growth and population increase in life-threatening areas.

Actualization of refugees' and forced migrants' studies is also associated with the migration crisis in Europe, the hallmark of which is a fusion of several migration streams – legal, illegal economic migration and refugees – in a powerful stream. This, in turn, updates the problem of conceptual apparatus, definitions to differentiate the approaches to refugees, internally displaced and migrant workers.

Determination of definitions is important for a proper understanding of the situation and the selection of the right approach to solve the problem. The reality is that the migratory crisis in Europe goes far beyond the region and requires joint efforts of the entire international community.

Very important is the precise definition and differentiation of the concepts of «migrant» and «refugee». The generally accepted notions are as follows:

Migrant. IOM defines a migrant as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the move-

ment are; or (4) what the length of the stay is. IOM concerns itself with migrants and migration-related issues and, in agreement with relevant States, with migrants who are in need of international migration services [3].

Refugee. The 1951 Convention defines a refugee as a person who is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him- or herself of the protection of that country, or to return there, for fear of persecution (*see Article 1A(2)*) [4].

One more definition is necessary to mention which refer to both concepts. Refugees and asylum seekers are forced migrants who flee their homes to escape persecution or conflicts, rather than voluntary migrants who move for economic or other benefits. Popular usage tends to refer to all kinds of forced migrants flee for reasons to recognized by international refugee law, often remaining of their county of origin [5].

These terms have distinct and different meanings, and confusing those leads to issues for both categories. At the same time it is really difficult to differentiate these terms completely. The more deep analysis can help to shed a light on this important aspect. The UN special agency is also working at this issue to make the concepts more clear and provide more protection for refugees [6].

According to this, refugees are persons fleeing armed conflict or persecution. Their situation is often so perilous and intolerable that they cross national borders to seek safety in nearby countries, and thus become internationally recognized as «refugees» with access to assistance from States, UNHCR, and other organizations. They are so recognized precisely because it is too dangerous for them to return home, and they need sanctuary elsewhere.

These are people for whom denial of asylum has potentially deadly consequences [6].

The protection of refugees has many aspects. These include safety from being returned to the dangers they have fled; access to asylum procedures that are fair and efficient; and measures to ensure that their basic human rights are respected to allow them to live in dignity and safety while helping them to find a longer-term solution. States bear the primary responsibility for this protection. UNHCR therefore works closely with governments, advising and supporting them as needed to implement their responsibilities.

Misinterpretation of refugees and migrants definitions can have serious consequences for the lives and safety of refugees. Blurring the two terms takes attention away from the specific legal protections refugees require.

Migrants choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons. Unlike refugees who cannot safely return home, migrants face no such impediment to return. If they choose to return home, they will continue to receive the protection of their government.

Another important notice made during analysis of UNHCR is the fact that countries deal with migrants under their own immigration laws and processes and they deal with refugees through norms of refugee protection and asylum that are defined in both national legislation and international law [6]. Governments have specific responsibilities towards anyone seeking asylum on their territories or at their borders.

The explanations mentioned above clearly quite differentiate both concepts and the key boarding line is goes through the message that the refugees, unlike migrants are forced to migrate and seek refuge, and for the most part are not protected in the process of moving up to identify and obtain their status. Along with this important achievement it is still different to define and clearly limit all of the peculiarities of the massive flows of people for various reasons. Moreover, mixed and transitional character of the movement adds more complexity and uncertainty to the process and this requires new approaches.

International and Global Institutions developing

Refugees and forced migrants were essentially considered as a large scale and important issue and the world community and work on since beginning of XX century.

Formal international efforts to assist refugees were first made in August 1921, when the International Committee of the Red Cross appealed to the League of Nations to help more than a million Russian refugees who had to leave their homes during the Russian Civil War. The League of Nations appointed the famous polar explorer Fridtjof Nansen (1921 – 1930 gg.) as High Commissioner of the League on the problems of Russian refugees in Europe (later he began to study Greek, Bulgarian, Armenian and other refugee groups) [7]. His mission was very important and contributed to solving of the

problems of the number of the people really needed it. This started and developed further activity for refugees which led to the formation of the UNHCR.

UNHCR forerunners were United Nations Administration for relief and rehabilitation (UNRRA, 1943-1947) and the International Refugee Organization (IRO, 1947-1952). The UNRRA was established in November 1943 to assist refugees who were displaced as a result of World War II and to aid countries in poor economic shape due to the war. It was run by a council that consisted of one delegate from each of the United Nations' member states, and a Central Committee that was made up of representatives from the United States, Great Britain, the Soviet Union, and China. The four member states of the Central Committee committed themselves to funding 75 percent of the UNRRA's budget, while the United States assumed the responsibility of providing a director-general for the agency [8].

After the war ended in 1945 the organization was faced with overwhelming responsibilities but functioned actively till 1946. By 1947 the role of the organization decreased in Europe and stopped its activity. But problem of forced migrants were still on the agenda as an urgent and needed effective approaches. The International Refugee Organization (IRO) was an important structure focused on refugees only.

International Refugee Organization, temporary specialized agency of the United Nations that, between its formal establishment in 1946 and its termination in January 1952, assisted refugees and displaced persons in many countries of Europe and Asia who either could not return to their countries of origin or were unwilling to return for political reasons [9]. It is an important stage of eligibility and transformation which showed the relevance and growing interest to solve the issue.

Beginning operations on July 1, 1947, IRO took over the work of its principal predecessor organization, the United Nations Relief and Rehabilitation Administration [10]. Among the services supplied by the IRO were the care and maintenance of refugees in camps, vocational training, orientation for resettlement, and an extensive tracing service to find lost relatives. It also assumed the responsibilities for the legal protection and resettlement of refugees previously carried out by the Intergovernmental Committee on Refugees.

Although the activities of the IRO limited assistance to European refugees, it was the first international body that was engaged in a complex with all aspects of refugee problems. Its functions

cover repatriation, identification, registration and classification, care and assistance, legal and political protection, transportation, relocation and construction of the new location.

However, these numerous features hidden clear shift in policy priorities – repatriation, held UNRRA, to resettle people from countries where they have found refuge in third countries.

According to the general admission, international cooperation in solving problems of refugees should continue, but the main question at issue was to what purpose should pursue this cooperation.

In 1949, the UN General Assembly established the basic principles of action with respect to the refugees: refugee problem is international in scope and nature; any refugee or displaced person who voluntarily expressed their reasons for their reluctance to return home, should not be compelled to do so; the future of such refugees and displaced persons should be subject to action by the international body which was necessary to create [10]. The main task was to promote by all possible means the return of refugees to their country [11].

At the same time, with the adoption of institutional measures to resolve the problem of refugees the international community has developed legal framework in this area. International refugee law generally includes the international instruments that define basic standards of treatment of refugees. Needless to international refugee law, both humanitarian law, is in fact one of the categories of human rights in specific circumstances.

In December 1949, the UN General Assembly decided to establish a UNHCR initially for three years, starting from January 1, 1951 decision of the UN General Assembly in December 1950 was established by UNHCR – non-political humanitarian organization, proceed to operations on 1 January 1951 [12].

Providing international protection of refugees by assisting in the signing and ratification of international conventions for the protection of refugees, as well as monitoring the implementation of international conventions on the protection of refugees mandated by UNHCR, based on the recognition of the principle that the effectiveness of measures taken to resolve the problem of refugees depends on the cooperation of States with High Commissioner.

The main international legal instruments, securing refugee protection standards, procedures and criteria for determining refugee status are the Convention relating to the Status of Refugees, 1951 and its Protocol relating to the Status of Refugees,

1967, adopted in connection with the need to give legal refugee status determination in the new post-war conditions [4].

The Convention includes the basic provisions relating to the Status of Refugees; the principle of the prohibition of forced expulsion of a refugee; prohibition of discrimination of refugees; minimum standards for the treatment of refugees, employment, social security of refugees; provision for issuing documents to refugees; obligations for States Parties to cooperate with UNHCR in carrying out its mandate and subject to the uniform application of the provisions of the Convention.

Several of international legal instruments relating to refugees, was adopted by States or intergovernmental organizations within the different geographical regions and they complement the 1951 Convention and reflect the specific character of refugee rights protection issues within a particular geographic region. Examples of regional instruments are the Convention of the Organization of African Unity (OAU) of 1969 [13] and the Cartagena Declaration of 1984 [14]. These documents contain articles enlarged definitions and pointed some particular regional cases.

Protecting refugees is a shared responsibility. Only by working together, complementing each other's strengths, states and international organizations can provide effective protection of the rights and keep the proper rules.

For today United Nations High Commissioner for the Refugees institute, the 1951 Refugee Convention and its 1967 Protocol relating to the Status of Refugees are key operating effective instruments. But they can't cover the growing scale and multiple aspects of the Refugee issues. The world experts community is to work on the new and progressive International Law approaches with the focus on good practices and based on Human Rights' approach.

Current situation: problems and prospects

The problem of refugees is becoming increasingly multifaceted and global in scale. According to the Office of the UN High Commissioner for Refugees, its main reasons were, first of all, military conflicts. Over the last five years there have been about fifteen conflicts: eight in Africa (including in Libya, in the north-east Nigeria, in South Sudan, Burundi), three in the Middle East (Syria, Iraq, and Yemen), one in Europe (Ukraine), as well as in Kyrgyzstan and some areas of Myanmar and Pakistan [15]. At present, the number of refugees in the world has exceeded 65

million people and this number is growing every day [1].

There has never been such a high rate of growth in the number of people fleeing their homes due to armed conflict, persecution and natural disasters. For example, Turkey, which appeared on the first place in the world in the number of refugees on its territory, 45% of fleeing from Syria, that is to say more than 1.8 million people. In June there arrived another 24 thousand of Syrians. More than 1.17 million Syrians are in Lebanon, about 630 thousand in Jordan, 250 thousand – in Iraq, 132 thousand – in Egypt, 24 thousand – in other North African countries. In addition, more than 270 thousand Syrians have submitted requests for asylum in Europe [15].

Despite the fact that the majority of Syrian refugees go to Turkey, Lebanon and other countries, the European Union was faced with the most serious consequences of the migration of the crisis, putting into question the operation of the Schengen area and the existence of the EU as a whole. Mechanisms of the Dublin Convention of 1990, improved in 2003 and 2013, are not able to cope with the increasing flow of migrants, as well as measures for the implementation of the quota system between the states and the division of responsibility [16]. A number of States to unilaterally restrict intake of migrants, as do the United Kingdom, Slovakia and others. There is an ideological aspect – on the background of the terrorist attacks in Paris and Brussels, migrants are increasingly perceived as a security threat. The general mood in the EU countries, especially those that have not yet been faced with any significant influx of refugees is not optimistic. The real problems associated with the growing number of migrants; on the one hand, prejudices and lack of information – on the other, form very negative attitude towards refugees in Central and Eastern Europe.

The only solution of this problem the international community sees the deepening of cooperation of EU Member States in matters of migration policy, the improvement of the Schengen Information System, strengthening the work of Frontex and Europol agencies.

However, the current immigration crisis in Europe is just one aspect of the multiple problems. Immigration and emigration caused controversy in the societies of the receiving states.

With regard to immigration, it usually focuses on its ethnic aspects, the danger of «erosion» of the national culture, the influx of illegal immigrants, the growing burden on the labor market and social

protection mechanisms, an increase in crime and corruption and threats to national security [17].

At the same time, it should be noted that the problem covers the regions which not previously faced such an experience. This is also applies to Eurasia, including Russia and Central Asia. Currently in Russia there are about 2.6 million Ukrainian citizens and about 950 thousand of them are refugees from the conflict zone in Donetsk and Lugansk regions [18].

In Central Asia, including Kazakhstan, the Governments in cooperation with UNHCR to find solutions for refugees.

It is obvious that in the current context of globalization strategy of migration policy, including forced migrants requires revision. Restricting the flow of refugees from poor and disadvantaged countries and trying to achieve their integration and assimilation into society, the developed countries are increasingly faced with a series of contradictions [19].

It is necessary not only to focus on the consequences of these processes, the fight against which is solved by introducing restrictive measures at the borders, but also on the conditions in the countries from which come the largest flows of migrants and refugees, including economic, political and social. It is very important to intensify the negotiating process in the conflict zones, the development of joint measures for the repatriation and integration of refugees and forced migrants by developing universal and differentiated approach.

Conclusion

The problem of forced migrants and refugees is rooted in the distant past. Actualization of issues in contemporary international relations occurred between the first and second world wars. During this period begins the formation of the international institutions and the development of general approaches.

Increasing the problem after the Second World War raised the question rather urgent and stimulated the UN activity and the creation of UNHCR, an institute that works on a regular basis. Some issues of theoretical and practical approaches are relevant and up to date. Modern comprehensive processes of globalization that increasingly blur the boundaries between the nations, open markets and forms free movement, caused increased international migration. As soon as the magnitude of the global migration increases, increasing its geographic coverage, change the qualitative characteristics. The

last decade, abundant military conflicts, civil wars, natural disasters, have intensified the flow of refugees around the world. The international community was not ready for such a large-scale crisis. It is evident that this trend becomes long-lasting. The number of refugees is growing every year, as evidenced by the official services in their reports.

This indicates that the problem is unlikely to be resolved in the short term, however, the critical effects caused by the crisis and the increase in

migration flows of refugees around the world require a rapid and co-ordinated approach. The problems of receiving refugees, questions of their settlement and integration into society, improving the work of migration services are issues concerning not only the countries of the European Union and other major recipients and all regions. These, in turn, actualize to develop versatile tools and common approaches to solving this global problem.

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