Safeguarding the Right to Asylum

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Summary:
The paper was prepared for a UN Expert Group meeting in Santa Cruz, Bolivia, January 1993, in preparation for the 1994 World Conference on Population and Development. The paper analyzes the challenges which contemporary refugee movements pose for traditional institutions of asylum, and discusses policy innovations that seek to accommodate the often conflicting demands of human rights and states rights in matters of receiving refugees.

Sammendrag:
Denne studien er utarbeidet for et FN Ekspertgruppemøte i Santa Cruz, Bolivia i januar 1993, i forbindelse med den forestående Verdenskonferansen om Befolkning og Utvikling i 1994. Analysen viser hvordan samtidens flyktningestrømmer legger press på tradisjonelle asylformer, og vurderer reformforslag som søker å imøtekomme både staters og flyktningers rettigheter i asylspørsmål.

Indexing terms:	Stikkord:
Refugees	Flyktninger
Asylum	Asyl
Human Rights	Menneskerettigheter
International Law	Folkerett

Contents

Introduction[1]

Asylum — as it exists today in law and practice — originated in ancient customs to protect individuals and groups from particular forms of hardship. The specific forms which asylum took typically reflected conflict between the needs of the claimant and the interests of the receiving state. In moral-philosophical terms, this conflict was formulated as the rights of individuals versus the rights of communities. In political terms, the conflict — and its outcome — reflected the power structures in the historical context in which the refugee movements unfolded.

Current issues of asylum must likewise be understood in relation to fundamental issues of law and moral philosophy as well as prevailing structures of international relations. This paper will briefly recount the development of asylum as it was institutionalized after World War II, and then identify the main mechanisms available today. These mechanisms, in turn, will be assessed with respect to their adequacy in providing asylum, and the extent to which they represent a reasonable framework for mediating the enduring conflicts between the needs of individuals and the interests of states in this respect.

The institution of asylum has for some time been under increasing pressure in much of the industrialized world. In the developing world, the problem is rather to secure sustenance for large flows of refugees who, with various degrees of formality, have obtained immediate asylum. This pattern was reinforced by the fundamental change in international politics known as the end of the Cold War. Contemporary asylum and refugee conditions thus bear the imprint of the emergence of a new historical time period — the post-Cold War world.

1. Asylum and refugee flows in the post World War II period

1.1 Legal framework

1.1.1 Asylum: The essence of asylum is to enjoy protection outside the reach of the persecuting agent, customarily taken to be the state of origin. This has traditionally meant either territorial asylum — i.e. protection on the territory of another state — or diplomatic asylum in the Latin American tradition — i.e. within the diplomatic mission of another state which, according to the principle of extra-territoriality, constitutes a piece of sovereign territory of that state (Grahl-

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Madsen, 1966, Goodwin-Gill, 1983). If the right to *seek* asylum is abridged — e.g. by choking of physical access to points where applications can be lodged — the potential refugee has no entry and thus no escape. The ability to seek asylum therefore appears as the most basic right; it is prior to and distinct from the outcome of a process which determines eligibility according to a given definition of refugee (Plender, 1989).[2]

The 1951 U.N. Convention on refugees[3] — which remains the principal piece of international law in refugee matters — does not establish an individual's right to seek and to enjoy asylum. That wording was included instead in the Universal Declaration of Human Rights (Art.14(1)), which as a declaration has much less force than a legally binding convention. In positive international law, therefore, the right to asylum appears as a state's right to give — not an individual's right to seek.

Recognizing the lacunae, international lawyers and organizations such as the Carnegie Endowment for International Peace drafted conventions that specifically dealt with asylum as it affected the rights and duties of both states and individuals. In 1977, a UN Conference on Territorial Asylum assembled in Geneva but did not adopt a final document. Since then, the matter "was allowed to rest" (EIPL, 1985, p.45, Grahl-Madsen, 1980). Several nations have statutory provisions on the right of asylum in municipal laws; some also have constitutional provisions — most notably Germany's Art. 16 which guarantees asylum for the politically persecuted — but international law remains inconclusive.

It is inconclusive rather than entirely closed because the 1951 Convention has a provision relating to asylum in Art.33. This prohibits *refoulement*, i.e. the return of refugees to an area where their lives or freedom would be endangered. Since an individual who is denied access to *seek* asylum might in fact risk persecution, the failure to consider his application may have the same result as *refoulement*. Art. 33 is, however, only an "embryonic provision" for an individual's right to seek asylum (EPIL, 1985, p.48). The situation opens for great legal battles, which is precisely what is occurring as asylum is becoming increasingly restricted in Europe and North America. Asylum advocates contend that in order to prevent a possible *refoulement*, a state is obligated to give the individual a chance to apply for asylum to make his case in the first place. Advocates of reluctant states argue that provisions relating to the form of exclusion cannot constitute a basis for admission, insofar as a person must be admitted in order to be excluded; (see e.g. *the Haitian Refugee Center v. James Baker III, Secretary of State*).

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[2] A similar logic is used in the philosophy of human rights to distinguish between basic and secondary rights, see Shue, 1980.

[3] As amended by the 1967 Protocol. Until then, the Convention only applied to persons who were refugees as a result of events in Europe prior to 1951.

1.1.2 Definition: The other legal battleground over protection concerns the definition of refugee. Two types of asylum mechanisms were delineated by European law and practice by the end of World War II. One was protection of individual exiles, mostly embodied in positive national law through prohibitions on extradition. The other was protection of masses of people fleeing from war, as first developed in international practice in connection with the League of Nations aid to 800,000 Russian refugees after the 1917 revolution. Of these two possibilities, the 1951 Convention centered on the individual exile, although the subject was defined in general sociological categories rather than referenced to particular nationalities (as the League had done).

As formulated, the Convention categories reflected the classic refugee movements in European history as well as the evolving Cold War. The political activist was captured by the term persecution due to "political opinion". Members of a targeted minority group were defined by largely ascriptive criteria of belonging to social communities ("race, religion, nationality...and social group"). When the original time and space limitations on the Convention were removed in 1967, only one sociological type of refugee was not formally covered — the victim of generalized violence such as war or social upheavals.

While in some respects liberal compared to the League instruments, the Convention was clearly designed to circumscribe the obligations of states and limit the number of persons who, under a universal definition of refugee, could press their claims. The definitional emphasis on persecution served this purpose by postulating a targeted and discriminatory treatment of individuals; that is, the presumably exceptional case. Moreover, the Convention was customarily taken to require individual screening of eligibility and thereby prevent mass inflows.

During the 1980s, the definitional question centered on the distinction between economic and political refugee. Facing mass inflows from poor countries, industrialized states claimed these were mere "economic refugees" and hence excludable. The label — like the dichotomy it reflected — was controversial. More correctly, the distinction between economic and political reasons for movement should be seen as a spectrum with pure types only at the extreme (e.g. migrant worker and political dissident). In situations likely to produce mass outflows, economic deprivations typically exist alongside political oppression and civil violence. This is not a new phenomenon,[4] yet it is likely to be increasingly common in the contemporary world. In regions where demographic and

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[4] As we have argued elsewhere, the exodus produced by the Irish potato famine in the 1840s was fundamentally related to the ownership of land, in itself a result of political oppression. Would this make the Irish economic or political refugees? (Zolberg, Suhrke, Aguayo, 1989, p. 32). Pronouncing on a similar case in 1980, an American judge concluded that the Haitians were political refugees because their economic plight was a result of systemic political oppression (*Haitian Refugee Center v. Civiletti*).

environmental pressures sharply reduce the limits for survival, political upheavals may cause truly massive outflows. In these situations, the search for one basic cause of flight — be it economic, political or environmental — is analytically meaningless.

Some minimal definitional requirements can nevertheless be identified (Shacknove, 1985, Zolberg, Suhrke, Aguayo, 1989). Receiving states must apply some consistency in standards, and consider the *need* for protection as well as the *cause* of flight. The definitional framework, in turn, must permit a distinction between individual plight (such as persecution), and mass outflows caused by composite economic and political deprivations accompanied by widespread violence — in the extreme, war.

This was indeed the view of many critics who in the 1980s argued that the 1951 Convention was too narrow to protect masses of people displaced in the developing world. In the 1990s, the Convention was also seen as increasingly irrelevant to the refugee crisis confronting Europe in the Balkans.

1.1.3 State rights vs. human rights: A more fundamental challenge to the Convention appeared. Like refugee law generally, the Convention was basically state-centric in that it was framed in terms of the rights and duties of states rather than individuals.[5] The political controversies that had shaped the drafting of the Convention and the establishment of the post-war refugee regime were state-centric as well. Questions of definition, asylum and repatriation appeared as points of conflict between socialist states and democratic states, as yet another dividing line between the East and the West in the deepening cold war (Holborn, 1975). The Soviet Union consistently fought the development of a refugee regime it feared would be used against it. Western states gave their support partly in that spirit. Only with the demise of the Cold War did the underlying conflict between individual rights and state rights rise to the surface in matters of asylum and refugee status. A new debate emerged, anchored on one side to human rights law and political concepts of "right of membership", on the other to conventional rights of states (Adelman, 1988, Gibney, 1989, Warner and Hathaway, 1992).

The arguments followed the classic philosophic divide between communitarians and universalists. Communities have rights because individuals do not have a social existence, nor, perhaps, moral character, apart from a community (Waltzer, 1983, Sandel,1984, Miller, 1988). Nation-state communities have a capacity for rational and democratic self-rule and possess a system of distributive justice for its members. From this flows their right to protect members vis-a-vis outsiders. In legal terms, the argument parallels the notion of absorptive capacity as a limitation

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[5] The Preamble does, however, refer to the Universal Declaration of Human Rights and affirms the fundamental rights of individuals.

on asylum, an old concept in international law that can be traced back to Emerich de Vattel's work in the mid-1700s.

The universalist answer is, in brief, that rights inhere in individuals, not in states. States are seen as "agents", merely exercising rights on behalf of individuals in their care, much like a life saver on the beach has been commissioned, on behalf of all bathers, to save the drowning (Goodin 1985). Since the right of the state is derivative from the right of the individual, the plight of the needy must take precedence over the (derived) right of the state. Given an international system that is explicitly ordered on the premise of mutually excluding sovereignties, all individuals must "belong", in the sense of being "assigned" to a state. Those who fall or are pushed out — the de facto or de jure stateless — consequently have a right to be "assigned" to other states (van Gusteren,1988).

The solution to the classic conflict is collective, sometimes called assigned, responsibility (Shue, 1988, Goodin, 1988). Its equivalent for refugees is an international refugee regime with common norms for admission, support and burden-sharing. One particular right (e.g of the individual to asylum), need not be matched by one particular duty (e.g. of the neighbouring state to provide asylum). The important thing is that the totals add up — that all asylum seekers have reasonable access to protection somewhere, and that all states are "assessed" in some reasonable relation to their resources and absorptive capacity. As Hathaway argues, a solution requires that rights on both sides are recognized (Hathaway 1991).

For much of the industrialized world, this was the essence of the asylum challenge as it emerged in the late 1980s. With new and large populations on the move, the North — soon to be the recognized winning coalition of the Cold War — had the opportunity to forge new mechanisms of international cooperation so as to adjust the balance of rights in matters of asylum.

1.2 Post-war flows

For several decades, the Convention served Europe's refugees well. It was the legal backbone of a liberal asylum regime that was buttressed by financial resources and resettlement quotas offered by the United States, Canada and, soon, a recovering Western Europe. In retrospect it is evident that the refugee regime rested on the ideological foundation of the Cold War. Giving asylum to people fleeing the Eastern bloc was a moral imperative and a political instrument in the struggle against Communism. That the refugees were Europeans and readily absorbed in Europe's post-war economic boom was also important.

Strict exit controls in the East gave those who came out an "exceptional" character. Yet, the numbers absorbed during the height of the Cold War were truly

massive — a point worth recalling in view of later restrictions. About 200,000 Hungarians fled when the 1956 uprising was crushed; 80,000 Czechoslovakians escaped after the suppression in 1968; 30,000 Jews were effectively expelled from Gomulka's Poland, and 3.5 million Germans moved to the Federal Republic before the Berlin Wall closed the loophole in 1961. In addition, a steady stream of assorted nationalities went West, estimated to 10,000 annually in the early 1960s (Marrus, 1985). They were all welcomed. Ethnic Germans were accepted as citizens under West German law. No attempt was made to determine individual eligibility during mass inflows following political upheavals. Growing doubt whether everyone from the Eastern bloc were political refugees in the Convention sense, or primarily economic refugees, merely produced administrative adjustments to accommodate them under other categories.[6] European colonial powers also absorbed ex-patriates and, sometimes, their supporters who were pressed out by the wars of independence in Africa.

Outside Europe, the picture was mixed. A large and intractable refugee problems existed in the Middle East, although the central problem for the Palestinians was not to secure asylum but to recover a state. In Asia, some flows were accepted for political and humanitarian reasons independent of legal conventions;[7] other consisted of minorities with a homeland to which they could return (e.g. after the partition of India in 1947). Here, the refugee issue concerned not asylum but material assistance.

The now largely forgotten fate of the refugees from revolution in China, however, is a classic case of restricted asylum. Already in 1950, they were packed so tightly into the hill-sides of Hong Kong that the British authorities declared most new arrivals to be illegal immigrants, subject to immediate expulsion. The simple but effective policy of definitional exclusion was intermittently followed in subsequent years (Bonavia 1983). Other states did the same, perhaps most glaringly by the United States towards the Salvadoreans and the Haitians.

The distant case of the Chinese asylum seekers suggests the enduring frailty of asylum in its contemporary form. The Chinese fled a combination of political repression and economic poverty (combined with famine during the Great Leap Forward in the late 1950s); they had a weak claim to external patronage based on political grounds (Britain had recognized and sought to improve relations with the

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[6] Scandinavia led the way with the formal introduction of a B-status for de facto or quasi-refugees, or permission to stay on humanitarian grounds. It was first suggested by an innovative Danish official who found that a group of Polish asylum seekers were not "persecuted", yet realized it was politically impossible to send them back across the "Iron Curtain" (Melander, 1979).

[7] For instance, India — not a signatory to the 1951 Convention — readily accepted thousands of Tibetan refugees in 1959.

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mainland regime); they had no other ethnic homeland (at least not large enough to take them); they were poor, and they were very numerous. The case for asylum had to rest primarily on humanitarian grounds. In the event, that proved insufficient.

2. Crisis and expansion

In Latin America and Africa, regional mechanisms combined with innovative UNHCR practice to meet the asylum challenge with reasonable adequacy for several years. When crisis arose, the result was an expansion of the formal institutions of protection. Observers have tended to mythologize this response, citing the "traditional African hospitality" and "the traditional inter-American" system of asylum as explanatory factors for the expansionary process. Other conditions, however, seem more relevant.

2.1 Latin America

The traditional inter-American system of asylum was indeed highly developed in law and practice. Yet, the conditions for obtaining asylum were narrowly circumscribed by regional instruments requiring evidence of political persecution, rather than the presumably more generous standard of "well-founded fear" in the UN Convention (Arboleda 1991, Yundt 1989). Asylum was defined as the right of states to grant without incurring hostilities from other states — not as the individual's right to protection — and there were no prohibitions on rejection at the frontier. Fearing additional obligations, several Latin states hesitated to formally enter the UN refugee regime. By the end of the 1980s, six Latin American countries had not ratified the UN Convention at all, and four states still retained its original geographic limitations.

The traditional Latin asylum system functioned reasonably well because the case load was small, the *asilados* were mostly financially secure members of the elite, and governments recognized that they all were politically vulnerable and one day might need asylum. But also quite large flows were accommodated. Mexico — often cited as a traditional liberal asylum country — took in about 40,000 refugees from the Spanish Civil War, and in common with other Latin states was a generous host to thousands of victims from repressive states in South America during the 1970s. The decisive change came with the mass exodus in Central America in the 1980s. A qualitatively different magnitude appeared as revolutions and civil war engulfed Central America in the 1980s (Gros Espiel, 1981, OAS 1983, Aguayo, 1985). In Mexico alone, an estimated 120,000 Salvadoreans sought refugee, as well as tens of thousands of Guatemalans and some Nicaraguans.

Other conditions had also changed. These refugees were largely ordinary peasants and workers, and the entire refugee question became as deeply politicized as the

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conflicts from which people fled. The United States — which for political reasons had taken in over half a million Cubans who chose to leave the Castro-regime between 1959 and 1979 — refused to accept more than a select few from Central America's civil wars. The immediate burden fell on local institutions of asylum which as a result functioned poorly, leading to repeated deportations and insecurity even for those allowed in.

To prevent full collapse, the UNHCR worked with liberal social forces to adjust legal norms in the adjoining Latin states. The initiatives — starting with the 1981 Colloquium in Mexico and supported by the Inter-American Commission on Human Rights — culminated in the 1984 Cartagena Declaration. Promoted by experts and representatives from ten states in the Central American region, the declaration widened the definition of refugee to ensure that all victims of generalized violence could claim protection. The Cartagena criteria included flight from generalized violence, foreign aggression, international conflicts, massive violations of human rights, or circumstances seriously disturbing public order, thus going beyond comparable African norms.

The Declaration lacked the status of a treaty, and official willingness to provide liberal asylum was not always commensurate. Mexican authorities, for instance, deported or rejected hundreds of Guatemalan refugees for basically political reasons at the very moment when the Colloquium met in the Mexican capital (Wollny, 1991).

The process is of special interest in view of the restrictive European response to *its* civil war in Yugoslavia ten years later. At a distance from the conflict, the United States formally adopted a restrictive policy, but many came anyway and were eventually absorbed de facto. Closer to the war itself, the situational dilemma was sharper: states had to respond somehow to the presence of tens of thousands of war victims who lacked alternative areas of protection. The *ultima ratio* of humanitarianism was revealed as protection versus mass chaos and death. In this balance, protection weighed heavily even though the participating states disagreed sharply on the nature of Central America's wars and feared that mass inflows would adversely affect both their labor market and political climate.

With the demise of the Cold War, the socalled "regional conflicts", including the Central American wars, moved towards settlement, and general repatriation of refugees commenced. Except for Haiti, no new mass outflows were in the offing. For the first time in more than two decades, refugees were no longer a major problem in the Americas. If and when that changes, the formal Latin American system clearly stands strengthened to meet the eventuality of both individual applications and mass asylum.

2.2 Africa

Africa's first modern refugee crisis arose in the 1960s when wars of national liberation displaced tens of thousands of people. As in Latin America in the 1980s, the result was a strengthening of the formal support system for refugees. The UNHCR steadily expanded its mandate to protect and aid displaced persons under a "good offices doctrine", which made it unnecessary to determine whether or not the beneficiaries were refugees in the Convention sense. The adoption of a legal framework to assist mass outflows in itself was promoted by the many newly independent states in the UN. Simultaneously, the Organization of African Unity (OAU) formalized a liberal convention governing asylum and refugees in the region.

The 1969 OAU code reflected the political realities of the continent at the time, just as the 1951 UN Convention had reflected post-war European concerns. The OAU convention was formulated after a decade of increasingly violent struggles for liberation in Angola, Mozambique, Southern Africa and Rhodesia. For Africa's independent states, these were unquestionable just wars, hence the derivative need to extend maximum support to the victimized populations (Oloka-Onyango 1991, Arboleda 1991). Art.2 stresses the right of asylum, and Art. 5 prohibits rejection at the frontier — neither have counterparts in the UN Convention. The access to seek asylum, then, is more strongly grounded, and once inside, the presumptive beneficiary enjoys a broad definition of eligibility for refugee status. In addition to "persecution", refugees from generalized violence due to "external aggression", "occupation" and "foreign domination" qualify as well.

The broad OAU definition was eminently suitable for a war situation that produced mass outflows of people necessitating collective determination of eligibility. Moreover, it was the only realistic determination procedure at the time, given the "absence of decision-making infrastructure" in receiving states (Arboleda 1991:195).

Two decades later, the striking characteristic of the African asylum regime remained its liberal, formal-legal dimension. The law was probably as generous as a state-centric refugee system could be expected to be, drawing continuous strength from its original legitimizing ideology of anti-colonialism and anti-racism. In practice, moreover, easy asylum conditions often prevailed. Cross-border ethnic ties facilitated hospitality, and the much-discussed weakness of African state made it difficult to impose rigorous border controls. In these situations, de facto asylum could be claimed by default.

Since the early 1960s, Africa has probably had the largest share of the world's refugees on a continuous basis. Africa also has highly developed migration systems (Russell, Jacobsen and Stanley 1990), but these flows are mostly and self-evidently quite different. Claims for refugee assistance typically come from mass

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displacements of obviously miserable, often starving people who flee from evident disasters, and they are clearly in need of immediate relief. As a result, there is little sense that the asylum system is being abused by individuals making false claims (African Group in Geneva, 1990). Arguably, this also constitutes the moral pillar of the system: an elementary sense of justice — as sociologist Barrington Moore (1978) has traced it through the ages and across continents — upholds the strong declaratory commitment to asylum in contemporary Africa, and, to the extent it is observed, underpins its translation into practice.

As in the traditional inter-American system of asylum, symmetry in vulnerability strengthens the institution. African states are typically both sending and receiving countries for refugees. If mass displacements are likely to occur in all populations and states at one time or another, a strong asylum institution is self-evidently a common good.

On the other hand, its is clear that practice has differed. As victims of anti-colonial struggles were followed by victims from abuse, civil wars or ethnic violence in independent African states, both rejection at the border and mass expulsions occurred (Oloka-Onyango, 1991, Zolberg, Suhrke, Aguayo, 1989, pp. 49-66). Once inside, refugees were subjected to abuse that rendered asylum as a place of protection meaningless.[8] In these cases, formal asylum was little better than rejection at the frontier. Moreover, asylum has been endangered by policies of neighbouring states which attack the refugees, the host country or both.

African critics argue that the "traditional, much-touted generosity of African states to refugees cannot be the fundamental basis of real and guaranteed security for the refugee" (Oloka-Onyango 1991:460). Recent efforts have been made to strengthen the legal framework by making the non-refoulement provisions more rigid (the 1981 Banjul Charter). More fundamentally, it is recognized that the weakness of the African refugee system reflects the very heavy burden imposed on poor states. During the 1980s, the number of UNHCR-registered refugees in Africa fluctuated around 3-4 million, rising to 5 million at the end of the decade (U.S. Department of State, 1990). As for future projections, there are no signs of structural change in the economic, demographic or political sphere that suggest immediate or marked reductions in Africa's refugee population.

As a result, concern is focused on ways to secure external assistance, including the establishment of a large special fund, as discussed at the 1984 International Conference on Assistance to Refugees in Africa (ICARA II). Equally important,

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[8]   For instance, in the Southern Sudan, Harrell-Bond found numerous cases of confiscation of property, discriminatory treatment by courts, false and prolonged imprisonment, beating, serious wounding, torture, assault, forced labour, kidnap, rape and murder being perpetrated against the refugees (Harrell-Bond, 1986, 1992).

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and increasingly recognized, is the formulation of appropriate aid strategies for the refugee population.

3. Crisis and restriction

By the late 1970s, the international refugee regime had suffered periodic crises, but these had generally served to widen asylum, as evidenced by the 1967 Protocol, the OAU convention, the UNHCR "good offices" doctrine, and the Cartagena declaration. During the 1980s, however, a series of crises had the opposite effect. Numerous restrictions and an entire new vocabulary — "interdiction", "humane deterrence" "carrier sanctions", "economic refugees" — were introduced to justify limitations on asylum.

The restrictions applied mainly to spontaneous asylum flows from South to North. European states established an elaborate international network to reduce the number of asylum seekers. In North America, U.S. authorities sought to keep out large refugee flows from Central America and the Caribbean. Canadian authorities followed the trend in 1992 by preparing amendments to the immigration law that would restrict access to seek asylum.

Large refugee flows in themselves do not necessarily cause restrictions. Five million Afghans, for instance, found ready asylum in neighbouring Pakistan and Iran during the 1980s. In numerical terms, the inflow of asylum seekers that led Western Europe to institute sharp restrictions amounted to thousands, at most tens of thousands, per host state. The flow was small compared to regular migration movements (see Table 5), and even more insignificant if estimates of illegal migration are included. Subsequently, the flow did increase markedly, especially in Germany which in 1992 expected half a million asylum seekers. The restrictive response, however, was evident already by the mid-1980s. Similarly, Haitians seeking asylum in the United States caused a reaction quite out of proportion to their numbers: Haitian "boat-people" counted a mere 12,400 persons in 1980, 15,000 in early 1992, and virtually nobody in the intervening years. By comparison, the legal ceiling on immigrants to the U.S. was 534,000, and was further increased to more than 700,000 annually in the 1990 Immigration Act (Papademetriou, 1991).

The examples illustrate a more general point: Refugee movements may be small in numbers but high in emotive content because presumptive refugees have claims on receiving states that migrants do not. Under international law, sovereign states must at least give potential refugees a hearing and under certain conditions admit entry; in democratic societies, pressures to do so can be significant. In principle, admission is based on solely on humanitarian considerations, regardless of social or economic interests. While refugees clearly bring with them skills and other contributions, they are in a fundamental sense selected by forces outside, and

independent of, the receiving society. Spontaneous asylum seekers who arrive in groups or successive waves appear as particularly troublesome challenges to state control.

There are exceptions, as the generous Western response to East-West flows during the Cold War period indicate. But since these flows came from a hostile alliance of states, accommodation had a political value that strengthened the humanitarian impulse. By comparison, the inflows that produced progressive restrictions on asylum in Western Europe and North America during the 1980s had little political use-value. These flows were large compared to previous movements (see Fig 1), they consisted of spontaneous asylum seekers rather than quota refugees who were resettled through the UNHCR in a controlled manner, and they were preceded by a general crisis in the international refugee regime with the sudden appearance, around 1979-80, of millions of new refugees from Indochina, Afghanistan, and the Horn of Africa. Moreover, many were from developing countries, and many were widely suspected, or officially denoted, as not being "genuine" refugees. The last two points served to conjure up visions of millions more to come. In a sense, the industrialized North introduced asylum restrictions as a defense against a populous and turbulent South.

But the issue was more complicated. The earliest and sharpest restrictions of the decade appeared not in Europe, but in Southeast Asia, where authorities limited asylum for Indochinese. Ten years later, the collapse of Soviet socialism and an end to exit controls in the former Warsaw Pact countries made Western states adjust their refugee policies to the post-cold war era. The result was restrictions on East-West flows similar to those applied to non-Europeans. Clearly, the asylum issue was not simply a facet of the North-South conflict. An underlying concern was fear that the asylum institution was being misused and had become a vehicle for disguised migration. This was an important factor behind the restrictions in Asia (Suhrke, 1983, McNamara, 1989), as well as in Europe.

3.1 North America

Since the adoption of the 1980 Refugee Act, U.S. refugee policy has been marked by a sharp dualism: the legal framework is relatively liberal, but practice has been highly politicized and restrictive towards unwanted groups (Loescher, 1986, Zucker & Zucker, 1987).

The ideological bias in policy implementation has been well documented. While the 1980 Act incorporated the universal definition of refugee of the 1951 UN Convention, about 95 per cent of the refugees admitted to the United states in the 1980-88 period came from communist countries. In asylum cases, the differential treatment of Cubans (generally admitted) and Haitians (generally rejected) bore no obvious relationship to their respective degree of "persecution"; the same applied

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to differential treatment of other nationalities (Helsinki Watch, 1989). While socio-economic and racial factors sometimes, but not always, formed a pattern,[9] the political tendencies were extraordinarily clear: Applicants from states supported by the United States were declared to be economic refugees even though they had a prima facie claim to protection (Salvadoreans fleeing from civil war during the 1980s, and Guatemalan Indians escaping a brutal suppression in the early 1980s). Persons fleeing from communist or leftist governments in the region were generally accepted as refugees (Nicaraguans during Sandinista rule) or paroled in on special terms (Cubans).

By far the largest proportion of refugees entering the United States under various categories since World War II had come under controlled conditions through organized resettlement, or had initiated applications in American missions abroad. The vast hinterland of spontaneous asylum seekers lay South of the Rio Grande, above all in the populous Central American and Caribbean region. When conflict erupted here, population flows were essentially beyond U.S. control. Despite strenuous efforts, North America could not insulate itself against the refugee consequences of social conflict in its vicinity. The porousness of the Southern land border was legendary; only "boat-people" from small island states could be interdicted with some ease.

Thus, geography and politics often worked in opposite direction during the 1980s. U.S. policy consistently excluded Salvadoreans as "economic refugees", yet perhaps half a million succeeded in entering the country anyway. Most stayed as illegal migrants until opportunities for regularization appeared. For the local states, the U.S. route represented a significant ease of the total refugee burden from Central America's wars. Still, the system imposed great hardship and uncertainty on the individual refugee and generated significant tension between the U.S. and the Latin states, above all Mexico.

Faced with civil war and mass outflows, a formal system of temporary protection and collective determination of eligibility would have been an appropriate response. This was suggested by experts at the time (Hartman, 1988, Gallagher, Martin and Weiss-Fagen, 1989), and the U.S. had already a unilateral practice of this kind. The Extended Voluntary Departure (EVD) status was explicitly temporary and collectively bestowed on individuals from eligible countries. Eligibility criteria centered on generalized violence, as distinct from the more discriminatory and narrow criterion of "persecution". Customarily given to persons already in the U.S. when hostilities erupted, EVD was granted to Ethiopians,

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[9] For instance, Haitian "boat-people" were both poor and black, while the first flows from Cuba were of European origin and middle-class. However, the flotilla of some 120,000 Cubans who sailed to Florida in 1980 included many of working class and primarily non-European origin. The Marielitos, as they were called, were still admitted.

Nicaraguans (1979-80), later to the Chinese (during the 1989 democratic rising) and Bosnians (1992).

Due to concerted political pressure, an equivalent status was eventually granted the Salvadoreans. But the U.S. position and, more generally, the intense politicization of the Central American refugee question made it impossible to develop a common, regional system of temporary protection. Optimally, such a system would streamline criteria and the conditions for protection, and establish rules for burden sharing in the region. Divided over whom to give protection, and faced with U.S. opposition to any form of common regime, the smaller and poorer states of the region did not go beyond the declaratory innovations at Cartagena. The U.S. did not support even that.

Until 1990, the U.S. granted temporary stay through administrative discretion. To reduce the potential for partisan application, critics obtained a legislative basis for temporary protection status (TPS) in an amendment to the Immigration Act of 1990 (Helton, 1990). By legislative action, TPS could be collectively bestowed on nationals of particular states. This helped to solve the immediate problems for the Salvadoreans, who were given TPS, but considerable administrative discretion and associated problems still remained.

The larger question concerned return once the conflict subsided.[10] Since migration and refugee movements overlapped, repatriation would be problematic. It might be encouraged by aid to reconstruction and development. Failing that, permanent absorbtion in the U.S. could be viewed as the inevitable outcome of geography and history — the consequence of being a rich state with poor neighbours. Yet, return was at least a necessary political fiction to ensure that temporary protection would be granted in the first place. By 1992, the outcome of the first big test case in North America was uncertain. The U.S. had agreed to postpone repatriation of Salvadoreans pending implementation of the December 1991 peace agreement and further economic reconstruction.

The controversial case of the Haitian "boat people" also raised fundamental questions of access to asylum and eventual return. Because Haitians fled conditions of mixed deprivations — systemic poverty and a ruthless regime — asylum claims under prevailing legal norms and democratic conditions invited long and costly court battles. Deciding to cut the process short, the U.S. government instructed the Coast Guard in 1981 to interdict and return Haitians after cursory hearings at the high seas. As critics noted, it was clearly a case of restricting access to seek asylum, similar to efforts under way in Europe (see below). The definition of eligibility was narrowly interpreted — of more than 12,000 Haitians

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[10] I indebted to discussion on this point with Susan Forbes Martin of the Refugee Policy Group and Doris Meissner, The Carnegie Endowment, both of Washington D.C.

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interdicted between 1981 and 1987, only 2 were granted political asylum (USCR, 1987).

The Haitian case generated intense legal and political battles. By some standards, it was a clear case of discrimination (e.g. relative to the admission of Cubans). By other standards, the complexity of the case defied easy answers — access to asylum versus misuse of the institution, economic versus political refugees, and consistency of process versus the inflation in admissions if the Cuban standard were applied to all. Ironically, the situation became much clearer when conditions in Haiti worsened. The 1991 coup led to widespread violence, acute deprivation and new outflows.

The optimal response suggested itself: temporary protection pending the outcome of diplomatic efforts to restore a degree of political normalcy, or the political *status quo ante* (Meissner 1992). In other words, the situation called for a procedure similar to other situations of mass outflow from violent social upheavals. The U.S. Administration, however, started with the most ambitious process (regular asylum procedures), only to move rapidly to the other extreme (deportation and interdiction).

Given the prominent U.S. position in the international refugee regime, interdiction of Haitian boats created fears that this would legitimize similar measures elsewhere, notably in Southeast Asia. It will be recalled, however, that massive denials of access in Southeast Asia actually started about two years earlier. Considerations other than U.S. practice shaped asylum policy in Southeast Asia (Sutter 1990), and U.S. had at any rate undermined any claim to moral leadership in asylum and refugee matters given its transparently partisan policy. As for Europe, parallel developments were underway for unrelated reasons.

3.2   Europe[11]

After a bulge in the early 1980s, Western Europe experienced a sustained and rapid increase in asylum seekers that was unprecedented. From a low of 50,000 in 1983, the figure rose to over 400,000 in 1991 (see Fig. 2). A refugee system that traditionally had functioned to meet crisis events (wars, suppressions, pogroms, revolutions) — and which was premised on the notion that states extended special obligations to refugees because, unlike migrants, they constitute exceptional cases — was now confronted with a continuous phenomenon.

At the outset, the flows seemed problematic. No longer a labor importing region, Western Europe did not welcome the new arrivals on economic grounds. The

[11]   This section was written with the assistance of Finn Kvaale, Faculty of Law, University of Bergen.

"foreign" (non-European) origins of many created an impact that was readily exploited by political fringe movements, especially as unemployment mounted. There was also legitimate concern that the asylum queue concealed a large number of migrants. After 1973-74, asylum had represented the only legal entry gate to Europe for persons who lacked the requisite skills or family ties to qualify for regular migration, which at any rate was quite limited. Numerous asylum seekers in the mid-1980s came from countries that until recently had provided Western Europe with guestworkers (notably Turkey and Yugoslavia), and an evident chain-migration operated from select African countries (Zaire and Ghana) (see Table 3).[12]

Yet, here were also nationals from countries with civil strife, war or violent minority-majority conflicts (e.g. Iranians, Lebanese and Tamils). If anything at all was clear, it was that the flow was mixed. This was reflected in the outcome of the screening.[13] In 1987-88 the acceptance rate was about 40 per cent, or substantially above the American rate during most of the 1980s (Widgren, 1990b).

The mixed universe of applications required an elaborate screening mechanism. Despite efforts to shorten and streamline the process, a complicated case could go on for 2-3 years before all avenues were exhausted. As public debate over asylum issues became increasingly acrimonious, so did the legal and political battles, and the costs mounted.[14]

For a large and prosperous Europe, the financial costs — like the numbers of asylum seekers themselves — were hardly overwhelming. Behind the figures lay a deeper fear of uncontrolled immigration coming through the asylum gate (Rogers 1991, Joly 192). The concern was heightened towards the end of the decade.

The disintegration of the Soviet empire meant increased turbulence and an end to exit controls. From less than 50,000 in 1987, the inflow of asylum seekers from the erstwhile East grew to almost 250,000 in 1991 (see Table 4). The main sending countries were Poland, Rumania, Yugoslavia, Albania and Bulgaria (not

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[12] Of course, refugees as customarily defined may also chain-migrate, as Blaschke has observed with respect to Turkish Kurds (Blaschke, 1989).

[13] Categories of acceptance included Convention status (persons who could establish a "well-founded fear" of persecution) and other persons in need of protection. For the latter group, same states had explicitly temporary permits for stay (e.g. the Exceptional Leave to Remain issued in the United Kingdom). Scandinavian countries gave residence permit on humanitarian grounds. The terms of stay were almost equivalent to Convention status.

[14] According to an intergovernmental study that tried to put a dollar figure on direct costs (administrative, legal and social aid etc.), the bill for 13 West European states increased from around 500 million dollars in 1983 to around 7 billion dollars in 1991 (IC,1992). By comparison, the foreign aid (ODA) of one major European state, (West) Germany, was almost 5 billion dollars in 1989.

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counting about 300,000 Bulgarian Turks who went to Turkey). The sudden onslaught came on top of long-term, structural pressures from the South, where a rapidly growing population was being brought steadily closer to Europe through advanced communication and social networks.

As the decade of the 1990s opened, the implication of the definitional question — who is a refugee? — had been radically altered. Given that economic deprivations and politically oriented violence co-existed in large parts of the world, a broad interpretation would open for huge inflows. Even a reasonably strict interpretation of the Convention would permit millions to press a valid claim for protection in Europe. This included victims of oppressive or totalitarian regimes (who as a category had been admitted from Eastern Europe during the Cold War), and members of vulnerable minorities (who constituted the classical "target" group of refugees in European history).

Ethnic minorities in conflict represented a particularly problematic category because they were both numerous and presumptive refugees under the 1951 Convention. In an earlier period of imperial disintegration and state formation in Europe, a concentration-principle had been at work as ethnic diaspora moved to their "homeland" (Annals, 1939). This seemed less likely to happen this time. Even minorities with an alternative home country might find that economic and political opportunities outweighed ethnic affinity. For instance, Turkey and Hungary generally followed the German practice of fully accepting ethnic kin (Aarbakke, 1989, SOPEMI 1992). But the Bulgarian Turks also fanned out more broadly to Germany and Sweden. The ethnic Albanians who left Yugoslavia's Kosovo province by the thousands from the late 1980s and onwards went to Western Europe, not "home" to Albania. Numerous minorities in the former Soviet Union might respond similarly if under pressure. The prospect clearly chilled Western Europe (Widgren 1990a).

Already by the mid-1980s, the growing asylum queue and the pace of European unity had put the issue on the agenda. The 1986 Single European Act, which stipulated free movement of capital and labor within the European Community by 1993, precipitated a restrictive streamlining of the asylum process that led to the Schengen and Dublin agreements — popularly known as the outer walls of "Festung Europa". The documents defined the core of in policy with several elements: access to seek asylum was restricted, the criteria for eligibility were narrowed, the determination process was shortened, and deportation of rejected claimants was made more efficient.

Convention status became increasingly difficult to obtain, likewise the wider category for other victims of violence used by some states. By 1991, overall acceptance rate was down to 25 per cent, with an average of 8 per cent for Convention status and the rest non-Convention status (Widgren, 1992).

Yet, the strategy to uphold a limited and formal criterion which extracted *one* element (i.e. political persecution) from an intricate causality complex was inherently vulnerable. The democratic and legal processes in Western Europe opened for endless political battles and polarized public debates, including violence (Kaye 1992). Moreover, the asylum process appeared to be not only costly but essentially futile. Although only 25 per cent might be formally accepted, an estimated 80 per cent of all asylum seekers stayed anyway, as state authorities yielded to technical and political obstacles of effecting return.[15]

The only remaining avenue of control — if that remained the objective — was to limit the access to *seek* asylum in the first place. Here was the second front in Europe's asylum crisis. Already in the mid-1980s, individual states adopted what in Southeast Asia had been called humane deterrence: inhospitable quarters, reduced social benefits and limited work permits while the case was pending, sanctions on carriers that brought in passengers without documentation, and visa requirements (Schneider, 1989, Kaye, 1992). The objective was to discouraged presumptive "economic refugees" from clogging the asylum process. The problem of "manifestly unfounded or abusive applications" was also tabled in the UNHCR's Executive Committee (UNHCR, 1983), giving rise to the controversial term "abusive asylum seeker".

The Schengen and Dublin agreements were formulated in the context of a process designed to control border crossings, including drug smuggling, terrorism and illegal migration. As a result, the asylum question acquired the dimension of illegality, appearing as a problem for the state rather than a need of the individual (Joly 1992). The agreements sought to strengthen control of the common external border by harmonizing visa policies, carrier sanctions, and — of great significance — permit the asylum seeker to lodge only one application within the community (Loescher, 1989, Plender, 1989).[16] To prevent asylum seekers from moving — or being compelled to move — from one European country to another in search of asylum, the Dublin convention gave the asylum seeker only one chance to

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[15] An inter-governmental study found that only 25,000 out of 110,000 rejectees in 1990 had actually left the country voluntarily or "with the direct assistance of law enforcement authorities" (IC, 1992, p.11). The rest had melted away, probably working in the black economy or applying for asylum in a neighbouring country.

[16] A forerunner of the Dublin Convention, the Schengen Agreement was developed during the second half of the 1980s and signed by Belgium, Germany, the Netherlands, and Luxembourg in 1990, with Italy, Portugal and Spain joining the following year and Greece being an observer. The Dublin Convention was signed by all EC members in 1990 and is open for association to non-EC European states.

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apply by placing the exclusive responsibility for processing and support on the country where the applicant first appeared.[17]

When the Cold War division of Europe disappeared, ex-Warsaw Pact states were also incorporated into the common asylum regime. The intention was to control East-West migration in all its aspects. This included general attention to "root causes", but more immediate plans for exchange of information about travel routes, border controls, visa requirements, carrier control, and mechanisms for return of illegal migrants. Organized as a system of conferences and continuous consultations known as the Vienna and Berlin processes (after ministerial meetings in 1991), the scheme applied to East European nationals as well as transiting travellers.

Since few asylum seekers are in a position to obtain proper documentation before flight, most appear as illegal immigrants until an asylum application is lodged. Measure to control illegal migration consequently affect access to asylum. In addition, several East European countries (Poland, Hungary and Czechoslovakia) tightened their asylum policies in 1990-91. By a "strict adherence" to the 1951 Convention's concept of persecution, the number of asylum applications from both the region and beyond was brought down (SOPEMI 1992)

In an extraordinary exercise of international consultations, the European states also brought North America and even Australia into the regime. Informal but increasingly institutionalized deliberations proceeded through a separate forum called the Informal Consultations, headquartered in Geneva.

Altogether, the restrictions delineated an international division of labor designed to make it more difficult for presumptive refugees to reach Europe's "civil space". This applies both to persons from the former Eastern Europe and non-Europeans. Once a process is initiated, it will be streamlined and shortened. At present, European asylum procedures vary greatly. Until they are unified, as stipulated by the 1991 Maastricht Treaty, existing harmonization policies will favour the least liberal level. The collective-action mechanisms of the Schengen and Dublin agreements will penalize the state with the most liberal asylum process, as that state will end up with most claims. Recent moves in Germany to abolish the Constitutional guarantee of political asylum are evidence of this mechanism.

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[17] This issue had for many years prevented the Council of Europe from developing a regional convention on asylum. The problem of asylum seekers who were sent from one airport to another in Europe as each country wanted to offload its problem proved the stumbling block. The North European countries argued that the country where the claimant first appeared should have the primary responsibility for processing, the Southern European countries — which were the principal points of entry for asylum seekers from the Middle East and Africa — countered that responsibility should fall on the intended destination of the claimant (Kjærum and Horst, 1991).

Moreover, the rule which permits only one application will remove many "degrees of freedom" for asylum seekers who presently can file claims in several countries.

The full impact of the Schengen\Dublin agreements — which are not yet ratified by all participating states — remains to be seen. So far, even severe national restrictions have had limited effect. Measures introduced by most Western European states during the second half of the 1990s — including carrier sanctions, visa requirements, shortened processing and, in Germany a 1987 Act that drastically reduced the social benefits — made no dent in the upward trend of applications (see Fig 2; Danish Refugee Council, 1988, 1991). The authorities admitted as much by looking for additional measures. One widely discussed model was the agreement concluded in 1991 between the Schengen signatories and Poland to return of persons with unfounded claims (Widgren, 1992). Several governments also adopted the principle of "safe country", denoting a state where persecution did not exist and from which asylum applications by collective determination were excluded. Similar "safe country" principles also applied to the return process.

It was a measure of the pressure on the asylum institution that these deeply illiberal measures were widely accepted as necessary to save the institution itself. As professor Hailbronner argued in a report from a legal experts committee established by the Council of Europe: "The present system of asylum procedure can be characterised as extremely inefficient in terms of waste of resources, and of very doubtful value for the protection for those whose need is greatest" (Hailbronner, 1991, p.4). For the same reason, Hailbronner commended the use of "safe country" profiles to weed out bogus claims (e.g. mass claims from Eastern European states in 1990-91 when the collapse of oppressive regimes made political persecution less likely, but exit much easier). [18]

Probably the main danger was that the access *to seek* asylum would be severely restricted. The point was made in the Council of Europe, the European Parliament and by the UNHCR (Council of Europe, 1992). Carrier sanctions were criticized, and it was feared that the harmonization policy would jeopardize individual rights and due process. Neither the Schengen nor the Dublin agreement made reference to the European Convention on Human Rights, which implicitly recognizes the right to seek asylum (Einarsen, 1990). As human rights law increasingly appeared as a source of defense for refugees against restrictive states, failure to cite the pre-eminent European instrument in this regarded was significant. In the balance between states rights and individual rights, the Schengen\Dublin tendency was unambiguous. A Council of Europe report concluded:

[18] The practice of sending asylees back to countries deemed safe, however, was more doubtful — a concern echoed in the Canadian debate (Adelman 1992).

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"The national administration of the Twelve [signatories] ... seems more concerned by reducing, sharing and distributing the burden [of refugees] ... than by protecting the basic rights of asylum-seekers and "de facto" refugees. The European Community move towards a common asylum policy is often perceived as a sort of competition between the twelve member states to introduce higher restrictions towards refugees in order to become less attractive than others as a country of asylum. Such a restrictive asylum policy reinforces the idea that a "fortress" Europe is being built" (Council of Europe, 1992). The report was penned by Sir John Hunt, Conservative, of the United Kingdom.

The policy opened for another kind of criticism by introducing standards of eligibility and access that previously had not been applied to refugees from communism. Lack of consistency, critics could claim, reflected thinly guised xenophobia and racism, and pandered to the extreme right.

The driving force in the attack on Europe's new asylum policy was a small but vocal circle of NGOs, scholars and human rights activists organized on an all-European basis (SIM, 1989, Amnesty International, Kjærum and Horst, 1991, Joly and Cohen 1989, Nobel 1987). Taking human rights as their starting point, they argued that the fundamental rights of asylum seekers were endangered. Harmonization of asylum policies was both necessary and desirable, but the process must aim to protect the asylum seekers, not serve the interests of states. The European NGO for asylum seekers, ECRE, called in 1989 for a parallel Schengen agreement to protect, assist and resettle asylum seekers (ECRE,1989). The NGOs demanded a greater role in the asylum determination process, and revived the idea for a convention on asylum as well as a broader definition of refugee, equivalent to the OAU and Cartagena categories for victims of violence (SIM, 1989). If the result were an increase in Europe's asylum burden, so be it: from the perspective of global burden-sharing and the existence of some 12-14 million refugees worldwide, Europe should rightly accept more.[19]

The debate revealed the underlying agony in European attitudes towards refugees. The contradiction between states rights and human rights was particularly sharp because asylum had come to mean permanent entry. Although national laws often implied a temporary stay, return to the country of origin was rare. Moreover, the control and selection that was possible when subscribing to UNHCR quotas of resettlement refugees could not be exercised when asylum seekers presented themselves on the border. Both points were demonstrated — if not resolved — by the refugee crisis which accompanied the disintegration of Yugoslavia.

3.2.1 The Yugoslav crisis: In refugee terms, Yugoslavia became Europe's Central America. The civil war in the early 1990s displaced people on the southern rim

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[19] Arguing that Western Europe's recognized refugee population in 1988 was only 0.17 per cent of Europe's population, Joly and Cohen (1989) denounced the "semi-hysteria" displayed by European governments and media, and noted that affluent Europe's share of the world's refugee population was indeed minute.

of Europe on a scale that the region had not experienced since World War II. As the European responses crystallized, a new orthodoxy formed: refugees should be aided as close to the center of conflict as possible — preferably within their own country. Failing that, external asylum should be explicitly temporary (ECRE 1992, UNHCR 1992, USCR 1992).

The severe limitation on asylum which this implied was underlined by frequent imposition of visa requirements on nationals from the war-torn area. By mid-July 1992, just before a Geneva conference confirmed the response as an all-European policy, Austria, Germany and Switzerland had effectively closed their borders to new arrivals from Bosnia Herzegovina, requiring visa and evidence of sustenance before entry. As this choked off the flow to countries further North, the latter generally did not require visa. The situation foreshadowed the vision of a united Europe free from the victims of war as strikingly specified by Art 100\C, para 2 of the Maastricht treaty: In an emergency outside the treaty area, the member states can impose visa restrictions in order to prevent mass inflows.

While seeking to keep out Yugoslav refugees, West European states generously financed relief assistance for displaced persons within the area, mainly in Croatia and Slovenia, as well as providing relief to besieged Sarajevo and other cities. In addition, some countries took in smaller number of particularly vulnerable persons in highly controlled and symbolic humanitarian gestures.

The result was soon evident. Of slightly over 2 million refugees from the former Yugoslavia by mid-1992, about 1.7 million remained in Bosnia Herzegovina or in Croatia and Slovenia. By far the largest group of those who had made it to Western Europe were Kosovo Albanians, many of whom had arrived before the civil war erupted (see Table 7).

From the outset, the UNHCR encouraged wider asylum by calling for temporary protection until the war ended. The experience from Croatia was encouraging; relative peace in early 1992 had enabled two-thirds of the 1.2 million Croatian refugees in neighbouring areas to return. Recognizing this, and the severity of the humanitarian crisis, some European governments softened their practice. Nationals of ex-Yugoslavia who managed to enter were rarely returned. Most were not processed for formal asylum but given various forms of temporary stay, sometimes grounded in new administrative regulations (Italy and the Netherlands), at other times simply resulting from a decision neither to process nor to deport (Norway, Belgium). States with a resident Yugoslav population originating from earlier guestworkers readily issued family visitors visas.

The alternative to this patchwork of protection would have been an organized system of temporary mass asylum throughout Western Europe with appropriate mechanisms for collective eligibility, burden sharing and return. The idea was familiar to legal experts (Grahl-Madsen, 1980, Melander, 1987, Einarsen, 1992)

and had surfaced during the Central American refugee crisis. A formal proposal that contained all the elements of a collective, temporary regime was presented by the Swedish government to the UNHCR already in April 1992. The idea was discussed at the high-level Geneva conference called by UNHCR to deal with the Yugoslav crisis in July 1992, was endorsed by support groups (ECRE 1992b), and met with official interest in Germany, Switzerland, and Sweden. Opposition from France and the United Kingdom, however, blocked further progress. Given a general reluctance to accept refugees, individual states could veto a collective regime by refusing to take "their" share.

Affluent states, it seems, react similarly to the presence of war refugees in their immediate neighborhood — although for different reasons. The U.S. government wished to deny the existence of refugees from El Salvador because they fled from a client state. In Western Europe, political considerations should have favored the refugees, yet European unhappiness with Serbian forces was insufficient to give asylum to their victims. The overriding European concern was fear that mass inflows would be a burden, and that the attractions of EC's affluent, civil space would make the presence permanent.

The UNHCR did not aggressively advocate a more liberal European asylum regime. Having always been dependent on voluntary contributions to finance its activities, the UNHCR had developed an organizational code of cautious diplomacy which showed also this time. The Balkan emergency necessitated recurring appeals for relief and supplies to prevent mass starvation in the embattled areas. It would have required strong leadership to press the industrialized states for additional asylum concessions, especially as any significant off-loading from ex-Yugoslavia would have involved taking out thousands of persons.

The question, then, must be addressed, did it matter? Was not the "Yugoslav solution" optimal on political as well as ethical grounds?

4.   Internalization of asylum: A new trend

Policy towards asylum is integrally linked to what follows — settlement or return. In Western practice and consciousness, the concept of asylum as a prelude to settlement was firmly anchored. Return had not been a relevant alternative for emigrés from the Russian revolution, Jews who fled Nazism, or Europeans who escaped communism. The same principle was applied to the developing world for Cubans and Indochinese who left communist regimes *en masse*.

As the 1990s opened, the industrialized states were ready for a change. Communism had collapsed and compassion for refugees was strained, as were the capitalist economies. Fearing cumulative asylum demands from a populous and

turbulent world, the Western dominant powers suggested a new agenda. More attention should be given to prevent flows by dealing with root cause. Repatriation must be encouraged — 1992 was to be The Year of Repatriation, as the High Commissioner for Refugees said in 1991 — and mass flows should be aided close to home so as to encourage return.

The new trends in the global refugee regime were evident during the Yugoslav crisis, and, before that, in the 1991 Gulf war. When the Kurds rebelled during the closing phase of the war and Turkey closed the border, the U.S-led coalition established a zone for Kurdish refugees inside Iraq. Widely applauded as a model of humanitarian intervention, the immediate effect of denying *external* asylum was nevertheless widespread death and suffering as thousands of Kurdish refugees were stranded in an inhospitable border area. Nor did the strategy address the critical political question as to who in the long run would protect the zone. Intervention clearly might beget further intervention, setting in motion a process that in the absence of even a rudimentary international convention regulating humanitarian interventions was problematic (Henkin et al.,1989, Childers, 1992). On a much smaller scale, the UNHCR also sought to internalize aid and protection in Sri Lanka by establishing Open Relief Centers for displaced persons within the country (Rodgers 1992).

Despite the obvious advantages of asylum based on the proximity principle, serious concerns remain. The most immediate question is whether asylum close to the center of conflict actually will assure protection. There are other problems. Neighbouring areas may become overloaded, resulting in hardship for both refugees and the local population, new conflicts, and eventually denial of asylum. All tendencies were by late 1992 evident in Croatia. For states further away, the proximity principle will act as a sedative to relax their efforts to give assistance, let alone addressing the root causes of outflows (ILO\HCR, 1992). Finally, because admitting refugees from the region has been a norm, not to do so is sending a message of indifference that may actually worsen the plight of the affected people, especially when these are identifiable communities targeted for attack as in "ethnic cleansing" (Suhrke, 1992).

5. Conclusions and policy implications

As we have seen, pressure on contemporary asylum institutions differs significantly across regions and countries. A basic reason is that asylum is granted and, hence sought, with reference to essentially political conflicts. The structure of political conflict, in turn, is highly variable and distinct from the more uniform tendencies that occur throughout much of the world such as demographic pressures, uneven economic development, and environmental degradation. These factors typically increase social tensions and outmigration, yet, they will not produce large flows of asylum seekers unless political upheaval also occurs. This

is frequently, but not always the case. For instance, areas of Central America and Southeast Asia that recently produced huge refugee flows are now evidently entering a period of relative peace and political stabilization.

Other areas, including parts of the Middle East and much of Africa, will no doubt remain refugee-producing regions. In Eastern Europe and the former Soviet Union, political disintegration has created extreme uncertainty, one major and several small civil wars so far, and a potential for mass movements.

Mass outflows typically create intense pressure on the asylum institution in neighbouring areas; contemporary communications makes significant flows to more remote countries possible as well. All indications suggest that the pressure on Western Europe will remain high and probably increase in the foreseeable future. In Europe, as in the affluent and industrialized states of the North generally, asylum poses particular problems because these have long been receiving — but not sending — countries for refugees. The asymmetry in dependence weakens the institution: asylum becomes a one-sided obligation for the rich, resembling aid transfers. Unlike foreign aid, however, asylum means accepting new members into the community, often on a permanent basis. During much of the Cold War, admission was ideologically justified and reinforced by fresh memories of the refugee crisis in the Western world itself during the 1930s and the 1940s. This epoch is now closing, as the debate over Article 16 in the German Constitution symbolizes. In the post-cold war world, the rationale for granting asylum in the North rests on the uncertain base of humanitarianism and a general interest of states in upholding international order. Moreover, inherent suspicion that asylum-seeking in the affluent North is in part a disguised migration also weakens the institution.

In policy terms, this points to three areas of challenge. First, the institution of asylum itself must be made more efficient, both with respect to screening mechanisms and the capacity to provide different types of protection (e.g. temporary versus permanent). Second, receiving states must recognize that refugees themselves represent productive assets that can be mobilized to reduce the costs of asylum. In the African context, this has been much discussed as a means of securing mass asylum in poor states. For states in the North, it suggests closer integration between refugee and immigration policy, as discussed in Canada. For instance, asylum seekers in Western Europe presently represent from one third to one half of the regular immigration. In an emergency situation, immigration might be reduced to accommodate more refugees, and vice versa. While refugees may not meet all immigration criteria, eventual substitution of refugee for immigrant in terms of skills is probably possible.

Even assuming progress in these respects, the demand for asylum will probably grow. A basic policy clarification is therefore required. As a long-time advisor to the UNHCR notes, some of the current pressure on the institution stems from the

notion that asylum can be used to attain programmatic rights and redress general wrongs (e.g. religious discrimination, systemic exploitation and denial of political participation (Jaeger, 1992). The institution of asylum, however, has developed historically and legally to provide special benefits in situations of unusual hardship such as war and persecution. Where the line is drawn in practice between, say, discrimination and persecution will vary. But at a time of considerable pressure on the institution of asylum itself, it is important not to lose sight of its essence.

Generally, programmatic rights must be dealt with through long-term policies that address the sources of conflict. Root cause strategies include development policy, promotion of human rights, and peace-making, and are in current UN discourse considered part of a "comprehensive refugee policy" (ILO\HCR, 1992, Suhrke, 1992). The UNHCR as an organization, however, can play only a limited role in this area, mainly by focusing attention on the interconnections between policy, violence and refugee flows.

The UNHCR can be more active in an intermediate area of prevention. Termed "preventive protection" during the Yugoslav crisis, the strategy consists of establishing UNHCR presence in or near conflict areas so as to provide relief and protection and, simultaneously, deter further violence (UNHCR,1992). The strategy is closely related to current tendencies to internalize asylum, which has as its main objective the prevention of mass outflows. As discussed above, the implications are not unproblematic.

The above analysis also has more specific policy relevance.

5.1 Asylum

Two types of asylum must be noted at the outset: individual applications for protection under the UN Convention or equivalent instruments, and mass displacement caused by war or other social disasters that most immediately require temporary protection.

5.1.1 Individual asylum: Access to seek asylum is at the core of the institution in its contemporary legal-philosophical form. If access is provided, it is easier to effect the second and necessary part of the operation, i.e. to return persons with unfounded claims. The problem of manifestly unfounded claims that may clog the process has no easy solutions, and was a main stumbling block for attempts to create a Convention on Asylum in the late 1970s.

International cooperation can greatly reduce the costs of the asylum process (i.e. costs to the asylum seekers as well as the receiving society). A major problem in Europe, partly also in the Americas, is that separate national jurisdictions permit

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asylum seekers to file claims in several places ("asylum shopping"), and enable states to pursue beggar-thy-neighbour policies by returning refugees to the last "safe country" transited. Since liberal states will attract a disproportionate number of claims, the result is a competitive process among states to exclude.

The alternative is an international regime that grants asylum through a common process and unified criteria, and which allocates the beneficiaries among member states according to mutual needs, capabilities and preferences. As professor Adelman has argued, this would be "shared responsibility in its authentic sense", and also provide reasonable security and freedom to the asylees (Adelman 1992). It would be an advanced version of the present UNHCR system of quota refugees, whereby states subscribe to a number of refugees who as a result can move from first asylum areas to resettlement.

The harmonization of asylum policies in Europe since the mid-1980s represents a step in this direction. As yet, however, the European regime is a half-way house that promises reduced costs to the states but less freedom for the asylum seekers. The competitive process to exclude still prevails. The same applies to relations between North America and Europe, and U.S.- Canadian relations. There is an urgent need, therefore, to move regional and international asylum regimes forward.

5.1.2 Temporary protection: Historically, situations of generalized violence including civil and international war have caused large population displacement and permanent migration. These flows were most readily received when there was a strong political rationale for doing so, or when refugees met immigration criteria. Without such conditions, the response to large refugee flows must be temporary protection.

At present, temporary protection is discussed as the optimal solution for mass flows from conflicts such as civil war (Yugoslavia), religious-ethnic pogroms (Myanmar), and military coup (Haiti). In all cases, the conflict appears as a temporary deviation from — if not peace — at least some degree of normalcy. There is a presumption that the status quo ante can be restored, possibly with the aid of international pressure and diplomacy. If neighbouring states host large refugee populations awaiting return, they clearly have an incentive to find an end to the conflict. The primary need is thus to provide mass protection to all victims and vulnerable groups in an interim period.

Some elements are already there. Certain states give various forms of temporary protection. Mass protection without individual determination of eligibility has been part of the UNHCR mandate in developing countries since the 1960s. Rudimentary regimes already exist in the form of international, typically regional, coordination to deal with refugee-producing crises. What remains is to formalize this into predictable, collective action.

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The logic is the same that applies to individual asylum. In a crisis, refugees will flee towards the most accessible, safe areas. Because the costs of denying protection can be high in terms of death and suffering — the ultima ratio of humanitarianism revealed — neighbouring countries find it difficult to do so consistently. Yet, a system of burden-sharing will ease the task. Ad hoc arrangements in individual crisis situations do not add up to a regime; the very essence of a regime is to establish norms for joint management of a common but unevenly impacting problem. The presumed result is a reasonably efficient and equitable process that enhances international order (Krasner, 1983). In the long run, it is clearly in the interest of most states to have a reliable framework for burden- sharing, since no one knows on whose frontier refugees will appear next.

5.1.3 Institutional reforms in the international refugee regime: Reflecting the pattern of refugee flows, formalized refugee regimes will probably mean greater regionalization in response. This will accentuate the obligation of richer regions and states to transfer funds to poor and hard-pressed areas. As the massive crisis in Somalia in 1992 demonstrates, acceptance in principle may not be sufficient.

To avoid fragmentation, it is also advisable to retain the UNHCR as the primary agent of refugee protection. Previous attempts to develop regional protection agencies failed, notably under the OAS in 1967 (Yundt, 1989). The UNHCR itself, however, suffers from a structural weakness that again was revealed by the Yugoslav crisis. Without a secure financial base, the organization remains hostage to the political interests of the principal donors. As a result, the only organization in the UN system that has a vested interest in protecting refugees is often prevented from raising this very issue forcefully. On the other hand, assessed contributions from member states would constitute a secure financial base only to the extent that members actually paid their dues.

5.2 Research needs

Growing pressure on the asylum institution in many parts of the world has generated a search for adjustment through innovative asylum mechanisms, streamlining of procedure, new aid strategies and collective action. Some of these issues are relatively new, with only a scattered and incomplete scholarly literature. More social science research in these areas would provide a firmer foundation for policy. This includes the origin and nature of regional refugee regimes, systems of temporary protection (including conditions for return), possibilities for integration of refugee policy and immigration policy, and conditions as well as full implications of strategies of "preventive protection".

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Table 1

Estimates on asylum applications in Europe, North America and Australia 1983-1991 (rounded figures)

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1983-1991
Europe	75,000	110,000	178,000	214,700	203,150	243,950	321,900	461,100	599,400	2,407,700
IGC countries	65,400	98,300	164,400	194,200	172,250	220,450	306,900	426,100	544,400	2,192,400
Central Eastern and Southern Europe	9,600	11,700	14,100	20,500	30,900	23,500	15,000	35,000	55,000	215,300
North America	25,000	31,400	28,400	41,900	61,100	102,000	122,000	109,600	100,500	621,900
Canada	5,000	7,100	8,400	23,000	35,000	45,000	22,000	36,000	30,500	212,000
USA	20,000	24,300	20,000	18,900	26,100	57,000	100,000	73,600	70,000	409,900
Australia	--	--	--	--	--	--	500	3,600	16,000	20,100
Total	100,000	141,400	206,900	256,600	264,250	345,950	444,400	574,300	715,900	3,049,700

Source: Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC), Geneva, *Statistical Tables*, 1992.

Table 2

Estimates on asylum applications in European participating states 1983-1991 (rounded figures)

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1983-1991
Austria	5,900	7,200	6,700	8,700	11,400	15,800	21,900	22,800	27,300	127,700
Belgium	2,900	3,700	5,300	7,700	6,000	5,100	8,100	13,000	15,200	67,000
Denmark	800	4,300	8,700	9,300	2,800	4,700	4,600	5,300	4,600	45,100
Finland	-	-	-	-	50	50	200	2,500	2,100	4,900
France	14,300	15,900	25,800	23,400	24,800	31,600	60,000	56,000	46,500	298,300
Fed.Rep of Germany	19,700	35,300	73,900	99,700	57,400	103,100	121,000	193,000	256,100	959,200
Italy	3,000	4,500	5,400	6,500	11,000	1,300	2,200	4,700	31,700	70,300
Netherlands	2,000	2,600	5,700	5,900	13,500	7,500	14,000	21,200	21,600	94,000
Norway	200	300	900	2,700	8,600	6,600	4,400	4,000	4,600	32,300
Spain	1,400	1,100	2,300	2,300	2,500	3,300	4,000	8,600	8,100	33,600
Sweden	3,000	12,000	14,500	14,600	18,100	19,600	32,000	29,000	27,300	170,100
Switzerland	7,900	7,500	9,700	8,600	10,900	16,700	24,500	36,000	41,600	163,400
United Kingdom	4,300	3,900	5,500	4,800	5,200	5,100	10,000	30,000	57,700	126,500
Total	65,400	98,300	164,400	194,200	172,250	220,450	306,900	426,100	544,400	2,192,400

Source: Intergovernmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America (IGC), Geneva, *Statistical Tables 1992*.

Countries of origin ranked according to their contribution of 75 per cent of all asylum applications submitted in Europe during 1983-1989[1]

1983[2]		1984		1985		1986	
Sri Lanka	8.85	Sri Lanka	13.41	Sri Lanka	17.66	Iran	18.96
Iran	8.04	Iran	11.60	Iran	12.71	Poland	10.28
Turkey	7.99	Poland	10.96	Turkey	9.91	Turkey	9.81
Poland	7.83	Turkey	10.71	Poland	8.50	Lebanon	6.13
Czecho-slovakia	6.64	Various	5.29	Lebanon	5.23	Ghana	5.28
Viet Nam	5.94	Czecho-slavika	5.26	Ghana	5.13	Sri Lanka	5.24
Cambodia	5.04	Ghana	5.16	Various	4.06	Various	4.91
Ghana	4.80	Romania	3.53	Other Afria	4.00	Other Africa	4.37
Zaire	4.68	Lebanon	3.41	India	3.37	India	4.01
Romania	4.47	Ethiopia	3.39	Czecho-slovakia	2.88	Romania	3.49
Other Africa	3.79	Other Africa	3.33	Pakistan	2.86	Pakistan	2.51
Hungary	3.03					Czecho-slovakia	2.36
India	2.95						
Chile	2.72						
Total	*76.77*		*76.03*		*76.31*		*77.34*
No.of countries	14		11		11		12
1987		1988		1989		1983-1989	
Turkey	14.53	Poland	18.96	Turkey	16.87	Turkey	13.28
Poland	11.60	Turkey	15.13	Romania	13.61	Poland	11.58
Iran	11.23	Yugoslavia	10.29	Poland	9.78	Iran	10.12
USSR	5.59	Iran	8.36	Yugoslavia	7.53	Sri Lanka	7.38
Other Africa	5.29	Romania	4.57	Sri Lanka	5.75	Romania	6.35
Sri Lanka	4.40	Other Africa	4.03	Iran	4.33	Yugoslavia	4.95
Yugoslavia	4.24	Sri Lanka	3.52	Lebanon	4.28	Other Africa	4.24
Hungary	3.84	Lebanon	2.90	Other Africa	4.22	Lebanon	3.87
Romania	3.70	Zaire	2.89	Zaire	3.10	Ghana	3.62
Chile	3.67	Chile	2.77	Somalia	2.75	Zaire	2.83
Ghana	3.34	Hungary	2.55	Bulgaria	2.31	Checho-slovakia	2.83
Zaire	3.22			Ghana	2.31	India	2.54
Czecho-slovakia	2.82					Pakistan	2.45
Total	*77.48*		*75.97*		*76.83*		*76.04*
No. of countries	13		11		12		13

[1] "Various" refers to a category of asylum applicants with no further indication of nationality.
[2] Figure includes Indochinese arrived in 1983 under French resettlement quotas.
Source: Hovey, B. (1992), based on UNHCR data.

Table 4
Annual number of asylum applications by European country origin submitted between 1983 and 1991

Country of origin	1983	1984	1985	1986	1987	1988	1989	1990	1991	Total (thousands)[1]
Albania	1	*	*	*	*	*	*	5	27	34
Bulgaria	*	*	*	*	*	1	8	13	17	17
Czecho-slovakia	5	5	5	5	5	5	7	2	2	2
Hungary	2	2	3	4	7	6	3	1	1	1
Poland	6	11	14	21	21	44	34	16	8	8
Romania	3	4	4	7	7	11	47	80	64	64
USSR	*	*	*	*	10	1	1	5	11	11
Yugoslavia	1	1	2	3	8	24	26	33	115	115
Other	1	*	*	*	*	*	*	*		
Total[2]	19	24	30	41	58	91	128	155	245	791
(percentages)										
Albania	2.9	1.6	1.6	0.7	0.4	0.2	0.2	3.2	11.0	4.3
Bulgaria	1.7	1.7	1.4	1.1	0.6	0.6	6.3	8.4	6.9	5.2
Czecho-slovakia	25.1	21.9	16.2	11.7	8.8	5.1	5.8	1.3	.8	5.2
Hungary	11.4	9.3	10.5	10.1	11.9	6.6	2.7	.6	.4	3.8
Poland	29.5	45.7	47.7	51.0	36.1	48.7	26.5	10.3	3.3	22.1
Romania	16.9	14.7	15.0	17.3	11.5	11.7	36.9	51.6	26.1	28.7
USSR	0.7	0.4	0.5	0.3	17.4	0.6	1.0	3.2	4.5	3.5
Yugoslavia	4.9	4.1	6.9	6.8	13.2	26.4	20.4	21.3	46.9	26.9
Other	6.8	0.6	0.2	0.9	0.2	0.2	0.3	*	*	*

* = less than 500 applications. (1) Rounded to nearest '000. (2) Totals may differ due to rounding.
Source: Statistical Tables, IGC, Geneva 1992; and Hovy, B., 1992

Table 5
Asylees and refugees in select countries in Europe and North America 1989

	Asylum-seekers	Refugees resettled and persons granted asylum
Canada	22,000	35,000
France	60,000	8,711
Germany	121,318	5,991
Netherlands	13,900	2,955
Norway	4,000	7,450
Sweden	32,000	23,961
Switzerland	24,500	821
United Kingdom	16,000	1,587
United States	100,000	
		106,250
		(97,021+9,229)[1]

1) Refugees resettled and persons granted asylum.
Source: Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Asutralia (IGC), Geneva; and U.S. Department of State, World Refugee Report, Washington D.C., September 1990.

Table 6
Migrants and asylum-seekers in selected OECD countries
(in thousands)

| | 1985 | | 1989 | |
	Migrants	Asylum-seekers	Migrants	Asylum-seekers
Belgium	37.5	5.3	43.5	8.1
France[1]	43.4	28.8	53.2	61.4
Germany	324.4	73.8	649.5	121.3
Netherlands	40.6	5.6	51.5	13.9
Norway[2]	14.9	0.8	14.0	4.4
Sweden[3]	13.4	14.5	28.9	30.0
Switzerland[4]	59.4	9.7	83.4	24.4
United Kingdom[5]	55.4	5.4	49.7	16.5
United States[6]	534.0	16.6	534.0	100.0

1) Entries of new foreign workers, including holders of provisional work permits (APT) and foreigners admitted on family reunification grounds. Does not include residents of EEC countries (workers and family member) who have not been brought in by the International Migration Office (OMI).
2) Entries of foreigners intending to stay longer than six months in Norway.
3) Some short duration entries are not counted (mainly citizens of other Nordic countries).
4) Entries of foreigners with annual residence permits, and those with settlement permits (permanent permits) who return to Switzerland after a temporary stay abroad. Includes, up to 31st December 1982, holders of permits of durations below 12 months. Seasonal and frontier workers (including seasonal workers who obtain permanent permits) are excluded.
5) Entries correspond to permanent settlers within the meaning of 1971 Immigration Act and subsequent amendments.
6) Legal ceiling until 1990.
Source: SOPEMI. *Trends in International Migration*, OECD, Paris 1992 and U.S./Immigration and Naturalization Service, *Statistical Tables*.

Table 7
Registered refugees from former Yugoslavia, June-August 1992

Western Europe*	Formal asylum-seekers	Total[1]	Visa restr. on persons from former Yugoslavia
Austria	12,000	50,000	Yes (BH only)
Denmark**	1,100 (1,500)	-	No
France***	1,800 (?)	-	Yes
Germany	146,000	200,000	Yes (BH only)
Italy	1,600	11,000	Waived
Netherlands+	9,500	10,000	Yes
Norway	1,900 (?2600)	-	No
Spain	-	-	n.a.
Sweden	41,800	50,000	n.a.
Switzerland	9-16,600	18,000	
Turkey	26,000	n.a.	n.a.
United Kingdom	1,600 (?724)		No
Others			
Sub-total	231,700	350,000[2]	
Hungary	25,000[3]	50-60,000[4]	No
Total	*231,700*	*410,000*	
From Bosnia Herzegovina			
Internally displaced		1,000,000	
Croatia		700,000	
Slovenia		63,000	
Total		*1,763,000*	

1) Including visitors visa, family ties and other categories of entry
2) Estimated origin: Kosovo - 170 000, Bosnia Herzegovina - 80 000, Croatia - 70 000, Serbia-Montenegro - 30 000
3) ca. 20 000 Croatians
4) Of which possibly including 35 000 Croatians
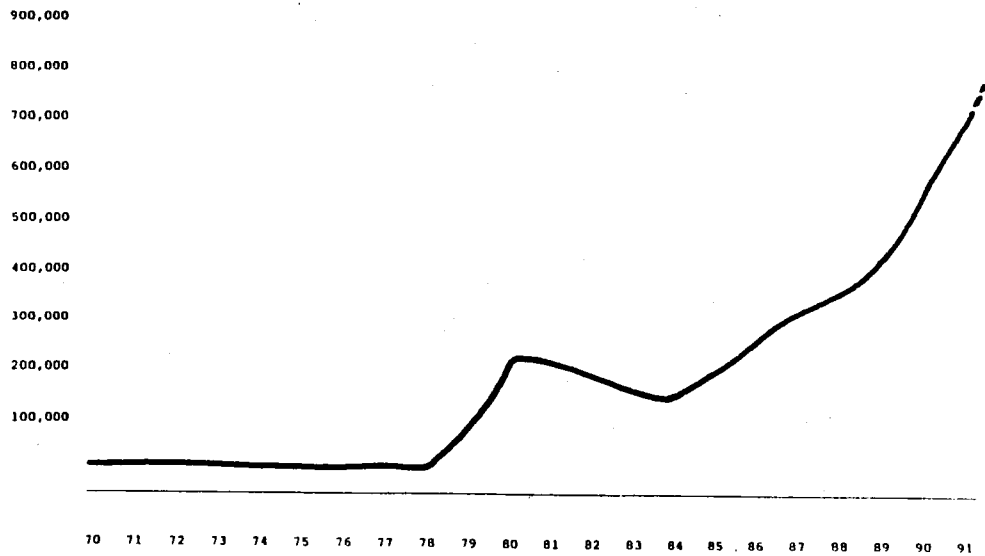* Belgium: aggregate figures not available. Monthly arrivals ca. 2-300 in July -92.
** 100-150 arrivals monthly
*** Rough estimate
+ 4-600 arrivals per week since early July
Source: UNHCR, Der Spiegel (1992).

Figure 1
Asylum applications in participating states 1970-1992

Source: Intergovernmental consultations on Asylum, Refugee and Migration Policies in Europe-North America and Australia (IGC), Geneva, *Statistical Tables, 1992.*

Figure 2
Annual asylum applications in European regions 1983-1991
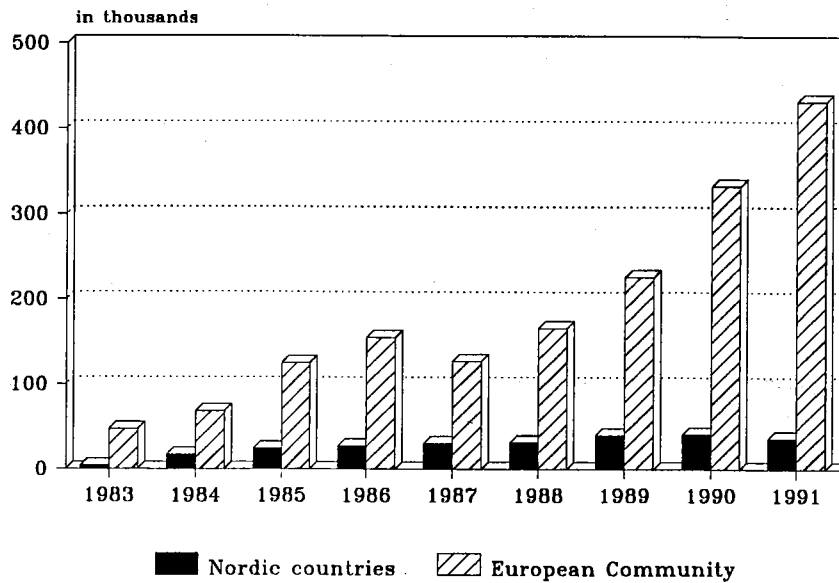
Nordic: Denmark, Finland, Norway, Sweden. EEC: All 12 except Luxembourg.
Source: UNHCR, as cited in Hovy (1992).

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