Reconciling State Interests with International Responsibilities: Asylum in North America and Western Europe

PHILIP RUDGE*

Elie Wiesel, Nobel Prize Winning writer: *'Refugees are persons doomed to live in divided world between countries in which they cannot live and countries which they may not enter.'*
US Committee for Refugees, 1997 World Refugee Survey: *'Never was asylum in more doubt in more places than in 1996 ... (but) ... the challenge to asylum did not start in 1996. The principle of asylum has been eroding for years. And the erosion did not start in Africa. It started in Europe and United States.'*

Introduction

I would like to congratulate the organisers of this symposium for the timeliness of the event, although when they planned it they could not have known the full details of the recent grim and unsatisfactory Executive Committee meeting of UNHCR. Given the deafening silence of most governments last week when UNHCR came under abusive attack, and with the tendency of States to go back on some of their established obligations in their consideration of Executive Committee conclusions, it is no wonder that UNHCR must feel rather friendless at times like these.

Thank you for the invitation to speak at this seminar even though I

officially left office as General Secretary of the European Council on Refugees and Exiles (ECRE) in July. Considering the topic of our seminar today it is perhaps worth recalling that the concept that gave birth to ECRE was and still is that it is possible and very desirable to create a network of solidarity in the civil sector across frontiers in Europe for the promotion of the rights of refugees and asylum seekers. That held true from when I started at the end of 1983 until now, and that period has seen some of the most incredible historical events on the political level and unprecedented challenges to sustain the refugee protection cause. When we talk about 'State interests' we might recall that the Universal Declaration of Human Rights refers to the obligations not only of the governments but also of the peoples of the world. So no discussion of responsibility for the protection of refugees can omit the roles and responsibilities of the civil sector. I would like to mention this civic culture at the outset because as governments and international organisations struggle more or less successfully to deal with the refugee question in the future, the role and contribution of the civil sector is likely to become more significant. Some elements of this are becoming clear as the full implications of the new information revolution and of the reordering and redistribution of powers in the post-cold war period become gradually clearer.

Speaking from a purely detached point of view, part of the motivation to engage oneself in the refugee world is precisely because the refugee symbolises so many of the forces of good and evil in our global society. The way the international community deals with refugees speaks volumes about its human rights health, its fears and hopes, its weaknesses and strengths. It is normal when discussing the future of refugee policy to find oneself trying to put those issues in the academic context of evolving international relations, in a legal framework of developing human rights obligations, and within an ethical and values-based perspective of human solidarity. That is why the language of solutions is so difficult; that is why programmes of action and systemic adaptations are full of difficulty and can fail. One is dealing with a volatile concept and difficult, complicated and unpredictable human beings. How European and North American States reconcile their national interests with their international responsibilities is a very complex question. From whose perspective are we looking? What we do know for sure is that we cannot go on as we are without a rising cost of dissatisfaction, misery and expense. That is clear. There is too much worry with the current system, too much criticism of States practice, too much uncertainty about the role of UNHCR, too much human suffering that is not being addressed for us to stay as we are. And we cannot simply talk about the States' interests in Europe and North America without taking into account the acute inadequacy of responsibility sharing between the States of the north and those of the south.

I think we have to break out of a tedious debate where the non governmental side attributes the failures of current policies to the unpleasantness of governments towards protecting refugees, and the other, ie governmental, side talks all the time about the abuse of the right of asylum and the costs of it all. I think — or at least I hope — that most people now agree that the language of 'abuse' has gone too far. At best it is a simplistic response to the complexity of modern migrations; at worst it is a pretext for introducing negative measures that have no place in seriously addressing global developmental changes. There never was a 'golden age' of pure refugees which has now collapsed into a regime of abuse; it might indeed be interesting to see research into the past immigration streams that concealed what were actually refugee movements. I do not mean by this that we should avoid all controversy because I believe that it is normal, indeed essential, in the evolution of human rights standards to have a lively and informed debate. This is particularly true in the case of the institution of asylum. Although it is ancient, asylum is never safe as a concept; it has always had to be fought for between State power and civil society. Current State practice is very discouraging; but civil society in recent times has also not been very successful in fulfilling its obligations and in creating a public consensus for governments to be generous and to exercise that extra solidarity required to protect refugees.

Of course hundreds of thousands of refugees have been protected in Europe and North America in recent years. I think that is admirable. The fact that we have been able in Europe to maintain the principle of asylum for fellow human beings in terrible distress mean that many lives have been saved, many shattered people have regained dignity and sense of usefulness and made their contribution to the common weal, as we all do. A lot of people are, I think, proud of that, prouder than sometimes our governments believe. In fact I wish our governments were more genuinely pleased. It is noticeable these days there is no passion in them for doing the right thing! But having said that, there are a number of problems that make you wonder how strong the concept of international responsibility currently is. Surely in such an interconnected world international responsibilities *are* State interests; reconciled they must be. Why have our political leaders spent quite so much time and energy in developing policies which stop asylum seekers coming to us, and indeed in recruiting others to join in that strategy? Why do they find it so hard to accept that other migrations also are inevitable, they must continue to happen? I recall a recent quote from James Purcell, Director General of IOM: where he talked about all migrations as being among the 'great and good inevitabilities of this world. America was built on it; Hong Kong too. You cannot stop it; nor should you want to. It is energy on the march, and engine of progress'. But it is very difficult to reconcile this with the fears of national politicians. I do not only mean people like

Jean-Marie le Pen in France or Jurg Haider in Austria, or indeed Vladimir
Zhirinovsky in Russia, but I mean all those leaders who talk about
national controls as if London or Copenhagen or Prague or indeed
Washington was the centre of the universe. At the height of the European
regime of deterrence in the later 1980s there were occasions when many
of us really feared that the time would come when we would simply not
see the refugees any more, they simply would not reach us and report
on the torture, the murder, the repression and suffering they faced. With
all our technological and policing capacity we are after all nearly clever
enough to silence that voice altogether. Fortunately we were wrong, and
equally fortunately we shall never be that clever. However, the threat
seems to me to be still there. In mid-1996 I attended a conference in
California of most of the church related NGOs assisting refugees in the
USA. I was struck by how appalled they are at the proposed policy
changes in the US, not only in terms of the attack on refugees and asylum
seekers but in terms of the severe threat that the draft legislation before
Congress posed to that independent sector which acts to assist refugees
and other migrants. Last year also all the 60 member agencies in ECRE
met together, and in quiet tones debated whether or not the institution
of asylum would exist in Europe through the end of this century.

I think I quote Guy Goodwin-Gill when I pose the question: Why
have the European States been the leaders in the politics of restriction
and deterrence and the failures in addressing the agenda of alternatives
and solutions? In ECRE we have often reflected on whether the anxious
politics born of economic crisis, recession, unemployment and xenophobia
in Europe in the 1970s and 1980s had produced such a inward looking
national egotism that habits of solidarity or internationalism had been
lost permanently. I distinctly remember Margaret Thatcher saying that
the Good Samaritan would only help because he had the money to do
so, and thus she gave birth to the ugly concept that compassion depends
upon circumstances. She said it clearly: we cannot help the underclass
because we do not have the money to do so. This conveniently forgets
that the money will follow the will to act and the not the other way
round. What has happened to the will to act? What are the costs actually?
And what on earth had happened to the greatest budgetary disappearing
act of our times, the post-cold war peace dividend?

The last 10 years or so have seen our external political environment
change significantly in ways which I believe profoundly affect the issues
of refugee protection that we are addressing here. I would just touch on
some of the key issues in that environmental change:

First, the *Zeitgeist* is marked by a retreat from universalism towards a
powerful introversion and state of anxiety. Apparently this seems to
happen at millennia, so maybe we are suffering from a serious attack of
millennial *Angst*.

Second, it is clear that there is a certain loss of nerve in many democratic societies about their way forward in a wide range of their social and economic policies. This is partly due to some of the unpredicted effects of economic globalisation. It is also partly due to the pressures on the one hand towards political devolution towards smaller democratic regional models, and on the other towards membership of and the gradual ceding of sovereignty to regional supranational entities, notably the European Union. It is also related to the apparent intractability of social problems of crime, drugs, poverty, unemployment, racism and the decay of cities. One manifestation of the growing disillusion in many social sectors with current political failures is the age old instinct of scapegoating, and of course the refugee, the foreigner is a clear target for such scapegoating. The failure of European governments to assume decisive leadership against violent and ugly xenophobic tendencies seems to me one of the gravest political abdications of our time.

Third, we confront the growing phenomenon of the so-called 'failed States' where not even the minimum necessary guarantees are available from States authorities for a livable and tolerable life; and while we in Europe have been used to looking at this phenomenon elsewhere in the world, we may have reasons to worry about the lessons of Yugoslavia for the simmering ethnic conflicts elsewhere in eastern Europe and the capacity of States to cope.

Fourth, there is a real crisis over the possibility and effectiveness of peacekeeping, of which Bosnia is our nearest and most dramatic example.

Fifth, there is the shocking recurrence of forms of barbarism we thought were past: the use of poison gas again, the wildly irresponsible use of anti personnel landmines; the politics of ethnic cleansing; and

Sixth, there are quite radical shifts in the distribution of power among States, NGOs and other actors which I believe is enormously important but only now just becoming clear. I would like to come back to that last issue later.

The responses needed to these changed circumstances are perhaps self-evident but need constant reiteration: (a) belief in the idea that security before conflict is always better value; (b) that there is a need for an ethical universalism in public thinking; (c) that the promotion of democratic and pluralist values and minority rights need serious attention; (d) that more vigorous implementation of human rights mechanisms is urgently needed. We also need to freshen up an idea which is after all at the heart of UNHCR's protection mandate, and of all human rights thinking, namely a universal concept to help the victim.

From my experience the dialogue between States on the one hand, and many independent organisations and often UNHCR on the other breaks down around the basic argument about who is being realistic in the circumstances of the time. The stereotypical pattern is familiar: the

so-called 'idealists' on the one side; the hard headed 'realists' on the other. Well I think we need to worry about how strong is the international refugee protection regime in the face of the new so-called 'realism'. In the course of representing ECRE at international fora over the years I have received many lectures about the realism, the *realpolitik* of the States and the unrealism, even the irresponsibility of the NGO sector. It seems to me self-evident that the true *realpolitik* of the modern world, if we are to survive, is tolerance, pluralism, bridge building rather than protectionism, fear and all the defensive aspects of the fortress mentality that we currently have to live with. Why do the strong States persist with policies that are demonstrably inhuman, very problematic legally and do not work anyway? I find it hard to understand why policies that do not pass the practicality test are pursued despite the evidence that they do not work. You only have to think of the practice of detaining asylum seekers, of interdiction on the high seas, or the chain deportations arising from the use of the 'safe third country concept' to know what this means. Is that really in States' interests in terms of problem solving; does it not matter what damage it does to their international reputation and to the fragile framework of respect for the global human rights regime? It seems to me there is an awful lot of fear in the system, a culture of disbelief, an unwillingness to believe that to do the right thing ethically can be the best thing practically and result in positive outcomes. Part of it I am sure is that those who make policy seem at greater and greater distance from the individuals affected by their decisions. For example, very few civil servants I have met as individual men and women would willingly wish to see a Somalian mother and her family of five forced back across one European frontier after another to disappear off the map in the Ukraine thanks to the doctrine of safe third country. (ECRE identified this case in our monitoring of the STC practice.) And yet that is the entirely predictable consequence of the policies they help to draft, given what we know about the state of readiness of countries in central Europe to handle difficult asylum movements like that. I think we all know the consequences when civil servants suspend their moral engagement and allow wrong to be manufactured from their skills. The governmental sensitivity at the criticism of these and other policies by the independent sector (and it must be said by UNHCR at times) is one part of the reason why NGOs have been almost squeezed out of the proceedings of the UNHCR Executive Committee over the last year, contrary to the practice in other parts of the UN system where there is a growing inclusiveness of NGOs in the gathering of information, the formulation of norms and the monitoring of compliance. There is nothing more damaging for human rights policy than the absurd idea that there is a governmental world where reason prevails — a world inhabited by serious and responsible officials bravely carrying the heavy burdens of office, a world closed to

the rest of civil society who are ignorant do-gooders, unaware of the pressures of high level policy limitations and possibly even conspirators in the abuse of asylum. Apart from the profoundly undemocratic nature of such a concept, it seems currently to be used to support the creation of a European world where our concept of human rights extends only to the human rights of Europeans, who through an accident of birth or history, are fortunate enough to live inside a secure and prosperous magic circle. Other people's human rights will be of less importance and may not be exercised among us. It is ironic that for its anthem the European Union has chosen Beethoven's setting of Schiller's 'Ode to Joy' which is a great poem celebrating the values of human solidarity.

Under pressure, responsibilities seem harder to fulfil; you have to dig deeper to find the reserves of generosity you need; it gets more difficult to persuade sceptical populations to hold on to agreements made at another time when things were different. That is why in times of pressure we need to be alert to the dehumanising of vocabulary. Have you noticed how the use of language of refugee protection has deteriorated and become confused over the years? You see it most notoriously in the effort actually to define certain categories of refugee out of existence through the narrowing interpretation of the refugee definition; you see it in the failure of the EU last year to have the courage to accept the obvious in regarding victims of non-State agents of persecution as being also in need of refugee protection. Consider also the insidious process whereby a mistaken policy, say for example the notion of 'Safe Third Country' is dreamed up at a closed, confidential meeting, then refined, then becomes a familiar debating item of international fora and eventually assumes the dignity of a quasi legal concept. I think we are all, governmental and non governmental guilty of letting language and conceptual standards slip, sometimes in the 'realistic' hope that a concession here will attract generosity there. I do not think this works; in fact I think the evidence is that that process takes us to a worse place. The effect is rather like the constant drip of water on a stone. UNHCR colleagues will correct me if I am wrong but it seems that there are real pressures on UNHCR to abandon its principled objection to the European Safe Third Country doctrine, and even to get itself involved in assisting States in developing readmission agreements. A lot of this pressure must be coming from States who argue that their integration or absorption capacity is exhausted, although with very little analysis of what that actually means. Hopefully this capitulation to the face of unreason will not happen, but the pressure is symptomatic of the process whereby we punish refugees, shifting not sharing the burden and reserving European space for Europeans only. We all know that there are great pressures on UNHCR to abandon the principles of the Dayton Agreement so far as the return of refugees from asylum countries is concerned to the former Yugoslavia. The

rationalisation for such a change will no doubt be heavily cloaked in the language of *realpolitik*, of 'let's face facts'. But the consequences of abandoning key issues of principle here are too terrible to contemplate; and I do not just mean for refugees who may be forced back to places they have never lived in and do not want to go. The consequences here are about the triumph of ethnic separation, the profound implications of the arrival of an apartheid state in the heart of Europe, the ugly lessons for complex and delicate situations further east of the use of violence to achieve ethnic supremacy. Who are the 'realists' here? When did the premature cessation of asylum rights and forcible return of refugees ever produce long term stability? What definition of *realpolitik* is this?

The degrading of language and principle goes along with two important things that have been cut back in refugee policy in Europe: honesty and transparency on the one hand, and money on the other. I do not know which cut is the more dangerous. As regards honesty I think it has strengthened the NGO position that we have not been afraid of openly acknowledging the reality that Europe and North America are confronted by significant migrations which are not refugee related; it weakened our position and made it easy for governments to ignore us when we gave the impression that all persons coming to Europe asking for asylum were indeed refugees, or that it was impossible to return anyone who said s/he was, but who in reality after careful examination was found not to be. I think we have nothing to fear about honesty in the situation. Regrettably the gap between governments and important sectors of civil society was increased in the 1990s by the secrecy of so much of the official policy making. Why have States been afraid of an open democratic debate, preferring instead to work in private, unaccountable fora? Honesty and openness has been cut back, and this contributes to insecurity in the public mood. Can that be in the interest of democratic States? But it is worse than that. There are individuals and groups in Europe who dream dreams of racial purity and have very wild ideas about what constitutes sovereignty and national integrity. Unless in democracies we are comfortable with, and give consent to, our own politics and the terms of our social development, it is not easy to decide who should share our space, how far we want to go in constructing and welcoming a multicultural world, and indeed just how far we are prepared to go to stop people coming. Secrecy breeds suspicion and fuels prejudice. As I said earlier I think we have reason to be very concerned at the serious failure of European States to provide the necessary political leadership to counteract the poisonous doctrines of ethic purity and racism and xenophobia. When responsible political leaders say nothing, when they carelessly use, or fail to condemn, the language of 'floods' and 'invasions' it is horrifying that they do not see how this legitimises the words and the violent actions of the neo Nazi thug or the alienated and unemployed skinhead. The whole

point surely of States taking concerted action against the members of the extreme right is that they are dangerous not only because they hate refugees and other foreigners but also they hate many values that the rest of us live our lives by. But all of this needs to be done transparently in the open, and public confidence built into the system of policy making.

I mentioned that two things are being cut; honesty and money. The second cutting is as damaging as the first and it relates to measures to achieve economic and monetary Union in Europe. Let me make clear that I think we are correct to stress the importance of the impact of harmonisation measures in the European space, led by the Union, because this a major engine for policy making in so many fields including refugee policy. It is well known that the Union is much criticised by ECRE, UNHCR, other observers and indeed its own Parliament (which is kept safely at a distance from the real decision making) because of its habit of harmonising at the level of lowest common denominator, and the disappointing achievements of the recent Amsterdam Treaty of June 1997 gave us cause for concern. But I would like to suggest that that aspect of the Union is not the only threat to refugee protection. The other threat is the economic one, namely the effort to achieve monetary union by 1999 through arriving at budgetary convergence criteria. The effect is increasingly visible: massive cut backs are being made in a number of countries in the social budget for many vulnerable sectors including refugees. Add these cuts to certain new forms of managerialist mysticism and we get an almost obsessive concern to cut, to downsize, to make 'efficiency savings'. However the result is that great institutions that hold societies together are being reduced, and I mean this as much for the national health services that we have as for, for example, the post office, the transport systems and for the social services that support the marginalised and vulnerable in all our societies, including refugees and asylum seekers. Without these vital institutions there would simply not be a modern Germany, or France or United Kingdom. The constant cutting back is destroying the sense of the unifying institutions in our countries with all the implications for social cohesion and social solidarity. We are heading for the kinds of societies that John Kenneth Galbraith in the US and Will Hutton in the UK describe in their books *The Culture of Contentment* and *The State We Are In* respectively: the two thirds one third societies, which are effectively disenfranchising large sections of their population and where poverty and alienation can actually be ignored for electoral purposes. And are we going to export that model to central Europe, and still expect those countries to become the new burden sharers for the refugees and asylum seekers who arrive in our new expanded European space? We are talking here of countries with still only rudimentary individualised refugee determination systems and very small resources for social welfare? My illustrations seek to make one point, that

current social and economic developments happening domestically in our countries will weaken important institutions of solidarity, will lead to more buck passing or even — one's worst nightmare — to the formation of a European wide anti-refugee alliance. If that happens will the US or Canada be far behind? That would be a very grim version of the reconciliation of States' interests with international responsibilities.

What kinds of minimal questions do we need to address to the State system to check out its responsibility and preparedness for the next century?

First, at the level of fact and information which is so vital for dispelling myths, identifying needs, and for supporting good refugee determination systems, are we satisfied that our governments properly understand or encourage understanding of the true scale and nature of the refugee movements in Europe and North America in the context of the world situation?

Second, and recalling the great progress in codifying human rights principles and obligations in the half century since World War II, are we satisfied our governments have a positive policy which responds generously to persons seeking asylum. In other words do they willingly respect the international hard law obligations they have signed up to *in our names* in the 1951 Convention and all other relevant human rights conventions relating to asylum and to the soft law principles of the UNHCR Excom conclusions and recommendations?

Third, are we satisfied that States do everything they can to deal with the causes of refugee movements and support those countries which need to protect 90 per cent of the world's refugees?

If the answers to our three minimum questions were yes, then I think governments would stand a better chance of calling on public support from their electorates for the policies of refugee protection and assistance. Until the answers to those questions are yes, we have a lot of work to do. How policies develop in North America and Europe matters because we are in the part of the world where many of the donors and sponsors of the global institutions are based. I think we have made some progress in Europe insisting that harmonisation of policies in the refuge field in Europe and between Europe and North America means more than the approximation of rules, but rather the combining of the immense economic, political and diplomatic resources of European States through human rights machinery to reduce the need for people to flee. In Europe the last best attempt to bring an analysis of all these issues together at the official level and to put refugee policy in the context of wider migration issues was the 1994 Communication from European Commission to the Council of Ministers on Immigration and Asylum Policy. But action on this comprehensive approach has been limited and it seems that there is a widespread and tired cynicism about this which has the same negative

impact on the longer term as compassion fatigue does on the short term.

There are of course important actors which try to bring to States a wider sense of their responsibility and future true interests than the introverted approach which characterises where the major dynamic lies at present. The European Parliament has always taken a progressive view of refugee policy; the Council of Europe is traditionally liberal and human rights based, and is playing a valuable role in the promotion of refugee protection and other human rights principles amongst its new members in central and eastern Europe. The Organisation for Security and Cooperation in Europe (OSCE) has developed at least the beginning of a language of concern for refugee, minority and migrant rights and the consensual addressing of conflict situations. But of course the economic and political muscle is in Brussels which is where we have to look for leadership. I don't think anyone would disagree with the view that the EU is an economic adult but still a human rights child, but there is great potential, and policies are moving there in interesting directions as States see the positive virtues of granting some of their sovereign preoccupations to a regional body. And of course there is UNHCR. ECRE has agreed and disagreed with UNHCR at many important moments of history, but has consistently supported the strongest possible use of its protection mandate. It was after all UNHCR which led a powerful critique in the 1980s against the harmonisation trends which led to policies of the lowest common denominator. UNHCR too was locked out of the processes of consultation for years and lost a lot of ground in Europe at important moments of the battle. It is such an interesting organisation, created at the suggestion of the NGO community after World War II by States who were deeply shocked by the consequences of excessive nationalism and who decided to impose limits on themselves. Since that time many States have constantly given greater responsibilities to international organisations such as UNHCR but then hold them back with very tight mandates or inadequate financial resources. I remember a much maligned former High Commissioner saying that many European States were regularly violating the protection mandate of UNHCR, but he also said that many of them did not actually realise that they were doing so. I also remember UNHCR saying that NGOs are often the first and sometimes the last line of defence for asylum seekers and refugees. Today the role of UNHCR is interrogated from all sides, particularly about the centrality of its protection concern. Many of us lobbied the Secretary General of the United Nations raising our concerns that with the 'reform' of the United Nations the protection mandate of UNHCR may be lost under the pressures of an expanded humanitarian assistance role. We shall see. The irony here is that the UN has never been in greater demand but its role and performance has never been so severely questioned. Whatever we think of the various UN agencies, we probably all agree that we do

not want to go back to an age where States try to retreat, keep the world outside their frontiers and protect purely their national interests. The challenge for UNHCR is to seize some of the new thinking and dominate the agenda of responsibility sharing as part of its unique responsibility to ensure protection. If its new enhanced status in the UN system enables it to do just that, then all our fears about the further dilution of the protection mandate will prove unfounded.

I would like to raise two issues which I hinted at earlier and which I think will become increasingly significant in the debate we shall have over the distribution of responsibilities in future refugee policy.

International relations specialists are beginning to point to intriguing changes in the distribution of powers between States and civil society. Among the more obvious effects of the ending of the cold war has been modifications in many established political arrangements and relations between States and regional organisations. Except in authoritarian societies where the development of pluralist civil society is little known or has always been strictly controlled, there has been a parallel and major growth in the role and influence of NGOs. At the end of the 1990s NGOs are now deeply involved in many international political and developmental debates precisely because of their growing experience and knowledge and the significant financial and human resources they can deploy. Some startling reminders of this include the fact that in the development field NGOs contribute more in development aid than the whole UN system excluding the World Bank and IMF. In the Human Rights field one recalls the often quoted remark of the former Director of the UN Human Rights Centre: 'We have less money and fewer resources than Amnesty International and we are the arm of the UN for human rights. This is clearly ridiculous.' This change in roles is greatly helped by the information technology revolution which is empowering more actors with the kinds of information that was once the possession of States. This means that there is a great strengthening of the capacity of non governmental organisations which advocate for international standards which may challenge the role of the autonomous States. The information revolution strongly favours the style of working of networking agencies. For a European network organisation like ECRE the speed, efficiency and the cheapness of the new communication systems is an enormous advantage in facilitating information and consultation of joint actions within and across national frontiers. It also makes it possible for European NGOs to develop relationships with NGOs in other parts of the world. For those of us who want to advance the voice of the civic society in international affairs this looks like a very positive development. But civil society and governments will need to be very careful about the far reaching effects of the challenge these global developments pose to the attitudes of States to the effects of spreading power among more

interest groups. If NGOs are really to play a growing role in decision making, then the strong human solidarity they already possess and mobilisation of public interest they can undertake will need to be matched by very high standards of competence, vision and integrity. But just as NGOs in the environmental and development field have very successfully challenged the negative policies of many States, it could be that it will be in the civil sector where the damaged spirit of solidarity for refugees will be recovered in the 21st century.

Secondly, I would like to put a provocative thought about the future. We may cautiously comfort ourselves that there is a future for the institution of asylum in Europe and North America, and we reassure ourselves that with better policies and public support we could not fail to preserve it. However I think there are ominous signs ahead about the challenge to the kind of traditional western liberal values that support the principle. We already hear rising calls for a rewriting of international Human Rights conventions on the grounds that they embody western, indeed colonialist first world thinking and do not reflect, say, 'Asian values'; and the 1997 UNHCR Executive Committee had to contend with some States actually resisting the process of accession to the Geneva Convention and New York Protocol, a recommendation that hitherto has always been unproblematic. This might just be telling us that the superiority that western States have traditionally claimed for their value systems and institutions, based as it was on the kind of global power which western States have enjoyed from the 16th century until now, may be diametrically opposed in the evolution of the global civilisation of the future. Political scientists are already describing a scenario where more and more of the non western States will treat us with the same respect as we treated them in the period of colonialism. The conflicts of the future it seems will not so much be between different western ideologies but more likely by religious extremism, growing ethnicities, and the pressure of rapidly growing expanding populations on finite natural resources. In such a world it may be very optimistic to assume that there will be an inexorable spread of western liberal values, including our version of the notion of asylum. It may be that we shall have more than enough to do to just make sure they survive.

Conclusion

I have tried to argue that the institution of asylum remains threatened unless States accept renewed responsibilities nationally and internationally but that we are witnessing social changes that are diminishing the necessary ethic of human solidarity inherent in refugee protection. A key element in the 21st century for refugee protection will be to arrive at stronger mechanisms of shared responsibility, both between the countries of the

north themselves, and between the north and the south. Such
arrangements are in the essential interests of northern States:

- in sustaining public support for the orderly reception of people needing
  asylum;
- in preserving an important human rights value in the region that itself
  is not immune from the potential for further conflict and refugee flows;
- in sustaining the concept of global help to the victim;
- and in humanely managing the forced movements of people in the
  south in a way to minimise damage to the sustainable development
  process, and to the dislocation of economic and other interests.

It cannot be in the interests of States to retreat from internationalism,
even if it were possible; the politics of chauvinism and strategies of
deterrence belong to the isolationist path which exacerbates problems,
and shifts burdens rather than leads to solutions. States need to give far
greater attention to more positive notions of collective security combined
with the vigorous promotion of human rights mechanisms. I challenge
the way the discourse between the States and civil society is currently
constructed around a misconceived notion of 'realism' and *Realpolitik* of
States and alleged 'unrealism' of other actors; furthermore I suggest that
in any case significant changes are on the way in the allocation of
responsibilities between State and non-State civil organisations. These
changes are due in large part to adjustments after the cold war and to
the realisation of the full potential of the information revolution. UNHCR
needs to play an uncompromising and uncompromised role in the
advocacy of protection principles with a greater leadership role clearly
and proudly acknowledged at the heart of the United Nations system. I
believe that only an open and democratic debate between States, civil
society, academics and the intergovernmental sector — with advice from
the refugees themselves — will help produce coherent and long term
policies which respect the needs of the refugee for protection, the legitimate
interests of States and the due fulfilment of their growing international
responsibilities.

The history of Europe throughout the 20th century until now has
demonstrated the importance of the concept of asylum on this continent.
It was precisely after the great bloodletting that ended in 1945 that the
international community launched a number of actions to bind countries
together in some human rights commitments. The assumption was that
human rights were developed not for the strong of the world but precisely
to protect the weak, the vulnerable, the dissenting, the victims. Which
presumably means that respect for such values should be strong precisely
at crisis moments of history, not so much when everything is going well.
And if we abandon that respect, it may not be there when we need it
ourselves.