

Introduction

OBJECTIVES

The objective of the present volume is to discuss the complexity of emerging challenges faced by countries today in formulating effective migration policies and integrating immigrant populations. Furthermore, forced migration is not just a memory from the past, and war and conflict situations are still the main factors in producing refugees and internally displaced persons across the world. Because of the nature of today's conflicts and forced displacement, the role of international humanitarian law has become more pronounced in the protection of refugees and of internally displaced.

The way identity is perceived and handled – by individuals, by groups and communities and public authorities in countries of origin and host countries – is recognized today to have a major negative or positive outcome. The success or failure of migration is largely determined by these two factors.

The present issue of the *Refugee Survey Quarterly* contains the papers presented at the 10th Annual Humanitarian Conference organized by Webster University, Geneva on *Migrants and Refugees: The Challenge of Identity and Integration* in February 2005. As in all previous years, the conference was held under the auspices of the *Government of Geneva* and benefited from the support and participation of major international organizations such as the *International Organization for Migration*, the *International Committee of the Red Cross*, the *United Nations High Commissioner for Refugees*, and the *Global Commission on International Migration* as well as other governmental and non-governmental organizations.

MAIN THEMES

Through their presentations, specialists and experts from different organizations highlighted the multiple aspects of the theme selected for the 2005 conference. The conference addressed the nature and the factors of influence of contemporary migration flows (refugees and voluntary migrants); identity and the success or failure of integration; temporary and permanent migration; the protection of refugees and migration and international law; the issue of multiple identities. The current situation and recent developments in Europe (including Switzerland, a major country of asylum and immigration), Africa, Asia, and the Americas were also considered.

The first part of the current volume contains the *Opening Statements*, and in particular the analysis of the policies of integration in Geneva by Robert Cuénod, Delegate for Integration of the Geneva Government and the four keynote speeches presented at the conference: *Migration and the International Community*, by Brunson McKinley, Director General of the International Organization for Migration, *What is Migration without Integration?*, by Sergio Marchi, Member

of the Global Commission on International Migration and Former Minister of Citizenship and Immigration, Canada, *Refugees Are Not Migrants*, by Erika Feller, Director of the Department of International Protection, United Nations High Commissioner for Refugees, and *Humanitarian Law and the Protection of Refugees*, by François Bugnion, Director for International Law and Cooperation Within the Movement, International Committee of the Red Cross. The rest of the papers are organised around the five main themes of the conference: identity and integration, temporary and protracted situations, the role of international law, the human face of migration, and Europe: from continent of emigration to asylum and immigration.

OPENING STATEMENT AND KEYNOTE SPEECHES

In his opening Statement Robert Cuénod gave a brief overview of the exceptionally international composition of the resident population of Geneva and of the government's policies to further the integration of foreigners without losing the benefits of diversity. As a traditional city of asylum and major humanitarian center, Geneva plays an important role in linking Switzerland and the international community at large.

In his speech Brunson McKinley outlined the framework regarding migration policy and discussed the new three volume manual developed by the IOM as an introduction to the subject of migration. McKinley pointed out that "coherent, comprehensive and cooperative" were three key words when managing migration in an effective, international way. He stressed the important link between migration and development and said that the "brain drain" could be converted into "brain gain" if countries of origin adopted laws and regulations that would encourage a return movement of the people who had studied, worked and gained valuable experience in the developed countries. Furthermore, he stated that countries are realising the importance of establishing strong links with their overseas populations; often the "best-educated, wealthiest, perhaps most entrepreneurial and dynamic segments of their populations".

Sergio Marchi defined migration as "a powerful and emotional human phenomenon, which alters the destiny of both the individuals involved and the countries in which they land". For Marchi, it is extremely important that "countries respond generously and effectively" in receiving migrants and genuinely work towards integrating the newcomers, otherwise it will be a "failing investment – for both the migrant and the host country". At the same time, countries need to promote constructive public dialogue on migration and include their citizens and institutions in the process. He discussed in detail the Canadian experience and hoped that other countries would also realise that a progressive and inclusive approach was in the best interest of their country and of the new residents.

Erika Feller developed the idea that refugees are not migrants. Refugees are the "recognized beneficiaries of internationally endorsed rights. States have even supplemented this legal regime with a host of "soft law" guidelines to ensure the proper treatment of refugees, consistent with their dignity and their personal

security". Confusing the two groups is not only dangerous and detrimental to refugee protection, but is "also not to the benefit of the broader migration debate, as some abuse of the asylum system by illegal migrants colours the public view of migration, giving it a taint of criminality, even robbing it of its positive aspects while tilting the focus towards control".

Furthermore, a refugee situation could be part of a broader migratory movement, or could develop into one, thus making it extremely difficult to define when and where refugee protection approaches and when and where, migration based approaches should prevail. The greatest cause for concern is that as "the line between "migrant" and "refugee" blurs, so does the distinction between migration control and refugee protection". "Where refugees are seen as little more than a sub-group of irregular migrants, the control of their movement is likely to take precedence over meeting their protection needs. Refoulement, the return of a refugee to a territory where his or her life or freedom is threatened, is but one, potentially grave, consequence."

Another concern is the growing misconceptions about why refugees come, who they are and the dangers they pose. They are increasingly viewed as strangers who might take over jobs, who might be terrorists or criminals, who might upset the ethnic balance, or who might just stay too long, and consequently, integration of these refugees becomes very difficult.

Erika Feller touched upon another very important point; that of UNHCR's limited mandate and discussed Hilary Benn's ideas. The UNHCR is only responsible for 'persons of concern to the Office', and persons have to fall within the defined designations or categories to claim UNHCR's protection. However, there is no formal mandate for other groups of persons, whose needs may be similar and may deserve the intervention of an agency such as UNHCR. "The logic of Benn's thinking is that we should be moving towards a new "refugee" reality, where these needs become as much a determinant of the international responses as strict legal categories". She developed the idea that the concept of human security is "to benefit all those in need of protection, regardless of how they are categorized. This applies whether they are war refugees, climate displaced, internally displaced people, or migrants."

The fourth keynote speaker, François Bugnion, highlighted the legal aspect of the discussion. He discussed how the law of armed conflicts protects refugees and internally displaced persons and the role refugee law plays in the protection of refugees. He discussed how "both international humanitarian law and refugee law developed as two distinct branches of law, with their specific sources, beneficiaries and instruments. But both have the same ultimate objective: the protection of the life and dignity of human beings."

IDENTITY AND INTEGRATION

The Table of Contents shows the variety of issues dealt with in this volume. As in previous years, the program aimed at showing the complexity of the issues rather than at establishing a hierarchy of importance of the trends and topics or at arriving at a consensus or a set of specific recommendations.

Yet, we feel that the following three concluding comments may serve as a useful introduction for the reader of the chapters that follow.

The first major common point raised in many papers is the recognition that identity is both an important and complex issue that has to be considered at the level of both the communities and of individuals. There are no ready-made blueprints for dealing with this issue. However, there is a broad consensus that misusing or ignoring the issue of identity, the setting of migrants and host communities against each other, can have catastrophic political, social, and economic consequences.

The second point is that integration is also a multifaceted process that can be furthered or slowed down or prevented both by the migrants and by the communities at large – not only the host community, but also the community of origin. Also, integration and assimilation are not identical but convergent concepts. There can be no effective integration without at least some assimilation, and there can be no effective assimilation without integration. In this context, it should also be pointed out that reintegration is also a complex task – whether in the case of refugees or of voluntary migrants – but its success can benefit all three parties concerned: the migrants, the host community and the country of origin.

Finally, the costs and benefits of migration are never equally distributed. Also, the challenge and the opportunities offered by integration and by adapting and accepting different identities are not equally shared, not only at the “macro” level, but also at the individual level, within the same family, between husband and wife, between brothers and sisters. Thus, the issues of identity and integration have to be dealt with in the spirit of tolerance and solidarity – but also with respect, including respect for the rights of both migrants and the host community and respect for freedom and law and order.

Otto Hieronymi and Samar Hasan
Webster University, Geneva
Guest Editors