

*Solving Refugees' Problems or Solving the Problem of Refugees?:  
North/South Relations and the Politics of Repatriation*

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**ABSTRACT:** In the following paper I argue that in our contemporary global political climate – which is characterized by gross power differentials between the global North and South – the “international humanitarian regime” conceptualizes refugees as a “problem” to be “solved”. It is through this conceptualization that repatriation has become the preferred “durable solution” to refugees’ plight. Rather than solving *refugees’ problems*, however, I contend that repatriation today serves to solve the *problem of refugees*. As such, I argue that repatriation is not only far from a *durable* solution, but far from a solution at all. I suggest that if we wish to truly help refugees find durable solutions to their problems we must first interrogate the unequal global power dynamics that produce refugee situations.

[*refugees, global politics, repatriation, “durable solutions”*]

*Introduction*

In 1951 political philosopher Hannah Arendt published *The Origins of Totalitarianism*, which contained the now seminal chapter on refugees entitled “The Decline of the Nation-State and the End of the Rights of Man”. In it, she argued that the reshuffling of European borders following World War I and the mass movement of persons fleeing the violence and persecution associated with the war led to the creation of a new category of person – the “stateless”. (Arendt; 1951) Those who were “stateless”, Arendt contended, either had no physical nation-state to return to or did not wish to return to their still existing nation-state. In effect, they resided outside the nation-state’s formal boundaries and thus provoked complicated questions about the relationship between the nation-state, citizenship, and human rights. (Arendt; 1951) The argument implicit in Arendt’s work is that the creation of the category of “stateless” persons (those who would later be referred to as “refugees”) called into question the nation-state model as such. In addition, it put an end to the illusion that man is imbued, through birth, with human rights that can be mobilized in order to make particular claims.

More than half a century later, the questions that Arendt raised about the place of refugees in our global political imagination remain as pertinent as ever. Many contemporary discussions of globalization, for instance, contain claims that national borders have become increasingly fluid, that the movement of people, ideas, and capital has become increasingly rapid and intense, and that --

following the previous two postulations -- the nation-state as a political form is in a state of decay. (Suter; 2003, O'Byrne; 2003) Though it is unarguable that the speed and intensity with which capital, labor, and ideas now move does represent a markedly new way of being-in-the-world (what David Harvey [1990] would refer to as "time-space compression"), I contend that this shift has not been concomitant with the decline of the nation-state as such. Rather, in a mutually reinforcing cycle, the recent global shift has both produced and been produced by the *reorganization* of nation-state power, in which certain nation-states must assume responsibilities and burdens that others are free to negotiate. In other words, certain nation-states have become more powerful in our global political economy, while other nation-states have weakened. As Collinson has suggested in her article on the relationship between contemporary globalization and transnational migration:

Unlike global capital flows and other globalization processes, control over the liberalization of particular cross-border flows of tangible goods and people at particular borders remains largely within the authority of (the most powerful) states. (1999, p. 12)

Collinson (1999, p. 15) argues that the employment of immigration control worldwide is evidence of the nation-state model's desire and ability to control the transnational movement of people. States must actively work to protect their sovereignty in a global political climate which is dominated by international institutions that attempt to maintain the illusion of externality to the nation-state system. There is no better indication of this structural shift -- away from the nation-state as the central political model of our time *par excellence* and towards the international institution that acts largely on the behalf of the more powerful nation-states<sup>39</sup> -- than the way in which the world has responded to "the refugee crisis", and particularly to the issue of repatriation in the context of "durable solutions" over the past thirty years.

In the following paper I argue that in our contemporary global political climate, in which the wishes and opinions of Northern donor states carry much more weight than do the wishes and opinions of Southern "host" states -- refugees have come to be conceptualized as a "problem" to be "solved". It is in these terms that repatriation has become the preferred "durable solution", not to *refugees' problems*, but rather to the *problem of refugees*. It is precisely because the worldwide focus is on solving the *problem of refugees* rather than *refugees' problems* that repatriation as it is practiced in the world today is not only far

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<sup>39</sup> This is not to say that all international institutions behave in the same way, or that the most powerful nation-states are always best represented by international institutions. However, it cannot be denied that international institutions are financially beholden to wealthy nation-states which provide them with the capital and political support to continue operating. As such, in their policy making and/or implementation, these international institutions must keep the interests of powerful Northern nation-states in mind.

from a *durable* solution, but far from a solution at all.

In order to analyze the recent shift in international organizations' and the "international community"'s attitude toward repatriation and the concomitant (re)production of the idea of the refugee as a "problem", it is necessary to look at the post-Cold War geo-political context out of which such a shift occurred. It is only through looking towards the past, at the historically specific political, economic, and social relationships which produced displacement, exile, and the "international community"'s preference for repatriation, that we can begin to pose creative solutions to *refugees' problems* in the future.

*Refugees and the Cold War in Historical Perspective: Repatriation as "Durable Solution"*

In a statute issued on December 3, 1949, the United Nations General Assembly decided to establish the High Commissioner's Office for Refugees, which was stated to take effect on January 1, 1951. (UNHCR; 1950) UNHCR's creation was significant for many reasons, one of which is that it legalized and therefore legitimized a new conception of the relationship between nation-states, citizens, and refugees. In short, the birth of UNHCR meant that the responsibility for the international protection of refugees, which had up until that point fallen under the jurisdiction of individual nation-states, was now transferred to the "international community". Although the United Nations was named as the major institutional and legal body to deal with the protection of refugees, the statute also carved out a space for private organizations and other non-governmental actors (NGOs) to become involved with refugee related issues.

While the creation of UNHCR made the issue of *protection* of primary significance in the "international community"'s relationship to refugees, it also brought up the idea of "permanent" or "durable" *solutions* to refugee situations as an issue of global concern. (UNHCR; 1950) As per the UN General assembly mandate, the aim of international bodies with respect to refugees was both to ensure their protection *and* to find a solution to their plight. Many scholars have argued, however, that over the past thirty years the "international community" has shifted its policies, which formerly were mostly protection oriented, and now are primarily concerned with *solutions*. (Joly; 2002, Black and Koser; 1999, Chimni; 1999) In addition, some have contended that there has also been a shift in UNHCR's attitude to *solutions*. (Chimni; 1999) While UNHCR has, since its inception, viewed repatriation as the most viable "solution" to the "problem" of refugees in principle, during the period following World War II and up until the mid 1980s, UNHCR promoted resettlement in practice. From the mid 1980s to the present day, UNHCR has increasingly viewed repatriation as the preferable method of engaging with refugees in exile. At first, UNHCR favored voluntary repatriation, which allowed refugees to choose whether or not to return to the country in which they formerly resided. Starting in 1993, however, UNHCR began to abandon its allegiance to voluntary repatriation in favor of the concept of "safe return", which focuses not on refugees' desire to stay or leave, but rather on the ability of refugees' to "return" and "resettle" safely. In the mid 1990s,

UNHCR changed its policy yet again, declaring involuntary repatriation as sometimes necessary and preferable. (Chimni; 1999) With each decisive shift in policy, UNHCR has squeezed refugees' own needs, concerns, and desires further and further out of the picture.

Though it is beyond the scope of this paper to analyze the complex reasons for UNHCR's shifting attitude towards repatriation in depth, it is helpful to recognize these changes as part of a wider global picture marked by the end of the Cold War and the changing geo-political landscape. The end of the Cold War, argues Daniele Joly (2002), brought about a new global situation characterized by greater regional interdependence and interconnectedness which increased the importance of global "solutions". In addition, it brought about a change from a focus on human rights, which is premised on the legal relationship between citizen and nation-state, to humanitarianism, which is focused on the sustainability of human life without concern for citizenship status (what Giorgio Agamben [1995] refers to as *zoe* or 'bare life'). As Lissa Malkki (1995), Jennifer Hyndman (2000), and others have argued, the international humanitarian regime transforms refugee subjects into objects, thereby robbing them of their agency. Involuntary repatriation, it seems, can only be administered under such a pretext.

The end of the Cold War also brought about a change of heart on the part of Northern states, which had been using refugees as political tools. Prior to the Cold War, some scholars argue, refugees had an intrinsic ideological value that made resettlement the desired outcome for refugee populations, as both the eastern and western bloc countries wanted refugees to resettle in their ideological territories. (Joly; 1999, p. 2 ) Once the Cold War ended, however, the international push for resettlement vanished, and the emphasis was placed on repatriation. According to Chimni (1999), the Cold War era preference for resettlement can be explained by the Northern states' need for a heavy influx of refugees to aid in the states' rapid economic recovery. Once this recovery had been achieved, and the need for massive amounts of cheap labor diminished, resettlement was unnecessary, and repatriation became preferable. (Chimni; 1999)

The end of the Cold War, then, undoubtedly precipitated a restructuring of our global order. However, I contend that the shift in international refugee policy reaches back a bit further, to the proliferation of a neoliberal economic world order in the 1970s, and what has been referred to as the dawn of "contemporary globalization" (in distinction from older forms of movement and international relations which can also be considered part of the processes of globalization). It was the ushering in of a new global politico-economic system which concretized the differential power relationship between the global North and global South in ways not seen before. This is important because it is precisely the differential power relationship between North and South that serves as the backdrop and indeed the impetus for an international refugee policy and practice oriented towards repatriation.

#### *Global Inequalities: Repatriation and the Neoliberal Agenda*

One of the major components of what is known today in academic and

activist circles as "the neoliberal agenda" is the structural adjustment programs that were implemented by the World Bank and the IMF in Southern countries in the 1970s and 1980s. These programs, which promised Southern countries capital, resources, and technical know-how if they removed trade barriers and forsook import substitution, among other things, permanently wedded Southern and Northern economies in an unequal power relationship. Once Southern economies became part of the new global economy, they became perpetually indebted to and dependent on Northern countries which provided them with capital and other resources. It is in a context marked by such large power differentials between Northern and Southern states that UNHCR and the "international community" began to advocate for repatriation (as opposed to reintegration or third country resettlement) as a "durable solution" to refugee situations. Petrin (2002, p. 15) argues that the shift in international focus from peace building to state building prompted UNHCR to begin to advocate repatriation. Repatriating refugees contributes to creating the image of a politically and economically stable "home" state; refugees lend the nation-state credibility. With this in mind, it seems plausible that international institutions that supported the neoliberal agenda would view the repatriation of refugees to "transitional" Southern states as positive in that they would supposedly provide a justification for further neoliberal programs, which could then be "proven" to create more stable Southern nation-states. In this way, repatriation is shown to maintain and even exacerbate power differentials between North and South, differentials that work in favor of Northern states. (Chimni; 1999, p. 1)

According to Chimni, the active maintenance of this divide on the part of the Northern states is explicitly evident in the global North's refusal to share the refugee burden with the global South. (Chimni; 1999, p. 11) Chimni states:

...the unwillingness of the North to share the burden of the poor host states at the level of resources has meant that the 'refugees must either repatriate or become the sole responsibility of the host state.' (1999, p. 11)

In setting refugee policy in line with a rhetorically contradictory agenda dominated by neoliberal economics, in which traded goods and service are expected to flow freely from South to North, but people from the South are restricted from traveling to the North except as undocumented workers, the global North has all but effectively ruled out resettlement as a possible solution to refugees' problems. Additionally, in refusing to provide potential or existing impoverished hosting states with material resources to aid refugee populations, Northern states' exacerbate most Southern states' reluctance to integrate refugees as citizens. Because the major donors to humanitarian projects and organizations are Northern states, because Northern states seek to reduce the number of refugees in their countries (Chimni; 1999) and because they do not wish to rectify global power imbalances between North and South by providing Southern states with financial assistance, (Chimni; 1999, p. 17), Northern states leave few options open for refugee populations living in exile. As a result, the *problem of*

*refugees* has become one of the major international issues of our time, and involuntary repatriation has become the most viable "durable solution". (Chimni; 1999, p. 17)

Of course, it is not unusual for "home" countries to want their citizens to repatriate. For one, "home states" are often impoverished and fraught with violence and war. Returning professional groups, as well as other skilled and unskilled workers can help redevelop states in precarious politico-economic positions (Oxfeld and Long; 2004, p. 3). Additionally, returning refugees to "home" countries has been shown to aid in peace negotiations between conflicting countries. In its report *The State of the World's Refugees*, for instance, UNHCR argues that the 1992 repatriation of Cambodian refugees from Thailand, Indonesia, Viet Nam, and Malaysia was "essential to the success of the peace agreements and the impending national elections..." in Cambodia. (UNHCR; 2000, p. 144) The repatriation of Nicaraguan refugees in the early 1990s similarly helped in the peace process in Central America. (Phillips; 2004) As I mentioned before, because "home" states gain international credibility by repatriating refugees to their soil, repatriation becomes desirable from a development perspective. Indeed, refugee populations often serve as human resources to further state development goals. (Petrin; 2002, p. 5) Returning populations, then, both help developing states gain international legitimacy and help with (re)building the state materially and ideologically. Southern "home" states, then, have legitimate reasons for advocating repatriation as the preferred "durable solution" to refugee situations. Again, though, this "solution" is not usually expected to end *refugees' problems*, but rather to aid in winning the "international community"'s approval.

#### *Repatriation: Practical and Conceptual Concerns*

Before discussing the practical and conceptual problems with repatriation, of which there are many, it is important to mention that repatriation is sometimes a desirable option for refugees. Refugees do oftentimes wish to repatriate. Kibreab (1999, p. 24) has suggested that refugees may wish to repatriate in order to regain citizenship (and the concomitant rights that citizenship bestows) from the nation-state to which they once belonged. He notes that:

Under the existing inauspicious policy environments, in most developing countries it is by belonging to spatially grounded states or communities inhabiting territorialized spaces that one gains access to certain citizenship entitlements such as political participation, cultivable land, water, pasture, the right to engage in productive activities, wage labor, trade and commerce. In rural areas where the majority of people in the developing countries still live, these rights are accessible to individuals by virtue of their membership in a community or a country, not as basic personal rights held against communities as is the case with liberal democratic societies. That is the reason why repatriation still

remains an indispensable instrument of recouping citizenship rights. (Kibreab; 1999, pp. 60-61)

While Kibreab importantly points out that refugees who lived in rural areas prior to their displacement may have a more localized relationship to citizenship entitlements than citizens of liberal democracies, I am not convinced that it is useful to so closely link the reception of citizenship entitlements to particular geographic spaces. Indeed, refugees' may not conceive of repatriation as a return to a specific territory, but rather to a specific way of living predicated on the enjoyment of certain rights. Hammond (2004, p. 205) provides evidence for this in her discussion of Ethiopian refugees returning from Eastern Sudan in 1993. She argues that although the Ethiopian refugees did not return to the actual geographical space in which they formerly resided, repatriation was a largely positive experience because most of the refugees were able to establish social, political, and economic ties which enabled them to form a new community in new geographical spaces.

Although this example is hopeful, the repatriation process rarely works out so smoothly. Rather, most of the refugees who have been forcibly repatriated to different geographical spaces than those from which they used to reside are not easily able to establish new social, political, and economic ties that enable them to form new communities. In addition, the important question of whether "home" states and/or international donors have the capability to provide support so that the refugee populations can be reintegrated is rarely addressed. (Petrin; 2002, p. 15) As a result, repatriating refugees oftentimes are transformed into Internally Displaced Persons (IDPs), and are thus prohibited from receiving forms of assistance that they would have been able to receive as refugees. This was the case, for example, when UNHCR directed repatriating Bosnian refugees to areas of Bosnia with which they were unfamiliar in order to prevent ethnic conflict. (Petrin; 2002, p. 6) Instead of this action "ending the refugee cycle" as UNHCR had hoped, it created a whole new host of problems for the Bosnian refugees. (Black and Koser; 1999, pp. 8-9) This situation illuminates the fact that the outcome of the refugee repatriation process is always predicated on the existing economic, political, and social relations in the "home" country as well as on the complex relationships between "host" state, "home" state, donor states, and international actors such as UNHCR, the World Bank, et al.

On a more theoretical level, repatriation often fails as a "durable solution" because it falsely characterizes certain aspects of refugees' experiences or desires, particularly with regard to issues such as "home" and "return". In her ethnography on Hutu refugees living in exile in Tanzania, Liisa Malkki (1995) implies that the way in which Hutu refugees in Tanzania identify themselves and conceive of their relationship to their past and their former "homeland" is to a certain extent dependent on whether they live confined in refugee camps or are free to move around in a town. Her analysis is important in that it delinks the often assumed relationship between nation, territory, and state. Malkki (1995) represents "homeland" as something that is *imagined* and continuously

(re)constructed (which is not to say that it is not "real"), and thus allows for the possibility of "homeland" to be constituted differently across time and space. This stands in sharp contrast to the idea of "home" presented in much mainstream literature on repatriation.

In mainstream refugee policy literature, "home" is often conceived of as a wholly positive physical space bounded by nation-state borders. This problematic idea of "home" arises out of a conception of the refugee experience as a cycle in which conflict, displacement, exile, and eventual return form a linear trajectory. (Van Hear; 2003, p. 2) As Black and Koser (1999, p. 7) indicate, "There is often an implicit assumption that at the end of conflict, a return to a place called 'home' is both possible and desirable." However, most refugees do not move in straight one-way lines. Households and communities are often fragmented, with some members living in the country of origin, others residing in neighboring countries of asylum and others residing further away geographically in countries of asylum or resettlement. (Van Hear; 2003, p. 2) The assumption of linear movement marked by a return "home" does not allow for the fact that one's idea of "home" often transforms over time, that the passage of time (particularly over generations of refugees) changes one's relationship to "home", and that "home" is not inherently a positive space. (Chimni; 1999, p. 5) Indeed, oftentimes the "host" state provides a more secure, more desirable environment in which to live than the refugees' former "home", *even* if that home becomes politically stable and economically prosperous. In a global system in which the "international community", represented by UNHCR, is expected to speak *on behalf* of refugees, oftentimes without consulting them in any meaningful way, this (mis)construction of "home" becomes deeply problematic, as it is the fundamental premise on which the concept of repatriation rests. Because the idea of "home" proffered by UNHCR and other international agencies often does not concur with refugees' own desires or experiences, repatriation policies premised on such a conceptualization provide little in the way of a "durable solution" to *refugees' problems*.

#### *Looking Towards the Future: Refugees, Durability, New Directions*

In this paper, I have argued that donor countries of the global North as well as "home" and "host" states conceive of refugees as a "problem" and unhelpfully make the distinction between solving the *problem of refugees* and solving *refugees' problems*. In making this distinction, Northern donor countries almost certainly insure that UNHCR initiated refugee policy will fail to work in the best interests of refugees. It is under this pretense that repatriation is the preferred "durable solution". While the "international humanitarian community" is rhetorically committed to "neutrality", and as such is expected to mediate between refugees on the one hand, and donor, "host" and "home" countries on the other, thereby ensuring that Northern interests are not implemented at the expense of refugees' desires, the "international humanitarian community", and particularly UNHCR, is so intimately politically and financially connected to donor state interests that to refer to UNHCR as a "mediator" is unhelpful at best. Even when UNHCR has recognized that its repatriation policy and practice has

harmed refugees' more than it has helped them, UNHCR still projects an overwhelmingly positive picture of repatriation, and largely accepts it as a "durable solution". (UNHCR; 2000) This is no doubt because, in our contemporary political landscape, repatriation is the Northern donor states' (as well as "home" and "host" states') preferred option for refugees.

Although UNHCR is the main international body that makes decisions directly related to refugees' lives, I do not mean to suggest that reforming UNHCR will *necessarily* improve refugees' lives. However, this fact does belie the potential usefulness in providing suggestions for a way in which UNHCR, given its limited capacity and precarious political predicament, can move away from solving the *problem of refugees* and move towards solving *refugees' problems*, without abandoning the option of repatriation. Indeed, as I have noted elsewhere in this paper, UNHCR policy must take into consideration the fact that refugees often do genuinely wish to return to the places from which they fled.

The most important step towards making repatriation a more sustainable durable solution is a conceptual one. The idea of repatriation as the "end" to the refugee cycle (Black and Koser; 1999) must be replaced with the idea of repatriation as an ongoing process in which the activation of refugees' agency is the most important part. Following from this, in order to increase the durability of repatriation, development and relief concerns must be recognized as part of a symbiotic process; UNHCR and UNDP (United Nations Development Programme) cannot maintain separate agendas. In order to bridge the gap between a relief oriented organization like UNHCR and a development oriented one like UNDP, UNHCR employees working on the ground should have deeper knowledge of the socio-political, economic, and historical circumstances in the countries to which they provide relief services. Employing region specific training for UNHCR employees would increase the likelihood that short-term projects set up by relief agencies could be carried on by development agencies after the acute emergency situation has passed. In the same way, development agencies should be educated on the programming, process, and politics of relief agencies.

Although bridging development and relief organizations would no doubt make the repatriation process more efficient, there is still no guarantee that policy and/or practice that comes out of such cooperation will work in the best interest of refugees. If we wish to truly help refugees to find durable solutions to their problems we must first recognize the ways in which the complex relations between institutions, nation-states, and other organizations in our contemporary geo-political landscape help to (re)produce unequal global power dynamics, which in turn produce refugee situations. In other words, in order to imagine future possibilities for refugees, possibilities which include, but are not limited to repatriation, we must look back towards the past, at both the specific historico-political contexts out of which displacement has occurred, and the national and global social, economic, and political relationships that enabled or perhaps caused that displacement.

As I have shown, then, in our contemporary political reality repatriation is heralded as the final solution to the *problem of refugees*. Solving *the problem*

of *refugees* from the perspective of the global North, however, certainly does not necessarily solve *refugees' problems*. Indeed, oftentimes it exacerbates or (re)creates them. In order to address *refugees' problems*, then, we must find ways of reimagining our contemporary global political landscape. As part of this process, we must ask questions about the continued viability of the institution of citizenship predicated on the nation-state model. (Agamben; 1995) If we fail to do so refugees will continue to be marginalized, patronized, and even blatantly ignored by the very organizations which purport to help them, and the crises of citizenship and belonging that Hannah Arendt first drew our attention to in 1951 will only become more acute.

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