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CONTENTS

EVOLUTION OF THE REFUGEE CONCEPT

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Abstract
At the end of World War II, almost one million uprooted people sought refuge all across Europe. At the same time, as the Cold War quickly became global and independence processes were triggered, the frightening figure for refugees of concern to UNHCR stood at approximately 13 million people. However, the refugee problem has no single solution. On the one hand, in some cases, they seek temporary protection in neighboring countries. On the other hand, there is a need to combine other protection policies for conflict prevention, development aid for democratization, and maintenance of peace. The complexity of today's conflicts and the overlap of different types of population movements (immigration or asylum), have led to confusing terminology and politics. Determining who should be recognized as a refugee has become a complex matter. With a view to encoding, regularizing and creating general frameworks, the international community has created a legal framework for refugees, through the Geneva Convention and its Protocol and, more than thirty years later, through the Cartagena Declaration, which together define the refugee concept.

Keywords: refugees, UNHCR, Geneva Convention, Cartagena Declaration

I. Creation of UNHCR

After the Second World War the refugee problem in Europe and Asia was very serious and needed legal regulation. Thus was born the Geneva Convention relating to the Status of Refugees which ruled that a refugee is a person who has "a well-founded fear of

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persecution because of their race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality and is unable or, owing to such fear, is unwilling to seek the protection of their country".

It all began with the creation of UNHCR by the United Nations General Assembly, as a humanitarian and non-political organization with two main objectives: on one hand, the protection of refugees (this being its most important function, known as "international protection", aiming at ensuring respect for basic human rights to refugees, especially that none of them gets returned against their will to a country where they have reason to fear persecution) and, on the other hand, the search of lasting solutions to their problems.

The movements of people in Europe during and following the Second World War raised the need to tackle such a massive upheaval. In 1943 already, still during the War, the **United Nations Relief and Rehabilitation Administration** (**UNRRA**)[2] was created. It was replaced in 1947 by the International Refugee Organization which was created under the auspices of the United Nations Organization. These organizations were the direct predecessors of UNHCR, created by the UN in 1950, which led the following year to the adoption of the UN Convention on the Status of the Refugees, adopted in Geneva on 28 July 1951[3].

II. The Concept of refugee under the Geneva Convention

The definition of the "refugee" concept sparked a fierce controversy. For instance, the definition favored in the United States was narrow, whereas in the Western European States accepted a

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[2]https://en.wikipedia.org/wiki/United_Nations_Relief_and_Rehabilitation_Administratio n, consulted on 15 December 2015

[3]The Convention relating to the Status of Refugees was adopted on 28 July 1951 by the United Nations Plenipotentiary Conference on the Status of Refugees and Stateless Persons, convened by resolution 429 of the United Nations General Assembly on 14 December 1950. It entered into force on 22 April 1954, in accordance with Article 43.

broader definition[4]. Finally, a general definition of "refugee" was agreed upon, centered on the "well-founded fear of persecution" that a person may incur.

Although the Universal Declaration of Human Rights of 1948 established the right of everyone to seek and enjoy asylum, the signatory States of the Geneva Convention intended to preserve their sovereign right to authorize the entry into their territories, as one of the key provisions of the Convention was the obligation of States not to expel or return refugees to another State where they may face persecution, assuring thus a much needed balance between the obligation of a State to ensure refugee protection and also to protect itself from potential threats that refugees could generate.

Therefore, Article 1 of the Convention, as amended by the 1967 Protocol, defines a refugee as a "A *person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.*"

In order to understand the context in which such a definition was agreed, one must analyse the definitions refugees were given prior the Second World War, in times of peace (1920-1935) and in times of pre-conflict (1935-1939), as this process took place in the framework of *ad-hoc* solutions adopted by the international community to respond to humanitarian crises produced by historical events that generated a large people displacement.

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[4]**THE REFUGEE CONVENTION 1951 - The Travaux Preparatoires analysed with a commentary by dr Paul Weis**, page 18, document available at http://www.unhcr.org/4ca34be29.pdf

From 1920 until 1935, refugees were defined almost conventionally and on a case by case basis based on a group criteria, especially taking the fact of being a member of a particular group of people deprived of the protection of their home States[5]. This criterion appeared simultaneously with the first legal instruments of protection of minorities, as, mainly in Europe, after the First World War, the League of Nations signed several treaties with the defeated countries to the national minorities protection[6].

Under the sign of that period, the League of Nations applied the same criteria in the first legal-political international actions for the protection of people forced to leave their places of origin to seek protection elsewhere. The legal concept, such as defined, was useful to protect those groups who have been forcibly displaced. From the beginning, for the recognition of refugee status, a person should outside the limits of the country of origin, as, at that time, the international humanitarian protection has been mediated by the political concept of national sovereignty.

The second criterion adopted before 1951 was one based on the social perspective and covered the pre-Second World War period, *i.e.* the years 1935 to 1939. During this time, the international community had to protect people independent of any group setting, but who had been affected by political or social events. This criterion also represented a breakthrough in enabling the protection based on the initial group criterion, but extended to all of people that had in fact

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[5]HADDAD, Emma *Who is (not) a refugee*?, available at http://cadmus.eui.eu/bitstream/id/1769/sps2004-06.pdf/, consulted on 27 December 2015 (see also Hathaway, James C., *The Law of Refugee Status*, Toronto, Butterworths 1st Edition 1991, pp. 3-6; see also Gill. G – *Who is a refugee*?, available at https://is.muni.cz/el/1423/podzim2005/EVS139/ Gill_G._Who_is_a_refugee.pdf , consulted on 23 December 2015).
[6]Such treaties were signed with Poland, the Serbo-Croatian-Slovenian State, Albania, Bulgaria and other States, these instruments containing dispositions for the protection of ethnic, linguistic and religious minorities, as well as introducing international responsibility with regard to the general protection of people.

lost the protection of their home States, the establishment of this criterion being undeniably influenced by the rise of Nazism in Germany since 1933, which triggered massive persecutions, primarily based on political criteria and then on ethnic ones.

Therefore, one could say that, with the 1951 Convention relating to the Status of Refugees, a universal instrument of protection of this nature was established for the first time, thus allowing anyone, regardless of their belonging to a specific social group or their political or social orientation, to benefit from international protection. The criteria of the 1951 Convention clearly take into consideration all past experiences and demonstrate that building the legal concept of defining the status of refugees has no longer an *ad-hoc* basis, but is universal. This universality was applied in the legal sense of the refugee definition term, even though, from a political point of view, States set the time and geographical limits to their obligations, *i.e.* the Convention initially applied only to events that occurred before 1951 in Europe, in the hope that the problem of refugees was located and could be solved within a certain time, which unfortunately never happened. This is the reason for which the geographic reserves (Europe) and temporal ones (events occurring before 1 January 1951) were eliminated by the 1967 Protocol, which finally universalized international protection.

As a general consequence, one could say that the 1951 Convention defines the refugee as any person who, as a result of events occurring before 1 January 1951 and fear of being persecuted for reasons of race, religion, nationality, social group or political opinion, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail of the protection of that country. The concept of refugee incorporates both national and racial elements as determinants of persecution and also the events that triggered the persecution.

Finally, another significant innovation brought by the Geneva Convention, that represents an originality which remains the only

example to date in the field of international law, is that it turns fear into a legal category, since the persecution need not be effective, but the real threat and fear justify international protection of that person[7]. This criterion is absolutely consistent with the protection of human beings and the preservation of fundamental rights, since it does not act only upon damage but also by preventing a person to suffer violations of their fundamental rights.

III. The 1984 Cartagena Declaration on Refugees

Nevertheless, despite the clear breakthrough that the Geneva Convention and its 1967 Protocol represented for refugees and human rights protection, the situation in the seventies and the eighties, mainly in Africa and South America, made it necessary for the international community to rethink the concept of refugee. In the late seventies, the massive presence of refugees in Central America acquired unprecedented proportions. Neither Governments nor host communities were familiar or prepared for this type of emigration, unprecedented in Latin America, characterized by containing within them the most marginalized sectors of the population with a significant presence of indigenous populations of the Guatemalan Maya in Mexico and Nicaraguan Miskitos in Honduras, with more than two million people being uprooted by the bitter civil wars that were fought in El Salvador, Guatemala and Nicaragua.
Thus, a new category of refugee surfaced, as the people most directly affected by these conflicts were mainly from poor rural communities, leading that all Central America was affected by these refugee movements which, in addition to deriving from regional conflict, contributed to it. Besides the three countries ravaged by the conflict

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[7]Carneiro, Perreira W - A DECLARAÇÃO DE CARTAGENA DE 1984 E OS DESAFIOS DA PROTEÇÃO INTERNACIONAL DOS REFUGIADOS, 20 ANOS DEPOIS, in DIREITOS HUMANOS E REFUGIADOS, Coord. Cesar Augusto S. da Silva, Ed. UFGD 2012, ISBN: 978-85-8147001-6

(Belize, Costa Rica and Honduras), States such as Mexico and the United States were also involved in the refugee problem by hosting a large number of asylum seekers and migrants coming from those conflict areas.

The acknowlegment of such a massive problem in Central and South America generated within the international community the Cartagena Declaration on Refugees[8], which established a unique and pragmatic mechanism that has renewed international protection in Latin America and influenced the other countries, starting from a completely different basis to define refugee status[9].

The concept introduced in Cartagena has its inspirational sources in the Organization of African Unity Declaration on the specific problems of refugees in Africa and the Pact of San José, Costa Rica. In Africa, with the independence process, a supportive mechanism to accommodate refugees was established, based on large and generous criteria, mainly as the result of foreign occupation of the colonial metropolis and thereby supporting the populations fighting for independence and self-determination. However, with the independence process ended, these broad criteria were falling out of favor and were not usable, until they were refurbished by the Cartagena Declaration.

The prospect of Cartagena Declaration is not a simple extension of the concept of refugee, since the declaration itself does not introduce new elements to the individual perspective of the refugee as per Geneva Convention, but starts this process of defining refugee

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[8]Available at http://www.unhcr.org/45dc19084.html, consulted on 14 December 2015

[9]LA CRISIS DE LOS REFUGIADOS CENTROAMERICANOS – in MEMORIA DEL VIGÉSIMO ANIVERSARIO DE LA DECLARACIÓN DE CARTAGENA SOBRE LOS REFUGIADOS, available at http://www.derechoshumanos. unlp.edu.ar/assets/files/documentos/reflexiones-sobre-la-aplicacion-de-la-definicion-ampliada-de-refugiados-corcuera-cabezut.pdf, consulted on 1 December 2015

status from a completely different basis, as it takes into account the objective situation of the political and social environment that can affect anyone regardless of their individual attributes and scopes[10].

As such, the broader refugee definition given by the Cartagena Declaration is that of people "*who have fled their countries because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order*"[11].

The fact that this Declaration is not legally binding became a reference point in the area of refugee protection, especially in Latin America but not only, as many States have inserted in their own national legislations the outcomes of this document.
Moreover, the Latin America States have continued to work under the same auspices that led initially to the Cartagena Declaration and, 30 years later, in the 2014 Brazil Declaration, other aspects related to refugees, such as gender issues, as well as the problem of unaccompanied children and adolescents in Central America were highlighted, as well as the need and importance of eradication of statelessness.

Consequently, despite the institutional and international efforts, it can be noticed that the current governance structures are ineffective in solving this global problem. The violence accompanying the trafficking in persons, as well as the flows of migrants, generates the need for an overall decrease of vulnerability of migrants and the strengthening of the justice and security systems of the States, innovative solutions being necessary for the migration problem.

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[10]*Ibid.*

[11]"*considere también como refugiados a las personas que han huido de sus países porque su vida, seguridad o libertad han sido amenazadas por la violencia generalizada, la agresión extranjera, los conflictos internos, la violación masiva de los derechos humanos o otras circunstancias que hayan perturbado gravemente el orden público*"

Instead of conclusion

Within the framework of international relations, one realizes today the need for a convergent implementation of the International Law of Human Rights, International Refugee Law and International Humanitarian Law so that a positive and significant change in the lives of refugees, stateless and displaced persons could be realized and that the 1951 Geneva Convention really achieves its ends.

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ASYLUM APPLICATION FOR INTERNATIONALPROTECTION. LAW PROVIDES SOLUTIONS, INVOLVEMENT OFFERS PROPER ACCESS TO IT

Andreea ARHIP[1]

Abstract
The differences between these notions lie in the working tools for the correct approach to the current international situation. Temporary protection does not preclude the granting of the international protection forms to an alien or refugee, or subsidiary protection status. Asylum seekers have not only rights but also obligations, each of which must be communicated to them in a language they understand, or that can reasonably be expected to understand. Communication is a solution and it starts with registration in the Eurodac system. Subsidiary protection is the correct legal approach as a solution in principle between refugee and subsidiary protection status.

Keywords: temporary protection, international protection, refugee status, subsidiary protection status

I. Current situation and existing legal provisions

A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of progressively establishing an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union. Such a policy should be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States.

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[1] Judge, LL.M., First Instance Court of Galați

This year has seen a remarkable increase in arrivals of people by sea, with the latest UNHCR statistics putting the number at 752,072 people, of which 608,970 arrived in Greece.

In order to determine the quality of international protection applicant, the provisions of the Geneva Convention relating to the status of Refugees on 28 July 1951 should be taken into consideration – an international character instrument, representing the fundamental legal document for the international protection of the refugees. This is complemented by its 1967 Protocol and represents the primary source for accurate information on the definition of persons requesting a form of international protection, their rights and obligations.

Our analysis tries to clarify some issues related to today's growing interest for the situation of the refugee waves that Europehas been confronted with lately.Thus, based on primary international conventions, European laws have been developed, the purpose of which is to determine the framework for the reception of persons applying for a form of international protection, created in order to ensure equal treatment of applicants throughout the whole EU.

One such law is Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (hereinafter "Directive on reception", whose transposition period, in reference to the majority of its Stand Body, was on July 20, 2015).

According to the European Commission Bulletin on 23 September 2015, 25 letters of formal notice were sent to 19 Member States for failure to communicate transposition measures. This requirement was for each of the member states, in accordance with art. 31 para. (2) of the Directive on reception. These laws form a coherent whole, which aims to ensure implementation of asylum rules within the Member States in a fair and consistent way.

Therefore, failure to implement these laws jeopardizes the overall efficiency of the system.

However, failure to transpose the Directive within the established deadline is not such an alarming fact in the current situation, since under Article 3 pt. 3 of the Directive on reception, this Directive shall not apply when the provisions of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection *in the event of a mass influx of displaced persons* and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof are applied.

Temporary protection means a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection.

This is the definition of art. 2 pt. 1 of Council Directive 2001/55/EC of 20 July 2001, which considers that the European Union can now offer a solution to address the flow of refugees arriving by sea.

We consider that the concept of *displaced persons* means third-country nationals or stateless persons who have had to leave their country or region of origin, or have been evacuated, in particular in response to an appeal by international organisations, and are unable to return in safe and durable conditions because of the situation prevailing in that country. These persons may fall within the scope of Article 1A of the Geneva Convention or other international or national instruments giving international protection, with particular attention to persons who have fled areas of armed conflict or endemic violence.

In this case, it must be emphasized that the existence of a mass influx of displaced persons shall be established by a Council Decision adopted by a qualified majority on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council.

The duration of temporary protection shall be one year, but it may be extended automatically by six-month periods for a maximum of one year. One of the most important benefits is that the temporary protection shall not prejudge recognition of refugee status under the Geneva Convention.

To enable the effective application of the Council Decision, Member States shall register the personal data, with respect to the persons enjoying temporary protection on their territory. Under Eurodac Regulation (EU) No. 603/2013[2], all asylum seekers and migrants in an irregular situation apprehended in connection with an irregular border crossing – except for children under the age of 14 years – must provide their fingerprints. These are stored in a large-scale database called Eurodac. When Member States apprehend migrants in an irregular situation within their territory, they can compare their fingerprints with the Eurodac database.

A Member State shall take back a person enjoying temporary protection on its territory, if the said person remains on, or, seeks to enter without authorisation onto the territory of another Member State during the period covered by the Council Decision. This provision is consistent as provided in Regulation (EU) No. 604/2013[3] of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a

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[2]http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0001:0030:EN:PDF
[3]http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013R0604

third-country national or a stateless person, including those settled by art. 9 and 10 which refer to the situation in which the applicant has a family member, regardless of whether the family was previously formed in the country of origin, who has been allowed to reside as a beneficiary of international protection in a Member State. The law also establishes that the Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing. The solution will be the same if the applicant has a family member in a Member State whose application for international protection in that Member State has not yet been the subject of a first decision regarding the substance, when that Member State shall be responsible for examining the application for international protection, provided that the persons concerned expressed their desire in writing.

Where it is established, on the basis of proof or circumstantial evidence, including the data referred to in Regulation (EU) No. 603/2013, that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for international protection. The reference to Eurodac Regulation is on basis that asylum seekers and migrants in an irregular situation apprehended in connection with their unauthorised border crossing have a duty to provide fingerprints for Eurodac. Member States are obliged to take their fingerprints, but there are limitations on how to enforce such obligation so as not to violate fundamental rights. There are nongovernmental organizations or other organisations like European Union Agency for Fundamental Rights[4] that are intended to assist authorities and officers who have been assigned the task of taking fingerprints for

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[4]http://fra.europa.eu/en/research

Eurodac to act in compliance with fundamental rights, parts of which are also useful for individual officers.

II. Duration of temporary protection, rights of those under this form of protection and their records according to the Eurodac Regulation

What is often omitted by the authorities entrusted with examining an asylum application is that that responsibility shall cease 12 months after the date on which the irregular border crossing took place.

Returning to the temporary protection that may be granted in the case of an influx of migrants, we consider that accurate information on nationals to third-country States would facilitate the integration of these people and diminish the feeling of insecurity which of course cannot be denied in the occurrence of a situation that could not be anticipated either by authorities or by those who are subject to this massive movement.

The European legislator settled that the Member States shall authorize, for a period not exceeding that of temporary protection, persons enjoying temporary protection to engage in employed or self-employed activities, subject to rules applicable to the profession, as well as in activities such as educational opportunities for adults, vocational training and practical workplace experience. For reasons of labour market policies, Member States may give priority to EU citizens and citizens of States bound by the Agreement on the European Economic Area and also to legally resident third-country nationals who receive unemployment benefits. The general law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply.

We consider that this is one of the provisions that can maintain a stable framework between EU nationals and those

seeking Union states protection. However, although this seems to be one of the answers to the current issues concerning the migratory waves, we believe that situations that stem from establishing identity issues and ensuring social security for the migrants will certainly occur very soon.

Taking into account the fact that, out of security or unexpected departure reasons, migrants do not usually have their identity papers on them, we do believe that a possible solution to this problem can be the use of the data stored in the Eurodac System, taking appropriate measures for the protection of personal character data.

Thus, it must be remembered that Regulation (EU) No. 603/2013 establishes the rules for "Eurodac", the purpose of which shall be to assist in determining which Member State is to be responsible pursuant to Regulation (EU) No. 604/2013 (The Dublin Regulation - known also as the Dublin III Regulation) for examining an application for international protection lodged in a Member State by a third-country national or a stateless person, and otherwise to facilitate the application of Regulation (EU) No. 604/2013 under the conditions set out in this Regulation.

In the 9th article[5] Eurodac Regulation establishes that each Member State shall promptly take the fingerprints of all fingers of every *applicant for international protection* of at least 14 years of age and shall, as soon as possible and no later than 72 hours after the lodging of his or her application for international protection, transmit them together with data about the Member State of origin, place and date of the application for international protection to the Central System.

We can identify here a first breach of the Regulation in that it refers only to applicants for international protection, which conditions the possibility of fingerprinting on formulating an

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[5]http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013R0603

application for international protection by the non-European member just arrived in the Member State. However, we appreciate that there will be only few situations in which people arrived on the territory of a Member State will not apply for a form of protection, having an interest in being the beneficiary of the non-refoulement principle established by art. 33 of the 1951 Geneva Convention.

Even if they do not require a form of protection, there is an obligation of each Member State to take the fingerprints of all fingers of every third-country national or stateless person of at least 14 years of age who is apprehended by the competent control authorities in connection with the irregular crossing by land, sea or air of the border of that Member State having come from a third country and who is not turned back or who remains physically on the territory of the Member States and who is not kept in custody, confinement or detention during the entirety of the period between apprehension and removal on the basis of the decision to turn him or her back.

However, it should not be overlooked that each set of data relating to a third-country national or stateless person shall be stored in the Central System for 18 months from the date on which his or her fingerprints were taken. Upon expiry of that period, the Central System shall automatically erase such data.

III. Reaction of judicial authorities and considering the nearest judicial review

We wonder if, according to the latest data on the third-country people's entry on the EU territories, the European receiving system is able to respond positively by respecting the minimum obligation to acknowledgment of people's both obligations and rights in a language they understand or that can be reasonably assumed that they understand.

According to data provided by European Asylum Support Office[6] (EASO), the latest information received by EASO indicates that, by the end of October 2015, 1 million application marks will be passed. Most of the applications in recent months come from Syrian, Iraqi and Afghan citizens. Thus, in September 2015, EU countries received over 62 000 applications from Syrians, an increase of 26% compared to August and almost three and a half times the level recorded in the same month of 2014. Also, the rise in the number of Iraqi applicants accelerated lately, more than 25.000 applications in the EU being registered, which represented the highest monthly level since 2008 and an increase of 115% compared to August, whereas the number of applications from Afghans rose to 21 000.

Although these data may seem worrying, for every problem there can be found both legal and social solutions that the European Union has created and that are in its power.

We consider that the most important right that must be respected is communication of rights and obligations to those people in vulnerable situations. The problem arising here is where to find people speaking Farsi, Kurdish and any other Arabic language since none of the European countries could have anticipated this need, until the emergence of this wave of migrants.

Certainly, universities can find students able to speak these languages, who might be exempted from taking an exam in humanistic studies, and who could provide translation services for a limited period on a voluntary basis.

The resolution must be seen as one of cooperation of all institutions, not just those responsible for ensuring security and public safety. We assess as positive the outcome of statistics at European level, whereby in September 2015, EU countries issued 53 990 decisions at first instance and in the EU as a whole, the share

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[6]https://easo.europa.eu/wp-content/uploads/Latest-Asylum-Trends-snapshot-Sept-2015.pdf

of positive decisions was 44% of total decisions in first instance. Syrians continued to be the ones receiving the highest number of decisions at first instance. In September, EU countries issued 12 256 decisions on Syrian applications, 9 % more than in August. Of those decisions, 97% resulted in a positive outcome, with 77% granting refugee status and 20% granting subsidiary protection.

A discussion can be made on the accuracy of these decisions, towards the issues in Directive 2011/95/EU of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted that defines[7] *"international protection"* as being refugee status and subsidiary protection status, the *"refugee"* as being a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and the *"person eligible for subsidiary protection"* as being a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

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[7]http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32011L0095

To conclude, regarding the fact that Article 15 c) from Directive 2011/95/EU of the European Parliament and of the Council appoints that serious harm consists of serious and individual threat to a civilian's life or person by reason of indiscriminate violence *in situations of international or internal armed conflict,* we consider that the form of international protection that may be granted in such a situation, unless proving a justified fear that falls within the definition of refugee, is that of subsidiary protection, a form of protection that is welcome in the light of the possibility of giving narrower rights to the people in such need and that enables greater control of the Member State over the situation.

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5. https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-OCTOBER-2015_f.pdf - Latest asylum trends and main countries of origin - EASO Newsletter, October 2015

MIGRATION TCHADIENNE ET CENTRAFRICAINE AU NORD-CAMEROUN: ENJEUX HUMANITAIRES ET PROBLEMATIQUE DE LA DEGRADATION DE L'ENVIRONNEMENT

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Résumé

Depuis les indépendances, le Nord du Cameroun connaît un afflux de migrants forcés venant du Tchad et de la Centrafrique dont les troubles politiques et les crises écologiques constituent des facteurs d'impulsion. De nombreux réfugiés sont accueillis dans des camps de fortune et ont suscité la mobilisation de la communauté internationale en vue du déploiement des mesures d'urgence humanitaire. A partir des données primaires et des données secondaires, ce travail se propose à travers une démarche qui combine de la perspective historique aux sciences sociales, de montrer comment le Nord-Cameroun constitue une zone de refuge et d'analyser les enjeux qui se dessinent autour de la migration étrangère.

Mots clés: zone de refuge, migration, enjeux humanitaires, sécurité

Introduction

Le Nord du Cameroun est un espace constitué de trois régions administratives qui s'étendent du plateau de l'Adamaoua aux berges du lac Tchad. Depuis les années 1970, cette région géographique est devenue un espace où convergent des flux de déplacés suite à l'instabilité politique génératrice des violences qui caractérisent certains États du bassin du lac Tchad. Ces déplacés viennent poser à l'état du Cameroun en quête du développement et de l'amélioration

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des conditions de vie de ses citoyens, l'épineuse question de la gestion et de l'encadrement des réfugiés.

Le renversement du régime de François Tombalbaye en 1975 a provoqué dans le territoire tchadien, une guerre civile qui a freiné le décollage économique du jeune état et a ouvert la voie à la formation des groupes de rebellions en quête de la magistrature suprême, utilisant les armes comme moyens de parvenir aux fins politiques. La crise politique dure jusqu'au début des années 1990 et a mis autant des tchadiens sur le chemin de la migration. De nombreux tchadiens ont trouvé refuge au Nord-Cameroun, compte tenu de la proximité frontalière, des liens matrimoniaux et ethniques qui unissent certains peuples du Tchad et du Cameroun.

A la suite des tchadiens, le Nord-Cameroun connaît également l'afflux de centrafricains qui se dirigent vers la région de l'Est et celle de l'Adamaoua. Dans ce pays situé au centre de l'Afrique, les coups d'état se sont érigés en mode d'accès au pouvoir au détriment d'une transition démocratique. De la chute de David Dacko à celle de François Bozizé en 2014, la Centrafrique connaît une histoire tumultueuse, une histoire conflictuelle à l'opposé d'une histoire calme, une histoire de la paix. Les troubles politiques ont entraîné une hémorragie migratoire vers le Cameroun. La guerre civile en Centrafrique constitue une menace d'insécurité pour les pays limitrophes, notamment pour le Cameroun, qui a dû renforcer son dispositif de défense dans les localités frontalières avec la Centrafrique.

Apart ces migrations liées aux troubles politiques, il convient également de faire mention de certains mouvements humains à caractère économique et scolaire. Pour ces migrations, les statistiques officielles ne sont pas connues du gouvernement ou du Haut Commissariat des Nations Unies pour les Réfugiés (HCR). Les villes de Maroua, de Garoua et de Ngaoundéré sont affectés par ce flux de migrants à caractère économique et scolaire.

Le Cameroun est devenu en Afrique centrale une terre de refuge, du fait de sa stabilité politique, de son hospitalité et de l'ouverture de ses frontières. Au début du XXIe siècle, l'actualité internationale est marquée par le débat autour de la migration syrienne provoquant du coup en Europe une crise migratoire, fragmentant la société et la classe politique entre pro- et anti-migration.

A cette question de la migration qui alimente les débats politiques et scientifiques, l'humanité et la communauté internationale doivent résoudre le problème en amont, afin d'éviter l'hémorragie migratoire liée aux systèmes politiques qui ne respectent pas les principes démocratiques. Le Cameroun subit la même menace migratoire sans que cela ne soit parvenu à diviser la société civile, la classe dirigeante et les intellectuels. Les migrants tchadiens et centrafricains qui se dirigent vers le Cameroun sont accueillis et orientés vers des camps d'habitation, sous l'encadrement des agents du HCR. La population migrante est démographiquement considérable et représente un enjeu d'intégration pour la sous-région Afrique centrale.

La migration vers le Nord-Cameroun est liée aux facteurs écologiques, politiques et économiques dont la conjonction n'offre aucune perspective reluisante aux migrants qui doivent commencer une nouvelle vie dans un pays étrangèr. La pauvreté, l'insécurité alimentaire, les problèmes de santé constituent les lots quotidiens des migrants dépourvus de tout pouvoir financier et matériel. Ils sont alors vulnérables à tous les risques compte tenu de leur capacité d'adaptation quasi-nulle. Vu sous cet angle, les déplacés suscitent de la compassion et nécessitent une prise en charge humanitaire urgente.

Ainsi, autour de la migration forcée se dessinent des enjeux humanitaires, des enjeux de politiques sous régionales et des enjeux économiques. Compte tenu de la dégradation des conditions de vie, les déplacés en masse exercent une pression sur les services

écosystémiques afin de parvenir à leur subsistance. Les écosystèmes autour des camps des déplacés subissent de lourds préjudices dans un contexte de lutte contre la désertification.

Depuis quelques décennies, on assiste à la naturalisation comme camerounais de nombreux migrants, et comme tel, ils participent à la vie politique et économique du pays. Cette naturalisation a contribué à l'accroissement démographique de certaines localités. Les migrations forcées sont récurrentes dans le bassin du lac Tchad, au point que l'on est tenté de parler du caractère cyclique du facteur engendrant le phénomène. Razzias esclavagistes, conquêtes hégémoniques, guerres civiles, crises écologiques conjuguent leurs effets pour déterminer le caractère continuel de la migration observée dans le temps et dans l'espace au niveau du bassin du lac Tchad.

Cette contribution permet de comprendre le caractère hospitalier du Cameroun en Afrique centrale à travers ses institutions et ses hommes face à la question de la migration étrangère, qui de plus en plus se pose comme l'un des défis du XXIe siècle à la communauté internationale. A partir des données primaires et des données secondaires, il est question de montrer comment le Nord-Cameroun constitue une terre de refuge pour les migrants d'origine tchadienne et centrafricaine et d'analyser les enjeux qui se dessinent autour de la migration étrangère. La confrontation et l'analyse critique des sources nous ont permis de bâtir le corpus autour de trois parties principales. La première partie s'attèle à analyser les facteurs qui concourent à la migration vers le Cameroun.

La deuxième partie examine les politiques d'encadrement et l'enjeu humanitaire autour de la migration forcée. Et enfin, la troisième partie se focalise sur l'impact environnemental des migrants et les conflits d'accès aux ressources naturelles.

I. Des crises multidimensionnelles aux sources de la migration tchadienne et centrafricaine vers le Nord-Cameroun

L'Afrique centrale connaît une récurrence de troubles politiques depuis la décennie des indépendances. Cette instabilité politique est l'une des constantes caractéristiques de l'histoire politique de certains États de l'Afrique centrale en l'occurrence, le Tchad, la Centrafrique et le Congo Démocratique (ex-Zaïre). Ces États connaissent de sévères crises politiques génératrices de migrations forcées qui convergent vers le Cameroun, considéré comme un havre de paix dans une Afrique prise en tenaille par les seigneurs de la guerre et de la violence.

L'histoire de la migration des tchadiens vers le Cameroun remonte à la période coloniale. Ce processus s'est intensifié au lendemain des indépendances, quand le Tchad entra dans un cycle de violence marquée par une succession des coups d'état et la formation d'une pléthore de groupes rebelles où chaque leader voudrait conquérir le pouvoir suprême aux moyens des armes. Plusieurs repères permettent de situer dans le temps le flux de la migration forcée des tchadiens vers le Nord du Cameroun. En effet, le premier coup d'état qui a renversé et provoqué la mort du premier président tchadien François Tombalbaye le 13 avril 1975, a ouvert la voie à une succession de prises de pouvoir par les armes. Cette crise politique a provoqué la migration de plusieurs ethnies et a permis l'installation permanente du climat d'insécurité, la formation de plusieurs groupes de rebellions qui entretiennent au quotidien la rhétorique de la violence. Les villes de Kousseri, Yagoua, Kaélé, Maroua, Garoua, Ngaoundéré connurent l'arrivée massive des migrants tchadiens.

Le second repère est déterminé par la période qui a marqué la prise de pouvoir par Goukouni Ouaddeï (1979-1982), puis par Hissène Habré (1982-1990). Le régime de Goukouni Ouaddeï, tout comme celui de Hissène Habré, s'est caractérisé par l'instauration de

la dictature et de la forte répression contre le peuple tchadien. Cette dictature est à l'origine du crime contre l'humanité pour lequel Hissène Habré est poursuivi à Dakar par la justice internationale. Dans cette perspective, des milliers de personnes fuyant la répression et la violence ont choisi comme destination le Nord-Cameroun.

Le troisième repère coïncide avec l'avènement de la démocratie et du multipartisme en Afrique subsaharienne. Tandis que les années 1990 marquent le début de l'ouverture démocratique dans nombre des États de l'Afrique subsaharienne, les tchadiens vécurent un autre coup d'état. Les hommes d'Idriss Deby eurent raison du pouvoir de Hissène Habré. De 1966 à 1990, le Tchad a vécu dans un environnement de troubles politiques qui ont provoqué la migration des milliers de personnes à l'intérieur et vers l'extérieur. Le Cameroun fut l'une des destinations privilégiées. De nombreux migrants furent accueillis dans des camps, d'autres installés dans des villages bénéficiant de la solidarité transfrontalière liée aux facteurs ethniques et matrimoniaux. Au sujet des troubles politiques qui ont marqué l'histoire politique du Tchad, Saïbou Issa écrit: «la guerre civile et la prolifération des rébellions et des mouvements armés dits politico-militaires depuis 1966 y a multiplié les porteurs d'armes, qu'ils soient d'anciens éléments de l'armée régulière passés à la vie civile après la déchéance du président, ou des combattants affiliés aux dizaines de mouvements armés disséminés sur le territoire tchadien » (Saïbou Issa 2006 : 126).

Cette insécurité a porté préjudice au peuple tchadien en retardant son développement, ce qui plus tard s'imposera comme un défi au pouvoir d'Idriss Deby. La plus part des déplacés tchadiens ont été rapatriés par convois organisés par le HCR et la quasi totalité des campements démantelés. Il reste moins de déplacés tchadiens. Depuis 2013, le HCR a enregistré 1540 refugiés tchadiens en terre camerounaise. Ce chiffre a connu une augmentation en 2015 pour atteindre le cap de 1790 personnes (Rapport UNHCR 2014-2015). La migration tchadienne vers le Cameroun est récurrente et parfois liée

aux facteurs écologiques. Lorsque les sécheresses des décennies 1970 et 1980 frappèrent le Sahel et le Tchad, de nombreux agriculteurs et éleveurs se sont repliés dans les périmètres rizicoles de Yagoua, de Maga et dans la zone de pêcherie de Lagdo (Ahidjo 2013). La combinaison de facteurs politiques et écologiques explique le caractère régulier de la migration tchadienne vers le Nord-Cameroun. Mais davantage, les crises politiques ont quantitativement expulsé les tchadiens vers l'extérieur et ne favorisèrent guère le climat d'investissement. A la crise politique et sécuritaire succède une crise structurelle. C'est ainsi que le Tchad fait face au manque de structures de formation et d'éducation. A ce manque, s'ajoute la déliquescence des structures héritées de la colonisation ou construites pendant les premières années de l'indépendance. Ces structures s'avèrent inadaptées aux besoins de la formation de la jeunesse. Plusieurs cadres tchadiens ont été formés dans les universités et les grandes écoles camerounaises. En 2000, les universités camerounaises accueillirent de nombreux étudiants à l'exemple de l'université de Ngaoundéré qui comptait des centaines d'étudiants tchadiens.

Le Tchad connaît de nos jours une stabilité politique et a amorcé son processus de développement du fait de son statut de nouveau pays pétrolier de l'Afrique centrale. La stabilité et la croissance économique ont constitué un frein à la vague d'émigration des tchadiens et parfois, on assiste aux migrations de retour de nombreuses familles. La relance de l'économie et le développement du Tchad sont parmi les priorités de la politique de reconstruction initiée par le régime d'Idriss Deby. Au début du XXIe siècle, le Tchad est un pays qui a retrouvé sa place dans le concert des nations. Il est entrain de passer du statut de pays d'émigration à celui de pays d'accueil.

De la crise politique à la crise écologique voire la crise structurelle, on est tenté de parler de la mutation ou de la multiplication des crises qui favorisent le phénomène migratoire en

Afrique centrale. Les troubles politiques en Centrafrique ne sont pas de nature à garantir une stabilité sociale des populations en proie à la pauvreté.

La Centrafrique devient indépendant le 13 août 1960, ayant comme président David Dacko, qui, après quatre années de magistrature suprême fut renversé par un coup d'état en 1965, orchestré par Jean Bedel Bokassa.[9] Depuis 1965, la Centrafrique connaît des moments d'insécurité, à l'exemple des mutineries qui ont suivi l'arrivée d'Ange Félix Patassé et les troubles politiques de 2014 qui ont expulsé Bozizé du pouvoir, créant une guerre civile entre des fractions rebelles. Ces troubles quasi-régulières expliquent la migration des centrafricains vers des pays voisins. En effet, le Cameroun est le pays de l'Afrique centrale qui accueille le plus grand nombre de refugiés centrafricains, comme il l'a fait avec le Tchad (Rapport UNHCR 2015). Au cours des années 2014 et 2015, les exactions des milices Anti Balaka et Séléka ont provoqué d'importants dégâts matériels et des pertes en vies humaines. La conséquence la plus spectaculaire est le flux des migrants observés aux frontières du Cameroun. La région de l'Est et celle de l'Adamaoua ont accueilli de milliers de personnes, suscitant du coup une mobilisation humanitaire et des solidarités transfrontalières. Malgré l'intervention en 2013 de l'armée française dans le cadre de l'opération Sangaris, elle même responsable des violes d'enfants, et la mise en place d'une force multinationale de l'ONU, la situation sécuritaire en Centrafrique n'est guère reluisante. Les migrations des populations sont continuelles du fait des attaques quasi-permanentes des groupes armés.

Les rapports du HCR montrent que le Cameroun est le seul pays en Afrique qui accueille le plus grand nombre de migrants et de

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[9]Lututala Mumpasi, 2002, « les migrations en Afrique centrale : caractéristiques, enjeux et rôle dans l'intégration et le développement des pays de la région », document en ligne, format pdf

refugiés centrafricains. De 2013 à 2015, le HCR a enregistré 78 250 refugiés centrafricains installés dans la région de l'Est et dans la région de l'Adamaoua (Rapport UNHCR 2014-2015). Ce chiffre pourrait s'alourdir, si l'on arrivait à recenser les déplacés qui vivent hors des camps et ceux qui vivent en milieu urbain. Le gouvernement du Cameroun en partenariat avec le HCR a construit plus de 300 sites qui accueillent les déplacées centrafricains (Rapport UNHCR 2014-2015). L'accentuation de la pression migratoire dans les prochaines années est plausible du fait de l'insécurité et de la pauvreté galopante. La pression de la migration forcée aux frontières Est et Nord du Cameroun pose la problématique de l'aide d'urgence humanitaire mais aussi la nécessité de trouver des solutions durables au phénomène devenu global.

II. Politiques d'encadrement et enjeux humanitaires

Le Cameroun est signataire des textes internationaux sur les refugiés. Il a signé tour à tour la convention de Genève de 1951 sur le statut des refugiés, son protocole de 1969 et la convention d'Addis-Abeba de l'Organisation de l'Unité Afrique (OUA) de 1969. Dans le cadre du droit interne et du dispositif judiciaire, le pays a adopté en juillet 2005 une loi définissant le cadre juridique de protection des refugiés. Depuis novembre 2011, cette loi est entrée en vigueur (Rapport UNHCR 2015). Face à ses engagements internationaux, les frontières du Cameroun se trouvent ouvertes aux migrations de masse et aux migrations individuelles ou isolées, plusieurs facteurs conjugués ou isolés expliquant le départ des populations de leur pays d'origine. Du fait aussi de son engagement international, le Cameroun essaie de respecter ses devoirs de protection des refugiés et des déplacés qui viennent trouver refuge et sécurité sur son territoire. La stabilité politique, les potentiels humains, la diversité des ressources naturelles déterminent le choix de nombre des migrants vers la destination du Cameroun. Ainsi, le pays a accueilli,

selon les statistiques officielles du HCR, 85 870 refugiés repartis dans les régions administratives de l'Est, de l'Adamaoua, du Nord et de l'Extrême Nord qui partagent les frontières avec le Tchad et la Centrafrique (Rapport UNHCR 2014-2015). Les refugiés installés au Cameroun bénéficient de l'appui et de la prise en charge du HCR. Toutefois, les conditions dans lesquelles arrive l'ensemble des migrants suscitent de la compassion. Désemparés, ils ont abandonné tous leurs biens et deviennent dès lors des nécessiteux. C'est dans une logique d'humanisme que le gouvernement et le HCR tentent de venir aux secours des déplacés.

La crise migratoire telle observée aux frontières du Cameroun a nécessité une intervention humanitaire d'urgence. Le gouvernement du Cameroun, face à l'arrivée massive des migrants tchadiens et centrafricains, a souvent apporté le premier secours humanitaire avant que le HCR ne prenne le relais de la prise en charge des déplacés. La gestion a consisté à accepter l'installation des refugiés dans des camps aménagés sur son territoire, puis l'apport en aide humanitaire et enfin, la facilitation d'accès aux services sociaux. Vu le nombre important des déplacés et la situation humanitaire qui se dégrade au quotidien, le HCR et d'autres organismes conjuguent leurs efforts afin de soulager les souffrances des populations.

Le bureau du HCR de Yaoundé est responsable de la mise en place des stratégies humanitaires d'intervention d'urgence en cas de crises au Cameroun. La succession de crises que les pays du bassin du lac Tchad connaissent (crises de sécheresses, crises d'inondations, crises de migrations) a nécessité une réponse humanitaire d'urgence de la part du HCR et des autres acteurs humanitaires. Ainsi, le HCR et le gouvernement se déploient à apporter aux populations vulnérables la protection physique et l'aide essentielle. Les déplacés bénéficient alors, d'une prise en charge sanitaire, de l'accès à l'éducation et de l'approvisionnement en eau (Rapport UNHCR 2015). L'encadrement humanitaire du HCR vise aussi à réduire le risque de conflits entre les populations autochtones et les migrants.

L'accès aux ressources naturelles est l'un des facteurs qui expliquent les rapports conflictuels entre les autochtones et les allogènes. Certaines écoles de pensée avaient d'ailleurs établi le lien entre ressources naturelles, environnement et conflits.[10] L'amenuisement des ressources naturelles dû à la pression démographique constitue la cause principale des conflits entre les populations. C'est par exemple, le cas des conflits inter communautaires autour des ressources naturelles observés dans la région de l'Adamaoua, du Nord et aux abords du lac Tchad. Les conflits et les tensions qui ont marqué l'histoire du bassin du lac Tchad à travers le temps et l'espace, ne sont pas dénués de tout fondement écologique. L'enjeu des ressources naturelles est toujours au centre des rapports de force entre les populations et les États.

En effet, la forte concentration des refugiés au Nord-Cameroun, dans un environnement écologiquement fragile est un facteur d'épuisement et d'amenuisement des ressources naturelles. L'accès des refugiés aux ressources naturelles, aux services écosystémiques est à l'origine des cas de conflits entre les autochtones et les déplacés qualifiés d'allogènes. Ce risque de conflit accentue l'insécurité et la déstabilisation des régions hôtes. La prévention des conflits représente un défi pour les organisations humanitaires et les pouvoirs publics afin de maintenir la cohésion sociale entre les différents groupes d'ethnies. Dans ce sens, les pouvoirs publics veillent à la stabilité et tentent d'endiguer toutes les velléités de tensions ou de conflits.

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[10]Sur cette question, quatre écoles de pensées ont établi le lien entre environnement et conflits. Il s'agit de l'école américaine représentée par Arthur Westing, le groupe de Toronto sous la conduite de Thomas Homer Dixon. L'école de suisse composée des chercheurs du Swiss Federal Institute of Technology (Zurich) et de la Swiss Peace Foundation (Berne), dans le cadre du projet ENCOP (Environment and Conflict Project). Enfin, le groupe d'Oslo comprenant les chercheurs de l'International Peace Research Institute (PRIO)

D'autres organisations internationales telles que le PAM, l'UNICEF, l'OMS apportent aux déplacés les besoins nécessaires dans le domaine de l'alimentation, de la prise en charge des carences nutritionnelles et de la santé. Le PAM s'est fait distingué par un apport en denrées alimentaires constituées des céréales. L'UNICEF et l'OMS s'intéressent à l'encadrement des enfants et de leur vaccination à l'entrée du Cameroun et dans les camps des refugiés. L'action conjuguée de l'UNICEF et de l'OMS a permis l'administration du vaccin polio oral à plus de 138 enfants de 0-5 ans, et du vaccin anti- rougeoleux à 301 enfants de 6 mois – 15 ans (Rapport UNHCR 2015). Ces actions de santé publique s'accompagnent d'un volet de formation des volontaires dans certaines aires de santé de la région du Nord-Cameroun. Dans le même sens, l'UNICEF appuie les Délégations de la santé publique de l'Est, de l'Adamaoua, du Nord et de l'Extrême Nord dans la prise en charge de la malnutrition aigue qui caractérise les populations migrantes en proie à l'insécurité alimentaire. La malnutrition constitue une constante caractéristique des déplacés de la guerre, des crises écologiques à travers la planète. L'action des organisations s'est intensifiée en intégrant la lutte contre le paludisme et les infections respiratoires.

Le champ de l'humanitaire s'est élargi aux ONG qui se déploient à côté du HCR et des autres organisations internationales en vue de la réduction de la vulnérabilité alimentaire et sanitaire des déplacés. Parmi ces ONG, on peut évoquer Care International et Plan Cameroun. Care International s'est engagé dans le domaine de l'amélioration des conditions de santé et d'hygiène des migrants. A cet effet, l'ONG finance la construction, l'entretien des puits d'eau, des toilettes, des douches et des systèmes d'assainissement. Les conditions de vie précaires dans les camps de refugiés et l'insalubrité constituent des facteurs d'exposition aux maladies. Au total, c'est plus de 10 000 personnes qui ont bénéficié de cette offre sanitaire de l'ONG Care International (Site web Care Cameroun). Quant à Plan

Cameroun, cette organisation non gouvernementale s'intéresse à la scolarisation des enfants, à l'alimentation en eau potable par la construction des forages. Mais également, elle s'intéresse à l'amélioration des conditions d'hygiène par la construction des latrines et des douches dans les camps des déplacés.

Cependant, les agents de l'ONG Médecin Sans Frontière (MSF) parcourent les différents sites des refugiés afin d'administrer des soins aux malades, contribuant de ce fait, à la réduction des problèmes de santé des déplacés. Les conditions d'hygiène dans les différents sites d'habitation sont génératrices de maladies telles que le paludisme, le choléra, les infections respiratoires etc. Toutefois, la tâche des organisations humanitaires n'a pas seulement consisté à apporter les besoins de base mais également elle a consisté à l'encadrement psycho-social, au réconfort moral d'une population en état de stress dû aux conditions ayant précipité leur départ.

Si l'on a observé l'engagement des organisations internationales et des ONG étrangers pour des causes humanitaires, on constate tout de même, l'absence des organisations locales capables de venir en aide aux déplacés victimes des crises. Pourtant le Nord-Cameroun connaît une pléthore d'ONG issue de la société civile. Du fait de la récurrence des crises multidimensionnelles, le bassin du lac Tchad est devenu un espace de mobilité et le Nord-Cameroun une zone de convergence et d'expérimentation des programmes d'aide humanitaires des organisations internationales et des ONG étrangers. L'aide internationale humanitaire n'est pas dénuée des enjeux politiques et économiques comme l'a signifié Marc Antoine Pérousse de Montclos dans l'une de ses études sur la migration burundaise de la décennie 1990.[11] Malgré les diverses interventions des humanitaires, la situation dans les camps des

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[11]Marc Antoine Pérousse de Montclos, 2006, « De l'impartialité des humanitaires et de leur perception par les bénéficiaires : les enjeux politiques de l'aide internationale au Burundi », in *Autrepart*, n° 39. Disponible en ligne sur: www.cairn.info/revue-autrepart-2006-3-page-39.htm

déplacés n'est pas de tout probante et reluisante, ce qui pousse les migrants à la pratique des activités de subsistance qui pourraient impacter sur l'environnement naturel.

III. Migration étrangère, dégradation de l'environnement et conflits d'accès aux ressources naturelles

Le Nord Cameroun connaît une migration étrangère dense venant de l'Afrique de l'Ouest et des autres pays de l'Afrique centrale. Ce flux migratoire n'est pas sans conséquence sur l'environnement naturel. En même temps, les rapports sociaux entre migrants et les populations autochtones ne sont pas toujours pacifiques.

Les déplacés exercent une pression sur les ressources ligneuses qui subissent parfois l'influence des sécheresses et de la rareté de l'eau. Cette conjugaison de facteurs entraînent la dégradation de l'environnement malgré la mise en place des politiques de protection et de reboisement initiées par le gouvernement. C'est dans ce sens que le reboisement de la région du Nord-Cameroun a été considéré comme une priorité de la politique environnementale des pouvoirs publics. La relation homme-environnement paraît établie et cela remonte aux premiers âges de l'humanité.

Au même titre que les populations autochtones, les refugiés et d'autres migrants participent au processus de la dégradation des écosystèmes de leur milieu d'implantation. C'est ainsi que les écosystèmes situés aux alentours des sites des refugiés connaissent une dégradation avancée. Pour subvenir aux besoins de base, les refugiés s'adonnent aux activités génératrices de revenu parmi lesquelles la coupe et la vente de bois de chauffe. La coupe de bois est un facteur de dégradation du milieu naturel. Les refugiés coupent les arbres afin d'utiliser le bois pour la préparation des aliments dans les ménages, soit pour la vente afin d'avoir quelques pécules. Le bois

de chauffe constitue la seule source d'énergie utilisée par les ménages dans les camps, ce qui explique d'ailleurs la pression sur les réserves forestières.

La demande et la consommation de bois de chauffe ont connu une augmentation ayant entraîné un effet de dégradation de l'environnement. Il y a en effet, un impact environnemental considérable et de préjudice sur les écosystèmes. Cet impact environnemental amène à penser, à l'élaboration d'un plan de réhabilitation de l'environnement ou du paysage au moment de la fermeture des camps et du rapatriement des refugiés vers leur pays d'origine. Les humanitaires doivent tenir compte de la dimension environnementale dans les programmes de prise en charge des refugiés et des migrants.

La cohabitation des populations autochtones avec les refugiés est souvent empreinte de conflits. Plusieurs facteurs expliquent le déclenchement de tensions dont les plus récurrents sont liés à l'accès aux ressources naturelles. Dans la région de l'Adamaoua, les tensions sont observées entre les populations locales et celles migrantes (Mbororo et Peuls). En effet, les Mbororo et les Peuls constituent les populations nomades dont l'activité principale repose sur l'élevage. Au sujet du peuple Mbororo éleveur et nomade, Saïbou Issa écrit: « Ces éleveurs nomades (…) mènent une vie de migration, transhumant par delà les frontières régionales et nationales » (Saïbou Issa, 2006).

Les troubles politiques et l'insécurité qui secouent la Centrafrique depuis des décennies ont provoqué un flux de la migration des Mbororo et des Peuls vers les régions du Nord-Cameroun. On observe de nombreux groupes d'éleveurs qui cherchent des espaces de pâturages pour leur bétail. La destruction des plantations par le bétail justifie la récurrence des conflits agro-éleveurs qui sont légions au Nord-Cameroun. Dans la région de l'Adamaoua, les conflits entre les agriculteurs Gbaya et les Mbororo sont liés aux destructions des champs de plantations par le bétail.

Ces conflits agro-éleveurs s'observent également aux abords du lac Tchad. Dans un contexte, où les populations du Nord-Cameroun vivent sous la menace permanente de l'insécurité alimentaire, la destruction des plantations de céréales ou de tubercules par le bétail des migrants n'est pas tolérable par les populations autochtones et cela porte préjudice aux rapports sociaux.

L'accès aux ressources naturelles, en l'occurrence le foncier, les pâturages, l'eau explique la régularité des conflits opposant les populations locales et à celles migrantes. Cette conflictualité, vue sous l'angle polémologique, pose le problème de la désintégration sociale des refugiés ou des migrants dans le nouvel espace d'habitation. Les refugiés ou les migrants forcés sont perçus comme des étrangers. La cohabitation et l'intégration de la minorité deviennent, de ce fait, des défis pour les humanitaires. Il convient donc de travailler sur le renforcement de la cohabitation pacifique et de l'intégration des refugiés dans les régions hôtes.

Conclusion

Dans ce texte, nous avons voulu montrer le caractère hospitalier du Cameroun vis à vis des refugiés ou des migrants forcés du Tchad et de la Centrafrique, souvent en proie à des troubles politiques. L'histoire tumultueuse du Tchad et de la Centrafrique a engendré de nombreux déplacements des populations à l'intérieur et vers l'extérieur notamment au Cameroun. Le pays accueille le plus grand nombre des refugiés en Afrique centrale. Depuis la décennie 1970, le Nord-Cameroun a accueilli de nombreux migrants tchadiens et centrafricains. Mais également, il a accueilli des burundais, des rwandais et des congolais (ex Zaïre) suite au génocide du Rwanda de 1994 et au désordre lié à la chute de Mobutu de Zaïre.

Le Cameroun se positionne comme une terre de refuge à travers ses institutions, sa diversité humaine et sa géographie. Cette migration de masse pose à l'État du Cameroun et aux organismes internationaux la problématique de l'aide humanitaire d'urgence afin

de pallier aux souffrances des déplacés. Ainsi, il ressort en substance que le Cameroun entretient une étroite relation de partenariat avec le HCR dans la gestion de la masse des refugiés. Ils ont construit des centaines de camps dans les régions administratives de l'Est, de l'Adamaoua, du Nord et de l'Extrême-Nord. Les refugiés bénéficient d'un apport en aliments de base, d'un encadrement sanitaire et psychologique. En effet, la pression démographique sur les ressources naturelles constitue un facteur d'amenuisement. Les migrants s'adonnent aux activités génératrices de revenu qui s'inscrivent dans le registre dans l'informel. Ils exercent également une pression sur les écosystèmes et les réserves ligneuses, devenant de ce fait des acteurs de la destruction de l'environnement des régions hôtes dans un contexte de lutte contre la désertification et les changements climatiques globaux. L'accès des refugiés aux ressources naturelles (foncier, eaux, pâturage, réserves ligneuses etc.) constitue un facteur de tensions et de conflits qui complexifient les rapports entre les autochtones et les allogènes. La cohésion sociale et la prise en compte des préjudices environnementaux apparaissent comme des axes à intégrer dans les programmes des humanitaires pour un développement durable dans les régions hôtes des migrants forcés.

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REFUGEE REPRESENTATIONS ACROSS EUROPEAN MEDIA: DISCURSIVE CONSTRUCTIONS OF IMMIGRATION

Cristina PĂTRAȘCU[12]

Abstract

The present article analyses the ways migration and migrants, including refugees, are represented in the media in several European countries like Great Britain, France or Spain which, along their history, have often had to cope with multiple issues related to migration. These countries are considered to make up the group of 'old countries' confronting migration, whereas Central and Eastern European countries are referred to as 'newer countries' of both emigration and immigration. The analysis is carried out from a comparative perspective and the focus is placed mainly on the migration constructions established by the public political and media discourses on migration and various types of migrants. The method adopted by this paper is the discursive practice approach which allows a critical examination of the discourse on migration and migrants with a view to highlighting its specific features, but also the recurrent negative terminology and images used by this/these discourse(s).

Keywords: migration, migrants, political/media discourse, discursive representations/constructions, discursive approach, comparative perspective

Introduction

In the last ten years, European migration has been characterised by a permanent rising trend and it attained a climactic point with the ongoing Syrian refugees' crisis. Given the complexity of the

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problems it poses to the European countries, the phenomenon of migration has caused heated debates among theoreticians, academics, politicians and journalists around the world, who have returned to it with renewed interest. Public political and media discourses have also transformed migration into a topical issue, mainly because of the recent unprecedented and dramatic evolution of this phenomenon.

Many of the scholars dedicating their studies to issues related to migration have focused on establishing its main trends in Europe. These trends are the following: 1) the number of people from around the world coming to EU member states has constantly increased; 2) people moving from one EU member state to another ('intra-EU migration') have also been on the increase, from the year 2000 onwards and especially after 2004; 3) new migration categories, new systems and new policies have emerged in order to find better ways of coping with the newer, ever changing social realities generated by migration (Triandafyllidou, Gropas and Vogel 2014: 1). Thus, in parallel with these new trends and public policies accompanying them, public discourses have proliferated around the issues raised by migration. The present article places emphasis on the terminology and the discursive constructions of migration and migrants with special reference to the category of refugees, underlining the hostile and reproving attitude behind the written or spoken words used throughout different European media.

I. Migration and migrants – defining the concepts

Media reports on migration make use of various terms such as 'migrants', 'immigrants', 'asylum seekers', 'illegal asylum seekers' and 'refugees' to refer to the various aspects of this social phenomenon and the various categories of migrants. Specialists have remarked that often the terms 'refugee' and 'asylum seeker' are used interchangeably in media or political discourse, although, as it

clearly results from international legislation, the two concepts have different meanings. They 'have become routinely devalued as deviant' (Pickering 2001: 172), despite their denoting a dramatic reality of enforced uprooting.

According to Article 1 of the 1951 United Nations Convention Relating to the Status of Refugees, a 'refugee' is a person who 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it' (Santoro 2012: 2). An 'asylum seeker', instead, is 'a person who has left their country of origin and formally applied for asylum in another country but whose application has not yet been concluded' (Refugee Council Website 2016). One possible explanation for the undifferentiated use of the two notions has been offered by the literature in the field according to which the replacement of the term 'refugee' with 'asylum seeker' is purposefully done so as to diminish the legal rights that refugees have according to the 1951 Convention. Tony Kushner argues that 'the strategy that most Western receiving societies have adopted to oppose the entry of the refugees has been to reclassify them as something else' and use a linguistic instrument to justify the control 'the scale of the influxes' (2003: 264-265).

Keeping in mind this ambiguity in the use of the two terms, specialists in the field (Venir 2015, Marfleet 2006) consider that the dominant discourse on migrants, referred to as either 'asylum seekers' or 'refugees', has been predominantly negative since the 1990s. Other studies (Guedes and Harindranath in Allan 2005: 282; Malloch and Stanley 2005) prove that the media discourse on refugees presents them as elements of threat and risk. Along the same lines, recent studies insist on the fact that a specific feature of

public discourses on immigration is 'the framing of immigrants and asylum seekers as a threat (to everything from local to national security to the welfare state or to gender equality)' and that these 'securitizing discourses are also capable of incorporating new elements, such as the emphasis, in the context of financial crisis and recession, on the social and economic cost of immigration' (Luhman and Vuoristo 2015). In this way, the public discourse on refugees and asylum seekers is marked by hostility and rejection, reflecting, in fact, the attitude taken by the public authorities towards refugees, with a huge impact on the public opinion in general.

II. Discursive constructions of immigrants and refugees in Great Britain, France

The overview of several articles of the printed press in various EU states reveals the fact that the discursive constructions of refugees across European media present them in terms of 'needy', 'threat' and 'burden'. The analysis of these discourses becomes all the more important since they influence and shape attitudes towards refugees and the social policies which are meant to guide and support them to resettle and integrate into the host country.

Perhaps one of the most violent critical stances towards migrants, be they immigrants, refugees or asylum seekers, is to be found in the British press. Examples of different ways of reporting about migrants in the British media show, more often than not, that references have been made to 'refugees', 'asylum seekers' and 'immigrants' without a clear terminological distinction between these terms. At the same time, there has not been any emphasis on the idea that refugees are persons who are forced to leave their native countries and that they have to endure hardships and need help. One of the first remarks to be made about the press articles in Britain is that they refer to great numbers when they report about immigrants and refugees. The printed press often uses numerical references like

'thousands' and 'hundreds' when talking about refugees, a fact which is not backed up by statistical data. The Ipsos Mori Index 2011 (Santoro 2012: 4) shows that the public in Britain overestimates the number of refugees as a consequence of the media reports considering migration as the second important issue (following economy) which affects their life today. Syrian refugees are attached the same numerical determiner 'hundreds': 'The UK is to open its doors to hundreds of Syrians. What part of "*there are not enough jobs/schools/homes/places/hospitals beds*", do the politicians not understand? (*The Sun*, January 31, 2014 in Venir 2015: 13). Once again, the association of refugees with the idea of economic insufficiency and that of 'burden' can be easily drawn from the context. Along the same lines, it can be added that the Ipsos Mori Index shows that, according to statistical data, 48% of the citizens believe that immigration affects cultural life in a negative way (Santoro 2012: 4).

Another remark to be made is that the language used to report about immigrants and refugees is often intended to induce the idea of some dangerous event threatening the well-being of British citizens. Water metaphors and other imagery that highlights the great number of unwanted people 'invading' the country are often present in various depictions of migration and refugees. The most common are 'flood', 'river' , 'tide', 'wave' of refugees, which, added to expressions like 'swarms' or 'hordes' of refugees (Gabrielotas and Baker 2008: 22), create the picture of some catastrophic events of apocalyptic proportions since these metaphors may so easily act like reminders of the biblical flood or plagues (of Egypt!). Suffice it to look at some samples of British articles that, back in 2013, were spreading concerning news about the Romanians who, according to them, were about to 'flood' Great Britain. 'Thousands of Bulgarians and Romanians plan to flood UK in 2014…' (Mail Online, 27 Jan 2013); 'An Immigration Calamity Looms' (Express UK, 16 February 2013) are only two of the frightening headlines announcing an

invasion that never took place in 2014 anyway. Comparing the discursive constructions of Syrian refugees with those of other immigrants, it may be stated that the overall impression is one of hostility and rejection which leaves no room for compassion or other more indulgent attitudes towards immigrants of any nationality.

In France, the discourses on immigrants and refugees include in their turn negative evaluations and have to be often interpreted and understood against the country's colonial past. 'Securitization' – a process by which immigrants are presented and treated as an economic and security threat – is one of the key features of political and media discourses on immigration in France (Luhman and Vuoristo 2015). French authorities have established a set of securitizing measures such as "the establishment of an obligatory contract of integration, the reinforcement of citizen surveillance, and increased criminalization of illegal immigration" (Luhman and Vuoristo 2015). A media report from 2011 points out the fact that the French media coverage of immigration is marked by many stereotypes focusing on the *banlieues* (outskirts of the city) and on poverty and unemployment which are obviously associated with immigrants (Chareton and La Porte 2011: 7).

In Spain, media discourses on immigration often concentrate on the topic of health with the media translating popular preconceptions about the immigrants' unhealthy habits. Immigrants are viewed as carriers of *muchas enfermedades* (many illnesses) ever since the 1980s and the association of immigrants with contagious illnesses continues to be prioritised even in the 21st century (Banon, Requena and Gonzalez 2013: 117). The authors previously mentioned state that, many times, discourses around immigration contain negative connections and evaluations. Examples of headlines from the Spanish press are very suggestive: 'Immigrant people are the major group at risk of getting tuberculosis' – *La Voz de Almeria*, 4 April 2002; 'Maximize the cleaning of the rest areas in the motorways frequently used by Maghribian people' – *La Verdad*, 19 August 2002

(Banon, Requena and Gonzalez 2013: 117-118). In concordance with the media discourse, the political discourse sends clear messages that immigrants cannot receive health care because they have not contributed to the system by paying the usual taxes and as such the state cannot sustain them economically.

If Great Britain, France and Spain make up the group of the so-called 'older countries of immigration' (i.e. countries that have gained experience in this domain and have established well documented social policies), other countries like Lithuania are referred to as 'newer countries' of immigration. Lithuania has been confronted with bigger immigration issues since 2004, the year of its joining of the EU. Luhman and Vuoristo (2015) state that the public discourses on immigration are, in general, marked by a negative opinion and 'strong emotions' around the subject of economic migrants. Klementjeviene, in an article on immigration in Lithuania, shows that the largest number of immigrants comes from Belarus, Ukraine, Moldova, and more recently from Turkey and China (2010: 1). The author distinguishes between three categories of immigrants which are treated differently by the media. In this sense, a first group of immigrants coming from other EU countries are positively represented in the media, are well received and their integration takes place in an almost automatic manner. Immigrants that form a second category are those coming from Ukraine and Belarus and the discursive constructions around them are rather neutral; they are neither utterly rejected, nor absolutely welcome. The third category of immigrants, considered by the media to be the most 'exotic' and problematic group are third-country immigrants. The discourse around them is full of 'stereotypes' and they are treated in a 'mistrustful' and 'openly fearful manner' (Klementjeviene 2010: 6). Some of the negative headlines using 'a frightening rhetoric' are: 'Flood of Migrants', 'Immigration – a Time Bomb', 'Lithuanians Become a Minority' (Klementjeviene 2010: 7).

Conclusions

The role played by the media in the public sphere is definitely a very complex one since their impact on public opinion is so great. At the same time, politicians and public authorities have often used the media as a publicity and legitimizing instrument for their programs and policies and this is also valid for issues related to migration and immigrants. European media, especially the British one, have manifested a negative attitude towards immigrants, their discursive representations having been constructed, on many occasions, around negative metaphors and images. Although it may be argued that hostility, mistrust and fear mark most of the European media discourses on immigrants, it can also be stated that some of the printed journals in EU countries, even in Great Britain, have slowly integrated more positive and compassionate views towards immigrants, refugees and asylum seekers. This change of perspective has taken place as a consequence of the increase of the number of migrants in Europe and to Europe and of the Syrian refugees' crisis that continues to be a topical issue in the media. The present article analyses mostly negative discursive constructions of immigrants since it is based on the assumption that hostility and lack of compassion are still prevailing attitudes adopted by the European media and that these attitudes have to be replaced in a more obvious and vigorous manner in order to become the rule.

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THE STATUS OF REFUGEE AND THE SITUATIONS THAT EXCLUDE ITS ACQUIREMENT

Oana Elena GĂLĂȚEANU[13]

Abstract:

At present, the refugees are broadly seen as persons that leave their country of origin due to pervasive violence or to serious social disorders or following to torture, inhuman or degrading treatments to which they are exposed to. As opposed to other persons that leave their country of origin due to their own decisions, the refugees are forced to leave the country they are citizens of because their lives and fundamental rights are threatened. They benefit from a special legal status, their rights and obligations being governed by the international law and especially by the United Nations' Convention related to the Status of the Refugees from 1951. The same Convention includes also provisions regarding a number of persons that, although they satisfy the characteristics of the refugees as they are mentioned in its articles, are removed from receiving the status of refugee, being considered unworthy, due to their conduct and to extremely serious crimes sanctioned at international level, which they have perpetrated. This study presents the deeds for which a person will be excluded from the right to obtain the status of refugee.

Keywords: refugee, status, benefits, exclusion, crimes

I. What is a refugee?

The refugee problem took on a real interest at international level at the beginning of the 20th century, when the states started to involve themselves in defending and monitoring the refugees.

In fact, the refugees are people that were forced to leave their country of origin due to the persecution to which they were subject. The international community considers them as a special category of

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migrants, having a unique legal status. Their rights and obligations are governed by the international law and especially by the United Nations' 1951 Convention related to the Status of Refugees and by the 1967 Additional Protocol[14].

At international level, the refugees benefit from:

1) a *special status* – determined by the circumstances in which they were forced to leave their country (of origin or of permanent residence) and by the special needs determined by the forced exile.

2) an *institutional protection* – in a framework established at international level and represented by:

   (1) the States, which hold the main responsibility for their protection.

   (2) the Office of the United Nations High Commissioner for Refugees (UNHCR), the only international organization with a role in protecting the refugees at global level. It is mandated to ensure that the governments take all necessary actions for protecting the refugees, the ones who seek asylum and other persons in need of international protection who are on their territory or who ask admission to their territory.

   The States are required to cooperate with the Office of the United Nations High Commissioner for Refugees in order to ensure their protection.

   At present, the refugees are broadly seen as persons that leave their country of origin because of pervasive violence, or serious social disorders, or following torture, inhuman or degrading treatments to which they are exposed.

   In conclusion, as opposed to other persons that leave their country of origin of their own will, the refugees are forced to leave

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[14]Convention which Romania ratified in 1991

the country they are citizens of because their lives and fundamental rights are threatened.

II. Effects of acquiring the status of refugee

Once a person has obtained a form of protection as a refugee in a certain state (for instance, Romania), his/her personal statute will be governed from that moment on by the law of the respective state (in our case, the Romanian law)[15].

The status of refugee can be granted at request also to the husband/wife of the one who benefits from the form of protection, as well as to his/her underage children in his/her keep, on the condition the children are not married and no matter if they come from marriage or outside it, or they are adopted.

Among the rights of the beneficiaries of the status of refugee, the following are included:

– to remain on the territory of the required state and to obtain the documents necessary for proving their identity and for passing through the state border;
– to choose the place of residence;
– to circulate freely, under the conditions established by law for foreigners;
– to be employed by natural or legal persons, to have liberal professions, to perform legal acts;
– to enjoy intellectual property protection, under the conditions of law;

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[15]As it is also provided by Law no. 46/1991 regarding Romania's adherence to the Geneva Convention on the status of refugees.

- to enjoy favourable treatment provided by law for foreigners in what concerns obtaining real property and movable property;
- to enjoy social protection and health insurance under the same conditions as the citizens of the state;
- to have access to all forms of education, like any other citizen;
- to have personal data protected;
- to enjoy free access to justice;
- at request, to participate in programs of integration and to be accommodated in the special centres for immigrants, under legal conditions.

The obligations of the beneficiaries, along the rights obtained, are the following:

- to comply with the laws of the state which granted the benefits;
- to comply with the measures established by the competent state organisms in what concerns the refugees;
- to comply with the internal regulations from the centres of the State Immigration Office – if accommodated in such a centre;
- if he/she received help under the conditions of the law, the obligation would be to return the incomes received.

III. Which are the situations in which a person cannot acquire the refugee status?

At international and European level, there have been established certain categories of persons which, even though they fulfil the cumulative elements necessary in what concerns the

personal situation that impose granting the status of refugee, they cannot benefit from this form of protection.

Art. 1, sections D, E, F, of the 1951 Convention related to the Status of refugees, includes provisions regarding several categories of persons that, although they fulfil the characteristics of refugees mentioned in section A of the same article, cannot receive the status of refugee. The convention divides these cases of exclusion in three categories, namely[16]:

1. The category of persons that already benefit from protection or assistance from the United Nations – category which includes Palestinian refugees from the Middle East which received the protection of the United Nations Relief and Works Agency - UNRWA.

2. The category of persons not considered to need international protection – Art. 1 E of the 1951 Convention provides that "*This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he/she has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country*". Practically, this provision is about the persons that, in other circumstances, can be included in the conditions required for receiving the status of refugee, but which was not received in the state where there were attributed most rights the citizens of that state benefit from, but did not receive officially the citizenship, being recognised also under the name of "*national refugees*". Most of the times, the state which receives them has a population with the same origin as the refugees. This exclusion is based on the reality that once a person is almost considered as citizen of a state, there is no reason

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[16]Handbook and recommendations regarding the procedures and criteria for determining the status of refugee, UNHCR 2011, pp. 42-48

to receive the status of refugee, as it is protected against expulsion or deportation.

3. The category of those persons considered as not worthy of benefiting from international protection – provided in Art. 1 F. According to Art. 1 F, such persons are those about which there are "*serious reasons for considering that*":

a) "*They have committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes*". With the purpose of not letting unpunished the international crimes by nature, the General Assembly of U.N.O. adopted a document named "*Principles of international cooperation in the detection, arrest and punishment of the individuals guilty of war crimes and of crimes against humanity*"(Pivniceru 1999: 71-72). Among the principles established, there is one according to which: "*the states will not grant asylum to individuals upon whom there are sound suspicions they committed a crime against peace, a war crime or a crime against humanity*".

b) "*They have committed a serious non-political crime outside the country of refuge prior to his/her admission to that country as a refugee*". It was underlined in the doctrine (Stoica 2009: 161) that especially the crimes committed with cruelty, even when they had an assumed political purpose, can be considered serious crimes, without being of political nature.

c) "*They have been guilty of acts contrary to the purposes and principles of the United Nations*".

They will be considered as unworthy of receiving and benefiting from the status of refugees those persons that had the capacity of accomplice or instigator to committing the crimes mentioned above (Stoica 2009: 161).

It is only natural that this last category of persons be considered unworthy of benefiting from the rights and freedoms generated by the status of refugee, due to their reprehensible behaviour being of an increased gravity as against the social values appreciated as being of importance for the human society at global level. We consider that the answer at national level, but also at international level, in relation to the behaviour of these persons, cannot be but their sanctioning first of all under criminal law, in order to prevent, on the one hand, the committing in the future of such deeds extremely dangerous for all states at international level, as well as limiting or restricting some social rights, as well as obtaining the status of refugee.

In what concerns *the crimes against peace, the war crimes and those against humanity* and their definition, the Convention makes reference to the definitions given to these deeds in "*the international instruments issued in order to provide provisions regarding these crimes*". Among these instruments, the most inclusive definitions are given by the Charter of the International Military Tribunal and by the 1945 London Agreement.

According to the Charter, there are *crimes against peace*: "*planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing*" (according to Art. 6, letter (a)), and *war crimes* "*violations of the laws or customs of war*" (Art. 6 letter (b)). The violations, as mentioned thenceforth in the Treaty, include, but they are not only limited to murder, ill-treatment or deportation to slave labor or for any other purpose, of civilian population or population from the occupied territories, murder or ill-treatment of prisoners of war or sailors, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

Letter (c) Art. 6 from the same Treaty defines *the crimes against humanity* as follows: *"murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated".*

A second category of crimes whose perpetration leads to losing the right to benefit from the status of refugee is that of *serious crimes of common law* committed outside the country of refuge, before allowing the author as refugee in it. In case he/she would commit such a crime in the country of refuge, then the respective person would be subject to its criminal legislation and, in exceptional situations, would be allowed the expulsion of refugees, as it is provided by the 1951 Convention related to the Status of refugees in Art. 33 paragraph 2 which stipulates that the refugee could be expelled or returned to the frontiers of the territories where his/her life or freedom would be threatened, in case there are reasonable grounds for considering him/her a danger to the security of the country where he/she is found or in case he/she is convicted definitively for committing a crime or a very serious offence, representing a threat for the community of that country.

This exclusion has as purpose defending the population of the host country against the danger represented by admitting a refugee which committed a serious crime of common law. When the Convention refers to serious crimes, we consider that it refers to those deeds considered as presenting a high degree of danger for humanity, for the international society, not only for some states that sanction under criminal law certain deeds that might not present the severity of some crimes for other countries.

Finally, the third and last category of crimes that draw the exclusion of the subsequent offender status deals with *actions that contradict the purposes and principles of the United Nations.*

In the Preamble and in articles 1 and 2 of the Charter of the United Nations, there are provided the principles and purposes of the United Nations. This third category of crimes, whose perpetration would lead to the unworthiness of receiving the statute of refugee, deals with those who commit acts contrary to the respective principles and who can be only persons in the government in one of the member states and through his/her function, may bring his/her contribution to breaching the principles of the United Nations by the state he/she is a citizen of[17].

Corroborating the international documents with the international provisions regarding the persons that cannot benefit from the form of protection of refugees, we conclude that a person who, although the personal situation justifies obtaining the status of refugee on the one hand, will not benefit from this status because he/she committed a certain crime, as it is defined in the international documents which include provisions regarding such crimes, and, on the other hand, is liable under criminal law for perpetrating crimes against peace and against human race security.

In what concerns the liability proceeding under criminal law for perpetrating crimes against peace and human race security, in capacity of natural person, it can operate in the situation when the respective person – refugee in our case – participated to the perpetration in the following ways:

 ➢ He/She perpetrated the act that constitutes a crime.
 ➢ He/She tried to perpetrate the act that constitutes a (serious) crime.
 ➢ He/She did not manage to prevent perpetrating the act.
 ➢ He/She participated to preparing that act.
 ➢ He/She was accomplice to perpetrating the act.

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[17]Handbook and recommendations regarding the procedures and criteria for determining the status of refugee, UNHCR 2011, p. 48.

All these modalities of participation, which the Project of the Code of crimes against peace and human security provides, will involve the individual liability under criminal law only when the crime was actually produced or there was an attempt to produce it.

In the Charter of the International Criminal Court it is provided (art. 25) as a cause of non-punishment preventing perpetrating the crime (among those found under the Court's jurisdiction), in case a person renounces totally and voluntarily to perpetrating it or who prevents perpetrating the crime.

Practically, the person who becomes an active subject of an international crime will have to answer for his/her deed according to the rules of international law. In the case when that person is interested to receive the status of refugee and the benefits that result from it, he/she will be sanctioned also by loosing this benefit. In case the respective person received already this status, she/he will be subject to liability under criminal law according to the international provisions. To this extent, the Law from Nürnberg established two of the principles of the international criminal law and of the criminal international liability (Pivniceru 1999: 47):

1) Any person that perpetrates an act that constitutes a crime according to the international law is responsible for it and liable.

2) The fact that the national legislation does not punish an act that is an international crime does not exempt from liability the one who perpetrated it under the international law.

A crime is international when, either due to its nature, or following to the way of incrimination, fulfils the conditions provided by the international law or by the national laws, in order to be liable under criminal law, under the jurisdiction of the International Criminal Court, or according to the private law systems (Pivniceru 1999: 49).

Actually, the person that fulfils the personal conditions necessary for obtaining the legal status of refugee will not benefit from this status in case he/she perpetrated international crimes by their nature – like crimes against peace or war crimes or crimes against humanity – or international crimes through the way of incrimination, named conventional crimes (because their international character was defined by an international law).

In the case of conventional crimes[18], the interest protected by incrimination is common to all states, so that they organised an international repression of criminality that is internationalised, recognising thus the international character of the values that must be protected.

The international convention will be the author of sanctioning, only if two conditions are fulfilled cumulatively:
1. to impose a real obligation of incriminating in the internal legal order;
2. to describe the prohibited behaviours precisely enough.

In other words, the content of the legal provision protected from a criminal point of view belongs to the convention (that is the will of the states) and the incrimination belongs to the internal legislator.

According to the Charter of the International Criminal Court, certain conditions, circumstances and situations constitute both causes of exclusion from liability under criminal law, as well as causes of removing the criminal liability. They are: (1) irresponsibility, (2) intoxication, (3) self-defence (in case of war crimes), (4) moral constraint, (5) error of fact and error of fact and of law, (6) orders from superiors.

There are international offences by nature (crimes against peace, war crimes, crimes against humanity), as they are defined by

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[18]Examples of conventional offences: forgery of coin, international terrorism, illegal traffic of drugs, women and children trafficking, slavery and human trafficking.

the international instruments, that comprise provisions regarding such deeds. In order to be liable under criminal law for perpetrating international crimes by nature, according to the Charter of the International Criminal Court (art. 26), the minimum age of the person that can be brought under its jurisdiction is 18 years old, that must be turned at the date of perpetrating the criminal act, and the guilt form is the one of intent and being fully informed in connection to the deed and with its consequences and with its result, or at least with one consequence of the deed (according to art. 30 of the Charter).

Accordingly, the person that perpetrates such deeds considered crimes against peace and human race security (war crimes, crimes against humanity and peace) will be liable under criminal law according to the international provisions and, in case he/she requires subsequently to obtain the status of refugee, will not be able to obtain it, being obviously unworthy of receiving international protection based on this status. In case the respective person received previously to perpetrating the deed the status of refugee, he/she will be liable under criminal law, according to international provisions. At the same time, against these last categories of persons, there are certain measures which can be applied by other states against them in the capacity already obtained by the refugees, in order to interrupt their presence on the territory of the state where they have obtained this status. It is about *expulsion* and *extradition*.

The expulsion is an institution regulated by the internal right of every state and it is that safety measure that consists in removing from the territory of the country the foreign citizen or the person without citizenship that does not domicile in that country, in case he/she perpetrated an offence and it is considered that his/her remaining on the territory of the state presents a social danger. The refuges can be expulsed only due to the following reasons: 1. Reasons of national security; 2. Reasons of public order. In case

they will be expulsed, a series of rights will be recognised to them, such as: to present evidence in their favour; to make an appeal; to be presented in front of competent authorities; to be granted a reasonable time for trying to be legally allowed in another country; not to be expulsed in a state where he/she might be tortured or submitted to inhuman or degrading treatments or in the state of origin.

In case expulsion is decided, the foreigner will be taken in public custody until it is achieved and accommodated in an accommodation centre - an enclosed place administered by the State's Authority for foreigners (Moldovan 2004: 746).

Extradition is another measure that can be decided against the refugees, only if:

1. It does not take place in the country of origin.

2. It is not done by another state where life and freedom might be threatened or where those extradited would be submitted to torture, to inhuman or degrading treatments.

Conclusions

We consider that the status of refugee is a way through which the international community understands to prove its compassion and support towards a category of foreign persons found in difficult circumstances and much suffering due to unjust and tough situations they face independently from their will. Towards these persons, the entire international community agreed to show its support as much as possible, by taking some administrative and social measures, according to the moral and legal norms, which would help these persons to find again the normal and natural evolution of each living individual. Due to these reasons, at international level, to the persons to which it is recognised the status of refugee are granted benefits in connection to this status, among which: the right to remain on the territory of the state where they requested asylum, the right to

choose the place of residence, the right to work legally in the state which granted this status and the right to benefit from services of social security and health insurance in the same conditions as the citizens of the same state.

Having in view the existing preoccupation and the benefits granted at international level to these persons, it is obvious also the attitude of the international community to analyze attentively each distinct request for obtaining the status of refugee and to consider unworthy for obtaining it those who perpetrate deeds considered by states, also at international level, as war crimes, serious crimes of common law or actions that contravene to the purposes and fundaments of United Nations.

We consider it natural that the person that commits such deeds of extreme gravity against peace and humanity should not request and subsequently receive a protective treatment and should not benefit from defence against some reprehensible deeds which he/she perpetrated and more so, not to be sanctioned for a behaviour that denotes an extremely social threat. If this were the case, the citizens of the states that constitute the international community would not themselves benefit from the right to safety of their existence and, maybe, even worse, from the right to life, a fundamental right for any of us, which may become in such circumstances a "luxury" that no state of law can afford.

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MIGRATION CRISIS. SECURING EXTERNAL BORDERS OF THE EU AND INTERNATIONAL PROTECTION FOR ASYLUM SEEKERS

Florin TUDOR[19]

Abstract

It is well known that EU Member States are still making a desperate appeal for the rapid identification of concrete measures to secure external borders through more effective control of the flow of illegal immigrants that have invaded entire regions in the EU last year. Although the EU is known to have high standards on asylum, there have been lately several recommendations of important European political leaders to accelerate procedures to the detriment of objective assessment, which have been applied so far, and the expulsion of the rejected cases with the direct consequence of limiting waves of immigrants. International protection of asylum seekers is a major concern for humanity, and questions such as how much of it is solidarity and how much is protection of European citizens, and where the observance of rights and freedoms stops still occur. This study proposes a critical analysis of these issues while also highlighting the most important European public policies analyzed from the perspective of compliance with public international law.

Keywords: crisis, illegal immigration, solidarity, solutions, security

Introduction

According to UNHCR statistics, at international level, the total number of refugees has increased significantly in the last 10 years, but steadily in the past four years, as also results from Fig. 1.

If in 2011 there were about 10.4 million refugees, in 2012 the number increased slightly to 10.5 million, to 11.7 million in 2013 and at the end of 2014 it reached 14.4 million. By mid-2015 the number of refugees reached 15.1 million, the highest level recorded in the last 20 years, the refugee population growing by 4.7 million people, about 45%, over the last 4 years. Nevertheless, figures have no counterpart

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in reality once started the wave of illegal migrants that struck in the second half of 2015 the southern external border.

Fig. 1. Refugee population, under UNHCR's mandate
in the 1990-2015 period

Armed conflicts known to contribute to this trend are those under way in countries such as Afghanistan, Burundi, the Democratic Republic of Congo, Mali, Somalia, South Sudan, and more recently Ukraine. However, the main contributor is Syria, with 4.2 million by mid-2015, and the trend shows that more and more citizens of this country torn by internal conflicts invade whole territories, especially in neighboring countries: Turkey (1.8 million), Lebanon (1.2 million), Jordan (628,800), Iraq (251,300) and Egypt (131,900).

According to data provided by UNHCR (see Fig. 2), based on the same statistics cited above, sub-Saharan Africa is host to the largest number of refugees. (4.1 million), followed by Asia and the Pacific (3.8 million), Europe (3.5 million), and the Middle East and North Africa (3 million). The Americas hosted 753,000 refugees in mid-2015.

UNHCR regions	Start-2015			Mid-2015			Change (total)	
	Refugees	People in refugee like situations	Total refugees	Refugees	People in refugee like situations	Total refugees	Absolute	%
- Central Africa and Great Lakes	625,000	37,600	662,600	865,100	13,700	878,800	216,200	32.6%
- East and Horn of Africa	2,568,000	33,400	2,601,400	2,713,700	33,600	2,747,300	145,900	5.6%
- Southern Africa	174,700	-	174,700	179,800	-	179,800	5,100	2.9%
- West Africa	252,000	-	252,000	258,900	-	258,900	6,900	2.7%
Total Africa*	3,619,700	71,000	3,690,700	4,017,500	47,300	4,064,800	374,100	10.1%
Americas	509,300	259,700	769,000	501,000	251,900	752,900	-16,100	-2.1%
Asia and Pacific	3,568,500	280,100	3,848,600	3,506,600	278,400	3,785,000	-63,600	-1.7%
Europe	3,095,000	18,200	3,113,200	3,475,300	14,300	3,489,600	376,400	12.1%
Middle East and North Africa	2,898,500	65,400	2,963,900	2,941,100	64,200	3,005,300	41,400	1.4%
Total	13,691,000	694,400	14,385,400	14,441,500	656,100	15,097,600	712,200	5.0%

Fig. 2. Refugee populations by UNHCR regions

From the analysis of statistical data provided by the UNHCR, at mid-2015 the refugees were living in 169 countries and territories. With 1.84 million refugees in its territory, Turkey is the country that hosts the largest number of registered refugees with 1.81 million Syrians, representing 98% of all registered refugees in this country (Fig. 3).
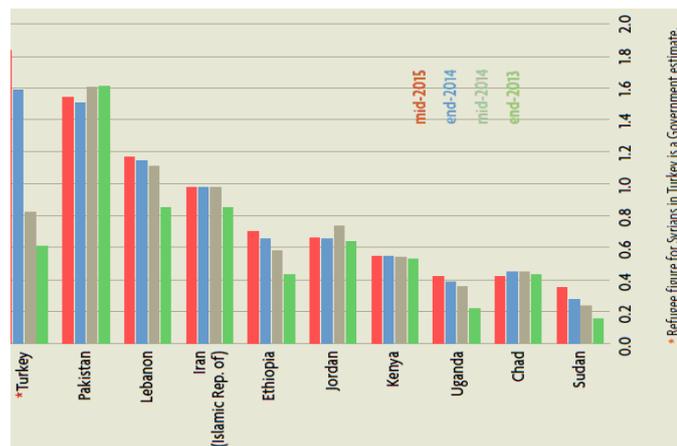

Fig. 3. Countries hosting refugees

In the first half of 2015, around one million asylum applications were processed in 155 countries and territories,

compared with 558,000 applications in the corresponding period of 2014, representing people of at least 190 nationalities.

With 159,900 applications in the first half of 2015, Germany received the largest number of asylum seekers worldwide. As an element of comparison, in 2014 it processed a total of 173,100 applications.

According to the sources cited above, Germany was followed by the Russian Federation, which registered 100,000 asylum applications, of which 720 applications for refugee status and 99.300 for temporary asylum. Surely the confict outbreak in Ukraine has a major impact in relation to the requests in the Russian Federation. At the other end of the world, the United States was the third largest single recipient of new asylum claims during the first six months of 2015 with an estimated 78,200 asylum applications.
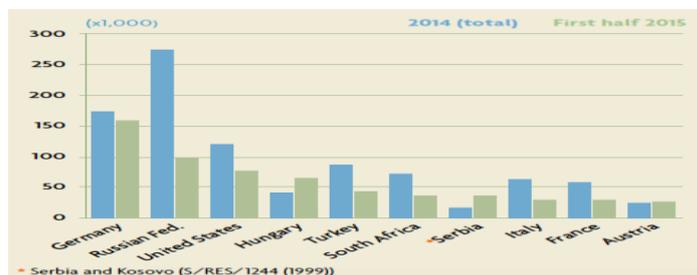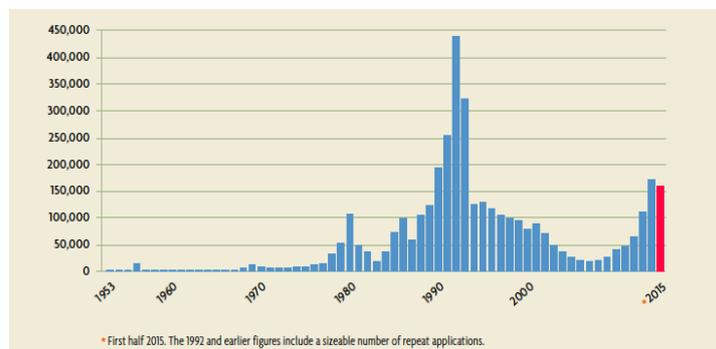

Fig. 4. a) New asylum applications registered in Germany (1953-2015);
b) Main destination countries for new asylum-seekers (first half 2015)

I. The need for a global approach to migration

Detecting and analyzing the most important causes of illegal migration flows, at least those recorded lately, involve the keystone of urgent elaboration of coherent public policy on migration and asylum. This effort, however, requires a combined effort not only from Member States, but also from third countries, especially those of origin and transit from where the refugee population comes.

The Global Approach on migration and mobility highlighted the need for systematic monitoring based on priorities that reflect the strategic objectives of the EU, integrated into its overall foreign policy, including development cooperation. Characterized by novelty, the context highlighted the need for international protection and well-managed mobility inclusion of third-country nationals crossing the EU's external borders.

From the data made available by the EU action plan against illegal introduction of migrants (2015-2020), the framework supports the application of dialogues and bilateral political and regional action plans, the use of legal instruments, including Visa Facilitation and readmission agreements, but also of operational assistance and capacity building. In the latter case, the agencies involved in this process are Frontex and the European Asylum Support Office. Technical assistance is supported by MIEUX and TAIEX, but also by associations of migrants, international organizations, the civil society with a broad involvement from the authorities of the Member States.

The direct approach to the reasons for migration must be high on the agenda of political leaders called for the migration crisis, but also for ensuring steady peace, stability, and not least economic development.

The component of diplomacy should associate with political cooperation actions, so that the EU takes further leadership role in peacekeeping and conflict prevention. It is known that currently the Council authorized 11 civilian and 6 military missions.

For the stated purpose and considering a conference at the highest level to be necessary in order to address the issues related to the route of the Western Balkans, on 8 October 2015 the Council held a conference in Luxembourg on the Eastern Mediterranean and the Western Balkans routes.

Also, in November 2015 a conference was held in Valletta, organized by the Council on migration with the main countries of origin and transit in Africa. The summit identified an action plan within the framework of which 16 priority initiatives have already been launched, including the creation of an EU Trust Fund for emergencies and to address causes of migration and displacement of people in Africa.

II. International protection and human rights

It is argued that many states have made significant progress in recent years and this progress guarantees a better management and a better approach in the case of asylum and refugee flows. International organizations are supporting this theory, but we believe that development cooperation instruments of the European Commission launched between 2012-2015 through more than 15 new projects are insufficient even in relation to the application of the cooperation methodologies in a consistent manner. As shown in the proposal made by the Council Report 6988/14 + ADD1, it is estimated that the European Asylum Support Office could help to improve the capacity of third countries in asylum matters and reception, including in the context of mobility partnerships.

In other words, the inclusion of international protection through specific thematic priorities of the Global Approach will address issues that advise governments to strengthen the asylum system.

On the other hand, the practical controversy on examining asylum applications is still intense. The authorities of each state,

sometimes for reasons which are contrary to the interest of the person requesting a certain status, will decide without proper assess of the international legislator will.

For example, a cause of anxiety is represented primarily by the fact that the asylum seeker does not have any document to prove the state authorities granting protection that he/she is citizen of that country. That is why he will be forced to offer to the institutions any plausible reason to support his/her request.

In such situations when he or a member of his family was sentenced *in absentia* in his country of origin or that his return would lead to persecution by the Syrian authorities, the validity of his statements will be established by checking credible reports of the international organizations that can support the claims of the petitioner.

Given that, although proof is provided through the information from the country of origin, of the treatment to which are subjected the persons concerned or others by the Syrian regime, the imigration authorities or courts wrongly noted the lack of fear in what concerns the applicant, ignoring the provisions of paragraph 43 of the Handbook on procedures and criteria for determining refugee status under the 1951 Convention and the 1967 Protocol on Refugees republishing, Geneva, UNHCR January 1992. According to these provisions, it is not necessary that these considerations be based on the personal experience of the applicant. For example, what happened to friends and relatives or other members of the same racial or social group may well show that his fear of becoming a victim of persecution, sooner or later, is "well-founded".

Thus, we believe that in the interests of collective security, exceptionally, it is necessary to create an organism, maybe within UNHCR, to guarantee compliance of the international procedures by checking all applications rejected unreasonably. Perhaps the attribute of national sovereignty to evaluate such requests could take into

account the international situation which mankind has not experienced in recent decades.

First, immigrants must be analyzed from the perspective of vulnerable groups when we talk about asylum seekers. Effective integration policies are just a dream if it still is a problem to provide medical emergency or abuses are still recorded and the fight against exploitation and exclusion of women and children is just a declarative one.

Rapporteurs of the Council consider that constant attention must be paid to the human rights of migrants, first of all of children and other vulnerable groups, and should encourage partner countries to adopt and implement reforms to ensure a set of standards on the human rights of migrants. Mention must be made of the EU Strategic Framework on Human Rights and Democracy[20] - the first set of principles and objectives to guide the actions promoting human rights worldwide.

III. Identifying urgent solutions for solving the crisis and border security

The current crisis highlights that the problems encountered are not only of the EU, but represent the most important challenge for the international community in the recent years[21]. Based on the principles of solidarity and responsibility assumed at international level, EU militates, through its actions, to resolve conflicts and

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[20]Council document 11855/12 of "Human Rights and Democracy: the EU Strategic Framework and Action Plan of the EU", available on http://data.consilium.europa.eu/doc/document/ST-11855-2012-INIT/ com / pdf (accessed 15 January 2016).
[21]For details, see Communication JOIN (2015) 40 final "Identifying solutions to the refugee crisis in Europe: the role of EU external action", available on http://eur-lex.europa.eu/legal-content/RO / TXT / PDF /? uri = CELEX: 52015JC0040 & from = E (accessed 15 January 2016).

instability and to support the population, aiming primordially at three objectives: saving lives, protecting people in difficulty, and border and mobility management.

In the same document mentioned above experts consider that any approach involves, first, the mobilization of additional financial instruments. These should not only aim at solving desperate situations but should also cover investment for narrowing the economic gap between some countries[22], for the purpose to remedy imbalances such as poverty, unemployment, territorial insecurity. The approximately 97 billion allocated for the period 2014-2020 to the external sector for cooperation should be channeled in supporting mechanisms in areas that can ensure economic growth and create jobs, peace, security, human rights, and good governance.

It must be said, however, that, amid efforts visible at least assumed, strategies should be established urgently for returning migrants who irregularly entered into the territory of countries and which do not meet the minimum conditions necessary to qualify for some form of international protection. In fact, applying such a provision, the sanctioning norm should discourage irregular immigration[23].

Securing the borders is a framework goal, and combating organized crime networks responsible for placing illegal migrants and trafficking persons, unfortunately, has become crucial. The EU plays a crucial role in ensuring a balance between the rapid movement of the flows of legitimate goods and people and action taken to combat the networks of people who smuggle migrants.

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[22]Sarah Kenyon Lischer, *Dangerous Sanctuaries. Refugee Camps, Civil War, and the Dilemmas of Humanitarian Aid*, Cornel University Press, New York, 2015, p. 12.
[23]EU Action Plan on the return - available on http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/communication_from_the_ec_to_ep_and_council_-_eu_action_plan_on_return_ro.pdf (accessed 15 January 2016).

Among those initiatives we mention the EU action plan against illegal introduction of migrants[24].

Conclusions

Humanity is facing the biggest refugee crisis since the end of the second great global conflagration. The crisis is much larger than it looks, the current situation must be analyzed by reference to the deepening of violence and economic and political destabilization in other parts of the world.

Violent conflicts in Syria and Iraq, poverty in some areas of Africa that hardly seem to be near the end have forced millions of people to leave their native country, seeking international protection and a decent life in any host country which has a more permissive policy to grant any form of protection, even if temporary.

Even if one of the EU strategies, in response to humanitarian urgent needs, involves increased cooperation with Turkey and other countries in the Middle East for the admission of more Syrian refugees, thus limiting the number of those who would join the EU, eventually, the solution we think should be in urgent financing of the World Food Programme, assistance to Lebanon, Jordan, Turkey and other countries to tackle the crisis, the optimization of measures for the admission and granting a form of international protection, uniform application of resettlement and relocation procedures[25],

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[24]COM (2015) 285 final - EU action plan against illegal introduction of migrants (2015-2020) available on http://ec.europa.eu/dgs/home-affairs/e-library/ documents/policies/asylum/general/docs/eu_action_plan_against_migrant_ smuggling_ro.pdf (accessed 15 January 2016).

[25]Jean-Pierre Gauci, MariaGiulia Giuffré, Evangelia (Lilian) Tsourd, *Exploring the Boundaries of Refugee Law: Current Protection Challenges,* Ed.Brill, Leiden, 2015, p. 24.

humanitarian support and security[26], assistance in international cooperation to combat networks that smuggle migrant persons.

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