

The Emergence of New Resettlement Countries: A Human Rights Norm Cascade?*

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Resettlement is the major instrument of protection for vulnerable refugees. Since the first pilot programs in Ireland, Brazil, and Chile in 1998 and 1999, developing countries in Latin America, Europe, and Asia, have launched their own annual resettlement programs, to many observers' surprise. Does the emergence of new resettlement countries, particularly outside of Western Europe and North America, imply the diffusion of human rights norms? This study explores the motivational factors accounting for the acceptance of resettlement from the perspective of policy diffusion: coercion, competition, learning, and emulation. The results of this study suggest that coercion by the international or regional refugee regimes and competition between countries rather than ideational change regarding human rights norms played primary roles in these cases.

Keywords: *Resettlement, Refugee, Human Rights, Norm Diffusion, Norm Cascade, Regional Solidarity*

1. INTRODUCTION

The image of a refugee child, Alan Kurdi, who drowned on 2 September 2015 in the Mediterranean Sea, made global headlines and reminded the international society of the significance of refugee crises. According to the United Nations High Commissioner for Refugees (UNHCR), the number of refugees rose to 14.4 million in 2014. As of 16 February 2017, almost 5 million people have fled Syria since 2011, and as of 8 March 2016, 1,400,883 refugees have left South Sudan since 2013. In addition, 183,483 refugees fled Yemen during 2016.

However, refugee crises are not new in world politics. They have been a persistent problem in the post-World War II international system. During the Cold War, the resettlement of refugees was largely accepted by the Northern countries as part of their foreign policy within the context of the ideological conflict between East and West. However, the advent of the post-Cold War era remarkably changed their perception of resettlement. First, the arrival of massive refugee flows as a result of protracted civil strife and wars during the last few decades has made responsibility-sharing a buzzword among recipient countries. Second, developed countries in Western Europe and North America, notwithstanding their emphasis on international cooperation for refugee assistance, explicitly or implicitly showed their intention to maintain or reduce refugee caseloads on account of political and economic pressures including domestic security concerns and high unemployment rates.

More broadly, the post-Cold War period saw a shift in how refugees were conceptualized. Refugee resettlement, far from demonstrating the superiority of Western liberal democracies, as had been the case during the Cold War, was now a political problem, especially as

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numbers grew. Refugees tended to be perceived as a burden or a source of potential risk rather than valuable labor force for growing the economy. Especially, the acceptance of resettled refugees is often deemed as a complicated and problematic decision involving a wide scope of socio-political considerations such as substantial financial cost, housing, job training, education cost for children, and social and cultural integration. Compared to the issue of asylum, resettlement entails a much greater investment:

“Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against *refoulement* and provides a resettled refugee and his/her family or dependents with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country” (UNHCR Resettlement Handbook, 2011).

In parallel with the growing securitization of refugee flows was a countervailing emphasis on a human rights orientated approach to resettlement, which was announced at the 42nd Session of the UNHCR Executive Committee in 1991. The ‘Resettlement as an instrument of protection No.67’, which is contained in the United Nations General Assembly Document No. 12A (A/46/12/Add.1), stipulated that:

“UNHCR pursues resettlement only as a last resort for vulnerable refugees when neither voluntary repatriation nor local integration is possible, when it is in the best interests of the refugees and where appropriate.”

Thus, after its redefinition, resettlement has become an instrument of protection rather than an expression of Cold War political interests. The UNHCR Executive Committee’s announcement influenced the public perception of resettlement as a part of international human rights protection policy. Here, Risse, and Sikkink (1999)’s arguments should be noted. They contend that international human rights norms bring about an impact on domestic changes when they are well institutionalized in international regimes and then compete with the principles of sovereign states.

Even though the Northern countries, which had played key roles as ‘traditional resettlement countries’ during the Cold War, appeared to be losing their interest in the issue, this period saw a surprising shift. A whole new group of countries stepped up and agreed to start participating in annual refugee resettlement programs. Thus, developing countries in Europe, Latin America, and Asia, i.e., Ireland, Portugal, the Czech Republic, Romania, Hungary, Brazil, Argentina, Chile, Paraguay, Uruguay, and South Korea have established their own annual resettlement programs. The first movers of the group were seen in the pilot programs of Ireland, Brazil, and Chile, which were launched between 1998 and 1999. What factors primarily motivated these countries to launch annual resettlement programs, thereby turning themselves into so-called ‘emerging resettlement countries’? Given the fact that these programs were initiated not long after the conceptual change of resettlement as the last resort for vulnerable refugees, can we say that the emergence of new resettlement countries was the result of the diffusion of human rights norms?

This study examines the changing conception of refugee resettlement in international politics and, in line with it, identifies the growing coercive pressure of the traditional resettlement countries towards non-participating countries. Thus, the domestic, regional

and international contexts related to the decision-making of new resettlement countries are explored to find causal linkages. Based on these examinations, we will identify the motivational factors to launch the annual resettlement programs within the framework of *coercion, competition, learning, and emulation* from the perspective of policy diffusion (Simmons, Dobbin, and Garrett, 2006, 2007).

2. THEORETICAL APPROACHES ON THE MOTIVATIONAL FACTORS INFLUENCING THE ACCEPTANCE OF RESETTLEMENT

Shurke (1998) noted increasing restrictions in response to the mass inflows of refugees as the distinctive feature of the international refugee regime during the 1990s. Only 10 countries, all in the Northern hemisphere, participated in the regular resettlement scheme with limited annual quotas although hundreds of thousands of refugees were seeking help (UNHCR, 1994; Shurke, 1998: 397). Faced with these refugee crises, *'burden-sharing'* was internationally discussed as a feasible solution. In many instances, the case of the North Atlantic Treaty Organization (NATO) as a collective security mechanism served as a point of reference for the idea of burden-sharing. However, institutionalized burden-sharing system was not established despite its expected benefits such as lower costs for individual states and higher efficiency owing to a relatively more organized responses. Shurke (1998) suggests that this failure can be attributed to two main reasons. First, although refugee flows might increase potential threats in a country both politically and economically, the *'security threat'* posed by refugees could be effectively controlled by the unilateral action of a state's military forces (Weiner, 1996). Therefore, collective action and burden-sharing, which was crucial in the establishment of NATO, was not really necessary for the countries dealing with refugee problems. Second, the frequency and magnitude of the refugee crises could not be forecasted due to their inherent uncertainty. The uncertain prospect of escalating costs might lead countries to become hesitant about engaging in and promoting international cooperation and participate in burden-sharing. Even though Shurke's study does not exactly focus on why states pursue resettlement, its analysis on the failed institutionalization of burden sharing may account for the indifference of the Northern countries to the refugee problems in the South.

Given the absence of institutionalized burden-sharing, Betts (2008) uses the concept of *'Suasion Games'* (Martin, 1993) to examine the determinants that influence the Northern countries' contributions to in-region refugee protection in the South. According to this two-actor model of *'Suasion Games'*, "There is a stronger actor with little interest in cooperating and a weaker actor with little choice but to either cooperate on the terms of the stronger actor or to scupper cooperation entirely and so make itself worse off (Betts, 2008: 3)". If it is the premise that Northern countries are strong actors with not many incentives to support refugees in the Southern countries, i. e. weaker actors, what factors should be underlined to promote the international cooperation between the North and the South? Betts proposes two approaches for promoting their cooperation. First, regarding the discrepancy of capabilities and bargaining power, the interests of the Northern countries in other issue-areas such as migration, security, and trade need to be linked with the refugee protection in the South. Northern countries will be more likely to cooperate when they are made aware of these interdependencies. Second, the facilitating role of the international human rights regime such as the UNHCR can be used to enhance Northern countries' awareness of the inter-linkage across issue-areas.

Nevertheless, as Betts (2008) points out, this theoretical framework also has its limitations and cannot sufficiently explain the North-South polarization as shown by the results of the Convention Plus initiative of 2003-5. Even though the interdependence between the interests of the Northern countries including migration management and border security and the in-region refugee crises in the South was emphasized much more strongly than ever, not much tangible voluntary support from the Northern countries materialized, despite the facilitating efforts of the UNHCR. Regarding the results, Betts contends that a failure to highlight the interdependence may be the principal cause of this failure. Alongside it, the revelations of corruption within the UNHCR and increased public concerns of security due to the terrorist attacks in the United States on 11 September 2001 may also be suggested as additional influential factors (Perrin and McNamara, 2013). However, notwithstanding comprehensive analyses, this theoretical approach does not substantially expand its examination into the emerging cooperation of annual resettlement between the developing countries in the South despite the fact that the whole puzzling picture of the international refugee regime in the post-Cold War era still needs to be sorted out.

Taking into consideration this previous research, our study will further explore new annual resettlement countries in the context of international politics and regional interdependence, and then examine whether the emergence of new resettlement countries can be interpreted as the diffusion of human rights norms from the perspective of *competition, coercion, learning, and emulation* proposed by Simmons, Dobbin, and Garrett (2006). In their account of international policy diffusion, i.e., the diffusion of liberalization, these four causal mechanisms are identified to describe under what circumstances the policy diffusion works. Their key concepts are adapted for this study as follows;

- **Coercion:** It involves power asymmetries that strong actors exploit to impose their preferences for policy change on the weak. Powerful actors including governments, international organizations, and even non-state actors use the manipulation of incentives to encourage others to implement policy change. Coercion can be explicitly or implicitly applied in diverse ways, e.g., through the threat or use of physical force, the manipulation of economic costs and benefits, the monopolization of information or expertise, etc (e.g. Armada, Muntaner, and Navarro, 2001; Owen, 2002; Braun and Gilardi, 2006; Dobbin et al, 2007; Appuhami, Perera, and Perera, 2011). For instance, using a strategy of conditionality, primary actors such as powerful governments or intergovernmental organizations link policy reform to political membership (e.g. in the European Union) or to economic resources (e.g. from the International Monetary Fund (IMF) or the World Bank) (e.g. Grabbe, 2001; Daley and Garand, 2005; Schimmelfennig and Sedelmeier, 2005; Brooks, 2002; Brune, Garrett, and Kogut, 2004; Gilardi, 2005).
- **Competition:** Competition among governments explains institutional changes. The competitive pressures may have effects on legal models, institutions, and practices (e.g. Baybeck, Berry, and Siegel, 2011; Braun and Gilardi, 2006; Shipan and Volden, 2012). Governments know who their competitors are and how they can link policy choices to competitive advantage. Regarding a special agenda, a government can be particularly sensitive to the policy innovations of competitor governments from the perspective of policy diffusion.
- **Learning:** Governments in one country draw lessons from the experiences of others, and apply these lessons in designing their own policies at both the simple tactical level (how to better achieve a particular goal) and at a deeper level (what goals they should pursue) (e.g. Meseguer, 2005; Braun and Gilardi, 2006; Shipan and Volden, 2012).
- **Emulation:** The governments of countries will voluntarily adopt new policies by emulating

the exemplary policies of leading countries. Policymakers are willing to do their best by spontaneously embracing the policies of leaders (e.g. Simmons and Elkins, 2004; Braun and Gilardi, 2006; Gilardi, 2016).

Based upon these four perspectives, the motivational factors behind the acceptance of annual refugee resettlement in the sample countries will be individually examined.

3. THE CHANGING CONCEPTION OF RESETTLEMENT AND THE GROWING COERCIVE PRESSURE FROM THE NORTHERN COUNTRIES

The coercive pressure of Northern countries is particularly noticeable within the context of the changing conception of resettlement. Resettlement was perceived to be the foremost durable solution for refugees by Western European countries as well as the US government during the Cold War. International politics and foreign policy goals may be the key factors to explain the resettlement decisions made by these countries during the period. The confrontation between the East and the West not only accounts for the international refugee policies of the Northern countries but also suggests clues to understand their changing conceptions of refugee resettlement after the end of the Cold War. As Bessa (2009) argues, the role of US leadership was crucial to sustain the international refugee regime driven by the Northern countries during the Cold War. US officials perceived refugee issues as part of national security policy (Loescher, 1994: 357). Therefore, their assistance noticeably focused on refugees from the communist countries of Eastern Europe, such as those fleeing from the Hungarian crisis in 1956 and the Czech refugees in 1968.

With the slowing of the economy in the mid-1970s and as an increasing numbers of internal war refugees originating from Africa, Asia, and Central America as the results of the intensification of the Cold War and consequent proxy wars began to find their way to the Northern countries, they began to tighten restrictions on their refugee policies during the 1980s (Loescher, 1994; Barnett, 2002). The end of the Cold War culminated in the dramatic change of refugee resettlement in the Northern countries during 1990s. Given the fact that the resettlement mechanisms had been mainly based on the Cold War assumptions (Keely, 2001: 308), the suggestion that the advent of the post-Cold War era led the Northern countries to lose their incentive in participating in resettlement programs seems to have gained traction. In the disruptive political environment, repatriation was spotlighted as the preferred durable solution for refugees instead of resettlement (Troeller, 2002). In line with the will of the Northern countries to keep refugees in their own regions, the UNHCR declared the 1990s as 'the decade of voluntary repatriation' and promoted it as a durable solution for refugees whereas resettlement was redefined as the last resort for vulnerable refugees (Bessa, 2009: 95).

These changes, however, further aggravated the refugee crises in the South, which had been overwhelmed with massive inflows of refugees from geographically neighboring conflict zones such as Bosnia, Kosovo, Albania, Rwanda, and Somalia. As Barnett (2002) contends, the Northern countries tended to perceive the increasing refugees from protracted civil war, ethnic conflict, and civil disorder as a potential source of threat or burden to their political security and economic stability rather than valuable human capital for economic and social development. The changing conception of refugee resettlement brought about a shift of focal points on the refugee crises from one of the East-West matter to one of the North-

South issue. On the one hand, the coercive pressure of the traditional resettlement countries towards the non-participating countries was increasing in the North. On the other hand, the significance and impact of the refugee crises was growing in the South. These accumulating pressures were a prelude to the emergence of new resettlement countries.

4. THE MOTIVATIONAL FACTORS BEHIND THE ACCEPTANCE OF ANNUAL RESETTLEMENT: IRELAND, PORTUGAL, THE CZECH REPUBLIC, ROMANIA, AND HUNGARY IN EUROPE

4.1 Ireland

In response to a request by the UNHCR, Ireland launched its annual resettlement program in 1998 as the first mover of the sample country group by accepting 10 cases (approximately 40 persons). What factors primarily motivated the decision of the Irish government within the context of the international refugee regime?

First, the coercion of Northern countries via the international organization may be considered as the principal determinant. The increasing burden of Northern countries due to the persistent refugee crises created coercive pressure towards the responsibility-sharing of non-participating countries. Given that the Northern countries, especially in Europe, were victims of major refugee crises such as ethnic conflicts in Bosnia in 1992 and the war in Kosovo in 1999, as Jubilut and Carneiro (2011) argue, they had to not only ease their burden of refugees entering their territories but also cope with declining public support for resettled refugees. The growing resettlement gap between demand and capacity drove the Northern countries to expect a more active role by the UNHCR. In cooperation with the UNHCR, they tried to increase the total sum of resettlement capacity by encouraging the participation of new resettlement countries.

As an effective conditional measure to put pressure on non-participating countries, financial assistance for new annual resettlement programs was seen as a viable option for the Northern countries. In January 1997, the UNHCR Trust Fund for Enhancing Resettlement Activities (Trust Fund) was at last established to financially support pilot projects in emerging resettlement countries. Ireland and Iceland in Europe, and Brazil and Chile in Latin America were selected to implement the pilot resettlement programs of the Trust Fund respectively based on the following criteria (Jubilut and Carneiro, 2011). The country must:

- (a) not be a refugee producing country;
- (b) have signed and implemented the international legal instruments on refugee protection;
- (c) have a UNHCR presence in the country;
- (d) appear to offer some local integration prospects.

Therefore, the coercive pressures which was accelerated by the financing of the Northern countries via UNHCR, arguably played a catalyst role to initiate the extended cooperation and responsibility-sharing of new annual resettlement countries such as Ireland. In light of it, it may be an exemplary case to present the effects of coercive pressure using conditionality.

Second, the huge number of first-asylum seekers arriving in Ireland around the period may be contended as the domestic bottom-up pressure to facilitate the positive response to the coercive pressure of the international human rights regime. Although Ireland acceded to the

1951 Convention Relating to the Status of Refugees in 1956 and its 1967 Protocol in 1968, as Kinlen (2013) point out, the numbers of asylum seekers arriving in Ireland was small until the 1990s due to its geographic and political isolation as an island country. Even if the Irish government occasionally received small numbers of Hungarian, Chilean or Vietnamese refugees, their acceptance was based on planned programs. However, the sharp increase in asylum applications since the mid-1990s fundamentally changed the framework of the refugee policy in Ireland. Experiencing an unprecedented problem due to the unpredictable influx of asylum seekers, Ireland established the 'Refugee Act' in 1996 to strictly regulate the arrival and acceptance process of refugees (UNHCR Ireland 2002 Country Operation Plan).

Taking account of refugee inflows as well as the international expectations for responsibility-sharing, the establishment of annual resettlement program could be a multi-purpose policy not only to gain bargaining power in negotiation with the UNHCR but also to justify their ensuing refugee legislations for demotivating asylum seekers. Whereas the size of annual resettlement was relatively small and did not raise public concerns, the acceptance of resettled refugees could be used to counter the arrival of refugees seeking asylum in Ireland (Kinlen, 2013). In fact, when faced with increasing arrivals of asylum seekers between 2000 and 2004, the Irish government devised a wide range of measures to differentiate the rights between the Irish nationals and asylum seekers. For instance, a referendum in 2004 finally resulted in changing the laws of citizenship to remove the automatic right of children born to non-national parents (Kinlen, 2013). Thus, the adoption of the annual resettlement program could be used to both externally and internally defend the position of the Irish government towards asylum seekers. In brief, the coercive pressures from the Northern countries via UNHCR, which combined with the increasing domestic pressures from the immediate refugee crises, may be identified as the primary factors that influenced the decision of the Irish government.

4.2 Portugal, the Czech Republic, Romania, and Hungary

Even though Ireland set a precedent as the emerging resettlement country, it would be a decade before Portugal, the Czech Republic, Romania, and Hungary started to follow suit. Interestingly, three of them adopted their annual resettlement programs around the same time. The annual resettlement program was launched in Portugal in 2007, and the Czech Republic and Romania in 2008 respectively although Hungary initiated it a bit later in 2012 (e.g. Bokshi, 2013). Why did these countries create annual resettlement programs around the same time?

Most of all, the protracted refugee crises and the consequent coercive pressures of the Northern countries via both the international and regional refugee regime may have influenced their decisions. Although the Convention Plus initiative (2003-5) did not produce the remarkable outcomes from the North (Betts, 2008), the continuous in-region refugee crises constantly stimulated new trials for the cooperation between the international and regional refugee regime, i.e., the UNHCR and the European Union (EU). Notwithstanding that the Northern countries perceived the urgency of the refugee issue, it is noted that their planned measures were still in line with the 1990s' conditionality strategy. In other words, as shown by the formation of the new refugee fund by the EU, the Northern countries in Europe focused on increasing the numbers of new resettlement countries by using their financial assistance instead of expanding resettlement within their territories. In 2007, under the cooperation of the UNHCR and the EU, the European Refugee Fund (ERF) was established

by the participation of all EU Member states except for Denmark with the objective of supporting the efforts of EU Member States in bearing the consequences of receiving refugees and displaced persons as the part of the EU's General Program 'Solidarity and Management of Migration Flows' (European Parliament and Council, 2007).

As Perrin and McNamara (2013) point out in their examination of motivational factors behind the annual resettlement programs in Europe, the ERF and the EU membership may be identified as the crucial conditional factors that influenced the decisions of Portugal, the Czech Republic, Romania, and Hungary. Paradoxically, the ERF might have had dual functions. Taking into consideration the actual financial cost for accommodating the resettlement refugees, it might have contributed to relieving the financial burden of new resettlement countries by stipulating the details of assistance using the total sum of €628 million during the period from 1 January 2008 to 31 December 2013 as follows (Government of UK European Refugee Fund -General Information, 2015).

“Member States allocations are determined by a formula which is set out in the Basic Act. Each Member State receives a fixed amount of between €300,000 and €500,000 per annum. The remaining available funds are then split with 30 per cent allocated in relation to the number of persons falling within categories (a), (b), and (e) of the target groups and 70 per cent allocated in relation to the number of persons falling within categories (c) and (d) of the target groups.....

Any third-country national or stateless person; (a) having the status defined by the Geneva convention and who is permitted to reside as a refugee in any one of the Member States; (b) enjoying a form of subsidiary protection within the meaning of Directive 2004/83/EC; (c) has applied for one of the forms of protection described in points (a) and (b); (d) enjoying temporary protection within the meaning of Directive 2001/55/EC; (e) is being or has been resettled in a Member State.....

In addition, Member States receive a fixed amount of €4,000 for each person resettled who falls into one of the following categories: persons from a country or region designated for the implementation of a Regional Protection Programme; unaccompanied minors; children and women at risk, particularly from psychological, physical or sexual violence or exploitation; persons with serious medical needs that can only be addressed through resettlement.”

Hence, the emergence of the new annual resettlement countries is promoted by linking financial assistance with refugee resettlement policy.

On the other hand, taking into consideration that the ERF was established by the economically integrated regional community in cooperation with the UNHCR, the fund itself might be construed as increasing regional coercive pressures to the new EU membership countries (see e.g. Grabbe, 2001; Daley and Garand, 2005; Schimmelfennig and Sedelmeier, 2005; Gilardi, 2005). Especially regarding the fact that the Czech Republic and Hungary, and Romania joined the EU in 2004 and 2007 respectively, these countries were likely under pressure to competitively demonstrate their taking part in responsibility-sharing as the newest members of the EU (Perrin and McNamara, 2013). Involvement in annual resettlement programs may have been the result of tacit coercive pressures imposed by the regional solidarity of the EU.

Given these factors, the emergence of new resettlement countries in Europe might be primarily motivated by the coercive pressures of the international and regional refugee regime and competitive pressures between new EU member countries rather than the diffusion of human rights norms due to the emulation of the best practices of the leading

Northern countries.

5. THE MOTIVATIONAL FACTORS BEHIND THE ACCEPTANCE OF ANNUAL RESETTLEMENT: BRAZIL, CHILE, ARGENTINA, PARAGUAY, AND URUGUAY IN LATIN AMERICA

5.1 Brazil and Chile

In Latin America, the coercion of the international regime and regional solidarity were also noticeable factors for the countries to make their decisions in favor of annual resettlement programs. Brazil and Chile were the first countries to launch annual resettlement programs in Latin America in 1999 (UNHCR). As with the case of Ireland in Europe, their participation was promoted as part of a set of pilot projects supported by the UNHCR Trust Fund for Enhancing Resettlement Activities, which highlights the role of Northern coercion. However, it is important for us to holistically approach the annual resettlement programs of Latin American countries, especially in the regional context. Notwithstanding that there is no integrated political and economic union in this region as like EU, the geographical proximity and socio-political interdependence between the Southern Cone countries not only helps us understand the emergence of refugee resettlement in the first two countries but also helps us examine the subsequent resettlement agreements of Argentina, Paraguay, and Uruguay from the perspective of regional solidarity and responsibility-sharing.

First, the coercive pressure of a regional regime may have influenced the decisions of Brazil and Chile (see e.g. Armada et al., 2001; Owen, 2002; Braun and Gilardi, 2006; Appuhami et al., 2011). The importance of regional cooperation and national participation for resolving the in-region refugee problem beyond the capability of a single state had been underlined even before the launch of the pilot annual resettlement programs by Brazil and Chile in Latin America. As shown by the adoption of the ‘Cartagena Declaration on Refugees’ by the States of Latin America and the Caribbean in 1984, the endemic civil wars and consequent refugee crises in Central America such as Nicaragua, El Salvador, and Guatemala were perceived to be an urgent regional problem. In this context, the Declaration enshrined the principle of non-*refoulement* and non-discrimination, and redefined the concept of refugee in Latin America;

“In view of the experience gained from the massive flows of refugees in the Central American area... Hence, the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country 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.”

As the result of the extended definition of refugees and the immediate inflows of civil war refugees from neighboring countries there was a perceived need for heightened regional cooperation and solidarity. These socio-political contexts would make countries more susceptible to the coercive pressures of the regional refugee regime.

Second, the protracted refugee crises created a strong push-factor for Latin American countries to seek the close cooperation with the international refugee regime, facilitating its

coercive pressure. As its reflection, the ‘Cartagena Declaration on Refugees’ emphasizes the active involvement of UNHCR and other organizations in the regional refugee issues.

“To support the work performed by the United Nations High Commissioner for Refugees (UNHCR) in Central America and to establish direct co-ordination machinery to facilitate the fulfillment of his mandate.”

“To request immediate assistance from the international community for Central American refugees, to be provided either directly, through bilateral or multilateral agreements, or through UNHCR and other organizations and agencies.”

The regional necessity for attracting assistance from the international community might facilitate these countries’ flexible responses to requests from the UNHCR. In the context of North-South relations, when Brazil and Chile were recommended as the candidates of ‘emerging resettlement countries’ by UNHCR, it would not be easy for them to turn down the offer in light of the importance of international assistance for the region (see e.g. Dobbin et al., 2007; Daley and Garand, 2005; Schimmelfennig and Sedelmeier, 2005; Gilardi, 2005).

Third, the political background of the two countries could be another motivational factor to promote their annual resettlement programs from the perspective of competition. Both Brazil and Chile experienced military dictatorship in the past. Brazil had been under the rule of an authoritarian military government since the coup led by the armed forces in 1964. The military junta stayed in power until 1985 before the opposition leader José Sarney won power in a presidential election. Chile had also been ruled by an authoritarian military government from 1973 to 1990. The military dictatorship, which had been established by the coup of General Augusto Pinochet in 1973, lasted for 28 years before it transferred its power to the democratically elected president Patricio Aylwin in 1990 after the defeat of the referendum for the extension of Pinochet’s presidential term (e.g. Donnelly, 2007; Smith, 2005).

The new democratic governments of these countries both needed to differentiate themselves from the former military governments (see Hafner-Burton, Mansfield, and Pevehouse, 2015). Their own citizens’ experiences as former political refugees during the authoritarian period may have increased the external and internal pressures for the Brazilian and Chilean governments to accede to the annual resettlement request from the UNHCR. For instance, the Brazilian president Cardoso, whose government decided to launch the first pilot annual resettlement program in Latin America, had himself been a political exile in Chile in the 1960s. As Hafner-Burton et al. (2015) point out that developing countries tend to ratify international treaties for their legitimacy, for democratic governments, participation in refugee resettlement not only demonstrates their good-will for cooperation with the international community but also signals to their own citizens that they are committed to democracy and freedom. The similar political backgrounds of the governments might have caused this legitimation-seeking to become competitive.

Fourth, the long presence and support of the UNHCR, particularly in Brazil, might have contributed to exert coercive pressure for the launch of an annual refugee resettlement program. Notwithstanding the fact that the Brazilian government had not officially recognized it as an international organization until 1982, the UNHCR established its office to assist the resettlement of regional refugees in Rio de Janeiro in 1977 with the support of the former Archbishop of São Paulo, Cardinal Paulo Evaristo Arns. The office organized the resettlement caseloads of approximately 20,000 refugees who had arrived in Brazil with a tourist visa from Chile, Bolivia, Argentina, and Uruguay (Fischel de Andrade and Marcolini, 2002:

37). Particularly, since the end of the military junta in 1985, the new Brazilian government showed a cooperative attitude toward the UNHCR office in Brazil, and regularized relations with it in 1989. Most of all, the first ‘Refugee Act’ in the Southern Cone was ratified in 1997 and was drafted in close collaboration with the UNHCR (Fischel de Andrade and Marcolini, 2002). This refugee law led to the establishment of the National Committee for Refugees (Comité Nacional para Refugiados – CONARE). The CONARE designed refugee policies and procedures in cooperation with government, civil society, and the UNHCR (Nogueira and Marques, 2008). It is noted that the CONARE later worked to implement the pilot refugee resettlement projects promoted by UNHCR. Therefore, the presence of the UNHCR dating back to the 1970s amplified the pressure to implement an annual resettlement program in the 1990s.

5.2 Argentina, Paraguay, and Uruguay

The annual resettlement programs of Argentina, Paraguay, and Uruguay might have been catalyzed by the coercive pressure of the regional refugee regime, which was demonstrated by ‘Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America (MPA).’ It was convened in Mexico City on the 20th anniversary of the Cartagena Declaration in 2004 and established a series of measures to identify the solutions for refugees of the region. Most of all, concerned with vulnerable Colombian refugees in need of urgent protection and humanitarian assistance near the border areas between Colombia and its neighboring Ecuador, Panama, and Venezuela, the MPA emphasized regional solidarity as one of its fundamental principles to guide state policies on refugees in Latin America. Furthermore, it saw resettlement as one principal pillar of durable solutions for coping with the refugee crises in a framework of regional solidarity;

“Taking into account the socio-economic conditions prevailing in the countries of asylum, as well as the distinct profiles of refugees and other persons in need of protection in the region, it is necessary to design and implement creative new policies to facilitate the search for adequate solutions. This requires devising new strategies to achieve self-sufficiency and local integration, both in urban centers as well as border areas, as well as the strategic use of resettlement, in a framework of regional solidarity.”

The MPA also underscored that the ‘Regional Resettlement Solidarity Program’ is in line with international solidarity and responsibility sharing;

“In the preparatory meeting held in Brasilia (26-27 August 2004), the Government of Brazil proposed the creation of a regional resettlement programme for Latin American refugees, in the framework of international solidarity and responsibility-sharing.....

.....Furthermore, based on the experience of Brazil and Chile as emerging resettlement countries, they appeal to the international community to support the strengthening and consolidation of these initiatives, in order to improve and replicate them in other countries of Latin America.

In any case, it is underlined that resettlement, as a durable solution in the region and for the region, should not be viewed as “burden-sharing” but, instead, as a duty deriving from international solidarity, and the need for technical and financial cooperation from the international community for its strengthening and consolidation was reiterated.”

Soon after the regional resettlement solidarity program had been stipulated in the MPA, Argentina agreed to receive the resettled refugees in the same year, 2004. The other two countries of the Southern Cone, Paraguay, and Uruguay subsequently established their ‘Solidarity Resettlement Program’ in 2007. According to Ruiz (2015), from 2005 to 2014, some 1,151 refugees, mostly Colombian, from Ecuador and Costa Rica, and another 363 refugees from outside Latin America, mostly Palestinians and Syrians, were resettled in Brazil, Chile, Argentina, Paraguay, and Uruguay. These results may imply the effectiveness of the coercive pressure from the MPA as the regional refugee mechanism.

Second, the competitive pressure due to the common political experiences might also have encouraged the decisions of Argentina, Paraguay, and Uruguay (see e.g. Baybeck et al., 2011; Braun and Gilardi, 2006; Shipan and Volden, 2012). Although it is possible that an emphasis on regional solidarity could accelerate the establishment of resettlement programs, only three countries, Argentina, Paraguay, and Uruguay, among the 20 countries of the Southern Cone that adopted the MPA, actually launched an annual resettlement program. With the regional context of solidarity on the refugee crises, the socio-political background of the five Southern Cone countries, Brazil, Chile, Argentina, Paraguay, and Uruguay may provide some clues to understand their positive responses to resettlement acceptance.

In the same way as the cases of Brazil and Chile, the next three countries to create resettlement programs, Argentina, Paraguay, and Uruguay, also experienced military dictatorships. Argentina, under the rule of its military junta between 1976 and 1983, headed by Jorge Refael Videla, experienced massive human rights violations such as kidnappings, forced disappearances, tortures, and extrajudicial murders. The citizens of Uruguay and Paraguay also suffered military dictatorships between 1973 to 1985, and 1954 to 1989, respectively (e.g. Donnelly, 2007; Smith, 2005). Given the circumstances, the following two points are particularly note-worthy;

a) All five of the military juntas in Brazil, Chile, Argentina, Paraguay, and Uruguay took over the power by overthrowing the former governments by the military coups, and then egregiously suppressed their own nationals with the justification of anti-communism and national security. During the oppressive ruling, they had shown the type of networked ‘state terrorism’ symbolized by, so called, ‘Operation Condor.’ McSherry (1999) describes it as;

“A shadowy Latin American military network whose key members were Chile, Argentina, Uruguay, Bolivia, Paraguay, and Brazil. Condor represented a striking new level of coordinated repression among the anticommunist militaries in the region.”

b) Four of them were finally replaced by new governments between 1985 and 1990 through their democratic presidential elections. Only the head of Paraguayan military government, Alfredo Stroessner Matiauda was ousted from power by the coup in 1989 and Juan Claros Wasmosy was elected as the first civilian president in 1993 by the democratic election based on the new constitution (e.g. Donnelly, 2007; Smith, 2005).

The political suppression under authoritarian governments and the resulting democratization demonstrate the socio-political interdependence between the five countries. In other words, as the democratically elected governments of the Southern Cone, which had experienced remarkable changes in world politics around the same period, were particularly susceptible to competition towards democratic progress symbolized by the creation of annual resettlement programs, not to mention the coercive pressure of regional solidarity.

Third, the learning effects of prior cooperation need to be considered (see e.g. Meseguer,

2005; Braun and Gilardi, 2006; Dobbin et al., 2007; Shipan and Volden; 2012). As founding member states, Brazil, Argentina, Paraguay, and Uruguay have participated in the Regional Agreement for National of Member States of the Common Market of the South (MERCOSUR) since 1991. It was aimed to establish a common market and consolidate political, economic, and social integration among its states parties. Chile was also involved in it as an associate state. This may symbolically demonstrate the economic interdependence between the Southern Cone states. On the one hand, the mutual interdependence may increase the competitive pressure to work together for the responsibility sharing in times of refugee crises. On the other hand, the precedent for open migration policy within the regional economic bloc, even before the MPA, may ease the resettlement decisions through its learning effects, as illustrated by Cavaleri (2012: 48);

“In 2002, after a series of xenophobic attacks against regional migrants, MERCOSUR permitted nationals of the six countries (Brazil, Argentina, Paraguay, Uruguay, Chile and Bolivia) to reside in the territories of others and granted them to access to any economic activity on an equal basis with nationals.”

Given the coercive, competitive, and learning dimensions within the framework of the regional solidarity in the Southern Cone, it suggests that the acceptance of annual resettlement by Brazil, Chile, Argentina, Paraguay, and Uruguay is not principally motivated by the diffusion of human rights norms.

6. THE MOTIVATIONAL FACTORS BEHIND THE ACCEPTANCE OF ANNUAL RESETTLEMENT: SOUTH KOREA IN ASIA

6.1 South Korea

Coercion by the UNHCR and the competitive pressure between Japan and South Korea also played a role in the development of annual resettlement programs in East Asia. In 2015, South Korea started its pilot annual refugee resettlement program only five years after the first program launcher, Japan. Taking into account that there is no regional union such as the EU, and no regional refugee initiative such as the MPA, what factors account for the annual resettlement program of South Korea?

First, the exploitation of underlying competitive pressures by the UNHCR should be noted to understand the decision of the South Korean government. Consistent with the prevalent tendency of the Northern countries in the post-Cold War era, Japan has also focused on the financial and logistical support for the refugees rather than the admission of resettlement or asylum seekers in its territory (e.g. Vayrynen, 2001; Strausz, 2012). As the result, Japan has been one of the top donors to UNHCR along with other Northern countries such as the United States and the EU. Both Japan and South Korea had been deemed to be reluctant to receive refugees together (e.g. Koh, 2008; Shin and Shin, 2013).

However, the director of the Immigration Bureau, Mr. Inami, who played a key role in the decision-making process, recalls that the appeal by the new UNHCR Representative was the turning point for the Japanese government to seriously consider a resettlement program (Takizawa, 2011: 31). Along with the appointment of the former Immigration Bureau of the Ministry of Justice as the first Japanese Representative, the UNHCR Tokyo Office promoted

both public advocacy for a resettlement program and a ‘quiet diplomacy’ through informal meetings with officials of the Ministry of Justice (MOJ) (Takizawa, 2011: 31). Takizawa (2011: 31) argues that:

“While reminding MOJ officials of the strong criticism made by Ms Sadako Ogata, the former UN High Commissioner for Refugees, that “Japan (meaning MOJ officials) lacks humanity” in dealing with refuge (The Japan Times, 7 July 2007), UNHCR “sold” the “benefits” of the resettlement program from the point of view of the MOJ. One of the MOJ’s obsessions was the possible security implications of accepting larger number of refugees. UNHCR pointed out that Japan does not need to be concerned about the possible security risks because candidates for resettlement to Japan will be background checked and selected by UNHCR. MOJ then can choose those refugees who Japan deems better fit for resettlement to Japan.....UNHCR also suggested that the pilot program could be fairly a small one, possible a few families, Accepting only a small number of refugees initially would also prevent possible opposition to the resettlement initiative. Thus, a resettlement program meets the interests of the refugees, the MOJ and UNHCR.”

In the summer of 2007, after six months of quiet dialogue with UNHCR, a “study group (benkyo-kai)” was established to understand an annual refugee resettlement program with participation of the middle-level managers of the Ministry of Justice, Ministry of Foreign Affairs, and the Cabinet Office. Subsequently, in November 2007, during his visit to Japan, the UN High Commissioner for Refugees António Guterres was informed by the Japanese government that the internal consultation process for resettlement had started (Takizawa, 2011: 32). Japan finally agreed to establish a resettlement pilot project annually receiving 30 Myanmar refugees from Thailand in 2008. Beginning with the first caseload, 27 refugees in 2010, total 86 refugees were resettled in Japan during the period between 2010 and 2014 (Treviranus and Törnngren, 2015).

It is also noticeable that UNHCR’s Assistant High Commissioner for Protection, Erika Feller visited South Korea right before the Tokyo symposium on asylum in Japan, and called for the legislation of refugee law to establish a more comprehensive and reliable system for refugee protection. Her comment during the visit may reflect the exploitation of underlying competitive pressures on the South Korean government (Moriya and Yoo, 2009);

“South Korea is a very important country in this region. It can offer very good examples to the rest of the region in terms of integrating protection cases. A lot of experience has been accumulated by helping North Koreans who came into South Korea.We hope that some of this experience will also be used to develop integration programs for third country nationals. We are looking to South Korea to play a leadership role in this region.”

And then, in the subsequent symposium in Tokyo, the former UNHCR High Commissioner Sadako Ogata acknowledged Japan’s resettlement adoption with these complimentary remarks (Moriya and Yoo, 2009);

“Japan is not only a major donor to UNHCR, but also accepted 11,000 Indochinese refugees after the late 1970s. It has announced plans to become Asia’s first resettlement country when it begins accepting Myanmar refugees from camps in Thailand under a pilot scheme next year.”

Second, the spotlighted pilot annual resettlement program of Japan put unavoidable

pressure on South Korea in terms of the competition between two countries in international community. Just right after the symposium, on May 27, 2009, the ruling Saenuri party, congressman, Woo-Yeo Hwang proposed the Refugee Act to the National Assembly; and then, as the first 'independent refugee law' legislated at the national level among the East Asian countries, the National Assembly finally passed the 'Law on the Status and Treatment of Refugees' at the plenary session on December 29, 2011 (APIL, 2012). Since the enactment of the refugee law, in July 2013, the first group of 22 Myanmar refugees arrived in South Korea on December 23, 2015.

Given the timeline of all these procedures pertaining to the establishment of the Refugee Act and the subsequent annual resettlement program, it appears undeniable that increasing coercive pressure was put on the South Korean government by UNHCR as well as competitive pressure by the neighboring country, Japan. In this regard, the proposed refugee numbers are also noteworthy. The Korean government originally planned to invite 30 refugees who were at a town bordering Thailand and Burma (Myanmar) although that projected total was not met in the end (Ock, 2015). The proposed refugee numbers and the origins of South Korean resettlement program are exactly same as those of the initial implementation decision of the Japanese government. Regarding the implications of a series of relevant events, the participation of South Korea in the annual resettlement program could be interpreted to be derived from the coercive and competitive pressures from the international organization and the neighboring Japan in competition rather than the raised awareness of human rights norms and their diffusion.

7. CONCLUSION

In the post-Cold War period, resettlement was deemed as the prominent durable solution and part of human rights framework. Therefore, the emergence of new resettlement countries is likely to be perceived as the diffusion of human rights norms. However, when it comes to tracing the motivational factors behind the decisions of these emerging resettlement countries, this study finds important inconsistencies.

First, even if it is conceded that the concerns of human rights advocacy account for the resettlement programs in traditional resettlement countries of Europe and North America, the contrasting responses of these countries to refugee crises during the Cold War and the post-Cold War era imply that their resettlement policies were heavily influenced by their political and economic interests. In particular, they lost their political incentives to pursue resettlement programs after the collapse of communism. Faced with an influx of refugees, they showed a tendency to focus on financial support rather than allow the arrival of refugees in their own territory. In line with this, they devised ways to increase responsibility-sharing via the coercive pressures of international organizations such as the UNHCR.

Second, a more human rights friendly conception of resettlement as the last resort for protecting refugees in plight in the 1990s did not automatically lead to new annual refugee resettlement programs. Rather, these countries in Europe, Latin America, and Asia were implicitly or explicitly influenced by the coercive pressures of international or regional refugee regimes using conditionality such as membership to the regional union or financial assistance. Furthermore, in response to the immediate refugee flows, close political and economic interdependence in terms of region solidarity catalyzed competition among countries that saw refugee resettlement as a form of legitimation. Therefore, it may be

argued that the emergence of new resettlement countries was not primarily motivated by the diffusion of human rights norms.

Third, our research results suggest that effective regional mechanisms equipped with financial capability may substantively contribute to improving the protection of refugees and overcome the impasse between North and South. In light of the emerging resettlement countries in Europe and Latin America, regional solidarity and responsibility-sharing based on political and economic interdependence may play a crucial role in promoting programs for refugees and can supplement the joint efforts of the international refugee regime. Therefore, it may lead to more practicable ways to provide durable solutions to refugee crises in the context of domestic and regional demands. In this respect, particularly, in Asia, the establishment of regional mechanisms for advocating human rights as well as refugee protection may have notable significance given the fact that there are no tangible human rights mechanisms for vulnerable refugees in the region.

Finally, although the results of this study help us better understand the motivational factors behind the decision to implement refugee resettlement programs, the research has been based on primary and secondary literature but without in-depth individual or focus group interviews of pertinent government policy-makers. Hence, future research is recommended to specify these motivational factors in more detail through the testimony of government officials and the collection of additional supporting data. Nevertheless, we hope that this study may contribute to a better understanding of international attempts to protect refugees in plight and, ultimately, contribute to the creation of more robust and responsive protections for those in need.

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