Should They Stay or Should They Go?
County Level Factors on the Fate of Refugees

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Abstract

With increasing internal conflict resulting in unprecedented numbers of refugees, countries are being asked to give more people asylum. While it is against Article 14(1) of the Universal Declaration of Human Rights (UDHR) to send refugees back to their home country before the end of a conflict, there are many cases of them doing so. To understand why this happens, past work has linked non-compliance in international treaties to three factors. One, that the treaty language was ambiguous, two, that the country does not have the capacity to carry out the treaty, or three that the social and economic changes in the country since the time of the treaty signing have created conditions adverse to the country carrying out the treaty responsibilities (Chayes and Chayes 1993). The main focus of this paper is to determine the conditions under which countries send refugees back to active conflict zone. Drawing from several different case studies that cite economic reasons as one of the main factors in several different refugee repatriations, I first predict that countries with limited economic resources are more likely to forcibly repatriate refugees into unsafe home countries. Drawing from research involving prejudice towards refugees as well as research involving ingroup and outgroup behavior, I next predict that countries whose citizens hold prejudice against refugees are more likely to forcibly repatriate refugees into unsafe home countries. In order to test our hypotheses, I tested GDP per capita as well as the percent of people in the country who reported they would not like to have immigrants as neighbors in the World Values Survey. I controlled for other country specific factors as well, such as level of democracy, GDP growth, type of legal system, and number of refugees received.

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The international law regime surrounding the protection of refugees was started in 1951, with the United Nations Convention on Refugees, where 145 countries ratified it. In 1967, the Universal Declaration of Human Rights stated that granting Asylum to refugees was a humanitarian and apolitical act, and at the very least meant that basic protections, such as no forcible returns to places where the refugee's life or freedom would be threatened, should be extended (Jastram and Achiron 2001). The declaration passed the UN General Assembly through consensus; however it is not legally binding, but a normative of international law (International Justice Research Center)

However, many countries decide to send refugees back to active conflict despite the reservations of the United Nations High Commission on Refugees (UNHCR). As an example, in 2003 in Tanzania, the Tanzanian government returned roughly 85,000 refugees to Burundi, claiming they were voluntary, while the international community and human rights organizations involved argued that repatriations were forced, and the return would put refugees in immediate harm (Loescher and Miller 2005). In the past four years, one in four unaccompanied children who are seeking asylum in Sweden were forced to repatriate to their home country or a transit country (Sundqvist 2017). This is especially relevant as the world is facing massive numbers of refugees, with an unprecedented 65.6 million people being displaced in 2017 (UNHCR data, 2017).

With these numbers on the rise, it becomes more important than ever to understand why countries break international agreement and send refugees home before their conflict is over. An

international treaty is only an agreement, with no binding authority besides self-enforcement by the countries involved. While the International Court of Justice does handle country arbitration, the country in conflict would be unable or unwilling to bring the problem to the court. Additionally, it is countries, and not people, that are protected in most international courts, leaving refugees little recourse if they are in a country that decides not to enforce the treaty (Powell and Mitchell 2007). Some suggest that countries only sign international agreements to get the benefits of it at face value, such as aid or trade agreements, with no intention of following through (Cole 2015). There is also the suggestion that the root of non-compliance for international treaties takes place when first, the language of the law is ambiguous, second, there is limited capacity on the parties responsible for carrying out the law, and third, that economic and social change since the time that the treaty was agreed upon have made the country reluctant to follow through with their original intent (Chayes and Chayes 1993).

Legal Differences Between Countries

One of the reasons that countries may not comply with international law is that treaty language is often ambiguous, leaving interpretation up to states as to how they want to enforce it and decide when it applies (Chayes and Chayes 1993). Refugees are entitled to non-refoulment (or the return of refugees while their home presents a danger to them), freedom of movement, the right to liberty and security of the person, and the right to family life, among other rights explicitly stated in the 1967 Declaration of Human Rights. However, there may be confusion caused by treaty interpretation. Increasingly, national courts are being called upon to figure out the best interpretation of international law, being asked to be impartial when enforcing national law, without regard for national interest (Roberts, 2011). This results in different versions of international law, as interpreted by different national court systems asking to weigh in (Roberts,

2011). Some countries that have been asked to uphold the treaty seek their own national court's interpretation of the law within the confines of their constitution. This especially holds true of the national interpretations of the Refugees Convention, with courts resolving issues about the definition of a refugee and what constitutes as a person fleeing persecution, and a body of law has been established to encourage uniform interpretation across different countries (Roberts, 2011). However, some countries still have more narrow views of what a refugee should classify as, and with more recent influxes of refugee situations, the legal definition of refugee is becoming narrower in countries who do not want to continue to uphold the law (Benvenisti 2008). This results in refugees being sent home because the conflict or persecution they are fleeing from is no longer considered protected by their asylum country (Benvenisti, 2008).

Additionally, past research has demonstrated the type of regime and legal system in the country also influences if international law will be followed. In addition to having a higher respect for the rule of law, democracies take human rights, and the violation of these rights, more seriously than non-democracies (Fox and Roth 2001). Different types of legal systems also give rise to a different level of respect for international court decisions. As Mitchell and Powell (2007) argue, civil law states are most likely to accept the jurisdiction of international courts and follow international law, while common law states place more restrictions on their commitments to the Court than either Islamic or civil law states, and Islamic law states have the most durable commitments, making them the least accountable to following international agreement. Additionally, they view contract language differently. Civil law states adhere to a stricter interpretation of the language of a treaty, while common law states focus more on the intent of the treaty, even if that means not focusing on the language (Mitchell and Powell 2007). In terms of refugees, this can mean that some states get very specific as to what the declaration defines a

refugee as, or the conditions of non-refoulment. Countries have the power to view these conventions differently and create and interpretation that allows them to send back refugees without, by the definition of their legal system or regime, breaking international law.

State Capacity

In the case of state capacity, states often have every intent of following international law, but may not have the resources to accept the number of refugees the UNHCR sends their way. Countries that are the most successful at following international treaties are countries that have high bureaucratic efficacy, which correlates to high civil, political, and physical integrity rights provisions (Chayes and Chayes 1993). For many counties, especially those near conflict prone areas, the infrastructure to follow through and take in refugees may not be possible, as well intentioned as their signature on the treaty may be. In conflict prone regions, some countries do not have enough money or housing for their own people, let alone refugees flooding their border with nothing but a few belongings (Achilli 2015).

A country may have experienced social or economic changes since the signing of the treaty, and so while at the time they had the capacity and the willingness to do so, the new leaders in charge of the country no longer wish to continue the practice. For example, in the case of the Syrian refugee crisis, much of the strain is on nearby neighboring countries, such as Lebanon, Jordan, Iraq, Egypt, and Turkey, While Germany and Sweden have taken in the most refugees outside the region, there has still not been enough done to actually help the refugees. While many of these countries in theory could take refugees, the sheer number of those leaving the Syrian conflict has caused an overwhelming number in these areas, with not enough foreign aid sent to offset the problem. Refugees can be a strain on the economic resources of a country,

and in a country where social unrest is already brewing, it can be hard to take in refugees when there are already citizens in need of assistance.

Economic Explanation for Forced Repatriation

State capacity, as stated before, is a significant factor on whether a country complies with international agreements (Chayes and Chayes 1993). A country may sign an agreement, but have limited state resources to carry through once the agreement needs to be carried out (Chayes and Chayes, 1993). Countries that host refugees, after all, are often geographically close to the conflict itself, and many lack economic stability due to having the same resource concerns that triggered conflict in their neighboring country (Cole, 2015). More than half of the world's current refugees come from South Sudan, Afghanistan, and Syria, with most refugees going to neighboring countries in the same region, many which have low country wealth and so do not have the funds or infrastructure to take in refugees in the numbers that they are arriving (UNHCR data, World Bank Data). This can cause these countries to deny benefits to refugees, simply because they are unable to do so. This means that a country may fully agree that helping refugees is a human rights imperative, while still not being able to follow the international treaties in place to help these refugees.

While there have been limited big data studies on the economic strain of refugees at the international level, most work has been case studies that provide anecdotal examples of the lives of refugees and explain some of the issues that refugees have in countries without resources to help them. For example, refugees from Somalia live in Kenya camps, where international groups offer limited resources and food to help them, with rations only lasting 10 days but delivered every 15 days (Horst and Van Hear 2002). Jobs in Kenya are not available, and creating economic opportunities for themselves is dangerous, making them reliant on remittances sent by

family members in other countries, which is not something that all refugees have the advantage of having.

The Kenya case is not unique. In cases where wars last for decades, refugees are confined to camps or settlements without chance of earning a livelihood, and are heavily dependent on international organizations for basic needs (Loescher and Milner 2005). In Tanzania in 2003, much of the reasoning for retuning the refugees to their home country was that it was the only viable option, given that Tanzania did not have the resources available to feed and house their refugees, nor the man power available to keep the refugee camps and nearby towns from suffering from theft and violence in the wake of insufficient supplies (Loescher and Milner 2005). Because of this, Tanzanian officials decided to repatriate Burundi refugees before the long standing issues that made it dangerous for these refugees in the first place (Loescher and Milner 2005). More recently, Syrian refugees in Jordan were causing an economic strain as the Jordinian government did not have the resources to keep up with the influx of migrants, and the EU had been trying to send money to these countries instead of taking on more refugees themselves (Achilli 2015). The influx of refugees started to decline, and the UNCHR claimed that local authorities on several occasions have denied access to the refugees trying to cross the border. After 2012, Jordan adopted a no entry policy and has threated to return existing refugees to Syria, despite the ongoing and deadly conflict (Achilli 2015). In many cases, countries have been economically unable to continue to house refugees, and this has resulted in their forced repatriation to their home country.

> H1: Countries with limited economic resources are more likely to forcibly repatriate refugees into unsafe home countries.

Refugees as a Perceived Threat Explanation

Some see refugees as a perceived threat, mainly in the form of economic resources. As mentioned earlier, there are insufficient international funds to fully help refugees, and so the host country of the refugees often has to step in. In many of these cases, the refugees are not an actually threat, but an easy target for the frustrations citizens of the country have about their personal economic situations (Healy, Thomas, and Pederson 2017). Because host countries view refugees as a threat, in many situations they are confined in camps, unable to seek employment, and not allowed to integrate with the general population (Loescher and Milner 2005). This can often create situations in which the citizens of the country feel that refugees are being given special treatment, and can create an "us" vs "them" mentality (Healy, Thomas, and Pedersen 2017). In a study concerning attitudes towards refugees conducted in Australia, prejudice towards refugees in participants was high, and correlated negatively to polyculturalism, or the idea that other cultures other than theirs should be respected equally, as well as openness, or their degree of willingness to interact with those different than themselves (Healy, Thomas, and Pedersen 2017).

There are also studies that look into people giving non-race-based reasons for racial decisions. white participants were lead to believe they were either the sole witness or one of multiple witnesses to an emergency, one where the victim was white and the other when the victim was black. In both instances, both with single and multiple observers, the white participants were more likely to help the white victim, with numbers saying they would respond never dropping below three quarters of the participants. In contrast, when they thought multiple observers were involved less than half of them said they would help the black victim. However, their explanations for not helping this victim were not race based, but simply that they thought

someone else might help them (Gaertner and Dovidio 1977). This could mean that economic

reasons may just be the reason given by policy makers when they decide to override international

law, when the real reason could be mistrust or dislike of refugees or foreign nationals.

Nationalism across the globe is on the rise and multiple countries are pushing more domestic

first policies (Wagner and Disparte 2016). Refugees are starting to be seen as outsiders who are

creating a financial burden, or who pose a security risk, causing them to perceive them as a threat

and dislike the idea of housing them (Healy, Thomas, and Pedersen, 2017). Housing refugees can

be an unpopular decision in countries where economic strain is

> H2: Countries whose citizens perceive refugees as a threat are more likely to forcibly
> repatriate refugees into unsafe home countries.

Methodology

For my dependent variable, I used the refugees returned by country data collected by the

UNHCR combined with the Uppsala Conflict Data Program Active Conflict Dataset (UCDP

2016, World Bank 2017). I classified an "illegal" return as one in which the refugee was

returned to a country listed as one having an active conflict that year according to the UCDP Prio

dataset. All data will be from the years 1990 to 2016, by country, to account for the environment

of international relations post-cold war era.

Independent Variable

To test the first hypothesis, a regression will be run to examine how many refugees are

sent back to an active conflict zone from each country. The GDP per capita data will be the data

collected by the World Bank, with GDP per capita is the standard measure for economic

wellness in a country, so this should be an accurate measure. To test the second hypothesis, a

second regression included the World Values Survey question "Would not like as Neighbor: Immigrant or Foreign Worker," (World Values Survey 2014)[1]. While this is an imperfect measure because it does not mention refugees directly, in the interest of having a big sample the question, and the perceived threat it presents, they function similarly enough for the purposes of the regression.

Control Variables

A country's level of democracy will be used as a control because studies show that democracies are more likely to uphold international treaties, due to a respect for the rule of law (Fox and Roth 2001). In order to measure democracy, country Freedom House scores for the relevant years will be converted to a "1" for democracy if the country is labeled as "free" and a "0" if the country is labeled as partly free or not free.

An additional control variable will be type of legal system, as defined and coded by Mitchell and Powell (2007), due to different legal systems having different levels of commitment to the international law. Additionally, functioning legal systems should allow individuals to sue in domestic courts, giving refugees more tools to protect themselves from illegal returns (Mitchell and Powell 2007). Number of refugees received by country per 1000 of the population will also act as a control, as well as GDP Growth, and population of the state as a whole, both also using data collected by the World Bank. Due to number of refugees received compared to

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[1] This question was asked as part of a list, where the surveyor asked "On this list are various groups of people. Could you please mention any that you would not like to have as neighbors" with Drug addicts, people of a different race, people who have AIDS, Immigrants/foreign workers, homosexuals, people of a different religion, heavy drinkers, unmarried couples living together, and people who speak a different language being options. The respondents either mentioned or did not mention immigrants/foreign workers.

the population, the refugees received, and refugees returned by variable will be calculated by the variable over the state populations in 1000s so that there is a big enough number to calculate.

Results

As shown in Table 1, I found no support for hypothesis 1, as GDP per capita failed to reach significance in any of my models. When the regression was run without the WV question measuring feelings towards immigrants and foreign workers (Model 1), the only significant factor in predicting illegal refugee return rates is democracy. The results indicated that countries with democratic governments are less likely to return refugees to active conflict zones, fitting with earlier work by Fox and Roth (2001). GDP is not found to be significant in forced repatriation cases.

Table 1: OLS Regression Results for the Number of Refugees Forcibly Repatriated per 1000 People

	Model 1	Model 2
GDP per Capita	-.07e-07	5.37e-10
	(7.05e-07)	(9.35e-10)
World Values Survey Question: "Would not Like as Neighbors, Immigrants or Foreign Workers"		.0002243**
		(.0001012)
Refugees Received per Country	.0002584	3.25e-07
	(.0003378)	(2.77e-07)
Democracy	-.0407047*	-.0000275
	(.241084)	(.0000275)
GDP Growth	-.0016268	1.59e-08
	(.0018363)	(2.38e-06)
Type of Legal System	.0350136	-.0000244
	(.026398)	(.0000291)
Constant	.0395892**	-.0000108
	(.0166845)	(.0000318)
N	3,792	809
R-Squared	0.0018	0.0108
Adjusted R^2	0.0004	0.0034

* $p < .10$, ** $p < .05$., *** $p < .01$

When the regression is run with the World Values Survey question (Model 2), that question, which measures attitudes towards immigrants and foreign workers, becomes the only variable that is significantly positively correlated to the likelihood of refugees being returned to unsafe conditions. When this variable is used, due to missing values for missing years, I do lose over ¾ of my cases. However, since there are still 809 cases which can be tested, the variable still holds weight. What these findings suggest is that countries are more likely to return refugees if the

citizens of that country dislike the idea of housing them, regardless of the country's level to democracy, legal system, etc.

Conclusions

The initial results of this project show that there is no connection between GDP per capita, or economic stability, and refugees being returned, despite numerous claims to the contrary. While there can certainly be cases where this holds true despite the trend, it suggests that there are many more cases where the reports and reasoning given by state leaders are not entirely true, perhaps to save face in the international community. Even with the control for GDP growth, added to measure if the country is going though a recession, there is still no significance.

At lesast tentatively, we might conclude that while the measure for perceived threat of refugees was an imperfect one, the sentiments displayed by citizens of a country towards refugees and immigrants are similar enough that the result could be troubling. The sort of thinking that excludes refugees and immigrants from humanity, marking them as an "other" or an outsider, can be fatal in these cases. While initially it appears that democracies uphold refugee law better, concurring with the findings of Fox and Roth (2001) I do find that once I include public anti-foreigner sentiments, democracies prove no better than autocracies. Perhaps this is due to their re-election odds if they make decisions that are unpopular with their constituents, so they made decisions that secured their seat at the potential cost of human life.

This project has been a start into looking at what factors cause forcible repatriation of refugees, but more research is needed. If a survey could be done about specific feelings towards refugees as a comparative analysis, that would serve as a much better measure. Perhaps refugees would illicit more sympathy than someone without that status, and the results would be different.

This is just a small sampling of the factors that make the decision to return refugees, and more research should be done on other factors. Additionally, the World Values Survey greatly limits analysis as they only ask certain countries certain questions, and not every country is on their list. With the missing data, I was unable to test the same number of cases, which could have also had an effect on the results.

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