

”Refugee Warriors: A Problem of Our Time”,  
from Aristide Zolberg, Astri Suhrke and Sergio Aguayo, *Escape from Violence*,  
Oxford University Press 1989.

of safe haven to bystanders caught in the refugees will tend to flee in the sympathy. For instance, allowing for in civil wars can flee to the governments of refugees to some extent vote

process can be depoliticized through of the term *refugee*, with its implied origin, one might substitute the term, this term is likely to compound the introduction of greater nuances in the between legal categories and the socio-an grounds" (B-status) or to "victims (Os). denotes that the beneficiaries are and than are the activist refugee.

clarify the social processes it depicts. In pronounced, partly because the stand-self-evidently legitimizing (e.g., "ref-ving of help, and "persecution" ob-ved categorically, such designations are ify critical differences in rights for the ical determination process or used in particular population, the term *refugee* o certain privileges stipulated by inter-ave other rights at the discretion of the al migrants" have no rights at all. The tial treatment for client populations has se, but the phenomenon is universal.<sup>37</sup> n is the basis for an informed public point is to observe that the sociological get, or a victim) is independent of the eld, for a variety of political reasons in that there are legal refugees and illegal of migrants—and that some groups that ot deserve the term and the treatment. pervades much of the literature, with the

ugee policy in Europe and North Amer- s of the political aspects of humanitarian Central American context, in which the voluntary agencies were pressed to take left" (Nicaraguans) or "the right" (Sal- ously both. The politicization of official d unfairly discriminatory that it gave rise nited States, in the form of the sanctuary

e option is to aid only refugees of one's as (say, Afghans or Palestinians but not

both). Another approach is the neutral posture that the UNHCR seeks to maintain, by aiding refugees fleeing from all kinds of political systems and representing a range of political persuasions. The UNHCR's approach is in conformity with the historical trend toward a universal definition of refugee, against which an explicitly partisan refugee policy is, historically speaking, a regression—in U.S. terms a return to the pre-1980 legislation, when a refugee was primarily defined as someone who was escaping from a communist country. There is also a third option. Refugee populations from large and internationalized social conflicts will usually have powerful international patrons. Other outflows—the Chakmas and the Haitians of this world—will be relatively neglected. It follows that the groups that fail to find patrons, or that fall between the cracks of international rivalries, are above all the ones that become a collective responsibility and need an improved international refugee regime. To assist this neglected population, reforms might be patterned after existing UNHCR programs for especially vulnerable groups but writ large; internationally apportioned quotas of financial assistance, asylum, and resettlement all would be relevant. As marshaling international support for the already most neglected populations may prove difficult, however, the most important move would be to enlarge the independent financial basis of the UNHCR, by expanding non earmarked funding that the UNHCR can allocate at its own discretion. Although such contributions by the mid-1980s was on an upward trend (commitment for all UNHCR programs in 1985 was 24 percent above that of the previous year), the organization still faced the "worst financial crisis of its 35-year history," according to the secretariat.<sup>39</sup>

## Special Problems of Our Time

### *Refugee-Warrior Communities*

"What is most worrisome about the current refugee burden is not only the sheer number of refugees, . . . but also the long periods of time that they have spent in asylum," wrote the deputy of the UNHCR, W. R. Smyser, in an article in *Foreign Affairs* in 1985. His mid-decade assessment was that the long-lasting refugee presence in many countries had "fundamentally altered the nature of the global refugee problem" by imposing extraordinary aid demands on the UNHCR and receiving countries. He estimated there were about seven million refugees under the UNHCR's purview (excluding the Palestinians), mostly in camps. The strongest and most enterprising, usually the men, succeeded in escaping from the cycle of dependency, but the most vulnerable and dependent ones remained.<sup>40</sup>

This picture captures an important part of what has become a special problem of the contemporary refugee situation—prolonged exile for millions, whose prospect of return is blocked by seemingly insoluble conflict such as that in Afghanistan, Central America, Kampuchea, the Horn of Africa, and southern Africa. These are the new Palestinians.

In one major respect, however, the description is faulty. The new Palestinians—like the original Palestinians—are not merely a passive group of dependent refugees but represent highly conscious refugee communities with a political leadership structure and armed sections engaged in warfare for a political objective, be it to recapture the homeland, change the regime, or secure a separate state. In recognition of their nature as being both dependent objects and actor-subjects in their own right, we have called them *refugee-warrior communities*. Their existence raises problems not merely of obtaining sufficient

relief money, as the UNHCR notes, but also of posing profound ethical and policy dilemmas that the UNHCR, because of its dependent position, cannot confront.

These dilemmas are acknowledged in international law which recognizes a conflict between refugee status, on the one hand, and political activism, certainly of the belligerent kind, on the other. Although the activists are a classic type of refugee, once in exile their political activities must be kept within bounds. Although the U.N. Convention is cautious on this point (Article 2 requires only that the refugee conform to the laws and regulations of the host country), other segments of international law are not. The OAU refugee convention is both specific and sweeping: A separate article (Article III) prohibits "subversive activities" by verbal means or by arms, and in the preface the African states declare that they are "anxious" to distinguish between refugees seeking a peaceful and normal life and those—nonrefugees by implication—who flee "for the sole purpose of fomenting subversion outside." Similar principles have been reiterated in various U.N. General Assembly resolutions, by the Council of Europe, and in the 1967 Declaration on Territorial Asylum.<sup>41</sup>

In international law, refugee-warriors clearly are a contradiction in terms and proscribed. In fact, several major contemporary refugee populations are associated with an armed struggle. Most commonly, there are separate physical facilities for the armed wing and for the refugees. This is the case in southern Africa, the SWANLA (South-West Africa's National Liberation Army) being the armed wing of SWAPO, maintaining bases in Angola where also a large number of Namibian refugees are concentrated. The same obtains in Pakistan, where the Afghan *mujahedin* are training and operating from their own bases, and the old men, women, and children are concentrated in other camps supported by the UNHCR. In Central America, the Nicaraguan *contras* are in some cases living with their families in camps, elsewhere not; a more extreme case is the Khmer rebel bases on the Thai-Kampuchean border where the guerrillas are physically integrated with and control "their" villages, called *border concentrations* in the local refugee lexicon. Entire settlements move back and forth across the border, depending on the level of hostilities with the Vietnamese-supported forces in Kampuchea.

Allowing for varying degrees of separation between the civilians and the armed wing, these communities nevertheless have some common features. To exist, they require sanctuary in a neighboring country permitting military operations from its territory. Without a friendly base, the community in exile can only be refugees, as in the case of the Salvadorans in Honduras. But with a sanctuary for the warriors and relief assistance for the refugees, refugee-warrior communities can develop. The genesis of the classical type, the Palestinians, was the displacement of an entire society, a pattern also found in various subsequent movements, notably the Khmer, the Afghans, the Eritreans, and the Namibians. Although sometimes accompanied by their animal flocks as well, they usually lack the means for even subsistence production in exile. Because such people are heavily dependent on aid to stay alive, they lay claim to and usually receive substantial humanitarian relief. A different genesis is suggested by the Nicaraguan *contras*, whose transformation into a refugee-warrior community resembles the other classic type, the defeated Kuomintang armies in China. The soldiers of the *ancien régime* form the core of the community: With international support rendered on explicitly political grounds, they are able to bring out and support also their dependents and other civilians opposed to the new order.

Because the warriors are engaged in military operations across the border that associate the host country in an act of war, communities of this type cannot persist for long

unless they secure substantial external partisan support. In fact, they frequently receive material and diplomatic assistance from external patrons in recognition of their use as foreign policy instruments in related international rivalries.

That condition has obtained through the ages. What is different about the contemporary world that makes refugee-warrior communities a special problem of our time, is, first, the existence of a highly developed international refugee regime that can sustain large-scale civilian populations in exile for years, and, second, the dominant ideology of democratic nationalism which makes a civilian refugee population a necessary adjunct for the warriors. Even when the refugees—the old people, women, and children—are physically separated in camps from the warriors, the two are linked, in that the refugees constitute a legitimizing population for the warriors. The presence of a large population in exile is taken as a physical testimony of support for the warriors, at least in the sense that they represent a rejection of the other side in the conflict (whether represented by a rival regime, an ethnic group adversary, or an occupation regime).

The civilian population also provides a recruitment pool that enables the rebel army to reproduce itself. As the community becomes established, it tends to grow by providing opportunities and even incentives to others to become politically active. Individuals in exile may find that the most socially meaningful and economically rewarding activity is to join the militants. For many children growing up in camp and knowing nothing but a dependent, degrading, and fundamentally insecure existence, joining the battle is the only relevant future.<sup>42</sup> When the camps also are close to or part of the front—as are the Palestinian or Afghan refugee camps—war becomes the dominant reality for the entire exiled population; the armed militants appear as protectors of the community, thus forging more closely the links between the refugees and the warriors.

The warriors' attempt to control the return of refugees is another expression of the great importance that they attach to the legitimizing function of the civilian populations. In both the Afghanistan and the Kampuchean conflicts there have been battles for control over the refugees between the rebel forces and their adversaries. The Nicaraguan *contras* are known to have prevented refugees from returning.<sup>43</sup>

Because the refugee-warrior situation erases the distinction between humanitarian and political activity established in international refugee law, the existence of such communities poses difficult policy dilemmas for external assistance. The UNHCR maintains that the problem can be reduced by physically separating the sociologically distinct parts of the community: the warriors to one side and the refugees to the other. At the same time, the camps are located away from the border, as in the case of the Nicaraguans under UNHCR auspices in Honduras. When a separation or relocation is difficult (the Nicaraguans were promptly moved back toward the border with the assistance of U.S. government financing, as discussed in Chapter 7), the UNHCR may pull out. This was the response of the international relief organizations, ICRC and UNICEF, when they discovered that rice rations distributed to women and children on the Thai-Kampuchean border were quickly appropriated by the men, with or without arms.

The "pure" refugee-warrior community tends to become the ward of its foreign patrons, sometimes with the establishment of ad hoc bodies that solicit broader support, with the patrons' full awareness of the refugees' political activity. Thus, some of the Nicaraguan refugees were aided by the Friends of America; the United Nations Border Relief Organization (UNBRO) was set up to supply the Khmer on the Thai-Kampuchean border; and a separate agency, UNRWA, was established for the Palestinians, the first modern refugee-warriors.

This strategy is also relevant to refugee-warrior communities that are superficially separated into their component parts, but that retain their original sociopolitical links. A decision to support the refugees must be informed by an awareness of the warriors' aims. On this basis, a choice can be made to support one group of refugees but not the others (e.g., SWAPO-Namibians or Nicaraguan *contras*), whether bilaterally or through earmarked funding to the UNHCR. Another option is to recognize a humanitarian obligation to support the civilian population, regardless of the armed wing's political objectives. In that case, policy should at the very least desist from also supplying arms to the warriors and should actively support the peace agendas. The concept of a sustainable refugee policy is relevant here;<sup>44</sup> refugee policy must be measured against the yardstick that it does not directly contribute to the creation of future refugees by keeping alive the cycle of conflict.

A related issue concerns the provision of humanitarian assistance to the civilian populations in rebel-controlled territory within a country. Although this approach reduces the external "pull" and hence the number of international refugees,<sup>45</sup> it is also evident that across-the-border programs constitute a flagrant intervention in a country's internal affairs and so must be evaluated for both its political and its humanitarian implications.

Refugee-warrior communities, in sum, represent a transformation of refugees from being mere objects to being simultaneously actors and subjects in their own right. Although for the refugees this is in most respects a desirable development, for outside parties it complicates both aid policy and political-diplomatic approaches to the conflict's settlement.

### *Refugees and North-South Relations*

The notion of an international refugee crisis that appeared in the early 1980s reflected a dual development. The coincidental crises in Afghanistan, Indochina, and the Horn of Africa, as well as the escalating war in Central America, generated massive refugee flows into neighboring countries. The developing countries demanded, first, that the rich countries of the North help carry this burden, either by taking in people or footing the bill, or a combination of both. Second, the industrialized countries themselves attracted large numbers of spontaneous asylum seekers from the developing world. Not only the United States, with its geographic proximity to Central America, but also Europe and Canada were confronted with flows of Third World nationals arriving uninvited and without papers, sometimes by the planeloads or by clandestine boat landings on their shores.<sup>46</sup>

The rapidly increasing demands for asylum from developing-country nationals created a profound reaction in the North, mainly in an exclusionary direction. It was argued that most of the asylum claims were spurious, representing a thinly disguised movement of "economic migrants" rather than "political refugees." The point was made plausible by travel patterns (as we have seen, migrants and refugees often used similar routes) and by historical timing: The increase in asylum applications lodged in Europe came after restrictive labor migration policies were introduced in the mid-1970s. To apply for refugee status was initially a relatively easy process, and in several countries the applicants received work permits and social service benefits while the application was pending. The system was obviously open to abuse and encouraged a political backlash against the very fundamentals of a liberal refugee policy in the North.