

Refugees and the Failure of Forced Migration Policy

Written by TRICIA REDEKER HEPNER Monday, 25 April 2011

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The world's attention is understandably fixed on the post-tsunami nuclear disaster unfolding in Japan and the equally seismic political transformations shaking North Africa and the Middle East. Much speculation swirls around the impact of these events regionally and globally. Will fallout reach the shores of Europe and North America? Will more dictatorships be swept aside by swells of democratization? What role should the international community and the United Nations play?

In at least one country, the answer to the first question is clear, if not the second. And the third is another story altogether.

The Northeast African nation of Eritrea marks its 20th year of independence next month. But the festivities will be marred by mourning. President Isayas Afwerki remains firmly entrenched in the seat of power, claiming with alacrity to have foretold the groundswell overtaking his Arab neighbors while banning television coverage of the demonstrations and reorganizing the military to pre-empt a possible coup. Meanwhile, the ripples radiating from the epicenter of his brutal regime are unrelenting, and the fallout has a human face. Tens of thousands of men, women, and children have fled Eritrea in wave after wave of despair. While some of these refugees make it to the shores of Europe and North America, many more do not. Last week, two boats carrying 400 Eritreans and Ethiopians from Libya to Italy disappeared in the Mediterranean Sea. Fishermen and the Coast Guard are still recovering the bodies – evidence of what Italian Prime Minister Silvio Berlusconi calls "the human tsunami" battering the walls of Fortress Europe. In the Sinai desert, traffickers of multiple nationalities work in tandem with security forces of Egypt and Eritrea to extort, exploit, abuse, torture and execute refugees seeking to cross into Israel, where they are summarily labeled "infiltrators" in a euphemistic avoidance of international responsibilities to protect asylum seekers.

If refugee flows are a sign of political meltdown, then Eritrea is a level seven nuclear disaster. Figures from the United Nations High Commissioner for Refugees indicate that Eritrea, with a population of only about five million, has been among the top ten refugee producing countries in the world for the better part of the decade. In 2006, it ranked second in the world. In 2007 only Somalis and Iraqis lodged more asylum applications than Eritreans, and in 2008 the numbers of claims filed by Eritreans exceeded those of Iraqis.

The reason? Eritrea spends a whopping 20 percent of its national budget maintaining a military comprised of forced conscripts whose virtually unpaid labor is reinvested in further militarization of the society and economy. The Constitution has been on ice since 1997, the promise of multi-party

elections remains unfulfilled and even North Korea boasts greater freedom of the press. Civil society institutions and competing political parties exist only in exile. The list of human rights abuses characterizing daily life in Eritrea is longer than the number of international conventions the government has signed. Torture, rape, and execution are commonplace for those who dare put up a fight. The result? Massive flight. "Is there a worse country in the world than this?" mused a Texas lawyer representing one of the hundreds of Eritrean asylum seekers in the U.S. as we reviewed his client's case.

As an anthropologist who has lived in Eritrea and worked with Eritrean communities in Europe, Africa, and the U.S. for years, I dearly want to defend this country. But the best I can do is to help defend its displaced, abused, and often forgotten citizens. Together with lawyers, Eritrean activists, human rights organizations, UNHCR staff, and colleagues like Magnus Treiber and Barbara Harrell-Bond, I struggle to place the people of this small African country on the global crisis radar. It's a tall order in these days of perpetual disasters and mind-numbing statistics.

And the statistics on refugees are indeed numbing. The number of people forcibly displaced by conflict and persecution worldwide stood at 42 million at the end of 2008. The total includes 16 million refugees and asylum seekers and 26 million internally displaced people uprooted within their own countries. These figures, of course, hide lots of things, such as the numbers of people removed by development projects like dam-building, by "natural" disasters, by the structural violence of poverty, environmental destruction, and by the alchemy of desperation and profits that forces people to migrate and often to sell their bodies and lives into servitude of one kind or another. These figures obviate human experience.

But human experience is what anthropologists are always after – how to put life and breath and flesh onto the cold bones of statistics; how to illustrate the concrete meanings of political violence and migration policies and practices as people live them. Among such human experiences are those of nineteen members of the elite Air Force of Eritrea who fled to Sudan a couple of years ago, risking the "shoot-to-kill" policy of the Eritrean government -- as hundreds of others do every month -- seeking to cross the nearest international border.

In Sudan, they registered with the UNHCR and began seeking both refugee protection and resettlement abroad. Their high-ranking and symbolically significant position as the pride of the Eritrean Defense Forces made them more vulnerable to persecution and punishment by the Eritrean government than many of the 100,000+ Eritrean refugees in Khartoum. However, some of these men used to be soldiers with the guerrilla movement that is now the Eritrean government. They have scant hope of ever being accepted by the U.S. or Canada – the two largest refugee receiving countries in the world – because under some very broad terms of the U.S. Patriot Act and a similar Canadian law, they are considered "terrorists." This is because they took up arms in an anticolonial liberation struggle against the Ethiopian government more than thirty years ago.

Others in the group are young men who were conscripted. Despite their elite positions, their fate was hardly better than most others in the military and their exit signaled refusal of the sort of complicity that makes life more bearable in such conditions. However, these men are also in for a long and treacherous series of legal obstacles due to international reluctance to recognize military deserters and a 2002 policy adopted by the UNHCR rendering ex-combatants ineligible for resettlement.

Similarly, clauses that exclude those who may have participated in human rights violations or persecution of others also present stumbling blocks when applied to real conditions. Virtually every soldier in the Eritrean military has been forced to guard, surveil, or repress another soldier or civilian at some point, and the majority of Eritrean refugees have been soldiers. The very structure and social organization of militarization and political repression in Eritrea blur the neat legal distinction between persecuted and persecutor so critical in refugee and asylum determination procedures. Even the U.S. Supreme Court got drawn in, when the asylum claim of a former conscript named Daniel Negusie was denied because his assignment as a prison guard – punishment for his own dissidence by the Eritrean government - suggested he was complicit in the harm of others.

In the meantime, the 19 men wait in Khartoum, where Eritrean security officials operate with impunity. On any given day, they may be attacked by an agent of their own government, kidnapped and taken back to Eritrea, or, at the very least shaken down and extorted by Sudanese police or soldiers, perhaps beaten and jailed for being unwanted migrants. Should the UNHCR take the situation seriously and realize these men need protection – an unlikely showing of concern for individuals by a bureaucracy whose esteemed reputation is outshined only by its impersonality, impenetrability, and unaccountability - they may be taken to a refugee camp, where they will still be subject to many of the same pressures, only in more concentrated form. This is glossed as "protection," even a "solution," though it is hardly that.

While camps in places like Sudan and Ethiopia may comply with UNHCR policy, they are administered by host country agencies and staff, some of whom inevitably participate in the abuse and misuse of refugees, often under the noses of international staff. A trip to the food distribution centre may end in rape and a place in the resettlement queue can be bought (or lost) for a hundred thousand birr [Ethiopian currency]. In Shimelba Refugee Camp, in northern Ethiopia, the UNHCR compound is open only a few hours per week, as impervious to refugees' pleas for help as President Isayas Afwerki is to political transition.

If elite air force men cannot gain the attention of UNHCR, then the situation is far worse for the average person. Some refugees get sick of waiting – who wouldn't? - and take their chances. But the routes to escape are toxic. If they make it through the Libyan desert to reach the Mediterranean and finally to Malta or Lampedusa, which only a handful do, new problems arise at the gates of Fortress Europe. Are they really political refugees or just impoverished economic migrants? How will a country like Malta – swamped with tens of thousands of refugees – manage to decide their fate? If they move

on to another European country, they face imprisonment and deportation under the Dublin II regulation. Consumer values may tout individual initiative and choice but do not extend to "asylum shopping," thank you very much.

Those who have the connections and money might hire a smuggler, usually for tens of thousands of dollars, who will take them on a risky and tortuous journey to Southern Africa, then Brazil, through Colombia or Venezuela, perhaps Cuba, then Nicaragua, Guatemala, and finally Mexico, where stuffed in the cargo bay of a bus, or in the custody of a coyote, they will cross the border of the US and ask for asylum. For their efforts at being "above board" – that is, presenting themselves to Immigration and Customs Enforcement (ICE) - they are welcomed to freedom in America through its prison system. While this may stimulate the privatized prison-industrial economy, it is first and foremost an extension of human rights abuses shouldered by refugees. In detention, they discover legal-dilemma redux: many of the same problems that stalled the refugee process in Sudan follow them to the United States. They are possibly terrorists, or implicated in persecution and human rights abuses; they are cowardly deserters of a sovereign state's military; and of course, they are always criminals for having the audacity to migrate illegally. But had the legal refugee process been responsive to actual human circumstances, such illegality would be far less likely.

I am compelled to shed light on stories such as these not only to highlight the victimization, suffering, and exploitation that runs through them in every direction like capillary veins, that multiply with each person involved, with each new step through "the system" in which legal and illegal intersect all the time; where the life-force that drives people to make such choices in the name of survival and hope can be snuffed out in an instant for profit, power, or sheer indifference. Nor is my primary intention to malign institutions like the UNHCR, or the asylum system in the US and Europe, which are as full of dedicated and committed advocates for refugees' rights as they are of infuriating inefficiency, corruption, and bureaucratic senselessness.

My goal is to illustrate the complexity and global scope of human rights dilemmas that structure refugees' lives, and the failures of institutions, policies and laws designed to manage them as technical problems rather than protect them as human beings. It is not enough to simply address the human rights violations that lead people to become refugees at the source, crucial as that may be. All along the way, refugees face multiple and nested issues that are sometimes endemic and even actively produced or aggravated by the very systems designed to protect them.

While earthquakes, tsunamis, nuclear accidents, and revolutions may be dramatic and momentous events, it is worth remembering that their wrenching daily equivalency plays out in political and humanitarian disasters like that of Eritrea's refugees, more invisible than the radiation seeping into the Pacific but no less poisonous for those affected. As Eritreans mark the 20th anniversary of their revolution, any thoughts of Egypt or Libya will focus on the lives of loved ones lost in the Sinai or Sahara, or those whose fates are yet unknown. Their suffering, and the ripples of despair that radiate

throughout the lives of their families and compatriots, is fallout from Isayas Afwerki's dictatorial rule. But it is also fallout from the international community's failed, inadequate and draconian migration policies and laws. The fallout has not only reached our shores – it also originates there. What comes around goes around. Human lives are the currency we use to pay for the failures of modernity.

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