THE RESPONSE OF THIRD WORLD GOVERNMENTS TO MASS INFLUXES OF REFUGEES: A COMPARATIVE POLICY ANALYSIS OF THAILAND AND ZIMBABWE

by

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ABSTRACT

THE RESPONSE OF THIRD WORLD GOVERNMENTS TO MASS INFUXES OF REFUGEES: A COMPARATIVE POLICY ANALYSIS OF THAILAND AND ZIMBABWE

In the past thirty years, large-scale refugee movements have become a Third World problem. Millions of people have crossed international borders to escape conflict and disorder in their home countries, and with them they have brought problems for their asylum countries. The responses of asylum countries to these mass influxes have varied considerably. Some have received refugees with generosity, providing them with assistance and guaranteeing their safety. Other countries have tried to prevent refugees from entering, or have treated them harshly, restricting their movements, and even endangering their safety.

Why is it that some governments respond to refugees in relatively generous ways, whilst others do not? The dissertation addresses the question by examining the refugee policy responses of Thailand and Zimbabwe, which responded differently to mass influxes of refugees. Thailand responded with restrictive refugee policies; Zimbabwe's response was more generous. In answering the question, the dissertation seeks to fill both theoretical and empirical gaps in our understanding of the policy response to refugee movements in the Third World.

Our dependent variable, the state's choice of policy responses, is operationalized by means of a yardstick derived from international protocols and recommendations concerning three types of refugee policies: the admission and treatment of refugees, the development of legal-bureaucratic structures, and policy towards international relief organizations. Thailand and Zimbabwe's positions on the three policy areas are identified and compared to the U.N. yardstick. The yardstick represents an "ideal type," or perfect policy response to a refugee influx; it provides a systematic way of comparing refugee policies across countries, and is a unique contribution in the field of refugee studies.

Existing theoretical work on refugee movements, migration, comparative policy and international relations is used to formulate nine propositions about refugee policymaking. The propositions address the receiving country's economic conditions, beliefs about refugees, ethnic and cultural similarity with refugees, institutional structures, national security considerations, and international relations.

The study results are based on interviews with government officials, representatives from international refugee organizations and voluntary agencies, and policy analysts, conducted in Geneva, Bangkok, Harare, and Washington D.C. from November 1989 to June 1990. These interviews were augmented by an examination of archival
materials at the offices of the United Nations High Commissioner for Refugees, and in Zimbabwe's Library of Parliament, and by analysis of published and unpublished documents from government agencies, research organizations, and the media.

The research confirmed several propositions about the determinants of refugee policy, and failed to provide support for others. In Zimbabwe, refugee policies appeared to be determined, in rough order of importance, by positive relations with the sending country; the existence of a civilian refugee bureaucracy; international obligations; domestic political considerations in the local receiving community; and security considerations. In Thailand, refugee policies appeared to be determined by security considerations; third country resettlement and international assistance; and the dominant role of the military in politics.

Other findings concerned the structure and scale of refugee flows, and the importance of the causes of the refugee flows. The causes were important both because they were an indicator of the security threats confronting the host country, and because they affected government and local community responses by creating particular attitudes towards the refugees, including expectations about return. We found that variables such as economic capacity and diplomatic pressure play relatively small roles in determining government response, and are easily overridden by other considerations. The allocation of responsibility for refugees to a civilian agency is an important bureaucratic policy decision.

Our research revealed that international organizations and donor countries are not always able to exert leverage over needy host countries, because of their need to retain host government permission to work in the country. However, since host governments recognize their need for international assistance, the situation results in an interesting bargaining position, wherein host government and international refugee organization each have a degree of leverage over the other.

A number of policy implications, both for host countries and international refugee organizations are discussed, and we end with a brief assessment of how our model would apply to other cases, and to environmental refugees.

Thesis Committee: Myron Weiner (Chair), Nazli Choucri, and Aristides R. Zolberg (The New School for Social Research).
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Chapter One.

Host Governments and Refugee Influxes in the Third World.

The Research Problem.

In the course of the past thirty years, large-scale refugee movements have become a Third World problem. Millions of people have crossed international borders to escape conflict and disorder in their home countries, and with them they have brought problems for their asylum countries. The responses of asylum countries to these mass influxes have varied considerably. Some have received refugees with generosity, providing them with assistance and guaranteeing their safety. Other countries have tried to prevent refugees from entering, or have treated them harshly, restricting their movements, and even endangering their safety.

Why is it that some governments respond in relatively generous ways, whilst others do not? This dissertation seeks to answer the question by identifying the policy alternatives available to receiving governments, and the factors influencing their policy decisions, and then examining the policy-making process in two cases representing very different policy directions: Thailand and Zimbabwe.

Our explanation focuses on the state, and the factors that influence its process of refugee policy formation. In
the media and the research literature, refugees are repeatedly described as an "international problem" calling for "global solutions,"\(^1\) and attention is focused on the role of international assistance. But while it is true that international assistance is important, perhaps crucial, in responding to refugee movements, ultimately the fate of refugees is determined by the actions of the state. Although in many Third World countries refugees are initially taken into and cared for by the local community, eventually the state, along with international organizations, takes over this responsibility. As Leon Gordenker observes, "the quiet absorption of migrants, whatever their sources, can now only rarely take place without the involvement of national governments."\(^2\) Therefore, without neglecting the role of the local receiving community, we argue that an analysis of responses to refugees must necessarily focus on the state.\(^3\)


\(^3\) A number of recent works on refugees focus on the state. These include Michael R. Marrus, The Unwanted: European Refugees in the Twentieth Century (New York: Oxford University Press, 1985); Aristide R. Zolberg, Astri Suhrze, and Sergio Aguayo, Escape From Violence: Conflict and the Refugee Crisis in the Developing World (New York: Oxford University Press. 1989); Gilbert Loescher and John
We distinguish between two legally distinct types of refugees--individuals and mass influxes--because the impact, and response of receiving countries varies for each type. In general, the term "refugees" refers to persons who have crossed an international frontier for reasons that are traceable to national conflict, or radical political, social, or economic changes or disorder in their own country. The word connotes the sense that people leave their homes through no choice of their own, or that the choice is between flight and death.

With the appearance of international refugee conventions, formal definitions of refugees have emerged, and two types can be distinguished. The first type is the "classic" refugee who flees for reasons of individual persecution, which may be religious, ethnic, or political. For them, the bond between citizen and government has been broken, and in Atle Grahl-Madsen's phrase, "fear has taken the place of trust, and hatred the place of loyalty." This is the oldest type of refugee, and the one commonly associated with the term.


The second sense of the term refers to people who flee their country en masse. Mass influxes of externally displaced people, also termed "mass distressed migrants," were described in 1984 by Robert Chambers, an international refugees expert, to the British Parliament's Foreign Affairs Committee thus:

The phenomenon to be faced now is the mass movement of desperate and destitute people. [The term "mass distressed migrants"] covers a broader spectrum of conditions than the older terms "refugee influx" and "refugee," useful though these remain. MDMs occur wherever people move or are moved in distress and en masse in thousands, whether within or between countries, and whatever the immediate cause, whether international or civil war, persecution, expulsion, famine, forcible resettlement, or some combination of these or other disasters or conditions.\(^5\)

Zolberg, Suhrke and Aguayo make a useful distinction between three types of refugees: the activist, the target, and the victim. Activists are dissenters and rebels whose actions engender the wrath of the state and force them to flee; targetted refugees are persecuted because of their membership in a particular group; and victims are those "randomly caught in the crossfire or .. exposed to generalized social violence."\(^6\) Most mass influxes of refugees are constituted largely by victims. In some cases of mass displacement, the bond between citizen and government has not been broken, for example, in Mozambique

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most refugees do not flee their government but rather the violence and disorder created by the civil insurgency.\textsuperscript{7}

This dissertation focuses on the state's response to mass influxes, rather than its response to trickles of individual refugees. The impact on a receiving country of a mass influx is very different from that of small numbers of individual refugees. Mass influxes strain the economic resources of receiving countries, create security risks, and threaten government authority, especially if governments are unable to control the flow across their borders. The appearance of large numbers of asylum seekers is often rather sudden, creating emergency problems and forcing governments to act quickly—something most governments are reluctant to do.\textsuperscript{8} Solutions to the refugee problem are often problematic. In international refugee parlance there are three "durable solutions" to the refugee problem: repatriation, local integration in the asylum country, and resettlement in a third country. Repatriation is often difficult to bring about: the conflicts that result in refugee outflows are often protracted, it is difficult to

\textsuperscript{7} Other situations in which refugees do not flee their governments include civil wars and environmental crises.

\textsuperscript{8} Lance Clark and others discuss the existence of early warning signs of impending refugee movements, and point out that both governments and assistance agencies have frequently ignored these signs. See Lance Clark, "Early warning case study: the 1984-85 influx of Tigrayans into eastern Sudan." Washington D.C.: Refugee Policy Group, Working Paper #2. 1986.
negotiatiate with the agencies responsible for the refugee outflow, and the safety of returnees cannot be assured. Local integration may be resisted by receiving communities; and resettlement in third countries is often resisted both by the refugees, who wish to return to their homes, and by the resettlement countries, for whom the numbers involved are too great.

Since the Second World War, it is largely in the Third World that mass influxes have taken place. Between 1960 and 1989 there were more than fifty mass outpourings of refugees (defined as the exit of more than 10,000 people in the space of a few months; see Appendix 1), and the responses of Third World receiving countries have varied greatly. Empirical evidence points to regional similarities in refugee policies and practices—African countries have tended to be more receptive to refugees than Southeast Asian countries—but there are differences within regions and over time. In Africa, the relatively small numbers of refugees that arrived in neighboring countries during the independence struggles of the 1960s were hailed as heroes and treated with generosity by the state and local people alike. But the mass influxes that took place during the 1970s and 1980s occurred in a time of economic crisis and drought, and as the prospect of the refugees returning home dwindled, the welcoming attitudes changed. In Southeast Asia, the outflows of Vietnamese and Cambodian refugees awakened old
and new fears amongst the host countries, and these fears never permitted much room for welcome. In most cases, the state quickly became deeply involved in the refugee movements, and set the tone of the country's response.

Some Definitions and Assumptions.

As the term is generally used in political science, "the state" refers to the government, the army, the ruling party, the bureaucracy, and so forth. In this dissertation the government is our main analytical focus, as it is the primary policy-maker. We assume that the government is an independent actor. We recognize, following Graham Allison, that the government is not necessarily a centrally coordinated, purposive actor, but is rather a conglomerate of bureaucracies and political actors, "a black box covering various gears and levers in a highly differentiated decisionmaking structure." As Allison argues, in explaining policy decisions we need to take into account the organizations and political actors involved in the policy process—that is, the "intra-national mechanisms from which governmental actions emerge." We acknowledge and wish to address the black box problem, but for the purposes of our model we think of government as a single actor with some


autonomy from transnational forces. For example, we assume the government can and does make decisions about refugees that are against the wishes or recommendations of donor countries or international refugee organizations. We also assume that the government has sufficient capacity to implement its policies, at least to some degree. For example, should the government decide it does not want refugees on its territory, we assume it is (more or less) capable of preventing them from crossing its borders, or of forcibly expelling them from its territory, should it decide to so. We recognize that assumptions about a government's independence and capacity are open to empirical verification, and part of our investigation seeks to examine these aspects of the government as they are manifest in refugee policy-making.

Our dependent variable is the host government's response to refugees, by which we mean discernible actions

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11 In the recent outpouring of academic literature on the state in the Third World, one controversy concerns whether the state itself is a powerful enough entity to determine outcomes, or whether it is rather a product of, and susceptible to, transnational or transgovernmental forces. This debate is often framed in terms of the "weak" versus "strong" state. i.e. whether the structural strength of the state is a variable explaining policy outcomes. See Robert H. Jackson, "Quasi-states, dual regimes, and neo-classical theory: international jurisprudence and the Third World." International Organization, Vol.41(4) Autumn 1987. pp. 519-550; Robert H. Jackson and Carl G. Rosberg, "Sovereignty and underdevelopment: juridical statehood in the African crisis." Journal of Modern African Studies, Vol.24(1) 1986. pp. 1-31.
(or inactions) taken by the government,\textsuperscript{12} and by other state institutions. These include specific refugee policies, as well as military responses, unofficial actions, and policy implementation.

We have already discussed our definition of refugees, and emphasized our interest in mass influxes rather than individuals. We use the term "asylum seeker" to denote those who have not yet crossed into the asylum country (but wish to do so); once they have crossed the border, they become refugees.

\textbf{The Dependent Variable: State Responses to Refugee Influxes.}

Mass influxes are characterized by a series of events that begin with the appearance of asylum seekers at the receiving country's borders, and end with their departure. Each event is spread over time, and is affected during its course by the actions of the host state and local receiving community, by other states and international organizations, and by the choices of the refugees themselves. In its response to each event, the host state is faced with a three-fold choice: it may do nothing, it may negatively towards the refugees, or it may respond positively.

Frequent negative responses generally indicate an absence of hospitality towards refugees, or a rejectionist stance. Frequent positive responses generally indicate hospitality and acceptance of refugees. When the state does not respond in any way, this suggests either that there is no capacity for action, or that the state is unwilling to act. As Leon Gordenker points out, the government does not necessarily consider the appearance of refugees on its territory as a significant matter for its agenda.\textsuperscript{13} It is likely that the government will react if the number of refugees becomes large enough to overwhelm existing local capacities, or if the refugees' presence or their activities threaten security, either by encouraging local conflict, or by incurring the military interest of sending countries.

Our dependent variable, the state's choice of policy responses, is operationalized by means of an instrument derived from international protocols and recommendations concerning the treatment of refugees. These recommendations, discussed in detail in Chapter Two, enable us to develop a yardstick--an "ideal type," or perfect policy response to refugees by an asylum country. With the yardstick we can envision a policy spectrum: one end represents "perfect" positive refugee policies, compliant with international recommendations, and manifest in hospitality towards refugees, concern about their safety,

\textsuperscript{13} Gordenker 1983: 66.
assistance in the form of civil rights, freedom of movement, and so forth. The other end of the spectrum represents perfect noncompliance: negative or restrictive policies including rejection of refugees, incarceration in camps or detention centers, humane deterrence measures, restrictions on movement and rights to work, and at the extreme, acts of brutality and refoulement.

We refer to our policy measure as the U.N. yardstick, since most of the recommendations emanate from U.N. conventions. The three areas of policy choices addressed by the yardstick are set out in Table 1. The state's choice in each policy area contributes to its overall response to refugees, and positions the state on our theoretical policy spectrum. The yardstick is useful for comparing refugee policies in different countries. Most countries will fall toward the middle of the spectrum, with refugee policies characterized by both positive and negative elements.

The first interaction between host state and refugees occurs with the appearance of asylum seekers at the border. Once the state is aware of the event, it is confronted with a series of decisions, the first of which initiates the policy concerning the admission and treatment of refugees. The state must decide whether to respond negatively, and deny the asylum seeker entry (with or without armed force); or positively, and admit the asylum seeker into the country. The state can choose its response only if it has the
capacity to control its borders. In most areas of refugee movements in the Third World, borders are porous: they are only vaguely delineated and inadequately policed, and the crossing of thousands of people (usually spread over a period) can seldom be stopped. In sea crossings, however, where asylum seekers approach receiving countries by boat, they can more easily be stopped or interdicted.

A positive response leads to another decision in the initial phase: Should the entrants be screened? If so, under what conditions should those determined not to be "genuine" be turned back? As the number of refugees grows, the government must decide whether to confine the refugees in camps, or to assist them in some other way. Decisions must also be made concerning the rights of, and restrictions imposed on refugees, the degree of protection to be accorded to them, and who is to be responsible for this protection. On the issue of repatriation, the government must decide how strongly to encourage the return of refugees, that is, whether to pursue repatriation in line with U.N. recommendations, or whether to force the refugees to leave. Eventually, decisions must also be made about long-term treatment of those refugees who do not or cannot return or be resettled elsewhere.

In the early stages two other areas of policy choices are initiated: the response to international refugee organizations (IROs); and institutional or legal-
bureaucratic decisions. IROs apply to the government for permission to enter the country (if they are not already there), and to assist refugees. The government must decide how to respond to these requests, and as the management of refugees progresses, it must negotiate relations with these organizations. Since IROs impose demands on the government, the government must decide whether (or how much) to cooperate with or restrict them.

Legal-bureaucratic decisions include the government's decision about accession to international agreements and conventions concerning refugees. It must also decide how legally to define asylum seekers—as refugees, displaced people, or illegal aliens, etc., and what procedures will be instituted to implement this definition. The government must also decide where and how to allocate responsibility for refugees, that is, whether to designate this responsibility to a separate civilian bureaucracy whose sole function is the care of refugees, or whether simply to assign responsibility for refugees to an existing ministry, or, as is often the case, the army.\(^{14}\) The legal-bureaucratic context is particularly important, because it affects many subsequent decisions about the treatment of refugees. Thus, legal-bureaucratic policy itself becomes a variable affecting refugee policy.

\(^{14}\) In some cases, UNHCR may take over all operational responsibility for refugees, but this is rare.

No body of refugee theory yet exists upon which to draw testable hypotheses about refugee policy formation. While there is a substantial body of literature on refugee movements in the Third World, most of this literature tends to be what Robert Chambers has called "refugee-centric," that is, it focuses on the refugees themselves, rather than the effects of refugee movements on host countries and communities. There have been only a few empirical studies of Third World governments' policy responses to refugee movements, and there are no comparative studies.\(^\text{15}\) Much more work has been done on refugee policies in western industrialized countries.\(^\text{16}\) We draw on these case studies,


as well as existing theoretical work on refugee movements, migration theory, the comparative policy literature, and international relations theory, to develop our propositions. Without a strong body of refugee theory we are reluctant to promote one hypothesis above any other. Single-variable explanations, such as ethnic similarity or level of economic development, do not account for differences in treatment. We therefore set forth a "multifactoral" list which will provide a framework or model with which to analyse refugee policymaking in our case studies.

Our model for refugee policy making begins with the basic inputs-outputs approach of systems theory. Such a model envisions public policy as the response of the political system to inputs, or forces brought to bear upon it from the environment.\textsuperscript{17} The political system is "that group of interrelated structures and processes which functions authoritatively to allocate values for a society." The environment is any condition or circumstance external to the boundaries of the political system.\textsuperscript{18} Thus:

\begin{center}
Environmental Inputs $\rightarrow$ Political System $\rightarrow$ Policy Outputs
\end{center}

\textsuperscript{17} This approach was conceptualized by David Easton, and is explained by Thomas R. Dye, \textit{Understanding Public Policy}, Englewood Cliffs, New Jersey: Prentice-Hall Inc. 1972. pp.18-20.

\textsuperscript{18} Dye 1972: 18.
We propose to modify this model in the two ways.\textsuperscript{19} First, we seek to open the "black box" that is the political system, and see how the political system is itself a determinant of policy outputs. This approach is addressed by models of policy-making arising from interest group theory, institutional and organizational approaches, and the "bureaucratic politics" model,\textsuperscript{20} which all emphasise the importance for policy making of the political system itself. We stated above that legal-bureaucratic decisions made early on affect subsequent refugee policy decisions, that is, early policy outputs become subsequent inputs. One such policy decision is of particular importance for subsequent policies. This is the decision to allocate responsibility for refugees to a civilian bureaucracy or state agency, usually located within a ministry such as the Ministry of the Interior or the Ministry of Social Welfare.

In countries where refugee policy is not "high" policy,\textsuperscript{21} the refugee agency itself may set policy, and be answerable to higher-level departments only at intervals, if at all. For the personnel in these agencies, refugees are the means to bureaucratic survival and career advancement.

\textsuperscript{19} We recognize that systems models do not necessarily exclude our modifications.

\textsuperscript{20} For a discussion of these approaches, see Dye 1972, and Allison 1971.

\textsuperscript{21} That is, where policies are made in national security or foreign policy circles.
When self-interested bureaucracies set refugee policies, it is likely that more positive policies will result, because of their vested interest in refugee matters. For example, they are more likely to be willing to allow refugees into the country, and are likely to allot greater resources to refugee camps. This is not necessarily because refugee bureaucrats feel more sympathy to refugees (although this is possible, even likely), but because it is in their interests to sustain and promote the refugee issue. By contrast, when refugees are the responsibility of the army, or a department with other responsibilities and priorities, few of these officials have any self-interest in refugees' welfare. Refugees are then more likely to be seen as an extra burden on existing resources and workloads, or, in the case of the army, a potential threat to security. As a result, more negative refugee policies are likely to be pursued.

The bureaucratic dimension of policy-making sheds light on why certain policy decisions are taken, by revealing the actors responsible for refugee policy. In Chapter 2 we discuss the government's perspective on the costs and benefits associated with setting up a separate agency. Our first proposition about refugee policy making concerns the bureaucratic dimension:

Proposition #1. The allocation of responsibility for refugees to a separate civilian bureaucracy is more likely to lead to positive policy decisions.
Our second modification of the systems model proposes to expand the scope of the socioeconomic and political environment, as normally envisioned in comparative policy research, by including both domestic and international variables. In traditional comparative policy research, as Gary Freeman points out, domestic policies are usually explained with domestic variables that measure nationally specific characteristics such as ethnic and class cleavages, political parties, political culture, economic development, institutional arrangements, and so forth.22 Recent work however, has attempted to correct this "bias toward endogenous explanations" by looking for the "interconnections between international and domestic politics."23 This research suggests that

[i]nternational events, structures, and processes may have direct effects on policy outcomes or they may shape them indirectly through their impact on

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22 Gary Freeman, "External sources of domestic public policy", 1990, p.1. Freeman says that this bias towards endogenous explanations "is partly the result of disciplinary conventions, especially that which separates the study of comparative politics from the study of international relations, and partly the result of the area studies proclivities in the field, which in practice often boil down to country specialisation."

domestic structures.\textsuperscript{24}

Few other domestic policy issues are as transnational in their subject matter as refugee policies.\textsuperscript{25} Refugees are manifestations of the problems of another country, which suddenly become the problems of one's own. The extra-legal crossing of people from one country to another usually affects international relations between those governments, and in so doing draws the attention of other governments with interests in the region. International organizations also become involved, both with the refugees, and in the relations between the various governments. Because governments are forced to look beyond their normal domestic arenas in formulating their refugee policies, refugee policy analysis needs to take into account international events, structures and processes, as well as nationally specific characteristics.

Our propositions about refugee policy making resulting from these modifications of the systems model fall roughly into three categories: the host country's capacity to absorb refugees; national security considerations; and international relations. These propositions are briefly stated here, depicted in Figure 1, and discussed in more detail in Chapter Three.

\textsuperscript{24} Freeman 1990: 2.

\textsuperscript{25} Other examples of internationally generated domestic policy subject matters are environmental pollution, and water rights.
Domestic Absorption Capacity.

Our definition of a receiving country's absorption capacity is the extent to which the country is willing and able to absorb an influx of refugees. Ableness and willingness should be distinguished: a community may be structurally able to absorb a refugee influx, but it may not be willing to do so. Structural ableness is addressed by such variables as economic capacity and international assistance. Willingness is addressed by the social receptiveness of a community, by beliefs and attitudes about refugees, and by the perceived permanence of the refugees. The government and local community's perception of their ability to absorb refugees is also important, since this will affect willingness. For example, a community's perception of the impact of a mass influx on the local job market, may not be accurate, but if that perception is negative it will detract from the community's willingness to absorb refugees.

It is important to focus on the absorption capacity of the local community into which refugees move, rather than the aggregate national economy. In many cases of mass influx in the Third World, the majority of refugees do not move beyond their initial receiving communities. Assistance

26 The community may think that the refugees increase competition for jobs, when in fact they do not, because they are being provided for by international organizations, or are initially too traumatized to seek work.
programs and camps are set up in these areas, and it is these areas, rather than the whole of the country which are primarily affected.

We propose to examine a receiving country's absorption capacity in terms of four variables: economic capacity, social receptiveness, beliefs about refugees, and the potential permanence of the refugees. The measurement of these variables is problematic. Although an objective evaluation of a community's economic capacity may be possible, the community's perception of its ability to absorb refugees is highly subjective, and not perfectly correlated with an objective evaluation. Nevertheless, some approximation of "high" and "low," or "negative" and "positive" measures are possible. The four variables are examined in the form of propositions as follows.

Proposition #2. **The greater the economic capacity of the local receiving region, the more likely refugee policies will be positive.**

By economic capacity we mean the country or region's ability to absorb large numbers of people into its workforce, and to cope with strains placed on its resources and environment. The population-carrying capacity of the land is associated with economic capacity: in countries where land is plentiful and fertile, refugees can more easily be absorbed.

High economic capacity enables a community to cope with
the demands refugees impose on local resources such as jobs, land, and infrastructure (schools, clinics, roads). High economic capacity also suggests that local people are less likely to be threatened by the resources refugees bring, in the form of skills and capital—and international assistance.

The financial capacity of the state to host refugees might also appear to be an indicator of an asylum country's absorption capacity. If the state cannot pay for land, camp maintenance, food and so forth, it is presumably less likely to implement positive refugee policies. However, in Third World countries financial capacity is not generally a significant issue because international relief organizations and U.N. agencies usually pay or provide for refugees' needs.

Proposition #3. As the social receptiveness of local communities increases, governments are more likely to institute positive refugee policies.

Social receptiveness refers to the attitudes of the local receiving community to refugees. These attitudes are influenced by many different factors: by the religious and cultural context in which refugees and the idea of asylum are defined; by ethnic and kinship links with the refugees; and by the community's membership and assimilation norms.

Receptiveness is also affected by the community's historical experience, both with earlier groups of refugees, and as refugees themselves. Communities which have themselves fled oppression or conflict are more likely to be sympathetic to others in the same situation. The extent to which incoming refugees are welcomed by the receiving community is likely to affect the government's refugee policies; liberal refugee policies are more likely where social receptiveness is high. One reason for this is that community acceptance is less likely to lead to political resistance to the granting of assistance to refugees. However, a positive community response by no means guarantees a matching government one. As we shall explore later, the nature of the linkage between the community and the government is itself a variable which must be analyzed.

Proposition #4. The more positive the government's and community's beliefs about the motivations of refugees, the likelier are positive refugee policies.

Beliefs about the motivations of refugees influence refugee policies, in much the same way that the notion of the "deserving poor" influences welfare policies. Where refugees are believed to be behaving opportunistically, or entering for economic reasons rather than because their lives are in danger, empathy for their situation on the part of the community and the government will be lacking, and the
likelihood of restrictive refugee policies is greater. Conversely, "deserving refugees," who are believed to be in real danger in their home countries, are more likely to be empathized with, and more likely to be treated with generosity.

Beliefs about the motivations of refugees will be influenced by the community's understanding and perception of the causes of the outflow. Where there is widespread knowledge about the conditions in the sending country, and if those conditions are perceived to be an appropriate cause for flight, community sympathy will be higher than if the sending causes are unknown or misunderstood.

Proposition #5. Refugees who are perceived to be temporary are more likely to engender positive refugee policies than those for whom there is little likelihood of return or resettlement.

Faced with a mass influx, one of the first concerns of the government is about the permanence of the refugees. How soon will they return to their homeland, or can they be resettled elsewhere? When refugees are perceived to represent a potentially permanent burden, governments are more likely to institute negative policies, in order to discourage further flows, or to force refugees to repatriate, even under dangerous circumstances. Conversely, refugees who are seen as likely to return after the crisis in their homeland subsides, or who are likely to be resettled in third countries (preferably within a short
period of time), are likely to be better treated. The government has nothing to lose by doing so, and stands to gain international assistance.

**Security Threats.**

Proposition #6. **When refugees (are perceived to) threaten national security, refugee policies will be negatively affected.**

Refugees potentially represent a range of threats to the national security of a receiving country. They violate territorial integrity and threaten the government's sovereignty by crossing borders without negotiating official channels, and settling amongst locals without permission. Their presence creates the risk of attack by external enemies, and they are feared to represent a fifth column. Their drain on local resources leads to antagonism amongst locals, which is politically dangerous for the government, and their numbers may upset ethnic balances and provide support for local uprisings. These and other threats are discussed in greater detail in Chapter Three.

The policy effects of these security concerns is to reduce the willingness of national authorities to admit asylum seekers, and increase the likelihood of expulsion, forced repatriation, restrictions, incarceration, and so forth, as authorities seek greater control over refugees.
International Relations.

A host government's refugee policies are affected by three types of international relations: a) with the international refugee regime, b) with donor countries and regional allies, and c) with the sending country. These relations give rise to our remaining three propositions, as follows.

Proposition #7. **A high degree of interaction with the international refugee regime positively influences refugee policies.**

The international refugee regime affects the behavior of host governments for both practical and normative reasons. In a practical sense, international assistance increases a country's absorption capacity by providing financial assistance, scarce resources (food, medical supplies, employment opportunities) and creating infrastructure (wells, clinics, roads), and thereby increasing the willingness of the government to accept refugees and treat them positively. An important aspect of international assistance is in the form of resettlement in third countries, which increases the ability of a host country to cope with an influx, by reducing the numbers of refugees. Normatively, the presence of international agencies monitoring the refugee situation, accompanied by the threat of bad international publicity, influences the government's willingness to implement liberal refugee
policies by increasing its reluctance to appear humanitarian.

However, there is a downside to international assistance. Local resentment may be aroused when refugees are seen to be the recipients of scarce resources. Governments may feel that the international presence threatens their national sovereignty over refugee matters, and may react negatively.

Proposition #8. A host government is likely to implement positive refugee policies when it stands to increase either its international status or material benefit. Conversely, a host government will not implement negative policies if doing so will negatively affect status or benefit.

Donor countries pressure host governments to adopt positive refugee policies by either promising, or threatening to withhold bilateral aid (either financial or military). The promise of resettlement is another incentive offered by donor countries.

Host countries may be part of regional alliances which have developed specific policies on asylum. Membership norms then create pressure to abide by agreed on policies.

Proposition #9. Positive refugee policies are more likely to be implemented when they will either embarrass an unfriendly sending country, or not embarrass a friendly one.

Relations with the sending country influence the host government's response to refugees. Where relations are good, a host government may be reluctant to recognize asylum
seekers as refugees for fear of offending the sending government. Where relations are bad, refugees may be admitted in order to embarass the sending country, but this does not necessarily mean they will be well treated.

Ideological considerations, such as nationalism or opposition to communism, are part of a host government's orientation towards a sending country, and also influence refugee policies.

These nine propositions create countervailing policy pressures. The interests of the actors represented in each proposition may either coalesce with or prevail against those of another. For example, the interests of the army in national security may complement those of the local community in protecting resources, creating pressure for restrictive refugee policies. Commercial farmers and refugee agencies both favor positive refugee policies, for different reasons. Relief organizations push for liberal refugee policies, as do some donor countries.

Using the Model: Analyzing Host Country Responses in the Cases of Thailand and Zimbabwe.

In order to determine the relevancy of our propositions, gain some understanding of how they fit together, and which take priority, we propose to analyse refugee policy decisions in two cases, Thailand and
Zimbabwe. It will not be possible to examine all of the propositions in the case studies; this is too large a research task. However, in a concluding chapter, when we broaden our empirical view, we will return to the list of propositions to see what they tell us about the responses of other receiving countries.

Thailand and Zimbabwe are chosen as case studies because, although both faced security threats associated with mass influxes, their policy responses differed. Thailand's overall response to inflows of Laotians, Cambodians and Vietnamese during the period 1975-1985 was largely negative, including "humane deterrence" practices, border pushbacks, forced repatriation and incarceration of refugees. Zimbabwe's response to the arrival of Mozambican refugees from 1983-1989 was more positive, manifest in relatively humane treatment of refugees. However, in both countries there were positive as well as negative refugee policies.

Each country's position on our three policy areas is identified and compared with the recommendations contained in the UN yardstick. We then use our propositions to explain why certain policy positions were taken, and what motivated changes in those positions.

Methodology.

The UN policy yardstick was compiled from UN documents
and secondary literature on refugee law. Documentation on the refugee policies of each country was obtained from original texts accompanying Thai and Zimbabwean laws; from statements put out by the respective governments, including Annual Reports, public relations information, media releases, and speeches by government officials; and from UNHCR documents. In both countries use was made of newspaper clippings services, and secondary sources in the form of existing literature on refugees and refugee policies.

The independent variables contained in our propositions were operationalized by means of official and unofficial documentation, as well as by interviews with Third World policy-makers. We sought to understand how those who made and influenced refugee policy conceptualized and responded to the problem of refugees. National officials influential in refugee policy-making were interviewed in both countries. In Thailand these actors included army officers, members of the National Security Council, and officials in the Ministry of Interior and Ministry of Foreign Affairs. In Zimbabwe, interviews were conducted with government officials from the Department for Social Welfare, including the Commissioner for Refugees. Interviews were also conducted in Thailand, For Thailand these included the 1977 Cabinet Decision, and other Cabinet decisions. Zimbabwe legislation is principally the Refugees Act (No.13) of 1983. Parliamentary discourse during the passage of refugee legislation in Zimbabwe was obtained from **Hansard**.
Zimbabwe, Geneva and Washington D.C. with officials from international organizations (UNHCR, UNBRO, UNICEF, WFP, ICRC), donor countries, and voluntary agencies. Since a number of officials were interviewed under conditions of strict confidentiality, some of the quotations used in the text are not attributed, either by name or organization.
Table 1.
The U.N. Policy Yardstick: Refugee Policy Decisions and Possible State Responses.

<table>
<thead>
<tr>
<th>Policy Type</th>
<th>Positive Resp. (UN recommendations)</th>
<th>Negative Resp.</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Legal-Bureaucratic response.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Accede to international instruments,</td>
<td>Yes, accession (or equivalent</td>
<td>No accession.</td>
</tr>
<tr>
<td>conventions, etc?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Define asylum seekers as refugees?</td>
<td>Yes</td>
<td>No; define asylum seekers as 'aliens' etc.</td>
</tr>
<tr>
<td>c) Create separate bureaucratic authority</td>
<td>Yes</td>
<td>No, refugee affairs handled by army, or other ministry.</td>
</tr>
<tr>
<td>responsible for refugees?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Procedures for determination of refugee status?</td>
<td>Yes, proper procedures, incl. legislation, appeal, etc.</td>
<td>No proper procedures.</td>
</tr>
</tbody>
</table>

II. International Refugee Organizations.

|                              |                                     |                |
| a) Grant IROs permission to assist refugees? | IROs permitted into country.        | IROs excluded. |
### III. Admission and Treatment of Refugees

| Question | Yes | No
|----------|-----|-----
| b) Admit asylum seekers appearing at border? | Yes | No
| b) Screen refugees? | No; or yes, in accordance with UNHCR regulations. | Yes, but not in accord. w/ UNHCR; incidents of expulsion and refoulement.
| c) Location of refugees? | Refugees allowed to choose camps or self-settlement. | Refugees obliged to live in camps.
| d) Rights of and restrictions on refugees? | More rights (incl. freedom of movement, employment), no discrimination. | More restrictions (on movement, employment), and discrimination.
| e) Refugee protection? | Emphasise physical safety; camps at safe distance from border; civilian nature of camps is maintained. | Protection of camps frequently violated; combatants in camps; military recruitment of refugees.
| f) Repatriation? | Voluntary, according to UNHCR recommendations. | Involuntary or forced; violations of UNHCR recoms.
| g) Treatment of long-term refugees? | Potential for local settlement, or permanent residence. | No such local potential; refugees remain in camps. |
Figure 1

Refugee Policy Making Model

Domestic Absorption Capacity
- Economic Capacity
- Community Receptiveness
- Beliefs and Attitudes
- Return Potential of Refugees

Security Threat
- Internal
- External

Government

Policy
- Treatment
- Legal-Britic Context
- International Policy

Civilian Refugee Bureaucracy

International Relations
- W/ Intern'tl Orgs and NGOs
- W/ Sending Country
- W/ Donor/Resettlement Countries
Chapter Two.

The International Refugee Regime and

a Yardstick of Refugee Policy.

In order to compare and evaluate refugee policies amongst different receiving countries, we contrived a policy yardstick, consisting of international recommendations about the treatment and protection of refugees. These recommendations have been established as part of what has come to be known as 'the international refugee regime.'

The International Refugee Regime.

Refugee movements are amongst an increasing number of international activities for which international regimes have been established. For any particular issue area, an international regime refers to the "principles, norms, rules, and decision-making procedures around which actor expectations converge." The regime regulates and manages the functions and activities within the issue area.¹

¹ See Stephen Krasner, Structural Conflict (Berkeley: Univ. of California Press. 1985. p.4). The influence of international regimes on state behavior is an established research area, and has been applied to a number of policy areas, including transportation, trade, finance, and global pollution. See Nazli Choucri and Robert C. North, "Global environmental change: towards a framework for decision and policy." Paper prepared for the Annual Meeting of the International Studies Association, Washington D.C., April 10-14, 1990.
In their analysis of refugee admissions policies in various countries since the end of the Second World War, Loescher and Scanlan argue that an international refugee regime is manifest in the "systematic transnational response to the refugee phenomenon", with its "complex structure of public and private international organizations dedicated to refugee protection, aid, and resettlement."² Amongst the characteristics of this systematic response are internationally shared ideas and norms about protection and resettlement of refugees, and "a large, well-funded, and quasi-permanent international bureaucracy,"³ which is the United Nations High Commissioner for Refugees (UNHCR).

Loescher and Scanlan argue that the international refugee regime is a 'weak' regime, rather than a 'strong' one such as the Organization of Petrol Exporting Countries (OPEC), because it is based on international cooperation rather than competition, and because it is characterized by both normative and pragmatic elements. In its pragmatic role it "provides instrumentalities and protocols" for the conduct of negotiations between receiving countries, sending countries, and UNHCR; and its "preexisting apparatus" facilitates the delivery of aid. In its normative role, the

² Loescher and Scanlan, 1985: 2. Similarly, Leon Gordenker (1983: 63) argues that since 1971 the increase in the size and scope of refugee movements has resulted in the formation of "transnational networks of unprecedented size and complexity" to deal with refugees.

³ Loescher and Scanlan 1985: 2.
regime "provides a consistent emphasis on the necessity of protection as the common interest shared by divergent parties." These normative elements are embodied in a series of international treaties, protocols, and recommendations about the treatment of refugees, which together make up international refugee law.

International Refugee Law.

The most significant statement of international refugee law is contained in two multilateral treaties known as the 1951 Convention on the Status of Refugees,4 and the 1967 Protocol Relating to the Status of Refugees5 (which eliminated the temporal and geographical limitations of the 1951 Convention's definition). The 1951 Convention provides

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5 United Nations Protocol relating to the Status of Refugees, adopted by ECOSOC res. 1186(XLI), 18 Nov. 1966, entered into force 4 Oct. 1967. Text in UNHCR, Collection. The Convention and Protocol differ only insofar as the Protocol eliminates the temporal and geographical limitations of the Convention. Thus, Article 1, paragraph 1 of the Protocol undertakes to "apply Articles 2 to 34 inclusive of the Convention", and the following two paragraphs eliminate the temporal and geographical limitations. As Guy Goodwin-Gill points out, the Protocol is not simply an amendment of the Convention, but is an independent instrument, to which states may accede whether or not they accede to the Convention. For further discussion of the definitions, see Guy Goodwin-Gill, The Refugee in International Law. (Oxford University Press.1983, pp. 150-151 and 12-13), and Grahl-Madsen 1986: 217-220.
an explicit legal definition of refugees. According to Article 1, a person is considered to be a refugee if

As a result of events occurring before 1 January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality, and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

The definition limits the ambit of international legal protection to individuals fleeing persecution, and those who have crossed international boundaries. It does not extend to internally displaced persons, or those who fear potential persecution. Nor does the definition include those who cross international borders fleeing generalized threats posed by war or civil disturbance, that is, mass influxes, because these persons are considered not to have "sufficiently individualized fear of persecution."⁶

In order to address the limitations of the Convention definition, many countries have extended or replaced it with regional agreements. Member states of the Organization of African Unity (OAU) subscribe to the 1969 OAU Protocol, which extends the definition to cover those who are compelled to leave their country of origin for reasons of external aggression, occupation,

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foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality... 7

In certain regions, such as Africa, UNHCR has adopted this extended definition of refugees. In other regions, including Latin America and Southeast Asia, discussions have been undertaken recognizing the need to broaden the definition. 8

In addition to a definition of refugees, the 1951 Convention and 1967 Protocol, along with other international instruments such as the Statute of the United Nations High Commissioner for Refugees, and the Conclusions offered by UNHCR's Executive Committee, have set forth principles for standards of treatment and the rights of refugees in countries of asylum. 9 Goodwin-Gill says,


9 See Report of the Sub-Committee of the Whole on International Protection: UN doc A/AC.96/717, (3 Oct.1988); Note on International Protection: UN doc A/AC.96/728, (2 August 1989); UNHCR, Conclusions on International Protection Adopted by the Executive Committee of the High Commissioner's Programme (1980). See also the recommendations made by UNHCR's Executive Committee at its session on protection in 1977. A number of regional instruments make similar recommendations. Two recent such agreements were the Plans of Action adopted at the International Conference on Central American Refugees (Guatemala City, 29-31 May 1989), and the International Conference on Indo-Chinese Refugees (Geneva, 13-14 June 1989). These agreements complement UNHCR recommendations, and are signed by the relevant asylum countries of the region. For a list of relevant international instruments,
The Convention and Protocol represent a point of departure in considering the appropriate standard of treatment of refugees, often exceeded, but still at base proclaiming the fundamental principles of protection, without which no refugee can hope to attain a satisfactory and lasting solution to his or her plight.\textsuperscript{10}

The Convention makes provisions for admission, the definition of refugees, juridical status, the rights of refugees, and cooperation with UNHCR. As a minimum standard, the 1951 Convention proposes that refugees should receive "at least that treatment which is accorded to aliens generally."\textsuperscript{11} These standards of treatment are discussed below in detail, because they comprise the policy yardstick with which we shall compare the refugee policies of asylum countries. First, we examine the international actors involved in the refugee regime.

\textbf{The Actors in the International Refugee Regime.}

The international refugee regime consists of two types of actors. The first type comprises those who create, modify, and monitor international refugee law, exemplified in such international organizations as UNHCR, and including

\begin{flushright}
\textsuperscript{10} Goodwin-Gill 1983: 163fn.
\end{flushright}

\begin{flushright}
\textsuperscript{11} Goodwin-Gill 1983: 149.
\end{flushright}

\begin{flushright}
\textsuperscript{11} 1951 Convention, Article 7(1). These recommendations were intended for refugees who had undergone individual determinations. However, in 1981 the UN General Assembly endorsed a set of recommendations put forward by UNHCR's Executive Committee, which set out minimum standards of treatment for asylum seekers in large scale influxes.
\end{flushright}
what Leon Gordenker describes as "a large network of voluntary agencies, experts, and civil servants dealing with refugee affairs around the world."\(^{12}\) A partial list of these actors is found in Table 2. We limit our discussion to only two such actors, UNHCR and non-governmental organizations (NGOs) such as voluntary agencies and church-related groups, for they are most centrally involved with refugees.

The second type of actor is the refugee receiving states, who have reciprocal obligations concerning the implementation of international refugee law.

United Nations High Commissioner for Refugees (UNHCR).

UNHCR is the intergovernmental organization responsible for supervising the implementation of the 1951 Convention and Protocol. It was established by the U.N. General Assembly in 1950, and is the primary institution through which the international community assists refugees. The 1951 Convention gave UNHCR an independent legal basis and

\(^{12}\) Leon Gordenker, "The United Nations and Refugees," in Politics and the United Nations System, edited by Lawrence S. Finkelstein. (Durham and London: Duke University Press. 1988) p.294. The network arises from the need to exchange information. These specialists are divided into those involved in influencing public opinion, those who liaise among organizations, and those involved directly in operations. They are motivated by shared humanitarian goals, and act as a pressure group on host governments. Gordenker argues that because this network manages many refugee operations, its goals and standards frequently differ from those of UNHCR.
the authority to approach the signatory governments about their treatment of refugees. The Executive Committee of Programme of the UNHCR, established in 1957, meets once a year to advise the High Commissioner, on request, on the exercise of UNHCR's statutory functions and on the appropriateness of providing international assistance. In 1989 the Executive Committee had 43 members, not all of whom are signatory to the Convention and Protocol.\(^\text{13}\) In 1975 the Executive Committee set up a Sub-Committee of the Whole on International Protection. The Sub-Committee meets prior to the Executive Committee to consider UNHCR's protection agenda, and then makes recommendations on particular problems which are then submitted to plenary for endorsement.\(^\text{14}\) The conclusions published by the Executive Committee after its annual meeting play an important part in the creation and consolidation of international norms regarding refugees.\(^\text{15}\)

The expansion of the UNHCR mandate. In UNHCR's early years, the definition of, and consequent assistance for refugees was limited to individuals. However, as large flows of refugees began to take place in the developing

\(^{13}\) For example, Thailand, a major receiving country, has not signed the Convention or Protocol, but is a member of the Executive Committee.


\(^{15}\) UNHCR, *Conclusions on International Protection*...
countries after 1960, it became apparent that there were shortcomings in the existing international assistance framework. The need for more flexibility in the administration of UNHCR's mandate had been acknowledged from the beginning by the U.N. General Assembly.\textsuperscript{16} The precedent was set during the Hungarian Emergency, when aid was distributed even though the Hungarians fleeing had not been defined as refugees. Subsequently, large groups of refugees were assisted by UNHCR in Third World countries, without undergoing individual determinations of evidence of persecution. This unofficial expansion of UNHCR's activities to include persons in "refugee-like situations" was accomplished with the notion of "good offices."

According to Goodwin-Gill, the notion was developed by the UN General Assembly "as an umbrella idea under which to bring refugees who did not come within the competence ... of the United Nations."\textsuperscript{17} The concept of "good offices" enabled UNHCR to assist people in the mass exoduses that took place from Bangladesh and Afghanistan, and in Southeast Asia and the Horn of Africa. Gordenker says:

\begin{quote}
In such large-scale emergency situation, UNHCR obviously could not urge or join in careful investigations of individual claims for asylum on the basis of well-founded fear of persecution. Consequently it took the position that a \textit{prima}
\end{quote}


\textsuperscript{17} Goodwin-Gill 1983: 7.
facie claim of rights to refugee treatment could be accepted in such situations of mass exodus. The sorting out could come later.\textsuperscript{18}

Those falling within the "good offices" of UNHCR eventually came to be included in the class of beneficiaries within UNHCR's responsibility.\textsuperscript{19} This inclusionary process occurred as a result of various resolutions and directives by the U.N. General Assembly and the Executive Committee, and culminated in what Goodwin-Gill describes as "a generic class of refugees and displaced persons of concern to UNHCR."\textsuperscript{20} In 1981 the Executive Committee of UNHCR recognized that in situations of large-scale influx, protection would be accorded to both Convention/Protocol refugees, and others who fell into categories set up by regional agreements such as the 1969 OAU Convention.\textsuperscript{21}

In addition to those who fall within the competence of UNHCR, UNHCR's mandate has also expanded with regard to its activities. According to Goodwin-Gill,

The activities of UNHCR have developed well beyond the essentially promotional and diplomatic role

\textsuperscript{18} Gordenker 1988: 279.

\textsuperscript{19} Some observers have argued that although UNHCR was intended as an institution meant to help refugees throughout the world, in fact this assistance became truly internationalized only through ad hoc practices such as the notions of "good offices" and "refugee-like situations." See Zolberg et al, 1989; W.R. Smyser, Refugees: Extended Exile (New York: Praeger. 1987).

\textsuperscript{20} Goodwin-Gill 1988: 10.

\textsuperscript{21} See "Report of the 32nd session," UN Doc. A/AC.96/601, para. 57(2).
envisaged for the Office. It is now operational ... engaging in assistance ... and in solutions ... and those within the mandate of the Office have grown as well.\footnote{Goodwin-Gill 1988: 3.}

Non-governmental organizations (NGOs).

NGOs such as voluntary agencies or church-related groups can be either international or indigenous, and are usually focused around a particular task, such as the provision of medical relief, food, or education. NGOs are often the organizations most closely involved with refugees, and because they make refugee interests paramount, they can be seen as proxies for refugee interest groups. As such, their interests, agendas and goals differ from, and conflict with those of the host government, UNHCR, and frequently those of the local population.\footnote{Godfrey Cromwell says, "Many field staff are unaware of national policy priorities and economic capabilities of the host government...[and] the local population is often excluded from discussions and regarded simply as a drain on services provided by agencies for refugees." See "Note on the role of expatriate administrators in agency-assisted refugee programmes," \textit{Journal of Refugee Studies}, 1(3 and 4), 1988. p.299.} Elizabeth Ferris argues that these conflicts occur because some agencies adopt overtly political strategies in their work.\footnote{Elizabeth G. Ferris, "The churches, refugees, and politics," in Loescher and Monahan, 1989. p.159.} For example when the Honduran government wished to relocate a Salvadoran refugee camp away from the militarized Honduran-Salvadoran
border area, UNHCR affirmed the right of the government to decide where refugee settlements should be located, but church agencies, "listening to the voices of the refugees, opposed the move on both practical and political grounds." The Honduran government dropped the plan after international publicity increased, but relations between the church agencies and the government remained tense. Thus, in addition to their normal functions of providing relief, NGOs act as a pressure group on behalf of refugees.

Receiving states.

The system of international action that emerged after 1950 established obligations for refugee receiving states that were intended to be complementary to those of UNHCR. These obligations include the requirement that governments "cooperate with the High Commissioner and .. furnish reports on their application of the treaty." States and UNHCR are thus intended to be institutionally linked in their common pursuit of both the protection of refugees, and "durable solutions" to the refugee problem. By 1990, 106 states were party to the 1951 Convention and 1967 Protocol.

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Has the expansion of UNHCR's mandate been matched by an expansion of responsibilities on the part of the signatory states? According to Goodwin-Gill, some correlation remains between the present scope of UNHCR's competence and the obligations of the states, especially where regional arrangements have been made. In Africa, UNHCR's responsibilities have been formally extended by the 1969 OAU Convention, and the states party to this convention have accepted complementary obligations. A similar situation exists in Central America vis a vis the 1984 Cartagena Declaration.

Problems arise when the obligations of states diverge from the responsibilities of UNHCR. The biggest issue here concerns the definition of refugees, or "the criteria determining the limits of the class."28 The widening of UNHCR's legal definition of refugees resulted in reservations by states about their obligations. Goodwin-Gill says:

Fearing for themselves, states have doubted first the existence of a known, legal category of 'victims of violence', and secondly, whether any formal legal obligations might be owed to them; their objective is to ensure that their hands are not tied, even loosely, by legal rules.29

In sum, by the 1980s the legal status of people comprising mass influxes constituted a rather grey area both

for UNHCR and for receiving states. UNHCR did not include them in its formal definition of refugees, but covered them under its "good offices." Receiving states were wary of defining mass influxes as refugees, and sought to retain some flexibility on this point. The implications of this for policies concerning mass influxes will now be discussed.

The UN Policy Yardstick: a Measure of Refugee Policies.

International protocols such as the 1951 Convention have created standards of treatment of refugees by which the responses of receiving states can be judged. Although these standards are intended for individually-defined refugees, we can apply them to mass influxes, with qualifications where necessary.

In the face of a mass influx of refugees, three types of policies emerge in the receiving country. First, the country either already has, or must create a bureaucratic and legal context concerned with refugees. Second, the host government must develop a response to international refugee organizations, which seek to assist refugees. Finally, there is the admission and treatment of refugees. Each of these policies has several components which are either directly or implicitly addressed by UN instruments. Those countries which are signatory to these instruments are under treaty obligation to uphold them. However, since many of the instruments' recommendations reflect customary international
law, even those countries which are not under treaty
obligation are bound to respect them. Arthur Helton argues
that:

Regardless of whether persons seeking asylum are
recognized by the host government as 'refugees' or
are classified as 'illegal aliens,' a State is
obligated to provide legal protection and to
respect fundamental human rights.\textsuperscript{30}

For example, arbitrary prolonged detention \textit{for any person} is
prohibited by the Universal Declaration of Human Rights and
other international agreements; therefore refugees are
similarly protected.\textsuperscript{31}

Three are problems with positioning host countries
along our UN policy spectrum. Foremost is the problem that
there are two types of refugees—individuals and mass
influxes. When both types are present, a receiving
country's policies may differ for each. Another problem is
that a receiving country may have multiple refugee groups,
and policies that differ for each group, as is the case of
Thailand. It should also be noted that none of the policy
measures are by themselves determinative of a state's
orientation. There may be legitimate reasons why a state
does not, for example, admit international organizations, or

\textsuperscript{30} Helton 1990: 125.

\textsuperscript{31} Arthur Helton (1990: 128) argues that "The
proliferation of instruments condemning arbitrary and
prolonged detention under inhumane conditions, widely
adopted by the international community, and recognized by
the International Court of Justice, indicate that it is
prohibited under customary international law. Refugees are
no less protected than are all other persons..."
legislate a definition of refugees, or build camps away from
dangerous borders. But it is unlikely that a state with a
high degree of noncompliance with the UN policy
recommendations nevertheless is generous towards asylum
seekers.

A final qualification of the measurement capabilities
of our policy yardstick lies with implementation of refugee
policies. The extent to which refugees have legally
guaranteed rights is a reflection of the receiving state's
orientation towards refugees. But the key to this
orientation is in the state's implementation of these
policies. Often, implementing favorable (positive) policies
in these matters risks the discontent of local populations,
who perceive themselves in competition with refugees for
scarce resources. Often too, the central government is not
able to enforce policy implementation, particularly in far-
flung areas, or where the army is in control.

Implementation of refugee policies varies within a country:
policies may be unpopular with the army, with local people,
or with the bureaucracy, and consequently not pursued.

All of these issues complicate the use of our
instrument when comparing different countries, and each case
requires careful empirical analysis. However we believe
that careful use of the UN instrument will prove useful for
modeling and comparative purposes.
Policy I: The Legal-Bureaucratic Response.

This dimension of the receiving state's response covers the domestic institutions, bureaucracy, and legal regime pertaining to refugees. The state's official recognition of the necessity of protecting refugees, and the codification of this recognition in national law, are significant indicators of a state's position on our policy spectrum, and have implications for subsequent policy decisions. The principle of asylum is addressed either through acknowledgement in the constitution, or through the enactment of specific legislation and administrative practices. 32 It is noteworthy that these legal procedures are usually designed only for individual asylum seekers, and as such, says Goodwin-Gill, "may fail to absorb, let alone survive, a mass influx." 33

In this section we discuss three aspects of the institutional response: accession to international treaties; the formal definition of refugees and procedures for determining refugee status; and the government's decision to allocate responsibility for refugees to a

32 Goodwin-Gill 1983: 15. Lance Clark points out that in some African receiving countries, much of the legislation on the books is old, pertaining to the '60s, when refugees were seen more in terms of a security threat. Thus countries like Zaire and Tanzania have 'Refugee Control Acts'. Newer legislation is more likely to concern assistance, and the implications of having refugees as long-term residents (legal rights, economic sustainability).

33 Goodwin-Gill 1983: 165.
particular civilian bureaucracy, rather than to the army, or as part of the duties of other ministries.

Accession to international instruments.

The ratification of, or accession to international or regional refugee treaties such as the 1951 Convention and Protocol or the 1969 OAU Convention is an indicator of a state's intentions towards refugees. The 1951 Convention does not require legislative incorporation or any other formal implementation step.\textsuperscript{34} Ratification has varying consequences for refugees, depending on the state's legal tradition. For some states, "the very act of ratification may cause the treaty to have internal effect,"\textsuperscript{35} and the state automatically incurs obligations concerning the treatment of refugees. For other states, as Goodwin-Gill points out, ratification does not oblige incorporation of the provisions of the treaty into its municipal law. For these states, specific refugee legislation is required, and then, as Gil Loescher states:

\begin{quote}
It is the state's own business...just how much it makes available to refugees in terms of material assistance and administrative and legal aid aimed at rendering them self-sufficient again...\textsuperscript{36}
\end{quote}

\textsuperscript{34} Article 36 obliges states to provide information on national legislation, but refers only to such laws and regulations as states 'may' adopt to ensure application of the Convention (Goodwin-Gill 1983: 140).

\textsuperscript{35} Goodwin-Gill 1983: 207.

\textsuperscript{36} Loescher and Monahan, 1989: 9.
The definition of refugees and status determination.

Most Third World states acknowledge the existence of a category of people known as refugees, who are distinguished from ordinary aliens by the lack of protection from their own government. The definition of refugees commonly used is the one stated in Article 1 of the 1951 Convention (see above). However, the decision to define asylum seekers as refugees is a political one, frequently motivated by tactical considerations. As Goodwin-Gill argues, receiving states that avoid any use of refugee terminology frequently do so in order to assert greater freedom of action for themselves. States use such terms as "displaced persons," "illegal immigrants," "quasi-refugees," "aliens," "departees," "boat-people," or "stowaways," to refer to asylum seekers, and therefore justify treating them differently than they would refugees. For example, Thailand, faced with large existing refugee populations, and new and continuing flows, chose not to define Vietnamese asylum seekers as refugees so that it could deal with them more restrictively.

Failure to define asylum seekers as refugees does not necessarily imply hostile treatment of refugees, or a negative position on refugee matters. Asylum seekers who are not defined as refugees by the receiving government may be well treated. However, the definitional issue frequently

leads to problems, especially when UNHCR becomes involved, because UNHCR's mandate only extends to asylum seekers defined as refugees. For example, Pakistan's non-recognition of Iranian asylum-seekers as refugees, has caused problems for the Pakistan Refugee Relief effort.\textsuperscript{38} Zimbabwe's initial refusal to call Mozambican asylum seekers refugees led to problems with UNHCR assistance.

In order to define asylum seekers as refugees, there must be legal procedures for the determination of refugee status. At its 28th session (1977) UNHCR's Executive Committee expressed the hope that

all States parties to the international refugee instruments which had not already done so would take steps to establish procedures for determination of refugee status in the near future.\textsuperscript{39}

Minimum requirements for these procedures include that:

-- there should be a legal basis for the determination of refugee status.
-- there should be a designated competent authority for determining refugee status.
-- there should be provision made for appeals.
-- the participation of UNHCR should be provided for.
-- documents stating refugee status should be provided.

The legal basis consists of specific legislation identifying the basis of the definition of a refugee (eg. the 1951 Convention, or OAU Convention), the conditions of entry and residence of foreign nationals, the government

\textsuperscript{38} Farr and Lorentz, undated: 44.

agency with the authority to determine refugee status (or to delegate that competence to an international authority\(^{40}\)), the procedures by which applications for refugee status are examined, and an appeals process, wherein the state's decision can be contested.

UNHCR recommends that refugees should have access to UNHCR officials, and be issued with the appropriate certification. Those not recognized as refugees should be given a reasonable time to appeal for reconsideration, either to the same or to a different authority, and should be permitted to remain in the country pending the appeal decision.\(^{41}\)

In examining the various state practices concerning refugee protection,\(^{42}\) Goodwin-Gill notes the distinction between the actual determination of refugee status, and "the legal consequences which flow from that status." He argues that the consequences of possessing refugee status are a greater reflection of the receiving state's orientation

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\(^{40}\) According to Goodwin-Gill (1983: 205), the participation of UNHCR officials in determination procedures "derives sensibly from its supervisory role and from the obligations of states parties to cooperate with the Office." In Belgium, the local UNHCR representative determines refugee status, but in most countries UNHCR officials have no formal role, or only observer status on refugee committees.

\(^{41}\) Goodwin-Gill 1983: 204-205, citing UN doc. A/ac.96/549.

\(^{42}\) See Goodwin-Gill (1983: 167-204) for a country-by-country breakdown of the legal background and procedures for determination of refugee status.
towards refugees than are procedures for determining refugee status.\footnote{Goodwin-Gill (1983: 165) notes: "In practice, that distinction is often difficult to preserve, particularly where status is itself the criterion for residence and where normal residence requirements--relating, for example, to character or potential for assimilation--may filter back to influence the decision whether someone is a refugee."} 

The decision to create a separate refugee bureaucracy. UNHCR recommends that the asylum country should designate a "competent authority" for determining refugee status. This authority usually takes the form of an inter-departmental Committee on Refugees, composed of government officials and perhaps representatives from NGOs. A related host government decision is whether to delegate responsibility for refugees to a specific agency (usually within a particular Ministry), or whether refugee affairs should be handled as part of the normal business of a single, or a number of different ministries (such as Defence, Interior, or Immigration), which handle refugee affairs along with other matters of state interest. In those countries where a specific ministerial agency is charged with handling refugee affairs, the head of the agency, often called the Commissioner of Refugees, usually also chairs the Committee on Refugees.

The existence of a separate agency facilitates the task of international refugee officials. They find it easier to
work with government officials who are solely concerned with refugees than with, for example, Interior Ministry bureaucrats for whom refugees are simply one more item on their agendas. The cooperative relationships that develop between government officials and international civil servants lead to new attitudes about policy-making and implementation. These attitudes are usually more liberal with respect to refugees, but often lead to conflict with other policy-makers, either at higher levels or in other bureaucracies, who have not been exposed to international contacts, and who resist the new ideas. Bureaucratic conflicts are aggravated by resentment when the refugee agency benefits from access to the greater resources of international organizations. For example, a UNHCR field officer working in Sudan pointed out that powerful army or Interior Ministry officials resented workers from the Refugee Commissioner's office riding around in UNHCR's new Toyota Land Cruisers, when the army officials had to make do

"Keohane and Nye point out that secretariats of international organizations sometimes form explicit or implicit coalitions with governmental sub-units with similar interests. In particular, "Representatives of United Nations specialized agencies in developing countries often strengthen old-line ministries against their rivals in central planning offices." Membership in international refugee organizations or participation in international conferences on refugees increase contacts and create a sense of collegiality between host country bureaucrats and international civil servants. See Robert O. Keohane and Joseph S. Nye, "Transgovernmental relations and international organizations," World Politics. Vol. XVII October 1974, p.53. See also Gordenker 1976: 20."
with broken down old wrecks, or no cars at all.

From the government's point of view, in addition to potential intra-bureaucratic conflicts, assigning responsibility to a particular agency incurs increased administrative costs associated with setting up new offices, personnel, and supplies. These costs are reduced when refugee matters are dealt with by an existing bureaucracy. However the strain imposed on a government's existing administrative capacity by the sudden arrival of thousands of refugees may necessitate a separate agency, and in many cases, administrative costs are carried by international refugee organizations (usually UNHCR).

In making the decision whether or not to create a separate refugee agency, governments have to weigh the costs and benefits. As far as refugees are concerned, however, a separate agency is clearly beneficial because more positive refugee policies are likely. This is because, as discussed in Chapter One, refugee bureaucrats have vested interests in sustaining their bureaucracy, and because international refugee organizations can more easily provide assistance.

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45 Even if a mass influx does not become a long-term problem, administrative costs are involved. For example in early 1985, Djibouti was subject to an influx of some 10,000 Ethiopian drought victims, most of whom stayed only until April, and then returned, probably in order to plant their crops. The departure of the refugees eased Djibouti's burden, but the government had in the meantime mobilized staff and resources to assist the refugees.
Policy II. International Refugee Organizations (IROs).

This policy dimension addresses the receiving country's response to the presence of IROs in the country. Policy decisions include whether to invite them in, or when requested, grant permission for them to enter; the extent of the state's cooperation with them, and the degree of freedom the state permits them within the country.

Permission for international organizations to assist refugees.

During the early part of a refugee influx information about the situation enters "transnational channels." Foreign embassies, human rights organizations, missionaries, international development officials, the media, and churches all eventually get word of the refugees, and seek involvement. International involvement is not inevitable; it depends on the government. The mandate of UNHCR and other international organizations, like the ICRC, requires that UNHCR first obtain permission from, or be invited by, the host government to enter a country to assist refugees. In most cases, governments request the involvement of international organizations because their own resources are not adequate to the task. However, the government can choose an isolationist position, and refuse further international involvement. In that case, says Leon

Gordenker,

the government would carefully refrain from calling attention to the situation or summoning any sort of outside assistance, would assist the refugees in such a manner as to avoid scandal or notorious conflict, and would encourage those voluntary organizations that were at work to proceed quietly and without sounding alarms. It would probably also restrict the movements of those who had found asylum.⁴⁷

Gordenker argues that such an approach accords with international regulations and practices, provided refugees are not mistreated or forcibly repatriated. Thus, a negative response to requests from international organizations does not necessarily imply rejectionist intentions towards the refugees. Some receiving countries, such as India, have preferred to cope with refugees without the presence of international organizations. However, a positive response to such requests is recommended, simply because the presence of refugee organizations increases the resources available to refugees. In addition, their level of protection is likely to improve, through greater monitoring.

Relations between international organizations and the state.

Once international refugee organizations are permitted to operate in the country, it is recommended that they are

⁴⁷ Gordenker 1983: 66. Examples of this isolationist approach occurred in the countries receiving refugees fleeing the Macias regime in Guinea.
able to do so according to their principles, and with few restrictions. Articles 35 and 36 of the 1951 Convention require that contracting states cooperate with UNHCR, and facilitate UNHCR's duties of supervising the application of the Convention. It is recommended that UNHCR have access to sensitive areas, where refugees may be in danger, and that UNHCR be present at screenings, determination procedures, and other interactions between state and refugee. The Convention also requires that the state provide UNHCR with information and statistical data concerning refugees, the implementation of the Convention, and legislation relating to refugees.

Policy III. Admission, Treatment and Protection of Refugees.

In this policy area, specific policy decisions to be made by the state include the admission and return of asylum seekers, the treatment and protection of refugees, their rights and obligations, and the fate of long-term stayers.

Admission.

The right to seek and enjoy territorial asylum from persecution is an internationally recognized principle, recognized in Article 14 of the Universal Declaration of

48 Territorial asylum is distinguished from diplomatic or extra-territorial asylum.
Human Rights and in various other international agreements. UNHCR sees territorial asylum as "an umbrella term for the sum total of protection provided by a State in the sovereign exercise of its responsibilities to refugees on its territory," and requests that receiving states:

-- rescue asylum seekers in distress at sea and grant them at least temporary refuge;
-- admit asylum seekers in cases of mass influxes, at least on a temporary basis;
-- not take measures, such as blocking admission, which jeopardize the institution of asylum.\textsuperscript{50}

However, the issue of refugee admission is a controversial one, because refugees often bypass immigration formalities when they enter the country, and are thus in an illegal position. The 1951 Convention does not formally require states to admit refugees, but provides that "Contracting states shall not impose penalties, on account of their illegal entry or presence, on refugees."\textsuperscript{51} Most states confer temporary rather than continuous protection on

\textsuperscript{49} Several regional-level instruments recognize the need for a liberal approach to admission for asylum purposes. These include in Africa, the 1969 OAU Convention; in Asia, the Asian-African Legal Consultative Committee; in Europe, the Council of Europe, Committee of Ministers; and in Latin America, the Cartagena Declaration. Recent additions to these regional agreements include, for Southeast Asia, the Comprehensive Plan of Action adopted at the International Conference on Indo-Chinese Refugees, and in Central America, the Concerted Plan of Action agreed at the International Conference on Central American Refugees.


\textsuperscript{51} 1951 Convention, Art.31. See Goodwin-Gill 1983: 83.
refugees. This means 1) the state will not return the refugee to "frontiers of territories where his or her life or freedom would be endangered," and 2) the refugee can remain on the territory of the sheltering State until a durable solution, outside that State, can be identified.\(^{52}\)

Receiving countries may attempt to control the admission of asylum seekers in a variety of ways, some sanctioned by international law, others not. Legal screening programs, endorsed and assisted by UNHCR, are one legitimate measure of controlling entry. But many receiving countries find screening programs inadequate, and attempt to prevent the entry of refugees with other measures, such as denying asylum seekers access to appropriate procedures for admission. (UNHCR recommends that receiving states guide asylum seekers as to the procedures for applying for refugee status, by providing them with interpreters, and access to UNHCR officials.) Or the state may implement arbitrary screening arrangements that appear to be intended for determining an asylum seeker's status, but are really a means for turning people back.\(^{53}\) Some receiving countries have adopted or strengthened immigration control mechanisms,


specifically to embrace people from countries producing asylum seekers. These mechanisms, more often implemented by European countries than Third World ones, include more restrictive visa practices, transport carrier sanctions (eg. fines), and the return of asylum seekers to countries of temporary transit (the "refugees in orbit" syndrome).  

Return.

A fundamental obligation of receiving states is the prohibition against expulsion and refoulement, that is, the individual's right not to be returned to a territory where he or she may be subject to persecution.  Refoulement is distinguished from expulsion in that the latter is a formal process of deportation, whilst the former is a more summary process of reconduction to the frontier, or refusal of

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54 See UNHCR Exec. Com. Note on General Protection, U.N. Doc. A/AC.96/728, p.7. According to Arthur Helton (1990: 123-124), the refugees in orbit syndrome occurs when states cannot agree on which country should be responsible for particular asylum seekers, who are then shuttled from border to border and airport to airport, frequently winding up in detention or being returned to their country of origin. See also Dennis McNamara, "The origins and effects of 'Humane Deterrence' policies in South-east Asia," In Loescher and Monahan, 1989, p.124.

55 The legal proscriptions against refoulement are contained in Article 33 of the 1951 Convention, and the principle has been consistently adopted by consensus in U.N. General Assembly resolutions dealing with the reports of the High Commissioner. See the General Conclusion (g) put before the 39th session of UNHCR's Executive Committee in 1988, see Conclusions Nos. 6 (XXVIII) and 7 (XXVIII) on non-refoulement and expulsion respectively. Cited in Note on International Protection, p.6. For a discussion of this aspect of international law, see Goodwin-Gill 1983: 97-98.
admission at the frontier. UNHCR urges governments to instruct immigration officers and border police to act in accordance with the principles of non-refoulement. The prohibition "includes non-rejection at the border or shore, and ... it may even limit the exercise of a government's power on an extra-territorial basis" such as the high seas.

However, individual states party to the 1951 Convention and Protocol, while bound by the principle of non-refoulement, have some discretion in its implementation. Under Article 32 of the Convention, states undertake not to expel a refugee "save on grounds of national security or public order." Because the definition of national security is open to the government, this exception to the non-refoulement principle leaves considerable leeway to the government. Indeed, in most cases where refoulement has been perpetrated, the authorities have claimed security reasons as their motive. However, a refugee who is lawfully expelled for security reasons cannot be returned to a country where his or her life is in danger, and this is

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58 Helton 1990: 123. For example, the U.S.-Haiti high seas interdiction program. Other examples of the violation of refoulement are the pushbacks of Vietnamese boat people by Thailand and Malaysia.

59 Goodwin-Gill 1983: 82.
often where governments do deviate from international recommendations, particularly in the case of mass influxes.

For everyone concerned—refugees, host governments, and international organizations—voluntary repatriation is seen as the optimal solution to the refugee problem. UNHCR's guidelines on voluntary repatriation stress the voluntary and individually-manifested character of the return. Repatriation must take place in conditions of "security and dignity."60 Refugees must have the right to choose their destination in their countries of origin, i.e. national authorities cannot decide where refugees should be returned. Pressure should not be exerted on refugees to return (or not to return). Bilateral agreements on voluntary repatriation concluded between national authorities and UNHCR, include UNHCR's basic provisions, and provide for monitoring of the repatriation.

Treatment and protection of refugees.

This section covers a broad range of actions by the state, many of which may not be defined by explicit policy statements. When there are policy directives, the problem of implementation looms large. Receiving states may treat refugees in specific ways so as to discourage asylum seekers or divert them elsewhere, as for example, in the practice of "humane deterrence" measures, which include detention

60 Note on International Protection, pp. 18-19.
policies, restrictions on movement, and substandard living conditions in camps.

We identify four basic areas of treatment: a) the location of refugees; b) refugee rights; c) protection measures taken by the state; and d) the treatment of long-term stayers.

a) Location of refugees (camps versus spontaneous settlement).

In Third World countries, when asylum seekers settle amongst the local population, they become known as "self-settled" or "spontaneously settled" refugees. Although self-settled refugees are usually welcomed and assisted by the local community, they are a burden in that they deplete resources like firewood, food, drinking water, and grazing land. Eventually they also strain the infrastructure, health services and schools, and they increase competition for employment.

Eventually the state must decide whether to place refugees in camps (or settlements, holding centers, refugee villages, etc.), or allow them to remain settled amongst the local community.\(^6\) Whether refugees should be located in

\(^6\) The second choice usually obliges the local population to bear the burden of the refugees. However, allowing refugees to remain self-settled does not necessarily mean the state takes no interest in them. The state may attempt to encourage them to leave by harassing them with immigration officials, or police and army raids. For example, Angolan refugee in Zambia's Northwest Province
camps is a hotly debated issue within the refugee assistance community. The controversy arises over whether separating refugees from the local population is a good idea. In general, UNHCR advocates camps, because the separation of refugees from the local community makes the administration of refugee assistance easier, and enables refugees to be better protected in areas which are often subject to conflict. Others point to the disadvantages of camps. Zia Rizvi says:

Beyond the emergency period when they are required, camps have serious disadvantages. They rarely become self-sufficient. They also produce social tensions and constitute "human islands" which isolate refugees from their local hosts while creating open-ended dependency upon external assistance. ..."spontaneous integration" or self-settlement ...is the preferred option of a majority of refugees."62

UNHCR recommends that refugee camps be sited away from the border, have ease of access, availability of potable water, natural shelter, freedom from health hazards, good drainage, and land for agricultural activities. However, as Nicholas Morris points out,

Considerations such as national security, ethnic have been subject to raids by immigration officials. See Robert Chambers, Hidden losers? The impact of rural refugees and refugee programs on poorer hosts. *International Migration Review*, Vol.XX, No.2, Summer 1986, pp.245-263.

affiliation or animosity, and political pressures combine with the simple lack of physical resources and the fact that in practice initial site selection has often taken place spontaneously by the refugees and their immediate local hosts. In such cases the site would often not have been UNHCR's choice.63

Pressure to erect camps comes early in the emergency period, when international organizations request that land be provided so that camps can be set up to provide relief for refugees.64 Providing land for camps is one of the conditions imposed by UNHCR in order for funds to be made available. But inevitably there are implementation problems. Often the land allotted by the government is viewed by the local population as already belonging to someone, and this leads to resistance to the use of the land by refugees. In southern Sudan, a struggle arose between the central government and the local community over the land required for camps for the Ugandan refugees.

An alternative (and much less likely) response is for the state to assist self-settled refugees by increasing assistance to the local population so as to offset strains on existing resources. This assistance includes strengthening local institutions, and involving local


64 In some cases, notably the Eritreans refugees in Sudan, guerilla fighters initially set up and run refugee camps; later international organizations come to the assistance of these groups. Nevertheless the receiving state is usually expected to provide land for the camps.
communities in refugee matters. Recognizing that the provision of all these services is "perhaps, a counsel of perfection," Cromwell argues:

But is it any more unrealistic than attempts to maintain an impossible separation between refugee and host communities, to create self-supporting camps or to continue disparity of services?\(^65\)

There is no set of international standards expressly governing the treatment of refugees within camps. However the 1951 Convention decrees that states must protect refugees residing within their borders, and "accord refugees the same treatment as is accorded to aliens generally."\(^66\)

b) Rights of refugees.

The 1951 Convention requires that refugees have the freedom to practice their religion (Article 4), access to courts and legal assistance (Article 16), the right to elementary education (Article 22(1)), to change jobs, to acquire property, to gain access to public benefits, to seek

\(^{65}\) Cromwell 1988: 302.

\(^{66}\) According to international law, all non-citizens are entitled to the same standard of treatment as that which applies to nationals, and "whether a non-national's entry into a State was lawful affects only that individual's claim to benefits beyond the right to protection to which all persons within a State's borders are entitled." UNHCR's guidance to its staff states that standards of assistance must take into account the living standards of the local population (or, the standard the asylum country would seek to provide for its population if it had the resources). But it is often pointed out that these standards are insufficient to meet the needs of refugees (See Helton 1990: 125, and Morris 1990: 42).
redress under law, and to become naturalized citizens. The state might also have expectations of refugees, such as military service. We examine three examples of refugees' rights.

(i) **Freedom of movement.** Article 26 of the Convention states that refugees should have "the right to choose their place of residence and to move freely within [the Contracting State's] territory, subject to any regulations applicable to aliens generally." However, Article 31(2) allows states to impose "necessary" restrictions on refugees' movements, until the refugees' status is regularized. Goodwin-Gill interprets necessary restriction to include those prompted by security considerations, or in circumstances of a large influx.\(^{67}\)

(ii) **Employment.** Concerning both the right of association (Article 15) and the right to engage in wage-earning employment (Article 17(1)), the 1951 Convention calls for most-favored-nation treatment of refugees. Many states have reservations about this employment recommendation, and have chosen either to interpret most-favored nation as not entitling refugees to benefit from special regional political and economic arrangements, or have rejected most-favored nation treatment, treating refugees only as they would aliens in general.\(^{68}\) In 1988,

\(^{67}\) Goodwin-Gill 1983: 158.

\(^{68}\) Goodwin-Gill 1983: 151.
UNHCR's Executive Committee encouraged host states to consider ways in which refugee employment in their countries might be facilitated and to examine laws and practices, with a view to identifying and to removing, to the extent possible, existing obstacles to refugee employment.\(^{69}\)

(iii) Non-discrimination. Discrimination on the basis of race, political opinion, national origin, etc. is proscribed in most human rights instruments.\(^{70}\) Incidents of discrimination against refugees occur when, for example, refugees are denied access to national programs or refugee status determination procedures because of their race.\(^{71}\)

There are many reported cases of discrimination against women, both with respect to their unequal participation in the design and implementation of refugee programs, and their physical safety (women are frequently exposed to violence

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\(^{69}\) The Executive Committee stated that "the enhancement of basic economic and social rights, including gainful employment, is essential to the achievement of self sufficiency and family security for refugees and is vital to the process of re-establishing the dignity of the human person." See Conclusions on International Protection Adopted by the Executive Committee of the High Commissioner's Programme at its 39th Session (1988) Para. j.

\(^{70}\) The non-discrimination principle is recognized both in the preamble of the 1951 Convention, and in Article 3, which states that the provisions of the Convention shall apply to refugees "without discrimination as to race, religion or country of origin." In its conclusions on the protection of asylum seekers in situations of large-scale influx, the Executive Committee stated that asylum seekers "should be admitted without any discrimination as to race, religion, political opinion, nationality, country of origin or physical incapacity." See also the Charter of the United Nations, and the Universal Declaration of Human Rights.

\(^{71}\) See Loescher and Scanlan (1985: 33) for a discussion of U.S. discrimination practices against Haitian refugees.
and sexual abuse).  

c) Protection.

The protection of refugees from attacks on refugee camps and settlements (aerial bombardment, artillery fire, chemical weapons), and from proximity to civil strife, are implicit requirements of international protocols. But existing international refugee law lacks explicit provisions concerning the physical safety of refugees. UNHCR's Statute and the 1951 Convention refer to the protection mandate and function of UNHCR, but neither specifically mentions UNHCR's competence on matters relating to refugees' physical safety, and UNHCR is limited in the extent to which it can exercise protection of refugees in the case of physical attacks on camps. Mtango points out that no single body

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72 Note on General Protection, p.10.

73 See Elly-Elikunda Mtango, "Military and armed attacks on refugee camps", in Loescher and Monahan, 1989. p.87. Mtango says an explanation for this might be that these instruments were drafted after the Second World War, when serious threat to safety was over, and the drafters felt that international and national laws and UN mechanisms relating to armed conflict would be adequate to ensure the physical integrity of refugees.

74 A report commissioned by UNHCR's Exec. Comm. in 1982 stated that UNHCR was limited in dealing with armed attacks because its protection mandate sought to ensure only that refugees were treated in conformity with standards recognized by the international community, and did not provide physical protection to refugees. Another problem for UNHCR was that cross-border raids constituted a violation of national sovereignty of asylum countries, and this was a political issue outside the scope of the High Commissioner's competence. For discussion of the Schnyder
of law dealing with the problem of attacks on refugees exists, and there is ambiguity in laws which might be applicable in particular situations. He argues for the need for a new refugee instrument that deals specifically with the problem of physical safety of refugees, which should "establish a minimum legal standard to serve as a yardstick for state behaviour."75

References to physical safety appear in twenty-six Conclusions adopted by the Executive Committee before 1989, but for six years of negotiations prior to 1987, no consensus in the Executive Committee was reached concerning raids on refugee camps.76 Then in 1987, Conclusion No.48 (XXXVIII), a set of principles on Military or Armed Attacks on Refugee Camps and Settlements, was adopted by the

report, see Mtango 1989: 96-97.

75 Mtango 1989: 89.

76 Some of the leading donor countries and their allies refused to condemn attacks on refugee camps, claiming that some refugee camps were used by guerillas, and therefore the raids were justified on the basis of self-defence and hot pursuit. These countries (West Germany, Israel, the United Kingdom, the United States) argued that only if all refugee camps were used exclusively for civilian and humanitarian purposes, could attacks on the camps be condemned. Most other countries, particularly the asylum countries, argued that raids cannot be justified on any grounds, and sought a set of principles on refugee protection that included an absolute prohibition against any armed attacks. It is possible that political considerations continue to inhibit certain donor countries from condemning the perpetrators of raids, because these perpetrators are their allies.
Executive Committee. This Conclusion declared military attacks on refugees to be indiscriminate and unlawful, and condemned all violations of the rights and safety of refugees. It recommended that asylum states do all within their power to ensure that the civilian nature of camps is maintained, and that other states and international organizations assist in this regard. It also requested that asylum states provide UNHCR with access to the affected areas, and cooperation by state authorities.

Attacks on refugees are also carried out by civilians, including piracy attacks on asylum seekers in Southeast Asian waters, and attacks on women refugees. UNHCR recommends that asylum states be committed to the apprehension, prosecution, and conviction of perpetrators of these crimes.

In some cases, refugees have aligned themselves with one of the conflicting parties in the sending country, and participated in armed conflict. Refugees are sometimes involuntarily recruited by the armed forces of the asylum country, or by irregular militia either from the asylum or sending country. In other cases, recruitment is voluntary, in exchange for promises of food, money, or citizenship. The refugees are expected to do tasks ranging from porterage

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to mine planting to direct combat. In 1989, UNHCR urged that all parties "abstain from exploiting refugees and refugee groups for military or similar purposes."\(^7^8\) UNHCR views recruitment as an unacceptable practice because it endangers refugees, and because the practice is contrary to the accepted notion that refugees are civilians and their camps and settlements have a strictly humanitarian and civilian nature. In addition, the recruitment of refugees can undermine the institution of asylum, and lead to the creation of tension between States...\(^7^9\)

d) Treatment of long-term refugees.

Asylum states eventually face a set of choices concerning the permanence or temporariness of the refugees. Many receiving states grant refugees asylum on the assumption that their stay will be a temporary one, and that they will either repatriate when the crisis in their home countries abates, or they will be resettled in third countries. In some cases repatriation has come to pass (Uganda, Bangladesh). Usually however, the crisis does not abate in the home country (or new ones arise), resettlement is not acceptable to either the refugees or resettlement countries, and receiving countries find themselves with more or less permanent refugee populations. Such is the situation of the Eritreans in Sudan, the Afghans in

\(^7^8\) UNHCR, *Note on International Protection*, 1989, paras. 45.

\(^7^9\) *Note on International Protection*, paras. 47-48.
Pakistan, and the Cambodians in Thailand.

Does the receiving country continue to view these refugees as temporary, or does it change its orientation towards them, and treat them as permanent residents? One desirable and durable solution to the refugee problem, according to UNHCR, is local integration, where a state confers continuous protection, culminating in the refugee becoming a citizen, or part of the community. This course of action has been followed by Tanzania and Somalia, which have both offered citizenship to certain groups of longstanding refugees.

Many host governments view the economic and social integration of refugees as undesirable because integration reduces the chances of repatriation—the solution most favored by host governments. When the host country is economically stronger than the sending country (as is often the case after the civil disruption in the sending country), refugees who are economically integrated are unlikely to wish to return to their home countries. Unlike the host government, UNHCR sees local integration into the host country as a desirable solution to the refugee problem.

More frequently in the case of long term stayers, negative policies are implemented or threatened. In some states with groups of "long-stayers" for whom no solution is in sight, UNHCR has noted a "recent hardening of attitudes," in the form of threats of expulsion and refoulement.
Table 2.

Organizations Making Up the International Refugee Regime.

International Organizations.

United Nations High Commission for Refugees (UNHCR)
United Nations Fund for Children (UNICEF)
International Committee for the Red Cross (ICRC)
International Committee on Migration (ICM)
Organization of African Unity (OAU)
World Food Program-Food and Agricultural Organization (WFP-FAO)
World Health Organization (WHO)

Non-governmental Organizations (NGOs) and Voluntary Agencies.

Oxfam
Save the Children Fund
American Refugees Committee
Medics Sans Frontiers
International Rescue Committee
Red Cross and Red Crescent
Chapter Three.

Factors Affecting Refugee Policies.

In this chapter, we discuss further our propositions explaining governmental decision-making and refugee policies. Proposition #1, the effect of establishing a separate refugee agency, was discussed in some detail in Chapters One and Two. Our remaining propositions are grouped into three categories. The first, domestic absorption capacity, examines the social, economic and cultural factors that encourage a positive policy response by the government. The second category, national security, examines the security situation both independently of, and with respect to the refugees. The third, international relations, examines the role of sending countries, donor countries, and international organizations.

Domestic Absorption Capacity.

In Chapter One we identified four propositions concerning a receiving country's willingness and ability to absorb refugees. We now discuss these in more detail, and examine the relatively large research literature on them.

A number of refugee policy analysts argue that negative policy responses, including humane deterrence measures, have "usually coincided with periods of economic decline or political isolation, or have been prompted by strong
domestic resistance to immigration programmes in general."¹ Egon Kunz lists three 'host-related factors'—cultural compatibility (including language, values, traditions, religion, political views, and food habits); population policies; and social receptiveness—that affect the integration and settlement of refugees in a host country.²

The Effects of Economic Factors on Absorption Capacity.

Proposition #2. The greater the economic capacity of the local receiving region, the more likely re-settlement policies will be positive.

Research on international migration emphasizes economic conditions as the major determinant of a receiving country's migration policies.³ Economic considerations have also been a determinant of refugee policies in many western countries during the past century, affecting governments' decisions about resettlement and status determination of refugees.⁴ The economic capacity of the host country to absorb refugees is determined by such factors as land

¹ McNamara, 1989: 123.


availability and the ability of the land to support people, employment patterns, and population density. Kunz distinguishes between host countries which are underpopulated and pursue 'augmentative' population policies (i.e. policies that support population growth through immigration), and overpopulated or demographically self-sufficient countries, which are less likely to wish to assimilate new arrivals.\(^5\) Heavily populated regions are unlikely to have either the land or the development capacity to support large numbers of newcomers. But sparsely populated areas often also have low population-carrying capacity, because lack of water and fragile ecosystems reduce the viability of the land, as is the case along the Thai-Cambodian border, and in parts of Ethiopia and Sudan. A refugee influx affects both land availability and the quality of the land, by aggravating existing shortages of land, water and firewood, and straining the ecosystem. Trees are stripped for firewood, water resources are more heavily used, and grazing is depleted if refugees bring their livestock with them. Land availability is also affected when the government appropriates it for refugee camps.\(^6\)


\(^6\) A recent report describes the situation in western Sudan, where the presence of Chadian refugee camps has accelerated the process of desertification. At one time, the land supported small, widely dispersed villages and the nomads who travelled amongst them. But the introduction of
The carrying capacity of land is not static. Land capacity can be augmented with capital investment and labor, as Sudan has tried to do with its development schemes incorporating refugee labor. These are long-term solutions, however. In most cases, a mass influx of refugees into poor, resource-strained areas eventually leads to the over-burdening of local resources, and environmental degradation.

In addition to the land itself, the economic absorption capacity of a receiving region is a function of the existing infrastructure and economic opportunities within the local community. Where refugees are spontaneously settled, or allowed relative freedom within the asylum country, i.e. they are not restricted to camps, they frequently impose strains on medical, educational and municipal facilities, on housing capacity, and on job availability. These strains frequently result in service breakdowns, increased hardship for local people, and ensuing resentment by the local community towards refugees.

When refugees penetrate the economy, they frequently

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pumps in the settlements eliminated the water constraint on growth of the settlements, and this urban growth, together with the presence of refugee camps, has burdened the fragile ecosystem. The report states that around the three remaining camps in western Sudan, "there is not sufficient land or forest available to sustain both the inhabitants and the refugees, making the latter group all the more dependent on relief assistance... Within a five kilometre radius of the camps the soil is now almost completely barren." See Fabrizio Hochschild, "The dunes go green," Refugees, September 1990, p.10. For further discussion of the impact of refugees on poor host communities, see Robert Chambers (1986) and Barbara Harrell-Bond (1985).
bring resources to their asylum countries. In Sudan and Tanzania, refugees brought agricultural skills, and provided labor in areas where it was needed. But the entire local community does not always benefit from these contributions. The local community is divided into those who are more affluent, visible, and likely to benefit from an influx, and those who are poorer, more dispersed, and more vulnerable to displacement by refugees. An example of how some segments of society benefit from refugee contributions whilst others lose, is the case of the Afghan truckers in Pakistan. Many Afghan refugees brought trucks with them, which the Pakistani authorities registered, in part because Pakistan has a shortage of commercial vehicles. However, whilst the Pakistani government, and perhaps the economy, benefitted from the trucks, local Pakistani truckers resented Afghan truckers who charged lower rates, were exempt from normal licensing fees, and whose larger trucks tore up the roads.\(^7\)

Also in Pakistan, Afghan refugee labor filled the manpower gaps created by Pakistanis working in the Gulf; but when the Pakistani migrants returned from the Gulf after oil prices decreased, competition for their old jobs increased, surplus labor drove down wages, and the standard of living dropped for both Pakistani and Afghan workers. Whereas Afghans had refugee aid to fall back on, Pakistanis did not, and

\(^7\) Farr and Lorentz, p.46, 48.
resentment resulted. Thus, while refugees do not always have negative impacts on receiving communities, who benefits or loses depends on the local economy and even the international political economy.

International assistance increases domestic absorption capacity in several ways. Assistance programs bring in scarce resources (food, medical supplies) and create infrastructure (wells, clinics, roads), thereby increasing the capacity of the local community to cope with an influx. In addition, local economic and employment opportunities are provided by assistance programs. For example, when food is purchased for refugees by international agencies, local markets are stimulated. However, there is a downside to international assistance. Local resentment may be aroused when refugees are seen to be the recipients of scarce resources. Cromwell cites a common problem:

The 'special treatment' seen to be given to refugees by agencies has been a significant cause of hostility and violence in some areas. Imbalances in services lead to resentment and other, previously insignificant, cultural differences are made a basis for hostility as they become symbols of differential access to agency resources.9

The Effects of Social Receptiveness on Absorption Capacity.

Proposition #3. As the social receptiveness of local communities increases, governments are more likely to

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institute positive refugee policies.

Whether or not the community reacts with resentment against the resource strains imposed by refugees depends on the social receptiveness of the community. Communities which welcome refugees are less likely to resent and protest the refugees' presence when hardships result. For example, the recent outflow of Liberians into neighboring countries created severe strains on food, firewood and housing, but local villagers welcomed the refugees, and shared their resources with them.\(^{10}\) The response of local communities to refugees is important both because it influences local officials, and because local people, usually the first to encounter refugees, can either help refugees or create problems for them by turning them over to the authorities.

What influences the social receptiveness of the host community towards refugees? We consider the following factors to be important: the definition of refugees or asylum arising from religious and cultural traditions; ethnicity and kinship; membership and assimilation norms; beliefs about the character and motivation of refugees; historical experience both with and as refugees; and perceptions about refugees' treatment (i.e. assistance)

\(^{10}\) According to UNHCR, (Refugees, September 1990: 6.) by August 1990 there were more than 250,000 Liberian refugees in Guinea, 150,000 in Cote d'Ivoire, and 30,000 in Sierra Leone. Whether the local villagers will continue to welcome the refugees if their stay turns out to be a long term one, is another matter.
compared with that of locals.

The definition of refugees.

Farr and Lorentz argue that the meaning the community ascribes to the term "refugees" influences their response:

To the Pakistani, refugee status is embedded in several layers of meaning that determine how the refugee deals with his situation in Pakistan, and how Pakistan deals with the refugee.\(^{11}\)

The definition is influenced by cultural, historical, and religious factors. Various religions, particularly Islam, have traditions concerning the offering of temporary refuge or asylum from political persecution. According to Ghassan Maarouf Arnaout, in 1987, seven million out of ten million refugees of concern to UNHCR lived on territories of member states of the Islamic Conference. Arnaout argues that

\[d]espite the considerable burden represented by the presence of millions of refugees on their territories, the countries of the Arab-Islamic world continue to open their doors to refugees. ... It could not be otherwise since the very foundations of the Arab-Islamic civilization are based on the principle of hospitality and assistance to others.

... If today Sudan, Pakistan, Somalia, Iran and the Arab countries of the Middle East harbour millions of uprooted persons, it is ... because this is in conformity with their tradition and their calling.\(^{12}\)

\(^{11}\) Farr and Lorentz, p.40.

Arnaout points out that most of the constitutions of the Arab countries contain provisions guaranteeing the right of asylum, and some Arab countries (Iraq, Lebanon, Sudan) promulgate laws granting asylum to foreigners. However, not all the Arab countries have acceded to the 1951 Convention and the 1967 Protocol; of those which have, all except North Yemen are on the African continent.\textsuperscript{13}

In countries where religion has become salient, as in fundamentalist countries like Iran and Sudan, the religious element in the meaning of refugees is likely to be of particular importance in a community's receptiveness. According to Farr and Lorentz,

\begin{quote}
The resurgence of religious sentiment and the emergence of the Islamic political parties both among the refugees and in Pakistan has made the religious definition of a refugee somewhat more important than had secular groups been in power.\textsuperscript{14}
\end{quote}

Ethnicity and kinship.

An important source of communal support for refugees derives from ethnic and kinship bonds, which include similar languages or cultures. Refugees who join receiving communities of the same ethnic group, or where there are kinship links, are likely to be welcomed and assisted.

\textsuperscript{13} Arnaout 1987: 45. Those Arab countries which have acceded are Algeria, Djibouti, Egypt, Morocco, Somalia, Sudan, Tunisia, and the Yemen Arab Republic.

\textsuperscript{14} Farr and Lorentz, p.41.
However, Myron Weiner argues that although ethnic affinity appears to be the most likely predictor for the acceptance or rejection of migrants, there are many exceptions, and ethnic affinity cannot explain the variance in the responses of receiving countries. Nor does ethnic affinity explain variant responses within the same ethnically defined area. Farr and Lorentz point to the "great variation within the Pushtun areas of Pakistan as to how the [Pushtun] refugees have been received." Some Pushtun tribes in Pakistan, such as the Mohmand, have rejected any refugee settlement; in other tribal areas, refugees have been allowed to settle, and in still other Pushtun areas there have been mixed results.

In much of the Third World, especially Africa, ethnic and kinship groups are divided by international borders, which were often arbitrarily placed by colonial authorities.


16 In Pakistan's Northwest Frontier Province, where "Pushtun nationalism has periodically been a political force", the Zia government feared that the influx of Afghan Pushtuns would augment the numbers of Pakistani Pushtuns, and thereby increase the likelihood of a separatist movement. However, no increase in Pushtun nationalism took place. Instead, rioting between Afghan and Pakistani Pushtuns occurred in Peshawar, demonstrating, "that Afghan Pushtuns are different from Pakistani Pushtuns" (Farr and Lorentz p.43).

17 Nevertheless, Farr and Lorentz (p.43) argue that in NWFP there has been a minimum of trouble given the size of the refugee migration and the physical damage it has done. In other parts of Pakistan the influx of a great number of Pushtun is less welcome.
These borders are seldom policed or even well-defined, and people have always crossed them freely—to trade, find employment, or visit friends and relatives. Since the other side of the border was traditionally a place to find shelter when conflict or crisis arose in one country, these trade and communication routes were (and are) often used by refugees,\(^18\) when the crisis subsided, the asylum seekers returned home.\(^19\) This fluid situation still occurs when disturbances are on a small scale. When large influxes occur, and when the crisis does not subside quickly, buildups of refugees occur. These buildups, together with the involvement of the state and international organizations, may result in changes in the attitudes of the local community towards the refugees.

\(^{18}\) For example in Pakistan the areas around Peshawar, Miram Shah and Chitral in Northwest Frontier Province, are all on traditional routes from Afghanistan, and are the locations of numerous large refugee camps. See Farr and Lorentz, pp. 28-29.

\(^{19}\) The insignificance of national borders for many peoples is illustrated by the Pushtun refugees from Afghanistan in Pakistan. For them, according to Farr and Lorentz, (p.41), "the Afghanistan-Pakistan border, the Durand line, does not constitute a national border, but divides the Pushtun area, Pushtunistan, in half. Since something like 80 percent of the Afghan refugees are Pushtun, they do not see themselves as refugees, in the sense of having fled to a different cultural area, but simply see themselves as having gone to a different part of their own homeland, the part that happens to be in Pakistan."
Membership norms.

In addition to ethnic and religious factors, the community's response is affected by norms of membership, or willingness to assimilate foreigners. When refugees cannot claim ethnic or cultural similarity, their reception and treatment may depend on the degree of monism versus pluralism in the receiving community. Weiner argues that countries are characterized by norms governing who is admitted, the rights and privileges of those allowed to enter, and the potential for citizenship. When these norms are violated, basic values are threatened. Countries characterized by strict norms of membership and nationality are less likely to incorporate ethnically alien refugees and migrants, and may even have political groups advocating the return of aliens.

Historical experience.

A community's historical experience with refugees also

20 Kunz (1981: 49) argues that refugees' chances for advancement in augmentative societies depend on whether the community is multi-ethnic, pluralistic and open to all comers, or mono-ethnic, pluralistic and "gives significant preference to sib-arrivals from countries of affinity, but keep only the servant door open to peoples of other races and traditions."

21 Weiner 1990: 18-20. One example of a strict norm of nationality is that of consanguinity, which is based on the notion of jus sanguinis. According to this norm, citizenship is only granted to those who are children of citizens, or who are descended by blood from the volk. Countries with such laws include Germany, Israel, and Nepal.
influences its social receptiveness. Most receiving countries have had previous waves of refugees, and there can be lingering resentment over these earlier groups. For example, many of the six million Moslems who left India for Pakistan at the time of Partition settled in the Sind, where they (the Mohajirs) eventually dominated the poorer Sindis. The situation led to tensions between the two groups, which persist today, and those Sindis who resent the Mohajirs did not welcome the later influx of Afghans.  

A community which has itself had to flee violence and disruption or has had experience of being persecuted, is more likely to be sympathetic to refugees. This is especially the case where the receiving community was once welcomed and helped by the incoming refugees. Since many border communities in the Third World have had refugee experience, it is not uncommon for reciprocal help to be offered. Examples include communities in Zimbabwe (then Rhodesia) and Mozambique, Ethiopia and Sudan, Uganda and Sudan, Rwanda and Burundi, and Iran and Iraq.

In sum, social receptiveness is an amalgam of religious, cultural, ethnic and historical factors, any one of which may take priority in a community's response to refugees. Social receptiveness can be analytically distinguished from beliefs about refugees in that the former

22 Farr and Lorentz, p.44.
tends to be more deeply rooted in a community, whilst beliefs can change more quickly.

Beliefs About Refugees.

Proposition #4. **The more positive the community's or government's beliefs about the motivations of refugees, the likelier are positive refugee policies.**

The willingness of the local community and the government to absorb a refugee influx is influenced by their beliefs about the character and motivation of the refugees. If it is believed that the refugees have a genuine claim to asylum, that is, that they left their homes unwillingly, because of danger to their lives, people are more likely to help them than if they believe the refugees are opportunistic, or motivated by economic goals. Loescher and Scanlan describe the domestic backlash that grew in the U.S. during the Mariel boatlift, after it was discovered that some of the migrants had criminal records or histories of institutionalization, and had been selected for the trip by the Castro government:

Suddenly, the new arrivals were labeled indiscriminately as misfits, their admission attributed to political miscalculation on President Carter's part and malice on the part of Castro. Similar attitudes were displayed towards Haitians who arrived in increasing numbers in 1980...\(^23\)

Negative beliefs about refugees may be motivated by psychological fears, or by earlier experiences with refugee

\(^{23}\) Loescher and Scanlan 1985: 32.
movements. Scheinman links negative beliefs about refugees with the sense of loss of control and fear of being overwhelmed that results from mass influxes.\textsuperscript{24} When refugees are believed to be responsible for social problems that arise or increase with their arrival, antagonism towards them may override the welcome resulting from ethnic or religious attitudes. In Pakistan, many people held the Afghan refugees responsible for the increases in the availability of arms and level of violence, and for the burgeoning drug trade. This blame led to tensions between refugees and locals despite ethnic and religious compatibility.

The attitudes and beliefs of the local (and national) community are not frozen. The presence of refugees can lead to attitude changes, in a negative or positive direction, as a result of the costs or benefits incurred by the community from refugees. Also, refugee organizations, or their proxies, voluntary organizations, actively seek to change the attitudes of natives through lobbying or public relations. This has been the case, for example, in the U.S. with respect to Central American refugees. Attitudes towards refugees are also affected by changes in the sending country: if peace comes, the host community may begin to believe that the refugees should return home, and prior positive beliefs about the validity of the refugees' claim

\textsuperscript{24} Scheinman 1983: 81.
to asylum can become negative.

A community's beliefs about who "deserving" refugees are, often differs from what the law or government says. The local community may believe the refugees to be fleeing their homes for valid reasons, despite a law which states that no refugees may enter. Where community attitudes are at odds with the government's position, policy implementation is difficult.

The Perceived Permanency of Refugees.

Proposition #5. Refugees who are perceived to be temporary are more likely to engender positive refugee policies than those for whom there is little likelihood of return or resettlement.

The willingness of a government to accept refugees is likely to be influenced by whether it thinks the refugees will be a temporary or permanent burden. Where refugees are perceived to be permanent, that is, where their repatriation or resettlement in other countries seems unlikely, a government is more likely to adopt policies that seek to inhibit their admission or encourage their departure. Such policies include closing the border, more restrictive status determination requirements, and humane deterrence.

How do host governments evaluate the potential permanence of the influx? Hosts take into account the existence of resettlement programs, or the prevailing international climate for future resettlement of refugees. The causes of the outflow are indicative of the likelihood
of return. Refugees fleeing ethnic persecution by their government are less likely to be able to return than those fleeing disturbances created by war or civil insurrection, which may eventually subside.

**How Domestic Abortion Capacity Affects Government.**

In order to show how domestic capacity variables affect the government, we need to specify the mechanisms, or linkages between the social environment and the political system. A government confronted with a local community that has low economic capacity and is unresponsive toward refugees will not necessarily implement negative refugee policies. Aside from the fact that national security considerations or foreign policy considerations may override local factors, in most cases, resource strains only become relevant for the government if they result in local resentment, which in turn leads to political disturbances. Dankwart Rustow’s advice about genetic theories of democracy is relevant:

> Wherever social or economic background conditions enter the theory, it must seek to specify the mechanisms, presumably in part political, by which these penetrate to the democratic foreground.

Another way of understanding these linkages between socioeconomic conditions and the government is through the notion of state autonomy. In military or personalistic

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regimes the linkages between the state and civil society are weak, the state is less accountable, more autonomous, and more likely to make policy decisions based on other considerations.\textsuperscript{26} States that are characterized by greater public accountability will be more influenced in their policy making by civil society influences. For example, in the U.S., according to Loescher and Scanlan, the negative public perception of the Cuban-Haitian influx cast doubts on the wisdom of President Carter's generous U.S. asylum policy. Those doubts led to a more restrictionist policy during the Reagan administration.\textsuperscript{27}

Political mechanisms or linkages take the form of protests, strikes, and demonstrations against refugees or refugee policies. The local community may also respond to overburdened facilities with "corruption based on increased competition for scarce resources, intercommunity violence

\textsuperscript{26} Jeffrey Herbst describes "situational autonomy" as "how open the government is to outside pressures on specific decisions made within the general decision-making process." The concept captures the extent to which the government is linked to societal pressures, how open it chooses to be to the demands of lobbying groups, and how susceptible the government is to different lobbying techniques. This is especially important in current studies of African politics, Herbst adds, because the failure of most African governments to develop strong national institutions such as parliaments and courts, has led analysts to ignore those institutions that do exist and which do affect governmental decision-making. See "Societal demands and government choices: agricultural producer price policy in Zimbabwe." \textit{Comparative Politics}, Vol.20, 1988. p. 286.

\textsuperscript{27} Loescher and Scanlan 1985: 32.
and protectionism."^{28} Local resentment is frequently
exploited for political purposes by opposition parties.\(^{29}\)

The significance of political linkages is illustrated in situations where high social receptivity constitutes a threat to the government. In ethnically diverse countries where precarious political balances have been achieved, refugee influxes often threaten this balance.\(^{30}\) Governments then seek to impose greater control on refugees, in an effort to avoid or reduce political repercussions. One strategy is to separate refugees from the local population by housing refugees in camps rather than allowing them to be self-settled. Even when ethnic threats are not a problem, governments may prefer to house refugees in camps, because doing so reduces their political saliency within the local community. Refugees in camps are more easily monitored, controlled and registered, all of which facilitate eventual repatriation.

In situations of either high or low social receptivity

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\(^{28}\) Cromwell 1988: 302.

\(^{29}\) For example, in several Pakistani cities, riots broke out over strained resources resulting from refugees. Refugees became an explosive issue in Pakistani politics, used by the political opposition to challenge the Zia government which came to place a high priority on a settlement of the Afghan conflict and the return of the Afghan refugees. See Farr and Lorentz, p.6.

\(^{30}\) Such ethnic threats are widespread. Aside from the already mentioned movement of Afghan Pushtuns into Pakistan's North West Frontier Province, other examples are the movement of Hutus into Burundi, Laotians into the Thai-Lao areas of Thailand, and Palestinians into Jordan.
host governments will not necessarily change their refugee policies accordingly. Governments may continue to support refugees in the face of mounting domestic tensions and controversy about refugees, as was the case with the Zia government in Pakistan,\(^{31}\) because other factors outweigh domestic political considerations. We now discuss these factors by examining our remaining propositions.

**National Security Threats.**

Proposition #6. *When refugees (are perceived to) threaten national security, refugee policies will be negatively affected.*

In the conventional understanding of national security, threats are defined in terms of military threats to the regime in power.\(^{32}\) Such threats arise either externally, from territorial incursions by enemy forces, or internally, from regional insurgencies by groups opposed to the government (communists, ethnic or religious minorities, separatists, etc.). However, recent thinking in the literature has departed from this militaristic conception of national security to incorporate environmental and

\(^{31}\) Farr and Lorentz, p. 80.

socioeconomic factors. These wider notions of security threats, such as that of Richard Ullman's, include events that threaten to degrade the quality of life for a state's inhabitants, or that narrow the range of policy choices available to a government or to nongovernmental entities. Such threats take the form of resource scarcities or natural catastrophes (such as earthquakes or hurricanes), both of which threaten the stability of the incumbent government by disrupting supplies of essential commodities to citizens.

These types of threats are particularly relevant for Third World regimes, as is illustrated in the case of the hurricane that struck Bangladesh in April 1991, one consequence of which was the destabilization of the government as a result of its inability to cope with the disaster.

In addition to those created by nature, resource scarcities arise from the rapidly expanding demand associated with increasing population. As Third World rural populations grow, renewable resources such as fuelwood, fish stocks, and clean water are consumed at greater-than-replacement rates. Rural people, no longer able to sustain themselves, migrate to urban areas, swelling the growth of cities, and reducing the ability of municipal services to

meet people's needs. As Ullman says:

Such cities are forcing grounds for criminality and violence. Some suffer a breakdown of governmental authority and become virtually unmanageable. Others are governable only by increasingly repressive means that lead, in turn, to a decline in the perceived legitimacy of the regime in power.\(^\text{34}\)

A third conception of national security, put forward by Nazli Choucri and others, seeks to integrate the traditional and revisionist views.\(^\text{35}\) According to this integrationist view, national security is comprised of three dimensions. The strategic dimension incorporates the traditional view of security, i.e. the ability of the state to defend itself militarily from external aggression. The regime dimension of national security is the capacity of the government to protect itself from internal threats to its legitimacy arising from domestic disorder and conflict. The structural dimension addresses the balance between a state's population and its resource endowments (food, water, living space), that is, the broad viability of society. This balance is upset when population demands on resources become too great,

\(^{34}\) Ullman 1983: 141. Ullman argues, however, that despite rapid urbanization Third World governments have been able to contain potential conflicts, because recent arrivals are preoccupied with retaining and expanding their economic niches, and are less concerned with forging revolutionary links among other dispossessed.

and the government is unable to contain them.\textsuperscript{36} Pressures from decreased structural security lead to a "crumbling" of the state, and a subsequent decrease in regime security. This three dimensional view proposes that national security is compromised when one or more of the dimensions is threatened or eroded.

According to this integrative definition of national security, a refugee influx potentially threatens all three security dimensions, either by creating new security threats or by aggravating existing ones. Refugees threaten structural security by increasing resource scarcities; they threaten regime security by fueling domestic dissatisfaction or by upsetting regional ethnic or religious balances; and they threaten strategic security by placing host countries at risk for external aggression. There are many examples of these different types of threats. Regime security has been threatened in such host countries as Pakistan and Thailand, when Afghan and Laotian refugees entered regions characterized by ethnic conflict, and changed the ethnic proportions in these areas. Even if the refugees do not actually engage in the domestic ethnic quarrels of their hosts, governments often perceive them to be a threat, and

\textsuperscript{36} Choucri (1991: 10-11) says that the containment of such pressures includes the management, regulation, diffusion or export of them, and/or the resort to external resources. The latter, however, always involves some cost in the form of transport, debt, debt service, barter arrangements, and so forth.
act accordingly, for example by committing extra security personnel to the region.

Regime threats also arise through refugees' effect on structural security. In most host countries refugees create (or aggravate) domestic discontent amongst local host populations by straining supplies of fuelwood, water and grazing, or by increasing competition for jobs and land. These strains have given rise to demonstrations, strikes and even riots by local communities, forcing the government to repress them, and thereby risking decreased popularity.

Almost all host countries experience strategic threats as a result of refugee influxes. Territorial incursions by foreign forces occur when refugee camps or areas of self-settlement are viewed as havens for the enemy. A frequent (sometimes true) claim by the attackers, is that the camps harbor guerillas—either by assisting them directly, or by assisting their families so that the guerillas are free to fight.37 Armed attacks against refugees are also

37 In both Southern Africa and the Middle East, the aggressor countries have used surrogate militia as well as their own regular forces. Botswana, Mozambique, Zambia, Lesotho, Swaziland, and Zimbabwe have all given asylum to refugees from South Africa, and have been subjected to repeated attacks by the South African military. The homes of urban refugees, as well as refugee camps and settlements were targeted, and many citizens of the host countries were caught in the attacks. According to UNHCR, between 1974 and 1986, 5,212 refugees and 41 nationals were killed in Southern Africa, in addition to thousands wounded (Mtango 1989: 93). The South African government justifies these attacks on the grounds of self-defence or hot pursuit, arguing that the refugees were involved in subversive activities against South Africa. In Thailand and Pakistan,
perpetrated by political groups within the asylum country, as is the case in Lebanon. Refugees themselves constitute real or perceived threats to the host government. Refugees fleeing communist countries are frequently suspected by host authorities of being a "fifth column." When refugees bring arms with them, as in the case of the Afghan "warrior-refugees" in Pakistan, they create a potentially dangerous armed community. Refugee camps often become dangerous places in themselves, especially those where long-term tenure has eroded hope and increased frustration, leading to high rates of crime and violence. Sometimes these problems spill over into the surrounding communities, because refugee camps are rarely secure. Finally, long-term refugee populations, particularly those that are forced to reside in camps or areas away from the mainstream, may develop resentment towards their hosts. This had serious implications for the Kuwaitis during the Iraqi invasion, when many Palestinian refugees collaborated with the invaders.

Security threats affect refugee policies negatively for

refugee camps have also been subject to attacks, on the (valid) suspicion that guerilla fighters are living amongst the refugees from Cambodia and Afghanistan. Attacks have also occurred against Salvadoran refugees in Honduras (where the attacks are thought to have been carried out by Honduran militia), and Guatemalans in Mexico.

These groups sometimes act on behalf of the government, as in the case of Honduras in 1985. See Mtango 1989: 90.
several reasons. First, national security always takes priority over refugees' interests, so if there is a conflict of interests, refugees are likely to lose out. National decision makers respond with negative refugee policies, either because they perceive their options to be limited, or because they see an advantage in doing so. Numerous examples of negative responses can be cited. Faced with strategic threats in the form of war with its neighbor Ethiopia, the Somali government responded by coopting Ethiopian refugees into the military, and sending them back into the Ogaden to fight the Ethiopian army. In several southern African countries where refugee settlements were attacked by the South African army, host governments sought to placate their attackers by returning refugees to South Africa, or obliging them to seek asylum elsewhere. The practice of refoulement, in which refugees are sent back to their home countries against their will, is a common response to perceived external threat, as is the exchange of refugees with the sending country.

Another reason for the greater likelihood of negative refugee policies is that with increased security threats the army becomes more influential in national affairs. The army is less constrained by public accountability than are other institutions, and army personnel tend to be more concerned about containing security threats than they are about refugee welfare. Containment frequently means controlling
refugees—either by keeping them out of the country, or by restricting them to camps. Under conditions of reduced security, host country authorities (police, immigration officials, military) become less willing to admit asylum seekers, and more willing to expel those admitted. Forcible repatriations may occur, or acquiescence in the abduction of refugees, and limits are more likely to be imposed on the activities of international agencies involved with refugees.  

Such negative policy responses to security threats are not ineluctable. Policy responses that reduce threats without endangering refugees are possible; they include relocating refugees away from dangerous border areas, and ensuring that refugee camps and settlements are exclusively civilian, not havens for guerilla fighters. Although doing so does not always prevent attacks, some host countries have refused to permit refugees to use their territories as staging grounds for subversive attacks against sending countries.

**International Relations.**

In formulating refugee policies, a host government is influenced by foreign policy considerations and its relations with three different types of international actors: a) the international refugee regime (including

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international and nongovernmental organizations, and the media); b) donor countries and regional allies; and c) the sending countries. However, refugee policies can also be used as instruments of foreign policy by host governments,\(^{40}\) with refugees as the bargaining chip.

**Relations with the International Refugee Regime.**

Proposition #7. *A high degree of interaction with the international refugee regime positively influences refugee policies.*

The international refugee regime affects the behavior of host governments for both practical and normative reasons. Normatively, the hope is that the regime's influence can "persuade individual nations to subordinate their narrow political interests to broader humanitarian concerns."\(^{41}\) However, as Leon Gordenker points out, the reaction of governments to the efforts of international organizations to set behavioral patterns through recommendations, urgings,

\(^{40}\) For more discussion of the uses of refugee policy as an instrument of foreign policy, see Zolberg et al 1989: 273-275; and Weiner 1990: 13.

\(^{41}\) Loescher and Scanlan 1985: 3. The writers argue that the refugee regime is not autonomous, and some nations, particularly the United States in its dealings with Caribbean Baisin refugees, have engaged in political interference. The politicization of refugee issues has resulted in conflict between the U.S. and UNHCR. This conflict, the writers argue, demonstrates the practical limitations of humanitarian principles, and the limitation imposed by a major power on the operation of an international regime.
demands, and rewards, is [not] well understood.\textsuperscript{42} In this section we identify the sources of pressure brought to bear by the international refugee regime on receiving states, and the ways in which the regime is constrained in its influence. While international assistance positively affects the country's absorptive capacity by providing increased resources, it may have a negative effect on governmental willingness to implement positive policies, because of the government's unwillingness to relinquish national sovereignty over decision-making.\textsuperscript{43} From the host government's perspective, the international refugee regime is both a boon, and a boondoggle.

The carrot: financial assistance.

An important source of leverage used by international organizations, donor countries, and nongovernmental organizations is financial assistance. Although there are some bilateral refugee programs, most assistance is channeled through UNHCR, which provides refugee relief in the form of food, trucks, kerosene, medical equipment, and


\textsuperscript{43} Gary Freeman, among others, has called for comparativists to give attention to the question concerning the extent to which, and under what conditions, states exercise autonomy within the international system. See "The external sources of domestic public policy", p.4. Forthcoming.
so forth. International refugee assistance also provides foreign exchange, creates opportunities for local employment, stimulates domestic markets by purchasing local products for refugees (such as food), and adds infrastructure when refugee camps are constructed. Since many Third World receiving countries are strapped for resources and foreign exchange, UNHCR's contribution to refugee programs has a considerable economic effect. For example, the cost of refugee relief to Pakistan in the mid-1980s was about a million dollars a day, all of which was financed by contributions from foreign governments (channeled through UNHCR) and private voluntary organizations.45

However, international assistance may also lead to problems in the local community. Development programs can be distorted by the presence of international assistance. The effect on local markets can disrupt local arrangements for food production and distribution, and lead to increased corruption arising from the sudden availability of valuable goods such as medicine and shelter materials.46 Local resentment may be aroused by the perception that refugees

44 In some host countries, including Thailand and Zimbabwe, the government requires that food for refugees be purchased locally.

45 Farr and Lorentz, p.21.

46 Gordenker 1987: 54.
are receiving unfair advantages. A Another problem is that the presence of resource-rich international organizations increases the likelihood of refugees staying in a country, and can lead to refugees becoming permanently dependent on outsiders for help.

Assistance (and the threat of reducing it) opens opportunities for influence. On receiving a request by the government for assistance, UNHCR specifies and seeks agreement on standards for the operation, and assumes a watchdog role during the operation. This involvement ensures that UNHCR will be a factor in decisions made by those executing the relief programs. Financial assistance is sometimes used quite explicitly to persuade host governments to maintain liberal asylum policies, as has been the case in Somalia.

However, UNHCR's influence through assistance should not be overestimated. Host governments have their own form of leverage over international organizations. It is up to the government to grant permission for international

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47 Cromwell (1988: 302) cites a common problem: "The 'special treatment' seen to be given to refugees by agencies has been a significant cause of hostility and violence in some areas. Imbalances in services lead to resentment and other, previously insignificant, cultural differences are made a basis for hostility as they become symbols of differential access to agency resources."


49 Gordenker 1989: 293.
organizations (and voluntary agencies) to work in the country, and at any time the government can order the organizations out. Since the purpose of the refugee organizations is to work in asylum countries, they are always at the mercy of the government, and must take into account government wishes. As Gordenker points out,

Governments working with UNHCR to assist refugees know perfectly well that they ultimately control the programs and never prove infinitely malleable.\textsuperscript{50}

The stick: publicity and the presence of international personnel as sources of pressure.

The influence of the international refugee regime over state behavior arises in part through host governments' desire to be in good standing in the international community. The publicity given to refugee abuses is a political consideration shaping host governments' responses to refugees, and this is used by refugee organizations to pressure host governments towards more positive refugee policies.\textsuperscript{51} In recent years, host governments such as Thailand and Somalia have approved refugee programs only after extensive publicity in western media, particularly in the donor countries.

However UNHCR's use of publicity is constrained by the

\textsuperscript{50} Gordenker 1989: 293.

\textsuperscript{51} Loescher and Scanlan 1985: 3.
requirement that it be present in the host country at the invitation of the government. It is not in UNHCR's interests to antagonize host governments, and as Gordenker argues, UNHCR has little incentive to inveigh against destructive or illegal acts of governments in regard to refugees...[and] uses the instrument of publicity with great caution."\(^5\)2

Non-governmental organizations (NGOs) are usually less concerned about antagonizing host governments through negative publicity, and have exercised this option more frequently, running the risk of being ejected from the country by an irate government. The willingness of NGOs to risk governmental wrath is sometimes taken advantage of by donor countries reluctant to act in their official capacities. In one Southeast Asian receiving country, U.S. embassy officials became aware of pushbacks and abuses of Vietnamese boat people at a time when it was diplomatically inexpedient for the embassy to remonstrate with the host government. Embassy officials tipped off a voluntary agency, which proceeded to publicize the events in the U.S. The host government subsequently stopped the abuses (at least for a short period), denounced the perpetrators, and made efforts to bring them to justice.

In the above example, relations cooled significantly between the government and the voluntary agency, but the

agency was not asked to leave the country. However, the use of publicity by NGOs to pressure host governments towards improved treatment of refugees may backfire if the government is antagonized and the NGO is thrown out of the country. Their efforts also fail if host governments drop unpopular projects when publicity is high, then quietly resume them later, after publicity has receded, as happened in the Honduran relocation case mentioned in Chapter Two.

UNHCR officers in asylum countries have some influence in host government decision-making. Field officers monitor national refugee policies, furnish information to government officials, the media and voluntary agencies, and consult with government officials and ministers as to the country's legal obligations. They also provide links with Geneva, and create diplomatic channels for influencing host government officials—and thereby refugee policies. Field reports sent to Geneva often contain specific recommendations about how UNHCR should react to developments in the host country. The reports might, for example, recommend that UNHCR pressure the host government's UN representatives in Geneva, or initiate visits by high ranking officials to the host country. In this way the presence of UNHCR's field officers acts as a source of pressure on host governments. For example, host governments may believe it is safe and appropriate to close camps and repatriate refugees, but they may be pressured by international officials who believe
otherwise.

Institutional constraints on UNHCR.

UNHCR's ability to exert pressure on receiving countries is bound by legal, operational and financial constraints, as well as by political ones.\(^{53}\) Legally, UNHCR must obtain the consent of the government of the receiving country where its program is to be carried out. Although UNHCR officials try to influence the government's decision-making about refugees, UNHCR has no legal authority over UN member states, even those who have acceded to international refugee conventions. It has no formal share in national decision-making, and

is powerless to change the course of a stubborn government (or its ignorant official) that tends to violate treaty commitments to protect and aid refugees.\(^{54}\)

In emergency situations where UNHCR is not present in the receiving country, field officials "may actively urge the government to make a request for UNHCR services and even frame the request."\(^{55}\) However, discretion is needed in

\(^{53}\) As Gordenker (1989: 275-276) points out: "UNHCR is not an organization of sovereigns, but a dependency of an intergovernmental organization. Its constitution is not a treaty ratified by its membership. The budget is made up of voluntary contributions by governments, not of obligatory assessments. The Executive Committee ...is [only] advisory."

\(^{54}\) Gordenker 1989: 280.

such circumstances, because it is UNHCR doctrine that the host government must request services, and that UNHCR must not forecast refugee flows. Gordenker states:

Whatever the diplomatic fictions, UNHCR must steer a course between pressure that would be resented by a host government and the possible accusation of inaction in case of a developing emergency.\footnote{Gordenker 1989: 290.}

UNHCR's non-operational mandate means it must rely on other organizations, or the host government to execute assistance programs, and here again the host government retains the last word. However, in recent years, with the expansion of the mandate of the UNHCR, UNHCR has on occasion conducted operations.

UNHCR's ability to allocate financial assistance is also institutionally constrained. UNHCR's annual budget in 1985 was more than $450 million, and therefore quite substantial by the standards of international institutions. However, only a small portion of the budget is a regular contribution apportioned by the U.N. General Assembly;\footnote{The regular apportionment was 2.8% in 1985 (Zolberg et al 1989: 355). Most of the substantial contributions are by the relatively rich U.N. member states--those belonging to the Organization of Economic Cooperation and Development.} with the exception of an emergency fund of $10 million, the budget is limited to contributions by donor governments who are subject to demands by multiple international programs. Recently the financial crunch created by the need for simultaneous refugee programs in the Horn of Africa,
Southeast Asia, and Afghanistan, led donor countries to subject UNHCR to close scrutiny. An administrative subcommittee of the Executive Committee was created, and severe cutbacks in the UNHCR budget were implemented in 1989.

The politics of international refugee assistance also constrains UNHCR's influence. A number of writers show how the foreign and domestic policies of the leading donor countries have affected both the design of the UNHCR mandate, and the distribution of assistance to refugees. According to Gil Loescher, the policies of the international refugee regime

primarily reflect the interests and priorities of the major donor countries ... UNHCR and voluntary agencies simply lack the financial independence and institutional strength to challenge the large benefactors.

Political, financial and legal constraints restrict but do not eliminate UNHCR's influence on receiving states. The nature of these constraints fluctuates over time and varies by country, necessitating careful empirical analysis in every case. In most cases, UNHCR is institutionally more capable of financing and managing a response to a mass influx than is the host government. Faced with a refugee influx, the government's capacity to "make and execute


decisions, to frame objections and requests [to transnational organizations], and to bring expert knowledge to bear" may be limited.  

The institutional weakness of host governments gives UNHCR and other transnational organizations an advantage at the initial stages of the influx, and compromises the ability of the host government to resist their pressure.

The backlash: the issue of sovereignty.

The international refugee regime has another, less obvious effect on Third World governments: by interfering with the government's control over policymaking it aggravates existing sensitivities about sovereignty wrought by a mass influx of refugees.  A mass influx threatens the state because it demonstrates that borders cannot be controlled, and undermines the state's sovereign right to determine who enters the territory. The influx then creates a situation of dependence for the host government because in order to cope with the economic, social and security burdens refugees impose, governments must look to international

60 Gordenker 1983: 70.

61 Gordenker (1979: 17) comments on the existence of a paradox: newly independent governments see the presence of international organizations as a potential threat to sovereignty, yet membership in international organizations is often the first act signifying independence for new states. Gordenker says that, "The reality of the second half of the twentieth century is that economic and social programs may have steadily eroded the margins of de facto domestic jurisdiction."
organizations for aid.

This dependence on international organization gives the organizations certain power within the country, and affects the institutional capabilities of governments.\textsuperscript{62} Governments are often forced to adapt or compromise their preferred policy directions to accomodate the policies of international organizations helping them cope with the refugee burden. For example, international organizations and donor countries sometimes pressure host governments to adapt their development policies so as to incorporate long-term assistance for refugees. Such pressure is particularly resented by those in the government who advocate independence from imperialism and neo-colonialism. The problem is aggravated when international officials either do not recognize or ignore these "dependency sensitivities." Lance Clark argues that few international organizations provide "the political recognition and solidarity desperately required by genuinely popular third world movements and governments."\textsuperscript{63}

The relationship between voluntary agencies and the government can be especially sensitive. Godfrey Cromwell points out that many refugee programs run by voluntary agencies have expatriate administrators who view government

\textsuperscript{62} Barbara Harrell-Bond (1986) refers to the problem as "institutional destruction."

\textsuperscript{63} Cited in Harrell-Bond, 1986: 358.
officials as inefficient, indifferent, corrupt and inadequate. This "expatriate peer group ideology" leads expatriate administrators to adopt highhanded approaches to field operations, which creates friction with local officials.\textsuperscript{64} Cromwell envisions UNHCR, the national administration, and the expatriate agencies (some of which are funded by UNHCR) as a triumvirate, each viewing the other two as allied against it. Usually, UNHCR is viewed by either the national administration or the agencies as in league with the other. Relations between the three groups are conflictive, leading to "an environment of separatism." Government officials are left out of meetings to discuss programs, so that their resources and timing needs are not taken into account, and they react by asserting their independence with obstructive tactics. For example, the Sudanese government has refused to recognize voluntary agency staff, and has obstructed visa and work permit procedures. This "antagonistic policy-making" is a reaction against perceived threats to a government's sovereignty. Cromwell suggests that UNHCR can play an important role in forging links between the national administration and the external agencies.

Dependency sensitivities are affected by control over resources, particularly the assistance budget. Once the state permits international refugee organizations to provide

\textsuperscript{64} Cromwell 1988: 299-300.
assistance, a contractual arrangement is set up establishing the operating terms for the international organizations. In a number of cases there have been struggles between the state and UNHCR over who controls the budget. The outcome of these struggles is an indication of the balance of power, and reflects on the state's ability to retain sovereignty.

Our proposition stated that a high degree of interaction with the international refugee regime inclines a host government towards more positive treatment of refugees, but we have seen that high interaction is accompanied by countervailing tendencies, including institutional constraints and governmental sensitivities about sovereignty. These tendencies notwithstanding, we argue that the general direction of the proposition holds: the need for assistance, the avoidance of negative publicity, and the monitoring presence of international personnel all positively affect the host government's refugee policies.

International Relations with Donor Countries and Regional Allies.

Proposition #8. A host government is likely to implement positive refugee policies when doing so will improve its international standing either through increased status or material benefit. Conversely, a host government will not implement negative policies if doing so will negatively affect its standing.

The most frequent source of leverage used by donor countries on host governments is financial or military aid,
employed through the mechanism of direct diplomacy. Donor countries encourage favorable treatment of refugees by promising bilateral aid, or by threatening to withhold it. Another source of leverage on some host countries, is the promise of resettlement in third countries.\textsuperscript{55} By reducing refugee numbers, resettlement increases a host country's absorption capacity and the willingness of the government to adopt positive refugee policies. The resettlement policies of the U.S. had a considerable effect on Thailand's refugee policies: reductions in U.S. resettlement quotas after 1979 diminished Thailand's willingness to admit Cambodian asylum seekers.

The resettlement linkage between host and resettlement countries makes host countries vulnerable, but the situation can also be turned to the host government's advantage. Host governments can pressure resettlement countries to increase their acceptance of refugees by threatening to refuse admission to refugees, as the Thai government tried to do in 1979. In agreeing to give asylum to refugees in exchange for increased resettlement quotas, or financial reimbursement (as the Somali government has done), host governments manipulate international relations to their own advantage.

Host countries which are members of regional alliances

\textsuperscript{55} Resettlement has been an important solution to the refugee problem in Southeast Asian countries, but it has not been vigorously pursued as a solution for African countries.
such as ASEAN, or the frontline states of southern Africa, are frequently subject to pressure to act in solidarity with regionally worked out asylum policies. For example, the ASEAN countries agreed to coordinate their policies concerning Vietnamese asylum seekers so as to present a united negotiating front both to Vietnam and to the international community.

Conflicts that give rise to refugees often attract the attention of other governments with security interests at stake.\(^{66}\) As Gordenker points out, this international interest raises the political salience of refugee programs for host governments, who often react by trying "to forge links between the presence of refugees and military and economic cooperation from major donors, especially the United States."\(^{67}\) By increasing the price of their patience with refugees, and calling upon other governments to finance refugee programs, governments like Pakistan have benefitted from the presence of refugees. Whether these gains trickle down to benefit refugees, is a separate issue, however.

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\(^{66}\) Where there is significant political turbulence, the UN Security Council or the General Assembly may become involved, but as Gordenker (1983: 68) says, it does not automatically follow that the matters of refugee flows caused by fighting will be taken up by the Security Council, as indeed it was not in the Cambodian case.

\(^{67}\) Gordenker 1983: 69.
International Relations with Sending Countries.

Proposition #9. **Positive refugee policies are more likely to be implemented when they will either embarrass an unfriendly sending country, or not embarrass a friendly one.**

Sending and receiving countries can manipulate refugee flows so as to embarrass or pressure each other. On the part of sending countries, refugee flows are created as a means to destabilize the receiving country, to force recognition of a sending country, or to stop interference by a receiving country in a sending country's affairs. For example, in the early 1980s, Southeast Asian receiving countries accused Vietnam of sanctioning mass departures in order to embarrass countries in the region.

In turn, host governments can adopt policies towards refugees that are intended to embarrass or pressure unfriendly sending countries, or prevent embarrassment to friendly sending countries. An example of the latter situation is a host government's decision to recognize asylum seekers as refugees. The bestowal of refugee status upon asylum seekers implies that the sending government persecutes its people, and a host government may not wish to implicate an ally in this way.\(^6\) According to Ronald Scheinman, "the granting or withholding of refugee status

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\(^6\) In fact, it is not always the government of the sending country that is responsible for a mass outflow of its citizens. In situations of civil war and internal disturbance, people flee both sides of the conflict, or simply the general state of disruption, rather than the government itself.
has become an instrument of the receiving state's diplomacy toward the sending state."69 In an attempt to prevent the moral implications for the sending country government when neighboring countries grant refugee status, the OAU 1969 Convention on Refugee Problems in Africa (Art.II, para.2) states explicitly that "the grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State." However, despite this injunction, states often make decisions about conferring refugee status only after considering the implications for their relations with the sending government. An example is the case of Zimbabwe, which for several years refused to define the Mozambican asylum seekers on its territory as refugees, because the government did not wish to implicate the Mozambican government, with whom the Zimbabweans had very good relations.

Much of the literature on the effects of foreign policy considerations on refugee policy has addressed western countries. The United States's relations with sending countries like Cuba and Haiti provide a leading example of how geopolitical and ideological considerations affect refugee policies. Since Cuban asylum seekers were leaving an unfriendly communist country, the U.S. was willing to define them as refugees, even though they could not prove individual persecution. Asylum seekers from Haiti, in a

similar situation, but not from a communist country, were not eligible for refugee status.\textsuperscript{70}

Relations between sending and receiving countries are a factor in most cases of refugee policy formation in the Third World. According to Zolberg et al,

Most countries ... have their "Haitian-Cuban syndrome"; that is, they accord differential treatment to asylum applicants making similar claims for assistance.\textsuperscript{71}

One of the few studies of Third World countries on this subject is Peter Poole's work on the Dien Bien Phu Vietnamese refugees in Thailand.\textsuperscript{72} Poole argues that relations between the Thai government and the two Vietnamese governments influenced Thai policies towards Vietnamese refugees.

However, relations between sending and receiving countries do not always help predict how refugees will be

\textsuperscript{70} Some of the case studies addressing the role of foreign policy considerations in U.S. policy towards refugees in the Caribbean Baisin, and the conflict that emerged between the U.S and UNHCR during the 1970s and '80s, over eligibility determinations, include Loescher and Scanlan, Human rights... (1985), and Calculated Kindness..(1986); R.L. Bach, The Cuban exodus: political and economic motivations, in The Caribbean Exodus, Edited by Barry B. Levine (New York: Praeger. 1987; and Zolberg et al, Escape From Violence.. 1989.

\textsuperscript{71} Zolberg et al: 1989: 273. The authors cite examples of Pakistan's treatment of the Iranians (positive) versus the Afghans (negative); India's positive treatment of Tamils versus Afghans; and Honduras's differential treatment of Salvadorans (negative) versus Nicaraguans (negative).

treated once they are admitted. A receiving government at war with the sending country may admit refugees (a positive policy step), only to use them in its conflict with the sending country (a clear violation of UN recommendations). For example, during the Ogaden war with Ethiopia, Somalia assumed an irredentist stance towards parts of Ethiopia. It therefore viewed some Ethiopian refugees as Somalian citizens and adopted an informal "law of return" towards them. But the government also expected the refugees to do military service, and sent them back into the Ogaden to fight the Ethiopian army. Refugees fleeing a country which has traditionally been an enemy of the receiving country, may be treated with the hostility directed towards all natives of that country. The treatment of Vietnamese refugees by many Southeast Asian countries is an example of a case where "my enemy's enemy is not my friend."

Ideological considerations also influence a host government's refugee policies. Governments which are committed to nationalism (eg. African, Arabic, German), may welcome refugees who are of the same nationality. Governments which are opposed to particular political systems are likely to welcome refugees fleeing those systems. The United States has welcomed asylum seekers fleeing socialist countries, but refused those seeking asylum from governments it supports.

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Finally, the refugees themselves (or their proxies, refugee organizations) can also influence relations between host and sending countries. Much of the work on migrants as transnational political influences is relevant. Myron Weiner shows that political activity by migrants, such as sending money (or arms) home, the use of the media to criticize the sending country, and direct lobbying of host governments, influences the attitudes of the local population, and may have the effect of straining relations between sending and receiving governments. Although refugees may have a similar effect on host governments, in most situations of mass influx in the Third World, refugees have fewer organizational resources, and are dependent on the goodwill of the host country. An exception is what

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75 According to Weiner, migrants "attempt to influence the host government to intervene in the internal affairs of their country of origin, to promote human rights, religious freedom, democratization, self-determination, or political independence." (See "The political aspects of international migration." Paper given at the Inter-University Seminar on International Migration, Center for International Studies, M.I.T., March 21, 1989. p.71-72.) Examples include pressure on the U.S. government by Zionists to create a Jewish state in Palestine, and by Palestinians for a Palestinian state, from Tamils for autonomy from Sri Lanka, and from Sikhs for autonomy from India. In Western Europe governments are also pressured by these groups, and by Timorese, Pakistani Kashmiris, Greek Cypriots, and South Moluccans.
Zolberg describes as "refugee-warrior" communities. These are:

...not merely a passive group of dependent refugees but ... 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.\(^76\)

Refugee-warrior communities include the Khmer on the Thai-Cambodian border, the Eritreans in Sudan, and the Afghans in Pakistan. Because of their usefulness as foreign policy instruments in international rivalries, these communities are able to secure material and diplomatic support from external patrons, such as the U.S. and (until the 1990s) the Soviet Union.

Just as they weigh the costs and benefits of accepting international assistance in its various forms, so host governments take their relations with the sending country into account when formulating refugee policies. These international factors are combined with considerations concerning the country's absorption capacity and its national security situation. But the end result is not a neat solution yielding a rationally evolved refugee policy. Mixed in with the three types of considerations are bureaucratic politics, power struggles between government ministries and amongst decision makers, paucity of

information, and various other complications that can only be empirically discovered. We have not addressed these complications in our discussion of the propositions, but as we turn to our two cases we will explore how our propositions blend together with bureaucratic and political complications to produce refugee policy outcomes.
Map 1.

Refugee Flows into Thailand.
Chapter Four.


Introduction to the Case Study.

Thailand is a good example of a receiving country that pursued restrictive or illiberal refugee policies. At various points between 1975 and 1985, Thai authorities implemented humane deterrence policies, and measures to restrict entry, including orders to border officials to refuse entry, sanctions against ship captains who picked up "boat people," and screening programs. The Cambodian border was closed at intervals. Measures to encourage departure included voluntary repatriation and relocation programs, as well as forced repatriation. On occasion, orders were issued to push boats carrying asylum seekers back to sea. Asylum seekers were not recognized as refugees,\(^1\) were given few rights, and were not adequately protected. Few options of local integration or settlement were open to refugees; their options were to repatriate or be resettled in third countries. Those refugees for whom these options were not feasible languished in camps and centers with minimal living standards, often for many years.

\(^1\) Throughout the case study we use the term "refugees." Official Thai documents and most newspapers tended to use the terms "displaced person," "asylum seeker," and "illegal alien." However, in interviews and conversation, and in some documents, government officials and other Thai usually referred to "the refugees." Officials from international organizations and donor countries use the term "refugees."
Why did Thailand, a country of some wealth and resources, pursue these restrictive policies? In this chapter we explore the relevancy of our propositions for the three policy areas identified in Table 1: the legal-bureaucratic context; the response to international refugee organizations; and the admission and treatment of refugees. We examine the evolution of these policies between 1975 and 1985 with respect to the Indochinese refugees who entered Thailand from Laos, Vietnam, and Cambodia.

**Refugee Flows.**

In 1975, as the war in Indochina drew to a close, communist takeovers occurred in Vietnam, Cambodia and Laos, and these changes of government greatly increased the refugee outflows that had begun in the early 1970s. Over 2

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2 Indochinese refugees refers to those originating from Cambodia (largely Khmer people), Laos (both lowland Lao and highlanders), and Vietnam (both of Chinese origin and ethnic Vietnamese).

3 Thailand has a long history as an asylum country. Between World War II and 1975, Thailand received more than 80,000 refugees, including communist Viet Minh who fled Vietnam in 1945-46 after the French reconquered northern Vietnam; and former supporters of the French who came in the early 1950s after the French were defeated at Dien Bien Phu, and before the 1954 Geneva Accords were signed. Non-Indochinese refugees included some 11,000 Kuomintang Chinese, supporters of Chiang Kai Shek, who entered the northern part of Thailand after the Chinese Revolution in 1949 and are still resident there, active in the opium trade. From Burma more than 30,000 ethnic Burmese entered Thailand in 1959, and since then there has been a steady influx of minority groups, including Karen, Mon, Kachin, and Shan, who flee to Thailand as a result of conflict with the Burmese military. In addition, since 1959 ethnic Thai-
the next decade or so some 1.7 million people left, of whom 1.3 million were resettled in the United States and other industrialized countries. At least five ethnically distinct refugee groups entered Thailand: the Khmer from Cambodia, ethnic Vietnamese and Chinese from Vietnam, and from Laos, the lowland Lao and the highlanders or Hmong (see Map 1, and Tables 2 and 3). Each group was characterized by differently structured flows, and was treated differently by the Thais. For the purposes of policy analysis, the decade between 1975 and 1985 can be divided, according to the volume of refugee flows, into two main periods separated by a crisis phase.

The first period of influx lasted from mid-1975 to late 1978, and consisted mainly of Laotian arrivals, their movement into Thailand facilitated by a long and porous border. By the time the communist Pathet Lao came to power at the end of 1975, there were already more than 54,000 Laotian refugees in Thailand. Until 1981, when Thailand instituted more restrictive policies, the annual outflow from Laos amounted to some 150,000 persons—almost one-tenth of the total population (3.3 million) of Laos and twice the

Cambodians from the Cambodian island of Ko Kong have migrated to Thailand, but have been largely neglected by Thai authorities.


5 Robinson, 1989.
rate of the outflow from Vietnam. The Laotian refugees came from different social groups. The first group to leave was the highlanders, "royalist" forces who had been trained by the CIA during the war, and who continued their resistance after 1975, especially when the new government attempted to integrate them with control measures. A second group consisted of ethnic or lowland Lao. Amongst this group were what Zolberg calls those that are "generic to a revolutionary situation:" members of the ancien regime, soldiers from defeated armies, and functionaries of the old order. Their exit began in late 1975, after the new government rounded up former Royal Lao Government officials and royalist sympathizers, and took them to "reeducation

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7 The highlanders are ethnically divided into the Hmong or Meo (78%), and the Mien or Yao, along with several smaller ethnic groups. Since 1961, the Hmong had been the main ethnic group from which the CIA recruited its "secret army" to fight the Pathet Lao and their Vietnamese allies in Laos. Between 1963 and 1971, an estimated 18-20,000 Hmong combatants were killed, and many more civilians died as they fled the battle zones. The estimated Hmong population of Laos was 300,000 in 1970; by 1973 some 120,000 of these people were displaced within Laos. As the Pathet Lao and their allies consolidated for victory in 1975, the CIA airlifted 3,000 Hmong troops headed by General Vang Pao, into Thailand. Another 60,000 Hmong established a base in the southern mountains of Laos, and "thousands more fought their way to the Mekong River and crossed to Thailand" See Robinson 1989: 4.

camps" for their socialist transformation. ⁹ Lowland Lao did not leave Laos as quickly as did the highlanders, but gradually those who fled poverty and the newly imposed socialism grew in numbers.

This first period under consideration coincided with the rule of Pol Pot and the Khmer Rouges in Cambodia. An initial outflow of refugees occurred in April 1975, when the Khmer Rouges forces overthrew the Lon Nol regime, and government officials and members of the educated and professional classes fled Cambodia, along with their families. During Pol Pot's rule from 1975 to the end of 1978, there was a relatively small outflow of refugees from Cambodia, because of the tight control the Khmer Rouges had over the country, and the difficulty of escape. ¹⁰ Some 33,000 people entered Thailand, most of whom were resettled

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⁹ In May 1976 Vientiane was subjected to a roundup of "prostitutes, addicts, gamblers, hippies, thieves and lost children" and taken to "reeducation centers for social evils" (Robinson 1989: 4).

¹⁰ According to Zolberg et al (1989: 170-171), those who escaped came mainly from the eastern zone, where the purges and the anti-Vietnamese killings had been most widespread. In early 1978 there was open rebellion against the Pol Pot leadership, and "the rebel commanders with their dependent populations moved across the border to Vietnam, where they joined earlier scattered refugees to become the first in a long series of Khmer refugee-warriors." There were some 150,000 of these refugees, supported by UNHCR in camps, and being readied by the Vietnamese for the invasion of Cambodia in December 1978. With the invasion, most of these Khmer refugees returned home, "walking behind Vietnamese tanks that crashed through Khmer Rouge defenses."
in western countries.\textsuperscript{11}

With the capitulation of South Vietnam, and the installation of the Socialist Republic of Vietnam (SRVN) on April 20, 1975, refugees began to leave Vietnam. Initially this was a small flow, comprising people from the ancien régime, mainly Catholics, originally from the North, who had been closely involved with the South Vietnamese government and the Americans. It was not until late 1978, after the government began to implement its new socialist policies, that the outflow increased.

The crisis phase began in late 1978 and lasted through 1979, which is generally regarded as the year of refugee crisis throughout Southeast Asia, because of the massive increase in the Cambodian and Vietnamese outflows. With the invasion of Cambodia by Vietnam in December 1978, chaos was loosed upon the already ravaged country.\textsuperscript{12} The

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\textsuperscript{12} The policies and practices imposed by the Khmer Rouge from 1975 to 1978 sprung from a radical social ideology, which sought to transform the country into a nation of agricultural and industrial producers. In order to pursue this goal, the Khmer Rouge instituted a social transformation that was, as Zolberg (1989: 170-171) says, "uniquely radical and brutally comprehensive. It involved forced internal migrations, massive purges and liquidation of party cadres, elimination of whole social segments, and Endlosung ("final solution") campaigns against ethnic minorities." See also William Shawcross, The Quality of Mercy: Cambodia, Holocaust and Modern Conscience. (New York: Simon and Schuster. 1984.); and Elizabeth Becker, When the War Was Over: Cambodia's Revolution and the Voices of Its People. (New York: Simon and Schuster. 1986.)
\end{quote}
restrictions on travel and the border controls imposed by the Khmer Rouges were lifted, and people left the communes in search of relatives and food, and to flee the country. There was an outpouring of refugees, westwards towards Thailand, and eastwards to Vietnam. The advancing People's Army of Vietnam (PAVN) forced the Khmer Rouges and their civilian dependents to retreat westwards towards Thailand through countryside which was in upheaval. In April 1979, the PAVN increased their offensive against the Khmer Rouges, and by the summer almost 100,000 people had converged on the Thai-Cambodian border. In the fall of 1979 the Vietnamese began their dry-season offensive against the remnants of the Khmer Rouges army in western Cambodia. The main body of Khmer Rouges soldiers and civilians split into two groups, one remaining inside Cambodia, the other fleeing towards the Thai border. For weeks this latter group made its way through the malaria-infested jungle, critically short of food and medical supplies. By the time they reached the Thai border in early October, many were dying of malaria, exhaustion and starvation. By the end of 1979, in addition to those who has made it into Thailand, there were large concentrations of Cambodians congregated along the permeable "northwest" sector, or central part, of the mountainous thousand-kilometer-long Thai-Cambodian border.  

13 Most of the border between Cambodia and Thailand is barricaded by mountains—the Dongrek in the north, and the Cardamoms (Phnom Malai) in the south.
found shelter with the resistance groups, but when fighting between the resistance groups and the PAVN intensified, they fled into Thailand. Estimates of the numbers of these displaced people ranged between 350,000 and 750,000, but numbers, locations and populations varied, depending on conditions within Cambodia, and in many places the exact demarcation of the border was unclear.

In Vietnam, the government began implementing its national economic policies in April 1978, and later that year began simultaneously expelling and condoning the departures of ethnic Chinese, the Hoa, who "could not easily be integrated into the new order in the South." There was an outpouring of boat people, who began to arrive on southeast Asian shores in late 1978. Ethnic Vietnamese also began to leave Vietnam in 1978. These comprised people from the middle and lower social strata, and those who had been in reeducation camps, who wanted "to escape the rigors of socialist reconstruction in a war-devastated economy."  

14 In Vietnam the situation deteriorated during the late 1970s. A series of natural disasters in 1977-78 led to economic difficulties, there was an economic embargo by the West, ideological rigidities disrupted agricultural production, and there was renewed mobilization for war as hostilities between Vietnam and China increased. These hostilities aggravated tensions between ethnic Chinese and the government in Vietnam. See Zolberg et al, 1989: 164.

15 As Zolberg et al (1989: 165) argue, these people were seeking to escape a new social order, not a temporary crisis, and none was prepared to consider repatriation as a solution. Zolberg argues that the Vietnamese history of war, disruption, and foreign intervention may have led the Vietnamese, in particular the client population that
1979 was the peak year for Vietnamese refugee outflows. 200,000 boat people arrived in Southeast Asian countries, and another 263,000 ethnic Chinese sought asylum in China. The jump in numbers was triggered by the brief war between China and Vietnam, as well as by the harsher policies of the SRVN government, and probably by the promise of guaranteed resettlement to third countries. In Thailand, the numbers of boat arrivals in 1979 doubled, compared with those in 1978. In addition to the Vietnamese boat people, some 2-3,000 'land Vietnamese' refugees entered Thailand by walking through Cambodia (often with the help of

devolved as a result of the American presence, to think of resettlement in the west as a much more attractive way of life.

16 China attacked Vietnam in February 1979, and occupied the northern provinces for four weeks. Where they "embarked on a wide swathe of destruction" (Shawcross 1984: 78). Zolberg et al (1989: 164) explain the reasons for the ethnic Chinese refugee flow as follows: "The Vietnamese Communist party took a different view of citizenship and citizenship rights than had the previous rulers in the South. This meant that the southern Chinese were losing a relatively privileged foreign resident status. ...the Chinese were also placed in a precarious position by the hostilities between Vietnam and its erstwhile ally China. Many of the generally urban Chinese were compelled to relocate to the inhospitable New Economic Zones... But the Vietnamese authorities also tacitly permitted the ethnic Chinese to leave, and so a mass exodus began."

17 In 1981 a fact-finding mission reporting to a House Judiciary Committee reported the following reasons given by Vietnamese refugees interviewed at a Hong Kong refugee camp: "desire for freedom and a better life; food shortages; avoidance of the draft; high taxes; forced labor and poor wages; inability to work; arrest and harassment of former military officers and government officials; no future in Vietnam; dislike of Communism and confiscation of property." (U.S. Congress, March 1982, p.9).
organized gangs).

The crisis phase subsided after 1979, and our next designated phase of refugee flows is between 1980 and 1985. This phase was characterized by generally decreased arrivals, although there were periodic spurs. At the Geneva conference in 1979, under pressure from the ASEAN receiving countries, the Vietnamese government agreed both to adopt a more accommodationist policy towards the ethnic Chinese, and to make it more difficult for people to leave the country. Subsequently the outflow of ethnic Chinese decreased, but ethnic Vietnamese boat people continued to arrive on Thai shores in greater numbers than before. In 1982, the number of Vietnamese boat arrivals declined, largely because of increased acts of piracy in the Gulf of Thailand, changes in the policies of the Vietnamese government, and Thai deterrence policies.

Although the fighting continued in Cambodia during the second phase, both arrivals and stocks of Cambodian refugees declined. As we shall explore in this chapter, this decline was a result of resettlement, Thai policies, pressure from the resistance groups fighting in Cambodia, and to some extent, the choices of the refugees themselves. However,

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18 ASEAN, or the Association of Southeast Asian Nations, comprises Thailand, Malaysia, Singapore, Indonesia, and the Philippines.

19 In early 1980 and 1981 many of the Cambodians concentrated around the border returned home in time for the main planting season (CCSDPT Handbook 1983: 8).
periodic bursts of arrivals continued during this period. In December 1980 and the early months of 1981, there was an influx of ethnic Khmer boat people from Vietnam (where many Khmer had fled before 1979) and Cambodia.\textsuperscript{20} Cambodian influxes also occurred in mid-1980 after the PAVN retaliated against the Thai attempts to repatriate Cambodians, and again in 1983 and 1984, when the PAVN undertook dry-season offensives against the Khmer resistance, driving thousands of Cambodians living in border camps into Thailand.

\textsuperscript{20} The new arrivals reported that rumors were circulating in Vietnam and Cambodia that all male Kampuchears would soon be drafted into the PAVN to fight the Khmer Rouges. Government radio broadcasts supported these rumors, and some refugees had witnessed men being drafted. In Vietnam it was also rumored that Cambodian refugees there were to be rounded up and sent to "re-education" camps. A further incentive for Cambodians to leave Vietnam came in early 1980, when Voice of America and other radio stations broadcast into Vietnam that Cambodians in Thailand's refugee camps were being resettled in the USA and other countries. According to one anecdote,

Khmers and Vietnamese arriving in Klong Yai have often pointed to the police station and asked whether "this is where they will learn English before departing for America?" They often grow angry with the answers, arguing that they were specifically informed by VOA that they would receive language training in Thailand before they went to the USA.

In fact, English as a Second Language (ESL) was only taught to those refugees who had been interviewed and accepted, who had passed through the long resettlement pipeline, and were awaiting their transfer to the US at a Processing Center such as Phanat Nikhom. Khmer people both in Cambodia and Vietnam also received letters from relatives, telling them to take a boat to Thailand where they would be resettled, and sending them sponsorship forms (IRC File Note, 6/26/81).
The Domestic Context: Politics, Security and Economy.

The refugee flows into Thailand occurred in a politically charged atmosphere. The longstanding military leadership was faced with both internal and external security threats: political instability in Bangkok; center-periphery conflicts between Bangkok and outlying regions; a communist insurgency, and in 1979 the invasion of Cambodia by Vietnam brought Vietnamese military presence to Thailand's borders.

Economically, the refugee flows occurred during a period of overall growth for Thailand. Per capita income increased eightfold between 1963-1983, and most Thais experienced an increase in their standard of living, although there remained substantial income disparities.

Political instability.

Between 1970 and 1985 Thailand was subject to five

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22 Shawcross 1984: 73.
changes of government, all, except the forced resignation of Kriangsak in 1980, in the form of coups. In 1973 there was an unprecedented toppling of the military regime by extrabureaucratic forces (students with mass support), and a new attempt at parliamentary rule; but the instability of the coalition government led to a military reaction in the form of a coup in 1976.\textsuperscript{23} The military installed a civilian regime led by Thanin Kraivixien under the control of a military junta. The regime was characterized by ultrarightist policies, the bloody suppression of the students, the prohibition of political participation, martial law, and aggressiveness towards the communist regimes of neighboring countries.\textsuperscript{24} The Thanin regime was in turn overthrown in November 1977 by the same "Young Turks" faction that had installed it, and who were now unhappy with Thanin's extremist policies and the growing public discontent they provoked. The new government, led by the Supreme Commander of the army, General Kriangsak.

\textsuperscript{23} Some argue that this coup, like many others, was prompted, by threats to the military's corporate interests, as well as by the ineffective civilian government. Suchit Bunbongkarn argues that since the 1973 uprising the military's autonomy had been violated by the interference of civilian politicians in their internal affairs, and their prestige had been lowered by criticism of their operations against communists. The military was able to pass off this threat to their institutional interests as a threat to national security, and thereby justify the coup. See Suchit Bunbongkarn, "Political institutions and processes," In Somsakdi Xuto, Government and Politics of Thailand. 1987(a) p. 53.

\textsuperscript{24} Chai-Anan 1990: 282.
Chomanan, adopted more liberal policies, including some liberalization of the political system,\textsuperscript{25} and a less punitive approach towards the problem of communism.

In 1980 the Young Turks forced Kriangsak to resign, and installed General Prem Tinsulanond, only to attempt a coup against him in April 1981, which failed, thereby ending their political influence (they retained influence among their troops, however). After 1981 Prem's government was characterized by political uncertainty and instability for the next six years.\textsuperscript{26}

Center-periphery conflicts.

These conflicts are of interest because two of the regions, the north and northeast, were also the main recipients of refugees. Longstanding inequities and struggles for control characterized relations between the central Bangkok plain and the regions of the north, the

\textsuperscript{25} Shawcross (1984: 73) says Kriangsak's regime permitted "more freedom of movement, of the press and of debate than in probably any other country in South East Asia." A bicameral legislature was re-introduced, although the military-dominated Senate "again played the role of 'guardian' to ensure political stability". In 1978 a new constitution was promulgated, designed to allow a "semi-democratic" government to be set up for four years, in preparation for a "fully fledged democracy." A general election was held in April 1979. See Suchit 1987(a): 72, and 1987(b): 6.

\textsuperscript{26} The government's main source of support, the army, lacked cohesion because of factionalism. The discharge of thirty-eight officers after the abortive coup gave rise to a power vacuum in the army and fears of another coup attempt. In 1983 and 1985 coup attempts did occur, but failed.
northeast, and the south. In these regions the writ of central government was weak, and Bangkok's efforts to bring them under its political, economic and administrative control led to tension and resistance.27 The three regions are ethnically, culturally and linguistically different from the central plain, and are closer in these respects to the people in adjoining countries—Laos in the case of the north and northeast, and Malaysia in the case of the south. The inequities and social differences between the center and the periphery were a source of dissatisfaction with the government and consequent support for the communist insurgency. These security threats had implications for Thailand's refugee policies, as will be discussed further on.

Communist insurgency.

The communist insurgency began in 1965, with support from China and Vietnam for the small Communist Party of Thailand (CPT). Although there was little popular interest at first, the insurgency took root in the far south, the north and the northeast, where it was aided by existing center-periphery conflicts. During the Thanin regime (1975-76), the insurgency gained momentum as thousands of students

fled Thanin's repression and joined the communists in the hills and jungles.

The government saw the insurgency as a major security threat for three reasons. Its ideology challenged the traditional institutions of the Thai state; its ability to mobilize regional forces aggravated center-periphery conflicts; and it provided the opportunity for external interference.²⁸ Efforts to deal with it stretched Thai resources by diverting assets from national development programs, and causing loss of life in the army, the police, and amongst villagers. The insurgency did not abate until the late 1970s and early 1980s.²⁹

²⁸ Alagappa 1987: 64-65.

²⁹ There were a number of reasons for the decline of the CPT. Communism's popular appeal dimmed as a result of general economic progress in Thailand (which strengthened the legitimacy of the government). The limited accomplishments of the CPT led to reduced enthusiasm except amongst a small core of true believers. Second, the new "enlightened" approach of the military after 1978 reduced communist ranks: Kriangsak offered an amnesty, and Prem launched a new "political offensive" in 1980. Third, external assistance to the CPT was reduced: China ceased its support after the Vietnamese invasion, and Hanoi was less able to promote domestic Thai subversion after its invasion of Cambodia. As a result, the CPT was decimated, its members surrendering to government forces and returning to normal life. See Suchit Bunbongkarn 1987(b): 18, 22, and Robert A. Scalapino and Jusuf Wanandi (Eds.). Economic, Political, and Security Issues in Southeast Asia in the 1980s. Research Papers and Policy Studies, No.7, Institute of East Asian Studies, Univ. of California, Berkeley. 1982. p.xiv.
The Vietnamese invasion of Cambodia.

The invasion meant that the Vietnamese army was present in two of Thailand's neighbors (Cambodia and Laos), along a porous border of some 2,000 km, and Thailand's long-standing fear of Vietnamese aggression in the region was reactivated. Ironically, the invasion helped to reduce the threat from the communist insurgency because China ceased its assistance to the CPT. The Soviet support for the invasion was viewed by China as part of the U.S.S.R.'s encirclement strategy directed at China, and the Chinese adopted a tough stance against the Vietnamese. In exchange for Thailand's cooperation in fighting the Vietnamese, China ceased its assistance to the CPT, and began to assist and arm the resistance forces fighting the PAVN, using Thailand as a conduit (Scalapino 1982: xiv-xv).

During the Pol Pot period a number of small anti-communist resistance groups known as the Khmer Serei ('Free Khmer') sprung up along the Thai-Cambodian border. These groups consisted of various factions, including the Kampuchea National Liberation Front (KPNLF) headed by an ex-Prime Minister of Cambodia, Son Sann; and Prince Sihanouk's faction, FUNCINPEC. Some factions had support from exile groups in France or the United States, but "none was impressive; for the most part they smuggled teak, gems, small amounts of gold and occasional statues out of Kampuchea" (Shawcross 1984: 227). They were supported by the local Thai army and border police, with whom there was probably some intelligence sharing.
camps in the border mountains inside Cambodia.

The Refugee Policy Makers: the Bureaucratic Polity.

According to our model of refugee policy making, relations within the political system are one determinant of policy outcomes. Therefore, before we examine Thailand's refugee policies, we introduce the main institutions involved in policy-making within the Thai government, and give some background on relations amongst these institutions.

The Thai political system is widely considered to be a "bureaucratic polity" dominated by the military.\textsuperscript{32} Although Thailand has a parliament and a National Assembly, the survival of such democratic institutions has historically depended on military tolerance. In reality, political processes, including policy-making, are "characterized by conflicts among military leaders on the one hand and between the military and civilian political groups on the other."\textsuperscript{33} A third institution of political

\textsuperscript{32} According to Suchit Bunbongkarn (1987(a): 41), the term "bureaucratic polity" was first used by Fred Riggs and is widely accepted. The Thai polity can also be thought of as a praetorian political system, because of the dominant role of the military and its frequent intervention to seize power. Between the 1932 Revolution and 1990 there were sixteen attempted military coups, nine of which were succesful. Suchit (p.42) says, "This high frequency of coups reflects the weakness and low level of legitimacy of participatory political institutions."

\textsuperscript{33} Suchit 1987(a): 42.
significance is the monarchy, which, because it has the Thai people's great respect and admiration, must endorse political changes, including coups, for the changes to be fully accepted by the populace.

The Military Bureaucracy.\textsuperscript{34}

The political system has been dominated by the military since 1932, but the military has always had to contend with other political institutions, as well as internal factions, which weaken its political power. Military rule during the period under our consideration was characterized by a struggle between three factions in the Army. Of these, the Young Turks, composed of younger combat regiment commanders, were the predominant faction until they failed to pull off a coup in 1981. After that their political influence declined, but they remained a strong force in the Army.\textsuperscript{35}

\footnote{34 The military bureaucracy comprises the Department of Defence (Royal Thai Army, Navy, Air Force), and the Internal Security operation Command (ISOC), which although not formally part of the Army, is de facto controlled by the Army Chief. See Suchit 1987(b): 51.}

\footnote{35 The other two factions were the "Democratic Soldiers", composed mainly of staff officers, and the "Class 5" faction. See Suchit 1987(a): 72, and 1987(b) 10-11. A number of writers argue that the fortunes of various military factions are tied to the perception of security threats. According to Peter Poole (1970: 36-37), "Since the start of World War II, Thailand's nonmilitary oligarchy has bowed to the inevitability of authoritarian rule by the dominant group in the Thai military establishment during periods of sharply rising international tension... In periods of moderate or declining tension, the control of the dominant military group over the national security forces tends to weaken and the more competent and highly educated..."
The power of the military increased after the Vietnamese invasion of Cambodia, when many Thai political leaders viewed Thailand as a "front-line state."\footnote{36} The Vietnamese threat allowed the military, in the name of national security, to make most of the decisions affecting the direction of foreign policy, and the locus of some foreign policy formulation moved from the Ministry of Foreign Affairs to the military leadership.\footnote{37} After 1981 the military's overall political influence declined, largely because of the continued factionalism within the Army which also prevented the success of coups. The Army was forced to share power with the political parties and the elected House of Representatives during the semi-open political period after 1979.\footnote{38} General Prem, confronted with an increase in officials are able to reassert their influence."

\footnote{36} Some Thai academics have termed this threat perception "the Vietnam bogey." M.R. Sukhumbandh Paribatra, a Thai academic and one-time advisor to the Prime Minister, has said that traditional conception of Thai external security, which stresses the "military and geopolitical dimensions", had led to "the preoccupation with the danger posed by the Vietnamese presence in Cambodia." (Alagappa 1987: 37).


\footnote{38} The reduced influence of the military was evinced in 1983. The military introduced in parliament a bill seeking to retain the transitional constitutional amendments set up in 1978 which enhanced their political power. The bill was narrowly defeated. General Prem "remained publicly aloof and refused to associate himself with either side" (Tilman 1987: 54-61). Brailey (1986: 256) adds that despite its reduced influence, the military's role has remained a very
the number of political constituencies and factions within
the military establishment, had to broker their "escalating
and often conflicting demands." The fragmentation led to
conflicts over policy, and the military became more
constrained in its ability to seize power. According to one
analysis, during the first half of the 1980s the Army sought
to influence government decision-making by establishing a
link with the masses, in the hope that mass support could be
mobilized to support the Army's actions. Since the 1960s
the Army had sought to establish links with the masses,
through programs of rural development, in an effort to
combat the appeal of communism. After 1976 rural assistance
became part of the Army's efforts to improve relations with
the masses, and "rebuild the people's faith in the Army."³⁹
As a result, the Army expanded its activities into non-
military affairs:

The Army has redefined its mission to include
rural development, peace-keeping duties and other
civil affairs. It has also developed a "political
infrastructure"---mass organizations, civil affairs
centers...--to support the Army's programmes.⁴⁰

Army leadership is generally referred to in Thailand as the
"Supreme Command."

³⁹ Suchit 1987(b): 49.
The National Security Council.

The highest decision-making body directly concerned with refugee policy is the National Security Council (NSC). It is a civilian body, which makes policy, and consults with and advises various ministries on military, economic, internal and foreign policies, so as to ensure coordination and implementation. According to a self-explanatory pamphlet issued by the NSC, the Council no longer lays emphasis exclusively on national defense but on the far-reaching aspects of national affairs, internal politics, foreign policy, economic policy, military policy and socio-psychological matters. Particular issue areas, such as refugees, are dealt with by sub-committees composed of senior officials from civilian, police, and military agencies, and presided over by the Secretary-General of the NSC. The Refugee Sub-Committee, which meets once a month, is composed of twelve members,

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41 The NSC came into existence in 1959, in accordance with the National Security Council Act (1959), when it superseded the National Defense Council. The NSC consists of nine ex-officio members, with the Prime Minister as Chairman, and the Deputy Prime Minister for Security Affairs as Deputy Chairman. Council members include the Ministers of Defence, Finance, Interior, Foreign Affairs, and Communications, the Supreme Commander of the Armed Forces, and the Secretary-General of the NSC. The Secretary-General has cabinet rank; his status is that of a Permanent Secretary of a Ministry, and his direct supervisor is the Prime Minister. See IRC File Note, GI/MISC, "The Organization and Role of the National Security Council," 19 May 1986.

42 The quote is in Alagappa 1987: 36, from an undated and unreferenced brochure put out by the NSC entitled "The National Security Council of Thailand."
representing the Ministry of Interior, the Ministry of Foreign Affairs, the Thai Red Cross, the Ministry of Agriculture, and the Supreme Command.

The Civilian Bureaucracy.

The civilian bureaucracy includes the Ministry of Interior, the Ministry for Foreign Affairs, and the Ministeries of Health, Education, and so forth. In the Thai political spectrum, the Ministry of Interior (MOI) is considered to be the most powerful (civilian) ministry. Its bureaucratic control includes the Police Department (land and marine police), the Immigration Division, provincial governors, and district officers, but its power also derives from local-level political clienteles which are important during elections. Traditionally the MOI has had a reputation for corruption, as there are many commercial opportunities in the contracts its officials are responsible for negotiating. The MOI was responsible for all refugees until 1979, when the Supreme Command took over supervision of the post-1979 Cambodian arrivals on the militarized border. After that, the MOI controlled only the Laotian and Vietnamese camps.

In 1975 the Ministry of Foreign Affairs (MFA) was assigned by the Cabinet to be the liason with resettlement countries and international organizations, as well as the sending countries (Laos, Cambodia, Vietnam). Like most
Foreign Ministries in asylum countries, the MFA has tended to be fairly supportive of refugees, because of the international dimensions of the problem, and the need to garner international approval of Thailand's handling of its refugees. In general, the MFA has tended to support UNHCR, and has expressed disapproval of refoulement.\footnote{However, individuals may change their tune once they are no longer in office. According to international refugee officials, one-time Foreign Minister Tanat Kuman, subsequently assumed a more negative position on refugees, and is now seen as one of the most persistent anti-refugee voices in the Thai political spectrum.}

\textbf{The Interests of the Bureaucratic Polity in Refugees.}

The interests of the military, the NSC, the MOI, and the MFA in refugees are markedly different. The military and the NSC both give national security top priority in policy-making,\footnote{The military conception of security is broad; they envision the role of the military as encompassing both traditional defence, and the protection and building of political and economic strength. See Alagappa 1987: 32-36, and Brailey 1986: 257.} but after its loss of power in 1980, the military could no longer impose its will; it had to 'play politics' along with the other ministries. The MOI and MFA are each attuned to different constituencies: local political ones, and the international community respectively, each with opposing interests in refugee policies. The politically powerful MOI jealously guards what control it has over refugees, and resists interventions
from the often more liberal MFA. According to one international official,

...in terms of day to day problems, assistance, corruption, mistreatment, and human rights violations, it's very difficult to get an actual intervention from the Foreign Ministry, because they would simply be told to mind their own business.

However, because of the important role played by international agencies, both in terms of resettlement and assistance, refugee policy is not purely an internal matter, and the MOI cannot completely disregard the input of the MFA.


We now examine the Thai government's policy response to the refugee influx, in terms of the three phases of refugee influx. For each phase, we begin with a description of the relevant three types of policies, and then analyze these policies in some detail.


Policy I: The Legal-Bureaucratic Response.

Accession to international refugee conventions, and admission of international refugee organizations.

Thailand did not accede to international protocols on refugees, such as the 1951 Convention and Protocol.
However, Thailand did sign the 1948 Universal Declaration of Human Rights, including Article 14(1) which allows for the right to seek and enjoy asylum from prosecution. Thailand is one of the 41 members of UNHCR's Executive Committee, and has voted in the UN General Assembly for resolutions supporting or expanding UNHCR's mandate.

The definition of asylum seekers.

Throughout the period under consideration, Thailand had no specific legislation, in the form of an Act of Parliament or some equivalent, designed to address the needs of a category of people known as refugees. Refugees fall under the provisos of the Immigration Act (1979, amended 1980), which forbids the entry of, and defines as illegal immigrants those (amongst others) without passports or visas, and without means of support. Penalties for illegal immigrants and those abetting them include

45 One exception is the regulations issued by MOI in 1951 concerning restrictions on residential area, work, and travel for the Vietnamese 'Dien Bien Phu' refugees. See Poole 1970: 47 and 90-91.

46 The 1979 Immigration Act consolidated two earlier Acts of 1950 and 1954. See Vitit Muntarbhorn, "International protection of refugees and displaced persons: the Thai perspective," Lawasia, Topic 4.3. Edited by the Organizing Committee for the Seventh Lawasia Conference, August 8-12, 1981, Bangkok, Thailand. p. 16. Regulations issued by the Ministry of Interior in 1954 stated that the official definition of a displaced person was someone "who escapes from dangers due to an uprising, fighting or war, and enters in breach of the Immigration Act". See Articles 3 and 4 of the 'Regulations concerning displaced persons from neighboring countries'. 
deportation, expulsion, imprisonment, and fines.

Thai authorities avoid the use of the term "refugees," and refer to Indochinese asylum seekers either as displaced persons (phu opayop), or as illegal aliens. "Displaced persons" generally refers to those who arrived in Thailand before 1979, who reported to Thai authorities and gave themselves up to be detained in camps. "Illegal aliens" refers to those who arrived from Cambodia during and after 1979, and who were detained in holding centers near the border. Legally therefore, all displaced persons were prima facie illegal immigrants, because they entered in breach of the Immigration Act. They were therefore subject to prosecution, detention and deportation. In practice however, Indochinese refugees were not normally prosecuted for illegal entry unless they were found wandering around without reporting to the authorities.47

Because there was no such thing as a legally defined refugee, there were no refugee determination procedures before 1985. Asylum seekers were given asylum on a prima facie group determination basis.48

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47 There were exceptions to this: a number of Laotians were prosecuted in certain provinces and districts along border. See Vitit 1988, and Robinson 1989: 6.

48 Non-Indochinese asylum seekers are determined by UNHCR according to its mandate on a case by case basis, but are not recognized by the Thai government. If found without valid papers they are treated as regular illegal immigrants, but are not deported until they are accepted for resettlement in a third country, or able to depart on their own.
Institutional responsibilities for refugees.

A number of cabinet decisions regarding Indochinese asylum seekers were taken during 1975, beginning with one on June 3, 1975, in response to the initial burst of Laotian arrivals, which designated responsibility for the establishment of temporary refugee camps and the supervision of refugees to the Ministry of Interior (MOI). To facilitate centralized coordination, the Operations Centre for Displaced Persons (OCDP) was established in Bangkok, "to coordinate policy, plans, and programming within the camps." OCDP was run by a Supervisory Board, chaired by the Under-Secretary of State for the Interior, and it represented "all concerned governmental ministeries and departments." A budget was assigned for medical care and other needs of the refugees.

The OCDP had little political power. No separate civilian agency specifically responsible for developing refugee policy was created; and there was no equivalent of a Refugees Commissioner. The individual with most power regarding refugees was the head of the NSC.

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49 These policy principles were confirmed and supplemented with subsequent cabinet decisions taken on September 6, 1976, and August 17, 1977. See Vitit 1981: 21.

Policy II. International Refugee Organizations.

Permission for international organizations to assist refugees.

In 1975 Thailand formally requested assistance from UNHCR. The Ministry of Foreign Affairs was the liaison with international organizations, and in July it signed the agreement with UNHCR by which Thailand agreed to provide temporary assistance to the refugees in return for financial help from UNHCR. The decision to request assistance from UNHCR was made because it was apparent that available resources could not meet the Operations Center's budget.\(^5\)

Part of the Thais' agreement with UNHCR was that UNHCR could exercise its traditional mandate of protecting refugees, and seek out "durable solutions" in the form of either local integration, resettlement overseas, or voluntary repatriation. However, for the Bangkok authorities asylum was granted as a temporary measure--for "humanitarian reasons"--until the refugees could be resettled or repatriated. Their asylum policy was not an open one, and they did not share UNHCR's view that local integration in Thailand was a possible solution for the refugee problem.

\(^5\) According to the MOI brochure, "The Unfair Burden", expenditures for the displaced persons' daily needs in the first three months of 1975 had exceeded $US 500,000.
Policy III: The Admission and Treatment of Refugees.

Admission.

The June 1975 cabinet decision made three main points concerning admission: 1) displaced persons were not desirable; 2) "preventive and retaliatory measures" were to be employed to drive out those who attempted to enter Thailand; 3) where pushbacks were not possible, displaced persons were to be detained in camps. These de jure refugee policies appeared harsh and restrictive, yet during this first phase the Thais adopted a more lenient approach to refugees in practice. Pushbacks were only cursorily implemented, and during the 1970s, like other ASEAN countries, Thailand granted temporary asylum to large numbers of refugees fleeing neighboring communist countries.

Screening.

Occasional efforts were made to control the influx of asylum seekers. In July 1977 the government signed an agreement with UNHCR stating that

a distinction must be made between persons who qualify as being within the competence of UNHCR and those who leave their country... for reasons of personal convenience, for example, economic migrants, or persons who are not bona fide refugees.\(^{52}\)

UNHCR was requested to help the Thais develop procedural

\(^{52}\) Quoted in Robinson 1988: 8.
guidelines for a screening program for Laotians. One MOI official said,

The entry of so many people into the country has created a very complex problem to Thailand. We have allowed all these people to stay only on humanitarian grounds. But humanitarianism must be observed with some limits. Because of the large number and the steady flow into Thailand, we have been forced to take the stand that we will put rigid checks on the people coming in. Only bona fide cases deserve humanitarian consideration—the rest who enter without causes will be treated as illegal entrants.\(^{53}\)

However, the screening program was never rigorously implemented, largely because of the intervention of U.S. refugee officials in Bangkok who protested the program.\(^{54}\) The U.S. officials were concerned about potential corruption amongst the Thai officials. It was thought that if the screening was carried out unilaterally by the Thai only "economic" refugees with ability to pay would be accepted. Another reason was that observers did not think UNHCR would be able either to control the screening and prevent forced repatriation, or ensure that returnees were not mistreated by the Laotian government. UNHCR's single Protection Officer for the entire 3,000 km border could not monitor all repatriations.

\(^{53}\) MOI Under-Secretary of State, Chalaw Vanaputi, at a Seminar on Displaced Persons in Thailand, held on Sep 22, 1977, sponsored by CCSDPT. See CCSDPT 1977: 5. At the same meeting another MOI official discussed the possibility of future local settlement for refugees inside Thailand.

Although international officials sought to stop the screening program, the Thai authorities were also somewhat hesitant about its implementation. There were limited resources to operate the program, and rather than expend available resources, it was hoped that the refugees would be quickly resettled in third countries. In the absence of a screening program, refugees allowed into camps were simply assigned an admittance form as if they had undergone screening.

Location.

In line with the temporary asylum policy, refugees were to be detained in camps until they were resettled or repatriated. The camps were administered by MOI, and were to be temporary shelters, in which refugees would be provided only with their minimum needs: basic shelter, food, clothing, household commodities and medical care. (See Appendix B for details of camp policy.) But official camp policy was not strictly implemented either, at least for some refugee groups. MOI statements in 1977 reflected a more generous attitude towards the Laotian refugees. The Laotian camps were 'open,' and refugees and local Thai mixed

55 Looking back at the decision, Khachadpai Burusapatana, the present Deputy Secretary General of NSC, said, "We weren't ready to operate the program, and besides, UNHCR said they would quickly resettle the refugees in third countries." (Personal interview, Bangkok, February 15, 1990.)
freely. Efforts were made to encourage the general morale of the refugees. Self-reliance projects were promoted in the camps, with the caveat that they were strictly temporary, pending permanent resettlement of the refugees overseas. But even these caveats were ambivalent. Perhaps under pressure from UNHCR, in September 1977 the Director of OCDP held out a qualified promise of local settlement, provided that the number of displaced persons decreased. A highly placed western official said the government had privately indicated that "at an appropriate time ... it might accept local settlement for up to 50,000 refugees."

The relaxed admission and camp policies did not apply equally to all refugee groups. The camps in which Vietnamese refugees were detained were not as comfortable or nonrestrictive as those for Laotians, and pushbacks were much more likely for them. Vietnamese boat people were frequently refused permission to come ashore, or were permitted only to refuel and stock up food and water. Sanctions were also employed against ships bringing in people picked up at sea, as a way of deterring the crews from doing so. Unless they put to sail within three days, ship captains could be (and often were) held in custody, charged with illegally bringing people into the country, or accepting bribes from boat people.
De Jure and De Facto Refugee Policies.

The picture of Thai policy that emerges between 1975 and 1979 is of a negative and restrictive official position, mediated by more relaxed policy implementation. What explains this gap between de jure policy and de facto implementation? It is easiest first to explain the de facto policies; we will then attempt to explain the gap.

Two reasons for lenient policy implementation can be identified. First, the Thai authorities were aware that the pushback policy was impracticable, given the numbers involved, and the lack of means available to keep the refugees out. On the one hand, arrivals were not being deterred by fines, pushbacks, and temporary detentions; on the other hand, there was constant international pressure to admit refugees, with accompanying offers of help. It therefore made sense to allow the refugees qualified entry.

Second, Thai authorities were confident that the refugees they let in would be there only temporarily. From the earliest arrivals in 1975, the Thai government stated emphatically that the grant of asylum was conditional: the refugees could remain in Thailand only until solutions to their predicament were found. These solutions entailed the movement of the refugees out of Thailand, either through repatriation to their own countries, or through resettlement
in third countries. Since the government was certain the refugees would not be a permanent problem, they permitted them entry.

Why the gap between official policy and implementation? One explanation is that in this first phase of refugee flows there was a relatively low level of concern about refugees amongst Bangkok policy makers, and consequently a weak institutional basis for refugee policy making. Although some cabinet decrees had been issued, there was no clearly conceptualized refugee policy to which policy makers were committed. Both Thai officials and outside observers described early Thai policies towards refugees as "not clearly formulated", and "unorganized." Few policy makers in Bangkok were prepared for the flows that were to come, and the refugee flows were not yet associated with a serious external security threat, as we discuss below.

Relations between the Thai government and the sending countries might be a partial explanation for the gap between de jure and de facto policies. During the first phase, the changes in the Thai government meant relations with the sending (communist) countries fluctuated, and treatment of refugees sometimes varied accordingly. After the Khmer Rouges came to power in 1975, the moderate coalition Thai government sought to regularize diplomatic relations, and occasionally pushed back Cambodian refugees across the border in response to the Khmer Rouges' desire that refugees
be returned. After the military coup in October 1976, Thai-Khmer Rouge relations deteriorated as the anti-communist Thai junta supported the Khmer Serei resistance, and Khmer Rouge troops launched attacks into Thailand in June 1977. However, the changing relations with sending countries only translated into treatment of refugees when direct requests were made by the sending country. After the moderate Kriangsak came to power in November 1977, relations with the Khmer Rouge improved again, but this did not necessarily mean Thai treatment of Cambodian refugees deteriorated accordingly. In the period from 1975 to 1978, relations with sending countries changed more rapidly than de jure refugee policy, but policy implementation varied more closely with the changing relations.

There were also domestic reasons for the gap; one was the central-provincial power disparity. Refugee policy was supposed to be set by the OCDP, following the orders of the NSC, but governors in the key provinces had greater political power and seniority than the usually junior Ministry of Interior bureaucrats in the OCDP, and the governors could and did implement policy as they saw fit. According to one international aid official:

So often in Thailand, the problem has been not one of central government policy, the problem has

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56 According to Shawcross (1984: 58-60), the Thais complied with a request by Khmer Rouge Foreign Minister Ieng Sary during a visit to Bangkok, to return refugees to Kampuchea.
really been that there hasn't been a central government policy, or that people don't observe one. If a provincial governor decides he is fed up with refugees, he simply rounds them up and sends them back. And although that's not central government policy, the central government's not going to rap him over the knuckles for it.

In Bangkok, Thai policy makers' desire to retain both control over the refugee problem and flexibility in their approach, may have made their policy approach appear more ambivalent and incoherent than it really was. For example, it seemed contradictory that the Thai were prepared to grant temporary asylum, but were not prepared to define asylum seekers as refugees, or accede to international conventions. However, such an approach was logical to policy makers who did not want to constrain their options by international commitments. A prominent Thai refugee official said,

We do a lot for refugees, but we don't sign because we think it will commit us to do certain things before the situation arises. Not signing allows more flexibility in our response, for example, we want to decide where to put camps. We don't want outsiders telling us where to put them. The situation in Southeast Asia is different from that in Europe and the USA--there are many more thousands of refugees here. Also, there are security issues. Some areas are very sensitive for our security. We don't want to be forced by the UN to do things. We want to be consulted.\(^{57}\)

The Thais' desire for flexibility could also explain their practice of referring to refugees as displaced persons or illegal aliens. The term "refugees" carries specific

\(^{57}\) Prasong Soonsirer, ex-Secretary-General of the NSC. Personal interview, Bangkok, 1990.
connotations and implies certain desirable treatment which the Thais did not want to be obliged to perform—unless they chose to do so.\textsuperscript{58}

The desire of government officials in Bangkok for flexibility and control over the refugee problem was compromised by the presence of representatives from international organizations like UNHCR and the ICRC, and from donor/resettlement countries. The Thais needed international assistance, and had to make some concessions to its representatives, but at the same time they wished to impose limits on them. However the lack of a clearly formulated refugee policy and the absence of a strong institutional backing for that policy, meant central policy was relatively easily overridden by international personnel—and by provincial government officials. Since both types of officials had some freedom and influence in implementing the refugee practices they preferred, and since their respective preferences were often in opposition, it is worth examining their roles in the evolution of Thai refugee policy. We will do this through a more general analysis of the roles of international assistance, the local receiving communities, and security considerations in refugee policy making.

\textsuperscript{58} Vithit Muntarbhorn (1981: 10) argues that the Thai authorities wished to "safeguard [their] sovereignty over those seeking refuge."
The MOI-UNHCR relationship.

Although they permitted UNHCR access to refugees, the Thais did not want to relinquish their control over refugees, and for this reason did not sign the international refugee protocols. However, Bangkok's efforts to retain control over refugees were limited by the weakness of the Ministry of Interior's refugee agency (the OCDP), and the strength of the international agencies. UNHCR's funding power enabled it to control certain aspects of camp administration, but this power did not evince itself immediately. The relationship between UNHCR and MOI started off on a good footing; UNHCR and MOI officials worked together to monitor and manage the camps, with UNHCR providing assistance and acting in an advisory role to MOI. After 1977, however, this relationship changed. One UNHCR official said, "objective problems emerged," manifest in struggles between the Thai authorities and UNHCR over control of the budget, and corruption in relief distribution.

The agreement in 1975 provided that UNHCR would allocate an annual lump sum for food procurement. These funds were to be controlled and administered by MOI against
a "vaguely agreed" budget. Although UNHCR and MOI discussed what was to be done with the funds, MOI controlled the budget, and made the supply and distribution contracts. Since the government insisted that rice be bought from Thailand, a system was developed in which rice merchants in each province competed through bids to provide rice for the camps. However, corruption in the deals between local MOI officials and food contractors arose, leading to discontent amongst the international agencies. In 1977 UNHCR decided to change its system of payment for food. Instead of paying MOI directly, UNHCR began to channel funds through the voluntary agencies, in effect setting up a double administration in the refugee centers. This antagonized MOI officials, who began to express resentment and mistrust towards UNHCR. One MOI official said:

Since 1977, when UNHCR wanted to overrule MOI by setting up a double administration in the camps, Thai agencies and UNHCR haven't got along. We are uncomfortable with UNHCR's role. We feel this is Thai territory. UNHCR tells the refugees the camps belong to UNHCR, not to Thailand. The refugees go to UNHCR officers with their problems, not to Thai officers--they don't feel obligated to Thai officers. The refugees don't appreciate what the Thai government and the Thai people have done

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59 According to one UNHCR official, $20 million a year was provided for about 120,000 refugees, budgeted in rather vague sectors: food, shelter, water supply and so on.

60 The governor of the province had to accept the lowest bid, according to rules set by the Prime Minister's Office. A MOI Camp Officer, a UNHCR representative, and a refugee representative together received the food shipments every day. They checked the quality and quantity of the food, and if it was found acceptable, it was distributed.
for them.\textsuperscript{61}

From UNHCR's perspective, the change was a necessary improvement in budgetary procedures, which one official said, "have evolved light years since those days."

Another reason for Thai officials' resentment was UNHCR's abundant administrative resources, which contrasted sharply with those of MOI. UNHCR officials sometimes displayed a lack of sensitivity about these matters. One anecdote related by a MOI official described how MOI and UNHCR officials would sometimes go together on trips to monitor the camps. In contrast to UNHCR's daily rate for staff, the Thai per diem was two or three hundred baht for hotel and food. The lowest per diem UNHCR paid, was five hundred baht, and that was for the driver! This created a lot of conflict, so MOI asked UNHCR for a per diem budget. But they said sorry, we have a budget shortage... UNHCR officials got much more than MOI officials did.\textsuperscript{62}

Some Thai officials believed that UNHCR tried to influence refugee policy by setting different government agencies against one another. For example, UNHCR officials would ask NSC officials to pressure MOI to do certain things, and vice versa, or the MFA, an ally of the international agencies, was used to exert pressure on other agencies and ministries.

\textsuperscript{61} Prapharkorn Smiti, MOI official, personal interview, Bangkok, February 1990.

\textsuperscript{62} Prapharkorn Smiti.
The resentment of MOI officials towards UNHCR arose from a clash of interests and a loss of face. MOI officials were thwarted in their desire to retain control of (and possibly benefit from) international resources, and their own lack of resources was shown up by UNHCR's munificence. In addition, UNHCR's influence as an actor in Bangkok politics was probably not appreciated. To a lesser extent these same dynamics were at work between MOI and other international relief agencies, such as ICRC and some voluntary agencies. This clash of interests created a poor working relationship between international officials and Thai bureaucrats, with negative consequences for refugees. Thai officials became uncooperative: not answering telephone calls, creating obstructive paperwork, and so forth. International officials sought to overcome this by circumventing official channels or playing off government departments against one another, thereby worsening the relationship. The effects on refugee policy were to make the administration of assistance more difficult, and to create amongst MOI officials a generally negative attitude towards refugees.

Is it possible that this poor relationship might have been averted by the existence of a government refugee agency with policy making power and some resources? We can pose, but not answer this counterfactual; however, it is clear that international refugee officials experienced difficulty
working with MOI officials who had no real bureaucratic
stake in refugees' welfare.

The resettlement factor.

Resettlement and repatriation were cornerstones of Thai
refugee policy: perhaps the most important reason that the
Thai authorities admitted the refugees was that the Thai
expected their stay to be a temporary one. As prospects for
repatriation dwindled, resettlement became increasingly
important. The Thais' expectations were not disappointed in
the first phase. The resettlement countries, primarily the
U.S. (acting out of a sense of obligation to its Laotian
wartime allies) and France, urged Thailand to admit
refugees, and in return resettled almost 78,000 between 1975
and the beginning of 1979 (See Table 5 and Appendix D).

Because of the significance of resettlement, refugee
officials from resettlement countries were influential in
the implementation of refugee policies. One example was the
intervention of U.S. officials in the 1977 proposed
screening program. The program was not implemented largely
because Western diplomats, particularly U.S. refugee
officials in Bangkok, protested the policy. It is
noteworthy that the U.S. officials' positive position on
resettlement contrasted with that of UNHCR's. UNHCR feared
that the prospect of resettlement would draw more Laotians
across the border, and sought instead to promote the
repatriation of Laotians.\(^{63}\)

Although resettlement country officials, especially Americans, pressured the Thai to pursue more positive refugee policies, their success was limited, tied as it was to the resettlement quotas. Once these quotas decreased, as occurred after 1979, their influence declined accordingly.

The Social Receptiveness of Local Host Communities.

The main refugee-receiving areas were the north, a remote and mountainous region adjacent to the Laotian border, into which the Laotian highlanders came; and the northeast, including the eastern parts of the central region, along the Laotian and Cambodian borders,\(^ {64}\) where the lowland Lao and later the Cambodians entered (See Table 6).

Both regions are ethnically distinct from the rest of Thailand, and were historically quite independent of Bangkok. In the late 1950s both regions underwent, and resisted, efforts by Bangkok to bring them under greater administrative and political control.

In the north, the people who received the Laotian highlanders were the ethnically similar Hmong (called Meo or


\(^{64}\) The coastline along the Gulf of Thailand received Vietnamese boat people, but these numbers were comparatively smaller than in the other two regions.
Miao by the Thai).\textsuperscript{65} The Meo were generally very poor, although their average per capita income was about twice that in Laos.\textsuperscript{66} Like most people of the north, the Meo oriented themselves historically towards Burma, Laos and southern China, and they resisted, often with arms, Bangkok's control and integration measures.\textsuperscript{67} As elsewhere in the north, the communists exploited local resistance to Bangkok, and the insurgency flourished there. The movement of Laotian refugees into this region aggravated the already tense security situation, and presents an example of how a local community's welcome of refugees can create an antithetical response by the government.

Lowland Lao and Cambodian refugees moved into the northeast region (known as Isan), which encompasses nearly one-third of Thailand's territory and population, and is distinguished from the rest of Thailand by its arid climate and unproductive land. The Isan people (also known as Thai-Lao) speak a Thai dialect, but ethnically and linguistically are closer to the lowland Lao people. Historically the

\textsuperscript{65} Tribal groups together constitute about one percent of the Thai population, and the Meo are the second largest of these groups. See Charles F. Keyes, \textit{Thailand: Buddhist Kingdom as Modern Nation-State}. Boulder, CO: Westview Press. 1987. p.21.

\textsuperscript{66} U.S. Congress 1980: 41.

\textsuperscript{67} The Meo clashed with the government over such measures as land resettlement schemes, a ban on opium production, and border patrols by police. See Randolph and Thompson (1981: 16-17), and Keyes 1987 for further discussion of these problems.
region was relatively self-contained, but as contact with Bangkok increased the northeast became more aware of its inferior political and economic position.\textsuperscript{68} During the 1970s the region's economy was depressed, with minimal services and only sporadic contact with the government. The average per capita income for the region was only one third that of the national average.\textsuperscript{69} Political opposition to Bangkok manifested itself in support for the communist insurgency, and in the election of left-wing Members of Parliaments, whose demands for the region included land reform, income redistribution, and the legalization of the CPT. These demands were often perceived by Bangkok as separatist and communist, and thus as threats to national security.\textsuperscript{70}

Vietnamese refugees were of two types: those who came by boat and landed along the coastline of the Gulf of Thailand, and those who took the land route across Cambodia. Unlike other refugee groups, the Vietnamese did not have an ethnically similar community to join. The Dien Bien Phu Vietnamese refugees, who had lived in Thailand from the 1950s and were scattered in communities throughout the

\textsuperscript{68} The northeast believed they were discriminated against by Bangkok, and labor migrants to Bangkok in the 1950s and '60s learned that the Thais looked down on northeasterners as culturally inferior. See Alagappa 1987: 66-67.

\textsuperscript{69} Alagappa 1987: 68.

\textsuperscript{70} Alagappa 1987: 67.
northeast, did not provide much assistance to the new refugees.⁷¹

The implementation of the temporary asylum policy varied depending on the local community's response to different refugee groups. In the first phase, an American refugee official said:

The relatively few instances of forcible repatriation, mistreatment or the pushing off of boats, appear to have been locally inspired, and are definitely not as a result of national policy.

Positive reception of refugees depended on ethnic compatibility and cultural affinity, and the community's perception of the motives of the refugees. The Meo (Thai Hmong) welcomed the Laotian highlanders (Hmong), and the Thai-Lao welcomed the lowland Lao. By contrast, there was no ethnic similarity between the Thai and either the Cambodians (Khmer) or the Vietnamese. Although there was a small community of Khmer living in Thailand, there was traditionally little warmth between the ethnic Thai and the Khmer. In general the response of local Thai villagers to the Khmer was mixed. Some refugees said they had been robbed by the local Thais, but not ill-treated aside from this.⁷² The situation was worse for the Vietnamese. The centuries-old tradition of enmity between the Thai and

⁷¹ For a detailed discussion of the Dien Bien Phu refugees, who numbered about 70-80,000 in the late 1960s, see Poole, 1970.

⁷² Cambodian refugee, Site 2, personal interview, February 1990.
Vietnamese meant that the Vietnamese were seen as aliens, and unwelcome visitors. Although some communities helped the Vietnamese boat refugees, in general they were not welcomed, and there were cases of physical attacks. In addition to longstanding prejudices, the motives of the Vietnamese boat people were viewed with suspicion. As reflected in newspaper accounts and editorials, and in the statements of Thai officials, many Thai, both at local and national levels, doubted that all the refugees were fleeing political persecution, and believed that economic motives were behind the refugees' flight. The Vietnamese boat people were regarded as either rich Chinese who were about to become dispossessed, or poor people looking for a better life.

The local communities' responses changed over time. The response to later arrivals was affected both by the community's experience with earlier arrivals, and by changing perceptions of refugees' motives. The arrival of large numbers of refugees had a significant impact on the community, including increases in the price of food, the importation of diseases, increased crime rates (such as prostitution and drug smuggling), and the corruption of local officials.\(^{73}\) The impact on the community was unequally distributed. Poorer people suffered from price hikes; landlords and traders benefitted from them. The

\(^{73}\) Phuwadol 1988: 19-22.
resentment towards refugees resulting from these negative effects was aggravated by disparities in wealth between the community and the refugees, and the assistance given to the refugees by international agencies. Many lowland Lao came from urban areas, and were wealthier than local rural Thai. This disparity increased over the years, both because some Laotians in the camps received money from relatives resettled overseas, and because the refugees in the camps received assistance from UNHCR and the Thai authorities.\textsuperscript{74} Stereotypes—"lazy" and "easy-going"—were invoked to describe lowland Lao, and many Thai believed the Lao were in Thailand to receive relief\textsuperscript{75}—at the expense of the local Thai people.

Resentment towards the refugees amongst local Thai villagers became a growing problem—one that was rapidly grasped by local politicians. The system of patronage that characterizes local politics meant that the community's resentment affected the willingness of local politicians and MOI officials (who were often one and the same person) to admit refugees. MOI officials included provincial governors, bureaucrats administering contracts, police, and

\textsuperscript{74} It was known amongst relief workers and local Thai officials that a number of Thai had slipped into refugee camps in the Northeast to be processed for resettlement to the US. Informed camp workers at Nongkhai estimated that 10% of the camp population was Thai. Reports in Thai newspapers indicated that this still going on in 1990.

\textsuperscript{75} U.S. Congress 1980: 28.
immigration officials, some of whom found it contrary to their interests to implement Bangkok's pushback policy, especially in situations where refugees and assistance programs presented opportunities for personal gain in the form of payoffs from local contractors. However, in situations where local communities were very unfavorably disposed towards refugees, it was politically wise for local politicians and officials such as provincial governors, to promote the pushback policy.

Security Considerations in the First Phase.

In terms of the regional security environment, a "three-year lull" (1975-1978) ensued after the establishment of communist regimes in Vietnam, Laos, and Cambodia. It was hoped that "the Southeast Asian countries would settle down to a lifestyle of peaceful and cooperative existence with their newly installed neighbor[s]." 76

From the domestic security perspective of the Thai authorities there were risks and benefits to admitting refugees. The north and northeast were characterized by ethnic minorities, general poverty, longstanding conflicts with the central government, and support for the communist insurgency. To admit Laotians risked increasing the size of minority groups and encouraging general subversiveness. The

76 Abdulrahim bin Thamby Chik, "Internal security in Southeast Asia in the 1980s," in Scalapino and Wanandi op.cit., p.3.
army also feared spies amongst the refugees, and the threat of a fifth column. Another security risk was the increased cross-border military activity resulting from the presence of refugees. The Laotian highlanders entering Thailand included a large number of resistance militia who continued to operate from inside Thailand. The Commissioner of the Border Police Patrol, said, in December 1978,

"[Right-wing] Laotians assemble their manpower along the border and a lot of weapons are buried there. Sometimes they escape from the [refugee] center to start fighting along the Laotian border. This has made the Red Laotian soldiers misunderstand that Thailand has been providing supports and then they order their men to invade Thai territory."  

One security benefit from the influx was that since the refugees were fleeing communist countries, their situation might be seen as a warning to local Thai people tempted by the promises of communism. But this was poor compensation, and in the long run, the army saw little to gain in admitting Laotian refugees, and more to gain by pushing them back. Pushbacks occurred on a few occasions prior to 1979, either because the army wanted to make an example of them, or to demonstrate good faith to the Laotian forces.

Security considerations were similar with respect to the Cambodian refugees who entered Thailand during the first

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phase, although the problem of rebellious ethnic minorities was smaller in the eastern region. Refugees were located along the Thai-Cambodian border, whence the anti-communist Khmer Serei resistance conducted their struggle against the Khmer Rouges, and the refugees provided support for the resistance. This support resulted in tension between the Thai military and the Khmer Rouges forces, and occasional incursions by the latter.


Between late 1978 and mid-1979 the outflow of Vietnamese asylum seekers increased as a result of the Vietnamese government's decision to permit illegal departures. An international conference was held in July 1979, requested by the ASEAN receiving states, to discuss the problem of the Vietnamese refugees. The conference resulted in increased resettlement quotas offered by third countries, and the Vietnamese government's agreement to stop illegal departures, which reduced the outflow. Then, in

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78 The Vietnamese government's earlier decision to encourage illegal departures had been prompted by a simultaneous deterioration of Sino-Vietnamese relations, and "measures to effect a socialist transformation of the commercial sector in the south" through aggressive collectivization policies. After the government eased up on its socialist transformation policies, it became more willing to cooperate with ASEAN. This cooperation was also prompted by reasons of prestige—to show that it could control its populations—and the desire not to alienate ASEAN further. See Astri Suhrke, "Indochinese refugees: the
late December 1978, Vietnam invaded Cambodia, creating a huge outpouring of Cambodians, most of whom fled towards Thailand.

In Bangkok, the Vietnamese invasion was greeted with great unease, despite Vietnam's assurances that Thailand need not fear a spillover of the war.\textsuperscript{79} The official Thai response to the conflict between the communist factions in Cambodia was one of neutrality, the Thais claiming to maintain "friendly bilateral relations" with Vietnam.\textsuperscript{80} But during 1979 there was heightened concern, particularly on the part of the Thai army, about the PAVN's westward advance through Cambodia in pursuit of the Khmer Rouges. Security threats increased after Vietnam reserved for itself the right of hot pursuit as long as Thailand continued to support the resistance forces, which now included the Khmer Rouges.\textsuperscript{81} A number of military intrusions into Thai

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\textsuperscript{79} In September 1978 Vietnam made a declaration to Thailand about its non-aggressor intent, and later Vietnamese Prime Minister Pham Van Dong reassured Thai Foreign Minister Upadit Pachariyangkun about this (Bangkok Post, 1/26/79, p.3). See also Ministry of Foreign Affairs, "The Vietnamese Acts of Aggression ..." p.2.

\textsuperscript{80} Ministry of Foreign Affairs, "The Vietnamese Acts of Aggression ... " p.2. Se also Alagappa 1987: 87.

\textsuperscript{81} Until 1979 the resistance had been against the Khmer Rouges; after the Vietnamese invasion, the face of the communist enemy changed, and the struggle now took place against the PAVN. As the Khmer Rouges retreated from the invading Vietnamese, they became one of the factions engaged in the resistance struggle, but relations between the
territory occurred, as well as shellings that spilled over from the fighting inside Kampuchea.

Changes in Refugee Policies.

In response to the Vietnamese threat, Bangkok allocated responsibility for the Thai-Cambodian border area to the army, and a 28 km-wide martial law zone was declared along the border. The decision was made because of increased security concerns stemming both from the proximity of the Vietnamese forces, and from the influx of refugees, whose loyalties were unknown. The army said,

...the Supreme Command has been authorized by the Government to take responsibility concerning the problem. This is due to the fact that among the mass influx of Kampucheans there are deserting armed combatants of the Khmer Rouges and Vietnamese Heng Samrin forces mixing in with the Kampuchean and Vietnamese civilians.

Until the Vietnamese invasion the military had not had a high profile in refugee affairs, but this changed with the army's new responsibility. Field units controlled by the

resistance factions were characterized by deep antagonism which frequently broke out into open conflict.

According to the Ministry of Foreign Affairs, the first incursion occurred on March 4, 1979, when a small Vietnamese contingent briefly invaded Thailand at the town of Aranyaprathet. By May 1979 there were other incidents of hot pursuit of Khmer Rouges soldiers by Vietnamese-backed Heng Samrin forces into Thailand, and Vietnamese mortar shells landed on Thai soil. See Alagappa 1987: 85.

influential Young Turk colonels were now responsible for the protection and administration of the Cambodians who became designated as either "new" or "old", depending on whether they had arrived in Thailand before or after 1979. The MOI now had responsibility only for the "old" Cambodians, the Vietnamese boat refugees, and the Laotians.

In the early part of 1979, attention was still focused on Vietnamese boat refugees. The temporary asylum policy had always been extended reluctantly towards them, and as their numbers increased, so did the incidence of pushbacks and attacks by pirates (usually Thai fishermen) in the Gulf of Thailand. In January 1979, an army officer stated that Thai policy was

to accept into our temporary camps boat people who are unable to continue their journey. We will encourage large boats to move on and even small ones if they are able.\(^{84}\)

Towards the Cambodians, Thai admissions policy underwent a series of switches during 1979. At first the Thais maintained their temporary asylum policy, and permitted many Cambodians to enter. But as the numbers increased, particularly during the PAVN offensive against the Khmer Rouges in April 1979, the army closed the border

and began pushing back Cambodians. The pushbacks were justified in part by a new policy adopted in May 1979, which was intended to keep the peace on the Thai side of the border and to keep Thailand out of the conflict in Cambodia. It was decreed that 1) all Cambodians should return to Cambodia; 2) safe passage would be provided for combatants from either side seeking to escape annihilation and 3) pursuit of such escaping combatants would be resisted by force.

The army tried to screen entering Cambodians; those who were deemed not to be genuine were repatriated, sometimes forcibly. There were various incidents in which the army was suspected of misconduct towards refugees. Those Cambodians who were not pushed back, and who managed to negotiate the Supreme Command's screening, were labelled "illegal immigrants," and confined to makeshift camps separate from those in which the "old" Khmer were housed. When actions were taken by UNHCR personnel on the border to protest the repatriations, the Thai authorities responded by denying UNHCR access to Cambodian refugees. The

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85 The Nation reported in late May that the Supreme Command had stated that a total of 138,000 Cambodians had entered Thailand between January and May 23, of whom more than 60,000 had been pushed back into Cambodia. See also Shawcross (1984: 83-85) for reports of the forced repatriation of Cambodians in the first half of 1979.

86 Some UNHCR personnel overstepped the Thai authorities' tolerance in their efforts to stop the repatriations. In one incident in mid-April, the UNHCR Field Officer stationed at Aranyaprathet, David Taylor,
prohibition was extended to U.S. officials in May.

By late spring of 1979 it was apparent to Western observers in Bangkok that the government was becoming increasingly alarmed at the Cambodian influx, and there were strong signals that something was going to happen. In early June government officials announced on television that the Cambodian refugee flow was "different" from previous refugee flows into Thailand, and that "something had to be done about it." On June 8, 1979, the Preah Vihear repatriation began. The Army loaded into buses some 42,000 Cambodians from various refugee camps in eastern Thailand, and transported them to a mountainous section of the border abutting the Cambodian province of Preah Vihear. There they were forced at gunpoint down a path over the cliffs back into Cambodia. On either side of the path and at the bottom of the cliffs, there were minefields, marked only by a few wooden stakes. Estimates of the number who died vary


confronted Thai soldiers who were trying to force a group of Cambodians across the border. According to the Bangkok Post (4/24/79, p.5), Taylor, hugging a child, dared the soldiers to shoot him if they insisted on pushing the group back. The soldiers relented and Taylor sent a letter to the Supreme Command officer in Aranyaprathet, claiming full responsibility for the group. In May, when U.N. Secretary General Kurt Waldheim visited the refugee camp at Aranyaprathet, UNHCR and other relief officials encouraged the refugees to tell Waldheim about the repatriation of their relatives, to the anger of the Thais. As a result, David Taylor was removed from the border and not replaced for several months.


between hundreds and thousands. 88 During the remainder of June and early July, the refugees who made it down the mountain remained stranded in "the no man's land of Preah Vihear," 89 with little food and water. On one side, the Vietnamese army would not let the refugees through their lines into Cambodia, and on the other side the cliffs and Thai guards prevented them from returning to Thailand. The Preah Vihear incident became the most publicized and notorious of the forced repatriations of Cambodians, and the Thai government was confronted with international public condemnation.

In September 1979, as the Vietnamese army began their dry-season offensive, the pressure of refugees against the border reached crisis proportions, and Thai refugee policy shifted again, this time in a positive direction. In mid-October, Kriangsak paid a visit to the border, where he reportedly wept upon seeing the condition of the refugees. The next day, at a meeting of international organizations and donor countries, he announced that, in accordance with "humanitarian principles," and bearing in mind national sovereignty, national security and the welfare of the state, Thailand would open its doors to the refugees "without any limit." However, he warned, the Cambodians would be given only temporary asylum; they were to be regarded as illegal


89 Shawcross 1984: 91.
immigrants, and it was intended that they eventually be either resettled in third countries or voluntarily repatriated. UNHCR was permitted to open holding centers for the Cambodians at a safe distance from the border, under the administration and policy guidelines of the Supreme Command.

Policy Analysis.

Kriangsak's policy shifts during 1979 were prompted by the new security threat, and by changes in the positions and strengths of political actors, including the army, international organizations and donor countries, and domestic political constituencies. After 1979, refugees had increased strategic significance, and both the NSC and MFA took a more active interest in refugees. Although the MOI was most experienced in dealing with refugees, the NSC did not seek out their advice. Since the forced repatriations were the most salient of the government's responses to refugees, we focus on them.

Security and Domestic Political Considerations.

Were the forced repatriations, Preah Vihear in particular, the army's decision, and it what way were they supported by Kriangsak and Bangkok? The repatriations took place at a time of high security threat from the proximity of Vietnamese troops, and when the Young Turks in charge of
the border area had considerable power in decision-making in Bangkok, and could implement policy as they saw fit in the border area. If they decided that repatriations were appropriate it was unlikely that any other state agency could gainsay them.

However, in addition to pressure Kriangsak may have been under from the Supreme Command (he claimed they had imposed the Preah Vihear decision on him), Kriangsak had domestic political reasons to demonstrate his resistance to the refugee influx. In early 1979 there was a strong public reaction against the Vietnamese refugee influx. In Bangkok, many considered the government's refugee policy to be far too lenient, and this attitude was aggravated by the Vietnamese invasion. Newspaper editorials stirred up buried sentiments about the longstanding group of Dien Bien Phu Vietnamese refugees in Thailand,90 suggesting that since

90 In editorials, The Nation and Bangkok Post both commented that Vietnam seemed to be stalling about taking back these refugees, despite the existing agreement between Thailand and Vietnam, and that this procrastination might be linked to Vietnam's current refugee exodus. The newspapers stated that the only reason these Vietnamese refugees were receiving special treatment, i.e. given rights to work and travel, was because Hanoi had promised to take them back. Otherwise, said The Nation (1/27/79, p.2.), "...there is no reason why they should not be in camps like the more recent refugees and be taken care of by UNHCR." Two days later the Bangkok Post (1/29/79) said:

Although they have entered the country illegally ... they have been given almost the same rights as properly registered and taxpaying alien residents...But it would appear that they are not really appreciative of what we Thais are doing for them...They generally tend to resist identification of interest with our society.
many of them were communist sympathizers, they might pose a security threat, especially because of the recent events in Cambodia.\textsuperscript{91} Public opinion, at least in the newspapers, about the Cambodian refugees reflected little sympathy.\textsuperscript{92} By mid-April 1979, the \textit{Bangkok Post} declared that the refugee problem had grown to "uncontrollable proportions":

We are faced with the necessity to make a decision of whether to declare to the world: "Enough is enough". UNHCR is unable to do much to relieve Thailand of its burden which gets heavier every day. The Thai people are already sacrificing a considerable part of their budget to feed the refugees because international contributions fall far short of requirements.\textsuperscript{93}

The editorial argued that the refugees should not be allowed to earn income for themselves, because they would compete with the Thai for scarce jobs, "and we have our own million and a half unemployed to look after." It urged the government to make an announcement that Thailand would not receive any more Indochinese refugees. In May an editorial in the \textit{Post} referred to a recent statement by the Foreign

\textsuperscript{91} The \textit{Post} (1/29/79) raised the threat of a fifth column, and said the existence of "a hard core of communist cadre [who] keep the refugees under tight control and loyal to Hanoi is most worrisome."

\textsuperscript{92} A U.S. Congress Report (1980: 30) noted some exception to the generally critical public opinion about the refugees. The Thai Civil Rights Union, for example, were "so appalled" by public sentiment against Vietnamese and Khmer refugees, that they organized a small mercy mission to help the Khmer on the border in October 1979, "to show that we are all human", as one said. Such attitudes were rare, however.

\textsuperscript{93} \textit{Bangkok Post}, editorial, 4/14/79.
Secretary of the Philippines who had warned that refugees who continue to be deprived might set up terror organizations like that of the Palestinians, to obtain what they want or need. The editorial said this warning has to be taken to heart by our government...Steps must be urgently taken to have the refugees dispersed to other countries ... if we are to prevent a new, perhaps more horrible war of terrorism in the world.

Kriangsak was also under fire from the National Assembly. In early June, Kriangsak announced a new "open-door policy" based on humanitarian considerations, and this led to heated debate in the National Assembly. A former Foreign Minister, Thanat Khoman, led the attack against the open policy, and a strongly critical National Assembly report came out in July. Kriangsak's Minister Attached to Office of the Prime Minister, Siddhi Savetsila (who was shortly to become Foreign Minister) was criticized by some high-ranking military officers for being too "pro-American" in refugee matters.94

**International Reasons for the Repatriations.**

Pressure from the army, the perceived security threat from Vietnam, and domestic support for repatriation all prompted Kriangsak to encourage or acquiesce in the pushbacks. But Kriangsak may also have wanted to use the Preah Vihear repatriation as a demonstration to the West of

94 U.S. Congress 1980: 30fn.
his seriousness about the need for resettlement. During 1977 and 1978, although the number of resettled refugees had increased, this number had decreased as a proportion of the total refugee stocks in Thailand.

By 1979, the international refugee organizations and the Thai authorities were engaged in a struggle over the form that assistance to the refugees should take—the Thais pushing for resettlement; the international organizations and donor countries trying to get the Thais to permit other forms of assistance. The Thais did not want assistance in the form of programs that might draw refugees, but these were what UNHCR seemed to advocate. Throughout early 1979 UNHCR and ICRC repeatedly tried to persuade the Thai government to allow them to set up assistance programs for the Cambodian refugees. The government either ignored these requests, or insisted that such programs could have "no strings attached," i.e. the Thais would not guarantee that repatriations would be stopped. The Thais wanted ICRC to set up assistance programs in Cambodia, in order to stop the outflow of refugees, but ICRC could not get Phnom Penh to agree to this.

The brutal Preah Vihear repatriation may have been intended to pressure the resettlement countries to increase resettlement. According to Shawcross, a few days after the Preah Vihear incident Kriangsak claimed he was pleased at the furore it had aroused, because it meant at last Thailand
was receiving international attention. Perhaps because of
the delicate bargaining position they were in, the refugee
organizations did not subject the Thais to much censure for
the repatriations. In mid-May UN Secretary General Kurt
Waldheim visited Thailand and requested Kriangsak not to
push back any more Cambodians. Kriangsak replied that the
people were not being pushed back, but were being
"persuaded" to return. Army Commander-in-Chief, Prem
Tinsulananda, announced that

UNHCR feels that we have to assist all the
incoming refugees, but we think we have had enough
trouble and need not increase the size of the
burden.... UNHCR has stated too many rules for us
to follow. ... If the refugees are sick we will
give them medical treatment. If they are hungry,
we will feed them. And when they have recovered,
they will be pushed back across the border.

From UNHCR there was no official protest about the
Preah Vihear repatriation, either from Geneva or the Bangkok
office. The UNHCR Representative in Bangkok, Leslie
Goodyear, said doing so might anger the Thais and make them
more intolerant of refugees.\footnote{According to Shawcross (1984: 91), when UNHCR was
asked by the Swedish Ambassador, Jean Öeberg, what they were
doing about the stranded refugees in Preah Vihear, the UNHCR
Representative stated that "the lack of public statements
over this issue might be a sign that 'best efforts' are now
being made quietly." Shawcross (1984: 85-6) describes
Goodyear as "always cautious in his dealings with the
Thais."} The UN High Commissioner
wrote privately to Kriangsak, appealing to him to allow the
refugees to stay in Thailand; but with no immediate effect.
The only international organization formally to protest was
ICRC. The Thais rejected the protest, and the ICRC representative was recalled to Geneva and replaced. At a meeting of foreign ambassadors called by UNHCR on July 6, 1979, to discuss the refugee crisis, Îltor Turkman, the UN envoy, said forced repatriation was "a delicate political matter requiring much prudence." 97

Kriangsak used the repatriations to pressure the international community to increase resettlement. He told Turkman that the Preah Vihear repatriation would be stopped only if the UN promised that all the new Cambodians would be resettled, but neither Turkman nor U.S. officials in Bangkok could promise this. 98 Until 1979 the promise of

96 A number of UNHCR and western officials went to Aranyaprathet to try to stop the Preah Vihear repatriation. Some of the refugees who had already been accepted for resettlement were rescued, but then the international officials were ordered out of the town, and prevented from following the buses. This story was told to me during personal interviews with officials from international organizations in Bangkok. See also Shawcross (1984: 89).

97 According to Shawcross (1984: 91), Turkman also said that the UN has not come up with any feasible program as of yet, although efforts were now being made by various governments that have approached the Thai government on a bilateral basis. He stressed that multilateral means of dealing with the problem seemed inappropriate at this given moment. Various attempts were made by donor countries to help the stranded refugees. The Swedish Ambassador attempted to organize a rescue operation, but although he got permission from the Thais to take supplies across the border to the survivors, he was stalled by the refusal of the Vietnamese to permit aid across the border. The Vietnamese said aid must go through the government in Phnom Penh.

98 See Shawcross 1984: 90. However, the U.S. Ambassador wrote to the NSC promising resettlement of all the repatriates.
resettlement had been a strong source of persuasion wielded by U.S. refugee officials in Bangkok. But Congress was refusing to authorize further resettlement quotas, because of domestic resistance in the U.S. to further resettlement of Indochinese refugees\(^9\), and U.S. refugee officials' hands were tied in Bangkok. The U.S. Embassy did not strongly protest the repatriation, despite urgent requests by UNHCR to do so. By using a quota intended for "old" Cambodians (who had arrived before 1979), some of the new Cambodian arrivals could be processed for resettlement, but the Thai authorities only allowed U.S. refugee officials into the border area between February and April 1979, to take out the most compelling cases. In May the Thais closed off this access, and despite continuous pressure from the U.S. Embassy, would not let foreign officials into the border area.

Although diplomatic pressure could not prevent the repatriations, the combined weight of continuing diplomatic pressure and negative international opinion probably affected Kriangsak's decision later in the year to admit the Cambodians gathering at the border. Despite their earlier failure, donor countries and international organizations

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\(^9\) In 1979 the American public began to display signs of "compassion fatigue" regarding refugees. This was partly as a result of the bad feelings associated with the Haitian and Cuban influx, when Castro used the refugees as an opportunity to dispose of criminals and the insane, and the Americans felt they had been duped. See Appendix D, for a fuller discussion of US resettlement politics and policies.
continued to pressure Kriangsak, with the promise of further international assistance if he permitted entry to the refugees. The Preah Vihear episode had muddied Bangkok's international image, and Kriangsak was anxious to redress this. Also, as evinced at least in the English language press in Bangkok, there was a shift in Thai public opinion later in the year towards more sympathy for the Cambodian refugees.

The army's apparent support for Kriangsak's policy reversal was another factor that allowed Kriangsak to adopt a more liberal position towards the Cambodians in late 1979. Colonel Soonthorn Soonsirer, then in charge of border operations, offered the following reasons:

When Kriangsak changed the policy to an open door one, based on the idea of humanitarianism according to the needs of Thai security, we [the Supreme Command] agreed with him. The Khmer have been our neighbors for a thousand years. They are, in a way, our brothers. If the world community can give us the money, we will help them.\(^{100}\)

Had the army been seriously concerned about Vietnamese aggression, it is unlikely they would have permitted the opening of the border. But during the autumn of 1979 the Young Turks on the border lowered their estimation of the PAVN threat, and thus perceived the admission of Cambodians as a more acceptable risk. Another explanation of the army support for the decision is that the Young Turks were

\(^{100}\) Personal interview, Bangkok, February 1990.
experiencing their own political problems, including a weakening of their influence in Bangkok. For whatever reason, army support, essential for Kriangsak to effect a change in policy, existed, and Kriangsak saw his way to appeasing other sources of pressure.


Refugee flows declined between 1980 and 1983; then Cambodian inflows resumed during the PAVN's dry-season offensives against the resistance in January–March 1983, and between November 1984 and March 1985.101 During the attacks, hundreds of civilians were killed and wounded, and most of the border population, some 200,000 people, fled and were evacuated into Thailand. Arrival rates of both Laotian groups declined significantly until 1984, when there was a surge of lowland Lao into Thailand, resulting from new tax and conscription policies of the Laotian government, and expanded resettlement opportunities in the West. Vietnamese flows continued to increase until 1982.

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101 In January 1983, the PAVN attacked and occupied CGDK bases including Nong Chan, one of the largest encampments, administered by the KPNLF under Son Sann; two Khmer Rouges strongholds, one of which, Chomkakor, was a major blackmarket trading point; and Sihanouk's headquarters, O'Smach, were also attacked (CCSDPT 1983: 9). In the 1984–85 attacks the PAVN took eleven of the main CGDK bases along the border (Pongsapich and Chongwatana 1988: 13).
Refugee Policies.

The benevolent attitude that had characterized refugee policies in the first phase, appeared only spasmodically during the critical phase, and after 1979 it disappeared. Thailand's refugee policies now began to embrace more strongly the twin goals of inhibiting those trying to enter the country, and reducing the number of refugees inside its borders. These goals were effected by increased restrictiveness in both admissions policy and the treatment of refugees in camps.

Admissions.

The door to the Cambodians that had been opened in October 1979 was held open for only a few months; in February 1980 the border was closed to new arrivals, and the holding centers ceased to admit newcomers. The thousands of displaced Cambodians and land Vietnamese in the border area now lived in border encampments, assisted by international organizations.\(^{102}\) The Thai regarded them as displaced persons within Cambodia, and permitted them to be temporarily evacuated into emergency evacuation sites on the Thai side of the border only when they were seriously

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\(^{102}\) UNHCR reduced its role on the border after 1980; its place was taken by UNICEF and ICRC which together ran the feeding program for the border population, and then withdrew in 1982, after the U.N. Border Relief Organization (UNBRO) was allocated responsibility for the border population by the U.N.
threatened by the fighting between the PAVN and the resistance forces.

Restrictions on entry lasted until 1985 when Thailand again permitted Cambodians to enter, and set them up in camps on the border inside Thailand. In 1985 for the first time an official screening program for Laotians was instituted, along with determination procedures.

Assimilation and Local Integration.

As early as 1981 it was recognized that, despite resettlement and repatriation, there would be a residual group of refugees left in Thailand. These people were not eligible for resettlement because they had been rejected during interviews with immigration officials from resettlement countries. Nor was repatriation an option for them. The Thais were therefore faced with the decision whether to assimilate them, or leave them in refugee camps indefinitely. Whereas local integration had been considered as a solution before 1979, by 1981 this was no longer the case.\footnote{Aside from small groups of refugees who claim they were either born in Thailand, or lived there before 1975, few refugees have been granted Thai nationality. On April 23, 1979, the MOI announced that Thai nationality had been granted to seven persons born in Thailand, six of whom were born of Vietnamese parents. See Vitit Muntarbhorn, International protection of refugees and displaced persons: the Thai perspective. \textit{Lawasia}, Topic 4.3. August 8-12, 1981: 30-31.} Assimilation was also prohibited. On February 3, 1981, a Cabinet Decision arising from a bill drafted by the
NSC and the MOI, prohibited marriages between Thai civil servants and displaced persons. Another cabinet decision in 1984 reaffirmed this provision, and also ordered provincial governors not to allow the children of refugees to study in government schools and educational institutions.

Humane Deterrence Measures.

The goal of inhibiting the arrival of new asylum seekers was to be achieved by "humane deterrence" measures. These took two forms: reduced living standards in the camps so as to make the camps less attractive, and the elimination of resettlement opportunities for recent arrivals. Humane deterrence was intended to discourage "all but the genuinely persecuted and the truly needy" from seeking asylum in Thailand. Besides reducing the number of refugees in Thailand, the Thais thought that humane deterrence, coupled with repatriation and relocation, would reduce future inflows, because returnees would "help change the attitudes of potential refugees in the countries of origin."

Beginning in 1980, humane deterrence measures were

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104 Muntarbhorn 1981: 25. Muntarbhorn points out that the language of the decree used the terms "'displaced persons' or 'refugees'", and notes the "rare use of the word 'refugees' in an official context."


Resettlement placed the Thai authorities in a paradoxical situation: although they wished the resettlement countries to continue their offtake of refugees, they were afraid that the promise of resettlement acted as a lure for asylum seekers, thereby adding to the existing refugee burden. They therefore closed off resettlement for new arrivals but continued to allow it for longstanding refugee populations. For the Laotians and Vietnamese, resettlement restrictions were clearly stated to be part of Thailand's humane deterrence policies. The army (Joint Operations Center) said it was decided that

...only the old group of the Indochinese dps are allowed and encouraged to be resettled in third countries. To deter potential influx of Indochinese dps, new arrivals from Laos (since January 1981) and from Vietnam (since 15 August 1981) have not been allowed for resettlement. ¹⁰⁷

**Repatriation and Relocation.**

The goal of reducing the stock of refugees was to be accomplished mainly through voluntary repatriation and relocation, supplemented by continued resettlement of longstanding refugee populations. (See Appendix C for

¹⁰⁷ JOC/SC, 1 March 1982: 7. According to the Supreme Command, the number of refugees in the holding centers dropped between July and December 1981, from 92,336 to 89,301.
details of repatriation programs.) A Laotian voluntary repatriation program had been instituted in 1979, with little success. In June 1980 a more ambitious program for Cambodians began, with the assistance of UNHCR, but was curtailed after the PAVN objected strongly to the repatriation and conducted military sweeps along both sides of the border.\(^{108}\) The attacks prevented the would-be repatriates from returning to Cambodia, and led to the flight of an additional 50,000 Cambodians into Thailand. The Thai refused to permit the would-be repatriates to return to the holding centers; and relocated them in border encampments, along with the new influx.

The voluntary repatriation program was discontinued in the same month it had begun and not formally resumed. However Thai authorities continued to encourage those in the holding centers to return to Cambodia, arguing throughout 1980 and 1981 that many refugees wanted to return to Cambodia, and that they should be encouraged and helped to do so. Accordingly, Thai authorities devised the "Voluntary Relocation" program, in which Cambodians voluntarily signed up for relocation, and arrangements were made to transfer them to safe border points of their choice, where they could

\(^{108}\) The PAVN considered the repatriation an excuse to send reinforcements to the resistance forces on the Cambodian side of the border. According to the OCDP, a Khmer Serei camp was attacked, and there were clashes between Thai and Vietnamese soldiers inside Thailand, with both sides sustaining losses in the process ("Too Long to Wait", September 1980, p.34).
walk back to their own villages. An estimated 10-20,000 refugees accepted the relocation offer, but many of those relocated to the border elected to stay in the border camps rather than risk the journey to the interior of Cambodia, so they remained dependent on support through Thailand. In 1983, Vietnamese attacks on the border forced the relocation program to come to a halt, and it was not resumed.

Camp Consolidation.

Despite standing policy, new arrivals continued to enter Thailand, but the refugee population decreased during 1980-82, as a result of both resettlement and the success of humane deterrence. The Thais (with UNHCR) began to consolidate the camps and make them more ethnically homogenous. In September 1982, the government announced that by the end of the year there would be only four holding centers, one for each of the refugee groups.

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109 According to a Supreme Command brief, the relocatees were provided with "kits comprising items necessary to start a new life in their homeland", and were taken by the Thai army to their chosen border point (JOC/SC, 1 March 1982, p.7).


111 Prasong, Address to a meeting of ambassadors and UNHCR representatives at the Office of the NSC, September 17, 1982. Text from IRC files. According to Phuwadol Songprasert (1988: 50) there was one camp each for lowland Laotians, highlanders, and Cambodians, and another camp for refugees accepted for resettlement in third countries. The four camps did not include the detention center at Sikhiiu, which contained only Vietnamese boat people and Vietnamese military defectors, and was not included among the camps to
consolidation was part of humane deterrence strategy, because those camps which remained open suffered increased pressure on space and facilities, creating added hardship for refugees.\textsuperscript{112}

\textbf{Policy Analysis.}

What explains the increased restrictiveness of refugee policies after 1980? We propose three main reasons: first, Thailand's domestic absorptive capacity shrunk as a result of very large numbers of refugees, declining economic conditions, and reduced social receptiveness. Second, the Thais became increasingly impatient with international criticism of their handling of the situation, and with what they perceived as a betrayal of the 'resettlement deal.' Third, there were recurrent security threats on the Thai-Cambodian border.

Underlying these reasons was Thailand's political and economic instability. The economic situation deteriorated as the world oil crisis struck, and its political ramifications included the resignation of Kriangsak, following strong public opposition resulting from oil price hikes. General Prem Tinsulanond, supported by the Young Turks, replaced Kriangsak in March 1980, and from July, Squadron-Leader Prasong Soonsirer took over from Siddhi as  

\textsuperscript{112} UNHCR Fact Sheet, June 1984, No.10.
Secretary-General of the NSC, while Siddhi became the new Foreign Minister.

Reduced Domestic Absorptive Capacity: Sheer Numbers, Economic Hard Times, and Negative Attitudes.

Our domestic absorption capacity thesis proposes that more restrictive refugee policies were pursued as a result of Thailand's reduced willingness and ability to absorb refugees. Thailand's ability to absorb refugees diminished as a result of the sheer number of refugees together with nation-wide economic problems. Some voluntary agencies support this argument, claiming that the relocation of Cambodians to the other side of the border was necessary to "reduce the logistic and economic burden on the country's resources."113 Thai authorities also argue along these lines. A MOI statement said in 1981,

The Royal Thai Government cannot accept local resettlement because we have been facing many problems--hundred thousands of Thai population affected by the Kampuchean influx...we have to solve the problem of their unemployment, shelters, and so on. Besides, we have another problem of millions of [people] in the rural areas who have no cultivatable land and are waiting for governmental support.

Thailand, the most affected "front-line" State, has now reached the limit of its capacity and endurance, and cannot any longer suffer the burden of being at the receiving end of endless influx as

113 CCSDPT 1982: 9. These were also offered as the reasons for camp consolidation.
well as misdirected criticisms from many quarters.\textsuperscript{114}

Economic conditions were offered as the reason for the Thai refusal to integrate refugees. It was argued that the poverty of many Thai citizens and the lack of available land mitigated against doing so. Just as importantly, however, was a decline in the willingness of the new Thai leaders to accept refugees. The new NSC leader, Prasong, said,

> There is no government in the world daring to give assistance to such an extent while her own people are suffering from hardship.\textsuperscript{115}

Prasong was generally acknowledged to have great political power. According to both Thai and international observers, and as described by Prasong himself,\textsuperscript{116} he was a hardliner. His views on Vietnam, the Khmer Rouges, and the role of humanitarian organizations in Thailand's Cambodia policy, were less compromising than those of the previous Secretary-General (now Foreign Minister) Siddhi Savetsila. Prasong favored Thailand taking a strong independent foreign policy, and he was less likely to agree to the requests of the international organizations and donor countries if he thought Thailand's national interests were in conflict with


\textsuperscript{115} Quoted in Phuwadol Songprasert, 1988: 30.

\textsuperscript{116} Personal interview, Bangkok, February 1990. See also Shawcross (1984: 350).
those of the refugees.\footnote{Prasong's power is illustrated in the following anecdote (Personal interview, February 7, 1990): "In 1981, the US Ambassador and the relief agencies asked Siddhi to move the land Vietnamese deeper inside Thailand. Siddhi agreed to this. But I said no. I felt that moving the camp would act as a pull factor, and more refugees would come. So we kept the camp at the border, to act as a deterrent. Siddhi went to see the Prime Minister [Prem], his close friend, and Prem then phoned me. He asked me what was happening at the border, and I explained. The Prime Minister then said to me: "it's up to you, not the Foreign Minister, to consider what's good for the country, and not what our friends want." After that Siddhi phoned me and said he agreed with the US Ambassador about moving the refugees. I told him to talk to the Prime Minister. Siddhi said he already had spoken with him, and Prem had said that I should talk to Siddhi. I then said to Siddhi that he was my boss, and that if he disagreed with my position I would recommend that he take on my responsibilities for the refugee problem. He quickly said no, and I got my way."}

During 1980 the sense of crisis and emergency that had surrounded the flood of Cambodian refugees into Thailand in 1979 diminished, and many government officials expressed the belief that the Cambodian crisis was over, and that the Cambodians were no longer fleeing danger but were coming to Thailand for other reasons, such as the hope of resettlement. Within the NSC there began to appear resistance to the open-door policy of late 1979, and increasing signs of rigidity.\footnote{Muntarbhorn 1981: 22.} The NSC reiterated that the displaced persons were illegal immigrants, and that Thailand had "unfettered sovereignty" if it chose to eject them.

In mid-1981, the government stated that the
repatriation of Cambodians en masse, would be desirable.\textsuperscript{119} At a conference on displaced persons, the attitudes of the army, the NSC, and the Foreign Ministry emerged in statements given by their chief officials.\textsuperscript{120} Concerning the Vietnamese refugees, both the army and the NSC saw the solution to the problem in deterring the flow from Vietnam. Prasong said that the most appropriate course for "dealing with the Vietnamese adventurers" was to "contain their emigration;" Kerdphol said the solution to Thailand's problem of the influx of displaced persons was to deter the flow. Both leaders also stated that the resettlement of Vietnamese should take place from Vietnam through the Orderly Departure Program, not from Thailand. Concerning the Cambodians, both Prasong and Kerdphol said the solution was voluntary repatriation. Neither mentioned the conditions under which repatriation could or should take place.

The army and the NSC's statements differed from those of the Foreign Ministry. Siddhi argued that the solution to the problem of displaced Cambodians was "a comprehensive political settlement" in Cambodia, the framework of which had been worked out in 1980 at the UN General Assembly.

\textsuperscript{119} Muntarbhorn 1981: 22-23.

\textsuperscript{120} CCSDPT Annual Conference on "Displaced Persons in Thailand", Bangkok, 23 July, 1981, The Supreme Command was represented by General Saiyud Kerdphol, Chief of Staff of the Royal Thai Armed Forces; Prasong represented the NSC; and Siddhi the Foreign Ministry.
Until such a settlement, Siddhi argued, "the need to care for the Indochinese displaced persons in Thai camps persists." Siddhi added that repatriation was the right of Cambodians, but he emphasised that the Thai government would "do its utmost to ensure safety" for those who volunteered to go back, and would not "resort to radical solutions in dealing with this problem." In his speech, Siddhi's tone was more complimentary and conciliatory towards the international organizations than the other two leaders; he stressed Thailand's "duty to our fellow human beings," something neither of the other two had done.

**International assistance: Reneging on Resettlement?**

After 1979 the Thai government demonstrated heightened impatience with the role of the international organizations and donor countries in solving the refugee problem. Official statements such as MOI's (above) about "misdirected criticisms" reflected impatience and anger with what they perceived as unfair criticism of their handling of the problem, and the betrayal of the 'resettlement deal' (whereby the Thais agreed to take in refugees and the donor countries agreed to resettle them). The government was concerned both that the resettlement countries were slackening in their efforts to resettle refugees, and that they would use up their resettlement quotas for new arrivals, to the detriment of more long-standing refugees.
Prasong responded to the resettlement slowdown thus:

... the Thai government and people are seriously concerned about Thailand's unceasingly imposed burdens of taking care of [the displaced persons and illegal immigrants] and the emerging and uninspiring indication of the declined interest on the part of the international community about this problem...

...the Thai government continues to uphold the humanitarian principles in alleviating the plight of the displaced persons...[only] as long as other countries and international organizations honour their commitments and sincerely share the burden imposed upon Thailand.¹²¹

Concerning the "sharp decrease" in resettlement, Prasong said, "there has been neither plausible explanation ... nor any meaningful initiative on the part of the international community." He noted that many countries had adopted "selective measures and difficult procedures" for accepting people for resettlement, which meant displaced persons remained in processing centers for long periods (more than six months). Thailand had no such selective procedures, he said, but had to accept everyone. He threatened that unless the situation was redressed,

it is necessary for Thailand to take some drastic measures in settling this problem in her own way. ..we are preparing to send .. those Laotians, hilltribes, or Vietnamese and Cambodians residing longer than six months in the Phanat Nikom centre [who have] no possible guaranteed departure for any country on a specific time...out to the border. Thai and foreign correspondents, TV men are cordially invited to witness [this]...

If Thailand lacks sustained sincere help from the UNHCR and other countries, she can do anything

¹²¹ Address to a meeting of ambassadors and UNHCR representatives at the Office of the NSC, September 17, 1982. Text from IRC files.
that can lessen her grave burden.

Decreased resettlement quotas meant donor countries who wanted to help Thailand reduce its refugee burden had to support some alternative. They therefore supported humane deterrence and the repatriation programs. The U.S. State Department issued the Green report in August 1981, which noted an urgent need for

humane measures to deter the flow of increasing numbers of refugees whose reasons for fleeing derive more from normal migration motives than from fear of persecution.\textsuperscript{122}

However, U.S. refugee officials in Bangkok had misgivings about the relocation program.\textsuperscript{123} Despite the assurances of army officers on the border, there were doubts about the voluntariness of the relocation programs.\textsuperscript{124} However, local voluntary agencies stated that the relocations were conducted "on a purely voluntary basis,"\textsuperscript{125} and for this

\textsuperscript{122} The report was submitted by a special advisory panel, commissioned by the U.S. State Department, and headed by Marshall Green, to examine the Indochinese refugee situation (Robinson 1989: pp.12-13, and p.49 and footnotes #20 and #38).

\textsuperscript{123} Robinson 1989: 12.

\textsuperscript{124} The US Committee for Refugees stated that the refugees had little choice: they could choose between staying indefinitely in the camps, where there were no prospects for resettlement, or being taken to the border (USCR, 1982: 8). Shawcross (1984: 305) points out that the movements were usually carried out at night, after the international personnel had left the holding centers, and it was difficult to tell whether the movements were voluntary or not.

\textsuperscript{125} CCSDPT Handbook, 1982: 8.
reason international organizations and donor countries supported the relocations.\textsuperscript{126} UNHCR was a key element in arranging repatriation because it acted as an intermediary between Thailand and the sending countries on questions of repatriation. It had offices in Cambodia, and was not restricted by political difficulties of non-recognition of authorities in power.\textsuperscript{127} However, the exact role of UNHCR in the voluntary repatriation program appears to have been perceived differently by the parties involved. According to one perspective, the Thais enlisted the support of UNHCR in order to ensure international legitimacy, and UNHCR agreed to participate without officially sponsoring the program.\textsuperscript{128} However, the Thai MFA said,

Voluntary repatriation, similar to all forms of treatment accorded to the Cambodians in Thailand, was in fact not a unilateral act on the part of the Thai government. In this case, [UNHCR] and his area coordinator in Bangkok ran the programme with the help of Thai security forces.\textsuperscript{129}

\textsuperscript{126} According to UNHCR's mandate, voluntary repatriation is a desirable solution to refugee problems, and they participated in the Cambodian repatriation in 1980. However, from UNHCR's perspective the feasibility of repatriation only existed for the Laotians and perhaps the Cambodians. UNHCR had assisted the Thais in arranging the repatriation program for Laotians in August 1979. For the Vietnamese, repatriation was judged out of the question, because of the hostility of the SRV government in Vietnam towards people who left the country illegally.

\textsuperscript{127} Thailand did not recognize the Vietnamese-installed government of Cambodia, and therefore could not interact with them at the diplomatic level.

\textsuperscript{128} CCSDPT Handbook, 1982: 5.

\textsuperscript{129} MFA, "The Vietnamese Acts of Aggression..." p.3.

Thailand's diminished absorptive capacity, coupled with reduced assistance from the international community, may have been enough to create the restrictive policy climate. But political and strategic reasons were probably factors in the Thais' wish to relocate the Cambodians across the border. After 1979 the conflict between the PAVN and the resistance forces drew close to the Thai border. The MFA called the effects of the conflict "a threat to our border areas and, ultimately, to our independence and freedom."130 Bangkok's anxiety about the Vietnamese threat gave rise at this time to a popular theory about Thailand's treatment of Cambodian refugees. A U.S. Congressional report that came out in 1980 said:

Some circles in Bangkok accept the view, principally associated with General Kriangsak, that it is in Thailand's interest to provide refuge to the displaced Khmer on the border as these constitute a "human buffer" between Thailand and Vietnam.131

The reasoning behind the human buffer theory is as follows. With the invasion of Cambodia, strengthened resistance to the Vietnamese became the government's first priority. The government realized early on that the resistance forces on

130 The government strongly condemned the attacks on the refugees in the border area, and produced a booklet entitled 'Run For Our Life' as part of their campaign to publicize the attacks and prevent their repetition. MFA, "The Vietnamese Acts of Aggression ..." p.2.

the border would need three things: an army to fight the Vietnamese; a diplomatic wing to conduct negotiations both with the Vietnamese and in international circles; and a civilian population to legitimate the resistance's claim that they were the true government of Cambodia, and to enable the resistance forces to have their families close at hand. Since the Cambodian refugees supplied the first and last of these, it was expedient to keep them on the border, rather than allow them to be resettled, or moved away from the conflict to other parts of Thailand. The view of the Cambodians on the border as a civilian population explains why they were called "displaced persons", rather than refugees.

The belief that the border population was part of Thai security strategy, was, and continues to be held by a number of international personnel, and some Thais. One international civil servant said:

Thailand's policy towards the refugees has been quite Machiavellian. What has underpinned it has quite simply been the concerted strategy to fight the Vietnamese to the last Khmer. Everything the Thai have done has been designed to maximize damage to the Vietnamese, and to protect their border ... more than other first asylum countries, Thailand has been guided by a single strategy, reflecting political considerations. The refugees have been one of the three pillars in the anti-Vietnamese strategy.

A Thai academic, discussing Thailand's border policy in 1985, said,

We did not consciously try to attract refugees to come to our border, but since they are there
already we might as well make use of them. ¹³²

Such political and strategic explanations for the Thai border policy are persuasive but not watertight. One problem with the theory concerns the role of the army. Although it seems natural that the army would have supported the human buffer strategy, it is not certain that the Young Turks in charge of the border in fact did so. There is speculation¹³³ that the Young Turks (who were also Prime Minister General Prem's supporters) did not consistently share Bangkok's (primarily the Foreign Ministry's) fears about Vietnam in Cambodia.¹³⁴ If they did not, they may not have seen the necessity of creating and maintaining a human buffer of refugees.

We have argued that three main factors, Thailand's diminished absorptive capacity, struggles with the international community, and security considerations on the Thai-Cambodian border, combined to create a more restrictive

¹³² M.R. Sukhumpan Priphat, later an advisor to the Prime Minister, "Thai border security policy." Presentation at monthly CCSDPT meeting in 1985.

¹³³ The Congressional report stated that "it was not clear if [the human buffer] view is widely shared by supporters of General Prem."

¹³⁴ Nor did the Young Turks appear to share Bangkok's position of neutrality with respect to the conflict in Cambodia. Although they did not actively or publicly support the Khmer Rouges, neither did they make things difficult for them, and there were instances of cooperation between the Khmer Rouges forces and the Thai army.
policy climate during the second phase. Another factor that mitigated against the refugees was the absence of a refugee agency with any real power. The OCUP had little influence, and did not act as an advocate for refugees. The only advocates for refugees were the international agencies—with whom the Thai policy makers' relations were not always good—and the Ministry of Foreign Affairs, which was a relatively weak player in Bangkok politics.

In this second phase, we have not examined the role of Bangkok's relations with the governments of the sending countries as a factor in refugee policies. On the whole, these relations did not appear to be a determining factor, although they may have had some effect. Thailand did not have economic relations with the sending countries, and in the case of Cambodia after 1979, did not have diplomatic links. Theoretically, Bangkok's non-relations with Phnom Penh should have served to improve Thai treatment of Cambodian refugees, but this was not the case. Nor did Bangkok's poor relations with Vietnam create positive refugee policies towards its refugees. In the case of Laos, relations did improve slightly during this second phase, and this facilitated the development of trilateral repatriation programs.

Summary.

Over the three periods of refugee policy making in
Thailand, we would summarize the relative weights of our propositions as follows. In the first period, the response of the receiving communities played an important part, largely because of the unformed nature of refugee policy coming from Bangkok. International agencies also played a stronger role than they would later, possibly for the same reason, but also because third country resettlement was an important factor in the Thai response to refugees. During this period, the relatively low volume of the refugee flows did not overtax the country's absorptive capacity, and in general refugees were as well treated as they were going to be. Security considerations did play a role in the treatment of refugees, but existing security threats stemmed largely from the internal insurgency, and Thai authorities did not see refugees as a crucial part of the threat.

During the crisis phase, as the volume of refugee flows increased, and the security situation deteriorated, security considerations played a much greater role. With increasing refugee numbers, the Thai government sought to pressure the international community to provide greater assistance in the way of resettlement, and became much less amenable to diplomatic pressure to treat the refugees well.

During the second phase, Thailand's diminished absorptive capacity, changes in the Thai leadership, and reduced resettlement quotas, resulted in negative policies towards the refugees. Security considerations on the Thai-
Cambodian border continued to be a factor in the treatment of Cambodian refugees.

We will return to an assessment of these different factors in Chapter Six, when we compare the responses of the Thai and Zimbabwean governments. Now we turn to the Zimbabwean case.
Table 4.

Ethnic Breakdown of Refugee Arrivals in Thailand
1975 - 85

Thousands

<table>
<thead>
<tr>
<th>Year</th>
<th>Hmong</th>
<th>Khmer</th>
<th>Lowland Lao</th>
<th>Vietnamese</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>76,338</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1976</td>
<td>38,406</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>34,316</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td>69,140</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1979</td>
<td>200,001</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1980</td>
<td>113,867</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1981</td>
<td>43,260</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1982</td>
<td>11,261</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1983</td>
<td>12,814</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1984</td>
<td>25,487</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1985</td>
<td>27,507</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 5.

Thai Refugee Policies and the U.N. Policy Yardstick.

<table>
<thead>
<tr>
<th>Policy Type</th>
<th>Positive Response (UN recommendations)</th>
<th>Thai Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Legal Bureaucratic response.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Accede to international instruments, conventions, etc?</td>
<td>Accession (or equivalent)</td>
<td>No</td>
</tr>
<tr>
<td>b) Define asylum seekers as refugees?</td>
<td>Yes</td>
<td>No; asylum seekers defined as 'aliens' etc.</td>
</tr>
<tr>
<td>c) Create separate bureaucratic authority responsible for refugees?</td>
<td>Yes</td>
<td>Yes, but with only weak authority; refugee affairs handled by army</td>
</tr>
<tr>
<td>d) Procedures for determination of refugee status?</td>
<td>Yes, proper procedures, incl. legislation, appeal, etc.</td>
<td>No proper procedures.</td>
</tr>
<tr>
<td>II. International Refugee Organizations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Grant IROs permission to assist refugees?</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>b) Cooperate with, or restrict IROs?</td>
<td>UNHCR permitted access to affected areas; cooperation</td>
<td>initial cooperation, then restricted access</td>
</tr>
</tbody>
</table>
### III. Admission and Treatment of Refugees

<table>
<thead>
<tr>
<th>Question</th>
<th>Official</th>
<th>Practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Admission of asylum seekers appearing at border?</td>
<td>admit all</td>
<td></td>
</tr>
<tr>
<td>b) Screen refugees?</td>
<td>Only in accordance with UNHCR regulations</td>
<td>Not until 1985</td>
</tr>
<tr>
<td>c) Location of refugees?</td>
<td>Refugees allowed to choose camps or self-settlement</td>
<td>Refugees obliged to live in camps</td>
</tr>
<tr>
<td>d) Rights of and restrictions on refugees?</td>
<td>More rights (incl. freedom of movement, employment), no discrimination</td>
<td>More restrictions (on movement, employment), and discrimination.</td>
</tr>
<tr>
<td>e) Refugee protection?</td>
<td>Pursue physical safety; camps at safe distance from border; civilian nature of camps is maintained</td>
<td>Protection of camps frequently violated; combatants in camps; camps too close to border</td>
</tr>
<tr>
<td>f) Repatriation?</td>
<td>Voluntary, according to UNHCR recommendations</td>
<td>Some voluntary, but also incidents of expulsion and refoulement; violations of UNHCR recoms.</td>
</tr>
<tr>
<td>g) Treatment of long-term refugees?</td>
<td>potential for local settlement, or permanent residence</td>
<td>refugees remain in camps until resettled or repatriated; no assimilation</td>
</tr>
</tbody>
</table>
Table 6.

Resettlement by Country

Source: UNHCR.
Table 7.

**Ethnic Composition of Refugee-Receiving Regions.**
(not including refugees)

<table>
<thead>
<tr>
<th>Region in Thailand</th>
<th>Ethnic Group</th>
<th>Percentage of Total Pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Northeast</td>
<td>Siamese (central Thai)</td>
<td>25.0</td>
</tr>
<tr>
<td></td>
<td>Isan, Thai-Lao</td>
<td>31.0</td>
</tr>
<tr>
<td></td>
<td>Vietnamese</td>
<td>0.2</td>
</tr>
<tr>
<td>Border with Cambodia</td>
<td>Khmer</td>
<td>1.5</td>
</tr>
<tr>
<td>North</td>
<td>Khon Muang, Yuan</td>
<td>20.0</td>
</tr>
<tr>
<td></td>
<td>Hmong (Meo and Yao)</td>
<td>0.2</td>
</tr>
</tbody>
</table>

Source: Adapted from Keyes 1987: 26.
Map 2: Mozambican Refugee Flows into Zimbabwe.
Chapter Five.


Introduction to the Case Study.

Zimbabwe was chosen as an example of a receiving country which responded positively to refugees, despite the influx from Mozambique being compounded by a threat to national security. Zimbabwe's treatment of the Mozambicans was not the most favorable in the region—other asylum countries such as Zambia and Malawi, were more positive in certain respects. But given that security threats were largely absent in the other asylum countries, Zimbabwe's refugee policies were remarkably positive. Refugees were well-treated in the camps; forced repatriations and relocation, although practiced on occasion, were less violent and less frequent; refugees were (eventually) defined as such; and no humane deterrence measures were employed. We now examine the Zimbabwe case, and try to determine the factors that explain this relatively positive response.

Refugee Flows.

Zimbabwe began to receive refugees fleeing the drought and insurgency in Mozambique in the early 1980s. As elsewhere, the flow began as a trickle, then grew rapidly as
the situation in Mozambique deteriorated. The Mozambican refugees differed from other refugees in one important respect: they were not fleeing violence perpetrated by their own government, but were fleeing a situation in which their government was unable to protect them from violence by an insurgent group. In this case, the insurgents were a rebel group, the Mozambique National Resistance (MNR), also known as Renamo, which had declared itself opposed to the FRELIMO government,¹ and had embarked on a strategy of rural destabilization designed to unseat the government. (See Appendix E for details.)

As in the case of Thailand, the pattern of refugee movement into Zimbabwe followed a three-phase sequence. The first phase occurred between 1980-81 and 1986, as the effects of the drought and civil disorder began to manifest themselves in Mozambique. The first arrivals were mostly healthy, Shona-speaking males whose kinship ties made it possible to integrate themselves into the Zimbabwean local community. This group was followed by Shona-speaking family groups who also managed to integrate themselves locally.² By April 1984, as the drought deepened, and the civil

¹ FRELIMO is the Portuguese acronym for the Front for the Liberation of Mozambique, the Marxist-Leninist party that formed the post-independence government in Mozambique in 1975.

insurgency intensified, there were some 45,000 Mozambicans in the eastern parts of Zimbabwe, from provinces as far afield as Tete, Cabora Bassa and Maputo.\(^3\) The long trek meant many of these refugees arrived weak and malnourished, with no kin in Zimbabwe to assist them in finding shelter. Some of the refugees established makeshift "squatter" camps near villages, others were taken in by mission stations. Most were spontaneously settled in the border provinces of Manicaland, Mashonaland Central and Masvingo (See Map 2.).

The escalating conflict in Mozambique during 1986-7 brought the first phase to an end, and initiated the crisis phase. In 1987, the number of refugees in camps doubled, from just under 30,000 in December 1986, to over 63,000 a year later,\(^4\) and the government estimated that there were some 100,000 Mozambicans spontaneously settled in Zimbabwe's border provinces. (See Table 7.)

The second phase began in 1988 when the rate of arrivals started to decline. However, the high birth rate in the camps meant the stock of refugees continued to increase. By the end of 1989 the camp population was over 83,000, and the largest camp, Tongogara, which had


\(^4\) However, part of the camp increase in numbers was due to the government's decision to relocate a large number of Mozambicans (both refugee and in some cases, non-refugee) living in Zimbabwe to the camps.
originally been built to house 5,000 people, held some 40,000 people.

The Domestic Context: Politics, Security and the Economy.

The period under consideration, 1981 to 1989, closely coincided with Zimbabwe's post-independence re-organization. In March 1980, a few months after the Lancaster House conference ended the Rhodesian war, Robert Mugabe and his ZANU(PF) (Zimbabwe African National Union-Patriotic Front) party won the first election after a hard fought campaign with the other parties of the liberation struggle, PF(ZAPU) (Patriotic Front (Zimbabwe African People's Union) and the UANC (United African National Congress).^5^ In the early

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^5^ During the war ZAPU and ZANU were based in Zambia and Mozambique respectively. Although their mutual enemy was the Smith regime, relations between the movements were antagonistic, and often acrimonious. In the later stages of the war, the two parties, under pressure from the Frontline states, formed a coalition known as the Patriotic Front, under which they entered the Lancaster House negotiations. When the war ended, ZANU split from the Patriotic Front, becoming ZANU(PF), whilst ZAPU became PF(ZAPU), and the two parties campaigned separately in the general election in 1980.

1980s, the ZANU government struggled to pull the country together after the Rhodesian war. The independence struggle that was fought from 1968 to 1980 against the Smith regime, was also known as the Second Chimurenga (the Shona word for 'liberation struggle'). The First Chimurenga took place in the 1890s, in the fight against the white colonial settlers. The fight against South Africa's destabilization strategy in southern Africa is often referred to as the Third Chimurenga.

Sithole 1990: 463. A white commercial farmer was made Minister of Agriculture, and many whites in the security forces were retained in their positions. Whites were not subject to prosecution for crimes (such as torture) committed during the war, nor was any of their property confiscated. With these policies, Mugabe sought to avoid a mass exodus of whites, who would take with them business and commercial expertise as well as capital.

During the war, the Rhodesians had pursued a strategy known as 'Operation Turkey', which attempted to deprive villagers of food in order to prevent them from feeding the guerrillas. See Africa Watch 1989.

The new government was beset by the problems of independence. New legislation had to be passed by members of parliament, many of whom had little parliamentary experience. Zimbabwe's outlying areas suffered food shortages from the war, and these were aggravated by the

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continent-wide drought between 1981 and 1984. The drought affected Zimbabwe less than other African countries, but for the first time the country had to import some foodstuffs. Economically, the first years of independence were difficult ones. During the early 1980s Zimbabwe was hit by economic recession and inflation, but after 1984 the country prospered again. By Third World and regional standards (with the exception of South Africa), Zimbabwe was a relatively prosperous state, with the most highly developed industrial sector in sub-Saharan Africa. But by virtue of its landlocked location, it is a vulnerable state, dependent on its coastal neighbors for rail and road links to ocean ports. As of 1988, more than 90% of Zimbabwe's imports and exports passed through South Africa, despite Zimbabwe's support of sanctions against South Africa. 

Tense relations between Zimbabwe and South Africa increased the importance to Zimbabwe of the Mozambique link to the ocean through the Beira corridor.

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11 The unreliability of the roads and railway to Dar es Salaam means the Tanzanian route is not a serious contender for Zimbabwe's trade. The Beira Corridor is widely recognized as a way to reduce the dependence of other landlocked central southern African countries on South
Two security threats confronted the government after independence: first an internal one, in the form of the Matabeleland crisis, then an external one, resulting from the destabilization of Mozambique. Matabeleland, a large area (about a third of the land mass of Zimbabwe) in the southwest, peopled mainly by the Ndebele, was subject to an outbreak of hostilities between 1980 and 1984. In 1980, disaffected ex-combatants from ZAPU's armed wing deserted their barracks where they had been awaiting demobilization and returned to the bush, committing sporadic acts of violence and subversion. They became known as "dissidents." In 1982 an arms cache was discovered buried on a farm belonging to ZAPU, and Joshua Nkomo and two ZAPU ministers were dismissed, leading to an escalation in dissident activity. In 1983 Mugabe sent an army

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Africa's ports. In 1988 a multilateral project, sponsored by sixteen foreign governments and five international financial institutions, was launched to upgrade the Corridor, and rehabilitate the port of Beira. It is coordinated by the Beira Corridor Group, based in Harare.

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12 Some observers considered the dissidents to be more than roving bands of bandits, but rather terrorists, supported by South African commandos, with a clear military strategy aimed at disrupting the agricultural economy in the southwest and destabilizing the new government (Hanlon 1986: 178-182; Campbell 1988: 53).

13 According to Stoneman and Cliffe (1989: 47), these acts "consisted mostly of the same kinds of ambushes and attacks on white-owned farms and on central government officials that had characterized the war of liberation, especially in the Shona areas, in the 1970s. Unfortunately the ZANU authorities reacted in much the same way as the Rhodesians."
brigade\textsuperscript{14} into Matabeleland to 'restore order.' The army committed extensive violence against the civilian population there, and was only reined in by the government after protests by church and international aid agencies.

The dissident activity and accompanying security measures (which included the retention of the state of emergency that had been in effect since the war) in Matabeleland continued until the end of 1987,\textsuperscript{15} when Mugabe and Nkomo agreed to form a unity pact, and eventually merge their parties.\textsuperscript{16} After that the tension in Matabeleland eased, although a military presence there was sustained.

The second security threat was an external one, arising from the destabilization of Zimbabwe's neighbor and ally, Mozambique. After 1980, Mozambique was subject to increasingly violent internal conflict, as a result of both

\textsuperscript{14} This was the notorious Fifth Brigade, trained by the North Koreans, and exclusively Shona-speaking. See Stoneman and Cliffe 1989: 47.

\textsuperscript{15} During the period of the Matabeleland uprising, some 2-3,000 people, amongst them ex-ZIPRA combatants, fled the country, many of them returning to the refugee camps in Botswana (at Dukwe) where they had lived during the independence war. The refugees moved back and forth between the two countries as the fighting ebbed and increased.

\textsuperscript{16} According to Africa Watch, the unity pact "was widely seen at the time as the establishment of a de facto one-party state, preparing the way for 1990, by which time there would be no constitutional impediment to establishing one de jure." The constitutional impediment referred to is the 1979 Lancaster House Agreement which bound the parties involved to a ten year commitment to the principles invoked. See Africa Watch, Zimbabwe--A Break With the Past? Human Rights and Political Unity. New York. 1989. p.20.
insurgency by Renamo guerrillas, and military raids on strategic installations by South African commandos (who also supported Renamo. See Appendix E). The destabilization of Mozambique threatened Zimbabwe's economic and strategic interests by jeopardizing the link to the sea, and Mugabe decided to assist Mozambique militarily. In 1981 Zimbabwe and Mozambique signed a Defense Agreement, and in 1982, after attacks on the Beira-Mutare oil pipeline, the Zimbabwe National Army (ZNA) committed a Special Task Force to Mozambique to guard the pipeline.

Zimbabwean military involvement in Mozambique grew over the next few years, and went beyond defense of strategic targets. In 1985 a significant portion of the army, some 6-10,000 troops out of a total army size of approximately 41,000, were in Mozambique, and Mugabe stated that he was prepared to commit as many as 30,000 troops there. When Mozambique's president Samora Machel was killed in an airplane crash in October 1985, Mugabe resolved to stand by Mozambique, declaring "Survival of Mozambique is our survival." In 1987 Zimbabwe persuaded the other

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17 In August 1985 Zimbabwean paratroopers captured the Renamo headquarters base at Casa Banana in Gorongosa province, and in November Zimbabwean troops captured a MNR territorial base at Nyarunyaru.


frontline states\textsuperscript{20} to assist Mozambique, and Tanzania placed 2,000 troops in northern Mozambique. Mozambican officers were trained with the help of the British in Zimbabwe,\textsuperscript{21} and the Zimbabwean Special Task Force increased its offensive against Renamo in Mozambique, pushing up to the Malawi border.

In addition to the protection of its economic interests, Zimbabwe's decision to assist Mozambique was influenced by the friendly relations between the ZANU and FRELIMO governments. These relations have been historically characterized by support, cooperation, and ideological solidarity. Both parties experienced similar independence struggles, and both governments proclaimed themselves socialist. During the Rhodesian war, FRELIMO provided ZANU with military bases in Mozambique, and military support, and the Mozambicans severed ties with the white Rhodesian government at great cost to their own struggling country.\textsuperscript{22}

\textsuperscript{20} The frontline states of southern Africa are Zimbabwe, Zambia, Botswana, Mozambique, Tanzania, and Angola, all of which are committed to the liberation struggle in South Africa, to regional cooperation, and to autonomous development of the subcontinent.

\textsuperscript{21} The British Military Advisory and Training Team (BMATT) had earlier helped Zimbabwe weld the three disparate armies (ZANLA, ZIPRA and the Rhodesian whites) into a disciplined regular army (Stoneham and Cliffe 1989: 189).

\textsuperscript{22} Support for ZANU resulted in attacks by the Rhodesian army, the loss of infrastructure (bridges, roads, villages), and the loss of remuneration from the Beira corridor. It is likely that FRELIMO's support for ZANU led to the Rhodesians' creation of Renamo in an effort to subvert the Mozambique government.
Mozambique also gave asylum to some 150,000 ZANU civilians and combatants. Zimbabwe's debt to Mozambique is frequently alluded to by Zimbabweans, both in the government and in the general public. This is an important historical link between the two countries.

Renamo's response to Zimbabwe's military involvement in Mozambique was to conduct incursions across Zimbabwe's eastern border, beginning in 1985. In 1986, Renamo declared war on Zimbabwe and incursions increased through 1987. The same terror tactics were used against Zimbabwean villages and farms as those used in Mozambique: looting, burning, abductions, and murders. In response to these incursions, the Zimbabwe government imposed a series of security measures. It continued the state of emergency that had been in effect during the Rhodesian war, and which was sustained during the Matabeleland crisis. The army

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23 ZANU refugees were housed in five UNHCR-assisted refugee camps which were periodically subject to bombings and attacks by the Rhodesian army. After independence, most of these people returned spontaneously to Zimbabwe; some were formally repatriated through a UNHCR-assisted program.

24 These attacks were reported by the Minister for Home Affairs, Moven Mahachi, in Parliament in February 1989. For accounts see Hiram Ruiz, Peace or terror: a crossroads for Southern Africa's uprooted, (Washington D.C.: US Committee for Refugees. 1989.); and Africa Watch (1989: 79-81), which notes that these abuses "were the responsibility not only of Renamo, but of the Government of South Africa which has armed and trained the matsangas since 1980, in a contra-style operation."

25 Renewal of the state of emergency was resisted by Opposition members of parliament, because they resented the increased powers it permitted the government.
created a no-man's land by depopulating a 10 kilometer stretch of land on either side of the Zimbabwe-Mozambique border, and re-instituted the protected village policy, (a tactic used by the Smith regime during the Rhodesian war), in which villagers affected by Renamo incursions were compelled to gather together at night, to sleep in compounds protected by the army.

Zimbabwe's military involvement in Mozambique was widely opposed, at the national and particularly at the local levels. ZAPU alleged that its former ZIPRA troops were being pushed into the front line and were suffering heavier casualties.26 The policy of troops in Mozambique was unpopular both with the army recruits in Mozambique, and with their parents, who are unwilling to see their sons fighting for what many considered to be a lost cause; there was talk of "Zimbabwe's Vietnam."27 The cost of Zimbabwe's military involvement, estimated to be Z$200 million in 1985, was sustainable only through widening budget deficits,28 and this aroused resistance in parliament. At a

26 Africa Watch 1989: 81. ZIPRA (Zimbabwe People's Revolutionary Army) was the armed wing of ZAPU during the Rhodesian war. ZANLA (Zimbabwe African National Liberation Army) was the ZANU equivalent. The two armies were combined into the National Army after independence.


parliamentary session in 1985, Mugabe was asked whether it was true that Zimbabwe's level of military commitment might rise to 20,000 men by the end of the year. Mugabe replied:

Whatever it costs us to safeguard those routes ... is money well spent...even if it means using as many as twenty or thirty thousand men... The alternative [diverting our goods through South Africa] we just cannot countenance. 29

But the Opposition questioned the policy of putting Zimbabwean soldiers in Mozambique. One backbencher said:

...apparently there is a new policy in Mozambique that the [Zimbabwean] Army will go on the offensive. Is this in Zimbabwe's interests? If not, are we going to keep pouring money into defence fighting a hopeless war? 30

The Refugee Receiving Regions.

As shown in Map 2, the main refugee receiving areas were four provinces (Mashonaland East, Mashonaland Central, Manicaland, and Masvingo) along the eastern border with Mozambique. The region is largely an agricultural one, combining large-scale commercial agriculture with small-scale peasant farming. 31 From 1981 to 1984 it was badly

31 The country is divided into five agro-ecological zones, or "Natural Regions", according to quantity and variability of rainfall. Only 17% of Zimbabwe's land area is arable, i.e. capable of supporting intensive rainfed crop and livestock production, and most of this is concentrated in the eastern region. The agricultural sector is divided into two sub-sectors: the Large-Scale Commercial Sector;
hit by drought, but it is generally a fairly prosperous area, particularly the more fertile provinces in the north (Mashonaland East and Central) where most of the white commercial agriculture occurs. These provinces are fairly densely populated, although population density varies widely, depending on how well suited the area is for agriculture. The southern provinces of Manicaland and Masvingo are drier, and thus less prosperous and less populated. Although the drought affected all agricultural production, peasant farmers increased their share of the national crop every year between 1980 and 1985, thanks in part to the government's agricultural policies.32

Lack of support for Zimbabwe's military involvement in Mozambique was strongest amongst local communities in the eastern region, and particularly in Manicaland. There are two reasons for this. First, the region was hardest hit by Renamo incursions, and the locals blamed this on Zimbabwe's military presence in Mozambique, since they were told by

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and the Communal Lands. During the colonial period, these two sectors (the Communal Lands were known then as the Reserves, or Tribal Trust Lands) each comprised half of the usable/arable land the remaining land consisted of forests and national parks or wildlife reserves (Stoneman and Cliffe 1989: 139).

Renamo that this was the reason they were being attacked.\textsuperscript{33} Second, the area around Chipinge is populated mainly by Ndua people, the ethnic group from which many Renamo guerrillas come, and many Ndua have sympathy for the guerillas. According to Africa Watch, the government must seriously fear that the people of Chipinge not only oppose Zimbabwe's military involvement in Mozambique, but may in some instances have more enthusiasm for Renamo than for their own government.

Local dissatisfaction with the security situation in the east led to declining political support for the government, and this was capitalized on by opposition parties. In the 1985 election, ZANU's support was widespread in all Shona-speaking areas\textsuperscript{34}—except in Chipinge, which was the only Shona-speaking constituency to return a member of parliament who was not a member of ZANU-PF. The ZANU candidate lost to Goodson Sithole, of a splinter party, ZANU-Ndonga, whose leader, Ndabaningi Sithole, has been repeatedly accused by the government of

\begin{itemize}
\item \textsuperscript{33} Renamo claimed (in messages left with their victims) that their incursions were in response to Zimbabwe's military involvement in Mozambique. The Zimbabwe government stated that these attacks took place because the bandits needed food and clothing (\textit{The Herald}, 12 December 1987).
\item \textsuperscript{34} ZANU consolidated its position in the country, increasing its share of the vote to 77 per cent, and its number of seats from 57 to 64. ZAPU remained strong in Matabeleland, winning all fifteen seats in the two provinces.
\end{itemize}
being in league with Renamo. Since the formation in April 1988 of the opposition party ZUM (Zimbabwe Unity Movement), one of the planks in its platform has been military withdrawal from Mozambique. Edgar Tekere, ZUM's leader, is from the eastern region, and according to one observer, "is clearly articulating a sentiment that he knows to be popular in his home area."

To compound these political concerns, the government was also faced in the eastern region with a longstanding social grievance: the land issue. The land issue was highly salient at independence. Many rural areas had high expectations of the ZANU government, which had built its support during the liberation war and in the first election on the basis of promises of land redistribution. Peasant farmers expected to have access to more land after ZANU came to power, but the first years of independence saw little progress towards this goal. Between 1980 and 1987, only some 40,000 families had been resettled on land acquired by

35 The roots of this suspicion probably lie in the origins of Zanu-Ndonga. In 1974, as part of the British efforts to end the illegality of the Rhodesian government, African political parties were conditionally allowed in the country. ZANU and ZAPU rejected this move, but a branch of ZANU loyal to the party's first, deposed president, the right-wing nationalist Ndabaningi Sithole, dissociated itself from ZANU, and became one of the 'internal' parties that became active in Rhodesia (Stoneman and Cliffe 1989: 24). ZANU-Ndonga is now a regionally-based party composed of exiled dissidents and led from exile by Sithole who lives in Maryland, USA. Renamo is backed by former supporters of Sithole.

the government, out of a planned 162,000 families.\textsuperscript{37} Since independence there has been a "significant and growing proportion of landless rural households", ranging from six to eleven per cent in different provinces, and land hunger was strongest in the southeast of the country, including Manicaland.\textsuperscript{38} About half of all families have below 5 hectares, the amount of arable land regarded in the resettlement schemes as necessary for the generation of a family income that approaches the minimum agricultural wage.\textsuperscript{39}

Although in general the eastern region is fairly prosperous, those areas which received the brunt of the

\textsuperscript{37} As part of the government's austerity measures introduced during the drought and economic recession in the early 1980s, the Ministry of Lands' budget was slashed by 52 percent, the largest of any ministry. The land acquisition and resettlement programs came to a halt, but in 1984 the budget cuts were partially restored, and the government reaffirmed its commitment to resettlement. However the government has not pursued the resettlement program with any vigor. One reason for this is resistance by western governments and aid agencies, who consider the resettlement program to be too costly, and returns were too small. Another reason is the reduced political saliency of the land issue after the second election. There was no mobilized political constituency pushing for it. See Bratton 1987:pp. 188-192; and Stoneman and Cliffe 1989: 131.

\textsuperscript{38} However Bratton (1987: 191) argues that although "Population pressure on the land is an objective social problem in smallholder farming areas..., peasant attitudes and behavior belie the centrality of land." He states that only 19 percent of small farmers cite land as the household's main production constraint; other constraints--capital, technology and labor--are given as stronger limiting factors, even where land hunger is highest.

\textsuperscript{39} Stoneman and Cliffe 1989: 69.
refugee burden (Manicaland and the northern parts of Mashonaland East) were the relatively poorer ones, and those most disaffected with the government. In Manicaland in particular, the government has lost support for reasons both related and unrelated to the situation in Mozambique and the refugees. According to Africa Watch:

It is apparent that in Manicaland there is the same explosive cocktail of destabilizing factors which led to serious insecurity in Matabeleland: armed insurgency, organized political opposition and social grievances.⁴⁰

The Legal and Bureaucratic Refugee Policy Making Context.

Unlike many other Third World countries, the Zimbabwe government instituted procedures pertaining to refugees before it was confronted with a mass influx. This was because Zimbabwe had recently attained independence and was in the process of passing legislation on a number of issues. The refugee legislation was intended for individual refugees, not a mass influx, and many formal procedures and administrative practices, such as individual determinations of status, were not applicable to the Mozambicans. Nevertheless, the existence of bureaucratic structures such as the Commissioner for Refugees and the Refugee Services Unit, enhanced the government's response to the mass influx when it occurred.

Allocation of Bureaucratic Responsibility for Refugees.

The ZANU government had had some experience with refugees. After independence, the Department of Social Welfare (DSW) within the Ministry of Labour and Social Services (later the Ministry of Labour, Manpower Planning, and Social Welfare) had been responsible, with UNHCR, for coordinating the repatriation of refugees who fled Rhodesia during the war. Because of the DSW's experience, it was a "logical development"\(^4\) that they be assigned responsibility for the administration of refugee affairs and for drawing up the refugee legislation that was presented to Parliament in 1983. Another reason for making this Ministry responsible, rather than, say, the Ministry of Home Affairs which dealt with immigration issues, was that the Labour Ministry administered the Public Assistance Act, which made provision for budget allocations to respond to natural disasters. It was thought that these budgetary provisions could be used for refugees, should the need arise.\(^5\)

Refugee Legislation.

In 1983, at the same time as the Mozambicans were


\(^5\) As explained to the Senate by the Minister for Labour and Social Services. See *Hansard*, Parliamentary Debates, Senate, Vol.7, No.6, Wednesday, 20 July 1983, columns 99-100.
beginning to flood into Zimbabwe, but unrelated to this event, refugee legislation was introduced and passed in Parliament. It was introduced because Zimbabwe had already acceded to the 1951 Convention and the 1967 Protocol, and was in the process of acceding to the 1969 OAU Convention, and members of the government believed it was necessary to create a domestic legal instrument to give effect to these international agreements. Another reason for the legislation was that soon after independence a small number (some 200) of South African refugees entered Zimbabwe, fleeing repression by the South African government. The Zimbabwe government was concerned that a significant influx of refugees from South Africa and Namibia might take place, and the newly independent Zimbabwe had no legal or administrative apparatus with which to handle refugees. In addition to these administrative incentives, humanitarian reasons were stated for passing the legislation. The arguments were presented in Parliament by the Minister of Labour and Social Service, Cde. Kangai, who said,


Minister Kangai stated in his introduction of the Bill to Parliament that "the proposed measures are ... designed to bring Zimbabwe into line with the 1969 OAU Convention ... Zimbabwe is in the process of acceding to this particular Convention." (Hansard, 7(9), 7 July 1983, col. 263.).
As contradictions between the apartheid regime and the people of South Africa and Namibia sharpen, this country should expect an influx of refugees. Accordingly, it is only wise to plan for this eventuality and also provide for the necessary legal framework to deal with such a situation. Apart from that, we should be, as a nation, equipped to extend humanitarian assistance to those who are persecuted for their political and religious beliefs.  

The Parliamentary debates preceding the passage of the refugee legislation are of interest to us, because they expressed the philosophy held by many Zimbabweans about refugees. This philosophy later influenced the reception and treatment of Mozambican refugees.

In his opening addresses to the House of Assembly, the Minister introduced several themes that formed the basis of his defense of the Bill in both the House and the Senate. The first of these themes might be thought of as Zimbabwe's "international duty." As a new member of the international community in good standing, Zimbabwe had a duty to protect and assist refugees. The Minister argued that Zimbabwe, as

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45 Hansard, (House of Assembly) Vol.7, No.9, 7 July 1983, 263.

46 Various writers on Zimbabwean politics claim that the Parliament has little power as a decision-making force. Of the two Houses, the functions of the Senate are seen as little more than the rubber-stamping of legislation passed by the House of Assembly (Sithole 1990: 462). Ronald Weitzer goes further, claiming that Parliament is "little more than a forum for publicity rather than power. Neither of the two chambers has functioned as an arena of struggle over the creation and implementation of legislation." See "In search of regime security: Zimbabwe since independence," Journal of Modern African Studies, Vol.22, No.4, 1984. pp.534-535.
a frontline state, and accessor to the 1951 Convention, needed to play a leading role in the granting of political asylum to those fleeing the troubled regions of southern Africa, and those that may occur in the future.47 One speaker, alluding to Zimbabwe's international obligations, said,

I think the intention of the Bill is .. our contribution to the international spirit ... Zimbabwe has become part of the international community; we have status on platforms and in conferences we attend, and we have to meet our obligations.48

A second theme, related to international duty, concerned the debt Zimbabwe owed its neighbors for their assistance during the Rhodesian war. The Minister and his supporters referred frequently to the Zimbabweans' positive experience as refugees during the war. (These references included pointing out to (white) Opposition members their lack of such experience.49) It was felt that independent Zimbabwe should respond with the same generosity it had received from its neighbors; that neighboring countries' "populations in exile" should be nurtured in the same way

47 *Hansard*, (House of Assembly) Vol.7, No.9, 7 July 1983, 263.


49 *Hansard*, (House of Assembly) Vol.7, No.9, 7 July 1983, 274.
the Zimbabweans were when they were refugees.\(^{50}\)

During discussion of the Bill, most members of the House and the Senate expressed support for the legislation, but a number of concerns were raised. These concerns were of four main types: security concerns, the refugee burden on the country (including their impact on employment), the ability of the civil service to administer refugee assistance (including where the refugee program would fit in the budget), and Zimbabwe's treatment of, and obligations to refugees.

Security concerns were raised mainly in the House, and these were twofold. Speakers referred to the threat presented by the refugees themselves—both the possibility that the refugees might become criminals, and the possibility that spies posing as refugees could enter the country; and the threat presented by enemies who might attack the camps. The Chief Whip, Mr. Muromiwa, said,

> if our enemies know where the refugee camps are, they will attack under the pretext that these

\(^{50}\) In response to the concern expressed by one speaker about large refugee populations and the fact that refugees "marry and multiply," the Minister referred to "the children who were born in refugee camps in Mozambique, Botswana, and Zambia are now Zimbabwe nationals who are going to contribute to the development of this country. I do not know what would have happened if those countries would have [had] a law that no refugee is allowed to get married, perhaps Zimbabwe would have been deprived of that large population which came to Zimbabwe immediately after independence." Hansard, (Senate) Vol.7, No.6, 20 July 1983, 101.
people are freedom fighters from other countries. 51

In response, the Minister assured the House that the refugee screening process would emphasize state security, because "South Africa would be able to exploit this humanitarian service for the purpose of spying on Zimbabwe and destabilizing us." 52 Security provisions included policemen and immigration officers at all entry points, where applicants would have to "state their intentions," and state employees who "will be given limited powers to search persons and take finger-prints." The Minister informed the Assembly that the Refugees Committee would include representatives from the Ministries of Foreign Affairs and Home Affairs, and stated that a screening committee would be set up, composed of security personnel, to ensure that refugees were not a security risk.

Other concerns expressed in both the House and the Senate were the twin issues of refugees as a burden to the country, and whether Zimbabwe could afford the proposed program. These concerns included the effect of refugees on local employment, the cost of refugee assistance and whether

51 Hansard, (House of Assembly) Vol.7, No.9, 7 July 1983, 270.

52 He emphasised those parts of the Bill that maintained state security, saying that the government "must establish machinery to make sure that the enemies of the country do not spy on refugee camps." Hansard, (House of Assembly) Vol.7, No.9, 7 July 1983, 265–275.
there was provision made for it in the budget.\textsuperscript{53} In
defence of the Bill, a number of speakers responded to
Opposition members' qualms about the cost of refugee
assistance, and the ability of the country to support
refugees. One speaker, referring to "this wonderful Bill,"
said

I would like it to be noted that Zimbabweans are
well known for their hospitality. What that means
precisely is, if we have only one morsel of food
and visitors arrive, we share that morsel with
them, and we have never complained. To think that
we have no resources to look after refugees is out
of the question. We must bear in mind that during
our bad days we were refugees in neighbouring
countries. If we cannot return the same
hospitality, we are forgetting what we were given
yesterday.\textsuperscript{54}

In response to concerns about Zimbabweans being supplanted
by skilled refugees, the Minister said,

I think it will only be wise and prudent for this
country to allow those people gainful employment.
But in areas where we have our own skilled
manpower, it will be obvious that the first
priority will be given to our citizens.
... regarding professionals who may come to our
country, measures will be taken to ensure that
they do not deplete the limited jobs that may be
available to our own skilled and professional
manpower.\textsuperscript{55}

The Refugees Act\textsuperscript{56} was passed in July 1983. It

\textsuperscript{53} \textit{Hansard}, House of Assembly. Vol.7, No.9, 7 July

\textsuperscript{54} \textit{Hansard}, House of Assembly. Vol.7, No.9, 7 July
1983, 269.


\textsuperscript{56} Refugees Act (1983), Government of Zimbabwe.
Government Printers, Harare.
provided a five-part definition of a refugee, which would be the basis for the determination of refugee status and "the basic guiding principle" in Zimbabwe's screening operation.\textsuperscript{57} The Act provided for the appointment of a Commissioner for Refugees (Clause 4), whose functions were to recognize persons as refugees, provide adequate facilities for refugees, and "give a clear administrative direction to the refugee programme in Zimbabwe."\textsuperscript{58} The Commissioner of Refugees was a social worker, from the Department of Social Welfare, and he headed the Refugee Services Unit located in the DSW.

The Act also established the Zimbabwe Refugees Committee (Clause 5), to be chaired by the Commissioner, with other members appointed by the Ministers responsible for foreign affairs, police, immigration and state security. The Refugees Committee's function was to consider applications by individuals for refugee status, and perform duties associated with refugee matters. The Act stipulated how refugees were to be recognized through the Committee, and made provisions for appeal in the case of a refugee


being turned down by the Committee.\footnote{These provisions allowed for the residence in Zimbabwe of the refugee and his or her family pending recognition and during appeal, and allowed for a refugee to "seek admission to a country of his choice" if his appeal was unsuccessful (Refugees Act (1983), Clause 8).}

The Refugees Act also set out the conditions under which a refugee and his or her family would reside in Zimbabwe, including provisions for identity cards, and the rights and duties of recognized refugees. The latter included the right for refugees to obtain employment, and reserved the right for the Minister to designate places and areas in Zimbabwe within which all refugees, including applicants for refugee status and family members should live (Clause 12). Other Clauses sought to prevent refoulement (Clause 13), provided for the withdrawal of refugee status (Clause 14), and for the arrest, detention and expulsion of refugees on the grounds of national security or public order (Clauses 16 and 15), subject to the non-refoulement provision.

In passing the 1983 refugee legislation, Zimbabwe recognized and codified the existence and protection of refugees, and thereby abided by the recommendations of international refugee conventions. Zimbabwe now had a formal definition of refugees, procedures for determination of refugee status (including appeal procedures), and a separate bureaucracy solely responsible for refugees.
The Refugee Policy-Makers.

The Refugee Civil Bureaucracy.

After the passage of the Refugees Act, Zimbabwe had a separate civilian agency responsible for refugees, with a fair amount of political power. Refugee policy-making now took place within a bureaucratic hierarchy structured according to Figure 2. At the top of the chain of committees, the Cabinet Committee on Mozambican Refugees is the official forum for consultations between ministers, but, according to the Refugees Commissioner, it exists more in name than in practice, and does not meet often.\(^{60}\) Just below Cabinet level, the Inter-Ministerial Committee meets once a month, is chaired by the Commissioner for Refugees, and is composed of government officials from the various ministries involved with refugees.\(^{61}\)

The most active Committee in refugee policy-making is

\(^{60}\) Giving reasons for this, the Commissioner said, "perhaps [the Ministers felt] the officials were making the right decisions! Maybe the Minister of LMPSW felt it wasn't necessary. I'm sure the Minister consults informally with other Ministers, or at a Cabinet level. There are areas where he can't make decisions without consulting, such as security." Mr Samuel Mhribidi, Commissioner for Refugees. Personal interview. Harare, 30 May 1990.

\(^{61}\) These include the ministries of Labor, Manpower Planning and Social Welfare (lead); Health; Home Affairs; Defence; Energy, Water Resources and Development; Education; Public Construction and National Housing; Lands, Agriculture and Rural Resettlement; and Community Development and Women's Affairs. See DSW, Commissioner of Refugees: "Annual Report on the Refugee Programme in Zimbabwe" 1988. p.24.
the Implementation Committee which is composed of representatives from international and nongovernmental organizations, and various ministries. Its monthly meetings are chaired by the Commissioner, and this is the forum to which all organizations involved in refugee affairs bring policy matters. The Commissioner then introduces these matters at higher policy-making levels, should he choose to do so, and makes recommendations to the Minister.62 The Health, Education, Food, Clothing and Agricultural sub-committees, chaired by elected ngo representatives, are the operational instruments of the Implementation Committee. Below them, the Provincial Committees also meet monthly, and are chaired by the provincial Social Welfare officer. Each Camp Committee is chaired by the Camp Administrator, who is a DSW social worker, and there are representatives from the ngos and the refugees themselves on the committee.

According to the Refugee Service Unit (RSU),

The various committees at camp level aim to involve the displaced persons themselves in both decision-making and implementation in as many areas of their camp life as is possible.

The Commissioner for Refugees, who heads the Refugee Services Unit, is responsible for the implementation of refugee programs and the coordination of all inputs from governmental and non-governmental sources. He is the most influential person in refugee policy-making, deferring only

to the Director of Social Welfare, and the Minister and Permanent Secretary of the Ministry of LMPSW, and has a fair degree of power within the government. On occasion the Commissioner has been able to initiate policy changes that challenge standard operating procedures within the bureaucracy. For example, the Commissioner successfully circumvented the policy that government buildings are to be erected only by the Ministry of Construction. According to the Commissioner, the Construction Ministry was lagging so far behind in constructing housing for refugee camp workers that funds had to be returned to donors. After negotiating with the Construction Ministry it was agreed that the RSU could hire private contractors directly, although they would be supervised by the Ministry of Construction. The Commissioner added,

This change in policy only applies to us, because we experience particular problems which are worsened by government bureaucracy.

The Commissioner claimed that, at the Implementation Committee level, "other ministries, even the security ones, are service ministries for us, and must listen to us."\(^{63}\)

However, he added,

I consult with Immigration, and the security ministries because it affects them: refugees come from either a hostile country (South Africa), or a hostile party (Renamo).

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\(^{63}\) Mr Mhiribidi, Commissioner for Refugees. Personal interview, Harare, 30 May 1990. This researcher was unable to interview security ministry officials, and was thus unable to check on the validity of this statement.
The Security Establishment. 64

As in all receiving countries, the security component of the state has an interest in, and usually some responsibility for refugees. In Zimbabwe the coercive apparatus of the state has been well developed since independence. A state of emergency, decreed by the Smith regime during the war, and sustained after independence, permitted enhanced executive power and only nominal legislative control. The security establishment was characterized by a high degree of concentration of power and the absence of accountability to the legislature and judiciary. 65

The state's allocation of expenditures on different ministries reflects its priorities. In the years after independence, budget spending on Home Affairs and Defence increased, while that on Justice was cut back. 66 In 1986

64 The security ministeries are Defence (responsible for the army), and Home Affairs (responsible for police and the Central Intelligence Organization).

65 Weitzer (1984: 530-33), states that "the regime's coercive order displays a striking degree of continuity with its settler-colonial predecessor." According to Weitzer, a number of emergency regulations were issued after independence, without their being put before the Assembly. Pre-independence legislation, including the Emergency Powers Act, the Law and Order (Maintenance) Act, and the Indemnity and Compensation Act, have been either sustained or revived by the present government. This legislation gives the security establishment increased power.

66 Weitzer (1984: 534). The 1983-4 budget cut Justice by 5.9%, and raised Home Affairs and Defence by 15.6% and 9.5% respectively. Funding for the procurement of military equipment increased by 69%. Zimbabwe devoted 6.5% of its
defence spending became the largest ministry appropriation (overtaking education), an event described by Weitzer as "an ominous indicator that immediate security considerations now have to outweigh developmental planning." In 1987 defence consumed 19 per cent of the budget (Z$639.5 million).\textsuperscript{67}

However, despite the deteriorating security situation in the east after 1986, the government did not allocate responsibility for refugees to the army. There were both political and institutional reasons for this. Mugabe sought to limit the power of the army and control it himself; and the army was a relatively weak institution, as a result of its reconstitution from three different armies after the war.\textsuperscript{68} However, on occasion the army did impose restrictions and relocations on refugees.

\textbf{Influences on the Policy-Makers.}

A number of writers on policy-making in Zimbabwe argue that the state, far from being an autonomous decision-making entity as it is in military or personalistic regimes, is strongly influenced by a range of interests—both economic and (especially) political, and both domestic and

\textsuperscript{67} Stoneman and Cliffe 1989: 190.

\textsuperscript{68} The three armies came from ZANLA and ZIPRA units, together with what was left of the white Rhodesian army.
international. 69 Two types of influences are of interest to us: refugee organizations, and the Mozambique government.

Refugee organizations.

John Ravenhill argues that "African states appear to have been more successful in asserting autonomy from international interventions than from domestic social forces." 70 But in matters of refugee policy the Zimbabwe government found itself confronted with international refugee organizations working together with domestic voluntary agencies to further the interests of refugees. As in most Third World receiving countries, there were no organized refugee groups, but voluntary agencies and international organizations proxied the interests of refugees.

The main international organizations involved in refugee matters were UNHCR, UNICEF and the World Food Program (WFP). UNHCR had been present in Zimbabwe since


70 Ravenhill 1986: 29.
1979, when, at the end of the war, it began to provide assistance to refugees returning from neighboring countries. Following the successful repatriation program, UNHCR began winding down its operations in Zimbabwe, but continued to provide assistance to returnees until 1985, when its focus shifted to Mozambican refugees. UNHCR had access to the state through their representation on the Refugees Committee and their involvement in the trilateral repatriation programs. However, UNHCR was not "operational," and was not permitted to maintain a presence in the camps.

Voluntary and religious organizations, such as the Red Cross of Zimbabwe and the Catholic Development Commission, exerted some influence on the government both through their assistance programs, and through their potential to create negative publicity for the government. They had access to the state at the policy-making level through their seats on the Implementation Committee, and affected policy implementation through their presence in the camps, where they were able to influence the camp administrators.

The Mozambique government.

The Mozambique government was not responsible for the flight of refugees, and was concerned about the plight of its citizens in receiving countries. The friendly relations between Zimbabwe and Mozambique, and sense of obligation

71 UNHCR Country Briefing Notes, 1990.
felt by the former, meant that Mozambican government officials had some influence with the ZANU government. A special office for refugees was maintained in the Mozambican embassy in Harare, and both countries pursued bilateral programs on education, and the return and rehabilitation of Mozambican refugees.


We have already discussed the legislative and institutional aspects of Zimbabwe's refugee policies; in the remaining part of the chapter we focus on policies concerning admission and treatment, and the international organizations. Zimbabwe's policy response is summarized in Table 8.


Policies II and III: The Decision to Request Assistance from UNHCR, and Admission and Treatment of Refugees.

The government's initial response to the appearance of the Mozambican asylum seekers was low-key. In the early 1980s there were press reports of Mozambicans being forcibly returned to Mozambique, but the government denied that
anyone other than illegal squatters\textsuperscript{72} were being returned. Most of these returnees slipped back into Zimbabwe without being stopped by the government, which eventually permitted these new arrivals to be included in an existing drought relief program in Manicaland. No efforts were made to prevent asylum seekers from entering the country, but aside from the access to the drought relief program, the government did little to assist them. An agreement was signed between UNHCR and the government in May 1982, granting Zimbabwe $US80,000, as a precautionary measure in case Zimbabwe had an influx of refugees. But as one observer put it, the government displayed an "ambivalence ... towards officially recognizing the influx and applying official resources to deal with it."\textsuperscript{73}

The government did not officially begin an assistance program until 1984, when the growing influx led to calls in the press and by international organizations for the government to act. The increased refugee flow meant that in order to coordinate the voluntary agencies, and to prevent a possible outbreak of disease, refugee camps would have to be established. In March 1984, the government formally requested assistance from UNHCR for 46,000 Mozambican

\textsuperscript{72} For discussion of illegal squatters see below, "The Response of the Local Receiving Communities."

\textsuperscript{73} Lance Clark, "Country reports on five key asylum countries in eastern and southern Africa", Refugee Policy Group, Washington D.C. April 1987, p.59.
refugees in urgent need. A joint mission to assess the refugee situation was undertaken by the government, UNHCR, WFP, and UNICEF. It was agreed that four camps would be established. UNHCR prepared a plan of action for setting up the camps from April-December 1984, at a cost of $US3,432,000. In May the government signed an agreement with WFP to provide food for general and supplementary feeding over a three month period, at a cost of $US1,213,000. UNICEF also prepared a two year program designed to complement the assistance provided by UNHCR and WFP, amounting to $US1,570,000. In addition to the assistance provided by the international organizations, a number of local and international voluntary agencies provided funds and technical assistance in the camps. UNHCR funds covered the costs of transportation, construction, water provision, sanitation, road repairs, administrative staff, and the health and education sectors in the camps. The camps were administered by the DSW, to which the voluntary agencies were answerable. Details of the camps are in Appendix F.

By mid-1985, four government/UNHCR-sponsored camps were completed, and with the government's active encouragement, some 15,000 Mozambicans reluctantly moved in. The refugees'

74 UNHCR Fact Sheets, Jan and July 1985, Nos. 3,4.
75 Data taken from UNICEF 1988, p.2.
76 UNHCR Country Briefing Notes, 1990.
reluctance stemmed from their fear of possible repatriation to Mozambique, and their uncertainty about what life would be like in the camps, especially as they had so far been welcomed by the local community.\textsuperscript{77} The government intended the camps to be temporary; the refugees and the assistance programs were to be geared towards the future return of the refugees to Mozambique. However, when the camps were initially set up, and for the first few years when their populations were relatively small,\textsuperscript{78} the government discussed with UNHCR the possibility of transforming the camps into permanent, economically self-sufficient settlements for those who did not return to Mozambique. The constraint was the shortage of land suitable for cultivation around the camps; new land would have to be found, and the refugees moved there.\textsuperscript{79} As time passed, and the camp population grew, this possibility diminished. By 1989, the government was no longer considering the possibility of permanent settlements for refugees.

Definition of Asylum Seekers.

While the government did not prohibit Mozambican asylum seekers from entering, it did not define them as refugees,

\textsuperscript{77} Clark 1987: 59.

\textsuperscript{78} Until 1987 only Tongogara camp contained more than 10,000 people; the other three camps were in the 2,000-4,000 range (Clark 1987: 60).

\textsuperscript{79} Clark 1987: 61.
instead referring to them as "displaced persons." In November 1982 the Minister for Labour and Social Services stated that there were no refugees in Zimbabwe:

What we have in this country are displaced persons who cross the border, spend a few days in the country, and return home when the situation is normal.

He added that refugees are persons who leave home for political reasons, but that this was not so in the Mozambican case.\textsuperscript{80} The government did not grant the Mozambicans refugee status until November 1987, even though it was clear that they qualified for refugee status both under the OAU Convention and the 1983 Refugees Act.

\textbf{Policy Analysis.}

One reason for both the initial unwillingness of the government to act, and its refusal to grant the Mozambicans refugee status, was the cordial relations between the Mozambican and Zimbabwean governments. These relations meant that the Zimbabwe government had to handle the refugee influx with delicacy, for fear of embarrassing its ally. The Mozambican government requested Zimbabwe not to refer to its fleeing citizens as refugees, because use of the term would imply that the Mozambican government was responsible for the outflow of people, when this was not the case.

\textsuperscript{80} The statement was in response to a question asking how much the government was spending on the welfare of refugees from Mozambique. \textit{The Herald}, 3 November 1982.
Harare's unwillingness to define the Mozambicans as refugees was one reason for its reluctance to set up a program of assistance. However the reluctance might also be explained by the fact that knowledge about the influx was not yet widely disseminated and those who did know considered the influx to be only a short-term problem, rather than the harbinger of much greater flows. Thus, the government did not want to set in motion a full-scale assistance program. When the government eventually did decide to establish camps, there were both logistical reasons, such as the need for coordination, and political reasons for the decision. The latter were manifest in the response of the local receiving communities to the refugees.

The Response of the Local Receiving Communities.

Although some refugees were helped by mission stations and voluntary agencies, most refugees settled spontaneously amongst the local population. The people living in the eastern region of Zimbabwe were ethnically similar to many of the Mozambican refugees, and the refugees were welcomed, and given assistance by the local people. This welcome meant the government was not immediately compelled to do anything in the way of assisting the refugees, and was not subject to complaints from locals about them.

However, problems arose when spontaneously settled
refugees began to obtain land, usually through the chiefs. During and after the war, many rural Zimbabweans squatted on unused land belonging to white farmers. The government tried to stop these illegal settlements, but they continued, and a number of ethnically similar Mozambicans joined the settlements, moving in with their families.

In mid-1986 the press reported a complaint by the Minister of Local Government, Rural and Urban Development, Enos Chikowore, that some village headmen and chiefs in some communal areas were selling land rights to squatters, most of whom were from Mozambique. This proved politically dangerous for the government. As discussed earlier, the land reform program had suffered bureaucratic setbacks, and although land became less politically salient in the first

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81 During the war, in many areas the chiefs, who had been assigned the right to allocate land by the colonial administration, lost this power, either because it was taken away from them by the guerrillas and assigned instead to peoples' committees, or because local people moved onto and took over land that had been abandoned by whites. This process was not uniform, many chiefs retained their power to allocate land during and after the war. In 1980 District Councils were set up in the rural areas with formal power to allocate land, thereby replacing the chiefs. However, in many cases the District Councils were too removed from villages and kraals to work effectively, and confusion often surrounded land decisions. In some villages de facto land allocation authority was delegated to informal peoples' committees; in others chiefs and headmen attempted to reassert their authority, which frequently was resisted.

82 Because much of white-owned land had originally belonged to the local people before they had been dipossessed of it, the squatters saw it as their right to claim it (in their eyes, reclaim it), for their own use. Mr Samuel Mhiribidi, personal communication, Harare, June 1990.
half of the 1980s, it was still a live political issue and the government had to tread carefully. Many Zimbabweans objected to the Mozambicans obtaining land through the chiefs, when everyone wanted land. By setting up camps for the Mozambicans, the government hoped to put a stop to this practice.

The shortage of land was also a reason for the government statement that the camps were to be temporary. According to UNICEF, "Due to a general shortage of land in Zimbabwe, the government considers refugee camps as a temporary shelter and does not encourage settlement as such."\(^{83}\)

**Security Considerations.**

Security considerations may also have prompted the government to set up camps. As early as December 1983 the Minister of Security, Comrade Munangagura, warned that most Mozambican nationals "have relatives in the MNR or are connected with MNR," and urged employers in sensitive security areas along the eastern border not to employ Mozambicans not cleared by Zimbabwe law enforcement agencies. He said all Mozambicans in these areas must be reported, so as to be cleared by the police.\(^{84}\) Although Renamo incursions had not yet begun in 1984, it is likely

\(^{83}\) UNICEF 1988: 5.

\(^{84}\) *The Herald*, 12 December 1987.
that the government feared a spillover of the war into Zimbabwe, and having refugees in camps might have seemed preferable to their being scattered throughout the region.

The Role of UNHCR.

UNHCR also played a role in getting the government to set up camps, but it is difficult to assess the extent of their influence. On the one hand, UNHCR could offer the government needed financial assistance; on the other hand, the government resisted pressure from UNHCR. The Zimbabweans wanted refugee assistance to be controlled by Zimbabweans, not international organizations, and ultimately UNHCR was not permitted to maintain a presence near the camps. UNHCR's primary role was to provide funds for the running of the four camps. According to the Commissioner for Refugees,

The government decided we will deal with the refugee problem ourselves. UNHCR would be our main source of assistance, [but] they will only give us material support.85

UNHCR was itself somewhat ambivalent about its role in the Mozambican situation, because of the refugee terminology issue. For UNHCR to offer assistance, its mandate required that displaced people be referred to as refugees. As it had in Thailand, UNHCR resolved the dilemma by ignoring this provision, and signed the agreement with the Zimbabwe

85 Mr Samuel Mhiribidi, personal communication, Harare, May 1990.
government while continuing to negotiate to regularise the Mozambicans' refugee status.

Crisis Phase, 1986-87.

Changes in Policies.

Governmental concern about the Mozambican influx grew in 1986-87, with the increase both in refugee numbers, and in Renamo insurgency activities and incursions along the eastern border. The government and security forces, fearing that some of the refugees might be Renamo sympathizers, began making efforts to control the numbers entering Zimbabwe, and to reduce the numbers of spontaneously settled refugees already in the country. For "security reasons," and because it was "deemed necessary to protect the Zimbabwean population residing in the border provinces from MNR retaliation," the government decided to relocate a large number of spontaneously settled Mozambicans into the refugee camps.

As is the case in many host countries, particularly in Africa, pre-existing patterns of migration meant refugees were mixed up with migrant workers, visiting family members,

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86 The incursions occurred along the border stretching from Rushinga through Mutare to the Chipinga/Chiredzi area (Cadec, Annual Report on the Mozambican refugees in Mazoe and Nyamatikiti camps.. November 1987." P.1.


traders, and other non-refugees from the sending country temporarily residing in the host country. Because it was difficult to distinguish refugees from non-refugees, Mozambicans living and working in the communal areas and on commercial farms were indiscriminately rounded up and screened by the police and army. These "clean-up operations" were aimed at all Mozambicans, regardless of how long they had been in the country. Those suspected of not being genuine refugees were forcibly repatriated; the rest were relocated in refugee camps. Refugees already in camps were encouraged to return to Mozambique through participation in voluntary repatriation programs, which began in 1987.

In addition, the Zimbabwean authorities made attempts to impose greater control on the borders. Whereas earlier Mozambican refugees had been able to cross the border wherever they could, in September, 1987, the Governor of Mashonaland Central said there would henceforth be only three permissible border points from which people could

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89 In August 1986 the police began one such "clean-up" operation in the Harare township of Mbare Musika. It was reported that police rounded up beggars and squatters, saying that the squatters had been identified as coming from Mozambique, and outlying areas of Zimbabwe. The Mozambicans were to be repatriated, and the Zimbabweans resettled in designated areas. The Herald, 19 August 1986.

90 Between 1987 and 1988 it is estimated that some 10,000 spontaneously settled refugees were forcibly repatriated (USCR/Ruiz 1989).
cross into Zimbabwe. Mozambican asylum seekers began to be turned back at the border as they tried to enter Zimbabwe. A 10 km no-man's land strip along the border was cleared in order to prevent Renamo infiltration. This had the effect of inhibiting Mozambicans from crossing the border in these areas, as they are afraid of being shot by Zimbabwean security forces.

Policy Analysis.

The main reason for the government's negative turn in its treatment of refugees was security concerns arising from the Renamo incursions and attacks on the local people. However, the government's policy change was supported by changes in the response of the local community. After 1985, the Renamo attacks began to affect the welcome extended by the local community to Mozambican refugees. According to the Commissioner,

the villagers became suspicious of the refugees—they thought the attackers were from the camps... One problem is now Zimbabweans regard any Mozambican outside the camps as Renamo.

One NGO report said:

These incursions have generated enormous fear among the Zimbabweans, both at the local level and

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91 The border crossings were at Mukumbura, Kanyemba, and Nyamapanda. The governor also said all Mozambican displaced persons would be required to go into refugee camps because MNR had infiltrated foreigners into Zimbabwe. (The Herald, 16 September 1987.)

92 Ruiz 1989: 27.
at the top. ...At a local level the fear manifests itself in personal physical attacks on Mozambicans who have been living in the Rushinga villages for some years.\(^{93}\)

The changed response of the local community gave the authorities some political incentive to proceed with repatriations and relocations. It is difficult to determine how the pre-existence of a non-refugee Mozambican population affected the authorities' response to the refugees. Since the movement of all kinds of Mozambicans into and out of Zimbabwe was largely unmonitored, the number of Mozambicans in the country was unknown, but probably large, and this possibly made the Zimbabwean authorities more nervous about the refugee presence, leading them to react more strongly.

However, it is not clear whether the forced repatriations were government policy or not. There was speculation amongst observers that the pushbacks may have been carried out by local officials who resented the presence of the refugees, or military personnel who suspected them of sympathizing with Renamo. According to one report, apparently little was done to investigate these suspicions, but since most of those returned to Mozambique ended up in government-assisted camps, it seemed unlikely that at least the Mozambique government considered them Renamo supporters.\(^{94}\)


Policy Changes.

International protests over the forced repatriations led the Zimbabwean authorities to rein back the repatriations in 1988. A trilateral voluntary repatriation program was set up between the Mozambique and Zimbabwe governments and UNHCR, for the return and rehabilitation of refugees to Mozambique. The Zimbabwean army occasionally assisted in the rehabilitation by ferrying food consignments to returnee villages set up by voluntary agencies. In addition to the repatriation programs, international organizations and NGOs set up joint programs in Mozambique to assist returnees. There are mixed views of the voluntary repatriation program. Some observers consider it to be "voluntary in inverted commas," but UNHCR participated in and endorsed these programs.

An estimated 10,000 Mozambicans were repatriated and resettled in Manica Province in 1988. It is likely that at least some of these did so against their will, but it is

95 The Mozambican authority in charge of repatriations is NARML-- Unit for Support to Refugees and Liberation Movements. They have been supported in Mozambique by various voluntary agencies and NGOs.

96 Cadec Report, 'Relief and Rehabilitation...', pp.8-9. However the army's offer of free transport was withdrawn in November 1988 owing to the army's extra commitments.

97 UNHCR staff accompanied the repatriates to the border, where they were met by Mozambique-based UNHCR staff and government officials (UNHCR Country Briefing Notes, 1990).


There is general agreement that by 1989 there were fewer expulsions--an estimated 2,000 between January and July 1989. During 1989 some 900 refugees applied for assistance to return home, and by the end of the year, 774 persons were repatriated from the camps.

In November 1987 the government finally agreed to refer to the Mozambicans as refugees. However they were categorized under group determination, and were not eligible for the rights and benefits prescribed by the Refugees Act, such as the right to work, or to own land. Restrictions on their movement persisted--they were not permitted to leave the border areas and go to the towns; indeed, the refugees' treatment was not much affected by their new definition.

In 1990 the government sought to implement a screening program for Mozambican asylum seekers. According to the Commissioner, If we didn't have the Renamo problem we wouldn't need to screen those coming in. ... But for us to satisfy ourselves that we aren't endangering ourselves and the refugees, we need to screen... Reception centers will enable us to find genuine asylum seekers, and separate those from the Trojan Horse.

It was proposed that reception centers be set up near the border, where asylum seekers would be given food and assistance, and registered. According to the Commissioner, the reception centers would be at places where the refugees could get assistance quickly. He said, "Now it takes a long time to get from the border to the camps, which makes it difficult for the wounded." Once registered, their status would be determined as a group. The Commissioner said,

With the reception centers there will still be group determination for the Mozambicans, but we'll ask questions. We may interview a group, through a group leader. It's not yet clear how this will be done.

But there were difficulties with implementing the screening procedures. Funds for the reception centers had been promised by the U.S. government (USAID), but according to the Commissioner, these funds were being held up. At the time of writing the outcome of the proposed screening program is not yet clear.

Policy Analysis.

After 1987 Renamo suffered several military and political setbacks, and their terroristic activities in Mozambique and along the Zimbabwean border eased. As a result, the flow of asylum seekers dwindled, and the security situation in the eastern region of Zimbabwe became less tense. The reduction in the number of forced repatriations resulted partially from the reduced security
threats and the smaller influx of new arrivals. However Zimbabwe was also subject to international pressure, from UNHCR, UNICEF and donor countries, and domestic pressure from religious organizations, particularly the quite powerful Catholic organizations.\footnote{These included Cadec, an organization that included monitoring of human rights among its activities, and the Southern African Bishops Conference.} Also, once the trilateral repatriation programs got underway, there was less need to forcibly repatriate refugees.

While the desire for repatriation is commonly held amongst the governments of asylum countries, in this case the implementation of return-oriented programs was greatly facilitated by the good relations and cooperation between the governments of Zimbabwe and Mozambique. These relations also benefitted the assistance available to refugees in the camps. The Zimbabwe government's orientation towards the return of the refugees was coupled with the desire that the refugees' time in Zimbabwe should be productively spent, and that they should go back with skills and education, prepared to assist in Mozambique's recovery. This approach matched the Mozambican government's own policy towards returnees, which is that all rural people affected by the emergency be enabled to reestablish their economic productivity as quickly as possible.\footnote{Cadec, May 1988. p.6.} Accordingly, the Zimbabwe government working with the NGOs in the camps introduced
skills training programs, and the Mozambican education curriculum is taught to children in the camps.

Zimbabwe's decision to define the Mozambican influx as refugees stemmed from a combination of pressure from UNHCR to do so, and probably from the acquiescence of the Mozambique government. Once the situation in Mozambique became widely known and understood, the Mozambique government was less concerned about being blamed for the outflow, and more willing to have its fleeing citizens defined as refugees. The Zimbabwe government's cooperation with the government of Mozambique in the matter of refugee definition suggests that the Mozambican refugees would have been less welcome had they been fleeing their own government. The definition of Mozambicans as refugees applied to those fleeing Renamo, but not to those fleeing the Frelimo government. According to sources in international organizations, it was no secret that an asylum seeker from Mozambique submitting a request for asylum based on persecution by the Frelimo government would stand little chance of being accepted, and that refoulement would not be out of the question.

Summary.

Probably the most important factor in the positive treatment of Mozambican refugees was the good relations between the Mozambique and Zimbabwe governments, and the fact that the refugees were not fleeing their government. The good government relations were complemented by the positive reception accorded the refugees by the local receiving communities. The welcome from the receiving community stemmed from a number of factors: ethnic similarity with the refugees; prior experience as refugees themselves, and gratitude to the Mozambicans for their assistance at that time; and sympathy for the plight of the Mozambicans. It also helped that the eastern receiving region was a fairly prosperous one, at least in parts. By assisting the refugees, the local community relieved the government for a time of its responsibilities to the refugees. However, limits to the welcome became apparent when the sensitive issue of land arose (either refugees being given land by chiefs, or land being taken by the government for camps). Many community members objected to the refugees obtaining land when it was in such high demand, and these objections contributed to the diminished welcome that developed after the Renamo incursions began.

In most cases where negative policies were implemented, security considerations were at stake. Zimbabwe's committal of troops to assist the Mozambique government in suppressing
the Renamo insurgency had the effect of drawing the conflict into Zimbabwe, with negative consequences for the refugees. The Renamo incursions meant increased security threats, and the Zimbabwean army became less tolerant of refugees. As a result, relocations and some forced repatriation took place.

One factor that enabled more positive treatment of refugees was the existence of a refugee agency with some autonomy, located within the Department of Social Welfare rather than the army. This in turn was made possible by the relatively weak political position of the army, and Mugabe's desire to prevent the army from gaining power. It was the Commissioner for Refugees who was mainly responsible for refugee policy, rather than the army, although the army did occasionally take matters into their own hands—such as the forced repatriations.

Finally, relations with international refugee organizations, particularly UNHCR, were positive. This was partly because the Zimbabweans ensured that they themselves retained control of refugee affairs, which minimized resentment of UNHCR, and partly because the existence of the Refugees Services Unit meant UNHCR could deal with social workers who were committed to refugees, rather than harrassed Ministry of Interior bureaucrats. The good relations with international organizations (and voluntary agencies) facilitated the administration of assistance to refugees. Also, since the Commissioner had some political
power, he was able to cut through bureaucratic red tape that might have obstructed assistance to refugees.
Figure 2.
The Refugee Civil Bureaucracy in Zimbabwe.

Cabinet Committee on Mozambican Refugees
(composed of Ministers, but inoperative)

Inter-Ministerial Implementation Committee
(government officials, chaired by Commissioner)

Implementation Committee
(government officials + ngos + UNHCR)

Health    Education    Agriculture    Clothing    Food
(Sub-committees chaired by elected ngo representatives)

Provincial Committee
(government officials + ngos)

Tongogara    Mazoe    Nyamatikiti    Nyangombe
(Camp committees composed of government officials,
ngos + refugee representatives)
Table 8.

Population of Refugee Camps and Spontaneously Settled Refugees in Zimbabwe
December 1984 - 1989

Thousands

- • stocks in camps
- • total refugee stocks
   (spont'ly settled & camps)
### Table 9.

**Zimbabwean Refugee Policies and the U.N. Policy Yardstick.**

<table>
<thead>
<tr>
<th>Policy Type</th>
<th>Positive Response (UN recommendations)</th>
<th>Zimbabwe Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Legal-Bureaucratic response.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Accede to international instruments, conventions, etc?</td>
<td>Accession (or equivalent)</td>
<td>Yes</td>
</tr>
<tr>
<td>b) Define asylum seekers as refugees?</td>
<td>Yes</td>
<td>Not initially; then later</td>
</tr>
<tr>
<td>c) Create separate bureaucratic authority responsible for refugees?</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>d) Procedures for determination of refugee status?</td>
<td>Yes, proper procedures, incl. legislation, appeal, etc.</td>
<td>Yes, but not for mass influx</td>
</tr>
<tr>
<td><strong>II. International Refugee Organisations.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Grant IROs permission to assist refugees?</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>b) Cooperate with, or restrict IROs?</td>
<td>UNHCR permitted access to affected areas; cooperation</td>
<td>Yes, but restricted access to camps</td>
</tr>
</tbody>
</table>
### III. Admission and Treatment of Refugees

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Admission of asylum seekers appearing at border?</td>
<td>admit all</td>
<td>Yes</td>
</tr>
<tr>
<td>b) Screen refugees?</td>
<td>Only in accordance with UNHCR regulations</td>
<td>Yes</td>
</tr>
<tr>
<td>c) Location of refugees?</td>
<td>Refugees allowed to choose camps or self-settlement</td>
<td>Refugees live in camps and self-settled</td>
</tr>
<tr>
<td>d) Rights of and restrictions on refugees?</td>
<td>More rights (incl. freedom of movement, employment), no discrimination</td>
<td>Restrictions on Mozambicans, individual rehs have more rights</td>
</tr>
<tr>
<td>e) Refugee protection?</td>
<td>Pursue physical safety; camps at safe distance from border; civilian nature of camps is maintained</td>
<td>Camps protected, civilian nature maintained</td>
</tr>
<tr>
<td>f) Repatriation?</td>
<td>Voluntary, according to UNHCR recommendations</td>
<td>Mainly voluntary, but some incidents of expulsion and refoulement</td>
</tr>
<tr>
<td>g) Treatment of long-term refugees?</td>
<td>potential for local settlement, or permanent residence</td>
<td>refugees remain in camps; long-term stayers not an issue yet</td>
</tr>
</tbody>
</table>
A Comparison of Refugee Policies in Thailand and Zimbabwe.

In order to examine refugee policy formation in Third World receiving countries, two cases were chosen on the basis of their different responses to a mass refugee influx. We focused on asylum countries which were confronted with serious security threats linked to the refugee influx. Thailand was chosen as a country which responded with restrictive (or 'negative') refugee policies; Zimbabwe was selected as a more positive case, because it conformed fairly well with our U.N. policy yardstick. Why did Zimbabwe respond more favorably? To what extent were refugee policies driven by the social and political system variables identified in our model of policy making? In this chapter we identify the major policy differences in our two cases, and try to account for these differences.

The Causes of Refugee Flows.

One important distinction between the two countries lay in the causes of the refugee flows. Unlike the different refugee groups entering Thailand, the Mozambican refugees were not fleeing persecution by their own government, but were escaping the violence and disorder created by the civil
insurgency.¹

The causes of the refugee flight are important because they affect the responses of both the host government and the receiving community in at least three ways. First, the causes are an indicator of the nature of the security threat confronting the host country, which we discuss further below. Second, the causes create expectations about return. When refugees flee their government the likelihood of their return is reduced: the chances of the government changing, and the refugees viewing the situation as safe to return, tend to be slim, or at least long-term. On the other hand, refugees fleeing a localized life-threatening situation, such as conflict in their home areas, will return more quickly once the situation has normalized. This was apparent both in Mozambique and Cambodia: refugees would monitor the situation in their home areas, and once things looked safe, would return to tend their crops or find their families, even if this meant the fighting had only temporarily moved away from their areas. Laotian and Vietnamese refugees, on the other hand, were fleeing the policies of the new communist governments; they were less committed to the idea of returning, and sought more permanent places of asylum.

¹ To some extent this made the Mozambicans comparable to the Cambodians fleeing after the Vietnamese invasion— they too fled violence and disorder—but many Cambodians, particularly the Khmer Rouges, were also fleeing the Vietnamese army in this period.
Expectations of return were particularly important for government officials, who sought to avoid the burden of a permanent refugee population. Officials wanted assurances that the refugees would either return or be resettled elsewhere, and where such assurances did not exist, they were more likely to react with negative policies in an effort to discourage refugees from entering in the first place. This was the case in Thailand with respect to refugees that entered after 1978.

Finally, the causes of a refugee flow affected responses by creating particular attitudes towards the refugees amongst their hosts. Although all refugees are by definition escaping dangerous situations, they tend to be viewed with more sympathy (and are therefore more welcome) if they are fleeing visibly life-threatening situations. For example, refugees fleeing war or hurricanes are likely to be more sympathetically viewed than those escaping government policies or drought, the implications of which are often hidden from those who are not the victims. In our two cases, refugees fleeing the Renamo atrocities, and the open warfare on the Cambodian border were usually treated more generously than the Vietnamese, who were fleeing unpopular government policies.

The Structure of Refugee Flows.

One of our first findings concerned the structure and
scale of refugee flows. The flows into Zimbabwe and Thailand were not amorphous movements of people, but followed a pattern which was matched by the responses of the government and the local community. As outlined in Figure 3, each influx was spread over three phases. In Phase I the refugee influx began slowly and built gradually over a period of years. Refugee numbers were manageable, largely because the local community welcomed and absorbed the refugees. The government's response to refugees was relatively low-key: refugee policies were only vaguely defined, and local authorities took a fairly light-handed approach to refugees, although in both countries there were incidents of forced repatriation. Refugee camps were established during this phase, and the government made several legal-bureaucratic decisions, including those concerning accession to international refugee instruments, and the definition of refugees. In Zimbabwe refugee legislation was passed; and in both countries responsibility for refugee affairs was allocated to a civilian agency. During this phase the government requested assistance from UNHCR, whose influence was relatively stronger than it would be later. For example, in both countries UNHCR prevailed on the government to consider the possibility of local integration for refugees; in later phases both governments ruled out this possibility.

Phase I was followed by a crisis phase lasting about a
year, during which the influx increased dramatically, exceeding all previous arrivals by orders of magnitude. The increase in external security threats during the crisis phase led to a hardening in the responses of the host country. In both cases, the crisis phase focused the attentions of the government on refugee receiving areas. Local authorities became more heavy-handed, in part because in the local community refugees were not as welcome as before, and there were protests about their presence. Forced repatriations increased; many self-settled refugees were relocated, sometimes forcibly, to refugee camps; and border admissions became more controlled. New policies were adopted, or old ones implemented, that sought to restrict the entrance of refugees, as well as their movement within the host country. Restrictions were also imposed on international agencies, and the army became more influential in refugee matters—in Thailand it took over responsibility for Cambodian refugees from the civilian refugee bureaucracy.

The crisis phase gave way to a second phase, in which the rate of new arrivals decreased, and more policy variation between the two countries appeared. In each country, policies were more clearly defined and coherent than they had been earlier. Both countries sought to reduce their refugee stocks, but compared to the Zimbabweans, the Thai authorities pursued considerably more restrictive
policies towards refugees, including humane deterrence, closed borders, and prohibited resettlement of new arrivals.

Within the general similarities of response over the three phases, each country differed on a number of policy issues, as set out in Table 9. We now examine these differences for each of our three policy types, and try to account for the differences.

Policy I. The Legal-Bureaucratic Response.

Of the three types of institutional procedures--accession to international protocols, creation of a separate civilian refugee agency, and the definition of refugees--Zimbabwe's policy decisions were closer to the recommendations of our U.N. yardstick.

Accession to international protocols.

One major difference between the two cases was that before experiencing its mass influx, Zimbabwe had acceded to the 1951 Convention and 1967 Protocol, as well as the 1969 OAU Convention, and as a result of this accession, had passed refugee legislation in the form of the Refugees Act. Amongst other things, the Act provided for a definition of refugees, a civilian refugee bureaucracy, and determination procedures. Thailand, like most Southeast Asian countries, did not accede to any international instruments, and had no laws specifically pertaining to refugees. Refugee policy
emerged in the form of periodic Cabinet decrees and regulations issued by the Ministry of Interior.

Why did Zimbabwe accede to the 1951 Convention, whilst Thailand did not? One reason for the difference, as evinced in the Parliamentary debate surrounding the passage of the refugee legislation, was that the members of the newly independent government valued the idea of becoming a good international citizen. It therefore sought to fulfill its international obligations by acceding to and implementing the requirements of international conventions. By contrast, the Thai government appeared to feel less constrained about fulfilling its international duties, and sought instead to maintain "flexibility" in its approach to refugees. Various government officials expressed concern that flexibility might be lost, either by acceding to refugee conventions, or by defining asylum seekers as refugees. Definitions and conventions imposed expectations and requirements on governments, and these the Thai government sought to avoid.

Creation of a civilian bureaucratic authority.

One consequence of the failure to accede to the 1951 Convention was that Thailand's civilian institutional base for refugee policy making was much weaker than Zimbabwe's. Although both countries allocated responsibility for refugees to civilian bureaucracies, the Thai Operations Center for Displaced People (OCDP) had less power in refugee
policy-making than did the Zimbabwean Refugee Services Unit (RSU), especially after the crisis phase began. In Zimbabwe, the Commissioner for Refugees had a substantial degree of leverage in the political arena. This power derived from several sources, including the refugee agency's institutional origins in an Act of Parliament; prestige deriving from the agency's link with international organizations; and the generally greater power in Zimbabwe of the civilian bureaucracy over the military bureaucracy. By contrast, Thailand's OCDP was politically weak. It had no independent legal status, and was controlled by the Ministry of Interior, which was itself subservient to the military bureaucracy. The OCDP did not make policy but only implemented it. Refugee policy was made primarily by the National Security Council and the Supreme Command.

The differences between the Thai and Zimbabwean refugee agencies had policy consequences both for the treatment of refugees, and for the relationship with UNHCR. Since the bureaucratic survival of the Zimbabwean RSU depended on refugees, it was deeply invested in their welfare and in their admission. This meant the agency was prepared to seek out resources for the refugees, and engage in bureaucratic struggles on their behalf.² The RSU's interest in the

² For example, the Commissioner emerged triumphant in his struggle with the Ministry of Construction, and successfully managed to circumvent the red tape needed to get new housing built for refugee workers.
positive treatment of refugees meant cooperation with UNHCR was high since UNHCR also had refugee welfare as its primary interest (and is also bureaucratically invested in the existence of refugees). This mutual interest meant the two agencies worked well together.

The Thai OCDP, although also bureaucratically invested in refugees, was less instrumental in affecting policy outcomes because of its lack of political influence. UNHCR's more important relationships were with the MOI, which was responsible for operationalizing refugee assistance, and with the NSC, whose primary interest was national security. UNHCR's relationship with MOI started off on a good footing, but deteriorated when corruption within MOI became problematic. The loss of budget control angered MOI officials, and the relationship deteriorated further when MOI began to suspect that UNHCR was playing off ministries against one another. MOI was concerned that deals would be struck between UNHCR and the NSC, the Foreign Ministry, or the army, against them, and indeed, UNHCR's generally poor relationship with MOI, and its belief that MOI did not have refugees' interests at heart, did motivate UNHCR to seek out deals with other ministries.

In Zimbabwe, there was less need for UNHCR to act as

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3 Whereas the Foreign Ministry tended to side with UNHCR on refugee issues, the army was much more resistant to UNHCR's requests, and imposed more restrictions on them and donor country officials.
the refugees' proxy, because of the political strength of the Refugee Services Unit, and its concern for refugees. Government officials' relations with UNHCR were more even-handed than those in Thailand, and were generally described as "good" by both UNHCR and government officials. One reason for the good relationship was that government officials perceived the refugee situation to be under their control, rather than that of international agencies. The government controlled the assistance budget, and while it permitted UNHCR unrestricted access to the refugee camps, it did not allow UNHCR to maintain a permanent presence in the camps.

The allocation of responsibility for refugees to a civilian agency with some political power is a policy decision that has significant policy consequences. The decision has enough importance to warrant its inclusion as an independent variable in our refugee policy-making model, and represents an important finding from our case studies, particularly for the "bureaucratic politics" literature on policy making.

The definition of refugees.

Both governments demonstrated initial reluctance to refer to the mass influx as refugees, but whereas Zimbabwe eventually did define the Mozambicans as refugees, Thailand continued to refer to asylum seekers as illegal aliens or
displaced persons. The desire for flexibility explains the Thai reluctance to define asylum seekers as refugees. By not referring to them as refugees, the Thais believed they could avoid treating them as refugees. Zimbabwe's initial reluctance was for a different reason: their good relations with Mozambique. The Mozambique government requested Zimbabwe not to refer to its fleeing people as refugees, for fear of being blamed for their flight, and therefore internationally embarrassed. The history of solidarity between ZANU and FRELIMO, as well as the debt Zimbabweans felt they owed Mozambique for its support during their independence struggle, led the Zimbabwe government to acquiesce to the Mozambican government's request. Only later, when it was more widely known that the Mozambique government was not persecuting its own people, did the Zimbabwean government define the asylum seekers as refugees.

Policy II. International Refugee Organizations.

Both countries requested assistance from UNHCR, and permitted it and other IROs, including a variety of voluntary agencies, to assist refugees. A significant difference between the two cases was the greater international presence in Thailand. International organizations like UNHCR and UNBRO, as well as NGOs, were more deeply involved in refugee assistance, and third country resettlement played a much greater role. Reasons
for the greater international presence in Thailand were the very large number of refugees, and the superpower involvement in the Indochinese war, which led to the implementation of a resettlement program by the United States.

One consequence of the greater international involvement in Thailand was that international officials frequently clashed with one another over policy matters. An important example of this was the different U.S. and UNHCR views on the solution to the refugee problem in Thailand. U.S. officials saw resettlement as the solution; UNHCR preferred repatriation and local settlement. These differing views meant U.S. and UNHCR officials did not always present a united front to the Thai authorities, and the plethora of voluntary agencies in Thailand added to the confusion. However, although these conflicting international perspectives sometimes enabled Thailand to manipulate the relief organizations to Thai advantage, the problem should not be overstated. On the whole, the international relief agencies and organizations, with donor country officials, worked together to pressure the Thais towards positive refugee policies.

The absence of superpower interest in the Mozambican problem meant the U.S. assumed a smaller role in refugee matters in Zimbabwe, and the influence of U.S. officials on refugee policy was considerably reduced. The Zimbabwe
government had more autonomy in refugee matters, and did not spend time juggling the different interests of international assistance bodies.

The resettlement option.

The existence of resettlement as a solution to the refugee problem was an important difference between the Thai and Zimbabwean cases. In Zimbabwe, as in most African countries, resettlement was not an option. In most African countries, resettlement of refugees has occurred for only small numbers, and then only for individually determined refugees. One reason for this is that resettlement countries have only small quotas for African refugees; another reason is that most African refugees who are part of mass influxes do not wish to be resettled, but anticipate that they will return home.

The opportunity for resettlement of large numbers of refugees strongly influenced the Thai government's policy towards international organizations, and its treatment of refugees. On several occasions the Thais manipulated their policies towards refugees in an effort to pressure the resettlement countries to take greater numbers, and government officials frequently complained about declining resettlement quotas, and threatened to take drastic action

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4 For example, Kriangsak's concern about declining resettlement quotas prompted him to permit the Preah Vihear repatriation.
against the refugees. Since resettlement was not an option for the Mozambican refugees, the Zimbabwe government was not tempted to mistreat the refugees in an attempt to pressure the resettlement countries.

Policy III. Admission and Treatment of Refugees.

Although the treatment of refugees in Phase I was relatively benign in both countries, throughout all three phases conditions in Thailand were less favorable than they were in Zimbabwe. Pushbacks and forced repatriation and relocation were more common in Thailand; the border was closed periodically, and conditions in the camps (especially those of the Cambodians and land Vietnamese) were more restricted and dangerous. What accounts for this difference in treatment?

As already discussed, one important factor was Zimbabwe's decision to allocate responsibility for refugees to a civilian agency with influence. We now examine how the other three categories of variables identified in our policy-making model explain the differences in the treatment of refugees.

National Security Considerations.

National security considerations generally take priority in government decision-making, potentially overriding domestic absorption capacity considerations. In
our two cases security threats had a strong impact on refugee policies; the shifts in policy over the three phases were correlated with changes in security threats. In Phase I, the refugees did not pose any serious threat, and both governments were preoccupied with security issues that were largely unrelated to refugees.\(^5\) However in the north and northeast regions of Thailand, where the communist insurgency was receiving local support, the army was more concerned with refugee inflows, which were seen as potential security risks. This concern accounted for the incidents of repatriation and the restrictions that were imposed on refugees in Thailand during the first phase.

In the crisis phase, external security threats increased for both countries, with policy implications for refugees. The increased refugee flows were a result of the deteriorating security situations in the sending countries, which spilled over into the host countries in the form of incursions and conflict close to borders. Increased security precautions directly affected the refugees as host authorities sought to impose greater control on their borders and throughout the receiving region. The security

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\(^5\) In Zimbabwe, the government was taken up with post-independence reconstruction and political problems elsewhere in the country, including the Matabeleland "dissidents," and in assisting the Mozambique government against the Renamo insurgents. In Thailand, the early flows took place in a period of governmental instability when the army was preoccupied with politics in Bangkok, so little attention was paid to refugee policy matters there.
threat decreased somewhat with the ending of the crisis phase, but it did not disappear, and each government sought to retain the security precautions that had been instituted earlier. "National security" was cited most often by government officials as reasons for negative refugee policies such as forced repatriation or relocation.

The nature of the security threat accompanying the refugee influx was an important determinant of the host country's response.\(^6\) External threats posed (or perceived to be posed) by the conflict in the sending country affected each host country's refugee policies in different ways. In Thailand, the army and other policy makers believed that their country's territorial integrity was threatened with a potential invasion by Vietnam. Many observers believed that Thailand treated Cambodian refugees as a "human buffer" in order to stop Vietnam's hegemonic moves in the region. This desire was also behind the army's support of the Khmer resistance forces, and its close control of Cambodian refugees. The resistance wanted a civilian population on the Thai-Cambodian border to validate their legitimacy.

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\(^6\) Security threats to the host country do not accompany all refugee influxes. Both Thailand and Zimbabwe were threatened by the conflict in the sending country, but many asylum countries receive refugees without being directly threatened. For example, Zambia received refugees from both Mozambique and Angola, but in neither case did fighting encroach on its borders. Hong Kong and other Southeast Asian countries have received Vietnamese (and some Cambodian) refugees without being threatened by the conflicts driving them.
claims in Cambodia, and to support the resistance fighters, and this prompted Thailand to restrict the admission of Cambodian refugees after 1980.

For Zimbabwe, the main security threat arose from the destabilization in Mozambique which threatened Zimbabwe's strategic and economic interests: the government feared that Zimbabwe's economic lifeline to Mozambican sea ports would be cut off. This gave Zimbabwe a strong incentive, missing in the case of Thailand, to support the Mozambique government in its fight against the insurgency. Although Zimbabwe did suffer from Renamo incursions, possibly because of its military assistance to Mozambique, there was no real threat of an invasion by the regional power (South Africa), and thus no need for a large military buildup on the border, nor for the manipulation of refugees to offset the threat of invasion.

In each of our cases the different types of external security threats elicited different responses, and these responses affected refugee policies. Where territorial integrity was threatened, as in the Thai case, the military response was more focused on the Cambodian border area, with negative implications for refugees. Zimbabwe's need to defend its interests led to a spillover of the Mozambican conflict into the border area, but the focus of the security threat was not on the border, and although refugees suffered to some extent, the perceived need for draconian measures
against them was smaller.

Internal security problems in the receiving regions also affected refugee policies. We argued that refugee influxes create or aggravate internal problems by (amongst other things) disturbing ethnic balances, imposing strains on resources and thus creating or increasing social discontent, and raising fears about a fifth column. Both host countries experienced these problems in their receiving regions, but Thailand's were greater than Zimbabwe's. The Thai army feared that the influx of Laotians into the north and northeast would disrupt ethnic balances, and increase strains on resources, thereby aggravating political and economic discontent which had already been causes for local support of the communist insurgency. The army also feared that the refugees could potentially shield a fifth column. These fears meant the army imposed more restrictions on refugees in the receiving regions. In Zimbabwe, the government's political support had weakened in some receiving areas, but most of the refugees were ethnically similar to the government's supporters, and there was no real threat from ethnic disruption. However there were fears in Zimbabwe that the refugees shielded a fifth column during the crisis phase, and accordingly, security measures were taken which led to restrictions on, and more negative treatment of refugees.

When governments are faced with security threats caused
or increased by the presence of refugees, they may react negatively or positively with respect to the refugees. Negative reactions, such as forced repatriations, are at the expense of refugees; positive reactions try to protect refugees, for example, by moving them away from areas of danger. In Thailand there were sometimes strategic reasons for the negative treatment of refugees, as in the case of the "human buffer" of Cambodian refugees, but strategic reasons could not explain the negative treatment of other refugee groups such as the Vietnamese. In Zimbabwe, there were occasions when the government sought to redress security threats through the negative treatment (repatriation) of refugees, but there were frequent times when the government adopted a more positive course: by increasing refugee protection. This was rarely so in the Thai case.

In order for a host government to respond positively to refugees, evidence from our cases suggests that there must usually be positive incentives of some kind. These include domestic political incentives originating in the local community, and international incentives. The latter include relations between the sending and receiving countries, and pressure from international organizations and donor countries. In the absence of such incentives, there may be no reason to treat refugees well (although a government refugee agency has its own incentives to treat refugee well,
as discussed). We now discuss the role of the local community and international relations in our two cases.

International Relations.

The international refugee regime.

Three ways in which the international refugee regime (international organizations and donor countries) influenced refugee policies were assistance, diplomatic pressure, and publicity. Assistance took two forms: it provided funds, materials and personnel to help the host governments cope with the refugee burden; and it helped find solutions in the form of repatriation and third country resettlement. As discussed above, the resettlement option made a significant difference in our two cases, both in the policy towards international organizations and in the treatment of refugees. Resettlement needs to be emphasized as a factor in our policy making model. Had the resettlement option not existed for Thailand, would the treatment of refugees been worse or better? To provide some answers to this question, we need to examine other factors in Thai and Zimbabwe refugee policies.

It is likely that, aside from the resettlement factor, the greater international presence in Thailand positively affected the treatment of refugees, as a result of the resources made available, and Thailand's sensitivity about
international condemnation. Diplomatic pressure probably played a smaller role: international presence in a host country is always at the discretion of the government, and this constraint dilutes diplomatic influence on the government. Although U.S. officials were able to dissuade Thai officials from implementing the Laotian screening program in 1977, in 1979, during the crisis phase, the combined diplomatic efforts of many international refugee officials could not persuade Kriangsak to allow the refugees back into Thailand after the Preah Vihear repatriation.

Host governments are more likely to be swayed by the threat of bad publicity, which is more easily used by voluntary agencies and NGOs. In both our cases, governments ceased negative treatment of refugees (at least temporarily) when incidents were widely publicized by voluntary or religious agencies.

Relations with the sending country.

A significant difference between Thailand and Zimbabwe was each government's relationship with the government of the sending countries. Zimbabwe's alliance with Mozambique, the history of ideological similarity between the two parties in power, and the debt Zimbabweans felt they owed Mozambique, all created an incentive to treat Mozambican refugees positively. Government officials cited this relationship as the reason for their desire to "help
Mozambique," and to treat the refugees well—"just as we were treated when we were refugees there." Zimbabwe's good relationship with Mozambique was manifest in the government's positive treatment of refugees in the camps, in the presence in Harare of Mozambican government officials responsible for refugees, and in the voluntary repatriation programs jointly organized with Mozambique. Ultimately, it is probable that the good relations will serve Zimbabwe well in resolving the refugee problem, by facilitating future repatriation programs.

For Thailand the situation was quite different. Relations with the three sending countries had traditionally been acrimonious if not warlike. With none of them did the Thais have a cooperative history, or ideological similarity, and no Thais had ever sought refuge there. Nor was Thailand in any way economically dependent on the sending countries. Thus, from the perspective of international and historical relations with the sending countries, Thailand had no positive incentive to treat refugees well. Rather, given the Thais' fear of communism and Vietnamese hegemonism, they had an incentive to use the refugees against the communist governments of the sending countries. In keeping with its history of pragmatic foreign policy stances, Thailand officially adopted a neutral stance towards the governments in Laos and Cambodia, but allowed both Cambodian and Laotian resistance forces to use Thai territory as a base for
operations, and gave them some military assistance. The absence of diplomatic relations between Thailand and the Heng Samrin government in Cambodia foreclosed any possibility of intra-governmental cooperation, and necessitated a greater role for UNHCR in repatriation negotiations. However, relations with the Laotian government, although never friendly, improved between 1980 and 1985, and bilateral repatriation programs could be arranged.

International pressures from regional allies.

Relations between Thailand and its regional allies comprising the ASEAN bloc also affected Thailand's refugee policies. The receiving countries of ASEAN had formulated a position on refugees, and as a member country, Thailand was under pressure to comply with ASEAN's asylum policies. This influence was largely missing in the Zimbabwean case. Zimbabwe's membership in the regional group of SADCC countries\(^7\) did not oblige it to comply with particular asylum policies, since SADCC did not have a formal position on refugees.

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\(^7\) SADCC, the Southern African Development Coordination Conference, consists of the Frontline states of Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe. It is a regional organization whose purpose was originally to reduce economic dependency on South Africa, and which mainly pursues economic and trade integration programs.
In sum, international relations with the international refugee regime, the sending countries, and regional allies had significant consequences for each government's policy response. In the Thai case, the resettlement option, poor relations with the sending countries and to some extent, pressure from ASEAN, led to more negative and restrictive policies. In the Zimbabwean case, these negative pressures were absent; a significant positive factor was Zimbabwe's relations with the sending country.

**Domestic Absorption Capacity.**

We argued that the capacity of the receiving community to absorb refugees was a function of both its willingness and its ability to assist refugees. Ability is to a large extent indicated by economic capacity; willingness by the community's social receptivity and attitudes towards refugees.

Economic capacity.

Although Thailand was economically stronger than Zimbabwe, and therefore better able to support a refugee influx, the bulk of the mass influx occurred in relatively poor regions. In Thailand, the receiving regions of the north and northeast are the amongst the poorest in the land. The Phase I flows of Laotians were able to be absorbed by local communities to some extent, but the poor economic
situation meant the economic absorption capacity was quickly exhausted. In Zimbabwe, the eastern border region was characterized by both wealth and poverty, but most of the refugees settled in the drier, poorer areas of Manicaland and Mashonaland East, where there was greater land hunger. In Phase I, the lighter flows of Mozambicans were able to be locally absorbed, and could find jobs on the commercial farms. In subsequent phases, as the numbers increased, the capacity of the region to absorb refugees declined, as the refugees imposed greater strains by increasing competition for resources, land in particular.

In both cases, international assistance alleviated some economic strains by providing assistance to the refugees, but in Thailand this assistance later led to resentment by some local communities, decreasing their willingness to accept refugees.

Social receptiveness of local communities.

As expected, social receptiveness towards refugees was higher where the local receiving community was ethnically similar to the refugees. Laotian refugees entering the Thai-Lao and Hmong areas of Thailand were relatively well received; the Vietnamese and Cambodian refugees did not fare as well. In Zimbabwe, most of the early inflows of Mozambican refugees were ethnically and linguistically similar to the Shona-speaking local population.
But although ethnic similarity positively affected the local community's reception in the early stages, in both countries it was overridden later by resentment towards the refugees which stemmed from three sources. One source was economic means. Resentment developed when it was perceived that the refugees were benefitting at the community's expense (for example obtaining land in Zimbabwe), or were receiving preferential treatment by the assistance agencies, or simply had greater resources (some Laotian refugees were wealthier than the Thai-Lao, and many of them were sent money by resettled relatives). A second source of resentment arose from the perception that the refugees were responsible for local communities' exposure to cross-border military activity. Newspaper editorials in both Bangkok and Harare suggested that their government's "open" policies towards refugees were creating a security risk, and there was pressure on the government to restrict entry. In Zimbabwe there were reports that refugees had been attacked by locals after the Renamo incursions. A third source of resentment, stronger in Thailand, arose from changing beliefs about the motives of refugees. Many locals and government officials came to believe that the situation in the sending countries "wasn't so bad," and that certain groups of refugees, particularly ethnic Chinese from Vietnam and lowland Laotians, were not fleeing danger, but were simply seeking economic improvement. The Mozambican
refugees received more sympathy from locals, who were aware of the situation in nearby Mozambique.

A positive factor affecting social receptiveness that was present in the Zimbabwe case, but missing in Thailand, was the shared refugee experience between the sending and receiving countries. Many Zimbabweans had been refugees in Mozambique, and the positive treatment they had received there, together with the empathy they felt towards the refugees ("we were once in that situation ourselves"), increased their receptiveness.

Overall, there were more factors contributing to social receptiveness, and thus the willingness to accept refugees, in Zimbabwe, although this receptiveness changed over the three phases. For local authorities in the receiving communities, reduced social receptiveness made it easier to implement harsher policies towards refugees (in some cases there was even pressure to do so). There was less likelihood of a public outcry, and more likelihood that the local people would assist the authorities in carrying out restrictions.

**Government-Local Community Linkages.**

To what extent did changing local receptiveness influence the government's decision-making about refugees? As discussed in Chapter Three, in order for the local community's response to affect governmental decision-making,
at least two political conditions are necessary. First, there must be a linkage between the community and the government, that is, the government must consider itself accountable to the community and must be concerned about community reactions to events taking place there. Second, mechanisms must exist by which the community's grievances or desires become known to the government. These mechanisms can take the form of local strikes and demonstrations, or representations by members of parliament, party representatives, local delegations to the government, and so forth. Although these linkages between the local community and government do not guarantee a response by the government, in their absence it is less likely that local receptiveness (or lack of it) will affect government decision-making.

A difference between the two countries lay in the strength of these linkages. In Thailand, the linkage between the receiving regions and the government was relatively weak; the government showed little concern about grievances there except when these grievances threatened national security. The government's actions towards refugees were often independent of the local community's attitudes towards them. In Zimbabwe, there were important political linkages between the rural areas and the capital, and the local community's reception of refugees more strongly influenced the government's decision-making. For
example, when local people protested that spontaneously settled refugees were obtaining land through the chiefs, the government reacted by establishing refugee camps.

One reason for this difference in linkage strengths was that the military was a stronger force in Thai politics than it was in Zimbabwean politics. In general, military governments do not consider themselves accountable to the people, whereas elected governments seeking political support are more likely to respond to community grievances. Initially at least, the Thai military government did not seek political support from the receiving communities. Only when the weakened military needed civil sources of support in the early 1980s, did they respond to local communities by implementing development programs and paying attention to local grievances—including those about refugees. In Zimbabwe, the elected government sought to sustain its political support in the eastern regions, and was thus obliged to take notice of local opinion.

Because the political strength of the military is correlated with the strength of community-government linkages, military power is a negative indicator of the impact a community's absorption capacity will have on government decision-making about refugees. The relatively weaker influence of the military in Zimbabwe, and the stronger linkages, meant that local receiving communities had more influence on refugee policies than they did in
Thailand.

Summary.

Our examination of the two cases indicates that although there were a number of similarities in the refugee policies of the two countries, on the whole Zimbabwe scored better in terms of our UN yardstick than did Thailand. In Zimbabwe, refugee policies appeared to be determined primarily by:

-- positive relations with the sending country;
-- the existence of a civil refugee bureaucracy;
-- international obligations;
-- domestic political considerations in the local receiving community;
-- security considerations.

In Thailand, refugee policies appeared to be determined primarily by:

-- security considerations;
- third country resettlement and international assistance;
- the dominant role of the military in politics.

Our findings suggest that certain variables, such as economic capacity and diplomatic pressure, play relatively small roles in determining a government’s response, because they are easily overridden by other considerations. On the other hand, the importance of prior policy decisions, particularly the allocation of refugee responsibility to a
civilian agency, should be emphasized. Our findings also indicate the need to disaggregate the security threat variable, since responses vary with the type of security threat. Similarly, we need to analyse in detail the nature of the local community's social responsiveness to refugees, and establish whether government-community linkages exist.

Our findings support the case for the importance of beliefs and values in the shaping of actions, both amongst the governments and the local communities. Zimbabwean policy makers believed that, as a newly independent state in good standing, Zimbabwe should fulfill its international humanitarian duties towards refugees. This belief led to Zimbabwe's accession to the 1951 Convention, and to the passage of laws concerning the treatment of refugees. While it is true that these laws were intended for individually persecuted refugees, especially those from South Africa, these beliefs and the existence of the laws created a more benevolent climate for the treatment of all refugees, including mass influxes.

This climate of ideas was largely absent in Thailand. Since most of the policy makers were military officials, prevailing values stressed security, and the importance of Thailand's sovereignty and independence. Except for Foreign Ministry officials, Thai policy makers rarely expressed the desire to fulfill their international duty. When officials did proclaim the desire to act for humanitarian reasons,
these considerations were secondary to others: the Thai were only willing to act on their humanitarian impulses after security considerations were addressed.

Beliefs and values also affected the response of the local receiving communities. In Zimbabwe, people believed they should reciprocate for past kindness done to them, and they believed that the motivations for the refugees' flight were valid. When locals began to believe that refugees were responsible for attacks, their response to them changed. In Thailand, positive beliefs about the refugees were largely absent, and the local response was accordingly less welcome.

Finally, it is clear that international assistance plays an important role in a host country's response, but how it fits in with other factors is not always obvious. Although it may seem that resource-rich international organizations and donor countries would have leverage over needy host countries, the Preah Vihear incident in Thailand demonstrates that this is not always so. In order to retain permission from host governments to work inside the country, relief organizations cannot become too outspoken in their demands concerning the treatment of refugees. In tense situations, these organizations (and donor countries too) have to tread carefully for fear of being asked to leave. Less conscientious host governments may even seek to use their treatment of refugees as leverage against donor countries and relief organizations. Thailand threatened to
repatriate Cambodians unless resettlement quotas were increased; other countries, such as Somalia, have sought to extract greater financial resources from UNHCR.

In order for organizations like UNHCR to be effective in monitoring treatment of refugees, they have to be permitted a certain degree of freedom within the host country. This freedom is enhanced by two types of host government policies: instituting a refugee agency with some political power with whom international organizations can work; and abiding by the 1951 Convention (which requires that UNHCR be given latitude and assistance within the host country). In our two cases, Zimbabwe came much closer to pursuing these policies than did Thailand, and as a result, the working relationship between UNHCR and the Zimbabwe government was described as good on both accounts. It is noteworthy that Zimbabwe officials believed they had achieved this good relationship with UNHCR without sacrificing their sovereignty.

However, these qualifications do not negate the importance of international assistance for host countries, and host governments recognize that they are very much in need of this assistance. This situation results in an interesting bargaining position between host government and international refugee regime, wherein each has a degree of leverage over the other, but each is also somewhat dependent on the other.
Figure 3.


<table>
<thead>
<tr>
<th></th>
<th>Phase I</th>
<th>Critical Phase</th>
<th>Phase II</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Refugee Flows</strong></td>
<td>Low</td>
<td>High</td>
<td>Reduced</td>
</tr>
<tr>
<td><strong>Policy</strong></td>
<td>Vague</td>
<td>Hardening</td>
<td>Established</td>
</tr>
<tr>
<td><strong>Treatment</strong></td>
<td>Benign</td>
<td>Less Positive</td>
<td>?</td>
</tr>
<tr>
<td><strong>L-B Context</strong></td>
<td>In Formation Civilian Influence</td>
<td>Military Influence</td>
<td>?</td>
</tr>
<tr>
<td><strong>Intern'l Policy</strong></td>
<td>Open</td>
<td>Restrictions</td>
<td>?</td>
</tr>
</tbody>
</table>
Table 10.

Thai and Zimbabwean Refugee Policies.

<table>
<thead>
<tr>
<th>Policy Type</th>
<th>Zimbabwean Resp</th>
<th>Thai Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Legal-Bureaucratic Response.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Accede to international instruments, conventions, etc?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>b) Create separate bureaucratic authority responsible for refugees?</td>
<td>Yes</td>
<td>Yes, but with only weak authority; refugee affairs handled by army</td>
</tr>
<tr>
<td>c) Define asylum seekers as refugees?</td>
<td>Not initially; then later</td>
<td>No; asylum seekers defined as 'aliens' etc.</td>
</tr>
<tr>
<td>d) Procedures for determination of refugee status?</td>
<td>Yes, but not for mass influx</td>
<td>No proper procedures until 1985.</td>
</tr>
</tbody>
</table>

II. International Refugee Organizations. | | |
| a) Grant IROs permission to assist refugees? | Yes | Yes |
| b) Cooperate with, or restrict IROs? | Cooperation, but restricted access to camps | Initial cooperation, then restricted access |

III. Admission and Treatment. | | |
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Admission of asylum seekers appearing at border?</td>
<td>Yes</td>
<td>admission officially refused; permitted in practice</td>
</tr>
<tr>
<td>b) Screen refugees?</td>
<td>Yes</td>
<td>Not until 1985</td>
</tr>
<tr>
<td>c) Location of refugees?</td>
<td>Refugees encouraged to live in camps, but also self-settled</td>
<td>Refugees obliged to live in camps</td>
</tr>
<tr>
<td>d) Rights of and restrictions on refugees?</td>
<td>Restrictions on Mozambicans, individual refs have rights</td>
<td>More restrictions (on movement, employment), and discrimination.</td>
</tr>
<tr>
<td>e) Refugee protection?</td>
<td>Camps protected, civilian nature maintained</td>
<td>Protection of camps frequently violated; combatants in camps; camps too close to border</td>
</tr>
<tr>
<td>f) Repatriation?</td>
<td>Mainly voluntary, but some incidents of expulsion and refoulement</td>
<td>Some voluntary, but frequent incidents of expulsion and refoulement</td>
</tr>
<tr>
<td>g) Treatment of long-term refugees?</td>
<td>refugees remain in camps; long-term stayers not an issue yet.</td>
<td>refugees remain in camps until resettled or repatriated; no assimilation</td>
</tr>
</tbody>
</table>
Chapter Seven.

Policy Implications, Other Applications of the Model, and Further Research.

Our study of Thailand and Zimbabwe enabled us to narrow and re-focus our model by emphasizing some variables and including a new one—the existence of a civilian refugee agency. In this last chapter, we discuss some policy implications for host governments, and examine how a host country's response can affect the flow of refugees from the sending country, including the type of policies that might stem such flows without jeopardizing the lives of asylum seekers. We then explore briefly the usefulness of our model in its application to other host countries, and to other types of refugees, in particular refugees fleeing environmental disaster. The next section discusses some variables that might be added to our model to enhance our understanding of host responses, and some ways in which the model's existing variables need to be qualified. We close with some thoughts on future research possibilities.

Policy Implications for Host Countries and International Organizations.

For host governments which seek to pursue refugee policies that measure up to the U.N. yardstick, our research in Thailand and Zimbabwe yields a number of policy
implications. Our findings will also prove useful to international relief organizations involved in advising host governments in refugee matters.

First, the **timing** of policy interventions should be carefully considered. Since mass influxes appear to be structured by phases, there are likely to be particular times when it is more or less useful to attempt to influence the flow. During the emergency or crisis phase, fears and emotions run high, both on the part of the refugees and their hosts. Because most refugees are desperate to escape during this phase, attempts to stop the influx are likely to result in failure at best, and in disaster at worst. At such times, it is unlikely that policy interventions will be successful, unless they are in the form of direct assistance to both host communities and the refugees.

During the crisis phase the security situation in border areas deteriorates, especially when host countries become militarily involved in the conflict in the sending country. The military are likely to seek to intervene in the management of refugees with border closures, (sometimes forced) repatriations, and greater restrictions on the movement of refugees. Where possible, the host government would be advised to restrain the military's inclinations to control the influx with repatriations, and allow international relief agencies, who are well versed (or at least more experienced) in coping with mass influxes to take
control. After the emergency phase has passed, host authorities can assume control of the management of the refugees, and can then attempt to control entry, and encourage repatriation.

Second, host governments would be well advised to consider instituting a civilian refugee agency before they are confronted with a major refugee influx. Although it may be too much to expect Third World countries with weak institutional structures to commit such resources when there is no sign of an impending influx, governments should do so at the first signs of such an influx. Early signs could be an indication that the host country is in the first phase of a mass influx, and that greater numbers are sure to follow. The existence of even a small bureaucracy with sole responsibility for refugees could, among other things, monitor flows, initiate relations with UNHCR and other relief agencies, and possibly establish emergency supplies. Such preparedness could avert the type of scenario that took place in Aranyaprathet in late 1979, when Thailand was unprepared for the mass Cambodian influx. The existence of a government refugee agency would mean that when a government is confronted with a mass influx it will not be entirely dependent on international assistance, but will be able to retain some initiative and autonomy in its response.

Third, in terms of policy on assistance to refugees, it is important that the government and international agencies
take into account the receptiveness of the local receiving community. The assistance offered to refugees by the local community makes an important difference in the weight of the burden that must be carried by the government and international agencies. Policy interventions that run counter to the willingness of the community to receive refugees are doomed to encounter implementation difficulties. The importance of the community in the reception of refugees suggests that the nature of official refugee assistance should be two-pronged, aimed at both locals and refugees. Indeed, there is a fairly large body of research addressing the ways in which rural development can be combined with refugee assistance.¹ But before any assistance is made available, the attitudes and absorption capacity of the local community should be carefully investigated. Communities which have deeply ingrained aversions to the refugee group, based, for example, on religious or ethnic differences, are unlikely to change their orientation simply because they are receiving international assistance. On the other hand, if a community's negative orientation to the refugees is based on

resentment about competition for scarce resources, this may well be assuaged by the provision of extra resources.

One indicator of the needs of the community is the behavior of nationals around refugee camps. In some host countries, local people have tried to avail themselves of refugee assistance. Thai nationals who were ethnically similar to the Laotian refugees tried to pass themselves off as refugees, in order gain access to the resettlement program. In Somalia, nationals have infiltrated refugee camps and there is an active black market trade in refugee identity cards. Such indicators suggest the need for development assistance to the local community. The task of community evaluation could be amongst those performed by the government refugee agency, perhaps with help from local voluntary organizations who are well acquainted with the community.

Given that host countries do not want refugees, what actions might be taken by host governments to prevent or slow the outflow of refugees? Push and pull factors can be influenced in different ways. One strategy is for the host government to employ direct diplomatic or military pressure on the sending country to get it to change the causes of the outflow.2 Diplomatic pressure can be augmented with the

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help of international organizations and donor countries. Host governments can employ military pressure on the sending country by using or threatening to use armed force, either by employing its own military, or by arming the refugees and sending them back to fight in their own country. This strategy of direct pressure might work in situations where a sending government is persecuting a particular group of people, for example the SRVN's treatment of ethnic Chinese in Vietnam. In this case, the ASEAN countries, together with a number of international organizations and donor countries, used diplomatic pressure to persuade the SRVN government to cease its persecution of ethnic Chinese, and the outflow diminished. But this strategy will not work in situations where the agencies responsible for the outflow are not amenable to persuasion or coercion, that is, where the outflow is caused by multiparty conflict, or environmental disaster.

Direct pressure to redress the causes of the outflow is one way of changing the push factors in the sending country. Another strategy for host countries, usually with assistance from international organizations, is to alleviate conditions in the sending country. By making things easier (or safer) for potential asylum seekers in their home areas, receiving countries can reduce the outflow or encourage return. For example, where refugees are fleeing a combination of

conflict, drought and famine (as was the case in Mozambique and Ethiopia), food relief and agricultural programs set up in the home region can alleviate conditions enough to enable some potential refugees to stay, and others who have already left to return. For these kinds of programs the issue of timing is again a consideration: it is unlikely that much can be done during the crisis phase, and host governments and international organizations should concentrate their energies during the early or post-crisis phases.

A drawback with such programs is that they can activate sensitivities about national sovereignty and interference in the affairs of another country. The cooperation of the home government is therefore important, which means that relations between sending and receiving countries are a factor in ensuring the success of such programs. The good relations between Zimbabwe and Mozambique enabled the establishment of a fairly successful return program in Mozambique.

A third strategy that might be adopted by the host government is to address pull factors. Many government and international officials argue that the refugee policies adopted in the host country, including the treatment of

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Although it may be true, that, as Myron Weiner (1991: 49) states, "[g]overnments cannot so easily retreat behind the protective shield of sovereignty when portions of their population flee to a neighboring country," return programs and home assistance are much facilitated when a nod is made in the direction of national sovereignty.
refugees and the availability of opportunities for them, affect the outflows of refugees. While it is unlikely that the flight of refugees can be stopped or even slowed during crisis phases, the treatment of refugees does appear to affect the rate of the outflow at other times. The strategy of humane deterrence, whereby refugees are subjected to some combination of substandard living conditions, incarceration, and the denial of opportunities for resettlement, has been pursued by a number of host countries in their efforts to discourage asylum seekers. Although the strategy has had a degree of success in countries like Thailand and Djibouti, in other countries, such as Hong Kong, humane deterrence has not succeeded in discouraging refugees. Nor, despite its label, is humane deterrence a humane response to refugees, most of whom are already suffering the loss of their homes and families, and who now are subject to further hardship and degradation.

To the extent that refugees have choices about their destination, one influence on them is the availability of opportunities in the host country. In Thailand it was argued that the possibility of third country resettlement acted as a magnet, increasing the flow of refugees even when the situation in the sending country was not life-threatening. In non-crisis phases of a mass influx, it seems that opportunities for resettlement do create incentives for refugees. This means that host governments
have to seriously consider whether the benefits from resettlement outweigh the costs of increased flows.

Each of the three strategies outlined above may be applicable at various times, depending on circumstances. None is guaranteed success, and there may even be negative repercussions—for example, a host government takes certain risks when it arms refugees, since these arms may be turned on the host country. Nevertheless, the benefits from reduced inflows and increased return movements make attempts at such interventions worthwhile.

Testing the Model: Other Cases and Other Types of Refugees.

The propositions contained in our model of refugee policy-making can be tested by applying them in other host countries, and to different types of refugees. By changing the response context and the nature of the refugee flow, we can "flesh out" the variables in our model, and perhaps increase the helpfulness of the model in anticipating future responses. What follows are some preliminary thoughts on empirical testing in the context of environmental refugees, and in the case of Sudan.

4 Weiner (1991: 45) gives two such examples: the Sri Lankan Tamil Tigers, armed by India, turned against the Indian government when it lost their support; and Pakistan's arming of the Afghan mujaheddin resulted in the latter selling arms to local ethnic leaders, and an increase in ethnic conflict.
A broad definition of refugees is that they are people fleeing their homes (and crossing national borders) because their lives are in danger. Usually this danger stems from violence perpetrated by human agencies: governments, insurgent groups, wars, civil conflicts, and so forth. But people's lives may also be endangered by non-human forces, such as hurricanes, floods, drought, radioactive spills, earthquakes, volcano eruptions, and so on. Although the governments of countries where these events occur, as well as international relief agencies, seek to assist their displaced people, in most Third World countries emergency assistance resources are scarce, and disaster-struck areas are often remote and difficult to reach. When such events occur near borders, and where people can escape, they cross into neighboring countries, presenting the host country with a mass influx of refugees.

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5 One recent example is that of the hurricane which struck Bangladesh in April 1991, killing thousands of people, and displacing hundreds of thousands. The government's efforts to help its stranded people were largely futile because of limited resources and bureaucratic incompetence, and international assistance became bogged down in bureaucratic obstructions.

6 Since the element of persecution is missing from these population outflows, some would argue that they cannot strictly be defined as refugees, much as so-called "economic refugees", i.e. those fleeing unpopular government economic policies, are not strictly refugees. For our purposes, such flows may as well be classed as refugees because from the receiving country's perspective they differ little from other types of mass influxes.
Environmental disasters give rise to one type of environmental refugee. Another type is created by global environmental change, that is, "large-scale human-induced problems, with long-term and often irreversible consequences." Such problems include deforestation, the degradation of agricultural land, and the pollution and depletion of water supplies, any of which, by threatening the livelihoods of affected communities, could result in population outflows. For example, some researchers speculate that the greenhouse effect could threaten coastal communities both by raising water levels (and thereby decreasing available land), and by destroying fisheries through the increased salinity of waters. Since these people are fleeing the destruction of their homes and livelihoods, they must also be referred to as refugees.

These two types of environmental refugees would probably elicit different responses from receiving countries. Flows resulting from global environmental change will be structured differently from flows resulting from environmental disaster. The former are likely to take place over a longer period, and may not be characterized by an emergency phase. We will focus on refugees fleeing environmental disaster. As yet, few cases of refugees

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fleeing environmental disaster have occurred to which our model can be applied. But it is not difficult to imagine a Bhopal or Chernobyl scenario taking place close to international borders, leading to the flight of thousands of people into the neighboring country.

One difference between refugees fleeing environmental disaster and those fleeing political conflict is in the structure of the refugee influx. In most cases, disasters strike with one heavy blow; they are not spread over months or years, as are the conflicts that drive other refugees. This means that there is not a gradual build-up leading to a crisis phase, followed by a gradual ebbing. An environmental refugee influx takes place in one mass surge over a relatively short period. As a result, the host country's response is compressed into a relatively short emergency period, and the government is forced to respond quickly to the event. Since most governments do not like, nor may they be able to respond quickly, a delayed response is likely to be a more serious problem in environmental refugee influxes than in other types.

Given that these refugees are fleeing natural disaster, and not human-perpetrated violence, how might our model apply to the host country's response? We suggested in Chapter Six that the causes of a refugee movement affect the responses of the host country in at least three ways. The causes have implications for national security; they create
expectations about how permanent the refugee population might be; and by influencing attitudes towards refugees, they affect the local community's receptivity. Environmental refugee influxes also present a number of differences in terms of our other variables, which are likely to evoke different policy responses.

Since environmental refugees are not "refugee-warriors," and nor are they fleeing situations of conflict, the nature of the security threat accompanying the influx is changed. Security threats emanating from the sending country in the form of "hot pursuit" cross-border incursions, attacks on refugee camps, and so forth, are eliminated, and the authorities are unlikely to need to impose security restrictions on the refugees for these reasons. However, internal security threats, in the form of distorted ethnic balances or disgruntled local communities, are still a potential issue, and these may prompt the host government to react with negative refugee policies.

Depending on the nature of the environmental disaster, the issue of the permanency of the refugee population may be less problematic. In some situations, such as hurricanes, earthquakes, floods, or drought, although the refugees' homes and crops might be destroyed, the situation is temporary, and the refugees are not committed to leaving their home countries permanently. On the contrary, they seek to return as soon as possible, and are likely to be
assisted in this by both sending and host governments, and by international relief agencies. Since return is virtually assured, and hosts need not fear a permanent refugee population, host governments are more likely to respond with positive policies. However, in situations where refugees' homes are wiped out, and cannot be restored, their return may not be guaranteed, and may even be impossible. Such scenarios include radioactive spills like the Chernobyl disaster, and volcano eruptions such as those that took place in the Philippines in 1991. Refugees from these situations may well become a permanent population, and are likely to evoke less positive responses from host governments.

The issues surrounding local communities' absorption capacity for environmental refugees are much the same as those for other types of refugees. Similar economic factors—competition for land and jobs and other scarce resources—are at stake. However, the social receptivity of the local community may be greater for environmental refugees than for other types, because the sympathy factor is greater, and because the refugees' motives are less likely to be questioned. However, as we saw in our two case studies, community sympathy tends to decrease when communities feel themselves endangered or deprived of available resources, and this is as likely to happen with environmental as other types of refugees.
Host countries which have an existing civilian refugee agency are more likely to be able to meet the demands of an environmental refugee influx. While such an agency may not have emergency supplies at hand, it will be better able to coordinate a response, in part because of established relations with international and domestic relief agencies. The existence of government officials responsible for refugees means time will not be wasted appointing and training such officials, and other bureaucratic contingencies will have been dealt with already.

In host countries which do not have a government refugee agency, an early policy decision concerns the allocation of responsibility for the refugees. Since security is less of a concern with environmental refugees, it is more likely that this responsibility will go to a civilian government agency—with positive implications for the refugees. However, in the initial emergency phase of the influx, where many resources are required, the army is likely to be called in to assist, since it has the institutional capability to cope with foodlifts, the provision of tents and blankets, and so forth.

At present the protocols of the international refugee regime do not extend to environmental refugees, although there are pressures amongst refugee advocates to widen the definition of refugees contained in international instruments. Therefore there are no codified standards of
treatment to which host countries are expected to adhere. Since UNHCR's mandate does not at present include environmental refugees, host governments must deal with other U.N. agencies concerned with disaster relief. In host countries which are subject to both environmental and other types of refugees, the presence of different U.N. relief organizations creates certain problems. Having to work with a different agency requires that host government officials become acquainted with new personnel, regulations, and standard operating procedures. The presence of another international relief agency potentially aggravates politicians' sensitivities about national autonomy, and may increase inter-bureaucratic rivalries. In addition, given the financial circumstances of U.N. agencies, such administrative overlap is wasteful. All of these problems create obstructions for the provision of relief to refugees, and suggests that U.N. agencies concerned with different types of refugees should be combined in some way. This is another way of saying that UNHCR should expand its mandate to include environmental refugees.

Good relations between the host country and sending country are likely to engender more positive refugee policies towards environmental refugees, but poor relations may not necessarily lead to negative policies. Since the refugees are devoid of political motive, they are more likely to be treated as innocent victims, and thus elicit
the host government's humanitarian instincts. The sending country may itself attempt to provide assistance in the host country for its refugees, and will probably facilitate repatriation.

Sudan.

We now outline briefly how our model about refugee policy-making might be applied in the context of a different receiving country, Sudan.

Sudan has been subject to influxes from Uganda, Chad, and Ethiopia over the past twenty years. For the most part, the Sudan government's response to refugees has been positive. In terms of our three policies, it acceded to the 1951 Convention and the OAU Protocol; it permitted international relief organizations access to refugees, and assisted and cooperated with these organizations; it designated responsibility for refugees to a civilian bureaucracy, the Office of the Commissioner for Refugees, which has some political power; it has codified its laws and policies on refugees, including a definition of refugees. Its treatment of refugees, although erratic, has been largely positive, permitting them entry, and assisting them in settlements and in local communities. Although a controversial program to relocate urban refugees to rural settlements was implemented in the mid-1980s, there have been few instances of refoulement, and no humane deterrence
practices.

An analysis of Sudan's response using our model would proceed as follows. First we would disaggregate its multiple refugee flows, and depict the structure of these separate flows according to phases. For example, the Ugandan influx began in 1979, had several crisis phases during the turbulent 1980s, and then decreased, ending with large scale repatriation in 1986. Within the relevant phases, we would identify the Sudanese authorities' introduction and implementation of the three types of refugee policies.

In seeking to explain the policies, we would examine each of our variables. With respect to national security considerations, there was the problem of the Christian revolt in the south (where the refugees entered), and cross-border incursions by Ugandan military factions. Local absorption capacity was positively affected by ethnic similarity between locals and refugees, and by the locals' own experience as refugees, which together increased the community's willingness to accept refugees. However, the ability of the local community to absorb refugees was diminished as a result of very poor economic conditions. Community-government linkages between the receiving region and the capital were weak as a result of longstanding antagonism and poor relations between the Arab north and the non-Arab south. The existence of the office of the
Commissioner for Refugees was a positive factor, since it facilitated international assistance and sought to protect refugees' rights in the capital. In examining the effect of relations with the donor countries and international relief organizations, with the sending country, and with regional allies, we would discuss the role of superpower involvement in the Horn, problems of "compassion fatigue" with respect to Sudan amongst western donors, and the changing alliances between Sudan and its neighbors, particularly the Ugandan factions. By noting the causes of the various Ugandan influxes, we would try to determine the extent to which the local community and the government perceived the refugees as permanent, and how this perception affected the response. Having weighed the role of each of these variables, we would attempt to identify and order those that appeared to be most significant in influencing the government's response.

Evaluating the Model: Another Look.

In the course of testing our model by examining other cases and other types of refugees, it is inevitable that new factors not included in our model will emerge as important and worthy of further research. Some of these factors will be case-specific, or will apply only to host countries that have had refugee populations for a long time, or will not relevant for all types of refugees. One such variable which emerged in the case of Sudan, and which we discuss below in
some detail, was refugee politics. In this section we also qualify some factors in our model that might have been over-emphasized earlier.

Refugee politics.

In our two case studies we examined the significance for refugee policy-making of a government refugee agency, as well as the perspectives of the army and other government ministries with interests in refugees. We also noted the importance of community-government linkages in promoting positive refugee policies. But we might also examine the refugee politics within the government, particularly in host countries with longstanding refugee populations, where refugees have become politically salient. During periods of political transition, such as changes of government, elections, military coup d'etats, and so forth, political parties jockey for power, and the fate of refugees may hang in the balance. It has been argued, for example, that democratization processes in Sudan during the transitional period between the overthrow of Nimeiri in 1985 and the election and formation of a coalition government in April 1986, worked against the refugees. Refugees were not constituents of the main political actors, and after a coalition government was formed they became scapegoats for

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deteriorating economic conditions. The government blamed
them in an effort to deflect criticism and placate potential
voter support, and as a policy follow-up, sought to tighten
restrictions on the movement of refugees from settlement and
border areas to Khartoum.

The ideological positions of the various political
parties on refugees indicate possible changes in refugee
policy, should a change of government occur. Again taking
Sudan during the transition period as an example, Ethiopian
refugees were viewed differently by the political parties.
Sadiq al Mahdi's Umma Party perceived the refugees as a
threat both to Sudan's internal security and to its economic
progress, and sought to restrict the former open-door
policy. The Umma Party's junior coalition partner, the
Democratic Unionist Party, viewed the refugees more in terms
of the economic burden they imposed, and endorsed negative
refugee policies in the hope that doing so would lead to
more international assistance. By contrast, the strongly
nationalist National Islamic Front (NIF), which was also the
parliamentary opposition, viewed the largely Christian
refugees as an unacceptable alien influence, and a serious
threat to Sudanese national identity. The NIF believed that
the refugees adulterated the ethnic composition and moral
fiber of the Islamic eastern population, and feared the
establishment of a Christian community in the east, especially in the context of the Christian revolt in the south. It therefore supported policies that would contain the refugees as close to Ethiopia as possible. The Communist Party of Sudan (CPS) viewed the Ethiopian refugees (some of whom were themselves self-styled Marxist-Leninists) as an embarrassment, because of their betrayal of the communist regime in Addis Ababa. The CPS also believed that the refugees were receiving support from the West and pro-Western governments, in order to destabilize the communist government in Ethiopia.

The different views of each of these four parties illustrates the wide range of beliefs that might be acted upon once a party comes to power and is able to implement its preferred policies. The political saliency of refugee matters in Sudan results from the long history and very large numbers of refugees there. Refugees are not politically salient in all host countries, but they are in such countries as Pakistan, Jordan, Malawi, Honduras, and Hong Kong, and refugees from Eastern Europe and the Soviet Union are rapidly entering political agendas in Western Europe.

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9 The term "East Bank" was used to refer to the Christianizing of eastern Sudan, in contrast to the Judaenising of the West Bank in Palestine after the six-day war.
The role of individuals in policy making.

The role of government leaders and high officials with strong influence in policy making should not be neglected, because this kind of influence can change refugee policies. Two examples occur in the Thai case. When the very influential leader of the National Security Council, Siddhi Savetsila, became the Minister of Foreign Affairs, he took with him to that ministry his personal interest in Cambodian refugees, and continued to be actively involved in refugee matters. His influence enabled the MFA to act as a counterweight to the more hardline tendencies of the NSC and the Supreme Command. By contrast, Siddhi’s successor to the leadership of the NSC, Prasong Soonsirer, was a staunch hardliner, and pursued more rigid refugee policies. Their different positions placed the two men at odds with each other, but despite Siddhi’s influence with the Prime Minister, the determined Prasong got his way, as illustrated in an earlier anecdote. Someone with less determination might have yielded to Siddhi, and the course of Thai refugee policies might have been quite different.

The presence of influential politicians enables international officials to affect the government’s policy course more easily than if officials deal only with anonymous bureaucrats. According to senior U.N. officials with experience in a number of asylum countries, the use of private persuasion is frequently effective with government
leaders. Although political influence is a difficult variable to measure, it is worth at least noting the existence of influential individuals and their impact on policy making.

The significance of accession to international protocols, and the refugee definition.

We stated earlier that it was important for a host country to accede to international refugee protocols such as the 1951 Convention and 1967 Protocol, because doing so would increase the likelihood of refugees being treated well. However, a host government's non-accession does not preclude its treating refugees according to the recommendations of the protocols. This occurs because governments may choose not to accede for reasons that are not directly related to refugees. In Thailand the government refused to accede to the protocols, and would not define asylum seekers as refugees, because they wished to stay independent of U.N. pressures, and flexible in their approach. Yet their treatment of refugees in the early phase approximated international recommendations. In Zimbabwe, the government also would not define asylum seekers as refugees in the early phase—for quite different reasons, namely their wish to avoid embarrassing the sending country who was their ally. Yet they too treated the refugees well.
Failure to accede to refugee conventions and to define asylum seekers as refugees does not automatically mean refugees will receive less generous treatment. But not doing so leaves the government a way out should it choose to change its generous policies. Thailand was able to point out that the asylum seekers were "illegal immigrants," not refugees, when it sought to repatriate them.

Problems with the government refugee agency.

We have argued that the existence of a refugee agency is likely to improve things for refugees and lead to more positive refugee policies. However problems may emerge if the refugee agency becomes too powerful, or has access to too many international resources. In the Sudan, after an investigation determined that army officers had abused refugee women in the Eastern Region, the government assigned jurisdiction over security matters in the refugee reception centers and camps to the the Interior Minister, to whom the Office of the Commissioner for Refugees reports. The army viewed this as an humiliation, and as a result, relations between the refugees and the army deteriorated. The army refused to protect the refugees en route to camps from the Ethiopian border. This experience suggests that a host government should allocate responsibility for refugees to a special office from the beginning, rather than sideling and antagonizing the entity that had responsibility earlier.
The latter can make things difficult both for refugees and for those who take over responsibility.

In host countries where the government refugee agency has control over extensive assistance resources, this can lead to jealousy and resentment by other government bureaucracies. Some observers speculate that the resources commanded by the Commissioner's Office in Sudan led to resentment by other Interior Ministry officials, particularly the provincial governors. One consequence of this resentment was that the governors became "anti-refugee;" another was that the Refugees Commissioner was accused of personal profiting.

In sum, the existence of a refugee agency is not without problems, and may require some political finesse in dealing with other government agencies.

Furthur Research: Creating a Data Base.

With time and resources, our model could be applied to all host countries, and a data base could be generated. At present no systematic study of host countries' responses exists. UNHCR has some material, but much of this is unavailable to outside researchers, and the material is in any case biased by that institution's perspective. The benefits of a large, multi-country data base are many. We would be able to determine whether regional similarities in response are real, or only spurious. By including the
responses of the western industrialized countries to past refugee influxes, we could explore how and why (and whether) Third World countries' responses differ. The creation of such a data base would entail detailed examination of each host country, and this examination is likely to yield other variables to add to our model, as well as enable us to refine existing ones.

Such a data base would enable us to explore new theoretical issues. One issue of interest is whether there is a correlation between the type of regime in power and the host country's response. Are military governments always more negative in their responses to refugees than are democratically elected governments? If not, what factors explain why elected governments pursue more restrictive policies? Another area for theoretical and empirical exploration is that of organized international assistance. It would be of interest to explore further the relationships between host government, international organizations, donor country officials and voluntary agencies, particularly in the context of the changing role of the U.N. in international affairs. More research is needed to understand how issues of national sovereignty, bureaucratic jealousy and local community resentment emerge in the context of international infusions of refugee assistance.
Conclusion.

The problems looming in the Soviet Union and eastern Europe, the unresolved issues of the Middle East, and the recurrent ethnic and territorial conflicts in Africa promise unremitting refugee flows. Added to these are potential refugee movements from environmental catastrophes, and new economic policies in hitherto communist countries. As Third World populations increase, the scale of these refugee flows is likely to increase proportionately, adding to the burden for host countries. For these reasons it is important that we continue to research both the nature of refugee movements themselves, and the consequences of those movements for host and sending countries.

This dissertation has attempted to elucidate some of the issues which confront host countries, and the factors that influence host governments' responses. We began by focusing on the government itself, but as we progressed we realized that a receiving country's response can only be understood by taking into account the local receiving community's response too. The receiving country's response takes place on two levels, state and civil society, and the linkage between the two is important. Future research on receiving countries will also benefit by a global and historical perspective that examines such issues such as superpower involvement in regional affairs, the foreign
policies of resettlement and donor countries, the politics of international relief organizations, and the "refugee history" of a receiving country. All of these factors play a role in the responses of host countries.

Continuing efforts to understand host country responses to refugees are important, for reasons that go beyond academic interest. As individual social scientists, we can do little to help Third World refugees, but by providing new perspectives to policy makers and international relief organizations, some small contribution is possible.
Appendix A.

Mass refugee movements in the Third World since 1945.

The following table lists mass influxes of refugees into Third World receiving countries since 1945. We choose not to define a mass influx too narrowly, seeing it rather as the movement of many thousands of people over a designated period, fleeing conditions that threaten their lives and livelihoods as a result of conflict in their home countries.

Information about the numbers of refugees and migrants in the Third World is highly suspect. Most borders are poorly demarcated¹ and very porous, and border crossings are local and frequently unrecorded. One difficulty with reporting the yearly dimensions of refugee flows, is that many receiving countries have multiple refugee groups, each of which may be entering or leaving at different points during the year. Even a single refugee group may enter and leave a country within the same year, as occurred when Ethiopian drought victims entered Djibouti in 1985, then left within the year. Another problem with refugee statistics, is that there may be significant fluctuations within the total refugee population groups within a year. At the beginning of a year, a receiving country may have tens of thousands more refugees than at the end of the year. Reported numbers, whether by private or international organizations, or by the host government, do not always stipulate the point at which they measured the stock.

Since few governments know how many non-citizens they have within their borders, policies towards refugees and migrants are based on the biases and perceptions of governments, rather than on hard data.

Note: Receiving country numbers are estimates of the highest number of refugees received in the period.

¹ For example, only in 1988 did Benin and Nigeria begin to demarcate their common border; the process was expected to take two years. In another case, villages on the Niger-Chad border paid taxes to both countries until the mid-1980s, because their inhabitants were unsure to which country they belonged (Paulina Makinwa-Adebusoye, "The nature and scope of international migration data in Nigeria," IMR, Vol.xxi, No.4. p.1261).
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<tr>
<th>Sending Cty</th>
<th>Period</th>
<th>Reasons for Outflows</th>
<th>Receiving Cties</th>
<th>Recyng. Cty No.s</th>
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<td>Melanesian separatist movement in Irian Jaya</td>
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<td>military offensive against Kurdish insurgents</td>
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<tr>
<td>Guatemala</td>
<td>1982</td>
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<td>Mexico</td>
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Sources:
Appendix B.

Refugee Camp Policies and Administration in Thailand.

The Laotian Camps.
In the weeks after the Pathet Lao took over the
government in Laos, the Hmong fled into Thailand, and the
Thai military and the American CIA (both had been assisting
the Hmong in their struggle against the Pathet Lao) made
arrangements to put them up in holding camps near the
border. By early 1975, 21 temporary camps had been set up
along the borders with Cambodia and Laos.\(^2\) The camps were
officially called "centers for migrants" (soon poo
opavob).\(^3\) The 1975 Cabinet decree made provisions for the
removal of weapons from refugees, the division of refugee
labor within the centers, and the education of refugees.\(^4\)
However, after the initial burst of arrivals in 1975, many
new arrivals were not put up in camps, but became "free
livers:" small, less visible groups of refugees. No-one
was responsible for their welfare, and many of these
refugees experienced hunger and sickness until a few
voluntary agencies or church groups were able to reach
them.\(^5\)

Camp Administration.
The Laotian camps were administered at the local level,
by the Operations Board, which was chaired by the governor
of the province where the camp was located. The Operations
Board was served by various district and province level
officials, with the District Officer or his designee serving
as the camp's "advisor." Each camp was organized into
Sections-- a Registration Section, a Security Section, a
Social Welfare Section, a Cooperative Section (where
voluntary agencies and UNHCR worked with MOI officials and

\(^2\) OCDP Brochure, "Too Long to Wait", MOI, Bangkok,
September 1980, p.3.

\(^3\) Congressional Report, JEC 1980: 11.

\(^4\) Refugees were to be disarmed, and weapons handed over
to either the army or the police, depending on whether it
was a "war weapon" or a personal one. Quoted in Khachatpai

\(^5\) For example, some 1200 Vietnamese refugees from Laos
and Vietnam were put up in a Catholic churchyard in Bangkok
for some months, until the Thais moved them to the
Vietnamese camp at Sikhiu (Mack Thompson, personal
refugees), and so forth. In each section in the camps an elected refugee representative worked with MOI personnel. The refugees were encouraged to organize committees and actively assist in camp management.\footnote{MOI brochure, "Too Long to Wait", OCDP, 1980, p.3.} The policy that camps were to be temporary created a number of problems for camp administration. According to one MOI official,\footnote{Prapharkorn Smiti, MOI official. Personal interview, Bangkok, February 1990.} camp officials involved the refugees in administration partly because the camps were chronically short of personnel. In the government bureaucracy, the Civil Service Bureau authorized the number of new personnel for each ministry. The MOI official said:

Every year we requested more civil servants to work in the camps. But the Civil Service Bureau kept saying this is a temporary operation, and wouldn't provide more personnel. Since 1975 we've always been short of personnel in the camps. One hundred is the maximum number of staff in each camp; of these ten are civil servants, and ninety are National Guard. Therefore, we have to let the refugees work for us. We're lucky so far, we haven't had a riot—unlike Hong Kong.

Lack of personnel also meant lack of organization, and problems with accountability. One voluntary agency official said,

MOI's command structure is not clear. There is no accountability. Logically, the camps should be accountable to Bangkok [OCDP], but often accountability is passed off from Bangkok to the camps. The camp commanders are autocrats. I have no idea who they report to ... They make arbitrary decisions about rules in the camps, that don't come from Bangkok.

In the MOI refugee centers housing Laotians and Vietnamese, refugee protection was the responsibility of the land and marine police, or the provincial and district authorities. In some camps MOI officials used "volunteer" guards (or-sors) who were responsible for the refugees. No NGOs were involved in refugee protection.

Humane deterrence in the camps. The populations of the eight camps sheltering lowland Lao and hilltribes people decreased considerably after 1979,
as a result of resettlement and limited repatriation, and three of the camps were officially closed. In January 1981, the government instituted humane deterrence policies for Laotian refugees, especially the lowland Lao. The government announced that after 1 January 1981 Laotian new arrivals would be given lowest priority for resettlement consideration, and would be housed at a new humane deterrence camp, Nakhon Phanom, known as Na Pho. Like the Khmer refugees, Laotian refugees were now designated as 'old' (those who arrived before 1 January 1981) or 'new' (those who arrived after 1 January 1981). The existing camps were closed to new arrivals, who were sent to Na Pho. In 1982, five Laotian camps were closed and the populations were split by ethnic group. By the end of 1982 there were only two Laotian camps: Ban Vinai for hilltribe refugees, and Ubon for lowlanders. The decision to consolidate the camps occurred during a period when there was a decreasing number of Laotian arrivals, but for highlanders, also a decreasing rate of resettlement.

After 1981, Hmong resettlement rates declined drastically, mainly because the Hmong chose not to be resettled, and the Thai authorities became concerned that increased numbers from a high birth rate in the camps, and

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9 Three hilltribe camps, Chiang Khong, Chian Kham, and Sob Tuang, were officially closed and their populations moved to Ban Nam Yao. Two other Laotian camps, Ubon and Nong Khai, were closed and their population split up and moved—the Hmong who had been in Nong Khai went to Ban Vinai, and the Lao to Na Pho.

10 Robinson (1989: 14) describes Ban Vinai thus: First-time visitors to Ban Vinai are struck by the absence of barbed-wire fences and prominent sentry outposts. The road in from the main gate is lined with dozens of small shops selling brightly colored pa ndau quilts and story-cloths. Ban Vinai has an open, settled look to it, more like a village than a refugee camps. In fact, it does have one of the highest living standards of any refugee camp in Southeast Asia, one that compares favorably in some ways to life outside the camp in Thailand's poverty-stricken northeast. As Robinson points out, however, rural comparisons are misleading and other surveys have described Ban Vinai's problems of overcrowding, welfare dependency, substance abuse, and anomie.

from new arrivals, were not being offset by resettlement. Consequently, the Thai began to make things more difficult for the highlanders. In 1983 Ban Nam Yao was closed, and its entire population transferred to the two other hilltribe camps, one of which was Ban Vinai. By June 1984 Ban Vinai was 90% Hmong. In May 1983, Chiang Kham was reopened as a humane deterrence camp, with the usual barbed wire, minimal services and no opportunity for resettlement, and Ban Vinai was closed to all new arrivals. Robinson says this was done not to deter new arrivals--only 1,800 highlanders entered Thailand in 1982--so much as to press Ban Vinai residents either to seek resettlement or go back to Laos.\(^{12}\)

Thailand clamped down on hilltribe Laotians in 1983, but loosened restrictions on lowland Lao. After January 1, 1981, humane deterrence policies had prevented access to resettlement for lowland Lao in Na Pho. There was pressure from the U.S. Embassy and UNHCR for access to 'priority cases' in Na Pho, and in mid-1983 the government relaxed some of its restrictions and permitted UNHCR and U.S. officials to conduct resettlement interviews with several thousand priority cases.\(^{13}\) In 1985 the Thai authorities agreed to allow resettlement interviewing with some of the hilltribe groups at Chiang Kham. There were 3 Laotian camps in operation at close of 1985: Chiang Khan (11,437 hilltribesmen); Ban Vinai (41,175 hilltribe); Ban Napho (35,102 lowlanders).

The Cambodian Holding Centers and Border Encampments.

The administration of relief to the Cambodian arrivals after October 1979 was carried out by UNHCR and voluntary agencies in an atmosphere of haste and crisis.\(^{14}\) According to one UNHCR official, we were told that if UNHCR wanted to give assistance to Kampuchean refugees it had to do so itself, under the policy guidelines established by the Supreme Command, but UNHCR would construct the camps, provide the assistance, truck the bamboo, truck the water, do everything... All the Supreme Command provided were camp guards...and camp administrators from Task Force 80, but they were not involved in administering assistance in the

\(^{12}\) Robinson 1989: 16.

\(^{13}\) Robinson 1989: 16.

\(^{14}\) For descriptions of the rush to build the camps in time to help the impending flood of refugees, see Shawcross 1984, and Levy and Susott.
camps. That was done by UNHCR, through a whole range of non-governmental agencies, who administered the medical side, the schooling, the food supply, the bamboo supply, and digging of wells.  

Two holding centers, Sa Kaeo and Khao I Dang were constructed in late 1979. Sa Kaeo was erected some 40 kilometers from the border, and some 30,000 people were taken there, most of them in very poor health. They were largely Khmer Rouges supporters, and the Khmer Rouges maintained their own regime within the camp. Khao I Dang (KID), the second holding center, opened in November 1979, and within two months housed some 120,000 people, most of whom were attached to the anti-communist "free Khmer" resistance groups. These people were generally in better shape than the population in Sa Kaeo, although they were not in good health either. By February 1980 these camps and two others, Kamput and Kab Cheong, held some 200,000 "new" Cambodians.  

The holding centers were controlled by the Supreme Command, and supervised by a Camp Commander, an official of the Supreme Command. A UNHCR Field Officer was present, and services were provided by the voluntary agencies. The Thai authorities imposed strict regulations on the holding centers: they were closely guarded—refugees attempting to escape were punished, and second attempters were expelled from Thailand. No Khmer were permitted to work outside the centers, but they could participate in programs run within the centers. Education was expected to be "appropriate for the future of Kampucheans," consequently the education programs in the processing centers differed from those in the holding centers. In the former, because refugees were to be resettled, they could learn English and other appropriate languages; in the latter, refugees learnt only Khmer, and were generally prepared for "life in

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16 Others in this fall influx of refugees included remainants of the 42,000 who had been repatriated at Khao Preah Vihear, and who had managed to circle back around through Cambodia, and re-enter Thailand.

17 According to a government paper distributed at the CCSDPT Annual Conference, 23 July 1981, these regulations were agreed to at a meeting of SC Camp Commanders on 15 May 1981.
Kampuchea" with self-help programs.\(^{18}\)

The Cambodian camps controlled by the Supreme Command differed from the Laotian and "old" Khmer camps administered by MOI. The army-controlled camps were characterized by high security: they were fenced and guarded, and access and egress were restricted. The Laotian camps were more loosely controlled. Comparing the MOI camps with those of the Supreme Command, a UNHCR official said:

The administration of the MOI camps was much more humane... There was a great deal of freedom of access and egress. The refugees had markets in the camps, they had gardens to grow vegetables to sell in the markets. All this was forbidden in the Supreme Command camps, which were much more regimented, more military-style operation. You weren't allowed to have any activities outside the camp, no markets in the camps. So the life in the Supreme Command camps was much less natural, if life in a refugee camp can ever be natural. The MOI camps acquired a kind of natural life of their own, with their markets and their crafts and their comings and goings, and their cinemas, and their own internal corruption, it was like an Asian town.\(^{19}\)

The main reason expressed by Thai authorities for the differences between MOI camps and the Cambodian holding centers was security. The Laotians and old Khmer are not regarded as a security threat, in part because the camps were not close to areas of conflict. Why then did the Thais erect the new Khmer holding centers so close to the border? One explanation offered by the Thai authorities arose from the policy of temporariness of asylum. The Cambodian refugees differed from the Laotians and the Vietnamese, in that whereas the latter would be resettled in other countries, the solution to the Cambodians is repatriation. To facilitate repatriation, the Thais considered it better to locate them close to the border.

After the holding centers were closed to new arrivals in January 1980, new arrivals were confined to the border camps, from which no resettlement was permitted. However some refugees managed to enter the holding centers after January 1980, and some were allowed to be resettled for family reunification purposes. The rest, except for a "few


\(^{19}\) Raymond Hall, personal interview, Geneva, November 1989.
special cases," were encouraged to relocate to the border; resettlement was not an option.

An agreement was reached in July 1980 between the NSC and UNHCR that the 18,500 new Khmers in holding centers who had arrived before January 1980, and had been authorized for resettlement, were to be moved to Phanat Nikhom Holding Center, where they would await transfer to their resettlement countries. In mid-1980, despite an existing moratorium on resettlement for new Khmer, the Thai government decided to allow UNHCR and interested third countries to begin calling selected numbers of Cambodian refugees out of the holding centers to be processed for resettlement, with the proviso that it be done quietly and discreetly. After they had been accepted for resettlement, refugees were moved to two processing centers, Mairut and Panat Nikhom (which also contained a transit section for final procedures before leaving for third countries). In the second half of 1980, those Khmer still in Sa Kaeo and KID were dispersed into new holding centers and a more permanent section of the camp at KID. In mid-1981 several thousand "old" Cambodians (who had arrived in Thailand between 1975 and 1979), who had been living in MOI camps, were transferred to KID. The population of the holding centers remained at about 90,000 between June 1981 and April 1982.

Following the policy of camp consolidation, four holding centers were closed by the end of 1982. The main reason for closing the centers was to discourage further arrivals, and to get the remaining people to move to the border camps. By 1983 more than 140,000 Cambodians had been resettled in other countries, some 30,000 had been relocated to the border, and resettlement and relocation continued to reduce the numbers. The number of holding centers for Cambodians under UNHCR care, was reduced from five to one, and by 1985 Khao I Dang's population was reduced to 15,000

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22 CCSDPT 1982: 5.

23 First Kab Choeng and Mairut by the end of 1981, then Sa Kaeo and Kamput. One of the Cambodian camps that was officially closed in early 1982 when most of its residents were transferred to KID was Lumpuk. However some 900 residents remained. They were ethnic Thais, who awaited word from the government on the status of their documentation (CCSDPT 1982: 10). See John Crowley notes, 7/23/81. IRC files.
people. These were people who were not qualified or eligible for resettlement. An American resettlement official explained that the 'residual' refugees in KID were not eligible for resettlement because U.S. immigration officials, on interviewing them for resettlement, had determined that they were unacceptable owing to prior links with the Khmer Rouges, or suspicion that they were not genuine refugees. There is little chance that they will be locally settled in Thailand either, because Thailand has not acquiesced to local integration except for very small groups of refugees, usually those who are considered to be ethnically Thai. A UNHCR official said, I don't think there's much chance the Thai would ever assimilate the Khmer; they're more likely to see them in terms of going back. There'd be more chance they'd assimilate the Lao, either the hilltribe or lowland.

The border encampments.
In addition to the Cambodians in the holding centers, more than a quarter of a million people lived along the central "northwest" sector of the militarized Thai-Cambodian border24 in so-called border encampments. Relief workers were permitted only limited access to the border encampments. Shawcross says of these encampments: The Thai claimed that there were about 70,000 refugees ... but no one was allowed to check whether they were real refugees, whether they were Khmer Rouge soldiers or whether they were "phantom refugees."25 Although some of the encampments straddled the border, the Thai authorities regarded them as being in Cambodia rather than in Thailand. In line with the policy of humane deterrence, the Thai army maintained a minimal standard of living in the border encampments. Luxuries were not allowed in the border camps: no electricity or running water, and no markets in the camps to purchase outside goods. The latter meant people would leave the camp illegally to buy and sell goods, risking encounters with mines, bandits, and soldiers.26 Projects that could lead to permanent structures were discouraged, unless they were in Cambodia. For example, when asked by a voluntary agency official about

24 The "northwest sector" referred to the mountainous northern and southern sectors of the Thai-Cambodian border.


26 After 1987 the Thais permitted markets in the border camps. The first market was set up in Site 2 in 1987, and in other camps, there were markets after 1988.
the possibility of long-range projects, such as wells, for the border camps, Col. Sanan pointed out that for those camps which straddled the border, such as Nong Chan and Nong Samet, there was "no problem about permanent projects, if they are on the Cambodian side."  

After 1982, the U.N. Border Relief Organization (UNBRO) took up responsibility for the border camps. UNBRO was responsible for coordinating and funding the services of the voluntary agencies in the border encampments. UNBRO encouraged the development of a civilian administration in the camps, run by the Khmer:  

Emphasis is placed on encouraging and developing Khmer-run facilities wherever possible, with most material inputs provided by UNBRO, and utilising the services of voluntary agencies where appropriate. 

Until early 1980, the border area was under the supervision of an Infantry Division of the Royal Thai Army. After that a unit called Task Force 80 was created to take responsibility for the border civilians, and for the camp administration and protection of Cambodian refugees. The duties of the Army differed, depending on whether they were in the UNHCR holding centers like KID, or in the border encampments which were not under UNHCR control. In the holding centers the Army camp commanders had a supervisory and controlling role rather than a fully operational one, because services were provided by the voluntary agencies and international organizations. In the

28 UNBRO consults with the Thai authorities, and chooses a voluntary agency to undertake a program in a particular encampment. A formal agreement is then drawn up with the agency, detailing the program, funding, and monitoring arrangements. However UNBRO does not fund all the agencies working in the border camps, eg. COERR.  
29 In later years, this emphasis on Khmer civilian administration resulted in five factions within Site 2, which controlled the distribution of things like food, water, and firewood, and which had extensive power over the camp population. There was significant corruption, and faction fighting created tension within the camp.  
31 See Shawcross 1984: 233-236 for discussion of the army commander who supervised the central border area, and treated it as his "personal fiefdom".
border encampments the Army controlled the camps, but did not involve itself in the administration of financial assistance, possibly because it wanted to avoid problems of corruption.

Task Force 80 (TF80) was responsible for the security of the holding centers and the protection of the refugees, and for the distribution of food and basic materials provided by international organizations. The Rangers of TF80 were drawn from the surrounding area, they had little training or education, were poorly paid and ill-disciplined, and had a reputation for drunkenness and violence. TF80 became notorious over the years for making the refugees their victims. They saw their task as that of controlling the refugees inside the camps, rather than protecting them from bandits. Before they were disbanded in 1988 it was estimated that TF80 rangers were responsible for 25% of the all the criminal incidents committed against the refugees, including robbery, rape, beatings, and torture. ICRC tried to exercise its protection mandate where possible, but was limited in its ability to intrude in camp affairs.

The Vietnamese Camps for Boat people and Land refugees.

Prior to 1979, two closed "boat camps", temporary shelters for Vietnamese boat people, were set up at Songkhla and Laem Singh.32

Although the government had understood from the 1979 Geneva Conference that all the Vietnamese would be resettled, the actual departure of the boat people to third countries proceeded more slowly than was hoped. The government was reluctant to have other groups of Vietnamese in their country, since they were already struggling with the repatriation of the Dien Bien Phu refugees, and decided to close the two boat camps as of 15 August 1981. Songkhla was to be used only as a temporary reception center for new arrivals.33 Vietnamese boat people who arrived after 15 August 1981 were to be detained at a humane deterrence camp, Sikhiu, and would not be eligible for resettlement until a satisfactory number of pre-15 August 1981 arrivals had been resettled. The government hoped that such measures would deter new Vietnamese arrivals. General Saiyud Kerdphol said:

The rationale of the suspension is purely to deter the flow of Vietnamese into Thailand with a view

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to eventuating long-term solutions to the problem.\textsuperscript{34}

By February 1983, the government decided a satisfactory number of pre-16 May 1981 arrivals had been resettled, and a group of Vietnamese who had been detained at Sikhiu since 1981 were released for resettlement.\textsuperscript{35}

In April 1980, ICRC persuaded the Thai authorities to set up a separate border encampment, Northwest 9 (NW9), for the land Vietnamese who had been living on the Thai-Cambodian border. At NW9 the security of the land Vietnamese was improved, and by the fall of 1980 their resettlement, mainly to the U.S., had begun.\textsuperscript{36} The cut-off date after which no resettlement was permitted, was 16 May 1981. Vietnamese land arrivals who had arrived before that date, and had been kept at NW9, were taken to Phanat Nikhom Processing Center, and NW9 was officially closed by July 1981. The Vietnamese taken to Phanat Nikhom were held in Section C, where they awaited resettlement. The government did not permit education programs for them there, because they were supposed to be in the center for only a short period of time.\textsuperscript{37}

After the closure of NW9 in 1981, no more land Vietnamese were allowed to enter Thailand. Those who entered the border area were housed in separate buildings in two Cambodian border camps, Nong Chan and Nong Samet. Here the Vietnamese refugees were in danger from three sources: they were within artillery range of the Vietnamese troops, and vulnerable to capture if the troops cross the border; the camps were controlled by the Thai, with whom there is a history of animosity; and there was antagonism from the displaced Cambodians, who do not distinguish between Vietnamese refugees and troops.\textsuperscript{38} When the issue of the safety of these refugees on the border was raised to Col. Sanan in July 1981, he said,

We have to deter Vietnamese leaving for economic reasons... I think Nong Chan and Nong Samet are

\textsuperscript{34} General Saiyud Kerdphol, Chief of Staff, Royal Thai Armed Forces. Statement to Annual Conference on "Displaced Persons in Thailand", 23 July, 1981. p.3.

\textsuperscript{35} CCSDPT 1983: 9.


\textsuperscript{37} CCSDPT Minutes, 5 Mar 1982, p.7.

\textsuperscript{38} McCollum 1986: 19.
good enough, safe enough for them...We have learned our lesson with the old Vietnamese who came here.  

After December 1981, some 1,800 land Vietnamese were moved from the Cambodian border camps to a new temporary camp, NW82, not far from the old site of NW9. The new camp was characterized by inadequate security, overcrowding and unsanitariness. According to visiting Congressman Bill McCollum,

it took government, ICRC, the United States, and other interested governments a year to negotiate a resettlement program for these people; movement did not occur until camp conditions became critical and received attention as an international scandal.  

Between December 1982 and February 1983, most of NW82's 1,800 refugees were resettled. New land Vietnamese continued to arrive, however, and were held at Nong Samet. In September 1983, as part of their relocation efforts, the Thai authorities decided to move the land Vietnamese who had been kept at the Cambodian camp of Nong Samet deeper into Cambodia, to a site known as Dong Rek. Protests by the international organizations about the lack of safety in this area went unheeded. According to Congressman McCollum, the Thai authorities, conscious of the reduced international resettlement quotas, believed that if [Thailand] permitted all the land Vietnamese to enter the safety of Thailand, it would be "stuck" with many whom the resettlement countries would not accept.  


Cambodian Repatriation Programs.

The Cambodian voluntary repatriation program took place during June 1980 from two holding centers, Sa Kao and KID. Both the Thai authorities and UNHCR wanted to ensure that the repatriation from the holding centers was voluntary, and a number of steps were taken during the process to ensure this. People who came forward to be registered for repatriation were individually interviewed to determine whether they wished to go back. They then had to sign forms stating that their repatriation was "of their own free will without duress or pressure of any kind." 42

The desire for repatriation was much stronger amongst the Khmer Rouges cadres in Sa Kao than amongst the people in KID. According to one UNHCR official, the program got a very small response in Khao I Dang, mainly from people who wanted to go back only to the border. They said they wanted to go back to Kampuchea, but what they really wanted to do was to go to the border to look for family members. Because remember when the Khmer caseload came in it was a devastating situation, families had been split up. Sa Kao was a different kettle of fish. In Sa Kao people wanted to go back to Kampuchea to fight; they were Khmer Rouges. So most of the voluntary repatriation people came from Sa Kao.

According to the MOI, the number of repatriation volunteers from KID totalled 1,626; from Sa Kao the number was 7,4643. 43 Kits were distributed by UNHCR to assist in reestablishing the returnees, and the volunteers were taken to the border and released, with instructions to cross back into Cambodia. According to the MOI, the border points to which they were taken had been chosen by the volunteers themselves, during the preliminary interviews in the holding centers. 44 Because most of the repatriates were Khmer Rouges from Sa Kao, they were released into a region which was known to be controlled by the remnants of the Khmer Rouges army.

Amongst the Cambodians being offered the opportunity to


43 OCDP 1980: 33.

44 OCDP 1980: 33.
return to Cambodia were the group of 1,500 ethnic Thais who had been living in Surin camp. At the CCSDPT Annual Conference in July 1981, Col. Sanan said that these ethnic Thai would be offered to the opportunity to return, after which they could be resettled in Thailand.\footnote{CCSDPT Annual Conference, 23 July 1981, p.5.}

The Laotian voluntary repatriation program.

In March 1980, the Thai government initiated a voluntary repatriation program with the government of Laos, in cooperation with the UNHCR. The repatriation program was intended for those lowland Lao and Hmong who did not wish to be resettled, or who did not meet the requirements for resettlement. In September 1980, after ten months of bilateral talks, the Thai and Laotian governments agreed on a repatriation program.\footnote{CCSDPT 1983: 10.}

Amongst the Hmong, however, few people chose to return. The earlier linkages of the Hmong with the CIA's "secret army" made the group extremely suspicious in the eyes of the Pathet Lao government, and attacks had been launched against them by Laotian militia searching for anti-government elements. According to one observer,\footnote{OCDP, "An Instrument of Foreign Policy", 1981, p.14-15.}

Fear of further such attacks, coupled with strong allegiance to General Vang Pao, the leader of the "secret army", and other tribe and clan leaders, means that most Hilltribe people are reluctant to contemplate a voluntary return to Laos without receiving substantial evidence of a change in the treatment they receive from the Lao authorities.\footnote{Robinson 1989: 11.}

In 1982 there were conflicting reports about the number of returnees. Outside observers said only a few hundred Laotians had returned by 1982,\footnote{CCSDPT Annual Conference, 23 July 1981, p.5.} but the Supreme Command claimed that 1,000 volunteers had returned to Laos.
Appendix D.

Third Country Resettlement.

U.S. Resettlement.

After the war in Indochina came to an end in 1975, the U.S. was eager to resettle refugees from Laos and Vietnam, in part because of its role in creating them. The resettlement of refugees took place in the U.S. through a series of parole authorization programs which permitted varying numbers of Indochinese refugees into the U.S. In 1975 the Attorney-General authorized the admission of 3,466 Laotians under the Lao Parole Program. This was followed in May 1976 by the Extended Parole Program, which enabled the resettlement of an additional 11,000 land refugees, mostly Laotians, but also Cambodians and Vietnamese. In August 1977 the Indochinese Parole Program was authorized, with more liberal admissions criteria, for the admission of a further 15,000 persons: 8,000 from the centers in Thailand, and 7,000 from among the boat people in all of Southeast Asia and East Asia.49 By then the U.S. had admitted 4,752 Hmong and other hilltribes people, and 5,949 Lao. Both UNHCR and Thailand feared that the U.S. parole programs would act as incentives for Laotians to cross the border.50 On hearing of the new parole program in 1977, the UNHCR Regional Representative, Cesare Berta, called the situation "a catastrophe."

The resettlement of Cambodians did not proceed as quickly, in part because the U.S. did not feel as obligated, and after the Vietnamese invasion of Cambodia there were other reasons not to resettle the new Cambodians. A split developed between U.S. refugee officials in Bangkok, who pushed very hard for more action in the resettlement process, and the Refugee Coordinator's office in Washington, which sought to limit resettlement. After the Preah Vihear repatriation, U.S. refugee officials in Bangkok manipulated quotas in order to squeeze more refugees out of Thailand, and did their best to persuade the Thais that if they allowed the Cambodians back into Thailand the Cambodians would be resettled. Eventually the U.S Ambassador to Thailand wrote a letter to the NSC, promising that any and all of the repatriated Cambodians who came back into Thailand would be resettled by the U.S.51 They had no

49 UNHCR A/AC.96/553, p. 129.


51 Whether or not this was a unilateral action, without the backing of Washington, is unclear. Some international refugee officials think this may have been the case.
success however; the Thais did not permit the Preah Vihear victims to return.

By late 1979 despite hard lobbying by U.S. refugee officials in Bangkok, there was still no formal offer from the U.S. to resettle any of the new Cambodians. After Khao I Dang and Sa Kaeo opened, Victor Palmieri, the U.S. Refugee Coordinator in Washington visited Thailand and stated that there would be no resettlement of the new Cambodians. Washington rejected resettlement for new Khmer for three reasons: first, there were too many of them (hundreds of thousands), and already there was domestic resistance in the U.S. to increasing Indochinese resettlement; second, it was assumed that most wished to return to Cambodia; and third, it was "not seen to be in American interests to depopulate Kampuchea of ethnic Khmer, as this would consolidate the Vietnamese hold on the country."52


Prompted by the flood of Vietnamese boat people across their borders, the ASEAN first asylum countries of Indochina called for an international conference, which was held in Geneva in July 1979, sponsored by the UNHCR. Here it was agreed that the first asylum countries would accept refugees, but only on a temporary basis--subject to the refugees being resettled in other countries. At the urging of many countries, the Vietnamese government agreed to change its existing policy, and try to limit departures by making it more difficult for people to leave. Instead, it was proposed, departures would be managed by the resettlement countries, through the Orderly Departure Program. The conference resulted in "vastly increased offers of international support", both for services to refugees in first asylum countries, and for programs of resettlement.53 The U.S. agreed to increase its quota to 14,000 Indochinese refugees per month.54 The United Kingdom announced it would accept 11,000 refugees from Hong Kong (after these refugees had been resettled the UK refused to establish a new quota).55 However, many countries, particularly in Latin America, refused to participate in


54 However, the implementation of the new resettlement program took more than a year to get into gear. Not until October 1980 was the US program initiated (pursuant to the Refugee Act of 1980).

sharing in resettlement.

Although many of the nations at the Geneva conference made very generous offers for assistance to Thailand, it seems that there was some misunderstanding among the participants about the exact nature of the guarantees for resettlement of the Vietnamese. Some, including the Thais, understood that the agreements undertaken "virtually guaranteed resettlement." Others, such as the United States, were not so clear on this. A official from one nongovernmental organization subsequently said about the resettlement arrangements made at the conference:

The Thais thought the donor countries would resettle all the refugees. Afterwards, they felt they'd been duped. The international community said they'd alleviate the problem, but there was no coordination of resettlement. 57

After 1980, the international relief agencies were encouraged by the Thais to seek solutions to the refugee problems that originated in the sending countries, rather than in Thailand. The international organizations were urged to set up facilities inside the sending countries, both to facilitate return, and, in the case of Vietnam, to facilitate departure for third countries from there, through the Orderly Departure Program, rather than from Thailand. 58

Whilst the Thais wanted the older refugee population to be resettled first, the resettlement countries were interested in the "new" Khmer too. On May 6, 1980, Victor Palmieri testified before the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, that the U.S. would expand the processing of displaced Khmer with "close ties" to the U.S. if the Thai government permitted. 59

After the June 1980 repatriation attempts failed, the U.S. expanded their admissions program to include Khmer with previous association and employment ties to the U.S. It was estimated that a maximum of 20,000 would qualify. Although France and Canada also expanded their Khmer resettlement programs, by September 1980 there was no general commitment by recipient countries to accept all the 160,000 Khmer in holding centers, most of whom sought resettlement.

As part of the humane deterrence package, Thai authorities restricted resettlement for new arrivals after

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57 Roger Fordham, CCSDPT Secretary, personal interview, Bangkok, 1990.

58 Handout (p.4) distributed at CCSDPT Annual Conference, 23 July 1981.

1980. Cutoff dates were set for different refugee groups, after which new arrivals could no longer be eligible for third country resettlement. At a meeting in July 1981, Col. Sanan urged the resettlement countries to maintain their resettlement programs and "show flexibility" for those refugees who would not repatriate to Cambodia. He asked that the resettlement countries adopt a "carry-over" principle, whereby unused quotas or departure shortfalls during one period be added to the succeeding period's quota. A resettlement plan was agreed on by the Thai government, UNHCR and the resettlement countries in 1981, which included refugees in the old Khmer camps, the Vietnamese camps in the south, and the Lao and hilltribe camps in the north.60

By 1981, although refugee flows into Thailand had not stopped, many countries, including the U.S., reduced their resettlement intake. Between June 1981 and April 1982, the resettlement process in the U.S. slowed down, and other countries, who had responded with such generous resettlement offers at the Geneva conference in 1979, also showed flagging commitments.61 Reasons for the slowdown included changes in the resettlement countries' domestic political and economic climates, as well as diminished sense of urgency about the flows, and the genuine concern that resettlement may not be the best alternative for many refugees.62

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60 UNHCR File Note, 1/13/81.

61 Only France and Australia did not reduce their commitments. The U.S. continued to press other countries to continue their offtake, and through UNHCR funded feasibility studies for resettlement projects in some developing countries (Suriname and Belize).

Appendix E.

The Refugee-Producing Situation in Mozambique.

The outflow of Mozambican refugees originated in the Renamo insurgency. Soon after the nationalist liberation group, FRELIMO (Frente de Libertacao de Mocambique), won independence for Mozambique from the Portuguese in 1975, and took over the government on a Marxist-Leninist platform, a rebel group calling itself the Mozambique National Resistance (MNR), otherwise known as Renamo, declared itself opposed to the FRELIMO government. Renamo was formed in the early 1970s by the Rhodesian Central Intelligence Organisation (CIO) to gather intelligence on the Zimbabwean liberation movements operating in Mozambique. Renamo was recruited from amongst the N'dau people of Mozambique, including its top leader Alfonso Dhlakama, and drew its support mainly from the Shona-speaking areas of Mozambique. After Zimbabwe's independence in 1980, control of Renamo was transferred to the South African military, where the emphasis changed from being an intelligence organization to one "wholly dedicated to sabotage and destabilization."63

By the early 1980s Renamo had become increasingly active in the rural areas. Its strategy was to make the country ungovernable, by spreading terror, destroying infrastructure, and disrupting agricultural production. Renamo's usual pattern was to attack a village, shooting indiscriminately, and capturing some or all of the villagers. The villages were ransacked for food and any valuables, and villagers were often forced to watch the killing or mutilation of fellow villagers, and then the villages were burnt down. Captured villagers were then taken away, and submitted to forced labor (in the form of porterage), rape, and torture; women and children especially were targeted, as they were more docile and easily controlled.64

Renamo also attacked infrastructural targets—roads, bridges, electricity lines, etc. One area subject to frequent attacks by the rebels was the Beira Corridor, a 200

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63 Africa Watch 1989.

64 Africa Watch 1989.

65 One well-known report of these abuses was commissioned by the US State Dept, and compiled by Robert Gersony, who interviewed refugees in Malawi and Zimbabwe. See Robert Gersony, "Summary of Mozambican Refugee Accounts of Principally Conflict-Related Experience in Mozambique," Washington D.C.: Dept. of State, April 1988.
mile-long road and railway link crossing the narrow central part of Mozambique between Zimbabwe and the port of Beira. It is also the route of Zimbabwe's oil pipeline, which on at least one occasion has been cut by Renamo. The destruction of electricity transmission lines is a common practice of the rebels, especially those into the port city of Beira.  

Although Renamo declared itself opposed to the FRELIMO government, it had no known alternative political program, other than being vaguely "anti-communist." Many observers believed it to be nothing more than an instrument with which to destabilize Mozambique and the entire region. Popular support for the "bandits," as they are referred to in Mozambique, is limited. According to one writer, the term "bandits" is "an accurate reflection of the contempt in which the rebels are widely held."  

However, as popular support for FRELIMO waned through the 1980s, because of resentment towards their socialist policies like cooperative farming, Renamo developed some allies amongst the traditional rural authorities.  

Adding to FRELIMO's problems in the countryside, the army, already poorly trained and equipped, became increasingly ill-disciplined. There were reports of looting, and violence against civilians. According to Finnegan:

...to many rural Mozambicans, "Frelimo" has come to mean not the national liberation movement, not the ruling party, not even the state, but a dangerous group of undisciplined soldiers--clearly a disastrous political development.

The Mozambican army, numbering about 300,000, is not generally capable of defending villages against Renamo (Finnegan relates accounts of soldiers running away with the villagers). Local militia, known as the Territorial Defense Force, are a partial substitute for the army, but they are erratic in their abilities to defend their areas, and the locals are often disenchanted with them. There have been reports that the army has at times engaged in abuse of civilians, including looting of convoys and villages, and

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66 According to William Finnegan, the town of Beira had electricity for an average of only five days a month in 1988. ("The Emergency", The New Yorker, May 29, 1989, p.70.)

67 Finnegan 1989: 70.

68 Finnegan 1989: 75.
violence against villagers suspected of supporting Renamo.69

After Zimbabwe's independence in 1980, South Africa began to increase its attacks on Mozambique. Between 1980 and 1983 it launched more than a dozen attacks, aiming mainly for transportation targets, like the oil storage facilities in Beira (December 1982), which created a fuel crisis in Zimbabwe, and the Beira Corridor. In 1984 the Mozambique government signed an agreement with the South African government, called the Nkomati Accord, by which Mozambique agreed no longer to harbor members of the African National Congress (ANC), in return for which South Africa would cease to support Renamo. However, South Africa never abided by this agreement, and Renamo grew in military strength.

In 1983, the refugees fleeing the Renamo insurgency increased in number. The drought that gripped all of Africa led to food shortages in parts of Mozambique, largely because Renamo had disrupted normal agriculture and traditional drought-coping mechanisms. The general economic breakdown in Mozambique, caused largely by the insurgency, meant food delivery systems operated poorly or not at all, and there was famine in many rural areas. Mozambicans, many of whom had already been displaced from their homes by Renamo violence, began to flee the affected areas70 in great numbers; some moved into the towns, others crossed the border into Zimbabwe, Zambia, Malawi, Tanzania, South Africa and Swaziland. By 1989, of Mozambique's 15 million people, an estimated 100,000 Mozambicans had been killed directly in the insurgency, thousands of other preventable deaths had occurred from famine and disease, some two million people were internally displaced, and more than a million had fled to neighboring countries.

The reaction of the FRELIMO government to the departure of their people was not favorable. As noted by Roger Winter, describing the flight of refugees,

Inside Mozambique they must avoid armed forces of either side; both FRELIMO and RENAMO are proven to harm or at least stop those seeking to leave.


70 The most severely affected areas (in 1987) were the provinces abutting the Zambezi river, Zambesi, Sofala, and Tete, and the provinces north of Maputo, Gaza and Inhambane. See Roger Winter, US Committee for Refugees, Testimony before the Senate Subcommittee on Immigration and Refugee Affairs: "Refugees and Displaced Persons in Southern Africa", February 5, 1987, p.4.
They must also avoid mines along the Mozambican side of the border placed by FRELIMO to deter "desertion."  

The countries giving Mozambicans asylum responded in different ways. In Zambia many of the 20,000 refugees were given land to grow their own food, and many became more or less self-sufficient. Malawi, although overwhelmed with the number of refugees, which by 1989 totalled 750,000 (a ratio of 1:10 refugees for the Malawian population; at one point 13,000 people arrived every month), welcomed the refugees, and the local population did its best to feed and house them. In South Africa, the South African government did its best to keep the Mozambican refugees out, by erecting an electrified fence, and forcibly repatriating them, but local people in the receiving areas of Gazankulu and KwaNdebele welcomed and accommodated the refugees. In Swaziland the government has recognized only 15,000 of the 65,000 refugees there.

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Four camps were established in 1984, and funds were requested from UNHCR for a fifth in 1986, but as of writing is yet to be opened. Two of the camps, Tongogara (the largest) and Nyangombe are in Manicaland province; two others, Mazoe River Bridge and Nyamatikiti, are in Mashonaland Central Province, and the newest, at Chambuta is in Masvingo. The camps were situated at some distance from the border. By December 1984 the four camps held 11,853 refugees. From January to the end of June 1985 another 2,800 refugees opted to move in, and thereafter the rate of influx increased, so that by the end of 1985 the camps held more than 20,000 refugees. In subsequent years, these flow patterns repeated themselves: in 1986 there were high influxes in May, at the end of the harvesting season, and again in September, when a large number of people entered from Tete province in Mozambique (possibly as a result of increase conflict there). Reports issued by the Refugee Services Unit (RSU) attributed the low rate of increase in the camps in the first part of the year partly to the fact that a number of the displaced persons initially got casual jobs on the commercial farms and in communal areas; after the harvesting period these jobs disappeared and the camp influx increased.

The planned capacity for the four camps was estimated initially at about 46,000 refugees, but their actual capacity was for only 25,000 persons, which was reached by June 1986. As the Mozambican influx continued, a total of 41,621 refugees were reportedly accommodated in the camps by August 1987, and by May 1988 there was severe overcrowding, with over 70,000 refugees in the camps. Work on the new camp at Chambuta began in 1989. The new camp was intended both to accommodate new arrivals and to relieve the overcrowding in other camps. The construction of additional camps was under discussion by UNHCR and the government in 1990.

Each of the camps is characterized somewhat

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72 After the dramatic influx in 1987, the DSW's annual report said that they expected to host more refugees in 1988, and therefore a sixth camp was being planned in the northern region, but little has come of this.


74 UNICEF 1988: 3.
differently, with different problems. The smallest camp, Nyamatikiti, was not subject to the population increase of the other camps, because of the limited water supply, and as a result, according to one observer, "this camp has taken on the appearance of a permanent centralized village/town." The other camps experienced rapid population increases as a result of new influxes.

Camp administration.
UNHCR funds cover the costs of transportation, construction, water provision, sanitation, road repairs, administrative staff, and the health and education sectors in the camps. The camps are administered by social workers from the Department of Social Welfare's Refugee Services Unit. Their efforts are supplemented by a number of NGOs, both local and international, who conduct different programs, including feeding, skills training and pre-school, and provide housing construction, and sanitation and water facilities. For administrative purposes, each camp is divided into units known as bases, which are like villages within the camp. Nyangombe, for example, has six bases, each with about 3,000 people. Each base elects representatives to serve on camp committees, which oversee health, education, food distribution, and sanitation. Each committee is composed of NGO and government personnel, as well as refugee representatives. A central committee of base leaders is also elected, which communicates between camp administrators and refugees, and advises the camp administrators about camp matters.

One problem faced by the camp administration is shortage of trained personnel. The DSW 1986 Annual Report stated that

Despite the dramatic increase in the numbers accepted into the camps, our staff complement has remained the same. [This is] indeed an undesirable situation if we are to render adequate service to the programme.

The same report also bemoaned the problem of transportation. Throughout Zimbabwe there is a chronic shortage of cars and spare parts, and this affects the running of the camps. These problems persisted, according to subsequent annual reports, especially after the heavy refugee influx in 1987. Communication between the camps and the outside world is also a problem. In 1986, only two camps (Nyangombe and

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76 UNHCR Country Briefing Notes, 1990.

77 UNHCR Country Briefing Notes, 1990.
Nyamatikiti) had a telephone facility. Electricity is provided only to Tongogara; the other three camps have solar power.

Camp security.

All the refugee camps are fenced and guarded; visitors are required to show passes to enter. The fencing of the camps in Zimbabwe is a rather controversial issue; the completion of the new Chambuta camp was delayed because of discussions between UNHCR and the government over the issue of fencing. UNHCR objected to them, but the government claimed the fences were to protect the refugees from incursions by Renamo. Some see the fences as a way of controlling the refugees, arguing that the camps have never in fact been attacked by Renamo. Ruiz says that despite camp officials' assertions that [the fences] are meant to protect the refugees—which are averages create a distinct sensation of imprisonment. In fact, although refugees are required to obtain permission to leave the camp, the requirement is not strictly enforced. On a visit to Nyangombe Camp by this writer, refugees were seen walking back and forth through the camp gate past the guards, to watch a soccer match being played outside the gates. Refugees from the camps wander far afield in search of firewood, and to visit people in nearby villages.

Food and water.

The World Food Program (WFP) is responsible for food supplies, and the government is responsible for delivery and administration. There are periodic shortages as a result of problems with suppliers and deliveries. Food must be trucked or railed in, and there are holdups at ports, at customs inspections, and as a result of truck breakdowns and shortages of spare parts. Another problem is that the Zimbabwe government and WFP were often unable "to agree upon needed supplies and suppliers, and old contracts expired before new ones were signed." These administrative problems mean the camps sometimes experience periods of a few months without regular supplies of protein staples like beans and dried fish, and on occasion there have been shortages of maize meal. UNICEF and some NGOs have been able to provide small provisions of food items as stop-gap measures, but these have been insufficient to meet the needs of all the refugees in the camps. Supplementary feeding for


children and nursing mothers has also experienced problems, because of inadequate training and the lack of standardized food rations.\[^{80}\]

Although the Zimbabwe government discourages activities that might be construed as permanent settlement by refugees, small plots of land were allocated in the camps for communal agriculture. Each camp village or base is responsible for a portion of these gardens, and vegetables are grown to supplement the refugees' diet. However, not enough land is available to enable self-sufficiency, and the camps are dependent on food from the outside.

The Ministry of Water Resources was responsible for drilling the boreholes in those camps where water was not pumped from a nearby river. By July 1984, five boreholes had been drilled, at a cost of Z$35,000,\[^{81}\] but all the camps continue to experience water problems. Nyamatikiti depends on a small dam which also supplies the local Zimbabweans, and the camp has been critically short of water since its inception. One report stated that:

In spite of continuous discussions on this issue and recommendations to the Commissioner for Refugees to move the population to a more hospitable area, no decision was taken to do so. The same report says that in November 1987, "when the only water visible was a tiny pool of green shine", the Zimbabwe government sank a borehole which produced sufficient water to forego the necessity of trucking in water from a nearby town. But the borehole was not a long term solution; the report says

The government's idea of laying a water pipe over 10 kms to the Mazoe river, for which they are presently seeking funding, is .. unrealistic in terms of cost, Z$450,000, and in terms of the existing security situation in the area.\[^{82}\]

Other camps, like Mazoe, have enough water from nearby rivers, but there are problems with filtration systems, and lack of water points (taps, pipes). Water shortages have led to health problems, and has slowed construction because water for cement brick-making is unavailable.\[^{83}\]

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\[^{80}\] UNICEF 1988: 5.

\[^{81}\] The Sunday Mail, 15 July 1984.


Housing.

The refugees live in traditional huts, one to a family, with the needs of polygamous families taken into consideration. The refugees build their huts themselves, under supervision by NGOs and Zimbabwean builders, out of pole and dagga, with grass-thatched (or sometimes plastic) roofs. The building materials come from local plantations, and the grass from commercial farms or from the local lands.\(^\text{84}\) Funds and technical supervision are provided by NGOs.\(^\text{85}\)

Health and Education.

The Ministry of Health is responsible for all health services in the camps. Each camp has a clinic similar to the Rural Health Canters found throughout Zimbabwe, and beginning in 1986, the camp clinics also served local Zimbabweans. According to the DSW, "This was . . . an important development as it meant an improvement in the medical services for the surrounding communities."\(^\text{86}\)

There is a primary school in each camp, and the average school enrolment has been 65% of the school age population, with about equal numbers of boys and girls. Teachers are recruited from amongst the refugees, and teach on a voluntary basis. The Ministry of Education is responsible for the camps' educational programs, and works in liaison with the Mozambican Ministry of Education. The school curriculum taught in the camps is that of Mozambique's primary schools, and the language of instruction is Portuguese. According to the RSU, this approach is "in recognition of the fact that [the refugees] are here temporarily." To facilitate the teaching of the Mozambican system, the Mozambican government has sent an education lecturer to the camps to train teachers there. For adults

\(^{84}\) In the early years of the camps, the drought had reduced the availability of long thatching grass. When the rains improved in 1985-86, the grass returned, and the refugees could re-thatch their huts. However the local practice of burning the veld at the end of the dry season creates annual shortages of grass.

\(^{85}\) NGOs involved in shelter include Redd Barna, SCF (UK), Christian Care and Cadec. The Zimbabwe Red Cross provided tents for new arrivals before they built huts (RSU Annual Report 1985, p.8).

in the camps, skills training\textsuperscript{87} and literacy classes are
offered, sponsored mainly by NGOs. These programs are
plagued by constraints of funding and facilities. There are
also nine pre-schools in the four camps.

The Cost to the Zimbabwe Government of the Refugee Camps.

According to the Annual Report of the RSU in 1985, the
money value of providing transport, food, water and salaries
for DSW personnel in 1985 was Z$2,589,049.20. The report
states that information regarding the monetary value of
contributions received by NGOs had not been provided by the
time of writing, but the report says

we believe [the NGOs] have made substantial inputs
in all sectors of the programme--education,
shelter, health, sanitation, skills training,
food, pre-school, adult literacy, clothing,
transport and agriculture. (p.10).

The Report said that while it is "extremely difficult" to
quantify government input into the Mozambican refugee
program, the following should be noted:
-- the land on which the camps are established was provided
by the government.
-- a number of government officials at all levels were
involved in meetings relating to the program (this cost
time).
-- technical and professional personnel, such as doctors,
senior nurses, and water engineers also gave time to the
camps, at the cost of the government.

\textsuperscript{87} Skills like sewing, weaving, shoemaking,
blacksmithing, carpentry, are offered, mostly to women
refugees (UNICEF 1988: 9).
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