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ON POLITICAL REFUGEES AND OTHER DISPLACED PEOPLE

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First, may I express warmest greetings of solidarity to all the organizers and participants of the International Migrant Conference on Labor-Export and Forced Migration Amidst Globalization.

I am glad to know that the conference is in support of the International League of Peoples' Struggle, with regard to its concern over the rights and welfare of migrant workers and refugees displaced by imperialism and local reactionaries.

I am pleased and honored to be invited as a panel speaker on political refugees and other displaced people within the thematic frame of "rallying global strength and solidarity of migrants, refugees and displaced people in resisting neoliberal globalization".

It is timely to discuss the issue of refugees and other displaced people for at least two reasons. We do so by way of celebrating the 50th anniversary of the 1951 Refugee Convention and raising our vigilance and militancy against the depredations caused by neoliberal globalization.

Definition of Terms

Let us define some terms by way of clarifying the core and context of our discussion. Let us start with the definition of the term refugee.

According to the 1951 Refugee Convention, a refugee is a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in 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. (Article 1A).

The foregoing definition refers to the clear case of the refugee who is outside the country of his nationality and seeks refuge and protection in another country. Such a displaced person is a refugee under the explicit founding mandate of the office of the UN High Commissioner on Refugees and may seek protection as a refugee as member of a group or individually, up to the point of applying for asylum in a country that is a signatory to the 1951 Refugee Convention and its 1967 Protocol.

The process of forced displacement or refugee-ization of people, especially in large numbers, starts with such phenomena as wars of aggression, counterrevolutionary military campaigns of suppression, civil war, communal or ethnic conflicts, grabbing and plunder of land and other natural resources by the imperialists and the local reactionaries, environmental disasters and various forms of political persecution for reasons of race, religion, nationality and membership in a particular social group or political opinion.

Internal refugees or internally displaced people emerge first before there can be any significant number of people who leave their country as refugees, usually for adjoining or nearby countries. Of course, there are also refugees who can fly over several countries or sail far in order to reach another country where they seek asylum.

Regional instruments such as the 1969 Organization of African Unity Refugee Convention and the 1984 Cartagena Declaration have expanded the mandate of the UNHCR to cover "persons who have fled because of war or civil conflict", supplementing and augmenting the definition of refugee by the 1951 Refugee Convention and its 1967 Protocol.

The scope of our concern in this panel includes the internally displaced people, the refugees who may or may not apply for political asylum in other countries and the refugees who seek political asylum under the 1951 Refugee Convention and its 1967 Protocol.

The magnitude of the problem

The UN High Commissioner for Refugees reports that it is concerned in the current year with 21.8 million people who are subdivided into the following categories: refugees, 12 million (55 percent); returned refugees, 800 thousand (4 percent); internally displaced people (IDP), 6 million (27 percent), returned IDP, 400 thousand (2 percent) and others, 1.7 million (8 percent)

When the UNHCR speaks of the people of its concern, it refers only to those displaced people and refugees who are within the reach of its limited personnel and budget and whose existence can no longer be denied or understated by any state that wishes to make them invisible.

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance has higher estimates of the forced displacement of people on a global scale. These run as follows: 50 million people have been displaced, with 14 million as refugees and further with 25 to 30 million displaced within their own countries. This means one refugee for every 120 persons worldwide.

In my view, the number of internally displaced people and cross-border refugees is far more than the UNHCR or even the aforementioned world conference can ascertain. Those seriously concerned with this issue can make their own investigation and survey as well as look further into those made by nongovernmental entities truly concerned with displaced people.

Reactionary states characteristically deny or understate the phenomenon of displaced people within their borders because they wish to cover up their responsibility for the displacement. I remember the time when the Marcos dictatorship suppressed the report of the Philippine National Red Cross to the International Committee of the Red Cross stating the figure of 4.5 million internal refugees in the Philippines during the early 1980s.

Since then, the post-Marcos regimes have exerted all efforts to obscure the existence of internal refugees in the Philippines due to counterrevolutionary military campaigns of suppression and the grabbing of land and other natural resources under various pretexts of "development" by the multinational firms and the local reactionaries.

At least 98 percent of the displaced people in the world may be categorized as internally displaced people and cross-border refugees in adjoining or nearby countries. The UNHCR gives the figure of 914,100 asylumseekers currently. This is a mere 1.8 percent of the 50 million displaced people estimated by the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Only a very small number of displaced people seek asylum in the industrial capitalist countries. They are usually the most educated among the millions of refugees who get stuck in other underdeveloped countries. The asylumseekers are magnified in the public consciousness by the bourgeois mass media in connection with the drive of the industrial capitalist countries, to tighten admission rules against them, whip up public prejudice against them and discourage them from seeking asylum.

According to the UNHCR, at the end of 2000, Asia hosted the largest refugee population (44.6 percent), followed by Africa (30 percent), Europe (19.3 percent), North America (5.2 percent), Oceania (0.6 percent) and Latin America and the Caribbean (0.3 percent). Not accounted for in the foregoing figures are the persistent 3.8 million Palestinian refugees who are under the mandate of the UN Relief and Works Agency, instead of the UNHCR.

In the last ten years, the imperialist countries have drawn refugees from the countries or areas targeted by US and NATO wars of aggression. These include Iraq during the Gulf war, Croatia, Bosnia and Kosovo in the Balkan wars and once again Afghanistan in the current U.S. war of aggression.

The imperialist states often use the promise of refuge to attract turncoats from adversary states. But in fact, they merely offer "temporary protection" en masse to the refugees and avoid obligations under the 1951 Refugee Convention and its 1967 Protocol. The refugees are sent back to their countries of origin as soon as the imperialist states arbitrarily claim that such countries have become "normal" and "democratic".

The root cause of forced displacement

In the entire history of mankind, the largest displacement of people has occurred in the last one hundred years as a result of interimperialist global wars, wars of aggression against the oppressed peoples, civil wars and conflicts due to racial, religious, ethnic and other differences.

The root cause of forced displacement of people is the exploitation and oppression conducted by monopoly capitalism and its local reactionary agents. The hand of imperialism is easiest to discern in the interimperialist wars and wars of aggression which have caused the largest displacement of people.

But civil wars and ethnic conflicts have arisen in connection with severe conditions of imperialist exploitation. The imperialists push reactionary states into bankruptcy through superprofit-taking and mounting foreign debt burden. Under such circumstances, the local reactionary forces become degraded and desperate and compete for power in a violent manner and in the language of ethnic, religious and racial prejudice.

We have witnessed in the last decade the massacres and displacement of people in Rwanda, Burundi, Sierra Leone and other African countries, in Algeria, in Afghanistan in the course of factional struggles and in former Yugoslavia in the course of ethnic and religious conflicts.

Under the conditions of neoliberal globalization, we are confronted by the escalation of imperialist wars of aggression, civil wars and ethnic conflicts and various forms of persecution that result in massacres and massive displacement of people from their homes and land. The worst that can come is an interimperialist war.

The people of the world are being crushed by liberalization, privatization and deregulation pushed by the imperialist and client states, by the multinational firms and by the multilateral agencies like the International Monetary Fund, World Bank and WTO. In this connection, the

imperialists are hell-bent on waging wars of aggression and instigating counterrevolutionary violence to impose their will on the people of the world and suppress the people who want revolution, nations that want liberation and countries that want independence.

The crisis of the world capitalist system has reached such a point that the imperialist powers are increasingly launching wars of aggression to retain or gain positions of strength, fields of investment, sources of raw materials and markets. At the same time, they continue to instigate and manipulate ethnic conflicts and other localized forms of conflict in order to deflect the people from the revolutionary road and make way for increasing imperialist dominance.

Irony of ironies from the cruelty of imperialism

Even as monopoly capitalism or imperialism, assisted by local reactionary forces, is the root cause of the forced displacement of the people in their tens of millions, the imperialist states have decreased their token show of concern for the refugees and other displaced people. The UN agencies concerned with refugees are getting less financial contributions from the imperialist countries.

When political refugees find their way into the imperialist countries in order to seek asylum, they are faced with increasing obstacles that run counter to the humane spirit and letter of the 1951 Refugee Convention and the 1967 Protocol.

Such obstacles have increased during the last ten years because the imperialist countries no longer find as much need for accommodating refugees as during the Cold War. There was then the main objective of attracting refugees from socialist and anti-imperialist countries and there was a secondary objective of keeping as refugees those fleeing from persecution by anticommunist regimes so that such refugees would not lose their loyalty to the world capitalist system.

Right now, the imperialist states are now worried about being swamped by refugees from the increased number of countries under conditions of war and political turmoil, in both third world and former Soviet-bloc countries. The glaring imperialist policy is to discourage and prevent refugees from seeking asylum in the industrial capitalist countries.

The imperialist states are promoting racism in the treatment of refugees and asylumseekers. They have tightened their entry and admission policies. They are narrowing the interpretation and application of the 1951 Refugee Convention. They are shamelessly detaining and maltreating asylumseekers.

Racist and xenophobic portrayal of asylumseekers, refugees and migrants run rampant in the bourgeois media. These are depicted as criminal, fraudulent and parasitic. Bourgeois politicians and bureaucrats use the antirefugee and antimigrant sentiments for political gain.

Hysteria against refugees, asylumseekers and migrants is being fomented. It has resulted in violent racist attacks against them. Social and economic discrimination is commonplace. Asylumseekers, refugees and migrants have increasing difficulties with regard to access to housing, education, health care, employment, social welfare and other basic rights.

The monopoly bourgeoisie and its apologists are waging a systematic campaign to obscure the exploitation and oppression of the working class by monopoly capitalism. They obscure the root cause of social conflict and tensions in imperialist countries by putting the blame on the migrants and refugees.

They make the third world countries appear as taking away industries and jobs from the imperialist countries and at the same time blame the migrants, refugees and asylumseekers for coming over to the imperialist countries to take jobs away directly from local workers.

In fact, it is the imperialist powers that have inflicted further economic and social ruin on the underdeveloped countries of the third world as well as on the retrogressive countries that were previously ruled by the revisionists. Thus, people are driven to migrate to the imperialist countries to take bottom jobs, with low wages and with democratic rights flagrantly laid aside and violated.

The Sison asylum case

The organizers of the conference have requested me to make a brief report on my asylum case for the purpose of drawing up a resolution on it. Thank you for your concern and for the prospective resolution.

The Dutch courts have repeatedly recognized me as a political refugee. The Raad van State (Council of State, the highest administrative court) did so in 1992 and again in 1995. The Aliens' Court and the Law Unity Chamber also did so in 1996 and 1997.

As a recognized political refugee, I enjoy the right of nonrefoulement under the 1957 Refugee Convention. I also enjoy the protection of Article 3 of the European Convention on Human Rights, which prohibits the return of an asylumseeker to his country of origin where he/she is likely to be tortured or subjected to inhumane and degrading treatment.

In 1997, no less than the Dutch justice ministry yielded to the aforesaid decisions of the Dutch courts by conceding that I am indeed a political refugee but argued that recognition does not mean admission as refugee to the Netherlands. The Legal Unity Chamber in 1997 agreed with the Dutch justice ministry on this hairsplitting between recognition and admission as refugee.

Consequently, I filed an appeal to the European Court of Human Rights in early 1998. My appeal is grounded on the established jurisprudence in said court that when a person enjoys the protection of Article 3 of the European Convention he is entitled to the protection of the entire European Convention (right of residence, right to work, family reunion, etc.).

There is also the related jurisprudence that in dealing with the asylum case of a recognized political refugee, the state can no longer weigh the balance between the rights of the state and those of the individual in order to deny the application for asylum. That is because the state, even after granting asylum to the alien, has all the capability to deal with any prospective criminal wrongdoing, if any, of the political refugee.

The office of the UN High Commissioner on Refugees, Amnesty International, major social, lawyers', refugee and human rights organizations in The Netherlands, Europe and the whole world and outstanding authorities on refugee law have supported me in my struggle for asylum.

But the Dutch state, through its justice ministry, has used every trick within its means to serialize its arguments against my application for asylum and prevent my legal admission to the Netherlands. In open court, it has stated that, in obedience to the advice of US authorities, it has not granted me admission to the Netherlands. It has admitted and has even put forward as a legal argument that to deny me asylum is to maintain its credibility to its allies. A reliable source has also revealed that the secret dossiers against me have been supplied by US intelligence agencies.

The US and Dutch intelligence agencies in 1991 went so far as to approach a Filipino asylumseeker, Nathan Quimpo, for him to make intelligence reports on me in exchange for a rapid approval of his asylum application, a trip to the United States and initial monthly salary of USD 1500. The Dutch authorities have included articles of Quimpo among the dossiers against me.

My case is supposed to be decided by the European Court of Human Rights within five years from 1998 to 2003. According to my counsel, Prof. G.J.H. van Hoof, the court in the current year has already asked the Dutch government to reply to my appeal.

The case is quite significant and consequential to asylumseekers in general, with regard to the issue of political refuge. If I win my case in the European Court of Human Rights, the conventions on refugees and human rights are reaffirmed and become more clearly beneficial to refugees and other people. If the opposite occurs, then it would serve to further encourage the tightening of laws and regulations against refugees and asylumseekers.

Anything is possible in imperialist countries under circumstances of rising antimigrant and antirefugee sentiments incited by the state authorities, the bourgeois politicians and mass media. The climate is growing ever worse as the US and other imperialist powers whip up the "antiterrorist" hysteria in order to make further attacks on the democratic rights of the people and their militants and to obscure the fact that the imperialist powers commit the worst acts of terrorism. Your resolution of support is therefore urgent.

What is to be done

It is necessary to develop a common analysis of forced displacement of people as refugees and to look into the role of governments and international institutions in this regard.

A rising common understanding of the problem and a clear knowledge of friends and foes can start you well on the road of struggle. I hope that I have contributed some useful information and ideas or have somehow reinforced your stock of knowledge about imperialism and the local reactionaries as being responsible for the forced displacement of the people, especially under the present conditions of neoliberal globalization.

This conference should be able to discern, define and generate actions among its current and prospective participants against human rights violations committed against migrants, immigrants, refugees and displaced people.

I support the urgent call for international cooperation to all concerned people's organizations, institutions and other positive forces to pursue common strategies of resistance, programs of action and specific courses of action against the worsening problems of labor export and forced migrations. #