

vided two to four between liberals and hardliners. It is the Serbian and Slovenian officials who are purportedly in favor of more political freedom and reform, while the other four, including former internal affairs minister Stane Dolanc, are seeking to downplay discussions on changes in the political system and oppose the tolerance of dissent in favor of maintaining stability and authority.

But the prosecution shows every sign of following instructions from the top to proceed with the trial. The leadership may have closed ranks for a display of unity to outsiders on the issue of dissidents, and, rather than appearing to bow to Western pressure, may be forced into sentencing the defendants. Some have speculated that Serbian authorities agreed to the trial to placate Bosnian and Croatian hardliners, and the current prosecution may even be part of a trade-off to attain other reforms pushed by Serbia.

Yugoslavia is now engaged in talks with the International Monetary Fund in efforts to reschedule some of its \$20 billion foreign debt. The trial could cast a pall over a financial agreement due in January, although widespread nationalist disturbances in Kosovo, home of the Albanian minority, have failed to do so. Officials seem confident that the current crisis will not adversely affect Yugoslavia's aid packages. The Reagan administration, following a forty-year-old U.S. policy of maintaining friendly relations with Yugoslavia as a bulwark against the Soviet Union, has been utterly silent on the trial. Instead, President Reagan recently sent reassurances of economic assistance, cooperation, and expanded ties. At an official Belgrade news conference his message was offered as a contrast to the "interference" and statements of Congressman Dante Fascell, chairman of the CSCE, which was denied observer status at the trial.

The drama of the six scholars and their families has been shared by the defense attorneys, who, unlike lawyers in other East European countries, have endeavored to protect and represent their clients. Defense Attorney Vladimir Seks is himself currently appealing charges of "hostile propaganda" for remarks allegedly made in 1981; recently he collapsed from heart trouble as he stood up to make a reply at the trial. As of this writing, Seks has been ordered by authorities to report to jail on January 14; prosecutors have circumvented his right to remain free pending appeal by making the unsubstantiated claim that he is a "likely fugitive from justice." Authorities also maneuvered successfully to bar Srdja Popovic, Yugoslavia's best-known civil rights attorney, from the defense by calling him as a witness in the trial. Last April, police ransacked his law offices, seized his files on the defendants, and held him overnight for interrogation. Later, his son was beaten by security agents.

Despite the chaos prevailing in the courtroom now, it seems clear that since the authorities have staged a trial in the first place, they are determined to get a verdict and will pull together a case by any means necessary. The prosecution has hinted at "surprise witnesses" and has unexpectedly announced the presence in the indictment of a large sheaf of documents whose contents are unknown to both the defendants and their attorneys. Thus the defendants may be tried for materials they have never seen and which evidently were brought into the proceedings after the trial opened. The prosecution has threatened to read statements of absent witnesses into the record, and even entire books found in the possession of the accused and wit-

nesses. It appears the trial will drag on for quite some time, although some high officials are rumored to want to get it over with and give the defendants light sentences.

Many issues are at stake for Yugoslavia and the West: the degree to which Communist regimes can provide basic political rights and tolerate peaceful change; the degree to which Western intellectual communities can influence Yugoslav authorities; and the future of a purportedly nonaligned nation increasingly tugged in opposite directions by the two superpowers. Under Western economic pressure, Poland cancelled its show trial last summer and granted amnesty to its political prisoners. Many will be watching to see if Yugoslavia, without similar pressure, will do the same.

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EXCURSUS 2

Bruce Nichols and Linda Griffin on THE STATE OF THE STATELESS 1985

"Perhaps my greatest concern...has been the manifest erosion in many parts of the world of the fundamental concept of asylum, coupled with a tendency to 'look the other way' when we talk of durable solutions." So began the U.N. High Commissioner for Refugees, Poul Hartling, in his opening statement to representatives and guests gathered in Geneva for the annual meeting of the Executive Committee of the U.N. High Commissioner for Refugees (UNHCR). Mr. Hartling focused on "special problems" of particular concern to his agency, the international organization with a mandate to coordinate worldwide refugee assistance, ensure protection of refugee populations, and seek durable solutions to refugee problems.

When he said that nations often look the other way when discussions turn to durable solutions of the refugee dilemma, the statement had a double edge: One may turn away from a problem entirely or one may look at "other ways" to address it. Mr. Hartling knew that he faced an unpleasant year. While the UNHCR has been among the most successful of the U.N. agencies at delivering services, the volume of such services has begun to tax the political attention span of many of the major donor nations. Feeding millions of refugees for years on end in situations that promise few or no successes for donor governments has begun to wear on the West, and donations to the UNHCR are down substantially from the early part of the decade. In the corridors during the Executive Committee sessions, fears were expressed that pressures on the U.N. to support repatriation schemes were on the increase.

The High Commissioner cited some disturbing trends that, he said, "we must all deplore." Prominent among these were such violations and disregard of the physical safety of ref-

ugees and asylum-seekers as acts of piracy, failure to rescue boat people in distress at sea, and armed attacks against refugees—individually and in camps—in various areas of the world. Harling also noted the spread of xenophobia in Western nations and warned against exploitation of such fears by leaders. He expressed the hope that some of these “seemingly inextricable situations” might be moved toward solution, but noted that because obstacles to such solutions are many and too often political in character, they could not be openly debated at a gathering whose concerns were purely humanitarian.

Nevertheless, political obstacles proved to be a presence throughout the Executive Committee sessions. Amid reports of imminent attacks by the Vietnamese on refugee camps along the Thai-Kampuchean border (which house a coalition of three rebel factions), and in the wake of military attacks on camps and individuals in Central America, Africa, South Asia, and Southeast Asia, delegates to the Executive Committee meeting were again unable to reach a consensus on a draft declaration concerning military attacks against refugee camps—a matter first broached at the 1982 meeting.

The World Refugee Survey, published annually by the independent United States Committee for Refugees, also concludes that the treatment of refugees has deteriorated in the last twelve months. The 1984 survey, released in October, noted an increase in the number of refugees from 7.8 million in '83 to 9.1 million in '84. Under international and U.S. law, a refugee is a person whose presence outside his or her home country is due to a “well-founded fear of persecution” on the basis of race, religion, nationality, political opinion, or membership in a particular group. If those not officially recognized as refugees were included in the count, the implications of a deterioration in treatment of refugees would be considerably more severe. For instance, thousands of Kampucheans who have fled to the border areas near Thailand are not “refugees” because they remain in their own country. El Salvador’s civil war has created tens of thousands of displaced persons in need of assistance within the country. Thousands more fleeing severe shortages of food in Africa may not fall under the protection of the UNHCR either, because they have crossed no border or because their flight is considered a result of economic rather than political conditions. According to the U.S. Government, the flight of Salvadorans and Guatemalans from their countries is not due to a “well-founded fear of persecution” but, rather, to a search for increased economic opportunity; they are considered “economic migrants” by the Reagan administration.

The UNHCR is frequently criticized about its handling of that portion of its mandate dealing with the “legal protection” of refugees. This critical responsibility is complicated both

by local conditions and by pressures from donor nations. Refugee protection is an international responsibility, yet restrictive protection policies in nations of asylum may undermine the effectiveness and validity of the international system, cautions the survey. Here, Roger P. Winter, director of the U.S. Committee, points to a major contradiction: Although more and more countries are signatories to international refugee conventions, the national statutes and policies promulgated by many nations to implement international refugee protection principles have actually “robbed those principles of their spirit and essence.” He stresses that refugee affairs are not primarily matters of immigration but of human rights.

And it is not only countries of first asylum that have moved toward more restrictive asylum and protection standards. According to Winter, developed countries “consistently appear in the negative column of the ledger.” European nations have recently adopted the most restrictive asylum policies to date, and the United States has continued such practices as interdiction of Haitians at sea, long-term detention of certain illegal entrants, and the almost across-the-board denial of asylum to Central Americans. Yet even as the developed world is closing its doors to refugees, it is appearing less interested in paying for their care in countries of first asylum.

Resettlement in third countries, the solution best known in the United States, is actually the least desirable. Local settlement in the country of asylum or voluntary repatriation are almost always preferable, if available. The catch is, they are rarely available. Voluntary repatriation has been the preferred solution of the UNHCR since its beginnings and, in fact, is perhaps its most cherished principle. In 1946, Western nations, alarmed at Stalin’s eagerness to reassimilate soldiers, deserters, and other of its displaced citizens solely on the basis of national sovereignty, insisted that any international organization created to assist refugees only be authorized to aid *voluntary* repatriation. The battle was won but the war raged on. As a result of this Western insistence that repatriation be voluntary, the USSR has never since paid a cent toward U.N. assistance to refugees around the world. In the long run, this has left the U.S. the key donor and subjected the UNHCR to periodic bouts of cold warrior abuse by the United States and other large donors. Thus, when U.N. officials heard Jim Purcell, director of the State Department’s Bureau for Refugee Programs, refer to the need for new repatriation programs in Central America and elsewhere, it was as if an institutional alarm clock had gone off after thirty-nine years. The UNHCR can and has survived many vicissitudes, but it could not long survive involuntary repatriations. Pressures in this area will be closely watched.

The difficulty of political and protection issues surrounding both the generation of refugee flows and their solutions has always been a factor limiting the success of the UNHCR. Too often the majority of refugees face a prolonged period of inactivity and reliance on relief aid. The UNHCR’s Executive Committee first raised the need to deal with these problems in 1981, and since then there has been growing interest and progress in uniting refugee relief aid and development aid when there is a large influx of refugees into a relatively poor area. Such development projects are designed to create jobs and other productive activities for both refugees and surrounding local communities, contributing to the overall development of the area. Of course, the setting

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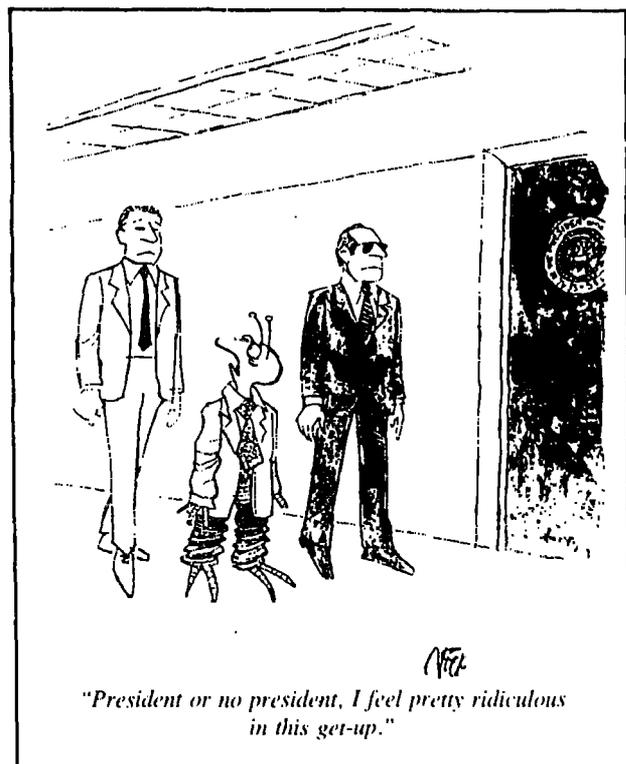
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up of income-generating projects for refugee populations requires the involvement of the host government and the local communities near refugee settlements, since such work frequently lies outside the mandate of the UNHCR and of other international organizations. Development programs have also been seen as a way to help to reverse refugee flows. Refugees from low-income areas are often fleeing economic deprivation and destruction as well as persecution and conflict. Indeed, many may be reluctant to seek repatriation if they enjoy a higher standard of living in the host country.

There are also great costs—economic, social, and ecological—to the host countries. For instance, in two of its northwestern provinces Pakistan hosts an Afghan refugee population of 2.9 million—roughly a quarter of the total population of Afghanistan. The result has been a drain not only on forest resources, water supplies, and grazing land but on roads and bridges as well. The UNHCR, the World Bank, and the Government of Pakistan have embarked on an income-generating plan for the Afghan refugees, including projects to reinforce the strained Pakistani infrastructure and to manage natural and man-made resources. Yet at a time when new multilateral forms of assistance are being explored in the country, Pakistan is also illustrating a growing trend toward bilateral assistance between donor nations and countries of asylum. U.S. foreign aid to Pakistan has jumped dramatically since the fall of the shah and the Soviet invasion of Afghanistan in 1979. Much of this is directed toward aiding Afghan refugees and supplying arms and care to resistance forces within Afghanistan. It is understandably difficult for the UNHCR to ignore the militarization of the camps in northwest Pakistan, but there is little it can do. Such military activity here and elsewhere (like the Contra activities among Nicaraguan Miskito refugees in eastern Honduras) invites armed attack. When the political and military activities of refugees are encouraged by governments, it is not surprising that the delegates in Geneva could not reach accord on what to do about armed attacks on refugee camps.

While the U.S. Committee on Refugees, the U.N. High Commissioner, and the UNHCR Executive Committee take note of the current problems hampering international refugee protection and the restrictive policies of some nations, all have cited positive developments over the past year in refugee treatment. The second International Conference on Assistance to Refugees in Africa (ICARA II), held in Geneva in July, 1984, was viewed as a successful step in lifting the burdens of African nations forced to choose between support for refugee populations and their own national development programs. Fourteen African countries submitted to U.N. Secretary-General Pérez de Cuéllar, who convened the conference, proposals for projects linking development and refugee aid. The ICARA steering committee, consisting of representatives of the UNHCR, the Organization for African Unity, the U.N. Development Program, and the U.N. Secretary-General's Office, will seek to implement the ICARA Declaration and Program of Action.

In addition, progress has been made in fighting piracy against boat people in the Gulf of Thailand. The UNHCR has facilitated an antipiracy program that is funded by twelve nations and administered by Thailand. The program is fraught with problems, although most criticism has been directed at weaknesses in the Thai Government's administration.



During the past year, Thai Navy and Marine police officers have been implicated in mistreatment of the boat people. The Thai Government has rejected such charges. It renewed the antipiracy program for an additional year and has offered the High Commissioner assurance of its commitment to carry out the goals of the project. The U.S. Committee for Refugees also commended U.S. initiatives to release Amerasian children and political prisoners in Vietnam and Washington's efforts to draw attention to refugee-producing human rights violations in Uganda.

The High Commissioner has vowed to remain ever optimistic in the face of problems that appear to outweigh the progress of the past year. Hartling appealed to the Executive Committee to continue to "approach the humanitarian task before us without allowing ourselves to be blinded by political considerations"—this despite the fact that "everything in the United Nations, where so many states have to work together, is politicized, and because all refugee problems certainly reflect political problems." Perhaps, as suggested by the 1984 World Refugee Survey, the failure to address the political dimensions of refugee situations is itself a recognition of their overriding importance. While the task of refugee relief is surely humanitarian, it is doubtful whether international refugee programs can ever move toward durable solutions without addressing the political problems at their root.

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