

Trapped in the desert by a bad law

Anna Husarska

Published: January 23, 2007

SHIMELBA REFUGEE CAMP, Ethiopia: With 10 cinemas, more than 100 restaurants and bars, a theater and a dozen hairdressers, Shimmelba feels more like a small town than a camp for Eritrean refugees. That's because it has an atypical refugee population.

The camp sits in the northern tip of Ethiopia, just 60 kilometers from the border with Eritrea, over which these two famine-prone African countries fought an inconclusive war from 1998 to 2000. About 70,000 people were killed and half a million displaced. Tensions between the two countries remain high, and the border is closed.

Closed, but not sealed. Since 2000, refugees have been sneaking through in great numbers. Now the population of Shimmelba is more than 13,000 — all caught here in this rock desert with nowhere to go. They are ethnic Tigrinya who fled the "national service" imposed by the Eritrean government in Asmara, and ethnic Kunama, viewed by Asmara as having sided with Ethiopians during the war. The International Rescue Committee has various programs here, assisting refugees with reproductive and environmental health, education and community services.

The dozen Tigrinya men with whom I talked here in the camp were all fighters in the Eritrean People's Liberation Front, or EPLF, whose victory over Ethiopian forces led to the independence of Eritrea in 1993. They all have a well-founded fear of persecution by the Eritrean government — formed by the very same EPLF — either because of their nonviolent dissent or because they were made prisoners of war by Ethiopia. So the UN refugee agency, UNHCR, identified them as persons of concern and proposed them for resettlement in other countries, such as the United States.

The other thing these Tigrinya men have in common is that the U.S. Department of Homeland Security has judged them inadmissible to the United States and declared them "terrorists" because of their previous membership in the EPLF.

This is, alas, not a unique case. The laws that label as "terrorists" many bona fide refugees — such as these Tigrinya inhabitants of Shimmelba — define terrorism so broadly that they have been applied to U.S. allies and people who are themselves victims of terrorism.

Over the last year I have met dozens of individuals who were genuine freedom fighters in their countries — Myanmar, Laos, Sudan and now Eritrea — but whose application for refugee or asylum status are on hold precisely because the definition of who is a "terrorist" or provider of "material support" to terrorists is overly broad.

On Jan. 11 the Bush administration announced plans to adopt new policies — and support new legislation — that would supposedly remedy at least part of the problem. Waivers will be issued

for those who provided "material support" to eight current or former armed groups from Cuba to Tibet to Myanmar. But not the Tigrinya, and not the Kunama.

These waivers are possible only for providers of material support, not for combatants. For them, a legislative change is needed. The Bush administration is asking Congress to expand the current waiver authority to cover those who formerly bore arms. Yet trying to right the wrongs by making exceptions for one specific group at a time is only a partial solution, and postpones a more radical — and much-needed — change to what is currently a bad set of laws.

The waiver approach also carries the risk of discriminating against certain minorities. Will the U.S. government really convene a high-level interagency process to issue a waiver for every ethnic group chosen for resettlement? Will the secretary of state enumerate all ethnic groups that will be covered by the waiver? In Ethiopian camps alone — among those I met — these would be Dinka, Maban, Uduk (South Sudanese), Tigrinya, Kunama, Saho, Bilen (Eritrean) and Hawiya (Somalis).

The only solution is a comprehensive rewriting of the legislation so that it responds to genuine security concerns without punishing combatants who fought against oppressive regimes and those who gave them some assistance — whether they are from large, well-known groups or smaller, more obscure ones.

Anna Husarska is a senior policy adviser at the International Rescue Committee.