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Fleeing from Violence Versus Fleeing from Poverty

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Fleeing from Violence Versus Fleeing from Poverty

Abstract

Nour al Khal worked as a translator for New York Times reporter Steven Vincent, who was murdered by Shiite militants in Iraq. Vincent's widow has been trying to help al Khal (who was kidnapped and shot by the same group who killed Vincent) win asylum in the United States. So far political and bureaucratic obstacles have proven insurmountable.

Keywords

Human rights, Iraq, War, Refugees, Displaced peoples

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Fleeing from Violence versus Fleeing from Poverty

by Michael Goodhart

Nour al Khal worked as a translator for *New York Times* reporter [Steven Vincent](#), who was murdered by Shiite militants in Iraq. Vincent's widow has been trying to help al Khal (who was kidnapped and shot by the same group who killed Vincent) win asylum in the United States. So far political and bureaucratic obstacles have proven insurmountable.

Al Khal is one of the millions of Iraqis uprooted by the American-led invasion and occupation, which, Joseph Huff-Hannon reports, has triggered [the world's fastest-growing refugee crisis](#). The current refugee crisis is the sad, direct, and entirely predictable result of American disregard—if not contempt—for the security and well-being of the Iraqi people. Huff-Hannon joins a long list of journalists, including the *New Yorker's* George Packer, who have written about the disturbing failure of American policy with respect to those [“Iraqis who trusted America the most.”](#) The United States clearly has special obligations to those who have directly aided the coalition effort in Iraq; obligations it has recently [accepted](#) but so far [failed](#) to meet. But the plight of Nour al Khal also highlights just how restrictive international refugee law can be.

The U.N. [Convention and Protocol relating to the Status of Refugees](#) defines a refugee as a person who, “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 to or, owing to such fear, is unwilling to avail himself of the protection of that country....” This is a narrow definition; indeed, the U.S. State Department told Vincent's widow “that al Khal does not qualify for refugee or asylum status because Iraq is now a democracy, hence there should be no reason she would need to flee.”

International refugee law presently omits at least three common categories of refugee: those fleeing persecution by non-state actors, those fleeing conflict who are not directly threatened with persecution, and “economic migrants.” I shall say something briefly about all three.

Traditionally, the persecution described in the Convention and Protocol was understood to mean “persecution by states.” Increasingly, non-state actors like ethnic militias and insurgent groups that operate outside the (direct) control of states are responsible for persecuting minorities—as in Iraq. International law needs to change to reflect this reality. Moreover, recent asylum [cases](#) in the U.S. and Canada have established that threat of female genital mutilation qualifies as a reasonable fear of persecution; still, asylum for women fleeing [honor killings](#) has [lagged behind](#), and international law still does not explicitly recognize the specific forms of violence women endure as grounds for asylum (some courts have relied on the [Convention on the Elimination of All Forms of Discrimination against Women](#) and an expansive notion of persecution to make this [connection](#)).

A second type of refugee not presently recognized under international law is the person who flees a conflict but is not in direct danger of persecution on the basis of group membership. In many of the sectarian conflicts ravaging the world today, this distinction is hard to maintain. The “normal” tactics of war, including rape, ethnic cleansing, forced evacuation from neighborhoods, routine bombings of civilian targets, and so on, are themselves forms of persecution. In such

cases, fleeing a conflict and fleeing persecution amount to more or less the same thing. Again, however, international refugee law does not adequately reflect these changing realities.

Finally, refugee law presently excludes individuals who are seeking a better life, so-called [economic migrants](#). This is probably the most difficult case. Economic migrants appear at first glance to fall into a different category than those I have discussed so far. On closer inspection, however, the apparent differences blur. Persecution involves the systemic and sustained violation of fundamental human rights. But rights to food, clothing, and shelter are every bit as fundamental as rights to associate or to express ideas; dire poverty is a significant threat to life. In cases where corruption, violence, or intimidation result in grinding poverty, the case for treating it as a form of persecution is strong. It might also seem that economic migrants are not fleeing conflict and thus not entitled to refugee status. But structural or enforced poverty seems every bit as much an instance of conflict as gendered violence, which is rightly being recognized as grounds for asylum. In both instances, it is the violation of fundamental rights that represents a form of conflict.

This is not a politically naïve call for granting asylum to all economic migrants. The floods of people who might seek asylum on economic grounds would inundate recipient countries. Yet ethically and conceptually, there is little basis for treating this last category of people differently, and the international community has an obligation to protect and promote the rights of those in dire poverty as well. International development aid is shockingly measly, and few states would acknowledge any kind of binding obligation to give more. States that recognize a legal duty to accept those fleeing political persecution think it perfectly acceptable to deny refuge to people who might be starving.

Much more could and should be done to protect the most economically vulnerable people in the world. Obviously, the devil is in the details. But we should not be misled by those who say the resources are not available; the [two trillion dollars](#) the American Government is likely to spend on the Iraq war would have been enough to [meet](#) the [Millennium Development Goals](#) three to five times over. Protecting the poor is a question of priorities and values, not money.

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