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Afghan refugees, humanitarian interventionism and the global cold war in the 1980s

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ABSTRACT

In the aftermath of the Soviet invasion in Afghanistan 1979, more than 3 million people fled to Pakistan, another 2.3 million Afghans fled into the Islamic Republic of Iran. Through the end of the 1980s and beyond, the Middle East had become an area with one of the largest refugee populations worldwide. With a focus on Afghan refugees and based on archival research, the paper investigates the structures, actors and practices of the global refugee regime since the 1980s against the backdrop of Cold War History. First, the broad international context as well as the politicisation, 'Islamisation' and militarisation of Afghan refugee society will be outlined. Second, actors and practices of humanitarian aid in the Afghan-Pakistani borderlands will be analysed. The main focus here will be on the work of the UNHCR and European NGOs, especially West German organisations, their links with Afghan diaspora networks as well as their cooperation with French and Swedish partners. Their strategies for transnational networking, cooperation and competition will be examined, along with their attitude towards attempts to exercise political and ideological influence. Third, the paper will look at how individual actors and personal and institutional networks have sought to channel the lessons learned from their work in the refugee camps into the global discourse surrounding the root causes of refugee movements, prevention strategies and internationally binding rules governing the deployment of aid organisations in war zones. My paper concludes with the proposition that the history of humanitarian interventionism, was moved on significantly, both politically and legally, as a result of this.

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Introduction

Kabul, August 2021: Smoke rises into the air above the US Embassy building, where secret documents are being burned seemingly at the last minute and a US Army helicopter is evacuating the Embassy staff. At the same time, dramatic scenes are being played out at the city's airport: huge crowds of people are trying to enter the heavily secured site, blocking the runway, clinging desperately to the wings of aircraft in the hope of boarding one of the last

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flights out of the country. Almost inevitably, the images of the capture of Kabul by the Taliban and the hasty withdrawal of Western troops twenty years after the events of 11 September 2001 awaken memories of the fall of Saigon and the humiliating end – as it was perceived in the collective US memory – of the Vietnam War in 1975. By comparison, the withdrawal of the Soviet troops in 1989 after a bloody ten-year war, which contributed significantly to the collapse of the Soviet Union, seemed orderly, entailing no loss of face. Leaving aside how valid such historical comparisons really are on closer inspection, one thing is clear: Afghanistan is once again centre stage in international politics as a failed state, and once again the country is on the brink of civil war between rival Islamist groups and struggling with new movements of refugees and humanitarian emergencies on a vast scale.

These tensions and conflicts continue to shape the history of the country and have also posed a challenge to the global refugee regime since the 1980s. The eighties were a key decade for the history of refugees and humanitarianism, and for our understanding of contemporary debates surrounding the root causes of refugee movements, international control mechanisms and humanitarian practices on the ground. Using Afghanistan as an example, this article will investigate the ways in which these discourses, actors and practices were entangled at the global, national and regional level – substantively, personally and institutionally. As such, it straddles two areas of study that for a long time had little to say to each other, but which have both acquired a new urgency and a clearer, more distinctive identity in recent years: on the one hand, the history of international politics and transnational entanglements in the Global Cold War¹, and on the other, the history of refugees², displacement and humanitarianism.³ In this context, increasing attention is also being paid to the history of (military) humanitarian interventionism, which has been as fundamental to the history of refugees as it has been to the history of international politics.⁴ Unlike many political scientists who regard the 1990s as an important watershed in this respect, the article argues that the concepts and practices of humanitarian interventionism received a decisive boost in the 1980s, driven also by actors advocating for Afghan refugees in the Cold War.

This article is based on archival research in Germany, France and Switzerland and includes state as well as non-state actors such as the United Nations High Commissioner

¹See Odd Arne Westad, *The Cold War: A world history* (New York: Basic Books, 2017); Odd Arne Westad, *The Global Cold War: Third world interventions and the making of our times* (Cambridge: Cambridge University Press, 2005); Lorenz Lüthi, *Cold Wars: Asia, the Middle East, Europe* (Cambridge: Cambridge University Press, 2020); Melvyn P. Leffler and Odd Arne Westad, eds., *The Cambridge History of the Cold War*, vol. 1-3 (Cambridge: Cambridge University Press, 2010); Richard H. Immerman and Petra Goedde, eds., *The Oxford Handbook of the Cold War* (Oxford: Oxford University Press, 2013); Artemy M. Kalinovsky and Craig Daigle, eds., *The Routledge Handbook of the Cold War* (London: Routledge, 2014).

²See Olaf Kleist, 'Über Flucht forschen: Herausforderungen der Flüchtlingsforschung', *Peripherie. Zeitschrift für Politik und Ökonomie in der Dritten Welt*, vol. 35, no. 138/139 (2015): 150–69; Richard Black, 'Fifty Years of Refugee Studies. From Theory to Policy', *International Migration Review*, 35, no. 1 (2001): 57–78; Peter Gatrell, *The Making of the Modern Refugee* (Oxford: Oxford University Press, 2013); Jakob Schönhagen, 'Geschichte der internationalen Flüchtlingspolitik. Ein Forschungsbericht', *Archiv für Sozialgeschichte* vol. 62 (2022): 401–57.

³See Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Ithaca: Cornell University Press, 2011); Johannes Paulmann, 'Conjunctures in the History of International Humanitarian Aid during the Twentieth Century', *Humanity*, 4, no. 2 (2013): S. 215–38; Peter Walker and Daniel G. Maxwell, *Shaping the Humanitarian World* (London: Routledge, 2009); Richard Wilson and Richard D. Brown, *Humanitarianism and Suffering: The Mobilization of Empathy* (Cambridge: Cambridge University Press, 2009).

⁴See Norbert Frei, Daniel Stahl and Annette Weinke, eds., *Human rights and humanitarian intervention: Legitimizing the use of force since the 1970s* (Göttingen: Wallstein Verlag, 2017); Fabian Klose, ed., *The Emergence of Humanitarian Intervention: Ideas and Practices from the Nineteenth Century to the Present* (Cambridge: Cambridge University Press, 2015); Brendan Simms and David J. B. Trim, eds., *Humanitarian Intervention: A History* (Cambridge: Cambridge University Press, 2011); Gary J. Bass, *Freedom's Battle: The Origins of Humanitarian Intervention* (New York: Alfred A. Knopf, 2008).

for Refugees (UNHCR) and several Western European aid organisations. It is organised into three sections: First, the broad international context as well as the politicisation, 'Islamisation' and militarisation of Afghan refugee society will be briefly outlined. Second, actors and practices of humanitarian aid in the Afghan-Pakistani borderlands will be analysed. The focus here will be on the work of the UNHCR and European NGOs, especially West German organisations, their links with Afghan diaspora networks as well as their cooperation with French and Swedish partners. Their strategies for transnational networking, cooperation and competition will be examined, along with their attitude towards attempts to exercise political and ideological influence. Third, this paper will look at how individual actors and personal and institutional networks have sought to channel the lessons learned from their work in the Afghan refugee camps into the global discourse surrounding the root causes of refugee movements, prevention strategies and internationally binding rules governing the deployment of aid organisations in war zones. I conclude with the proposition that the history of the humanitarian interventionism was moved on significantly, both politically and legally, as a result of this.

Afghan refugees, Islam and Cold War politics

From the end of the 1970s until the mid 1980s the world has been engaged in a 'Second Cold War'. Debate surrounding Soviet rearmament with medium-range weapons and the issue of Western participation in an arms race created a climate of fear, especially in Europe, about a new, potentially atomic war. At the same time the number of regional conflicts in the countries of the Global South was growing, and as a result of the military involvement of the superpowers these often escalated into proxy wars that went on for many years and cost many lives.⁵ For the US government, the Soviet invasion of Afghanistan in December 1979 was evidence that Brezhnev was pursuing an expansionist foreign policy, with the ultimate goal of securing access to the Persian Gulf and the oil of the Middle East. In fact, as research has subsequently established, Moscow's decision to invade was more a defensive move, aimed at maintaining its power in the region. In particular, the Soviet Union wanted to prevent the fall of the socialist People's Democratic Party of Afghanistan (PDPA), which had seized power in a 1978 coup, and thereby avoid any loss of face in the ideological struggle between socialism and capitalism in the 'Third World'.⁶

But instead of a speedy stabilisation of the country, the Soviet invaders encountered a complex military and social reality. Programmes of socialist reform found no support in a society shaped by religion and organised along tribal lines, and it proved impossible to defeat the Afghan resistance groups by military force. These groups were armed and funded by the West, especially the United States, with the aim of sustaining an ongoing war of attrition, which would tie up Soviet forces and drain Moscow's financial resources over the long term.⁷ The war led to the

⁵See Westad, *The Global Cold War*.

⁶On the terms 'Third World' and 'Global South' see Agnes Bresselau von Bressensdorf and Elke Seefried, 'Introduction: West Germany and the Global South in the Cold War Era' in *West Germany, the Global South and the Cold War*, eds. idem and Christian F. Ostermann (Berlin: De Gruyter Oldenbourg, 2017), 7–24.

⁷See Agnes Bresselau von Bressensdorf, 'Islam as an Underestimated Challenge. NATO States and the Afghan Crises of 1979' in *West Germany*, eds. idem, Seefried and Ostermann, 173–209; Elisabeth Leake, 'Spooks, Tribes, and Holy Men: The Central Intelligence Agency and the Soviet Invasion of Afghanistan', *Journal of Contemporary History* 53, no.1 (2018): 240–62.

largest exodus of refugees since the end of the Second World War: by the end of the 1980s more than 3 million Afghans had fled to Pakistan and some 2.3 million to Iran.⁸ They followed centuries-old migration routes, which were still in use despite the new borders put in place in the 19th century by Western colonizers: while Hazaras fled mainly to Iran, the Pashtuns of southern and south-east Afghanistan sought refuge in Pakistan.⁹ With international support, the government of Zia-ul-Haq established over 300 refugee camps in the North-West Frontier Province (NWFP). The city of Peshawar in particular became a hot spot of the international ‘humanitarian community’ and remains so to this day.

For millions of Afghans, life in these camps, which were initially set up as temporary facilities but then became permanent, posed unprecedented sociocultural challenges.¹⁰ The tribal social order of the Pashtuns, known as the Pashtunwali, and the traditional status system associated with it, could only be sustained up to a point within the life of the camp. The traditional value system based on honour codes, family and tribal loyalties and the landed property of tribal leaders soon began to erode. The cramped living conditions in the camps were often perceived as degrading, and the head of the family found it increasingly difficult to feed his own family. Instead, people were forced to rely on aid supplied by international organisations, Western NGOs and the Pakistani government. By way of compensation, religion offered them a way to preserve their self-respect. The thinking was that the (male) Afghan refugee found himself in a similar sort of situation to that of the prophet Mohammed, when he fled from Mecca to Medina. Viewed from this perspective, the label ‘refugee’, initially perceived as a stigmatising designation, was reinterpreted as something positive, and those who sought refuge in Pakistani camps now had a religious justification. This interpretation was actively propagated in the camps, not least by the various Islamist groups that enjoyed the protection of the Pakistani military and secret service. From this it followed that every Muslim had a ‘holy duty’ to participate in the ‘jihad’ against the Soviet invaders in his own country.¹¹

Shortly after the Soviet invasion in December 1979, the Western allies were already discussing if Islam could be instrumentalised as the ideological basis of the resistance groups. By the early summer of 1980 the NATO partners agreed on the need to mobilise ‘Islamic opinion’ within the otherwise deeply divided resistance groups in their ‘struggle for freedom’ against the Soviet invaders. For Western governments, Islam thus became a useful vehicle of anticommunism.¹² Of course, this does not mean that every refugee has become

⁸See UNHCR, ed., *The State of The World's Refugees 2000: Fifty Years of Humanitarian Action* (Oxford: Oxford University Press, 2000), 116.

⁹On the meaning of Afghanistan’s colonial past and the Pashunistan question for the Soviet-Afghan war see Elisabeth Leake, *The Defiant Border: The Afghan-Pakistan borderlands in the era of decolonization, 1936–1965*, (Cambridge: Cambridge University Press, 2017); Abubakar Siddique, *The Pashtun question: The unresolved key to the future of Pakistan and Afghanistan* (London; Hurst & Company, 2014); Angelo Rasanayagam, *Afghanistan: A Modern History*, (Tauris: London/New York, 2005).

¹⁰On the following see Fiona Terry, *Condemned to Repeat? The Paradox of Humanitarian Action* (Ithaca: Cornell University Press, 2012), 55–82; Rüdiger Schöch, ‘UNHCR and the Afghan Refugees in the Early 1980s. Between Humanitarian Action and Cold War Politics’, *Refugee Survey Quarterly* 27, no. 1 (2008): 45–57; Miriam Abou Zahab and Olivier Roy, *Islamist Networks: The Afghan-Pakistan Connection* (New York: Columbia University Press, 2004).

¹¹For a broader discussion on the role of Islam, Islamism and international politics in the Near and Middle East see, ‘Islam und internationale Politik. Neue Perspektiven auf die Zeitgeschichte des Nahen und Mittleren Ostens zwischen Kaltem Krieg und Dekolonialisierung’, (Podium Zeitgeschichte), Agnes Bresselau von Bressensdorf, ed., *Vierteljahrshefte für Zeitgeschichte*, vol. 70, no. 4 (2022), 761–814.

¹²See Agnes Bresselau von Bressensdorf, ‘Islam as an Underestimated Challenge. NATO States and the Afghan Crises of 1979’ in *West Germany*, eds. idem, Seefried and Ostermann, 191–207.

a radical Islamist. The crucial point I would like to stress is that the tendencies of Islamisation were instrumentalised by the Western allies in their political and military support for the Afghan resistance, which also had a concrete impact on the working conditions of humanitarian actors in the camps. As the war dragged on, a new group of leadership figures emerged in the camps. These leaders drew their reputation and authority less from the traditional trappings of power such as landed property, but rather from the fighting strength and military successes of the Islamist groups they commanded. Islamabad had officially recognised seven of these Islamist groupings, which ranged from the moderate to the radical.¹³ Afghan refugees seeking safety in the camps were forced to register with one of these seven groups in order to qualify for humanitarian aid.

This process of militarisation and targeted 'Islamisation' was given further impetus by the establishment of so-called Koranic schools or madrasas – which would later become the birthplace of the Taliban.¹⁴ The key point here is that a partial shift in the social and political order of Afghan refugee society took place over the years which led not so much to a suppression of existing tribal structures as to a fusion of tribal and religious ideas. Especially for second or third generation Afghans born in the camps, this creeping militarisation created a new form of normality, a new form of social order, which has aptly been described as a 'refugee warrior community'.¹⁵ These hybrid identities made it almost impossible to distinguish clearly between civilians and resistance fighters and posed a real challenge for international aid organisations.

Transnational networks and the practices of humanitarian aid in the Afghan-Pakistani borderlands

Such was the context within which the UNHCR, in 1980, embarked on its largest operation to date in the Pakistani camps.¹⁶ Other international organisations such as the International Committee of the Red Cross (ICRC), the World Food Programme (WFP) and the World Health Organisation (WHO) were also on the ground, along with various civil society non-governmental organisations (NGOs). The latter came largely from countries in western and northern Europe, in particular France, Scandinavia and West Germany. Back in the 1970s, numerous initiatives and associations had been set up to protest against human rights abuses in the countries of the Global South, and to campaign for humanitarian aid and cooperation on development policy.¹⁷ For many on

¹³See Terry, *Condemned to Repeat?*, 56. For a list of these seven most important resistance parties see Ludwig W. Adamec, *Dictionary of Afghan Wars, Revolutions, and Insurgencies*, Lanham, MD: Scarecrow Press, 1996), 104, 120–1, 145, 162, 164–5, 188, 196.

¹⁴See Nasreen Ghufuran, 'The Taliban and the Civil War Entanglement in Afghanistan', *Asian Survey* 41, no. 3 (2001): 462–87; Conrad Schetter and Jürgen Klußmann, eds., *Der Taliban-Komplex: Zwischen Aufstandsbewegung und Militäreinsatz* (Frankfurt am Main: Campus Verlag, 2011); Ahmed Rashid, *Taliban: Die Macht der afghanischen Gotteskrieger* (München: C. H. Beck, 2022).

¹⁵Simon Turner, 'What is a Refugee Camp? Explorations of the Limits and Effects of the Camp', *Journal of Refugee Studies* 29, no. 2 (2015): 139–48; Aristide R. Zolberg, Astri Suhrke, and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (New York: Oxford University Press, 1989), 254; Pierre Centrelivres and Micheline Centrelivres-Demont, 'The Afghan Refugee in Pakistan: An Ambiguous Identity', *Journal of Refugee Studies* 1/2 (1988): 141–52; Schöch, 'UNHCR and the Afghan refugees'; Gatrell, *The Making of Modern Refugee*, 255–59.

¹⁶Schöch, 'UNHCR and the Afghan refugees', 50; Gerald Walzer, 'UNHCR Operations in Pakistan in the early 1980s', *Refugee Survey Quarterly* 27, no. 1 (2008): 40–44.

¹⁷On the international human rights discourse see Stefan-Ludwig Hoffmann, ed., *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2011); Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Belknap Press of Harvard University Press, 2010); Jan Eckel, *Die Ambivalenz des Guten: Menschenrechte*

the Left in western Europe, opposition to the Vietnam War and rejection of global social inequality, together with the demand for the nations of the North to accept moral responsibility for the consequences of colonialism, formed a unifying bond.¹⁸ The Christian churches also became involved in the trouble spots of the Global South during the 1970s and 1980s, in part continuing the traditions of Christian internationalism.¹⁹

This varied range of civil society players was also reflected in the delivery of humanitarian aid to Afghan refugees. Firstly, there were left wing organisations that came from the tradition of Western development aid and justified their work with ‘anti-imperialist’ solidarity. These included the Dutch Committee for Free Afghanistan (CFA), the West German Freundeskreis Afghanistan (FKA) or the French Amitié Franco-Afghane (AFRANE), just to name some examples. Secondly, religious NGOs provided humanitarian aid in the name of Christian charity, for instance the Inter-Aid-Committee (IAC), the Catholic Miserior or the Protestant Brot für die Welt (Bread for the World). Thirdly, Islamic organisations referred to specific Islamic traditions of solidarity and charity. For example, the International Islamic Relief Organisation (IIRO), Islamic Relief and Muslim Aid, engaged for Afghan refugees in Pakistan.²⁰ Particularly known for their work in the Afghan-Pakistani borderlands are, fourthly, the French organisations Médecins Sans Frontières (MSF), Médecins du Monde (MdM) and Aide Médicale Internationale (AMI), who lent their name to the movement known as *sans-frontiérisme* (‘without borders’) and saw themselves as representatives of a ‘radical humanism’.²¹ Their focus was on medical relief aid to saving lives in emergency situations but also to name and shame human rights violations.²² In Afghanistan, they cooperated closely with the Swedish Committee for Afghanistan (SCA) as scholars like Timothy Nunan have shown.²³

Much less well known are West German aid organisations, which were also active there from the beginning, and in some cases still are. It was in the Federal Republic, where the NATO Dual Track Decision and the military threat to Western Europe posed by the Soviet Union were matters of heated public debate, that several fundraising initiatives and associations dedicated to providing humanitarian aid to Afghan refugees were established within a short amount of time. One group of these organisations, which has been little studied to date, has become remarkably influential and developed close ties

in der internationalen Politik seit den 1940ern (Göttingen: Vandenhoeck & Rupprecht, 2014); Idem and Daniel Stahl, eds., *Embattled Visions: Human Rights since 1990* (Göttingen: Wallstein Verlag, 2022).

¹⁸See Bresselau von Bressendorf and Seefried, ‘Introduction’, 7–24. See also Satar Mohandesi, *Red Internationalism: Anti-Imperialism and Human Rights in the Global Sixties and Seventies* (Cambridge: Cambridge University Press, 2023).

¹⁹See Lasse Heerten, ‘Menschenrechte und Neue Menschenrechtsgeschichte’, Version: 1.0, in: *Docupedia-Zeitgeschichte*, 31 January 2017, DOI: <http://dx.doi.org/10.14765/zzf.dok.2.755.v1> (accessed 11 November 2023).

²⁰On Islamic traditions of charity and humanitarianism see Jonathan Benthall and Jérôme Bellion-Jourdan, eds., *The charitable crescent: Politics of aid in the Muslim world* (London: I.B. Tauris, 2009); Jonathan Benthall, *Islamic charities and Islamic humanism in troubled times* (Manchester: Manchester University Press, 2016); Marie J. Petersen, *For Humanity or for the Umma? Aid and Islam in Transnational Muslim NGOs* (London: Hurst & Company, 2015).

²¹On the term ‘radical humanism’ see also Patrick Merziger, ‘The ‘radical humanism’ of Cap Anamur/German Emergency Doctors in the 1980s: A turning point for the idea, practice and policy of humanitarian aid’, *European Review of History* 23, no.1-2 (2016): 171–92.

²²See Eleanor Davey, *Idealism Beyond Borders: The French revolutionary left and the rise of humanitarianism, 1954-1988* (Cambridge: Cambridge University Press, 2015), 3–4; Adam J. Davis and Bertrand Taithe, ‘From the Purse and the Heart. Exploring Charity, Humanitarianism, and Human Rights in France’, *French Historical Studies*, vol. 34, no. 3 (2011): 413–32.

²³See Timothy Nunan, *Humanitarian Invasion: Global Development in Cold War Afghanistan* (New York: Cambridge University Press, 2016), 147.

of cooperation with their French and Swedish partners: German-Afghan diaspora networks.

In the 1980s, West Germany was home to the largest Afghan diaspora in Europe. Many of them had come to the country as students, and now made contact with their German fellow students as well as established players in the delivery of aid to refugees and political decision-makers in Bonn.²⁴ Because of their familial ties to Afghanistan, they often had much closer contacts and stronger bonds of loyalty with the Afghan (refugee) society than other organisations. Furthermore, in West Germany lived a considerable part of Germans that had been expelled from the former eastern territories after 1945 and/or had left the German Democratic Republic (GDR) in the decades that followed. In the political landscape the Bund der Vertriebenen (BdV) was their most important lobby organisation.²⁵

These two groups of (former) refugees and expellees shared the escape from communism as a common biographical experience and were united by a strong anti-Soviet stance. They were often close to the conservative and liberal West German political parties, CDU (Christlich Demokratische Union), CSU (Christlich-Soziale Union) and FDP (Freie Demokratische Partei). They all saw it as a political mission to use their humanitarian engagement to draw attention to the war atrocities carried out by Soviet troops.

A key figure in this complex network was the lawyer Wolfgang G. Beitz, Secretary-General of the Otto-Benecke-Stiftung (Otto-Benecke-Foundation, henceforth OBS). The OBS had been founded in 1965 at the Technical University of Berlin as the Sozialamt des Deutschen Bundesstudentenrings (Social Welfare Office of the German Student Union), with the aim of assisting refugees and migrants from the GDR, Eastern Europe and 'Third World' socialist countries to integrate into West German society. The OBS, which also had all kinds of personal connections with the BdV, had a decidedly anticommunist stance from the outset. In the spring of 1981 Beitz successfully enlisted many politicians, including Federal Foreign Minister Hans-Dietrich Genscher, for the fundraising appeal 'Deutsche helfen Afghanistan' ('Germans Aid Afghanistan').²⁶ This in turn led to the creation of the organisation HELP – Hilfe zur Selbsthilfe e.V., supported by members of parliament from all the parties represented in the Bundestag, as well as leading scientists and clerics.²⁷ Over the next few years, as CEO of HELP, Beitz took on the task of attracting donations from private donors, as well as Federal Government funding, through high-profile publicity campaigns, and using this money to support the work of the Verein für Afghanische Flüchtlingshilfe e.V. (VAF). The VAF in turn was run by Afghans living in Bonn and operated in the Pakistani refugee camps under the name Union Aid for Afghan Refugees. Through his excellent connections with major West German media organisations such as ARD and ZDF, Beitz and his work quickly became

²⁴On the close academic relations between Afghanistan and (West) Germany see Conrad Schetter, *Kleine Geschichte Afghanistans* (Munich: C.H. Beck, 2017), 14–16.

²⁵See Michael Schwartz, *Funktionäre mit Vergangenheit: Das Gründungspräsidium des Bundesverbandes der Vertriebenen und das "Dritte Reich"* (München: Oldenbourg 2013); Matthias Stickler, *"Ostdeutsch heißt Gesamtdeutsch": Organisation, Selbstverständnis und heimatpolitische Zielsetzungen der deutschen Vertriebenenverbände 1949–1972*, (Düsseldorf: Droste 2004).

²⁶See Letter by Wolfgang Beitz (OBS) to Bundesminister (Federal Minister; henceforth: BM) Genscher, 30 June 1981, Politisches Archiv des Auswärtigen Amtes (henceforth: PA/AA), B45-ZA/124888.

²⁷See Letter by Wolfgang Beitz (HELP) to Auswärtiges Amt (Federal Foreign Office; henceforth: AA), 29 October 1981, PA/AA, B45-ZA/126847, 1–4.

known to a wider audience, which led to him being publicly attacked in the official government press in Kabul and Moscow. This made him a natural point of contact for Afghans reporting on the catastrophic supply situation facing the population in their home country – information which Beitz adroitly turned to tactical advantage in his ongoing fundraising work.²⁸

For VAF/Union Aid, as for other international aid organisations, the main problems in the early days were about the practical logistics of implementing their aid programmes in the Pakistani camps. Contacts had to be set up, accreditation by the Pakistani government approved, working relationships established with other NGOs, and in particular the UNHCR, the global player on the ground. The local knowledge of the Pashtun Union Aid representatives, their knowledge of the language and their familiarity with the cultural practices of the region were undoubtedly a big advantage, facilitating dialogue not only with the Pakistani authorities, but also with the refugees themselves, some of whom were personally known to them or even related. The minutes of internal VAF board meetings also bear witness to the close political and ideological ties with the mujaheddin, who wanted significant say in the distribution of aid.²⁹ At the same time the organisation's basic anticommunist stance was plainly apparent, not least in joint meetings between VAF and HELP. In June 1981, looking ahead beyond their immediate priority of delivering humanitarian aid, both organisations declared it as their ultimate aim 'to bring about a smooth transition to orderly life in Afghanistan as soon as the country is freed from Soviet occupation'.³⁰

The close political ties with Afghan refugee society and the mujaheddin created constant difficulties in Union Aid's working relationship with the UNHCR and the West German Foreign Office. By the spring of 1982 it was clear that Union Aid was not only supplying aid to the official camps organised by the UNHCR, but was also channeling humanitarian aid to unofficial 'bachelor camps' – military training camps for mujaheddin – in the border region.³¹ UNHCR officials complained to the West German Foreign Office that Union Aid had been using UNHCR tents for this purpose, as well as medicines from UNHCR stocks, and that this was seriously compromising the UN organisation's humanitarian and non-political mission. The Foreign Office, on the other hand, came to the view that steps had to be taken to ensure that medicines of traceable West German origin did not reach Afghanistan via the 'bachelor camps' of the Afghan resistance. For the rest, the medical work of Union Aid was known to be effective, and as such it enhanced the prestige of the Federal Republic and should definitely be continued. In addition, the Foreign Office instructed its embassy in Islamabad to collaborate with Beitz in ensuring that a formalised working relationship was established between Union Aid, the UNHCR and the Pakistani authorities.³²

Arguments about terms of reference, use of funds and issues of political neutrality dragged on over the following years; one charge that refused to go away was that Union Aid was too close to the Hezb-e-Islami party of Guldbuddin Hekmatyar, which was seen

²⁸See Note by AA, 25 September 1981, Subject: Humanitarian aid for Afghans, here: Initiative of the OBS General Secretary, Wolfgang Beitz, PA/AA, B45-ZA/126840.

²⁹See VAF Archives, Minutes of the board meetings.

³⁰Common Protocol of VAF/HELP, 26 June 1981, VAF Archives, Minutes of the board meetings, 2.

³¹On the following see: Telegram by German Embassy Islamabad to AA, March 18, 1982, Subject: Official trip of Head of Unit 301 to Pakistan, 11–15 March, 1982, PAAA, B45-ZA/146089.

³²Note by AA, 18 January 1983, Subject: Humanitarian aid to Pakistan, here: Activities of HELP, PAAA, B45-ZA/146110.

as a radical Islamist organisation.³³ For the UNHCR staff on the ground, this classic humanitarian dilemma had been part of everyday life since the start of their mission in Pakistan.³⁴ They repeatedly notified their headquarters in Geneva that not only aid organisations like Union Aid, but also the Pakistani authorities ‘as the operational partner [are] permitting, by acts of commission or omission, humanitarian assistance to flow into the hands of freedom fighters participating in the ‘Holy Jihad’.³⁵ Furthermore, in the spring of 1984 the UNHCR staff also expressed concern about the large quantity of weapons that were being stored in the camps close to the border. This made a mockery of the ‘humanitarian’ nature of the refugee camps, and threatened the security of the refugees and the aid organisations working alongside them.³⁶ Proposals to move the UNHCR camps further into the interior or to abandon the mission altogether were rejected by the headquarters in Geneva, which argued that the conditions on the ground had been known for a long time. ‘The international community, aside from the USSR and Afghanistan, recognises and heartily supports our efforts. If there was any moment to question our stance, it was in December 1979 but not today’.³⁷

For VAF, on the other hand, the question of how far humanitarian aid could be delivered not only in Pakistan, but also inside Afghanistan, posed itself early on.³⁸ The French aid organisations MSF, MdM and AMI, as well as the SCA, were seen as models and potential cooperation partners. The SCA in particular became one of ‘the most important points of contact and sources of information in Peshawar’, with which the West German Embassy in Islamabad held regular monthly meetings starting in May 1984, and with whose help the West German Foreign Office sent medical aid to Afghanistan – not least to the brother of Ahmad Shah Massoud, the so-called ‘Lion of Panjshir’.³⁹ For all NGOs, close relations with the mujaheddin were essential – even more so here than for their work in Pakistan. They acted as guides on the arduous treks over the Hindu Kush, which took several days, and they could provide military assistance for the teams of doctors if they were attacked. West German aid organisations, too, were increasingly sending their own doctors into the war zone.

In addition to the VAF, there was another influential German-Afghan network, the Bonner Afghanistan Komitee (German Afghanistan Committee, henceforth BAK). It had been founded in 1984 as an offshoot of the Bonner Friedensforum (German Peace Forum) by a group of young students, mostly supporters of West Germany’s Christian Democratic Union (CDU) party.⁴⁰ BAK and VAF, both of which had established contact with MSF and SCA, were on the one hand competing for donations and political influence, while on the other their two workforces shared many

³³Note by AA, 30 May 1984, Subject: Humanitarian aid to Pakistan, here: Official trip of Kruse (AA) to Pakistan, 13–19 May 1984, PAAA, B45-ZA/146133.

³⁴See Schöch, ‘UNHCR and the Afghan refugees’, 50–56.

³⁵UNHCR, Report on Protection Activities in Pakistan 1982–3, by F. Cappelli, 14 April 1983, UNHCR Archives, Fonds 11, Series 2, 110-PAK ‘Programming – Pakistan’, vol. 3 (1982–3), folio 37, 6.

³⁶See Schöch, ‘UNHCR and the Afghan refugees’, 54.

³⁷UNHCR, Memorandum on Security of Refugee Villages and Unlawful Activities by Refugees, by G. Walzer, 26 April, 1984, UNHCR Archives, Fonds 11, Series 2, 110-PAK ‘Programming – Pakistan’, vol. 8 (1984), folio 87, 1.

³⁸Note by AA, 26 November 1981, Subject: Humanitarian aid to Afghanistan, here: Delivery of medicines to Afghanistan, PA/AA, B45-ZA/126840.

³⁹Telegram No. 937 by German Embassy Islamabad to AA, 10 December 1984, Subject: Aid to Afghan population, here: Swedish Committee, PA/AA, B45-ZA/146122.

⁴⁰Telegram by AA, 30 January 1985, Subject: Private humanitarian aid to Afghans, PAAA, B45-ZA/146142, 1–2.

personal ties.⁴¹ One of the most celebrated and colourful members of BAK was the doctor Karl Viktor Freigang. In the mid-1980s he made several trips to Afghanistan on behalf of BAK with a team of West German, Swiss and Afghan doctors.⁴² When repeated reports of the bombardment of BAK hospitals reached Bonn, the Committee's board ordered its aid workers back to Peshawar. Freigang, however, chose to remain in the country. This caused considerable irritation within the Committee and in the corridors of the West German Foreign Office, which could no longer guarantee his safety, and at the same time feared diplomatic complications with the communist regimes in Kabul and Moscow.⁴³ Just how dangerous it was to be working in a war zone is also made clear by internal and official reports of VAF and BAK.⁴⁴ Also the MSF staff underlined in its internal correspondence that 'the hospitals set up by Western humanitarian groups, because they serve both as medical and moral support for the resistance, have also become prime targets of Soviet aerial attacks'.⁴⁵ To avoid targeted air strikes by the Soviet military, VAF switched to using mobile first-aid units, which worked together with the local 'commanders'. Nevertheless, in 1985 alone VAF announced with regret that several of its nurses had been wounded and four staff members 'martyred', as their deaths were officially described in the organisation's annual reports.⁴⁶

VAF's sympathetic engagement with Islamist thinking was not shared in the same way by BAK, which voiced scepticism about initiatives that worked together too closely with radical groups.⁴⁷ But both organisations used their work in the war zone as a platform for extensive media coverage, which was strong on anti-Soviet rhetoric, and at the same time aimed at attracting new donor funding.⁴⁸ BAK was particularly successful at raising money in the wake of Freigang's spectacular return.⁴⁹ The West German organisation even attracted the attention of the United States Agency for International Development (USAID), which provided one million US dollars in funding in 1986.⁵⁰ By contrast, MSF categorically refused any such support, to avoid the risk of political exploitation by the US government.⁵¹

Indeed, both the political landscape and the work of the aid organisations on the ground began to change from the mid-1980s onwards. Once the United States and Saudi Arabia started to invest on a massive scale in military and humanitarian support for the mujaheddin, the number of NGOs working in Peshawar increased

⁴¹Note by AA, 22 December 1986, Subject: German Afghanistan Committee (Deutsches Afghanistan-Komitee, DAK), PAAA, B45-ZA/146210.

⁴²See Correspondence between AA and BAK, February/March 1985, PAAA, B45-ZA/146142.

⁴³See Correspondence between AA and BAK, June/July 1986, PAAA, B45-ZA/146142.

⁴⁴See for example VAF Archives, Minutes of the board meetings; BAK, Report 'Das Machen wir mit ihrem Geld', 1986, Archives of the Stiftung Bibliotheca Afghanica, Bubendorf/Switzerland, Fonds 'BAK/Bonner Friedensforum'.

⁴⁵See for example, Report 'Conflict, Devastation and Displacement inside Afghanistan' by Juliette Fournot, Director of Afghanistan Missions for MSF, 1986, Médecins Sans Frontières Archives, Paris, Box 'Afghanistan 1986'.

⁴⁶VAF Archives, Annual Report 1986, 13.

⁴⁷See Protocol of BAK general meeting, 18 April 1986, Archiv Grünes Gedächtnis (henceforth: AGG), Fonds A: Gabriele Gottwald, vol. 6, folio 32-45.

⁴⁸See also Agnes Bresselau von Bressensdorf, 'Von Flüchtlingen und Freiheitskämpfern. Humanitäre Kommunikation westdeutscher Akteure im Afghanistan-Krieg', in *Emotionen und internationale Beziehungen im Kalten Krieg*, eds. Hélène Miard-Delacroix and Andreas Wirsching (Munich: De Gruyter Oldenbourg, 2020): 323-38.

⁴⁹See Note by AA, 23 June 1986, Subject: Visit of BAK representatives to Staatsminister (State Secretary, henceforth: StM) Möllemann, 19 June 1986, PA/AA, B45-ZA/146210, 1-3; Protocol of BAK general meeting, 27 June 1987, AGG, Fonds A: Gabriele Gottwald, vol. 6, folio 58-60.

⁵⁰Ibid.

⁵¹See Nunan, *Humanitarian invasion*, 224.

rapidly.⁵² At the same time the city became a hot spot for Islamists from Arab countries who joined the Afghan ‘jihad’ as mercenaries.⁵³ Faced with the growing fragmentation and the sheer number of aid organisations – some more reputable than others – that were competing for donations, state donors such as the West German Foreign Office were afraid of losing track of grant applications, areas of responsibility and cash flows, and consequently switched to giving their budgets primarily to global players such as the UNHCR.⁵⁴ Its task, in this growing ‘humanitarian market’, was to coordinate cooperation with the NGOs and to delegate to other aid organisations those functions – such as illegal deployments in Afghanistan – that it could not take on for legal or political reasons.

The West German-Afghan NGOs therefore operated in a complex network of cooperation and competition with other aid organisations. They balanced on a fine line between seemingly ‘neutral’ humanitarian aid for civilians in need and political support for Islamist fighters. While some of the VAF members were themselves close to Islamist ideas, the BAK was more sceptical of radical groups, but exposed itself to the accusation of being instrumentalised by Washington because it accepted funds from USAID. What the two NGOs had in common and what distinguished them from many other aid organisations was the personal and institutional proximity they had both to the Afghan refugee community and to West German politics. They tried to exploit this strategic advantage by getting involved in political debates that broke out in the 1980s on a global level. For the VAF in particular, the OBS and its Secretary General, Beitz, proved to be an important key figure. The same people who had been actively involved in relief work in the Afghan-Pakistani borderlands were now functioning as politicians, experts and practitioners to develop strategies for a world without refugees.

Practices of humanitarian interventionism and global politics

Ever since the humanitarian crisis surrounding the ‘Boat People’ from Indochina, which had led to hundreds of thousands of refugees being taken in by many Western states at the end of the 1970s, the topic of refugees and humanitarian aid was firmly on the international political agenda. Faced with escalating numbers of refugees, most notably from the countries of the Global South, the UNHCR made increasingly urgent appeals to the international community to tackle the ‘world refugee problem’.⁵⁵ With its limited financial, staffing and logistical resources, the UNHCR claimed it was no longer in a position to provide proper aid to refugees and fulfil its humanitarian mandate.⁵⁶

⁵²On criticism of Muslim aid organisations to financing terror through humanitarian aid, see Jérôme Bellion-Jourdan, ‘Helping the “Brothers”. The medic, the militant, and the fighter’ in *The Charitable Crescent: Politics of Aid in the Muslim World*, ed. idem and Jonathan Benthall (London: I.B. Tauris, 2009), 69–84; Abdel-Rahman Ghandour, *Jihad humanitaire: Enquête sur les ONG islamiques* (Paris: Flammarion, 2002); Robert Lacey and Jonathan Benthall, eds., *Gulf Charities and Islamic Philanthropy in the “Age of Terror” and beyond* (Berlin: Gerlach, 2014).

⁵³See Nunan, *Humanitarian invasion*, 224–5; Nasreen Ghufuran, ‘The Taliban and the Civil War Entanglement in Afghanistan’, *Asian Survey* 41, no. 3 (2001): 462–87; Homayun Sidky, ‘War, Changing Patterns of Warfare, State Collapse, and Transnational Violence in Afghanistan: 1978–2001’, *Modern Asian Studies*, no. 4 (2007): 849–88.

⁵⁴See Note by AA, 6 August 1987, Subject: German Afghanistan Foundation (Deutsche Afghanistan-Stiftung e.V., DAS), PAAA, B45-ZA/146210; Note by AA, 4 November 1987, Subject: 14th session of German Bundestag Budget Committee (Haushaltsausschuss), 5 November 1987, PAAA, B45-ZA/146269.

⁵⁵Letter by AA to BM Genscher, 2 September 1980, Subject: German Initiative on the refugee problem at 35th UN General Assembly, PA/AA, B30-ZA/127885.

⁵⁶Letter by Head of Planning Staff (AA) to BM Genscher, 16 June 1980, PA/AA, B30-ZA/127885.

Within a matter of months at the start of the new decade, several new initiatives were submitted to the United Nations which looked beyond immediate emergency aid and promoted long-term proposals for the management of refugees and instruments of control. Independently of each other, and to some extent in competition with each other, the several actors presented their draft proposals in New York in 1980. Both focused their attention not primarily on the overstretched host states, but on the countries of origin, and called for an analysis of the root causes of refugee movements.

A first initiative came from West Germany. At the end of 1980 Foreign Minister Genscher submitted a draft resolution to the UN General Assembly. Under the title 'International Co-operation to avert new flows of refugees', it was driven by security policy concerns in a world conceived as a system of nation-states.⁵⁷ From this perspective, the current international political order appeared seriously threatened by cross-border refugee flows. This process of border crossings, in so far as it took place on a very large scale, was seen not only as a risk to the stability of the host states, but also as a threat to international security and world peace in general.⁵⁸ The best example of this was once again the war in Afghanistan, in which the nation-state as such appeared to lose authority, while cross-border ethnic, religious and ideological affiliations became increasingly important. The West German initiative argued the need for a comprehensive analysis of the root causes of refugee movements across the world, in order then to develop strategies for averting them and thereby contribute to the stability of international relations.

To that end, UN Secretary-General Waldheim commissioned a multinational 'group of governmental experts' to develop appropriate proposals for preventive measures. The main focus was on 'large-scale' and 'forced' refugee situations, resulting from state violence against civilian populations or wars between states.⁵⁹ The states 'primarily responsible' for the creation of refugee flows – meaning essentially the socialist countries of the Eastern Bloc and 'Third World' states – should be kept from forming a united front and rejecting the proposal as a whole. For that reason the group of experts was asked to defer any analysis of past and present refugee situations, and to concentrate instead on examining the prospects for *future* international cooperation.⁶⁰ Vice versa, this strategy attracted intense criticism from those states – and Pakistan in particular – that were currently harbouring large numbers of refugees and had been hoping that the West German initiative would put real pressure on the countries of origin.⁶¹

The West German Foreign Office diplomats who worked on the UN initiative were faced with a serious challenge, as the ministry itself had no expertise in global refugee issues. Also, at that time, in West Germany there existed no research institutes specialised in refugee studies. For that reason, the Foreign Office consulted international law scholars who in many cases had their own experiences of life as refugees in the immediate

⁵⁷Letter by Dept. 2 (AA) to BM Genscher, 2 September 1980, Subject: German initiative on the refugee problem at 35th UN General Assembly, PA/AA, B30-ZA/127885. See also Resolution 'International Cooperation to avert new flows of refugees', 11 December 1980, UN-GA, A/35/124 (1980).

⁵⁸See Hans-Dietrich Genscher, 'Internationale Zusammenarbeit zur Vermeidung neuer Flüchtlingsströme', *Zeitschrift für Ausländerrecht und Ausländerpolitik*, vol. 4 (1982): 161.

⁵⁹Letter by Dept. 2 (AA) to BM Genscher, 20 March, 1984, Subject: Our initiative on refugees at the UN, here: Status and follow-up of our initiative, PAAA, B30-ZA/134881, annex 2, 13-4.

⁶⁰Dept. 2 (AA) to BM Genscher, 2 September 1980, 5.

⁶¹Letter by Permanent Representative to UN, New York, to AA, 3 May 1983, Subject: Initiative on refugees at the UN, PA/AA, B30-ZA/127959.

aftermath of the Second World War. Most of these jurists had close ties with the BdV, the German section of the Association for the Study of the World Refugee Problem (AWR) or the OBS.⁶² Their biographical background made them the most credible experts from the ministry's point of view.⁶³ Therefore, the same actors who organised humanitarian aid for Afghan refugees now became advisers on international politics. Among their number was the influential international law scholar Otto Kimminich, one of the leading experts on refugee, asylum and minority rights since the 1960s.⁶⁴ Born in the eastern Sudetenland, he himself had also a background as an expellee. In the 1980s he served as chairman of the BdV's advisory council and president of the OBS; and collaborated closely with Wolfgang Beitz.

The latter also opened doors at the West German Foreign Office. He, as well as Foreign Minister Genscher came originally from the East German town Halle an der Saale and both had left the GDR to go to the West. Therefore, Beitz had excellent and close personal contacts to the minister. In 1981 Beitz promoted the idea of setting up a research project designed to give 'academic backing' to the West German UN initiative.⁶⁵ This 'research team of independent legal experts', financed by the Foreign Office, would be under the control of the OBS, and specifically Otto Kimminich, and would collaborate closely with the Permanent Mission of the Federal Republic of Germany in New York.⁶⁶ Any problems arising, according to the Embassy, could be sorted out by Beitz through confidential discussions in the strategic interests of the Federal Government, in order to get the German initiative over the line at the UN.

While West Germany, advised by international law experts from the BdV, was developing strategies to solve the 'world refugee problem' through intergovernmental cooperation, the Canadian government simultaneously presented a different concept. Ottawa was convinced that human rights abuses were one of the most common causes of mass refugee movements worldwide. For this reason Canada chose the UN Commission on Human Rights as the forum for tabling its draft resolution of March 1980 on 'Human Rights and Mass Exodus'.⁶⁷ UN Secretary-General Kurt Waldheim appointed Sadrudin Aga Khan, the former UN High Commissioner for Refugees, as Special Rapporteur, and commissioned him to undertake a study examining the connections between human rights abuses and 'mass refugee movements'.⁶⁸ Drawing on statistical data supplied by the UNHCR, the report was essentially a series of case studies on current refugee situations, in which between 1970 and 1980 hundreds of thousands of people had left their

⁶²See Letter by Georg Klemt (AWR) to AA (Giesder), 19 December 1983, PA/AA, B30-ZA/127960.

⁶³See Letter by Head of Foreign Office Planning Staff, Niels Hansen, to BM Genscher, 22 August 1980, Subject: Speech at the 35th UN General Assembly, PAAA, B30-ZA/127885.

⁶⁴On the ambivalent role of Kimminich as a *völkisch* thinker on the one hand and an advocate of human rights on the other, see Lora Wildenthal, *The Language of Human Rights in West Germany*, (Philadelphia: University of Pennsylvania Press, 2013); On using the language of human rights by the German expellee lobby, see Petri Ahonen, *After the Expulsion: West Germany and Eastern Europe 1945–1990* (Oxford: Oxford University Press, 2003); Samuel Salzborn, *Die Ethnisierung der Politik: Theorie und Geschichte des Volksgruppenrechts in Europa* (Frankfurt: Campus 2005).

⁶⁵Note by AA, 30 April 1982, Subject: Our initiative on refugees at the UN, PA/AA, B30-ZA/127961.

⁶⁶Letter by Wolfgang G. Beitz (OBS) to German Ambassador Günther van Well (Permanent Representative to UN, New York), 6 May 1982, PAAA, B30-ZA/127961, annex, 3; See also Letter by Permanent Representative to UN, New York, to AA, 30 April 1982, Subject: Our initiative on refugees, here: Project of Otto-Benecke-Stiftung, PA/AA, B30-ZA/127961.

⁶⁷Resolution 30 (XXXVI) of the United Nations Commission on Human Rights, 11 March, 1980, Official Records of the Economic and Social Council, 1980, Supplement No. 3 (E/1980/13 and Corr.1), chap. XXVI, sect. A, 191-3, and Resolution 'Mass Exodus' of the UN General Assembly, December 15, 1980, UN-GA, A/RES/35/196 (1980).

⁶⁸See also Luise Drüke, *Preventive Action for Refugees Producing Situations* (Frankfurt/Main: Peter Lang Verlag, 1990), 49–52.

homeland and received international aid.⁶⁹ Alongside brief surveys of 22 countries affected by ‘mass refugee movements’, it was primarily the four extended case studies on Afghanistan, Ethiopia, Southeast Asia and Latin America that proved politically controversial.⁷⁰ To the irritation of several governments, including the West German government, the report published in 1981 went far beyond its original remit.⁷¹ It identified a number of key push factors for large-scale migration movements in the ‘Third World’, including population growth, continuing food insecurity and malnutrition, environmental pollution, wars of independence in formerly colonised countries and the associated, often violent, nation-building processes, as well as the persistent economic dependence of the South on the wealthy industrial nations of the North.⁷²

But Sadruddin Aga Khan – who was born in Iran and grew up in Switzerland – went one step further and found a strong ally in the Jordanian Crown Prince Hassan Ibn Talal. Both men saw themselves as bridge between the Western and Islamic-Arab worlds and wanted to initiate fundamental reforms of the international refugee law and the asylum practices. For that reason, Hassan Ibn Talal picked up the issue and in his speech before the UN General Assembly in the autumn of 1981 called for the establishment of a commission tasked with drawing up this ‘New International Humanitarian Order’.⁷³ The fundamental problem here lay in the tension between the rights of nation-states on the one hand and the rights of the individual on the other. These conflicting claims, it was argued, must be resolved in favour of the individual and mankind as a whole.⁷⁴ As a result, in 1983 the Independent Commission on International Humanitarian Issues (ICHI) had been set up. Academics, human rights activists and representatives of various humanitarian aid organisations acted as advisers to the Commission, whose members included high-profile figures from the political world, business, academia and international institutions.⁷⁵ Aga Khan and Ibn Talal were appointed as co-Chairmen. At the heart of the Commission’s final report, entitled ‘Winning the Human Race?’ and accepted by the UN General Assembly in the autumn of 1987,⁷⁶ was the concept of ‘human solidarity’.⁷⁷ Mankind would henceforth be the focus of action undertaken worldwide in a spirit of solidarity, action which would need to go beyond short-term emergency relief. As well as proposals for institutional reform, there were calls to establish a ‘right of humanitarian assistance’.⁷⁸

⁶⁹Study on Human Rights and Mass Exodus, 31 December 1981, Commission on Human Rights, E/CN.4/1503-EN, §§15-16.

⁷⁰Note by AA, 4 November 1981, Subject: Our initiative on refugees at the UN, here: Meeting with Khan, PAAA, B30-ZA/127960, 1.

⁷¹Sadruddin Aga Khan, ‘Question of the violation of Human Rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories. Study on Human Rights and Mass Exodus’, 31 December 1981, Commission on Human Rights, E/CN.4/1503-EN.

⁷²Khan, ‘Study on Human Rights and Mass Exodus’, 35–8.

⁷³See Khan, ‘Study on Human Rights and Mass Exodus’, 62; Speech by His Royal Highness Crown Prince Hassan Ibn Talal of the Hashemite Kingdom of Jordan, at the 36th Session of the United Nations General Assembly, 28 September, 1981, UN-GA, A/36/PV.15, §91-131, and Letter from the Permanent Representative of Jordan to the United Nations, Hazem Nuseibeh, to UN General Secretary Kurt Waldheim, 28 October, 1981, Subject: New International Humanitarian Order, UN-GA, A/36/245.

⁷⁴See *ibid.*, annex: Explanatory Memorandum, 1.

⁷⁵An overview of ICHI members and experts can be found in: *Winning the Human Race? The Report of the Independent on International Humanitarian Issues* (London: Zed Books, 1988), Annex III, 212–20.

⁷⁶UN General Assembly, 7 December 1987, Resolution 42/120: New International Humanitarian Order, UN-GA, A/RES/42/120 (1987).

⁷⁷*Winning the Human Race?*, Chapter 1, 3–13.

⁷⁸See also Davey, *The Language of ingérence*, 55.

This demand revisited the earlier debate about the relationship between humanitarian engagement and fundamental principles of international law such as non-interference in the internal affairs of other states, which had been going on in France especially since the 1970s.⁷⁹ One of the most prominent voices in the debate was that of Bernard Kouchner, one of the founders of the *sans-frontiérisme* movement. With the work of MSF and MdM he had explicitly rejected the stance of neutrality and impartiality adopted by the ICRC. Instead, he called for the interference of humanitarians to assist civilians in distress, if necessary against the wishes of the political and military warring parties and across national borders.

The French medical organisations had been practising this duty of interference (*devoir d'ingérence*) in Afghanistan since 1980.⁸⁰ Other West European NGOs such as SCA, BAK and VAF soon followed their example. As was demonstrated above, by the mid-1980s it was generally accepted practice among donor states and international aid organisations, not least in Afghanistan, for private NGOs to deliver humanitarian aid 'illegally' across national borders, and into rebel-held territory.⁸¹ All these aid organisations shared painful experiences in the field: their personnel were exposed to mortal danger through their work in war zones, and because they were operating in a legal grey area they had no claim on legal or diplomatic protection. From their point of view, what was needed was a concept that made it possible to provide help to the victims and at the same time offered protection to the NGO's staff.

Thus, the same actors who provided humanitarian relief in Afghanistan under difficult legal and physical conditions were engaged to promote political reforms in the framework of the United Nations. What did this mean for the history of humanitarian interventionism? The demands of the ICIHI gave Kouchner and his supporters the opportunity to take forward at the global level a debate that had hitherto been confined largely to the French, and to promote the concept of a right of interference (*droit d'ingérence*), derived from the assumed moral duty of interference, which was to be formally enshrined in the Universal Declaration of Human Rights.⁸² It is not the sovereignty and territorial integrity of nation states that should come first in emergency situations, but the individual's right to life and humanitarian care. In December of 1988, Kouchner, now Secretary of State for Humanitarian Affairs in the French government, was able to secure the adoption of UN Resolution 43/131 on 'Humanitarian Assistance to victims of natural disasters and similar emergency situations'.⁸³ Even if it was not possible to enforce a right to humanitarian assistance or the concept of a humanitarian protection zone, the decisive role of NGOs for rapid and effective coordination in the event of a crisis was recognised. Furthermore, the resolution established for the first time the duty of states to grant access to humanitarian organisations for the purpose of helping people in emergencies.⁸⁴

⁷⁹Davey, *Idealism Beyond Borders*; Idem, 'The Language of ingérence. Interventionist Debates in France, 1970s-1990s', in *Human Rights and Humanitarian Intervention*, eds. Frei, Stahl and Weinke, 46-63; Tim Allen and David Styan, 'A Right to interfere? Bernard Kouchner and the New Humanitarianism', *Journal of International Development*, no. 12 (2000), 825-42.

⁸⁰See Davey, *Idealism Beyond Borders*, 207-12; Allen and Styan, 'A Right to interfere?', 830-1.

⁸¹Ibid.

⁸²Allen and Styan, 'A Right to interfere?', 834-5; Davey, *The Language of ingérence*, 53.

⁸³UN General Assembly, 8 December 1988, Resolution 43/131: Humanitarian Assistance to Victims of Natural Disasters and Similar Emergency Situations, UN-GA, A/RES/43/131 (1988).

⁸⁴Davey, *Idealism Beyond Borders*, 54, 248.

Meanwhile, the West German Foreign Office continued to reject the report of the ICJHI, arguing that they seemed only to be ‘treating the symptom’ with their focus on humanitarian issues.⁸⁵ The idea of prevention, on the other hand, which lay at the heart of the West German proposal, largely confined itself in the 1986 report of the group of governmental experts to an appeal to respect the existing principles and international legal standards within the framework of the United Nations, and to desist from any actions that could contribute to the creation of new flows of refugees.⁸⁶ ‘In the first instance’, according to the report, it was the responsibility of the states that were directly affected to deal with this ‘problem’.⁸⁷ The ‘principle of non-intervention in the internal affairs of sovereign states’ was also repeatedly emphasised.⁸⁸ The crucial point of reference for the West German position remained Afghanistan. The report, accepted by UN General Assembly, allowed the Soviet Union to go on criticising the work of Western aid organisations and their donors, and in particular their collaboration with the mujaheddin. At the same time the Western actors – including, but not confined to, those with close links to BdV, OBS and HELP – continued to condemn Moscow’s illegal invasion and cited atrocities committed by Soviet troops to justify their collaboration with the mujaheddin as a legitimate ‘struggle for freedom’.⁸⁹

It was certainly disappointing for the supporters of the BdV that the focus on prevention issues in the final resolution meant that there was no longer addressed a ‘right of refugees to return to their homes in their homeland’ – a phrase that had been included in the original West German draft. The international law experts from the BdV, who advised the Federal Government on refugee policy issues, still had a strong interest in ensuring that (German) expellees were not denied their right to return. The 1986 resolution, however, only mentioned that ‘States should, wherever new massive flows of refugees occur, respect the existing generally recognised norms and principles of international law governing the rights and obligations of States and refugees directly concerned, including those pertaining to the rights of refugees to be facilitated in returning voluntarily and safely to their homes in their homelands [...]’.⁹⁰ But even if this soft wording was chosen as the result of a diplomatic compromise, it was to prove important that the issue of refugee return was still addressed.

This was also true for another aspect of the resolution which was little noted at the time: the entanglement between the refugee problem, the idea of prevention and international security.⁹¹ Not only were major transnational refugee movements characterised as a threat to peace and security worldwide, as conceived in the original Foreign Office draft. But the United Nations were given a clear job to do: ‘The main organs of the United Nations are urged to make fuller use of their respective competences under the Charter

⁸⁵Telegram of the Permanent Representative at the UN, New York, to AA, 14 May 1981, Subject: Continuing our initiative on refugees at the 36th Session of the GA, PA/AA, B30-ZA/127960- On the quote see Letter by Unit 231 (AA) to Dept. 2 (AA), 28 July 1980, Subject: 35th UN-GA, here ‘Preventive refugee policy’, PA/AA, B30-ZA/127885, 2.

⁸⁶UN-GA, 3 December 1986, Resolution A/RES/41/70: International Co-operation to Avert New Flows of Refugees, <https://digitallibrary.un.org/record/124409> accessed 26 October 2021.

⁸⁷UN General Assembly, International Co-operation to Avert New Flows of Refugees: Note by the Secretary-General, 13 May 1986, A/41/324, § 63, <https://www.refworld.org/docid/3ae68bee4.html> accessed 26 October 2022.

⁸⁸Ibid., § 10.

⁸⁹See also Bresselau von Bressendorf, ‘Von Flüchtlingen und Freiheitskämpfern’.

⁹⁰UN General Assembly, International Co-operation to Avert New Flows of Refugees: Note by the Secretary-General, 13 May 1986, A/41/324, § 66 (f).

⁹¹Ibid., § 64.

for the prevention of new massive flows of refugees, with a view to considering at the earliest possible stage situations and problems which could give rise to massive flows of refugees'.⁹² With the explicit call for the main organs of the UN to play a bigger role in preventing new refugee movements on a massive scale, the UN Security Council was also being implicitly addressed.⁹³

This was to produce practical results quicker than anyone expected: for while Afghanistan temporarily disappeared off the media radar with the end of the Cold War, the humanitarian situation in Iraq was becoming more and more critical. After the second Gulf War in 1991, Saddam Hussein brutally suppressed an uprising by the Kurds, thereby triggering a mass exodus of refugees fleeing to neighbouring countries and seeking refuge in the mountain areas of northern Iraq.⁹⁴ This created exactly the situation that politicians and expert committees had been dealing with since 1980 – a large-scale refugee and humanitarian emergency situation inside and outside the country of origin, caused by the ruling regime. Now, the antagonistic approaches on how to deal with this challenge that had been discussed in previous years merged in an unexpected manner, when the UN Security Council broke new ground with its Resolution 688.⁹⁵ This called for the establishment of a 'safe haven' in northern Iraq, where humanitarian aid organisations would be given access to bring in supplies for the Kurdish refugees.⁹⁶ The UN Security Council had explicitly addressed this humanitarian emergency as a threat to world peace, placing the protection of the individual above the principle of non-intervention in internal affairs. Although an explicit mandate for the use of force by a coalition of international armed forces was not included in the resolution, US president George H. W. Bush approved of the 'Operation Provide Comfort' on 16 April 1991. Under massive pressure by his European partners and with reference to UN resolution 688, there were declared 'safe havens' and no-fly-zones in northern Iraq to protect Kurdish refugees and provide them with humanitarian aid. US, British and French troops were deployed to secure the protection zones.⁹⁷

Thus, competing ideas were taken up that had been controversially discussed in the 1980s. On the one hand, the demand for the individual's right to humanitarian aid, based on human rights principles and the duty to intervene in the internal affairs of states in life-threatening emergency situations, pushed forward by the ICIHI and humanitarian

⁹²Ibid., § 68.

⁹³Christiane Ahlborn, *The Development of International Refugee Protection through the Practice of the UN Security Council* (Geneva: Graduate Institute Publications, 2011), chapter 1.2.1, §13.

⁹⁴On the history of the war itself, see William Thomas Allison, *The Gulf War, 1990-91*, (Basingstoke: Palgrave Macmillan, 2012); Paul W. Westermeyer, *Liberating Kuwait: U.S. marines in the Gulf War, 1990-1991*, (Quantico, VA: History Division, United States Marine Corps, 2014).

⁹⁵UN Security Council, Security Council resolution 688 (1991) [Iraq], 5 April 1991, S/RES/688 (1991), <https://www.refworld.org/docid/3b00f1598.html> accessed 26 October 2022.

⁹⁶See Nicholas J. Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2003), 139–71; Alexa Stiller, 'The Genesis of the Human Rights-Based International Criminal Justice System. The Hidden Significance of the First Iraq War' in *Embattled visions. Human rights since 1990*, eds. by Jan Eckel and Daniel Stahl (Göttingen: Wallsten Verlag, 2022), 123–40.

⁹⁷See Noty by AA, 17 April 1991, Subject: EC Foreign Ministers' meeting with US Foreign Minister Baker, in: *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland 1991*, eds. Andreas Wirsching, Stefan Kreuzberger and Hélène Miard-Delacroix (Berlin/Boston: DeGruyter Oldenbourg, 2022), Doc. 131: 520–23, footnote 6; Telegramme no. 704 by French UN Permanent Representative, New York, to Foreign Ministry, Paris, Subject: Visit of B. Kouchner in London, in: Archives Nationales, Paris, Fonds G/19920422/6; On the 'Operation Provide Comfort' see also Remarks on Assistance for Iraqi Refugees and a News Conference, in: *Public Papers of the Presidents of the United States, George Bush 1991: Book I: January 1 to June 30* (Washington D.C., 1991): 378–85.

activists like Kouchner. On the other hand, the idea of preventing ‘massive flows of refugees’ through intergovernmental cooperation to secure world peace as one of the priority tasks of the United Nations. As a result, in 1991, there were established so-called ‘safe havens’ and no-fly-zones in northern Iraq.

Furthermore, the long-term goal was not only to provide immediate emergency relief to the Kurdish refugees, but also to enable them to return to their homeland. Especially the West German government referred to this aspect in UN Security Council debate on April 5, 1991.⁹⁸ The implementation of these humanitarian ‘safe havens’ was ensured by the very actors who had been providing humanitarian aid in Afghanistan for years and who had campaigned on the political level for new concepts in this field. Sadruddin Aga Khan was appointed by the UN Secretary-General as special representative for humanitarian assistance in Iraq and acted as a communicative hinge between the United Nations, Saddam Hussein and the aid organisations; Bernard Kouchner took a leading role in setting up the refugee camps and distributing of relief supplies; Hassan Ibn Talal organised the humanitarian care of those who had fled to Jordan, his country of origin; and the West German government became one of the largest donors to the Kurdish refugee camps.

Conclusion

As the Afghan case study shows, the history of refugee movements, humanitarianism and international politics are highly intertwined. Three dimensions of these multi-level entanglements can be highlighted. First, the importance of ideologies and power political rivalries for the practices of humanitarian aid has been made clear. This means first and foremost the central role played by the Cold War. It constituted the overarching global framework, which not only influenced national government policy, but also shaped to some extent the thinking and conduct of aid organisations. This manifested itself in the strong anti-Soviet rhetoric of many NGOs, especially in West Germany – language that was not confined to the text of public fundraising appeals but rather appeared in internal documents. At the same time, these aid organisations responded very differently to US offers of financial support. While the Bonner Afghanistan Komitee, for example, saw this as a successful outcome of their internationalisation strategy, Médecins Sans Frontières declined to accept US funding for fear it would be politically exploited by Washington.

Furthermore, in their work on the ground the aid organisations had to contend with another political movement that created a classic ‘humanitarian dilemma’ for them: political ‘Islamism’ in its specific Afghan form. This constituted the ideological basis of the deeply divided and highly militarised Afghan resistance, the mujaheddin, which found fertile ground for recruitment in the Pakistani refugee camps in its ‘jihad’ against the Soviet occupation, and had significant say in the distribution of humanitarian aid in the camps. Consequently, all the NGOs operating there had to work with the mujaheddin whether they wanted to or not, and they approached this dilemma in very different ways. The staff of the UNHCR branch office in Pakistan, for example, called repeatedly on their headquarters in Geneva to abandon the mission, because a cooperation with military

⁹⁸UN Security Council, Provisional Verbatim Record of the Two Thousand Nine Hundred and Eighty-Second Meeting, 5 April 1991, S/PV.2982 (1991): 72–3.

fighters would jeopardize the UNHCR's mandate of neutrality and impartiality. Nevertheless, the UNHCR's headquarters rejected such requests. Other actors examined here, such as the German-Afghan Verein für Afghanische Flüchtlingshilfe, were quite happy to work together with the resistance groups, and even displayed a certain degree of sympathy with the Islamist world view. This was willingly accepted by the West German Foreign Office, one of the major providers of funding for VAF.

Second, the Afghan case study underlines the crucial significance of transnational actors and practices in the humanitarian field. In the Afghan-Pakistani borderlands, Pashtun tribal affiliations and kinship networks on both sides of the interstate border had survived intact for centuries. As a result of targeted 'Islamisation' and militarisation in the Pakistani refugee camps, these tribal bonds of loyalty became bound up with religious and political concepts of order, identity and dependency. Over the years this led to the emergence of a 'refugee warrior community', which made it almost impossible to distinguish clearly between civilians and resistance fighters. This both made it difficult for the aid organisations to stick to their principle of neutrality, and exposed them to serious risk, since the camps were targeted with increasing frequency by Soviet air strikes. The war was spilling over into other countries, spreading across national borders. The work of the West German, French and Swedish NGOs we have been examining were similarly transnational – starting from their base in Peshawar in Pakistan, they became engaged in Afghanistan itself with the help of the mujaheddin. They were operating without diplomatic protection in a legal grey zone; their personnel became the victims of kidnappings and rapes or died in air strikes. Nevertheless, by the mid-1980s it was generally accepted practice in the eyes of the international community for private aid organisations to operate across national borders and deliver humanitarian aid 'illegally' in areas controlled by resistance groups.

This intricate pattern of transgressing borders by refugees, resistance fighters and aid organisations points to a third aspect: the undermining of the nation-state, which was based on the principle of territorial sovereignty. The conflicting claims of humanitarian practice and international law also shaped political debate at the global level. At the beginning of the 1980s, faced with the rapid rise in refugee numbers worldwide, state actors and civil society organisations had submitted a series of initiatives at the United Nations. On the one hand, strategies for tackling the root causes of refugee movements in the countries of origin in the Global South were put forward under the leadership of the West German Foreign Office. Focusing on the implications for security policy, the 1986 resolution entitled 'International Co-operation to Avert New Flows of Refugees' prepared the ground for classifying transnational refugee movements as a threat to world peace and involving the UN Security Council in the prevention of humanitarian emergencies.

An alternative draft had been initiated by the Canadian government and led to the foundation of the Independent Commission on International Humanitarian Issues. Backed by the former UN High Commissioner for Refugees, Sadruddin Aga Khan and the Jordanian Crown Prince Hassan Ibn Talal, it approached the issue from the perspective of human rights, with the ambitious aim of creating a right of humanitarian assistance and a 'New International Humanitarian Order'. Representatives of the *sans-frontiérisme* movement, most notably MSF founder Bernard Kouchner, took up the cause. He campaigned for greater protection for

humanitarian NGOs in war zones, and for a 'right of humanitarian interference' to be enshrined in international law, and to be enforced if necessary, against the will of the state in question.

Therefore, these competing concepts were developed in the 1980s by actors who brought their personal and institutional experience from the Afghan war into the debate. The end of the Cold War finally created the necessary window of opportunity for a concerted action of the international community that opened new ground in 1991. Just as the world was searching for a 'post-Cold War Order', the idea of non-state, non-violent interventionism to protect human lives on the one hand and the claim for the prevention of 'mass exodus' to safe world peace on the other resulted in a military 'humanitarian interventionism' that became unintendedly a hallmark of international politics in the 1990s.