Human Cargo

Caroline Moorehead

Chapter 1

The Homeless and the Rightless
Displacement is like death. One thinks it happens only to other people.
Mourid Barghouti
When Henri Dunant arrived home from the battle of Solferino in June 1859, full of disgust and pity at the treatment of wounded soldiers, Geneva was a small, pious, scholarly city, where people lived modestly and regarded themselves as enlightened conservatives. In the narrow streets of the fine old town, up and down the Grand Rue where the rich, established families lived, they had long felt pride not only in the number and variety of their philanthropic endeavours, but also in the welcome they extended to the people they called ‘aliens’, the foreigners and political refugees such as Voltaire and Jean-Jacques Rousseau who had come to settle along the shores of their lake, and whom they regarded as assets, not liabilities.
For all their instinctive misgivings about Dunant’s impetuousness and touches of vanity, the Genevois quickly perceived that there was much lustre to be gained for their city in his impassioned pleas for humane action in the conduct of war. Soon, committees were meeting to draft articles on the laws of war, on the care of wounded soldiers, and on injuries caused by particular kinds of weapons. They were not the first proposals dealing with the regulation of warfare, but they were more ambitious than most that had gone before, and the timing was right. By 1864, the Red Cross movement was born, and the first Geneva Convention had been drafted and presented for signature to the nations of the world. The Genevois took immense pleasure in their new initiative, though by now Dunant himself was an outcast, victim of a foolish financial speculation and consigned to obscurity until unexpectedly awarded the first Nobel Peace Prize as an old man over forty years later.
Geneva’s credentials for the new humanitarian movement were excellent. Switzerland was a neutral country strategically placed at the heart of Europe, its absolute neutrality sanctioned by the Treaty of Westphalia in 1648 and again by the Treaty of Vienna in 1815, since when it had welcomed a steady flow of people at times of European unrest. It was prosperous and it was pacifist. Not surprising, then, that in 1920, when millions of people were made stateless by the dismantling of the Ottoman and Austro-Hungarian empires and the collapse of Tsarist Russia, it was to Geneva that the world looked for the creation of an organisation to care for those fleeing chaos, famine and persecution. By then the League of Nations had been set up in the Palais des Nations, not far from the lake. For the International Committee of the Red Cross, just up the road, deeply involved in refugee matters and enjoying considerable international prestige as a result of its work during World War I, it was an obvious step to put pressure on the new League to care for refugees.
In 1921, the League persuaded the Norwegian explorer Fridjof Nansen – he was sixty and would have preferred to pursue his scientific interests – to take the job of negotiating the repatriation of some 500,000 Russian prisoners of war; the following year, he was appointed first High Commissioner for Refugees. Nansen received little

Copyright © 2004 Caroline Moorehead
Published by Chatto & Windus

funding, but he possessed a great deal of passion and energy. He persuaded governments to recognise travel documents for stateless Russians – the Nansen passport – and then turned his attention to the problem of the hundreds of thousands of Bulgarians, Romanians, Magyars and Armenians, survivors of the Turkish massacres, now wandering Europe and constantly turned away at borders. ‘Once they had left their homeland,’ wrote Hannah Arendt in the 1950s, ‘they remained homeless; once they had left their state, they became stateless; once they had been deprived of their rights, they became rightless, the scum of the earth.’

Nansen worked extremely hard all through the 1920s. By his death in 1930 he had almost single-handedly helped a large number of people and established a principle of moral responsibility for the displaced, but the organisation had as yet very little bite and could do little to help the Jews, who by the early 1930s were already looking for safety from Nazi rule and finding the doors of Western states closed against them. In 1933, the League of Nations set up a High Commissioner for Refugees from Germany, but so anxious was it not to offend the German government, still at this point a member of the League, that it agreed to regard the matter solely as an internal affair and to confine its attentions to emigration and travel documents, with no questions asked about the conditions and causes for flight. An outspoken early commissioner, James G. McDonald, resigned in despair in 1936. Two years later, the Germans left the League, but even so the Western governments remained reluctant to offend them. When it came to human lives, McDonald said bitterly but without effect, ‘considerations of diplomatic correctness must yield to those of common humanity’.

The economic depression that spread across North America and Europe in the 1930s did much to set back the refugee cause. National interests, governments argued, would be best served by imposing tough limits on immigration. One by one, ever more restrictive laws, aimed at keeping out all but carefully selected groups, were passed. It was only after considerable pressure from Jewish associations that President Roosevelt agreed, in 1938, to call an international conference at Evian to discuss ways to resettle the Jews now trying to escape Austria and Germany. Evian is a shameful milestone in the history of refugee affairs. It was there that delegates from most of the major Western powers rose, one after the other, to talk about their own national levels of unemployment and to argue that the movement of so many Jewish refugees could only be ‘disturbing to the general economy’. Evian offered no lifeline to the Jews of Europe. All it achieved was the creation of a feeble intergovernmental committee on refugees. It was unable either to persuade Germany to allow their Jewish citizens to emigrate with money or possessions, or to convince Great Britain not to curtail the immigration of Jews into Palestine. Germany, encouraged by the world’s evident indifference to the suffering of the Jews as well as the other unwanted members of its population, stepped up its own punishments and restrictions. Nansen’s dream, of a world that took responsibility for the fate of those who fell victim to human-rights abuses and were forced to flee their homes, lay in ruins.

By early 1945, there were over 40 million people drifting about Europe, stateless, displaced, lost. There were Germans trying to go home; there were survivors of the concentration camps; there were those whose countries and homes had been swallowed up, as borders had been redrawn and territory had changed hands. Many of these people, Russians and Czechs, Poles and Hungarians, Ukrainians and Romanians, gathered in Germany, a country in which almost everything – houses, roads, railway lines, water supplies, industry and agriculture – had collapsed.

Copyright © 2004 Caroline Moorehead

The Western powers had been preparing for this moment. As early as November 1943, meetings had been held by the Allies to discuss what relief measures would be necessary when the Axis countries were at last defeated. Mindful of their lack of generosity in the pre-war years and appalled by the stories now emerging from the occupied countries of German atrocities, forty-four states agreed to donate large sums of money to assist and return home those who had been displaced by war. Between the autumn of 1943 and the summer of 1947, a UN Relief and Rehabilitation Administration, employing at its peak over 27,000 people, spent $3.6 billion, the bulk of it given by the United States. One of UNRRA's many tasks, debated at some length at both the Yalta and the Potsdam conferences, was how to repatriate as quickly and as efficiently as possible all those wanting to return home at the end of hostilities. Unlike its predecessors, UNRRA proved effective. In the first five months of peace, three-quarters of the displaced went home.

However, it soon became apparent that not everyone actually wanted to go home, particularly as news began reaching the West that Stalin was sending many of those who returned straight to the gulags. By 1946 repatriation had all but stopped, and a million people were still in Europe's refugee camps.

It was in New York and Washington, rather than in Geneva, that the next step in the refugee story took place. At the heart of the post-war sessions debating the new United Nations, and among those drafting the Universal Declaration of Human Rights, the talk was all about the rights of people, their right to flee from oppression, to express their own views, to practise their own faiths, and to choose for themselves where they wanted to live. Refugees, lacking protection, became people of international concern and protection. And it was no longer simply a matter of groups of people, fleeing and being assisted together, but of individuals with their own cases, their own choices and fears and anxieties. According to Article 14 of the Universal Declaration, every individual was to have the 'right to seek and to enjoy in other countries asylum from persecution'.

UNRRA had been established to deal with repatriations. As its chief funder, America now decided to wind up its activities. In the face of bitter opposition from the Eastern bloc, which continued to call on its former citizens to come home, the US voted to create a new body, the International Refugee Organisation. The IRO's mandate was subtly different: to 'resettle' people uprooted by war. The Soviets refused to join, accusing the West of turning the camps into centres of anti-communist propaganda and using them to recruit the forced labour they needed to rebuild their shattered countries. But an important step had been taken. Under IRO's mandate fell a vital new element, the protection not merely of groups but of individuals with valid objections to being repatriated. During the four and a half years of its existence, barely 50,000 people returned to their former homes in central or eastern Europe.

The question now was what to do with those who remained in the camps. The fit and healthy were soon recruited by the very labour schemes so condemned by the Russians. In return for volunteering to build roads, or to work in the mines, industry or agriculture in the West, refugees could apply for citizenship in the countries that offered them work. No one, however, wanted the sick or the elderly, and as the Cold War dragged on, so 400,000 cases lingered on in the camps. Before finally winding up its operations – which, at $428.5 million had proved expensive – IRO officials warned that what once had seemed a temporary phenomenon would in time turn out to be a very permanent one.

Copyright © 2004 Caroline Moorehead

It was now 1950. The US, having spent many millions of dollars on refugees in Europe, decided that the problem was no longer theirs to deal with, particularly as they were now helping European countries directly through the Marshall Plan, which would in turn, they argued, benefit the refugees. What neither they nor it seems anyone else envisaged was a world in which refugees would keep on coming, as the IRO had warned. War, famine, violence and poverty would send people fleeing across borders, and as fighting broke out in Korea and the Palestinian territories and starvation spread across China, so it became plain that yet another measure would be needed to counter these new flows of displaced people. In the United Nations, talks began about the setting up of a new body, an Office of the UN High Commissioner for Refugees (UNHCR), and a new convention that would spell out their rights. Louis Henkin was a young lawyer at the State Department, interested in international law, when he was invited by his boss, Dean Rusk, to sit with the US team negotiating the 1951 convention. With him were delegates from twenty-six countries. Professor Henkin, a courteous, upright man now in his late eighties, is the only member of the committee still alive. What he remembers are the many hours devoted to the meaning of the word 'refugee', and a general, ill-defined feeling that the topic did not have great significance for the modern world. There was much talk about whether there should be a 'right' to asylum, or only the right to 'seek' it. The all-important Article 33, about *non-refoulement* – not sending refugees back to countries where they faced persecution – was only pushed through by the French, who reminded the others of the fate of the Jews trying to flee the Nazis during World War II. Eastern Europe declined to attend the sessions, saying that the refugees left in the camps in Europe were all traitors, and the US argued strongly that the new organisation's mandate should be one of protection only, without assistance or relief, and that its budget should be limited. The meetings, Professor Henkin recalls, which took place in Washington and on the shores of Lake Geneva, were on the whole goodtempered, but not without argument, for the British (who at the time had very few refugees) wanted host states to bear responsibility for the refugees on their territory, while the French (who had many refugees) wanted other countries to share the burden. Germany, Austria and Italy, all overwhelmed by the large numbers of refugees still living in camps, had no voice at the table.

The document that emerged in a surprisingly short space of time – little more than six weeks – was a simple reflection of the immediate post-war world. The terms it came up with remain in use to this day. The definition of a refugee, according to Article 1 of the Convention, revolved around the idea of persecution, 'a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion'. The words 'asylum-seeker' would apply to those seeking refugee status. The persecutors, it was tacitly agreed, were the totalitarian communist regimes, and the refugees were therefore, by definition, 'good'. 'Bad' refugees lay well into the future. In the 1950s, 'good' refugees were seen to be useful pawns in Cold War diplomacy. Migrants, it was spelled out, were people who could go home: refugees were those who could not. That there would soon be people fleeing in great number from poverty, generalised violence, or lives without bearable futures, was not foreseen. The 'durable solutions' to the lives of refugees, which UNHCR undertook to explore, included resettlement in another country, integration nearby, or repatriation – but only if the refugee so wished it. In 2004, the Refugee Convention, together with its 1967 Protocol which extended its scope beyond Europe to take in the rest of the world, remains the most important international document on refugee protection. It is,

Copyright © 2004 Caroline Moorehead

for example, the foundation of EU policy towards refugees, and ratification is a condition of European Union membership.
In 1951, however, it reflected the concerns of the day. The decision was taken not to include the 458,000 exiled Palestinians who, for political reasons, were to be assisted by the United Nations Works and Rehabilitation Administration, with the result that there would be no international organisation to protect them. And there was much discussion about whether UNHCR should concern itself with anyone but European refugees. Those 'internally displaced' people – later called IDPs – who had not crossed an international border in their flight were eventually excluded. Sovereignty was not challenged. While the new agency could assist or at least protect refugees once they had fled over a border, it was not invited to concern itself with the reasons they had left home in the first place. UNHCR, opening its doors for business in Geneva, not far from the Palais des Nations and in the company of a growing number of agencies and international organisations now clustering together in Switzerland, was given a very small budget, an emergency fund to be used only in dire necessity, a few rooms and a handful of staff.
In 2001, UNHCR celebrated its fiftieth birthday. No international organisation, argues Gil Loescher, author of a comprehensive and authoritative evaluation of its achievements, has ever had such an inauspicious beginning, nor been born of such inherent paradoxes. Apolitical, it acts as chief advocate for the refugee cause. Forbidden to challenge governments over their internal affairs, it has a mandate to protect those that governments persecute. The world it looked out on in 1951 was divided, deeply respectful of the sovereign right of states, and little interested either in refugees or in their futures. The United States, from the beginning, was so suspicious of entrusting responsibility to a United Nations body that it immediately set up an International Office for Migration to ensure that its influence remained strong in the world of displacement and the movement of people. What UNHCR had not been given was power; the question was: how far could it get with persuasion?
The first High Commissioner for Refugees was Gerrit Jan van Heuven Goodhart, a shrewd, modest and eloquent man who had spent the war in the Dutch resistance and who liked to remind people that he had been a refugee himself. The US, who had wanted an American commissioner, showed their irritation by marginalising the agency while he remained in office. The original International Refugee Organisation were also annoyed by having their position usurped. Goodhart further alienated some of the donors by his determination to include relief in his mandate, and he had considerable trouble raising the necessary funds until bailed out by the Ford Foundation. Goodhart died suddenly in 1956 of a heart attack, but even his critics reluctantly admitted that he had managed to make much of the Western world aware that they owed a measure of responsibility to refugees.
The next few years were crucial. The second High Commissioner, Auguste Lindt, was a Swiss diplomat, popular with the Americans and a personal friend of Dag Hammarskjold, the second Secretary General of the UN who was killed in a plane crash while seeking peace in the Congo. Lindt and his successor, another Swiss diplomat called Felix Schnyder, negotiating their way delicately through the minefields of the Hungarian revolution and the Algerian war of independence, cleverly turned UNHCR into the genuine focal point of the refugee world, while shifting its concerns away from Europe and towards Africa, where one country after another was battling with the turmoils of ex-colonial rule. It was not quite enough for the nascent African states, however, who complained that UNHCR's tight definition

Copyright © 2004 Caroline Moorehead

of a refugee failed to reflect the conditions on their continent. In 1964, the Organisation of African Unity appointed a commission which in time drew up its own refugee convention with a more generous interpretation of the word ‘refugee’, to take in not only those fearful of individual persecution, but all who were driven to flee their homes because of war and civil conflict. Wars, violence and ethnic fighting would all now enter the refugee debate, to be reaffirmed – though not by Western nations – when in 1984 ten Central American states signed the Cartegena Declaration on Refugees.

The fourth High Commissioner of UNHCR was a man with excellent contacts in the developing world. Suave and gregarious, Prince Sadruddin Aga Khan had once shared a room with Edward Kennedy at Harvard, where he attended lectures by Henry Kissinger. He spoke perfect French and English. He had not long stepped down, after ten generally wellregarded years, yielding his place to the former Danish Prime Minister Paul Hartling, a clergyman with progressive views, when the flight of people from Vietnam, Laos and Cambodia, which had begun in 1975, intensified sharply. Under Hartling, who ruled more democratically than the somewhat cliquish Aga Khan, more than two million refugees, the boat people of Indo-China, were resettled in the West. It was under Hartling too that there was a global surge in refugee numbers. Vast camps were set up in Africa and Asia, later to prove hard to dismantle. ‘Refugee warriors’, operating from camps across borders, became players in regional struggles for power. During the 1980s, refugee numbers rose from 10 to 17 million; contributions from reluctant donors failed to keep up with the needs of those who fled.

But something else was also happening. As more and more refugees, driven by violence and human-rights violations, left their homes in the developing world, so they began to travel further afield, arriving in ever greater numbers in European countries to claim asylum. Until now, requests for asylum had been few and confined to dissident scientists and ballet dancers whose defections from the Eastern Bloc made headlines in national newspapers. With political upheavals across Africa, Asia and the Middle East came a surge of arrivals, by plane, lorry and boat, people who bypassed normal channels, often with the help of newcomers on the refugee scene, the traffickers and smugglers of illegal travellers. They came from Ethiopia, and what was then Rhodesia, from Sri Lanka, Iran, Iraq and then Somalia. In 1976, 20,000 people asked for asylum in Western Europe; by 1981 the figure had reached 158,500. By now, UNHCR was having to struggle to keep its position as main arbiter over asylum policy.

Right through the 1970s and early 1980s, European bureaucracy had coped well with immigration. Faced by this sudden surge of unexpected arrivals, however, the system crumbled. Waiting times for decisions became longer, and appeals banked up. There were growing doubts about the nature of the asylum claims, and questions about the extent to which the newcomers were valid refugees under the 1951 Convention. The idea of the ‘bad’ refugee took shape, that of a person not so much in flight from persecution as actively in search of work and a better life, using the asylum route as his way into Europe. The words ‘economic migrant’ entered the jargon of refugee affairs. While UNHCR in Geneva kept urging European governments to be generous, arguing that even if some of the claimants were not strictly speaking Convention refugees there was still too much danger at home for them to risk returning, states responded by drafting ever tighter restrictions. By the mid-1980s, most European countries, agreeing that the best way to stem the flow was to prevent people arriving

Copyright © 2004 Caroline Moorehead

in the first place, were drawing up measures to deter them. Soon, with the advent of the European Union, an outer European perimeter was defined, a larger fortress barricaded against newcomers. Financial support was withdrawn from asylum-seekers who were deemed not to meet the criteria; detentions and deportations began. When UNHCR complained, Western governments paid no attention and concentrated on their own refugee policies. No one listened when Hartling pleaded that those who sought asylum should be seen as victims, not abusers.

By the late 1980s, UNHCR had reached a low point, excluded from many of the worldwide refugee debates. In any case, faced by the political upheavals and natural disasters of the day, the donors wanted relief operations, and they were prepared to pay for them, particularly when the relief kept vast numbers of refugees from arriving at their doors. Under the next High Commissioner, Jean-Pierre Hocké, they went some way to get them. Hocké had been head of operations for the International Committee of the Red Cross in 1967 at the time of Biafra and knew all about the logistics of relief. He was decisive, even authoritarian, and he wanted to see an end to the long-term camps that had by now become such a permanent aspect of the refugee world. These camps, said Hocké, with considerable reason but ahead of his time, crushed ‘human dignity’ and reduced the ‘human capacity for hope and regeneration’; what the West should be doing was not keeping them afloat, but attacking the root causes of the exoduses. Hocké also longed to revise the 1951 Convention, to bring its definition of a refugee into line with that of the Organisation for African Unity, in order to take in all those affected by the wars and civil conflicts now endemic in much of the world. But Hocké was too dictatorial, and his style of leadership offended many. In any case, Cold War politics continued to dominate the regional conflicts of Africa and Asia. Shortly into his second term, in 1989, he resigned after a bruising scandal over his expenses. Few were sad to see him go.

And as it happened, Hocké’s departure coincided with another event that transformed the refugee world. With the collapse of the Berlin wall, the very nature of the refugee question altered again. Gone were all the old Cold War certainties about the ‘good’ refugees fleeing communism. In their place came a decade of unprecedented violence, ethnic conflict, ecological disaster and spreading poverty. The 1990s saw war in Iraq and Chechnya, ethnic cleansing in the Balkans, genocide in Rwanda, the collapse of Sierra Leone and Liberia, the disintegration of Somalia, the transformation of the Great Lakes of Africa into an area of barbarity and anarchy, and the targeting of civilians, and later aid workers. In Rwanda, almost all girls past puberty were raped – and many were then murdered. Of twenty-seven major conflicts in 1992, only two were actually between states. By now, around 90 per cent of the casualties of war were civilians.

Hocké’s successor, Thorvald Stoltenberg, a Norwegian former minister of defence, stayed in office just a year. He was replaced by a small, determined, elderly Japanese professor of international relations called Sadako Ogata, the first woman and the first Asian to hold the post. Japan was recognised as an important funder and Ogata’s American education and academic background were seen as useful. She was also hard-working, politically astute and keen to avoid confrontations, arguing that over such prickly matters as asylum policy it was better to be tactful than morally superior. ‘The real problem,’ she announced, ‘is saving lives. We can’t protect dead people.’ Faced with the killings in Rwanda, Somalia and the Balkans, watching refugees flowing in rivers across borders or trapped in desolate areas of no man’s land, hungry, desperate and confused, Ogata turned to relief operations. Relief, she announced, was

Copyright © 2004 Caroline Moorehead

protection. Bosnia in 1992 transformed UNHCR into the world's largest emergency relief agency, at its peak delivering food, tents and medicines to over a million and a half 'waraffected' people – almost the entire population, along with returnees, the internally displaced and refugees. Repatriation, long considered a sensitive subject, became another of Ogata's goals. During her time in office tens of thousands of people went home to Ethiopia, Eritrea, Angola, Cambodia, Mozambique and Namibia.

Building on Hocké's logistical skills, Ogata changed the agency into a more broadly based humanitarian organisation, helping not only the traditional Convention refugees, who had been able to cross borders, but the internally displaced, who had remained within their own countries. Donors liked Ogata. They preferred to give money to relief, rather than being forced to address the root causes of the emergencies that drove people into becoming refugees, or to consider too closely the ethics of their increasingly restrictive asylum policies. The media liked her too. They welcomed her open manner and her obvious desire to attract their attention. Within the UN, UNHCR became the most admired of all the agencies, and, at the height of the Yugoslav refugee crisis, the one with the biggest budget.

And Ogata's interests, as it happened, matched the mood of the times. In 1992, the Secretary General of the UN, Boutros Boutros-Ghali, announced that the 'time of absolute and exclusive sovereignty' was over, and that intervention against repressive regimes was a necessary component of international politics. For the first time, collective interventionist policies were seen to be legitimate to prevent refugee flows. For Ogata, intervention, which she welcomed, would take the form of preventative diplomacy and human-rights concerns, all designed to make it easier for the victims of war not to have to flee their homes. But it was not always easy. Faced with the moral choice of whether – in effect – to collaborate in ethnic cleansing by helping people to leave their own countries, or to abandon the defenceless to die, Ogata acted decisively. She would help people survive, whatever the implications. She would even work with the military if she had to, especially after aid workers began themselves to be targeted. As she had said, she could do nothing for the dead. But nor could she always do much for the living. Rwanda proved a bitter failure for many UN agencies, UNHCR among them. Neither were the *genocidaires* halted as they killed, nor were the camps housing survivors later prevented from being militarised. The question faced by Ogata and her colleagues was painful: to what extent does relief make things worse by prolonging conflict?

Not everyone was sad to see Ogata leave. People had liked her personally and found her style of leadership friendly. But she had stayed a little long. By the end of the 1990s the mood was again changing. Protection for refugees was felt to have suffered during her tenure, when so much emphasis had gone on relief. In Kosovo, which saw the largest mass refugee movement in Europe since World War II, UNHCR was accused of having been poorly prepared and acting too slowly. For its part, the organisation felt itself to have been sidelined by states and forced to stand by while basic standards were violated and competing parties followed their own agendas. Donors moved away, preferring to invest funds in bilateral agreements or non-governmental organisations. UNHCR was not the only agency to suffer, but between 1992 and 1997 its budget dropped by 21 per cent. The principal loser, as ever, was Africa, where by 1999 UNHCR was spending just one-tenth of what it spent in the Balkans. And by now Africa, with 12 per cent of the world's population, had nearly half of its displaced people.

Copyright © 2004 Caroline Moorehead

Copyright © 2004 Caroline Moorehead
Published by Chatto & Windus