

# **As it happened:**

## **Eight accounts of experiences with UNHCR**

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# Introduction

While going through my parents' papers, I found bundles of my letters. In 2015, I sorted these into chronological order and used some in writing accounts for my family of experiences before I joined UNHCR. Also for the family, I then began an account of how I came to join UNHCR and of my first assignment. As I gathered material and read the relevant letters home, I realized that such accounts might be of interest to a wider audience, both UNHCR staff past and present and perhaps academics and researchers.

By early 2017 I had prepared six such accounts – the first six chapters of this document - and agreed with UNHCR that they would be available online in the UNHCR Archives. After the events covered in chapter 6, I was assigned to Islamabad and in 2021 I prepared an account that assignment (chapter 7) as seen through my letters home. In 2023, I prepared an account of UNHCR's part in the 1997 UN reform (chapter 8).

I am most grateful to the staff of the UNHCR Records and Archives Section for all their assistance.

With the exception of chapters 5 and 8, these accounts cover experiences where UNHCR had a role in events that were a focus of wider international attention than just the dimension of immediate concern to UNHCR. A brief description of each account is given below.

Except when providing background and in the descriptions of what happened subsequently, I have limited the accounts to what was known at the time, drawing on the contemporary record and my letters, which set out how I felt and saw events as they unfolded. These accounts will, I hope, also convey a sense of the privilege it was to be personally involved.

Reflecting on the views of others in commentary, articles and books about events in which I had some direct involvement, I have noted, first, that judgements were sometimes overly influenced by hindsight. Courses of action (or inaction) were judged in light of later developments that could not reasonably have been foreseen, rather than the options available and the context at the time. Within UNHCR, the reasoning for decisions or actions that were difficult or contested was generally recorded. Those that appeared obvious at the time - if not always with hindsight - have left less of a paper-trail.

Second, the ability of UNHCR to influence events and achieve its objectives was sometimes over-estimated. For NGOs and human rights advocates, this may have reflected a misunderstanding of the reality of the balance of power. For governments, that reality was understood but to imply otherwise could serve their political purpose. This was particularly the case where UNHCR's action

was in a sense substituting for political action by states to address the underlying problems.<sup>1</sup>

Whatever the significance of these two observations, UNHCR's and my own actions are of course open to criticism. I hope that these accounts will give the reader a feel for the context and motivation of our actions.

### *The eight accounts*

1. *The 1973-4 Sub-Continent Repatriation Operation* moved almost a quarter of a million people between what had recently become Bangladesh and what was now Pakistan, no longer West Pakistan. The account describes this nine-month-long operation and the highly political context in which it was undertaken. The account starts with an explanation of how I came to join UNHCR.

2. *Cyprus 1974-5 and 1977-8* covers UNHCR's involvement in Cyprus, which began after the partition of the island following a coup and the Turkish military invasion. As in the Sub-Continent operation, I began in the field before returning to headquarters. I then spent three months in the summer of 1975 in the UNHCR liaison office in New York, helping handle UNHCR's involvement with the over 130,000 Indochinese, the great majority Vietnamese, evacuated by the US after the fall of Saigon. This mission is covered briefly in this account, which picks up the Cyprus story again on my return to the operation after two years based in Bangkok.

3. *Namibia missions 1978-9 and 1989* describes UNHCR's participation in the first three UN missions planning for Namibia's transition to independence. Between the first, in August 1978, and second, in January 1979, I was on mission to open UNHCR's office in Hong Kong, and then involved in the preparations for inter-governmental consultations on the problem of the "boat people", held in Geneva in December 1978. The account covers this interlude briefly. The third Namibia mission was in January-February 1979, to brief the Presidents of the front-line states on the plans for Namibia's independence. The account then outlines developments leading to the start of the transition in April 1989, and describes a related mission that I undertook to New York in May 1989.

4. *Southern Rhodesia 1979-80* is an account of UNHCR's role in the implementation of the Lancaster House agreement that brought Zimbabwe's independence in April 1980, and of that transition. I was the chief of mission in Southern Rhodesia until shortly after the independence elections. UNHCR's

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<sup>1</sup> See, for example, Chapter 6, "Humanitarian Intervention in the Balkans", my contribution to Jennifer M. Welsh, ed., *Humanitarian Intervention and International Relations* (OUP 2004), and Chapter 16, "The Balkans: the limits of humanitarian action", my contribution to Larry Minear and Hazel Smith, eds, *Humanitarian diplomacy: practitioners and their craft* (UNU Press 2007).

involvement began in December 1979, but the account begins with my first involvement, in 1965.

5. *UNHCR in crisis 1989-90* is an account of arguably the most serious crisis faced by UNHCR as an organization. It was an institutional, not a refugee, crisis, though it affected refugees. In little over 12 months, and as a major shortfall in resources threatened vital assistance, two High Commissioners resigned; UNHCR spent over two months effectively under administration by UN New York; and for over six months a Temporary Working Group established by the Executive Committee examined - and often challenged - almost every aspect of UNHCR's work.

6. *The aftermath of the 1991 Gulf war* covers UNHCR's involvement in the displacements that followed the war. This was one of the largest, most complex and fastest-evolving challenges UNHCR had faced, and a significant part of the account is devoted to its nature and evolution. After describing a self-contained mission to Saudi Arabia and Kuwait in April 1991, the account covers the following eleven weeks, when I was on mission in Iraq, Turkey and Iran.

7. *Afghan refugees in 1991-3: a personal view* covers a period of political change in Afghanistan, as seen from Pakistan where I was assigned after the events described in chapter 6. The sources are limited to letters and it is a far from complete account.

8. *UNHCR and the 1997 UN reforms* is a chronological account of how a major expansion of UNHCR's responsibilities was envisaged only to be abandoned at a very late stage, despite the High Commissioner having been assured at the highest level that it would take place. Unlike the crisis described in chapter 5, the impact of these events was limited to UNHCR's senior management and - like that crisis - was soon largely forgotten.

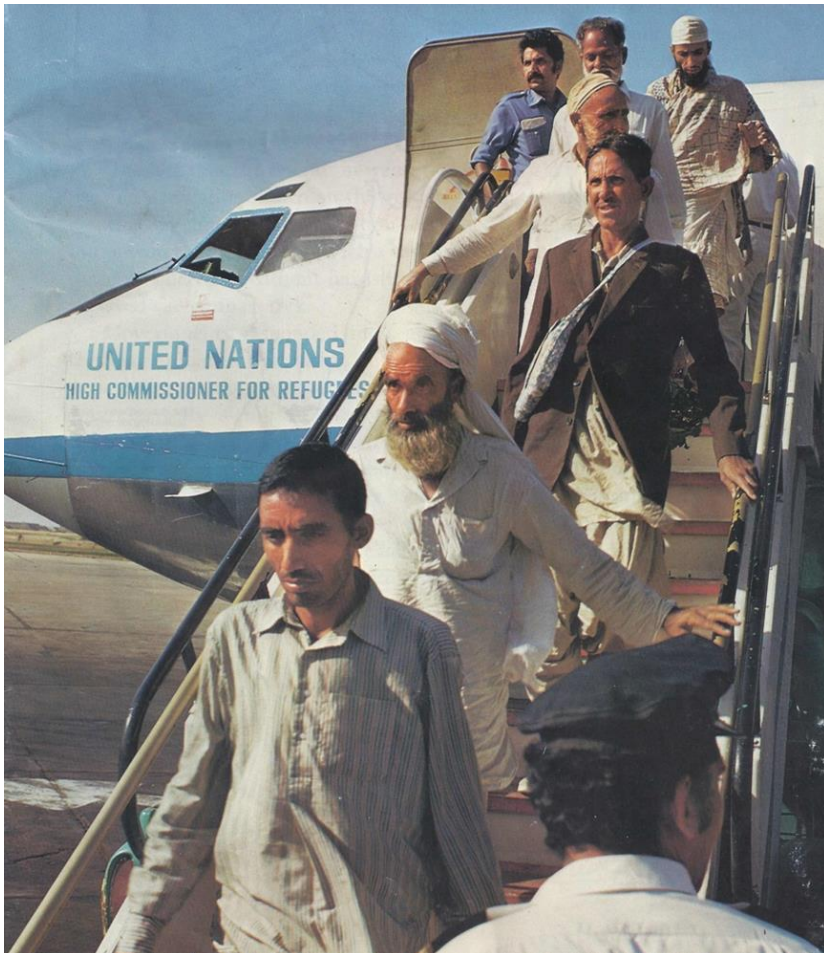
## **Sources**

The sources for these accounts include letters written to my parents and my wife at the time, papers and documents that I still have, and a fallible memory. From the start of my career with UNHCR, I recorded meetings in a series of notebooks and I have all but one of these (how I lost one is explained in chapter 6). I have used these, though I found that some abbreviations and initials therein that were self-evident at the time are so no longer. The sources for chapter 8 are explained in its introduction.

Unless otherwise attributed, text that is inset is a direct quotation; where it is in italics, it is from letters to my family; and quotations within paragraphs are from my notebooks.

# 1. The Sub-Continent Repatriation Operation 1973-4

This is an account of a remarkable UNHCR operation as seen from within it. It is a personal and in parts anecdotal view, set in the wider context. While there is a wealth of information available online, including reminiscences of aircrew involved in the operation, what follows is largely limited to my own sources. The account begins with an explanation of how I came to be fortunate enough to join UNHCR, and to start that career with this unique experience.



*The front cover of the UNHCR report on the operation*



## *A second career*

From an early age I was drawn to water and boats. I can't remember sailing from Australia to South Africa during the Second World War, on route to meet my father, who was in the Sudan, for the first time, but I have vague memories of a rough voyage across the Mediterranean just after the war in a vessel designed for calmer waters. I also remember my first craft, a plank that floated with me on it during the weekly irrigation from the Nile of our garden in Khartoum. The fascination continued through summer holidays spent in Scotland, at Elie on the Firth of Forth, where Jock Keir, a retired British India Line captain, taught me to sail. I asked my parents to send me to the Nautical College, Pangbourne, and from there I joined the Royal Navy and served as a naval officer for 14 years.

I loved my time at sea in the Navy, but after some years I started to think about a change. Several factors prompted this but perhaps the key one was that, from September 1967, I had spent a year at Durham University studying Arabic, followed by six months at the UK Foreign Office's Middle East Centre for Arab Studies in Lebanon. The Navy had asked for volunteers for this interpreters' course and I - but apparently few others - had applied. I was keenly interested in the Arab world, but this wasn't in any way a normal career path for a junior officer. Reluctantly, the Navy allowed me to do the Arabic course before specializing in navigation and then going back to sea. Those 18 months opened my horizons. In 1970, while navigating a frigate in the training squadron for young naval officers, I submitted my resignation. It was accepted, though I had to serve three years' notice.

My hope was that I would find work in the developing world that could use some of my naval experience. A possible field was disaster relief. A devastating cyclone had struck East Pakistan in November 1970, leaving millions homeless. The situation was exacerbated by the train of events that led to the violent creation of Bangladesh at the end of 1971. The UN had launched a massive relief operation in East Pakistan, and this operation, which continued for several years, was much in the news. The same year, the UN Office of the Disaster Relief Coordinator (UNDRO) was established to coordinate response to natural disasters. In the months before and after I left the Navy at the start of May 1973, I wrote to many organizations and visited some, including the World Bank in Washington and the UK headquarters of some of the key UK NGOs active overseas. From the latter I had nothing more concrete than "we're interested, but don't call us - we'll call you if anything comes up". I went to see the Director of the UN Information Service in London, George Ivan Smith, who had joined the UN in 1947, had worked closely with the first three Secretaries-General, including as Hammarskjöld's press officer, and had been directly involved in many important moments of the UN's first

decades. He was most helpful and wrote on my behalf to the World Bank, Sir Robert Jackson, head of the UN relief operation in what was now Bangladesh, and UNDRO. Nothing came of these, but meeting him left a lasting impression.

In July 1973, I sought the advice of Antony Acland, a family friend who was a senior British diplomat (our parents had been in the Sudan together and his father was my godfather). He asked if I had heard of the Office of the UN High Commissioner for Refugees and I confessed that I had not. He had got to know UNHCR while at the UK Permanent Mission in Geneva, and explained that the organization was shifting from a non-operational role to more engagement in the field, as for example currently in south Sudan, where UNHCR was playing an important role in the implementation of the 1972 Addis Ababa accord. Antony knew Warren Pinegar, the UNHCR Representative in London: would I like an introduction? If I was interested after meeting Warren, Antony kindly offered to write the High Commissioner, Prince Sadruddin Aga Khan, on my behalf.

Over several meetings and lunches, I got to know Warren. He had transferred to UNHCR from its immediate predecessor, the International Refugee Organization. He was a delightful man who could not have been more helpful. He cautioned that whenever possible the High Commissioner wished to make his own assessment of potential recruits. Only after joining UNHCR did I learn that after a disagreement with the High Commissioner, Warren had been 'exiled' to London as a last post before retirement. There, his exemplary handling of UNHCR's role and relations with the UK government in 1972, when the Ugandan Asians were expelled at short notice by President Idi Amin, had fully rehabilitated him with the High Commissioner. I was fortunate to be able to work for Warren in New York in the summer of 1975, when UNHCR had asked him to come out of retirement to help handle UNHCR's actions for the Vietnamese evacuated to the USA after the fall of Saigon, and in particular the delicate issue of those who wished to repatriate.<sup>2</sup>

Warren felt that a recently begun UNHCR operation in the Indian sub-continent would be one where my naval experience might be relevant, and he received a cautiously positive reaction from UNHCR Headquarters. As the weeks passed, Warren kept reassuring me that it was more 'when' than 'if'. The High Commissioner had been in London briefly in September and had mentioned to Warren that Antony had written to him on my behalf. I learned much later that, for the High Commissioner, outside intervention for any candidate, whatever the source, was generally counter-productive.

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<sup>2</sup> That experience is covered in the next account in this series.

The High Commissioner was coming to London again in October and Warren would see if he would be prepared to meet me. I had a fortnight's notice of the meeting and spent much of it trying to learn something about refugees and UNHCR.

*I spent an hour at Claridge's on Friday [19 October 1973] with the High Commissioner and Warren Pinegar, which was followed by an excellent lunch with Warren. Prince S is only 40 and I liked him a lot. A man definitely born to power. Initially, while very friendly and sympathetic, he didn't sound very optimistic about anything except perhaps a short-term contract. But it was clear that the main stumbling block was that he thought I was British [and UNHCR already had too many British nationals]. When I explained that I was Australian he seemed rather more hopeful.*

My abiding memory of that meeting is that instead of being quizzed about my suitability as a person "devoted to the purposes of the Office of the High Commissioner", the only criterion for appointment set out in the UNHCR Statute, we spoke about Arab seafaring. Sadruddin was an experienced and very competent sailor, and knowledgeable about that subject, on which and I had done some research during my Arabic course and where my experience as a navigator was relevant.

I heard nothing for two weeks after the meeting, though Warren said the High Commissioner had been positive, and I knew that the High Commissioner was visiting the Indian sub-continent and not returning to Geneva until late November. Then things began to move quickly, and on 19 November I left for Geneva on route for Pakistan, armed with much good advice from Warren including on where to seek it once in Geneva. I had been offered a short-term contract with UNHCR's Sub-Continent Repatriation Operation. Only three-and-a-half weeks was assured, but Warren told me not to worry as that would be extended in Geneva.

### ***The background***

The conflict that led to the creation of Bangladesh had created huge problems within Bangladesh and left hundreds of thousands in what had become the wrong place: Bengalis in Pakistan and non-Bengalis in Bangladesh.<sup>3</sup> In March 1973, the two governments had asked UN Secretary-General Waldheim for assistance in their repatriation, and the Secretary-General had asked UNHCR to undertake this move. There were many political constraints, but in July a first group of Bengali sailors and students were flown from Pakistan to Bangladesh. The enabler of large-scale movement was the New Delhi agreement of 28 August, concluded between India (also acting for Bangladesh, which Pakistan

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<sup>3</sup> For the role of the UN during the conflict, see Brian Urquhart's *A life in Peace and War* (Weidenfeld & Nicolson, 1987), pp. 221-224.

continued to refuse to recognise) and Pakistan. This greatly expanded the UNHCR operation. The agreement called for the simultaneous repatriation of three groups: (1) Pakistani prisoners of war and civilian internees in India, organized by India with the International Committee of the Red Cross (ICRC), and not involving UNHCR; (2) all Bengalis in Pakistan; and (3) a substantial number of non-Bengalis in Bangladesh, who were stated to have opted for repatriation to Pakistan. The third group comprised four categories: (3.1) military personnel; (3.2) civil servants (but excluding State Railway workers); (3.3) divided families; and (3.4) 25,000 "hardship cases", to be chosen once Bangladesh and Pakistan established diplomatic relations.

These movements were not just a logistical challenge, they were interlinked politically. Pakistan wanted the first group, and the first two categories (3.1 and 3.2) of the third group, back as soon as possible, had no problem in expediting the departure of the second group, but was reluctant to take significant numbers of the others who wished to move west, many of whom had never lived in Pakistan. India used its control of the pace of return of the first group as leverage to try and overcome this reluctance. The heart of the problem was – and remains to this day – the so-called Biharis. Writing in *The Guardian* (UK) on 1 February 1974, David Fairhall explained why.

There is no doubt in my own mind, after spending a week watching the relief operation at both ends, that the most important objective should be to persuade the Pakistan Government to accept as many as possible of Bangladesh's half million unwanted Biharis – a term loosely used to describe Urdu-speaking supporters of the regime that was overthrown in 1971.

Not all the 470,000 who have registered with the International Committee of the Red Cross for a place on the UN airlift to Pakistan would necessarily leave if they thought there was a reasonable prospect with the newly independent Bengali nation. The older ones among them still remember their earlier experience of being refugees, in the late 1940s, when they trekked from India's Bihar province to find sanctuary among fellow Moslems in what was then East Pakistan. But apart from religion, they had little in common with the Bengali-speaking majority, and links that were formed were torn apart in 1971, when many Biharis actively collaborated in the Pakistan Government's bloody attempts to suppress the independence movement.

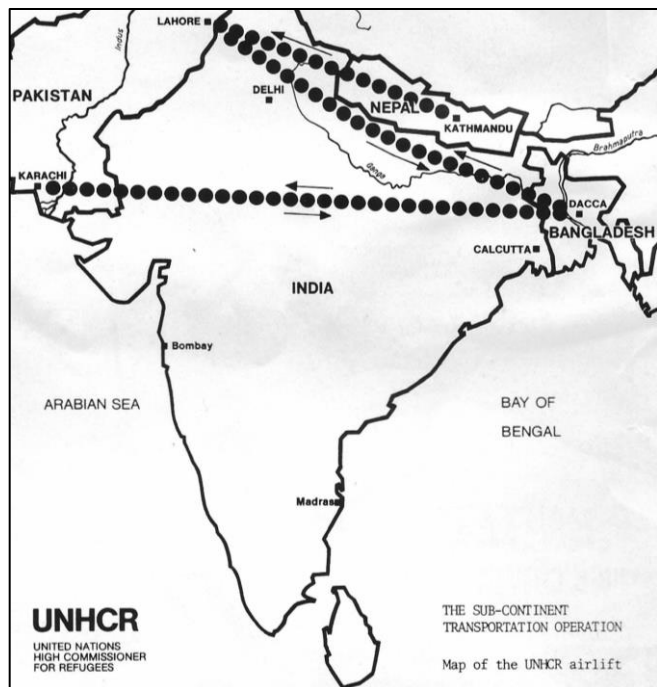
Now they are paying for that collaboration. Nearly all of them have lost their jobs, and about half have also abandoned their homes to huddle for mutual protection against Bengali revenge in ghettos that have generally become Red Cross relief camps. The Bangladesh Government accepts some responsibility for their plight. But it takes the reasonable

view that since it has agreed to accept all the 128,000 Bengalis who have registered with the ICRC for repatriation from Pakistan, the Islamabad administration should take in most if not all of the Biharis who wish to leave Bangladesh.

UNHCR was the coordinator of what was described when it ended as the largest human airlift ever organized. There were other key outside actors. In addition to its role with the first group, the ICRC drew up the lists for the other two groups, submitted them to the governments for clearance, and handled the departure processing. At UNHCR Headquarters, the Intergovernmental Committee for European Migration (ICEM, now the International Organization for Migration), arranged the aircraft charters on UNHCR's behalf. The local authorities and police were responsible for moving those cleared to transit centres, the running of the centres, and onward movement to the airport. This itself was a major undertaking for both governments. Much of the operation was funded by contributions from governments to the UNHCR appeals, but the UK provided two RAF Britannia aircraft to UNHCR as a contribution in kind, and the GDR and USSR provided planes and a ship bilaterally to Bangladesh.

### *First impressions and Karachi*

I described my first full day with UNHCR, 20 November 1973, in a letter written that evening.



*I was met [the previous afternoon] by Angelo Rasanayagam, a very nice man from Sri Lanka who is one of three dealing with the operation from this end. The others are Franzi Homann-Herimberg (in charge, an Austrian baron) and Pierre Coat, the roving coordinator and just back from the sub-continent (a most impressive Frenchman). The first 24 hours have been quite fascinating and included sitting in on Pierre's debriefing on the political problems of*

*Pakistan/Bangladesh bargaining, and a meeting with the ICRC at their hqs – the holy of holies of Switzerland said Pierre. Then some hard bargaining with a senior executive of an air charter firm, a meeting with a senior Canadian*

*diplomat who was on his way back home to recommend the amount of his country's financial involvement, and finally an internal conference on the day's developments, which by then included the withdrawal of a key aircraft. In between I have had a medical and TAB injection, signed my contract which initially runs to 31 December [but was almost immediately extended to 31 January 1974], taken out assorted insurances and met a host of extremely friendly people from the Deputy HC down. My first impression is one of deep respect for some really able people.*

The UNHCR public report that we wrote after the operation describes the situation a fortnight before my arrival in Karachi on 23 November.

At this point, with operations at a peak of 7-8 flights a day, there were still only nine UNHCR staff members in the field, four in Dacca [now Dhaka], three in Karachi, and two in Lahore. Their task was anything but bureaucratic. On the contrary, they were working around the clock trying to cope with a hundred problems at once. For instance, partly because of damage to communications across India during the 1971 events, and partly owing to the absence of diplomatic relations between Pakistan and Bangladesh, there was no radio link from one side of the sub-continent to the other. Thus there was no way for the staff in Dacca, for example, to be alerted that an incoming flight would be delayed or cancelled because of bad weather in Pakistan or mechanical difficulties.

My flight to Karachi was eight hours late and my first action was to find the head of the UNHCR office there. I knocked on his hotel room door, heard a shout of "go away", went in, and introduced myself to the figure on the bed. He raised his head: "Ah, so you're the spy from headquarters". He was

*François Cochet, Swiss, extrovert and huge with a personality even larger than his frame. With superhuman work he set this operation up, often using unorthodox methods and with no regard for even the necessary details of bureaucracy, accounting etc. A man about my age [32] of mercurial moods who resents any suggestion of interference from – or reporting to – Geneva. He regards me as interference as I had a few questions from Geneva which naturally they briefed me on rather than sent a long cable, but I have just about sorted the answers out and from now on I think we'll get on well (personally he has been very welcoming despite having cabled Geneva last Tuesday "DELAY MORRIS"). Then Pierre Von Gunten, Swiss, late 20s, ex-ICRC out here and a good foil for François: P keeps cool and calm.*

*There are 4 flights of repatriants out to Dacca one day and 3 the next and so on (2 RAF Britannia's and one Donaldson (charter company) 707). P and I share keeping a presence at the airport for all departures and arrivals but all the actual work is done by the Pak. Govt, Navy and Army. PIA [Pakistan International Airlines] do the organization of flights – from food to handling – according to our schedules. That means that I will be at the airport either 03:30 – 10:00 or*

*14:30 – 18:00 for five consec. days and then have a whole day off. Of course there will be plenty to do elsewhere and if aircraft breakdown etc, but the workload is clearly much easier than it was.*

*François stays at the Hotel Midway House, which is close to the airport. Pierre, Terry Lecky, who is a HCR secretary and arrived from Geneva three days before me to help run the office, and I are living in a house rented by François (complete with 6 assorted servants and a driver!) which is half being paid for by HCR, as our office is here, and half by us. I'm not sure that we'll stay here as it is not ideal. It's very comfortable but the cook is not good and no one but F knows on what terms everyone has been hired, and no one knows what it will cost us.*

What I described as “a few questions from Geneva” were rather more. No accounting had been received from François. All headquarters knew was that by the time of a mission of the High Commissioner some weeks before, François had exhausted the office's cash, and he had then been given USD 25,000 (I think). I had been tasked with accounting for the expenditure and doing so without provoking François too much. François did not allow the hotel staff to clean his room, and on our first encounter I had noticed that in one corner diagonally opposite his bed there was a pile of crumpled papers (and of beer cans in the other corner). The papers included receipts for some of his expenditure and, with other documents in the office and Terry's help, I was able to make significant progress, though not necessarily enough to satisfy Geneva. I spent most of my last five days in Karachi working on the accounts, which suggests that by then François was at least acquiescing with my ‘interference’. Some creative book-keeping was necessary: one receipt was annotated “Gift of bicycle to opposite number in the Cabinet Division” and others included the purchase of .22 shells for the gun François used for target practice at our house (the target being a large stuffed animal, which I remember as a tiger but hope wasn't once one). I recall that accounting for the purchase of tractor tyres during F's earlier assignment to southern Sudan remained unresolved. While I had been briefed on this too, I soon learnt it was better not to raise it. But whatever headquarters' concerns with F's accounting, there was never any suggestion that he profited personally, indeed it appeared that he had used his own funds when UNHCR's ran low.

François had been a key player in Dacca in the massive UNHCR operation in 1971-2 that assisted the millions of refugees who fled to India from East Pakistan prior to the creation of Bangladesh and returned thereafter. I was told that he and Isabelle Vichniac, *Le Monde's* long-serving and legendary Geneva correspondent, had written a book about the creation of Bangladesh, called *Sonar Bangla* (Golden Bengal) but I have never been able to confirm this. François had the confidence of the High Commissioner and this was known at

the highest levels of government: François had access to Pakistan's Prime Minister, Zulfikar Ali Bhutto.

*I spend at least an hour a day drafting long cables to New York or Geneva. The political situation and ramifications of the 3 government agreement change daily so we operate on both that and the mundane level of getting the planes away – 5 flights totalling over 550 people yesterday complicated by one returning defective with 110 on board for example, as a representative day. Pierre Coat is in the sub-continent at the moment trying to sort out a potential political impasse and the work is fascinating on that level too.*

*I go back to Geneva on 14 December for 6 weeks to take over as operation coordinator from Angelo Rasanayagam who is going on leave to Sri Lanka to get married [the airlift had already caused one postponement]. I shall be very sad to leave Karachi. Although one averages under 6 hrs sleep a night and has hardly a moment to oneself, I feel I am really getting into my stride and thoroughly enjoying a worthwhile job. ... Almost forgot – had a cable today [8 December] from the World Bank saying “We submitting your candidacy for consideration YAR [Yemeni] Government” and that letter follows. I will do nothing until I get to Geneva. I am convinced that UNHCR is the type of job I want to do, but a year with the World Bank may be a ‘good thing’ as far as UNHCR is concerned too. ... Must break now – I am on the airfield - as two of our aircraft are coming in. We now have Alia (Royal Jordanian) working for us so I am using my Arabic.*

At the airfield we had access to the aircraft and freedom of movement “air side”. For several days there was a Pan-Am 747 parked awaiting spares. I had never seen a 747 before and was able to walk underneath it.

## **Geneva**

On the Karachi-Beirut leg of the PIA flight back to Geneva I found myself sitting by three members of the UK Parliament, and was able to thank them on behalf of UNHCR for the services of the RAF (“*which made me feel childishly pleased*”). I briefed Franzi Homann-Herimberg on the evening of my arrival (Saturday 15 December). Pierre Coat had arrived in Karachi a day before I left, and I had a long paper from him for headquarters, and much to do once in the office (and two books on Pakistan to read that François had kindly given me as I left). Angelo Rasanayagam spent two afternoons briefing me before he left for Sri Lanka on 20 December. He very kindly lent me his flat while he was away.

With a very sharp intellect and a near photographic memory, Franzi HH was a demanding boss and it was not easy for him to adjust to someone new to the system. Any expression of appreciation had to be well earned. I was to work closely with him again on a number of occasions, including as his special assistant when he was Director of the Division of Administration. Even when I was not working directly for him, I could count on his support in difficult



situations. Looking back, it seems out of character for him to have gone on leave from 21 December to 3 January leaving me effectively in charge of the operation, but he did.

*No sooner had HH gone than there was a major development: Indians should repatriate Pakistani POWs to the border by train but had a rail strike and suddenly asked our man in N Delhi if our planes could pick them up, as they sometimes had empty seats flying west from Bangladesh. Indians then leaked approach to the press so headlines in all three countries, and agonized cables from our men on the spot as that would be outside HC's mandate. Train strike over now [27 December], Indians sorry for bouncing us etc, but much long-distance phoning (New York etc), cabling and midnight oil before the dust settled. I spent a good deal of the weekend [22/23 Dec] in the office/cable unit. Quite fascinating and the next crisis will seem less dramatic. All complicated by not being able to move around the Palais des Nations without meeting some of the thousand press or even Kissinger, Gromyko or Eban and their parties. [A conference seeking a solution to the Arab-Israeli conflict was held there on 21 and 22 December 1973 under the auspices of the UN, with the US and USSR as co-chairs.]*

Once the peace conference was adjourned, over the holiday period there appeared to be no one in the Palais des Nations except for me, Christa Christiansen, and those on watch at the UN cable unit. Christa was a senior UNHCR secretary who had been asked to help me while our unit's secretary was on leave (the director Christa worked for being also on leave). She was of course very competent and could not have been kinder. On 26 December I gave her a mountain of work, including 20 odd cables I had sent over the holiday, which all had to be typed on duplicating paper for distribution (luckily, the UN cable unit, often staffed by ex-servicemen like me, would accept my hand-written cables for transmission). At 13:00 Christa came into my office and said that as I had been working over Christmas, I should come home with her for a family lunch, which was delicious.

There were no more dramas before Franzi HH returned, and by the end of the first week of January I was starting to get my bearings.

*I'm beginning to see more of and get more involved in the various standpoints and factions in the office, in particular over the POWs (though now over). It is easy to see the problems among, say, External Affairs, who have to raise the USD 14 million needed for our operation and would have to justify expenditure on something else like POWs, the political viewpoint (involvement at any cost), and the straightforward operational constraints I deal in. And on 2 January I suddenly had to produce a complete budget for the whole operation, both past and predicted, which the Deputy High Commissioner and Director of External Affairs then used to explain a point (in millions of USD) to a donor country.*

In Karachi on the eve of my departure, Pierre Coat had said how fortunate I was to be given this opportunity. As time passed, quite how fortunate became still more apparent. The Sub-Continent Special Unit comprised just four people: Franzi HH, Pierre Coat (who was often on mission in the sub-continent), Rita Kitto, a very nice and competent young English secretary, and me. UNHCR occupied the ninth and half the eighth floor of the modern extension to the Palais (designed by Sir Basil Spence), and Rita and I shared an office that looked out over the lake and towards Mont Blanc. Franzi HH reported directly to the High Commissioner, who took an extremely close interest in the whole operation; we had frequent meetings with him. Because of its high political profile, UN Headquarters in New York also followed developments closely. We were in regular contact with the head of the UNHCR office there, Virendra (Viru) Dayal, who worked closely with the Secretary-General's key political staff, and in particular Brian Urquhart. The operation was, however, resented in some quarters of UNHCR, for reasons ranging from the SCSU's privileged access to the High Commissioner to the fact that it was seen to be diverting resources from other and more traditional UNHCR programmes.

By the time everyone was back at work, I had the letter with details of the offer from the World Bank. If the Yemini government agreed to my candidacy, I would be an integral member of the Ministry of Agriculture, one of four WB experts and the staff officer for the team (the only other member already identified was the team leader and agricultural economist, Kamil Mansour, who had recently retired as the Under-Secretary of the Sudanese Ministry of Agriculture). I would be advising "the Ministry on improving the performance of present limited staff in various non-professional disciplines", assisting "the Ministry in upgrading the personnel policies, management procedures and work methods" and working "closely with units responsible for budget and accounts with main objectives of assisting in the work and giving in service training".

With each day I realized more clearly that UNHCR was exactly what I had hoped for - without knowing it then - in leaving the Navy. I had two more short-term contracts before UNHCR offered me a one-year fixed-term contract, the pathway to a career with UNHCR, effective 1 April 1974. That might have happened anyway - several people had been very supportive, including François Cochet in a cable after I left Karachi - but the offer from the WB (and their inflated view of what I could bring to that mission) surely helped. I signed my oath of office on 13 May.

On several occasions in January and February I was on the point of going back to the sub-continent.

*My move to Karachi is once more up in the air. I rang François Cochet on Monday and he now says he can manage without me. I am certainly needed*

*here if that is so, but he may then change his mind at short notice. I might then go out at the end of February. But there is also a move to recall him for some leave and a break, in which case I'd take over in Karachi. Angelo came back on Friday [25 January] in excellent heart and with a sweet wife. It is good to have him back and someone to discuss the operation with on level terms. ... There was a while on Thursday when it looked as though I might go to Karachi and Dacca for the weekend. There were some urgent things to sort out and a plane we have chartered was going direct Paris-Karachi empty to start the charter. But we managed to quell the crisis by cable and phone.*

In the end I stayed in Geneva as co-ordinator in the SCSU.

My responsibilities had some parallels with my last sea-going appointment in the Royal Navy, as squadron navigating and operations officer, organizing the operational programme of three warships. But the contrast between UNHCR and the Navy was striking. In the Navy I don't recall ever handling money that was not mine, still less having the authority to engage significant sums on the Navy's behalf. Even making a photocopy on board ship was a challenge, the one machine being jealously guarded by the captain's secretary. On the other hand, I had responsibility for the safe navigation of the ship and the lives of those on board (before the advent of GPS), as well as for handling highly classified material (at the height of the Cold War). While there was a large divide between officers and ratings, officers were expected to have a good knowledge of the personal circumstances of the sailors in their division, and were responsible for their welfare. All the professional staff at UNHCR headquarters seemed to know each other (then some 75 including the High Commissioner, with a further 53 in 25 countries around the world) but I had a sense that there was not a similar engagement with all the staff below them.

The Navy was always operational, while UNHCR headquarters was not geared to meet the open-ended demands of managing an operation like this one. That we nevertheless did manage it was in part due to the high degree of delegated authority and trust we enjoyed, and I found the 'we' remarkable. In the Navy, except in an emergency, most actions needed to be cleared with a superior. Now, the responsibility to seek advice when necessary was mine, and I was expected to make or recommend decisions involving tens and often hundreds of thousands of USD, as well as some that could have had important political implications. I also found myself handling media queries for the first time.

### ***Chartering the aircraft***

My over-riding responsibility was to ensure that the right aircraft capacity was available. Jean Schiltz, a staff member of ICEM, had an office in UNHCR and arranged the charters at our request, and with the help when necessary of a senior ICEM staff member, who was – I think – on secondment from Lufthansa. We knew the maximum daily numbers the operation could handle, largely

determined by the practical constraints at the processing points and airports. The challenge was that we could never be sure what actual capacity was needed when, yet we had to try and fill each aircraft both ways. While the clearances for persons moving to Bangladesh were straightforward politically, there were organizational problems. Those for persons moving to Pakistan were increasingly political, as applicants began to include more with no prior connection to Pakistan. We did have some leverage on clearances, as neither Bangladesh nor Pakistan would welcome the negative publicity that suspending the airlift for lack of clearances would generate, and if Pakistan was thought to be dragging its feet, India would slow down the return of the POWs.

It was not economical to charter an aircraft for flying time that represented less than two or three weeks of operation, and some airlines required a longer guaranteed period. But we rarely had enough cleared passengers to cover a whole charter period. Thus we had to engage UNHCR for significant sums without knowing for sure that we could fill the aircraft. At the same time, we had to give priority to the aircraft that were provided to the operation by the UK (RAF) and the GDR and USSR. The former meant that I was in periodic contact with Warren Pinegar in London, an opportunity for more advice. Though the latter were officially bilateral contributions to Bangladesh, in practice the GDR and USSR aircraft (Ilyushin 18, broadly similar to the RAF's Britannia) were fully integrated in the operation, and there was good co-operation. For example, when an Overseas National Airways (American) plane was grounded after a mechanic used a ground power unit with the wrong voltage, Aeroflot immediately ferried ONA engineers and spares across the sub-continent.

When we needed more or replacement aircraft, we issued a call for tenders. We had a good idea of who would be interested: both the charter companies and airlines operating scheduled services in or to the region, such as Ariana Afghan Airlines, Royal Nepalese Aircraft Corporation (RNAC), and Alia (Royal Jordanian) and KLM. As large-scale US involvement in Vietnam wound down, significant and cheap capacity became available from the companies that had been established, rumour had it often by the CIA, to supply the US engagement there. The bids we received contained a number of elements: positioning and de-positioning costs (i.e. what it cost to get the aircraft to and from the operation); the block hour cost (the per-hour flight cost once the aircraft was carrying passengers across the sub-continent); the fuel cost on which this was based; and handling, overflight, parking and other charges (which we were trying to get the governments to waive).

The world market for aircraft fuel was highly volatile (the price doubled in the course of the operation), and tenders would link the block hour price to the actual fuel cost. We preferred companies to bid for a "wet" charter, that is to quote with fuel and crew included, but some quoted a "dry" price that was not

inclusive, and we had to factor in these costs ourselves. In evaluating charters, we compared the cost per seat for a flight across the sub-continent. To do this, we increased the quoted block hour cost so that it included all other costs pro rata over the minimum duration of the contract (which was expressed in block hours), multiplied it by the average one-way flight time and divided the result by the number of seats available. This was of course the actual cost per returnee only if the plane was full. It was a steep learning curve, but at the end of the operation I was able to write a UNHCR guide to chartering aircraft.

In January 1974, it was decided to see if Aeroflot would be prepared to bid. This was controversial within UNHCR, where many of the senior staff had begun their refugee work dealing with victims of Soviet repression. Doubts were raised as to whether the major donors, all western and with the US overwhelmingly the most generous, would welcome their contributions being spent in this way. For the High Commissioner, this was a way to continue trying to show the USSR that UNHCR was not the tool of western imperialism that it was perceived to be. Others saw this also as also furthering the High Commissioner's ambition to be UN Secretary-General, for which he needed Soviet support (he was denied in 1981 only by a Soviet veto). Aeroflot was very interested, and it was clear that we had to reach a deal that was at least as cost effective as the cheapest American carrier.

The Aeroflot operations manager came from Moscow and Franzi HH and I met Mr Ryjenkov in the corner of a lounge at Zurich airport. He spoke English. As our negotiations proceeded, it became increasingly clear that while he had a full understanding of what was involved, as a result of the experiences with USSR's bilateral contribution, he had no idea of the actual cost to Aeroflot of an hour's flying time across the sub-continent, something that the western carriers of course knew exactly. What Aeroflot wanted was payment in dollars, not a profit margin (a concept that seemed alien to Mr R). Soon, Aeroflot was offering a price per seat that was some 15% below the cheapest carrier then operating (American). Franzi HH and I had a brief consultation: we could bring this lower, perhaps much lower, but was it fair to do so? We returned to the table and Franzi accepted the offer.

Once the deal was agreed in principle and we were all relaxing, Mr Ryjenkov said we needed to know more about dealing with Russians, explaining that while we would find them hard to get going, once going they would take some stopping. He also said they could be inflexible, and illustrated this by a story. Why did the old railway line between Moscow and St Petersburg, largely straight, have a small semi-circular section on it? When the line was being planned, the landowners who would be affected could not agree on a route. Finally, the matter had to be referred to the Tsar. He said they were all idiots, put a ruler on the map, and drew a straight line except for where one of his fingers was over the edge.

In reality, once the contract was signed Aeroflot was able to start quickly, helped by the fact that they used aircraft (Ilyushin 18) that were already flying scheduled services to North Vietnam via the sub-continent, so their positioning and de-positioning could be a leg of a regular service. We also found them flexible, and once operating they were able to add or reduce capacity at short notice.

*It has been a very busy week. Having chartered Aeroflot on Tuesday (19 February) and ONA [Overseas National Airlines] (US charter firm) on Thursday, and worked long and hard to get everything ready to restart the flights on 26 February [they had been suspended for the Lahore summit], I got a cable from UNHCR Dacca yesterday [Saturday, 23 February] saying "Don't send Aeroflot, we haven't enough passengers". As ONA were 10 hours into the period when we started having to pay cancellation fees (not part of our Aeroflot contract), I have spent the whole weekend stopping Aeroflot – or rather postponing them – and have just succeeded. I'll ring Aeroflot again tomorrow [Monday] when it may be clearer what is going on in Dacca. Normally the problem is lack of clearances from Pakistan, but they have plenty, so it must just be bad organization.*

Our contract provided that UNHCR would pay Aeroflot by USD cheque, to be delivered to their station manager in Zurich (widely assumed to double as the KGB station chief). I would hand-carry the cheques, enjoined not to bother coming back unless I had a receipt (there was still some residual concern about the contract within UNHCR). Mr Ryjenkov appeared convinced that he owed the contract to Franzi HH and me personally, and over the coming months he would repeat offers to each of us of an all-expenses-paid visit to Moscow. He would quiz me on why we, and in particular Franzi, did not take this up, and never seemed satisfied with my explanation. If, less than a year earlier, I had known what the future held when I was signing documents under the UK's official secrets act (a requirement on leaving the Navy), I might have had – and faced – some questions.

## ***Pakistan's recognition of Bangladesh***

The operation, and notably the High Commissioner himself, also had a role in the peace process in the aftermath of the 1971 war. In 1971, as UNHCR coordinated a massive relief operation, the High Commissioner had used his contacts in the region to try and help avoid war and the breakup of Pakistan, of which his father was one of the founders.<sup>4</sup> Now the High Commissioner sought to contribute to the normalization of relations between Bangladesh and

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<sup>4</sup> In *Sadrudin Aga Khan and the 1971 East Pakistani Crisis*, (Global Migration Research Paper No. 1, 2010, The Graduate Institute, Geneva), David Myard gives a fascinating assessment of these efforts.

Pakistan. The August 1973 New Delhi agreement helped pave the way for this, and UNHCR's role gave the High Commissioner the opportunity to act as an informal mediator between the leaders of Pakistan and Bangladesh, though many of the issues in contention went beyond UNHCR's role. In this the High Commissioner was assisted by Zia Rizvi, a close adviser. There was an evident tension between Rizvi's role and that of Pierre Coat, who were both on separate missions in the sub-continent in early 1974. This was compounded by the fact that there could be no clear dividing line between the airlift and the wider issues. Apart from helping handle the confidential cable traffic, I had limited direct involvement but was a very interested bystander.

After a number of last-minute hitches, Pakistan announced its recognition of Bangladesh on 21 February 1974, the Bangladeshi Prime Minister, Sheikh Mujibur Rahman, having agreed to attend the Islamic Summit Conference held at Lahore on 22 and 23 February. There, he and Pakistani Prime Minister Zulfikar Ali Bhutto were photographed in an historic embrace. This in turn opened the way for an agreement among the Foreign Ministers of Bangladesh, India and Pakistan signed in New Delhi on 9 April, which *inter alia* recognised that the UNHCR airlift had "generated an atmosphere of reconciliation and paved the way for normalization of relations on the sub-continent". The agreement discussed the possibility of Pakistan accepting an additional number of non-Bengalis from Bangladesh, and Pakistan agreed to consider appeals from those whose initial application had been refused.

### *The final months*

By the end of March, over 120,000 persons had been moved from Pakistan to Bangladesh and this move was effectively complete. Almost 11,000 non-Bengalis who had moved to Nepal from Bangladesh had been flown from Kathmandu to Lahore, an operation not without its problems. "We have had a busy week with two new charters concluded and more trouble this weekend about the Kathmandu-Lahore operation which began yesterday [Saturday, 16 March]. At the last minute the Indians stopped the plane flying the direct route. I have rung Karachi twice and New Delhi once over the weekend."

At the end of April, ICRC announced that the last of 92,000 POWs and civilian internees had returned to Pakistan from India. That left just the non-Bengalis in Bangladesh, and we could in theory complete their movement to Pakistan by the latter part of June. But funding was now becoming tight; over USD 10 million had been contributed by mid-May but more would be needed to complete the operation. It became even more important to ensure that every seat westbound was full and that the maximum possible concessions in the waiver of charges and most favourable fuel rates were achieved. At the start of June there was still a shortfall of some USD 500,000, and we had 10,000 non-

Bengalis cleared to move from Bangladesh to Pakistan. In the end, just enough funds were raised to complete the operation.

The operation was never routine, but Rita Kitto and I had some routines. First thing each morning, one of us would pick up the overnight cables from the UN Cable Unit. While there was a UN radio link with Dacca, cables from Karachi were sent by commercial telex. I remember Terry Lecky initially having to take outgoing traffic to the main post office, wait for a free booth, and type direct into a public telex machine before coming back with the incoming cables. Later the office got its own telex machine. The first thing we did with the incoming telexes from Karachi was to hang them against the wall in our office. If their length, generally considerable, exceeded the previous record, we would mark this, like a child's height growth on a door. The telexes began "Dear Prince" and, as time went by, they increasingly frequently ended "I resign, François Cochet". His unique achievements were critical to the success of the operation and much more appreciated than I think he realized. He had not spared himself; we had been urging him to take a break but he always refused. With time, his tolerance of 'interference' from headquarters reduced still further. I could generally prevail on him not to carry through on his resignation threats, and if I could not, Pierre Coat, Franzi HH, and if necessary the High Commissioner could. But finally, when the operation was all but over, his latest resignation was accepted. As I should have anticipated, François was outraged.

The final stages of the operation and closing it down required careful handling and delicate negotiations, both internally and externally. Pierre Coat had to go back to the sub-continent at short notice to smooth things out. We also found ourselves caught up in the bankruptcy of one of our carriers. Some of the charter companies used planes that they themselves had chartered, rather than owned, and it wasn't always clear who exactly was providing the service (or who actually owned the charter company and the aircraft). The jets were either Boeing 707s, 727s (in the case of Ariana) or DC8s. But in this case the aircraft was a Boeing 720, a smaller but equally powered version of the 707, used for operation from high altitude airports. Roman Kohaut, head of the UNHCR office in Dacca, happened to remark on its quick turn round at Dacca. I asked how it could be so quick and Roman replied that it didn't have to fuel: unlike the 707, the 720 could uplift enough fuel in Karachi to make the round trip. Fuel was significantly cheaper in Karachi than in Dacca, and our contract with the carrier provided that an equal amount would be uplifted in both places, and was indexed to the two different reference prices. We calculated that the company had saved and therefore owed UNHCR something like USD 35,000. I don't recall them disputing this, but it appears to have been the final straw and they went into liquidation before they had refunded us (but after completing our contract, for which we had made the final payment). Liquidation proceedings were held in Scotland and our claim was lodged with the court.



They dragged on for years and we were just one of many creditors. I don't think UNHCR recovered more than a small proportion of the claim, if that.

The last flight of the operation took place on 1 July 1974. In nine months, over 241,000 persons had been moved across the sub-continent: 121,500 to Bangladesh from Pakistan; 108,750 to Pakistan from Bangladesh; and 10,870 from Nepal to Pakistan. In over 1,820 flights (over 2.7 million air miles), the airlift carried all but the 9,000 who travelled from Bangladesh to Pakistan by sea in a vessel provided bilaterally to Bangladesh by the USSR. The operation cost some USD 12.3 million, of which the USA contributed USD 4.55 million, the UK USD 1.63 million (the value of the RAF's contribution), and 23 other governments the balance. The average cost per person, excluding those moved bilaterally, was under USD 59. In a statement the UN Secretary-General said "I believe that the successful conclusion of this massive undertaking is a tribute to all who participated, and has been an important factor in helping to create the conditions in which the Governments themselves could make major progress towards a new era of co-operation and understanding."

As the operation wound down and in its immediate aftermath, I was occupied in preparing reports, accounting for expenditures and generally shifting focus from operational to administrative concerns. I was also assigned to help prepare the programme documentation for the forthcoming meeting of UNHCR's Executive Committee: the first country chapter I was given to work on was the Sudan.

The end of the operation left many Biharis in Bangladesh in limbo. Pakistan accepted more under the terms of the arrangements agreed following the 9 April 1974 New Delhi meeting, but interpreted these restrictively. Movements were limited and sporadic and effectively ceased after 1982. In 1976, while the UNHCR Deputy Regional Representative in Bangkok, I went on mission to Kathmandu to charter RNAC once more for the move of several hundred persons to Pakistan. An attempt in 1993 to restart small-scale movements was abandoned in the face of considerable domestic opposition in Pakistan. In 2014, IRIN, the humanitarian news network, reported that 300,000 Biharis lived in 116 squalid camps in Bangladesh. While they had been accorded some rights, few of these were translated into practice. Many of the younger generations now saw their future in Bangladesh, but for the older generation Pakistan remained the unrealisable dream.

### *Thereafter*

In mid-July 1974 the Greek Junta had engineered a coup in Cyprus that led to its own overthrow, the Turkish invasion, two rounds of fighting, the partition of the island, and massive internal displacement of both Greek and Turkish Cypriots. On Sunday 18 August I was one of a party having dinner at a

restaurant. My fellow diners quizzed me about UNHCR's role: for weeks the media had been full of reports of the plight of the Cypriot refugees, what was UNHCR doing? I patiently explained that in fact they were not refugees, being still within their own country, and not therefore within UNHCR's mandate. As I got into my office the next morning the phone was ringing. It was the Deputy High Commissioner: "Can you be in Cyprus this evening?"

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574 the unhcr press release 1173 of july first has announced that the sub continent repatriation operation is now concluded . to all of you who have contributed to the spectacular success of this delicate operation i extend my sincere congratulations and personal gratitude .

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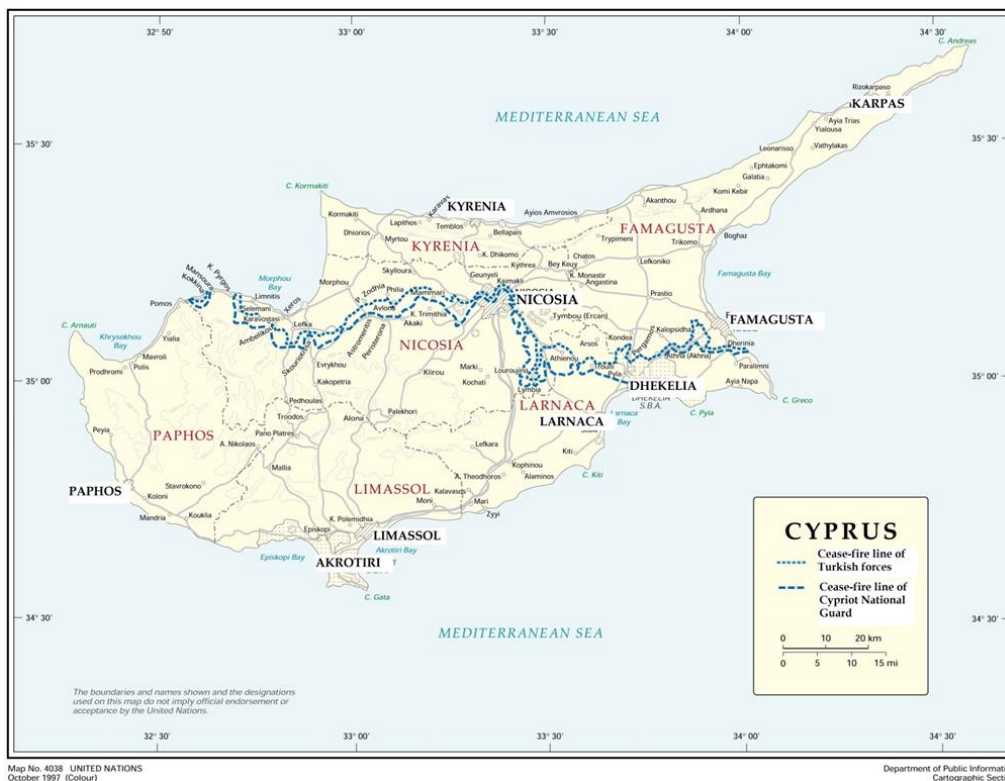
you have demonstrated that a small team of dedicated staff members can do a great job . as a result , close to a quarter of a million people were moved with a minimum of red tape and bureaucracy inspite of severe difficulties . thank you for showing once again

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that our office deserves the confidence of the secretary general and the support of the member states  
sadrudin aga khan

## 2. Cyprus 1974-5 and 1977-8

This is an account of another remarkable UNHCR operation, one that I was involved in from the start and came back to after a break. It includes an unconnected diversion to UN headquarters in New York.



### Background

What follows is drawn from a note that I prepared in February 1978 to brief the new High Commissioner, Poul Hartling, and from a letter dated 30 March 1978 briefing the incoming UNHCR Chief of Mission in Cyprus.

The problems between the communities in Cyprus go back centuries but the start of the present situation can be traced to 1959-60. As a result of negotiations in Zurich and London among Britain, Greece and Turkey (“the guarantor powers”), Cyprus gained independence from the UK in 1960, though the UK retained two Sovereign Bases: one in the east, between Larnaca and Famagusta (Dhekelia) and one in the extreme south, just west of Limassol (Akrotiri), covering a total of some 100 square miles. Under the 1960 Constitution, the

President was to be a Greek Cypriot and the Vice-President a Turkish Cypriot. The Constitution is believed by most impartial observers to have unduly favoured the Turkish Cypriots. They made up 20% of the population but were allocated 30% of the seats in the House of Representatives. This probably stemmed from the desire of the British to protect the rights of the Turkish Cypriot minority, particularly in light of their support for the British during the independence struggles. Opinions vary as to who was responsible for the breakdown of government in accordance with the Constitution, but President Makarios openly declared himself hostile to the imbalance enshrined in the Constitution, while the Turkish Cypriots withdrew from the legislature in 1964.

In late 1963, communal violence broke out again. EOKA, a movement that had fought the British, reconstituted itself as EOKA B.<sup>5</sup> In the eleven years until 1974, the Turkish Cypriots were increasingly embattled and – depending on the viewpoint – either deprived of or refused to exercise their rights under the Constitution. Many were rendered homeless, particularly in early 1964 and again in 1967, and it has not been forgotten by the Turkish Cypriot side that their appeals to UNHCR in 1964 went unanswered, for reasons well known to us but difficult for them to accept in light of UNHCR's role after the events of 1974. A UN peacekeeping force (UNFICYP) was sent to the island in 1964, but until 1974 its effectiveness was compromised by Greek Cypriot actions. Over the same period, UN development assistance rarely reached the Turkish Cypriot community. The Turkish Cypriot authorities have prepared many papers and books analysing the distribution of such assistance and their complaints, while polemical in tone, appear justified.

On 15 July 1974, the Cyprus National Guard, supported by the Greek junta, staged a coup and overthrew President Makarios. The leader of the coup, Nicos Sampson, a virulently anti-Turkish former guerrilla fighter of ill repute, and a champion of union with Greece, was installed as President. Efforts to resolve the situation, and in particular provide reassurance to the Turkish Cypriots, failed.<sup>6</sup> On 20 July, Turkey invaded the island, invoking its right as a guarantor power. On 22 July the Greek junta fell and the coup leader resigned. Glafcos Clerides became acting President of Cyprus. The guarantor powers met in Geneva at the end of July and a cease-fire was agreed on 30 July. They met again in Geneva in early August, when on 8 August the Turks declared that their aim was to divide Cyprus into two autonomous regions, denounced the cease-fire as the Cypriot National Guard had not evacuated all the Turkish Cypriot enclaves in the area still controlled by the Greek Cypriots, and

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<sup>5</sup> A Greek Cypriot ultra-right-wing nationalist para-military organization dedicated to union with Greece and active until 1978.

<sup>6</sup> In *A life in Peace and War* (Weidenfeld & Nicolson, 1987), pp. 254-262, Brian Urquhart gives a fascinating insight into these efforts and the evolution of the crisis.

demanded 34% of the territory of the island. Negotiations in Geneva failed and the Turkish army resumed its advance, halting on 17 August.

As a result of the fighting over 200,000 persons needed humanitarian assistance. The largest group were Greek Cypriots whose homes were in the area now controlled by the Turkish army (the north), and who had fled to the area still under Greek Cypriot government control (the south). Some Greek Cypriots from the Famagusta area fled to the eastern British Sovereign Base. Turkish Cypriots who lived in the south but near the new border (the Green Line in Nicosia and buffer zone elsewhere) had fled north across the border. Over 30,000 of those in the Turkish Cypriot villages further south were surrounded by Greek Cypriot forces, and some 7,000 others had sought refuge in the western British Sovereign base, where a camp was established at Happy Valley, Episkopi. The Greek Cypriot and Maronite population of the Karpas, the NE panhandle of Cyprus, was cut off from the south, but this was the area least affected by the fighting (a small number of Greek Cypriot villagers still live there).

On 19 August 1974, the American Ambassador, Rodger Davis, and Antoinette Varnavas, a Greek Cypriot embassy secretary, were shot dead during an anti-American demonstration by Greek Cypriots outside the embassy in Nicosia. The protest was against perceived US support for the Turkish invasion, and the gunman was thought to be from EOKA B.

Between 20 July and 16 August, the Security Council adopted seven resolutions on Cyprus, all without impact on the ground.

### *First responses*

Much of the immediate assistance to those who fled the fighting was provided by relatives and friends. The ICRC swiftly mounted a major relief operation. The Greek and Turkish Cypriots faced huge challenges in mobilizing an adequate humanitarian response, and outside assistance was urgently needed. What follows gives a sense of one such response, taken from letters and a diary written by a member of a Save the Children Fund (UK) medical team in Cyprus from 9 August to 1 October 1974.<sup>7</sup> For the first four days she was organizing feeding programmes and clinics in the western Sovereign Base Area (SBA), including for the Turkish Cypriot refugees at Happy Valley, before moving to Dhekelia in the east.

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<sup>7</sup> In 1981, while working on the *UNHCR Handbook for Emergencies*, I finally met the writer, Sue Peel, then the International Red Cross' nutrition adviser. We drafted several chapters of the handbook together (and were married the next year). Our paths had crossed on several earlier occasions, this being the first.

13 August: *we were all put on full alert and at midnight the Turks abandoned the peace talks and at 5 a.m. started marching east towards Famagusta. This resulted in a huge influx of refugees (Greeks) into the eastern SBA at Dhekelia. There is a large British Military Hospital here, which takes all British and UN casualties and any Turks or Greeks from the region. On Wednesday the colonel in charge requested us to come and lend a hand and we flew there with our car, a red Mini, in a RAF Hercules with a fighter escort! We are working in the Republican/EOKA villages within the SBA which are packed with refugees.*

14 August: *Running around between three camps. Dhekelia Sovereign Base has 15,000 refugees from Famagusta.*

16 August: *All yesterday [15 August] we were in the middle of a heavy artillery bombardment from the Turks but at 6 p.m. they declared a ceasefire. Clinic in Greek Republican village (and EOKA stronghold) packed with refugees. A ceasefire has been arranged for tonight.*

*All was reasonably quiet until midday today when we heard mortar and machine gun fire round about.*

*Anyway, hopefully things will quieten down and the refugees will all go home within a week or so, and then we will also be able to get home!*

*It is strange to be working in villages within the SBA with EOKA gunmen (longhaired cowboys) manning roadblocks and machine guns and mortars on roof tops. These villages were notorious in the 50s and 60s for attacks on British soldiers.*

*A convoy of ambulances had just shot past here, probably collecting casualties from the last skirmish – the shooting stopped a few minutes ago.*

17 August: *Morning clinic at same village and afternoon seeing refugees in two incredibly crowded locations. Fighting close by all day.*

She continued conducting clinics in the Dhekelia area until 2 September. In a letter dated 3 September, she wrote that, while things had been expected to get quieter,

*in fact last week they [the Turkish army] overran two of the villages in which I work and took eight people prisoner. These little attacks get no publicity but the intention is obviously to take over the SE corner [beyond the Sovereign Base]. Then yesterday the Turks discovered another mass grave quite near Famagusta. The National Guard and EOKA are fighting each other when they are not killing Turks.*

She moved back to work with the refugees at Episkopi and on 5 September spent the night at Nicosia airport, before going to Kyrenia, in the Turkish controlled north, on 6 September to visit a children's home: "Heavy fighting

along Green Line during the night". Thereafter she was working between the two Sovereign Bases.

*Work here is gradually being handed over to the Greeks and we hope to pull out of Dhekelia by Friday [20 September]. We will then go up to Nicosia again and try to get permission to work in the Greek villages in the Nicosia/Kyrenia area. We were up there last week but had no chance to visit the remote villages because there are so many trigger-happy Turks around! I think the chances of working up there are fairly remote and we will in fact be going home in a couple of weeks.*

*The most enormous UN convoy of armoured vehicles and tanks has just gone past my window. This weekend is a fairly tense one because Mr Denktash [the Turkish Cypriot leader] gave a 20-day ultimatum for the release of all Turkish hostages which ends on 15 September. The town most threatened is Larnaca which I can see from my window and it is fully expected that the Turks will move in there this weekend. We shall see! [Larnaca remained under Greek Cypriot control.]*

### ***UNHCR's involvement***

On 16 August UN Secretary-General Waldheim cabled the High Commissioner. Although this is shown as received on Monday 19 August, it will have been discussed with the High Commissioner before it was sent. While it refers to refugees, strictly speaking only those on the British Sovereign Bases could be considered as outside their country of origin. This was why, until I answered the phone that was ringing when I entered my office that Monday morning, I had assumed UNHCR would not be involved. The Deputy High Commissioner asked me if I would be ready to leave for Cyprus that afternoon to help John Kelly start the operation. John Kelly was a senior UNHCR official who had been the head of UNHCR's operation in Dacca in 1971-2 (where in the absence of anyone else, he had taken the surrender of the Pakistani army in what was about to become Bangladesh).

In the end, we left the following morning, on a scheduled flight to Heathrow. Our first challenge was to persuade the crew to allow us to keep our luggage in the cabin, as we were to be met at the gate at Heathrow, where we were whisked through by the Chief Immigration Officer and into a government car for the journey to RAF Brize Norton. We were brought down to earth when the driver asked us for directions to our destination. We arrived three minutes after our plane was due to leave, but it was being held. The two of us were the only passengers on an RAF Britannia that was full of collapsed cardboard boxes destined for the belongings of the families of UK service personnel, who all were being evacuated from Cyprus. The flight took seven and a half hours.

<b>INCOMING CABLE</b>		1. Distribution <b>RESTRICTED</b>
2. Dispatched from <b>New York</b> on <b>16.8.74</b> Received on <b>19.8.</b> at <b>hours</b>		Action: <b>Mr. Arnaout</b>
3. File number(s) <b>1-CYP-GEN - 1/9/1-CYP - <del>1/1/1-CYP</del> 301-CYP</b> <b>301 CYP</b>		cc.: HC DHC Messrs. Jaeger Homann-Herimberg Kelly Coat Risvi Arnaout BO Beirut
4. TEXT (Type text in « lower case ». Punctuation should be indicated by appropriate signs and not spelt out. Each paragraph should start on a new line.)		
<b>CONFIDENTIAL</b>		
<p>ETAT PRIORITE HICOMREP GENEVA</p> <p>348 PERSONAL for Sadruddin Aga Khan. You: will already have received appeal from acting minister for foreign affairs of Cyprus concerning refugee problem in that island. It is clear that there will be a large demand for humanitarian relief of all kinds in Cyprus, including refugee problem. Before proceeding any further with this problem I would like to know whether you would be prepared to undertake for a limited time the task of coordinating all unations efforts in relation to these humanitarian problems. Naturally, such an appointment would depend upon attitudes of all the parties concerned, but I would anticipate that your appointment would be <del>not</del> welcome. With warm personal regards</p> <p style="text-align: right;">Kurt Waldheim Secretary-General</p>		

No one was expecting us at RAF Akrotiri but once we contacted UNFICYP headquarters, transport to Nicosia with UN Civil Police was arranged for the next morning. It was over a fortnight before I had time to write home.

*In the southern area things look superficially normal. When we arrived there were lots of paramilitary men about with guns, but they are less evident now. Much of the damage in the south was caused by Greek fighting Greek after the coup. Most of the shops are open, but those – and houses – close to the Green Line that divides Greek and Turk in Nicosia are shut and deserted on the Greek side. In the countryside animals, crops and citrus trees are dying or dead for want of attention. This is especially grave in the north where the Greeks have fled, but those who lived close south of the line don't dare return to their villages and farmers are unable to get to their farms.*

*We had 24 hours before the High Commissioner arrived on Thursday 22 August, so had a chance to see some people and get an idea of the situation. We met the HC with a helicopter on Thursday morning and from then until he left on Tuesday 27 August it was non-stop 18 hours a day, organizing calls on VIPs, helicopters for field visits, press briefings etc. etc. Somehow I always*



*managed – by great good fortune – to have the programme fixed at least five minutes ahead of him, though he sometimes had to drive himself.*

*It is hard to describe the hatred between some Greeks and Turks but equally there are a few rays of hope. Even the simplest things are complicated: you can't take a Greek Cypriot UN driver across into the north and vice-versa. (Bitter Lemons by Lawrence Durrell gives a good feel for the island.) Things got even more hectic when the UN Secretary-General was here for 24 hours [accompanied by Brian Urquhart]. I could only get away on one of the High Commissioner's helicopter visits to refugees. We visited refugees near Mt Olympus (Troodos), then a picturesque beleaguered Turkish village on the way to Paphos, then refugees at Paphos before coming back to Nicosia at dusk across the forest on the lower slopes of the mountains.*

*After one night in a small hotel, I moved into the Hilton while the High Commissioner was there. It was crammed with 200-300 reporters and quite chaotic but had somehow kept going quite remarkably. Once the High Commissioner left we were able to make a start at assessing the needs and coordinating efforts. The government had obviously been seriously dislocated and was only then beginning to get reorganized, so we hadn't lost as much time as we might have. Our role is as the focal point for all UN assistance and as the coordinator of all outside assistance. Our first task was almost impossible: to assess the needs and recommend the things to be covered by the UN appeal, which should be out any day now, and will be for over USD 20 million [it was for USD 22 million, until the end of 1974]. Pierre Coat came out for four days over last weekend [30 August – 3 September] and took a rough draft back to Geneva.*

*We have of course had a mass of meetings as well as VIP visitors and days of the week have ceased to mean anything. Mohamed Benamar, a very nice Algerian, arrived three days ago [4 September] and has established a sub-office in Nicosia north: he'll look after the Turkish-held area. Next Sunday (15 September) Roman Kohaut arrives and he will be a great help. At present we are working out of one office in UNFICYP headquarters, near the airport, but next week are taking over three rooms in a hotel near the headquarters as our main office (it's where I am staying).*

*Relief supplies worth millions of dollars have already been channelled through the International Committee of the Red Cross. The first things we have ordered - 54,000 blankets - arrive in three flights from Copenhagen on Wednesday and Thursday [11 and 12 September], and from then on there should be a steady build-up of arrivals by air and sea (the food).*

*It is easy to see the fascination this island has for people, but now it is full of sadness and unhappiness. Right is by no means all on the Greek side; much of the reason for the present situation lies in the ruthless exploitation of and*

*discrimination against the Turkish Cypriots in the past. But today the misery and loss of family, property and livelihood is largely on the Greek Cypriot side.*<sup>8</sup>

## ***The High Commissioner's mission: agreeing the operational framework***

Sitting in on the High Commissioner's several separate meetings with Clerides and Denktash, and on the Secretary-General's meeting with them together, was fascinating. Glafcos Clerides was a British-trained barrister, and RAF pilot in WW II. Rauf Denktash was also a British-trained barrister, and the two were friends. The former died in 2013 aged 92, and the latter in 2012 aged 88, both after many years as the leader of their community.

UNHCR's meetings of course focused on the humanitarian operation, but there was the hope that this might help create conditions for progress on the political side. With the High Commissioner's background and the fact that his wife was Greek, I think that - as in the sub-continent - he saw the possibility to play a wider role. But any optimism for political progress as a result of these meetings was misplaced. None of us realized then quite how intractable the political problems would prove.<sup>9</sup> However, the High Commissioner's visit produced a framework for the UNHCR operation whose significance only became clear with time. The humanitarian framework had political advantages for all parties, and that was why what we all expected then would be a short-term involvement for UNHCR lasted for over 23 years.

Against a background of acute humanitarian need, deep distrust, and unresolved conflict, we faced two major challenges in setting up the operation. The first was how to divide the assistance between the north and south. In the circumstances, a comprehensive and objective needs assessment was all but impossible and would be contested. The government saw the needs as being a result of the Turkish invasion. It had appealed to the UN for humanitarian assistance and, while it recognized that there were Turkish Cypriots in need too, it saw these needs as small compared to those of the Greek Cypriots, and in a sense self-inflicted. The Turkish Cypriots saw the situation as a result of their ill treatment since 1963. The UN had not been even-handed in its treatment of the two communities to date, and they feared that UNHCR's operation would not

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<sup>8</sup> In *The heart grown bitter: a chronicle of Cypriot war refugees* (Cambridge U P, 1981), Peter Loizos describes the impact on the villagers of Argaki, a Greek Cypriot village just north of the buffer zone. In an earlier book *The Greek gift: politics in a Cypriot village* (St. Martin's Press, 1975) he had described their pre-war life.

<sup>9</sup> Thirty years later, a resolution finally seemed at hand. The Turkish Cypriots accepted the 2004 Annan Plan (Annan V) but it was then rejected by the Greek Cypriots. David Hannay's *Cyprus: The Search for a Solution* (I.B. Tauris, 2005) is a masterly insider's account of seven years of negotiations and why they failed.

be either. (A diplomat is said to have remarked that the Turkish Cypriots had forgotten nothing, and the Greek Cypriots could remember nothing, of the period from 1963 to 1974.)

Looking back, it would seem that a case could have been made that the needs of both communities in the north were the responsibility of Turkey, as the occupying power, but I do not recall this ever being discussed, though it may have been by ICRC. We were helped by the fact that the government did not want any agreement that could be seen as legitimizing Turkey's role but understood that any arrangements would have to be acceptable to the Turkish Cypriots. We decided that the only option was to divide assistance on the basis of the last census: 81% to the Greek Cypriots and 19% to the Turkish Cypriots. We had no fall-back position if this was rejected, but both sides must have realized that it was the only solution with any chance of working, and each was conscious that the needs of their community were acute. We explained that within this division, we would take the lead in deciding how to meet the immediate needs (blankets, shelter, camp beds, food etc.), but that once these were met we would be guided by the priorities of each side. Objections were raised by both sides, but the High Commissioner secured their agreement. At the time, we assumed that the UNHCR operation would be over at the end of the year, or by the summer of 1975 at the latest.

The second challenge was more difficult. How would all the contractual and other arrangements necessary be concluded: who would be UNHCR's counterparts and formal implementing partners? It was clear that the normal UN requirement to work through the government would not be acceptable to the Turkish Cypriots. The solution we developed depended on a unique set of circumstances and a window of opportunity that was soon to close. The Cyprus Red Cross Society had applied for recognition by the ICRC in 1971 but did not meet all the criteria. It was making progress; the President was a Greek Cypriot and of one of the two Vice-Presidents was a Turkish Cypriot. While Denktash was soon to renounce his position as Vice-President of Cyprus under the constitution, he had not done so at the time of the High Commissioner's mission. After the High Commissioner had obtained their agreement in principle, we prepared two almost identical letters from Acting President Clerides and Vice President Denktash to the President and Turkish Cypriot Vice-President of the Cyprus Red Cross Society respectively, nominating them to act on their behalf as UNHCR's counterpart. The arrangement worked and to my knowledge was never seriously challenged. UNHCR was able to operate throughout the island and was the only channel for donor governments who wished their assistance to reach both communities.

On at least one occasion during the High Commissioner's visit, I failed to live up to his expectations (telling him he would have to drive himself across the Green Line was probably another). The High Commissioner was negotiating

these arrangements in a meeting with Denktash when he realized that he would need to meet again with Clerides as soon as possible. He turned to me and told me to set up the meeting. I asked him whether I should leave at once to do that but he told me to stay. The meeting continued, and before it ended the High Commissioner turned again to me and asked if the meeting with Clerides was arranged. I replied “not yet”, and he said no more.

On 30 August, in Resolution 361 (1974), the Security Council noted the appointment of UNHCR “as Coordinator of United Nations Humanitarian Assistance for Cyprus, with the task of co-ordinating relief assistance to be provided by United Nations programmes and agencies and from other sources”.

### *The other actors*

The President of the Cyprus Red Cross Society from 1961-2004 was Stella Soulioti, a remarkable person. She was the island’s first female lawyer and barrister, and first female Justice Minister, from 1960-70, Law Commissioner, from 1971-84, and Attorney-General, from 1984-88. She was a member of UNESCO’s Executive Board from 1987-91. Michael Cacoyannis, the film director (*Zorba the Greek*), was her brother. Stella was a close adviser to President Makarios, and firm in the defence of what she saw as legitimate Greek Cypriot interests, but she was committed to improving relations between the communities and was always a source of wise counsel. In the circumstances, we could not have had a better counterpart.<sup>10</sup>

Dr Ziyad Hakki was the Vice-President of the Cyprus Red Cross Society. When the North Cyprus Red Crescent Society was created in November 1974, he effectively moved to it, but retained his role as our counterpart. Unlike Stella Soulioti, he was taking on responsibilities that far exceeded his previous experience, but he was open to suggestions and worked hard to make the operation in the north a success, and we soon had a good working relationship. He had to build his staff from scratch. For the first weeks he was helped by a senior official, Dr Parmir, from the Turkish Red Crescent, who had a wider agenda. Dr Hakki was working with Turkish Cypriot “ministries” that themselves were starting almost from scratch, with those Turkish Cypriot staff who had previously worked for central government ministries and departments, and with what infrastructure happened to be located in the north.

In the south, our operational counterpart was George Iacovou, an exceptionally able administrator. He had worked in senior positions for Price Waterhouse and British Rail in London before returning to Cyprus in 1972. The Council of

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<sup>10</sup> She lived to see the Cyprus Red Cross Society recognized by the ICRC in February 2012, and died later that year, aged 92.

Ministers appointed him as Director-General of the Service for the Relief and Rehabilitation of Displaced Persons, which he set up. In the initial stages, he was under enormous pressure, but he was understanding of our requirements and was the key to the effectiveness of the operation in the south. George went on to work for UNHCR as Chief of the Regional Section dealing with the Horn of Africa from 1976-9, and he left to become Cypriot Ambassador to the FRG. He was Foreign Minister from 1983-93 and again from 2003-6, having narrowly lost to Clerides in the election for President of Cyprus in February 1998.

The presence of UNFICYP and the support we received throughout the operation, but particularly in the early stages, made our task much easier. Our Irish counterpart, Colonel O'Sullivan, was a tower of strength. We needed the support of the RAF at Akrotiri, where all our relief flights landed. We got off to a bad start with the base commander when we were awaiting the High Commissioner's aircraft and arranging for his transfer to the UN helicopter. "This is my airfield not yours", he told us. One of the first of our chartered aircraft was full of blankets and was the first DC 10 to land at Akrotiri. The RAF handling equipment could not reach the cargo doors, and the RAF had to take all 60 MT out of the pallets and unload the blankets by hand on a hot day. They forgave us, and we could count on them to handle our flights efficiently.

The ICRC had been active from the start of the conflict, providing vital relief and trying to solve the problems of the POWs. Several thousand persons were reported missing from both communities.<sup>11</sup> ICRC was directly involved in trying to establish their fate, and this was and remained one of the most emotionally charged issues. In the early weeks it was raised with us at almost every meeting. Initially, the ICRC Head of Delegation was reluctant to cooperate with UNHCR, and declined to attend an inter-agency meeting convened by the High Commissioner near the end of his mission. This was probably because ICRC felt its independence might be compromised (which could even be inferred from SCR 361), and perhaps also – and understandably – because UNHCR was newly arrived with a mandate to provide assistance in a situation that was more traditionally left to ICRC, which was already fully operational and would normally itself work with a recognized national Red Cross Society. Whatever the reason, when I told the High Commissioner about the problem he told me to get the ICRC President on the phone immediately. The High Commissioner made his case very robustly, and the problem was resolved. ICRC attended the meeting that afternoon, and we never referred to

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<sup>11</sup> In 1981, the Committee on Missing Persons was established by both communities under the auspices of the UN. In 2007, the CMP began returning the first remains of Greek Cypriot and Turkish Cypriot individuals to their families. These individuals had been missing since the events of 1963-64 and 1974. In 2015, some 1,500 Greek Cypriots and 500 Turkish Cypriots remained missing.

the incident again. Thereafter, we enjoyed good relations with ICRC, who had an impressive team: Cedric Neukomm, as chief of operations (I have a note from a later inter-agency meeting that I must have passed to John Kelly, “ask Cedric to say something, he’s falling asleep”); Harald Schmidt de Grueneck, in charge of the south; and François Hohl of the north. I was to meet the first two again in other operations, and François Hohl joined UNHCR for a while when Jean-Pierre Hocké was High Commissioner. Pierre Von Gunten, who was with UNHCR in Karachi for the 1974-5 Sub-continent airlift, was back with the ICRC in Cyprus and we managed to meet for dinner in late September.

### *Getting organized, slowly*

Internally, the operation drew on several people who had been involved in the airlift. Franzi Homann-Herimberg was closely involved at headquarters as was Pierre Coat. Terry Leckey, who had been in the office in Karachi, came out a few days after us and was a great help.

*Now Sunday [15 September] and I’m in the office after a long spell writing cables to Geneva. The USA has pledged an initial USD 3 million in answer to our appeal and we have been busy sorting out priorities. Mohammed Benamar has gone back to Geneva at short notice for consultations and Roman Kohaut (who was i/c the repatriation operation in Dacca) has been delayed. A young man from our Beirut office was here for two weeks, but has had to return. That leaves just John Kelly, me and our very hard-working secretary, Terry. So we really have far too much to do and can barely keep track of what is happening. John Kelly is dual nationality Irish/British and a very nice easy person to work with. Things are pretty quiet between the two sides but rumours are legion and it takes little to start a stream of cars leaving Nicosia for the south. Yesterday a couple of Turkish recce aircraft (surprisingly, the first for a month) caused such a panic.*

Ten days later, we were still struggling to get on top of things.

*There’s the prospect of another hectic day tomorrow. We are still in the interim period when we must get the organization properly sorted out for reception of our relief supplies, including the necessary checking and paperwork, before they really start coming in. We have a plane full of camp beds and medical supplies early on Sunday [29 September] and expect planes to start coming increasingly frequently. We also have a couple of ships expected mid-October. In addition, we are spending money locally and have to get agreements and contracts drawn up and signed. The arrival of Roman Kohaut, who will look after supplies in the south has of course helped, but inevitably a lot of time is spent explaining what is going on before the burden starts to ease. This week seems to have been particularly frustrating but today we seem to be making some headway. There doesn’t seem to be much prospect of a political solution. Indeed, with our*

*operation in both the north and south, we are likely to be dragged into the political arguments sooner or later.*

A week later:

*The aircraft with 35 MT of camp beds, medicines and tents arrived according to plan, and we expect a shipload at Limassol next week, while we should hear shortly of more planes with blankets. Much time has been taken working out agreements for the disbursement of money for local purchases of food and other necessities available on the market. [And for transportation, where we were under pressure to give contracts in the south to refugees who had escaped from the north with their trucks – reactivating the local economies was a priority on both sides.] As you can imagine, with the need to conclude agreements with each side and all the problems of recognition etc, this has taken some time. But we seem to have the principles accepted now and the actual agreements should not be too complicated. Weather continues glorious, nicely warm by day and cool by night. But for the refugees, the nights are already too cool for the number of blankets distributed so far. John Kelly has been out investigating conditions of Greeks in the north: not good, especially the concentrations of old people [Pierre Coat came out for a few days a week later to help on a drive to improve their conditions]. John was in Famagusta yesterday [2 October]. The Turkish Cypriots live in the old city and the rest of the town is deserted and hardly damaged. He said it was uncanny: a few cats and some Swedish soldiers of UNFICYP but otherwise not a soul. The feeling is that the town is being kept for return to the Greek Cypriots in a possible geographical federation. Which is of course out of the question to the Makarios supporters, and indeed to most Greek Cypriots.*

Things slowly became more organized as supplies kept coming in. We received 175 MT of blankets, camp beds and the like by air in the week of 14 October, but only two plane loads and some tents by sea the following week. I tended to get stuck in the office or in meetings in Nicosia, but

*I was able to spend the whole of Wednesday [23 October] out of the office, visiting the Turkish Cypriots at Episcopi with Mohammed Benamar. Despite the Turkish claims, they are in fact much better off than many, at least while it stays dry. The organization of the camps is a tribute to British practicality, and morale seemed surprisingly high. It is a very tricky problem for everyone: us because they could well be refugees under our mandate; for the British as they are under great pressure to let them go to the north via Turkey, which would cause a major rift with the Greek Cypriots; and even for the people themselves, who are under pressure from the north to move there. Most probably want to – all say they do – but I suspect that some have stronger wishes to get back home to their villages. The Greek Cypriots have been very foolish in putting pressure on the remaining Turks in the south and intimidating them, which has just played into the hands of the Turkish Cypriot authorities. But almost incredibly,*

*the Greek Cypriots seem unable to grasp that things have changed and will never revert back to the pre-coup days.*

John Kelly made a brief trip back to Geneva at the end of October. One of the things under discussion there was my own future. Franzi Homann-Herimberg wanted me to swop with Sergio Vieira de Mello, who was the coordinator of the operation at headquarters, in order that I could also do some work on the sub-continent operation, where nothing had happened since my precipitate departure in August. A small-scale resumption of the airlift (for some 5,000) was under consideration (though did not happen). John Kelly did not want me to go except for a maximum of two weeks, while I was reluctant to leave for good just then, with so much going on.

### *The view from Geneva*

I was back in Geneva late on Sunday 10 November via a short weekend in Scotland. Pierre Coat had moved my car to a convenient UN car park and it started first time.

*Things were, as expected, pretty chaotic in the office but I managed to get some sort of a turnover from Sergio – a delightful and very able Brazilian – before he left for Cyprus on Thursday morning [14 November]. The set up in the office for Cyprus is far too complicated and a case of too many cooks, but Sergio had things well under control and I should be able to pick it up as I go along. I am not going to be anything like as busy as in Cyprus though the tidying up of the sub-continent airlift may take a good bit of time. My return or not to Cyprus will, I think, very much depend on what happens after 31 December, which is theoretically the end of our operation. This is under discussion in New York but no decision is likely for a couple of weeks.*

*My plans are no clearer now [24 November] though it seems less likely that I will be going back to Cyprus within the next six weeks or so. Much will depend on political developments there and their effect on our role. George Iacovou has been in Geneva this week and most of Thursday and Friday [21-22 November] was spent in meetings with him – one of the causes of the build-up of work.*

I found that there was indeed also work to be done on the airlift, but Cyprus remained very demanding. As it became clearer to governments that wished to provide assistance to Cyprus that UNHCR was the only channel that would allow an even-handed approach, we started to receive contributions that were outside the norm for a humanitarian operation, and with time we became the conduit for very significant sums of bilateral development aid. The EEC had concluded an agreement for food aid with the Government of Cyprus before the coup. It now wished to contribute to the humanitarian needs, and realized that in the new circumstances this could not be through the government. Franzi Homann-Herimberg and others had been discussing options with the EEC and the result was the first such agreement concluded by the EEC with an



international organization, and an important precedent for our operations elsewhere. At this time, and for some years to come, UNHCR not WFP mobilized food aid for refugees. The EEC announced that:

An Agreement between the European Economic Community and the Office of the United Nations High Commissioner for Refugees on the Supply of Butteroil, Skimmed-Milk Powder, Flour of Common Wheat and Rice as emergency Food Aid for the populations affected by the recent events in Cyprus with Annexes, done at Brussels on 9 December 1974, was also signed and entered into force on the same day.

I cannot remember where or when, but I can remember the handover by the EEC, with much ceremony, of a beribboned document, presumably the agreement.

For the UN Secretary-General, the fact that UNHCR was able to work in and channel assistance to both sides, and was the only UN body that could, had an obvious value beyond the humanitarian impact. As the amount of assistance increased, and its nature changed, and without progress towards a political solution, pressure to extend the operation mounted. The Secretary-General requested the High Commissioner to continue until 30 April 1975. We prepared a second appeal, for USD 9.3 million, which was launched in January 1975. The High Commissioner's annual address to the staff (in which he paid tribute to the Cyprus team by name) included the following:

I must admit that I was rather reluctant for UNHCR to continue its involvement in this tragic situation, but there was no choice. As the Cypriots themselves are well aware, the danger of perpetuation of the problem must be avoided. The danger in a situation of this kind, with regular appeals and provision of food, medicaments and blankets, is that in the absence of a political solution, relief becomes permanent. We must therefore think of ways and means of phasing out this operation. We do not yet know what will happen to the refugees whose future is obviously linked to the ultimate political solution of this tragedy, but clearly the Office should not become a permanent relief agency in Cyprus.

Apart from re-affirming our expertise in special operations of this kind, our role in Cyprus has again proved the capacity of UNHCR to maintain the confidence and the support of all sides. Cyprus has long been a very explosive issue, with big power interests involved, and permanent and bitter confrontation between Greece and Turkey, the Greek Cypriots and the Turkish Cypriots. The fact that we have been able to obtain the confidence of all sides, to establish an office in Nicosia with representation in the Turkish sector, to bring together the Greek and Turk Cypriots for regular discussions, is a tribute to the way in which the Office has carried out its task in that part of the world.

I think he was probably less reluctant than this suggests, and realized that UNHCR's presence was clearly going to extend well beyond April, though none of us realized for quite how long.

*As UNHCR was just getting involved in a major operation to repatriate Angolans, which took Franzi Homann-Herimberg away from Geneva, I found myself effectively running the Cyprus operation for some of the time. There continued to be plenty to do on both fronts.*

*I'm working on a long paper answering our external auditors' comments on the airlift operation. A very complex business needing dozens of files and cross-references, and complicated even further by the fact that one of the airlines (Donaldson) is in liquidation. I was even rung up on Friday [7 March] by a very nice accountant from the liquidators in Glasgow.*

*As far as Cyprus is concerned, our operation goes well but we are under great pressure from all sides to extend it beyond 30 April. This we are reluctant to do as we don't want to be delivering endless relief assistance, and we just haven't the staff and it is no longer an emergency. We had a long meeting with the High Commissioner on Friday and it is clear we have to keep at least a nominal presence there for a while.*

*Most of this week [the second week of March] has been spent working on a major policy statement for the Secretary-General on our future role in Cyprus after 30 April. We'd obviously like to go out gracefully but there are plenty of political reasons for staying there. My draft cable was finally approved by the High Commissioner – not without several changes – and we're now awaiting the S-G's reaction.*

The documentation prepared for the annual meeting of UNHCR's Executive Committee, in October 1975, noted that, while the most urgent needs had been met by the end of April,

the number of displaced and needy persons in Cyprus had decreased only slightly and the problem of assisting them remained very real. The Secretary-General therefore asked the High Commissioner to continue humanitarian assistance in the island for a further limited period.

With the passage of time and changing circumstances, requests for humanitarian assistance from the authorities of the island have tended to include measures intended not only to provide emergency relief, but also to assist the displaced populations in regaining some degree of basic economic sufficiency. With the agreement of those concerned, UNHCR has remained available for the channelling of such aid, upon request from the authorities.

Referring to Cyprus in his opening statement to the 1975 Executive Committee, the High Commissioner said:

The two appeals launched in September 1974 and January 1975, amounting respectively to \$22 million and \$9.3 million, have been fully covered, partly multilaterally through my Office and partly in the form of bilateral contributions. In addition, the Government of the United States made another contribution of \$9.9 million, through UNHCR ... However, relief in itself is no permanent answer. The solution, as we all know, lies elsewhere ... Meanwhile, the United Nations may well have to continue to discharge the function which has been entrusted to my Office.

By then, Cyprus was well behind me and I was in Bangkok as Deputy Regional Representative. My involvement with Indo-China began at lunchtime on Sunday 30 March 1975, when the High Commissioner called me. As a result, "I was working from 3 pm until 8.15 pm, though that included a relaxing hour for tea with him at his chateau". The next weekend was

*spent largely in the office over Indo-China. We are waiting to see exactly what will be the role of Sir Robert Jackson (just appointed overall coordinator of the UN relief effort – an excellent move) before we can really plan our operation. However we have sent a couple of planes with relief supplies and strengthened our team there. I hope I can avoid getting fully involved in it as we are likely to stay in Cyprus until the end of August now, though on a much-reduced scale. Attended an interesting meeting on Wednesday [2 April] between the High Commissioner and David Ennals, [UK] Minister of State for Foreign and Commonwealth Affairs. Just the HC and me (to make a record) and the Minister, his PS and the UK Permanent Representative here. The Minister was completely frank and candid about the lack of any UK leverage on Turkey or Greece over Cyprus.*

## ***New York for the summer of 1975***

On 6 May I was on my way to New York, another very short-notice mission. Sergio Vieira de Mello was back from Cyprus and covering for me briefly while a long-term replacement was found. The UNHCR liaison office in New York had suddenly become operational, dealing with the over 130,000 Indochinese, the great majority Vietnamese, who had been evacuated by the USA after the fall of Saigon. Over 110,000 passed through Guam and on to four temporary camps on military bases in continental USA. UNHCR had staff in Guam and the camps, and the office in New York was coordinating our involvement. This had two main aspects: first, the US wanted other countries to resettle some of those now on their soil, a 'burden sharing' that was important domestically. Second, there were several thousand Vietnamese and some Cambodians who wished to be repatriated. Some of those most anxious to return were fishermen. The US had advised all who wished to be evacuated to make their way offshore by boat where they would be picked up by the US Navy, and fishermen who

had no wish to be evacuated were picked up by mistake. It was hard to imagine anything that could have been more sensitive for the Americans at that time.

UNHCR's Representative in New York was Virendra (Viru) Dayal and I was very fortunate to have two months working closely with him. He was one of the most impressive people I have met. Warren Pinegar, who with Antony Acland had been instrumental in my joining UNHCR, had come out of retirement to help in the office, which had an administrative officer, Iris Haynes, and a wonderful secretary, Kathy Papparizos, who was the life and soul of a very friendly team. The office itself had once been that of Cabot Lodge, the third US Permanent Representative to the UN, when the permanent members of the Security Council had offices in the main building. It was below the level of the main entrance and looked out over the East River. While the Secretary-General's office and his key crisis managers were of course geared to weekend work, the rest of the UN was not, and one of the challenges as the weather got warmer was to get the air-conditioning on in our office at weekends, as the windows were sealed.

I represented UNHCR on the UN Indo-China task force chaired by Sir Robert Jackson, on which Staffan de Mistura was representing FAO, and I got to know Staffan well. But our main focus was on our own problems, and quite what a political minefield we were in was soon apparent.

*On Saturday [24 May] I worked in the morning. Increasingly, the urgent work is concerned with the refugees who want to be repatriated to Vietnam or Cambodia. In the last few days we have also been trying to reduce the damage done by ill-advised statements from the State Department to the effect that the new regime in Vietnam is being "obstreperous" with UNHCR about taking people back. This isn't true, and even if it was, saying so isn't going to help.*

My first experience of UN headquarters left an impression that has lasted. Early on I read, almost at a single sitting, Brian Urquhart's magnificent and riveting biography *Hammar skjöld* (Alfred A Knopf, 1972). I was fascinated to hear Sir Robert Jackson say that he felt that Lester Pearson would have been equally remarkable in his own way had he become Secretary-general and not Hammar skjöld. For my last month in New York, Viru Dayal was on home leave and his uncle, Rajeshwar Dayal, was in Viru's office, next to mine, working on his book about his time as Hammar skjöld's Representative in the Congo - *Mission for Hammar skjöld: Congo Crisis* (OUP, 1976). With others from that extraordinary period for the UN still working in the building, at times the sense of history seemed almost palpable.

In June, Viru Dayal's deputy, Gary Perkins, came back from a mission with the UN peacekeeping operation in the Middle East (his absence had been one of the reasons for my mission), and I was delighted to discover that he owned a beautiful 40 ft wooden yacht, built in 1940. So it wasn't all work, but work there

was plenty, and increasingly also over weekends. In a letter in mid-July, I explained why.

*First, we've had a high-level mission out in Thailand, Laos, Vietnam, Hong Kong etc. trying to sort out some of the problems, especially acute in Thailand where there are about 30,000 persons from Cambodia, Laos and Vietnam needing assistance, and including at least 10,000 Hmong tribesmen from the CIA-financed private army in Laos. Second, we have been 'protecting our flank' from a hawk in the State Department, who is deputy head of the US inter-agency task force for the Indochinese and will shortly be testifying in Congress. He takes – or rather took, as I hope we have enlightened him – the view that we are not doing enough to resettle people in countries other than the USA. He wishes to make short-term capital out of contrasting all that the US is doing with the perceived inaction of the UN and other countries. We might not have reacted, but at the last hearings in early May UNHCR was unfairly criticized and we want to make sure that our views and actions to date are known. So most of Saturday and nearly all of Sunday was spent helping Viru prepare a six-page brief for the State Department.*

*The last few days have been particularly interesting. For example, we got a phone call from Zia Rizvi today (17 July) in Bangkok (on his arrival there from Hanoi via Vientiane) to say that he had been given the original letters from South and North Vietnam requesting membership of the United Nations. The call came five minutes before the Secretary-General's press conference was due to start.*

The Deputy Head of the Task Force was Frank Wisner, who went on to be the US Ambassador to Zambia (where I met him again on a Namibia mission), Egypt, the Philippines and India, and an Under Secretary of Defence and of State. He was then in his mid-30s and the Head of the Task Force, Julia Taft, was several years younger. She went on to senior positions in disaster relief, with NGOs, as Head of the US Bureau for Population, Refugees and Migration, and with UNDP. They were not always easy to deal with and we had several lively meetings with them, but they clearly respected Viru.

The first week of Viru's leave was

*full of drama on every front, from Thailand (US pressure to take the heat off them and the Hmong, the CIA army ex Laos) to Guam (repatriants rioting and blaming us for PRG [The Provisional Revolutionary Government in South Vietnam] delays in clearing them for re-entry: PRG thinks the ring leaders are CIA agents and the US thinks they are PRG provocateurs) to the camps here, where we have had problems getting the Administration in Washington to speak the same language as their coordinators in the camps. But we seem to have stopped most of the pots from boiling over, though all are still simmering.*

In addition to dealing with the US Administration at the Washington level, we were in daily contact with the UNHCR staff in the military bases where the refugees were, and records of these exchanges take up much of my notebook covering this period. The notebook also records discussions on Cyprus, including on how and when UNHCR might withdraw, on which we made little progress. Towards the end of my time in New York, the notebook becomes increasingly full of details of the major UNHCR operations starting in Indochina, and particularly that in Thailand.

I left New York on 11 August 1975 and began a two-year posting to Bangkok on 4 September, taking over from Angelo Rasanayagam for a second time, as Deputy Regional Representative. Those two years were as fascinating as they were intense. I had a wonderful boss, Cesar Berta, who was multi-lingual but least at home in English. With extreme patience, he allowed me to practice my French on him, and after I returned to Geneva I was able to pass the UN proficiency exam.

### *Geneva, and Cyprus, again*

I left Bangkok on 20 August 1977 and after my first proper leave since joining UNHCR, I was back at UNHCR headquarters on 26 September. Kevin Lyonette had been covering Cyprus and several other countries in the Middle East and I was to take over from him. I was also involved in some follow up from both my time in Thailand and the 1973-4 Sub-continent airlift. The Chief of the Middle East Regional Section was Ghassan Arnaout. He took a keen interest in anything with political implications but left Hilary Morgan and me to run the Cyprus operation. Hilary was nominally my secretary but in practice much more the Cyprus desk officer, and a pleasure to work with. The Cyprus operation was never routine, but it was no longer an emergency and the needs of the great majority of the beneficiaries were no longer acute.

In April 1975, The Secretary-General had asked the High Commissioner to continue as Coordinator until December 1975. Thereafter, no date limit was formally mentioned: the six-monthly reports of the Secretary-General to the Security Council just referred to the continuation of the High Commissioner as Coordinator on the Secretary-General's request. The operation was now open-ended.

The High Commissioner's statement to the Third Committee in November 1977 sums up the situation I came back to: "after three years in Cyprus during which we have channeled over \$ 83 million in aid, reasoned political agreements remain elusive, and so do durable solutions to the problems of those displaced". Franz Homann-Herimberg, Kevin Lyonette and I met the High Commissioner on 19 October to review the future of the operation. It was known that USAID would give USD 15 million through UNHCR for 1978, and the High

Commissioner said that the end of 1978 would be a “good time to get out”. We discussed the possibility of handing the operation over to UNDP. The briefing note I prepared in February 1978 for the new High Commissioner set out both the nature of UNHCR’s involvement and the prospects for ending it.

Thereafter [the appeal for the first four months of 1975] no further formal appeals were made but major contributions have continued on an annual basis from the USA (AID funds) and the EEC (food in kind). Within a total of over USD 100 million, the USA has contributed USD 82 million and the EEC USD 10 million. Considerable technical assistance is received from WFP and WHO. UNHCR has today 120 ongoing projects totaling USD 50 million. This figure includes USD 20 million for housing projects which will shortly be completed and USD 15 million only pledged by the USA in December 1977. Most of these 120 projects should be completed by the end of this year [1978].

In October 1977 there were indications that the US Administration would not allocate funds for fiscal year 1979, or at least greatly reduce the level. Therefore, in November 1977, the High Commissioner again raised the question of his relinquishing the role of Coordinator with Brian Urquhart. It appeared then that with very reduced funds expected and as UNDP was exploring the possibility of providing technical assistance for Cyprus North, the UNHCR proposal received more serious consideration from the Secretary-General, and indirectly UNDP, than hitherto. It was thought that UNHCR could complete present projects, with UNDP being appointed Coordinator to handle any future commitments. Subsequently, it became known that the USA was planning USD 5 million for FY 1979.

UNDP’s own search for a way to operate development projects in the North met with fierce opposition from the Government, which is believed to have protested strongly to the Secretary-General that such a possibility was even considered without reference to the Government. It may be that the Government saw UNHCR’s latest attempt to relinquish the role of Coordinator (for reasons with which the Government has long been familiar) as closely linked with what were in fact independent UNDP démarches. Whatever the reason, President Kyprianou handed the Secretary-General [a] note on 14 January 1978 [during the S-G’s mission to Cyprus].

The Government’s note recalled that the “refugee problem of Cyprus remains serious and acute”, and UNHCR’s role “as the UN Coordinator for Humanitarian Assistance in Cyprus”, and stated:

This operation has been conducted in an admirably efficient and smooth manner. It has proved effective, speedy and of maximum benefit to the

displaced and needy, being universally acknowledged as one of the most successful operations of its kind ever to be undertaken.

The note went on to list reasons why UNHCR should remain as Coordinator.

(a) The operation, being a purely humanitarian one, requires special procedures and handling, so as to obviate the creation of political or other problems which would impede or slow down the humanitarian objectives.

The UNHCR, through its expertise in this field, has established an excellent procedure and approach with all concerned. Being a humanitarian agency, it operates through the Cyprus Red Cross Society, and the aid is channelled effectively for the Greek Cypriot displaced and needy and for Turkish Cypriot needy persons.

(b) Other UN agencies (such as UNDP), not being humanitarian, would not have the same facility of action and could not adopt the same speedy procedure and channels as the UNHCR.

(c) It would be very difficult for an agency normally operating under one kind of regular programme and geared to particular procedures to assume overnight a different role from its normal one and adjust to the requirements of such role. Because of the burden of work and because the assumption of dual divergent capacities is not practically possible, different delegates would have to be employed for the normal programme and for the humanitarian projects.

(d) Therefore, a change of Coordinator would not even result in a financial saving but would, on the contrary, involve greater expenditure, since it is a fact that the UNHCR Mission in Cyprus functions at a minimal cost, amounting to a fraction of the operational overheads required by other agencies in dealing with programmes of similar magnitude.

It is evident that a change of Coordinator would run the serious risk of disrupting a successful humanitarian operation by the creation of problems where none exist, thus gravely jeopardizing the humanitarian objectives and the excellent reputation gained by the United Nations in this field.

The Government of Cyprus therefore expresses the earnest wish that, in the interests of all concerned, a programme which has operated so smoothly and efficiently should not be imperilled by a change of UN Coordinator.

The Government's wish was granted for the next twenty years. Gratifying as it was to read this (clearly drafted by someone who knew the UN), we were under



no illusions that in different political circumstances, we might have had another assessment of the same operation. In my letter of 30 March 1978 to the incoming UNHCR Chief of Mission I wrote:

It is important to realize that the system then established and still operating [the framework with the Cyprus Red Cross Society] remains extremely fragile. As soon as one or other community judges such action to be in its interests, a pretext will quickly be found to denounce the role of UNHCR. With opposition from either one of the communities, our action would immediately cease to be effective, or even possible.

An example of a possible pretext was the issue of the exchange rate for UNHCR operations in the North. The Cyprus Pound remained the only currency recognized by the UN, and therefore with an official UN rate for the USD, but was no longer recognized in the North, where the Turkish Lira was increasingly used. Each month we had to agree an exchange rate for the North with the UN in New York.

My 30 March letter also assessed the positions of each side:

As a major simplification: the Turkish Cypriots remain unprepared to accept UN assistance vetted by the Greek Cypriot Government, as would be required under normal UNDP procedures, and the Greek Cypriots are implacably opposed to any other mechanism that could possibly be construed as a *de facto* recognition of Turkish Cypriot sovereignty. In addition, UNFICYP's freedom of movement in the North continues to be restricted and the presence of the force is not warmly welcomed by either side. The Turkish Cypriots see no need for it, when they have the Turkish army to do what UNFICYP was unable to do between 1963 and 1974. The Greek Cypriots find UNFICYP powerless to do, on their behalf, just what they had prevented UNFICYP from doing on the Turkish Cypriots' behalf over the same period.

The operation was now very different. In the south, the Government had recovered from the shocks of 1974 and we were dealing with an efficient administration in no need of our advice or outside technical support. The largest projects were contributions to major housing projects to accommodate those displaced from the north, to which some 60% of the funds was allocated. We were acting as a conduit for the US funds and EEC food aid, rather than coordinating a relief operation.

In the north, the Turkish Cypriot authorities lacked technical expertise in a number of areas, and had major infrastructure needs, of which a hospital for Nicosia North was a priority. Nearly 30% of the funds for the north were spent on the health sector, and we found ourselves procuring with WHO's help the items needed to equip a modern hospital. The land previously farmed by Greek

Cypriots had not recovered, and 25% of the funds went on food (including the value of the EEC food aid) and 20% on agriculture and re-afforestation. We needed to work much more closely on details of the programmes in the north than in the south. And we still had the problem of our local drivers not being able to cross the Green Line, which I temporarily exacerbated by recommending Grégoire de Brancovan, who had been a colleague in Thailand, as our man in the north. An excellent choice, but I had failed to check that he had a driving licence. During his time in the north, he obtained one that was also valid in the south.

In June 1978 I was on mission to Cyprus, spending the first two days in the north, *“as we were planning the 1979 programme for which we expect USD 15 million from the USA, so USD 2.85 million for the Turkish Cypriots. That went well, ‘we’ being George Cosgrove, USAID man from their embassy, José [Osuna, Grégoire’s predecessor in the north], me and the “directors general” from the “ministries” on the Turkish Cypriot side.”* I spent a day visiting in the south with the new US Ambassador and George, and even found time for a lunch and a swim in Kyrenia as Dr Hakki’s guest.

I was on leave in July, when Viru Dayal and his family used my apartment in Geneva, a belated opportunity to offset some of the hospitality I had enjoyed from them in New York in 1975. By October 1978, my direct connection with Cyprus was over, though not of course my interest. Whenever possible, I would meet Stella Soulioti when she came to Geneva, and I kept in touch with Dr Hakki.

### 3. Namibia missions 1978-9 and 1989

This is primarily an account of three missions in 1978-9 that were part of the UN's efforts to achieve Namibia's independence. It includes an unconnected diversion to Hong Kong.

At the time of these missions, it was our hope that we could move on from Namibia to repatriation to Zimbabwe. In the event, that came first and is the subject of the next of these accounts.

#### *The background*

The international community's involvement with Namibia is of long standing.

The mandate for German South West Africa was assigned by the League of Nations to South Africa after World War I. After World War II, in spite of General Assembly resolutions, a ruling of the International Court of Justice, and decisions of the Security Council, South Africa doggedly hung on to control of this territory, now called Namibia, in defiance of all international opinion. Namibia [was] the last surviving significant colonial problem and as such [was] an important symbol with the African group and in many other parts of the world. It [was] also a source of violence and disruption in southern Africa, where a liberation movement, the South West African People's Organization (SWAPO), based in various African countries [had] kept the Namibia issue alive by desultory guerrilla activity, which in turn trigger[ed] reprisal actions by South Africa. The future of Namibia [was] intimately connected with the situation in Angola, the relations of the African front-line states with South Africa, and also with the domestic political situation in South Africa. Nowhere has the South African talent for delay and obfuscation been deployed with such skill.<sup>12</sup>

On 10 April 1978, five Western members of the Security Council (Canada, France, Germany, United Kingdom, and USA – the Namibia “Contact Group”) put forward a “Proposal for a settlement of the Namibian situation” (S/12636) (henceforth ‘the Proposal’). On 27 July 1978, in Resolution 431, the Security Council requested the Secretary-General to appoint “a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision of the United Nations”, and “to submit at the

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<sup>12</sup> Brian Urquhart, *A Life in Peace and War* (Weidenfeld & Nicholson, 1987), page 308.

The chapter on Namibia is a fascinating insider's account of the UN's efforts to achieve independence for Namibia and why these had failed.

earliest possible date a report containing his recommendation for the implementation of the proposal for a settlement of the Namibia situation”.

Paragraph 7.C. of the Proposal read: “All Namibian refugees or Namibians detained or otherwise outside the territory of Namibia will be permitted to return peacefully and participate fully and freely in the electoral process without risk of arrest, detention, intimidation or imprisonment. Suitable entry points will be designated for these purposes.” The annex to the Proposal provided that within nine weeks of the formal start of the transition period, “Peaceful repatriation under UN supervision starts for return through designated entry points”.

### *The first UN mission*

With the adoption of SCR 431, things moved fast and I was told to be on standby to join Abdou Ciss and Raymond Mkanda as the UNHCR participants in the UN planning mission to Namibia, which was to prepare the report requested in the resolution. Abdou Ciss, from Senegal, had recently joined UNHCR from the UN Secretariat as Director of Assistance. Ray, from Tanzania, was Chief of the Southern Africa Regional Section and had been with UNHCR for over ten years. We became a good team and got on well, but within UNHCR, and particularly among other African colleagues, there was some concern at the composition of the team, with Abdou new to UNHCR and me new to UNHCR’s programmes in Africa. We flew to New York on 2 August 1978 in a full Swissair 747, and took two hours to get into Manhattan. We had a first briefing the following afternoon from Martti Ahtisaari, the former Finish diplomat who was Secretary-General Waldheim’s Special Representative for Namibia. The UN team for the mission numbered 48 from 26 countries, half of them African, and covered all aspects of the proposed operation: military, police, elections and legal, plus security officers and administrative support.

We flew to Windhoek, the capital of Namibia, via a two-hour fuelling stop in Dakar, in an American Air Force C-141 Starlifter. Rows of seats were arranged on the huge cargo deck and the crew supplied efficient earplugs, but for those who had not flown in a military aircraft before it was an uncomfortable experience, particularly the night landing in Dakar. With no windows, there was no way of knowing when the aircraft was about to touch down, and it did so with a heavy thump. By the time we landed at Windhoek on the afternoon of Sunday 6 August we at least knew what to expect, if not exactly when. The total journey time was well over 24 hours. We were greeted by a large but peaceful demonstration.

While the repatriation of Namibians was covered in just two sentences in the Proposal and one in its Annex, what was involved was anything but straightforward. First, while UNHCR had figures for the refugees it was

assisting (some 30,000 in Angola, 7,000 in Zambia, and 1,000 elsewhere), these were contested, and it was known that a number of Namibians were detained by SWAPO in Angola and Zambia on suspicion of being South African agents, or at least sympathetic to those Namibians who opposed SWAPO. Travel arrangements by air should not be too complicated, and I spent some of the mission investigating possible charters. Arrangements for those who would repatriate via land borders in the north, where the situation remained insecure at the time of our mission, were more problematic. The South Africans did not want a concentration of returnees, likely to vote for SWAPO, in urban areas. There were many problems to be resolved. An amnesty is generally a precondition for any large-scale repatriation, especially after conflict. Its scope has to be clear to potential repatriants so that they can make an informed choice whether or not to return. Our position was that the wording of 7.C. was clear and unambiguous: it was a blanket amnesty. This was not the South Africans' interpretation, but this only became clear on the second mission.

We (the UNHCR team) began with two days of meetings in Windhoek with our South African counterparts: Robert A du Plooy from the Administrator General's office (the AG was effectively the governor of Namibia, so Ahtisaari's counterpart for the transition to independence); R Lindeque, Deputy Secretary of the South African Department of the Interior; and W Blommerus, of the Department of Interior in Windhoek. du Plooy was *"a senior foreign office official who had been an ambassador for eight years in South America [and went on to be ambassador to France]. He is a most experienced diplomat, charming and very effective, with a clear understanding of our problems and the political aspect of the return."* R Lindeque seemed largely focused on security concerns and W Blommerus was concerned with all the local practicalities. We went through each stage of the repatriation, including such sensitive matters as documentation and clearance on arrival. We did the same with the local representatives of SWAPO. Just before we set off for the northern border with Ambassador du Plooy, I wrote: *"The mission seems to have got off to a good start and the authorities give every impression of really wishing to cooperate. However, there is so much mistrust between the various parties and so many problems that success is by no means assured. If a reasonable programme for implementing the Western plan can be adopted by the Security Council as a result of this mission, then things may work out"*.

Between 11 and 14 August we travelled by air (DC3) and road along over 1,100 km of the northern border, from Ruacana east to Katima Mulilo in the Caprivi Strip. Katima Mulilo lies midway between the meeting point of the borders of Botswana, Namibia, and Zambia (and almost Zimbabwe) at the extreme eastern end of the strip and the meeting point of the borders of Angola, Namibia and Zambia to the west; closer to the Indian Ocean than the Atlantic. We visited possible crossing and reception points at Oshikati, Oshikango, Rundu, and elsewhere, meeting the local authorities and civilian leaders. Much of the area

was tense, with a visible presence of the South African and local security forces. The effect of the conflict inside Angola was evident, with some 35,000 Angolan supporters of UNITA along the border, and receiving some assistance from the local authorities. We also had a tour of the Ruacana hydroelectric power station, an impressive new underground complex on the border, just below the Ruacana falls on the Cunene river, that was being commissioned. Ambassador du Plooy had said the diversion would be worth it, and he was right. We visited the main towns in the north, Tsumeb and Grootfontein. At both there were mines with possible transit accommodation for the repatriants. At Tsumeb mine I was discussing this with an employee when he pointed to Ray Mkanda, and asked me who he was. "My boss", I replied. He was astonished and wouldn't believe me: "that black man can't be your boss".

*While apartheid is officially not practiced and tensions apparently much less than in South Africa, for the first time in my life I had an inkling of what it must be like to be black in such a society. Until recently, a black had to remain in his tribal 'homeland' (under SA policy of encouraging tribalism and therefore dividing and ruling) unless he has a 'contract' to work in the mines etc., when, leaving his family, he moves to a sort of open prison. No unions, right of tenure of job etc. The largest tribe are the Ovambos, 350,000 plus out of some one million, and in the 'African township' of Windhoek (quite separate from the beautiful white town, German colonial architecture, lovely shops, excellent restaurants), the Ovambo quarter only houses 6,000. Despite the enormous mineral riches of the country, there is massive black unemployment and of course no university or further education possibilities in Namibia.*

Back in Windhoek we met with the UN Force Commander designate, Austrian Major-General Hannes Philipp, to discuss early deployment to the entry points, and with the local Red Cross and church leaders. While the Administrator General would be responsible for initial reception arrangements, we wanted to find partners for the assistance that would be needed thereafter who would be acceptable to SWAPO. There was a strong Lutheran church in Namibia, and we believed they could be reinforced as necessary by the Lutheran World Federation, with whom UNHCR worked closely elsewhere in Africa. We also met with the UN election teams to ensure that arrangements would be in place to register the returnees in time to vote. The Proposal saw the start of the thirteenth week as the start of an election campaign of about four months' duration, only four weeks after the deadline for the start of repatriation.

We had a round up meeting with Martti Ahtisaari on 23 August, at the end of the mission. While it was clear that the repatriation operation would not be easy, and would be one of the more sensitive components of the transition process, we hadn't encountered any insurmountable problems. We submitted our input for the Secretary-General's report, which was to be issued on 29 August. We returned via New York, and the UNHCR team flew back to

Geneva from there on 25 August. I summarized my impressions in a letter written once back in Geneva.

*I think the general view was that the Ahtisaari mission went well, but there is still a lot of negotiating to be done about troop levels, date of elections, re-registration of voters etc. Most people are optimistic that this can be sorted out. ... we are responsible for bringing back the 'exiles', including SWAPO, the freedom fighters (peacefully and without their arms). It is a key stage in the process because they must repatriate or the fighting will continue, and they also must return in order to organize their party for the elections (which most observers expect SWAPO to win). The South African 'sponsored' party, the Democratic Turnhalle Alliance [DTA], is a pretty artificial merger of the all-white Republican Party and a party formed by those black Namibians who feel their lot lies with South Africa.*

Even at the time, there had been a sense that things were going a little too smoothly with the South Africans. It soon became clear why: before any further engagement on implementation of the plan, the South Africans intended to organize their own elections and install the DTA. This had clearly been their plan since before the Ahtisaari mission. There were also negative reactions to the Secretary-General's 29 August report, which set out how the Proposal would be implemented in light of the findings of the mission (and barely mentioned UNHCR). Objections to aspects of the report were voiced on all sides. As a result, on 28 September the Secretary-General issued an explanatory statement regarding the report, and the following day the Security Council adopted resolution 435, which approved the 29 August report and the explanatory statement, and decided "to establish under its authority a United Nations Transition Assistance Group (UNTAG) ... to ensure the early independence of Namibia through free and fair elections under the supervision of the United Nations". The resolution also declared "that all unilateral measures taken by the illegal administration in Namibia in relation to the electoral process, including unilateral registration of voters ... are null and void." After South Africa declared its intention to go ahead with elections in December 1978, the Security Council adopted, on 13 November, resolution 439, declaring that the results would be null and void. The resolution also threatened action in accordance with Chapter VII of the Charter to ensure compliance with SCRs 435 and 439 (significantly, the five western powers abstained in the voting on resolution 439). South Africa ignored the threat and in the elections the DTA won 41 of the 50 seats.

### ***An Asian interlude***

Back in Geneva, we debriefed the High Commissioner and his senior staff on 30 August 1978. I continued to work on the plan for Namibia, and we met with the Lutheran World Federation on 12 September. I was still the Cyprus desk

officer, with a good deal to catch up, and the problems our Regional Section had been handling as a result of the civil war in Lebanon and the plight of the Kurds remained acute. But on 9 October I was being briefed for a short-notice mission to Hong Kong, to open a proper office there in response to the increasing arrivals of Vietnamese 'boat people'. I left two days later. This was another fascinating mission, my first as a Chief of Mission.

*Our problem is that, at least until recently, the Hong Kong authorities wanted to keep out of it and leave everything to UNHCR for political reasons. Thus we have over 4,000 Vietnamese 'boat cases' in 22 hotels/hostels with little control over them and at the incredible cost of USD 800,000 per month [initially, I spent a good deal of my time writing cheques for hotel bills]. Because we are doing almost everything, each boat arrival – about 500 to 1,000 people per month – is a crisis for us.*

Chris Carpenter and Rajiv Kapur were on mission from the Regional Office in Kuala Lumpur, and holding the fort on my arrival, but by 26 October I and four local colleagues were on our own, and I had made my first visit to Macao, where Catholic Relief Services, in the person of the legendary Father Lancelot Rodrigues, was looking after 600 refugees on our behalf.

*In Hong Kong much will depend on whether a vessel that is reported to be loading 1,500 people off HCMV (Saigon) and heading for HK actually makes it here. The Government are taking the report seriously and having finally agreed to UNHCR using an old barracks to regroup the 4,000 now in hotels, have now reclaimed the barracks to prepare them for the 1,500. They will of course put them in some sort of shape much quicker than we could have done, and if by any chance the vessel goes somewhere else it will have been a blessing in disguise. Things have been very busy ... People in the Government are very friendly and personally helpful, but UNHCR should never have got into the situation where we agreed to do everything ourselves. Until this 1,500 scare, they kept right out of it. In a funny way it is more difficult than Thailand. There at least you knew who took the decisions and more or less what could or could not be achieved.*

*It's been another very hectic week but things are at last starting to fall into place a bit. The ship that might have come here with 1,500 actually went to Indonesia (with over 2,000). So that's a relief. However, the Government seems to be dragging heels a bit over finally giving us the camp site. I called on the Chief Secretary (= Prime Minister) and the Secretary for Security (= Home Secretary) on Friday afternoon [4 November] and hope they took the force of my arguments and will actually give final OK this coming week. Anyway, I told them that I was going ahead spending money connecting up water, electricity etc.*

*I've just met Angelo Rasanayagam at the airport [12 November]. He's come here from Laos at short notice to take over from me. Darryl Han, a key man at Hqs in our Asia operations, was involved in a very bad car accident ten days ago, and I have been recalled, as he was preparing for "consultations" with*



*governments in Geneva in mid-December. Apparently there is a mass of work to be done and I have to get back asap to help do it. I'll be working for Franzi Homann-Herimberg again. Darryl is Burmese, and not only extremely nice but also one of the key hopes for the future of the office [his injuries proved fatal]. I'm sorry to be leaving here just at the time when things are starting to be organized a bit, and at a critical juncture for one or two key decisions.*

*Everyone seems to view these "consultations" as pretty important and things with the boat people are at a point of perhaps no return. [As, for example] with this vessel the Hai Hong, which has 2,500 on board in a voyage that seems likely to have been organized from Hong Kong, perhaps by the big crime syndicates. I confronted the new 'owner' of the vessel in his heavily locked office on Thursday [9 November], but of course his story was ready: yes, he had planned to buy the vessel, but delivered to Hong Kong so he had lost his 10% deposit etc.<sup>13</sup>*

*I can see that the four weeks after my return to Geneva are going to be as busy as these last four weeks have been. I'm again seeing the work in Geneva and in field in its correct balance. Job satisfaction is good anyway in Geneva but even better in the field. When I managed to get through to Angelo on the phone (in Vientiane) on Thursday, he hadn't received the cable asking him to come here [on Sunday]. But he was here for four months in 1975 (after I relieved him in Bangkok) and was anyway scheduled to take over from me before Christmas (though he didn't know that either).*

I left Hong Kong on 17 November to brief colleagues in Kuala Lumpur and then went to Bangkok, where Franzi Homann-Herimberg arrived on 19 November. He set me to work on the UNHCR note for the governments attending the consultations on the Indochinese refugees, and especially the boat people. I left for Geneva on 21 November and was then working almost non-stop on the note, which finally went to governments a.m. Thursday 30 November. Viru Dayal [now the High Commissioner's Executive Assistant] was responsible for much of the final touches and emphasis; we were together on it for five hours a week ago and another ten or more before the final text was out.

*He really does have a first-class mind and it's a pleasure, if slightly awe-inspiring, to see it at work from so close to. Anyway, the note reads pretty well, which it needs to. Since Thursday I have been working on other aspects of the consultations and this weekend on the first draft of the High Commissioner's opening statement*

*Finally, things worked out better than I could have dared hope in Hong Kong. When I spoke to Angelo on the phone last week, we had already moved nearly*

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<sup>13</sup> For the story of the Hai Hong, whose passengers had reportedly paid a total of USD 5 million, and for the wider context, see W Courtland Robinson, *Terms of refuge: the Indochinese exodus and the international response* (Zed Books, 1998).

*600 people out of hotels and into our transit centre, and are set to reduce the very high costs by over USD 500,000 between now and February. But at one stage I was living very dangerously, having spent over USD 200,000 on the transit centre before I had government approval to use it. Which meant that when the government finally agreed, we could move people in at once.*

The consultations took place on 11 and 12 December and were attended by ministers and others at a high level. The Vietnamese finally decided to be represented by their Ambassador to France, a key man for them. On Sunday 10 December, the UK *Observer* had a headline "Crisis summit on boat people". The consultations did not solve the problem of asylum for the boat people but probably delayed its further escalation.

### ***The second UN mission***

At the start of 1979 much of my attention was still devoted to SE Asia, and specifically to preparing a brief for the Secretary-General, who was about to visit the region. I was also preparing to return to Namibia: with the elections over and won by South Africa's proxy, the DTA, South Africa had accepted in principle the Proposal for a settlement, and Martti Ahtisaari was returning to Namibia to further elaborate the arrangements for UNTAG. On 10 January I had a call from one of the local charter companies I had been in contact with in August, so the mission was already receiving publicity in Namibia. I finished the SE Asia brief on 11 January and Abdou Ciss and I flew to London on 12 January for an overnight flight to Johannesburg. We met up with the rest of the UN team there, and flew on to Swakopmund via Windhoek on 14 January. Swakopmund "*is on the coast just north of Walvis Bay [a port enclave retained by South Africa until 1994], and is the summer seat of government. A small and quite attractive town with German influence most apparent.*"

This second Namibia mission was 22 strong, with the key people from the first mission and security and administrative support. We (Abdou and I) attended an initial meeting in Johannesburg with Cedric Thornberry (Ahtisaari's Executive Assistant), Ralph Zacklin (later the UN's Deputy Legal Counsel) and others involved in the negotiation of the Status of Forces agreement, which would set out the legal basis for UNTAG, and on which it was clear there were problems. The issues for us seemed largely practical, for example coordinating the locations of the UNHCR field presence and the UN centres outside Windhoek where necessary. After arrival in Swakopmund, Ahtisaari briefed the whole team, stressing we were not there to renegotiate. He said that issues that could not be resolved in Namibia would be taken up in Cape Town. As in August, the Secretary-General's report to the Security Council was to be issued within a few days of the end of the mission; Hisham Omayad, a politically very astute, bright and amusing Ghanaian from Ahtisaari's office in his capacity as UN Commissioner for Namibia, was in charge of the drafting.

It was soon clear that the South Africans were taking this mission seriously, and there were several new faces on their side. The first meeting with the Administrator General and his staff began at 11:35 on Monday 15 April January and continued, with breaks for lunch and tea, until the late afternoon. After lengthy discussion of the phasing and deployment of UNTAG, the police component, and the organization of elections, Abdou gave a presentation on UNHCR's plans. He noted that there were potentially some 40,000 repatriants. The questions we were asked included about registration, how we knew who were refugees, numbers likely to return, the arrangements foreseen for the return of SWAPO, and return from further afield, specifically Tanzania. One of the new faces and questioners was Ambassador Riaan Eksteen, and as the mission progressed it became clear that he was a key decision maker (he was South Africa's ambassador to Namibia from 1990-91).

The next morning, Abdou and I met our new counterpart, Ambassador Carl von Hirschberg (later Deputy Director-General of the Department of Foreign Affairs), and a SA Colonel. At the end of the first mission, we had left a detailed note with Ambassador du Plooy, setting out our plans and what would be expected on their side and Abdou began by reviewing this. A new consideration was that if all went as was hoped (at least by our side), the repatriation would take place during the rainy season in northern Namibia, with significant logistical complications. The Ambassador said that they expected to be able to reply positively to the points in the note. As a matter of principle, the authorities would take responsibility for assistance on return, in which we had hoped the churches would play a major role. The Ambassador then raised the question of clearance to return, which the authorities would need to provide, given the potential presence of "criminals" among the returnees. This was a new and critical issue. Our position was that while the rate of return might need to be adjusted for practical reasons such as transit centre capacity, paragraph 7.C. of the Proposal meant that no prior security clearance was necessary. Within UNHCR, we had considered the problem of those who might not in fact be Namibians, and decided that if this was an issue after return, it should be left to the independent government to resolve.

We briefed Ahtisaari, Thornberry and Omayad on the meeting. It was agreed that if the authorities wished to play the central role in all aspect of assistance after return, this was their right, but that UNHCR must be seen to be in overall control of the operation. There were also good political reasons for UNHCR to be seen to be funding much of the initial assistance. Ahtisaari said that he would take up the question of security clearance with the Administrator General.

The Administrator General invited us all to a buffet supper at his residence on 17 January. The mission met again with him and his staff the next morning. According to my notes of the meeting, the military had "not quite reached

agreement, the election unit seemed to have no problems, at least on logistics” and there were “police problems on political grounds”. The two major stumbling blocks were the Status of Forces agreement and the question of clearance for return, “issues for further clarification” in Cape Town.

After that meeting, Abdou and I flew from Swakopmund to Windhoek. The next morning Abdou left for Geneva via Johannesburg while I had meetings, organised from Swakopmund, to follow up on some of the details discussed in August. One complication was that two of the then semi-dormant mines where we had hoped to find accommodation would probably be fully reactivated shortly. I flew to Cape Town on the afternoon of 19 January. While the South Africans had invited us all to Cape Town, the mission had reduced to 15 members. Some of our African colleagues had understandably baulked at being VIP guests of an apartheid regime, and in any case only those directly concerned with the unresolved issues were needed.

In Cape Town on Saturday 20 January, Mark Bowmani, Ahtisaari’s legal adviser and a former – and first indigenous – Attorney General of Tanzania, Cedric Thornberry and I met with the Administrator General; J Viall, a key member of his staff; Brand Fourie, the Secretary for Foreign Affairs; and Ambassador von Hirschberg. Bowmani said that the question of clearance was a big issue. Fourie replied that in practice it would not be a big issue but it was a matter of principle. He claimed that in discussions with the Contact Group when the Proposal was being drafted it was always understood that small numbers would not be allowed back. They would give a list, which would be so short as to be clearly not politically motivated (we assumed that such a list would start with the SWAPO leadership outside Namibia). Bowmani quoted paragraph 7.C., which Fourie said had to be seen in context. Bowmani said no context was needed to understand it. Fourie said that there was no question of the government agreeing to give immunity to common criminals, how could UNHCR be proposing that? Exchanges went on in this vein, with Fourie continuing to disagree with our reading of 7.C. He said that in the discussions while the Proposal was being prepared, SA had suggested a tribunal to deal with the problem. The west had agreed but SWAPO had rejected the suggestion. The meeting ended after a brief discussion on the Status Agreement.

We briefed Ahtisaari on the meeting. The interpretation of 7.C. clearly had to be non-negotiable for the UN, and Ahtisaari said he would raise the matter in his final meeting with Foreign Minister Botha. Meanwhile the US Permanent Representative to the UN, Donald McHenry, who had been the leader of the Western five when the Proposal was being prepared, was contacted. He confirmed that 7.C. meant exactly what it said: no reservations or secret understandings had been agreed with the South Africans.

As soon as Ahtisaari came out of his final meeting with FM Botha, he told me that the problem was solved. In his debriefing to the team at the end of the mission, Ahtisaari reported that Botha had said South Africa accepted 7.C. in its entirety; when Ahtisaari had asked about the objections raised, Botha had confirmed that there were no reservations. Ahtisaari said he would ensure that this was indeed the case with the Administrator General as soon as possible after UNTAG deployed, but he did not believe the matter would be raised again (it was, ten years later).

Ahtisaari went on to review the state of the other issues, saying that in general there was agreement in principle but there were problems to be sorted out on the ground. Many of the issues concerned the military. The Status Agreement was 90% sorted out and Ralph Zacklin was optimistic for the rest. Ahtisaari said that the Secretary-General's report should simply confirm that South Africa accepted resolution 435 and was not seeking renegotiation, and then address all the practical matters. There was now no need for any UNHCR input. As soon as possible after he had reported to the Secretary-General, Ahtisaari planned to leave to brief the front-line states on the outcome of the mission, which was already being 'spun' by the South African media.

On Saturday evening I went to the theatre with Ralph Zacklin and his colleague Gilberto Schlittler-Silva to see

*the new play by the coloured South African, Athol Fugard, A lesson from aloes. Quite superb: brilliantly written, directed (by Fugard) and acted. I think it is going to the National Theatre (London) this spring. Set in 1961 but still – as one can so easily believe in it – absolutely relevant. Someone once described South Africa to me as somehow like what Germany must have been in the 1930s in terms of the whites' attitude to what was going on. I didn't understand what he meant until now.*

An abiding memory of Cape Town, where we did indeed have VIP treatment, was going out for a drink with some of our team, including Mark Bowmani, and our 'minders' racing ahead to tell "whites only" establishments to let us in. With no meetings on Sunday 21 January, I spent the afternoon down at the yacht harbour and very modern docks, and had tea on board a large British yacht on its way round the world for the third time.

### ***The third UN mission***

I arrived back in Geneva on the morning of Tuesday 23 January 1979. That afternoon Abdou and I briefed the High Commissioner, Viru Dayal, and the four directors. It was agreed that I would accompany Abdou on the mission to the front-line states, and we left on Saturday 27 January to meet up with Ahtisaari in Frankfurt for an overnight flight to Dar es Salam. We were nine in all, with Anour Chérif (Tunisian), the press officer, Major-General Hannes

Philipp, the Austrian Force Commander designate, Bev Mallinson, Ahtisaari's Australian secretary, Bernard Muganda, his Tanzanian special assistant, Victor Noble, security officer, and Hisham Omayad making up the team. Mark Bowmani joined us for Mozambique and Zambia. We knew each other pretty well by then and it was a friendly and close-knit team for a mission like no other.

*We started off in Dar (28-31 January) where we had a meeting with President Nyerere, a very impressive man, as indeed were the other four Presidents. In each capital we had long meetings with the Presidents and their senior advisers. From Dar on we had a most luxurious executive jet, a ten-seater Falcon (Mystère 20), chartered for us and indeed indispensable, as we couldn't possibly have done the trip in the time otherwise. Better than first class and great fun: captain, co-pilot and Swiss air hostess. From Dar we went to Maputo (31 January - 2 February) via a refuelling stop at Beira. [I had last seen Beira from the seaward, in 1966, when navigating HMS Berwick and on patrol to enforce Security Council sanctions to prevent Rhodesia from receiving oil via the pipeline from Beira.] Maputo too had an added interest, as Mozambique was hosting a meeting of the bureau of the non-aligned states, so we met or saw ministers from all over the third world.*

*From Maputo we went to Lusaka (2-5 February), where we had two meetings and lunch with President Kaunda before going on to Gaborone in Botswana for two nights and a long meeting with Sir Seretse Khama. We left Gaborone early on 7 February for Luanda but stopped at Livingstone for fuel and a quick visit to Victoria Falls, which were even better than I had expected, and definitely one of the wonders of what I've seen so far of the world. In Luanda we had two meetings with President Neto and two with Sam Nujoma, President of SWAPO. From these it was clear that there was a gap between what the SA side understood certain key aspects of the Proposal to mean and what SWAPO understood, principally over military questions such as the cease-fire, restriction to base, and arms. Always a danger where proximity talks form part of the negotiations and where mutual suspicion is so deep-rooted. It is clear that the five Western powers left vague a number of very important matters, and as the UN was not a party to the negotiations, we were not in a position to resolve them. I'd guess that there will be a delay of at least a month now [written on 18 February], and the chance of starting at all can't be more than evens.*

*From Luanda we had a three-hour flight to Lagos to brief the government there, Nigeria being heavily involved. We spent the nights of 11 and 12 February in a government guest house on Victoria Island, by the harbour. Lagos is quite fantastic and I enjoyed my first real taste of West Africa. We had a long meeting with the equivalent of the Foreign Minister, a Lieutenant-General who was very much on the ball.*

In Dar we also met with the OAU Liberation Committee and with SWAPO: a number of their key officials were based there. My record of the meetings on this mission covers almost 50 close-written pages of an A5 notebook, but all the high-level meetings followed much the same pattern. They began with introductions and a usually short opening statement from our host. In Maputo, this was one of the highlights of the mission. After we had waited for some time for President Machel, he bounded into the room in combat fatigues, threw his arms round Ahtisaari (no mean achievement) and loudly exclaimed in Portuguese “Ah, the representative of Pretoria”. They knew each other well from Ahtisaari’s time as the Finnish ambassador accredited to Mozambique and other countries in the region.

Ahtisaari would then give a detailed account of our mission and the current status of preparations for the transition to independence. He was open about the difficulties encountered, including UNHCR’s and its resolution. All the presidents and the ministers who attended the meetings were well informed. On the one hand, they were strong supporters of SWAPO and deeply suspicious of South Africa’s real intentions. On the other, their support for Namibian (and Zimbabwean) independence adversely affected both their security (e.g. South African cross-border raids) and their economy. They asked some searching questions but their engagement was constructive. They had an influence over SWAPO that the UN lacked.

In Zambia we also met the American ambassador, Frank Wisner, with whom I had had some lively encounters in New York in the summer of 1975, when he was the Deputy Head of the Indochinese Task Force.<sup>14</sup> There were UNHCR offices, and Namibian refugees, in all the countries we visited in southern Africa, so Abdou and I were able to discuss the repatriation operation as seen from that end. The UNHCR Representative in Zambia was Cécil Kpènou, whose deputy I was to be when he was Director of the Regional Bureau for Africa, including at the time Namibia finally gained independence. Gary Perkins was the UNHCR Representative in Botswana; we had worked (and sailed) together that summer in New York. Luanda was the scene of another highlight of the mission, though that is not the right word.<sup>15</sup> Our first meeting with President Neto was scheduled for the early evening, and we raced out to the presidential palace escorted by police cars. We were shown into a reception

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<sup>14</sup> Covered in the previous account.

<sup>15</sup> This was my first, and only, visit to Angola. Before we met, my wife, then Sue Peel, had been there in 1976, working in an ICRC health team in a hospital on the UNITA side. Her account of how they were overrun by the advancing Cubans, with the generator illuminating the Red Cross flag running out of fuel as the first tank entered the hospital compound, and how the day was saved by a successful emergency appendicitis operation on a Cuban Captain, deserves a much wider audience than she will allow it.

room and after a few minutes there was a power failure. We were in total darkness, and so were the President and his advisors next door: we could hear increasingly raised voices discussing what to do. Candles and torches were finally produced, but a decision was taken to delay the meeting until the following morning. I suspect that the prospect of none of the usual press photographs of the start played a part in the decision. As we were feeling our way out and into the cars to return to the hotel, an emergency generator started and some lights came on.

The charter of our executive jet ended in Lagos. Ahtisaari and the others flew back to New York overnight on Monday 12 February. Abdou and I were booked to fly commercially to Geneva the following day, though we had been warned that having a confirmed booking was no guarantee, as over-booking was commonplace, and we had been told that Lagos airport was notorious for struggles during boarding. We never found out if this was an exaggeration. The crew of the charter plane were staying at the same guest house, and by then we knew them well. On the eve of our departure, I asked what their next move was. "Back to our base in Geneva for maintenance." "Can we come too?" "Of course". So early the next morning I found myself being collected from the VIP lounge by our hostess to come to first class catering and select what we wanted to eat on the flight. We took off at 07:00 and after fuelling stops at Kanu and Ain Amnas, in southern Algeria, reached Geneva at 16:10. Definitely a fitting end to an extraordinary mission, and of course we saved UNHCR money. I have a vague recollection that we paid something modest for the extra fuel needed for our weight, but we may not even have done that.

Brian Urquhart explains what happened next.

In February 1979, Waldheim issued a report designed to give a central interpretation of controversial questions and to ask everyone to accept it in the interests of progress. In this report we suggested March 15, 1979, as the day that the cease-fire would come into effect and the whole process of independence would start.

The report got a rousing reception. The South Africans, in their perennial search for a new and insurmountable obstacle to progress, grumbled darkly about double-dealing and the suppression of vital information. They were particularly indignant over our suggestion that the fighting members of SWAPO actually in Namibia when the cease-fire went into force should be assembled in special locations, a provision we had made at the urging of the South African military.

SWAPO was not to be outdone by the South Africans. Its President, Sam Nujoma, announced from Addis Ababa that he could no longer co-operate with the Secretary-General, that he would not accept any NATO



country in the UN Force, and that he disagreed with a number of the Secretary-General's interpretations.<sup>16</sup>

### ***1981-89 and a last related mission***

I remained the focal point at headquarters for the operation until I left for the Sudan in late 1983, but there was little to do and only one event of note for UNHCR. After difficult negotiations by Brian Urquhart in Pretoria and another mission by Martti Ahtisaari to the front-line states, agreement was reached to hold a Pre-Implementation Meeting in Geneva in January 1981. We dusted off the plans, but had learnt from experience not to invest too much effort too early. The Carter administration had been the driving force behind the Contact Group Proposal and what pressure could be put on South Africa to implement it. The incoming Regan administration came to see Cuban withdrawal from Angola as a prerequisite for a Namibia settlement, ignoring "the fact that South African raids into Angola from Namibia and South Africa's military support for Savimbi's insurgency were the main reasons for the Cuban presence in Angola."<sup>17</sup>

The meeting was opened by the Secretary-General and then chaired by Brian Urquhart. What both already knew was evident to others from the first statement by the South African's proxy government, the DTA. Whatever its intentions before Carter's defeat, South Africa was now emboldened to wreck the meeting, and had no intention in going ahead with implementation. I attended all of the meeting, which was held in one of the smaller old wood-panelled meeting rooms at the Palais des Nations. We listened for two days to the DTA attacking, often in a scurrilous manner, everyone from the UN, the front-line states and the contact group to SWAPO's leadership. The Administrator General, Brand Fourie, and Riaan Eksteen were present but let the DTA do the talking. When they had finally exhausted themselves, Brian Urquhart took the floor. Within seconds, a conference room that had been full of side talk was completely silent. He spoke quietly but very clearly, with a few notes on the back of a business card which he hardly consulted. He set out what the UN stood for, what it could and could not do to bring peace to the region, and what others had done to the same end. The complete silence lasted for a time after he had finished, and no one on the DTA/South African side looked up and risked catching his eye. If I was only to hear one explanation of what should be the ideals of a United Nations, that would be it. I was able to tell him so at the time, as after the close of the meeting on 14 January, I drove him and Viru Dayal to the Dayal's (in a blizzard) where we were joined for dinner by Franz and Claude Homann-Herimberg. In an email in 2007 about an

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<sup>16</sup> *A Life in Peace and War*, pages 309-310.

<sup>17</sup> *Ibid.*, page 320, though the context is Mrs Thatcher's support for the linkage.

unrelated article of his in the *New York Review of Books*, I recalled the lasting impression this had made on me. Brian Urquhart's reply: "I am amazed that you remember the Turnhalle representative in 1981. What an obnoxious fellow. All that seems a different world now."

After the January 1981 meeting, the American linkage of Namibian independence to Cuban withdrawal from Angola became explicit. In December 1988, South Africa, Angola and Cuba signed agreements providing for the implementation of resolution 435 and the simultaneous phased withdrawal of Cuban troops from Angola. In resolution 629 of 16 January 1989, the Security Council authorized UNTAG, and Namibia's transition to independence in accordance with the 1978 plan began on 1 April 1989. Bernt Carlsson, the UN Commissioner for Namibia, was the Special Representative designate, but he died in the Lockerbie bombing on 21 December 1988 and Martti Ahtisaari replaced him.

Initially, I was no longer directly involved with the operation but followed it closely. The mission got off to a disastrous start, with armed SWAPO forces crossing the border from Angola into Namibia. The UNTAG military had not yet been deployed, and Ahtisaari had to turn to the South African military, and temporarily release them from the barracks to which they were confined under the terms of the transition agreement, in order to expel the SWAPO forces. Among other serious consequences, repatriation was delayed for a month.

*At work I have been much more involved with Namibia than I had expected. This is in part because the other deputy in the Africa bureau, Nicolas Bwakira, has gone to be our man in Namibia, but is also the result of the fact that my involvement ten years ago has become relevant to one of our major problems with the South Africans. This is the amnesty for Namibians outside the territory, who should be able to return "without risk". Ten years ago, when we were in Namibia in January 1979, the SAs had said that they had a list of those that they intended to prosecute for "criminal" offences. This was the reason that I had had to go with that mission to Cape Town, where we finally convinced them that there had to be a blanket amnesty in accordance with the agreed plan for transition to independence.*

*When they (SA) gave us their draft amnesty proclamation it contained a distinction between political and criminal offences. In practice, this was meaningless, as it only became effective after independence. Its purpose was to allow them to placate the extreme right by saying that although there was an amnesty, it made a distinction between common criminals and the others. It was however not meaningless for us, as for ten years we had been telling the refugees that there was a blanket amnesty, and such a distinction now could only increase their already high fears for their security on return.*

*The problem was complicated by the fact that the UN Special Representative, Martti Ahtisaari, and two of his key staff who had been in Cape Town for these negotiations, had a less clear understanding of these negotiations than I had. They disputed that there had been a blanket amnesty and, given all their other troubles with the SAs, were prepared to accept the SA draft amnesty. Fortunately, UN New York agreed with us that the draft was not satisfactory and decided to move the negotiations from Windhoek to New York. This was why I went to New York from 24-27 May with Nini Akiwumi, a colleague who is our senior legal adviser in the Africa bureau here.*

*Luckily I had kept detailed notes of the mission to Cape Town and was able to convince the Secretary-General's office that an unconditional amnesty had indeed been agreed by Foreign Minister Botha at that time [which the South Africans had surely not forgotten]. What had happened then was less important than whether we could convince the SAs now that their draft had to be changed. After a number of high-level internal meetings, we had two sessions on Friday 26 May with the acting SA Permanent Representative to the UN in New York, Jeremy Shearer. He said that he understood the force of our case but was not sure that Pretoria could accept what they saw as the political problems that a properly drafted amnesty would bring.*

*It seems that they can, as on Tuesday (30 May) Shearer came back to the Secretary-General with a new draft without the offending distinction, one that is satisfactory for us. It should be promulgated any day now, but I shall not be convinced until it is indeed law. If all goes well it will be a great relief for me personally, as at one stage it was very much my recollection of what happened in '79 against that of Ahtisaari and his team, and much more importantly because if the UN cannot get the SAs to play by the rules on something as basic as this, the outlook is grim: this will not be the last or even most serious test for UNTAG.*

*It was a fascinating mission and a chance to get to know Marrack Goulding, the Briton who has taken over Urquhart's job. He chaired all the key meetings and made a good impression. The Legal counsel of the UN also attended all meetings – a very nice German. I saw Mark Malloch Brown on two evenings with his fiancée Trish, who is extremely nice. [Sue had worked with Mark on the Thai-Cambodian border in 1980, when she was the UNHCR/ICRC nutrition coordinator and Mark was the UNHCR field officer in charge of Khao-I-Dang. Mark was latter my deputy in the emergency unit, before going on to greater things, and he was our best man.]*

Almost all the Namibian refugees were repatriated in time for the elections, which were held in November 1989 and won easily by SWAPO. The UNHCR operation repatriated just over 40,000 refugees and cost over USD 36 million (our original 1978 estimate had been some USD 12 million). As we had hoped ten years earlier, the Council of Churches of Namibia was UNHCR's main

implementing partner for assistance on return. Lieutenant-General Prem Chand, whom I knew as the UNFICYP Force Commander when I was in Cyprus in 1974, was the Force Commander.

### *Thereafter*

I worked again with Cedric Thornberry in the Balkans in 1993, when he was the Head of Civil Affairs of UNPROFOR and I was the High Commissioner's Special Envoy for the former Yugoslavia. I last met Martti Ahtisaari at Amsterdam airport in the summer of 2000. Sadako Ogata, and I suspect Secretary-General Annan, hoped that Ahtisaari would succeed her as High Commissioner at the start of 2001. She sent me to brief him on what I saw as the challenges that the new High Commissioner would face (and never asked me what I had told him). After a few days' reflection, Ahtisaari decided – I think reluctantly – that he had too many other commitments. He was President of Finland from 1994-2000 and won the Nobel Peace Prize in 2008.

I had two more encounters with persons involved with Namibia. In 2004, I was in Kabul with a colleague while preparing a report for the UN's humanitarian coordinator on what the UN could learn from others about maintaining a humanitarian presence in areas of high insecurity. We met with the Special Representative of the Secretary-General, Jean Arnault. We were discussing the challenges of operating in conflict zones. Making the point that if all sides were really committed to the resolution of a conflict, the independence of humanitarian action should not be prejudiced and even serious setbacks could be overcome, I used the start of the Namibia operation as an example. Arnault said that he had been in Oshikati on 1 April 1989, as a political officer with UNTAG.

In early 2013, I was invited to a conference on *India and the Responsibility to Protect* at Kings College London. A fellow participant was a retired Indian army Brigadier, Gurmeet Kanwal, who had just finished four years as Director of the Centre for Land Warfare Studies in New Delhi. We were talking at dinner after the conference and Namibia came up. I mentioned the disastrous start to the operation, and learnt that the Brigadier had been an UNTAG military observer in the north, one of the first to be deployed. He and a Finnish observer were starting to set up their base when shooting was heard from across the border: SWAPO troops firing in the air as they approached. He managed to persuade the South African military, with whom they were co-located, not to attack the SWAPO group. Then he went out alone to meet them, and was able to diffuse the situation without bloodshed; a very courageous act. My mind went back 35 years, when I had stood on that border.

On status of UNTAG

1/3 x 30 000 [Mr Fourie] added latter (Mayer)

Debrief on last meeting 22 Jan 79 (SRSG x Minister FA in Capetown)

MA Dropped x 7c accepted. Will check out @ JV and sort out with MS as soon as possible after D day. Doesn't believe matter will be raised again.

HO Raised in formula agreed last night i.e. All matters sorted out except <sup>but no reser.</sup> one - prepared note any reservations expressed in writing. Reply by RWB. Accepted 7c in its entirety. MA but points raised? RB no reservations.

General tone: agreed in principle. Problems on ground to be sorted out MA/MS after D day. Problem for MFA to accept some of SADF paper but would recommend to PM. However would not consider bound by phased withdrawal programme if recip arrangements x monitoring not possible x espec if cease fire breached. So wanted cease fire proposal asap.

[UN <sup>paper</sup> reply. Could not commit sovereign countries on monitoring but SA has already had assurances and visiting f/l states]. RB stated settlement in interest of whole SA x Nets x K should act in own interests.

[SADF paper 4 pages covering recip arrangements as foreseen in phases in annex. Very detailed but rational. Bases OK if on schedule.]

The page of my notebook covering Ahtisaari's report on his meeting with Foreign Minister Botha (RWB), confirming that South Africa had no reservations on the right of return.

## 4. Southern Rhodesia 1979-1980

This account of Southern Rhodesia's transition to independence as Zimbabwe is set in the wider context and is broader in scope than just UNHCR's involvement.

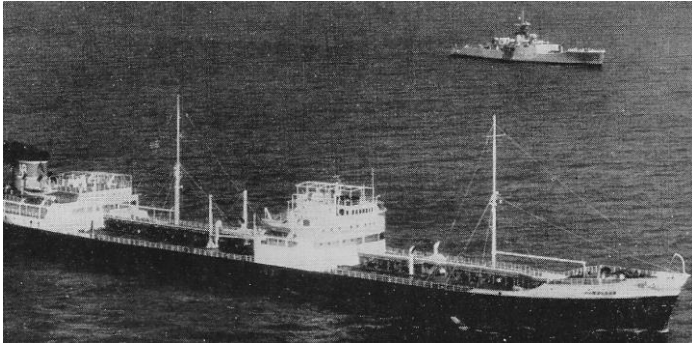
The experience gained on the three Namibia missions in 1978-9 was relevant to UNHCR's approach to this operation. Those missions are the subject of the previous account in this series.

### *Prologue*

In November 1965, I was the navigating officer of *H.M.S. Berwick*. We were berthed in Portsmouth Royal Naval Dockyard, preparing to deploy to the Far East. One evening, when I was the duty officer, I received a call to go to the Communications Centre and collect a coded signal. The signal was classified 'secret' and instructed all Royal Navy ships and shore establishments to report if they had any Rhodesian subjects among their complement. Faced with the policy of the British Government not to grant independence to colonies unless they were under majority rule, the government of white-ruled Rhodesia, led by Ian Smith, had unilaterally declared independence (UDI) on 11 November 1965. Thus subjects of the Crown Colony of Southern Rhodesia were in revolt; the first such revolt since the American Declaration of Independence.

Five months later, we had been diverted from our original planned deployment and were on patrol off the port of Beira, Mozambique, as part of a Royal Naval blockade to prevent oil being landed there and moved up the pipeline to Rhodesia. In November 1965, after the UDI, the UN Security Council had called on all states to break off economic relations with Southern Rhodesia and prevent oil and petroleum products from reaching the illegal regime. The British had good intelligence of the regime's intentions, and another frigate had just intercepted an oil tanker, the *Joanna V*, carrying oil for Rhodesia. There was, however, no UN authority to use force; the tanker refused to stop and had continued to Beira. *The Daily Telegraph* ran a cartoon of the frigate, guns trained on the tanker, with the caption "Stop or I'll let you go by".

On 6 April 1966, we were ordered to intercept another tanker, the *Manuella*, which was known to be carrying oil for Rhodesia. An aircraft carrier, *H.M.S. Eagle*, and maritime patrol aircraft were also involved in the blockade, and with their help we located the *Manuella* the following morning and escorted her south (she said she was heading for Durban). We left her early on 9 April, when she was 250 nautical miles south of Beira and still heading south, and turned



back to resume the blockade off Beira. Later that day I was sitting in the operations room with a headset on, listening to the frequency used by the aircraft from *Eagle* (one of the pilots was a friend), when I heard a

report of a tanker heading north, and then its identification as the *Manuella*. We reversed course and intercepted her on the morning of 10 April. She said she was going to Beira “for engine defects”.

In response to the failure to stop the *Joanna V*, on 9 April 1966 the Security Council had adopted resolution 221, which called upon the United Kingdom “to prevent, by the use of force if necessary, the arrival at Beira of vessels reasonably believed to be carrying oil destined for Southern Rhodesia” (France was one of five countries that abstained). By the time we intercepted the *Manuella* for the second time, we had just received a signal authorizing the use of force. We went to action



*Enforcing SCR 221*

stations, trained our main armament on her, she stopped, and we sent an armed boarding party across. The owners of such vessels were paid large sums, but clearly now realized that they could lose their ships. *Manuella* turned and continued south: we left her for a second time 300 nautical miles south of Beira.

## ***Background***

Efforts to resolve the situation and bring Rhodesia to majority rule failed. The liberation struggle intensified and conflict spread as a guerrilla war took hold. In response to the plan developed by the British Foreign Secretary, David Owen, and the US Secretary of State, Cyrus Vance, Ian Smith accepted the principle of majority rule but exploited the divisions amongst the majority.<sup>18</sup> He turned to Bishop Abel Muzorewa, leader of the United African National Council (UANC), with whom he agreed a new constitution and arrangements

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<sup>18</sup> An earlier plan put together by Owen and Andrew Young, the US ambassador to the UN, had been rejected by Smith and the Patriotic Front.

for elections, from which the two leaders in the liberation struggle, Robert Mugabe, leader of the Zimbabwe African National Union (ZANU) and Joshua Nkomo, leader of the Zimbabwe African People's Union (ZAPU) were excluded. Together, they and their military wings were known as the Patriotic Front. Muzorewa won the elections easily, winning 51 of the 72 black seats, after a higher-than-expected turnout of 63%, and the elections were much freer and fairer than most observers had anticipated. Muzorewa formed a government at the end of May 1979, but Smith continued to exercise the real power, with the new constitution providing for white Rhodesians to remain in control of key sectors. Many in the new Conservative government in the UK, led by Margaret Thatcher, who had labelled Mugabe and Nkomo as terrorists, had sympathy for the white Rhodesians and were inclined to recognize what, under the new constitution, was now called Zimbabwe Rhodesia.

The new British Foreign Secretary, Lord Peter Carrington, believed recognition would be a disaster on every front, given the discriminatory provisions of the constitution. He convinced Thatcher that Britain had to make a last effort to resolve the problem. At the Commonwealth Conference held in Lusaka in August 1979, the leaders endorsed a British plan to convene a conference to this end. The Lusaka agreement was a necessary but far from sufficient condition for the success of the conference. The United Kingdom invited the three parties to London, and the Lancaster House Conference, named after its location, began in September 1979. The British tabled proposals on the three key elements in ascending order of difficulty: a summary of the Independence Constitution; the Pre-Independence Arrangements; and the Cease-Fire Arrangements. Only when one element was agreed by all parties was the next opened. Carrington did not expect the talks to last more than a few weeks before collapsing. Agreeing the constitution was difficult, and the pre-independence arrangements more so. They foresaw the British re-establishing control, with the country run by a British Governor until independence. "The British calculated the chances of agreement on this bold proposal to be one in three. Muzorewa and his people had agreed to elections, but were determined to continue administering the country, so as to maximize their chances of winning. The members of the Patriotic Front saw the British proposal as a device to rig the elections against them."<sup>19</sup> Agreement on the Pre-Independence Arrangements was reached in mid-November.

The Cease-Fire Arrangements required the assent of the military commanders as well as the political leadership. As the conference continued, the commander of the Rhodesian armed forces, Lieutenant-General Peter Walls, became a figure of increasing importance, including relative to Ian Smith. For a while, it looked

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<sup>19</sup> "A Sense of Duty", a profile of Lord Carrington by John Newhouse, *The New Yorker*, 14 February, 1983, hereafter "*The New Yorker* profile".



as though Mugabe would abandon the conference, but he came under pressure from the Presidents of Mozambique and Zambia to stay and agree. On 17 December 1979 the Cease-Fire Arrangements were initialled, and the full Lancaster House Agreement was signed by the parties on 21 December. Meanwhile, the Constitution had been enacted by the British Government on 6 December. With the success of the conference by no means assured, the British took the high-risk step of sending the Governor, Lord Christopher Soames, out to Rhodesia on 11 December, feeling that the re-establishment of British authority might be necessary before the conference could be brought to a successful conclusion.

*The New Yorker* profile quotes Carrington's assessment of why the conference succeeded.

Looking back on it, I think it was a combination of luck and circumstance that the thing was soluble. The Rhodesians were beginning to worry about their capacity to go on fighting, and about their economy. So they had an incentive to see whether they could settle the thing. And, equally, the leaders of the Patriotic Front were beginning to worry that they weren't going to get possession for a very long time indeed. I don't think they ever doubted that they would win in the end, but I think they felt it was by no means certain that they would win in a time span that was acceptable to them. And perhaps just as important from their point of view was the fact that the front-line states were very bored with the whole exercise. Particularly the Mozambicans, who were suffering a good deal because of it - but so were the Zambians.

Some 70% of the population of Rhodesia were ethnically Shona and 20% Ndebele. ZANU, and the refugees in Mozambique, were predominately Shona. ZAPU, and the refugees in Botswana and Zambia, were predominately Ndebele. There were approximately 250,000 whites in a total population of some 7,000,000. At the end of 1979 there were well over 200,000 refugees from Rhodesia in neighbouring countries: some 23,000 in Botswana; 160,000 in Mozambique; and 60,000 in Zambia. The Lancaster House Agreement stated:

Many thousands of Rhodesian citizens are at present living outside the country. Most of them wish to return and it will be desirable that as many as possible should do so in order to vote in the election. The return of all refugees will be a task requiring careful organisation. But at start should be made in enabling the refugees to return to their homes as soon as possible; and the British Government will be ready to assist with the process. The task of effecting the return of all refugees will need to

be completed by the independence government in co-operation with the governments of the neighbouring countries.<sup>20</sup>

Unlike the proposal for Namibia, not all who wished to return would do so before the elections. The time between the start of implementation and the elections was much shorter, and the numbers outside much larger, than for Namibia. Some felt that the fact that almost all those outside supported the Patriotic Front was also a factor in the qualification of the right to return in time to vote. Also unlike the proposal for Namibia, those Patriotic Front armed forces outside Rhodesia at midnight on 21 December 1979 had to remain outside during the transition. A specific distinction was made between them and civilian personnel of the PF. The latter were permitted to return "in order to vote or engage in other peaceful political activity".<sup>21</sup>

Under the terms of the Agreement, those Patriotic Front armed forces inside Rhodesia at midnight on 21 December 1979 had to proceed to one of 16 designated assembly places, which would be supervised by a Commonwealth monitoring force some 1,200 strong, two thirds of which were British military personnel.

The introduction to the Report of the Commonwealth Observer Group describes the setting for the implementation of the Lancaster House Agreement.<sup>22</sup>

Elections preceding independence had been the pattern for the evolution of many colonies to nationhood. But the circumstances attending this election were vastly different from those with which the world is familiar. It was taking place in the immediate aftermath of a bitter civil war which had deeply scarred the country. It was to be held within eight weeks of a cease-fire between armies that had been fighting each other for seven years. The armies had not been disarmed; nor had their suspicion and mistrust of each other been dispelled. Not surprisingly, the cease-fire was to prove somewhat fragile. Martial law continued to be in force, and normality was far from being restored. In many parts of the country, the writ of government had ceased to run.

The psychological legacy of years of war was as palpable as some of its physical consequences were visible. More than half a million people had been uprooted from their homes and were living behind barbed wire in "protected villages". An even larger number, estimated at about 750,000, had left their villages to seek sanctuary in shanty towns on the outskirts of cities. Another 228,000, or about the same number as the white

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<sup>20</sup> Annex D, The Pre-Independence Arrangements, paragraph 19.

<sup>21</sup> Annex E, Cease-Fire Arrangements, paragraph 1.

<sup>22</sup> *The Report of the Commonwealth Observer Group on the elections in February 1980*, Commonwealth Secretariat, 1980.

community as a whole, were refugees in neighbouring countries. Almost all adult white males had acquired arms, and many, including women, went about their daily lives carrying them. Hotels offered safe storage for guns more frequently than for valuables.

Two of the main political parties contesting the election had just become legitimate after years of proscription. Most of their leaders had only shortly before returned to the country after long years of enforced exile. The country's media had only recently been permitted to mention their names, and censorship continued to apply to anything that was deemed, even remotely, to affect security.

Britain had just resumed responsibility as the colonial power, signifying an end to the state of rebellion. This was marked by the arrival of the Governor, Lord Soames, and his installation in Government House in Salisbury. But the British presence was minimal; its power rested on the compliance of an undisturbed administrative and security structure dominated by whites who had loyally served the previous regime.

That well describes the background against which UNHCR undertook the pre-election repatriation operation.

### *UNHCR's preparations*

The British had strenuously avoided any involvement of the United Nations in the political arrangements, despite pressure from the Patriotic Front (though not from the front-line states). They had also hoped to confine UNHCR's role in the repatriation to the countries of asylum, and had approached ICRC to undertake the operation within Rhodesia, where ICRC already had a significant presence. There were indications that ICRC gave this serious consideration before concluding the obvious, that it would not be appropriate. As a result, only near the end of the Lancaster House Conference did the British indicate that they expected UNHCR to play its normal role in the repatriation of refugees under its mandate.

With Cyprus and the Namibia missions behind me, I was now the special assistant of Franzi Homann-Herimberg, the Director of Administration and Management. We were busy wrestling with the challenges of a greatly increased and more operational UNHCR field presence, but by early December I was also tasked with starting planning for repatriation should the Lancaster House Conference succeed. I was in close contact with Keith McInnes, the Deputy Permanent Representative at the UK Permanent Mission in Geneva. On 11 December, my notes record him telling me that the Foreign Office's "Rhodesia Department groan when refugees mentioned but realize very important". The next day we had a first meeting with ICRC. Keith called to say that the cease-fire negotiations were at a make-or-break stage, and that Mugabe

was in two minds about repatriation. On one hand, perhaps repatriation should be minimal and only to areas that were safe; on the other hand, he wanted people back for the elections. The UNHCR Representative in London, Jean Heidler, kept in close touch with developments at the conference, and was seeking to arrange a meeting with Mugabe and Nkomo as soon as the deal was done.

On 14 December, the High Commissioner announced the appointment of Abdou Ciss as “Coordinator of UNHCR activities in connection with the repatriation of Zimbabweans”, with the Southern Africa Regional Section, of which Raymond Mkanda was Chief, as focal point for the entire operation. Abdou, Raymond and I were to undertake the planning missions, and I was to be the Chief of Mission in Rhodesia for the period up to independence. We had been the Namibia planning team, and it made sense given the lessons we had learnt on those missions. That experience could also give us a certain authority in our dealings with the Governor’s office and Rhodesian officials, including the security services, who were close to their South African counterparts. However, like with Namibia, the team’s composition raised problems within UNHCR. Abdou Ciss had not stayed long with UNHCR and was now the Director of Administrative and Financial Services at the UN Office in Geneva; his appointment was made in agreement with the Secretary-General. Some senior African colleagues saw this as a vote of no confidence, and would also have preferred to see an African as the Chief of Mission in Rhodesia.

We had a series of meetings in London on 17 December with Nkomo and his colleagues and with British officials. The discussion points that I had prepared flagged a number of critical issues, including: identity checks; clearance procedures; determining who was a civilian and who military, noting the family ties between the two; and the need for a clear and unequivocal amnesty. Jean Heidler had invited Mugabe and Nkomo to a small reception at his house that evening. Nkomo had initialled the final agreement earlier that day and arrived promptly. Mugabe was still undecided and arrived late, straight from Lancaster House and before the press announced that he had finally agreed. We were all very impressed with Mugabe: soft spoken, almost ascetic, but determined, with a sharp intelligence that was immediately apparent. I explained my intended role and asked if he would nominate a counterpart in Salisbury whom I could keep briefed on progress. He said that Kumbirai Kangai would be that person, and I could be confident that he spoke for, and messages passed through him would reach, Mugabe. Kangai was a US-trained medical technician and a senior ZANLA commander.<sup>23</sup> We had further meetings in London, including

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<sup>23</sup> ZANU’s military arm: the Zimbabwe African National Liberation Army. After independence, Kangai served as Minister of Labour and Social Welfare and then Agriculture.

with Michael Behr, Oxfam's coordinator for Africa, who knew the area well and had already been involved in ICRC's provisional planning.

On 20 December, the United Kingdom formally accepted "UNHCR's offer to take on the overall co-ordination of the international effort to repatriate refugees to Southern Rhodesia". The *note verbale* continued:

It is, of course, the Government's firm intention to offer their full co-operation in this effort. As will be readily understood it must be for the Governor in consultation with the United Kingdom Government in view of their direct responsibility in the interim period to determine what arrangements can be made inside Southern Rhodesia. This will apply in particular to the rate of return of the refugees.

### *In the field*

After a meeting in Geneva on 27 December with ICRC and the Lutheran World Federation (LWF, UNHCR's main partner in the camps in Zambia), Abdou Ciss and Ray Mkanda flew to Lusaka and then Maputo to discuss the operation with the authorities, the Patriotic Front representatives, and our colleagues in Zambia and Mozambique. I left for Rhodesia on 30 December, arriving in Salisbury (Harare) the next afternoon. I see from my notebook that I had told the UK Mission in Geneva that I did not need to be met at the airport. When the white Rhodesian officials there saw my UN Laissez Passer (passport), they took me aside, made me strip to my underpants, and thoroughly searched my luggage. I asked my taxi driver who he thought would win the elections and he replied that if they were fair, Mugabe would, easily. Nothing I learnt thereafter suggested that he was wrong.

My first meeting, on 1 January 1980, was at Government House with Duncan Slater and Edward Chaplain. The former was a senior diplomat with overall responsibility for refugee return. The latter was to be my direct counterpart – and occasional squash opponent – throughout my time in Rhodesia. In this we were very fortunate: it was soon apparent that Edward was an exceptionally able young diplomat. After a year at the *École Nationale d'Administration* in Paris, he had been seconded to the Civil Service as Private Secretary to Lord Soames. When Lord Soames had been appointed Governor, Edward had come too, though his area of expertise was the Middle East.<sup>24</sup> After reviewing our plans at that meeting, I met with Father Ted Rogers of Christian Care. When we had met Michael Behr of Oxfam, he had suggested that Ted Rogers might play a role in the arrangements for assistance after return, which we had envisaged through the churches in agreement with the Patriotic Front (and as foreseen for Namibia). Over 80% of the population was Christian. The next day I met with

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<sup>24</sup> In April 2004, he was appointed as the first British Ambassador to Iraq since 1991.

Stan Quinn, the Deputy Director of the Department of Social Affairs, had a long meeting with ICRC, and started the search for suitable office space. Before leaving for London on 3 January I discussed voting arrangements for returnees with the assistant election commissioner on Lord Soames' staff.

The British Government had convened a meeting on the repatriation operation at the Foreign Office on 4 January with all the key players, including from the countries of asylum, the Patriotic Front in Mozambique and Zambia, and ICRC. Brian Beecroft, Director of the Department of Social Affairs, and our principal counterpart on the Rhodesian Government side, was there as was a senior official from the Ministry of Health, responsible for the health screening. With a break for lunch, the meeting lasted all day. Abdou Ciss set out how we envisaged the operation and we were able to highlight issues that were likely to be critical to its success. The Foreign Office summarized the conclusions in a cable to Lord Soames, copied to the UK missions in Botswana, Mozambique and Zambia.

1. The UNHCR will act as overall coordinator working with all concerned and through other international and voluntary agencies as appropriate, including ICRC.
2. The refugees will return to Rhodesia, through crossing points already identified, or by other means to be agreed, as rapidly as is consistent with reception facilities in Rhodesia. A start will be made as soon as possible, and the task will be completed by the post-independence government, as agreed at Lancaster House.
3. Individual refugees and groups are to be discouraged from making their own way across the border. Independent movement would complicate reception arrangements and could be misunderstood in the context of the cease-fire. The return of all refugees should therefore be organized under the auspices of the UNHCR.
4. Inside Rhodesia, the UNHCR will liaise with the Governor and his administration concerning the establishment of reception centres, and appropriate arrangements for their administration and equipment.
5. Reception centres will be opened as soon as possible. Refugees will be cleared through them and transported to their home areas, where contingency arrangements will be made should they have no homes to go to.
6. Basic documentation will be carried out before departure of refugees from their countries of asylum. This will facilitate planning of arrangements for their reception.
7. Facilities at present provided by the host countries for school children and disabled refugees will continue. These categories will remain where

they are until the bulk of other refugees have returned. However, there will be a need to take account of individual wishes.

8. Follow up action will be coordinated by the UNHCR who will call any further meetings that may be necessary.



We left immediately after the meeting for an overnight flight to Lusaka, my third in six days. We had two days of meetings with the Zambian authorities, ZAPU representatives, some key ambassadors and our own colleagues and their implementing partners. The majority of the refugees in Zambia were located nearly 1,500 km from the Rhodesian border, and their repatriation by air was the most logical option. On 7 January, we flew to Gaborone via Livingstone, one of the entry points foreseen for return from Zambia. Nkomo had appointed his brother, Stephen, as our ZAPU counterpart, and he came with us. As in Zambia, we reviewed plans with the key actors in Botswana. In our meeting with the Minister of Home Affairs on 8 January we learnt that some days earlier 1,000 of the refugees in the Francistown camp had left to make their own way home. Some 800 were thought to be detained inside Rhodesia and others had been sent back, though few had returned to the camp. This was a harbinger of problems to come.

## *Getting started*

We flew to Salisbury on 9 January and met with Lord Soames that afternoon. Abdou Ciss began by noting that UNHCR had been assisting Rhodesian refugees in neighbouring countries for some years and had well established offices there. He then gave an overview of our plans. UNHCR was already producing a simple voluntary repatriation form that would accompany the returnees. We would be ready to start return from Botswana quickly, by rail and road. We thought Plumtree (on the border 540 km by road SW of Salisbury) was the logical site for the reception centre, and we hoped that nearly all those in Botswana who so wished would return before the elections. From Mozambique, we foresaw movement by rail to Umtali and road to Nyampanda (265 km SE and 300 km NE of Salisbury by road respectively). We expected logistical constraints to limit numbers to a maximum of perhaps 60,000. From Zambia, the government and ZAPU envisaged only some 8 - 10,000 in the first stage. Given their location, air transport seemed logical, particularly as we understood several thousand wished to come to Salisbury where they would not need further assistance. Abdou requested that suitable airports be designated as arrival points.

Abdou noted the importance of early establishment of the arrangements within Rhodesia foreseen at the London meeting. We hoped repatriation would start quickly and believed it was clearly in both the Governor's and UNHCR's interest that the Rhodesian end did not appear to be delaying this. It was important that returnees moved out of the reception centres quickly, to temporary accommodation within their home electoral district if necessary. UNHCR felt that in addition to the presence of the Commonwealth Monitoring Force foreseen at the border crossing points, a presence at the reception centres would be very helpful.

The London conclusions had sought to avoid spontaneous cross-border movement but UNHCR was already being approached by individuals abroad who simply wished to return. We hoped that those - the majority - who had British Concessionary Passports or Refugee Convention or other internationally recognized travel documents could return commercially and through normal immigration procedures. They would be registered by UNHCR and their return would be under our auspices.

Abdou concluded by saying that we looked forward to detailed discussions with the Governor's staff, the administration, ICRC, NGOs and others, and hoped to visit potential reception centres in the next few days. In our missions to neighbouring countries we had underlined the importance of an early start, if possible around 21 January or even before if ready this end. "The initial rate of movement would of course be moderate, building up as arrangements allowed, but a start would represent a real step along the road to independence."



Lord Soames took note of our points and said the question of air movement to Salisbury would be raised with the local authorities. There were already many internally displaced in Salisbury, and we should not add to them refugees who needed assistance. He stressed the importance of the provisions in the agreement with regard to combatants: we should “watch for males of military age” (in fact, the prohibition in the agreement was rather on the return of combatants).

Soames was seen by some as an unlikely choice for Governor. He had little experience of Africa and less of the liberation struggles. But he was an experienced politician and diplomat, having been a very successful UK Ambassador to France, where while serving as Assistant Military Attaché in 1946 he had met his wife, Mary, Winston Churchill’s youngest child. This connection was seen as a reassurance for the white Rhodesians. He seemed to get on well with Abdou, and his only letter to Abdou began “Dear Monsieur Ciss”. But Soames and his colleagues had higher priorities than our concerns.

### *The first deadline*

Two days before the cease-fire came into effect, at midnight on 28 December, General Josiah Tongogara, the Commander of ZANLA and widely expected to be the overall commander of a new Zimbabwean army, was killed in a road accident while on the way to brief fighters in the field on the cease-fire arrangements. As the Lancaster House Conference progressed, he had become a key player in the negotiations and was committed to the successful implementation of the agreement.

Carrington and most other senior British officials believed this, as did Nkomo and Mugabe. Tongogara impressed Smith with his open approach, and even asked about his mother who used to give him candy as a child when his father worked on Smith’s father’s farm: ‘If I get home while the old lady is still alive’, he said ‘that would be one of the greatest things for me – to say hello, ask her about the sweets and whether she still has got some for me.’<sup>25</sup>

Tongogara’s death was a major blow. Fighting had continued up to the cease-fire but had begun to tail off. The first major test of the transition was whether the PF forces inside Rhodesia would go to – even be able to find – the assembly points by the deadline of 4 January. Many of the units had no radio communication, and the provisions of the cease-fire had to be conveyed by

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<sup>25</sup> The last chapter of *The Struggle for Zimbabwe*, by David Martin & Phyllis Johnson (Faber and Faber, 1981), describes the events leading up to Lancaster House, the negotiations and the implementation of the agreement in detail and with inside sources. Pages 319-320 cover Tongogara’s role: the text is from endnote 50. The book is dedicated to “Josiah Tongogara and others who died in the Struggle for Zimbabwe”.

hand to remote and insecure areas. Not all Rhodesian security forces had been confined to base, and the scope for serious problems was large. Once in the assembly points, with their weapons, they were monitored by a small contingent of lightly armed troops from the Commonwealth Monitoring Force (CMF). Like other elements of the agreement, this was effectively a bluff; if fighters subsequently decided to leave, or the Rhodesian Security Forces decided to attack them, there was little the CMF could do.

*The New Yorker* profile gives a sense of the occasion which will have pleased the British Army:

Very few of the British concerned were confident that the guerrilla forces would actually arrive on schedule at the assembly points, let alone allow themselves to be monitored by mostly white, mostly British troops. There was a lot of anxiety that in a moment of stress one of the heavily armed guerrilla units would turn on its monitors and kill them. In short, nobody could say what would happen. The monitoring force was composed largely of young officers and experienced non-commissioned officers. At dawn on the first day scheduled for assembly, one small British unit observed a large band of guerrillas emerging from a forest. What happened next is now a legend in the British Army.

“What do you suppose I do now?” the young officer in charge asked his sergeant major.

“Sir,” came the reply, “this is where you earn your money. You are going out there and meet that bloke in front and you’ll say, ‘Come on over and have a cup of tea.’” And that it seems is what happened.

“It would never have worked but for the British Army,” Carrington says of the ceasefire procedure ... “You had a handful of young officers and non-commissioned officers who controlled thousands of what were then guerrillas – just a handful of them, and they did it extremely well.”

By the deadline, 9,000 fighters had reported to assembly points and by the next morning there were 17,000 there with more still arriving. But not all the ZANLA fighters within Rhodesia had been ordered to report to an assembly point. Several thousand hid their weapons and moved into villages in the rural areas. Their activities, and a wave of lawlessness in some parts of the countryside after the Rhodesian Security Forces (RSF) were confined to base, forced the Governor to authorize the re-deployment of the RSF. Only a few hundred of the ZIPRA<sup>26</sup> fighters did not report to an assembly point.

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<sup>26</sup> ZAPU’s military arm: the Zimbabwe People’s Revolutionary Army.

## *Progress and frustration*

We met Duncan Slater, Edward Chaplin and Brian Beecroft, the Director of Social Affairs, who had been at the London meeting, the morning after our 9 January meeting with the Governor. We went through the issues in more detail. The following days and weeks were a non-stop round of meetings, negotiations, field visits and essential administrative work. We found an office and started equipping it. While sanctions had been lifted with the conclusion of the agreement, some basics were in short supply – even writing ink. (One of my priorities when setting up the Emergency Unit the following year was developing a standard office kit that contained the essentials needed for a start from scratch.) While our colleagues in the neighbouring countries needed staff reinforcements, they worked from established offices and had other UN agencies who could help. We were the first UN presence and urgently needed staff. UNHCR headquarters was making a cabled appeal for funds for the operation, and I prepared much of the initial draft, and cleared key sections with Edward. The appeal was launched on 14 January, and sought USD 22 million, of which some two-thirds was foreseen for the transition period and the balance to complete the repatriation after independence.

Everything seemed a priority, but we saw the most critical requirements as being to agree the modes of transport and location of the reception centres, to have in place a system that would provide assistance to returning refugees, and to ensure that we had staff where they could monitor the treatment of returnees, with good communications with us in Salisbury. Arrangements for the return from Botswana seemed straightforward but were complicated by the spontaneous return of some 1,000 at the start of January, some of whom remained detained. Despite repeated requests, we still had no confirmation that we could repatriate refugees by air from Zambia. We also awaited confirmation that the crossing point at Chirundu, NW of Salisbury and only some 120 km by road from Lusaka, could be used. We knew we could use the crossing point at Victoria Falls, almost due west of Salisbury but some 800 km by road, a dog-leg via Bulawayo, but had problems finding a site for a reception centre, problems that were proving even more acute for the return from Mozambique via Umtali.

It was quickly apparent that while our counterparts in the administration, and in particular the Social Affairs Department, were generally ready to help, it was the security forces who made the decisions. For them, every aspect of return had implications for security. The key bodies were the Joint Operations Centre in Salisbury, where I attended several meetings, and the regional Joint Operations Centres. The Provincial and District Commissioners varied in their readiness to cooperate but all had to conform to the local JOC's view of security as it affected return arrangements.

We made progress in arranging assistance after return. We prepared a discussion paper on how NGOs and specifically local churches might be organized, with a single central co-ordinating body and with the best placed church in each area acting as lead agency and arranging temporary accommodation and assistance as needed. Representatives of the central coordinator would be at each reception centre, helping organize onward movement and identifying the needs thereafter in conjunction with the lead agency in the returnees' home areas. The Heads of Denominations appointed Christian Care as UNHCR's partner and the central co-ordinating body, with Father Ted Rodgers as its head, and on 21 January the Christian Care Refugee Office was established in Salisbury for this purpose. Michael Behr of Oxfam helped with the coordination from our side. All concerned met weekly in Salisbury thereafter – I attended whenever possible.

In the third week of January, staff reinforcements began to arrive and could not have been more welcome (except to the authorities at the airport). Kwame Afriyie was the first, and knew the region, having been a UN Volunteer in Botswana for over two years. He was followed by John Edwards, Ray Fell (from the operation in Cyprus and highly competent – he handled our programming and implementing arrangements), Ulla Geijer (new to UNHCR but very experienced, she headed the office in Umtali), Gillis Herlitz and Nils-Arne Kastberg<sup>27</sup> (both via the Swedish International Development Agency, which also provided reinforcements in Mozambique - Gillis returned to SIDA mid-March while Nils stayed with UNHCR for a while), Salim Nassif (who handled liaison with the NGOs), Andrew Sokiri (the most senior), Birthe Strodman (who handled our administration) and Tessa Williams (nominally my secretary but in practice much more; she was responsible for such matters as the complex formalities for customs clearance of relief supplies). Others came for shorter periods, some from neighbouring UNHCR offices. Everyone rose to the occasion, working long hours seven days a week until repatriation stopped for the elections, and willingly undertaking whatever was that day's priority task, which might be holding the fort in the office one day and a field trip to the border, and unplanned overnight stay, the next. No less importantly, we now had the capacity to start recruiting the local colleagues who are indispensable in any field office; Benson Mufumcle was, I think, the first.

To help our colleagues get their bearings quickly in what was for all of us a politically sensitive and initially unfamiliar environment, I prepared a briefing kit of two short notes and some of the basic documents. The first note summarized the stages of and responsibilities for the repatriation. The second

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<sup>27</sup> As a member of the Swedish delegation, he played a significant role in resolving the crisis faced by UNHCR in 1989-90, the subject of the next account in this series.

was for UNHCR staff only and explained our role, the roles of the monitoring forces, the churches, ICRC, and the role of ZANU and ZAPU.

UNHCR considers that as parties to Lancaster House Agreement they of course have legitimate interest, and unless they are satisfied with arrangements for repatriation, operation will suffer. Any presence of local officials should be played low-key and pragmatically. No political campaigning at reception centres by any parties.

It covered screening and amnesty, with copies of two letters to the Governor from Abdou Ciss.

The first note, dated 19 January, set out

The High Commissioner's understanding that any amnesty should apply to the returning refugees and that the formalities upon arrival will be the minimum necessary to establish that the repatriants are Rhodesian civilians returning peacefully. This will be particularly important in order to create the climate of confidence and reconciliation which is the key to the success of any repatriation operation.<sup>28</sup>

My guidance to colleagues included:

Please refer any problems you cannot sort out to UNHCR Salisbury. Watch what happens carefully and keep track of any refugees who don't get cleared quickly.

Finally, the note covered dealing with the press, who were by now omnipresent, and unorganized repatriation and individuals:

No problem with interviews etc. directly concerning your local operations but obviously stick to matters falling with UNHCR's humanitarian role.

Notwithstanding para. 3 of 4 Jan meeting conclusions, a refugee who repatriates outside UNHCR channels is still of concern to UNHCR (protection especially). If individuals satisfy you they have repatriated, register them on a repatriation form and thereafter they may join church scheme if they wish.

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<sup>28</sup> The Governor had promulgated Amnesty Ordinance 1979 on 21 December 1979, covering the illegal declaration of independence and its aftermath, on the one hand, and opposition to it, on the other. This was not a blanket amnesty, as for Namibia, and the state of emergency remained in force, and included a provision for 30-day 'administrative detention'.

## *An initial stocktaking*

The second letter to the Governor from Abdou Ciss was dated 24 January and bears quoting in full, with my comments in square brackets.

As I shall be leaving Rhodesia today to report to the High Commissioner on progress with the repatriation it may be helpful if I share my assessment of the present situation.

Organized repatriation began from Botswana on 21 January 1980. Some 2,200 refugees have already repatriated. There are practical problems, with too few officials to conduct the arrival formalities and inadequate water supply [at the reception centre; our colleagues there considered this to be largely a delaying tactic]. Provided these problems are quickly overcome, it should be possible to repatriate as many of the remaining 20,000 as wish to return before the elections.

We are not yet ready to start repatriation from either Mozambique or Zambia. This is because of delays in allocating suitable sites for the reception centres, although it was agreed in London on 4 January 1980 that reception centres would be opened as soon as possible. Several suitable sites have been identified by the civilian authorities [and UNHCR] but none has yet been allocated.

From Zambia, air movement of some 5,000 from Ndola is planned to start on 29 or 30 January [on 26 January, Edward Chaplin told me that air movement was not authorized] and land movement of a further 9,000 from the Lusaka area shortly thereafter. The return of these 14,000 could therefore be completed before the elections if there are no further delays in preparing the reception centres.

Movement by rail and road from Mozambique through Umtali is planned to start on 30 January. Over two-thirds of all Zimbabwean refugees are in Mozambique. For this reason we [Abdou and Ray] visited Mozambique first, on 11 January. The following day I wrote to your office requesting that a suitable site for a reception centre be quickly made available. Such a site had not yet been allocated. [That afternoon, 24 January, I was informed that one of the sites we had identified, Toronto Camp, had been allocated – I had spent 22 January in Umtali, visiting the camp.] Unless we are ready to start organized repatriation from Mozambique on 30 January, and unless movement can take place at a rate that could make up for time lost, I foresee considerable difficulties. Large-scale unorganized repatriation is possible if the refugees see no other way of returning home before the election. In these circumstances, the necessary facilities for repatriation through Nyamapanda must also be quickly prepared, despite the practical difficulties. [We were later

told that it could not be used. "It has not been possible to use the Nyamapanda crossing because of the security situation in the north eastern area of the country. It would also be extremely difficult to find the necessary resources to set up and man another reception centre."<sup>29</sup>]

The problems that can be caused by unorganized repatriation have been illustrated by such movements from Botswana. [Ray went to Botswana on 24 January to help our colleagues there bring the situation under control.] I was concerned to learn that some 900 persons whom I understand were recognized by the High Commissioner as refugees in Botswana had been taken to prison and in particular that 35 of them remain to be released. [We were working closely with a Bulawayo lawyer, Advocate S.K.M. Sibanda, to try and secure their release, and continued to work with him on subsequent cases.] I have requested your office for a nominal list of these persons and access to them in order to determine if they are indeed refugees from Botswana [they were]. We should be grateful for similar information on, and access to, any persons detained by the police after repatriating under UNHCR's auspices. You are aware of the High Commissioner's concern on the related question of the scope of the amnesty.

The Lancaster House Agreement states that most of the Rhodesian citizens outside the country wish to return and that it will be desirable that as many as possible should do so in order to vote in the election. Each refugee has, of course, a free choice on whether or not to return. It was agreed in London on 4 January 1980 that the rate of return would be as rapid as is consistent with reception facilities in Rhodesia. We believe that the practical problems encountered can be overcome and we are of course sparing no effort, in the closest co-operation with your own staff and administration, to make the operation a success.

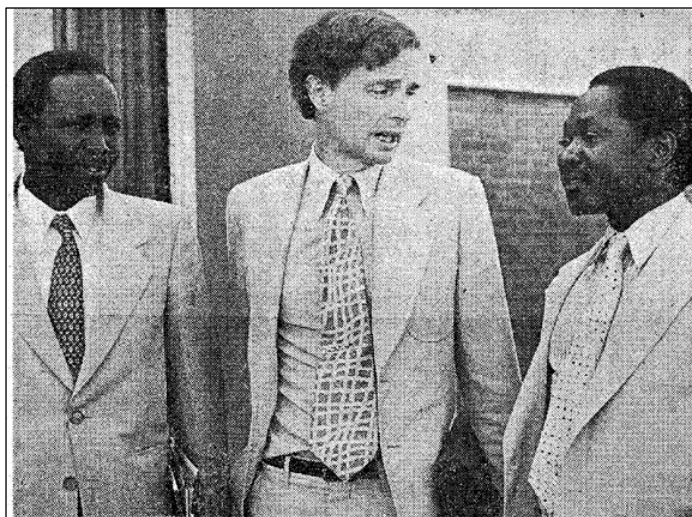
Late on Saturday 26 January, I finally found time to write a first letter home, which gave a less diplomatic impression of where things stood.

*We began the repatriation from Botswana on Monday 21<sup>st</sup> and 5,000 are now back. This should be the easiest of the three but has already created a major diplomatic incident, with the Botswana Govt. sending 1,000 a day against the wishes of the Rhodesians, who impounded the [Botswanan] vehicles on Thursday. The Rhodesian military – and this is a real military/police state – are in no hurry to cooperate with UNHCR or facilitate the repatriation. The heart of the problem is that the Governor hasn't the authority to tell the Rhodesians what to do, or if he has, reserves it for other priorities than the repatriation. I've just heard the BBC at 10 pm (local) & am very relieved that the South Africans*

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<sup>29</sup> The Governor's letter of 23 February to the Chairman of the Commonwealth Observer Group (reproduced in the Group's report, Annex 15.4 – 15.7).

are pulling out of Beit Bridge [on the border in the south: all foreign forces were meant to pull out and their presence was threatening to derail the transition]. Since arriving back I've had five full days away from Salisbury in light aircraft, visiting Plumtree, Bulawayo, Wankie, Victoria Falls, Kariba and Umtali. Raymond Mkanda left on the 16<sup>th</sup> and came back on the 24<sup>th</sup>, leaving again yesterday with Abdou Ciss for Gaborone to try and resolve the problems with Botswana. Abdou will be back in Geneva tomorrow while Raymond will be in



MR ABDOU CISS (left) head of the U.N. delegation, with his colleagues, Mr Nicholas Morris (centre) and Mr Raymond Mkanda (right).

## Monday start to U.N.

*Herald Reporter*  
THE RETURN of 200 000 refugees to Rhodesia was a major task and time was short.

## refugee lift

the area for another week. To give you an idea of our problems, the Rhodesians served Raymond with a deportation order when he arrived, on a UN Laissez-Passer (our passport) on a scheduled flight from Lusaka. We got it cancelled once we got to the airport. We've had problems with the Botswana side, but Umtali, in the E, is going to be much worse as the local authorities are simply paranoid about the refugees in Mozambique. We'll do well if we get that

started at all by the elections (27-29 Feb). But the whole thing is a terrific challenge and quite fascinating. Apart from a few white extremists, the people, and especially the Africans, e.g. here at the hotel, are very nice.

In these first weeks we spent time visiting potential border crossing points and sites for reception centres, and time at meetings in Salisbury, including at the JOC trying to convince the administration to agree to their use and to our preferred means of transport. Much of this time was wasted, as – often only late – we were told they were unavailable for security or practical reasons. Some of the reasons reflected deliberate obstruction, but in other cases the explanation was the level of mistrust between the two main parties to the agreement. In a letter to the High Commissioner transmitting our report on the first phase of the operation, Abdou Ciss noted “that before proceeding to Salisbury we did not realize the existence of a climate of deep suspicion which would make the repatriation programme a very taxing exercise indeed”.



## *Other actors*

We had meetings with the Commonwealth Monitoring Force in Salisbury and the field in order to ensure a presence at the border crossing points and at least near the reception centres. The Commander of the Force was Major-General John Acland, the elder brother of Antony Acland, who had helped me join UNHCR in 1973. John Acland made a major contribution to the success of the transition to independence, and defused a number of situations where it seemed fighting was about to erupt between the guerrillas and Rhodesian security forces.<sup>30</sup>

We also spent time with those responsible for the election, to ensure that returnees were on the electoral role and indeed able to vote. Of particular importance in this context was the Commonwealth Observer Group. This was foreseen in both the agreement at the Lusaka Conference that led to the Lancaster House Conference and the agreement reached there, which set out their role: "to observe that the elections are genuinely free and fair and that the British Government is carrying out its responsibility to supervise them. No restrictions will be placed on their movements, and every effort will be made to facilitate their task"<sup>31</sup>. The eleven-man group comprised senior officials in their countries, including ministers, election commissioners, senior judges, ambassadors and high-ranking civil servants. The Chairman was Rajeshwar Dayal, who had been Hammarskjöld's Special Representative in the Congo and the first Chairman of the UN Committee on the Elimination of Racial Discrimination. I knew him from New York in the summer of 1975.<sup>32</sup> All but two were from developing countries, and included nationals of Ghana, Nigeria and Sierra Leone, but the group was to represent the Commonwealth in their individual capacities. The group and the first batch of a very able secretariat staff arrived on 24 January, and we quickly made contact. It was evident that they would have far more leverage with the Governor than we could ever hope to enjoy (and evident to the Governor and his staff that the Chairman's communications to him on the repatriation contained much input from UNHCR). I had a long meeting with the Chairman on 8 February and

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<sup>30</sup>"His ADC Iain Duncan Smith [later leader of the UK Conservative Party in opposition, and then a cabinet minister] recalled an occasion, as the stand-off between the Rhodesian troops and the guerrillas was about to erupt into all-out conflict, when Acland exclaimed: "We are about to lose all our soldiers. What we need is Divine intervention." He had hardly finished speaking when peals of thunder ushered in 25 minutes of sheet lightning and torrential rain, just enough time to persuade the opposing factions to pull back." (Obituary notice in *The Daily Telegraph*, 5 December 2006.)

<sup>31</sup> Annex D, paragraph 25.

<sup>32</sup>A mission covered in the second account in this series. His nephew, Viru Dayal, had left UNHCR and was now working for Brian Urquhart at UN Headquarters.

continued to meet him regularly. All eleven observers came to UNHCR for a comprehensive briefing on 18 February.

Number _____	
<u>Voluntary Repatriation of Zimbabweans — Registration Form</u>	
<u>Instructions:</u> Separate form to be completed in original plus three copies by each person over 18 years old and unaccompanied minors. For items 5, 6, and 7 please give village or town, district and province.	
1. Family Name: _____	2. Given Names: _____
3. Sex: _____	4. Date of Birth: _____
5. Place of Birth: _____	
6. Former address in Zimbabwe: _____	
7. Intended destination in Zimbabwe: _____	
8. Accompanying dependents under 18 years old.	
Name: _____	Sex: _____ Date of Birth: _____ Relationship: _____
_____	
_____	
9. (For unaccompanied children under 18) Names of parents: _____	
_____	
<u>Distribution:</u> 1 (Original) Applicant	
2 Authorities/UNHCR in present country	
3 and 4 To accompany repatriant for arrival formalities	
<u>Declaration</u>	
I, (full name) _____ hereby declare that after due consideration and entirely of my own free will I request repatriation to Zimbabwe.	
(Signature of Applicant) _____	
Independent Witness: _____	Full Name: _____
	Signature of Witness: _____
	Date: _____



**SIYALITHOKOZELELA NGOKUBUYA KWENU EKHAYA**

1. Ekufikeni kwenu kuzamela ledlule kuCustoms lapha elizaseshwa khona likhangelwe ukuthi ukuthi lingobani, kukhangelwe njalo lempilo yenu. Liyacelwa ukuba lingakhathazeki emoyeni yenu njalo lizame ukuphathamanda ukuze ukwedlula kwenu kuCustoms kungaze kwathatha isikhathi eside.

**TINOKUCHINGAMIDZAI**

1. Zvichaitwa pakusvika kwenu ndezvekuti nhumbi dzenyu dzichatariswa maererano nemutemo wevanhu vari kudzoka. Kunodiwa kuti muratidze gwaro rinoratidza kuti ndimi ani, uyewo nekutariswa uRano hwenyu. Tinokumbira kuti muwirirane pakushanda neavo vari kuita basa iri.

**WELCOME HOME**

1. Arrival formalities will involve a customs search, an identity check and a health check. Please be patient and co-operate with the authorities so that these formalities are over as quickly as possible.

2. Once they are over you are free to go home. We only ask that you leave this reception centre so we can bring more refugees back home. Arrangements will be made to help you if you need help and people from the churches are here for that purpose.

3. Transport will take you as near to your destination as possible. We shall try and send you in groups going to the same area. Several transit centres run by the churches have been set up. You will be given details of where they are. If you need temporary accommodation you can ask to go to the transit centre nearest your destination. From there you can either go back home or perhaps to other temporary accommodation closer to your home.

4. There are already many people without proper homes in the big towns so it is better not to go to the big towns unless you have somewhere to stay.

5. If you have lost contact with your relatives inside Zimbabwe you can ask the International Committee of the Red Cross to try and help locate them. Special forms are available for this purpose. You can take a form now and send it off later if you wish.

6. Medical facilities will be available here from the International Committee of the Red Cross.

7. The Christian Churches of Zimbabwe wish to welcome you on your return to Zimbabwe and would like to assist you in any way possible, in relation to their resources of personnel and finance. The office of the United Nations High Commissioner for Refugees has asked the churches under the Heads of Deacons, for their assistance. This assistance programme will be co-ordinated by Christian Care. If you need any assistance please contact the Christian Care office here or in Salisbury, Balawayo, Umtali or Gwelo or any church or mission.

8. There are representatives from the United Nations High Commissioner here. If you have any serious problems ask their help.

**GOOD LUCK**

## Different challenges

The return from Botswana resumed on 26 January, after a day's break awaiting the release of the Botswanan trucks that had been impounded by the Rhodesians after they claimed not to be able to cope with 1,000 returnees a day. 1,960 refugees returning that day, and the operation was suspended again while a lower daily rate was negotiated. On 30 January movement restarted and ran smoothly, averaging 750 a day through 15 February, by when 18,150 refugees had returned under through UNHCR and 1,700 on their own. Under 100 came back thereafter before the elections. Our colleagues were able to spread out to monitor what was happening to the returnees once they were back home, some to remote and still insecure areas. On 7 February I had a relaxing field trip to Plumtree with Lady Soames ("lots of huge teas and picnics with local officials"). We watched some of the 834 who repatriated that day coming across the border in high spirits. I was in the area again on 15 February, meeting up with Chefeke Dessalegn and John McCallin, the UNHCR Representative in Botswana and his deputy, for dinner to celebrate what was effectively the end of that operation. John had played an important part on both sides of the border. I was able to

drive one of UNHCR's new cars back to Salisbury, so had a first proper view of the country from the ground.

As expected, getting repatriation started from Mozambique and Zambia was proving difficult and frustrating. On 28 January I flew to the north and north-east, visiting the border at Chirundu, spending some three hours on dirt roads, and an uncomfortable time in the air circling tight over possible reception sites. On 30 January we met with Ben Blavo, the UNHCR Representative in Mozambique, and his colleagues and the Deputy Director of Mozambique's Centre for the Support of Refugees and Liberation Movements, a title that did nothing to reassure the local Rhodesian security and administration officials who attended the meeting, as did Edward Chaplin. The Mozambican side reluctantly agreed to delay the start until 4 February, and a long and difficult meeting ended with a Mozambican military commander accusing the UK Government of deliberate obstruction. Edward refuted this, noting that the Governor had only been in the country since 12 December and had other things to deal with: the repatriation was an important part of the whole but only a part.

Over the next three days we were fully stretched. Andrew Sokiri and Ray Fell were in the field preparing for the return from Zambia, also to start on 4 February but only via Victoria Falls. Andrew met Cécil Kpènou, the UNHCR Representative in Zambia, in Livingstone on 3 February to finalize plans. Ulla Geiger and her colleagues in Umtali were working to ensure that the reception centre, Toronto Camp, was ready, while the Rhodesians were busy putting barbed wire round it. Press interest, high from the start, was increasing as more foreign correspondents arrived and the local media began to feel some release from censorship. Every day I would have interviews, often several. We also had an unexpected problem. We were alerted by the International Defence and Aid Fund for Southern Africa that ANC fighters who had been imprisoned after an incursion in 1967 were threatened with deportation to South Africa and intervened on their behalf with the Governor's office.

The first move from Zambia was by train, the only such move. The Rhodesian security forces immediately claimed to recognize a man (all 687 that day were men) as a fighter, and told us he gave his first name as 'Russia' and showed them he could strip an AK47 while blindfolded (the USSR provided arms to ZIPRA).

On 6 February a grenade exploded harmlessly against a wall in Mugabe's garden. On 10 February Mugabe escaped a much more serious attempt: he was campaigning in Fort Victoria and a massive roadside bomb exploded seconds after his convoy had passed. In a night attack on Kangai, an intruder fired a rocket-propelled grenade at him while he was in bed, hitting the wall behind the bedhead.

In a letter written on 10 February I described a busy week.

*The moves from Mozambique and Zambia started on Monday 4<sup>th</sup>. I went down to Umtali, as I expected more trouble there, but in fact things went very smoothly [526 returned] and the trouble was with the Zambian move.*

*The Rhodesian police have now detained over 70 of the refugees from Zambia as suspected military personnel, who should not come with the refugees. The problem is that they have been 'demobilised' but that's a distinction lost on the police here. We're trying to make sure that people with military training don't come at this sensitive stage but meanwhile there have been accusations from the Zambians of torture and ill treatment on return (not true, at least in our reception centre, we obviously don't know what happens at the police station [we soon did]). Yesterday the BBC and wire services were reporting that the move from Zambia had been suspended but in fact it is continuing and over 500 came back across the Victoria Falls bridge yesterday. Here the big problem is the rising tide of intimidation and political violence. There have been attacks on Mr Mugabe's house and those of two of his senior officials. One was Kumbirai Kangai, who is our liaison officer with ZANU for the repatriation, and who had a miraculous escape. I visited him on Friday [8 February] and he should be out of hospital within a week.*

*Wednesday [6 February] I was up at Vic Falls and Gwaai (the reception centre SE of Wankie) trying to sort things out, and I am going back there tomorrow [11 February]. ... The climate here is excellent and there's little pollution. When we've been flying we've been able to see the horizon in every direction, a good 100 miles.*

*What violence there is is confined to the rural tribal areas and African townships. In Salisbury and around our reception centres, things are peaceful, and as I think I have said before, the lack of racial tension is quite remarkable. I've got a fine team and it continues to be a quite fascinating experience.*

*I'm off to a drinks party being given by The Observer's man here (David Martin).*

So it wasn't all work. Diplomatic missions began to be established, and the Australians gave a reception – the first such – for Australia Day on 26 January. Mugabe had been due to return from Mozambique that day, but the Governor had postponed his return by a day to avoid it clashing with election rallies in Salisbury by rival political parties. At the reception, Soames was heard loudly referring to Mugabe's return and meeting him for the first time, saying he sounded like "a terrible chap". Those who believed the British intended to rig the election to keep Mugabe from power saw this as confirmation; others saw this as a deliberate tactical reassurance to the whites and security forces. On 27 January, five years after escaping into exile, Mugabe returned to a hero's welcome from one of the largest crowds ever seen in Rhodesia. (Nkomo had returned from Zambia on 13 January.)

With the return from Botswana almost complete, our attention was focused on the reports of mistreatment of returnees from Zambia and the limitations placed on the rate of return from Mozambique. We worked closely with our colleagues in Zambia: Geesche Karrenbrock, a legal officer, spent time with us interviewing victims and assisting in our efforts to end the mistreatment. I was in contact with Edward Chaplin several times most days. On 14 February, I set out our concerns over the mistreatment in a long letter to Edward, which included the following:

We understand that, by 13 February 1980, 131 men had been detained by the police under 30-day administrative detention orders. Of this figure, 16 were released to Gwai Reception Centre on 10 February and a further 19 on 13 February; 16 more were returned to Zambia on 11 February.

One of the 16 released to Gwai on 10 February, several of the 16 returned to Zambia on 11 February, and four of the 19 released to Gwai on 13 February have complained to UNHCR of serious mistreatment and torture, including the use of electric devices [on the genitals], while in police custody. Please find attached a summary of statements made to UNHCR by four men released to Gwai on 13 February.

I am sure that I do not need to emphasize how seriously the High Commissioner views these developments. I understand that an assistant police adviser [on Soames' staff] was to visit Wankie in this connection and we look forward to learning his findings. For your information, none of the 19 released to Gwai had seen members of the monitoring forces after leaving Gwai, although, of course, they may just have failed to recognize them as such.

Given these allegations we believe it is in the interests of all concerned that any further questioning after the initial screening at Gwai Reception Centre (to which UNHCR already has access) should be carried out in the presence of independent observers.

Some of those persons repatriating peacefully and unarmed under UNHCR's auspices have now been in police custody for over 10 days. Even if all were personnel of the Patriotic Front armed forces, such continued detention would be difficult to explain. I understand that the Governor's policy ... is that those considered as personnel of the Patriotic Front armed forces would be returned to Zambia "as soon as reasonably possible". However, given the fact that 35 persons have already been returned to Gwai by the police [i.e. recognized as not being members of the Patriotic Front armed forces], it anyway seems likely that some of those still detained will also be considered as civilians. In these circumstances and against the background of the allegations referred to above, I believe it is most important that all those now in detention are

indeed either returned to Zambia or released as soon as possible. Meanwhile, I should be grateful if UNHCR staff were allowed access to those still in detention.

I have felt it proper to include the names of the four refugees who have made the attached statements. However, I realize that by so doing they may be placed at risk. If these allegations are substantiated, action against those concerned would be a matter for the due process of law. The primary objective of UNHCR is, of course, to ensure the proper treatment and early release of those still in detention. I should therefore be grateful if you would treat this information in confidence and with this consideration in mind.

On 15 February I sent a note to Reginal Austin, a lawyer who was a close adviser of Nkomo's, saying I should like to brief President Nkomo on developments, but effectively providing that brief in the note.<sup>33</sup> I recalled that when we had met Nkomo and his brother, our counterpart, on 15 January, we "had agreed that the likely numbers [repatriating before the elections] would be 5,000 from the Solwezi area and some 9,000 from the Lusaka area. So far some 4,150 have repatriated and we understand that there are not many more ready to come. A major factor in this is, of course, the detention and mistreatment of repatriants on return." Only some 100 more returned from Zambia before the election. We took the position that had it not been for the detention and mistreatment, the planned 14,000 could probably have returned. While clearly justified, this linkage was contested by the Governor's staff, who unsuccessfully tried to dissuade us from using the figure of 14,000.

Edward replied to my 14 February letter on 17 February, assuring me "that the Governor fully shares the High Commissioner's concern about these alleged incidents", on which urgent investigations had been instigated. He wrote that he understood the Assistant Police Adviser who had visited Wankie on 15 February "to be satisfied that there has been no ill-treatment at Wankie". Edward noted that "an officer of the Commonwealth Monitoring Force at Wankie has also attended the screening, and has watched affidavits being taken. In the circumstances, the Governor does not think it appropriate to give UNHCR officials access to those still being held". Referring to an increased CMF and police adviser presence now established at both Gwai and Wankie, the letter ended: "I hope that you will agree that these arrangements constitute a more than adequate assurance that the reception of refugees returning from

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<sup>33</sup> Austin had been the lead legal adviser to Nkomo at Lancaster House, and was the Dean of the Law Faculty at the University of Zimbabwe from 1982-92. In 1992-3, in the UN Transitional Authority for Cambodia, he was responsible for the conduct of the elections.

Zambia is being supervised as closely as possible. I hope that the repatriation of refugees from Zambia will restart in the near future”.

On 18 February I wrote to the Governor.

I have the honour to refer to Mr Ciss’ letter to you of 19 January 1980, your reply of 23 January, and in particular to the measures taken by your administration to ensure that no Patriotic Front military personnel enter the country with the refugees.

To date some 7,300 refugees have repatriated from Mozambique under UNHCR’s auspices. To my knowledge, none has been detained. I have shared my concern at the slow rate of repatriation with your staff on several occasions. On 13 February, Mr Edward Chaplin informed the Mozambican authorities that the target daily rate could be increased from 600 to 650, plus children in arms. This figure was in part determined by a statement by a senior police officer at Umtali that only 400 men of military age could be screened daily. I pointed out to Mr Chaplin that this statement was incorrect: not only had over 500 men been screened by early afternoon on previous days, but the police officer in charge of the screening had also confirmed to Mr Chaplin and myself that his team could screen some 100 men per hour.

I informed Mr Chaplin that it was the considered opinion of UNHCR, after consultation with the services concerned at the reception centre, that a realistic target daily rate from Mozambique would be some 1,000. That remains our position.

On 14 February, 585 refugees repatriated. Five hundred were men, who had been screened by early afternoon. On 15 February, 695 refugees repatriated. Over 600 were men, who had been screened by mid-afternoon. There was no repatriation on 16 February at the request of the Mozambican authorities. [Apparently as a result of an attack by Mozambican rebels on a base near the camp from which the refugees were returning.]

On 17 February, 650 refugees, including 85 women and children, were ready to repatriate. However, police prevented – at gunpoint – the last bus, with some 100 men, from entering Southern Rhodesia. My colleagues were informed that this was because only 400 men could be accepted.

I believe that it will be evident from the foregoing that UNHCR considers this action arbitrary and incompatible with the agreement reached in London on 4 January 1980 that repatriation will take place “as rapidly as is consistent with reception facilities in Rhodesia”. I should, therefore, be most grateful if you, Sir, would instruct the competent

authorities to raise the target daily intake to the actual capacity of the reception facilities.

I should now like to turn to the allegations of ill-treatment and torture of refugees detained by the police after repatriating from Zambia. Mr Chaplin and I have recently exchanged letters on this subject. I regret to inform you that more such allegations have now been made. Four of the 35 men returned to Zambia on 15 February made statements to Zambian police and UNHCR officials in Livingstone on 16 February alleging ill-treatment and torture while in police detention. I shall pass copies of these allegations to Mr Chaplin. In these circumstances, I regret your decision not to give UNHCR officials access to those still being held.

Our immediate concern is for those in detention, and I welcome Mr Chaplin's renewed assurances that 40 men detained at Wankie will be released or returned to Zambia as soon as possible. I understand that four more have been transferred to Bulawayo. Some of those in detention have now been held for two weeks, after repatriating peacefully and unarmed under UNHCR's auspices. To my knowledge, no charge has been laid against them. I can only reiterate that it is in the interests of all concerned that the release from detention be expedited.

I followed this with a letter to Edward.

Since writing to the Governor this morning I have learned that those returned to Zambia on 15 February 1980 expressed particular anxiety about the treatment of two of those remaining at Wankie, Mr John Gazi and Mr Partson Makhurane, who were repatriated on 4 February.

By chance, these are two among the men then under detention that I personally interviewed at Gwai on 6 February. They had just been returned to Gwai from Wankie. I am most surprised to learn that they may still be detained.

As my own colleagues may not visit these persons, I should be grateful if either a police adviser or an officer of the Commonwealth Monitoring Force would interview them and report on their condition, should they not meanwhile have been released.

As result of the briefing we had given to all the Commonwealth Observers on 18 February, their Chairman wrote a long letter the same day to the Governor echoing our concerns. On the problems faced by those returning from Zambia, Ambassador Dayal noted that "Mr Nkomo has personally expressed to us his acute sense of grievance on this score". After setting out the problems in return from Mozambique, he wrote: "In view of the above, and of the fact that the return of the refugees in adequate numbers was an important feature of the discussions at Lancaster House concerning the holding of free and fair elections,



we would urge that urgent steps be taken to ensure that in the next few days a very much larger volume of refugees be allowed to return in order that they may participate in the elections”.<sup>34</sup>

On 19 February, I sent Edward details of the four most serious allegations of torture made by those returned to Zambia on 15 February, as well as a summary of the statements of 34 of the 35 released, as made in Livingstone on 16 February. On 20 February, I sent him three statements made by three of the 40 returned to Zambia on 19 February. On 22 February, I wrote to Edward about a new problem, reports of the harassment of returning refugees by Security Force Auxiliaries in the Fort Victoria area, and gave him the names of two of the four detainees who we thought had been transferred to Bulawayo, asking for confirmation and when they would be released (we were also following up on this directly with our police adviser counterpart).

The Governor replied to my letter on 23 February, with a second sentence that had us laughing out loud. “Thank you for your letter of 18 February. I am happy to hear that the repatriation of refugees from Mozambique has so far gone smoothly. I am sure that this is a reflection of the efforts of yourself and your colleagues on both sides of the border.” The Governor justified the limit of 400 “young men of military age who can be accepted back into the country” a day as a reaction to the fact that it had been brought to his attention “that some of these young men, having passed through the reception centre near Umtali, having joined up with ZANLA groups operating outside the assembly places. ... I must emphasise that the determining factor here is the security situation not the rate of screening at the Toronto reception centre.”

On the ill-treatment of returnees from Zambia, the Governor wrote that the allegations were being thoroughly investigated and that supervision of all stages of the repatriation process had been strengthened. “I hope therefore that repatriation from Zambia will resume shortly. [This must have been drafted earlier, as all repatriation was suspended for the elections after 24 February.] I understand that 40 men detained at Wankie were returned to Zambia on 18 February having made affidavits to the effect that they were serving military personnel, who had entered the country in breach of the ceasefire agreement.” As the many victim statements we had forwarded to the Governor’s office made clear, the purpose of the torture was to force returnees to admit this. For example, as taken by our colleagues in Zambia:

S [the statements gave the full name and home district] arrived at Gwai River Mine on 6 February. ... At the screening the next morning at GRM, S was separated from the others, together with three other refugees. He was told that he had been trained which he denied. He

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<sup>34</sup> COG report Annex 15.2 – 15.3.

was then taken by landrover to another house some distance from the camp. A policeman carried a small bag with the electrical device, which was then plugged in. The white policeman was dressed in khaki and had side whiskers and dark hair – S could recognize the man. Electric contacts were made with his penis and testicles, he was given two shocks. He lay down with his shirt pulled over his head and his trousers pulled down. One held his arms and stepped on his stomach when the current was applied. Throughout the torture police said he must confess that he had been trained. He was taken to another room where he was threatened with a side gun and ordered to give the names of others who had been trained. S did not give any names because he knew none. ... The police told him to tell the others that if they did not admit that they had been trained, they would be taken to George Mboro [the name used by the police for the electrical device]. He was taken to Wankie. The next day a statement was taken forcing them to agree to having been trained. He was told that if he did not admit it he would not be allowed to leave his cell.

Also on 23 February, the Governor replied to Ambassador Dayal's letter of 18 February, on similar lines to his reply to mine. He continued to maintain that "so far there is no evidence to substantiate" the allegations of ill-treatment. "In spite of these problems, 4,200 refugees have returned from Zambia. According to UNHCR, it is now clear that little more than 5,000 refugees were ready to return from Zambia before the elections, not 14,000 as originally thought." This was not correct: the Governor's staff were fully aware of our position that had it not been for the detention and mistreatment, the planned 14,000 could probably have returned.

My last letter to Edward Chaplin, on 27 February, enclosed an affidavit sworn before a commissioner of oaths with full and graphic details of torture.

After his visit to Umtali and the border on 22 February, on 23 February Ambassador Dayal wrote to Sir Antony Duff, the Deputy Governor, expressing concern about the limitation on numbers. "When we raised the question of accepting more refugees with Mr Brian Sharp of the Department of Social Affairs, he expressed his inability to do so as instructions received from Salisbury empowered only the police to decide upon the number of refugees to be admitted on a particular day." Duff's reply, dated 26 February, reiterated that the limit on young men of military age "was determined by the security situation in the eastern area of the country, not the rate of screening at the Toronto Reception Centre."

## *The view from Mozambique*

The Governor's appreciation of the efforts of our colleagues on both sides of the border was well merited, particularly for those in Mozambique. While in Rhodesia there was good accommodation, food and communications, and this was generally the case across the borders in Botswana and Zambia, this was not so for our Mozambique team, based in a remote area, with few facilities and no direct communication with the UNHCR office in Maputo. One of those on mission reinforcing that team was Henry Frendo. His end-of-mission report, which includes his daily "Repatriation Diary", gives a sense of the experience of the refugees, the process of repatriation, and the challenges that the UNHCR team faced, as these extracts illustrate.

*31 January* We went to a carpenter and to the market place and bought a large plank which we then cut in two: these boards will be used for registration purposes at the camp.

*6 February* We woke at 4.30 am had an early breakfast and were at the border by 6.30 am. The registration and assembling of the refugees was proceeding very smoothly and it was expected to have all the groups ready by the time the Rhodesian buses arrived. ... However, many of the refugees did not have their luggage and would not budge before it arrived from the camp [which it only did] after the border had closed. Moreover, much of the luggage carried by the Mozambican buses and discharged at the border point did not belong to the refugees who were there and remained unidentified. Although the Rhodesians had indicated yesterday that they would only accept some 300 adults, we found that the number of refugees transported to Machipanda was 437 adults (half male) and 228 children, plus 83 babies. The first five buses (the number the Rhodesians had said they would make available) had left full up by 11.35 am. A sixth bus arrived and left at 2.25 pm and a truck sent for excess luggage left at 2.40 pm. By this time only 9 male adults were left who stayed on to sort out the missing luggage when this arrived, hoping that they might still cross today, but this was impossible. They were provided with food and overnight accommodation. The Rhodesian lorry that arrived in the late afternoon returned empty as the Mozambican truck carrying the luggage had not yet arrived. [748 returned that day.]

*12 February* Another driver for the jeep was tested but found to be most unsuitable. The search continues. We are still prevented from reading any Rhodesian newspaper [the team from Umtali tried to hand them over]. It is ardently hoped that the Mozambican Govt will grant us permission to see the *Herald* (the main daily) at least at the border point. We have repeatedly remonstrated with the hotel management about the

lack of water but to no avail. This is particularly depressing in the early morning.

*14 February* The Minister of Public Works visited [their government-owned hotel], and declared the kitchen as “un autentico foco de doencas” (a breeding place for diseases). He was informed that we get no water in the morning, that the food was not varied at all, that the bed sheets and towels had only been changed once in a month etc. The Minister immediately gave instructions for these deficiencies to be remedied and in fact this evening we were provided with clean towels and some soap. We also expect to have running water tomorrow [the report doesn't say if they did].

[Mozambican journalists visited the camp that evening.] At the assembly point there is a farewell ceremony every evening before the refugees board the buses, at around midnight. There was clapping and singing to the accompaniment of African musical instruments. The bus ride to Machipanda takes 5 hours including one hour of bumpy paths.

*20 February* [When I met Henry Frendo at the border] The total number repatriated today was the largest so far in a single day: 1,050. However less than 400 were adult males (337 including the 210 left from yesterday). The Rhodesians sent two extra buses and they were all admitted to Toronto. The reason the [Mozambican] buses arrived at Machipanda so late, after midday, was that although the refugees had been waiting at Tronga assembly point since 3 am, the buses had only reached there at about 8 am. The path from the road into Tronga is very bad and after the rains was almost impassable for even a four-wheel drive jeep. As the buses cannot enter, the refugees walk the 13 kilometres to the assembly point, which takes them 2 ½ hours, and load the luggage and board the buses there. Unfortunately, no tents have been taken there despite repeated requests from UNHCR that wherever refugees might sleep overnight there should be tents. The refugees waited mostly in the rain until the buses arrived and they as well as their luggage bundles were drenched. Otherwise the registration is proceeding in a more organized way now and there are some six group leaders/teachers/students helping with the filling out of the forms.

The attitude of the Mozambican authorities reflected their extreme suspicion of Rhodesia. Tronga settlement had been attacked by Rhodesian forces on 7 December 1979, and the Smith regime supported the armed resistance to the government and ZANU that was the precursor of RENAMO and the civil war of the 1980s (which led to the need for major UNHCR programmes for Mozambican refugees). On 22 February, the Commonwealth Observer Group visited the border to witness the repatriation but was turned away by the

Mozambican authorities, who understandably took time to appreciate the extent of the change within Rhodesia.

For all our colleagues in the field there was of course much to offset the frustrations, from the joy on the first trucks from Botswana to the atmosphere Henry Frendo described in his report.

The repatriation was greatly facilitated by the amount of discipline and mobilisation existing in the settlements. It was helped along too by the evident widespread desire to return to one's own home, family, friends, memories and way of life. "I am not a revolutionary, I am a refugee", said one twelve-year old boy, "and my parents are still in Umtali."

The refugees knew exactly where they wished to return to, many giving not just the name of the school, mission, hospital, store or station but even the PO box number and the distance from the nearest town, village centre, or bus stop to their home.

As the first busloads started arriving in Machipanda station from Doeroi and Tronga after a four or five-hour drive, the process of checking, registering, counting, assembling, loading, escorting and handing over to UNHCR counterparts on the other side began in earnest. Later, the refugees' excitement increased as the Rhodesian buses began to pull up near Forbes border post, and UNHCR officials lent a hand carrying, sorting out and arranging the multi-coloured bundles of luggage in racks, on bus tops, climbing up and down ladders, and assisting especially pregnant women and others with young, even new-born children to board the buses and be seated adequately.

As they boarded, refugees were given a "welcome home" leaflet published by Christian Care in English, Shona and Ndebele.

The refugees were tired and tense but pleased, hopeful and in good spirits. The happy message came across in various ways: in the humming of an African tune of farewell to the accompaniment of a home-made guitar or kalimba; in the pushing and sense of propriety and belonging by which each refugee guarded his few possessions and ensured that the family stayed together; and even in the Commonwealth Monitoring Force's armband, depicting a pangolin, a Zimbabwean symbol of peace. But above all it came in the three claps - also a sign of peace - and in the big smile which many a refugee so spontaneously gave when it was time to go.

The atmosphere was bright, and the mood hectic as one after another groups of ex-refugees departed, waving, across the bridge over Machipanda valley, fresh with its lush vegetation and mountain breeze

under an equatorial sun, up the Melsetter hills which hide from view the road to Umtali. Beyond these hills, their future beckoned.

### *The political environment*

On 24 February I went back to Umtali to witness the final repatriation before the elections. As these drew near, more missions arrived; the first non-UNHCR UN mission arrived on 23 February, five strong and headed by Janvier Pérez de Cuéllar, who had been appointed Under-Secretary-General for Special Political Affairs a year earlier, and was to become Secretary-General at the start of 1982 (after Sadruddin Aga Khan's candidacy was vetoed by the USSR). His team included Gilberto Schlittler-Silva, whom I had got to know well on the Namibia missions, and Gilberto came with me to Umtali, as did Kieran Prendergast, a British diplomat at the UK mission to the UN in New York (British High Commissioner to Zimbabwe from 1989-92 and UN Under-Secretary-General for Political Affairs from 1997-2005). On return from Umtali, I wrote to Edward Chaplin about another problem.

Over the past few days refugees and the staff at the Toronto Reception Centre have pointed out to us that, during the "screening", Special Branch Policemen have been altering the dates of birth on UNHCR registration forms in order to show refugees as under 18. We immediately brought this to the attention of senior police officers at Umtali. Nevertheless, on 24 February the forms of over 100 of the 523 men repatriated were so altered. Mr Prendergast was able to meet several refugees considered by officials of the Department of Social Affairs to be the age originally recorded on their forms.

We have reinstated the original age on those forms brought to our attention, but we understand that similar alterations were being made well before we were aware of this practice. We should therefore be grateful if you would take appropriate action to ensure that refugees who are over 18 are not prevented from voting because of such alterations. We should also be grateful if you would bring to the attention of the competent authorities this deliberate attempt to deprive repatriants of the right to vote.

This was just one example of many that we were aware of at the time. In a letter dated 17 February to the Election Commissioner, Sir John Boynton, Ambassador Dayal reported that members of the Security Forces had been seen distributing leaflets "designed to influence the way in which the Africans will vote".

We have also been informed by a European police reservist who has been called up over the period of the poll, that he was required to attend two meetings which were addressed by high-ranking officers who informed the group that it was imperative that a particular party be

returned to office after the elections, and that there was such an extensive range of powers available to control every facet of political activity that it should be possible for them, by selective application of these powers, to disrupt the political activities and the organisation of the other major parties to such an extent as to ensure an acceptable outcome in the elections. If what our informant tells us is true, such an attitude would have the capacity to negate the prospect of free and fair elections, and as such is deeply disturbing to us, as I am sure it would be to you.<sup>35</sup>

Notwithstanding clear evidence of such attempts to subvert the election, the attacks on the ZANU leadership, and documented violence by the security forces against suspected ZANU supporters and others outside Salisbury, the proper conduct of the elections was most at risk from a threat by the Governor to disenfranchise areas known to support ZANU.

One point Soames and his staff were unwilling to take into account was that during the war in the ZANLA areas of operation an extensive political network had been developed which included an intelligence network. Through this latter network, strangers were scrutinized and many sell-outs, who were Rhodesian informers, uncovered. This scrutiny of strangers prevailed during the transition and thereafter. It was a protective mechanism that the people had built up during the war years and to expect it to be broken down in days and weeks was unrealistic, for it was tantamount to asking the people to drop their guard when they felt threatened by the Rhodesian security forces and auxiliaries as they had during the war years. ... Thus the structures remained, a defence line for people loyal to ZANU, and other political parties complained that they were being prevented from campaigning in these areas. Soames's response was to threaten to disenfranchise certain areas of the country, all of them conspicuous ZANU strongholds. Whether Soames ever seriously intended to disenfranchise any of these areas ... is a matter for speculation. Possibly he was only trying to placate the other parties by threats of strong action to keep all of them on board. But many people, including Mugabe ... believed that he might.<sup>36</sup>

With the Governor publicly appearing to side with ZANU's opponents and largely discount their own abuses, the prospects for free and fair elections appeared to be receding. A series of events seemed, even at the time, to mark a turning point. On the evening of 14 February, I was in my room on the seventh

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<sup>35</sup> The letter is reproduced in the report of the Commonwealth Observer Group, Annex 10.3.

<sup>36</sup> *The Struggle for Zimbabwe*, pp. 324-5. The *Reuters* correspondent, Alan Cowell, reported that in one of the areas threatened with disenfranchisement there had been 59 political rallies of which only nine were by ZANU.

floor of the Monomatapa hotel, on the phone to Geneva, when there was a loud explosion. The rooms of the hotel looked out over a park at the back, while on the front the corridors on each floor looked out over the Presbyterian Church Centre just off Jameson (now Samora Machel) Avenue. A bomb had exploded in the church and the blast had blown in many of the hotel's windows on that side; flying glass injured four people. The church centre was where the Christian Care Refugee Office had been established, and it had to move. Another church was bombed that night, and evidence left suggesting that ZANU was responsible. Two days later, a crude bomb was found at the Anglican Cathedral with a handwritten note – in grammatically incorrect Shona – purportedly from guerrillas loyal to Mugabe. Almost at once it became clear that these were the work of persons seeking to discredit ZANU. Several days later, two men died when their vehicle exploded south of the city centre, apparently as they headed to plant another bomb. These and other incidents staged to appear to be the responsibility of ZANU had all the hallmarks of the Selous Scouts, the executive and 'dirty tricks' arm of the Rhodesian Central Intelligence Organization, as even the local press recognized. Thereafter, the Governor appeared more even-handed, and less ready to act on what the Rhodesian authorities were alleging.

### *The view from abroad*

With the international media full of reports of the violence and intimidation, African and third world countries sponsored resolution 463, adopted by the Security Council on 2 February. In the resolution, the Security Council, "Concerned at the numerous violations of the Lancaster House Agreement," basically told the British Government to implement the Agreement. The British did not take part in the debate or voting; in the House of Lords, Carrington described the criticism as "one sided and absurdly selective", and said the British were being lectured on how to run the election by countries that "would not know a free and fair election if they saw it".

At the OAU summit in Addis Ababa in February, criticism of the British was fierce and extended to UNHCR's operation inside the country. The first I knew of this was when Franzi Homman-Herimberg called me late one evening and told me that the OAU were baying for UNHCR's blood, and mine in particular as I was British and "playing the white Rhodesians' game", stopping refugees returning in the numbers foreseen and countenancing torture. The leader of the UNHCR team at the summit, Antoine Noël, had recommended that I be recalled, which I strongly resisted. I went to see Kangai the next day, explained what had happened, and said that we were only too well aware of the problems and trying to overcome them. Kangai replied that ZANU had no idea what had happened at the OAU Council of Ministers' meeting on Zimbabwe. He knew the problems we were facing better than I did, and I shouldn't worry as even



10,000 from Mozambique would be a considerable achievement. In a letter to Viru Dayal, written after I was back in Geneva, giving my impressions of the transition and UNHCR's (and his uncle's) role in it, I wrote:

What upset me at the time was that Headquarters knew exactly what we were doing and why – and weren't prepared to go as far with the British in Geneva [the High Commissioner had written to the UK Permanent Representative about the problems] – and yet our team in Addis were starved for information, while we in Salisbury didn't even know they were there. Two weeks after Franzi had said I was being recalled at once, we gave the OAU observers a two-hour briefing. Their leader thanked David Lambo [UNHCR's representative in Tanzania, who had been in Addis and had come to coincide with the OAU observers, staying from 23 February to 1 March], commended UNHCR, and asked David whatever had happened to the British man he had heard about while in Addis. David replied, "but he's Australian and has just briefed you". I felt much better and resolved to let things lie. [It was clear that the problem was at least in part the result of tensions within UNHCR over the composition of our team.] Abdou was a great help over this and did a first-rate job throughout. What was very clear from Salisbury was that if I had given in gracefully when Antoine was insisting I should leave, we would have been admitting all the charges, and looked even more foolish than the OAU did over this once the results made the repatriation a great success overnight.

### *The end of the first phase*

Abdou Ciss came back on 23 February for three days, and we met Duncan Slater and Edward Chaplin on 26 February, followed by a short meeting with the Governor. By the time repatriation was suspended after 24 February (the Rhodesian officials involved were needed for the elections), Salisbury was filling up with missions and observers, and still more press. We gave Pérez de Cuéllar and his team a long briefing on 23 February and I met with him again two days later. Among the first governmental delegations we briefed was the Swedish, headed by Jan Eliasson, who was to become the first UN Under-Secretary-General for Humanitarian Affairs, and later the Deputy Secretary-General.

The final figures for return before the elections were 21,987 from Botswana (of whom 3,784 spontaneously); 10,935 from Mozambique; and 4,290 from Zambia – a total of 37,212. It was likely that there had also been spontaneous return from Mozambique and Zambia, but individuals were probably reluctant to declare this on arrival. While the repatriation had stopped, there were still returnees in the reception centres, and those who were on route or already home needed assistance. Some remained in detention, and we needed to get

them released in time to vote. Andrew Sokiri was on mission in the Bulawayo area helping expedite this, and five more detainees were released on 28



February. They had resisted being returned to Zambia, claiming they would face reprisals, though it was not clear exactly what for. I updated Reginal Austin on our efforts, and he undertook to brief Nkomo accordingly. Our colleagues based outside Salisbury continued to be very busy, visiting the missions and other sites assisting returnees, often in remote locations. We were building up a

picture of what happened to some of the returnees after they left the reception centres. We also began to focus on restarting the repatriation after the election, and on what wider role UNHCR might play, given the extent of the needs, including of those who had been displaced internally.

### *The election*

For the election campaign, Mugabe's party had to change its name from ZANU to ZANU(PF), as Ndabaningi Sithole had registered ZANU as his party when contesting the 1979 elections. Although he and Mugabe ran on separate platform, Nkomo registered his party as the Patriotic Front, not ZAPU. "One further difficulty for Mugabe ... was that his first election symbol, a crossed hoe and gun, was rejected by the electoral commission. That symbol had traditionally been associated with his party and he was forced to choose a new one, selecting the 'Jongwe' (a Shona word for cockerel) in front of a rising sun. With so many of the voters functionally illiterate, the symbols of the parties were of great importance, and soon thousands of people were wearing T shirts with the Jongwe in front of a rising sun and flapping their arms by their sides imitating a cockerel flapping its wings."<sup>37</sup>

*Polling began at 7 this morning [27 February] and all is calm for the moment. The general view is that things have improved over the last two weeks and that there's a chance elections may be seen to be free and fair. Attention is now focused on the formation of the government. Things were hectic as usual until this morning. Lots of press interest in us because of the torture and slow rate from Mozambique, and more and more observers coming into town and wanting briefings. ... Broke off there as we've just received an affidavit we'd been waiting for from a refugee who'd been tortured and I had to send it off at once to*

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<sup>37</sup> *The Struggle for Zimbabwe*, p. 329.

*the Governor's office. We haven't had much satisfaction about our complaints of torture and the slow rate from Mozambique, but the Governor wrote us a very smooth reply to my letter of protest. While he certainly could have been more even-handed, what we don't know is what sort of problems he's had keeping the Rhodesian military on board.*

During the polling rumours of irregularities were rife. The most serious was that the dye used on voters' fingers to prevent multiple voting, and visible only under UV light, could be washed off by Coca-Cola or in other ways. The Commonwealth Observer Group carried out tests that showed this was not possible, and issued a press release on 28 February that helped defuse a potential crisis. After three days of largely peaceful polling, everything hung on the determination of whether the elections were free and fair, which would be made before the results were known. Two reports were key: the 20-page interim report of Sir John Boynton, the British Election Commissioner, issued on Sunday 2 March; and the two-page interim report issued the same day by the Commonwealth Observer Group. Had the former found the elections not to have been free and fair, it was highly unlikely that the COG would have disagreed, but a positive finding from the Election Commissioner was not enough – the COG had to agree.

The Election Commissioner's report considered seven questions.

1. Were the information needs of voters met?

He concluded they were, with the distribution in some areas of anti-Communist and other leaflets at the same time as official material “regrettable, but I do not believe that it had any material effect on the election”.

2. Was the media impartial in news presentation?

Noting complaints about the partiality of local media, he reported: “However no written complaints were made to me by any member of the public or by any political party. I conclude that the conduct of the media is not a real issue in this campaign.”

3. Were voters convinced that their vote was secret?

“It is not easy to assess the extent to which the message [assuring secrecy] was received and believed by the voting public. The indications are that many people, particularly in the urban areas, were convinced that the ballot was genuinely secret. In some of the TTLs [Tribal Trust Lands] in the Eastern provinces however it is equally clear that many voters were not wholly convinced of the secrecy of the ballot.”

4. Were adequate precautions taken against rigging the poll and were they successful?

After describing in detail the precautions, he concluded that they were adequate and “seem to have worked well”.

5. Were the parties able to campaign peacefully throughout the country?

“In the early weeks of the campaign intimidation was a matter of serious concern. ... In many areas, particularly in the TTLs most parties either could not campaign or were unprepared to face the perceived risks of doing so. The powers which the Governor assumed to ban a party or abrogate the elections in any designated area contributed to a marked reduction in the level of intimidation and greater caution in the conduct of some of the parties. As a result there was some low level campaigning by previously inhibited parties and a general relaxation of tension in the final days of the campaign. It was not however possible to estimate the residual effect of previous intimidation. Because of the general improvement immediately prior to the poll, none of my supervisors felt that action under the Governor’s powers was warranted.”

6. Were the polling arrangements satisfactory and were there any irregularities during the poll by polling staff, by party agents, by the police or others?

The Election Commissioner concluded that they were satisfactory; many of the reports of irregularities during polling proved to be unfounded, and the voting in the PF assembly areas, a cause of some “anxiety during the planning period”, “was very peaceful and orderly”.

7. Taking into account the circumstances obtaining before the poll, was it right to hold the elections, and taking into account the circumstances obtaining during the poll, can the elections be described as free and fair?

“My own election supervisors were of the opinion, when they reported to the Governor on 22nd February, that conditions had improved: that the election should take place in all areas; and that there was a reasonable prospect of a free and fair election”.

After examining intimidation, the Election Commissioner reported:

My general conclusion is that, in the Rhodesian context earlier described, the elections were in general a reflection of the wishes of the people, though in no sense free from intimidation and pressure. However my view is that in the country as a whole the degree of intimidation was not so great as to invalidate the overall result of the poll.

I have however doubts whether this general judgement can be fairly be applied to certain areas in three provinces – Victoria, Manicaland and the Midlands. ... My conclusion is that in these areas the result of the election will have been affected by intimidation.

However, notwithstanding the distortion of voting in certain areas, I think my general conclusion must stand, that in the Rhodesian context the overall result of the elections will broadly reflect the wishes of the people of Rhodesia.

The COG reported, after reviewing its observations, that it was

The unanimous conclusion of the Commonwealth Observer Group that the election up to the end of polling can be considered to have been free and fair to the extent that it provided an adequate and acceptable means of determining the wishes of the people in a democratic manner. This view is fortified by the high turn-out and the orderly and manifestly relaxed manner in which such a large percentage of voters went to the polls.

While the counting is not yet complete, it is the view of the Group that the organisational aspects of the election, including the arrangements for the polling, have on the whole been carried out efficiently and fairly in what were undoubtedly difficult circumstances.

I wrote to Viru Dayal that his "uncle gave a masterly press conference to introduce the interim report. In front of 3-400 of the world's press, he managed to say no more than was in the report, though in a multitude of different ways. The man next to me finally closed his notebook with a sigh, remarking 'now there's a wily old bird indeed'."

Under the constitution, 20 of the 100 seats were reserved for whites for seven years. Only six of these were contested in the poll on 14 February: the Rhodesia Front, Ian Smith's party, won all 20.

On the morning of Tuesday, 4 March, the Rhodesian Registrar of Elections announced the results over the radio: Mugabe's ZANU(PF) had won 57 of the 100 seats; Nkomo's PF, 20; and Muzorewa's UANC, 3. Turnout was estimated to be over 90% - an exact figure was not available as there was no electoral register, and no up-to-date figures for those over 18.

We could immediately hear the cheering from our office, but not of course the shocked silence of the supporters of the Rhodesia Front and its allies in the previous government. No one knew how the Rhodesian security forces would react, but it seems likely that the shock of the result, at least to them, meant that contingency plans that might have been in place had the outcome been expected were never made. In my letter to Viru Dayal, I wrote "thank goodness there were no opinion polls, for an accurate one in mid-February could have done untold harm to the peace process". (Much later it was learned that General Walls had sent a telegram to Thatcher urging her to annul the results, but he denied that a *coup d'état* was ever seriously considered.) The result was also a great shock to Muzorewa and to Nkomo, who had hoped he would lead a

coalition government. While Nkomo's party went into coalition with Mugabe's, he declined the Presidency that Mugabe offered him.

At 20:00 that evening, Mugabe addressed the nation. Those for whom he was a terrorist could see what we had seen in London: he was immensely impressive, speaking of reconciliation not recrimination and of a common interest that knew no discrimination by race, colour or creed.<sup>38</sup> His address, which included assurances regarding the rights and accrued benefits of civil servants and the announcement of the retention of General Walls to oversee the integration of the army, reassured the whites, and what danger there was had passed. (Mugabe's government included two white ministers.)

It had been clear that close result would be potentially disastrous. A cartoon showed the door of a RAF transport aircraft closing with Soames' arm handing out a note "And the winner is ...". What was widely thought to be the British preference, though certainly not unanimously, a Nkomo-led coalition, would have been unlikely to command sufficient international acceptance. As it was, the results rendered instantly irrelevant the reports from the Election Commissioner and Commonwealth Observer Group (COG) that 24 hours earlier had been seen as a major part of the process. The COG issued a second report on 8 March. In it the COG stated that they felt that the Election Commissioner's interim report had somewhat exaggerated the levels of intimidation in the areas he had highlighted, though the COG's report made clear that they did not have a continuous and complete coverage. While no responsibility was assigned in the election Commissioner's report, the COG noted that the alleged intimidation was by ZANU(PF) and their supporters. The key paragraphs in the COG's second report were these:

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<sup>38</sup> From the text of the speech published as a pamphlet in March 1980 by the Ministry of Information, Immigration and Tourism:

"Whatever government I succeed in creating will certainly adhere to the letter and spirit of our Constitution, since that government will itself have been the product of such Constitution.

Only a government that subjects itself to the rule of law has any moral right to demand of its citizens an obedience to the rule of law.

Our Constitution equally circumscribes the powers of the government by declaring certain civil rights and freedoms as fundamental. We intend to uphold those fundamental rights and freedoms to the full. ...

I urge you, whether you are black or white, to join me in a new pledge to forget our grim past, forgive others and forget, join hands, and together, as Zimbabweans, trample upon racialism, tribalism and regionalism, and work hard to reconstruct and rehabilitate our society as we reinvigorate our economic machinery."

We are completely satisfied with the integrity of the conduct of the poll in all its aspects, including the security of ballot boxes and the accuracy of the count.

Taken as a whole, it is our considered and unanimous view that the election offered an adequate opportunity to the parties to seek the favour of the electorate and sufficient freedom to the voters to exercise their franchise according to their convictions. We therefore reaffirm the conclusion of our interim report that the election was a valid and democratic expression of the wishes of the people of Zimbabwe.

## *Conclusion*

Neither of the interim reports referred to the repatriation, which would surely have become an issue had the result of the election been close. In the final COG report, published in April 1980, the section on repatriation (pages 22-24) concludes:

We are conscious that Rhodesian resources were strained, but believe nevertheless that with a more positive approach, a larger number of refugees could have voted, thus reflecting a higher resolve to implement the Lancaster House Agreement more fully.

On the whole, we find it difficult to discount the suggestion that the political loyalties of the refugees to the two Patriotic Front parties was a factor which influenced official attitudes and action though we accept that this did not have any significant electoral impact in the end.

The final COG report reproduced the Chairman's exchanges on the subject with the Governor and his Deputy (Annex 15) and the figures for return provided by UNHCR (Annex 16).

Rhodesian attitudes to the refugees were the explanation for our problems but not the only explanation of why the number of returnees was as low. Neither Mugabe nor Nkomo gave the repatriation a high priority. Even when briefed by us to raise specific issues with the Governor, they never did, as other matters were much more important. Mugabe knew he would win a free and fair election without any repatriated voters; during the campaign he had estimated ZANU(PF) would win 56 seats, one less than the outcome. To the extent that Nkomo gave a priority to repatriation, it appeared to be for organizers and ex-combatants rather than numbers of voters.

Could – should – the Governor have done more? As I wrote to Viru Dayal:

Whatever one's views on Soames and his handling – and we had strong views on the repatriation aspects – the fact is that he held to a policy and approach that produced free and largely fair elections and avoided a white exodus. ... I always stressed in background briefings to the press

that before one could judge objectively if the British could have helped more with the repatriation, one had to know what we didn't, how close Soames was to a 'mutiny' from the security forces. I'd guess pretty close, at least in early January and again perhaps in the first days of February.

However, less allowance is warranted with respect to the torture and mistreatment of returnees. My reaction to the initial reports had been that the police couldn't be that stupid, but it soon became clear that they could not grasp, still less accept, the degree to which everything was changing. We provided the Governor's office with over 60 statements taken by UNHCR staff from returnees claiming to be victims. As these accumulated, it became increasingly clear there was a serious problem, and that our representations to the Governor and his staff were well founded, as anyone familiar with the record of the Rhodesian security services should have known. I believe that Edward Chaplin understood this, as anyone who read the statements should have done. But the British appeared to give a higher priority to assuring us that the allegations were being investigated, and trying to avoid the linkage of low return from Zambia with these allegations, than they did to addressing the substance of the problem.

Looking back now, I think the view expressed in the final paragraph of the Governor's 23 February letter to me, language he also used in his reply to the Chairman of the COG, is a fairer assessment than we felt at the time:

Finally, I should like to emphasise that under the Lancaster House Agreement it was never envisaged that we could do more than make a start on the repatriation of refugees. In my view the return of over 30,000 refugees in less than a month to a country which has only just emerged from seven years of civil war is a considerable achievement. I am most grateful for the assistance of UNHCR which has made this possible.

The repatriation was just one, and far from the most important, of the elements of the Lancaster House Agreement. But it provided a quantifiable measure of progress, and was a focus for media and other attention. It could be argued that making a start to repatriation was more important than what followed. After years of civil war, many families within the country had loved ones in the refugee camps in neighbouring countries, and it was well understood that for them to be reunited in Zimbabwe, there had to be a real prospect of peace. The start to repatriation and the return from Botswana of all who so wished was one early confirmation of this prospect, and it is likely that the pre-election repatriation from Mozambique and Zambia had a wider significance than the numbers might indicate.



## *What happened next*

On 3 March, before the result was known, I met Simon Muzenda, the Vice-President of ZANU(PF), who was to become Deputy Prime Minister and Minister of Foreign Affairs after independence, and gave him a comprehensive briefing. Mugabe had already decided not to resume repatriation from Mozambique until he was sure that there was no further danger of harassment by the Security Force Auxiliaries. The euphoria of the election result took time to die down, but we were fully occupied planning for the future as well as following up on those who had returned. I met Kangai on 6 March to explain our thinking and seek his advice. It had been decided that Chefeke would take over from me and he arrived from Botswana that evening. We had several exchanges with headquarters about the future of our staff, all of whom had come at short notice. With the pause to repatriation, we were under pressure to release them, but were still stretched.

On 7 March, Chefeke and I met Ted Rogers at Christian Care and had lunch at Government House with Duncan Slater and Edward Chaplin. A round of introductions and goodbyes followed, with an office party on the evening of 10 March, the weekly Christian Care Refugee Office coordination meeting the next morning, followed by a call on Kangai. I left that afternoon for Johannesburg, to catch a flight to London. The sun set as we took off from there, but briefly appeared to rise again as the aircraft climbed. I was back in Geneva on 16 March, and had lunch with Abdou Ciss on 19 March. In his covering letter of 29 February, forwarding to the High Commissioner the report on the first phase of the operation (prepared during his last visit), Abdou had said that his continued involvement no longer seemed necessary, and he was now back with the UN Office in Geneva. I gave a presentation on our experiences to UNHCR staff on 20 March.

Mugabe and Soames “began meeting three times a week to talk over the problems of creating a new country. By then, Mugabe had come to respect Soames, just as he had come to respect Carrington at Lancaster House. ... Although the plan had been for Soames to leave Salisbury shortly after the elections, it was agreed that he would remain for six more weeks. Mugabe then surprised the British by asking Soames to remain for a year or so. “You stay on as governor, and I’ll be your prime minister,” he said to Soames. ... Mugabe, whom all the British came to regard as a surpassingly brilliant figure, reckoned that Soames and his advisers could help him and his ministers learn their jobs. Although the British couldn’t remain longer than planned, they were useful to Mugabe.”<sup>39</sup>

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<sup>39</sup> *The New Yorker* profile.

Organized repatriation was slow to restart, but many of those who could made their own arrangements. In mid-March UNHCR sent a senior mission to Salisbury for three days to discuss the next phase with the new government. On 25 March, Mugabe wrote to the Secretary-General (on paper that was still headed 'Zimbabwe Rhodesia'), saying that the government was "now ready, in co-operation with UNHCR, to resume and complete this operation". He described the situation in the country, with more than 750,000 still living in protected villages with little if any arable land,

the majority under critical conditions. In addition, more than 250,000 squatters have been forced to move to urban areas where they are now living in miserable conditions.

Moreover, essential infrastructure such as roads, health establishments, schools, throughout the country has been destroyed during the hostilities and needs to be rebuilt as a matter of urgency in order to achieve conditions of normalcy at the earliest possible date.

Thus, the task facing the new Zimbabwe is gigantic and we rely on the international community to render us all possible help in the job of rebuilding the nation. So far, substantial aid has been rendered by the United Nations High Commissioner for Refugees, both towards the humanitarian needs during the days of the liberation struggle and, lately, during the first phase of the repatriation of refugees from neighbouring countries. In view of UNHCR's past experience and involvement, it is the wish of my Government that UNHCR be designated to act for an initial period as Co-ordinator of a United Nations programme of humanitarian assistance which will focus on the resettlement and rehabilitation of refugees and displaced persons. It is realized that large-scale permanent solutions will depend on the measures to be taken for the overall development of the country by other members of the United Nations system and thus fall outside UNHCR's scope of action.

However, I believe that an immediate limited action by UNHCR, in co-operation with other competent UN agencies, in favour of the needy returning refugees and other displaced person inside Zimbabwe will be a constructive first step within the overall context of longer-term measures.

On 1 April 1980, the Secretary-General replied that he had so designated UNHCR. On 13 April, the High Commissioner appealed for USD 110 million. On 9 September 1981, UNHCR reported to governments on the operation, which

was aimed at making the people concerned as far as possible self-supporting by the 1981 spring harvest. Thanks to abundant rainfall, the yields harvested in April/May 1981 were better than expected and far in excess of previous years. At the end of June 1981, the special role of

UNHCR as co-ordinator of humanitarian assistance ceased. Henceforth UNHCR, in accordance with its mandate and in conjunction with the Government of Zimbabwe, which has acceded to the international legal instruments concerning refugees, will continue, as necessary, to assist asylum-seekers in Zimbabwe.

In the second phase, a further 34,649 refugees were repatriated by UNHCR: 15,979 from Mozambique; 16,874 from Zambia; and 1,796 individual cases. UNHCR's report noted that large numbers returned spontaneously from Mozambique. "Such movements resulted at times in congestion at the temporary transit centres along the border. Many refugees, however, found their own way back to their home communities in districts along the border with Mozambique." The last returns funded by UNHCR were to be of some 700 students and their dependents from the United Kingdom in late 1981.

My letter to Viru Dayal ended:

All in all it was a tremendous privilege to be a small part of a truly unique piece of history, which can hardly repeat itself. Namibia will be different, and I fear later rather than sooner, but I hope I am wrong. Cedric [Thornberry] will have passed on my message that if UNTAG wants to have its own anti-mine vehicles (a concern I recall from August 1978), there are enough and to spare in Zimbabwe. And how about an integrated Zimbabwean army contingent?

I returned to Zimbabwe for two days in late 1989, on the first direct Lufthansa flight to Harare, to represent UNHCR at a World Food Programme regional meeting. I stayed at the same hotel as ten years earlier, but had little time to myself and no chance to catch up with those I had known then. Superficially, the country appeared to be doing well, and was a net exporter of food. However, human rights, and even asylum for the refugees from Mozambique, were under threat in what was becoming an increasingly corrupt one-party state. I left on an excellent non-stop Air Zimbabwe flight to London. The past is indeed another country.<sup>40</sup>

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<sup>40</sup> *The Past is Another Country* by Martin Meredith (Pan Books, 1980) is an authoritative account of Rhodesia's transition from UDI to independence. The same author's *Mugabe: Power and Plunder in Zimbabwe* (Public Affairs, 2002) poses and seeks to answer the questions: "What happened in Zimbabwe? What turned an idealistic political visionary into a brutal autocrat?"

RICHARD MORRIS

## Southern Rhodesia Elections

February, 1980

The Report of the  
Commonwealth Observer Group



Commonwealth Secretariat

OFFICE OF THE COMMONWEALTH SECRETARY-GENERAL  
MARLBOROUGH HOUSE · PALL MALL · LONDON SW1Y 5HX

22 April 1980

*Dear Nick,*

I have sent under separate cover a copy of the Commonwealth Observer Group final report. If you have time to wade through it, it makes interesting reading.

I have just returned from Zimbabwe where I have been for the independence celebrations. All seems to be well and fingers are all tightly crossed. I am off in a few days to Barbados for our Commonwealth Law Ministers Meeting and intend to pass through New York before returning to London which should provide a useful opportunity to look up old friends and learn a little about current perspectives regarding Namibia.

*Best wishes,*

*Yours,*

*Mark Robinson*

Mark Robinson

Many thanks indeed for your letter and the report. Far from having to "wade through it", I'd difficulty in putting it down, and congratulate you all on making a remarkable and historic document also very readable. UNHCR is now co-ordinating a large programme of humanitarian assistance in Zimbabwe, and multilateral and bilateral response to our overall target of Z\$110 million looks promising. For my part, I'm back picking up the threads of my old job in our Administration and Management Division, and envying those who were at the independence celebrations - or in Barbados, for that matter. Do look me up if you pass through Geneva.

## 5. UNHCR in crisis 1989-90

This is an account of arguably the most serious crisis faced by UNHCR as an organization. It was an institutional, not a refugee, crisis, though it affected refugees. In little over 12 months, and as a major shortfall in resources threatened vital assistance, two High Commissioners resigned; UNHCR spent over two months effectively under administration by UN New York; and for over six months a Temporary Working Group established by the Executive Committee examined - and often challenged - almost every aspect of UNHCR's work. Senior UNHCR staff devoted a significant part of their time to the Working Group. I was a member of two of the four task forces established by the Working Group and involved in drafting elements of its report and other documents. This was the most intense and highly charged period of all my time at Headquarters.

Subsequent events partly obscured the significance of this crisis, as UNHCR, under a new High Commissioner, faced the extraordinary challenges of the aftermath of the first Gulf war, in 1991, and then of conflict in the Balkans from 1992. As time passed, it seemed to have become the forgotten crisis.

What follows describes the crisis as I saw it unfold and against a backdrop of the many concurrent challenges unrelated to the crisis.

### *Background*

There were two main strands to the crisis. Demands on UNHCR were outpacing available resources: at the end of 1988 a deficit under UNHCR's General Programmes had to be carried over for the first time. At the same time, the confidence of donor governments in the High Commissioner was waning. By the time of UNHCR's annual Executive Committee meeting in October 1989, relations between the donor governments on the Executive Committee and the High Commissioner had effectively broken down and UNHCR's financial resources were almost exhausted.

### *Origins of the resource crisis*

Central to the resource strand of the crisis was the nature of UNHCR itself: an organization almost entirely funded by voluntary contributions and mandated

to act on behalf of a defined group of persons whose numbers and needs are determined by circumstances outside their, and UNHCR's, control. Whatever the level of their needs, if numbers of refugees increase UNHCR will need more resources. The demands on UNHCR are imposed by external circumstances; where the refugees have no other recourse, UNHCR is expected to meet their needs. As I wrote at the time, while the primary responsibility for meeting these needs lies with governments, "in practice some of these governments cannot discharge this responsibility unaided. They may have the political will, but they do not have the resources. Conversely, others ... have the resources but may lack the political will".<sup>41</sup>

When the demands on UNHCR were relatively small in resource terms, the fact that they could not be predicted and contained posed few problems, and the potential implications probably did not register with UNHCR's main donor governments. By the mid-1980s, UNHCR's annual expenditure was over USD 400 million and donor governments no longer had the reserves in aid budgets that had helped UNHCR in earlier years. UNHCR and its donors had become used to having a substantial "cushion" carried over at the end of the year in the form of funds committed for that year but unspent, funds generated in the course of the year from interest earned on deposit, and unused balances recovered as previous years' projects were finally closed. This income was some USD 65 million in 1987 but had dropped to USD 25 million in 1989, compounding the effect of increased demands on UNHCR. In the course of 1988, UNHCR assisted 700,000 more refugees than had been foreseen in its budgeting.

### *Origins of the management crisis*

The High Commissioner, Jean-Pierre Hocké, had been elected with the strong support of the USA. His campaign was predicated on the need for a marked improvement in the management of UNHCR's operations, and was premised on the belief that such improvements were within the power of Hocké, who had long and relevant experience with the ICRC. A US official, Arthur E (Gene) Dewey, who was to become Deputy High Commissioner, played a key role in the campaign. Hocké took office on 1 January 1986 for a three-year term. He and his new deputy made it clear to the Executive Committee and UNHCR staff that they intended to correct all past problems. They failed to appreciate or refused to accept that many of the problems reflected constraints that UNHCR

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<sup>41</sup> Refugees: Facing Crisis in the 1990s - A Personal View from within UNHCR, *International Journal of Refugee Law*, Volume 2, 1990 (special issue), pp 38-57 (hereafter "the IJRL article"). The first half of the article examines the challenges facing refugees and the second half focuses on the resource and management crises. The article was prepared before the extraordinary session of the Executive Committee at the end of May 1990, which is only covered in a postscript footnote.

could not remove. A corollary of this approach was that previous failures must reflect weaknesses in UNHCR's staff.

During Dewey's campaign on Hocké's behalf, UNHCR's failures in the Sudan, where there had been very high mortality rates in 1984-5 among Ethiopian refugees, were cited as a prime example of the need for change. I was then the Representative in the Sudan, and was later told that Dewey had described me as having "blood on my hands", though he never raised this with me. I learned from the Head of ICRC's delegation in Sudan that Hocké had asked him about my performance, as he had others in ICRC for their assessment of their UNHCR counterparts in the field. I also heard that, commenting on Dewey's view, Hocké had remarked that as I was married to Sue Peel, whom he knew from her missions for the ICRC as nutrition adviser, I couldn't be all bad. My assignment in the Sudan ended in January 1986 and in March I was appointed one of two Deputy Directors of the Regional Bureau for Africa, responsible for the northern half of the continent, with a focus on the Horn of Africa and Sudan. The Director was Cécil Kpènou, whom I had met on a Namibia mission in 1979 and again in 1980 during Rhodesia's transition to independence when he was the UNHCR Representative in Zambia. I got to know him very well over the next four years, and to respect him greatly.

Within UNHCR, the High Commissioner's organizational changes, which strengthened the role of the Regional Bureaux, were seen by some as weakening the focus on protection. I wrote at the time (April 1986) that I was "*glad to be moving to a regional bureau as that is where the headquarters action is or should be, and the High Commissioner is rightly greatly strengthening the role of the bureaux*". Six years earlier, when I was assistant to the Director of Administration and Management, I had argued against the structure whereby the Chief of a Regional Section was responsible for meeting all needs of a refugee, but had dual reporting lines to the directors of the divisions of assistance and protection, which only came together again in the High Commissioner's office. Some of the concerns about Hocké's changes affecting protection and its management were well founded, but I remained convinced that he was right on the role of the bureaux. To push through his changes, Hocké brought in former colleagues from ICRC and Swiss management consultants. Two initial appointments to his Executive Office, Sergio Vieira de Mello and Carrol Faubert, were widely welcomed, but some other appointments were contestable.

In August 1986, the High Commissioner went on mission to Sudan, and sent me out ahead to visit the west. On return I wrote that

*I must have set a record from Paris to El Geneina [under 20 hours, including a brief stopover in Khartoum before a charter flight on]. It was good to see and get to know the HC at close hand and I was impressed. He's much better in the field than at Geneva. We also spent 24 hours together in Nairobi. I've been put in*

*charge of our repatriation/recovery operation in N Uganda (Ugandans from S Sudan). South Sudan is a real mess with no food getting in at all and N Uganda isn't much better. The Ugandan army are still using five of our trucks they commandeered weeks ago. We've just sent a telex of complaint to the President. Everyone in Khartoum was very pessimistic about the war in the south, economy, and prospects for the new government. We had 90 minutes with Sadiq el Mahdi [Sudanese Prime Minister from 1986-9] who was most impressive but can only do so much.*

In late October 1986 I accompanied the Deputy High Commissioner on a week's mission to Uganda and Kenya. This was an opportunity for him to take me to task about my time in the Sudan, but he never raised the subject.

At least within the Regional Bureau for Africa, the organizational changes and related meetings, both in the office and on a series of day retreats with the High Commissioner, had little direct impact on our work. New refugee flows in west Africa, a region that had been largely spared in the past, and the continuing problems in the Horn, Sudan and Uganda kept us fully occupied, and increasingly conscious of the implications of the shortfall in funding. Outside UNHCR, concerns within the NGO community about the High Commissioner's approach to protection were growing. In Washington in August 1987, he was presented with a list of complaints, alleging he had "let slip the principle of refugee protection at a time when a strong and courageous international leadership was more necessary than ever". The meeting with NGOs before the 1987 annual Executive Committee session saw expanded criticism, including of Hocké's management reforms and low staff morale, and this criticism was now public. Articles in *The Guardian* of 7 October and *The Times* of 13 October, headlined respectively "UN refugee chief under fire" and "UN refugee chief in firing line as angry critics attack agency", gave the criticisms a wider audience. The attacks also reflected concern, shared within UNHCR, at the more restrictive asylum policies being adopted in Europe and the USA, and at the growing shortfall of resources.

In January 1988 news broke that the High Commissioner had ordered the destruction of all copies (over 100,000) of the January number (49) of the UNHCR magazine *Refugees*, in which the monthly "Dossier" was a series of articles and interviews examining the situation of refugees and asylum seekers in the Federal Republic of Germany. The High Commissioner argued that the dossier was incomplete and failed to set the problems in the wider European context, but the consensus in the Swiss media and within UNHCR was that he saw the articles as too critical of an important donor government and member of the Executive Committee. Reading them now (copies of course became



highly prized overnight), they seem balanced and fair.<sup>42</sup> The lead-in to the two-page interview with the Minister of the Interior was “In 1986, the Federal Republic of Germany saw the arrival on its territory of more than half the total number of asylum seekers in Europe. This led the Government to revise its asylum legislation, as is explained in this interview with the Minister of the Interior”. At the end of the interview, the Minister expresses appreciation for the cooperation with UNHCR in many projects round the world, but he continues:

Irrespective of this, there are, of course, diverging views on certain questions. This applies in particular to asylum policy and what constitutes an accurate assessment of a country’s capacity to receive refugees. It is obvious that the Federal Government, in addition to humanitarian aspects, also has to take socio-political, economic and financial considerations into account. Only a country whose capacity is not overstrained remains in a position to relieve the distressed situation of refugees all over the world effectively. The Federal Government is resolved to adhere to this policy.

Whether or not the dossier was too critical, the decision to pulp (almost) all copies of *Refugees* was a serious error of judgement and fed into the perception both within and outside UNHCR that the High Commissioner was reluctant to take advice and that his actions were at times high-handed.

In April 1988 the opposition to the High Commissioner within UNHCR took a new direction. An article in the *Tribune de Genève* of 11 April, headlined “HCR in turmoil”, “Cabal against Hocké”, described how his opponents within UNHCR had “mounted a cabal to try and discredit him, neither over his approach nor over HCR’s actions in the field, but over an administrative affair”. According to the article, a document, probably from a highly placed source in UNHCR, had been sent to some permanent missions. It described how Hocké had contracted two Swiss human resource consultants without following UN procedures, authorized advance payments that allowed them to form their own company, and how they had used UNHCR’s resources (and time) to promote that company. This was news to many of us: our principal problem with the consultants and their new company was that their total lack of knowledge of the UN system meant that what they could bring to improving UNHCR did not appear to justify the amount of our time they took up.

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<sup>42</sup> As they did at the time to an editorialist in the February 1988 issue of *L’Essor*, who had a copy: “There was indeed therein a series of reports and interviews on asylum in the FRG, but nothing that was not measured, balanced, and in line with what can be read each month in this magazine [*Refugees*] on the too many countries affected by the problem of refugees.” (The translations here and hereafter from French language media are mine.)

On 22 April, a joint memorandum to all staff from the High Commissioner and the Staff Representatives, subject "Confidentiality of Official UNHCR Documents and Information", began "Recent articles in the press have led us to remind all staff of their duties and obligations with regard to the above subject and in relations with the press as set out in the United Nations Staff Regulations and in the Report on Standards of Conduct in the International Civil Service."

### *More refugees and challenges*

Organizational reform was of course not the only focus of the High Commissioner's attention. Indo-Chinese refugees, and in particular departures by boat, posed both political and practical challenges. The international consensus reached in 1979 had unravelled, while from mid-1987 numbers of Vietnamese leaving by sea were increasing. They were once more being turned away from the shores of countries in the region, or, in the case of Hong Kong, where over 18,000 arrived in 1988, being held in detention centres to await a determination of their status. In late 1988 UNHCR and Viet Nam formally agreed that Viet Nam would allow the voluntary return of its citizens without penalty for having fled, would expand and accelerate the programme for orderly departure, and would allow UNHCR to monitor returnees and facilitate their reintegration. In June 1989 a new consensus was reached at an international conference in Geneva on a comprehensive plan of action that restored the principle of asylum, sought to reduce clandestine and promote orderly departures, increase resettlement, institute regional status determination, and return those determined not to be refugees. An agreement was reached the following month between the US and Vietnamese governments on the emigration of former political prisoners and their families. While some saw aspects of these agreements as a betrayal of protection principles, there seems little doubt that the result was better than any realistic alternative.

Numbers fleeing Afghanistan had continued to rise, and by 1988 there were over 3.25 million Afghan refugees in Pakistan and 2.35 million in Iran. After the Geneva Accords in early 1988, it was hoped that peace would bring large-scale repatriation. In April, the UN Secretary-General appointed Sadruddin Aga Khan as Co-ordinator of all humanitarian assistance to Afghanistan. Mark Malloch Brown, who had been my deputy in the emergency unit before moving on to ever greater things, was helping Sadruddin establish his operation and I was asked to join them. The High Commissioner was not prepared to release me (or some others from UNHCR). It would have been fascinating but, as I noted at the time, "*with so many problems in the Horn and Sudan, it would have felt like desertion*".

These problems were increasing. At the end of July 1988 I wrote that

*there is a full-scale emergency in eastern Ethiopia as a result of the influx of well over 150,00 refugees from NW Somalia since the start of June. They are almost*

*all Isaacs fleeing the conflict between the Government and the Somali National Movement, which is now effectively a civil war. Where the army has managed to re-establish control, there have been reports of dreadful reprisals.*

## **High Commissioner Hocké's re-election**

As the resource crisis took hold and appeared increasingly entwined with the gathering management crisis, attention focused on the fact that Hocké's term as High Commissioner was to the end of 1988. That his re-election would not be automatic was already becoming evident when, on 2 September, *Reuters* ran a story from Geneva headed "Controversial U.N. Refugee Commissioner may be replaced". Citing diplomatic and other sources, the report described staff as "increasingly disaffected with what some describe as his 'authoritarian rule', and they also say he is too accommodating to governments". The report continued with a review of NGO criticisms that "under his leadership, the UNHCR has moved away from its primary mission of protecting refugees"; that his emphasis on voluntary repatriation is at the expense of asylum; and of "Hocké's silence when South-East Asian countries began turning back boats carrying Vietnamese refugees earlier this year". The report noted criticism by the OUA in May of sharp reductions to assistance to South African and Namibian refugees in neighbouring countries, and of the failure to allocate funds in 1988 for South African refugees cared for by the ANC and PAC. In defending his record, the report noted that Hocké had "described his critics as nostalgic for the past and opposed to reforms. ... To those who accuse him of complacency when dealing with governments, he has retorted that the UNHCR's mission 'is not to denounce but to help'". The report noted the view of diplomats that "Hocké's fate will rest largely on whether he has kept the confidence of the United States and other Western nations, which account for the bulk of UNHCR funding, and of U.N. Secretary-General Javier Pérez de Cuéllar". The report ended with a review of the front runners to succeed him, who according to UN sources included Thorvald Stoltenberg, Martti Ahtisaari and, as a possible outsider, our former colleague George Iacovou.

The *Reuters* despatch was followed on 13 September by a long article in *The Washington Post* headlined "U.N. Refugee Aid Chief Faulted on Management - Report Alleges 'Climate of Helplessness'". The report was by the UN Grievances Panel and followed a complaint by two staff members. According to the paper, which had a copy, the report found that they were much better qualified for the posts than the men eventually appointed by Hocké, and added "It is becoming common practice to disregard the qualifications, competence and seniority of staff ... a deplorable waste". The panel also criticized the use of outside consultants "to do tasks ... which could have been accomplished more efficiently by [UNHCR] staff". The article quoted from a 30 June statement to the Executive Committee by the Chair of the UNHCR Staff Council, Robert van

Leeuvan, which “asserted that despite [UNHCR’s] ‘abiding commitment’ to aid refugees, the working ‘climate is marked by a lack of confidence [and] disaffection ... The frustration of this commitment, due to continuing management problems ... seriously hampers our ability to serve refugees ...’”. The article covered many of the issues in the *Reuters* despatch, added the destruction of *Refugees* magazine, but recorded that the State Department had “reaffirmed full support for Hocké’s reappointment. An official at the Refugee Programs Office said: ‘We support him entirely. He has done a great deal for the Horn, and in planning the repatriation of Afghans and in responding to emergencies.’”

On 3 October 1988, the day the annual meeting of the Executive Committee opened, the *Journal de Genève* carried a long article reviewing the arguments for and against Hocké’s re-election. It concluded that he would probably be supported by the USA, and noted that Switzerland had already requested the Secretary-General to propose his re-election to the General Assembly. With NGO criticism undiminished, and also now focusing on specific operations, with the impact of the shortfall in resources increasing, and against the background of these management concerns, the Executive Committee meeting produced at best lukewarm support for the High Commissioner, but on 28 November the General Assembly endorsed the Secretary-General’s recommendation that Hocké should have a new three-year mandate from 1 January 1989. Thereafter, the High Commissioner extended the contract of his deputy for the same period, but without getting the necessary clearance from UN headquarters. While such action by UN headquarters on the recommendation of a High Commissioner was normally a formality, concerns about Hocké’s management meant that in this case it was not. His unilateral action increased the tensions between him and the UN Secretary-General’s office.

### ***Problems mount***

One of the specific operations that was a focus of NGO criticism was for the Somali refugees in eastern Ethiopia. On 5 December 1988 we met in Geneva with our NGO partners, notably Save the Children and Oxfam. I wrote at the time that

*It is a very difficult operation but made more so by the fact that our Representative in Ethiopia ... has little experience of managing emergencies. He takes all criticism of the operation personally and very defensively ... rather than listen to what the substance of the real concerns is – lack of water, not enough food etc. Given the problems inevitable in the location (there is no water), and inherent in dealing with such a government, none of the criticism needed to be addressed at UNHCR as if our fault. It should of course be addressed to us, as we are responsible to the international community. But because of his attitude,*

*and irrational defence of one incompetent and aggressive colleague who was in charge in the field, we are spending almost more time on totally unnecessary problems that aren't directly related to the refugees.*

I tended to get caught in the middle: the key players for Save the Children and Oxfam were good friends but relations between Hocké and Nicholas Hinton, the high-profile Director of Save the Children (UK), became increasingly strained. In addition to the challenges in eastern (and with the Sudanese refugees in western) Ethiopia, we were spending a lot of time on our strategy for the future of our programme in Somalia, a highly complex and politicized operation. In mid-December we met on this in Nairobi with the World Food Programme and our colleagues from Addis Ababa, Djibouti and Mogadishu.

Early in 1989 it was already evident that there would be a deficit of several tens of millions of USD under General Programmes and that the Special Programmes were most unlikely to be fully funded. General Programmes were seen as the core activities under UNHCR's mandate, and covered refugees' needs for a calendar year to the extent they could be predicted in time to present them (and revisions to the previous year) to the annual meeting of the Executive Committee some three months before the start of the year they covered. Special Programmes covered unforeseen needs, including but not limited to core activities, and were the subject of specific appeals.

Among the new challenges in 1989 was that of repatriation to Namibia within the framework of the UN operation that brought independence under majority rule: almost all the refugees were repatriated in time for the November elections. Its high cost had been one of the criticisms of Hocké,<sup>43</sup> and indirectly contributed to the funding shortfall. In Central America, civil conflicts in the 1980s in El Salvador, Guatemala and Nicaragua had caused over two million people to flee their homes, though only 150,000 were recognized as refugees. UNHCR opened offices in the region and became increasingly involved in efforts to seek a solution to their plight. A regional peace agreement was reached in August 1987 and in 1989 the US finally lent its support to these efforts. In May 1989 an International Conference on Central American Refugees (CIREFCA) was held and paved the way for lasting solutions. CIREFCA became a process under which programmes and projects were prepared by the governments concerned, in time with the involvement of NGOs, for presentation to donors. A joint UNHCR-UNDP support unit oversaw the whole programme. High Commissioner Hartling had instigated UNHCR's involvement in Central America and Hocké was closely involved.

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<sup>43</sup> For example, *Jeune Afrique* of 9 October 1989, page 26, citing information from the 26 September TV attack on Hocké.

In May the Somali Government's powerful Refugee Commissioner came to Geneva for

*make-or-break negotiations on a number of stalled issues such as the arming of refugees in the NW of Somalia. I couldn't take part in many of the meetings because of Namibia [my mission to New York, described in a previous account], but the outcome seems quite satisfactory, at least in theory. In practice, we have no illusions as the whole question is highly politicised and it is probably no exaggeration to say that international assistance to the "refugees" will be a factor in the future of the present government. The operation for the Somali refugees in eastern Ethiopia is still fraught with problems.*

While the political challenges in the Horn only grew, the High Commissioner had reinforced our team in Ethiopia and our management problems began to be tackled. At a meeting on 3 October 1989 to review operations in the Horn with our NGO partners, Nicholas Hinton and Mark Bowden, who ran SCF(UK)'s Africa operations, said that while problems remained, there had been a marked improvement in our operation in eastern Ethiopia and that this was reflected in improvements in the situation of the refugees. Tony Vaux of Oxfam expressed similar views.

In September 1989 a serious new development increased pressure on the High Commissioner.

*Just when we were at full stretch trying to find the some \$50 million our core programmes are short this year, some staff members anonymously sent at dossier attacking the High Commissioner to several key donor governments [and media] and co-operated with the Swiss German TV's 'Panorama' [i.e. flagship current affairs programme] in a devastating attack on him in last Tuesday's programme [26 September]. You may have seen the report in Friday's Independent [UK newspaper]. Worst for him is the publicity given to his using a special Danish fund for first class travel, but more serious for the Office's credibility are the false accusations that he inflated budgets unnecessarily and that this, and donor lack of confidence in his management is the cause of the financial crisis. The man has major failings as a manager, including lack of judgement of people and an inability to change his mind or accept advice, but neither he nor of course the institution deserved such an underhand attack. As it was obvious that the result would be loss of confidence in UNHCR, loss of potential contributions, and consequently avoidable suffering for the refugees, I'm completely unable to understand the motivations of those – as yet unidentified – responsible. Difficult to guess how it will end. The use of the funds was 'legal' even if some expenditures showed very bad judgement. But if the Danes decide that what was acceptable for Hartling, as a former Prime Minister, is not so for Hocké, then he will probably have to resign. Our annual Executive Committee meeting starts this week and promises to be the most difficult ever.*

*The New York Times* of 5 October carried a long article by Henry Kamm, who had followed UNHCR's operations in SE Asia closely since 1975. Headlined "U.N. Refugee Chief Chided by Envoys: His Associates Also Assert He Demoralized His Staff and Spent Funds on Travel", the article reviewed the new accusations and earlier criticisms. It quoted a confidential State Department document prepared in August: "Rightly or wrongly, what clearly appears to be emerging is a real crisis of confidence in the High Commissioner. If he doesn't change, Hocké will only further discredit himself with the traditional donor governments and further pollute the air of negativism which already swirls around U.N.H.C.R." The article reported the declaration of the presenter of the Swiss TV programme that Hocké "had 'violated the rules of decency and morality' by upgrading his plane tickets and purchasing tickets for his wife", and that the Danish Government had announced it was investigating this use of its funds. Kamm wrote that the 1988 UN grievance panel's report had

said the reorganization was marked by "gross neglect of the human element."

"There is a considerable degree of confusion, the staff is destabilized," the report said.

The panel concluded, "If the situation which has been outlined continued to prevail, one might fear that not only would U.N.H.C.R. be impeded from effectively carrying out its mandate but that the image of the United Nations as a whole might be damaged."

In an interview in his office here, Mr. Hocké strongly defended his administration of the organization, which has twice won the Nobel Peace Prize, and its work in assisting and protecting the world's 14 million refugees. He said he and his staff were "disgusted" with those who "leaked" documents and that such "anonymous, pernicious" acts harmed the agency.

Mr. Hocké defended his use of the travel fund. "When you travel 70 percent of the time and start working when you get off the plane, there are some things that are indispensable," he said.

The article also noted

There is also evidence that Mr. Hocké has been put under unusually stringent supervision from United Nations headquarters. Last June, Secretary General Javier Pérez de Cuéllar ordered Mr Hocké to report to him every two weeks on "current developments."

Under a sub-heading "No Change Expected", Kamm wrote that

Members of the 43-nation Executive Committee are aware of the storm that has broken out around the High Commissioner, but diplomats of the donor nations said they expected no call for his removal.

There was an article by Henry Kamm in *The International Herald Tribune* of 6 October, headlined "UN Refugees Commissioner Battles a Storm of Complaints". It was largely a shortened version of the previous day's *NYT* piece but was sure to reach more readers in Geneva. There was wide coverage of the new developments in the European media.

### ***The 40th session of the Executive Committee***

The documentation prepared for the annual Executive Committee meeting, which began on 5 October 1989, and the current shortfall and funding projections, showed that at the end of the year we would have a deficit on General Programmes of some USD 50 million against the USD 429 million approved at the 39th session. The deficit had been USD 7 million at the end of 1988.

The outcome of the Executive Committee was effectively - and predictably - a vote of no-confidence in the High Commissioner and therefore UNHCR. The Executive Committee:

- took note of, but did not formally approve, UNHCR's initial 1990 General Programme budget for 1990 of USD 414 million;
- decided that obligations for the first six months of 1990 should not exceed USD 190 million, including the absorption of half the carry-over from 1989, the maximum level of which was set at USD 40 million;
- established a Temporary Working Group composed of representatives of the Executive Committee and UNHCR to "review thoroughly the content of UNHCR's General Programmes and other assistance activities with a view to examining the issues relevant to the effective use of funds and administration of programmes and projects";<sup>44</sup> and
- decided that an extra-ordinary session in late May 1990 would address the issues considered by the Working Group and "authorize the level of UNHCR obligation for the second half of 1990, so as not to exceed the realistic level of contributions likely to become available that year."<sup>45</sup>

The obligation level authorized for the first six months of 1990 represented a reduction of 18% in the budget presented by UNHCR. The main countries of

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<sup>44</sup> Report of the 40<sup>th</sup> session, UN doc. A/AS.96/733 (19 October 1989), para. 30(i).

<sup>45</sup> *Ibid.*, para. 30(j).



asylum on the Executive Committee had serious misgivings but could not oppose these donor-driven measures: without the authority for the USD 40 million carry-over, UNHCR programmes in many countries would have stopped. We also saw the package as unavoidable in the circumstances, but the five Regional Bureau Directors set out the consequences for refugees in 1990 in often impassioned presentations to the Executive Committee. My notes on the reaction of member states and observers to Cécil Kpènou's presentation record a brief expression of appreciation by the USA followed by nine interventions from African countries, with a consensus that Kpènou had "given a very clear presentation of the case for Africa" (Malawi) and "presented faithfully the realities and difficulties" (Angola). Tanzania made a detailed challenge to the package, while stating that it would not oppose a consensus on it (the Chair intervened to try and reassure Tanzania). Others elaborated on the impact on their countries. Uganda stressed "we must not compromise the UNHCR mandate", and underlined the importance of donor and asylum countries being equally represented on the Working Group. Zimbabwe closed the debate by noting that assistance was already only the bare minimum and the measures risked "untold suffering".

One delegation was not happy with us.

*The Somalis were there in force and very critical of our suspension of assistance in the north-west, as expected. The Secretary-General has just asked us to restart but at his risk [this was written on 22 October; the Somali Permanent Representative at UN Headquarters had seen the Secretary-General on 18 October and put great pressure on him]: he will take responsibility for the fact that we cannot monitor and account for the use of the assistance in the present circumstances. This is a good solution for the innocents in the middle of the conflict if the assistance gets to them, but a big risk, as the reason we stopped was that we were feeding the army too, something the Secretary-General is now effectively going to accept.*<sup>46</sup>

### ***High Commissioner Hocké resigns***

Given the outcome of the Executive Committee, the criticisms of his management, and under strong pressure from the Secretary-General, the High Commissioner resigned. In his 25 October letter to the Secretary-General, he referred to the anonymous and public attacks on him over the past two years and wrote (in French, UN translation) that

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<sup>46</sup> One of the Secretary-General's most senior advisers on Africa was a Somali national and the level of interest from New York in our operation was higher than it might otherwise have been.

the divulgence of this document and others in the past from inside the house constitute a grave assault on UNHCR as a whole.

With the increasing controversy over this, I find my capacity to fully discharge my principal responsibility towards the refugees impeded. This responsibility is my primary task.

At a time when you have decided, based on a first evaluation which has just been presented to you, to prolong and intensify the investigation which you initiated, I do not wish my presence at the head of UNHCR to complicate in any way the ongoing investigation.

It is for these precise reasons and the obligation incumbent on me in my position that I ask you to relieve me of my mandate as High Commissioner for Refugees from 1 November 1989.

In a statement issued on 27 October, Hocké elaborated on the reasons he had resigned.

If the United Nations High Commissioner for Refugees is to be able to act in such a way as to convince and win support, total commitment and undivided attention are required of him in the execution of his duties. If this capacity is repeatedly undermined by irresponsible attacks, the will to counteract them is not itself sufficient. The fundamental duty entrusted to the High Commissioner, the protection of refugees, is bound to suffer, ... It is a fact that no-one can be satisfied by a High Commissioner who is hemmed in by repeated attacks and by enquiries, indispensable though these latter may be. The awesome challenge of the months to come, when the provision of protection and assistance to refugees will be more difficult than ever, demands the whole hearted attention and untrammelled concentration which I have been able to provide in the past but which are now less at my command as a result of the destructive intent of some, both here and elsewhere.<sup>47</sup>

The Secretary-General moved quickly, appointing as Officer-in Charge Mr Gerald Hinteregger, the Executive Secretary of the Economic Commission for Europe, and despatched to Geneva our former colleague, Kofi Annan, now Assistant Secretary-General for Human Resources at UN headquarters. In his 27 October statement, Hocké had said that the appointment of Mr Hinteregger, "and the measures taken by the Secretary General to elucidate fully the question of the Danish funds and the 'ins and outs' of the anonymous report are, nevertheless, a comfort to me." There were to be three investigations. On 23 October, the Danish Foreign Minister had issued a lengthy statement on the

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<sup>47</sup> For an outsider's assessment of the crisis, and appreciation of the achievements of Hocké, see chapter 8 of Gil Loescher's *The UNHCR and World Politics: A Perilous Path* (OUP, 2001), which also covers Stoltenberg's tenure.

Danish funds, one that challenged the interpretations of Hocké and Ole Volging, the most senior Dane in UNHCR, who had been involved from the start. The Foreign Minister announced that the National Audit Service would be asked “to present an overall description and undertake an evaluation of the handling of the matter by the Ministry of Foreign Affairs”, and that he had “asked the Secretary-General of the United Nations to ensure that the United Nations carry out an enquiry into UNHCR’s handling of the case, including auditing control and evaluation of all disbursements out of the Danish special contributions.”

In response to correspondents’ questions at the UN headquarters press briefing on 30 October, the UN spokesman said that the investigations were ongoing, and that a former Under-Secretary-General for administration had been asked by the Secretary-General to go to Geneva to look into the matter. In response to interventions at a meeting in November with all staff, Annan gave assurances that there would also be a swift and thorough investigation into the leaking of the dossier, and that we would be informed of its outcome. If there was, we were never informed. The Secretary-General and his colleagues had lost confidence in Hocké and whatever they thought about the methods that led to his resignation (of which they may have had some prior knowledge), they were relieved at the outcome. By the time the dossier was distributed, the resignation of the High Commissioner had become necessary in the interests of UNHCR’s ability to discharge its responsibilities. A proper way to achieve this and limit further damage to UNHCR would have been to take the evidence to the Secretary-General, not set up a sting on television.

On 1 April 1990, *La Suisse* carried a report headlined “Hocké rehabilitated” that began “The Swiss Jean-Pierre Hocké, former High Commissioner for Refugees, has just been cleared of the accusations of misuse of funds levelled against him last autumn”. The report did not explain how, but the same day *Le Monde* carried a despatch from the Swiss News Agency (ATS) with a similar lead-in that continued “An unpublished report by a panel of experts from several countries commissioned by the Secretary-General, Javier Pérez de Cuéllar, proves the innocence of Mr Hocké, according to a UN source. This information has been confirmed in diplomatic circles in Washington.” The despatch ended “The management of UNHCR by Mr. Hocké was also the subject of an internal UN report, equally still not public. The publication of these two reports depends on Mr Pérez de Cuéllar.”

On 3 October 1990, *24 Heures* reported from Copenhagen that the previous day the Danish press had published the whole text of the report of the National Audit Service on the use of the Danish funds, some pages of which had previously been withheld. According to the article, the auditors’ report criticized the Foreign Minister for anticipating the results of the enquiry a year earlier. For the auditors, “Jean-Pierre Hocké was not guilty. Whether or not he was in breach of UN regulations was a matter between the UN and him, and in

no way concerned the Danish authorities.” On 8 October 1990, the *Tribune de Genève* carried a longer article under the heading “There was no ‘affair Hocké’: the former High Commissioner entirely exonerated”. The article noted that the UN Secretary-General “had indeed promised the head of our diplomatic service an inquiry on the origins of the leaks aimed at discrediting Hocké” and quoted Hocké as saying that such an inquiry would have implicated close colleagues of the Secretary-General.<sup>48</sup>

### ***UNHCR under examination***

An article in the 14-15 October 1989 edition of *Le Figaro*, headlined “Le haut commissaire aux réfugiés sous tutelle”, began: “A control group will henceforth supervise in the smallest detail the day-to-day management of UNHCR”. While that was not what the Executive Committee had decided, it was what it sometimes felt like in the first weeks of the Temporary Working Group’s meetings.

The Temporary Working Group (WG) was chaired by Ambassador Fredo Dannenbring (the FRG Permanent Representative), the Executive Committee Chairman. At its first meeting, on 2 November 1989, the WG established four task forces (TF), comprising representatives of States, inter-governmental organizations and UNHCR at the expert level.

- TF 1 was to review budgetary processes and funding mechanisms; the FRG and Zaïre were the co-chairs.
- TF 2 was to review administration, with particular reference to staffing levels; Canada and Ghana were the co-chairs.
- TF 3 was to “review the scope of assistance measures provided under UNHCR’s General Programmes including priority setting by UNHCR in case of inadequate resources while taking into account regional particularities” and to “propose criteria to be applied in order to find a balance between needs and available resources”. Sudan and Sweden were the co-chairs.
- TF 4 was to review UNHCR’s relationships with implementing partners (governments, other UN bodies and NGOs), “in order to examine the scope for the further division of responsibilities in the provision of refugee assistance”. France and Iran were the co-chairs.<sup>49</sup>

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<sup>48</sup> Mr Hocké chaired the commission established by the 1995 peace agreement to determine claims by refugees and displaced persons for the restitution of property in Bosnia and Herzegovina. I met him again in Sarajevo in 1998.

<sup>49</sup> The quotes are from the report of the WG.

Interventions at that first meeting noted a wish to avoid confrontation (Norway and Sudan), micro-management (Norway) and taking over UNHCR's responsibilities (France and Italy). Countries of asylum (Algeria, Sudan, Tanzania and Thailand) and Sweden stressed the importance of not making refugees hostage to the resource crisis. It was generally agreed that a key role of the TFs was to give the WG a better understanding of how UNHCR operated. As Sudan put it, the task was to investigate, fact find and then reach consensus. But it was clear that with what were effectively three unequal parties to the exercise – donors, countries of asylum, and UNHCR – this would not be easy.

An extraordinary session of the OAU Commission of Fifteen on Refugees was held on 10 November in Addis Ababa.

This Extraordinary Session became necessary in view of some new developments at the United Nations High Commissioner for Refugees' Headquarters in Geneva and the manner in which the developments might adversely affect the plight of refugees in Africa.

You are, by now, aware of the fact that the incumbent United Nations High Commissioner for Refugees, Mr Jean-Pierre Hocké, had resigned under tremendous pressures from the resource-endowed donor countries. There is a move by those powerful donor countries to install their own candidate in the UNHCR's Headquarters in Geneva and a decision by the UNHCR's Executive Committee to create a small Committee to assist the High Commissioner for Refugees in his daily running of the Headquarters. All these are uncertain signals for the close to six million African Refugees.<sup>50</sup>

Co-incidentally, there was a UNDP meeting with governments on the link between refugee aid, development and solutions. An undated paper prepared for that meeting by the Dutch delegation contained a section headed "First steps towards a rationalisation plan for UNHCR" that gave an insight into the outcome sought from the WG, one that was probably broadly representative of those donors whose position at the start of the exercise was in large part determined by financial considerations.

Excom has decided to establish a working group charged with reviewing the whole range of problems within UNHCR (policy, management and funding) and setting up an integrated package of restructuring proposals. Although the provision of additional funds for UNHCR (over and above those promised for 1989) – to resolve the present financial crisis and to improve UNHCR's liquidity – has not been rejected out of hand, the member states are in agreement that it is time to tackle

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<sup>50</sup> First two paragraphs of seven-page opening statement by the Chairman of Commission, Chief Segun Olusola.

UNHCR's problems in a practical way, particularly in view of the budget for 1990 and the years to come. In other words, the continuing constructive attitude on the part of the member states should be matched by "concessions". These "concessions", based on a general policy on "optimal economising" by UN agencies, will need to be established in concrete detail by the working group referred to above, with regard to the following components:

The extension of the organisation's remit: calling a halt to UNHCR involvement in situations concerning non-refugees, such as displaced persons in their own country, and refugees who have returned to their native land; ensuring that UNHCR takes a back seat where the asylum representatives of national governments are concerned;

The administration of material aid under UNHCR management, which, like the above item, is not one of UNHCR's allotted duties, should be cut back, to make room for national governments, assisted by humanitarian organisations (including NGOs), to take over more responsibilities of their own in this field;

The streamlining of the administrative structure, including a reduction in personnel, which has been expanding at an exponential rate, or a return to the levels of the mid-eighties; this will also require a review of UNHCR's field presence in Europe;

The development of a strategy for durable solutions (see below). [A short section follows, arguing that "it seems eminently sensible to link up refugee aid and structural development cooperation".]

Whatever the formal status of this paper, it well illustrates the challenges faced by UNHCR at the start of the WG's work. On the substance, it also gave credence to those who saw concern at UNHCR's discharge of its protection responsibilities in Europe as a factor in the donors' reaction: a back seat on asylum in Europe and pressure to reduce UNHCR's presence in Europe. On the form, it is striking that there is no mention of refugees or host countries in the south, except that a cut back in UNHCR's role will allow the latter to take more responsibility.

At the start of the WG, we saw the main challenges as explaining why UNHCR had the policies and acted as it did, demonstrating that the crisis was primarily one of insufficient resources, not of UNHCR's management or deficiencies in our policies and actions, and restoring donor confidence so that the necessary resources were forthcoming. Despite the co-chairs of the TFs, the divisions between north and south that had been evident since the start of the crisis were evident throughout the work of the WG. In meeting these challenges, we had to

be seen as also satisfying the legitimate expectations of the main countries of asylum.

Regular meetings of the TFs began at the Palais des Nations in the second week of November; most weeks each TF once; as I was a member of both TF3 and 4, that meant two full days a week plus many related internal meetings. At the same time, we were briefing the Officer-in-Charge (O-i-C) on the challenges of the WG process, the funding shortfall, and ongoing operations. He travelled to New York in mid-November for the annual debate in the Third Committee of the General Assembly on the work of UNHCR. The Horn of Africa continued to be a major concern and, with the increasing involvement of UN Headquarters, for a while I was in almost daily telephone contact with the UNHCR Representative there, Søren Jessen-Petersen.

On 20 November the General Assembly elected Thorvald Stoltenberg as High Commissioner for a four-year term from 1 January 1990. Stoltenberg was a former Defence and Foreign Minister of Norway and had been appointed Norway's Permanent Representative to the UN the previous month. The early appointment of someone with his international reputation had a positive impact on the work of the WG and of course on UNHCR itself. While UNHCR was still effectively 'in administration', the end was in sight, and there was the hope that Norway and other Nordic countries would play a major role in bridging the funding shortfall.

On 30 November the co-chairmen of the TFs made oral presentations on progress to a meeting of the WG. Reflecting the concerns of some donors, UNHCR was requested to produce papers on the financial implications of its protection mandate and on the criteria used for opening and closing offices. The work of the TFs intensified in the first two weeks of December. Many senior staff devoted long hours to the WG. Two key participants were John Horekens and Gerald Walzer, respectively Head of the Fund Raising and of Programme Management Services. Both were respected and trusted by Executive Committee members.

It had been clear from the start that with a mandate to review the scope of UNHCR's assistance, priority setting and to propose criteria to balance needs and available resources, the work and outcome of TF 3 was of critical importance. We were fortunate that the co-chairs were understanding of UNHCR's position. Sweden was represented on the TF by Nils Kastberg, who had stayed with UNHCR for several years after Zimbabwe (and was later to head emergency operations and then be a Regional Director at UNICEF). His interventions and suggestions were always constructive, though not uncritical, and he was a significant influence in making the final outcome as positive as was probably possible. For UNHCR, Cécil Kpènou represented the regional bureaux on TF 3; I deputized for him on the TF and attended all its meetings.

On 15 December 1989 the General Assembly adopted its annual resolution on the work of UNHCR (44/137). It contained the usual updated standard text but also addressed some of the issues before the WG. The only reference to the management crisis was this preambular paragraph:

Noting the efforts of the Office of the High Commissioner, in cooperation with the Executive Committee of the Programme of the High Commissioner, including the establishment of a Working Group, to improve the efficiency and effectiveness of the Office, and the need to further strengthen field activities and responsibilities.

An earlier preambular paragraph read: “Deeply concerned about the unprecedented financial crisis that the Office of the High Commissioner is currently facing”. After a paragraph endorsing the decisions and conclusions on assistance adopted at the Executive Committee’s October meeting, a standard text but which continued “which reflect the gravity of the financial crisis that the Office of the High Commissioner is facing at present”, the last of 20 operative paragraphs read:

Calls upon all Governments to contribute to the High Commissioner’s programmes and, taking into account the need to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and displaced persons of concern to the Office of the High Commissioner are met.

### *UNHCR’s objectives for the WG*

A series of internal meetings on UNHCR’s objectives for the WG produced a document that was agreed with the O-i-C on 18 December, just before the second meeting of the WG. This gives an indication of UNHCR’s assessment of the seriousness of the threat to refugees but also of the opportunities the WG provided for necessary change. The nine main outcomes that UNHCR sought from the WG are summarized below as set out in the document:

1. Reaffirmation of the full range of UNHCR’s responsibilities for mandated activities as presently performed;
2. Appreciation of their inter-dependence and that cuts in one area can negatively affect mandated activities in another area;
3. Agreement on measures by UNHCR and others that allow UNHCR’s responsibilities to be discharged in a more timely and effective manner;
4. Agreement that where these measures involved the use of other implementing or funding organizations, (1) UNHCR’s role would be respected; (2) the result would be at least as timely and effective for



refugees as present arrangements or such others as might be envisaged by UNHCR; and (3) where (2) was demonstrably not the case, UNHCR must have the resources necessary to discharge its responsibilities as hitherto;

5. Agreement on a mutually acceptable approach to meet the likely 1990 shortfall in funding mandated activities that preserves UNHCR's capacity and flexibility to discharge essential protection and assistance functions in accordance with its mandate;

6. Agreement on the staffing and programme support levels necessary for the discharge of UNHCR's responsibilities in a way that preserves UNHCR's flexibility to respond to new demands;

7. Action to give effect to existing decisions relating to refugee aid and development through a clear and workable division of responsibilities and the necessary measures to ensure action;

8. Agreement that Excom members will translate support for such new or reaffirmed approaches into results from the governing bodies of the organizations concerned and in appropriate development fora (consortia, round-tables etc.);

9. Agreement on a funding mechanism that would at the very least greatly mitigate the impact of future funding constraints.

On the eve of the 18 December WG meeting, I wrote:

*Things are going slowly, with some key governments still thinking that we can cut our 1990 programmes to live within their means. This would mean for Africa alone reducing our cut-to-the-bone 1989 programme by some \$30 million or 20%. This is just not possible. The management problems of Mr Hocké allowed our donors to pretend that the issue was UNHCR and not their reluctance to provide the funds for the agreed programme. They have always been reluctant to accept that by our mandate we are a needs-driven and not a resources-driven organization. Having spent hours examining our programmes in detail and not having unearthed any significant problems, they are I hope starting to realise that we must indeed have more money if we are to discharge our responsibilities. Rather against my will, I have become increasingly involved in the whole question of how we approach the exercise. While the caretaker High Commissioner is a very nice and well-meaning man, he is avoiding involvement and a bit too inclined to see things from the donors' point of view. This is of course very unfortunate at a time when we need a clear and firm approach.*

*Cécil Kpènou will be seeing the new High Commissioner in New York tomorrow as there is a high-level meeting on the Horn of Africa there. At one stage it looked as if I would have to go, but it is good that he can as he has just been in*

*Ethiopia. I spent last weekend writing the new High Commissioner's brief on Africa so was able to put extra emphasis on the Horn. The new HC leaves NY for Norway before Christmas and should be here on 15 January. He sounds to be a very nice and competent man but will have a hard job at first. The interim HC is a very experienced Austrian diplomat and former head of their diplomatic service, but he has obviously never had such a complex challenge before.*

At the start of the WG meeting on 18 December, the O-i-C made a statement, reflecting UNHCR's objectives as set out above. His statement began:

We are now nearing the end of the fact-finding stage. It may be helpful if I share with you how I and my colleagues in UNHCR see the way ahead. What do we seek from this exercise? In general terms, this is clear: we must reach a result that addresses the concerns of the Executive Committee and also allows UNHCR to discharge its responsibilities. In trying to achieve this, UNHCR had as a first objective, and indeed prerequisite, to reach agreement on the full range and interdependence of these responsibilities, and on their component activities. Unless there is agreement on this basic assumption, it is difficult to determine what is expected of UNHCR and of the international community, and how best to discharge these responsibilities. The informal note on UNHCR's protection responsibilities was a contribution to this end. It is our understanding that this basic departure point has been accepted and the responsibilities of the mandate of UNHCR have been reaffirmed.

Referring to the second main objective, agreement on how UNHCR's responsibilities could be discharged in a more timely and effective manner, and noting the two components, UNHCR and others, the O-i-C stressed "that UNHCR is fully committed to this rationalization. We are preparing a number of position papers including on staffing and on several aspects of organizational issues", but these position papers would have to await the new High Commissioner. After reviewing other objectives for the WG and the measures already taken, the O-i-C turned to the shortfall:

We must see clearly that, when everything possible has been done to reduce the cost of meeting the agreed needs of refugees, on present predictions we shall still face a shortfall.

This shortfall will have been clearly identified as the result of immediate financial constraints. We all know the parameters: the ceiling set for the first half of 1990 when projected to the second half gives \$340 million for 1990. UNHCR has budgeted \$414 million. ... Bridging what I might call the "real" gap that remains will require drastic measures from us all, and cannot, we believe, be the responsibility of the organization alone. All parties must contribute. I think it is a general opinion that this is a shared responsibility. We are preparing a position paper on programme

priority setting and application, but even this will not be a solution to the problem.

It must be said that every indication is that without additional resources beyond US\$ 340 million in 1990, the Office will not be able to meet our agreed responsibilities within the general programme even on certain basic human rights such as refugees' primary education, and will also be unable to maintain some life-sustaining sectors at the required level.

In his opening statement, the Chairman welcomed the O-i-C's statement and expressed his agreement with its analysis. One or both of the co-chairs of each TF then reported on its work. There was consensus that the fact-finding stage of the exercise was now over. Among many points of note were: the view that UNHCR should reduce staffing levels to those in January 1986 (TF 2); support for rationalization but recognition that all had to contribute, and that the nature and content of UNHCR activities are all necessary (TF 3); and a recognition of the problems in extending development assistance for nationals to refugees (TF 4).

Speaking on behalf of the Africa group, Ghana: stressed that needs must be paramount – any further reductions would be catastrophic; pointed to the steady decline of resources in real terms despite mounting numbers of refugees; welcomed rationalization and streamlining as that would make UNHCR more efficient in meeting needs in the long-term, but noted that the problem needed an immediate solution; opposed any moves to restrict UNHCR's own ability to discharge its mandate, which should not be parcelled out – others can help but not take over; and paid tribute to UNHCR staff on the TF and in the field in difficult times.

Summing up, the Chairman noted that the WG was not a decision-making body: that would be for the extraordinary Executive Committee meeting. The aim was not to restrict UNHCR's mandate but to make its discharge more efficient. The position papers requested from UNHCR should contain ideas and recommendations to this end. He accepted that the needs of refugees had to be predominant and if in the end it was shown that additional funds were needed after all savings had been made and other measures taken, then that would be a political decision, as Iran had argued (Iran had said that needs were a reality, not a function of resources, and that what needed to be changed was the political will to respond).

In a brief closing statement, the O-i-C said that he had made the work of the WG a priority; UNHCR staff were committed to the success of what must be a joint effort. UNHCR would prepare the requested position papers in the first half of January for incorporation as appropriate in the WG's interim report to the informal meeting of the Executive Committee on 26 January. He recalled the need not to prejudge the new High Commissioner on policy matters, and ended

“I should like to record my great appreciation of the dedication and quality of UNHCR staff. I am optimistic for the future and, after this experience, I have the highest regard and appreciation for the High Commissioner’s Office.”

### ***Documents prepared for the WG***

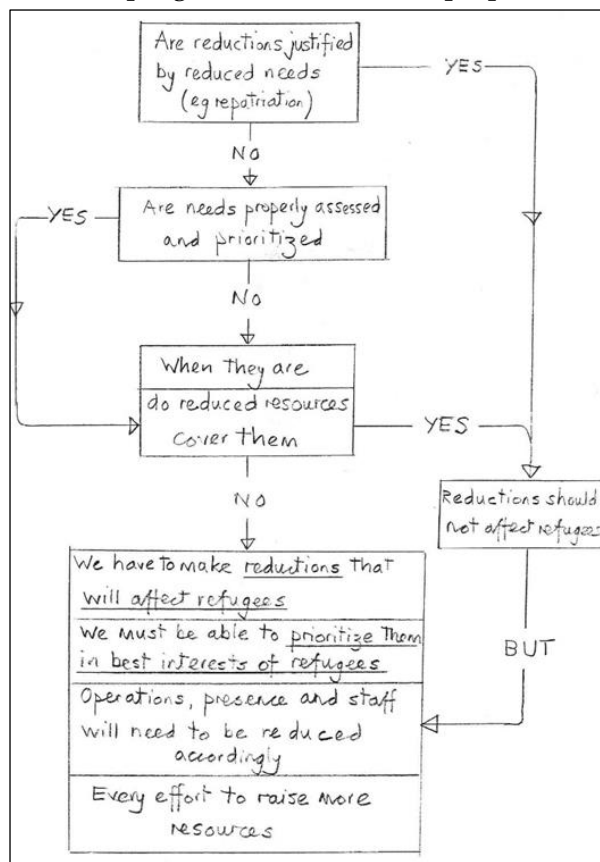
The two most important papers prepared for the WG were the *Informal Note on the Extent of UNHCR’s Protection Functions* and the *Position Paper on Priority Setting for Assistance Activities*. The two-page protection paper began: “In order to determine the relationship between the assistance and protection functions of UNHCR, and to respond to questions regarding the administrative costs of protection, it is necessary to clarify the extent of UNHCR’s protection function.” This it did in a clear and authoritative manner; to the best of my recollection, no government challenged it. The paper concluded that it was “evident from the above that a major part of UNHCR’s overall support costs are directly or indirectly linked to protection functions” and that the nature of these functions made comparisons with the support costs of other agencies extremely difficult.

The two-page paper on priority setting began with brief summary of the Statute and a reference to the protection paper. After setting out the categories of assistance used by UNHCR, and noting that “while in principle the mandated activities of the Office are provided for under UNHCR General Programmes, these do not cover all such activities”, the paper ended with two paragraphs that went to the heart of the resource crisis (underlining as in the original).

Together with international protection, General Programmes as a whole and those Special Programmes directly related to mandated activities are the first priority of the Office. UNHCR does not discriminate between the needs of different groups of refugees and considers that, in general terms, all the activities that have been found necessary to discharge its responsibilities are of equal importance. When funding constraints so necessitate, UNHCR reviews programmes individually on the basis of the specific impact of reductions. In such circumstances, UNHCR first ensures that the resources available for assistance are applied to lifesaving or life-sustaining activities. Once this over-riding priority is assured, UNHCR next seeks to ensure full funding of the activities most directly related to durable solutions and of those activities that most clearly constitute an investment in the longer-term. The application of such criteria is difficult, and in practice it has not been possible to avoid reductions that are at the expense of even the promotion of durable solutions and the provision of protection. It may be noted that the reductions made have affected each of the sixteen sectors [of UNHCR’s standardized budget format, with which by now the WG members were familiar].

In light of the foregoing, UNHCR maintains that funding constraints on the discharge of its mandated responsibilities should not be overcome by resetting its priorities. If financial resources are not available, the inevitable reductions impair UNHCR's ability to discharge the responsibilities placed on it by the international community and deprive refugees of basic needs for which UNHCR is their only recourse. The principle that these needs should be paramount has never been challenged. There is scope for a defined and agreed redistribution of operational and financial responsibility for the provision of assistance, as long as this is done in a way at least as effective for the refugees as present arrangements and without prejudice to UNHCR's overall responsibilities. Once both the needs of the refugees and the necessity for UNHCR to meet them have been correctly assessed, the solution must lie in measures to ensure the most effective use of the necessary financial resources and that these resources are indeed available.

The paper ended by noting that a discussion paper on options for the funding of UNHCR programmes was under preparation. Many other papers were



*Found among my papers from that time*

prepared for the TFs, the majority factual, for example: tables of annual expenditure and donor contributions; and of expenditures and staff over time under General and Special Programmes. Some responded informally to specific challenges. Donors who argued that to expect additional resources from them was simply unrealistic pointed to the fact that the top 17 contributors to UNHCR in 1989 provided 97% of total contributions. The need for wider burden sharing was clear, but we noted that this figure should be seen in context. It took no account of the contributions of the countries of asylum most affected by the lack of resources. We produced a table showing that the 16 UN members that had provided 93% of total contributions to

UNHCR were required to contribute 73% of the UN's Regular Budget, funded by assessed contributions. However, four Nordic countries among the 16 provided 19% of UNHCR's funds in 1989 against 3% of the UN's Regular Budget. That meant that the contributions of the other 12 to UNHCR were only 4% more than had these been determined by UN assessed contributions, and 7 of the 12 contributed a smaller percentage to UNHCR than their UN Regular Budget percentage.

It was suggested that while UNHCR's field presence might be justified, its cost was excessive given the level of UN salaries. In the papers I kept I have a table "Comparison of Net Salaries of UNHCR, GFR Foreign Service, Swedish International Development Agency and Swiss Foreign Service" which shows UN salaries significantly lower, with the gap increasing markedly with the category (difficulty) of duty station. Outside Geneva and New York, UN salaries were under half those of the two diplomatic services. I also have a comparison of 1973 and 1988, showing expenditure increasing from USD 15 million (of which USD 10 million for Africa) to USD 510 million (USD 205 Million for Africa) and international staff from 127 to 646, with the increase at Headquarters significantly smaller than that in the field (from 74 to 223).

### ***High Commissioner Stoltenberg arrives: the work of the WG intensifies***

High Commissioner Stoltenberg arrived on 15 January 1990. He brought with him a 32-year-old compatriot, Jan Egeland, who already had much relevant experience.<sup>51</sup> Speaking to the staff on 17 January, Stoltenberg first introduced his new deputy, Douglas Stafford, most recently a senior official in UNDP, who would be responsible for the day-to-day management of the Office while Stoltenberg would concentrate on political and funding issues. It was soon clear that this was a very positive appointment for UNHCR. In a well-pitched short statement, Stoltenberg recognized that the Office was "confronted with some of the most serious difficulties ever facing refugees all over the world, but also with a direct challenge to the very meaning and essence of UNHCR."

The deadline for finalizing the interim report of the WG to the informal session of the Executive Committee on 26 January was 19 January. Stoltenberg had to

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<sup>51</sup> Egeland had been elected Vice-Chair of Amnesty International's governing board at the age of 23. The inflexibility of the UN's recruitment processes prevented him staying long with UNHCR. He was a key player in the negotiations that led to the Oslo Accords in 1993 and the ceasefire in the Guatemalan civil war in 1996. He led the host nation's delegation in the negotiations in Oslo that led to the conclusion in 1997 of the Ottawa Treaty banning landmines. From 2003-6 he was the UN Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator. See his *A Billion Lives: An Eyewitness Report from the Frontlines of Humanity* (Simon & Schuster, 2008).

be briefed not only on the WG but on the many challenges in the field, and on the impact of the resource shortfall and UNHCR's efforts to bridge the gap. I had been closely involved in one such effort. The Namibia repatriation was funded from voluntary contributions to UNHCR whereas the rest of the UN operation (UNTAG) was funded from assessed contributions (each member state pays an "assessed" percentage of the cost of the UN Secretariat - the Regular Budget - and of such operations). The cost of the repatriation (USD 36 million) had been met from funds that would probably have otherwise been available to UNHCR. When we learnt from our colleagues in Namibia that the rest of the UN operation - which cost some USD 370 million - would have a significant surplus, we sought at least a partial reimbursement from that surplus.

While our justification was not disputed, the UN Secretariat was reluctant to agree, as this would have required the approval of member states. Given the success of the UN's Namibia operation, on the one hand, and UNHCR's widely publicized financial crisis, on the other, this approval should not have been a problem. The Secretariat's reluctance appeared to reflect a wish to avoid highlighting the over-budgeting of UNTAG, but having effectively taken over the administration of UNHCR, and with the O-i-C appointed by the Secretary-General supporting our case, it appeared that the Secretariat would finally agree. When we briefed Mr Stoltenberg, he told us that before he left New York the Secretariat had convinced him not to pursue this claim. Almost his first words to me were "so you are telling me I was wrong".

The interim report of the WG, dated 22 January 1990, contained a number of positive recommendations that had commanded consensus, but it also showed that significant divisions remained. "Members expressed differing views as to the degree to which availability of resources should be taken into account in the formulation of the programme budgets (needs-driven versus income-driven)." "As far as the implementation of General Programmes was concerned, there were suggestions that UNHCR should incur obligations only by following an agreed order of priorities. Several speakers saw the need to establish priorities also within General Programmes. Representatives of UNHCR emphasized the priority of General Programmes as a whole and those of Special Programmes directly related to mandated activities." The wish of some donor members to influence budgets was evident: "the Sub-Committee on Administrative and Financial Matters might be given the responsibility of working with UNHCR to prepare budget presentations". Pressure to close offices in Europe was also evident. "Discussions in the Task Force focussed particularly on the possible benefits on close communications links and geographical proximity of offices in Europe." In the interim report UNHCR was "strongly urged to abide by the thirty-eighth session of EXCOM decision to return to the staffing level of 1781 posts in effect on January 1986". This decision reflected dissatisfaction with

increases under Hocké and the manner in which they were made. But given the new demands on UNHCR in the intervening four years, the earlier staffing level now bore little relation to UNHCR's needs.

The debate in the WG on 26 January 1990 reflected the divisions evident at the 18 December meeting. Noting that the shortfall remained, some donors emphasized that priority setting even within mandated activities was unavoidable. Countries of asylum stressed that within these activities there should be no core and non-core division. Speaking on behalf of the Africa Group, Libya expressed general satisfaction with the interim report but concern at the pressure for priority setting within core activities to offset the shortfall. For the Africa Group, the "basic components are too important to be prioritized; agreed scope and range of assistance constitute an irreducible minimum; further reductions would betray the international community's responsibilities towards refugees and undermine protection" (from my notes). Several delegations saw the new High Commissioner having a key role in bridging the divide and bringing the exercise to a successful outcome. Closing the meeting, the Chair said that the report was a good starting point but no more. It was very substantial but did not commit delegations. The final report would be of critical importance and should be ready in draft by mid-April for distribution in early May (the extra-ordinary EXCOM meeting was to begin on 28 May).

In a letter written two days after that meeting, I assessed where I thought things stood.

*The new High Commissioner started work on 15 Jan and has made a good impression so far, and I am sure will continue to do so. He is a nice warm-hearted and down-to-earth man with a good sense of humour. UNHCR is still a long way from putting our troubles behind us. ... The ostensible motivation [for setting up the WG] was the problems with the previous High commissioner; at least now we have demonstrated that the real problem is not enough money for our mandated activities. The new High Commissioner is bringing some new contributions from the Nordic countries but this will not be enough to bridge the gap, and the Americans are not helping yet.*

The work of TF 4, on cooperation with other organizations, was less demanding for UNHCR than that of TF 3, with which it was closely linked. Meetings included those with 17 NGOs on 11 January, with ILO, IOM, UNDP, UNESCO, WFP, WHO and the World Bank on 18 January, and with UNICEF on 26 February. A number of donor delegations believed there was significant scope for a further division of responsibilities in the delivery of assistance, and that this would mean appreciable savings for UNHCR (a view not necessarily held by their colleagues on the governing bodies of these organizations, which the final WG report recognized). Like UNHCR, many of the countries of asylum knew that for most international organizations this was unlikely to be possible, given different budgetary cycles and objectives, and notably the difference



between assistance to nationals and non-nationals. Countries of asylum feared that even if a transfer of responsibilities was possible, this might be at the expense of assistance to their nationals.

On 26 January it was decided that the TFs had achieved their objectives and that their work should be concluded, with matters remaining for discussion or conclusion to be considered by the WG at Permanent Representative (PR) or expert level as appropriate. The Chairman circulated a list of suggested issues for consideration, some of which risked reopening matters that we had thought were agreed. The first meeting at PR level was to be on 20 March, to review the work that had been done meanwhile.

Outside the WG, the situation in the Horn and elsewhere continued to demand close attention and engage the new High Commissioner. In West Africa, major problems in Liberia were generating large flows of refugees. In early February I was on mission to Somalia and then Nairobi for a high-level meeting on the Horn and Sudan with our UN and other partners.

On 22 February, Stoltenberg addressed the UN Commission on Human Rights, an address that gave a good feel for his approach (and has not lost its relevance with the passage of time). It helped focus a different attention on UNHCR; the great majority of the PRs of member states of the Executive Committee were present. The address included the following:

The international refugee situation is a reflection of the world's political health. And the international community's ability to cope with the refugee situation is a reflection of its moral health. ... In its origins just as in its impact, the refugee problem is multifaceted and cannot be divorced from other major political challenges facing our world community. To appreciate this is to understand also the need to broaden the response to the problem so that this response becomes equal to the task of dealing with refugee issues effectively, with the rights and aspirations of the individuals concerned remaining the central focus. ... if we want in this way humanely and effectively to address refugee issues, our response must take account of the full range of factors which impel people to leave their countries.

... A major difficulty we face today is the optical one of association between refugees seeking asylum and unauthorised border-crossers of whatever other character, including the least desirable. Refugee arrivals become, from this perspective, a problem of irregular migration, to be handled within the framework of immigration and border controls. Refugees are, however, not migrants in any sense which suggests free choice and voluntary departure. The refugee problem is not one of a migratory influx. The origins or heart of the problem are to be found in the conditions within the country of origin which impelled the

departure. If the refugee problem is to be solved, the solution must be conceived basically in terms of these conditions. This means in part that the international community must address itself with greater urgency to the underlying or root causes.

Stoltenberg concluded his address:

In one sense, the refugee is a telling point of encounter for States with their own human rights policies. Individuals outside their own national support structures have little basis other than international human rights law – and here I include refugee law – within which to frame their request for refuge. Human rights and refugee protection principles should determine the response; obligations at the national level will not. In this sense the credibility of a State's professed commitment to human rights is put directly to the test.

Before the 20 March meeting of the WG there were intensive discussions within UNHCR. The objectives for UNHCR that had been agreed on 18 December were reviewed with the High Commissioner in light of developments meanwhile and of the report of a group of staff (the Ad Hoc Review Group) that he had appointed soon after taking office to review and make recommendations on the role and structure of UNHCR. The documentation prepared for the High Commissioner included an assessment of progress towards each objective as of 8 March. This identified objective 5 as “the most critical problem. UNHCR must set its own priorities for the use of predicted resources, and if possible already key this to objective 9 (better funding mechanisms).”

On 14 March, the High Commissioner sent a letter to members of the Executive Committee. He stressed that he was committed to taking all the action within his power to ensure that the resources made available to UNHCR were used in the most effective manner possible. The Ad Hoc Review Group had made recommendations to that end and these were expected to be implemented after a short period of consultation: every effort must be made to ensure that UNHCR deserves the credibility essential for its humanitarian mandate. In the letter the High Commissioner set out the problem of how to respond to legitimate needs without having been given the necessary resources. He noted that the prospect of a shortfall of some USD 150 million had made it impossible for UNHCR to plan only on the basis of needs, and had forced it to establish priorities for available funds, with the severe enforced reductions affecting the welfare of refugees and their prospects for solutions. The letter pointed out that unless additional resources were forthcoming, UNHCR would be unable to face new refugee emergencies that year. Noting that even early implementation of all the measures under review by the WG would fall far short of bridging the gap, the High Commissioner requested governments to increase their contributions and

to announce all further planned contributions for 1990 as soon as possible, so as to allow proper planning and avoid any interruption of programmes.

### *The WG's final weeks*

Opening the WG meeting on 20 March, the Executive Committee Vice-Chairman welcomed the High Commissioner's 14 March letter as a very useful synthesis of the problems; the WG now had a good diagnosis and analysis of these but in terms of a 'cure' there was not much advance, and this meeting would be very important in rising to that challenge. The PR of Sweden said there had been significant progress. It was now clear that more resources would be needed from the donors, and Sweden and other Nordic countries were ready to contribute further, but further efforts were needed from all parties, not just the donors. Speaking next, the PR of the USA echoed the Vice-Chairman's assessment of where the WG stood and focused on the need for UNHCR to do more to bridge the resource gap, find new funding sources and prioritize ("the argument we are down to bare bones is simply not credible"). He ended by stressing the obligation on countries of origin to remove the causes of flight. The debate followed predictable lines, with the UK, Canada, Austria, Australia, Switzerland and Japan focusing on priority setting. Denmark announced its intention to make significant further contributions for 1990, with the expectation that these and other Nordic contributions would trigger full funding of mandated activities. Norway "didn't agree with the pessimists - many of the recommendations are positive", and also announced its readiness to make further contributions, as did Finland. (Quotes are from my notes.) In their interventions, the countries of asylum recognized the progress made in the WG and TFs and focused on the need to give UNHCR the resources required to discharge its mandated activities, not increase the burden on them.

After this meeting it was clear that the critical stumbling block remained the question of priority setting. On 23 March I received a memorandum from Paul Adams, the Secretary of the Executive Committee, copied to all the colleagues involved. It began by explaining that the previous evening he had been informed by the FRG delegation that representatives of at least twelve states had met to follow up on the 20 March WG meeting.

Apparently many delegations had been concerned by the number of statements made by donor delegations on the text of a recommendation accepted during the 16 March expert level meeting of the Working Group. A copy of this text prepared by the Swedish and Tanzanian delegations and yourself is attached for ease of reference.

I was informed that many donors wished to strengthen the recommendation by giving more direction to UNHCR on programme priority setting, while many asylum countries felt that this was an excuse

for limiting the extent of UNHCR's annual programmes. According to my information, progress was made to bridge these positions as demonstrated in another draft recommendation (copy attached). The governments involved in the preparation of this new text have undertaken to canvas it with the other members of the Working Group. There are no definite plans to table the text at present time as it was felt more likely to succeed through informal consultation at this stage.

I have been asked to circulate the new draft within the Office and to seek UNHCR's cooperation with this new initiative.

This was the text accepted on 16 March:

The Working Group recommends that:

1. in allocating resources, UNHCR should give priority to the assessed needs of its mandated activities (that is General Programmes as a whole and those Special Programmes covering mandated activities);
2. in presenting needs, UNHCR should make a clear distinction between mandated activities and other activities it has been requested to undertake, and should show received and projected further income;
3. in contributing resources to UNHCR, the international community should give priority to the full funding of mandated activities.

The new text was:

The Statute of the Office entrusts UNHCR with the functions of providing protection to and seeking permanent solutions for refugees.

The assessed needs of the refugees should be met by the whole international community on the basis of equitable and fair burden sharing.

The Working Group recommends that:

1. In allocating resources, UNHCR should first ensure that resources are applied to life-saving and life-sustaining activities. Once this overriding priority is assured, UNHCR should allocate funds for durable solutions.
2. In presenting its budget documentation, UNHCR should make a clear distinction between these priorities and other activities it has been requested to undertake, and should relate it to projected income.

The new text had no reference to mandated activities and did not include assistance under the functions of UNHCR, while the wording of the first recommendation excluded core functions that were not life-saving or sustaining.

During the weekends in March 1990 I was working on the paper that became the *IJRL* article. It describes how I saw the situation at that time.

The position of those other donors [i.e. not the Nordics] who maintain that extra resources cannot be expected is inconsistent with the fact that the Executive Committee, in the same section of the report of its 40th session that records its decisions on the limit to expenditure and the establishment of the Working Group, requested “the Executive Committee Member States to assist UNHCR in securing additional income from traditional government sources, other governments and the private sector.” Furthermore, the Statute of UNHCR provides that members of the Executive Committee shall be selected “on the basis of their demonstrated interest in and devotion to the solution of refugee problems.” Securing the necessary resources is an important component of this solution, yet the principal focus of the concern of some key donors among the Executive Committee members has been on priorities for the use of insufficient resources; that is on damage limitation, not solution.

The article then quoted UNHCR’s position on priority setting (the text quoted in the section above on documents prepared for the WG, which was based on my initial draft).

In short, for UNHCR, priority setting within its first priority activities is a necessary response to insufficient resources and does not reflect the fact that the international community has determined that some of the responsibilities placed on UNHCR are intrinsically more important than others. Many within UNHCR fear that the institutionalization of these responsibilities into first and second priorities would effectively reduce the international community’s commitment to refugees. Some donors have clearly implied that activities such as refugee education, the promotion of refugee law, and UNHCR’s efforts to increase public awareness of the plight of refugees are receiving too high a priority. Many asylum countries fear that the practical result would be an increased burden on them; if the political will to share this burden is hard to mobilize now, it will be even more difficult for a second priority component in the future.

The frustration and irritation that UNHCR’s position and arguments for increased resources have provoked from some important donors within the Working Group are hard for UNHCR staff to understand and explain. The principal explanation given by these donors remains that they face their own budgetary constraints and that UNHCR cannot expect to be spared the effects. Yet many developed countries have levels of domestic expenditure on refugees and asylum seekers that approach or exceed UNHCR’s total budget, and could not contemplate

the reductions in services to these persons that have been imposed on refugees elsewhere because of the same constraints. Furthermore, the response of the developed world to recent international events demonstrates again that sums many times greater than the shortfall for refugees can be mobilized very quickly. UNHCR has argued that refugees are no less deserving of the same degree of political will.

... UNHCR will need to show that its assessment of its staff and programme support needs has been made as rigorously and correctly as that of the refugees' direct needs. ... Once UNHCR has presented properly assessed programme support needs, these must be considered on their merits. Whether these needs can be met will of course depend on resources. Refugees' direct needs cannot bear all the burden of the shortfall, with programme support levels protected. But neither can UNHCR meet its obligations to the refugees without the necessary staff and support resources.

In expecting reasonable extra efforts from the countries of asylum, the donors must also show that they too can rationalize their procedures. The problems caused for UNHCR by the fact that few donors give a firm indication of their intended contributions at the time implementation starts has long been recognized but not solved. UNHCR received some \$530 million for 1989 [for all activities], with the last contribution made only in early 1990; it foresees income of some \$550 million for 1990, but as of mid-March 1990 had payments or firm pledges totalling under \$200 million. No national administration could manage its budget effectively on that basis, and UNHCR cannot either.

Priorities set when financial constraints so necessitate must also be respected by donors. Past experience shows that this is not always the case. While urging UNHCR to be realistic, some donors insist on earmarking contributions in a way that does not respect the generally agreed priorities. As a result, programmes that are seen as particularly important from a national perspective are favoured at the expense of others whose beneficiaries are at least equally in need. UNHCR has hitherto sought to manage these problems discreetly, so as to avoid antagonizing donors. The transparency, consistency and effectiveness rightly demanded of UNHCR by its Executive Committee should be reciprocated by members, and while possibly counter-productive in the short-term, an open recognition of these problems would seem a necessary component of improved arrangements for funding UNHCR.

... Mobilization of the political will to provide additional resources should not have to wait for the shock of terrible images on the world's TV screens. From within UNHCR, great hope is placed on the ability of

the new High Commissioner to raise the problem at a much higher political level than hitherto. But from within UNHCR it sometimes seems that UNHCR as the messenger has almost become a part of the problem itself, at least at the level of some important donor missions in Geneva.

After the WG meeting on 20 March, intensive work began to prepare its draft report to the extraordinary session of the Executive Committee. This required accommodation from all sides, but tensions between the donor and asylum countries increased as the time for decisions approached. When a compromise seemed out of reach at one informal expert-level meeting, Nils Kastberg proposed that the donor and asylum country representatives met separately, in opposite corners of the meeting room, with the discussion in each group moderated by him and a colleague from the Norwegian mission. With the agreement of both groups, half way through the discussions the moderators swapped over. Their insights into the positions of and within both groups allowed the moderators to propose a compromise acceptable to all.<sup>52</sup> Not all problems were resolved as easily.

I was among those involved in trying to reach consensus on the draft, but from 3 to 7 April I was on mission to the US, first for two days in Washington meeting with Administration and Congressional staff about the Horn and Sudan and making the case for more funding. Then I travelled to New Haven for the conference at Yale for which my *IJRL* paper was prepared. At a lunch there

*I found myself sitting between the Sudanese ambassador to Washington, Abdulla Ahmed Abdulla, and Dawit Wolde-Giorgis, who ran the Ethiopian response to the '84-5 famine before making a very publicised defection to the USA in '86. The ambassador – former Vice-Chancellor of Khartoum University and minister of agriculture in the mid-seventies – made a good go at the impossible job of trying to defend the government, which came under attack on the south and human rights in the round table on the Horn and Sudan.*

On 14 April 1990, *The Independent* (UK) carried an article headlined “Refugee problem ‘could threaten global security’: The outspoken new UN High Commissioner for Refugees talks to Sarah Helm, Diplomatic Editor”. The article began:

Thorvald Stoltenberg uses a simple and real-life metaphor to sum up the attitude of nations towards the refugees of the 1990s. They are, he says, doing with their purses and their policies what some countries in Indo-China have done with their feet: kicking asylum seekers off their shores.

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<sup>52</sup> I only learnt of this from Gerald Walzer while I was preparing this account.

“This is a physically symbolic act to push boats off – but cutting off money for the UNHCR has the same effect. Individuals are denied help,” says Mr Stoltenberg.

... But the financial crisis he believes is symptomatic of a far deeper malaise: a refusal by developed nations to face up to one of the fastest growing and potentially destabilising problems of the next decade: mass movement of people. As he attempts to spread this message, governments are bringing in restrictive definitions of “refugee”, planning common visa policies – new barriers to asylum seekers – and generally spreading the word that asylum is being abused.

The article reports Stoltenberg’s argument that refugees and migration more generally

must be seen and addressed as a security problem: then the money might be forthcoming. “This is the moment to understand that refugees should be part of the common security concerns. The potential for future instability for racial conflict is enormous.”

... He says, simply, that poverty must be addressed: “development policies of the richer countries must focus on this problem, they must address the root causes and stem migration.”

Mr Stoltenberg believes that the Hong Kong dilemma is the best example of this thesis. Yes, it is true that many of the boat people are economic migrants. But what are countries doing to help Vietnam? There is an economic embargo.

Furthermore, in the pragmatic approach adopted to deal with the sheer number of arrivals, the screening of political refugees comes under severe pressure. After Hong Kong, he says, comes Africa, where 4.5 million of the world’s 15 million refugees are taking refuge in countries which can hardly afford the strain. “Look at Malawi, one of the poorest countries in the world with 780,000 refugees. How long can that go on? African refugees are already moving north in increasing numbers”.

As he has begun to raise these concerns countries have already begun to bristle with annoyance: Britain and the United States, for example, don’t like to be told they are not doing enough.

Even some of Mr Stoltenberg’s own officials are advising him to hold back, not to offend too quickly and be pushed off the diplomatic tight rope. He says: “I see it as part of my responsibility to contribute to having these issues raised, and to explain that when economic, development and environment policy is raised it must relate to refugees.”



But he also knows that UNHCR is only as influential as decisions taken by its 43 member countries. Most of the countries would like him to behave like a good High Commissioner and keep quiet, but so far he is choosing not to do so.

The WG met again at PR level on 19 April to consider the 23-page draft report dated 11 April. Countries of asylum challenged wording in the draft that they considered suggested that resources not needs should determine budgets, a view that was put clearly by Kenya on behalf of the Africa Group. China welcomed the draft and stressed that the needs of 15 million refugees had to be the starting point, “not cut foot (needs) to fit shoe (resources) ... crux is effective implementation, not fetch water in bamboo basket”. Germany’s intervention was less focused on priority setting than earlier statements. Some interventions made detailed redrafting suggestions. Belgium, Denmark, Japan and Norway said that there had been enough discussion: it was time for action from traditional and new donors and UNHCR. This was echoed by Sweden “if all wait, refugees will be held hostage - when the effect of inaction is evident it will be too late”. The Chairman said that the draft report would be revised in light of the interventions: the extraordinary session of the Executive Committee starting on 28 May would be “the hour of truth” (quotes are from my notes). Before the meeting closed, the Deputy High Commissioner gave an update on UNHCR’s organizational and staffing review and on UNHCR’s initiatives to improve inter-agency cooperation.

As had been the case throughout, the final weeks of the WG coincided with continuing challenges in the Horn, Sudan and elsewhere, and frequent meetings to try and address them. In early May, the High Commissioner convened a meeting in Geneva of the UNHCR Representatives from the field. At its opening on 7 May, he gave a presentation on his view of the challenges to and role of UNHCR, and of the work of the WG. This was followed by a balanced and constructive statement to the Representatives from the Chairman of the Executive Committee on the work of the WG. The same day he had addressed a letter to governments urging new contributions to UNHCR. Commenting on the challenge of insufficient resources, the High Commissioner said that, of course, if it had to be a choice, preserving life was a higher priority than refugee education, but not to educate refugees would be very short-sighted.

I returned to Washington for 24 hours to assist our colleagues there at Congressional hearings on 9 May on refugees in Africa. I delivered a prepared statement, highlighting the challenges in the field and the impact of the resource crisis. While several Congressmen urged increased funding for UNHCR, Princeton Lyman, Director of the State Department’s Bureau of Refugee Programs, said that the US would not be announcing more funding at the Extraordinary Executive Committee meeting and therefore priorities had to be set.

There was a final meeting of the WG on 17 May to consider the revised draft of its report, when some further amendments were suggested but not fully agreed. As time pressure increased, consensus was reached, sometimes at the expense of clarity or through redundant additions. The finalized report was issued on 21 May.<sup>53</sup> It was 25 pages long: the first eight pages summarized the background and issues considered and the rest set out “Recommendations for decision and conclusions”. The WG’s report contained a number of positive recommendations, for example that WFP, not UNHCR as hitherto, should take responsibility for internal transport and handling costs for WFP food, and that support costs should be attributed between General and Special Programmes in proportion to their share of global operations, and not disproportionately born by General Programmes as hitherto (both of which had been championed by Nils Kastberg).

The final text of on priority setting read:

Recalling that UNHCR has the mandate from the international community of providing protection, assistance and seeking durable solutions for refugees, [the WG] recommended that in allocating resources UNHCR should give priority to the genuine needs of refugees. Furthermore, under the current financial constraints, UNHCR should ensure that the main elements of the refugee programmes, above all the overriding priority of providing dignified life-sustaining and life-saving activities are met while it seeks the implementation of durable solutions. It was also recommended that in presenting needs, these priorities be evident in its budgets and distribution of projected income.

### *The extraordinary session of the Executive Committee*

The extraordinary session of the Executive Committee took place from 28 to 30 May 1990, with participation from the capitals of some member states, and was held in a constructive atmosphere. There were 49 governmental observer delegations present, including newly independent Namibia, representatives of UN and inter-governmental organizations, and 22 NGOs as observers, as were the ANC and PAC. The Executive Committee adopted the report of the WG by consensus, with one change, the addition of “at least” in a sentence (paragraph 26) now ending “the Temporary Working Group confirmed the need to observe austerity measures at least through 1990”. Noting that the actual carry-over from 1989 was USD 38 million, the Executive Committee approved the revised target for General Programmes in 1990 of USD 341 million; with the carry-over,

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<sup>53</sup> Document A/AC.96/742 of 21 May 1990.

the total was USD 379 million.<sup>54</sup> Apart from these two decisions, and the approval of observer status for five governmental delegations, the report of the extraordinary session does not record formal decisions, but rather uses the language of preambular paragraphs (e.g. ‘calls on’, ‘endorses’, ‘reaffirms its commitment’, ‘reasserts its conviction’, ‘recalls’, ‘requests’, ‘supports’).<sup>55</sup>

As the 40th session of the Executive Committee had decided that the extraordinary session would authorize a figure that would not exceed the likely level of contributions, this level had to be determined as accurately as possible by colleagues in the Fund Raising Service. Most of their donor government counterparts knew what would be likely to be made available for the rest of the year but, in nearly all cases, they could not make a formal announcement as the internal approval process was not complete. As a way out of this dilemma, it was finally agreed that each donor Permanent Mission would give John Horekens a sealed envelope containing projections of their remaining contributions to the 1990 General Programmes. John would then add these up and present the total to the Executive Committee without divulging details at the level of individual donors. For its part, the Executive Committee would not challenge the figure. The fact that this arrangement worked indicated, we felt, that the trust donors had placed in UNHCR before the crisis, a trust that was of critical importance for our work, was now largely restored.<sup>56</sup>

In his opening statement on 28 May, the High Commissioner said that the revised budget was a reasonable balance between the needs and the funds UNHCR could realistically expect to have at its disposal. He highlighted the painful nature of the cuts which had been necessary and their effect on refugees and host governments. He drew particular attention to the impact on the promotion and implementation of lasting solutions to refugee problems. Contributions totalling over USD 20 million were announced during the meeting.

### *Thereafter*

After the extraordinary session, what Stoltenberg had called in his first statement to staff “a direct challenge to the very meaning and essence of UNHCR” was largely behind us, but its effects on the refugees of course remained. The last document I have directly related to the crisis is a letter dated

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<sup>54</sup> Although the 40<sup>th</sup> Executive Committee session split authorization for 1990 in two halves, the extraordinary session effectively, and logically, dealt with the year as a whole, with the two halves almost equal: without the carry-over, USD 170 million for the first six months and USD 171 million for the second six months.

<sup>55</sup> The report of the extraordinary session is document A/AC.96/747 of 1 June 1990.

<sup>56</sup> I had forgotten this until Gerald Walzer reminded me while I was preparing this account.

5 June 1990 from Ambassador Amir Jamal, the PR of Tanzania, to the Chairman of the Executive Committee. The Ambassador and one of his senior colleagues, Augustine Mahiga, had played a key role in the exercise.<sup>57</sup> After acknowledging the Chairman's own efforts to mobilize resources (his appeal of 7 May), the letter continues:

all concerned are aware that this is not a "new" crisis. It has been coming for the past several years. The truth of the matter is that the industrialized and other countries with economic and financial resources have almost abdicated their responsibilities. The time for making pleas is no longer available.

Either those with the resources quickly draw back from the brink of the precipice or make their political stand clear to the international community, namely that they no longer feel obliged to keep the UNHCR in a state of being able to discharge its mandated responsibility with integrity and the sense of purpose which imbued the founders of UNHCR.

How long is it going to be possible to sustain the pretence that the economic plight of the countries prone to receiving refugees spilling over into their borders is less burdensome now that it was 20 years ago?

... the industrialized and other well-endowed nations need to stop paying lip service to what is a most cruel human crisis embodying large mass of humanity. For each of the 13 million refugees, for whose care the responsibility has fallen on the UNHCR there are three or four individuals living in a state of agony and despair due to circumstances entirely outside their control, who are potential refugees.

The increasing trend towards making a distinction between political and economic refugees will only serve to heighten the dilemma we face today. How can political management be contained within reasonable limits of internal tensions, without economic sustenance?

That distinction was one that the High Commissioner was also challenging. Controversially, he wished UNHCR to engage directly and if necessary operationally with the problem of migration. He ended his opening statement at the 41st annual session of the Executive Committee, on 1 October 1990:

If the causes of refugee movements go unchecked, if the poor are forced to move in ever-increasing numbers towards the more prosperous regions, then the threat to our common future security is a real and

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<sup>57</sup> Mahiga later joined UNHCR and subsequently served as Tanzania's PR to the UN in New York from 2003-10, and UN SRSG for Somalia from 2010-13; he was appointed Foreign Minister in December 2015.

immediate one. But let me be quite clear. It is not individual refugees or migrants who pose this threat. They themselves are victims of injustice and inequality. They are our conscience too, an insistent reminder of the need to combat the various forms of political and economic oppression that so gravely afflict our world. The threat of which I speak lies, rather, in the root causes of refugee movements and uncontrolled migration. It lies in the inequalities and injustices that we have created or condoned. The solution is not to put up barriers or to deprive refugees of the protection they deserve. Nor is it to condemn the poor to live with their deprivation. What is needed, on the contrary, is a clear policy of asylum for refugees and a firm commitment to development aid for the impoverished of the world. If the international community can move on these two fronts, I am convinced we will be laying the foundations for a more secure and peaceful future for generations to come. To follow any other road would be to miss the opportunity offered to us by the new climate of reconciliation. More importantly, it would be to jeopardize whatever opportunity we may have of creating a safer world.

The High Commissioner's statement was warmly applauded, and the meeting confirmed that the institutional crisis was behind us, in no small part as a result of Stoltenberg himself. Addressing the staff on 17 October, Stoltenberg said:

Let me now turn to the recently concluded ExCom session. Almost all the delegations praised UNHCR for its performance this year and much of that praise was directed at UNHCR's most valuable resource: its staff. I sincerely believe that it was well deserved, for without the contribution which each one of you has made it would not have been possible for UNHCR to achieve such positive results. ExCom has endorsed the 1990 and 1991 budgets as presented. I can only hope that the very kind words which all the delegations had for UNHCR will be translated into deeds.

He went on to set out his ambitions for the future: first, to seize every opportunity to promote voluntary repatriation; second:

to promote a policy which will ensure asylum for refugees, not only today but also in the future. However, in order to secure asylum and protection of the refugees, we must be prepared to press the international community to address the much larger issue of migratory flows through more effective economic and development policies.

Our third ambition is to have the refugee and migrant issues placed on the international political agenda. It is only when the problems of poverty, oppression, conflict and the consequent refugee and migratory movements, are seen as important factors in the search of peace and security, that we can effectively begin to resolve them.

The role he foresaw for UNHCR with migration concerned many staff, but we were never to know how it would have evolved.

### *Stoltenberg resigns*

On 2 November, Thorvald Stoltenberg announced to a meeting of UNHCR staff that the previous day he had submitted his resignation to the Secretary-General and would shortly be returning to Oslo to take up the post of Foreign Minister. This was totally unexpected and a huge shock to UNHCR staff, many of whom felt angry and betrayed. I found the announcement almost unbelievable, given the importance of UNHCR's task and responsibilities, which he had articulated so well over the previous nine months. I said so forcefully in an emotional (on my part) encounter with him immediately after the staff meeting. I worked again with Stoltenberg in the Balkans in 1993-4, when he was the SRSG (until the end of 1993) and UN negotiator, but we never mentioned his resignation. Years later, I learnt from a close associate of his that Stoltenberg had been very taken aback by the vehemence of the reaction to his decision, which he had totally under-estimated. If so, that was an uncharacteristic misjudgement.

The negative reactions were not confined to UNHCR. An AP despatch in *The New York Times International* of 4 November on the installation of Gro Harlem Brundtland as Prime Minister of Norway reported that:

The new Prime Minister caused some controversy when she appointed Thorvald Stoltenberg, the United Nations High Commissioner for Refugees as Foreign Minister and second in command of her government.

Her decision to call home Mr. Stoltenberg, 59, after only 10 months as head of the Geneva-based refugee commission drew criticism from some who said she was putting Norway's interests ahead of those of the United Nations.

The fact that Norway immediately proposed Tom Vraalsen as a replacement for Stoltenberg, and that Stoltenberg was lobbying for him, also gave rise to criticism. The Swiss press gave prominent and negative coverage to the resignation. Under a heading "High Commissioner Thorvald Stoltenberg leaves Geneva suddenly. He lets down UNHCR. He also lets down the refugees, who are facing the growing egotism of the West", *L'Hebdo* of 8 November 1990 devoted a full page to the consequences and critical reactions inside and outside UNHCR. The article ended:

Henceforth it all may have to begin again. The Briton Raymond Hall, appointed spokesman of the High Commissioner only a few days ago, had this simple comment on hearing of the sudden departure of his chief: "Here I am, promoted the spokesman of no one".

The Secretary-General nominated the Deputy High Commissioner, Douglas Stafford, as Officer-in-Charge. We were fortunate in having him at such a critical juncture. He left for New York the following week to replace Stoltenberg at the annual consideration of UNHCR's report by the Third Committee. Addressing the Committee on 15 November, Stafford began by paying tribute to Stoltenberg as "the new wind that the Organization needed. He set in motion many changes. Our annual Executive Committee Session this October reaffirmed the soundness of his policies and urged their continuation".

### *An unseemly aftermath*

The Secretary-General believed he had a very well-qualified replacement for Stoltenberg close at hand: Virenda Dayal, for the last eight years his Chief of Staff, an Indian national who had held key posts within UNHCR and was widely respected. At the 7 November 1990 daily press briefing in New York, the Secretary-General's spokesman, François Giuliani, announced that the Secretary-General was holding meetings that day regarding the appointment of a new High Commissioner, a matter viewed with urgency by the Secretary-General who did not want the post to remain vacant for any length of time. Such meetings included with the Permanent Representatives of Italy (then chair of the EEC), the United States, Japan and Pakistan. The spokesman refused to name candidates. He was asked why the Secretary-General was meeting the Ambassador of Pakistan in this connection and replied that the Secretary-General was consulting with the major donors and the countries that host many of the world's refugees. The following day the spokesman confirmed that the Secretary-General was consulting on Dayal's name, though there were other candidates. He later confirmed that Martti Ahtisaari had been approached first but had declined to be considered.

An article in *The New York Times* of 12 November date-lined United Nations Nov. 10, and headlined "Choice of U.N. Refugee Chief Angers the U.S." cited the Bush administration as accusing the Secretary-General of failing to consult and "cronyism". It quoted a senior State Department official: "This is creating a real firestorm of concern among the aid-donor countries and among developing countries with refugee problems who want a strong High Commissioner". Administration officials were reported as saying that the Secretary-General "warned the United States that if it does not accept a third-world national as the next High Commissioner, it may be forced to abandon the Deputy High Commissioner's post ... The senior State Department official expressed "outrage" at this warning, saying that it amounted to a threat to dismiss Douglas Stafford, the American Deputy High Commissioner." A 12 November AP despatch quoted a Bush administration official, speaking that day on condition of anonymity, accusing the Secretary-General of trying to appoint Dayal without consulting Washington, and saying that the United States and

European nations had expressed “universal outrage” that the Secretary-General did not hold consultations on the matter.

It seems probable that the official, and the orchestrator of the “firestorm”, was John R Bolton, Assistant Secretary of State for International Organization Affairs.<sup>58</sup> I have a copy of a text addressed to his counterparts in donor countries in which he writes, “I am concerned that we the donor countries get control of this process so that we are not presented with a *fait accompli* when the Secretary General returns to New York on November 20”. The letter goes on to set out criteria for the choice of a new High Commissioner, including “The need to preserve the autonomy and independence of the High Commissioner” and “Experience in refugee matters is desirable, but not a determining factor. Fund-raising ability, management experience and high visibility are more important”. Bolton proposed that donor countries set a deadline of 13 November for fielding candidates and reach consensus on one through discussions in Geneva by 20 November, adding that “Princeton Lyman, our Director of Refugee Programs, plans to interview each of the three known candidates” (an Austrian (Ceska), Canadian (MacDonald), and Vraalsen).

The UN press briefing on 12 November began with a formal statement on behalf of the Secretary-General (Press Release SG/SM/4515).

The Secretary-General is pained and profoundly irritated by press report concerning his prospective choice as the new High Commissioner for Refugees, Virenda Dayal, his Chef de Cabinet. In this connection, he is also disturbed by allegations of ‘cronyism’ and the insinuation that he has not been consulting Member States. These allegations have surfaced at a time when he is actively engaged in a process of such consultations.

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<sup>58</sup> In August 2005, Bolton was appointed US Ambassador to the UN. “Bolton did not hide his total opposition to the very idea of the United Nations. He lost no time in making his best efforts to wreck the reform process that was underway and undermine the 2005 World Summit that was intended to be the culmination of these efforts. As the summit declaration was in the process of being finalized, he introduced hundreds of amendments to the final declaration, which infuriated diplomats who saw it as an act of sabotage. For a few days, there were doubts that the summit would agree on a declaration, and the whole effort could have ended in disaster if Kofi Annan had not reached out to Condoleezza Rice, then the secretary of state, going round a U.S. ambassador who had a very sharp intellect but no interest in finding solutions unless they were his solutions.” (Jean-Marie Guéhenno, *The Fog of Peace* (Brookings, 2015), pages 303-4.) Guéhenno also writes (page 202) of Jan Eliasson, the Swedish President of the General Assembly in 2005, that he had “skilfully saved the summit declaration that U.S. ambassador Bolton had tried to scupper”.



The Secretary-General was taken by surprise by the sudden resignation of Thorvald Stoltenberg. He feels that whoever assumes the post must meet certain criteria:

- The candidate should be sufficiently qualified in refugee matters as that he or she may assume the functions immediately without having to learn on the job;
- The candidate's independence and integrity vis-à-vis Member States should be beyond question;
- The candidate must be committed to fulfil the three-year term of office.

With respect to Mr. Dayal himself, while he is neither a Western European nor an 'available' national politician with ambitions in the international field, he is, in the opinion of the Secretary-General, eminently qualified to discharge the functions of High Commissioner with competence and integrity. Quite apart from his extremely responsible present position within the United Nations, Mr. Dayal held, for 14 years, a senior position in the office of the High Commissioner. Incidentally, it should be mentioned here for the record, that Mr. Dayal had, on this and on a previous occasion, declined the suggestion of the Secretary-General that he be considered for the post of High Commissioner. On the most recent occasion, the Secretary-General then approached a senior Nordic official from within the system who, after consulting with his Government, also declined the Secretary-General's offer. It was only then that Mr. Dayal agreed, in the interests of the effective continuation of the work of the High Commissioner, that his name be considered.

The Secretary-General will continue to be in close contact with all concerned, in an effort to ensure that the direction of this vital international agency is resumed as expeditiously and effectively as possible. In this connection, names of candidates from six Western countries have thus far been put forward.

On 12 November, Dayal wrote the following to the Secretary-General:

I am grateful to you for having thought of me for the post of United Nations High Commissioner for Refugees. I am honoured that, in your recent consultations with governments, you expressed confidence in my ability.

Given the present controversy as to whether a non-European can be worthy of the post, which I find demeaning, I would appreciate it if my name could be withdrawn from consideration.

There is no way in which I can develop the attributes of a Western-European politician, whether in or out of office. And I would not wish UNHCR or the refugees of the world to be deprived of funding on that account.

Interviewed by the press on 14 November, Dayal's own "outrage" was evident from *AP*, *Reuters* and *UPI* despatches:

"There are some people in some capitals ... who are more comfortable with second-level politicians from the First World rather than first-rate international civil servants from the Third World", Dayal told reporters.

"I've been sort of stabbed in the back in a dark alley by assassins who have not disclosed who they are," he said. "You're darn right I'm bitter; I'm also angry".

Dayal said the claim by some governments that they had not been consulted, including the U.S. State Department, were untrue.

All potential candidates were mentioned in Pérez de Cuéllar's consultations with various member governments, he said.

"What was so terrible is that he had expressed a preference for my name," said Dayal.

Dayal blamed the opposition to his nomination on racism.

"It is a feeling that you have to be a Western European to do a job of integrity. It is a feeling that a Western European has to carry the burden of the white man. I'm sorry to say that," Dayal said.

"It's not personal: it's just that some jobs are not meant to be taken by a non-European, it's as simple as that," Dayal said.

He said that if a senior U.N. official like Martti Ahtisaari, of Finland, had been named to the position, there would not be any protests because of a perceived tendency by Western nations to hold on to some senior U.N. positions.

In the press briefing on 15 November the spokesman was asked if the Secretary-General had been told explicitly that UNHCR would be deprived of funding if Dayal was appointed. He replied (from the DPI briefing press release) "no, not specifically. But in a house where diplomacy was supreme, a message could be conveyed without using terms as crude as those used by the correspondent". He was then asked whether such interference from Western countries was a violation of the Charter, and replied that it was quite clear that any interference or undue pressure on the Secretary-General would be contrary to the Charter, but proposing candidates and defending them was of course a perfectly legitimate activity.

Asked for the Secretary-General's reaction to the press reports that Dayal had strongly suggested "racist bias" in the efforts to block his candidacy, the spokesman replied that,

on the contrary, Mr. Dayal had not accused anyone of a "racist bias". He had been very hurt by the allegations of "cronyism" levelled in connection with his case. Mr. Dayal had therefore suggested that perhaps one should rather talk of "cronyism Western-style". Asked whether Mr. Dayal could continue in his present capacity in view of the controversy, Mr. Giuliani said that Mr. Dayal had the right to express his feelings after the personal attacks against him had reached a very low level. However, Mr. Dayal believed he could separate his own personal feelings from his important duties as Chef de Cabinet.

On 16 November *The New York Times* carried a letter, dated 12 November, from the Secretary-General to the Editor under a heading "Due form Followed On U.N. Refugee Post".

I was surprised and concerned to read in "Choice of U.N. Refugee Chief Angers the U.S." (news article, Nov. 12) totally false allegations concerning my position on filling the vacant post of United Nations High Commissioner for Refugees.

Let me say at the outset that I have initiated consultations with main interested countries, who include, of course, the United States, on the name of a person whom I consider to be fully and appropriately qualified to take up the post. At the same time, my decision to nominate a person for the post should be taken only when, after my consultations, I communicate an official nomination to the President of the United Nations General Assembly in line with the Statute of the Office of the High Commissioner for Refugees.

What I find in your article to be most offensive to me and to my office is the allegation that I am, in effect, blackmailing the government of the United States with the dismissal of the current Deputy High Commissioner, who happens to be a United States national. I categorically reject this allegation, the falseness of which may be easily confirmed by the distinguished representative of the United States to the United Nations, who was in fact the first interested party with whom I consulted on the matter.

On 12 November I wrote that

*The resignation of the High Commissioner was a great and totally unexpected blow. We all felt he had made a bad decision, and there was a sense of betrayal, made the more acute by the fact that everyone had such respect for him that it was harder to understand how he could have done such a thing. I think the*

*explanation lies in the fact that a committed politician like him will see things in a way that non-politicians cannot understand. But, as I said to him myself, his decision was impossible to reconcile with all that he had articulated so well on the need to put refugees on the political agenda, and to see the problems and their solutions as matters that would come to engage governments at the highest level. If he was correct in arguing that migration in all its forms will be the next global issue after the environment, then he has his personal priorities wrong. But it was probably too late by the time most of us heard the news.*

*Viru Dayal has been the first casualty of this sorry mess, though he and the Secretary-General should have done their homework better before presenting his name. Viru is right to note – as he did in an extraordinary press briefing in his office after withdrawing his name – the implications of the fact that some western governments prefer their “failed” politicians to high calibre nominations from the third world. However, that ignores the fact that, fair or not, any Indian HCR would have great difficulty in dealing with Pakistan now if, say, Kashmir exploded. It is still not clear who the next HC will be.*

*Unfortunately, there are major challenges facing UNHCR just now, such as the 700,000 plus Liberian refugees, possible major operations for Cambodia and Western Sahara, and perhaps a very sensitive role in the return of South Africans. I have been much involved in our negotiations on the latter. Both the government and the ANC would prefer not to have UNHCR involved but rather deal with it themselves. There are, however, outside pressures to have us there so that the return can be properly impartial and safeguards after return improved. The outcome should be clearer soon.*

## ***A new High Commissioner***

At the daily press briefing on 3 December 1990, the Secretary-General's spokesman was asked for a target date for a decision on the new High Commissioner and replied that it was 18 December, when the General Assembly was expected to adjourn. On 18 December 1990, a long article in the *Financial Times* made the case for the appointment of Mrs Sadako Ogata as High Commissioner, and for many of us provided the first information on her background and attributes. On 21 December the General Assembly approved her appointment for three years (to complete Stoltenberg's term). In her account of her time as High Commissioner, Ogata writes that she was in Myanmar as the special rapporteur of the Commission on Human Rights when Stoltenberg resigned. On her return to Japan she was surprised to be asked by the Government if she would be available. She was reluctant but “After considerable prodding, however, I agreed that if I became a serious candidate, I would consider it.” From 16 candidates at the start, “the number was down to six. Still later I heard that I was among the two or three finalists. Then I

received word from New York that Secretary-General Javier Pérez de Cuéllar wished to meet me. By then I wanted the job."<sup>59</sup>

Because of her commitments as Dean of the Department of Foreign Studies at Sophia University in Tokyo, Ogata could not take up her appointment on 1 January 1991. She arrived in Geneva in late February. The institutional crisis that we had thought over months earlier was finally behind us. The massive refugee flows in the aftermath of the first Gulf War were only weeks away.

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<sup>59</sup> *The Turbulent Decade* (Norton, 2005), page 15.

## 6. The aftermath of the 1991 Gulf war

This is an account of aspects of UNHCR's involvement in the displacements that followed the war. This was one of the largest, most complex and fastest-evolving challenges UNHCR had faced, and a significant part of this account is devoted to describing its nature and evolution.

My involvement was in two stages. The first was a self-contained mission to Saudi Arabia and Kuwait in April 1991. The second covered the following eleven weeks, which were largely spent in Iraq, Turkey and Iran.

The previous account in this series describes how UNHCR came to begin 1991 awaiting the arrival of its third High Commissioner in a little over 12 months, after arguably the most serious organizational and financial crisis in its history.<sup>60</sup>

### ***Background***

On 2 August 1990 Iraq invaded and occupied Kuwait, seeking to annex it. The same day the Security Council adopted Resolution (SCR) 660 of 2 August, by 14 votes with Yemen not voting, which demanded the immediate withdrawal of Iraqi forces. On 29 November 1990 the Security Council adopted SCR 678, by 12 votes with Cuba and Yemen against and China abstaining. The resolution reaffirmed SCR 660 and ten subsequent resolutions, and allowed Iraq "one final opportunity", until 15 January 1991, to comply with these, failing which member states, cooperating with Kuwait, were authorized to "use all necessary means to uphold and implement resolution 660 (1990) and all relevant subsequent resolutions and to restore international peace and security in the area". Shortly after the expiry of the deadline, the US-led coalition began air strikes on Iraq. The land war began on 23 February 1991. The coalition swiftly overcame Iraqi resistance: on 27 February Iraq informed the UN that it would comply with all the relevant resolutions and the coalition suspended offensive operations.

The invasion prompted large-scale population movements from Kuwait and Iraq. The great majority were third country nationals who had been working, and in some cases had made their homes, in Kuwait and Iraq. By mid-October

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<sup>60</sup> The first chapter of Sadako Ogata's *The Turbulent Decade: Confronting the Refugee Crises of the 1990s* (Norton, 2005) (hereafter Ogata) is devoted to "The Kurdish Refugee Crisis". After she finished her book, Mrs Ogata sent me the documents she had gathered for that chapter.

1990 well over 700,000 such persons had been repatriated to eleven countries of origin, but some 60,000 foreign nationals were thought to remain in Kuwait, and over a million in Iraq. The exodus continued, and in the build up to and during the conflict, more persons fled who were likely to be of direct concern to UNHCR, both nationals of the two countries who might fear to return and refugees and stateless persons. The coalition action, and statements of its leaders, encouraged Iraqi Kurds in the north and Iraqi Shi'a in the south to rise up against Saddam Hussein's rule. They made significant initial advances, but with the cessation of hostilities with the coalition, Iraqi forces regrouped and drove them back. In the south, many sought refuge in the marshes. In the north, in the course of a few weeks some 400,000 Iraqi Kurds fled to the mountainous border with Turkey and over one million into western Iran. As the coalition forces withdrew from Iraq towards Kuwait and Saudi Arabia, Iraqis who had sought the protection of the coalition forces joined their withdrawal and became stranded on the border with Kuwait and Saudi Arabia.

### *Before the war*

High Commissioner Stoltenberg believed that UNHCR should play a lead role in responding to the exodus,<sup>61</sup> but at the 29 April 1990 daily press briefing in New York it was announced that "The Secretary-General has asked the United Nations Disaster Relief Office to co-ordinate assistance to those people displaced by the recent events in the Gulf. The UNDRO will work closely with the United Nations High Commissioner for Refugees, which has an appropriate role to play." The record of the briefing states that, asked "whether it was 'unusual for UNDRO to be dealing with refugees', Mr Eckhard [UN spokesman] said that UNDRO had been asked to 'co-ordinate' the overall effort." On 4 September, having just returned from Iran, the High Commissioner wrote to Mr Essafi, the UN Disaster Relief Coordinator, setting out UNHCR's "assessment of the situation as it relates to UNHCR's competence and the accompanying needs of the persons of concern to UNHCR."

UNHCR provided technical and other assistance to UNDRO, but the High Commissioner's concerns were clear from a letter he sent to Secretary-General Pérez de Cuéllar on 10 September 1990:

Reference to contacts with your Office over the weekend and in light of further information received from the field, I have had the opportunity to reflect further and wish to offer the following comments. Irrespective of legal formalities, the humanitarian problem in the Gulf is perceived by the public at large, media, Non-Governmental Organizations and some

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<sup>61</sup> This reflected his conviction that UNHCR had to engage directly and if necessary operationally with the problem of migration. His arguments are summarized in the previous account in this series, *UNHCR in crisis 1989-90*.

governments as a problem of refugees and displaced persons similar to major operations for which HCR has assumed focal responsibility in the past based on relevant General Assembly resolutions.

HCR is the focus of attention and the target of criticism in which there is little understanding for formal definitions. I wish the Secretary-General to bear these considerations in mind whenever taking a decision on further action. I would also like to assure you of my continued cooperation.

It seems likely that this was sent with foreknowledge of the statement by the UN spokesman on 12 September that "The Secretary-General today announced the appointment of Sadruddin Aga Khan as his Personal Representative for Humanitarian Assistance relating to the crisis between Iraq and Kuwait, in particular the problems of third-country nationals. This decision has been taken given the nature of the challenge and the need to contain human suffering as far as possible. Sadruddin Aga Khan will follow the entire issue personally on behalf of the Secretary-General." Notwithstanding the scale of that challenge, the announcement went on to state that "In assuming the additional responsibilities assigned to him today, Sadruddin Aga Khan will continue to serve as Co-ordinator for the United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan." (Benon Sevan took over Afghanistan at the start of 1991.)

On 9 January 1991, Headquarters cabled all UNHCR representatives as follows.

1. During the first phase of emergency humanitarian situation arising from Gulf crisis, UNHCR's role was limited since most of the persons concerned formed part of a category known as "evacuees", representing third country nationals displaced from Iraq and Kuwait as a result of events and in need of rapid transfer/repatriation to countries of origin. Combined UN and International Organization for Migration [IOM] efforts successfully assisted countries in the region (mainly Jordan) in facilitating transit and international transport processing of almost one million evacuees. UNHCR's specific role was then limited to assisting a few thousand persons of concern to the Office who were already recognized as refugees or persons who considered they could not return to country of origin (asylum seekers). UNHCR also provided support services to the UN effort during that phase.
2. Should situation in the region deteriorate, the composition of further influxes would rapidly shift from evacuees (potential remaining caseload estimated at a maximum of 800,000 to one million) to hundreds of thousands of nationals of countries directly concerned who would require temporary shelter and protection in neighbouring countries pending a possibility to return to their homeland. Such categories of



displaced persons would obviously be of concern mostly to UNHCR or ICRC in accordance with their respective mandates.

The cable then summarized the responsibilities foreseen for UNHCR in the revised appeal to be launched by UNDRO and Sadruddin Aga Khan on 11 January. In Iran, Jordan, Syria and Turkey, "a UN senior official is being fielded to coordinate emergency response under the overall authority of [the UN] Resident Coordinator." In Iran, that official was Omar Bakhet, the UNHCR Chief of Mission there. UNHCR's responsibilities included camp management, to be "interpreted in the following sense: A. Responsibility for selection/negotiations with implementing partners for overall management of transit/camp facilities or in the absence such possibilities, direct management. This applies to all countries concerned and all categories of beneficiaries, whether evacuees or refugees; B. Overall responsibility for provision and distribution of non-food shelter and domestic items; C. Site planning, taking into account UNICEF/WHO role in health-related sectors; D. Telecommunications; E. Logistics and transport related to the above activities."

### *Cairo interlude*

With my assignment as deputy director of the Regional Bureau for Africa over, at the start of 1991 I began working temporarily for Doug Stafford, the Deputy High Commissioner, who was Officer-in-Charge of UNHCR from Stoltenberg's resignation on 2 November 1990 until Sadako Ogata's arrival on 17 February 1991. From 7-11 January I was in Cairo, representing UNHCR at the biennial conference of the African-American Institute, hosted by the Egyptian Foreign Ministry's Diplomatic Institute. I was on the panel of a plenary session devoted to refugees. I described the experience in a letter written on the plane back to Geneva.

*There were ministers from a number of African countries as well as people like General Obasanjo, former Nigerian military ruler, the S-G of the OAU, and some prominent opposition figures. On the American side, Herman Cohen, Assistant Secretary of State for Africa, Andrew Young [US Ambassador to the UN from 1977-9], several congressmen and more congressional aides, and well known academic and media figures (like Antony Lewis of The New York Times) participated. [I had met some of the congressmen at the hearings on the African refugee crisis in Washington the previous May.] The conference was co-chaired by Boutros Ghali and Bill Gray, who is the third ranking Democrat in the House of Representatives, and most senior African-American there. Because of the Gulf crisis, the congressmen left early, for the debate in Congress, and Boutros Ghali was only there for the opening and closing sessions.*

*The discussion on South Africa was predictably one of the most interesting, with Thabo Mbeki, the ANC's foreign affairs secretary and probably number three after Mandela, and a National Party MP on the panel. I had a long talk with*

*Mbeki about repatriation to South Africa and a possible role for UNHCR, which the government still opposes. In private he was quite optimistic that, at the opening of parliament on 1 February, de Klerk will announce what will effectively be a timetable for the end of minority rule, and that this coming session will be the last of its kind. I also had detailed discussion with Herman Cohen on the repatriation. He should be in South Africa today [11 January] and so can follow up on the question of our role, which the US strongly supports. As you may imagine, anything to do with the UN remains a red rag to the extreme right bull.*

A forum such as this conference allowed UNHCR's statement to address a wide range of issues:

As the Secretary-General of the OAU noted, the division of these persons [forced to leave their homes] into refugees and internally displaced is very often a matter of chance. Some of those who flee from the same village may cross an international boundary and some may not. ... The international community's approach to institutionalized help for refugees has until lately made it reluctant to acknowledge the link between refugees and under-development. ... the question of root causes, for long a taboo subject, at least in public fora. ... The US has long been the largest single contributor to international refugee assistance. However, the US contribution has remained constant in dollar terms over a decade in which the number of refugees has almost doubled and the real value of the dollar has dropped. The US contribution to UNHCR in 1990 was some 5% down on that in 1980. After over a year of acute financial crisis, UNHCR finally balanced its books for 1990 and the prospects for this year are better. But this balance was achieved at the expense of essential services to refugees, and much of the cost was born by Africa's refugees. ... Both the Administration and Congress have made strong efforts to increase the US contribution, and US non-governmental organizations are playing a very significant part in this endeavour.

The corridors of the conference, and Cairo, were alive with discussion of the impending conflict, which was generally expected to be intense, drawn out, and to affect the whole region. Rumours abounded, including that all flights out of Cairo were now over-booked and that there would be a USD 200 insurance surcharge for each passenger. Neither was true, and the *EgyptAir* flight back was uneventful.

### ***The next phase***

On 28 February 1991, immediately after the cessation of hostilities, the Secretary-General met with the heads of the UN bodies concerned with the humanitarian response. Departures from Kuwait and Iraq during the conflict

had been much fewer than expected, and the Secretary-General's attention was now focused on the situation within those countries. He informed the meeting that he was sending Martti Ahtisaari to Iraq and Kuwait to assess war damage and the humanitarian needs. (After Namibia, Ahtisaari had become the USG for Administration and Management.) This mission, in which UNHCR participated, was in Iraq from 10-17 March and Kuwait from 23-27 March.

At the start of the conflict most of those fleeing Kuwait and Iraq were third-country nationals, but by late February the majority of new arrivals were Iraqis fleeing insecurity, in the main to Iran, Turkey, and to a lesser extent Syria. In the course of March and early April, as the Iraqi counter-offensive against the uprisings of the Kurds and Shi'a intensified, these movements accelerated exponentially. The meeting of the UNHCR Middle East Task Force on 20 March was attended by Dan Conway, the UNHCR Representative in Turkey, and Omar Bakhet from Iran. At that time some 4-5,000 Iraqi refugees were entering Iran each day and large-scale influxes into Turkey, for which the UN was not prepared, were imminent. The note of the meeting records the two colleagues reporting that "the present system whereby UN Agencies have been entrusted specific programme related responsibilities, under the coordination of a Senior UN Emergency Manager, is ... inefficient in both countries. Moreover, it has rather complicated assistance activities while UNHCR has not obtained any support in the performance of its protection role."

On 3 April 1991, the High Commissioner wrote to President Turgut Ozal of Turkey about

the plight of a large number of Iraqi nationals on the border between Turkey and Iraq, many of whom are women and children, which fills me with the gravest concern. I am sure you share my concern for the well-being of these victims of internal strife and that your Government will continue to allow these asylum seekers to cross the border into Turkey, so that they can be afforded safety and shelter.

The letter went on to pledge UNHCR's support in providing emergency assistance to asylum seekers from Iraq. In fact, as the High Commissioner knew, Turkey was stopping these persons along the border and had long been reluctant to allow UNHCR access to refugees and asylum seekers. The same day the High Commissioner wrote to the Secretary-General.

I am extremely concerned by the reports of the plight of more than 200,000 Iraqi nationals on the border between Turkey and Iraq.

I have appealed to President Turgut Ozal. Please find herewith copy of my letter to him, handed this day to the Permanent Representative of Turkey in Geneva.

Fully aware of your efforts to bring humanitarian relief to the populations of the region, I believe it would be most helpful if, for your part, you could appeal with the Iraqi authorities to desist from actions leading to the further displacement of large numbers of civilians.

I should be most grateful if you would kindly confirm your agreement to raise this urgent issue with the Government of Iraq at this time.

These letters were followed up with interventions seeking the support of a number of governments, including those of Denmark (the High Commissioner spoke to the Prime Minister), France (Bernard Kouchner, the Secretary of State for Humanitarian Action was a high-profile advocate for the Kurds), Norway (Stoltenberg was very supportive), and the US. The US Ambassador to Turkey, Morton Abramovitz, like his wife a long-standing advocate for refugees, had apparently undertaken a second intervention with the Turkish authorities for an open border, and it was understood that Washington was preparing a *démarche* with Turkey which would include a strong request for UNHCR access.

There does not appear to have been any reaction from the Secretary-General to the High Commissioner's letter. In New York attention was focused on the demand of the coalition for a UN force to be deployed immediately in a buffer zone between Kuwait and Iraq - the swift establishment of what became the UN Iraq-Kuwait Observation Mission (UNIKOM). Negotiations on this and the requirements to be placed on Iraq culminated in the adoption of SCR 687 on 3 April, by 12 votes with Cuba against and Ecuador and Yemen abstaining. Iraq accepted the terms of the resolution on 6 April, thereby bringing a formal cease-fire into effect. The ten-page resolution contained 34 operative paragraphs, and was dubbed "the mother of all resolutions", a reference to Saddam Hussein's statement at the start of the conflict that "the mother of all battles had begun".

On 5 April, the Security Council, "*Gravely concerned* by the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish-populated areas, which led to a massive flow of refugees towards and across international frontiers", adopted SCR 688 by ten votes, with Cuba, Yemen and Zimbabwe against and China and India abstaining. The resolution condemned the repression, "the consequences of which threaten international peace and security in the region", and demanded that Iraq "immediately end this repression, and in the same context expresses the hope that an open dialogue will take place to ensure that the human rights of all Iraqi citizens are respected". The resolution insisted "that Iraq allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and make available all necessary facilities for their operations". It also requested "the Secretary-General to use all the resources at his disposal, including those of relevant United Nations agencies, to address urgently the critical needs of the refugees and displaced Iraqi population".

SCR 688 underpinned all subsequent humanitarian action inside Iraq. It was cited as justification for the humanitarian operation in northern Iraq (Operation Provide Comfort) that was launched later in April by military forces of some of the states that had participated in the coalition, and for the no-fly zones in Iraq that remained in place until the second Gulf war.

The massive exodus from northern Iraq continued: on 8 April the UNHCR office in Tehran reported the government's latest figures: "please note influx increasing at very alarming rate. In the course of one day influx has grown from 563,450 to 771,850." At the same time, there were over 300,000 on the border between Iraq and Turkey. On 10 April UNHCR issued a second update of the regional humanitarian plan of action, noting that since its 5 April appeal for funds for the participating agencies "the number of refugees in the region has almost tripled." The update recognized that "the situation has become a 'refugee' emergency. Therefore UNHCR is to undertake full operational responsibility, with the other organizations of the UN system and IOM playing a supportive role." An updated UNHCR information note issued at the same time made reference to UNHCR's role as lead agency in Iran and Turkey, for "a refugee situation which falls within the mandate of the High Commissioner's Office." Under a heading "Major challenges" the note stated that "co-ordination is of the utmost necessity. To this end, the interagency mechanism should ensure a comprehensive front to the emergency. Cooperation ... is essential. This is a major and most difficult task which can only be performed if the participants are ready to recognize their weaknesses and share with the others their assets. Hence the importance of a well-established coordination mechanism."

On 9 April the Secretary-General announced the appointment of Sadruddin Aga Khan "as his Executive Delegate (ED) in the context of a United Nations Inter-Agency Humanitarian Programme for Iraq, Kuwait and the Iraq/Turkey and Iraq/Iran border areas. The Secretary-General feels that a collective effort of the UN system is required to ensure a prompt and effective response to these needs." The ED was to: facilitate the identification of needs, problems and operational gaps; ensure the timely issuance and updating of consolidated appeals; act as a catalyst for fundraising; keep the Secretary-General informed, and bring urgent matters to his attention and that of others concerned; represent the Secretary-General at meetings and ensure that his overall policy guideline were followed; and maintain contact at high level with governments. Also on 9 April, the Secretary-General informed the Security Council that he was sending USG Eric Suy, the head of the UN office in Geneva, to Iraq to report on the situation there concerning displaced persons, and in particular to insist that Iraq allows humanitarian organizations access. In a cable for Suy, addressed to our former colleague Zia Rizvi, the Secretary-General reported on the reactions of Council members. Of note is that the UK ambassador "referred to ideas floated

by him the previous day concerning possible safe areas for Kurds in northern Iraq.” Rizvi, who had been working with Sadruddin Aga Khan (henceforth the ED) on Afghanistan, accompanied Suy on his mission to Iraq from 13-15 April. This mission was followed by an inter-agency mission to Iraq from 16-18 April, led by the ED, in which UNHCR participated.

### *Protection challenges in Kuwait*

Before invasion, there were some 400,000 Palestinians in Kuwait, many of them long-term residents and integrated into Kuwait society and its administrative structures, though with a second-class status. By the cessation of hostilities, some 170,000 were left and were facing reprisals for alleged (and actual) collaboration with the Iraqis, and under threat of deportation. The PLO had supported Saddam Hussein, as had Yemen. Palestinians in the Gulf countries faced hostility as a consequence, while Egypt, Syria and Israel (the majority of the 170,000 were from Gaza), were denying visas or return, even for those with valid travel documents. The Permanent Observer of Palestine to the UN in Geneva called on the High Commissioner on 4 March 1991 to seek security and protection from UNHCR for those who remained in Kuwait, and requested her to mobilize international support to this end. Over the following weeks, UNHCR intervened on behalf of these Palestinians with the Secretary-General, the Government of Kuwait (and sent a mission to Kuwait), and with other governments concerned. These interventions bought time but not a solution, and the same was true with regard to international action on behalf of the many stateless residents of Kuwait, the so-called “*Bidūn*” (“without” in Arabic), whom the government was now refusing to readmit or threatening to expel. Some were third generation born in Kuwait, and they had played a significant role in the administration, and - with the Palestinians - had provided a majority of the police and army.

SCR 687 of 3 April gave the Secretary-General three days to submit for the Security Council’s approval a plan for the deployment of UNIKOM in the demilitarized zone (DMZ) it established between Kuwait and Iraq, and noted that when this deployment was complete the conditions would be established for the coalition forces to withdraw from Iraq. The Secretary-General submitted his plan on 5 April (S/22454) and the Security Council approved it on 9 April.<sup>62</sup> A high priority for the coalition was to transfer responsibility for the Iraqis now in the DMZ who had sought security and assistance from the coalition. The Secretary-General’s plan noted (para. 10) that much of the DMZ “is currently controlled by the forces of [the coalition]. As these forces bring their military

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<sup>62</sup> Chapter 16, “Iraq vs. Kuwait”, of Marrack Goulding’s *Peacemonger* (John Murray, 2002) (hereafter *Peacemonger*) describes the crisis and the UN’s response (and internal tensions) as seen from his position as the USG responsible for peacekeeping.

presence in Iraq to an end ... there is a risk that disorder would ensue, at least for a period of time. In particular the forces of [the coalition] are at present providing humanitarian assistance to some tens of thousands of refugees and displaced persons, many of them in what will become the UNIKOM area of operations. I am taking urgent steps to arrange for the United Nations system to provide such humanitarian support as may be needed by these people."

On 8 April the High Commissioner wrote to the Secretary-General, referring to her telephone discussions with him and his Executive Assistant, Jean-Claude Aimé on 6 April, during which she had understood UNHCR was being asked for input into the report that she now knew had in fact been issued on 5 April. As the input UNHCR subsequently provided could not be included, she suggested an addendum to the Secretary-General's report, explaining that at his request, UNHCR "has agreed, exceptionally, to provide humanitarian assistance and protection to refugees and displaced persons in UNIKOM's area of operations." The suggested addendum went on to note the essential conditions that would have to be established in agreement with the Governments of Iraq and Kuwait. The High Commissioner followed this up the same day by a second letter to the Secretary-General suggesting three elements that should be reflected in his agreements with the two governments. First, the governments "should agree to the exercise of the High Commissioner's role to provide assistance and protection and to seek solutions for refugees and displaced persons in the [DMZ], in keeping with the traditional humanitarian and non-political character of the Office." Second, UNHCR "should receive full cooperation of the parties concerned in the performance of its tasks, and should be granted the same facilities extended to UNIKOM". Third, "the Governments of Iraq and Kuwait should agree to refrain from any action which would derogate from the protected status of the persons concerned."

The Secretary-General replied by cable on 10 April, noting that the political mandate for Suy's mission derived from paragraph 3 of SCR 688, which "insists that Iraq allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and to make available all necessary facilities for their operations. I should like to revert to this question as soon as I receive the results of Suy's conversations in the area." UNHCR's main concern was for protection, and not limited to Iraq.

### *Mission to Saudi Arabia*

Working for the Deputy High Commissioner, I kept abreast of these developments but hitherto had not been directly involved. The Director of the regional bureau handling UNHCR's response was Kamel Morjane and Carrol Faubert chaired the Task Force, while Søren Jessen-Petersen, the High Commissioner's Chef de Cabinet, played a key role throughout. From early April I became increasingly involved and on 9 April it was decided that I would

go on mission to Saudi Arabia and Kuwait with Michael (Mike) Menning from the bureau, with whom I had worked closely in the Sudan in 1984-5. Our terms of reference were to recommend arrangements for the discharge of UNHCR's responsibility for those in UNIKOM's area "either within the framework of the Secretary-General's appeal for Iraq for those who elect to stay in Iraq, or through the relocation and provision of assistance and protection" of those who so wished it. We were to discuss with the coalition and formulate recommendations in light of the coalition's plans for these persons, and our discussions with ICRC, UNIKOM and the authorities concerned. For the mission, I had the title of "Special Assistant to the High Commissioner". There was a concurrent high-level mission to Kuwait by Ghassan Arnaout, Carrol Faubert and Abdel-Mowla El Solh, the UNHCR Regional Representative in Cairo, seeking to persuade the authorities to offer asylum.

We arrived in Riyadh late on 10 April and were met by Fadil Khalil, head of the UNHCR liaison office there, whose assistance and contacts proved indispensable. The following day we had a two-hour meeting with US Central Command, chaired by the Political Adviser, Gordon S Brown, a senior US diplomat. "Over-riding conclusion is that US government has power to ensure those who need protection are admitted to Kuwait and Saudi Arabia. Admission will be easier for the some 8,000 who as of now might need protection in SA than for the some 1,500 and perhaps several thousand more on Kuwait's border." The degree of attention this problem was attracting in Washington was evidenced by a State Department summary shared with us of a press briefing by President Bush (as was a misunderstanding of UNIKOM's role and capacity). President Bush was asked about the safety of the Iraqis who had sought coalition protection. He relied:

our troops are handling that ... what we want to see in that neutral zone, see the blue helmets come in there, and I will then continue moving our people out as rapidly as possible. I want to bring them home. Question: If UN forces aren't enough to deter Iraqi (inaudible) down there, is there some kind of an ally, coalition, commitment to these people as well? President Bush: I think there will be enough. We're working on the assumption that they will not be attacked with the United Nations in there.

We then had a two-hour meeting with Arnold Luethold, the ICRC's regional delegate for the Arabian Peninsula, on his return from a field trip. Luethold, an Arabic speaker, was most impressive. (Inset text not otherwise attributed is from our reports to headquarters.)

Luethold guardedly optimistic that SA will agree provide at least temporary asylum to Rafha group [some 8,000 on the SA border]. Public statements contradictory but include recent one that SA will not abandon



these persons on withdrawal. Had impression that Brown felt the same: he said he didn't think this group had the same priority as those in the Safwan [DMZ] area. Discussions with him took place before we heard from Luethold that on 10 April Kuwaiti army began to be deployed along border area using barbed wire with specific purpose to keep refugees out. Brown asked whether HC would be prepared to ask ED, in view of his standing with the highest Kuwaiti authorities, to intervene with them if, as US Ambassador in Kuwait expects, Arnaout mission does not get positive response on admission. We replied that we were sure she would, but that such action could not substitute for strongest possible direct US pressure. Brown accepted that if they chose to exert this, Kuwait would indeed admit these persons, and gave us impression that he saw the need for this if no other option. He said that he had not appreciated the significance of national responsibilities for law and order in DMZ until we explained protection implications.

Thus, in full agreement with ICRC here, strongly recommend all possible efforts to encourage US to exert this pressure ... particularly as Leuthold says there was a feeling that acceptance of responsibility had at least in part solved the problem ... US here now understands it has not, and we shall be briefing French and UK missions in Riyadh likewise [they also had troops in the areas concerned]. ... Need for similar action in respect of admission to SA will be recommended if necessary [it wasn't]. The stateless former residents of Kuwait are covered by art. 134 of Fourth Geneva Convention and ICRC is pressing their case.

On 12 April we followed up on practical details with regard to the takeover of assistance in the DMZ. We needed a turnkey operation but this did not appear to create major problems, though we learnt that very substantial supplies were already being diverted to the Turkish border area. I wrote a formal letter to the Foreign Minister advising him of our mission, in part to cover us for dealing directly with the SA military. We also prepared a one-page note explaining our mission and UNHCR's role in the DMZ, which we shared with those we met. The note ended:

The over-riding priority for UNHCR is to ensure the protection of those persons in southern Iraq who will be in need of such protection after the withdrawal of the coalition forces. The pre-requisite for this is that these persons are relocated to areas where the responsibility for their security does not lie with those from whose actions, or feared actions, they seek protection. This is a basic principle of humanitarian law. At the same time, with the authorities concerned and such other appropriate operational partners as may be agreed, UNHCR will seek to ensure the provision of humanitarian assistance not only to these persons but also to those in southern Iraq who do not need protection but are urgently in

need of humanitarian assistance, without which they may need to move in search of such assistance. Assistance to such persons would be planned within the framework of the United Nations humanitarian programme for Iraq.

In responding to this challenge, UNHCR is seeking to foster actions that both ensure protection and are conducive to promoting solutions, rather than those that might risk prolonging exile.

On 13 April we met with Saudi

Generals Abdel Aziz Hussein and Hatem Hatem Akkasi. Former is right-hand man for logistics of Joint Coalition Commander Prince Khalid Bin Sultan, who had given orders for meeting. Later is in charge POWs and displaced persons, i.e. Rafha group. Learnt that SA has just decided in principle to establish camp for this group, now some 13,000, 15-20 km inside SA. To the extent that there has been outside influence on this most welcome development, lion's share of credit should go to Arnold Leuthold of ICRC.

We also met and briefed the French Ambassador and UK Chargé.

### *Mission to Kuwait*

Leaving Fadil Khalil to follow up on UNHCR's possible role at Rafha with the MFA and Saudi Red Crescent and International Islamic Relief Organization (the likely implementing partners),

we travelled Dhahran on route Kuwait 14 April with Major-General Frix, Chief of Staff, US Army Central Command, and until few days ago based Kuwait. He very familiar with all our concerns. ... General Frix showed us copy instructions he had issued 13 April for purchase seven days' worth of rice, flour, oil etc for distribution through Intertect operation to civilians in southern Iraq who had hitherto been receiving military rations.<sup>63</sup> Aim was to reduce risk of reprisals and avoid population movements in search of assistance. We warmly welcomed this news and asked whether further distribution for longer period would be possible. General replied that seven days had been limit of his financial authority at that moment but he hoped it was only a start. In view of great importance maximizing such assistance ... suggest you make sure State Dept/OFDA know that funding for further purchases is essential. US army has very large stocks of military rations but is more constrained with cash purchases on commercial market, particularly as withdrawal gathers pace.

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<sup>63</sup> Intertect was an emergency response consultancy set up by Fred Cuny.

From Dhahran to Kuwait we were the only passengers in a US C-12 (military Beechcraft Super King). The retreating Iraqi forces had set fire to the oil wells and they were still ablaze, a truly apocalyptic sight under a dense layer of black cloud (driving under it during our mission was like passing from day to night). We just missed Arnaout and Faubert in Kuwait but Abdel-Mowla El Solh, UNHCR's Regional Representative for the Middle East, had remained to meet us.

I had been here before. In June 1961 the then Iraqi dictator, Abdul Karim Qasim, threatened military action against newly independent Kuwait. The Amir requested British military intervention and a significant force was deployed to Kuwait, including an air defence frigate. In August 1961, as very junior officer in the Royal Navy, I joined my first ship and we made a high-speed passage to Kuwait to take over the air defence duties. We spent two months there – nothing happened. This time was very different. We were accommodated in the SAS hotel some 15 km south of the centre of Kuwait City, which the MFA had put at the disposal of the UNIKOM advance party. While things appeared nearly normal in the hotel and its grounds, elsewhere the damage of the occupation, and the dislocation of Kuwait society, was evident: with the departure/dismissal of the “Bidūns”, there was no effective police force, and reprisals against those suspected of collaborating with the Iraqis continued.

On 14 April US Central Command issued a press release announcing that, following the acceptance by Iraq of SCR 687 and the commencement of the deployment of UNICOM, the coalition forces would begin their withdrawal from their current position in Iraq and start moving south to the DMZ, remaining there until UNIKOM was “in place and functioning ... until this occurs, coalition forces will continue to protect and provide humanitarian assistance to refugees in the demilitarized zone, to include the refugees at Safwan. If there are any other refugees in the formerly occupied area desiring to move into the demilitarized zone, they will be provided assistance and protection by coalition forces. Refugees at the camp in Rafha, outside the demilitarized zone will remain under the care and protection of the coalition forces until the refugees are moved to a more suitable location.”

After telcon Faubert in Cairo am 15 April, we met Michael Corbin who had recently served two years here [Kuwait] and back at US Embassy ... He informed us of new development: US government pressing hard with Secretary-General to enlarge mandate of UNIKOM to cover physical protection of displaced civilians (DCs) in DMZ. We assume this non-starter, but seems clear that US army will stay in DMZ pending clarification ... he urged HCR assist with pre-screening [to identify those in need of protection] in current locations. We repeated earlier arguments against [a position we knew from Leuthold was shared by

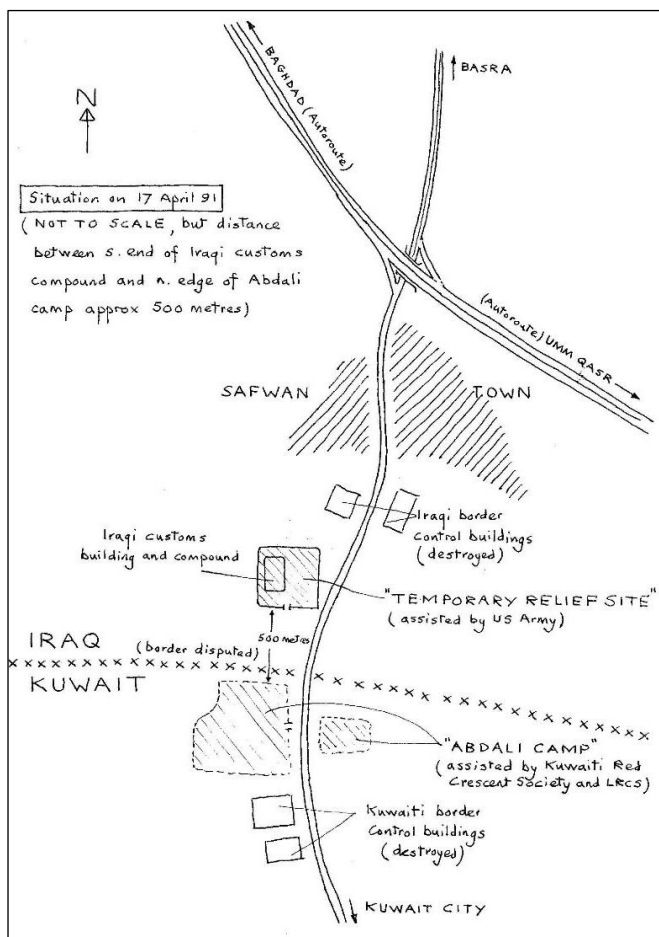
ICRC] and appeared to reach consensus with him that desired result might be achieved by major one-time distribution of assistance shortly before final withdrawal with concurrent info campaign by US military to inform DCs: (1) US really leaving; (2) assistance thereafter nevertheless available; (3) Iraqi authorities taking over control with UNIKOM monitoring only; (4) prospects even for admission to Kuwait of those who feel at risk unclear (at least today); (5) if admitted would probably be in closed camp, would face screening to determine status, would have no prospect resettlement (it being understood that some would of course be resettled). Made no commitment as to any HCR role in such info campaign but said planned to discuss with ICRC. In any event, DCs must hear message from US army as would not believe others.

We then met Mike Macrae, who had taken over as Intertect team leader after Fred Cuny left for Turkey just before our arrival. He supported the approach we had taken with Corbin, and said his team were already counselling on those lines: the at-risk cases were well aware that the Iraqi authorities would take over in the DMZ and some might already be moving west towards Rafha. Macrae confirmed that Intertect had food for 25,000 for seven days, which was not yet being distributed. He estimated there were 10-12,000 persons in Safwan town, of whom only a relatively small percentage may be at risk, and some 7,500 or more at the Temporary Relief Site.

After that meeting, we met with Ambassador El Shaheen, the Secretary-General of the Kuwaiti Foreign Ministry.

He expressed BBC-inspired fears would be large-scale influx from Iraqi DMZ. Said Kuwait was requesting UNIKOM to prevent influx but realized problems. (When UNIKOM Force Commander met Emir 14 April, DCs were latter's major concern: he said Kuwait would pay whatever was necessary to move and help them in third country but could not accept them here.) Ambassador expressed concern at potential infiltration of Iraqi agents among DCs (which Macrae and ICRC say well-founded). We outlined approach above stressing imperative need asylum for those who otherwise risked all. We mentioned SA decision to admit. We said hope numbers could be limited to these and explained without labouring point advantages including increased possibility Kuwaiti control of camp if relocated well away from border (and nearer water, stores etc). Impossible judge what likely outcome. May be relevant that US Ambassador and Corbin met MFA S-G just after us.

On 15 April the Permanent Representative of Kuwait to the UN wrote to the Secretary-General reaffirming a conversation that day with Chef de Cabinet Dayal. In the letter the ambassador said that Kuwait: shared the concern about the plight of Iraqi refugees in the DMZ; was ready to do everything in its power



to alleviate their suffering; drew attention to the difficult circumstances facing Kuwait, and that fact that over 450,000 Kuwaiti citizens had not yet been able to return to their homeland; it would therefore be difficult at this stage for the government to accommodate the Iraqi refugees, and it was expected that there would be elements among them "which would create major security risks for Kuwait and its nationals especially at this sensitive and emotional stage. In light of all this, the Government of Kuwait wishes to call on the United Nations and its machinery ... to consider appropriate alternative measures that would deal with the plight of refugees,

without prejudice to their safety, in a way that takes into account the legitimate security concerns of my country and the circumstances prevailing therein, a matter which requires taking measures which would preclude the necessity of entry to Kuwait of any of the refugees stationed in the demilitarized zone."

We were not aware of this letter at the time and continued to hope that Kuwait could be persuaded otherwise. Abdel-Mowla El Solh left on the afternoon of 15 April, and the following day I travelled to the border. In some areas there was a thick black canopy of smoke, with fires from the wells illuminating the underside. A long stretch of the road was lined with hundreds of destroyed vehicles which had been attacked from the air on one of the last days of the war. Many apparently still contained the bodies of Iraqis who had been fleeing from Kuwait.

Late on 16 April we reported to headquarters on that day's meetings.

Visited north with Stocker, Hd ICRC Del. [whom I knew from a mission to Zimbabwe in late 1989]. Summary situation follows. Safwan town 15,000 plus of whom 10,000 pre-war inhabitants. US army handing over

services (health, water) to locals having rehabilitated to extent possible. No major assistance problems expected after withdrawal and few of this population likely need asylum. TRS 7,000 resident with small real influx but 11,000 (ie some townsmen) attending food distribution. ICRC, who now have small presence Safwan, estimate half may be in need asylum but nearly all may seek it and deserve benefit of doubt at this stage. Abdali approx. 6,000 and growing with influx from TRS. Neither Kuwaiti police nor army [are] present, and northern edge, where camp expanding, already thought to be on or across border. While clearly lesser priority than asylum for TRS population, we can expect increasing protection problems unless camp moved south. Fact that Kuwaiti police unable (no capacity) to ensure law and order and even if Kuwaiti army had, not allowed in DMZ after withdrawal, is strong argument for move south.

After visit to sites met Major-General Rutherford, senior US army officer in Kuwait and in command whole area. His troops assist in Safwan and run TRS. He had been hoping hand this responsibility over to either ICRC or HCR. We explained that after withdrawal Iraq would take back assistance and all other responsibilities north of border, though ICRC and HCR might help. Noted that we did not see major problem for those who did not need protection in view of US assistance efforts and increasing local economic activity. Stressed that problem was not assistance but protection which nothing ICRC, HCR or UNIKOM could do on Iraqi territory would provide (though of course if worst came to worst would all do what we could). Unless those who needed this protection were moved out of Iraq, memories of all good that General's troops had done for civilians would be effaced by abandonment of these people to their fate. We were doing best to convince Kuwait to admit them but our leverage zero compared with US. General said he now understood situation clearly. His aim identical to ours and would do best to pass message to his government.

We had earlier learnt from Rutherford's key staffer on this problem that "deal" involving admission in exchange for HCR help to find solution outside Kuwait for some 150,000 Palestinians was being suggested to Kuwait by US. We said no knowledge of this and made no comment.

Briefed General Greindl on above late 16 April [UNIKOM commander, whom I knew from the 1978 Namibia missions]. He very supportive. Had mentioned problem to SAK in Baghdad and will raise with Coalition Commander whom he meeting 17 April (who expect will meanwhile have been briefed by Rutherford). Gen Greindl stressed need capacity to provide humanitarian assistance in DMZ after US withdrawal. Confirmed HCR would help.

We followed up with a meeting at the US embassy the next morning and set up a meeting with the ambassador the next day. In a telephone conversation with Carrol Faubert I was informed that ED was planning to travel by road from Baghdad to Safwan that afternoon. I therefore drove up to Safwan and on towards Baghdad hoping to intercept his mission (we had been sent a car by our office in Riyadh to replace our hired car). The last time I had driven through Safwan was in 1964, when I had taken unpaid leave from the navy to drive home to the UK via Iran and Turkey (after a year on a minesweeper in the Gulf). Then the roads in Kuwait were excellent but that on from Safwan was a rough gravel and sand track. Now there was a very impressive new autoroute. I drove up it for some 50 km without seeing another vehicle, and only solitary herdsmen in the distance. There were Iraqi police posts but they appeared unmanned. With no sign of ED's mission, I turned back, and later learnt that he had remained in Baghdad, no doubt finalizing the memorandum of understanding (MOU) he signed with the Iraqi government the next day.

We met US Ambassador Edward Gnehm at 0930 on 18 April. General Kelly, who would remain in Kuwait as the senior military representative, responsible for reconstruction and civil affairs, was present.

We reiterated our by now familiar concerns. Ambassador said that our 16 April meeting with Rutherford had been reported by military to Washington as indicating we not prepared to help if those at risk remained on Iraqi soil. We set out our position ... i.e. "of course if worst came to worst would all do what we could". Said only qualification made was that HCR presence would require approval Iraqi authorities once they retook administrative control, but we hoped this would not be a problem. Ambassador anxious to know the progress on this [the MOU] in Baghdad as explained telcon Morris/Landgren just after meeting. Morris had met Rutherford's key staffer on issue (Major Batchelder) again 17 April when was clear he had no misunderstanding as result of meeting, so may be that misreporting was deliberate to help push for admission.

In response to HCR question on what further action we should take to obtain asylum for those who need it, Ambassador said that his position was as follows: (1) persons concerned represented potential threat to Kuwait's fragile internal security which Kuwait did not have the resources to control; (2) likewise, if admitted, Kuwait would be unable to ensure their protection (though he noted Kuwait could ask for help, e.g. from US or Saudis, once on Kuwaiti soil). Ambassador said he recognized that this risk to refugees "nothing like the risk they face in Iraq"; (3) his preferred solution was therefore transfer of the TRS group to Rafha camp in SA. Secretary [of State] Baker would raise this at highest level in Riyadh on Saturday 20 April.

In reply, we: (1) noted that given absence any controls, persons were already potential threat in present location; (2) said that while we had quickly realized the likely protection problems even in Kuwait, we were very glad to hear that the Ambassador agreed these nothing like risk in Iraqi DMZ after withdrawal; (3) welcomed US efforts to find another country of (first) asylum, noting that we felt any HCR intervention with SA authorities at this stage premature and could even be counter-productive, which Ambassador agreed.

Ambassador asked what HCR could already be doing in DMZ pending decision on future location. We said that until we knew that we had no alternative but to try and help and protect persons in Iraqi DMZ, we thought any direct involvement would send wrong signals. We would continue to explore with ICRC contingency plans and in particular location of stores for humanitarian assistance that might be needed by local population in any case. We stressed our appreciation for efforts being made by US military to shift assistance in Safwan town towards promotion of self-reliance and rehabilitation of previous services.

That day we had further meetings with UNIKOM, US military, and ICRC. Being co-located with the UNIKOM advance party had obvious advantages, and despite the great pressure they were under, they were a significant help, including with satellite communications. On our arrival there were reported to be only two operational commercial international phone lines, though this rapidly improved. We informed headquarters of UNIKOM's deployment plans. Full deployment was expected to take several weeks but UNIKOM planned to take over the first static observation positions on 24 April. Coalition forces were required to clear the DMZ once the Secretary-General informed the Security Council that UNIKOM's deployment was complete. One of our first recommendations to headquarters was for the earliest possible establishment of a full-time presence with UNIKOM (two colleagues arrived in Kuwait on 21 April).

On 19 April we received a copy of the MOU concluded in Baghdad between the Government of Iraq and the UN on 18 April. Paragraph 4 provided for a UN humanitarian presence "wherever such presence may be needed", which the government would facilitate "through the adoption of all necessary measures". Paragraph 8 provided that the UN could, in agreement and cooperation with the government, transport "humanitarian assistance from and through neighbouring countries under United Nations and other humanitarian auspices". We took this to cover a UNHCR presence in the Iraqi DMZ and supply from Kuwait should those in need of protection not find it elsewhere.

About half media questions at a well-attended press briefing given by Chief Military Observer Friday (19 April) morning concerned refugees in



DMZ. General [Griendl] confined answers to explaining limits his mandate and said that problem of refugees was receiving fullest attention of UN and referred questioners to UNHCR. After press briefing we gave background information to some of most persistent of General's questioners, confirming that UNHCR was indeed doing everything possible to find a solution that respected fundamental right to asylum. We declined to comment on nature solution under consideration, as discussions at critical stage. [The *Reuters* correspondent was John Rogers, a friend from Thailand in the mid-70s, when he had been very supportive of UNHCR.] May be of interest that at Thursday 18 April US embassy press briefing, US spokesman reportedly answered questions on refugees by saying that nothing had yet been determined, that US was anxious to get international organizations involved, and that they were waiting to see "what UNHCR came up with".

Those in need of protection in the DMZ included Iraqi Shi'a for whom admission to Kuwait or Saudi Arabia was not a realistic option. Iran had agreed to take all those who so wished.

With IOM we met Iranian Chargé pm 19 April. First group some 85 persons from Abdali camp including some Iranian nationals expected leave 20 April on Iranian C130 coming to Kuwait on other business. IOM hopes departure of some 2000 more (almost all Iraqis) will start 24 April with 5 daily Kuwait Airways flights to Tehran. Those without connections in Iran will be maintained in camps, either around Tehran or further south. The voluntary nature of this movement seems assured, and we expressed appreciation for this humanitarian gesture. Shall monitor progress operation. If HCR Tehran not already informed, please do so. Chargé said he expected HCR assistance might be requested once in Iran.

## ***Back to Saudi Arabia***

I travelled back to Riyadh late on 20 April in an ICRC DC9.<sup>64</sup> Mike Menning stayed in Kuwait to follow up and to brief two colleagues, Taoufik Ouanes and Renata Dubini, who were arriving on 21 April. In Riyadh, on 21 April Fadil Khalil and I met the Saudi Red Crescent and ICRC. Abdel-Mowla El Solh arrived late that evening and the following day we had further meetings and a dinner with ICRC and the Director of the International Organizations

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<sup>64</sup> We learnt later that at a meeting in Paris on 20 April of the Secretary-General, Sadruddin and the High Commissioner, the S-G expressed his concern for those in the DMZ and the HC indicated the difficulties she would face in performing her protection mandate if the conditions and guarantees she had sought were not met. Sadruddin confirmed that the MOU he had signed in Baghdad on 18 April applied to the DMZ.

Department at the Foreign Ministry, Ambassador Jafar al Lagani. The US Secretary of State, James Baker, returned to Riyadh that day and we knew that he would be intervening with the authorities for admission of those in the DMZ in need of protection. On 23 April we met with Ambassador Al Madani, the focal point for Saudi military liaison with the Saudi Foreign Ministry, and prepared for the key meeting with Prince Khalid Bin Sultan, the Joint Commander of Coalition Forces, on 24 April.

At meeting pm 24 April with Prince Khalid Bin Sultan he informed us that decision had just been taken to admit Iraqis now near Rafha and those on Iraq/Kuwait border. Camp planning was for some 30,000. There are now more than 20,000 near Rafha. Prince Khalid set upper limit of 7,000 on those to be moved from Kuwaiti border but we confident that in practice criterion will be need for asylum. At time Morris left Kuwait (20 April), our best estimate was that resident Iraqi population in two camps was probably some 10,000 and perhaps less, so with resettlement of at least 2,000 in Iran, actual need might anyway be less than 7,000.

US military will register those who elect to be moved after info campaign which will explain that Rafha will be closed camp and no prospect early solution there, though security and assistance assured. US (we assume) military airlift should start 28 April to be completed in couple of weeks. Prince Khalid stressed importance of only moving Iraqis (and not any bidūn whom Kuwait might wish to expel), and of ensuring screening for contagious diseases to avoid epidemics. Carriers would proceed to Rafha only after passing through US military health care system.

Camp at Rafha expected to be fully operational in about ten days. Prince Khalid requested HCR assistance in form expertise, coordination and protection/solutions. Actual implementation will be by Saudi military, but International Islamic Relief Organization will also have important role and Prince requested us to cooperate closely with IIRO. We most warmly welcomed news on behalf of Hicom. Pledged our full cooperation, including with arrangements at Kuwaiti border (which will be under responsibility of General Rutherford). Noted we had already met head of IIRO on 23 April. Further details of meeting and one immediately thereafter with General Abdul Aziz Al Ashail (Prince's "right hand man") will follow.

Prince intends inform international press this afternoon (24 April) at farewell ceremony for French contingent. Please note this Ministry of Defence initiative which while cleared with King has not (yet) been communicated to Ministries Foreign Affairs and Interior. Once reported by media, suggest press release in name Hicom expressing warm

appreciation for what is indeed exemplary action ... Please ensure Hicom informed soonest. Her Tokyo trip has had TV and media coverage here, and would be very good if she could respond with tribute to Saudi action when press start following up.

Abdel-Mowla El Solh left for Kuwait the following morning, 25 April, while Fadil and I met again with Colonel Ward. He showed me a draft information note for the Iraqis in the DMZ and incorporated our suggestions into it and into guidance for the US camp administrators, which was in the form of questions and answers. We agreed that reference to an Iraqi amnesty apparently announced on 20 April, but which we had not seen, was not appropriate at that time: the US note contained suitable reference to UNHCR readiness to assist in voluntary repatriation for those who elected to stay and from Rafha once requested.

Colonel Ward confirmed that temporary tented camp at Rafha ready for some 30,000 and that contract for prefab. air-conditioned camp placed, with completion in 30 days. US army is providing substantial support on spot. No public announcement here to our knowledge but expect US to press for it as first flight confirmed for Sunday 28 April. Ward expects daily movements to quickly increase well beyond 3-400 mentioned by Prince Khalid as initial target. Flights will be in either US or Saudi C-130s direct Safwan to Rafha.

I said that UNHCR would cooperate to the best of our ability, particularly with presence at time of info campaign in order to answer many questions that may be addressed to UNHCR, including by non-Iraqis. Campaign will take place in US-run compound but Ward fully understood that Iraqis in Abdali must also be covered by arrangements, and will no doubt move to compound to register.

I promised Ward that [Solh] would be in touch on [his] return. [Ward] key US army contact here and clearly played role in Saudi decision. Also spoke on phone with Ambassador Al Lagani, who welcomed news and pledged his fullest support of increased HCR presence here. Explained that Prince had given instructions for formal notification of MFA via Ambassador Al Madani, thus mine was courtesy forewarning.

## *Geneva*

I flew back to Geneva in the early hours of 26 April. Once in the office I drafted the following message from the High Commissioner to the Secretary-General:

I should like to refer to our discussions on the need for a solution for those Iraqi civilians who had sought the protection of the coalition forces in southern Iraq. I am glad to inform you that on 24 April Prince Khalid Bin Sultan, Joint Coalition Commander, informed the mission that I had

sent to the region for this purpose that Saudi Arabia would provide asylum not only to the group of some 20,000 persons close to the Iraqi/Saudi border north-east of Rafha, but also to those on the Iraqi/Kuwait border who so wish it. Both groups will shortly be moved to a camp near Rafha where Saudi Arabia will ensure their security and provide assistance. The group in UNIKOM's operational area are thought to number some 10,000, including some 2,000 persons whose transfer to Iran that Government had accepted. Their movement to Tehran began on 25 April. The Saudi Government has now announced this most welcome decision publicly. I am writing to the Foreign Minister to express my appreciation for a very significant humanitarian gesture, which includes full financing of the camp at Rafha. The Government has requested my Office to play its normal role, and I shall be strengthening UNHCR's presence in Saudi Arabia accordingly.

In my mission report I noted that while the immediate problem had been solved, there would now be new difficulties.

These difficulties will be in ensuring protection and in finding solutions.<sup>65</sup> There have recently been fatalities as a result of disturbances among the civilians who are to be moved to Rafha, apparently provoked by infiltrators. An experienced UNHCR presence will be needed at Rafha, at least initially. If/when UNHCR involvement with the some 15,000 or more Coalition POWs who are likely to refuse repatriation is requested, we shall face additional and perhaps more acute protection problems. ICRC does not expect to have fully completed processing and verifying this group for some 6-8 weeks, but may request an earlier UNHCR visit to them. They are currently at Hafr el Batin, some 100 km south-west of the point where the Iraqi, Kuwaiti and Saudi borders meet.

Action by the Saudi and US military was clearly determining in securing asylum, and the ICRC also played a key role. Perhaps the most important contribution of this mission and the Arnaout/Faubert/Solh mission to Kuwait that was concurrent with our first visit to Riyadh was to identify the problem for all parties directly involved as one of asylum, not the need for expeditious practical arrangements by UNHCR for continued assistance. ... At least as seen from the field, UN hqs in New York were extremely slow to grasp that a fundamental principle was at stake, and indeed may not have fully done so. ...

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<sup>65</sup> In April 2003 there were still 5,000 Iraqis at Rafha, now awaiting repatriation. Over the previous 12 years, some 3,000 had repatriated and 25,000 had been resettled, half in the US. In a long article in *The New York Times*, datelined "Rafha April 10" (2003), and headed "In Saudi Desert, '91 Iraqi Refugees Long to Return", Sarah Kershaw described life in Rafha over that period.

The situation now lends itself to the establishment of a presence in Saudi Arabia that could have a significance for UNHCR beyond the immediate reason for the presence. This ... could have a dimension that included the Gulf Cooperation Council states. These states are increasingly coordinating their approach on immigration as well as economic and security matters. It will of course be for Mr Solh to advise on this: we had a long meeting with the Secretary-General of the GCC on 24 April. He was receptive to Mr Solh's arguments in favour of such strengthened links. Mr Solh will likewise be advising on the nature of our presence in Kuwait. On the one hand, the most immediate problem has, we hope, been solved elsewhere. On the other, the composition of Kuwait's pre-occupation society, and the problems now faced by many former residents, are likely to require an increasing involvement of the Office, notwithstanding ICRC's lead role in ensuring respect of Article 134 and other relevant provisions of the Fourth Geneva Convention.

I ended the report by noting that "the situation of the Iraqis who sought protection from the Coalition forces within Iraq was unique in my experience". There were to be many more unique experiences in the following weeks.

### *More background*

As the exodus of Iraqi Kurds into the border area with Turkey gathered pace, on 5 April US Secretary of State James Baker visited the area. Later that day, the US army's European Command, at Stuttgart, was informed that "Secretary Baker had spent the day observing Kurdish refugees and he was appalled. The refugee situation was developing into a terrible catastrophe. There were already tens of thousands of people collected in makeshift camps; and hundreds of thousands more were in the mountains moving in. Worse, the Kurdish authorities were pointing the finger at George Bush for encouraging them in their revolt. ... We were ordered to have relief supplies on the ground in thirty-six hours."<sup>66</sup> This was the start - initially with airdrops - of what became Operation Provide Comfort, a combined task force led by the US with twelve other nations, including the UK and France.

Information on US intentions was given at a meeting in Ankara on 9 April between the UN agencies and IOM and John Bolton, Assistant Secretary of State for International Organization Affairs and Princeton Lyman, Director of the State Department's Bureau of Refugee Programs. They said that the USG was readying a major military relief operation on both sides of the border, which was pending Turkish government approval and was expected to last for 30

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<sup>66</sup> Tom Clancy with General Tony Zinni (Ret.) and Tony Koltz, *Battle Ready* (Putnam, 2004), p. 202. Pages 200-221 describe Operation Provide Comfort in General Zinni's own words (hereafter Zinni).

days. They referred to an imminent announcement of Sadruddin Aga Khan's appointment, stressed the necessity for major cross-border operations in which the UN should take a coordinating role, said that the US did not rule out the creation of a UN buffer zone to increase security in the border area, and saw cross-border operations as a step towards repatriation.

On 10 April Turkey announced its intention to hand over operational responsibility for managing the refugee crisis to the UN, and UNHCR immediately began strengthening its staff and deploying more to the field, with a forward base in Diyarbakir and an increasing presence at five locations along the border.

On 12 April Frank Judd, the Director of Oxfam UK, wrote to the High Commissioner, copying his letter to the Secretary-General and Lynda Chalker, the UK Minister for Overseas Development.

You are aware of the tragic situation facing many hundreds of thousands of refugees fleeing Iraq, but I wish to share with you the observations of my senior colleagues who visited camps near Uludere on the Turkey-Iraq border on Thursday 11 April.

They found a hillside covered with tens of thousands of refugees, in circumstances in which it is quite impossible for relief supplies to be delivered to them because of the steep terrain, lack of roads and deep mud. These people are in extreme distress unable to move further into Turkey and have now spent a week with little food or shelter and no clean water. Weakened by their journey, hunger and the cold, small children and old people are dying from gastro-enteritis and exposure.

I repeat these first-hand observations to you to emphasise the urgent need for your Office to vigorously pursue the protection responsibilities you have towards these people. It seems to me that you should be pursuing with the Secretary-General, at the very highest levels, a solution which affords these people immediate relief from cold, hunger, thirst and disease, by allowing them to move to areas in which they can be adequately provided with basic supplies.

We urge you to raise these demands as forcefully as possible in fulfilment of your mandate to protect refugees. Oxfam is doing what it can to draw attention to the impossibility of providing effective relief in this situation. ... But unless the circumstances in which these refugees find asylum are urgently improved there is a serious risk that many will die as a result of the conditions in which they are forced to live.

May I assure you of our wholehearted support in this endeavour.

This echoed reports from the UNHCR staff on the ground. Some of the television crews who had covered the war had moved to cover this crisis, which was now receiving global media coverage.

On 16 April President Bush announced that Operation Provide Comfort would establish a security zone for the refugees in northern Iraq, and a no-fly zone for Iraqi aircraft was declared in northern Iraq. The creation of a safe haven in northern Iraq had been proposed by the UK in early April. On 10 April, *Reuters* had reported that "Iraq rejected the British plan outright and the United States was cool, saying its priority was getting aid to hundreds of thousands of people fleeing Saddam Hussein's troops."

The High Commissioner was on mission to Iran from 14-16 April and to Turkey on 17 and 18 April. In Iran she met the President, Ministers of Foreign Affairs and Interior, the diplomatic corps and the press, and visited the field. The notes on her mission reported "some 900,000 refugees – on increase, people waiting on other side of border, expecting 1.2 million. Main problems are sheer numbers plus congestion on border crossings with lines of cars stretching some 50-80 km into Iraq. So far most resources from Govt of Iran. Urgent need to mobilize international aid ... HC handed over check for US\$ 2 million ... Government structure clear and well in place ... had agreed to HCR presence in border areas ... urgent need additional HCR personnel ... HCR clearly in charge, but almost invisible on the ground."

In Turkey she met the President, Ambassador Tugay Ozceri, the Under-Secretary of the Ministry of Foreign Affairs, the regional governor in Diyarbakir, the Turkish Red Crescent and ambassadors, and visited the field, though bad weather prevented her from reaching the mountain camps. It was agreed that UNHCR would establish a presence in Incirlik, to link with the allied operation. The notes on her mission reported that "President, Governor and US Ambassador insisted on close cooperation from outset between Operation Provide Comfort and HCR to prepare for 'handover' ... HC declared readiness to move in, assume focal point role and take over on all sides provided S-G/Executive Delegate obtain agreement for operation inside Iraq."

On 19 April Dan Conway sent Under-Secretary Ozceri, as he had requested, an *aide mémoire* recording "points of common accord" as a result of his detailed discussion with the High Commissioner. These included the following:

Urgent efforts are required to find a humanitarian solution for the Iraqi refugees presently along the Turkish-Iraqi border. Essential to these efforts was the movement of the Iraqis from remote and exposed mountain locations to flat areas where humanitarian assistance could be provided to them. To this end, efforts by the Government of Turkey, in conjunction with the Governments of France, United Kingdom and the United States to establish encampments in suitable locations in the

border area were of the highest priority. It was the view of all concerned in this effort that following the initial efforts of governments, the United Nations should assume responsibility for the care and maintenance of the displaced Iraqis, and the ultimate goal is their successful and safe return to areas of origin in Iraq.

The Under-Secretary and the High Commissioner agreed on the need for cooperative relations between the Government of Turkey and UNHCR to provide urgent assistance to the displaced Iraqi population along the border.

To this end, UNHCR would be the focal point for operational coordination of the United Nations system with the relevant institutions of the Government of Turkey, other UN agencies, NGOs and notably the Turkish Red Crescent Society, with which UNHCR has established a particularly close cooperation.

In the past, UNHCR's presence in Turkey had been more tolerated than welcomed by the government, with denial of access to the camps for Iranian refugees in the south-east of the country a long-standing problem, and cases of *refoulement*.

At a meeting in Paris on 20 April with the Secretary-General and ED, the High Commissioner briefed the Secretary-General on her mission to Iran and Turkey and the measures UNHCR was taking to respond to the mass influx into these two countries. It was agreed that in due course UNHCR should take over the camps being established by the allied forces. The Iraqis would be informed by the Secretary-General but the UN should be prepared to intervene immediately. Action from within Iraq was covered by the 18 April MOU; the cross-border operation would need prior Iraqi approval, which the Secretary-General would seek, as he would Iraqi non-objection to UN cooperation as needed with allied forces on Iraqi territory.

Also in Paris on 20 April, the Secretary-General met a US delegation headed by Ambassador Abram, the US Permanent Representative to the UN office in Geneva, and General James McCarthy, Deputy Commander of the US Army in Europe. The High Commissioner and ED were present. General McCarthy briefed on the assistance being provided and indicated that 200,000 refugees/displaced persons could be put initially in the Zakho valley and that 20,000 of them came from Zakho and could return there if given support. (Zakho is a town on the plain, some 15 km east of the border crossing point to Silopi, in Turkey.) The Iraqi army had agreed to withdraw 30 km from Zakho and not interfere. The General confirmed that coalition forces would not allow Kurds to return to this area before being sure they would be safe. He insisted US forces needed a refugee expert with them "we know how to deal with logistics but not how to deal with refugees". They wanted to hand the camps



over to the UN as soon as possible but would continue to support and help from the outside whenever needed. Replying to the High Commissioner, the General said that the Turkish authorities wanted all operations to take place inside Iraq, which was why he had not mentioned Turkey in his briefing.

Ambassador Abram asked how the Secretary-General intended to dovetail the UN activities with those of the allied forces. He appreciated that what the ED and the High Commissioner were being asked to do was “most unusual” in that they were being requested to settle refugees in areas that might not be entirely safe. The Secretary-General said that the UN would take over management of the camps set up by the allied forces as soon as possible, but the UN flag should not be raised where there was still another [i.e. allied] flag. The ED and the High Commissioner would decide on the timing. The Secretary-General insisted that coordination with the allied forces in the north, although useful, should not be formal and should be discrete.

The allied forces justified their move into northern Iraq by SCR 688. The preamble to the 18 April MOU stated that the resolution had not been accepted by Iraq. On 21 April, the Iraqi Foreign Minister wrote to the Secretary-General noting that the allied forces had entered northern Iraq on 20 April in violation of Iraq’s sovereignty and territorial integrity. The letter stated that despite Iraq’s opposition to this action, it “has not hindered these operations because it is not opposed to the provision of humanitarian assistance to Iraqi citizens who are in need of it and because it wishes to avoid any complication that may prevent the return of all Iraqi citizens in security to their place of residence.” The letter therefore requested the Secretary-General, in pursuance of the MOU, to take over relief operations from the allied forces, and immediately take the measures necessary to this end.<sup>67</sup>

This set the stage for a UN humanitarian presence in northern Iraq which the ED moved quickly to establish. The key staff member of his office was Staffan de Mistura (Director of External Affairs and Fundraising in Sadruddin’s Afghanistan operation). Staffan and I had become friends working together in New York in the summer of 1975. He was now one of the highest profile, most media friendly, and most dynamic UN humanitarian workers. His approach was pragmatic, and at times took more account of political considerations than we felt was warranted; over the coming weeks we sometimes struggled to keep up with – and occasionally challenged – his initiatives. Alfredo Witschi-Cestari, the focal point for Iraq within the regional bureau, met Staffan on 23 April and learnt that the ED was planning two UN relief convoys to Zakho on 27 April, one from Baghdad and one cross border from Silopi, on which Staffan would be travelling. The operation was being supported by the US government. “Blue routes” would be established to Zakho from the border camps and UN teams

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<sup>67</sup> S/22513 of 22 April 1991.

would move along these to monitor return movements. Alfredo said that UNHCR would participate in the convoy from Baghdad, but stressed our concern about the plans from Turkey in light of our protection mandate: this would need to be considered at the highest level.

The Deputy High Commissioner and senior bureau staff therefore met the ED the next day, 24 April. The DHC emphasized UNHCR's concern that the cross-border convoy to Zakho might give the Turks the wrong message and increase the risk of refolement. Furthermore, any reduction of assistance to those in Turkey or on the border could indirectly force return. The ED replied that many Iraqis were not "high risk" and wished to return. The UN could not be involved in any refolement from Turkey, and media presence would be an effective means of protection. Ultimately the answer was to set up the UN humanitarian centres foreseen in the 18 April MOU as soon as possible to act as a magnet for return. When asked about the objective of the convoys from Baghdad and Turkey, the ED said that he saw the exercise as demonstrating the permeability of the border, the meeting of the two UN teams in Zakho would be symbolic, a test of practical arrangements and of Iraqi goodwill. The DHC confirmed that UNHCR would participate in both convoys, but expressed concern that contacts in Turkey had been with the UN Resident Coordinator (Edmund Cain), and not with UNHCR as the focal point, noting that Mr Conway was in Diyarbakir waiting to join Mr de Mistura.

UNHCR issued a press release on 25 April. It stated that UNHCR, as the lead agency for a massive relief effort for those forced to flee Iraq, "recognises that immediate emergency aid is the priority of all parties. The High Commissioner nevertheless wishes to reaffirm three fundamental principles of international protection that must be respected by all concerned." The release then summarized these: the right to asylum; the right to treatment that ensured refugees' safety and well-being; and the imperative that repatriation must be voluntary, and under conditions of safety and dignity.

The DHC met again with the ED on 26 April. The ED referred to international criticism of the UN and UNHCR in particular, saying the lead media stories showed us up as being too late, uncoordinated etc. UNHCR being so thin on the ground was a problem, and the refugee problem "will stop on your desk". The ED requested statistics on return: "I think a lot of people would be very encouraged if they felt the flow was being reversed, slightly." The ED said that French Minister Bernard Kouchner and a French TV team would join the convoy from Turkey (French troops were guarding some of the return corridors). Kamel Morjane expressed concern at the inevitable publicity and at having a French minister present with the UN in occupied territory. He felt uneasy, not least because this had been intended as a logistics and operational mission. The ED said that we were seized by a request from the allies and the Iraqis to do the same things. Morjane reiterated the problem, as UNHCR saw it,

and the ED said he would pass on the message and advise de Mistura to be careful. Morjane suggested that we took care not to give disproportionate attention to Zakho, rather than the Turkish side of the border.

### *A full-time assignment*

Once back in Geneva, I was working fulltime with the regional bureau. On 30 April I attended a meeting chaired by the ED. Participants included the HC, DHC, Morjane, a high-level delegation from UN NY, including USG Goulding, ASG Annan and Chef de Cabinet Aimé, and USG Essafi of UNDRO (quotes are from my note of the meeting). The ED “opened the meeting with an overview of the situation. He said that the UN was being asked to do many things without being given the means. What was required of the UN by the [allied] forces was not clear, nor was it clear how security would be provided after their departure. ... It was agreed that a major aim was that Iraqi Kurds should be able to move back home, and that security would be the determining factor. The creation of more permanent camps should be avoided, but this was a risk. Numbers from the south [the Shi’a who had fled into southern Iran or the marshes] were much less than the Kurds, and there appeared little possibility of ensuring their security on return.”

Goulding referred to the police presence that had been proposed by France, the UK and the USA, on which the Secretary-General was awaiting more precision. He doubted that a lightly armed police force would reassure the Kurds. He was exploring the possibility of a more traditional force to monitor a ceasefire and security during a transitional period prior to the conclusion of an agreement between the Iraqi Kurds and the central government (on which negotiations were ongoing). However, the last reserve of equipment had gone to UNIKOM and logistical support for even a small UN force would be a formidable task.

“The HC said that under the regional plan of action, UNHCR was responsible for assisting refugees in Iran and Turkey, but the situation had changed markedly. Cross-border relief was needed, but it was not clear how far inside Iraq that should/could go. There must be no forced repatriation or relocation, but lives depended on persons being able to come down off the mountains. The issues involved in the UN’s takeover of the allied forces’ camps were confused. Nor was it clear how the UN humanitarian assistance centres [in Iraq, as foreseen in the 18 April MOU] would work in practice and what was the division of responsibilities.” The UN appeal was seriously underfunded, with no response to the immediate needs inside Iraq identified by Ahtisaari’s March mission, and funding for voluntary repatriation and relocation had not been foreseen in the appeals to date. Security remained the key factor. “UNHCR had been assigned the lead role, but what this involved, the mechanism for funding, and organizational relationships needed to be clarified. ... functional competences needed to be taken into account, and she proposed an early

meeting of those involved in order to define responsibilities and relationships among organizations and between them and the Executive Delegate and his Coordinator in Iraq [a post established in the MOU at the ASG level, and occupied by Bernt Bernander<sup>68</sup>]. The Prince said he felt these had been clarified, but agreed to the HC's proposal and suggested the meeting be at UNHCR. It was agreed that donors should receive a single, updated, consolidated appeal, but that UNHCR and others should remain responsible for fund-raising for their components."

On 30 April, UNHCR field staff on the border reported that "US Army have now unilaterally repatriated between 800 and 1,000 volunteer returnees for preparation of Zakho camp. Again have reiterated UNHCR position on operation. But have no reason to believe that operation is not in fact voluntary." By then UNHCR had established a presence at Incirlik, the headquarters of Combined Task Force (CTF) Operation Provide Comfort. This was invaluable and the source of insight into the CTF's and US plans. We benefited greatly from having highly competent colleagues there, first Susan Carroll and then Izumi Nakamitsu. (My first sight of Izumi was in a conference room full of generals, sitting behind a "UNHCR" plaque that was the same size as that of General Shalikashvili's, next to her.)

On 2 May, Susan Carroll reported on the Incirlik daily staff briefing and her follow-up meeting with General Jamerson, the deputy commander of the CTF. She had expressed concern at measures that could indicate pressure on refugees to return: the end of air drops; withdrawal of US Marines from a camp that still had 500 refugees and where there had been numerous reports of security problems with the Turkish gendarmerie (the Jandarma). General Jamerson assured her that these moves were not intended as pressure to return. At the morning briefing, US Special Forces had said that "they were having trouble getting the UN under control" in Silopi. "General Jamerson tried to clarify this, saying that the US military was not used to coordinating with the UN and NGOs. I explained that it was the other way round, and that the UN is having difficulty getting the military under control". She expressed concern that the suggestions by UNHCR's physical planner on the design of Zakho camp had not been taken into account. General Jamerson took note and expressed the hope that UNHCR experts would be closely involved in the planning of other sites. "It seems that the US Disaster Assistance Response

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<sup>68</sup> At the end of 1990, Bernt Bernander retired from UNDP as an Assistant Administrator, after many years in the field and the last eight as head of the Office for Project Services. His book *Keeping the Peace and Changing the World: My Forty Years with the United Nations* (Outskirts Press, 2014) (hereafter Bernander) describes a fascinating career that began as an interpreter with the Swedish UN contingent in the Congo in 1960. Pages 246-281 cover his nine months in Iraq and subsequent involvement in the Oil-for-Food programme.

Team ... with the help of Fred Cuny, had had a great deal of input into the Zakho camp. Although Cuny certainly has UNHCR experience, the others do not (I believe) have wide experience in establishing camps. It seems we have a choice: either UNHCR now decides to involve itself, therefore having technical input into camp design (not to mention all other aspects of the operation), or we stay out and realize that planning may proceed in a manner that is not up to our standards."

Susan also sent us a copy of a "Psyop movement plan" dated 30 April, whose aim was to "inform Kurdish population of allied plan to move citizens to their homes in Northern Iraq and temporary communities in Zakho and Suriya." The English text of a leaflet prepared for this purpose read: "Dear friends: the talk of a safe place for you is not a hoax. The whole world has focused their attention on your needs ... security, food, shelter, and medicine. We will not abandon you. In many areas the danger has passed. It is safe to go home. We understand your needs. We are working with your elders. Help up to help you!"

UNHCR well understood that the solution for the Iraqi Kurds lay in their return. Our concern was that this had to be a voluntary and informed choice, based on a realistic understanding of the prospects for security on their return, and not just immediately thereafter. The allied forces were going to leave as soon as they could and there appeared then, and proved to be, no realistic prospect of another outside force providing security on the ground.

The degree of concern of our colleagues in the field is evident from a handwritten fax from Dan Conway, drafted on 30 April and probably sent from Silopi.

The United Nations, and UNHCR in particular, is being manipulated in a manner which I consider to be dangerous to the welfare of Iraqi refugees in Turkey and along the Turkish-Iraqi border. ... The US military is hell-bent to move the Iraqis back to in Iraq. ... It is difficult to describe the pressure being brought to bear by the US military for UNHCR to assume full responsibility for the repatriation ... The US commits itself to voluntary repatriation, but these words have a different meaning for UNHCR and the US military. ... This US pressure for hasty repatriation needs to be seen in conjunction with the actions by the French and Turkish military. The French military are reported to have been transporting some 500 persons per day down from the mountains to grouping points in the lowlands of Iraq east of Zakho. ... The Turkish military is reported to be pushing refugees back towards or across, the

Iraqi border in several locations<sup>69</sup> ... There are indications that Turkish military units may be operating over the border to prevent more refugees from entering ... To summarize, there are strong elements pointing to a common goal by Coalition and Turkish forces to move Iraqis back into Iraq from Turkey and the border areas of Turkey, and to do it quickly."

### *Clarifying our role and relations with the US military*

On 3 May, Alfredo Witschi-Cestari and I travelled to the US European Command headquarters at Stuttgart. We began with a thorough briefing on Operation Provide Comfort from Major-General John Davey USAF (Director, Plans and Policy), Rear Admiral Leighton Smith (Director for Operations), and their staff. We then met for an hour with General James McCarthy USAF, deputy C-in-C European Command. My mission report follows.

In our interventions we explained the role of UNHCR in matters of asylum, assistance and voluntary repatriation. It was clear from our briefing that there was agreement that the question of security in Iraq was of over-riding importance. General McCarthy said that he did not know how this would be resolved, but that his forces were committed to ensuring the security of refugees/returnees in the area they controlled, which was being extended. While he had no orders on the duration of this mission, it could be long-term if necessary. We argued that, beyond the obvious need to continue life-saving assistance, priority should be given to the voluntary repatriation of those who were ready to return to their homes. The fact that Zakho was apparently serving as a transit station was a positive development. We were concerned at the implications of the plans to build Zakho up to a capacity of over 200,000 by early July and to move down off the mountains to fill it, and perhaps other similar sites, persons who might not feel secure enough to go home. We learnt that construction was to start at Amadiya, 70 km east of Zakho.

We said that political developments, either agreement between the Iraqi Kurds and their government or arrangements to ensure security under UN auspices, could remove the grounds for these concerns. If, in the

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<sup>69</sup> UNHCR field officers on the border saw refugees with gunshot wounds, reportedly inflicted by the Turkish military. Some were fatal: for example, those of a young woman whom they had seen receiving emergency first aid, whose father reported her death when he later registered with UNHCR for repatriation. Susan Carroll reported from Incirlik that British and US troops "have been asked by local Turkish authorities to sign a paper saying that they have not witnessed any incidence of pushbacks, looting of relief supplies or black-market activities. Evidently, British troops have refused (perhaps explaining the fact that 30 of them have been asked to leave). US troops, it seems, have agreed to sign something with a 'different wording'".

absence of such arrangements, significant numbers of Kurds felt unable to go home, this would raise fundamental questions about the wisdom of encouraging such persons to move down into Iraq, and about UNHCR's role in circumstances which would then demonstrably not be analogous with those in which UNCHR either assists voluntary repatriation or those who do not wish to repatriate. We also stressed the importance of looking at the problem of Iraqi Kurds who had fled to or towards Iran and Turkey as a whole. We underlined our concerns about protection along the border and respect for the principle of non-refoulement and the need for a voluntary and informed choice on repatriation.

General McCarthy said he understood and broadly shared our concerns about security. However, time was passing and these had to be set aside. His forces had designed an operation to be taken over by the UN and in particular UNHCR. Every effort was being made to set up a civilian-contracted operation for assistance in the current camps, one whose management needed to be taken over. The US would continue to operate the system as necessary and support it materially on an ongoing basis, not just with what was in the pipeline, but it should become a UN operation. He doubted that UNHCR had ever had such an offer.

General McCarthy asked us to convey the following to the High Commissioner. US action to bring people down off the mountains was being undertaken because, as temperatures rose and water sources dried up, their lives would otherwise again be at risk. (In earlier discussion he had said that while his forces were not opposing the movement of Kurds into or further into Turkey, he had no instructions to consider this option.) The policy of the USG was that any US tented villages at Zakho or elsewhere should be temporary. If possible, people should move through them or directly back to their homes. Some were already going south beyond the allied lines, which had been left fluid to allow this. He requested UNHCR to take over the supervision of the whole operation as soon as possible. The High Commissioner could be assured that the USG would honour its commitment to keep the operation running. He understood the issue of longer-term security, but the situation was such that no one should wait until this was resolved.

We said that we would transmit this message and a report of our discussions to the High Commissioner without delay. She would also take into account the report of Mm Faubert and E. Morris (the General had spoken to Lt Gen Shalikashvili [CTF Commander] just after his meeting with our colleagues that morning [they were on an assessment mission]), and would perhaps wish to consult with the Secretary-General thereafter. The High Commissioner understood the urgency, just as the

General understood that this was not just an operational decision: principles were involved that lay at the heart of the Statute of her Office.

No recommendations are made here as these can be formulated only on Mm Faubert and E. Morris's return. One important if obvious complementary comment may be useful. The rules of engagement for the US forces in northern Iraq provide great latitude to field commanders. Every effort is made to avoid confrontation, and we were informed that the Iraqi forces are being very cooperative. Nevertheless, the risk remains that UNHCR could find itself suddenly involved in administering camps on Iraqi soil in a (limited) conflict. Our hosts at Stuttgart made it clear that if [that happened] they would deploy whatever force was necessary to protect persons in the area they controlled. The problem of what UNHCR should do then, caught no doubt between pressures not to abandon those in camps and an uncertain outcome in the Security Council, highlights the difficulty in making the separation between immediate operational imperatives and the unresolved question of security.

The mission was not without its lighter side. General McCarthy told his staff that they had given him a bad programme, as he could not meet with me because I was in Incirlik meeting with his opposite number (which will strengthen my career-long battle with the UN not to be officially "E. Morris" [i.e. known by my first initial]). We left the General's office half-an-hour before scheduled take-off. After a Hollywood-police-chase drive in the General's car,<sup>70</sup> we arrived in time at the airport, only to discover that although the flight was operated by a different airline, it used the same aircraft that we had briefly sat in at the start of our day, and which was still being repaired in Geneva. Hence we did not make the 18:00 task force meeting as we had hoped.

The assessment of Carrol Faubert and Eric Morris as a result of their mission bears quoting in full.

Two assumptions have governed the response of the relevant governments: (1) Turkey could not be expected to run the risk of having to absorb 500,000 Iraqi Kurds, given its own difficulties with Kurds, and thus abridgements of the principle of asylum were either to be ignored or tacitly condoned; (2) The inaccessible and inhospitable encampments, the natural consequence of the first assumption, would render necessary rapid measures to move the refugees out of the mountains.

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<sup>70</sup> Matched only in my memory by a journey with the SRSG and UNPROFOR Force Commander in 1994 in an Italian police convoy from Naples airport to the NATO hqs there.



As a result of the two assumptions, the coalition forces invoked SCR 688 in mid-April to open up a safe haven across the border to encourage Kurds to return to Northern Iraq. How little this move was actually thought through is reflected in scenarios and plans of action from the coalition forces that change virtually daily. The one constant has been the imperative that Kurds should move out of the mountains and return to Iraq. The coalition forces have embarked on a massive repatriation programme. That this programme has produced the return of thousands of persons to Zakho is simply because of the presence of coalition forces. US officials have recently said that the refugee encampments in the mountains cannot be sustained during the summer months due to diminishing water resources.<sup>71</sup> They have also responded to sensible concerns that tent camps for hundreds of thousands in Zakho valley is hardly a solution and that Kurds should return to their homes. Therefore the safe haven has been considerably expanded this week, and the logic of this approach will dictate further momentum in expansion.

The American repatriation programme has gained considerable momentum as well, with little regard for UNHCR. This was the case because UNHCR was unprepared to respond and because UN officials [i.e. de Mistura and his colleagues] agreed to intervene quickly in Zakho to “build confidence” that it was safe to return. US officials officially remain eager to disengage and thus have been extremely grateful that UN officials have been willing to be presented as a replacement for the coalition forces. All evidence indicates that the coalition forces’ repatriation counselling is vague and rosy, indicating that Zakho is secure without providing any guarantees as to time. There is no question that the pressure being placed on Kurdish refugees to return by coalition forces is immense. It has been only recently that the US military has sought to involve UNHCR. This having happened, they are extremely impatient with UNHCR’s response. The US military has agreed to slow down the momentum but as General Shalikashvili said to this mission: “I am sitting here with great anticipation to hear that UNHCR teams have fanned out.” This leaves UNHCR in an extremely vulnerable position for, as the US military has given notice that the camps cannot be sustained during the summer, any deterioration in conditions will undoubtedly be attributed to UNHCR.

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<sup>71</sup> This was disputed by our colleagues in the field, who felt ensuring continued water supply would have been no more challenging than in other countries. The decision to move refugees down into Iraq was largely political but was presented with an entirely humanitarian justification.

Given the rapidity of developments, it is difficult to predict with any great confidence the repatriation intentions of the Kurdish refugees. But one point is clear: their over-riding preoccupation is to receive assurances and guarantee for their security. Refugee leaders are perfectly aware that there is no assurance of prolonged coalition presence in northern Iraq. They nonetheless continue to request such an assurance and, they believe, by doing so at least an expectation is created. It is of utmost importance, at this critical juncture, that UNHCR assume its traditional role in attempting to provide the very best information to refugees on conditions in their country of origin. Refugees must know that the present security arrangements in northern Iraq are not guaranteed and that UNHCR is in no position to substitute for such arrangements or for the protection that the government would extend to returnees in usual circumstances. UNHCR must also ensure that returns are conducted in safety and dignity, free of either coercion or disinformation.

It would be dangerous for UNHCR to assume that the thousands, a mere trickle of the total, who have returned means that the solution is at hand. Nor should massive repatriation, at very short notice, be excluded as a possibility should there be either a firm agreement between Baghdad and the Kurdish political leadership or the deployment of a UN peace keeping force in northern Iraq for an indefinite period of time. UNHCR should, however, base its plans on the present circumstance: security arrangements that offer some hope without guarantees. These circumstances entail the possibility that, while repatriation will continue, a certain number of Kurds may not return in the short run, either because their homes are not in the safe haven or because they prefer to await firmer guarantees. This possibility will require UNHCR to assess the viability of present encampments, to explore alternative arrangements, and to address directly the question of asylum in Turkey.

On the afternoon of Sunday 5 May we had a long meeting with the High Commissioner. The decisions she took with regard to the situation on the Iraqi/Turkish border and in northern Iraq were communicated in a cable drafted by Carrol, Eric and me that was sent to the field offices concerned on 6 May.

UNHCR must play its traditional role to extent possible in unique circumstances now prevailing there. ... (1) UNHCR should assume overall responsibility for protection and assistance on border and for voluntary repatriation from border area. (2) US and allies would be encouraged to continue to fund and organize programmes relating to emergency assistance at existing border camps. Take-over of implementing responsibility would be phased, with final timing to be

decided. (3) US and allies would be encouraged to give maximum support to properly organized voluntary repatriation of those who wish to return to their homes. Allied camps being established at Zakho and elsewhere should serve as transit centres for these persons and form part of repatriation support network to be established by UNHCR in northern Iraq.

Voluntary repatriation: (1) Family registration should have begun 6 May. UNHCR initial role is to provide objective information through counselling/interviews with refugees. Once there is clear evidence of voluntary nature of informed choice or large-scale spontaneous return, procedures would be simplified. (2) UNHCR should support movement through transport assistance from camps or from first transit centre on Iraqi territory, provide basic one-time returnee relief package, and promote geographical prioritization of rehabilitation assistance by other UN/bilateral agencies to areas of high returnee concentration.

Action for those not prepared to go home: Whatever political developments, some residual caseload is expected. Solution to problem of security would be likely to reduce numbers this group. (1) Technical identification of suitable sites along Turkish border for refugees not willing return immediately. Such sites could be either new or improved existing ones. (2) UNHCR to promote concerted action vis-à-vis Turkish authorities to grant temporary asylum pending conditions that allow voluntary repatriation. (3) UNHCR to assist in relocation/consolidation of camps and exercise normal protection/assistance activities. For obvious protection reasons, UNHCR must avoid their relocation inside Iraq unless it is conclusively demonstrated that there is no other way of maintaining life-saving assistance to them.

Above principles of course also apply to voluntary repatriation from Iran. UNHCR's arrangements and presence in northern Iraq will cover all voluntary repatriants. ...

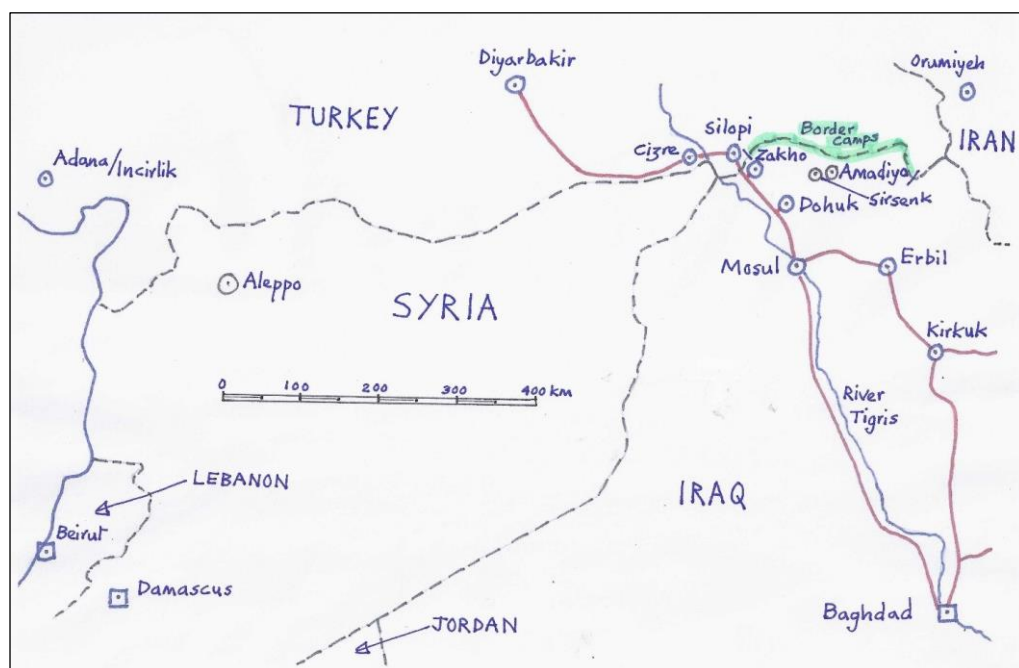
UNHCR will of course cooperate fully with Executive Delegate within framework established by latter's terms of reference. Do not currently envisage that UNHCR would act as lead agency within Iraq except on matters that would in any event have been Office's traditional role, for which UNHCR expected to assume fully leadership role.

At the same time, the following was sent to our colleagues in Iran, Iraq and Turkey.

The High Commissioner has temporarily appointed Mr Nicholas Morris as her Special Envoy in order to provide UNHCR's response to the Gulf crisis and its aftermath with an enhanced and roving capacity for field-

level policy coordination and problem solving. Morris has the High Commissioner's authority to initiate action as necessary. He will report to the Regional Bureau and will of course work most closely with you whenever in your area. Assignment is for two months, with need for and form of any continuation to be decided in light developments. Morris will leave shortly for discussions Baghdad, including with Executive Delegate's Coordinator, on route Iraq/Turkey border area, which is expected to be initial focus his attention. Please share with your field colleagues.

Both texts were sent to Major-General Davey in Stuttgart the same day, under cover of a message from the Deputy High Commissioner that also expressed concern at reports that organized repatriation was continuing from camps where UNHCR had not yet established procedures, despite our understanding that Carrol and Eric had agreed with General Shalikashvili on 3 May that for the next few days, organized repatriation would be from the only location (Isikveren) where we were ready "while we got our act together for extension elsewhere under the agreed procedures". The DHC noted that I would visit Incirlik as soon as I had "a feel for the situation on the ground".



## ***On the ground***

I travelled to Baghdad on 8 May in an ICRC-chartered executive jet (once I had signed a document committing UNHCR to pay my war-risks insurance which, it was realized as we were boarding, ICRC's policy did not cover). The flight

gave me a chance to learn about ICRC's operations in Iraq, re-read my well-thumbed Minority Rights Group report on the Kurds,<sup>72</sup> and reflect on what lay ahead. In drafting my terms of reference for the High Commissioner, I had tried both to give myself the necessary authority if needed ("initiate action as necessary") and to allay concerns of UNHCR's representatives in the three countries that the appointment of a special envoy (the first such appointment) might undercut their own authority. Dan Conway in Turkey and Omar Bakhet in Iran were strong if very different characters, each dealing with a sometimes-difficult host government (and UN Resident Coordinator). I had enjoyed good relations with them but would have to tread carefully. The key colleagues in the field would be those in Iraq. I knew our representative there, Staffan Bodemar, well from our time together in the Sudan seven years earlier and was confident that we would get on. Ten days earlier, Staffan had had a narrow escape when a UN convoy, but in government vehicles, heading to investigate returns from Iran, was ambushed in error by the Peshmerga (the Kurdish fighting force).

My initial priorities, before the reality check of being on the ground, were to consolidate UNHCR's lead role with the allied forces, ensure that UNHCR, not the ED and his colleagues, was taking the operational and policy lead in accordance with its mandate, and find out how I could best support the emergency teams on the ground. I was determined not to be, and to do my best not to be seen as, an extra supervisory layer (something it was soon clear would have been almost impossible in any event, as I was to be constantly on the move and had - by choice - no support staff of my own with me).

### *First days in the area*

My report on my first day in Baghdad, 9 May, began with UNHCR's translation of the text of an amnesty promulgated by Saddam Hussein the previous day. "All Iraqis who have fled the country, wherever they may be, shall be absolved in a general and comprehensive manner from any legal consequences or proceedings in regard of any act punishable by law that took place during the recent disturbances and acts of sabotage. Crimes involving intentional and deliberate killing and acts of rape are excluded from the above amnesty." Staffan and I had a long meeting with Ambassador Riyadh Al Qaisi, Director of the Department for International Organizations and Coordinator of the National Relief Commission, as well as the Ministry's legal adviser. He was impressive.<sup>73</sup>

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<sup>72</sup> *The Kurds* by David McDowall, the edition first published June 1985 and updated in March 1989.

<sup>73</sup> Unless otherwise attributed, inset text hereafter quotes my fax reports to hqs, of which there were 25 during this mission.

He said he fully understood UNHCR's mandate and concerns. MOU of 18 April was basic document for government, which attached great importance to each of its three pillars: UN presence wherever needed; conditions of absolute safety for returnees (whether from internal displacement or abroad); and massive humanitarian relief. He requested us to assure HC that his government intended to cooperate fully to this end. In reply to question about only one month duration of amnesty (start date of which [26 April] was apparently linked to earlier ones), Ambassador said that he hoped that before it needed extension agreement would have been reached with Kurds that made extension unnecessary [at least for them]. He was very optimistic about chances of such agreement, though other information suggests that the problem of guarantees may not yet have been resolved. Also had comprehensive discussions with Bernander and participated in NGO meeting convened by him and attended by CRS/USA, ICRC, MDM, MSF, and Oxfam/UK.

That evening I met Marrack Goulding, who was trying to obtain Iraqi agreement for some form of UN peacekeeping or police presence in the north.<sup>74</sup> He also asked if UNHCR was still seeking an agreement among UNIKOM, Iraq and Kuwait on our operations in the DMZ: was this still necessary? I said I thought definitely not, but would ask headquarters to confirm to Aimé.

Staffan Bodemar had arranged a vehicle for me, a Toyota Land Cruiser that had been left by the UN Iraq-Iran Military Observer Group (UNIIMOG), whose mission had recently ended. I decided to drive myself, as UNHCR's local drivers would not be able to cross international borders. On 10 May, I drove the 900 km from Baghdad, via a brief stop in Zakho, to Diyarbakir, in SE Turkey, to meet up with the ED and our colleagues there. Except in the border area, the roads were largely deserted and the main challenge was finding the UNHCR colleagues in Zakho and Diyarbakir, which I reached at 22:00.

On 11 May I travelled to the border areas and back to Diyarbakir in a US Black Hawk military helicopter with the ED, de Mistura, Hiroshi Matsumoto and Dan Conway. I knew Hiroshi well from missions to Somalia when he was the UNHCR Representative there and I was in the Africa bureau. Hiroshi had just been seconded to the ED as deputy to Bernt Bernander in Baghdad, and it was very good to have him in that position. At the time of our visit, there were estimated to be some 21,000 refugees in the Haj camp in Silopi and 240,000 in the remaining seven mountain camps.

On our return the ED met with General Shalikashvili with us present. The general had two priority concerns: the need for the earliest formal takeover by

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<sup>74</sup> He was caught between the flat refusal of Iraq and the pressures of the allies on the S-G, as he describes in *Peacemonger*, pp. 288-9.

the UN from the CTF of the Zakho transit centre, and the need for a UN presence in Dohuk. On the former, Matsumoto had reported “strong suggestions made by Mr de Mistura ... What is urgent is that, in response to a great deal of expectation and indeed criticism by allied governments and NGOs as well as Baghdad, UNHCR makes good publicity on its decision on immediate take-over and arrange its presence in the camp for coordination of relief activities and liaison with allied and other parties involved. ... Unless HCR is actually seen to take-over effectively overall management within the next couple of days there is strong likelihood that allies would bypass HCR and work directly with and through NGOs who are becoming more numerous every day.”

My assessment was “that while most unlikely allies would bypass UN, as involvement of UN is important objective, the longer we take to assert ourselves in role HC communicated to US government on 6/7 May, the more difficult it will be to gain any control of events or the NGOs, whom we may need elsewhere. ... with assurances from US that services and supplies will continue until HCR ready take over, we cannot claim lack of funds [a real problem] as reason for delay in taking over managerial responsibility.” It was clear that, ready or not, we could not delay, so

ED informed General that UN would formally takeover Zakho at time of his visit on 13 May, noting that this would be by HCR with HC acting on behalf of SG/ED. ... I recalled to General Shali message from General McCarthy that HC could be assured that USG would honour commitment to keep operation running and explained HC foresaw phased takeover of implementing responsibility. I also noted our efforts in northern Iraq to establish presence outside allied zone. [In response to UNHCR’s concerns on security, General Shali] said there was a risk Kurds may die on mountains and risk they may not find security on [Zakho] plain: they have to make decision. These concerns were heightened for HCR participants by references by both ED and de Mistura to need to “entice” refugees down.

After meeting we repeated to General Shali and UK Major-General Ross the argument that such a decision could not be considered fully informed if no one knew how security issue would work out. ... As formal discussion [on responsibility for law-and-order in the centres] had not been conclusive, I said to the General that in every other situation I knew of, HCR had a government that was responsible for the maintenance of law-and-order/security. It was my understanding (not challenged by him) that under Fourth Geneva Convention [on which I had learnt much

from ICRC during my April mission<sup>75</sup>], the allies, by denying the sovereign government the possibility of discharging this responsibility, had assumed it themselves. HCR could not discharge this responsibility for them [as the CTF clearly wished]. If the HCR Zakho transit centre coordinator had a security problem in the centre, he must be able to call on the responsible authority in extremis. How the allies discharged this responsibility was up to them. We felt strongly that an armed presence in the centre should be avoided: the allies should be “on call”. But if there were, for example, fatal incidents in the centre, the HC could and should not be held responsible. The General said that this position, which I then shared with the ED, was reasonable and workable. We shall see in practice – he told us that the risks posed by possession of weapons by refugees/returnees was a significant concern of the allies – but I do not believe we can go further on de-militarization at this stage.

...

Understand UN flag raising and convoys are planned for Dohuk and ED's [13 May] visit. Perceptions of security now critical factor as perhaps one third of remaining caseload would return Dohuk area if satisfied. Zakho population was 18,500 at time my brief visit pm 10 May, with great majority from Dohuk. We shall face a quick build up there and along other routes if security Dohuk not felt to be assured. ... Doubt UN presence Dohuk will (or indeed should) be felt sufficient, and allies do not today seem likely to extend south of Dohuk.

...

Protection of residual caseload becoming issue quicker than expected because of pace of return (General said he expected all who wished to return to be back by mid-June). At Yakmal [border camp with 60,000 refugees] 11 May, Minister of State Dinciler who [Turkish] coordinator government response to influx told HCR in presence ED and inter alia French ambassador to Turkey that those who did not wish to return would not be forced to. Context was discussion about current and voluntary return of several thousand daily by “blue bypass” route anti-clockwise to Silopi thence Zakho (direct foot route very difficult). HCR Yakmal team registering some 2,000 daily for repatriation. Minister's statement may provide opening for following up on our very real

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<sup>75</sup> When we had prepared a note, “largely in order to help clarify our own thinking”, on the “competences of ICRC and UNHCR in respect of Iraqi civilians who obtained the protection on the Coalition forces on Iraqi territory”. It was attached to my mission report with the suggestion that it “might be useful for the future to revise it in light of headquarters’ comments and corrections into a more general guidance, should this be needed again”.



concerns in practical (what then to do with these persons?) as opposed theoretical way. Conway of course best placed to judge approach needed.

The start of registration created problems for the CTF forces in the camps, whose brief was to move people out as quickly as possible, but most understood its rationale.<sup>76</sup> The Turkish government was not so understanding. On 10 May the High Commissioner wrote to the ED as follows.

Yesterday I received a telephone call from Ambassador Duna in Geneva in which he expressed concern that action currently underway by UNHCR to ascertain the voluntary character of returns to northern Iraq was being perceived by the Government of Turkey as an impediment to repatriation and a delaying factor.

A simultaneous demarche was made by the Ministry of Foreign Affairs with my Representative in Ankara.

In order to clarify the position of my Office, I have sent the attached note to the Ambassador, who is travelling to Ankara this evening. As the matter may be raised during your meetings in Turkey, I also wanted to share this note with you in the hope that you can support and clarify our position. I am at your disposal to discuss the matter by telephone should you wish so.

The note began "UNHCR considers that the return to one's homeland and home offers the best possible solution to the plight of refugees. Internationally recognized humanitarian principles embodied, *inter alia*, in the mandate given to the High Commissioner by governments require that such repatriation be fully voluntary. ... UNHCR wishes to lend its full support to the voluntary return to their homes of persons currently accommodated in the emergency sites straddling the border ... UNHCR is convinced that a sustainable and durable voluntary repatriation effort must take into account both the spontaneous behaviour of the refugees and the wishes they express regarding the modalities of their return." The note then set out the actions being implemented in line with these considerations: spontaneous return, mainly on foot, was clearly voluntary and UNHCR was setting up mobile teams in Iraq to

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<sup>76</sup> Zinni, p.219: "Returning refugees to their country of origin was no simple task. The large number of international laws and regulations created to safeguard the rights of refugees generate a large administrative and technical burden. This was the first operation at this level of civil-military coordination, and many lessons emerged that would be useful in future operations. ... You assume all these people want to go home, but that assumption is not totally correct. Some Kurds did not want to go back. ... Every single Kurd had to have written documentation spelling out that they weren't going home under duress and that they understood what they were doing."

help sustain that movement; for those who were availing themselves of the transport assistance provided by the allies, UNHCR would limit its role to monitoring the transfers at departure points and “confirming through random discussions with refugees” that the repatriation principles were being respected in practice; and, for those who contacted UNHCR for assistance, simplified processing facilities had been set up which in no way generate delays (several thousands were being processed daily), and arrange transport.<sup>77</sup>

### *Starting to take over*

On 12 May I had extensive discussions with Pierre-François Pirlot, John Telford and colleagues. Pirlot was then based in Silopi and Telford had just moved to Zakho transit centre; they had been in the region since the second week of April. Both were highly competent managers and problem solvers, and had the keen political sense required in such a complex situation. Late on 13 May, I reported on these discussions and the events of 13 May.

Their recommendation was that UNHCR should not simply take over Zakho transit centre (ZTC) but assume its traditional coordination role throughout the area controlled by the allies. To the extent that anyone has been doing this, it has been de Mistura using UNHCR, UNICEF and others as agents. We felt that there was a strong case for UNHCR clearly taking the lead from now on, rather than simply becoming the “agent” for the ZTC. Among other arguments, this should increase our influence on matters affecting protection throughout the area. Position taken with allies set out in attached note, which after sharing with ED [in Dohuk], was given to General Shali during 20 min discussion with him before ED arrived for flag raising. Pirlot and Telford participated. Agreed that Gen S would have his staff consider it and get back to us within a couple of days. I said I was ready to go to Incirlik if necessary. He asked if written agreement required. I said would consult but if understanding in note was agreed, maybe not.

Gen S assured us that he will continue to render all assistance to UNHCR. ... We stressed our concern at implications of no return to Dohuk ... according to press, allies were planning to move south of Dohuk a few days ago and suddenly changed plans. May be linked to informal Security Council discussions which understand underway.

Before ED’s arrival [in Dohuk], I met Dohuk governor and briefly explained our role. Population of town, which appeared largely undamaged, clearly very small percentage of former but far from

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<sup>77</sup> For an outsider’s authoritative examination of this return, see the case study in Marjoleine Zieck’s *UNHCR and Voluntary Repatriation of Refugees; a Legal Analysis* (Martinus Nijhoff, 1997).

deserted. Explained to Bernander that while Dohuk would be sub-office and kept properly informed, as of course he would be, in practice operation in Zakho area had to be run out of there with full autonomy on operational decisions. Is also clear that Silopi will play key role.

I shared the note for General Shali with the ED under cover of a summary of a few key issues. "You were right to suggest that we might have points to clarify with [Gen S]. My colleagues say that at the working level the US attitude is that they have nothing more to do: UNHCR will be doing it all, e.g. putting up tents, from now on. Unless the problem of Dohuk [security outside the allied area] is quickly solved, we are going to have the equivalent of a refugee influx of over 100,000 into the allied zone over a few days and a rapid build-up of temporary camps. ... Unless the Dohuk problem is already solved, please impress on the General to stop sending down people who want to go back to Dohuk, but who are now rapidly accumulating at Zakho centre and Kali Masu (and perhaps elsewhere), and send instead those who can go home. If the problem is still not solved by the time only people from the Dohuk area (and the residual caseload) are left in the mountains, then I personally feel that the allies acting to solve it [i.e. extending the zone south of Dohuk] will be a lesser 'evil' than perhaps 150,000 persons in artificial holding camps."

The one-page note we gave to General Shali was headed "UNHCR's understanding of respective responsibilities in the area controlled by the allied forces." The full text follows.

1. As agreed between the High Commissioner and the Government of the United States, UNHCR is taking overall responsibility for protection and assistance and for voluntary repatriation. This is UNHCR's traditional role, which is being discharged in this case within the framework of the appointment by the Secretary-General of his Executive Delegate and the MOU of 18 April between the Executive Delegate and the Government of Iraq. UNHCR is exercising this responsibility through the Head of the UN Humanitarian Centre (UNHOC) at Zakho (Mr John Telford). The Head of the Zakho UNHOC will be responsible for UNHCR activities in the area currently controlled by the allied forces (henceforth "the area"), thus including the repatriation transit centre at Zakho. It is requested that the allies designate a counterpart at a senior level in order to facilitate coordination throughout the area.

2. As agreed between US European Command and UNHCR headquarters, the allied forces will continue all existing activities in support of the humanitarian operation while UNHCR is making appropriate arrangements for a phased takeover of actual implementation of these activities. Pending this takeover, and in close coordination with UNHCR, the allies will continue, as required by

developments, to construct new sites and provide essential humanitarian services.

3. The allies are responsible for the maintenance of law-and-order and security in the area. With regard to the Zakho transit centre and any other such temporary concentrations of population, the allies will maintain an appropriate presence available at short notice (for example when called by UNHCR), but avoid an armed presence in the centre(s). Responsibility for any informal policing presence in the centre(s) would rest with the allies and any such presence should be unarmed.

4. UNHCR will coordinate the activities of and work closely with NGOs/PVOs in the area. UNHCR will conclude agreements with NGOs and make funds available to them as appropriate. However, the maintenance or extension of services currently being provided by NGOs is conditional on the necessary funds being made available by the international community. The legal status of NGOs in the area who have entered it directly and do not have an association agreement with the Government in accordance with paragraph 16 of the 18 April MOU is the responsibility of the allies.

5. The logistical, administrative and transport support given to UNHCR to date has been greatly appreciated. Its continuation will be indispensable to the discharge of UNHCR's responsibilities, particularly in the initial period.

6. The access afforded UNHCR to allied briefings and meetings has also been greatly appreciated. UNHCR would in addition request to be consulted in advance of decisions that affect the discharge of UNHCR's responsibilities, and will, for its part of course continue to coordinate closely with the allies on all matters of mutual concern within the area.

Zakho, 13 May 1991

We were concerned that the high-profile allied presence at, and press coverage of, the ceremony at the handover of the ZTC to UNHCR, which included raising the UN flag, might provoke a reaction from the Iraqi government, but the ED felt this was worth the risk. At the ceremony,

ED made a very balanced statement including reference to security concerns. ... At Dohuk I had had lively exchange with Bernander about these concerns and our opposition to 'enticement'. Also discussed this with de Mistura and asked him to share our views with ED before press conference. de Mistura said he and ED already fully shared our view. In answer to well-informed question at press conference after ceremony, ED said there was no link between opening Dohuk office and delivery of food, and encouragement of voluntary repatriation. UN was opening

such offices i.a.w. MOU wherever there was humanitarian need. While this might contribute to refugees' sense of security on return, UN was not seeking to influence a decision that was theirs. [This reply was at best disingenuous.]

Another issue was concerning us, as I informed headquarters:

Wish highlight problem of Iraqi exchange rate for your discussions with ED and Bernander [now travelling to Geneva]. Unofficial rate and official rate differ by factor of eighteen. I noted the obvious to ED: fundraising for Iraq will be hard enough without having to explain that to donors (see MOU para 19).<sup>78</sup> Early solution will also be critical for allied area where US dollar fast becoming only accepted tender.

At a donor meeting in Geneva on 15 May, where the ED and Heads of UN agencies concerned submitted to governments a revised plan of action, the High Commissioner said that

Our duty is to provide relief to those who have sought sanctuary outside Iraq while at the same time being prepared to seize all opportunities for voluntary return. I am convinced that if we are given the required resources – and if necessary conditions of security prevail – we can take a major step towards a solution to this problem. Your immediate response to the appeal for which UNHCR still needs US\$ 135 million will be an important contribution.

The UK Minister of Defence, Tom King, visited Zakho and our office on 14 May and was briefed by P-F Pirlot and myself, including on refugees in Iran. We thanked him for the humanitarian assistance provided by the allies and stressed the need for resources for the UN operation as we took over. The “updated and consolidated appeal for urgent humanitarian action in Iraq” launched by the ED on 15 May was for a total of almost USD 416 million (which included USD 7.6 million for “environmental and health related assistance in Kuwait”), to cover the four-month period through August. Of this, USD 195 million was foreseen for UNHCR.

Early on 15 May I flew to Incirlik where I met up with Dan Conway.

On route Incirlik had brief chance meeting with General Shali at Diyarbakir. Took opportunity to stress need not to withdraw US troops from camps once no more candidates volrep as apparently happened at

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<sup>78</sup> Paragraph 19 of the MOU provided that, in order to facilitate implementation and fund-raising, “the Government will make available cash contributions in local currency to help cover in-country costs while pursuing discussions regarding the establishment of a special exchange rate for relief operations”. This did not commit the government to actually establishing such a rate.

Kayadibi 13 May and threatened Ishilveren. Said we were hopeful early regrouping but pending this, refugees were extremely vulnerable on the sites. Gen S said he fully understood our concerns and had not intended to withdraw: he was on route Zakho and would take necessary corrective action. As had learned that military concerned at reference in 13 May note to need to “avoid armed presence in the centre(s)” [which I should have worded differently], I said that we knew we could not insist allies responsible for security on one hand and dictate no arms on other. What the allies needed to discharge their law-and-order responsibility was for them to decide, but we hoped it would be as low profile as possible. Gen S said he appreciated this clarification and confirmed his full agreement on need to ensure no other armed presence (e.g. the informal Kurdish police) in centres.

... we reviewed problem of persons from Dohuk. Maxwell [out-going leader of ODFA/DART team] suggested new centres along Zakho-Dohuk road. I said would prefer first trying move people voluntarily back to their villages in Dohuk area within security zone. Difficulty to date is that at least for Kurdish leaders, their perceived secure zone does not go much south of Zakho-Amadiya road. Gen S receptive to this idea and we shall follow up. Pressure building to find new sites as number Dohuk area returnees rises at ZTC and way stations.

Purpose of visit to Incirlik was discuss 13 May note with Gen Campbell (i/c civil affairs). [Brig-Gen Don Campbell was a reserve officer and a judge in civilian life, and initially a rather formal and somewhat inflexible counterpart. He may have felt the same about us.] We also met Chief of Staff, Gen Zinni, and briefly with Gen S's deputy, Gen Jamerson. Visit of course provided welcome opportunity review developments with Conway. At least here, military had taken our note as requiring formal undertaking on behalf of USG and engaging USG in open-ended commitment. Explained that aim was to record our understanding of US intentions. Believed note faithfully reflected what we had been told in Stuttgart and out here (and was reiterated by Jamerson): that allies would not leave humanitarian assistance vacuum. Explained position taken on law-and-order with Gen S, and later did likewise to UK General Ross, who at 11 May Diyarbakir meeting with ED had strongly emphasized that no military would be able to discharge that responsibility if unarmed, but like Gen Shali assured me that profile would be as low as possible.

Did not discuss transition plan [for hand-over and withdrawal prepared by CTF with input from Fred Cuny] in any detail. We said it looked a good starting point but we had a number of points and would seek detailed comments of our colleagues in the field. Left some initial

informal reactions and suggestions on annotated draft. These include replacement of 30 day overall timeframe by commitment to effect necessary changes as soon as possible while ensuring essential humanitarian services, which point accepted by Gen Campbell (even if doubt military can have plan without indicative time-frame). Seems likely that US will now write to HCR here saying that they suggest points in 13 May note and any others be reflected in mutually acceptable way in revised transition plan, and take that opportunity to affirm their position on armed/unarmed presence. US wants to have consensus allies on plan. Our feeling is might be better that plan should remain allies' plan and not joint one, though would be basic working document for all.

Key pending issue is relocation of residual caseload. Understand Turkish and US authorities already discussing moving some to Haj camp at Silopi, where space now being freed by HCR-organized voluntary return. Should be clearer after President Ozal's visit there today when shall revert, but we feel strongly that HCR must be involved in arrangements for these refugees from beginning (which are sure US military accepts).

I flew back to Silopi with General Shali and his Political Adviser, David Roberts, arriving after the President's visit to the Haj camp on 16 May, but that didn't matter, as I reported to headquarters that evening.

After press conference, [Heywote] Hailemeskal, who working on RP from camp, met briefly with President and conveyed High Commissioner's warm gratitude for hospitality and assistance accorded refugees in Turkey. She noted that in last few days thousands of refugees had regained their homes (Turkish authorities had of course briefed President on HCR-organized volrep out of Haj). She said that in view of the reduced caseload, camps were now being consolidated; there were however some few thousands who had expressed their wish to remain in Turkey for the time being. HCR would be most grateful if these persons could be transferred from camps like Ishikveren to a nearby camp in Turkey. The President replied that indeed the remaining caseload in Ishikveren would be transferred to the Haj camp at Silopi, and expressed his appreciation for the work of HCR.

President later had long meeting with Gen Shali after which Gen's Political Adviser informed me that meeting had been very cordial. Provision of electricity [from Turkey to Zakho] had been discussed, with President offering power for wider region if needed, and also expressing readiness to connect Zakho area into Turkish phone system. Great majority of meeting devoted to discussion of security conditions that

might allow refugees to go home. Questions relating to remaining refugee caseload not raised: I asked Political Adviser to brief his colleagues on HCR exchange with President.

We had earlier been informed of the offer of power, which had been discussed by US ambassador and Gen S with Turkish authorities. We were asked if UNHCR would do the contracting with Turkish government, possibly with US funds. Such offers had obvious political as well as practical implications. We replied that we felt ED/Bernander would be a more appropriate channel; we had already advised Bernander of power offer, and did likewise for the phone offer.

In Silopi I prepared a memorandum, dated 17 May, for all UNHCR staff and those seconded to help us: "As it is impossible to get together to meet and brief you all and hear your views on the situation, I am using this note, which I hope has reached you before it is out of date." The note explained my mission ("While I have the High Commissioner's authority to initiate action as necessary, my role is not to be another 'layer' or a line manager, but to help as and where most needed."). It explained the 13 May takeover of responsibility and the framework within which we were operating (ED, MOU). "We are, however, directly responsible for those activities that we would have been undertaking even without the ED (or the allies)." It identified two immediate priorities: protection for those not prepared to return to the allied area; and the coordination the provision of assistance and services to returnees and assistance in their initial reintegration in their homes. On the second, the note stressed the importance of involving the Kurds in all decisions affecting their own welfare. Given that many different outsiders had been helping here "in a not always coordinated way", inevitable in such a situation, coordination by HCR would not be easy.

We must ensure that the basic standards and lessons learnt in past emergencies are applied by everyone, but do it in a way that has their support and isn't resented as "imposed" by HCR. But where necessary, we must be firm, otherwise the most vulnerable of the Kurds will pay the price. ...

The greatest immediate challenge everyone faces is the rapid build-up of returnee camps for the perhaps 150,000 persons from the Dohuk area who are not prepared to go home as yet. ...

As you know, over one million Kurds fled to Iran. Substantial numbers are already returning, many to areas where the only outside assistance is that that the UN, ICRC and NGOs can mobilize. We have opened offices in Dohuk, Erbil, and Sulaimaniya and are opening more. Many more staff are arriving with vehicles and comms equipment for both the allied area and elsewhere [by 25 May we were to have 75 international staff in



Iraq]. If, as we all hope, a political agreement is reached between the Kurds and their government and the great majority can go home, we shall have an even larger but short-term challenge in helping them to do that in safety and dignity.

Finally, when I was talking to the High Commissioner last night she asked me to convey to you all her great appreciation for what you are doing in often extremely difficult conditions, as she has seen for herself.

Even within the UN, establishing UNHCR's operational authority in the allied area took time. I had to ask Staffan Bodemar to ask Bernander "to confirm to UNICEF and UNHCR Zakho that UNHCR now in charge in whole area. Naimy of UNICEF understood from de Mistura on leaving 13 May that he was to represent the United Nations, which creates obvious confusion. Our professional and personal relations with Naimy are good and we agree clear designation of UNHCR soonest will help all parties."

On 17 May the High Commissioner wrote to the Secretary-General with a copy to the ED. She noted that "most of the problems in the now de-militarized zone of Southern Iraq were resolved following the decisions of Saudi Arabia and the Islamic Republic of Iran to grant a new haven to persons stranded there. ... I have no doubt that, on that occasion, our common resolve not to yield to various pressures on the United Nations to offer a substitute to responsibilities of States played an important part in this outcome." Her letter ended as follows.

I have to express my continued concern, however, regarding the security prospects facing the population that fled Northern and North-Eastern Iraq. Although many are now returning to their areas of origin, it appears that this repatriation movement is largely based on the strength of security currently provided by coalition forces. It is my conviction through my discussions with the highest authorities in the region and with the refugees and representatives of Iraqi Kurdish movements that nothing short of a negotiated settlement accompanied by some form of international guarantees can offer a lasting solution to this human tragedy, one of the most dramatic of our times.

I understand that various mechanisms are currently being explored to reconcile diverging interests [with Iraq rejection of any UN police or monitoring force, the ED and de Mistura had decided to use UN security guards] and I trust that, once more, the United Nations will stand by its basic humanitarian principles as a means to encourage States to assume fully their responsibilities vis-à-vis a population at risk.

Given the necessity to have the operational strategy on relief and repatriation take into account the various political initiatives currently

unfolding, I would be most grateful if you could keep me regularly informed of developments in this field.

I spent all of 17 May driving from Zakho to Dohuk via Kani Masi and Amadiya, my first chance to see the situation east of Zakho and to speak to some displaced Kurdish families along the way. All were from the Dohuk area and said they would not return unless allies took area. One man had just returned from Dohuk. He said the town was quiet and his house intact but that it was not safe to return permanently. In Dohuk on 18 May Sudang Kaentrakool and I had a long meeting with the governor (Sudang was setting up the UNHCR office there). The governor, Mohamed Peroz Rustum, was Kurdish and had been with the resistance before changing sides. On security, he said that the police had been instructed to ensure safety of returnees and overlook minor offences. His administration was more concerned about their own safety from returnees than vice-versa. The governor stressed that the issue was not actual security but political: even if the allies came no further, most people would return if their leaders gave the order. He said that the Baghdad talks with the Kurdish leaders were going well; he hoped for a positive outcome in three or four days, "God willing". I briefed him on what I knew of plans for a UN security presence; he said the UN was always welcome but if unarmed would have no impact. I asked about return to villages in the border buffer zone. In the 1980s, Saddam Hussein had forcibly relocated Kurds from these into collective villages, and razed many of the houses. The governor hoped that the agreement would provide for the Kurds to live where they wished, though he felt that once peace came many would in fact prefer to remain in the collective villages where services were much better than those any administration could provide in isolated locations.

We briefed the governor on UNHCR's plans, but it was clear to us (and to him) that his position was rapidly becoming untenable. The Iraqi army left Dohuk late 17 May and when I left for Mosul the next morning the allies were reported at the northern town check point. In Dohuk I also met Cedric Neukomm, who had just arrived to head the ICRC office there. He was a good friend of UNHCR (I knew him from our time together in Cyprus in 1974) and we could be assured of close cooperation.

From Mosul, where UNHCR was establishing an office and where I had prepared a report on Dohuk, to be sent as soon as the radio was set up, I drove to Erbil for the night, leaving early the next morning for the Iranian border (when driving, I tried to be on the road by 06:00). That day, I visited two official crossing points: Haj Umran, opposite Piranshahr in Iran; and one east of Qala Diza, opposite Sardasht. The next day, 20 May, I visited crossing points east (Penjwin) and south-east (Tawila) of Sulaimaniya and was briefed at an ICRC field office near the border. I also visited Halabja, a town surrounded by camps housing those forcibly displaced from border villages. That evening I met a

colleague just back from visiting an unofficial border crossing point north of Penjwin.

### *Halabja and the Anfal*

Halabja was attacked with poison gas by Saddam's forces on 16 March 1988: thousands died on the spot and all those who could fled. A Kurdish video cameraman entered Halabja four days after the attack and documented horrific scenes of sudden death in the town, and the effect of the mustard gas on "all natural life, animals and trees. I saw thousands of goats and sheep, all dead. Also wolves. ... I filmed hundreds of dead animals on the roads around Halabja. I couldn't hear anything. No birds. There was absolutely no sound. Everything had died. I had to leave town every so often to go to an area where I could hear birds, because the silence drove me crazy."

The full horror of Halabja was not then widely known but, as I stood alone in the bright sun in the still silent centre of the town, I could sense that what had happened had been truly terrible. Nor was the full extent of the "Anfal" then known, "a word that used to fill every Kurd with crushing fear ... A counterinsurgency operation launched by the Saddam Hussein regime in the waning days of the Iran-Iraq war to decisively settle its Kurdish problem, the Anfal campaign led to the methodical murder of tens of thousands of Kurdish civilians – first flushed out of their villages by poison gas, then hauled to transit centres, sorted by age and sex, and carted off to execution sites in Iraq's western desert, far from Kurdistan." <sup>79</sup>

The longer I spent in the region, the more it became clear that the Anfal was critical to understanding the attitudes of the Kurds, just as the Iran-Iraq war was for the Iranians. To quote Samantha Power, on the jacket of the book from which the above quotes are taken, "the traumatization of the Kurds spawned their distrust of all things Iraqi ... America's support for Saddam while he was gassing his own people bred fierce and lasting scepticism about whether Washington could be trusted in the region ... America's indifference to

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<sup>79</sup> Joost R Hiltermann, *A Poisonous Affair: America, Iraq, and the Gassing of Halabja* (Cambridge UP, 2007), p. 105, and next paragraph, p. xii. Chapter 5, pp. 104-124, describes the political and military context, and human consequences, of the attack on Halabja. From the first endnote: the "US military brought eighteen metric tons of Iraqi secret police documents seized by Kurdish rebel parties during the short-lived uprising to the United States for safekeeping and analysis. ... The nongovernmental organization Human Rights Watch received exclusive access to these documents in 1992-1994 to sift for evidence on human rights crimes. This author supervised this project for Human Rights Watch during this period ... The principal results [were] later combined ... and published by Human Rights Watch as *Iraq's Crime of Genocide: the Anfal campaign against the Kurds* (New Haven and London: Yale University Press, 1995)."

Saddam's chemical attacks on Iran helped convince Iran to go it alone, and acquire its own weapons of mass destruction". Both the Kurds distrust of Baghdad and what they saw as serial betrayals were of long standing. On outside support for them in the 1960s and 1970s, the 1989 Minority Rights Group report noted (p. 21): "The tragedy of such support was that it was provided to encourage Barzani to wage war on Baghdad, but not to achieve autonomy. If the Kurds won outright they would cease to be the debilitating factor against the Ba'th that the US, Iran and Israel all wanted. It was therefore vital to ensure both that the Kurds continued to fight Baghdad, but also that they would never win."

### *South to Baghdad*

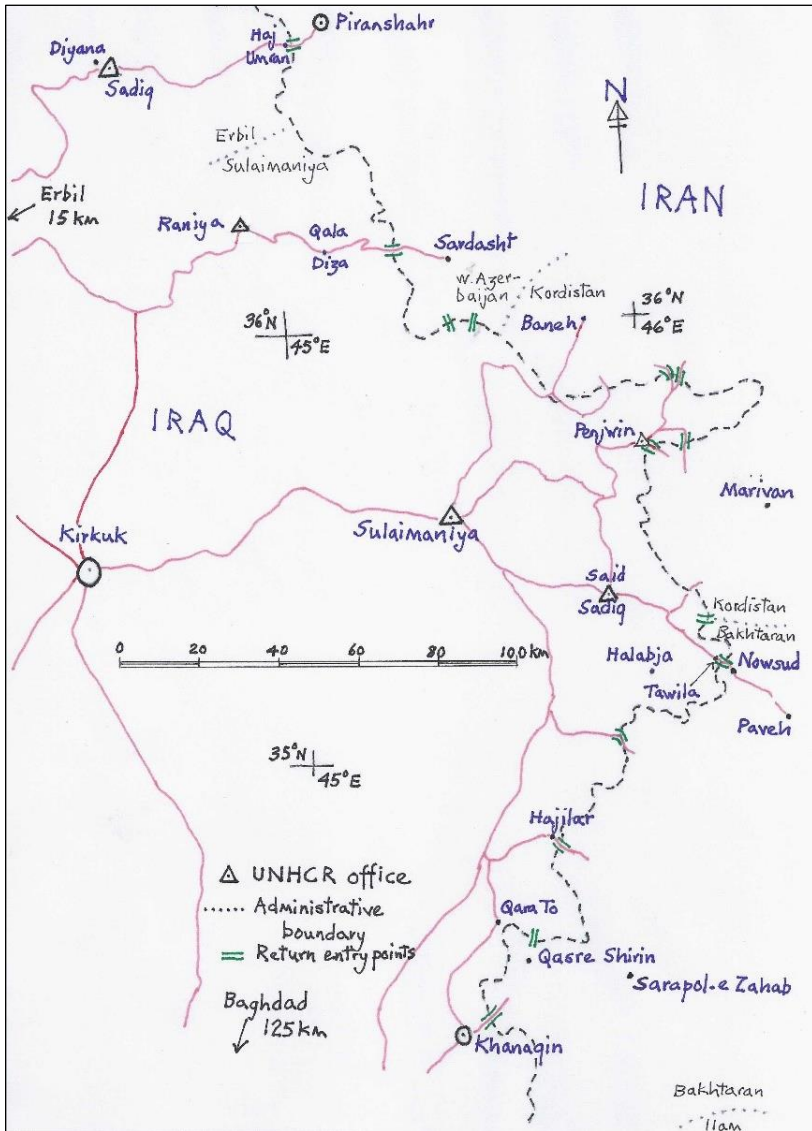
On route from Sulaimaniya to Baghdad on 21 May, I visited two more crossing points, at Qara To and Khanaqin. As I reported to headquarters, mine was the first visit to this area.

Unlike others, area is flat with network of excellent roads. It is a high security area with strong military presence and looks very largely uninhabited since Iran/Iraq war. Military, who were friendly, said that next time HCR should have armed escort for own safety in view cross-border tensions and risk incidents. Believe many returnees will choose to move further north on route back. These are only known entry points in government-controlled area. Region is southern limit of Kurdish area, most people stayed, and there is little sign of damage in Khanqin. Thus unless our colleagues in Iran feel this route would be important for large-scale return, we [Bodemar and I] believe area could be monitored from Baghdad for time being.

I had thus covered the main entry points from the Iranian provinces of W Azarbijan, Kordestan, and Bakhtaran (and driven 1,650 km since Dohuk). With much of the information coming from field colleagues, from Baghdad I was able to send headquarters an assessment of returns from Iran.

Actual returns across border known to us vary markedly by location and from day to day, and all figures herein should be treated with great caution. Also, numbers are so large that even accurate generalizations may be misleading for significant groups. Over recent days total returnees per day ranged between 2,000 and 8,000. More no doubt crossing at other points, though nature of terrain would limit numbers. Reasons given for return include inadequate assistance in Iran, prospects of agreement and need to harvest. From interviews, it is clear that there is great confusion between allied forces and United Nations in many minds, with media coverage of UN guards' role adding to this. Some Kurds on borders reported calls by their leaders to return. Signing of

agreement and direct pleas from leaders would obviously start much larger return. Rumours abound that agreement is near, as they have done for weeks. Pending such agreement, return still expected to gather momentum, with more moves north into Kurdish-controlled areas from Bakhtaran province.



While it is possible to get an idea of border-crossers, and as staff arrive this can be refined, it is not possible or necessary to make distinction within Iraq between those who were in Iran and those who only moved to the border. Three broad categories can be defined: (1) those going back to the homes they fled from, whether in government areas or not;

(2) those who are settling back at or near their old villages or towns; (3) those who are not yet moving from Kurdish-controlled border areas. It seems that perhaps 400,000 in cat. (1) have returned to towns of Erbil and Sulaimaniya. Our colleagues and local sources suggest that both are now some  $\frac{3}{4}$  of their former population. ... All reports suggest that government is stopping Kurds from returning to Kirkuk. Thus persons who would be in cat. (1) are having to stay either in border area or in make-shift camps in government area, of which there are now some at Erbil. Bernander will raise this with government as matter of urgency.

Large numbers are in cat. (2). All over area people are camping near their old villages or fields. Many have already started to clear land. Mines and unexploded ammunition are significant problem ... Most of the large collective towns look deserted (some, like the group at the western end of the Rania lake must have housed at least 100,000). Many people in Tawila area declared their intention of returning to Halabja, which had a pre-88 population of over 100,000. About 10,000 are already back, and there as elsewhere people are rebuilding dwellings out of the rubble.

Commercial food from Iran seems readily available in Kurdish-controlled area and is cheaper than outside it. Many vehicles on the entry routes are carrying food including fresh vegetables. Most people still seem to have remarkable purchasing power given what has happened. At least at present, our field colleagues and the NGOs feel we should not be embarking on any large-scale food distribution, but use health services and also identify needs in the locations where people appear worse off than elsewhere (e.g. some cat (3) Kirkuk residents). Our colleagues will be trying to determine need for seeds as a priority task. Given the scale of reconstruction, believe we should procure very large numbers of plastic tarpaulins. Walls are rising out of the rubble at impressive speed but roofing is a problem and is much in demand.

Bodemar and I met Bernander on 21 May. He told us that the sticking point in the negotiations with the Kurds was apparently the government's refusal of return to two valleys considered particularly important for national security.<sup>80</sup> On 22 May I drove back to Silopi via Zakho, where I received a letter from General Shali dated 19 May.

My staff is currently in the process of reviewing the [13 May UNHCR] document. An initial review indicated concern with a few of the provisions of the plan. For example, paragraph 3 refers to the allied

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<sup>80</sup> The major problem was rather the status of Kirkuk, and it was lack of agreement on this that led to the breakdown of the 1991 negotiations.

forces being unarmed. As you discussed with members of my staff, the coalition forces must retain the authority to bear arms appropriate to the level of risk as determined by their commanders.

I believe the best way for us to provide you the results of our review will be by the submission of a comprehensive plan which will include the comments of the multi-national coalition forces. In the interim, you may want to review the draft copy of our plan. Any comment you have could be forwarded to the Combined Task Force and would be greatly appreciated.

We sincerely appreciate the spirit of cooperation shown by the UNHCR and look forward to a smooth transition.

On 23 May I met with NGOs and the military at Zakho, and then travelled to Diyarbakir for a meeting the next day on the transition arrangements, which was also attended by Kamel Morjane and Eric Morris, on mission from headquarters, and Dan Conway. The meeting went well despite some tension between the senior State Department representative and the military, who felt that State was pushing for a precipitate withdrawal that would leave the Kurds in the lurch. Before I left Diyarbakir on the morning of 25 May, I wrote to General Shali.

Thank you for your letter of 19 May. As you know, we had a meeting on the transition arrangements, and in particular the draft plan, here on 24 May. We revised the text, with the exception of attachments 1 (timeline) and 2 (agency responsibilities). UNHCR will provide a suggested revision of these at a meeting in our office at Zakho at 1300C on Tuesday 28 May. Thereafter the document would be revised as necessary in light of developments or, for example, and comments from the allied forces not yet incorporated. It will be a most useful basic working document for the transition, and we much appreciate your initiative in preparing it. We are also very grateful for all the assistance and the excellent cooperation being extended to UNHCR in the discharge of our responsibilities.

### *Some personal impressions*

In Diyarbakir I found time to write my first proper letter home.

*Since last Friday I have driven round the allied area and right down the Iranian border. Actually, you can't drive right down the border as it is very high and rugged. Most of the border points are on the top of mountains. The northern part of Iraq, like neighbouring Turkey and no doubt Iran, is very beautiful. The higher mountains are still snow-capped and there are narrow gorges, fast flowing rivers and waterfalls, and everywhere is green with a mass of wild flowers. The poppies are a vivid deep red, there are oleander everywhere, lots of*

*what look like wild delphiniums and much more. Some of the upland meadows look like the alps in spring.*

*Apart from the crested desert larks, which are numerous at all altitudes, there are fewer birds than I would have expected and very few wild animals to be seen from the roads. There are what I think are magnificent starlings (brilliant blue/green chests, lovely brown wings and black tails), spur-winged plovers, many magpies and few birds of prey. A small grey blur of something tried to take a swallow just in front of my car a couple of days ago. I have seen one dead hare on the road and something that could have been a fox crossing the road. I also saw a thin snake with a bullet head slither across the road in front of me as I was driving – I wouldn't have believed a snake could go that fast.*

*All over northern Iraq and eastern Turkey people are harvesting and ploughing. In some of the now Kurdish-controlled areas of Iraq they are back on land that they haven't been allowed to till for years. Some of the farming is mechanized but even in eastern Turkey there are fields being reaped by women in colourful clothes using sickles. One problem is that the war stopped the usual spraying against locusts.<sup>81</sup> I saw quite a few on the road when in the east. People have very large flocks of sheep and goats and there are many horses about, though not as many as in Turkey.*

*I have my own Toyota Land Cruiser. It is a couple of years old and belonged to the UN observer force that was monitoring the ceasefire between Iran and Iraq, but had only done 7,500 km when I got it (I've added another 3,000 km already). While fuel in Iraq is now quite widely available, it is of a very low octane and the cars start "knocking" under any load at all. So I fill up in Turkey to the extent I can. So far the car has served me very well indeed. I prefer to drive than be driven as I can be much more flexible crossing borders etc, and as there is very little traffic it is not too tiring. The car has a very clever computer-controlled HF radio (Codan – Australian). I have a numerical call sign and when I am driving along it silently scans four channels. If someone wants to call me they select a channel and punch my call sign into the keyboard. If reception is good it rings like a phone in the car. If I am not in the car and therefore don't answer, when I come back there is a message on the screen that call sign XX called.*

*The Iraqi people are very friendly and seem glad to see us about. I have [and kept] a UN flag above the roof, and almost every car that passes waves or hoots. This is particularly the case in the Kurdish (Peshmerga) controlled area, but also true elsewhere and for the many soldiers on the government road blocks. Three days ago I had set off for Baghdad from Sulaimaniya at 06:00 and stopped for*

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<sup>81</sup> After the war, "the government was actively obstructed in its attempts to secure the spring harvest; authorities were, for example, prohibited [by the sanctions regime] from spraying crops from the air." (Bernander, p. 268)





*The flag after over 10,000 km*

*petrol at the first station I found. By then it was almost 08:00 and there were about 50 cars and tractors waiting and a tanker had just arrived. I got out and went to ask if there would indeed be fuel, and was told to come round and in to be first at the pumps. There was a half-hour wait and I chatted with a great crowd of people and explained what UNHCR was trying to do and met some who had recently come back*

*from Iran. After an anxious moment, the generator started and I filled up and then one of the people insisted on paying for my fuel despite my protests. A little of my Arabic is coming back and it makes a great difference, even if most of the people speak Kurdish and some don't speak much Arabic.*

*Everywhere I have been so far there have been adequate hotels, but sometimes only kebab on the menu. [At the US army PX in Silopi I acquired an army camp bed. In Silopi I slept in the office as I was usually working late, and there were excellent public baths close by. Elsewhere I generally slept on the roof of the office or of a house where a colleague was staying.] Some electricity is back on in the large towns in the govt-controlled areas as is mains water, though the quality is suspect. There is both cholera and typhoid about, so I take bottled water from Turkey and when that runs out use my excellent Katadyn filter, which is most effective if labour-intensive. I'm getting into a routine always travelling and living out of a suitcase, and now know where things are and have the essentials within reach. The weather is generally glorious and, because much of the area is high, it is nice and fresh in the early morning. Of course, once one gets down towards Baghdad it becomes very hot and there have been some bad sandstorms.*

As a mobile office, I had (and still have) one of the Cambridge (Sinclair) Z88 computers, effectively the first tablet and now a collector's item. It was A4 in size and 2 cm thick, with an eight-line screen and full-size keyboard, and weighed 900 g. It had basic word-processing, spread sheet and data base software and internal memory for about twenty pages of text. I also had a Kodak Diconix portable printer, very small and light. Both it and the Z88 also ran on easily available batteries. Together, they proved indispensable. The challenge, particularly in the first weeks, was finding access to a fax machine in the field. The UNHCR Magnavox satellites took time to reach our offices, and were far from portable. I could sometimes make use of the coalition, and I once came across a Norwegian mission, led by Jan Egeland, setting up a semi-portable one in northern Iraq to call Thorvald Stoltenberg, and was able to take advantage of that (and have my greetings passed on).

## *The UN Guards, and Dohuk*

An “Annex to the Memorandum of Understanding signed in Baghdad on 18 April 1991, relating to the arrangements for the Deployment of the United Nations Guards Contingent for the United Nations Humanitarian Centres” was concluded on 23 May. The annex did not set out the terms of reference of the UN Guards, beyond establishing a presence, in agreement with the Government of Iraq and as needed, at “any transit centres, UN sub-offices and humanitarian centres (UNHUCS) which may be established by the United Nations in Iraq.” The annex noted that, as a first step, ten UN Guards had been dispatched to Dohuk on 19 May, “in order to establish a United Nations presence at the sub-office and depots in the town. This unit also liaises with the transit camps in the Zakho plain, with a view to enabling the United Nations to assume control thereof. In addition, the unit collaborates with the local civilian administration, which is stepping up the rehabilitation of services in the town.” The total number of guards was not to exceed 500; numbers in each region would be decided in consultation with the Government, but would not exceed 150. “United Nations Guards will be authorized to carry side-arms (pistols/revolvers), which will be provided by the Iraqi authorities (subject to approval by the United Nations with respect to make, model, calibre and munitions). ... it is not anticipated that all Guards will be so armed”.

The deployment of the UN Guards, who were initially all volunteers from the unarmed uniformed UN security personnel assigned to the major UN offices, was presented to UNHCR by the ED and his colleagues as simply intended to provide additional security for humanitarian workers and relief supplies, which we welcomed. However, it was clear that the underlying aim was political: a response to the pressures on the Secretary-General and ED from the US and its allies for the UN to come up with a substitute for the security provided by the presence of the allied forces. The Iraq government and the allies both wished the latter to withdraw as soon as possible and, for the government, accepting this formula for the UN Guards contributed to this without raising the concerns that had led it to categorically reject a UN police or monitoring force.

I drove from Diyarbakir to Dohuk via Silopi with Kamel Morjane on 25 May, the first day of organized large-scale return to Dohuk: over 18,000 returned, about a quarter of them in private vehicles and the rest in trucks. That evening I returned to Silopi to report on the day’s events in Dohuk. (Such reports were always copied to UNHCR Incirlik.)

The full-time US military presence in Dohuk is limited to a MP unit guarding the hotel that the civil affairs team surveying the rehabilitation of services has taken over. On the town entry checkpoints there was a well-armed but relaxed Iraqi police presence. During the afternoon there were incidents between Kurds and the Iraqi police. In what appears to

have been potentially the most serious, Kurds recognized a policeman in civilian clothes. He and other police were attacked and had to be rescued by the Peshmerga, in one case apparently with assistance from UN guards (who also played an important role assisting and monitoring the return movement). Although the police sent in armed reinforcements, before night fell they had withdrawn from the centre of the town, which could be considered as effectively under Kurdish control. Armed police were however visible in small numbers elsewhere in town, as were patrol cars.

While there were similar incidents in the early days of return to Zakho, the key difference was that there the allies were responsible for, and had the means to ensure, law-and-order. Whether or not the Iraqi police attempt to reassert their authority over the whole town, there is a potential for violent incidents, given the context and probable possession of arms on both sides.

Kurdish leaders are trying to ensure calm and avoid provocation, but claim that origins of incidents were probably provocation by other side wishing to demonstrate that security no longer assured in town. Not clear tonight what reaction if any likely from allies (British are on northern town limits). Kurdish leaders believe today's events will not have impact, so provided there are no more serious incidents, pace of return likely to be very high and we would see the great majority of persons in allied areas/on border out of camp-like situation within two weeks. Conversely, we shall only know if our protection fears have been justified when it is too late.

I drove back to Dohuk early on 26 May. A new governor had been appointed but was not there; I met his assistant. Notwithstanding the previous day's incidents, he felt that the situation would not get out of hand, and said that the police and Peshmerga were cooperating well. During the day there was a low-profile and largely motorized police presence in the centre of the town, and the atmosphere appeared calm. At my request, I then met Major-General Jay Garner, who was commanding the US forces in the allied area, in order to discuss the security situation, and reported as follows:

I said that this move [return to Dohuk] was effectively repatriation as persons were crossing back into national control. ... Noted that confusion about actual security arrangements made informed choice difficult, but our major concern was that incidents on 25 May showed difficulty in ensuring security in situation where returnees did not look to authorities for protection, and where authorities could exacerbate problems by deploying force needed to ensure the security that they were responsible for providing. I said that while we greatly hoped

incident was isolated, should there be another serious incident I felt that the High Commissioner would have to review UNCHR's participation in the return.

Garner said that incidents like that on 25 May were to be expected. He stressed he had clear instructions to limit US military police presence in Dohuk to that necessary to protect Americans (we understand that he had in fact urged wider deployment in order to help contain any such problems). General said he understood our concerns but did not see what action could be taken on them in the circumstances. He gave a pessimistic assessment of even medium-term security prospects "after we've gone". There is increasing evidence that US military are planning at least very substantial reduction of presence within next few weeks.

Also briefed Dr Lois Richards, who had led for State Dept at 24 May meeting on transition plan. She asked what action UNHCR recommended. I said this not for us to say, but I felt that all those who could help ensure the security of returnees had an obligation to fulfil given the circumstances under which this return was taking place.

Thereafter met ICRC. A relief delegate had witnessed whole of most serious of incidents on 25 May. A crowd of 2-3,000, later swelling to 5,000, containing some 100 well-organized elements with sticks, iron bars and knives, moved quickly to storm central police station. First group of 20-30 uniformed police escaped but some 5 remained inside station and were brought out and severely beaten. Knives were not used but one victim reportedly still on critical list. Leaders of crowd intervened and probably saved lives of police. Soon thereafter armed Peshmerga arrived in great haste and brought situation under control. Crowd ransacked weapons store and found some 30 rifles still in supply wrapping which Peshmerga finally recovered and took away. Incident lasted about one hour (coincidentally from just after I was there - I saw ICRC vehicle - until just before I got back to interview bystanders). First US military personnel stopped at scene after it was over. ICRC confirmed our impression that town has been calm today apart from burst of automatic fire at 1920 local time. However rumours abound. There is also a major problem of unexploded ammunition all over town, which US army is clearing.

Approx 19,000 persons returned on 26 May, 14,000 down Zakho road and 4-5,000 down Amadiya road. Shortage of trucks was a problem on latter route and is being addressed, though UK military report some 8,000 left 26 May.

## *The transition plan and security incidents*

The meeting on the transition plan took place as scheduled pm 28 May. Brig-Gen Campbell represented the US, and representatives of the French and UK Military, the NGO executive council (whose creation we had encouraged) and WHO (with whom our cooperation was close and smooth) were present. We had had separate preparatory meetings with WHO and the NGOs the previous afternoon. John Telford chaired the meeting and introduced a document on the transition prepared by him and his colleagues, which included a matrix showing present sectorial responsibilities in the Zakho transit centre and the proposed takeover of these at transition. This was reviewed in detail and adopted unchanged. I reported that Gen Campbell “appeared well satisfied”.

A second document set out five assumptions on which the plan for a transfer on “a sector/activity basis on or before 7 June” was based. It made clear that the plan covered the US and that the handover from other allied forces would be subject to separate agreements. We had a long meeting with the UK commanding general and Dr David Nabarro of ODA the previous day and were already working on a similar schedule. The handover from the French was expected to be straightforward, as only their field hospital was likely to be an issue and they would withdraw it if it was not needed. One assumption covered fuel, which the US forces had been providing to the humanitarian programme, both for vehicles and services such as generators in health facilities and for water pumps. Before leaving Dohuk that morning, Sudang and I had met the governor’s head of administration who told us the governate was already supplying vehicle fuel into allied area, and he agreed to take over the needs of the public services too, which John Telford would follow up locally.

The owners of land on which the US had built the Zakho camps were seeking compensation, and the US had put pressure on UNHCR to deal with this. The last assumption was “that the issue of land compensation for the Zakho camps be resolved between the claimants and the US Forces before the transition date. UNHCR, according to standard policy, does not compensate for, rent or purchase camp land.”

Campbell accepted our stand and said that US would solve problem (though Cuny had told him that State/RP position was this had to be done through HCR). We noted that most unlikely that Zakho camp sites only land needing compensation in allied area, so perhaps US could have single approach and not treat camp sites separately. I said that while HCR might be prepared to consider acting as channel for simple transfer if that only way to solve problem, the condition for consideration would be that funds required were additional and not at expense this or other HCR programmes.

Problem of security was raised by both NGOs and ODA. NGOs are working on position paper that informs all concerned that they would probably feel constrained to withdraw at same time as allied security forces. Not clear how many will sign paper, but their concern is very real and understandable. ODA (Nabarro) referred to reports that allies were preparing plan for precipitate withdrawal. Campbell said that only withdrawal being planned was of those providing humanitarian assistance, who were no longer required. No dates being discussed for withdrawal of security forces. (Nakamitsu reports that Gen Shali stressed this at 27 May Incirlik staff briefing and discouraged all speculation.) Nevertheless, the likelihood of allies cutting their losses in face of growing security problems as Peshmerga asserts itself in their areas, particularly if prospect early agreement in Baghdad is receding, must be increasing. Garner's pessimistic view on security is shared by many including ICRC Dohuk.

As an over-simplified and perhaps premature analysis, it seems that either security holds and great majority ex-Turkey go home, or it does not and we may well have great difficulty in continuing to operate at all. In the former "best case" scenario, we could imagine a significant phase down of HCR activities in Dohuk governate within few weeks, with attention focused on those in allied zone who fear to return to homes outside it, and on the needs of those awaiting return to abandoned villages. Latter are already gathering in temporary settlements near villages that are too destroyed to return to immediately.

US agreement with Iraqi military on assistance to services in Dohuk was that allied humanitarian teams would stay there for periods ranging from 7 days (sanitation and explosives disposal teams) to 21 days (notably security and command and control), exception being NGOs in health sector for whom up to 77 personnel authorized for 60 days, with need to be re-evaluated thereafter. Assuming no major security problems meanwhile, withdrawal of all but NGO presence had to be completed 14 June and that may be critical moment.

In additional to security and the role of the UN guards, we had other priority concerns. We needed a clear position from the government on return to Kirkuk and on extension of the amnesty beyond 26 May. With many Kurds seeking to return to their original villages, from which they had been expelled in previous years, we needed to agree an approach with the ED/Bernander, as this had wider implications than just UNCHR's role in return. And we needed to agree with the government a simple mechanism for the regularization of the status in Iraq of both our own colleagues who had crossed the uncontrolled border from Turkey and the NGOs who had done likewise at the behest of the allies.

UNHCR had agreed to help the NGOs do this, acting as a channel with Baghdad, but this proved to be more than just an administrative challenge.

On 29 May I drove from Silopi to Dohuk and on to Sirsenk, on the road to Amadiya, site of one of Saddam Hussein's many palaces, this one with its own airport, where the UK force (Royal Marines) and the ODA team were based. For reasons explained below, in the first days of June I had time on my hands, and on 2 June I began a letter home.

*I had a fascinating helicopter ride down to an isolated valley where a Royal Marine company is doing a great job assisting people coming back to land they left before 1988. Good to listen to marines briefing on types of crops, needs for seeds, irrigation systems etc. On our way back to the UK hqs we overflew the hilltop town of Amadiya twice before getting the kids off the landing strip and dropping a passenger.*

*As you would expect, the marines were well organized, as were the ODA "Mobile Support Teams" under David Nabarro, with whom I spent a lot of time. He has now gone back to his job as the head of health and nutrition at ODA. He is very dynamic and energetic and obviously has good political contacts: the MST idea was discussed with [UK Prime Minister] Major.<sup>82</sup> Like nearly all the British up there, he doesn't fully understand the political realities, and is anxious to extend UK humanitarian assistance outside the allied area into Peshmerga-controlled territory.*

That evening (29 May) I faxed a text to UNHCR Incirlik for General Campbell reporting on extensive meetings in Sirsenk "with allied forces' representatives (French, UK, USA) and ODA to finalize the proposed transition schedule for the allied areas outside Zakho". The fax included a schedule for returnee sites outside Zakho and a revised and simplified text on assumptions that was no longer Zakho-specific: allied fuel for programme until 30 June unless earlier alternative arrangements – these HCR's responsibility; land compensation as it affects programme throughout area to be resolved by allied forces before 7 June; and water system for Zakho transit centres to be fully operational by 7 June. The UK – at least locally - was reluctant to pull out as quickly as the US wished, and had sought to agree later dates with UNHCR, which resulted in a forceful US intervention with London.

I left Sirsenk on 30 May heading east for Amadiya, where I stopped for coffee. Amadiya is a spectacular town, reputed to be some 3,000 years old, perched on a plateau, which it almost fills and with rocky cliffs around it except for a zig-zag road up to it. My plan was to continue east down the Zab valley to Diyana

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<sup>82</sup> He later joined WHO and has had high-level assignments for the UN Secretary-General as his special representative and special adviser on several health and development issues.

and Erbil, having ascertained from the French forces in that sector that what was reported to be a spectacular road was indeed passable. At 13:00, and with the last French checkpoint behind me, my radio rang. It was our office in Zakho informing me that the Chairman of the US Joint Chiefs of Staff (and former National Security Adviser), Colin Powell, was visiting the Zakho transit centres at 16:30 that afternoon – could I come back? I turned round and drove back as fast as I could on the road surface, arriving just in time. Fred Cuny and the US NGOs provided most of the briefing, but we were able to share our security concerns with him, and also brief him on returns from Iran. As I wrote home:

*One of the things he said was that as National Security Adviser, in 1988 he had played a major role in helping reverse US opposition to the UN. Of course, the message that the Kurds and we were trying to get across was that if the allies left before those who had returned under their protection felt secure, it would be a disaster [some expected a new exodus]. “We mustn’t let that happen”, was his reply to me, but I think the allies feel like us that the prospects for the agreement between the Kurds and Baghdad that is the only way out for everyone are not as good as the public statements suggest. Thus it is possible that the allies will leave sooner rather than later, as the longer they stay the messier will be their departure. [A major concern of the allies was that their withdrawal route was over the Habur bridge at the border on the road to Silopi, where demonstrations by the Kurds to prevent the withdrawal could be easily arranged.]*

*Just after Powell’s visit, I had been informed by radio that there had been shooting near our office in Erbil and set off straight there, as our newly-arrived Nordic team at Erbil were alone: Alfredo [Witschi-Cestari, on mission from Geneva] and Mike Alford, the very good new head of the sub-office at Erbil being on a field trip. I got to 30 km outside Erbil when I heard all was calm and Alfredo and Mike were at the office. As I was having increasing difficulty getting through the road blocks, I turned back to Mosul, via a cup of tea in the dark under the stars with an Iraqi major who then gave me an escort up to a key bridge, and got to the very smart 5\* Nineroah Oberoi hotel on the Tigris at 2300. I lost my UN blue Zimbabwe independence hat somewhere in the darkness with the Iraqi military.*

The hotel was deserted except for several Iraqi army generals and their wives and men who were clearly from the Iraqi security services. They and the night manager seemed amazed to see me, but he insisted on giving me a suite overlooking the Tigris. The next day I drove to back Erbil. The incident had been less serious than we had feared, though one person had been shot. A crowd of Kurds had carried the body to the gates of our office, shouting “UN, where are your tanks to protect us?”

I then drove on to Sulaimaniya via Kirkuk.

*On the same day [30 May], there had been a far more serious incident in Sulaimaniya of which I had not been aware until reaching our office in Erbil.*



*Two unrelated incidents sparked it off: a Peshmerga refused to give up a weapon and was shot, and an Iraqi military truck with defective brakes killed four Kurds in an accident in the market. The driver was killed and the truck burnt and a crowd with Peshmerga support attacked the governor's office, reported killing several soldiers. The army intervened with tanks and medium calibre weapons; it appears there were 50-60 dead in all and perhaps many more.*

According to our colleagues, who remained in their hotel, which was guarded by Iraqi soldiers, at 20:00 machinegun fire could be heard coming from the centre of town, this intensified, together with RPG fire, and at around 22:00 Iraqi army tanks and troops entered the town. Gunfire continued until 02:00. The head of the UNHCR office, Janvier de Riedmatten, reported that the next day "the situation was quiet but tense. There was still a strong army presence in the town. UNHCR officers who had planned to go to Peshmerga-controlled areas did so. In those areas the people were already aware of the incidents. According to some, information had already reached Iran and resulted in an extremely low rate of entries. Peshmerga local leaders said that Mm Talabani and Barzani had both sent instructions to their men to cool down and make efforts to stop the fighting.<sup>83</sup> According to the same persons, the incidents were exploited by groups opposed to the agreement [being negotiated in Baghdad] (Islamic fundamentalists)."

*By the time I arrived at 1900, over 24 hours after it started, things were more relaxed, though the town was stiff with military and tanks. We (Alfredo, Ekber Menemencioglu [also on mission – he had been head of our office in El Geneina when I was Representative in the Sudan], and I) couldn't find supper anywhere and finished up being taken into a Kurdish family's house close by our hotel [and temporary office] for a delicious meal, with me interpreting. In fact there were several families. Some of the Kurds look very Nordic, blonde and fair-skinned with blue eyes – one of the women could have been Swedish. Alfredo had some Swiss chocolate left so we delivered that the next morning as a thank you.*

These events had been a literal baptism of fire for our Nordic team, who had just arrived at the hotel when the shelling began close by and very understandably needed reassurance. In response to the need for many more staff very quickly, UNHCR had made an arrangement with the Norwegian Government to finance teams from the Norwegian Refugee Council (a long-standing UNHCR partner in Africa). These teams, similar teams from Denmark

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<sup>83</sup> Masoud Barzani was the leader of the Kurdistan Democratic Party (KDP), founded by his late father. Jalal Talabani was the leader of the Patriotic Union of Kurdistan (PUK), founded in 1976 after a split within the KDP.

and Sweden, and staff from UNRWA, some of whom spoke Arabic,<sup>84</sup> played a key role in the operation.

### *Guests of the Revolutionary Guards*

We spent the morning of 1 June reviewing the situation, and left at 14:00. My report to hqs “Inadvertent visit to Iran/returns from Iran” was drafted between 2 and 4 June and sent on 5 June from Baghdad (and shared with Mr Bernander). It follows, with text in italics from a letter.

On route Sulaimaniya-Baghdad in UNIIMOG 358 with UNHCR driver Hormis Gisso (Iraqi national), Alfredo Witschi-Cestari and I visited border crossing point at Hajilar, 34.8° N and about 35 km NW of Sare Pole Zahab. When I had visited this area on 21 May, I had not gone right to this location. ICRC had subsequently reported that 2-3,000 persons/day were crossing there. On 31 May I informed Baghdad of my intention to visit the location unless advised meanwhile that it had been visited by UNHCR. I had planned to do so alone, but in view of the situation in Sulaimaniya and lack of vehicles and radios, I left the vehicle I had used hitherto there. The recently installed Motorola radio in our vehicle was defective, and due to be repaired in Baghdad.

We approached the border without problems. Returnees met on route and the last Iraqi check point advised us that the border was just beyond three Iraqi trucks waiting to collect returnees. We came over the brow of a small hill and saw the three trucks, and an Iraqi military truck off the road, and a border post with guards, and an Iranian flag and barrier about 500 m ahead of us. A small group of drivers and persons trying to fetch the rest of their families from the Huvan camps were between the trucks and border post. We stopped our vehicle on Iraqi side of the trucks, about 250 m from border post, turned it round to show that we were not planning to continue into Iran and walked to small crowd who were joined by border guards as we arrived.

A person we subsequently identified as army lieutenant in charge of border post informed us that we were in Iran and pointed out another Iranian flag on brow of hill, some 250 m back from our vehicle. There were no other indications that we had passed the border. He said that Iraqi military truck had entered Iran in hot pursuit of fleeing refugees

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<sup>84</sup> Perhaps most notably Panos Moutziz, who began as a field officer, represented UNHCR on inter-agency missions to the marshes, and later became in-country spokesperson for our Iraq operation. After assignments as UNHCR Representative in several countries, and three years as UNRWA’s Director of Operations in Syria (where I met him in 2008), in 2011 he was the UN Humanitarian Coordinator for Libya and in 2012 he was appointed as UNHCR’s Regional Coordinator for Syrian Refugees.

and been captured. We explained that we had not seen flag and had been told that border was beyond Iraqi trucks. We apologized for inadvertently entering Iran, explained purpose of our visit, had brief discussion with guards and Kurds on rates of return, transport arrangements, etc. We were then given approval to leave by the lieutenant. However, as we moved off at 1600 local time, an armed soldier ran up and blocked our way. We stopped immediately. [I saw him coming in the passenger-side mirror, and we were stationary by the time he reached us.] Only the following morning at the command post did we learn from our host's large-scale map that we had probably stopped some 1.5 km inside Iran, as the unmarked border was shown on the map to be over 1 km before the flag. From observations on our departure, it seems that the first Iranian flag may be at the mid-point of a 2 km buffer Zone.

After about 45 mins a contingent of Revolutionary Guard arrived. Vehicle and all our belonging were thoroughly searched, vehicle was moved through checkpoint and parked by border post and our UN laissez-passers and Iraqi travel permits were taken. The same military left with these and keys of vehicle, which was left locked with our things inside. We were given to understand that our documents would be returned after verification, and then we would probably be allowed to proceed. As no one had returned by 2200, our hosts – who were becoming increasingly apologetic but explained that the matter was now out of their hands – gave us a place to sleep.

At 2330 a military vehicle returned, we were roused and driven with our vehicle about 30 km into Iran to a command post where we met the leader of the team who had taken our documents, the officer (Revolutionary Guard) in charge of the area up to the border, Mr Haji Rasooli, our host from then on. [Our driver was blindfolded and left in a separate vehicle but re-joined us at the command post.] Sleeping arrangements were made and we were allowed to take what we needed from the vehicle. Our new hosts explained that, as we had requested, the MFA in Tehran had been informed and they were awaiting instructions. As soon as we had realized we were not likely to be released quickly, we had repeatedly requested that the military/MFA inform our office in Tehran that we were safe, otherwise our families would become increasingly worried. We gave our hosts UNHCR Tehran headed paper, and names we knew in UNHCR office in Bakhtaran, and they told us at 09:00 on 2 June that they had passed message to their hqs in Bakhtaran to call.

Nothing happened on Sunday 2 June. By the end of the day Mr Haji was showing signs of frustration with the lack of news and the expected call

to his hqs from Tehran. He said he felt we should be released but the matter was out of his hands. Early on the morning of Monday 3 June, we again raised the question of informing UNHCR Tehran of our whereabouts. We said that many problems and much distress for our families could be avoided if our colleagues at least knew we were safe. We were again assured this had been done. [On Monday Kamel Morjane called my wife: "Are you sitting down? Are you alone? (Our daughter was at school.) We have lost touch with Nicholas, but don't worry, though you should know that the story he and the others are missing may be going to break in the media."]

On the evening of Monday 3 June, after several incoming telephone calls, our host informed us that at his insistence it had been decided to release us; our documents were on the way from Bakhtaran and they would then escort us back to the border. We agreed this would be better done at first light, so that we did not re-enter Iraq in the dark. Mr Haji said that the next time we or anyone else from UNHCR came to the border, we should ask the post (or Bakhtaran) to call him and he would come down and meet us. We thanked him and said that we would ensure that any such visit was cleared in advance with Tehran: it might be that the next visit from UNHCR was from our colleagues in Bakhtaran.

*Now Tuesday 4 June. I think we are in danger of being caught between the Ministries of FA and interior, but we are fortunate in the man who is in charge of us. He must be a high-ranking revolutionary guard and appears to have the rank of colonel and perhaps much higher, though he is a simple person in some ways and commands everyone's respect. He lost his left leg below the knee in the Iran/Iraq war but has a very good prosthesis, and it wasn't until he took it off that we noticed (we spend more of our time sitting on the concrete floor with him than doing anything else, but he has a steady stream of visitors). Having told us that our papers would arrive last night and that we could leave at first light, he is getting increasingly annoyed on our behalf with whoever is on the other end of the phone in Bakhtaran.*

We were told that revolutionary guards who had lost limbs in the war could retire on full pension, but Haji had chosen not to. The area he commanded was large, one of the most contested in the war, and of strategic importance to Iran. The command post was a series of open-mouthed caves dug into the side of a hill, with a small enclosed compound in front. We all slept in the compound under the stars. There was electricity and a radio from which we got some news. We ate in the main 'reception' cave with Haji, and ate well. All our possessions had been returned to us except the notebook where I recorded meetings (it was the thirtieth I had kept since joining UNHCR).

Our documents finally arrived at 1900 on 4 June and we re-crossed the border at 2000, reaching Baghdad just after midnight. *We were quite lucky*

*to talk our way through the curfew on the way down. At the request of Mr Haji we left a signed original of the attached note with him, to which he attached his own report. He explained that this was in case he had to account for our release. There is no doubt that without him we would at best now be in Tehran. We were treated correctly and in an increasingly friendly way throughout. Our hosts insisted that we were their guests and did their best to make us feel at home. Our driver had much greater cause to feel at risk than we, but he conducted himself with dignity and humour throughout. Without his ability to interpret into Kurdish [which our hosts spoke, as well as some Arabic], the outcome might have been different.*

This was the attachment:

To the relevant authorities of the Islamic Republic of Iran

This is to certify that at approximated 1600 local time on 11/3/70 (1/6/91) United Nations vehicle UNIIMOG 358 (Toyota Land Cruiser) with three occupants from the Office of the United Nations High Commissioner for Refugees, inadvertently entered some 2 km into the territory of the Islamic Republic of Iran at the crossing point at Sartang (Tilako). The car was being driven by UNHCR driver Mr Hourmis Gisso Schliman (Iraqi national). The other occupants were Mr Nicholas Morris (Australian national), Special Envoy of the High Commissioner, and Mr Alfredo Witschi-Cestari (Venezuelan national), Head of the emergency desk for Iraq at UNHCR Headquarters in Geneva. We were seeking information on the numbers and needs of refugees returning to Iraq across the border, and intended to proceed only up to the border. We much regret that in fact we entered the Islamic Republic of Iran without authorization, for which I assume full responsibility. We are most grateful to Mr Haji Rasooli for looking after us so well during our stay in the Islamic Republic of Iran.

Nicholas Morris (14/3/70 - 4/6/91)

*I never really doubted that we would be released once we had established a good rapport with our host, but as time went by it seemed more and more likely that we would have to go to Tehran, and that our driver might be in difficulty. As Haji said, "the world is changing: six months ago we would probably have shot an Iraqi who drove into Iran like that". I think there was a critical turning point on Sunday morning, when Alfredo said jokingly to Haji that we had only crossed 250 m into Iran and Iran was a very big country. He reacted very sharply [possibly also reflecting the translation: this was before we established the verbatim ground rule explained at the end of this section], telling us that we had been 2 km inside. We were so obviously taken aback that he got his military map and showed us exactly where we had been, and we immediately accepted it.*

*And the fact that we spent all our time working, talking to him about refugees and asking about them, explaining our job etc., struck a chord with their single-mindedness. When we heard there had been shooting in Dohuk [on 2 June, from the radio], I told Haji that if I hadn't been his guest I would have set off for Dohuk immediately.*

There were objective reasons for the Iranians to be suspicious: their only knowledge of the UN was through UNIIMOG, we were in a UNIIMOG vehicle yet UNIIMOG had been disbanded. UNIIMOG officers knew exactly where the border was and never crossed over. We had maps [American military air navigation, though unclassified], a (defective) radio, American military emergency rations [MREs], a military-style camp bed, compass, camera etc. [Haji had slept out with us on an extremely rickety camp bed, and was delighted when I gave him my camp bed before we left.] The concept of not working for a government was alien to them: they assumed that the UNIIMOG officers had been working for their national governments. It took a long time to convince them that we did not have military ranks. None of our hosts had any knowledge of UNHCR and its role in repatriation from Iran. It was clear that if one of us had been an American national, that would have affected both the outcome and our treatment.

It was clearly an error of judgement, for which I bear full responsibility, to proceed to the first Iranian border post, even if it was only by doing so that we could obtain the information we needed. The fact that UNHCR has greater concern for repatriation to government-controlled areas than those controlled by the Kurds or allies, and that this was the only significant crossing point, was a factor in our imprudence but no excuse. We greatly regret the trouble caused to all concerned. For Bakhet. Please express our regrets to Iranian authorities for trouble caused.

Our enforced stay gave us good opportunity to brief our hosts on UNHCR's activities in both Iran and Iraq (we had copies of 15 May appeal and other relevant documentation with us). According to information given to us, there have been substantial return through the crossing point. It was closed for five days until 30 May. The maximum daily return reported to us was some 6,000 persons just before the closure. On 1 June some 200 persons returned, and returnees and our hosts said that news of events in Sulaimaniya had affected return. On our way out we were informed that there had been only two trucks on 4 June and very few on 2 & 3 June. All trucks entering Iran are Iraqi commercial vehicles who after a wait at the Iranian border post are cleared to enter. As we observed that trucks were returning laden in under one hour, we assume families may already have been grouped for loading.

Mr Haji said that there were some 30,000 persons still in the camps nearest the border (where a team of German doctors is working), and some 200,000 in this part of Bakhtaran province. From what we saw on our way out, the figure of 30,000 seems credible, though the layout [empty temporary accommodation] suggests that perhaps twice that number have already returned. Few of the refugees seemed to have vehicles, though we saw two combine harvesters. Mr Haji said that while the government would like the Kurds to leave, there were real doubts as to whether it was safe to do so. He cited the recent events in Sulaimaniya and reported advice from Talabani to remain for the time being. However, he said that most of those who had their own transport had returned, and that a substantial number of the 30,000 remaining in the border camps might leave if more transport could be arranged. He felt UNHCR assistance to this end might be timely and necessary. We said we would follow this up with our colleagues in Tehran. We understand that most of the persons in the area are Shi'a Kurds and come from south of Sulaimaniya, many from around Kellar, a town SW of the crossing point, on the Sulaimaniya-Baghdad road. We shall be discussing how this movement should be covered with our colleagues here.

Alfredo was the perfect companion for such an experience, but we did initially have one concern with our driver, Hormis, whom of course we got to know well. We would ask him to translate a simple question, but what he conveyed would sometimes be several times its length, and could provoke an irritated and even longer reaction from our host. Alfredo and I established the rule that Hormis could say what he liked to our hosts on his own behalf, and at his own peril, but that if he was translating for us it would henceforth be sentence by sentence and limited to what we actually said.

### *Back in Baghdad*

Staffan Bodemar, Alfredo and I met Riyad Al-Qaisi on 5 June. I apologized for the trouble caused by our Iranian visit and shared a copy of the note we had left for the Iranian authorities. He immediately instructed his assistant to inform the Iranian Chargé, who had been called in the day before, and the Iraqi embassy in Tehran. He said that when we each had more time he would explain the background to the border demarcation problems, but meanwhile advised prudence. We briefed Al-Qaisi on the transition of humanitarian relief from the allies to civilian responsibility under UNHCR on 7 June. He welcomed the news and said that the sooner the UN took over the better. We welcomed the progress he said was being made in regularizing the status of NGOs in the north.

We expressed our concern at recent events in Dohuk, Erbil and Sulaimaniya and their implications for return. Al-Qaisi said he understood that the provocation had not come from the authorities, and seemed pessimistic about the prospects for security. We stressed the importance of extending the amnesty, which had lapsed on 26 May; he said he had written to his superiors on the subject. We then raised the question of return to Kirkuk, saying that while we had no direct evidence, and so no opinion of the truth of their statements, a significant number of Kurdish former residents had told UNHCR that they had been denied entry, in some cases being told that the town was "Arab". I said that when I passed through Kirkuk on 31 May, Kurdish residents had told me that while no return was allowed until about a week ago, limited returns were now permitted. I noted that whatever the reality, the rumours and fact that informal concentrations of Kirkuk residents were starting to appear elsewhere, e.g. outside Erbil, suggested need for clarification. Al-Qaisi said he was not aware of the problem and instructed his assistant to investigate.

We then met Mm Bernander and Matsumoto; my report on the meeting follows.

Apart from brief on and apologies for Iran visit and brief on meeting with Al-Qaisi, my main concern was to try and clarify what appears to be fundamental misunderstanding about role of UN guards. In 29 May message to me on transition plan, Bernander had said that: "Para. 3 (allied responsibility for security) essentially contradicts the agreement signed by the Executive Delegate and Government of Iraq with respect to the deployment of UN guards. As you know, this agreement provides for contingent of UN guards to protect UN personnel, assets and materials in all transit centres and relay stations, and there would seem to be no good reason to make exception for the transit centre in question (Zakho). In any event, such an exception would require the Executive Delegate's clearance". Our concern was heightened when in his opening remarks Bernander noted that law and order in the centres was within the ambit of the guards, and that as the tents were UN property, guards' responsibilities could be taken to include the people in them.

In reply I noted that statement in 13 May note to Gen Shali: "The allies are responsible for the maintenance of law-and-order and security in the area" had been cleared with ED and was, I believed, correct in international law ... While the guards' terms of reference in the 23 May annex to the 18 April MOU were unclear on this subject, I believed it was vitally important that there should be no misunderstanding: the guards could not be responsible for security, and the UN would do the returnees a serious disservice to suggest otherwise. This was not an issue that an internal UN "fudge" could resolve: lives were at stake. The presence of the guards indeed meant that security might hold longer than otherwise, but when it broke the guards could do nothing, as recent events in the



north had demonstrated. (As Alfredo pointed out after the meeting, it would be tragic if a guard was killed, and disastrous for everyone if a guard killed an Iraqi, whatever the justification.)

We did not resolve this issue, [my notes read "B – allies must go, what then?"] though I had the impression that Bernander understood more clearly than before why we feel strongly. He will be in Geneva for a few days from 10 June and I believe it is imperative that this question be clarified with him and the ED then. If my approach is wrong, then I believe the High Commissioner should have the right one set out unequivocally by the Secretary-General, and UNHCR should then review its position in light of it. If we could be sure that there will be an agreement between the government and the Kurds or that security will hold, we might muddle through. We can be sure of neither and cannot afford the risk.

We were also somewhat concerned when in the discussion on security reporting, Bernander said that this would be the responsibility of the guards, using their own radios, with UNHCR having an input – and the heads of Sub-offices acting as political advisers – and doing its own "programme" reporting. I noted that while security as it related to UN staff was of course the responsibility of the designated official [Bernander], UNHCR's "programme" was protection, and we could not leave reporting of the vital question of security on return to others. Bernander reassured us that he was not intending an exclusive reporting system, just seeking to avoid conflicting accounts of the same situation. There may be no difficulty in practice, but this is of course bound up with the role of the guards, and an example of the problems we may expect as long as that is not clarified.

Bernander expressed concern that I had raised Kirkuk with government at a time when he and his colleagues were still trying to gather "first-hand" evidence and deciding how to approach the question. I apologised but recalled that at our meeting on 21 May I had stressed the importance UNHCR attached to this matter, which went to the heart of the MOU. It had been my understanding, to quote [my report to hqs], that "Bernander will raise this with the government as a matter of urgency", and I had assumed that this had been done meanwhile. UNHCR's approach to such problems was to bring them to the attention of the authorities as soon as possible, but in an appropriate and non-confrontational way, which I felt had characterized our presentation to Al-Qaisi.

Lest the above gives the impression of a difficult meeting, I would stress that Bernander was his usual courteous, open and friendly self. He is in

an extremely hot seat, and I hope hqs can lower its temperature a bit by clarifying these issues to the satisfaction of all concerned during his visit.

We then met ICRC to discuss the latest Dohuk incident and security in general, and followed that with an evening meeting at the MFA about the problem of Iranian refugees in Iraq, at the Al Tash camp.

### *The 2 June Dohuk incident*

Staffan, Alfredo, Ekber and I left Baghdad at 10:00 the following day (6 June), driving two new Land Cruisers for delivery to our colleagues in the north. We stopped at our office in Zakho to be briefed on the Dohuk incident on 2 June and to discuss progress on the transition plan. According to our colleagues, at about 18:30 that day there was a peaceful demonstration by Kurds outside the hotel near our office that was serving as the US base for their civil affairs operations (a US military policeman was stationed outside the gate to the hotel). The demonstration was against the rumoured allied withdrawal. After about 15 minutes, the demonstrators dispersed, but then moved to the Ba'ath Party hqs. Police at the governor's office had fired four shots in the air, and police then occupied the Ba'ath hqs, nine people in the crowd were shot and some 35 hurt. The Peshmerga intervened with RPGs and machine guns and within an hour the town was effectively in their control; the governor and some staff fled. Our colleague Sudang had witnessed the start of the second demonstration on his way home. At 21:30 some Iraqi police came to him looking for a senior officer, and he then met up with de Mistura, who was with the chief of police and three other officials who were in de Mistura's safe custody (following an agreement with all parties, they were taken south to Iraqi-controlled territory the next day). P-F Pirlot's report describes what happened next.

Shortly before midnight, Mr de Mistura, acting as UN Coordinator for Security, instructed all UN staff to evacuate their house and the UNHCR office and to take refuge in the Dohuk hotel, i.e. the US base in Dohuk. The instruction applied also to the UN guards (approx. 50) save two who remained with Mr de Mistura at his residence. This created a lot of ill feeling among the UN staff. Though there was some uncertainty as to the situation in town, Dohuk was by then calm, electricity had been restored, and there was no particular threat to foreigners or to the UN. The UN guards felt particularly hurt and openly criticized the move. UNHCR and WHO were in no better spirits since both organizations had painstakingly tried to make clear that the UN presence was not linked to US "intervention". These efforts have been ruined: the population of Dohuk know that the UN staff and the UN guards spent the night in the US base, where they remained until 10:30 the next morning, and the town has naturally concluded that the UN and US cannot be

disassociated. People in Dohuk are now more concerned than ever about the withdrawal of the US presence.

Though I had requested in the early hours of 3 June that we be allowed to leave the base and return to our office normally, this was not authorized until Mr de Mistura came to the base, where the UN representatives had a meeting with Generals Shalikashvili and Garner. Subsequently, Mr Schumann [ED's office], the WHO representative, Dr Tarantola, and myself had a private meeting with Mr de Mistura, where we voiced openly our concern and indicated that though respecting the authority of the UN Coordinator for Security, we thought we had the right to be consulted and informed, rather than instructed without explanation. We insisted we should return to normal duties, to which Mr de Mistura eventually agreed. There is a bitter feeling that the UN agencies have been used for purposes unrelated to our work.

On 8 June, Staffan Bodemar and I sent the following report on the events at Erbil and Sulaimaniya on 30 May and Dohuk on 2 June to headquarters with the reports from our field colleagues attached.

We were not aware of the details of what happened in Dohuk when we met Mr Bernander on 5 June or we would have voiced even greater concern.

With regard to Dohuk, it is unfortunate that at a time when the UN is taking over from the allies in response to the 21 April Iraqi request, and when UNHCR has been trying to distance itself from the allied military, our colleagues were ordered to seek protection of the US in a town where the government was responsible for security. Mr de Mistura apparently initially justified his action by reference to a report that four grenades had been thrown into his garden (in fact the report, which was in French and monitored by UNHCR, was of the arrival of four senior Iraqi policemen). He later said his action had been prompted by information from the Peshmerga. Our colleagues can find no rational explanation for any potential UN-specific threat, but felt strongly that if such existed it was wrong to counter it by moving UN staff, in some cases in US military vehicles, through Peshmerga-controlled areas to US protection. It would have been better to respect the basic rule that people should stay where they are and lie low unless clearly at direct risk.

It is easy to be wise after the event and from a safe distance, but there are important lessons to be learnt:

Responsibility for security at the regional level must be clearly assigned and should be vested in the head of the regional sub-office, who is best placed to discharge this responsibility;

Regional security plans are needed urgently (and are under preparation by the Coordinator's office);

Under no circumstances should UN personnel be armed – in the Dohuk case, with arms drawn – without a clear command structure and explicit rules of engagement that are known to all concerned;

If UN personnel do have to be armed, they must have the necessary experience and training.

With regard to Erbil and Sulaimaniya, it is the view of our colleagues there that had UN guards been present this could have complicated the problem. The Erbil incident was the less serious, but it is relevant to note that those who left the body urged our colleagues to get their arms and the Americans, as they needed and expected protection.

Our concerns were shared by the ED, who cabled Bernander and de Mistura:

I am compelled to request you to impress upon the UN guards that they should adhere strictly to their terms of reference ... They must exercise maximum caution should inter-Iraqi confrontation degenerate and violence erupt so that they do not expose themselves by attempting to physically separate elements resorting to force. The general instructions to the guards therefore remain to protect UN operations, UN installations and UN personnel, and not repeat not to deal with any security matters among local persons, from whichever group etc they may be.

On 8 June I finished the letter home begun in Iran on 2 June with a description on the recent security incidents, and then a reassurance, an assessment of security, and an unguarded assessment of the guards.

*I should stress that the Iraqi military and police are very friendly as are the Peshmerga. We are in no danger except of accidents, and are being very careful. But the forebodings I began to have some time back about how this is going to end are, I fear, well-founded. Agreement in Baghdad looks less rather than more likely, and without it the fighting will start again sooner or later. There is a great deal of heavy military equipment moving north [a personal observation], though ICRC thinks that the Iraqis may bide their time if not provoked (Dominique Dufour is head of delegation and excellent, he was in the Sudan after us and I know him from the Nairobi co-ordination meetings). In this situation, the total irresponsibility of the farce of the UN guards and de Mistura's opportunistic and playboy approach become more serious.*

### ***Transition and withdrawal plans***

A revised draft of the transition plan had been prepared on 4 June and we reviewed this with John Telford and made some minor changes to be conveyed

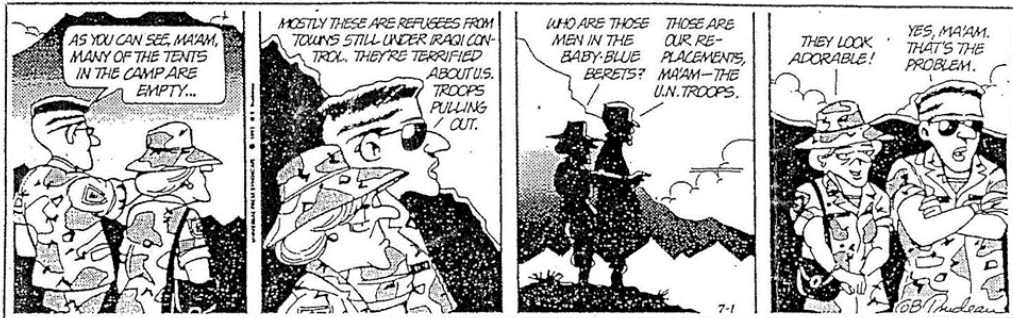
by him to Gen Campbell. John said that an agreement on compensation for land use had been reached and that overall the situation in the area appeared to be normalizing rapidly, with local structures being re-established.

We had received a copy of a nine-page confidential cable dated 4 June from the US embassy in Ankara to Washington, containing “some thoughts and suggestions, largely prepared by Fred Cuny, on how to remove our military forces from northern Iraq”. The cable analysed likely scenarios and US response, with an emphasis on “actions to establish a greater atmosphere of security and confidence among the Kurds, whatever their understandable scepticism.” What the US expected from the UN guards was clear: “the UN would have to take urgent steps to beef up its operation to assume a greater residual security” ... “The UN guard contingent should reach the maximum possible strength and should shift its focus from Dohuk to Zakho [where continued security would be critical to the allied withdrawal] ... guards should initiate an aggressive patrolling posture (even though they have no authority, they should act like they do.)”

While the cable addressed the question of returnees at risk, it saw the problem as possible threats to the withdrawal from those who had most to fear (assessed as largely limited to a few high-profile defectors from the Iraqi military and security services). “If we identify them now and spirit them to safety, or at least given them an option, we can reduce the likelihood that they would rush the border [exit point] and provoke incidents in the final days. The number of people who are truly at high risk should not be great and if we act now, we could get them out. One possible way station could be Saudi Arabia under the same arrangements as those who left Safwan.”

The only mention of UNHCR in the cable was in connection with the status of the NGOs. “The NGOs that remain behind must be protected. They have made it clear that they will leave if this is not done, and two agencies have already pulled out of Dohuk. UNHCR should be more aggressive in obtaining the necessary documents that will allow those agencies which are now working in the area to remain legally. So far it has shirked this responsibility, even though it announced to the PVOs that it would perform this task.” Had Cuny challenged us directly on this, he would have been told that we had obtained Iraqi agreement in principle but were facing bureaucratic delays. Apart from practical difficulties, the regularization of what Iraq considered as illegal entry required that the NGO staff gave their passports to UNHCR for transmission to the Iraqi authorities. Given the many uncertainties, and the possibility that NGOs would have to withdraw back into Turkey at short notice, most were understandably reluctant to part with their passports.

While the cable saw prevention of a return of Iraqi military to the area as a prerequisite for withdrawal and stability thereafter, it saw early re-establishment of the Iraqi civilian administration as also essential. Even at the time, it seemed to us that this was becoming less likely to be allowed by the Kurds, and could only be imposed by force.



*Doonesbury's take on the transition*

On 6 June we received a copy of Gen Shali's classified internal US assessment.

Met with representatives of MFA and TGS [Turkish General Staff] in Ankara today. It's clear that their single greatest concern is what we plan to do to prevent serious clashes between Kurds and Iraqis after we leave. This is becoming the dominant topic with every group I meet (Kurds, coalition, Turks): serious concern that such clashes are highly likely.

Trend of meetings with Kurdish leaders throughout the zone is one of appreciation for coalition efforts thus far and desire that we not leave until some agreement is reached between Kurds and GOI. With each of these meetings, it becomes more obvious that we need an early, active public diplomacy program to explain how we, the coalition, will help with their security after we have withdrawn. The restricted route out of Iraq through the Habur bridge provides ample opportunity for the Kurds to create disruption, even if completely peaceful. The sooner we publicize these assurances, the less chance we have of chaos and perhaps confrontational events during our departure. [The 4 June cable gave detailed suggestions for how this might be done.]

On 10 June we received from our colleagues in Diyarbakir a copy of the 34-page secret CTF execution order for redeployment, to begin on 8 June, with withdrawal to take at least 18 days from D date (not yet fixed). "Withdrawal will be low key, with no public announcement and no stated end-date for completion."

## *Meetings in Istanbul and Geneva*

From Zakho we drove on to Diyarbakir, arriving there at 21:30. We were heading for a meeting in Istanbul with colleagues from headquarters, led by the Deputy High Commissioner. Before leaving Diyarbakir the following morning, we met with US and ODA representatives and were briefed on water-supply problems at Dohuk and elsewhere. We flew to Istanbul in a 19-seater aircraft (Dornier 228) that the Norwegian government had put at the disposal of the Turkish side of the humanitarian operation for eight weeks, which were almost over. As the aircraft was not pressurized, we flew at 12,000 ft with wonderful views of the mountainous terrain not far below us.

That afternoon, 7 June, at the splendid old Petra Palas hotel, we had a first meeting with Carrol Faubert, Dan Conway and Omar Bakhiet, and reviewed the challenges facing UNHCR in Iran, Iraq and Turkey. Dan introduced a note on Turkey, and Omar gave a detailed and fascinating brief on Iran, where the challenges were not just Kurds but also linked to the legacy of the Iran-Iraq war (several hundred thousand Iraqis were still in Iran as a result of that and earlier conflicts<sup>85</sup>) and the support of Saddam Hussein for Iranian opposition movements, notably the Mujahedin e Khalq (who two weeks earlier had entered Bakhtaran province and killed Iranian soldiers and Iraqi refugees), and vice versa. Iran still hosted 1,000 third-country nationals who had previously worked in Kuwait, and now had those evacuated from Safwan. Staffan and Pierre-François then gave a brief on Iraq.

The following morning we were joined by Doug Stafford, the Deputy High Commissioner, and Karin Landgren, his executive assistant, and spent the day in meetings. Rather than return to Diyarbakir, it was decided that I should go to Geneva, brief the High Commissioner, and participate in an inter-agency meeting and a fund-raising conference, both on 12 June. On 10 June I briefed the High Commissioner and the following morning joined her when she met informally with the ED in order to air her concerns (which she asked me to present) and hear his position. In response to our concern about the expiry of the amnesty, the ED appeared to imply that, as there was no reference to the amnesty in the MOU, this was not something on which his office had much leverage. The ED was not optimistic on the longer-term prospects for security, but felt recent incidents had been in part more local score-setting than the start of a larger pattern. He referred to his meeting with US Secretary of State Baker

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<sup>85</sup> In March 1975, under the terms of the Algiers Agreement, Iran withdrew its military support for the Iraqi Kurds, who for a year had been in an intense conflict with the Iraqi army (and at one time had controlled an area larger than the allied zone). As a result, some 250,000 Kurds had fled into Iran.

on 7 June. On “the question of security and the time-frame for the coalition withdrawal”, the ED’s notes on that meeting record:

I stated that there had been some serious incidents and casualties in a number of northern cities. If this snow-balled it would become a serious impediment to repatriation. Some returnees might even move back into Turkey. After such an accomplishment, it would be tragic to have the humanitarian effort of the CTF and the UN unravelled at this stage. ... I said that General Powell’s statements in Zakho had been received with some trepidation. It was clear that UN guards could not have the same role as US marines: the media was confusing public opinion about their purpose. ... We discussed the other elements of the “package” [of military action to deter Iraqi military moves into the zone, including a rapid-intervention force based across the border in Turkey and an extended no-fly zone]. It was agreed that the Secretary-General should publicly “insist that civilian authority prevail, reflecting the spirit if not the letter of a demilitarized region”.

The Secretary [Baker] was interested in “tripartite police patrolling”, (Iraqi civilian police, Kurds, UN guards) and noted that Kurdish authorities had approached de Mistura in the North with a request that our guards should help train Kurdish policemen.

That afternoon the High Commissioner met with all the senior headquarters staff concerned to review the situation in advance of the meetings the next day. Omar Bakhet described the challenges he faced in Iran, where the difficulties inherent in working there were being compounded by UN actions that undermined UNHCR. A confidential note on the Istanbul meeting summarized the problem as seen from Iran:

People are *forced* back from Iran by the camp conditions. There is poor distribution of food, unsanitary conditions. Von Schulenberg [the ED’s Representative in Iran] said “The world does not want any more refugees, therefore we have to send people home as soon as possible”. Thus the ED proposed a UN guards/IOM project to escort people home: ten empty lorries would drive through the camps, allowing anyone who wanted to jump on; the press would be present. Only the intervention of Mm Morris and Witschi-Cestari allowed steps to implement this idea to be postponed. Those remaining in Iran don’t want to return unless the situation in Iraq changes – but unless camp conditions improve, they will. Schulenberg has told the Iranian that there will be Blue Guards all over the region and at major crossing points. The Iranians thanked him and asked him to start implementing it in the south.



In von Schulenberg's paper on Iran, UNHCR features only as a nuts-and-bolts implementing partner, like WFP for food. The role of the individual in *volunteering* for repatriation is reduced to nothing.

The meeting also considered UNHCR's role in Iraq after repatriation: it was clear that a major programme would be needed to help those in temporary accommodation through the next winter.

The inter-agency meeting on 12 June was chaired by the ED, with representatives of all UN agencies concerned, some from their headquarters, IOM, ICRC, LRCS, and the voluntary agencies Geneva-based Steering Committee for Disasters. The ED gave an overview of developments and prospects. (The inset text on the best two pages is from his office's note on the meeting.) On the UN guards the ED

emphasized that "this was not our invention"; in fact it was the outcome of a long process whereby, in the end, and with the agreement of all concerned, it was found that "something could be done under the humanitarian umbrella". The Iraqi Government had responded positively to this idea (while rejecting all others) and the agreement in question "had not been easy to negotiate". ... Moreover, PSAK [Prince Sadruddin Aga Khan] pointed out that, if this formula works, as part of a "package", then UN guards definitely have a role to play in future humanitarian operations. There is indeed the need for "moral witnesses". ... PSAK explained at some length what the Guards Contingent really is, and what it is meant to be.<sup>86</sup>

Bernt Bernander gave an outline of operations in Iraq, noting that there were now some 200 international staff (including 50 Guards) and 270 NGO staff "operating under the UN umbrella". He was followed by Staffan de Mistura who went into detail on the role and achievements of the guards, pointing out the number of returnees to Dohuk after the arrival of the first Guard Unit. "Mr de Mistura praised the attitude/performance of the first UN Guards in situ and PSAK seized this opportunity to compliment Mr de Mistura on his "courage and dedication" ("none of this would have been possible without Mr de Mistura")."

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<sup>86</sup> In a letter published in *The International Herald Tribune* in early January 1992, under the heading "The UN Guards in Iraq: A Model for Relief and Security", Sadruddin argued that deployment of United Nations Guards was "an alternative now well tried and tested in the crucible of post-war Iraq" to the more traditional means whereby the UN could "help put an end to the bloodshed and devastation engendered in current civil conflicts."

Edmond Cain, the UN Resident Co-ordinator in Turkey described “the UN system’s response in the various phases of the crisis since August 1990”. In my intervention, I reviewed the prospects for security.

Whereas assurances have been made (also by Gen Powell, during a recent visit to Northern Iraq) to the effect that the Kurds will not be abandoned, Mr Morris assured the meeting that a withdrawal plan does exist for the coalition forces. Mr Morris stated that, whereas the UN system had taken over the task of providing humanitarian assistance to the Kurds, humanitarian considerations were only a part of this operations which “is also driven by the allies, who have a variety of motives”.

I welcomed the role of the UN guards in repatriation and for the protection of UN staff and property but expressed concern that they

may represent “a humanitarian solution to a political problem”.

According to Mr Morris the allies see the guards as being able to provide the Kurds with “the necessary security”. Also, the Kurds may “be looking to the UN for protection while not recognizing that the UN is not mandated/able to provide what they seek”. Furthermore, Mr Morris stated that some Guards may be inexperienced, while nevertheless armed: “it would be tragic if a guard was killed but a disaster for us all if a guard killed an Iraqi whatever the circumstances”.

On staff security, and referring to de Mistura’s strong defence of his actions in Dohuk, I said I would only note that the UNHCR colleagues involved have a different impression of the damage done to UN credibility as a result of being ordered to seek shelter with the Americans. I concluded by referring to the challenges of assisting the Kurds once they were home: UNHCR, with 140 international staff now in Iraq, was committed to assisting their reintegration.

Mr Bakhet gave an overview of the current situation in Iran ... To large extent, Iran’s response to the influx of refugees had been from its own resources. The international response had been “late and uncoordinated”. Mr Bakhet gave a number of details with regard to conditions in the camps in Iran; these being inadequate in quite a few places, they had contributed to the return of refugees.

In the afternoon session of the meeting, chaired by Bernander, Gilberto Schlittler-Silva,<sup>87</sup> Secretary of the Sanctions Committee, briefed the meeting on the work of the Committee and the scope of the sanctions. These were to become a defining factor in UN humanitarian action in Iraq, and lead to the

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<sup>87</sup> I had got to know Gilberto on two Namibia missions in 1978/9 and had last met him when he came to Southern Rhodesia with USG Pérez de Cuéllar on a brief mission in late February 1980 (encounters covered in previous accounts in this series).

resignation in protest of two experienced and well-respected UN humanitarian co-ordinators in Iraq, a post at the Assistant Secretary-General level.<sup>88</sup> ICRC (David de la Praz) said they were scaling down their activities inside Iran but reinforcing their presence on the Iran/Iraq border, at least through July.

The High Commissioner ended her statement at the international pledging conference that took place soon after the end of the inter-agency meeting as follows:

Finally, I must express my continued and deep concern regarding the security situation in northern Iraq. It is clear from reports by my staff that the repatriation movement is based largely on the strength of the security currently provided by coalition forces. Already, the number of returns has fallen after the recent violent incidents in Dohuk, Sulaimaniya and other cities. The security situation inside Iraq will clearly determine the future course of refugee movements in that area. It is my conviction that only a political settlement can offer a durable solution to this tragic situation. Security is ultimately a State responsibility, and any future mechanism must encourage States to assume fully their responsibilities vis-à-vis a population at risk. The basic humanitarian principle of return in conditions of dignity and safety must be fully ensured. In conclusion, let me tell you that we, UNHCR, intend to stay as long as the people need us and until our job is done.

After several more internal meetings, I returned to the region on 16 June, by chance flying the last leg to Adana with Izumi Nakamitsu (and her cat). We spent 17 June at Incirlik, as I reported that evening.

General impression is that CTF withdrawal is going more smoothly than expected and that prospects for continuing security are better than they had appeared at start of the month. There has been no serious incident since 2 June despite US withdrawal from Dohuk. There has, however, been no change in the underlying potential for serious problems. Seems

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<sup>88</sup> Bernander and a UN inter-agency team prepared a report on Iraq's needs for the last four months of 1991. This was reviewed in country by a group that included representatives of some Security Council members (former Attorney General Elliot Richardson represented the US). "The group recommended unanimously that Iraq be allowed to sell the equivalent sum in oil, in order to buy food and medicine, to repair bridges, power plants, and oil refineries, and to get the economy back on track. ... We suggested that there ought to be a way of monitoring the imports entering the country. With time, humanitarian and political interests must coincide if stability in the region was to be maintained, and it was therefore crucial to arrive at an early decision regarding Iraq's economic future. ... Our report fell on deaf ears in the Security Council and its sanctions committee; the opposition was especially strong in the British and American camps." (Bernander, pp. 259-260)

clear that while final decision will be taken in light developments, CTF security units plan, and are on schedule, to leave northern Iraq by end of June. No significant concerns were raised with regard to transition process, which seems to have gone well. Gen Shali stressed that as long as CTF was in a position to help, UNHCR should not hesitate to ask for assistance if needed.

Assessments of likelihood of agreement between Kurds and government also more optimistic than might have been expected. Barzani is apparently due back in north 18 June and has said that the process of consultation with other leaders on elements of agreement should be satisfactorily completed this week. Barzani expected to meet Talabani shortly. In separate Ankara meetings second half last week with French, UK and US diplomats, Talabani reportedly less negative than to media. He told US DCM that he realized that CTF had to withdraw and underlined his commitment to a new democratic order in Iraq. He was less optimistic in meeting with UK Ambassador. Talabani also had meeting with President Ozal 14 June which apparently went well. President agreed to continue to facilitate delivery of food and medical supplies via Silopi.

Allied plans to provide some security after withdrawal are well advanced and formal announcement may be made soon. Small force likely to be based Silopi including attack helicopters and infantry. Air cover will remain, with continued ban on Iraqi flights north of 36<sup>th</sup> parallel. Iraqi army will not be authorized to deploy north of present positions without allied approval, and current allied/Iraqi military coordination mechanism (MCC) will remain in place. At our meeting with Gen Shali, Gen Campbell asked about further UN guard deployment so took opportunity to explain UNHCR's concerns with regard to presentation of their role and limitations, which Gen Shali said he understood.

US government position on US nationals with NGOs after withdrawal is that it is recommended they leave, or at least limit presence to bare minimum, but unlikely that instructions to leave will be given unless security deteriorates meanwhile. ODA mobile support teams are being withdrawn on 21 June; decision pending on UK nationals with NGOs.

Had brief discussion with [US] Ambassador Abramovitz who was on farewell visit to Incirlik. In his reply to few words by Gen Shai at end of lunch attended by CTF commanders, Ambassador had emphasized the uniqueness of so rapid a return of so many refugees. While he said he fully shared our concern at the potential risks for their security, he was also optimistic that security would hold. He noted that ED in Geneva

appeared more pessimistic than those on the ground. I said that ED had felt that UNHCR's assessment of prospects was alarmist, and we very much hoped that it would prove to be so.

I left Incirlik on 18 June in a C-130 for Sirsenk and from there by helicopter to Silopi, where I collected my vehicle and drove to Dohuk via Zakho. After briefings from Pierre-François Pirlot and John Telford, on 19 June I drove east to Sadiq via Amadiya and Shaladiza. The next day I had a total of three blowouts and needed new tyres. In several different locations, friendly Iraqis told me where I could get them. It became clear I was being told what they thought I wanted to hear, and I finally cut my losses and drove into Cizre in Turkey for a new set, via Erbil for a briefing from Mike Alford, and then back to Dohuk late that evening. While the main roads were excellent, elsewhere the going was often rough, and I was lucky the tyres had lasted that long. On 21 June I travelled to Sulaimaniya via Kirkuk. In Sulaimaniya I had a comprehensive briefing from Janvier de Riddmaten. The next day I drove down the border to Baghdad via the southern entry points from Iran: Penjwin, Said Sadiq and Hajilar/Sartang; Qara To; and Khanaqin. By my return to Baghdad I had met all the heads of field offices concerned with return from Iran. Some were in remote areas. In a letter to my daughter I had said there were not many wild animals around, now I updated it: *"I was wrong. Because people had to leave their homes up in the mountains, in some areas there have been very few humans about and no hunting for years. I discovered yesterday that in one valley on the border there are lots of wild pigs and wolves. Our colleagues who live in tents there hear them howling/baying at the moon at night."* That field office was headed by Otto Hagenbuchle, a retired former senior colleague of whom I had heard much (he had been representative in several African hot spots) but had never expected to meet.

Extracts from my report to headquarters on this trip follow.

Unplanned return to Turkey on 20 June gave me chance to see very significant build-up of Turkish military just west of Silopi, including 30 tanks in one location. Local sources suggest this possibly linked recent PKK action Cizre, but much more likely connected then imminent allied withdrawal, with aim show of force to deter Iraqi move north and seal border if necessary. Was aware of a problem in Haj camp [Silopi] but only learnt of 20 June refolement on arrival Baghdad. Am sure no need to emphasize seriousness of this and need for strongest UNHCR reaction which no doubt already made. [Report] on President Ozal's 16 May visit there is relevant. The credibility of all our stands to date on protection and security in allied zone is of course diminished if we unable prevent refolement from camp where we thought asylum assured.

Discussions with field colleagues did not allay our concerns on staff security and role of UN guards. ... Casual conversations in Kirkuk on 21 June suggest that return there no longer openly discouraged at town entry check points. However, it was estimated that only some 20% of pre-events Kurdish population had returned, which consistent with field reports of continued strong reluctance leave border areas for Kirkuk. Bernander and Bodemar plan visit Kirkuk shortly which hope would clarify matters and allow HCR/IOM to regularize arrangements for the few who already prepared return there if transport provided. Field colleagues point out that in particular in Kirkuk, some Kurds may fear to return because of possible retribution for what they did to non-Kurd population and property [during uprising], noting that demographic balance makes them likely to be more at risk there than would be the case further north or east.

HCR now has good teams in right places to be able to play significant role in assisting return from Iran. Their over-riding concern is to see the long-awaited assistance arrive. Notwithstanding admirable local initiatives, field colleagues feel that the expectations their presence has raised will soon turn sour if we do not deliver. Separate message from Bodemar covers WFP food, which to our amazement we learnt at inter-agency meeting 23 June was blocked at Aqaba, as Rome apparently failed to make separation between our agreed needs and the dispute with government. Food situation has changed markedly over last three weeks, with reduction cross-border supply (Iranians reportedly telling Kurds they now had UN), reduction local supply and rapid price rises. In extreme cases, returnees are moving from main towns back towards border where prices still relatively lower. On positive side, there is widespread evidence of successful efforts to harvest bumper cereal crop, so medium-term prospects better. All over area was struck by much increased economic and social activity since my last visit.

With arrival tents etc, continued supply surplus items from Zakho area, and injection more cash for local actions by field colleagues, we hope can soon start to meet expectations. Is clear however that very large-scale return in wake satisfactory agreement [between Kurds and government] would overwhelm the resources we have or could get into pipeline. Would of course be great news if agreement did indeed include commitment by central government to help reconstruction of razed homes. While it is recognized that HCR cannot have significant input, colleagues closest to the returnees are increasingly worried by the prospect of so many passing winter in rudimentary structures at or near their old homes (which are all higher thus colder than the places whence they fled). Here again, the capital importance of an early and satisfactory

agreement. With regard to EEC involvement, would stress need to ensure that all areas receive equal treatment on basis of need. High-profile action in limited geographical area would cause obvious problems in other areas which HCR could not address.

### *In Baghdad*

My report ended with a table showing estimates by field staff of weekly returns across the six main crossing points from Iran for the first three weeks of June, a total of nearly 100,000, with no evidence that significant numbers therein were from the pre-1991 refugees in Iran. In Baghdad I finalized a briefing note for the media and diplomats which gave an overview of the situation. Of the over 400,000 persons who fled to the Turkish border, only a few thousand remained, regrouped in the Haj camp at Silopi. From a maximum of 60,000, there were now under 10,000 in the transit centres on the Zakho plain. Some 600,000 of the over one million Kurds who fled to Iran in the spring had returned, in many cases in the vehicles in which they had left. Of the refugees who had fled the repression and clearances before 1991, it was estimated that well over 500,000 remained in Iran and over 25,000 in Turkey. There had been few returns among the some 60,000 Iraqis, the great majority Shi'a, who fled to the southern Iranian province of Khuzestan in March and April 1991. There were some 40,000 Iranian refugees at Al Tash, 120 km west of Baghdad. They had arrived in the early 1980s. UNHCR had registered 20,000 of them for voluntary repatriation in May and June, and their return to Iran had begun.

On 26 June I had a working lunch with Bernt Bernander in order to discuss our continuing concerns about the way UNHCR's role seemed to be perceived by the ED and him, and also the UN guards. I said that UNHCR still seemed to be seen as an executing agent, despite what we had hoped was a clarification by the High Commissioner with the ED and Secretary-General during meetings around the 12 June pledging conference. As example, I cited a recent field mission by one of his staff to the Iranian border areas, who behaved as if had had been given the task of coordinating repatriation, discussed matters of substance with UNHCR field officers without reference to the heads of our field offices, produced a plan (on which I had commented to Bernander), and then followed up on elements of the plan, e.g. with IOM. This had not been coordinated with Bodemar. This, like the approach of von Schulenberg in Iran, reinforced our concern. I stressed that UNHCR was not wishing to go it alone, and not a challenger to his and the ED's authority; we had worked well in the past within the framework of the responsibilities of Special Representatives of the S-G, but voluntary repatriation was a mandated responsibility of UNHCR.

In my report of the meeting I wrote:

Bernander's initial reaction was short. He could not understand how I had the impression that he sought any executive or operational role that impinged on HCR. He had purposely insisted that his office was small, as with lots of staff there would indeed be scope for interference. There might have been individual excesses of zeal, but he noted that he had sent Schumann to Dohuk in order to ensure there was no misunderstanding about HCR's lead role. With regard to protection, from the outside it looked as if there were two schools of thought in HCR, the pragmatic and the theoretical. The problem was for HCR itself to solve, but this was a very difficult and highly political operation and the UN had to be realistic. He reiterated that he saw his role as coordinating all the agencies while letting each do its own job.

I said that I felt there were nevertheless objective grounds for HCR's concerns. One possible source of misunderstanding was the question of coordination. HCR's responsibilities required us to coordinate those involved in direct assistance to refugees/returnees. We were thus not an agency to be coordinated within an overall programme in the same way as others. If he had concerns as to how we were discharging this responsibility, he should bring these to the attention of Bodemar/myself/headquarters, not to take action to address them with all agencies involved on an equal basis. I cited the example of an unsatisfactory inter-agency meeting on 23 June in which return from Iran was on the agenda and where instead of a free-for-all with everyone saying their bit, I felt it would have been more appropriate to give HCR the floor, not just as the first speaker under that item, but as the body responsible for coordinating return from Iran.

Another possible source of misunderstanding came up in our conversation. Bernander implied that HCR was in part acting for internally displaced who fell outside the mandate, and thus that our responsibility was perhaps less clear. I explained that this was not the case. We regarded those who were internally displaced simply because they had not crossed a border as in a refugee-like situation, having fled oppression or the fear of it. We assisted all returnees without this distinction. ...

Perhaps my expectations were unrealistic, but I was disappointed at the outcome of our discussions, particularly taking account of the lack of movement on questions like Kirkuk and amnesty, on which strong lead would have been most welcome. I am sure Bernander understands our concerns better than he let on, and perhaps the air has been cleared a bit. I briefed Bodemar in detail (the *démarche* was of course agreed with him in advance, and I had taken Matsumoto's advice), and have recommended that he convenes a meeting with all concerned with our



operation at which we set out how we see our role and what we expect of others, and hear their expectations/criticisms of us. This would of course be coordinated with Bernander. It is clear from the experience in Iran with Schulenberg that our concerns are well-founded (and not just my paranoia). Only the very skilful handling of that mission by Bakhet with Boukry's help avoided major problems from the initial approach that the international community was tired of refugees, would not long continue to assist them, and that they should therefore go home (in as high-profile "blue" way as possible).

Believe it would be helpful to senior colleagues in both Iran and Iraq if headquarters reviewed this problem and considered at least putting HCR's role and relations with ED's staff to the field in writing. Sharing this guidance with ED might help, though the problem is not theory but practice, as would ED's agreement to share terms of reference of any future de Mistura/Schulenberg/Schumann-type mission that affects HCR with HCR in advance. Morjané's mission timely for follow-up.

Our discussion on UN guards showed that the realities of situation and, it seems, more questions from authorities are having effect. Our proposal, on which Bodemar will have briefed you, was to avoid random patrolling in towns and to limit activities outside towns to those requested by/coordinated with HCR. Former already accepted and latter likely in practice.

Our lunch had been cordial, and I had had a very nice dinner with him the previous evening at Staffan and Maha Bodemar's house. As I wrote home,

*It has been good to spend some time in Baghdad ... We stay and have offices in an excellent hotel, the Al Hamra. Air-conditioning etc works, no power cuts and a same afternoon laundry service. ... I have had the chance to clear the air with Bernt Bernander, Sadruddin's coordinator here. He is a very nice and open Swede but not the easiest man to get through to, and whatever he actually thinks of Sadruddin's approach, he is very discreet and doesn't let on, at least not to me. But we seem to have made progress on limiting the role of the UN guards and on clarifying responsibilities for staff security. Whether we have made the same progress on stopping Sadruddin's office from trying to do our job for us remains to be seen.*

## ***In Washington***

Meanwhile, the High Commissioner was in Washington.

In late June 1991, on my first visit to the White House, I appealed to President George Bush that American forces stay longer in northern Iraq. I explained to him that the refugees had returned with the expectation of international coverage of their security but that UNHCR could not

provide them such assurance. The president understood my concerns, but he said that American forces had to leave lest they be accused of having imperialist designs. I was also received by Secretary of Defence Dick Cheney and Chairman of the Joint Chiefs of Staff Colin Powell. I thanked them for the cooperation of the military. Secretary Cheney informed me that he had just spoken to the president who had taken note of my comments on the security question. The president had confirmed that he was eager to pull the troops out of the gulf but that the withdrawal would take place in a gradual and responsible way. Cheney added that the military had learned a lot from their involvement in the humanitarian operation, and General Powell commented that the experience was both rewarding and useful training.<sup>89</sup>

### *In Iran (again)*

Early on 27 June I set off for Penjwin via Tikrit, Kirkuk and Sulaimaniya. The following day I drove down to Tawila via a stop in Said Sadiq, and then with UNHCR Iraq colleagues and Bernander, crossed the border into Iran to meet with UNHCR, UN and IOM colleagues in Iran at Now Sud. For the next ten days I was in Iran. On 29 June after a call on the governor, we had a long meeting with Mr Hashemi, the Director of Political and Security Affairs of Bakhtaran Province. As his title would suggest, he was very well informed about returns to Iraq, and also anxious to see the return of Iranians from Al Tash expedited. He estimated there were over 134,000 recently arrived Iraqi refugees still in the province and expected most to repatriate. We discussed practical arrangements including for cross-border cooperation, meetings and communication, and the entry of IOM trucks. We briefed Mr Hashemi on return from Al Tash, explaining that we hoped the spontaneous return that was already taking place could soon be replaced by organized return, given the sensitivity of the border areas. Mr Hashemi requested UNHCR Iraq to convey directly to the Iranians at Al Tash a message from his government that they were welcome to return, and that their safety would be assured; the government offered them pardon, immunity and forgiveness. He said that these Iranians were eager to return but that his government's past messages to them appeared not to have got through correctly: he felt they would have more effect via UNHCR. In a report to Bodemar and headquarters, we stressed the importance of early progress with the Al Tash group, which would also have a positive influence on return arrangements from Iran. We also noted that discussions "with colleagues in Sulaimaniya and here have emphasized importance of early clarification of Kirkuk situation and establishment of HCR presence there. As illustration, only one of 90 families from Kirkuk who entered Penjwin area 22-25

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<sup>89</sup> Ogata pp. 42-3

June was ready to return immediately, while Iranian authorities asked us about UN ability to monitor security there.”

For the next four days I was in Tehran, with internal meetings, an inter-agency meeting, and meetings with government counterparts and with the diplomatic corps. On 2 July Mohamed Boukry and I had a long meeting with Ayatollah Bakir Al Hakim, the Iranian-supported leader-in-exile of the Iraqi Shi’a. He explained in detail the history and political context of the plight of his people. He was greatly concerned for those trapped in the marshes between Basra and Nasiriyah, who probably included significant remnants of his fighters in the abortive March uprising in the south. The Iranians claimed there were 500,000 people in the marches, which seemed a significant exaggeration, but there were thought to be several tens of thousands. (Saddam Hussein went on to partly drain the marshes, which lie between Baghdad and Basra, some 450 km to the SE, thereby displacing many of the original Marsh Arabs and those who had sought refuge there.)

In a letter I reflected on the experience (my second in the country, having driven through it in 1965 on my way back to the UK from the Gulf).

*It is a very beautiful country and the people are friendly. We have some first-rate Iranian colleagues in our office. As you might imagine, after the revolution a large number of extremely competent people found themselves out of a job. So we have over-qualified staff but in fact they made all the difference in the emergency, with drivers working in very responsible roles. Iranian hotels are something else, at least the tourist ones. Mine was the former Sheraton. While everything worked, the service was typified by an exchange I heard in the coffee shop: waiter (all male): “separate bills?”. Newly arrived foreigner who had just joined friend: “yes please”. Waiter: “separate bills means separate tables”. Whereas most hotels appreciated you more the longer you stay, those for foreigners – at \$120/day as opposed to the equivalent of \$10 for Iranians – are liable to turn you out after a while, saying that you have stayed too long. You come back at the end of the day to find your luggage in the street. My hotel’s reservation office closes Thursdays and Fridays and the standing instructions to the front desk are that people who come without reservations have to take a suite (at \$250/day) even if single rooms are available. However, I had been briefed that the equivalent of about \$3 fixes everything and found that it did.*

*Omar Bakhet had organized for me to give a confidential briefing to about 29 western ambassadors in Tehran, and it was interesting to hear their views. Neither they nor the Iranians know what to do next. “Dancing with mirrors” was how David Reddaway, the British Chargé, described it (he couldn’t come to the briefing but I saw him the next day at the embassy).*

On 4 and 5 July Omar and I visited W Azerbaijan, the northernmost province on the Iraqi border, with Yahya Maroufi of IOM and Anoush Daneshvar from our office in Tehran. As we reported:

1 July statistics show 58,000 persons still in camps in WA and an estimated 13,000 outside camps. HCR operations in this province have been difficult with lack of cooperation, dialogue and information sharing from BAFIA [our government counterpart in the Ministry of Interior] locally, and problems with access to camps, stores, and border. Over recent weeks there has been evidence of strong efforts by BAFIA to promote repatriation. Refugees have been given choice between return or transfer to camp at Khoy, which had bad reputation in early days. There have been shortages in assistance, reports that refugees were prevented from taking all belongings with them, and shortages in food distribution and supplies for the journey.

We met WA Deputy Governor and Director Political and Security Affairs Mr Ashtari in Orumiyeh on 5 July. Mr Satari, provincial head of BAFIA, was also present as was official from MOI Tehran. On arrival 4 July and after detailed briefing from our colleagues, we had met Dr Mehri, provincial health director, who has been very supportive of our efforts and was well aware of our difficulties. We stressed to Mr Ashtari importance of free choice on repatriation without undue influence of push factors, continued asylum, and full cooperation and coordination with HCR including access. We explained arrangements and close cooperation in other provinces and pledged our support to achieve same in WA.

Mr Ashtari expressed appreciation for HCR's work. He said that the voluntary nature of the return was being monitored very closely to ensure that there were no undue pressures on the refugees to return. Returnees were allowed to take all relief items except tents, and assistance was given for the journey. The authorities were prepared to cooperate more closely with HCR and IOM. The province had long experience of refugee flows and it was clear that there would be a residual caseload. Urgent action was therefore required to prepare accommodation for the winter, and the authorities were anxious to receive HCR assistance.

With regard to regular border meetings, Mr Ansari proposed one a week initially, with the possibility of additional meetings if required. On HCR assistance, he said that over 300,000 persons had already returned from WA and that the authorities had provided transport assistance from public and commercial sector. He requested HCR to consider reimbursement. Bakhsh said that reimbursement of expenses on which we had not been consulted despite presence in province and our efforts to cooperate would need careful consideration. He and Maroufi did not rule out some arrangement, noting that overall question of past transport costs was being discussed in Tehran.

After two-hour delay, we finally met up with our colleagues from Erbil and Morjane [who was on an inter-agency mission to Iraq] just as they were preparing to give up and leave. The crossing point is sensitive, with a no-mans-land across which the message that we were on our way failed to pass. [The area, like much of the common border, was hotly contested during the 1980-88 Iran-Iraq war.] The meeting was held in Piranshahr and chaired by Mr Satari. Alford gave briefing on situation and HCR/IOM assistance. It was agreed that first regular meeting would take place at Piranshar on 13 July. To avoid difficulties at border, Iranian authorities and Kapyra [David Kapyra was head of our office in Orumiyeh] would collect our colleagues on Iraqi side of no-mans-land. The names of HCR Iraq participants should be communicated 48 hours in advance. If a meeting was needed before the regular one, message should be passed simultaneously through HCR channels and via border authorities. Mr Satari felt that the distance of camps from the border and relatively small numbers left meant that it would not be necessary for IOM trucks to enter Iran.

In closing the meeting, Mr Satari said that in the past the authorities had made all arrangements themselves. It was now agreed that HCR and IOM would be much more closely involved. All camps had been instructed to ensure returnees took back their relief supplies and one month's food (Alford had stressed current problems of food availability in Iraq). Mr Satari said that the authorities were well aware of the role of HCR and regarded HCR as their partner in a common effort.

After past problems in WA, it is clear that the outcome of meetings will need to be judged by results. However, there is now an agreed basis for cooperation, both with rest of repatriation and with preparations for those who choose to remain.

We flew back from Orumiyeh late that afternoon on a Beechcraft Super King placed at UNHCR's disposal for a month by the Norwegian government. On 6 July there was a meeting in Tehran of the heads of UNHCR's field offices, which gave me a good briefing on all aspects of the situation of the Iraqi refugees. In a call from headquarters, I learnt that pressure was mounting on the Palestinians and the stateless in Kuwait: earlier in the week some Palestinians had been expelled and expulsions were expected to continue. Also on 6 July, I had a recorded interview with a well-informed journalist from the Islamic Republic News Agency (IRNA). This resulted in a long and accurate question-and-answer piece in the English language *Kayhan International*, headlined "Security of Iraqi Returnees Not Guaranteed".

At 06:00 the next morning I left with Maroufi on an Iranair flight for Ahvaz, the capital of Khuzestan Province, some 125 km NE of Basra. Omar Bakhet was

unwell, but against medical advice had insisted on coming to Ahvaz. I exercised my authority as Special Envoy and told him he had to follow the medical advice (this was the only time I had to overrule a colleague). On arrival in Ahvaz, we travelled to the border with colleagues and Mr Marashi from the Governor's office. We met up as planned with Kaentrakool (redeployed from Dohuk) and Sevensen-Tune from Iraq at the Shalamcheh crossing point. We were briefed on the arrangements for repatriation in Iran and reception in Iraq. Repatriants received food for a few days and could take relief goods with them except for tents, which the Iranian authorities said were needed as reserves in case history repeated itself. Numbers were relatively small (an average of 60 persons/day but with marked daily variations). From my report to Omar Bakhet:

29 persons had returned by the time of our meeting at 11:30 Iranian time. Kaentrakool reported that 156 persons had returned across the Bostan/Al-Sheeb border east of Al Amarah on 4 July and 94 on 5 July. Iranian authorities are facilitating repatriation without publicity and with considerable misgivings about security prospects after return.

Agreed that regular border meetings would take place at 06:30 GMT on Wednesdays and Sundays.

Official figures for Khuzestan showed 33,895 persons in camps on 4 July with an estimated 10,000 living outside camps. In recent weeks 3,300 others have been relocated to camps in Khorramabad in Lorestan province, where summer climate less oppressively hot. Authorities plan relocate at least 10,000 but will return them before winter. After border meeting we visited camp in Khorramshahr. Most vocal of refugees were military deserters who said had no intention of repatriating in present situation. They were aware that small but significant numbers were repatriating, and many had some of their own families in Basra. Some had informal jobs in town. Conditions were as good as it is reasonable to expect in tents, strong dusty wind, and high 40°s centigrade.

On return to Ahvaz we had long meeting with Deputy Governor, Mr Maleki Jahan, immediately followed (at 20:45) by one-hour meeting with the Governor-General, Mr Tavalaii. Very friendly and open atmosphere in both meetings testifies to excellent and close cooperation between provincial authorities and HCR field staff. For HCR, I explained that we were not promoting or encouraging repatriation and could not guarantee safety on return. We were, however, assisting those who freely expressed their wish to go home. HCR was providing limited assistance on return (Kaentrakool had given details), and monitoring situation of returnees. In the circumstances, continued asylum was essential for those who chose not to return, as was the assistance most generously

provided by the authorities. The international community's contribution had been relatively very small, but HCR was committed to providing more assistance.

After outlining the basis for Iran's response, Mr Maleki said that the province had done its best with the supplies on hand, which would have been sufficient for 1-2 months. It was now nearly four months, and they had received only promises, not help. He cited a WFP commitment to provide rice, among other things: this had not been received and resources for nationals had had to be diverted. He requested HCR to investigate. Aziz Ahmed (head of sub-office) later told me that at a meeting on 2 June, WFP Director of Operations had promised provide full food deliveries instead of previous plan of one third, and a WFP mission to the province to plan the response. Neither had materialized. Mr Maleki also cited unfulfilled promises from SCF(UK) that had created problems. Support was needed for the settlements and for transportation. Some 10,000 refugees in the towns of Khorramshahr and Bustan were not receiving proper assistance and should be moved into camps. Tensions between nationals and refugees were rising, particularly in towns, and it was essential to avoid assistance difficulties becoming a push factor. Thanks to Maroufi's presence, it was agreed that IOM would assist with transportation costs for both repatriation and relocation, in close coordination with HCR Ahvaz.

In opening remarks, Governor stressed burden on province, noting that they had received very little central government help compared to other provinces. He noted that this burden was additional to enormous task of post-war reconstruction, vast scale of which we saw in Khorramshahr and Abadan.<sup>90</sup> He expressed particular concern as to security on return and need for UN to bring influence to bear on Iraq to create conditions for voluntary repatriation and avoid new flows. He welcomed the border meetings, given the need of his staff to be informed by HCR on conditions on other side. He gave very balanced but not optimistic assessment of current prospects for lasting solution, noting implications even on need for preparedness for new influx.

Visit confirmed at first-hand the conclusions of discussions on this province at meeting of OCM senior staff and heads of all sub-offices on 6 July. Excellent relations and full cooperation HCR enjoys in Khuzestan will be at risk if we do not quickly mobilize promised assistance. Level [of] this is less important than reaction time. Long relevant experience during war and commitment of senior provincial officials mean that latter should play major role in delivery. Both the objective facts we

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<sup>90</sup> I was last there in 1964, driving to the UK from Kuwait.

know of this caseload and the particular attention paid to it by authorities including centrally give great importance to such delivery and continuing attention to what governor considers with no little justification a forgotten problem.

## *Back to Geneva*

We flew back to Tehran late that evening: I got back to the hotel at 01:30 on 8 July, and was airborne again at 08:00 in the Norwegian plane on route to Bakhtaran. Then it was a four-hour drive – as a passenger – up to the border, where I swapped vehicles and continued to Sulaimaniya for the night, spent on the roof on my replacement camp bed. Last time I had slept there, a very unseasonable thunderstorm had just missed me. The following morning I drove down to Baghdad for meetings following up on the Iran mission, and to take my leave. On 10 July I drove to Dohuk, Zakho and Silopi, and described the last leg of the journey in a letter written the next day:

*I was about to set off for Diyarbakir when the driver I was taking with me so he could bring the car back found a fan belt loose. [The only time the car let me down in over 10,000 km.] By the time that was adjusted it was late and we got to Diyarbakir at 02:00 this morning to find our road to the hotel blocked by wrecked vehicles. A prominent Kurdish politician had been killed in Diyarbakir (a stronghold of the repressed Turkish Kurds), and his funeral was the previous day, with 40,000 demonstrators who blame the security forces for his death. At least three killed and many wounded. There wasn't a soul about when we arrived, and it was eerie, but we found our way round to the super Caravanseri hotel [my base when in Diyarbakir] where reception was up and about.*

My final report of the mission - the 25<sup>th</sup> - was to headquarters, Baghdad and Incirlik on discussions in Zakho on 10 July and Diyarbakir on 11 July.

Met LTG Shalikashvili, MG Garner and Political Adviser David Robins at HCR Zakho pm 10 July. Met BG Campbell at Diyarbakir am 11 July. Gen Shali said that withdrawal from security zone was imminent (Gen Campbell said still aiming for 15 July, but no one excluding last minute hold). Gen Shali said that security situation was calm and he did not believe withdrawal would affect this: he asked my views. I recalled DPI statement after HC's meeting with President Bush that agreement reached that allies would stay until security less fragile. Assessment of current degree of fragility was obviously matter of judgement. I said our colleagues in Dohuk/Zakho area also felt that actual withdrawal now would make little immediate difference, but I noted that to redeploy after withdrawal would be a political decision of a totally different magnitude to decision to delay, which Gen Shali agreed. Also agreed that long term prospects for security still unclear.



Gen Shali said that some withdrawn forces would “sit in Silopi” pending political agreement with Turkish authorities [HCR Incirlik had informed us of status]. He was confident that Iraq would not move military or security forces up into security zone after allied withdrawal. He, Gen Garner and Gen Campbell expected to leave area soon after withdrawal; his deputy, MG Jamerson would be the new force commander.

On assistance, Gen Shali said he felt that things were under control and services largely restored, and perhaps more so than in other returnee areas (also the view of our colleagues). He and Gen Campbell’s major concerns were whether Iraqi authorities would continue to supply food into non-government-controlled areas and what would happen if not. I said that we had no indication to the contrary, and that I understood there had been a very positive food meeting with authorities in Dohuk on 10 July. However, it seemed likely that if there proved to be a real food shortage in the country, these areas would not be highest priority for available stocks.

Question of NGO visas was also a concern. I said that I was not fully in the picture but had understood during my brief stop-over in Baghdad that MFA not opposed in principle but wanted clearance procedure with appropriate line ministry. We hoped to have this done not Baghdad down but rather governate up, i.e. clearance of local authorities before submission, which would speed up process. In view their understandable concern, suggest Baghdad keeps Campbell informed of developments via HCR Incirlik. Shali also mentioned report that HCR planned phase out of Dohuk governate by end August and requested clarification. Replied I was unaware of any such report. While the area could be considered more advanced in terms of normalization of services than elsewhere, HCR intended to maintain field presence in all returnee areas to monitor their situation (though MOU only ran to end of 1991).

Their information on progress negotiations [Kurds/GOI] not different from that in media, and they seemed cautiously optimistic that some form of agreement will materialise. They have recently been in contact with [Kurdish] front leaders. I gave Robins quick briefing on Iran/Iraq side of our operations.

General Campbell had a number of specific points and suggestions for the future which I will follow up from Geneva. These included need for appropriate arrangements for continued info exchange at field level, the hope that at the end of operation disposal of ex-US assets would take account of their sensitivities, and suggestion with regard to institutionalizing framework for future military/UN cooperation in

humanitarian action.<sup>91</sup> He had one specific concern. Apparently US has repeatedly asked for regular info on numbers and deployment of UN guards. He had received late night call on behalf of Joint Chiefs of Staff expressing frustration with lack of requested info. Campbell said that Culpepper at the Geneva mission was trying hard to obtain it, but US view of effectiveness of this operation would be greatly enhanced by regular receipt of requested info. Suggest Geneva and Baghdad pass this message tactfully but clearly to ED's offices.

The generals spoke very warmly of the cooperation they had received from HCR in a common endeavour. They felt the military had learnt much from our way of operating and now better understood our underlying concerns, and hoped this experience could be built on. On behalf of HC, I reiterated our appreciation for their efforts, dedication and professionalism, through which many lives had been saved and many more could, we hoped, now be rebuilt. I thanked them for all the direct assistance we had received.

As requested, I reviewed protection concerns with colleagues in Dohuk, Zakho and Silopi, and met [Johan] Cels in Diyarbakir. These centre round increasing numbers in the allied zone who claim to be at high risk, for example deserters and some sensitive special cases like informers, and return from Turkey. As you know there was a further case of refoulement from the Haj camp on 2 July (two persons caught at gate only one of whom had permission to go to Silopi market; both were immediately taken to border bridge in police car and expelled. Both were deserters). At the same time Iraqis (including deserters) are repatriating voluntarily from camps to which I understand we do not have access. On 10 July, 50 from Siirt military camp were intercepted by chance by an alert local field officer in the Haj camp. It was confirmed that they were indeed volunteers, but would probably have been too late for any who were not. Our colleagues in Turkey are seeking to have HCR associated with these movements before departure. Believe a visit by Ouanes [responsible for protection on the hqs Gulf task force] to the Dohuk/Zakho/Silopi area if possible could be very helpful at this time.

Gen Campbell had come to Diyarbakir in a US C-12 and left for Zakho by helicopter after our meeting, but not before arranging for me to fly to Ankara in the C-12, which was picking up passengers there. So I left the region as I had arrived in Kuwait over twelve weeks earlier. In Ankara I had time to debrief

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<sup>91</sup> While in the former Yugoslavia, in 1994 we prepared two UNHCR guides: on working with the military; and for the military on working with a UN humanitarian operation.

with Dan Conway and send the above report before catching a Swissair flight to Geneva. In a letter begun as I waited to board it, I wrote:

*My mission is now over, although if there are new problems that I might be able to help with I might go back to the area briefly (I have multiple re-entry visas now). But with the takeover from the allies in the north over a month old, and cross-border contacts established between our teams in Iran and Iraq, they don't need me around. I was anxious to go before I started treading on the toes of the people doing the work. It has been one of the most interesting assignments that I have had with UNHCR, and one that I shall long remember. It is hard to be very optimistic about the future as long as Saddam is there (and given Iraq's history of a bloody exercise of power), particularly when the West seems to have no better ideas than to maintain sanctions at increasing cost to those who have already suffered the most from the man, the poor Iraqi masses.<sup>92</sup>*

### **Thereafter**

In August 1991 UNHCR began a major winterization programme to meet the basic shelter needs of individual families and to restore a minimum of infrastructure to help rebuild health services and water supply systems. The programme, which was coordinated by Carrol Faubert, required a massive logistical operation and hundreds of international and local staff.<sup>93</sup> Between August and November some 1,600 trucks brought 30,000 tonnes of construction material, mainly roof beams and corrugated iron, from Turkey. The Kurds used this for their own homes, and for schools, clinics and infrastructure in over 1,500 of the villages destroyed in the Anfal. As a result, only some former residents of Kirkuk remained under canvass. WFP provided food and those in need received essential items like blankets and stoves. In June 1992 UNHCR handed the relief operation to other UN agencies, led by UNICEF, and the focus shifted to longer-term reconstruction.

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<sup>92</sup> Later in 1991, Bernander and Henrik Olesen, head of the ED's office, met senior State Department officials in New York and Washington to underline the increasing impact of sanctions on the most vulnerable and to suggest ways it could be eased. After meeting Thomas Pickering, the US ambassador to the UN, they met John Bolton, Assistant Secretary of State for International Organization Affairs. Bernander quotes his response (p. 263): "There is no reason to limit the sanctions the Security Council has put in place. The Iraqi people are responsible for what has happened under Saddam Hussein's regime, and it is up to them to get rid of him or come to terms with the consequences."

<sup>93</sup> See Faubert's short note, *Repatriation in situations of armed conflict: the case of Northern Iraq*, dated 20 February 1992.

Though it was not the aim of the US and its allies, the result of Operation Provide Comfort, the 'poised hammer' follow-on presence in SE Turkey,<sup>94</sup> and the enforcement of the no-fly zone above 36° N, which kept Iraqi troops to the south, was the effective creation of an autonomous if not independent state, with its own elections, social services, and education in Kurdish not Arabic. "For the past twenty-five years, since a crucial intervention following the first Gulf War by the United States to protect them from Saddam Hussein's killings, the 5.5 million Kurds in northern Iraq have been quietly running their own affairs."<sup>95</sup> This was, however, not without periodic deadly conflict between the Kurdish factions themselves.

Once back in Geneva, my attention rapidly shifted to Pakistan, where I moved in September as Chief of Mission. In 1992 I was appointed as Special Envoy for repatriation to Afghanistan, and was back in Iran on mission several times, but travelling in the east, not west.<sup>96</sup> Yahya Maroufi was still our IOM counterpart there. On my first call on the Director-General of our government counterpart, BAFIA, he asked me with a straight face if this was my first visit to Iran. I replied that I had much enjoyed the hospitality of the Revolutionary Guards the previous year, and asked him to kindly convey my respects to Mr Haji Rasooli. With an uncharacteristic smile, he said that he would. My last visit to Iran was an inspection mission in November 1999 (Carrol Faubert was the Chief of Mission).

In early 2000 I was asked informally by Benon Sevan, the Executive Director of the UN's Iraq programme, if I would like to be considered for the post of UN Humanitarian Coordinator in Iraq, from which - like his predecessor, Denis Halliday - Hans von Sponek had resigned in protest against the effect of sanctions on Iraqi civilians. I declined. I knew Benon Sevan from my time in Pakistan, when he was the Personal Representative of the Secretary-General for

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<sup>94</sup> A presence that gave the allies some continuing leverage on other fronts; it helped, for example, in finally obtaining delivery in Mosul of visas for humanitarian workers who had entered Iraq from Turkey.

<sup>95</sup> Christian Caryl, "The Kurds are Nearly There", *The New York Review of Books*, Vol. LXIII No. 19, December 8 - 21, 2016. The article reviews two books and two online articles that examine the state of the quest of the more than 30 million Kurds scattered across the Middle East for an independent homeland.

<sup>96</sup> For a fascinating insider's account of the UN's role from 1988 until he left Islamabad in 1996, see former UNHCR colleague Martin Barber's *Blinded by Humanity: Inside the UN's Humanitarian Operations* (I.B.Tauris, 2015), chapter 4, pp. 74-103. During this period, Martin was head in Pakistan of the UN Office for the Coordination of Assistance Programmes relating to Afghanistan, having been appointed by Sadruddin Aga Khan.

Afghanistan and Pakistan and Hans von Sponek was the UNDP Resident Representative.

So I didn't return to Iraq; the closest I got was on a mission to Jordan for Amnesty International during the second Gulf war, when we went to the border to see if there was an influx of refugees (there wasn't). In March 2011 I was approached by a friend to see whether I would be prepared to undertake some discreet humanitarian diplomacy, with the tacit support of the US State Department, to help find a solution for the several thousand Iranians at Camp Ashraf. These were members or former members and their families of the Mujahedin e Khalq (MEK), an organization that was then still on the State Department's list of terrorist organizations.<sup>97</sup> My brief would have been to help try and find solutions for some of them outside Iraq, as their continued presence there was opposed by the government. Their camp was the subject of periodic attacks by the Iraqis, who resented MEK for its support of Saddam Hussein in his suppression of the Kurds and Shi'a. Given the violent history of the MEK, seen by some as a cult, finding a country to take them was likely to be almost impossible. The MEK enjoyed high-profile support abroad, notably in the US, where such figures John Bolton and Rudy Giuliani were paid speakers at pro-MEK events, notwithstanding the organization's terrorist status. The advice of UNHCR friends was that it would indeed be mission impossible, but what decided me to decline was that, once engaged, I would have to try and see it through, and that would be an open-ended commitment. Soon after reaching that decision, events in Iraq meant that the mission would anyway have been called off before it began. Later in 2011, UNHCR agreed with the Iraqi government to register the caseload, determine their status, and seek durable solutions for those found to be in need of international protection. The latter task has predictably proved very difficult.

On moving to the Balkans from Pakistan in 1993, I discovered that the Marine Brigadier-General who was Chief of Staff of Operation Provide Promise, based at the Naples NATO headquarters, had served in Operation Provide Comfort. He was James Jones, and we got to know each other well as he was responsible for coordinating the Sarajevo airlift and airdrops, for the US officers assigned to our convoy operations room in Zagreb, and for the US field hospital at Zagreb airport. He went on to be Commandant of the Marine Corps, Supreme Allied Commander Europe, and National Security Adviser (and a public supporter of the MEK). Provide Comfort had proved a good career path: General Zinni went on to become Commander-in-Chief of US Central Command, and Colin Powell's special envoy for the Middle East, and General Shalikashvili became Chairman of the Joint Chiefs of Staff.

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<sup>97</sup> For the background, see Owen Bennett-Jones, "Terrorists? Us?" *London Review of Books*, Vol. 34 No. 11, 7 June 2012.

## 7. Afghan refugees in 1991-3: a personal view

After my mission as Special Envoy for the Gulf Crisis, I was assigned as Chief of Mission in Pakistan. At the end of 1991 there were estimated to be some 3.1 million Afghan refugees in some 350 'refugee villages' in Pakistan; more than three-quarters of the refugees were women and children. In addition, a significant but unknown number of Afghans were living in the large towns. No comprehensive census had taken place since 1984, and full records of deaths and births were not maintained.

In May 1992, as prospects for large-scale repatriation to Afghanistan increased, my assignment was changed to Special Envoy for the repatriation of Afghan refugees, "responsible for overall planning and coordination related to the voluntary repatriation of Afghan refugees from the neighbouring countries, including UNHCR's initial reintegration activities in Afghanistan", and with the High Commissioner's "authority to take immediate action where this is required by the situation".

What follows are extracts from letters to my parents, with additions inside square brackets or in italics. The extracts give a contemporary but far from complete view of how UNHCR sought to meet the challenges of developments in Afghanistan.<sup>98</sup>

### *Largely background*

1 October 1991

Most of my first fortnight [I arrived on 13 September] was taken up with the visit of the Deputy High Commissioner, Doug Stafford. He arrived four days after me and stayed for eight. We spent two days each in Peshawar and Quetta and I spent a night in Karachi, after going there with them on their way home. It was a very good introduction for me and I was able to meet many people that I would otherwise still not have met.

The programme is at an interesting stage. On the one hand, everyone seems convinced that there are going to be major changes in Kabul, even if there is no consensus on what they will be. The result for us could range from a new influx after a full-scale civil war to a start to large-scale repatriation if some sort of

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<sup>98</sup> For an authoritative account, see Angelo Rasanayagam's *Afghanistan: A Modern History* (I B Tauris, 2003), chapters 10 and 11. Angelo was the head of UNHCR's office in Peshawar from 1991-3.

transitional arrangements could be cobbled together and made to hold. On the other hand, the assistance programme here has lost much of its credibility, with inflated numbers in camps, corruption, and far too much being spent on administrative support and staff as opposed to direct assistance to the refugees. We have reached agreement in principle with the government to tackle this but putting it into practice will face great obstacles from the many vested interests.

*17 January 1992*

I am off to Peshawar and to visit some refugee villages in North-West Frontier Province on Monday morning [20 January], coming back Wednesday evening. Things really do seem to be moving on the political front with Afghanistan, with much talk about the former king, Zahir Shah, being the only person who could pull together a transitional government. The cause of peace has probably been strengthened by the fact that the central Asian republics are making it clear that they do not want a fundamentalist-led regime in Kabul. The fundamentalists based here, very much creations of Pakistan, still talk of a military victory but, for the first time, Pakistan is publicly distancing itself from the more extreme.

*8 February 1992*

This coming week we have two colleagues from Geneva and the heads of our offices in Kabul and Tehran here for three days to discuss plans for the large-scale return home of Afghans. This looks increasingly likely (though far from certain). Pakistan has finally gone public with its commitment to a peaceful solution and is making it clear to the fundamentalist hard-line Afghan leaders that time is running out for them if they do not cooperate. Everyone but them is hoping that the UN does manage to put together a meeting of Afghans in March or April that will set the stage for a transitional government in Kabul. So from insisting that we should not cut back our assistance to the refugees here, the government is now wanting to cut it right back so that there is a "push" factor. We of course will have to oppose this until there is peace on the other side, which is not going to come just through a transitional government. What is rather needed is a larger "pull" factor in Afghanistan through increased security, rehabilitation assistance and the resumption of economic assistance.

*6 March 1992*

I have been away from Islamabad for eight days with a joint food assessment mission comprising World Food Programme and UNHCR hqs and local staff and representatives of the EEC, Canada and USA, as among the major food donors. The mission is meant to take place annually but the last one was in May 1990. The aim is to set ration levels for the next year: not an easy task as the wheat and edible oil we give is only a part of the refugees' resources and gauging how self-sufficient they are otherwise is not easy.

We started off in NW Frontier Province and spent four days there, splitting into three groups for the field visits. I went to Bajaur, a tribal agency on the Afghan border north of Peshawar. The tribal agencies are still administered as in the time of the British, by a Political Agent who broadly acts as umpire between the tribals as needed, and calls in the troops when his decisions are challenged. On the way we passed "Churchill's picket" where he nearly lost his life in 1897 (described in *My Early Life*). Although spring hadn't yet come there, there were yellow terraced mustard fields almost up to the snowline and a few fruit trees already in blossom.

A week ago, we moved from NWFP to Baluchistan and spent three days there, splitting into two groups. I went to Dalbandin, some 280 km WSW of Quetta, through desert country that could have been in the Sudan or the gulf area. As on the first trip, it gave me an excellent opportunity to see the refugee villages at first hand and in more depth than my windscreen tours to date. All the mission members were good company, and the trips confirmed what a beautiful country this is.

The mission was also successful, as the government has agreed to a reduction of about 250,000 in the assisted population in Baluchistan, which everyone knew has long been needed but has not been possible hitherto (some were never there in the first place and others have left either for Afghanistan or elsewhere in Pakistan). We had a major meeting with the government to agree tentative conclusions on Wednesday and the members of the mission are finishing the report today before flying out tomorrow. One of the members is David Morton, who will be taking over from Allen Jones as head of WFP here in May. He is a nice man [and was to be my WFP counterpart in the Balkans in 1994] but we are very sorry indeed that Allen and Myra are leaving (for Ethiopia).

### ***Developments in Afghanistan lead to large-scale repatriation***

*4 April 1992*

Things in Afghanistan seem to be moving quickly towards a change of government in Kabul, though it is less clear whether that will be the transitional government that would give a hope for peace or a fundamentalist or ethnically based one that would prolong the fighting. Whatever happens, it looks likely that several hundred thousand Afghan refugees will go home this year. The coming weeks after the Eid will give a good indication of the order of magnitude of the return, which could be very large if there is a new government supported by the majority. It is even possible that we shall be able to drive to Kabul for the weekend within a year.



*9 May 1992*

We have been having almost non-stop meetings planning for repatriation to Afghanistan. A week ago we had a long meeting at ministerial level with the government here, and since Tuesday we had had people from hqs, Kabul and Tehran here for the same reason. Most left today and the plan is that I will go with the Personal Representative of the Secretary-General for Afghanistan, Benon Sevan, and others to talk to the new government in Kabul on Monday, and on from there to Tehran on Wednesday. We hope to be back here on Friday 15 May. Pierce Gerety [my deputy as chief of mission] will take over here for the period that I am needed as the HC's special envoy. It is impossible to predict what will happen in Afghanistan and therefore how long that will be. For the form, I will have to give the impression of being based in Kabul once that becomes possible, but in practice the demands of the work will mean that I will spend more time here than elsewhere.

*5 June 1992*

We were in Kabul from 11-15 May with Benon Sevan and a UN team for Kabul and met about a dozen of the new ministers and President Mujadedi and Prof. Rabani. Most of the ministers had only been in office for a few days. The political situation is very confused. The agreement reached in Peshawar in late April was for Mujadedi to be in charge for two months, then Rabani to take over for four, and then a Loya Jirga or grand assembly to decide on a government that would organize elections within two years. Even on paper it looks a flawed plan, and it was hard to see where power lay and was going to lie. All ministers were acting and, like the town itself, the ministries are divided up among different parties, factions and commanders.

Kabul was full of armed men and there was a constant sound of firing in the air in celebration and/or boredom. This was loudest at sunset, when the sky looked like a fireworks display. We met Mujadedi at dusk at the palace and could hardly hear what he was saying because of the noise. Mujadedi is a moderate and trying to reconcile people across ethnic, religious and party lines. All the ministers had the old vice-ministers with them and some even had the former minister as adviser. But Mujadedi is not a strong leader and is having increasing problems holding things together, not helped of course by the fact that he is meant to go at the end of this month. On the UNHCR side, the Minister of Repatriates, a mujahideen commander, made a good impression and we had constructive meetings with him.

The provinces have very little relationship with the centre and they are run by different committees (shura) comprised of mujahideen, political and tribal leaders and in some cases members of the former regime. Nearly all the provincial capitals are more peaceful than Kabul but only in the north is there any sort of working administration, and in many the level of destruction is high.

Among numerous further complications is the fact that the minorities in the north want to split into a loose confederation. The country may divide on roughly north/ south ethnic lines, and by the time this reaches you I am afraid that there may be full scale civil war in Kabul. Mujadedi is trying to hold the grand assembly meeting at the end of this month, and that may be the only way to avert the worst. On the one hand, it is hard to be optimistic but, on the other, the Afghans left to themselves might be able to work things out.

We went on from Kabul to Tehran on Friday 15 May and stayed there until Monday 18, meeting two Vice-ministers of Foreign Affairs and the Minister of Interior, plus having seven hours of meetings with our counterparts for refugees in the Ministry of Interior. The Iranians are one of the outsiders playing a role in Afghanistan, both on behalf of the Shiite minority and with a view to influencing the central Asian republics. Our discussions were not easy as the Iranians do not believe many of the two million Afghans in Iran will go home soon (most are migrant workers) but do not want to be seen as less important than Pakistan in the context of repatriation, as everything else. Over the years far more assistance has gone to refugees in Pakistan than in Iran, and the Iranians strongly resent this, though it is in large part the result of their unwillingness to cooperate and allow access, monitoring etc.

Benon Sevan has a jet (DC9-30) for his political travels when he was trying to put together the UN peace plan and we used it: a rather strange combination of 16 luxury swivel seats, bar and every executive toy but with five or so tons of cargo space where the bedroom used to be. Swiss owned and operated, and it made travelling very painless. I went back to Kabul for three days from 23 May, this time going up in the UN's ten-seater small plane and coming back as the only passenger on the jet. The purpose was to discuss the draft agreement to establish a tripartite repatriation commission, or rather two, comprising Afghanistan, Iran or Pakistan, and UNHCR, as the framework within which all policy aspects of repatriation would be discussed. I found Kabul calmer than on my first visit.

Mujadedi and a party of 60 odd also came to Islamabad on the 26th, so I found myself at the historic state banquet given by the President of Pakistan that evening with some of the same people I had met in Kabul that morning. Monday, I went up to Peshawar for the day to see how "encashment" was going and help iron out some problems. There are about 2.4 million registered refugees here and if they want to go home we encash their ration passbooks for the equivalent of \$130 and 300 kg of wheat per family, designed to allow them to make their own transport arrangements home, at least for the 3/4 of them who live within a day's travel of their homes, and to provide some initial food security on arrival. Despite all the problems, well over five thousand people a day are now encashing and even more than that number are actually going home daily. Encashment works through the National Bank of Pakistan's local

branches and both they and we were being overwhelmed by the demand. We have now managed to expand capacity. [On occasions, UNHCR staff would have to carry many hundreds of thousands of Rupees to resupply the local banks.]

I went back to Kabul on Tuesday (2 June), planning to go on direct to Tehran on Wednesday. That trip was delayed because of the anniversary of Khomeini's death, so I came back here on Wednesday as one of four passengers on the inaugural flight of Ariana, the Afghan airline, to Peshawar, and caught a local flight straight on to Islamabad. We had the acting Minister of Finance on the flight, plus a TV crew, so it was quite an experience. Already on the Tuesday, in Kabul there had been serious fighting between Shiite and Sunni groups and things were pretty tense. Fighting appears to have spread since and most of the anyway reduced UN staff are being evacuated from Kabul, though not from the provinces. One of the major problems is that former president Najibullah is still sheltering in one of the UN offices. Agreement had been reached in mid-April for him to leave the country, but other forces got to the airport hours before he was due to go to India. While there is no sanctuary on UN premises for nationals, the UN does have a clear moral obligation towards him, and the problem is acute, with not only his life at stake but also those of the UN people directly involved.

The Pakistani papers are far from reliable, but from what today's [5 June] say it seems that the situation in Kabul is continuing to deteriorate. Most people do not think that the problems will affect the border provinces and we expect to have a continued high rate of repatriation even if what we can do to help them thereafter is limited. One of the main reasons for the mission with Benon Sevan was to prepare an appeal to the international community for immediate emergency assistance for Afghanistan and repatriation for the rest of the year. That is due out any time now but I am afraid response will not be good if things in Kabul do not settle down quickly. I hope to go to Tehran tomorrow for three or four days, though at the moment my onward flight from Dubai is not confirmed and apparently fully booked.

### *Increasing insecurity in Kabul, and the view from Iran*

*21 August 1992*

I went to Kabul on Saturday 1 August and found that the situation was quite tense. The airport had been rocketed that morning but we had no problem getting in at 18:00 in the UN's small plane. I had four days of useful discussions, meeting President Rabbani on the Tuesday morning. On Tuesday afternoon a major rocket barrage on the airport and some key sites began and lasted until the early hours of the morning. Nothing landed close enough to the

UN guest house where I was to even rattle the windows, but other parts of town were badly hit.

It was touch and go whether the scheduled UN flight would come in, but it did (the DC9 jet), and I left Kabul as planned on Wednesday 5 August on what turned out to have been the last UN flight. The rocketing etc. intensified from that Thursday onwards and most of the UN international staff left by road for the north and came out via Uzbekistan last weekend. Four more came out to the north two days ago and the last three are likely to leave once the evacuation of the last diplomats has been arranged in the next few days. No one in Kabul was optimistic for the future and the outlook has become even gloomier. The fighting is ostensibly about whether the militia from the north, whose change of sides in March precipitated the change of government, will leave Kabul. In fact, it is a struggle for power with no regard for the consequences, and there is a real prospect of a fragmentation of Afghanistan on ethnic/ religious lines.

Until now the refugees have still been going home faster than persons have been fleeing Afghanistan; most came from areas near the border and so far unaffected by the fighting in Kabul. But a spread of the fighting seems inevitable and increasing numbers are already arriving. The outlook for the winter is bleak indeed and international sympathy for the Afghans will be harder to enlist as they tear their country apart, and have to compete for humanitarian resources with Somalia, ex-Yugoslavia etc.

After Kabul I went to Tehran. There is a good connection via Dubai on a Saturday and I arrived on the evening of 8 August. It was quite an important mission as we now have some funds to help repatriation to Afghanistan from Iran. We want to spend them on direct assistance to the returnees, providing 50kg of wheat and the equivalent of about \$25 for transport costs per person, which is roughly what we do here except that here it is on a family basis. The Iranians have a grandiose plan for tens of millions of dollars on infrastructure etc., yet this year well over 200,000 have gone back under their own steam. After a lot of discussion, I think they are convinced that scarce resources should be spent where they are most use to the returnees. But the Iranians are very suspicious of our motives and have long complained that Pakistan has always had better treatment from us (true, but largely their fault, not ours), so negotiations are not easy.

On the afternoon of Monday 10 August, I flew to the city of Mashhad (second largest in Iran and one of the holiest cities for Shiites) and the next day we drove the 300km to the border with Afghanistan for a meeting with our colleagues from Herat. We came back to Tehran that evening and had the key final meetings in the Ministries of Interior and Foreign Affairs on the Wednesday, which allowed me to catch a plane to Karachi the same evening. Karachi and

much of Sind had just had devastating rains and I was lucky to get off to Islamabad on the morning of Thursday 13 August only an hour or so late.

I went to Peshawar on Wednesday (19th) to discuss the situation in Afghanistan and its implications with our colleagues and the provincial officials there. I'm going to Quetta for 24 hours on Sunday for the same reason but need to be back here Tuesday for a ministerial-level meeting on how new arrivals from Afghanistan are going to be assisted. The new Personal Representative of the Secretary-General has arrived. He is a Greek called Sitorios Mousouris and replaces Benon Sevan, who was doing the job for the last four years and was the key figure in the UN's attempts to negotiate a solution to the Afghan conflict. It is not clear exactly what the role of Mousouris will be, but for the moment he has his hands full with immediate problems like evacuation. After the failure cum sabotage of the UN plan in April most people think that there is not much that the UN can do on the political front until the majority of Afghan leaders actually ask for help.

*25 September 1992*

Kamel Morjane, the Director of "our" regional bureau at hqs was here Monday through Wednesday for intensive discussions about developments and what we should do in Afghanistan. His was a very timely visit as there are a lot of questions to resolve as winter approaches. At least the problems with the closure of the border to incoming Afghans and with the transit through Pakistan to India of Afghan Sikhs and Hindus have been solved in theory if not yet fully in practice.

*Everything in Pakistan was severely affected by floods in early September that left some 2,000 people dead (and caused several hundred deaths in India) and displaced millions, including Afghan refugees. The government reported that over 12,000 villages had been washed away in northern Pakistan.*

Of course, we have all been following the drama of the floods very closely. Difficult to sort out fact from government propaganda, but it is clear that the damage has been colossal. The army has done an excellent job in the circumstances. It is still not clear why the engineers at the first main dam let the level build up past the danger point, then having to release what became the "snowballing" flood surge, when much of the problem might have been avoided had they released water from the moment the level started to rise (by which time the weather forecasts were warning of what would happen).

*31 October 1992*

Apart from a short trip to Iran and three day-trips to Peshawar, I have not been away from much. Things have been a bit less busy at work, with most of our attention devoted to planning for the winter needs in Afghanistan and for next year's repatriation. Even if the cease fire holds in Kabul, things are going to be

very difficult for many Afghans this winter. Security problems on the roads, as much simple theft as political, make it hard to deliver relief supplies and of course the onset of winter and the closure of many roads by snow will further complicate matters. Nevertheless, we expect that next year another million Afghans may go home, with the large-scale move starting at the end of March, after Ramadan.

The mission to Iran was with Sotirios Mousouris, his first trip to Iran since taking over from Benon Sevan at the start of August. We had hoped that it would be possible to sign an agreement establishing a tripartite repatriation commission comprising Afghanistan, Iran and UNHCR, but problems between the Iranian Foreign and Interior Ministries are still delaying that. Our colleagues in Tehran were told to be on stand-by again to sign it last Monday but nothing has happened yet. I considered going to be there but correctly guessed that I would just sit around waiting. From Tehran we went to Mashhad and spent a night there before coming straight back here. That allowed us to pick up UN staff who had just evacuated to Mashhad from Herat after fighting had erupted there. The strong man in Herat, Ismail Khan, put down the rebellion against his authority without much trouble and we hope that a UN international presence will be re-established in Herat this weekend.

The interim President of Afghanistan was due to hand over power on 23 October but so far confusion reigns, as the basic problems between the northern minorities and the Pushtoons, most especially Gulbuddin Hekmatyar (who launched the attacks on Kabul in August), are nowhere near resolution. Although the ceasefire has held for much longer than most people expected, the chances of it breaking down now must be growing daily. In the provinces things remain calmer and the UN and non-governmental organisations have been able to do quite a bit of initial rehabilitation work. The presence of over ten million mines remains a major problem: they are in localised areas but where they are present few Afghans have been able to return home. The UN is running mine-clearance programmes, but progress is very slow.

Pierce Gerety, my deputy, is leaving in a couple of weeks and going to headquarters as the deputy director of our legal division, an excellent choice. His successor, Ray Fell arrives on Tuesday. Ray is British and very competent, but we shall greatly miss Pierce and his wife Marie on all fronts.

*21 November 1992* (started at Damascus airport and posted from Cyprus)

Charles-Henry Bazoche (our man in Kabul, currently a 'refugee' in Islamabad) and I are on our way to a meeting in Nicosia of the heads of UNHCR offices in our region, that is from Mauritania to Pakistan. The meeting is to review a report on the future direction of UNHCR's legal activities and take the opportunity to review regional issues.

## *The drama of the Iraqi Kurds*

We have been less busy on the Afghan front as the onset of winter and the continued political uncertainty slows the pace of repatriation. Our current preoccupation is with the one thousand or so Iraqi Kurds [mainly men but also some families] who are moving from Quetta to Islamabad to demonstrate in front of our office in support of their demands for resettlement in the west, demands that we cannot satisfy. Over three hundred had arrived by the time I left for Cyprus. They are camped in the national park just across the road from our office. Because of opposition protests, the authorities have not yet decided what to do with them, but they can't and shouldn't stay there and I think we are going to have plenty of problems before long. The leaders of the group have been militant in Quetta [in my 17 January letter I had written of them "again threatening violence"], and they have left themselves no way out by insisting that they will stay in Islamabad until we send them to the west. Probably the best of the realistic options for them would be to repatriate to Iraq, at least for the majority who come from areas in the north outside Baghdad's control. But they came to Pakistan because they thought that was the way to get to the USA etc and are very determined. [Some were probably influenced by the fact that UNHCR had promoted the resettlement of Iraqi Kurds who had arrived in Pakistan before May 1989.] At the moment, UNHCR cannot even find resettlement places for the Bosnians in the detention camps, and the Kurds are far from being in that sort of need.

*11 December 1992*

I had a good trip back from Cyprus, though it was overnight, and for the next ten days was working almost solely on the problem of the Iraqis in front of our office. Finally, the police moved them by force a week ago. Despite hours of meetings (the Inspector-General of Police spent four hours trying to persuade them to see reason and five diplomats from major resettlement countries spent two), they were insisting that they would not leave except for resettlement to countries in the west. They were threatening to set fire to or hang themselves if moved by force and no one doubted their readiness to execute their threats. The much-criticized police did a very good job and no one was hurt or able to do themselves any harm. There were 2000 police, doctors, ambulances, fire trucks etc. and the police were quick enough to prevent what would have been the tragically useless sacrifices the Kurds leaders had threatened if they were moved. The Iraqis have suffered a lot (they are nearly all Kurds) but there are others whose resettlement is a higher priority, such as Muslims ex-detention camps in Bosnia, and not enough places to go round.

*The Kurds' leaders threatened UNHCR staff with reprisals if their demands were not met. They found out where some lived and organized sit-ins and demonstrations in front of their houses. Carl Söderbergh, UNHCR's protection officer, had to move house*

*as a result, and for a time both he and I had armed guards at our gates. Carl and I had long meetings with the leaders trying to convince them that we could not meet their demands. The year before I had travelled widely in the Kurdish-controlled areas of northern Iraq, and we sought without success to convince the leaders that UNHCR-assisted voluntary repatriation was a viable option for some. They also had the possibility of returning to Iran, their country of first asylum.*

Once the Iraqi problem was solved, at least in the immediate, I was working hard on the appeal for funds for Afghanistan for the first nine months of 1993. The repatriation section is just a part of the overall appeal, but by far the largest part. We foresee perhaps another million going back home if the security allows, though sadly that qualification looks unlikely to be met. Most people fear another round of fighting in Kabul. Meanwhile, tens of thousands of Tajiks are fleeing the civil war and crossing into northern Afghanistan. Hard to believe there is any less satisfactory country of asylum in the world. Things really do seem to be in a mess everywhere and the aftermath of the destruction of the Babri mosque in Ayodhya is as sickening as the act itself. I am afraid that the Afghan in Kabul quoted in the local press here as saying that they were too busy killing each other but would get round to dealing with the Hindu temples (fortunately most Hindus have already fled Kabul) is not unrepresentative and could I suppose be a Serb or Liberian or Somali.

*19 January 1993*

I am starting this in Quetta on Sunday afternoon [17<sup>th</sup>] having just arrived for a two-day visit. Part of the way down to Quetta we were flying over a complete carpet of snow, fortunately in glorious weather. Quetta itself has no snow but the top half or more of the mountains that ring it is white.

I am going to Tehran on Saturday 24 Jan for the first meeting of the Afghanistan / Iran / UNHCR commission for repatriation on Sunday. It will be interesting to see who is there from the Afghan side. On 30 Dec, the interim president, Professor Rabbani, got a far-from-representative body to elect him as president for two years. It was at least an Afghan body, as opposed to previous "made in Pakistan" deals, but five key parties boycotted the meeting, and further fighting in Kabul seems more likely than not. It is not easy to determine what level of repatriation there will be from Pakistan this year. That will be determined by the refugees themselves though, for those in Iran, there is the danger of a push from the Iranians as well.

Now Monday afternoon. The mission is going well and we had good meetings today with the authorities and in the office. There was some snow overnight and the mountains are almost all white. I am now not going to Iran on Saturday as the Afghan side are not ready for the meeting, which is not surprising as their new cabinet has yet to be announced and all the flights at Kabul airport are suspended because of the rocket attacks.



## *A tragedy as security in Afghanistan deteriorates*

*12 February 1993*

We have of course been very taken up with events in Afghanistan and especially the aftermath of the deaths of two UN Afghan drivers, a UK national working for the UN Centre for Human Settlements, and a Dutch water engineer on 1 February. They were ambushed inside Afghanistan, about ten miles short of Jalalabad on the main road from Peshawar. It was clearly an assassination: a car trailed their two vehicles and then opened fire to kill. By a miracle, the head of our office in Jalalabad, Reinout Wanrooy, managed to get out of the first vehicle – he was on the far side from the gunmen – and run for cover (across a mine field). The gunmen shot at him but missed and he escaped unhurt. He had been formally transferred that day from our office here to Jalalabad, though he had in fact been running our office there since last June. He and his family have gone back to the Netherlands.

While it is clear that the assassins were aimed for the UN, the motives are not clear. There have always been fanatics from outside the region (e.g. the Middle East and the Muslim separatists in the Philippines) involved in the conflict in Afghanistan. They have made no secret of their hatred of non-Muslims, and have been responsible for some of the worst atrocities suffered by Afghans during the war. While international and Afghan staff have been killed before, and there have been many incidents of hijacking (in this case the killers took nothing), this is the first incident of its kind. But we have not as yet, and may never have, any idea of what led to the attack and whether it was locally motivated or part of something wider. All the international staff were withdrawn from the area and security precautions are being increased.

There was a beautiful and very moving memorial to all four a week ago in Islamabad. The Dutch engineer had been in the choir for the Messiah, and the choir sang two choruses. People who knew those who had died spoke about them in English, Dutch and Dari (Persian), poems were read, there were readings from the Quran, and other music ranging from Eric Clapton to Vivaldi. The memorial was held in the gardens of the UN club and it was a lovely warm day. The British man who died, Tony Bullard, was in his early 30s and about to get married to a British nurse based in Peshawar. I only knew him slightly, but he was obviously a remarkable man. The Dutchman was 62 and based here in Islamabad. We had only met him once, but he was well known as the author of the Asia Study Group's guide to hiking in the hills here. From the tributes, he was clearly a very widely respected person.

Even before this happened, security was deteriorating inside Afghanistan as the fighting in Kabul started to affect the provinces. The headline in the paper

reporting the deaths of our colleagues was alongside one reporting that 72 people were killed the same day from rockets attacks in Kabul. The general view is that Afghanistan is sinking into anarchy, with the prospects worse than at any time since the Soviet withdrawal. It is hard not to think “a plague on all their houses”, but as usual it is the innocent and vulnerable that are the most affected, and no doubt relevant that those doing the most fighting for power had their power bases created by Pakistan and Iran.

As a result of this situation, the UN has been reviewing our programmes throughout Afghanistan and we are scaling them back. UNHCR has a particular problem with the Tajik refugees in the north, who are going to be radicalized and become part of the struggle for power in Tajikistan unless they are able to go home soon. The opposition, a loose alliance of fundamentalists encouraged from outside, liberals and the merchant class, is currently repressed by the old (communist) guard in Dushanbe, operating with Uzbek and Russian support.

### *Thereafter*

*We had been expecting to stay in Islamabad for three years, but at the end of March 1993 the High Commissioner asked me to take over from José María Mendiluce as Special Envoy for the former Yugoslavia. I didn't return to Afghanistan before leaving Islamabad at the end of May but did return to Islamabad and Afghanistan in 2004 on a mission for UNOCHA. In 2011, I undertook a mission to Pakistan for the High Commissioner, visiting Islamabad and Peshawar. Security was tight in both places: I had to stay in UN safe houses rather than hotels.*

## 8. UNHCR and the 1997 UN reforms

In 1989-90 UNHCR had faced a management crisis that threatened to cause lasting damage to the organization. The challenge in the 1997 reform process was very different: a major expansion in UNHCR's responsibilities was under consideration, and the High Commissioner was assured at the highest level that this would happen. When it didn't, and as was the case after the earlier crisis, the drama of the reform process was quickly eclipsed by ongoing and new operational demands on UNHCR. In both cases, these important episodes in the Office's history were soon largely forgotten.<sup>99</sup>

This is a chronological account of the latter, drawn from files in the UNHCR archives, notably those of Sadako Ogata, the High Commissioner at the time, which have recently been digitalized, and from my own notes and papers and a fallible memory. All dates are 1997 unless otherwise indicated.

The account seeks to give a comprehensive picture of what happened as it was known at the time. Parts are thus repetitive, as new drafts of the reform proposals followed in quick succession. For a quick read, there is an overview after the introduction and some reflections at the end.

### *What happened?*

#### *Introduction*

On taking office as UN Secretary-General (SG) on 1 January 1997, Kofi Annan moved quickly to initiate a far-reaching series of reforms and proposals for reform of the organization. His commitment to reform was a significant factor in his election after the USA had vetoed a second term for Boutros Boutros-Ghali. As the first SG from within the organization, he had a clear understanding of what was needed and possible, and of the likely obstacles. He gave the process a high priority at a time when the UN was facing many

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<sup>99</sup> I had forgotten much of what follows until prompted to prepare this in 2023 by a reference in Mark Lowcock's account of his time as UN Emergency Relief Coordinator, *Relief Chief: A Manifesto for Saving Lives in Dire Times* (Center for Global Development, Washington, 2022, p 4). For an account of the 1989-90 crisis, see chapter 5.

challenges, including the withholding by the USA of some of its assessed contributions to the UN.

On 17 March, the SG informed the President of the General Assembly (GA) of the measures he had already taken and of his intentions (a ten-page document, A/51/829). The reform agenda was to be implemented in two tracks. The first covered measures to streamline the Secretariat that could be immediately initiated or implemented within the authority of the SG. The second covered further measures within the authority of the SG but which he considered would benefit from consultations with, and or complementary action by, member states. Reform of the UN's humanitarian activities fell under the second track. The SG undertook to deliver a comprehensive report on the reform process to the GA in July.

On his first day in office, the SG had contacted Maurice Strong, whom he appointed as the Executive Coordinator of UN Reform.<sup>100</sup> Strong chaired a Steering Committee on UN Reform (SCR) whose membership included "senior official representing the span of activities of the Organization". Strong had a small UN reform team to assist him, with Miles Stoby as his deputy.<sup>101</sup> A UNHCR staff member, Izumi Nakamitsu, was a member of Strong's team and covered the humanitarian sector. She had earned the confidence of the High Commissioner (HC), Sadako Ogata, during UNHCR's operations in northern Iraq and in the former Yugoslavia, where she had also worked on secondment for the SRSG, Yasushi Akashi, who was now the head of the Department of Humanitarian Affairs (DHA), and thus directly concerned by any reform to the humanitarian sector. The other key player for UNHCR in New York was Søren Jessen-Petersen, the head of the UNHCR liaison office.

During the reform process UNHCR faced many unrelated challenges, and was making significant changes in its own management processes and systems ('Project Delphi'). The crises in the Great Lakes region were a particular and

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<sup>100</sup> Strong (1929-2015) was a Canadian businessman and diplomat with long-standing involvement with the UN, including as the head of the UN's African famine relief programme, then the Secretary-General of the 1992 Rio 'earth summit' and then the first Executive Director of UNEP, for whose creation he was largely responsible.

<sup>101</sup> Stoby (1943-2020) was a Guyanese diplomat, and from 1978 a UN staff member, including as Assistant Secretary-General for General Assembly Affairs and Conference Services and as Coordinator of preparations for the Millennium Summit. But his very candid and readable posthumous memoir *Life in the Glass House: Tales from the United Nations* (Unicorn, London, 2021) does not cover his role in the reform and makes only passing reference to it: "Following the 1997 Annan Reform (which was generally deemed to be a success), ..." (p 12).

ongoing concern.<sup>102</sup> A small group met in the HC's office most days to consider the latest developments there. The HC was on several unrelated missions during this time. When she was away, Karen AbuZayd, her Chef de Cabinet, provided the link between her and Søren and Izumi in New York. Both Gerald Walzer, the Deputy HC, and Sergio Vieira de Mello, the Assistant HC for Operations, were of course also involved at an early stage (Izumi had been Sergio's special assistant before her move to NY). The potential implications for UNHCR became clearer in the first weeks of April, by which time Raymond Hall (Secretary of the UNHCR Executive Committee, EXCOM) and I (Director of the Division of Programmes and Operation Support) were becoming increasingly involved in UNHCR's response to the reform proposals emerging from New York.

### *An overview*

The short answer to the question "what happened?" is that while radical changes for the humanitarian sector had not been expected, the UN reform team's proposals were radical. Strong wanted a single UN humanitarian organization, built on UNHCR, but came to accept that this would not be possible. The favoured option became one that would effectively make UNHCR the lead UN agency for humanitarian action. Reaction within UNHCR's senior management was mixed, with particular concern about the implications for refugee protection and UNHCR's unique mandate for non-nationals. There was also considerable scepticism as to the likelihood of such change being implemented.

By mid-May, it was clear that the option of the HC combining the responsibilities of UNHCR and Emergency Relief Coordinator (ERC), taking over some of DHA's responsibilities, was gaining ground. At the request of Strong, UNHCR prepared a paper on how this new role might be undertaken (the 22 May paper). Opposition to the proposal increased. That from DHA was predictable, but otherwise there was a consensus that DHA had not provided the added value that had been hoped for. UNICEF wished to ensure that changes in the humanitarian architecture did not dilute its role for children in emergencies. WFP increasingly saw the proposal as a threat to its standing, and sought to mobilize UNICEF's support. UNICEF and WFP also had significant concerns about the proposals for development activities.

Despite the gathering opposition, and significant misinformation about UNHCR's position on the part of DHA, as further drafts of the reform paper were prepared by the reform team, it became still more likely that HCR/ERC

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<sup>102</sup> Chapter 3 (pp 172-275) of Sadako Ogata's *The Turbulent Decade: Confronting the Refugee Crises of the 1990s* (Norton, NY, 2005) illustrates the demands of these crises on her attention and time.

option would be retained in the final report. The implications of this for UNHCR were such that the HC sought and obtained an assurance that the SG was committed to this option (see *Collateral Damage*, p 33).

On 24 June it became clear that this assurance was unfounded, and that, as was said at the time, “UNHCR had been hung out to dry”. This was not, of course, language that the HC would use, but her letter of 26 June to the SG, with whom she enjoyed a close and mutually very respectful relationship, shows the depth of her disappointment and concern at a lost opportunity to improve the UN’s response to complex humanitarian crises and at the position in which this left UNHCR. She amplified this in her 7 July letter to the SG’s Chef de Cabinet.

The SG’s 16 July report to the GA, “Renewing the United Nations: a Programme for Reform” contained no major initiatives for the humanitarian sector, though did foresee the discontinuation of DHA “in its present form”. The only mention of UNHCR was as a member of a new IASC steering committee. As Izumi put it on 8 July, “there will not be much to implement”.

At the time, there was both relief and disappointment within UNHCR’s senior management. The HC’s frustration at the process was widely shared. The proposal involved risks to UNHCR’s protection mandate, but the arguments in favour were sound, and there seemed a good chance that its implementation would have significantly improved the UN’s ability to respond to complex emergencies.<sup>103</sup>

### *The first weeks*

The SCR met for the first time on 26 February, when Strong’s appointment was announced. Responding to Søren’s report of this meeting, the HC agreed with him that there was “little chance or risk” of the SCR embarking on an early review of the humanitarian sector, but that “it might be wise to foresee and/or forestall measures that might have long term adverse effect”. There was a second meeting of the SCR on 28 February and two more in March, but the full implications of the process only became clear in April.

The Administrative Coordinating Committee of the UN executive heads (ACC) met on 11 April. In advance of this meeting, Søren sent the HC a paper with his thoughts on the reform process. On the humanitarian sector, he wrote:

I see two issues: humanitarian affairs as such, and the need for a review of DHA. The two issues are obviously linked but tactically we may consider suggesting that since humanitarian affairs is under consideration in the context of ECOSOC [the United Nations Economic and Social Council], we should let that process take its course (a process

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<sup>103</sup> In *Relief Chief*, Mark Lowcock writes that it “would probably have enabled the UN to improve its responses to crises”.

that we can manage to some extent, through friendly Governments), and suggest that the Steering Committee initially focus on a review of DHA (just as it is reviewing DPI [Department of Public Information] in a clear recognition that the Secretariat is not playing its role in the area of public relations). Such a proposal would have to come from the Heads of the operational agencies, i.e. HCR, WFP and UNICEF, in a joint and direct approach to the Secretary-General and Maurice Strong.

On DHA - and coordination - I am concerned about the (established) position clearly favoured by DHA and UNDP that, as a rule, the Resident Coordinator would also be the Humanitarian Coordinator. In addition to our well-known and stated concerns, i.e. conflict of interest, lack of impartiality, frequent inability or incapability by the Resident Coordinator to assume this role - all issues which have been painfully demonstrated recently in the Great Lakes Region - it also works in favour of renewed attempts to bring all UN in-country activities under one hat - and against our "uniqueness".<sup>104</sup>

Track I focuses on UN development cooperation and development activities - and we have so far been able to state that we are not part of - although interested in - development activities. Like so many other creeping changes, the increasing merger of Resident and Humanitarian Coordinators takes another bite at our different status. I believe we should agree, in principle, to common services and premises but we should insist on separate but complimentary development and humanitarian mandates.

Already for this reason we should, in the ECOSOC process, point out the incompatibilities between Resident and Humanitarian Coordinators - and insist on other options such as lead agency and operational agencies on the ground assuming the role of Humanitarian Coordinator, as distinct from the Resident Coordinator. We may have to live with the latter as an option (since it forms part of 46/182) but should insist on the former as additional options.

I have today, at his request, had a long talk with Miles Stoby who is now Deputy Executive Coordinator of Reform on humanitarian affairs. I provided an historic account on the establishment of DHA, our views on complex emergencies, our views on lead agency concepts and our views on the role of DHA.

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<sup>104</sup> Whereas the rest of the UN in-country team were concerned with nationals, UNHCR's responsibilities were for non-nationals, and thus involved a different and potentially confrontational relationship with the government.

Strong and Stoby would clearly be in favour of proposals that would strengthen UNHCR. The lead agency concept would be supported as: one, it corresponds to Strong's preference for Task Managers (another word for lead agency); two, it achieves the goal of economising, rationalising and avoiding additional layers of bureaucracy (the focus of the reform proposals); and three, it gets the job done (the focus of the Secretary-General). In our discussion this morning, I was asked whether there is a need for DHA at all - and whether DPA [Department of Political Affairs] could not play the roles of advocate in the Council and keeping the Secretary-General informed of major humanitarian activities in complex emergencies (where, after all, they should ideally be involved) - leaving the humanitarian agencies, and notably UNHCR, in charge of substantive issues. Already seeing the way the Executive Committee on Peace and Security (chaired by DPA) conducts its business compared to the Executive Committee on Humanitarian Affairs (chaired by DHA), I see increasing merit in this argument (as you remember I expressed a similar view in a recent note to you on the functioning of the four Executive Committees).

### *Far-reaching proposals*

14 April, Izumi sent a 'strictly confidential' fax directly to the HC (on Strong's instructions that she "should now consult with Mrs Ogata further, and Mrs Ogata ONLY") reporting on that morning's staff meeting with Strong and Stoby. She attached a note that began:

I have been clearly instructed to investigate the possible "option/scenario" of the Humanitarian Chapter in the Reform Paper which would in effect abolish DHA as an entity within the Secretariat, by making UNHCR assume some of the functions DHA has been or should be performing. It is now obvious that Strong is convinced that DHA puts no added value to the system and in fact only creates confusion. Abolishing DHA and merging its functions to UNHCR should be a mid- to long-term goal, and the report will obviously have to set phases for different actions to be taken before reaching that goal.

She then set out the two "very broad" options under discussion.

- A. Abolish DHA, merge some of its functions into UNHCR which would become the UNHC for Humanitarian Affairs, responsible for all humanitarian affairs. The HC would become the Emergency Relief Coordinator. Strong specifically mentioned dissolving WFP ("there is much less justification for having a separate agency for food"). This option would require a review of mandates by the GA.



- B. Abolish DHA, merge some of its functions into UNHCR, by appointing the HC as the Emergency Relief Coordinator. This was the option preferred by Stoby; it would not require a mandate review but would require revision of the ERC's responsibilities. It would be less threat to UNHCR's protection responsibilities than A, as UNHCR would remain an independent office with its original mandate. Under this option, the functions of WFP would be reviewed, with a view to eliminating overlaps in assistance activities.

For either option, Strong was adamant that ECOSOC should become "the decision-making governing body for the humanitarian agencies, with individual governing bodies (e.g. EXCOM) an advisory body to ECOSOC. This is of course assuming that there will be a major ECOSOC reform capacitating ECOSOC to deal with humanitarian crises."

Izumi explained that the next task was to identify how each option might be implemented, and what DHA functions should be preserved and where. This was to be done within Strong's team. She informed the HC that she had raised the question of how the ECOSOC/IASC [Inter-Agency Steering Committee (for humanitarian coordination)] paper being prepared by DHA (and seen as the case for the *status quo*) should relate to the reform paper: "I was told in strict confidence that Strong would most probably recommend that the SG stop that paper being submitted as July approached".

Strong had met with the HC on 11 April, in the margins of the meeting of the ACC, and had outlined his thinking on the two options. Izumi was told by Strong that the HC's reaction was "very interested and overall positive". Izumi requested guidance from the HC, channelled through Søren, noting that it "was very clear this morning from Strong that he is thinking along the lines of option A. ... In any event, Strong is very clear on one thing, UNHCR should form the core of the humanitarian cluster, and it be stated so in the Reform Paper."

On 16 April Izumi reported to Sergio Vieira de Mello and Søren on her email exchanges that day with Raymond Hall on the ECOSOC single governing body issue (she had not shared the options with him, though it is clear from his email that he had some idea of what was being considered). "At some point (very soon), I would appreciate receiving his insights, based on the assumptions we are making about agency reform" (i.e. once these could be shared with Raymond).

Raymond had indicated some of the significant implications for UNHCR's Executive Committee and more broadly:

[W]ould it make sense to have a humanitarian governing body reporting to ECOSOC rather than to the GA as is currently the case with ExCom? What would that mean in terms of the universality of its

conclusions? What would it mean in terms of the High Commissioner's own reporting link to the GA? Would one humanitarian governing board solve the problem of insufficient linkages between the humanitarian and development sectors? A problem, you will say, that should be solved by having a better ECOSOC. Good luck with that one! Where would a single humanitarian board leave agencies (if any survive the reform process!) that have both humanitarian and development aspects to their work (UNICEF, WFP etc.). All this, and much more, obviously needs to be considered. And I don't mean all that to sound negative because I do think that the idea merits serious consideration. While I think that you should certainly look at the governance question at this stage, I think that it might be wise to reserve any conclusions until you have decided what it is governing. While governance mechanisms could certainly be adjusted even if it is decided to maintain something close to *status quo* in the configuration of existing agencies, if more radical reforms are going to be proposed at the level of the agencies, then you would obviously want to know what these are before deciding on governance.

At the SCR meeting on 24 April, Strong set out the options for humanitarian reform. Later that day Izumi sent the following to the HC, copied by hand to Søren:

Please find attached the version which I will give to Strong tomorrow. (I may still make some minor revisions to-night, but not major ones.) I have tried to accommodate comments given by Søren this afternoon. There are still obviously many holes - I will be working on the documents for the next two months! I understand that Søren called you today to inform you of what Strong announced at the Steering Committee meeting, in the presence of Mr. Akashi and Mr. Fareed [DHA]. The word is out everywhere in DHA and elsewhere as well. I therefore did not tone down the last part of the paper for this version.

I now fear for my life, and it appears to be amusing many people, including, Søren, Strong, and other members of the reform team.....  
Looking forward to seeing you in NY.

The attachment was a 12 page "First Rough Draft (25 April 1997) Chapter on Humanitarian Affairs". This set out the mission of the UN humanitarian sector; reviewed developments since the 1991 Kurdish refugee crisis; analysed the functions of the Emergency Relief Coordinator and DHA; made the case for the transfer of rationalized ERC functions - renamed the UN Humanitarian Coordinator - to UNHCR, and for limiting and redirecting the functions of DHA to the support of the ERC/HC; proposed measures to harmonize a wide range of the administrative processes and procedures of those involved in responding

to complex emergencies; noted that the issue of governance would require further consideration given the wider context, but that UNHCR's Executive Committee

is not, in the full sense of the word, a governing body, as it does not substitute for the policy making functions of the General Assembly or ECOSOC in its mixed advisory and executive functions. In accordance with the Statute of the Office, the High Commissioner follows policy directives given to her by the General Assembly or the ECOSOC. Under the new arrangement, the High Commissioner should remain responsible ultimately to the General Assembly both in her capacity as the High Commissioner as well as the UNHC.

Also on 24 April, in advance of a meeting of the Executive Committee on Humanitarian Affairs on 29 April, which he chaired, Akashi circulated a paper prepared by DHA "outlining various reform proposals which are currently being considered". This committee, one of four established by the new SG, comprised the heads of UNDP, UNHCR, UNICEF, UNRWA, WFP, and the Departments of Peace-keeping Operations (DPKO) and Political Affairs. The paper reviewed the background to the current reform process as it concerned the humanitarian sector and then provided a brief summary of and short comments on various proposals, introduced as follows:

There are a number of reform proposals on the table, ranging from tinkering with the organigramme to a single humanitarian agency. The ideas/proposals below are only a selection of those more frequently discussed. DHA is ready and invites its partners to look at these issues with an open mind and to contribute to the current debate. DHA expects that the discussion within ECHA would result in concrete proposals.

On 25 April Søren sent the HC an update on recent developments, beginning with the IASC/ECOSOC paper, about which Izumi had asked Strong on 14 April.

Last Monday/ Tuesday [21 and 22 April], the IASC/Working Group met to -review what should have been the final version of the ECOSOC report. Instead, we embarked on a major discussion on fundamental issues that had neither been addressed in previous meetings or in the draft ECOSOC report, namely those relating to DHA accountability, governance and operationality. We also suggested that the report was totally out of tune with ongoing reform discussions and, evidently, there needed to be consistency. It was agreed that HCR, UNICEF and WFP should sit down with DHA and rewrite the report. A first re-draft is expected over the weekend.

The update ended:

On the Humanitarian side, Strong told the Steering Committee that many ideas were being discussed including a proposal which he described as rather radical (but which, as you know, he is personally somewhat attracted to) to reconstitute UNHCR as a United Nations High Commissioner for Humanitarian Affairs.

Both Akashi and I commented briefly on Strong's brief. I underlined the importance of the Secretary-General managing this process rather than Governments who would be incapable of doing so but also stressed (in response to Akashi) that humanitarian action consisted of policy formulation, protection of victims and assistance including solutions which, one, could not be separated and, two, because of the unique protection functions, made humanitarian action distinctly different from any other UN activities.

Finally, Strong said that Track II should also include a proposal for the creation of a Deputy Secretary-General which would reflect the changing functions of the UN (i.e. Development Group, Humanitarian "Group" - and four chairs of the respective four Executive Committees) - a much leaner management structure than the present one.

The paper presented by DHA to Tuesday's ECHA demonstrates that they have finally realised that the Reform Process is moving in a different direction than their ECOSOC drafts but also that DHA has still not understood what the fundamental issues are. The paper is remarkable in attributing shortcomings to the "culture of individual agencies" and the absence of "carrots and sticks to enforce coordination". There is no attempt to engage in a self-critical analysis of the shortcomings (as we forced DHA to do last Monday at IASC/WG) but rather the focus is on how to strengthen the Secretariat functions.

As I believe that we are clear on present shortcomings and problems as well as directions to take, I propose that we discuss this matter rather than elaborating in this Note. [The HC would shortly be in NY.]

### ***Increasing clarity on the proposals***

On 2 May Strong sent the SG a 12-page strictly confidential memorandum, subject "Track II: Main Elements". He began by informing the SG that his team had "now reached a point at which it is essential to have your guidance and preliminary reaction to the approach we are taking to the report and its main elements and direction." The section of this memorandum headed Humanitarian Affairs read as follows:

The most far-reaching option for consolidation and strengthening of the humanitarian role of the United Nations would be to dissolve the Department of Humanitarian Affairs and assign its functions to

UNHCR, making it the humanitarian organization of the United Nations. It appears that this may be able to be done within your authority, although of course it would have to have the support of governments.

The responsibilities of the Emergency Relief Coordinator would be supported by the new UNHCR but it would need to retain a degree of autonomy and a direct link with the Secretary-General.

It is important to note that DHA was established in response to the perceived need for a single United Nations entity with the responsibility for dealing with emergency situations which produced, in particular, displaced persons. UNHCR has now accepted a continuing responsibility for caring for displaced persons. As a result, the value-added of DHA is problematic. It now represents a coordination overlay and further strengthening of DHA, as has been mooted, can only really come about through giving it operational responsibilities which could add to the difficulties of management and coordination in the humanitarian field.

If DHA is to disappear as a separate entity, there would undoubtedly be a requirement for a strong and high-level humanitarian assistance liaison function to be maintained in New York in order to ensure continued coordination with the Office of the Secretary-General and the political departments.

The World Food Programme has both humanitarian and development functions. Much humanitarian assistance is provided within the context of development rather than in the framework of complex emergencies. There could be organizational logic in consolidating it into the new UNHCR or into UNDG, or parts of it into both. Agreement on changes of this nature in WFP would, however, take longer, be controversial and involve obtaining the support of FAO.

On 6 May Søren gave the HC, who was on mission in the USA from 26 April to 10 May, an update that read:

Again, there have been major developments on the Reform issue.

Mr. Strong met for three hours with the Secretary-General and staff last Saturday. Prior to the meeting, Strong had submitted the attached [2 May] Note to the Secretary-General. I understand from the Secretary-General's staff who were present that the SG was largely in favour of the direction that Strong proposes to take.

On the humanitarian side, the Secretary-General was also supportive (see p. 8 of Strong's note). Since Bertini and Bellamy [the heads of WFP and UNCIIEF] will attend Friday's meeting of the Steering Committee,

and as you will meet them this afternoon, let me summarize where I believe we stand.

Strong is clearly in favour of a single agency / High Commissioner for Humanitarian Affairs. His Deputy - and others - believe that a first step should be the designation of HCR as Humanitarian Coordinator and a reconfigured and downsized DHA to be transferred to HCR as supportive-secretariat (I will elaborate below). Surprisingly, both WFP and UNICEF have come out in favour of HCR leading a reconstituted humanitarian organization.

Strong and Stoby have also welcomed Izumi's paper to which both you and I contributed extensively. They have made constructive comments. Strong has, however, asked Izumi to develop the concluding comments on the United Nations High Commissioner for Humanitarian Affairs. She is now working on that and will, of course, consult us.

On the humanitarian agency, let me try to give you the various options and arguments as I have heard and made them.

Akashi's departure provides an opportunity to designate you / High Commissioner for Refugees as "Humanitarian Coordinator". (It seems that the Secretary-General and Strong have accepted our proposal to change the title from Emergency Relief Coordinator to Humanitarian Coordinator). That would be the Secretary-General's prerogative under 46/182 and would therefore not upset those Governments that were the most active initiators and supporters of DHA.

On DHA, there seems to be increasing agreement that it represents an additional layer of bureaucracy adding no value but a lot of confusion. I understand that at the Saturday meeting with the Secretary-General there was nobody in favour of maintaining DHA as such. The idea would be to ask the Humanitarian Coordinator, once designated, to lead a Task Force reviewing the functions of DHA, identifying those that should be maintained in a Secretariat functioning under the leadership of the High Commissioner/ Humanitarian Coordinator (HC / HC) as well as those that could be transferred to other Departments (e.g. demining to DPKO) or should be abolished (since already performed by HCR or other agencies).

As regards the Secretariat function in New York - since it is clear that the HC / HC would be based in Geneva - there will be a need for - as Strong puts it - a "strong and high-level liaison function in New York to ensure continued coordination with the Secretary-General ...", DPA, DPKO and the Security Council (my additions!).

Several Governments and Secretariat staff have asked me how such an arrangement would affect HCR's protection function. My answer has been that it is exactly the dual functions - High Commissioner reporting to the General Assembly and Humanitarian Coordinator designated by and reporting to the Secretary-General on functions related to the latter role - that would allow the High Commissioner to be an effective Humanitarian Advocate, combining on one hand, protection, emergency and solution activities and, on the other hand, enjoying both the privileges of executive authority, operationality and resources, speaking out on behalf of victims (that is Humanitarian-Advocacy and Protection!!).

Regarding the Agencies, as you know at last Thursday's informal non-meeting both UNICEF (Steve Lewis) and WFP (Douglas Coutts) spoke in favour of a single agency "anchored in HCR". I had previously explained that I saw the Humanitarian Coordinator's (High Commissioner's) role as designating lead agencies, e.g. WFP in Korea, UNICEF in Somalia, HCR in Former Yugoslavia, thus maintaining the distinct identity of agencies but also based on collaborative arrangements and agreements that make support predictable and reliable. UNICEF and WFP agreed with that role and added that for them to accept (HCR as) the Coordinator, they would insist on "a place and voice at the table". I believe it is particularly important to reassure WFP that their identity would not be (immediately) threatened. UNICEF has, as we know, a much more solid standing and support.

Another issue that has come up repeatedly related to neutrality. If HCR were designated Humanitarian Coordinator, would we be neutral in assigning responsibilities and mobilising resources? Using Former Yugoslavia as an example, I have stressed the issue of accountability. As lead agency, you are accountable for the success of the entire operation. As such, your success depends on the performance of the individual agencies and the support and resources they receive. You will recall how in former-Yugoslavia, we would encourage donors to support underfunded agencies (e.g. WHO in 1993).

On Governance, there will clearly be a need for a Forum where humanitarian issues as such can be discussed, guidance provided and support mobilised. This issue requires careful consideration. ECOSOC, as a body, is incapable of offering the kind of dialogue that our Standing Committee provides. On the other hand, Strong wants to see an enhanced role for ECOSOC and some kind of consolidation of governing bodies as part of the reform proposals.

Last Thursday's non-meeting agreed that the ECOSOC report will be finalised (received but no time to read it) but that the Secretary-General's observations would provide the bridge between the ECOSOC report (which is significantly out of sync with Track II) and Track II reforms. We discussed fundamental problems linked to Emergency Relief Coordinator/ DHA, i.e. lack of accountability. We (agencies) also agreed that whereas agencies had individually and collectively enhanced their response capacity, the coordination mechanism was still a mess. We used the Great Lakes Region as an example, and Steve Lewis talked about "criminal negligence" by DHA. We praised the Regional Coordinators in their individual capacity but lamented the process. We criticised DHA for not performing its Humanitarian Advocacy role and recalled how HCR and WFP had to defend our refugee numbers in November without any support or endorsement from DHA. I again underlined that it was as impossible for the Resident Coordinator as for the Emergency Relief Coordinator to function, i.e. no authority, no resources, no operational expertise or experience - in addition to the well-known conflict of interest. I also mentioned that DHA had become an additional layer of bureaucracy - adding meetings and papers but adding little value.

Then followed single agency discussions as referred to above. Both UNICEF and WFP talked about their change of positions developed over the last six months - largely based on the Great Lakes Region experience.

The agenda for Friday's Steering Committee meeting is attached. Bellamy and Bertini have been invited to attend. Strong has asked Akashi that [Ed] Tsui [Director Policy and Analysis Division] rather than Fareed represent DHA (in the absence of Akashi).

On 7 May Izumi sent Søren a 'strictly confidential fax':

Strong had breakfast with Bertini this morning and, as a result, we discussed during the morning staff meeting WFP and related issues at length.

He said it was a good meeting. He did go all the way with Bertini in talking about "consolidation" of agencies - and he said that she was not reactive, but came up with substantive concerns. (Centralization vs decentralization, issue of location, linkage, etc, etc.)

Strong still appears to be wanting to move forward with the single agency - he suggested that we establish an informal working group under the Steering Committee, with representatives from agencies (both on the development side and humanitarian side), to look at "how we



can consolidate, not whether or not to consolidate". We (Stoby and others, who had had another brainstorming yesterday afternoon) argued against it, saying that at this stage, we should focus on UNHCR/DHA consolidation in the humanitarian sector and UNDP, UNFPA, and UNICEF in the development sector, simply because WFP is a different case and may delay the process if we tried to tackle it at this early stage. In discussing whether WFP should fit in humanitarian or development, I suggested that we look into the possibility of having WFP (as an independent agency) somewhere between the two, to be a logistics servicing agency for both sectors (taking policy directives from others). He liked the idea, and I believe that this may be the only way he would agree to WFP maintaining a separate identity. (You have seen his memo to SG still taking about basically getting rid of WFP.) In the end, he did agree that we (myself and Rajeev) at the working level would enhance our informal consultations with respective agencies, but we would not establish a working group on consolidation. He did say that he understands and supports our phased approach, but we should not stop at the first step.

Thought this may be of your (and HC's) interest for the three-heads meeting.

### *The High Commissioner's mission to New York*

The sixth meeting of the SCR took place in NY on 9 May. The HC attended. A background note dated 8 May prepared by the SCR's secretary began: "This background note does not purport to present all options concerning development operations and humanitarian affairs, only the more far-reaching ones." The section on humanitarian affairs read as follows:

Propose making UNHCR the humanitarian organization of the United Nations. This would entail dissolving the Department of Humanitarian Affairs (DHA) and assigning its functions to UNHCR. The responsibilities of the Emergency Relief Coordinator would be supported by the new UNHCR, though a degree of autonomy and a direct link with the Secretary-General would have to be retained with a strong and high-level humanitarian assistance liaison function to be maintained in New York in order to ensure coordination with the Office of the Secretary-General and the political departments. With respect to WFP, it has both humanitarian and development functions. Much humanitarian assistance is provided within the context of development rather than in the framework of complex emergencies. WFP, or components of it, will need to function within both the development and humanitarian frameworks, and there are several possible ways of doing this.

In the meeting, the humanitarian option was presented as follows (from the minutes):

Mr. Strong raised the far extreme, as compared to the *status quo*, that could be considered, namely, merging all entities involved with humanitarian affairs into a single organization. He then referred to the lesser extreme that could be looked at (as reflected in the background note made available to the Steering Committee in advance of the meeting). This would entail realizing that UNHCR is de facto the lead humanitarian organization of the United Nations. Nowadays, traditional distinctions between humanitarian and refugee issues were far less applicable. There were other parts of the United Nations that needed to work within the same structure. The option of consolidating and strengthening the humanitarian role of the United Nations and making UNHCR the lead humanitarian organization of the United Nations would have implications for the Department of Humanitarian Affairs (DHA). Mr. Strong mentioned General Assembly 46/182 in which the Assembly had called for the establishment of the Emergency Relief Coordinator (ERC) role, not the establishment of a separate department. That decision had been made by the then Secretary-General. The need for the functions of the ERC still exists and should be retained. The question arises as to how to best meet that recognized need and whether this justifies retaining a separate department as presently constituted. Should DHA be dissolved, there would undoubtedly be a requirement for a strong and high-level humanitarian assistance liaison function to be maintained in New York to ensure continued coordination with the Office of the Secretary-General, the political departments and the Security Council.

According to the minutes, in their comments on the presentations, neither Bertini nor Bellamy made specific reference to the humanitarian presentation.

Mrs. Ogata spoke of the concentrated presence in New York of the "main common system services" (management; budget; legal affairs) and the political and peace-keeping departments. She mentioned how closely the humanitarian sector interfaces with the political one. The system of Special Representatives of the Secretary-General, with different terms of reference and different coordinating roles, was raised. This was an area that ought to be examined further, including the question of how the SRs report back to the Secretary-General and whether the Executive Committees might play a role in this respect. In terms of the general principles and guidelines explained by the Chairman, Mrs. Ogata said that the humanitarian area falls between the development and political ones. The difference in the mandates between development operations and humanitarian affairs needed to be

borne in mind. The relationship between the humanitarian agencies and States was a very special one. In complex emergencies, the distinction needed to be made between the humanitarian agencies-government relationship and the Resident Coordinator-government relationship. In the preventive and post-conflict stages, the development element was the critical one. She questioned the need for a Humanitarian Coordinator all the time, and emphasized the importance of flexibility, The Resident Coordinator could maintain the regular developmental role even under complex situations.

Mrs. Ogata was willing to examine further the possibility of a new role for UNHCR. Things had been moving at a very fast pace, and consultations were required within her own office, given that, among other things, UNHCR was in the process of restructuring/ downsizing itself. Mention was also made of the memoranda of understanding that had been concluded between UNHCR and UNICEF and WFP, which would need to be carefully examined. Mrs. Ogata was ready to cooperate in thinking through the practical aspects of the possible options.

Søren prepared a paper setting out the arguments in favour of assigning to the HC the responsibilities envisaged for the Emergency Relief Coordinator . This may have remained a draft – it is undated but filed next to the HC’s notes on the meeting. It must reflect his discussions with her while she was in NY.

Defining the ERC’s role as “essentially to ensure the best possible UN system response to complex emergencies through coordination”, the paper noted that UNHCR had over recent years significantly increased “its operational capacity both in terms of human resources and logistics and communications” and that “it has within the UN system perhaps the broadest based tradition working with other partners to implement activities be they recipient governments or donor governments and NGOs”.

UNHCR, through its very operation-orientated memoranda of understanding [MOUs] with sister agencies (such as WFP and UNICEF, but also UNDP), has demonstrated its respect for comparative advantage and readiness to work within "the team". This has also been demonstrated whenever UNHCR was entrusted in the recent past with the "lead agency" function.

UNHCR has both a mandate and long-standing experience and orientation in terms of not only (relief) assistance but very importantly in regard to (humanitarian) protection and seeking solutions.

On the question of impartiality, the paper noted that “UNHCR (contrary to for instance DHA) is answerable to a governing body of governments, i.e. its

Executive Committee which not only guides together with the Secretary-General the High Commissioner, but also oversees her performance". As the ERC, the HC "would respond to the guidance and advice from the IASC which would remain the main vehicle for the ERC to exercise the coordination function".

The paper then addressed the question of whether UNHCR would be ready to broaden the scope of its activities. There was a need for a clear designation of a focal point responsibility for internally displaced. While UNHCR had been increasingly active assisting IDPs as part of UN system response, any broader responsibility

can be assumed meaningfully only if supported politically and with resources by governments. For this reason, on any issue that would concern the broadening of UNHCR's activities, the High Commissioner would proceed in its examination in close consultation with member governments. There are other "gaps" such as demobilization and reintegration of ex-combatants where the High Commissioner feels a joint responsibility between peacekeeping and the humanitarian agencies should be sought; whilst demining activities, as another example, should probably more appropriately be placed in peace-keeping.

On UNHCR's capacity to coordinate the UN's humanitarian response, the paper noted that a "major characteristic of complex emergencies are refugees, displaced persons and war affected populations. UNHCR has extensive operational experience in the delivery of assistance to such populations, as well as of broader humanitarian issues such as access, protection and solutions. ... UNHCR also has perhaps the best-established tradition within the UN system of working with other partners, be they sister agencies, peace-keeping forces, recipient and donor governments, or NGOs." Through operationally orientated MOUs with sister agencies, "UNHCR has developed linkages and promoted predictable operational partnerships and responses in emergencies. These MOUs also demonstrate UNHCR's respect for comparative advantage and the importance it attaches to working in a team".

UNHCR has both a mandate and long-standing experience not only in terms of (relief) assistance but also, very importantly, in regard to protection and solutions. This has provided UNHCR with a particular sensitivity to and understanding of the linkages between humanitarian, political/peace-keeping, and developmental concerns.

UNHCR has demonstrated its ability to play the role of impartial coordinator in situations where it has acted as lead agency. Any coordination arrangement requires appropriate safeguards to ensure impartiality. UNHCR (unlike DHA) is answerable to governments

through its Executive Committee, which guides the High Commissioner and oversees her performance.

On 15 May the HC briefed the Senior Management Committee on her mission to the USA. From the minutes:

The High Commissioner then moved to the question of UN Reform noting the speed with which the Secretary-General is moving on the reform issue. He has set up a small secretariat charged with leading the reform who will report in June. Mr Annan intends to present his plan in July. The Steering Committee on UN reform has suggested dramatic changes for the development and humanitarian agencies. The High Commissioner outlined some of these proposals and clarified areas of concern in response to questions from the SMC members. It was agreed that as long as the protection mandate remains intact, then UNHCR could absorb additional co-ordination and assistance functions. SMC agreed that at this stage UNHCR will not express a position on the various options, but will support the proposals of the Secretary-General and, as requested, examine modalities for implementing.

My own notes of that SMC meeting cover the HC's detailed description of the Washington leg of her mission. She said that many of the key posts in second Clinton administration had yet to be filled but that she had had a wide range of meetings with officials in State and the Department of Defence, and with NGOs. She mentioned she had had dinner with Katherine Graham, publisher of the *Washington Post* from 1969 to 1979, and chairwoman of the board from 1973 to 1991, William Cohen, Secretary of Defence, and William Rehnquist, Chief Justice of the Supreme Court.

My notes show that the HC explained the status of humanitarian reform in some detail, stressing that UNHCR had done nothing to promote the proposal. She said there was general agreement that DHA provided little added value. There was a strong wish to streamline; Strong had wanted a single humanitarian organization but now the focus was more on UNHCR as also the lead agency / ER or Humanitarian Coordinator.

Later on 15 May, I attended a meeting convened by the HC where the structure that would be required to discharge this new role was discussed, including the need for an Assistant Secretary-General level post New York, responsible for both the ERC functions and an expanded UNHCR office.

### ***The 22 May UNHCR paper and reactions thereto***

On 19 May, Søren informed the HC of a meeting that day:

At their request, I met today with Graisse [Bertini's deputy] and Coutts of WFP. They had heard that you would shortly initiate consultations

with interested agencies and DHA on the reform proposals, and wanted to know a little more about how you intend to proceed. I mentioned that in the case of WFP, the consultations would take place between Geneva (Walzer/ Morris) and Rome.

I also briefed them on our overall thinking at this stage. They seemed to agree on the thrust of our ideas: one head/ two hats; inter-agency unit in Geneva; designation of lead agencies, e.g. WFP North Korea; analysis of DHA functions, i.e. those to be maintained, those to be transferred to other organisations/ departments, and those to be abolished; and a high-level Secretariat to support Coordinator in New York with political liaison.

Graisse also mentioned that he had told Stoby that WFP is bigger than HCR in terms of countries covered and volume of activities performed. He did, however, agree that HCR is the broader humanitarian organisation mandated to deal with victims of forcible displacement. He still wondered whether we could consider a rotational ERC arrangement. I suggested that it is, de facto, rotational in that the Secretary-General can at any time designate an Emergency Relief Coordinator (or, to reflect the broader role described above, a Humanitarian Coordinator).

It was a very good discussion which, in my view, indicated a readiness by WFP to accept the ERC/ HCR option (as the least extreme option as far as WFP is concerned).

Strong had asked the HC for a paper setting out how this might work. She charged Raymond Hall and me with preparing this, which we did over the Whitsun long weekend (17-19 May). We gave our draft to the HC on 20 May and incorporated her comments in a revision which, while still dated 20 May, is marked "Rev 1: 22.5" in the HC's writing. The paper was sent to Strong on 22 May. It is headed "Humanitarian Coordination: Some Preliminary Reflections". It consists of a two-page summary, seven pages, and two annexes, the first giving the role of the ERC as set out in GA resolution 46/182 and the second a key to UNHCR abbreviations. Both the summary and the main text began:

The following comments have been prepared in response to Mr Strong's request that the United Nations High Commissioner for Refugees already examine the implications of his proposal that the Secretary-General ask the High Commissioner to assume the functions of the Emergency Relief Coordinator. In preparing these very preliminary reflections, UNHCR has not consulted other operational agencies or DHA. Consultations with other concerned actors in the UN system as well as with governments would, of course, be a prerequisite for validation and any further elaborations of the initial reactions herein.

The summary listed the ten main elements of the proposals in the text (what follows is a precis, not a direct quote):

The functions of HCR and ERC would not be fused; the HC would rather assume an additional but separate mandate as ERC. The HC would continue to report to the GA as UNHCR and report to the Secretary-General as ERC, as foreseen in 46/182;

A small office of the ERC would be created in Geneva, to some extent staffed with secondees from other operational UN agencies. It would incorporate the core functions of DHA in respect of complex humanitarian emergencies. Functions relating to natural disasters would be transferred to UNDP, and demining and demobilization to DPKO;

The office of the ERC would be supported by the mainstream UNHCR establishment. While UNHCR has much of the requisite expertise and capacities, a number of units would need reinforcement. A detailed management study would determine how current DHA functions could best be integrated;

The IDP gap has been a major concern, not resolved by existing coordination arrangements. While pursuing an inter-agency approach, the ERC may also need to consider the extent to which UNHCR can itself take on a broader responsibility, as an alternative, as appropriate, to assigning it to other agencies. Any expansion of UNHCR's responsibilities in this regard would require careful reflection and consultation with governments;

All central coordination activity would be in Geneva. An effective interface with the Secretary-General and Security Council would be needed in NY, which could be though a liaison office there headed at the ASG level, replicating the HC's dual function;

At the field level, special and separate coordination arrangements are required only for emergencies that do not fall solely within the responsibility of UNHCR or any other organization. In such cases, arrangements would be determined by the nature of the specific emergency;

Staffing of the office of the ERC and any necessary strengthening of UNHCR should be met by transfer of regular budget posts from DHA and extra-budgetary resources additional to UNHCR voluntary funds;

The ERC would continue to chair the Executive Committee on Humanitarian Affairs which would deal with high-level humanitarian policy. The IASC would play a broad consultative and advisory role on system-wide concerns and operations in complex emergencies. The

precise relationship among the ERC, ECHA and IASC would require further clarification;

An IASC Steering Committee of the operational UN agencies, the Red Cross Movement and a representative of the operational NGOs might also be formed to facilitate consultation and decision-making by the ERC;

While maintaining current arrangements for SG/ERC reporting to the GA and ECOSOC, additional governance arrangements may need to be established below the level of the ECOSOC plenary.

The main text set out the proposals under six headings: Combining Mandates; Constitutional Considerations; Coordination Functions; Structural Questions; Funding; Consultative Arrangements: the Inter-Agency Standing Committee; and Governance.

On 23 May the HC sent me to Rome to brief Catherine Bertini, the Executive Director of WFP, on our proposals. My responsibilities included relations with WFP, and I had been involved in negotiating the MOU between UNHCR and WFP and had good working and personal relationships with my counterparts. On arrival, I gave them a copy of the 22 May UNHCR paper to share with Bertini in advance of a meeting arranged for that afternoon. They kindly took me out to lunch at an open-air restaurant favoured by WFP. During lunch we received a message that Bertini had major concerns, that my meeting with her was cancelled, and that she would be calling the HC.

It seemed that my hosts had been told not to have any further discussion with me, and they appeared embarrassed. I had the impression that, like UNHCR and their colleagues in NY, they had thought WFP would broadly support the proposals as the least bad option for WFP of those under consideration, on which Bertini had been briefed by Strong on 7 May. From discussions that Søren had with UNICEF in NY later that day (see below), it may be that an immediate concern of Bertini's was that UNHCR had drafted the note before consulting WFP and UNICEF.

I left for the airport, hoping to advance my return flight, caught a train that was just leaving, and called the HC to inform her what had happened and that she should expect a call from an angry Bertini. Before I could say more, the train entered a tunnel and the connection was lost. As soon as I had a signal, I called the HC again, to be told that meanwhile Bertini had called her.

### ***Meetings in NY and Geneva, and the media (28 May - 5 June)***

The same day the SCR held its sixth meeting in NY, and on 28 May Søren reported to the HC on this and other developments:



Strong reported that his team was well advanced in preparing options [for track II]. Whereas they had not made up their mind, he confirmed that they were moving in certain directions. In the humanitarian area there were several key options: **one**, a reinforced *status quo* (?); **two**, a total consolidation into one single agency; and **three**, to recognize HCR as the *de facto* leading humanitarian organization and to entrust it with the responsibilities of the ERC which “encapsulates” the function of DHA into HCR. In this connection, Strong had asked Mrs. Ogata to reflect on how in her view, the third option could be implemented. He said that he had received the note from Mrs. Ogata which (after checking with me) was distributed at the end of the meeting. Strong also told the meeting that after consultations with Mr. Akashi, it had been agreed to convene a Special Task Force Meeting of the Executive Committee on Humanitarian Affairs to examine the pros and cons of the various options (date still unclear).

The intention is still to “lock up” the Report by 30 June, for presentation to a Special Session of the General Assembly on 15 or 16 July. It is furthermore the idea to move forward immediately with the implementation of those proposals falling within the authority of the Secretary-General, while deferring discussions of those requiring inter-governmental consultations or approval until the autumn session of the General Assembly.

On Friday afternoon, I met with Steven Lewis and Phillip O'Brien of UNICEF. They had already heard about our consultations with WFP earlier in the day and, although also of the opinion that consultations should have preceded the drafting of our note (on which I expressed a different opinion), they were basically positive on both form and substance. They seemed to like our proposed inter-agency consultation mechanisms (i.e. Inter-Agency Unit in Geneva, small Steering Committee of IASC, and my thought on a Governing Board comprised of three bureaus of WFP, UNICEF, and HCR.) They did, however, want us to examine the merits of a rotational coordinating arrangement and used the UNAIDS programme as a model. My counterargument should be well known but I agreed that we could indeed discuss the various pros and cons of such an arrangement. They also strongly suggested that HCR, WFP and UNICEF should try to reach a tri-lateral agreement on the HCR / ERC Coordinator option (which they considered the only feasible among existing options) and hoped that HCR would take the initiative to convene such an informal meeting asap. I promised to check informally with Strong and revert. I have since then been informed that he would have no problem with such a procedure.

I am also attaching a DHA note on the various options. Not surprisingly, they come out in favour of a reinforced *status quo*. I am also told that HLWG New York has dropped the idea of producing their own paper. It seems that there is a movement beginning among some governments to worry more about the functions of DHA rather than about DHA itself. They need to be reassured that relevant functions, notably in New York with political "linkages", will be maintained and that assigning the functions of ERC to the High Commissioner does not mean a relegation of the importance of humanitarian advocacy in New York. As you can imagine, my argument with missions is to the contrary. Combining the functions of HCR with ERC - although with distinctions - will give the latter more clout and the Office of the Humanitarian Coordinator in New York more power than the present DHA.

On 3 June Søren sent the HC a note in preparation for her meeting the next day with Strong, who was in Geneva.

*Summary of latest developments*

On one hand, missions in NY have moved from an initial focus on their preferred option "to reinforce DHA" to a preparedness to "consider all options." A notable exception was Jan Pronk<sup>105</sup> instructing the Dutch Mission to support the "HCR/Coordinator function," and expressing his intention to move the EU in the same direction. On the other hand, "rear-guard action" against the HCR/Coordinator option has intensified. Bertini is reportedly deeply upset and seeking Bellamy's support to counter HCR. (The WFP paper is disappointingly weak and incoherent). It is still not clear whether WFP will agree to our working-level meeting (WFP-UNICEF-HCR) proposed for Friday (UNICEF's Stephen Lewis had suggested that we convene such a meeting and has accepted). Meanwhile, DHA objected to a working level meeting of the Steering committee and remarked that discussion should take place at the Principals' level. Strong will try to convene such a meeting for the week of 16 June in New York. I must put on record my dismay over the methods being displayed and the disinformation being spread by DHA. The atmosphere in New York is so bad that I cannot see how we can ever restore the necessary trust and mutual confidence-in case of a *status quo* remaining. Even at this stage, with substantial damage having been done, perhaps this issue should be mentioned to the SG to avoid still further decline.

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<sup>105</sup> Minister for Development Cooperation.

## *Main Issues*

I believe there are three main issues:

(the perception of) impartiality of the Coordinator in case that person is also the High Commissioner for Refugees:  
the Coordinator's representation and functions in New York; and  
how to deal with the ECOSOC report.

On impartiality: At issue is what is meant by impartiality. For agencies, the matter is clearly one of concern over being dominated by HCR. For governments, it may have more to do with accountability. In reality, the problem does not exist or exists equally in all models. We are proposing and supporting structures to try to assure impartiality. Once the Coordinator, based on consultations, has defined a complex emergency and determined its characteristics, a lead agency (or any other form of choosing leadership of an operation) is designated and thus becomes accountable to the Coordinator for the success of the operation. The structures assuring impartiality and consultation would be:

- 1) strengthening the IASC to fulfil its role as the primary mechanism for interagency coordination (under the leadership of the Coordinator);
- 2) a Steering Committee of the IASC composed of UNICEF, WFP, UNHCR, a Red Cross Movement representative and a NGO representative;
- 3) the Inter-agency unit, staffed by agencies at a senior level, this should be distinct/separate from HCR and exercise policy control in complex emergencies.
- 4) a governance arrangement focusing on humanitarian policies and issues as distinct from operational activities. (Intergovernmental body-linked to ECOSOC; merger of bureaux or a body of representatives elected from each of the governing boards somewhat like the UNAIDS model; or a body comprised of experts in their individual capacities à la Human Rights mechanism).

New York set-up: Both Strong and NY missions attach great importance to structures and assurances that humanitarian issues remain centrally placed on equal footing with the Political and Peacekeeping Departments. The New York set-up should enable the Coordinator to play a central role in:

- 1) policy formulation vis-à-vis SG, DPKO, DPA;
- 2) policy coordination vis-à-vis SG, DPKO, DPA;
- 3) humanitarian advocacy vis-a-vis the Security Council.

An Office of the Coordinator (USG) represented day-to-day in NY by a "Deputy to the Coordinator" (ASG) with frequent appearances of the Coordinator in NY should be adequate - given the additional clout that will flow from the NY structure's direct links and thus familiarity/experience with operational realities and agencies on the ground. (This office would also have secondments from agencies and the primary responsibilities for UNHCR matters could be given to the deputy).

On ECOSOC: An early decision is required on how to proceed. Governments are getting impatient and slightly irritated over the uncertainty. Many but not all of the recommendations within the report are valid no matter what model is selected. It might be much easier to get new proposals through at ECOSOC (as opposed to the GA) if governments could be on board in time.

On 3 June the *New York Times* carried long article by Barbara Crossette headlined "Unicef Says U.N. Reforms Can Harm World's Children".<sup>106</sup> The article began:

As the United Nations prepares for the broadest restructuring in its history, the executive director of Unicef took the unusual step today of warning publicly that, under the proposed changes, the agency is in danger of losing its independent voice for children around the world.

The director, Carol Bellamy, a former New York politician, told Unicef's executive board that, under plans now being considered, the agency's activities would be folded into a group dealing with social and economic development. Other Unicef functions would be taken over by a separate emergency relief team.

Unicef and the United Nations High Commissioner for Refugees are concerned that they will be significantly altered in a reshuffling that is intended to streamline and strengthen the United Nations. Both have been widely praised for effectiveness and both have the support of Congress, which has been generally cool toward the United Nations.

After elaborating on UNICEF's concerns, the article continued:

In a separate proposal that raises different concerns, the High Commissioner for Refugees may become the coordinator for all international relief, picking up new responsibilities that some officials

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<sup>106</sup> <https://www.nytimes.com/1997/06/03/world/unicef-says-un-reforms-could-harm-the-world-s-children.html>

believe could dilute the image of the agency known as the world's strongest advocate for displaced people.

The article ended:

This official ["a high official involved in the restructuring", probably Strong] said that in both development and emergency relief, "the current situation is not adequate to the needs of the day." This widely shared view led to the proposal affecting the High Commissioner for Refugees.

The proposal would abolish the United Nations Department of Humanitarian Affairs, which is based in New York and has had trouble dealing with international emergencies, and transfer those and other functions to the High Commissioner's headquarters in Geneva. The High Commissioner's job, now held by Sadako Ogata of Japan, would be expanded to include responsibility for coordinating a wide range of emergency programs.

Some diplomats say it is a mistake to burden the commissioner with too many tasks at a time when refugee flows are at their highest peak in modern history, and reports of atrocities are mounting from places like Congo. The Security Council is increasingly reluctant to put muscle behind the High Commissioner for Refugees or the High Commissioner for Human Rights when those agencies want to investigate atrocities, protect refugee camps or call in an armed force.

Arthur C. Helton, a lawyer who has specialized in refugee issues and who now directs migration programs for the Open Society Institute in New York, described the proposed changes affecting relief and refugee protection as inadequate.

"I don't think there is the stomach for the real visionary changes that would make these institutions and, more importantly, the government sponsors in the background, capable of addressing emergencies at the level of root causes," he said. "This is not just a technical question. It is far more fundamentally political."

On 4 June Strong gave a press conference in Geneva at which he gave an overview of the reform process and frank responses to some well-focused questions. From an unattributed 11-page record on file (as it reproduces Strong's opening remarks in full, it may have been prepared by his team):

We are therefore moving towards considering a number of options. I will not mention them all. I will just say in the humanitarian field, we are examining whether the need which everyone agrees, to strengthen the emergency relief co-ordinator function, requires there should be a department around it. Or whether the reality that the UNHCR has

become *de facto* a major- the lead humanitarian Organization, be recognised in relating the emergency coordinating role more closely to it and to the other Organizations involved in humanitarian affairs. While accepting the need to strengthen its presence in New York for relationships with the peace-keeping, the Security Council, and Political Affairs and of course the development process. That is an important scenario that we are examining. We are putting them out for examination, because it is when you present these issues at their extremes, you get the most useful response. People will jump up and say, “well, I don't like that”, or whatever.

**Question:** In going a little further in the same direction, you mentioned as a specific action, the building of a single framework, as I understood it, for all humanitarian activities. Now isn't that related to the idea of having UNICEF, WFP and DHA and so on united under one roof, which would presumably be UNHCR. Am I correct?

**Answer:** You are only correct in the sense that we are examining all options. But it is not likely that the option of trying to homogenise all these organizations within a single organization would be the option that would be chosen. It is an option but I think it's frankly a very unlikely one. What it is more likely, is that a common framework within which each of those organizations who have humanitarian responsibilities, will be able to bring those responsibilities to bear within a common decision-making framework. ... UNHCR has become *de facto* the lead humanitarian agency in the system. It is that. It is not a question of do you want it to be, or not be, it is. Eighty per cent of its work is humanitarian and its interfaces between the traditional refugees and others in need of humanitarian assistances are very much harder to define rigidly nowadays. So the question is, should we not recognise that this is the reality and make it into a good thing for the UN and not a divisive thing, and strengthen the role? While it doesn't require folding UNICEF or folding the Food Programme into it, it does require what we recognise their lead role, but in individual situations other agencies may take the lead, but overall UNHCR is in fact the lead organisation and therefore to recognise that in the way in which you divide the responsibilities and the question is do you really still need - after- we've had some experience now - the Dept of Humanitarian affairs. It's premature to say that we are going to abolish it. That's not an object, that may be a consequence of our examining the issue of do you need a whole department in New York to in order to strengthen the emergency relief co-ordinating function. Is that really just adding another element that isn't really contributing to solving the problem. ...

**Question:** You are talking of merging and not merging- one question is (whether) you are doing all this in the hope that Mr Helms in the US Senate will release the funds. But he has just gone on the record in the US to say that he won't do so. ...

**Answer:** ... We don't have a magic formula but we do believe that if the UN does not reform itself now, it will be changed by the Helms of the world in the wrong way. I think in fact that the coincidence of the Sec Gen's reform process and the problems in Congress is very unhappy because it leads people to believe that the SG's reform process is solely a response to the US Congressional problems. Of course that is a problem that we have to take into account. But that cannot be the driving force for reform. The UN needs reform for its own sake and there is no group of nations that has a greater vested interest in effective reform than the majority of the members of the UN which are the representatives of the G77. And my hope is that they will lead the reform process. It should not be led by those who look at the UN reform as only a cost cutting measure.

UNICEF's Executive Board held an informal meeting on UN reform in NY on 5 June, at which a number of countries spoke against any changes in UNICEF primacy for children. The *New York Times* article quoted above was probably referring to the position taken by Bellamy in advance of this meeting. This came up at Strong's press conference:

**Question:** Mrs. Bellamy this week has raised alarm bells about the future of UNICEF. Is she jumping the gun? Or the outline she gave of what she fears might be the future for UNICEF, does that fit in with one of your ideas at the moment?

**Answer:** We had undertaken in doing this that we would deal with our recommendations to the Secretary-General collegially, as a group. And in that she has a full opportunity to air her views. She chose to go outside and air them - that is her decision and she raises issues that are of course very important. These issues are in fact being addressed. The Secretary-General and I have not taken a position on these issues yet, therefore I don't want to follow her example and try to take a position publicly. There will be lots of time for public dialogue on these issues and this is not the time to be dialoguing with colleagues publicly when we are still in the process of dialoguing with them through our own processes. ... There can be differences of opinion as to the degree to which the need to share common services and to work within a unified framework, where the UN can have some coherence in its activity vis-a-vis its development, can compromise the distinctive nature [of UNICEF] - we have no desire to do that - I do not think that any

recommendations that I would be associated with would do anything but improve and strengthen UNICEF. But there is room for different views on that issue and we have not yet resolved this.

I should say, however, that UNICEF, like the other Organizations however understandably protective they are of their own independence and autonomy, also recognises that the world community expects us to begin to act a little bit more as members of the same family. There are things we can do and should do within the UN to improve the ability to operate as members of the same family which do not require undermining or putting at risk distinctive features and qualities. UNICEF is probably the best example of that.

### ***Meetings in Geneva and New York (5 - 9 June)***

The SMC meetings on 22 and 29 May had focused on UNHCR's own reform process and developments in the field, and had not covered UN reform. At the meeting on 5 June Søren summarized developments in NY over the past few months and elaborated on the status of the reform process. From the minutes:

3. In the humanitarian field three options have emerged: strengthening the *status quo*, the single agency concept and a middle option, whereby the SG will request the HC to assume the functions of Emergency Relief Coordinator (ERC) in addition to her mandated responsibilities. According to Mr. Jessen-Petersen neither governments nor agencies are supportive of the single agency option. The strengthened *status quo* option is in essence the outcome of the ECOSOC process, but is said not to be favoured by the SG and others who believe the *status quo* needs to be changed.
4. The middle option is the one proposed by Mr. Strong and seems to be obtaining increasing support. The two main issues are impartiality and ensuring a close interface with political decision making in NY. Whereas initially the NY based donor missions were in favour of maintaining essentially the current organizational structure, they are now examining all three options. Mr. Pronk, the Dutch development cooperation Minister, has come out in favour of the HC's added responsibilities under the middle option. The position of the Group of 77 is still unclear. UNICEF seems to have no major problem with the middle option and is concerned more about the reform proposals in the development sector. WFP wishes to be sure of an equal partnership. UNDP is focussing on the development reform proposals. Several NGOs insist that refugee protection should not suffer.
5. The HC distributed copies of the preliminary and confidential paper on implementation of the middle option inside UNHCR that she has



sent to Mr. Strong in response to his request. Following distribution to Steering Committee members, this paper has reached others without a clear explanation of its purpose. The HC has emphasized to Mr. Strong that refugee protection is central to UNHCR's mission and that any relief coordination tasks should therefore not be merged with but "added on" to UNHCR's mission. The HC noted that a crucial UNHCR challenge is to coordinate relief in a protection perspective, to protect human lives in the broad sense.

6. Ms. AbuZayd mentioned accountability and governance as additional issues, albeit linked to the question of impartial leadership, in the discussion on the middle option. The distributed paper does not reflect the HC's views on reform but preliminary thoughts on implementation of the middle option as the proposal relates to UNHCR. On 6.6.97 further consultations will be held with UN sister agencies. In response to a question raised by Mr. Horekens, Mr. Jessen-Petersen mentioned that it is not yet clear whether the Resident Coordinator system will be maintained. However, Mr. Strong is said to be in favour of the concept of a UN Representative. Answering a question from Mr. Peters, Mr. Jessen-Petersen saw no objections in principle against accepting the overall representational role of the UN Resident Coordinator as long as UNHCR retains responsibility for humanitarian policy making. It is not yet clear what will happen to the ECOSOC report, but there is a feeling that disregarding it completely would upset Governments and others who invested time and energy in preparing it and who feel that it contains many valuable proposals.

The eight meeting of the SCR, on 6 June, was not attended by UNHCR. It focused on peace and security and did not address humanitarian reform.

The meeting among DHA, UNHCR, UNICEF, and WFP took place in Geneva on 6 June. On 12 June, having returned to NY, Søren sent Strong a report on the meeting.

You will recall that the High Commissioner told you on Tuesday, 4 June that we were planning to meet with our main partners for an informal exchange of views on various issues related to reform in the humanitarian sector.

The meeting took place last Friday and did, indeed, serve to clarify a number of issues. We agreed that the meeting was not designed to reach decisions (clearly beyond our mandate!) and for the same reason, we also agreed not to produce a note on the meeting. It was, however, suggested that I should brief you on our understanding of some of the main issues.

Søren reported that while DHA had favoured a strengthened *status quo*, most of the discussion had focused on the option of entrusting the ERC functions to the HC. UNICEF and WFP had expressed concern as to how such arrangements would ensure impartiality and UNHCR had responded with the arguments with which Strong was familiar. Other concerns discussed included operationality, protection, and the role of NY.

Whereas concern was expressed that an operational Office of the Coordinator detracts from efficiency and neutrality, there was also a recognition of the need for the Coordinator to have direct links with operational realities on the ground in order to play an effective role in the areas of policy formulation and humanitarian advocacy.

Concern was expressed that assigning additional responsibilities to the High Commissioner might dilute her essential protection mandate. We argued that protection is under threat not because of the inadequacy of existing legal instruments but because of the lack of political will to respect and implement these instruments. Adding what is essentially a political "hat" to the High Commissioner's humanitarian "hat" might give her additional clout and would effectively strengthen her protection mandate rather than weaken it. It is at the same time, however, important to draw the structural distinction between her humanitarian mandate (GA) and "political" mandate (SG), (i.e. one head - two hats).

Søren's report to Strong ended:

Let me add that we made it clear to our partners that an absolute prerequisite for the High Commissioner in accepting to assume additional functions (which in many ways carry more risks) would be a broad agreement, support and active participation by our humanitarian partners for the arrangements.

The ninth meeting of the SCR was held on 9 June and attended by the Secretary-General. According to the 'strictly confidential' note of the meeting, much of the discussion concerned processes and approaches in the preparation of the SG's report. The SG encouraged all present to be bold, and stressed his expectation for a bold reform proposal. The report

should not put forth unrealistic deadlines and should present a building block approach. It was critical to ensure consistency and demonstrate to the readership that the reform process had been very carefully and thoroughly thought through. ... Care needed to be exercised that the proposals ultimately put forth not reinforce critics in the US Congress (Mr. Prendergast [a point he had made in an earlier SCR meeting]). The

risk that governments may play on internal disagreements was mentioned (Mr. Jessen-Petersen).

The question of the post of Deputy Secretary-General was raised and the SG said that he “had considered the options and favoured the one whereby the DSG would have particular responsibility for economic, social and humanitarian affairs, while also acting as deputy for the Secretary-General when the latter is away from Headquarters.”

### *NGOs and the reform process*

The reform process was of course of great interest to those NGOs involved in development and humanitarian relief. On 8 June Lionel Rosenblatt, President of Refugees International, sent UNHCR an op-ed he had written on reform of the latter. This came out in favour of the HCR / HC option. (It was dated 6 June; there is no indication on file of where or whether this was published.)

On 10 June UNHCR received from InterAction (an umbrella body for US NGOs) a copy of a five-page paper headed “Reform Of The United Nations Humanitarian System: An Ngo-Red Cross/Red Crescent Perspective”. This was being circulated in draft including to Care, Caritas, the IFRC, Oxfam and SCF. Noting that the “Steering Committee for Humanitarian Response (SCHR) and InterAction and the International Council of Voluntary Agencies (ICVA) represent the major non-governmental actors and national Red Cross and Red Crescent societies providing humanitarian aid”, the paper’s purpose was “to share with decision makers the views of these organizations on reforming the United Nations humanitarian system”.

The paper began by setting out the principles which must be respected in an improved system.

The new system must be able to provide beneficiaries with the level of humanitarian assistance to which they are entitled under international humanitarian law. Reviews of the current humanitarian system have criticized it for lacking a coherence in policy and strategy formulation. Any reform must provide a coherent humanitarian response, linked with effective political decision making and peacekeeping. Any structure must be designed to be able to deliver on advocacy and not be compromised by its operational constraints or by political pressures. The new system must be able to act faster, more effectively and more coherently to deliver humanitarian assistance. Maintaining the neutrality and impartiality of the UN humanitarian system is fundamental to preserving the values of the international community in situations of violent conflict. The protection mandate must be strengthened and extended to include internally displaced people. We have seen a reduction in the resources devoted to protection by

UNHCR. This should be reversed if international humanitarian law and the refugee and genocide conventions are to be upheld. The reform must ensure clear management accountability for the performance of the system.

The paper then reviewed the three options against these principles, detailing the perceived advantages and disadvantages of each. The those for the HCR / HC option were identified as follows:

Advantages:

UNHCR has the widest experience of the operational agencies and capacity to manage such a project. DHA has been perceived to be ineffective in managing coordination. As an independent entity, it lacks a certain respect among the operational agencies. It has also struggled with maintaining a constant source of funding. Moving disaster mitigation to UNDP could be considered a rational choice. This option may result in giving UNHCR some responsibility for IDPs. This option could have capacity to act faster than current system. This option would preserve WFP's logistics capacity and UNICEF's identity as the agency for children. This option is politically easier to implement than Option 1 [the consolidated agency].

Disadvantages:

The protection function of UNHCR needs to be strengthened; the addition of more operational and coordination responsibilities could interfere with the implementation of protection responsibilities.

Inter-Agency disputes may hamper the functioning of the ECHA in the same way that the IASC is at times, hampered. The IASC has struggled with two key problems: the lack of an impartial and effective secretariat for the Committee and the unwillingness of the UN members to take on serious policy issues and decide them in the Committee. The impartiality of the coordination function remains a serious question. This relates directly to our principle of effectiveness. Turf battles may well continue under this structure, unless the ERC dictates policy decisions.

If only some members of the DHA unit are secondees and others are UNHCR staff, how would reporting lines work? Would loyalties be tested? How would functional bureaus relate to similar functions inside other UN agencies; i.e. UNHCR's child unit and UNICEF's?

Field coordination arrangements are vulnerable to partial leadership. In recent IASC discussions, some UN agencies would not support the concept of lead agency even as an option in the ECOSOC report,

precisely because they feared a lead agency would not be impartial in the field.

If the Consolidated Appeals process is placed inside UNHCR's fund raising unit, this may improve prioritization of CAPs, but will do little to assure the participants in the CAP that this has been done in an impartial fashion.

If the Resident Coordination system is to be maintained, the management and selection problems inherent in this option must be addressed. Regional coordination needs need to be properly addressed in this proposal. If it is too closely linked to UNHCR, the advocacy capacity of a new ERC unit could be constrained by UNHCR's operations.

UNDP does not have operational experience in natural disasters. Moving all of DHA's functions in relation to natural disasters to UNDP may not be wise.

With the advent of the ECHA, the Inter-Agency Standing Committee may no longer be asked to make policy and coordination decisions. It may evolve into an advisory body instead of the key decision-making body that was envisioned in resolution 46/182. There may be no other options for the other actors in the humanitarian system to have their voices heard. The addition of an executive committee for the IASC could further weaken it.

There is no evidence that this proposal would improve the accountability of the system to beneficiaries, to donors, or to its constituent parts. A proposal to create a humanitarian subcommittee of ECOSOC would be insufficient to address this problem.

There is no evidence that this option would improve conflict management or early warning mechanisms for the system.

This option contains no new proposals for liaison with Bretton Woods institutions.

The paper concludes that "None of the structures proposed have been sufficiently developed to take into account the principles outlined above. Above all, we recommend that whatever option is chosen is reviewed carefully against these principles".

Other NGOs shared with UNHCR their views on the process and desired outcome.

## *DHA, UNICEF and WFP's positions*

On 11 June Akashi sent the SG a four-page note restating his now familiar case for an enhanced DHA *status quo*. He copied the note to Strong, to be shared with the SCR.

On 11 June Carol Bellamy wrote to the HC to share her "understanding of the areas of possible consensus that emerged from" the 6 June inter-agency consultations, which she described as open and productive. Her letter was copied to Strong. She wrote that if "DHA remains the Department charged with coordinating humanitarian assistance, its resources should be focussed on key activities related to that function; other activities currently undertaken should be deployed to other agencies/ departments within the system". ...

In the event that an ERC is appointed by the Secretary-General outside a secretariat department, the selection should be: - from among the executive heads of the main operational agencies; - in individual capacity; - for a two or three-year term, at the end of which time, it would be subject to review open to renewal or succession.

The Emergency Relief Coordinator would be supported by a small independent office, with its director from an agency other than that of the ERC, with two distinct units/functions:

- a) interagency unit, with senior posts staffed by secondees from the IASC-member organizations, managing: - strategic coordination; - humanitarian policy; - humanitarian advocacy; that is, a unit managing the process of complex emergency coordination, rather than developing a large bureaucracy, and with tasks/functions outsourced to IASC members and/or to contracted groups.
- b) IASC secretariat/support group.

The letter went on to cover governance of the ERC's office (a small inter-governmental board within the ECOSOC framework), and its need for secure core funding. The letter continued:

Irrespective of the established model of coordination, the IASC remains the "primary mechanism for interagency coordination" (GA Resolution 48/57). Recent IASC consensus on decision-making functions should be maintained, e.g. on field coordination and the appointment of the field humanitarian coordinator. A small steering committee of the IASC (UNHCR, WFP, UNICEF and one or two non-UN partners) should be established.

Children: in regard to cooperation between UNHCR and UNICEF on child-specific areas of concern, and on the transition period preceding the UNHCR "exit" at field level, it was agreed that UNHCR intends to

rely increasingly on partnership with UNICEF, which will ensure operational coordination and action for children - rather than building up UNHCR's own parallel technical and operational capacity in the same fields. UNICEF is an agency with a long-term perspective on the rights and well-being of children even in the midst of conflict and complex emergency. Its focus on both the humanitarian and the developmental complements the protection and assistance priorities of UNHCR.

Obviously, the Geneva consultation was non-decision-making, but provides a good basis for further refining our cooperation and reaching common agreement on the coordination of humanitarian assistance. I hope that this model of consultation is one that will continue. I look forward to pursuing this with you.

On 12 June, Graisse, who had led the WFP participation at the 6 June meeting wrote a near identical letter to Bellamy's to Walzer, who had led UNHCR's. This too was copied to Strong.

### *And Russia's*

Also on 12 June, Sergey Lavrov, the Permanent Representative of the Russian Federation to the UN in NY, sent the HC a copy of an aide memoire with the Russian views on reform of the humanitarian cluster, which he had also sent to Strong and Akashi. After an introduction, this read:

We suggest that the following measures would contribute to the strengthening of coordination of the UN activities in humanitarian emergency assistance:

1. Full implementation of the General Assembly resolution 46/182, inter alia, by the realization of the leading role of the Secretary-General.
2. Strengthening in this context of the Emergency Relief Coordinator (ERC) that works under direct leadership of the Secretary-General and in close contact with the heads of the Department of Political Affairs and the Department on Peace-Keeping Operations in order, in particular, to provide input to the work of the Security Council on a comprehensive approach to implementing UN operations in emergency situations.
3. Maintaining neutral and objective character of the ERC who should not be involved in activities of operational nature which are in the competence of UN funds, programmes and specialized agencies (UNHCR, UNICEF, WFP, UNDP, WHO, FAO).
4. In efforts to raise the efficiency of the humanitarian cluster careful and cautious consideration should be given to existing Secretariat

structures - DHA and ERC. It is of utmost importance to maintain the coordinating role in the Secretariat which is currently carried out by the ERC at the level of the Under-Secretary-General. This is particularly relevant for ensuring neutrality in implementing such comprehensive programmes of strictly humanitarian nature as the one on Iraq in accordance with the SCR 986.

5. Proposed measures should be carefully thought through, they should be based on broad support of all groups of countries as well as UN humanitarian partners. It is important to ensure that steps proposed not only would look neat on paper, but also could be both of added value and feasible.

### ***The 12 June draft: more specifics, and UNICEF's reaction***

On 12 June a revised draft of the report of the SG was issued, now titled "Renewing The United Nations: A Programme For Reform" Report of the Secretary-General. The section in the humanitarian affairs chapter headed "Consolidation of Emergency Response Capacities" began:

97. Experience has demonstrated that a separate policy and operational process is not workable, given the nature and complexity of the recent humanitarian emergencies which the United Nations has been entrusted to manage. Humanitarian crises occur in a complex and unstructured manner, and they require immediate actions based on a solid policy supported by a wealth of operational experiences. The formulation of humanitarian policy cannot be an academic exercise divorced from operational realities. It is therefore concluded that the ERC's functions can best be carried out by the head of a major operational agency.

98. The United Nations High Commissioner for Refugees (UNHCR) has in the recent years become the *de facto* main humanitarian agency in the United Nations system. In addition to its original mandate to protect, assist and seek durable solutions for refugees, it has significantly expanded its activities by combining protection and relief actions on behalf of refugees, internally displaced persons and other civilian victims. UNHCR is therefore well positioned to assume the responsibilities of the ERC. In addition, there are three other reasons which justify entrusting the ERC functions to UNHCR:

- 1) population displacement is almost always at the centre of complex emergencies;
- 2) her office has in the past several years developed sufficient operational capacity to manage major complex emergencies; and



3) her office also has significant experiences in the provision of immediate rehabilitation assistance to returnees and the receiving communities.

Under this arrangement, the United Nations High Commissioner for Refugees, in addition to her mandate as the High Commissioner will assume the functions of the ERC, effectively wearing two hats.

**Action 1: The United Nations High Commissioner for Refugees will be designated as the ERC, effective 1 September 1997.**

Streamlining and Assignment of Functions Currently Performed by DHA

99. Resolution 46/182 clearly recognized that humanitarian actions entail a wide range of efforts which go beyond the provision of emergency relief assistance. This should be more accurately reflected on the responsibilities of the ERC. In this context, it is recommended that the ERC be renamed as the United Nations Humanitarian Coordinator (UNHC) to further strengthen her role, under the aegis of the General Assembly and working under the direction of the Secretary-General. It is also recommended that the General Assembly revise the responsibilities of the ERC with a view to transferring the responsibilities related to the coordination of natural disaster mitigation activities to UNDP.

**Recommendation 1: That the General Assembly rename the Emergency Relief Coordinator (ERC) as the United Nations Humanitarian Coordinator (UNHC), and transfer the ERC's responsibilities related to the coordination of natural disaster mitigation activities to UNDP.**

100. The ERC (UNHC) must maintain her impartiality in carrying out the Coordinator's functions, and needs to be supported by, and be held accountable to Governments on overall humanitarian issues. In this regard, it is strongly recommended that a governing board for the Coordinator be established, which could give policy directives on overall humanitarian issues and oversee the coordination of humanitarian response. Governments may wish to consider harmonizing the governing structures of UNHCR and WFP with a view to eventually establishing a board for humanitarian affairs under the ECOSOC. It is in the meantime recommended that the Humanitarian Segment of the ECOSOC be established as soon as possible to give guidance to the ERC on overall humanitarian issues and coordination.

**Recommendation 2: That a governing board for humanitarian affairs be established. In the meantime, it is recommended that the**

**Humanitarian Segment of the ECOSOC be established as soon as possible.**

101. Some of the current functions of DHA need to be streamlined and maintained in order to continue to support the ERC. It is therefore decided, as a first step and effective immediately, to request the High Commissioner for Refugees to review the functions currently performed by DHA, with a view to identifying the crucial functions which will be required to support the ERC and IASC. The offices of the ERC will be established in New York and in Geneva under the administration of the High Commissioner. Some of the current activities of DHA may be integrated into the UNHCR management structure to avoid duplication. The functions of the ERC's Office in New York will be focused on the fields of: 1) policy formulation in support of the Office of the Secretary-General; 2) policy coordination and liaison with DPA, DPKO and UNDG; and 3) humanitarian advocacy with the Security Council. The ERC's office, staffed with well-qualified senior personnel seconded from agencies, can carry out these functions with fewer staff compared to the current DHA structure. While the ERC will remain based in Geneva, the day-to-day business of her Office will be managed by the Deputy to the ERC in New York, at the ASG level, who, acting on behalf of the ERC, will have direct access to the Secretary-General, as resolution 46/182 stipulates. The ERC will be responsible to the Secretary-General and act as his main advisor on humanitarian issues. These measures shall result in enhanced accountability in the management of complex emergencies, the consolidation of humanitarian functions and capacities in the United Nations system, as well as in the reduction of overall costs.

**Action 2: United Nations High Commissioner for Refugees, as the ERC designate, will review the current DHA functions, with the aim of streamlining them. Some of the DHA functions will be reconstituted into the Office of the ERC. The functions of the ERC's Office in New York will be more focused and strengthened.**

102. Some of the functions currently performed by DHA will be transferred to other parts of the system. The functions related to coordination of natural disaster mitigation would be transferred to UNDP. UNDP will work closely with the ERC when emergency relief capacity needs to be mobilized within the United Nations system for natural disasters. The functions related to demining activities will be transferred to the Department of Peacekeeping Operations (DPKO), together with the responsibility for the management of the Voluntary Trust Fund for Assistance in Mine-Clearance. Demining should be considered as a priority for United Nations activities in the areas of

peacekeeping, humanitarian assistance and development. A unit will therefore be preserved within DPKO, to be called the Section for Demining Actions, not linked to any particular peacekeeping operations, to ensure that demining operations for humanitarian purposes are maintained. The management of the Military and Civil Defence Unit (MCDU) will be transferred to WFP, which is the main logistics organization within the system. The management of the Iraq Programme, established by Security Council resolution 986, will remain within the Office of the ERC with support from DPKO.

**Action 3: Some of the DHA functions will be redistributed within the system, as indicated above.**

#### Operations of the IASC

103. Under the new arrangement, the ERC will continue to chair the Inter-Agency Standing Committee (IASC), which will be further strengthened and will continue to serve as the main consultative body for the operational organizations and agencies of the United Nations, as well as the International Committee of the Red Cross, the League of Red Cross and Crescent Societies, the International Organization for Migration, and other governmental and non-governmental organizations. The ERC's Office in Geneva, with seconded senior staff from agencies, will provide secretariat support to the IASC. In order to enhance a rapid response capacity based on coherent policy, a Steering Committee of the IASC will be established, which will comprise UNHCR, WFP, UNICEF, a representative of the Red Cross Movement and a representative of the NGO community.

**Action 4: IASC will be further strengthened and continue to be the main consultative body for operational agencies, chaired by the ERC. An IASC Steering Committee will be established with five members. Humanitarian Coordination at the Field Level.**

104. At the field level, the normal practice has been that United Nations Resident Coordinators act as Humanitarian Coordinator. However, in complex emergencies where coordination of policies and activities at the regional level is required, or where a country-based Resident Coordinator for functional reasons cannot serve effectively as impartial Humanitarian Coordinator, the ERC, in consultation with the IASC, will designate a Field Humanitarian Coordinator, who normally will be the head of the lead agency with a comparative advantage in that particular operation. A Field Humanitarian Coordinator will work closely with the Special Representative of the Secretary-General, in those countries with a Special Representative.

**Action 5: The ERC, through consultations with the IASC, will assign Field Humanitarian Coordinators/Task Managers for field operations, as appropriate.**

*Alongside paragraph 104, the HC wrote "Is there a need for humanitarian coordinators? WFP and UNHCR [have] country offices – others are in UNDG."*

#### Consolidated Appeal Process

105. The Consolidated Appeal Process (CAP) will be further improved and continue to serve as a vehicle for resource mobilization in the humanitarian sector under the responsibility of the ERC. Appeals for rehabilitation and reconstruction will be included in the CAP, where appropriate. Experience has also demonstrated that an integrated approach to needs assessment and programming is the best way to avoid duplication of activities. In this context, efforts will be made to identify measures for harmonizing programming cycles and administrative procedures, logistics and procurement, and communications of the relevant organizations and agencies. Similarly, a further elaboration of comparative advantages and responsibilities of agencies in humanitarian actions shall also contribute to the more efficient functioning of the system.

**Action 6: The IASC will identify measures to harmonize processes and further elaborate comparative advantage and responsibility of the respective humanitarian agencies.**

Bellamy met with Strong and his colleagues on 13 June and wrote to him on 17 June in response to his "request for further input and to reaffirm some of our earlier comments. We have taken the opportunity afforded by this letter to set out our views on the draft proposals and to pose questions in several areas." The letter set out concerns with development aspects of the proposals and did not address humanitarian reform, but attached was a paper headed "Child friendly UN reform: essential conditions", a draft of which Bellamy had shared with Strong on 13 June. This contained the following:

#### Humanitarian reform

UNICEF has consistently supported the goal of improved operational coordination between the humanitarian agencies of the United Nations and believes that a strong, effective and impartial entity to ensure strategic coordination in the humanitarian field is important. UNICEF continues to work with partners to ensure close collaboration and a clear division of labour in complex emergencies. It has also developed a revised strategic framework for its role as a partner in humanitarian action, with an increasing focus on ensuring the protection of children from harm and their rehabilitation in a protective family environment.

UNICEF would wish to ensure that:

needs and rights of children are accorded the highest priority in emergency action and in the allocation of resources and that UNICEF continues to play its key as an independent advocate for a first call for children under all circumstances;

if humanitarian activities of the United Nations are consolidated, priority is accorded to developing the capacity of local and national structures to ensure the well-being of the child and to a longer-term perspective which addresses the child's rehabilitation and recovery needs, as well as immediate survival. UNICEF is well placed to ensure the linkage between humanitarian and developmental action addressing the well-being of the child;

a future Office of the Emergency Relief Coordinator, focussed on the core functions of strategic coordination and humanitarian advocacy, and divested of operational functions will come to UNICEF for reliable, effective design and implementation of child-centred activities;

the Inter-Agency Standing Committee will play a strong role in decision-making in relation to coordination of specific humanitarian operations and in ensuring interagency consultation to achieve policy coherence.

### *The 19 June draft*

The HC was briefly in NY for discussion on reform with the SG and SCR members on 16 June. A revised draft of the report was received on 19 June. The presentation of the humanitarian section was changed and reordered; the actions and recommendations were now as follows:

Action 1: The ERC's role will be more focused on the core functions which will be strengthened, fully consistent with the provisions of resolution 46/182.

Action 2: Some of the DHA functions will be redistributed within the system, as indicated above.

Action 3: An independent ERC's Office will be established drawing on well qualified seconded staff from IASC members as well as on the existing DHA resources.

Action 4: JASC will be further strengthened and continue to be the main consultative body for operational agencies, chaired by the ERC. An IASC Steering Committee will be established with five members.

Action 5: The ERC, through consultations with the IASC, will assign Field Humanitarian Coordinators/Task Managers for field operations, as appropriate.

Action 6: The IASC will identify measures to harmonize processes and further elaborate comparative advantage and responsibility of the respective humanitarian agencies.

Action 7: The United Nations High Commissioner for Refugees will be designated as the ERC, effective 1 September 1997.

Action 8: The High Commissioner for Refugees, as the ERC-designate, will lead a Task Force to establish a detailed implementation plan for the above measures.

The text supporting actions 7 and 8 was broadly unchanged, but a deadline of end August was added to 8.

Recommendation 1: That the General Assembly rename the Emergency Relief Coordinator (ERC) as the United Nations Humanitarian Coordinator (UNHC), and transfer the ERC's responsibilities related to the coordination of natural disaster mitigation activities to UNDP.

Recommendation 2: That a governing board for humanitarian affairs be established. In the meantime, it is recommended that the Humanitarian Segment of the ECOSOC be established as soon as possible.

The HC's papers include five pages of comments on this draft and the latest Akashi paper. (These are unattributed: the first page is marked by the HC "from Nicholas" but I can't be sure that I wrote it.) It includes the following:

The text [on humanitarian affairs] is written in such a way as to exacerbate the concerns of other agencies, highlighting as it does integration of current DHA functions into UNHCR. It needs to give more emphasis to the separation between the two hats (ERC and High Commissioner). It is important that the right balance be struck between the need to have the other agencies on board (lacking in the current text), while being sure that the SG invests the High Commissioner with authority rather than just an unworkable responsibility for delivering a consensus. While the High Commissioner (rather than UNHCR) might head up a variety of current DHA functions, it would be important to involve other agencies in this. Neither the High Commissioner nor UNHCR should, under any circumstances, be involved in practical arrangements for the dissolution of DHA.

While the precise nature of governance arrangements needs to be worked out, the importance of a governance function should be stressed. It is the lack of accountability that has been perhaps the most

significant factor in the catastrophic decline of government confidence in DHA. Ideas floated by UNHCR have been a sub-committee of ECOSOC or an ad hoc body along the lines of the Programme Coordinating Board of UNAIDS (government representatives elected from the governing boards of the six participating agencies, plus non-voting agency representatives and NGOs).

The [Akashi] paper presents nothing new. It revolves around the old argument that only an impartial coordinator, unencumbered by operational responsibilities can provide coordination. This is in direct opposition to the approach taken in Strong's paper which argues that additional layers and superstructures need to be avoided and that the concept of coordination has tended to replace the concept of management responsibility. The DHA paper contains a number of false assumptions: (a) that coordination is automatically impartial if it is carried out by a Secretariat department; (b) that coordination needs to be impartial and nothing more; (c) that strategic and operational coordination can be separated; (d) that a disembodied Secretariat coordinator can play an effective role in policy development and advocacy; (e) that a coordinating role for UNHCR would jeopardize its protection function (the greatest danger is from the *status quo*). The paper shows no understanding of the links between protection and assistance, between operations and policy/strategy and between accountability and effective advocacy. ... [It] states that there has been inter-agency agreement on the unitary RC/HC approach. UNHCR has repeatedly expressed its reservations at this approach which prioritizes bureaucratic considerations rather than emergency needs.

### ***The SMC briefing on 20 June***

The HC held a retreat with the SMC on 20 and 21 June. This was largely focused on UNHCR's internal reforms, but one session was devoted to a briefing from the HC on the proposed reform of the humanitarian sector. From my notes:

The HC said there were enormous complications with both the social, economic and development proposals and with those affecting UNHCR, which had been discussed when she was in NY on 16 June. The SG and Strong were pushing the HC / ERC option – she had told the SG that UNHCR had been pushed far out on that option. However, there were complications with DHA and especially WFP, which was very uneasy. Catherine Bertini was very aggressive, arguing the no agency can coordinate because of the need for impartiality (there were similar concerns for the development proposals). DHA was fighting a rear-guard action; UNICEF was ready for convergence with UNHCR,

WFP was not. There had been a further discussion on 19 June, [ECHA?] including on the need to move DHA's operational responsibilities to Geneva (and UNHCR). DPA and DPKO and been strongly supportive of the role foreseen for UNHCR. The head of DPKO (Bernard Miyet) had said that he would go to Søren for a decision, not DHA for a briefing.

### *A fundamental change (24 June)*

On 24 June Søren called the HC to inform her of a fundamental change in the approach. A second option had been added to the 19 June draft: a separate and non-operational ERC. It was clear that the introduction of this option at such a late stage (Strong was to submit his draft to the SG by 30 June) meant that the SG had decided not to back Strong's recommendation for the HC's role. After the call, Søren sent the HC the new text. The new text came immediately after action 8 of the 19 June draft (HC as ERC to lead implementation task force):

#### OPTION 2

##### Field Coordination Arrangements

Under the new structure, the ERC will not be directly engaged in operational responsibilities. There is a need to ensure, however, that standing arrangements for field coordination should be put in place. Humanitarian crises occur in a complex and unstructured manner, and they require immediate actions based on a solid policy supported by a wealth of operational experiences. In this context, when the IASC determined that a given humanitarian situation is a complex emergency, the ERC will normally designate UNHCR as the Field Coordinator. In such situations, UNHCR will have the full support from the ERC at the political level, and the full authority to manage and coordinate all humanitarian actions on the ground, with a view to provide required assistance and protection and seek solution to the given crisis. UNHCR is well positioned to assume this role in complex emergencies as: 1) population displacement is almost always at the centre of complex emergencies; 2) her office has in the past several years developed sufficient operational capacity to manage major complex emergencies; and 3) her office has a specific mandate and experience to seek solution to humanitarian problems. WFP will work closely with UNHCR as the main logistics provider in complex emergencies.

### *Collateral damage*

As the process had advanced, and it became increasingly likely that UNHCR and the HC herself would be given major new responsibilities, the HC faced a significant problem. She had already agreed to release Søren to become the



head of the International Crisis Group (ICG), yet he would now be needed by UNHCR.

The ICG was founded in early 1995 with Sir Nicholas Hinton as its first president and CEO (for the previous ten years he had been the Director-General of SCF UK). He had died suddenly in January 1997, while on mission in Croatia for the ICG. Morton Abramowitz, a retired senior US ambassador, and with Hinton one of the founders of the ICG, had been instrumental in negotiating Søren's release to replace Hinton.

It was clear that having Søren as the ASG heading the ERC's NY office would be critical to successful implementation of what Strong was proposing. This assignment that was also seen as important in obtaining wider UN support for the new arrangements. With a strong adverse reaction from Abramowitz inevitable were Søren not to take up the ICG role, it was essential for the HC to be sure that the reform would indeed take place, as Strong was insisting that it would. She therefore sought and received that assurance from Iqbal Riza, Annan's chef de cabinet.

The reaction from Abramowitz, who with his wife was a long-standing and influential supporter of refugees, was as predicted, and the damage was further compounded when the reform did not take place, with Abramowitz not prepared to consider Søren again for the ICG role.

### ***The HC states her case to the SG (26 June)***

It was against this background that the HC wrote to the SG on 26 June

Dear Mr. Secretary-General,

As we discussed when you phoned me this afternoon, I find myself in a very awkward position on the reform process. I have not sought additional responsibilities, but rather agreed to consider how such a challenge could be met were it to be offered. My Office and I have respected the need for discipline and confidentiality in the development of the reform proposals, although in the process, the idea of my assuming the ERC role became widely known and debated. Many interested parties contributed actively to discussions in a manner which was often out of context or based on incomplete information. I am writing to you, therefore, at this crucial juncture to share with you some of my thoughts on the matter, in the hope that this may assist you in deciding finally on how to shape the United Nations humanitarian sector in the years to come.

You are no doubt aware that one of my preoccupations since my appointment in 1991 has been to establish, in the context of ensuring protection and promoting solutions, an effective and efficient

mechanism to carry out humanitarian actions within the existing framework. I believe that we have made some progress, particularly in the area of the response capacities of agencies. At the same time, we have been less than successful in improving coordination and joint policy formulation, both of which are crucial for today's humanitarian actions.

After more than five years of DHA's establishment, I am convinced, like many others within and outside the system, that the problems of DHA are not primarily those of leadership, staff or management, but rather a flawed systemic and structural arrangement deriving from its founding premises. Coordination without authority, financial resources, and most importantly, operational expertise and experience is a theoretical exercise, which brings little additional value to the system. Over the past five years, agencies too often found themselves alone in formulating, fighting for and advocating humanitarian principles. In the most recent crisis in the Great Lakes region, we were encouraged by the evolving synergy between the Security Council, yourself and UNHCR. Through the most difficult moments in the then Zaire, DHA did not play a value-added role. I do not see, incidentally, in response to the example you gave during our telephone conversation, in what way DHA could have provided UNHCR and other operational agencies in Zaire with the necessary political back-up, thus improving UNHCR's ability to perform its operational coordination role. I am not, of course, underestimating the broad support we received from the Regional Humanitarian Coordinators.

While I have always been grateful for the personal support provided by the DHA Undersecretaries-General, DHA has been unable to mobilize the political, diplomatic and strategic support that we required. We were often left alone. In my opinion, this was due to the institutional problem: it was simply not possible to formulate a solid strategy being far removed from the extremely complex realities of today's humanitarian crises. At times this resulted in dividing the agencies rather than bringing them together.

What humanitarian agencies require today is a solid, functional and credible Coordinator, supported by an independent office with well-qualified staff seconded from various agencies. The ERC's Office must be owned by agencies. Furthermore, this Office must be able to look beyond the issue of how to "respond" to emergencies to analyse the full spectrum of problems surrounding humanitarian crises.

My Office over the past five years has been devoting its efforts to attempting not only to improve its operational response capacity, but

also to establish a solid policy framework for seeking solutions to the world's humanitarian problems. In this process, we have established constructive partnerships with DPA, and as you know so well, DPKO, UN sister agencies as well as with numerous NGOs. Furthermore, considerable policy research capacity has been developed in my Office, drawing on internal and external resources oriented towards humanitarian policy. We needed to develop this capacity, since such policy support was not available elsewhere. The record proves that our efforts in policy development in partnership with other actions and in advocacy of humanitarian issues have been well appreciated by all concerned.

In this connection, you may know that we have had some very useful discussions among senior staff of DHA, UNICEF, WFP and UNHCR \_on possible structures and modalities for implementation of the proposed humanitarian coordinating arrangement. We sensed that there was a broad consensus and readiness to participate in such an arrangement, and make it work effectively, if that were to be your decision. I did of course note Ms. Bertini' s reservations in our meeting in New York on 16 June 1997. Her questions were in sharp contrast to the strong support and trust expressed by DPA and DPKO which confirmed the notion of credible policy input flowing from operational experience.

I also believe that in the humanitarian sphere, we are all stakeholders and therefore there should be no conflict of interest within the United Nations system. The United Nations as a whole must uphold human rights and humanitarian principles, and you have always supported me in this regard. I am therefore convinced that a Co-ordinator with direct access to you and all the necessary operational and policy assets and the required credibility, would contribute to the better functioning of the system as a whole.

I understand that since I was in New York last week, a new option has been tabled, recommending a New York based non-operational ERC/DHA with field coordination based on the lead agency concept. I believe that this proposal risks creating incompatible coordinating mechanisms - attempting to solve one problem but creating others. Would this mean, for example, that in an operation like the former Yugoslavia, the lead agency would report through the ERC rather than directly to the SRSG and yourself? While Mr. Strong's more detailed development of one of the three original options has prompted some concerns, I believe that, on examination, a two-level coordination approach might raise even more serious questions.

Your July report presents a historical opportunity for the United Nations to show that it is capable of reforming itself, and thereby regaining its credibility. I hope that the opportunity is seized. Should you ask me to undertake additional responsibilities, I am convinced that the new arrangement will be better than the present one, and can be implemented to the satisfaction of agencies. Should you decide otherwise, which of course I would fully respect, you may still wish to envisage other options, such as linking the ERC, as defined in SCR 46/182, more directly to your office.

I look forward to discussing these issues with you in detail.

The minutes of the SMC meeting on 3 July record that:

Mr. Jessen-Petersen expressed scepticism regarding the UN reform proposals which were currently being considered, as these were unlikely to fundamentally change the way in which the UN is operating. Original proposals are being diluted. Many if not most states are opposed to far reaching reform. In the humanitarian sector there has moreover been a strong lobby within the UN system against the option preferred by Mr. Strong, viz. to assign coordination to UNHCR. The HC recalled that she did not request to assume the function of ERC, and that UNHCR has sufficient work to do under its own mandate.

### ***Further drafts and responses (3 - 8 July)***

On 3 July a new draft of section II of the report was received. While it was already clear that the die was cast in favour of option 2, this draft retained option 1 largely unchanged. It now presented option 2 as follows:

126. Improved coordination of humanitarian assistance must be predicated on two main premises: (a) assuring the leadership of the Secretary-General in addressing the humanitarian problems of countries in crisis and (b) maintaining the ERC as an impartial coordination and advocacy body within the Secretariat, unencumbered by operational responsibilities. An impartial coordination function in a non-operational entity is seen by some as key to an effective response. Given the existing system of autonomous agencies with different mandates, governance and accountability requirements, impartial coordination is an option that deserves consideration. Some of the more promising innovations in the system are based on partnership where different sets of actors - from within and outside the system -- come together to address the different dimension of problems. An analysis of the common threads in field coordination experiences demonstrates the importance of partnership, ownership, flexibility and leadership while

drawing on the comparative advantages of the different parts of the United Nations system.

**Action 38:** The Secretary-General will appoint an Under-Secretary-General at Headquarters as Emergency Relief Coordinator and as head of the newly-constituted Office.

127. A detailed review of the current DHA functions needs to be conducted with a view to establishing the new ERC's office structure. The Under-Secretary-General designated as the ERC will be responsible for carrying out this review, in consultation with members of the IASC, including DHA, and outside experts. This review will be completed by the end of August 1997.

**Action 39:** The Under-Secretary-General designated as ERC will be responsible for preparing a detailed implementation plan for the above measures.

On 7 July a draft ("3 July 1997/Rev") of part I of the report was received. This part was an introduction to and thematic overview of the proposals. The short section on humanitarian affairs read:

49. In light of the large-scale and complex humanitarian crises that have occurred in recent years, the United Nations is strengthening its capacity to undertake coherent and coordinated humanitarian action. The Secretary-General is instituting a major restructuring of Secretariat machinery responsible for coordinating humanitarian assistance.

- The present Department of Humanitarian Affairs will be discontinued and its operational responsibilities transferred to other appropriate entities. Its coordination and advocacy role will be performed by an Emergency Relief Coordinator.
- Improvements are proposed for inter-agency coordination, coordination at the field level, and resource mobilization for humanitarian activities.

The HC wrote to Iqbal Riza on 7 July in response to his request for comments on the latest draft. Her seven pages of comments covered the full report. Under a heading "Humanitarian affairs: options for coordination", she wrote:

With regard to the humanitarian sector, I should like to recall my letter of 26 June to the Secretary-General and our discussions since then. I will begin with the central issue of the choice of option (Part 11, paragraphs 124-127).

The outline of the report distributed for your meeting with the Steering Committee on 9 June contained a section headed "Principles of Reform". Two observations therein struck me as particularly relevant

and apposite: first, that problems of fragmentation should be resolved “by consolidation and integration, placing responsibility squarely on the institution most operationally equipped to exercise it”; and second, that the “concept of coordination, which has tended to replace the concept of management responsibility, will give way to systems that emphasize operational leadership and teamwork”. Although this section has been dropped, it finds its echo in paragraph 18 of Part I, which notes the problems inherent in previous efforts to reform that, more often than not, “produced parallel mechanisms or created additional bodies intended to coordinate, rather than instituting effective management structures”.

Nowhere are these two principles, and the concern expressed in paragraph 18, more relevant than in the response to complex humanitarian emergencies. As you know from my letter, I believe that the arrangements foreseen in Option 2 would not allow these principles to be properly respected. Option 2, which is difficult to distinguish from the *status quo*, is hardly a bold reform to address a widely recognized problem; it appears more likely to perpetuate, or at best mitigate but not resolve, that problem.

In contrast, Option 1 is in itself an expression of these principles. I am convinced, as I wrote earlier, that this option could be made to work effectively both to the satisfaction of Governments as well as of the international and non-governmental agencies involved. Most importantly, it would be to the greater benefit of those we all seek to help. As paragraph 114 of Part 11 so clearly expresses, it is this latter concern that is first and foremost our mission.

The letter then addresses specific points on Part II. Those of substance, not drafting, included:

Paragraph 113. Humanitarian actions have never been "mere relief operations. Lines 3 and 4 should be rephrased to read: “Humanitarian actions are not mere relief operations but ...”

Paragraph 120. Delete the last four lines. Whether or not the MCDU should go to WFP has not yet been the subject of any systematic analysis or discussion. Moreover, if the Iraq programme remains with the Office of the ERC, this would, under either option, contradict the principle of non-operationality. Such issues are best left to the ERC in consultation with the IASC and, as appropriate, the Secretary-General.

Paragraph 124. An additional argument should be included in favour of entrusting the ERC function to the High Commissioner for Refugees. This could read: “UNHCR has long experience in working with

governments, international organizations and NGOs as operational partners.”

Paragraph 128: If option 1 is retained, the designation “Humanitarian Coordinator” would be preferable. However, if option 2 is retained, this could imply coordination of UNHCR's statutory protection actions, and the designation "Humanitarian Assistance Coordinator" should stand.

Under the heading “Miscellaneous drafting points”, the HC wrote:

The first two paragraphs of Part I do not read as well as earlier drafts. I am not convinced the concept of “inclusive integrity” will be readily understood. I am also of the view that that expanding “such fragments of common ground as may exist among nations” is an extremely negative way of envisaging the work of the United Nations, and would strongly suggest a revision based on the outline distributed for the 9 June meeting.

The final portion of Part I, paragraph 3 is overly self-congratulatory. Replace with “The United Nations has a key role to play in ...”

Also on 7 July, Bellamy wrote to the SG with four pages of comments on the report. These covered development and child-specific issue and did not mention humanitarian affairs.

On 8 July, Izumi sent the following fax to the HC’s Chef de Cabinet:

Karen,

Please find attached “International Documents Review”. I do not believe that the SG will revise his decision on humanitarian sector “reform” at this stage.

The draft report is now entirely in the "northern end of the 38th floor". A drafting committee was created late yesterday, with mainly SG's own people. John and Miks are in it, at the insistence of Strong. But we do not know what is happening any more - it is out of our hands. There will be no reform implementation team, which really indicates that there will be not much to implement. Therefore, I would like to leave the Team at the end of this week - otherwise, there will be nothing to resign from. I am too young not to make my point clear. As Søren is not here could you approve it? And I will worry about my future later.

Anyway, it is really disappointing. Talk to you later.

The attachment was a copy of the first two pages of the 7 July issue of the Review (“The weekly newsletter of the United Nations”). Under the headline “Ogata Letter to S-G Highlights Major Unresolved Turf-Issues as Maurice Strong Completes Work on UN Reform Proposals”, the piece provided a

detailed and sympathetic commentary on the arguments in the HC's 26 June letter.

Also attached was an 8 July draft of a letter from Izumi to Strong expressing appreciation for her time on his team and requesting release from it at the end of the week. The draft included the following:

I wish our reform could have gone farther. We had the first opportunity in the history of the UN to really change, and to convince the staff and outside people that we are in fact a very relevant and important organization for the advancement of the world community. I sincerely hope that the good ideas which are still in the Report will be all implemented, and the current reform in its totality will make the organization better than ever before. However, it seems apparent now that, despite your and the team's efforts, the UN will not take this opportunity to have truly far-reaching, visionary changes at this time.

...

Finally, I would like to let you know that there are many young people like myself in the UN, who are so eager to contribute to this organization. Some of them are now unfortunately becoming somewhat disillusioned. My sincere hope is that those who are honest, committed, and competent will be raised, rather than those who are dishonest, manipulators and self-promoters. Please reach out to those good young people who should mean a lot to this organization. Thank you again, for this opportunity and your leadership. It was my pleasure to have worked for you in your team.<sup>107</sup>

### ***"Renewing the United Nations: a Programme for Reform"***

The SG's report was issued as document A/51/90 dated 14 July, 95 pages including a transmittal letter to the President of the GA in which The SG acknowledged "with gratitude the important contributions made to this effort by the Executive Coordinator for Reform, Mr. Maurice Strong, and his small but highly motivated team. In a matter of just six months, and with very limited resources, they covered vast ground and proved that it is possible for the United Nations to reform itself from within."

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<sup>107</sup> In an exchange during the preparation of this account, Izumi Nakamitsu recalled her "young idealistic days" and wrote of this quote, "Even though I would not write today the way it is written, I think it is always good that a young person writes in a "bold" manner. I like young people doing that today at the UN - I wish more would do it indeed."



Part I included this under the heading "Humanitarian affairs":

76. The humanitarian mission of the United Nations is to assist victims of natural disasters and other emergencies. In recent years, humanitarian emergencies have often occurred in complex political and military contexts, including civil strife, in which relief workers themselves may be at risk. Experience has shown, and the General Assembly has recognized, that humanitarian actions today extend well beyond the provision of relief, and also entail early warning, prevention, advocacy and rehabilitation as well as supporting transition to longer-term development. It is also clear that improvements are necessary in the coordination and rapid deployment of United Nations humanitarian responses.

77. Accordingly, the Secretary-General is instituting a major restructuring of Secretariat machinery responsible for coordinating humanitarian assistance. An office of the Emergency Relief Coordinator will be established to replace the present Department of Humanitarian Affairs. The Department's operational responsibilities will be transferred to other appropriate entities that provide assistance on the ground. Its coordination and advocacy role will be bolstered and performed by the Emergency Relief Coordinator. Moreover, a steering committee is being established to intensify inter-agency coordination, coordination at the field level and resource mobilization.

Humanitarian affairs were covered in paragraphs 180-192 of part II, and included the following:

Towards a strengthened capacity to respond to humanitarian crisis

185. The functions of the Emergency Relief Coordinator and the role of the Department of Humanitarian Affairs were carefully reviewed in the preparation of the present report. The importance of the functions of the Emergency Relief Coordinator has been confirmed. General Assembly resolution 46/182 covers the broad range of humanitarian actions. The Department of Humanitarian Affairs, the support structure for the Emergency Relief Coordinator, has been successful in implementing part of its mandate. However, the fact that the Department of Humanitarian Affairs has undertaken some operational activities in a limited and ad hoc manner without being adequately equipped with capacities and expertise has diluted the importance of the Emergency Relief Coordinator's core functions. More than five years after the arrangements were put in place, it is now necessary to equip the Emergency Relief Coordinator with an appropriate and more appropriate support structure.

Role of the Emergency Relief Coordinator, the Office of the Emergency Relief Coordinator, the Inter-Agency Standing Committee and the consolidated appeal process

186. In accordance with the provisions of General Assembly resolution 46/182, the Emergency Relief Coordinator's functions will be more focused on three core functions, which will be significantly strengthened: (a) policy development and coordination functions in support of the Secretary-General, ensuring that all humanitarian issues, including those which fall between gaps in existing mandates of agencies such as protection and assistance for internally displaced persons, are addressed. In this connection, it is also important that adequate liaison is effected with the Department of Peacekeeping Operations, the Department of Political Affairs, the United Nations Development Group and the Office of the High Commissioner for Human Rights; (b) advocacy of humanitarian issues with political organs, notably the Security Council; and (c) coordination of humanitarian emergency response, by ensuring that an appropriate response mechanism is established, through IASC consultations, on the ground.

This section of the report ended:

Action 13:

- (a) An Office of the Emergency Relief Coordinator, headed by an under-secretary-general, will be established at United Nations Headquarters.
- (b) The Emergency Relief Coordinator will focus on the core functions identified in General Assembly resolution 46/182. The Department of Humanitarian Affairs will be discontinued in its present form.
- (c) Some of the functions of the Department of Humanitarian Affairs will be redistributed within the United Nations system, as indicated above.
- (d) The Inter-Agency Standing Committee will be further strengthened and continue to be the main consultative body for humanitarian agencies, chaired by the Emergency Relief Coordinator. An IASC Steering Committee will be established with six members, as indicated above.
- (e) The Inter-Agency Standing Committee will be asked to identify measures to harmonize processes and further enhance the consolidated appeal process to ensure that appeals are needs-based

and prioritized, taking into account the comparative advantage of each agency.

(f) In the field, a lead agency may be designated by the Emergency Relief Coordinator to coordinate complex emergencies.

192. At the field level, the United Nations Resident Coordinator acts as Humanitarian Coordinator in normal circumstances. However, in complex emergencies where coordination of policies and activities at the regional level is required, or where a country-based Resident Coordinator for functional reasons cannot serve effectively as Humanitarian Coordinator, a lead agency could be designated that will be responsible for all aspects of humanitarian coordination in the field. This arrangement, which will streamline and avoid multiple layers of coordination in the field, was adopted in the former Yugoslavia.

Other than when listing membership of the IASC Steering Committee, and indirectly in the last sentence above, there was no reference to UNHCR.

### *Reflections*

In UNHCR there was little appetite for an inquest into what had happened, and many unrelated immediate challenges, with the Great Lakes still the most acute. But the experience left a bitter taste.<sup>108</sup> The focus on impartiality by those opposing the HC / ERC proposal reflected a concern that UNHCR would put its own interests ahead of those of other agencies. There was no evidence that this had been the case during the breakup of the former Yugoslavia, a complex emergency where for several years UNHCR's responsibilities were broadly those foreseen under the HC / ERC proposal. Where there are competing priorities, any coordinating body must of course put the interests of those needing protection and assistance ahead of its own interests and those of individual humanitarian agencies. The implication that UNHCR might do otherwise was unwarranted and resented.

The disinformation campaigns gave fodder for UNHCR's critics, as is evident from Gil Loescher's account in *The UNHCR and World Politics: A Perilous Path* (OUP, Oxford, 2001, pp 292-3):

The 1997 UN reforms revealed underlying tensions among the international humanitarian agencies and deep-seated resentment against the UNHCR. Annan had asked Maurice Strong, and long-time UNHCR hand, to study the UN response to humanitarian emergencies

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<sup>108</sup> In an exchange during the preparation of this account, Søren Jessen-Petersen wrote that he was "painfully reminded of one of the most unpleasant and disagreeable times in my career, seeing UN at its worst, being backstabbed by a constantly scheming DHA/OCHA with very little focus on the substance and merits of the issues".

and come up with suggestions for improved co-ordination among UN agencies. Strong recommended either an amalgamation of all the agencies into one super agency or the assignment of the co-ordinating role to one of the existing agencies. He considered UNHCR to be the most suitable agency to take either of these roles. Before the Secretary-General had time to consider Strong's proposals, Ogata instructed key aides to devise a plan. They proposed to restructure the UNHCR, keeping its traditional mandate and office in Geneva and creating a new humanitarian affairs department at the UN in New York that would be responsible for co-ordinating complex emergencies. When news of this report leaked out to the other humanitarian agencies, all hell broke loose in New York and at other UN agency headquarters, particularly at the World Food Programme and UNICEF. The UNHCR's proposal was widely perceived as an attempt by the UNHCR to completely take over the humanitarian assistance field. These events left bitter feelings towards the UNHCR among several of the major UN humanitarian agencies. Ogata called this 'one of my most painful experiences as High Commissioner'. [Footnoted "Interview with Sadako Ogata, 2000."]

There was both relief and disappointment within UNHCR's senior management at the outcome. The HC's frustration at the process was widely shared, even as some felt their initial scepticism had been vindicated. Implementing the HC / ERC proposal would have involved risks to UNHCR's protection mandate, and there would have been situations where the tension between UNHCR's mandate for non-nationals and the ERC's responsibilities created serious problems. However, the arguments in favour of the proposal were sound, and it was supported by DPA and DPKO, key partners in any complex emergency. There seemed a good chance that its implementation would have significantly improved the UN's ability to respond to complex emergencies. Implementation would have placed additional demands on UNHCR capacities that were already strained. Nevertheless, it seems fair to conclude that it could probably have been implemented successfully under Sadako Ogata's and Søren Jessen-Petersen's leadership.

### ***Why did the opposition prevail?***

Some sources of opposition were clear at the time, others less so. DHA's opposition was predictable, and senior secretariat staff within DHA, some without relevant prior experience of humanitarian operations, felt threatened. Some sought to mobilize government opposition. But DHA's arguments were weak, and did not enjoy the support of DPA, DPKO, UNICEF and WFP (except perhaps in the latter's case, to the extent that DHA could help thwart the proposal). If DHA's had been the only serious objections, the SG would have rejected them. As the humanitarian reform proposal stood just before it was

abandoned, many of WFP's concerns had been or could have been accommodated. WFP's independent status was no longer under threat, though WFP may still have had concerns, given Strong's position. While WFP had sought to mobilize the support of UNICEF, it had seemed that UNICEF's own concerns, at least regarding the humanitarian part of the draft, had been dispelled.

In *The Best Intentions: Kofi Annan and the UN in the Era of American Power* (London, Bloomsbury, 2006), James Traub wrote (pp 70-71):

One of the crucial concerns of the aides and outside experts who helped craft the document [the July reform report] was to force the humanitarian agencies – UNICEF, the World Food Programme, and so on – to coordinate their response to emergencies with one another and with aid organizations, something they had conspicuously failed to do in years past. An earlier draft had proposed that the UN High Commissioner for Refugees serve as the “lead agency” in emergencies. But both UNICEF and WFP publicly objected to any eclipse of their authority or autonomy. And in a raw demonstration of independence, the leaders of the two bodies – both American – enlisted sympathetic congressmen and several major non-profit organizations, who also foresaw loss of status, in a campaign to quash the decision. The proposal was first relegated to an annex, and then eliminated altogether. Thomas Weiss, an academic and former UN official who had helped devise the proposal, later observed that the secretary-general could hardly expect to overcome resistance from member states if he could not even bring his own agencies to heel.<sup>109</sup>

Weiss' observation needs a wider context. Traub went on to note that “Annan understood that his most urgent task lay in the realm of external diplomacy rather than internal reorganization. He had to demonstrate to the United States that the UN was no longer hostile territory”. In doing so, Annan's over-riding concern was to resolve the problem of US regular budget and peace-keeping contributions, which were in arrears and under threat of further withholding. The key to this lay with Senator Jesse Helms, to whom Traub devotes a whole chapter (8: *Romancing Cousin Jesse*). High-level negotiations were underway during the reform process. For example, on 12 June Søren forwarded a five-page note prepared for that day's Policy Coordination Group (PCG) meeting on the subject, and commented that the “PCG felt that the latest compromise (Senator Helms / Senator Biden) was encouraging in certain respects and deeply worrying in others”. On several occasions during SCR meetings,

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<sup>109</sup> Ogata does not mention this reform process in *The Turbulent Decade*, nor does either Annan in *Interventions: A Life in War and Peace* (Allen Lane, London, 2012) or Stanley Meisler in *Kofi Annan: A Man of Peace in a World of War* (John Wiley, Hoboken, 2007).

members had expressed concern that nothing in the reform proposals should risk undermining these negotiations.

It is probable that the SG explained the reason for his late change of heart when he called the HC on 26 June. It was clear that she believed Bertini's opposition had been determining. The US was instrumental in the creation of WFP, and since 1982 every Executive Director had been an American. The US had long been the major donor to WFP, and WFP was an important outlet for surplus US food production. Before becoming the head of WFP in 1992, Bertini had been the Assistant Secretary of Food and Consumer Services in the Department of Agriculture, nominated by President George H W Bush and confirmed by the Senate in 1989. In 1997, both chambers of Congress had a Republican majority. If there was a prospect of WFP becoming an issue with Helms, this would explain why the SG changed his position.

One influential figure who might have argued for a different outcome was otherwise engaged. Richard Holbrooke was a strong supporter of UNHCR and the HC. When he was later the US Permanent Representative to the UN, he would make a point of meeting her in the UNHCR office, not his mission. Holbrooke was a public advocate of a significant increase in UNHCR's responsibilities, and had held senior positions in the State Department, but during this period he was President Clinton's special envoy to Cyprus and the Balkans on a *pro bono* basis as a private citizen.

### *Thereafter*

For the rest of 1997, considerable time and energy had to be devoted to the fallout from the reform process, with a plethora of inter-agency and other meetings devoted to implementing the limited changes set out in the report. In November, Sergio Vieira de Mello was appointed USG for humanitarian affairs, charged by the SG with managing the downsizing of DHA into OCHA.<sup>110</sup>

Søren replaced Sergio as the Assistant HC for operations, so in a sense the ICG's loss became UNHCR's gain. After leaving UNHCR at the end of 2001, he served as the Chairman of the European Union Stability Pact's Migration, Asylum, Refugees Regional Initiative. He was the SRSG in Kosovo from 2004-6.

Izumi Nakamitsu left UNHCR in 1998 but returned to the UN in 2008 as a director in DPKO, and then Assistant Administrator in UNDP. In 2017 she became the USG for Disarmament Affairs.

Karen AbuZayd moved to Washington as Regional Representative for the United States and the Caribbean. She then served as Deputy Commissioner-

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<sup>110</sup> See Martin Barber's *Humanitarian crises and peace operation: a personal view of UN reforms during Kofi Annan's first term* (Conflict, Security & Development 9:3 October 2009). This insider's account covers developments after the SG's July 1997 report.

General and Commissioner-General of UNRWA, and in 2016 was the SG's Special Advisor responsible for organizing the summit on refugees and migrants (Izumi succeeded her, as Special Adviser on the follow-up to the summit).

Catherine Bertini remained Executive Director of WFP until 2002, making significant reforms to the organization and its operational capacity. From 2003-5 she was the USG for Management at UN Headquarters.

The minutes of the SMC meeting on 30 October 1997 record that:

The High Commissioner referred to her decision not to accept the position of Deputy Secretary-General and touched on the factors and commitments which led her to this decision. Noting the importance of addressing the challenges to the humanitarian mission in the Great Lakes, the HC urged that imaginative yet pragmatic approaches be adopted. She took the view that the UN reform process will not be easy, particularly with the looming financial problems and issues concerning expansion of the Security Council.

The dispute between the USA and the UN over contributions was finally resolved in December 2000, when a deal favourable to the USA negotiated by Holbrooke was approved by all member states.

## Postscript to chapters 1 - 6

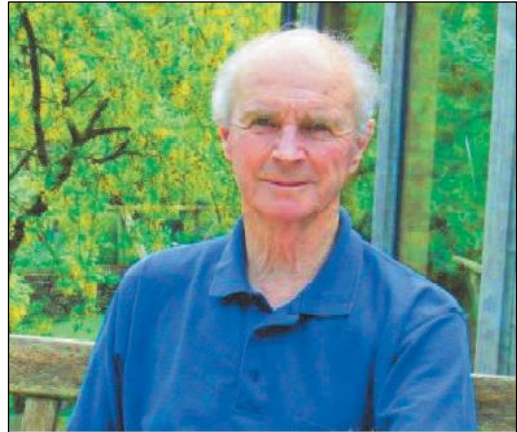
In June 2018 I was invited to UNHCR's celebration of World Archives Day and asked to present these accounts. What follows is adapted from my speaking notes, with some duplication of text from the introduction removed and some explanation added.

I'm here because I took the initiative to record some of my experiences, but I am very conscious that many of you have no less or more interesting experiences that could, and I hope will, follow into the archives.

I'll briefly describe the content and sources of my accounts, then look at some changes since the experiences I describe, and give some I hope unnecessary encouragement to put your experiences on record.

The preface gives an overview of the six accounts now online. I had written about UNHCR in articles and two chapters in edited books, and written reviews of books in which UNHCR featured. These were not centred on my own experience, though I had dined out on some of the stories that now feature in the accounts. A key impetus for these accounts was that I had recently discovered among my parents' papers the letters I had written to them since joining UNHCR.

With one exception, the accounts cover experiences where UNHCR had a role in events that were a focus of wider international attention than just the dimension of immediate concern to UNHCR. One account is largely UNHCR-specific: that of the crisis that the Office faced in 1989-90. Gerald Walzer [former Deputy High Commissioner] and John Horekens [former Director of Europe Bureau and Division of External Relations], who are here today, played major roles in resolving that crisis, ones that I hope they will put on paper.



### **NICHOLAS MORRIS:** **The Collected Memoirs**

Reflections from 1973-2001  
**Presentation and Conversation**  
Sixth Floor 12:30-13:30

INTERNATIONAL ARCHIVES DAY CELEBRATION  
JUNE 8 2018 5<sup>TH</sup> FLOOR, INNER BANANA

YOU MAKE HISTORY, WE KEEP IT.

 **UNHCR** Records and Archives Section  
The UN Refugee Agency



Some of the accounts are, I'm afraid, rather heavy reading: the lightest are the first and the third, on Namibia. Turning to the sources, in addition to the letters, I kept significant documents and recorded meetings in a series of notebook. This was for one key reason – even then I didn't have a particularly good memory. In my first assignment I was working directly for Franzi Homann-Herimberg, and it didn't take me long to discover that he had an almost photographic memory. With time, I also realized that I should anyway keep a record of some of my



*An introduction from Filippo Grandi, the High Commissioner*

experiences. By the time I retired I had filled 42 notebooks. One was lost in a disagreement with Iranian border guards. How this came about, and the subsequent few days as guests of the Revolutionary

Guards, are described in the last of the accounts. One of the notebooks, covering the first Namibia missions, did more than just aid my memory, as explained at the end of the third account. The notebooks are, however, full of abbreviations and the initials of people whose meaning and identity were self-evident at the time but are so no longer.

The events described took place from 45 to 27 years ago and I was writing about them 15 or more years after I retired. While there is still some relevance – for example, John Bolton features in two of the accounts – much has of course changed, including how we communicate. But there had always been change.

When I joined UNHCR there were no computers, no mobiles, an electric typewriter with a few lines of memory was cutting edge and carbon paper was everywhere, duplication was by stencil with hand rotary machines (the blue/green type of old cables) and Gestetner.

Communications with the field was by telex – when I first arrived in the field, we had to go to the main post office in Karachi to send and receive our traffic. Wang word-processing only came in in the early 80s. We were told it wouldn't have the capacity to do two columns for the first edition of the emergency handbook, and I remember going along to the

Wang offices on Rue de Lausanne with Sharon Roffey [a key early IT adopter in UNHCR] to solve the problem. Teletype over radio came in with the Codans in Sudan in 1984. My faxed reports from the field in the aftermath of the first Gulf war were typed on the now collector's item Sinclair Z88, with a six-line screen, and printed on a battery-powered Kodak Daiconix. The first email in the field was internal within the Zagreb office in June 1993.

Now there is a plethora of digital information. I'd argue that this makes it even more important to gather the documents and notes that would allow you to write up whatever you feel like recording, when you feel like it. You may think you'll never write these experiences up – I certainly didn't think I would – or you may already have done so. Either way, they'll be valuable for the archives and, at the least, fascinating for you to look back on. My wife kept scrapbooks documenting her relief missions and these are vivid and enthralling records: Biafra to Cyprus (which she only very reluctantly allowed me to quote in the second account) to Angola and Cox's Bazaar in 1979, today a sad *déjà vu*.

I much regret never properly recording some of the amazing individual stories I heard, often from national colleagues on long field trips. In 1992 an Afghan colleague held me spell-bound describing how he had travelled to Russia to find a lost brother and bring news of him back to his dying mother. I still remember an Albanian colleague driving me from Tirana to the Macedonian border in 1998 describing life under Enver Hoxha. Today, I could record them on a smart phone.

I hope it is not necessary to say that keeping these records is not just for senior colleagues (I was a junior staff member in the period covered by the first two accounts), nor limited to matters of great significance.

Finally, when I began preparing these accounts I never expected that they would finish up as they have done, and even in hard copy like this [some bound photo copies of what was online had been printed]. I am extremely grateful to Montserrat [Canela Garayoa, Chief of the Records and Archives Section] and her colleagues.