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HOW PUBLIC OPINION SHAPED REFUGEE POLICY IN KOSOVO

DAVID M. ROBINSON / CLASS OF 2000

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FACULTY SEMINAR LEADER: DR. RICHARD MELANSON

FACULTY ADVISOR: DR. MARVIN OTT

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Why did the United States offer permanent resettlement to Kosovar refugees during Operation Allied Force? Neither the United Nations High Commissioner for Refugees (UNHCR) nor the Government of Macedonia (GOM) requested U.S. resettlement assistance. Even the three federal agencies with principal responsibility for refugee admissions--State, Justice, and Health and Human Services--balked at the idea. Most importantly, the refugees themselves strongly resisted being moved from the close proximity to home of the camps in Macedonia to safer, more pleasant quarters elsewhere. Nevertheless, during a speech at Ellis Island on April 21, 1999, Vice President Gore announced that the United States would immediately begin processing for American residency up to 20,000 ethnic Albanians who had fled Serb persecution in Kosovo. His decision caught the bureaucracy off-guard. The U.S. Coordinator for Refugees, Assistant Secretary of State Julia Taft, learned of it only an hour before the speech was carried live on national news.[1] The next day, an interagency team, led by the State Department's Bureau of Population, Refugees and Migration and including representatives from the Immigration and Naturalization Service, the International Organization for Migration, and the International Rescue Committee, flew to Skopje. Its mission was twofold: first, to convince the UNHCR, the GOM, and the refugees that U.S. resettlement was a preferred option; and second, to build an in-country processing program from scratch. The team succeeded, but the question remains. Why did the White House insist on this particular course of action?

[1] Interview with Terry Rusch, Director, Office of Refugee Admissions, State Department

American statecraft is not the private preserve of diplomats and other government officials. Subject matter experts and issue advocates fill the ranks of non-governmental organizations and public interest groups. They fight hard for their concerns and often attract or exploit the attention of otherwise unaffiliated private citizens. The White House listens to all of these voices, including the media, and may adopt policies advanced by unofficial sources even at the expense of bruised egos within the federal ranks. Kosovo proves the point. The power of public sentiment, shaped and directed by skilled lobbyists, turned televised images of men, women and children fleeing Milosevic's terror into a foreign policy mandate. Bombing from 15,000 feet had not stopped ethnic cleansing and pictures reminiscent of the Nazi holocaust continued to flood living rooms and consciences. Whether or not Serb atrocities were worth ground troops, its victims at least deserved rescue. The Administration calculated that following the advice of its own experts--uniformly against resettlement--might cause further erosion of public support for its bombing campaign. Professional egos clearly mattered less than approval ratings.

Interestingly, the Congress kept uncharacteristically quiet on the issue of Kosovar refugees. Public sentiment aroused through media reporting had little practical impact on Capitol Hill. Some Congressional offices representing districts with heavy concentrations of ethnic Albanians--notably in New York, New Jersey and Michigan--received faxes demanding support for family members and kinsmen trapped in refugee camps or sheltered in abandoned buildings in Albania and Macedonia. These appeals, however, did not translate into coordinated congressional action. The House and Senate

judiciary committees with jurisdiction over refugee issues never asked the Administration to include Kosovars under the annual worldwide resettlement ceiling. Instead, individual Members inquired about action on behalf of specific persons or families as if they were merely asking for visa favors. In other words, the White House was under no particular pressure from the Congress to offer resettlement to Milosevic's victims.

While the Congress remained at best ambivalent about resettlement, the State Department and its executive branch partners in refugee admissions clearly opposed it. Under the Refugee Act of 1980, persons granted refugee status in the United States are entitled to permanent residence as well as a host of other benefits and privileges. Resettlement is a permanent solution. In fact, the United States, the UNHCR, and other "refugee friendly" countries like Canada and Australia consider resettlement as the last and least desirable alternative for persons fleeing persecution.[2i] Preferred options are eventual repatriation when conditions permit or local integration within the region of flight. Since the allies aimed to restore conditions favorable to a tolerant, multiethnic society in Kosovo, the refugees needed only temporary safe haven, not permanent resettlement. Furthermore, although the United States is by far the largest resettlement destination for refugees, hosting approximately 100,000 per year compared to about 7,000 for Canada and 5,000 for Australia, the Administration encourages burdensharing as one of its principal humanitarian goals.[3] The dozens of signatories to the 1951 United Nations convention on the treatment of refugees, including most European countries, are obligated to provide asylum to victims of persecution. Many in the State Department and

[2] Interview with Larry Yungk, Senior Resettlement Counselor, UNHCR
[3] Interview with Terry Rusch, Director, Refugee Admissions, State Department

INS viewed Kosovo as a test case. NATO countries engaged in hostilities against Serbia ought to provide sanctuary to fleeing civilians and premature offers of American assistance might pre-empt compliance with their treaty obligations.[4]

The UNHCR shared this view. As the only international organization with a mandate to protect refugees, the UNHCR generally considers resettlement a threat to the principle of first asylum. The most reliable way to protect refugees is to make sure they have someplace to run without the risk of being *refouled*, or pushed back into harm's way. Precipitous offers of third country resettlement may convince nations bordering conflict zones to close their frontiers or to accept refugees only conditionally. Indeed, when the flow of Kosovars turned from a trickle to a flood, the GOM threatened to seal its borders unless countries in the region agreed to open facilities in their own territory and to transfer residents out of camps in Macedonia. The UNHCR grudgingly cooperated with the relocation effort only after the GOM acted on its threat and temporarily closed its borders to new arrivals.

But despite mounting pressure, the GOM still rejected initial resettlement offers from the United States. At the outset of hostilities, Macedonia announced it could handle only 2,000 refugees.[5] By the time the American team arrived in Skopje, more than 200,000 Kosovars filled tent cities around the capital and in border areas. Conditions inside the camps were appalling, with inadequate sanitation, shelter and medical support. Making matters worse, the refugees themselves rejected efforts to transfer them to better facilities

[4] Interview with Kathleen Thompson, Director, Office of International Affairs, INS
[5] Interview with Paul Jones, Deputy Chief of Mission, U.S. Embassy, Skopje

in Turkey, Austria, Germany, Switzerland and other countries in the region. They apparently preferred proximity to home to the comforts of resettlement.[6] Still, the GOM claimed the presence of American, Canadian or Australian resettlement workers would make matters worse. Macedonian officials feared a magnet effect. They believed the availability of legal permanent residence in one of the "big three" would attract migrants from around the Balkans, including within Macedonia itself, claiming to be refugees in order to emigrate for economic reasons. *Bona fides* for refugees were difficult enough to ascertain. Establishing a transit mechanism to the world's most attractive emigration points would complicate the matter.[7]

The experts, then, advised the United States to refrain from offering resettlement to the Kosovars. The Congress, responsible agencies in the executive branch, the UNHCR, the GOM and even the refugees themselves all thought American resettlement intervention was a bad idea. Yet American public opinion disagreed and, fueled by emotional imagery rather than foreign policy rationality, found its way into the Oval Office. Non-governmental organizations (NGOs) provided the key.

NGOs committed to refugee assistance attract powerful patrons. Albert Einstein co-founded the International Rescue Committee (IRC). His name nestles comfortably with luminaries from the arts, sciences, politics, entertainment and academia found on the corporate boards of organizations that advocate on behalf of refugees around the world. Within this celestial community, ten agencies, including the IRC, form a single body

[6] Interview with Andrew Bruce, Chief of Mission, International Organization for Migration, Skopje
[7] Larry Yungk, UNHCR

called the Committee on Migration and Refugee Affairs (CMRA). The CMRA wields enormous influence over the Administration's refugee admissions policy. It lobbies the Hill effectively to increase the number of refugees admitted for permanent resettlement each year and at the same time provides overseas processing for admissions under contract to the State Department. In fact, the federal government provides about ninety percent of its collective budget. If there is a conflict of interest, it is never mentioned.

The National Security Council has an ambiguous relationship with the CMRA. On the one hand, it is a nuisance. The solution its members offer to every refugee crisis is simplistic and the same: increase the number of admissions to the United States without regard to budgets or competing foreign policy considerations.[8] On the other hand, it is politically well connected, includes major party donors at the local and national levels, and owns the moral high ground on an extremely emotional issue. The United States is, after all, a country of immigrants and refugees. Saying "no" to the CMRA is tantamount to defacing the Statue of Liberty.

When the Vice President made his announcement at Ellis Island, the Administration was at a crossroads. Its publicly stated rationale for the air war was transparently false. Bombs do not stop assassins and rapists. But public support for committing American airmen to combat rested on the refugee issue. The White House could not simply turn its back on the Kosovars while in their name it rained high explosives on Serbia. It desperately needed another gesture, even if only symbolic, to keep the humanitarian rationale for military action credible.

Conveniently, the CMRA was at a turning point of its own. The largest admissions programs contracted to its members were being either closed or downsized. The Orderly Departure Program for Vietnamese refugees had run its course after more than two decades and the State Department planned to terminate it at the end of the fiscal year. At the same time, in-country processing of Jews and evangelical Christians from the former Soviet Union was shrinking rapidly. In other words, a major portion of the CMRA membership's budget was in peril.

Under those circumstances, the NSC and the CMRA were the solutions to each other's problems. The NSC needed justification to overrule the advice of its own experts within the Administration and to recommend forceful, highly visible action on behalf of the refugees. The CMRA needed the NSC to mandate new contracts for refugee processing and an overall increase in the number of refugees admitted to the United States to compensate for lost business. (In fact, the CMRA tried to steer processing contracts to two of its members who had no experience in the region but were financially most vulnerable).[9] The decision to initiate resettlement processing was almost automatic. Interestingly, the only congressional reaction came from Senator Robert Torricelli. Many of the Kosovar refugees would resettle in New Jersey or at least be housed temporarily at Fort Dix pending onward travel within the country. The Senator was concerned about the financial impact on local communities resulting from health care, financial aid and other

[8] Terry Rusch, State Department
[9] The author attended the initial meeting between PRM and the CMRA at which Kosovar processing was discussed.

assistance to which the refugees were entitled. After being reassured that HHS would pay the bill, he returned to the same level of disinterest exhibited by his colleagues.[10]

Ironically, by the time the United States started admitting Kosovar refugees, the crisis in Macedonia was abating. Thousands of refugees accepted offers of temporary asylum from other countries in return for guarantees of help in going back to Kosovo as soon as possible. In addition, the GOM built new camps for additional arrivals, in part as *quid pro quo* for future development aid. Nevertheless, the symbolism was powerful. National television networks carried live the arrival of the first planeload of Kosovars at McGuire Air Force Base. News crews competed to win seats on subsequent flights to conduct heart-wrenching profiles of families split apart by Milosevic and reunited by America. In fact, the first child born to refugee parents at Fort Dix was named "American." The symbolism was so potent it obscured what should have been an equally strong signal that the airlift was not only unnecessary but also counterproductive. By the end of June, as the last flights of refugees were arriving via chartered flights at New York's JFK airport, the same planes were returning to Macedonia loaded with earlier arrivals now going home to Kosovo.

The Kosovar resettlement program was a winning domestic public relations campaign. Humanitarian assistance supported broader, more complicated strategic interests that garnered only ambivalent interest from a skeptical electorate. It was not cost free, however, in terms of foreign policy leadership. By inserting itself into a relief effort where it was not wanted, the United States undermined its longer-term interest in sharing

[10] The author attended the briefing with Sen. Torricelli

the burden of humanitarian response. As new refugee crises emerge in Sierra Leone, Afghanistan, Colombia and elsewhere, American leadership will be suspect. Allies who already believe their interests are best served by closing their borders--like Germany and Turkey--will be only too happy to defer all action to the ever-eager Americans. In the long run, refugees and a more humane world order will be better served by a cooperative international coalition than by a photo-op domestic agenda.

SOURCES

Interviews conducted with the following people:

Mr. Andrew Bruce, Chief of Mission, International Organization for Migration

Mr. Paul Jones, Deputy Chief of Mission, U.S. Embassy, Skopje

Ms. Terry Rusch, Director, Office of Refugee Admissions, Department of State

Ms. Kathleen Thompson, Director, Office of International Affairs, INS

Mr. Larry Yungk, Senior Resettlement Counselor, United Nations High Commissioner for Refugees

NSC staff in office of Humanitarian Affairs (not cited per request)

In addition, the author was the Deputy Director of Refugee Admissions, Department of State, at the time of Operation Allied Force and coordinated the Kosovar resettlement program.