The European Union’s Council of Ministers for Justice and Home Affairs met on 20 September 2001, as part of its initial institutional reaction to 9/11 and its potential aftermath, including American intervention. The Council requested the European Commission to ‘examine the scope for provisional application of the Council Directive on temporary protection in case special protection arrangements are required within the European Union.’ The Temporary Protection directive was then the only Commission proposal on asylum policy that had been accepted by the Council since the entry into force of the Amsterdam Treaty. Temporary Protection, as a means of dealing with the status and reception conditions for refugees fleeing a conflict or unrest, would be triggered if there were a significant influx into the EU. However, there was little chance of an influx, unless huge numbers of people found the ways and means to employ smugglers and leave the camps of Pakistan and Iran. While it was feared that 7 million Afghans risked starvation, the 13 million people still in the country stood little chance of leaving it, however afraid they were. As such, the statement that the EU was ready to receive Afghans was a symbolic foreign policy statement that, due to realities on the ground, could not clash with the internal policies of generally rejecting Afghan claims, or with domestic security fears attached to the arrival of new Afghan refugees who might include people who could be excluded from refugee protection on the grounds of involvement with terrorist organizations.

Part of the reason why the EU leaders could safely make statements about receiving Afghanistan’s refugees without actually contemplating the reality (as had been the case for Kosovo’s refugees in 1999) was that the public imagination had not been fired to think about these refugees as people in need of more than tents, blankets and food parcels. Where public offerings of shelter (in their own homes), toys, clothes and bicycles, and outcries in the direction of governments, who were slow to pick up the public opinion trend and embrace the evacuation of refugees, became the mode in 1999 with regard to Kosovars, the Afghan refugees inspired no such sentiments. A major reason for this was the lack of media access to Afghanistan, and thus to refugees or displaced persons in flight. Journalists were largely prevented from moving independently around the country, and concerns for their safety in doing so would be genuine amid bombardments and conflict. A further reason was the depiction of Afghans, over the last decade and more, as
among the scroungers and bogus asylum seekers. Their land had been torn apart, left wasted by regime after regime since the 1970s, yet those who fled repression and the Taliban regime were rarely granted refugee (Convention) protection, and even less often granted true peace, safety and non-discrimination. The editor of UNHCR’s magazine, *Refugees*, wondered if:

> Perhaps publics at large, focused for a moment on the crisis, will look behind the scare headlines and discover who refugees are – people just like you and me – and perhaps this time around the industrialized world will not walk away from Afghanistan in its greatest hour of need.⁴

This chapter addresses three issues: the images of the refugees, and the impact of these images on overall perceptions; the significance of longstanding perceptions; and the dilemma faced by authorities, which have international obligations to refugee protection and claims to security that they cannot ignore.

IMAGES

That the general public did not become attached to the refugees from Afghanistan can largely be put down to two phenomena in connection with the pictorial portrayal of the refugees and of Afghanistan: there was an absence of new images, and the presence of other images distracted, to an extent, from any focus on people. The citation above from UNHCR’s *Refugees* did not become reality because new, strong images were not forthcoming meaning that the Afghan refugees from the end of 2001 did not become ‘people just like us.’

No new pictures

Ironically, the most famous picture of a refugee in the world is a picture of a 12-year-old Afghan girl, taken in a refugee camp on the border between Afghanistan and Pakistan. It was taken in 1983, and became a global icon on its publication in 1985. It is a photograph taken by Steve McCurry, and it was the cover of *National Geographic*’s June 1985 issue. Everyone knows the image: haunting green eyes, as *National Geographic* describes them: ‘piercing green eyes, shocked with hints of blue and fear, [which] gave away her story. Soviet helicopters destroyed her village and family, forcing her to make a two-week trek out of the perilous mountains of Afghanistan.’⁵ Everyone wanted to know who the girl was. In January 2002 she was found: she had returned to Afghanistan. In April 2002, Sharbat Gula was again on the cover of *National Geographic* – and a new powerful image was found – but one which depended totally on the old image.⁶ Sharbat Gula herself had never seen the photograph, and never been captured on film except on that one occasion, until the same photographer tracked her down.

The original photograph of Sharbat Gula is one of the most famous pictures in the world, arguably a picture that could never be matched. The new photographs
of her aged by time and by the hardships of refugee camps and war, are not a let
down. However, they do not have the same power – and given that she was
already famous, if unknown, the world over, they hardly have the ability to make
this representation of a refugee one with which the average persons finds
empathy. In a sense, the fame of Sharbat’s original portrait may be one of the
reasons why no new images could emerge of refugees from Afghanistan, which
could cause the hearts of Western publics to realize that these people feared the
same people (the Taliban and al-Qaeda) that we fear. But they were in much
closer proximity, so they ran away, seeking safety – a safety that it was nearly
impossible for them to find.

In fact, unknown to many people, an image of an Afghan refugee won the
World Press Photo 2001 prize in January 2002. That picture, taken by Danish
photographer Erik Refner, shows the body of an infant boy being prepared for
burial in a refugee camp in Pakistan. The picture was taken in June 2001, months
before the US bombing began. While the picture may have technical qualities that
impressed the judges, and cause an emotional reaction, it is not an image on
which any campaign to increase acceptance of refugee arrivals from Afghanistan
could be based.

Competing attention grabbers

Not only were there no new pictures of refugees, there were also at least two
images with which it was hard to compete for attention in the flight from Afghan-
istan. In March 2001, the Taliban demolished two 1,500-year-old Buddha statues
in Bamiyan. The threat to destroy the statues was met with international outcry.
Some refugee advocacy groups highlighted the greater attention given to these
objects of art and religious heritage compared with the limited positive attention
for Afghanistan’s refugees, displaced persons and suffering population, while
using the renewed attention for Afghanistan to bring the refugees’ plight to a
wider audience. At the end of 2001, the funds set up to restore the statues had
donations far exceeding their target: the humanitarian funds to finance relief,
assistance and reconstruction, were much bigger in terms of the amount sought,
but had come nowhere near meeting their targets.

Also in the autumn of 2001, creatures in Kabul’s zoo received enormous public
attention. The focal point was Marjan, a one-eyed, 40-year-old lion, who had
survived all the decades of fighting. On 26 January 2002, Marjan was found dead
in his cage – only after an American vet had been flown in to tend to his needs. As
the Observer noted: ‘Cynics said the old cat generated far more attention than most
of Afghanistan’s needy human population. One British tabloid led a fund-raising
campaign for him that netted £160,000.’

Efforts to generate support for the displaced population of Afghanistan gener-
ally seemed to receive limited attention – perhaps again due to a lack of images.
In a news conference on 11 October 2001, President George W. Bush announced
the establishment of America’s Fund for Afghan Children. It was presented as a
fund to which American children would contribute in order to improve the lives
of their Afghan counterparts. By March 2002, the Fund had received 390,614 letters containing donations of $4,289,455.11, and when other donations were added the total came to $4,648,516.63. That is not insignificant, but does translate to less than a dollar per child in the USA – and to less than a dollar per child among the potential Afghan recipients. Administered by the Red Cross of America, the Fund called for letters to be sent to the White House – an announcement derided at a time when letters containing anthrax had been delivered in the Capitol area, causing the closure of Senate offices.

**WHY IMAGES ARE NECESSARY FOR THE CREATION OF A ‘PERCEPTION’**

With funds for statues and animals grabbing the attention, the refugees stood little chance. A British television station provides the most telling proof of this suggestion: the Disasters Emergency Committee, an umbrella group of British aid agencies, hoped to announce an appeal at the end of September 2001. However, ITV, the main commercial station in the UK said that people would not respond, as disaster had not happened in Afghanistan yet, and people respond only after events, not in anticipation. What is more ‘People need to see evidence of something happening’ a source was cited as saying. There simply were not enough powerful images: one director of the emergency committee pointed out that the problem was that people were dying quietly, and not photogenically in front of cameras.

Without images of the refugees, living or dying, people in developed states could not form a perception of the crisis faced by these Afghans. The pictures of the World Trade Center towers collapsing, and moving stories of survivors, family and friends from New York, the Washington area and elsewhere made for powerful television, as did images of armed service personnel, leaving behind families and heading to what was projected to be the USA’s most dangerous war since Vietnam. The focus on the whereabouts of Osama bin Laden and Mullah Omar also made compelling and competing television and print stories. Together with the image-detractors described above, these factors meant that the general public was not becoming familiar with the refugees. Also most displaced people remained within Afghanistan’s borders – inside which the international media were not easily permitted, as their security could not be guaranteed, and their presence could endanger the security of the complex military operation taking place. No individuals escaping Afghanistan now were being highlighted by the international media, and so the public perception of Afghan refugees was of a mass of *burkha* clad figures and dusty desert fighters to whom they found it difficult to relate.
EXISTING PERCEPTIONS

As all flights to and within the USA were grounded after 9/11, some of the people most traumatically affected by the inability to travel there were those who had been accepted, after strenuous scrutiny, for resettlement. They included Afghan families who had been waiting for years in Pakistan, India and other states, hoping for an opportunity to seek genuine safety and a better life. Only ten states in the world run active resettlement programs, and some six more states are starting them up. Resettlement involves the selection of refugees, in their country of origin or, more usually, in a country of first asylum, for relocation and a restriction-free future in a state which guarantees their residence and protection. Those resettled are refugees on arrival, not asylum seekers. The status of refugee has been granted after processing outside of the state of resettlement, either processing by its national authorities, or selection and recommendation by UNHCR. Having been selected as a refugee, but then being stranded in states of first asylum, some people were inevitably exposed to new dangers and renewed severe treatment by people who knew they had been ready to escape. The USA closed its resettlement program for much longer than the three days for which its airspace remained closed. Administrative delays due largely to the timing of events were one source of postponement and temporary closure. The program is renewed annually, in September. In 2001 it took until mid-November for the process of letters and signings between Congress, the White House and the State Department (which runs the program) to be finalized. Beyond that, the program saw fewer arrivals than planned during its first months of operation, largely due to security fears. Whereas some 20,000 might have been expected to arrive between September and December, only 2,000 did. While the security fears were originally thought to be centered mainly on the applicants, in fact the security of Immigration and Naturalization Service staff who had to process the refugee applicants in their countries of first asylum was as much of an issue.

Another state that has traditionally practiced resettlement on a large scale is Australia. Whereas the US program has operated at a level of 70,000–90,000 people per year for the last few years, the Australian program has involved some 12,000 places. In 2000–1 the number of places had not changed, but political decisions had been made to use a high proportion of those places not for offshore processing and resettlement, but for the onshore processing of spontaneously arriving asylum seekers. This was partly a response of the conservative Howard government to the increasing arrivals of people being smuggled by sea, often via Indonesia. In late August 2001 the MV Tampa incident had taken place: some 428 asylum seekers, for the most part Afghans, had been rescued at sea by the Norwegian vessel The Tampa. The captain, close to Australian waters at the time, requested permission to land his unexpected passengers on Christmas Island. This was refused. After furious debate between Australia, Norway and UNHCR, the tiny Pacific island of Nauru offered to allow the asylum seekers to land and be processed. Those who were acknowledged to be genuine refugees would be resettled. Australian Minister for Immigration, Philip Ruddock, described the
asylum seekers on board *The Tampa* as terrorists and hijackers: an unfortunate analogy in the eyes of many as the events of 9/11 unfolded. In fact, this perception of asylum seekers as terrorists and hijackers was sustained by Ruddock, Howard and their party, and is credited by many as fuelling their re-election success. In discussing the arrival of boats carrying asylum seekers in Australian waters and the links to terrorism, Peter Reith, Australia’s Defense Minister, told one radio interviewer ‘You’ve got to be able to control that (the right to refuse entry to boat people), otherwise it can be a pipeline for terrorists to come in and use your country as a staging post for terrorist activities.’\(^{11}\) In contrast, New Zealand’s Deputy Prime Minister replied to a parliamentary question: ‘It is reprehensible to link the terrorist attacks in the US to refugees in New Zealand, let alone the Muslim community.’\(^{12}\)

Refugees have suffered as victims of the aftermath of the terrorist attack through the reductions made to the US resettlement program. However, it was feared that the impact on asylum seekers and refugees generally could be greater. Refugee protection advocates in the USA and elsewhere held their breath in the days following September 11, fearing it would be discovered (as claimed originally) that some of the hijackers had claimed asylum either in the USA or Canada. Some of the 1993 World Trade Center bombers had used the asylum channel to remain in the USA: this had adversely affected US regulations on asylum seeking, particularly through the 1996 legal changes, which had instituted more detention of asylum seekers. In fact, none of the nineteen hijackers who orchestrated the attacks on September 11, or their suspected accomplices, appears to have applied for asylum in European countries, the USA or Canada. The more immediate legislative changes in the USA are therefore being made on the obtaining of a visa, and student entry – responding directly to the immigration categories used by the terrorists.

For years European governments had branded Afghan asylum seekers as among those who made invalid claims for refugee status. Of the 150,000 Afghans who sought asylum in Europe in the 1990s, only 36,000 were recognized as refugees. Denials were based on an understanding that Afghans were not fleeing individual persecution as defined in the 1951 Convention. The hijacking analogy was, however, sustained during the trial of nine Afghans who had hijacked a plane and landed at London’s Stansted airport in February 2000. Many of the hijackers and passengers sought asylum and it was believed that the plane had been specifically hijacked for that purpose. The nine were found guilty of hijacking in the UK in December 2001, but their conviction was overturned on appeal in May 2003. Fundamental in the latter judgment was the moment at which the hijackers sense of persecution ended. The basis of their claim was that persecution and the need for protection drove them to an illegal hijacking: they committed the crime, in other words, because they really needed asylum.

The existing perception of Afghan asylum seekers in most developed countries was thus negative. Without information to counter this view, or images to change the perception with the new crisis in that country, Afghanistan’s refugees had little opportunity to make an impact on populations in the West, or to encourage those populations to inspire their governments to act on the refugees’ behalf.
WHERE ARE THE REFUGEES?

Pakistan originally closed its border with Afghanistan in November 2000, as it already sheltered more than 2 million Afghan refugees. Although UNHCR and others had frequently requested that the borders be reopened, this had officially not been done. In the days immediately following 9/11, the US government specifically requested that Pakistan keep the borders closed as a security measure.\textsuperscript{13} Not letting anyone out meant not letting bin Laden and al-Qaeda members out, as well as not letting refugees across. This stance may have made some sort of military and security sense, but it made little sense in human rights terms: refusing Afghans right to seek asylum in countries other than their own, and entailing \textit{refoulement}. \textit{Refoulement} is the act of returning a person who has applied for refugee status to the country in which he or she has reason to fear for safety, and the principle of \textit{non-refoulement} is set out in Article 33 of the 1951 Refugee Convention. In any case, the terrorists had means, sophisticated, secret or otherwise, to cross the borders and regroup, without joining refugee convoys in trying to enter Pakistan in full view of the authorities.\textsuperscript{14}

In the weeks prior to US military action in Afghanistan, UNHCR made plans to open camps to house up to 300,000 anticipated refugee arrivals in Pakistan. The UN agency became embroiled in difficult negotiations about the placement of camps, as the Pakistani authorities, not keen on new refugee arrivals, offered places with a range of dissatisfactory circumstances, including proximity to the Afghan border; the unsuitable nature of the ground composition; the absence of fresh water supplies and the location in largely anti-US areas of the country. The actual number of people crossing the border, even in the earliest weeks of bombardments by US forces, was much lower than expected. ‘Only’ 1,500–2,000 refugees were crossing the border into Pakistan daily according to NGO reports.\textsuperscript{15} Many of these people were slipping across remote, unmanned border crossings, as the official border posts had publicly been re-declared closed by the Pakistani authorities.\textsuperscript{16} While the Pakistani authorities were initially changing policies on border openings frequently,\textsuperscript{17} the borders later remained officially closed, and refugees were resorting to the use of smugglers to reach relative safety in Pakistan. Many reports indicated US $50 was paid to smugglers—a significant amount of money to Afghans who had lost everything. Iran likewise limited inward border crossings and even deported some 2,000 people back of Afghanistan during the last months of 2001. While two or three thousand people crossed Pakistan’s border checkpoints each day in the first week of the US bombing campaign over Afghanistan, some 50,000 people were reported to be gathering on the Afghan side in the eastern province of Paktia. But Pakistan held fast: General Pervez Musharraf, the military ruler of Pakistan, said ‘We can only accept the bare minimum. We cannot open our borders to anyone who comes across.’\textsuperscript{18} As Pakistan variously closed its borders and opened them intermittently to a few so-called vulnerable cases, and at the very least limited crossings by would-be refugees, the USA and its Western allies said little or nothing. There were no protests that refugees should not be kept backed up on the Afghan side of the border.
This contrasted sharply with the situation when Macedonia had closed its border crossing in early April 1999, leaving some 10,000 people stranded on the Kosovar and Serbian side of the frontier. Western governments rushed to protest, and to set up escape routes for the refugees and for Macedonia. As images of Kosovar Albanians, trapped in no-man’s-land, milling around railway tracks, and being sent walking back, away from safety along those tracks, were beamed around the world, governments leapt into action to use their diplomacy and the strategic offering of evacuation places to restore calm to Macedonia’s political landscape. This was important also from the point of view of the NATO alliance. NATO had been present in Macedonia throughout the previous decade: at a time when its bases there were a focal point of preparation for peacekeeping missions in Kosovo, and when Macedonia’s support for the alliance was most needed, the NATO states could not let support drift by not stepping in to protect the refugees who fled into Macedonia.

In the case of Pakistan there were intriguing differences and similarities in the situation. There were few pictures beamed around the world of Afghans waiting, still in Afghanistan, to cross the border: and those pictures that there were did not make the refugees ‘look just like us,’ in the way the Kosovar Albanians had. Missing from the equation was an outpouring of public sympathy for the refugees in Afghanistan. Furthermore, those governments that had refugee resettlement programs had been closing them down or restricting them, so the atmosphere was not conducive to the provision of escape routes out of Pakistan and Iran, and via them out of Afghanistan.

By 6 November, 135,000 displaced persons had crossed the frontiers and registered with authorities, still not even half of UNHCR’s contingency planning number. However, many tens of thousands more had been displaced within Afghanistan, leaving the local workers of international agencies scrambling to use supplies which were already present (and on occasion were being destroyed by US bombs). Furthermore, those people who were crossing the borders – while Pakistani guards’ guns shot wildly into the air above them – were predominantly men fleeing conscription into the Taliban, it was suggested. Many of these were deported straight back to Afghanistan: and when it comes to public images, these men did not have the photogenic qualities required to instill sympathy.

The images were lacking, and thus domestic concerns to push for refugee protection assistance for Pakistan was absent. UNHCR was seemingly prepared and in place, if not fully operational, yet the refugees were not arriving. And whereas Macedonia had been urged to open its border during the Kosovo conflict and stop the human suffering, Pakistan was permitted to keep its border closed. There was diplomatic silence on the closure of the border and probably private relief for politicians that the border closure seemed firmly in place as far as their own publics were concerned, as popular fear of terrorists outweighed popular sympathy for refugees.

An unnamed UNHCR worker was cited in a Dutch newspaper as saying: ‘Why are all these politicians visiting Pakistan now? It doesn’t help anything. We are still the only ones who are screaming that the border between Afghanistan and
Pakistan must be opened, and opened now." President Musharraf claimed to fear the arrival of two million new refugees, and to prefer to see new camps set up within Afghanistan. While leaders such as Dutch Prime Minister Wim Kok, visiting the region, could claim openly that the refugees would cross the border regardless of its closure if they really needed to, the reality was that few people were crossing because they feared the consequences. These included the actual reception on the border (with Pakistani guards shooting in the air and the orders to turn around), and the prospect of days, months or years in camps, which some had indeed left in order to return to Afghanistan during previous years of the decades’ long wars in the country.

CONCLUSION: WHO RISKS WHAT WHEN THE IMAGES ARE ABSENT?

In 1999, NATO allies risked losing the support of Macedonia for their military intervention when that country felt overwhelmed by the sheer number of refugee arrivals. The Macedonian authorities and public saw NATO countries attempting to shirk responsibility for the refugees. For Pakistan, the loss of a strategic military ally was a risk the USA and UK, along with other Western allies, could not afford to take. If the situation had deteriorated so that Pakistan actually had to ask for help, the allies might have had to oblige. Yet the Pakistani government seemed to see asking for help as a potential embarrassment which might ultimately create instability domestically and internationally. The regime in Islamabad was caught in a dilemma: it could not, on the one hand, take care of a massive refugee flow, or bear the unrest a massive influx might set off which would be added to the disquiet surrounding its alliance with the USA against terror. On the other hand, it did not want to be blamed for a humanitarian disaster: and so the solution it found was to release the tension on the border only minimally, and only when it had to, by opening the border to let a few people through at moments of impending crisis, but never advertising the fact, which would only have had a magnet effect. It was also not in the Pakistani government’s interest vis-à-vis its own population to advertise how many people UNHCR could not count because they had disappeared into existing camps or to live with relatives elsewhere in the country. That would again risk social unrest, and add a new dimension of potential strain to the developing alliance with the USA.

The USA and other Western states clearly had strategic, security and political reasons for keeping the focus on the victims in the USA, and on the potential for further terrorist strikes, and away from the victims of decades of conflict in Afghanistan, and particularly from the new victims. Whether the absence of images was mere chance or not, it was to an extent fortuitous. With a governmental focus on assistance through the dropping by air of a few thousand food packages each night, which would help some people a little, there was also potentially a desire not to expose humanitarian holes in the overall policy with regard to Afghanistan and neighboring states.
Ultimately, one could perhaps say ‘as usual,’ those who risked the most from this lack of images were the refugees. Clearly, a rapid conflict, which might truly end the decades of war and bring reconstruction and development to the country, was the greatest goal for the refugees: but even if displaced for only a few days, people need assistance and protection in order to survive and to be productive in the long term. As they were turned away at the border, and forced into Internally Displaced Persons camps where they remained vulnerable to persecution by the Taliban, in Spin Baldak, for example, the refugees were denied the right to seek and enjoy asylum in other countries; they were victims of refoulement which the 1951 Convention specifically prohibits; and they were victimized repeatedly. Ultimately, the refugees risked their lives as a result of the lack of knowledge about their situation which ‘just like us’ images could have brought. As a result, the international community once again risked its entire refugee protection regime, established in the aftermath of the Second World War to insure that no individuals are lost in battles that disrupt and challenge the state system.

NOTES

1 Conclusions adopted by the Council (Justice and Home Affairs), Brussels, 20 Sept. 2001, SN 3926/6/01 REV 6, para. 30.
2 Exclusion would be possible if the 1951 Convention’s article 1F were to be appropriately applied, meaning that anyone who had committed a crime against humanity, or an act contrary to the principles of the United Nations, can be excluded from the provisions of the Convention which define a refugee and outline the basic rights attached to that status.
6 ‘Found: After 17 Years an Afghan Refugee’s Story’, National Geographic, April 2002, which was that issue’s cover and top story.
8 Paul Harris, ‘Marjan, the Lion of Kabul, Roars his Last’, The Observer, 27 Jan. 2002, http://www.observer.co.uk/international/story/0,6903,640091,00.html
9 http://kidsfund.redcross.org/about.html
12 Ibid.
16 Ibid.
21 Frank Poorthuis, ‘Wel even slikken, de mensen willen de grens over’ (‘Hard to swallow, the people want to cross the border’), De Volkskrant, 29 Oct. 2001 (author’s translation).
22 Ibid.