Collateral Damage

Sarah Kenyon Lischer

Humanitarian Assistance as a Cause of Conflict

During the 1994–96 refugee crisis in the Democratic Republic of Congo (then Zaire), Hutu perpetrators of the Rwandan genocide established military training bases adjacent to the Rwandan Hutu refugee camps. The militants stockpiled weapons, recruited and trained refugee fighters, and launched cross-border attacks against the new Tutsi-led regime in Rwanda. The militant leaders gloated about their manipulation of the Hutu refugees and their plan to complete the genocide of the Tutsi. From the camps, the genocidal Hutu leader Jean Bosco Barayagwiza boasted that "even if [the Tutsi-led Rwandan Patriotic Front] have won a military victory they will not have the power. We have the population."[1] In late 1996, the growing strength of the militant groups provoked a Rwandan invasion of Zaire and attacks against the refugees. Until the invasion disrupted their operations, international humanitarian organizations regularly delivered food and supplies to the refugee camps and military bases. The chief executive of the American charity CARE, Charles Tapp, admitted at the time, "We are going to be feeding people who have been perpetrating genocide."[2]

Since the refugee crisis, eastern Congo has become the epicenter of a regional war in which more than a dozen states and rebel groups have fought each other and plundered the region's resources. An estimated 3.3 million people have died as a result of the war, mostly from preventable diseases and malnutrition.[3]

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1. African Rights, *Rwanda: Death, Despair, and Defiance*, rev. ed. (London: African Rights, 1995), p. 1094.
2. Quoted in ibid., p. 1091.
3. Mahmoud Kassem, "Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo" (New York: United Nations Security Council, October 16, 2002); and International Rescue Committee, "Mortality in the Democratic Republic of Congo: Results of a Nationwide Survey" (New York: IRC, April 2003).

The conflict in Rwanda, and the resulting regionwide destabilization, traces its roots to ethnic polarization between Hutu and Tutsi that occurred at the end of the colonial period in 1959, which spurred thousands of Tutsi to flee the country. Over the decades, hundreds of thousands of Tutsi established themselves in neighboring Uganda and formed their own political entity, the Rwandan Patriotic Front. The army of the RPF invaded Rwanda on October 1, 1990, in an attempt to topple the Hutu-dominated government of President Juvénal Habyarimana. Neither side was able to win a military victory, however. Negotiations to end the stalemated civil war resulted in the Arusha accords, a power-sharing agreement between the Habyarimana government and the RPF signed in 1993. Despite the presence of a United Nations peacekeeping contingent, Hutu hard-liners prepared for genocide, which began with the mysterious downing of President Habyarimana's plane. Experts generally agree that between 500,000 and 800,000 Tutsi and some moderate Hutu perished at the hands of the killers, often referred to as *génocidaires*.[4] The genocide ended when the RPF defeated the Rwandan government forces and took control of the capital, Kigali, on July 4, 1994. By that time, nearly 2 million Hutu refugees had fled at the instigation of an estimated 20,000 Hutu soldiers and 50,000 militia members, who joined the refugees in exile.

A major catalyst for the regional insecurity in Central Africa was this internationally supported refugee population, which included tens of thousands of unrepentant genocide perpetrators. Between 1994 and 1996, international donors spent $1.3 billion to sustain this population.[5] These same donors refused to fund efforts to disarm the militants, much less send peacekeeping troops to do so.

Following the massive misuse of humanitarian aid in the Rwandan refugee camps, a cottage industry of critics has exposed the sometimes perverse effects of humanitarian aid and discovered that humanitarian organizations are often motivated by the same nonaltruistic incentives that affect other organizations.[6]

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4. On the Rwandan genocide, see Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1995); African Rights, *Rwanda: Death, Despair, and Defiance;* Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families* (New York: Farrar, Straus and Giroux, 1998); Mahmood Mamdani, *When Victims Become Killers* (Princeton, N.J.: Princeton University Press, 2001); Alan J. Kuperman, *The Limits of Humanitarian Intervention: Genocide in Rwanda* (Washington, D.C.: Brookings, May 2001); and Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999).
5. David Rieff, *A Bed for the Night: Humanitarianism in Crisis* (New York: Simon and Schuster, 2002), p. 187.
6. See Fiona Terry, *Condemned to Repeat? The Paradox of Humanitarian Action* (Ithaca, N.Y.: Cornell University Press, 2002); Alexander Cooley and James Ron, "The NGO Scramble: Organizational Insecurity and the Political Economy of Transnational Action," *International Security,* Vol. 27, No. 1

Despite the barrage of attention, it remains unclear how and why humanitarian relief exacerbates conflict. The chroniclers of international humanitarian aid's unintended consequences often suggest that the entire system is malignant. On the other side, defenders of the relief regime absolve humanitarian organizations of all wrongdoing, arguing that other parties—including perpetrators of violence, their allies, and powerful donor states—are far more culpable for the spread of conflict in a refugee crisis.[7]

This article uses deductive reasoning and extended examples to explain the conditions under which humanitarian assistance to refugees can exacerbate conflict. It argues that two often-ignored aspects of the political context are essential for explaining conflict. The first aspect is the level of politicization, or political cohesion, of the refugee group at the outset of the crisis. A highly politicized group is more likely to view humanitarian aid as a resource with which to further its political and military goals vis-à-vis the sending state. It is possible to gauge a group's likely initial level of political cohesion from the circumstances surrounding the refugees' flight.

The second significant aspect of the political context is the state response to the crisis. Specifically, the misuse of aid is likely when the receiving state is unwilling or unable to impose political order and demilitarize the refugees. Demilitarization may entail the use of police or the army from the receiving state, external intervenors, or a multilateral peace enforcement unit. In the absence of state-imposed security, it is more likely that militants will use humanitarian assistance as a tool of war. A hostile or incapable receiving state erodes the potential for nonpolitical humanitarian action.

Notwithstanding the possible political and military effects of refugee relief, humanitarian organizations usually characterize their activities as impartial and neutral. Impartiality is understood as the consideration of need as the only criterion in aid distribution. Neutrality means that organizations do not take sides in the conflict. The emphasis on impartial and neutral intentions can lead to a "type of groupthink . . . where the group perceives itself as having a

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(Summer 2002), pp. 5–39; Alex de Waal, *Famine Crimes: Politics and the Disaster Relief Industry* (Bloomington: Indiana University Press, 1998); Mary B. Anderson, *Do No Harm: How Aid Can Support Peace—or War* (Boulder, Colo.: Lynne Rienner, 1999); Neil S. MacFarlane, *Humanitarian Action: The Conflict Connection,* Occasional Paper No. 43 (Providence: Thomas J. Watson Jr. Institute for International Studies, Brown University, 2001); and Tony Vaux, *The Selfish Altruist: Relief Work in Famine and War* (London: Earthscan, 2001).

7. Refugee studies scholar Otto Hieronymi suggests using a hierarchy of responsibility to understand the role of humanitarian organizations in fueling conflict. He places humanitarian organizations at the bottom of the hierarchy, after perpetrators, their supporters, and the international community. Personal communication, March 27, 2002.

particular inherent morality. This prevents the group from considering the consequences of its actions."[8] In reality, the humanitarian assistance may be delivered with impartial and neutral intent, but the effects of the humanitarian actions always have political, and sometimes even military, repercussions.

The political context explanation leads to policy recommendations to reduce or prevent the use of humanitarian aid as a tool of war. Faced with a situation in which refugees have strong political cohesion and states demonstrate little willingness or capability to enforce security, humanitarian organizations that want to decrease the misuse of refugee relief have two policy options. These options, which can be combined or used separately, are to improve the security situation and reduce the availability of humanitarian assistance. Options for improving security include hiring private guards and training local police forces. In extreme situations, aid organizations may consider closing refugee camps or completely withdraw from the relief effort.

The next section of the article details the ways in which humanitarian assistance to refugees can exacerbate conflict. The second and third sections explain the political conditions that increase the likelihood that aid contributes to war. I create three categories of refugee groups that describe the groups' initial levels of political cohesion. I then analyze how state responses to a refugee crisis can facilitate the misuse of humanitarian assistance. The fourth section suggests how aid organizations can leverage their resources to improve security during refugee crises. The article concludes with a discussion of the practical and ethical challenges involved in the humanitarian provision of security and the withdrawal of assistance.

How Refugee Relief Exacerbates Conflict

There are four main mechanisms through which humanitarian aid in refugee crises can exacerbate conflict. Refugee relief can feed militants; sustain and protect the militants' supporters; contribute to the war economy; and provide legitimacy to combatants. The conditions under which these mechanisms function include a high level of political cohesion among the refugees and low state capability or willingness to provide security. After describing these four mechanisms, I explain the relevant political conditions.

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8. Kurt Mills, "Neo-Humanitarianism: The Role of International Humanitarian Organizations in the Emerging Global Order," paper presented at the annual meeting of the International Studies Association, New Orleans, Louisiana, March 24–27, 2002, p. 16.

FEEDING MILITANTS

At the most basic level, direct assistance to militants, both inadvertent and intentional, relieves them of having to find food themselves. Inadvertent distribution occurs when militants hide among the refugees. For example, at the beginning of the Rwanda crisis in 1994, many aid workers were unaware of the genocide that preceded it. Hutu militants implemented a successful propaganda effort that painted the Hutu as victims and ignored the genocide. David Rieff quotes an American engineer who arrived in Goma, Zaire, technically prepared but politically ignorant: "I went to Goma and worked there for three solid months. But it was only later, when I finally went to Rwanda on a break, that I found out about the genocide, and realized, 'Hey, I've been busting my butt for a bunch of ax murderers!'"[9]

In some cases, nongovernmental organizations (NGOs) have intentionally provided food directly to militants. In the Zaire camps, some NGOs rationalized that if the Hutu militants did not receive aid, they would steal it from the refugees. Another rationale was strict adherence to the humanitarian imperative of impartiality without any determination of whether the recipients included hungry warriors. Fabrizio Hochchild, a United Nations High Commissioner for Refugees official, summed up this logic in his defense of UNHCR action during the Rwanda crisis: "Even the guilty need to be fed."[10]

SUSTAINING AND PROTECTING THE MILITANTS' SUPPORTERS

Even if assistance does not directly help to sustain the militants, it can support their war aims by succoring their families and civilian supporters. Humanitarian assistance relieves militants from providing goods and services for their supporters. Rebels may live outside of the camps, but they will frequently send their families there to live in relative safety. Ironically, militants often present themselves as a state-in-exile, even though humanitarian organizations provide many of the functions of the state. As Mary Anderson explains, "When external aid agencies assume responsibility for civilian survival, warlords tend to define their responsibility and accountability only in terms of military control."[11]

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9. Rieff, *A Bed for the Night,* p. 184.
10. Quoted in ibid., p. 54.
11. Anderson, *Do No Harm,* p. 49; see also Kathleen Newland, "Refugee Protection and Assistance," in P.J. Simmons and Chantal de Jonge Oudraat, eds., *Managing Global Issues: Lessons Learned* (Washington, D.C.: Carnegie Endowment for International Peace, 2001), p. 522.

CONTRIBUTING TO THE WAR ECONOMY

Militants may use relief resources to finance their conflicts. It is not uncommon for refugee leaders to levy a war tax on the refugee population, commandeering a portion of all rations and salaries. Refugee leaders can also divert aid when they control the distribution process. Among Rwandan refugees, militant leaders diverted large amounts of aid by inflating population numbers and pocketing the excess. Alain Destexhe, secretary-general of Médecins sans Frontières (Doctors without Borders, or MSF), warned that "food represents power, and camp leaders [in Goma, Zaire] who control its distribution divert considerable quantities towards war preparations."[12]

Often armed groups raid warehouses and international compounds to steal food, medicine, and equipment. Thousands, sometimes millions, of dollars of relief resources, including vehicles and communication equipment, are stolen every year. In the mid-1990s, aid organizations curtailed their operations in Liberia after the theft of $20 million in equipment during that country's civil war.[13] The International Committee of the Red Cross (ICRC) reported that "the level of diversion by the factions had reached a systematic and planned level, that it was integrated into the war strategy. . . . It had become obvious that the factions were opening the doors to humanitarian aid, up to the point where all the sophisticated logistics had entered the zones: cars, radios, computers, telephones. When all the stuff was there, then the looting would start in a quite systematic way."[14]

Defenders of aid organizations are quick to point out that, in many cases, humanitarian assistance forms a negligible part of the resources available to combatants.[15] There are two responses to this argument. First, even a relatively small role for aid does not absolve humanitarian organizations of responsibility. Absolute amounts matter, as well as relative measures: The $20 million of equipment stolen in Liberia during the mid-1990s was $20 million that aid agencies did not have for other crises regardless of the relative importance of aid resources in Liberia's conflict. Second, the nonmonetary benefits of humanitarian aid as a resource of war must also be considered. The legitimacy con-

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12. Cooley and Ron, "The NGO Scramble," pp. 30–31.
13. MacFarlane, "Humanitarian Action," p. 17; and Terry, *Condemned to Repeat?*
14. ICRC, "ICRC Conditionality: Doctrine, Dilemma, and Dialogue," in Nicholas Leader and Joanna Macrae, eds., *Terms of Engagement: Conditions and Conditionality in Humanitarian Action,* Report No. 6 (London: Humanitarian Policy Group, Overseas Development Institute, 2000), p. 25.
15. MacFarlane, "Humanitarian Action," p. 23.

ferred by humanitarian activity can bolster the strength of a rebel group, regardless of the cash value of the aid.

PROVIDING LEGITIMACY TO COMBATANTS
Humanitarian assistance shapes international opinion about the actors in a crisis. To raise money from Western publics and governments, aid agencies tend to present oversimplified stories that emphasize the helplessness and victimization of the refugees.[16] Aid to the Rwandan refugees established a perception of the Hutu refugees as needy victims, obscuring their role as perpetrators of genocide against the Tutsi.

Aid also provides international legitimation of a group's political goals. The ruling party in Angola, the Movimento Popular da Libertação de Angola (MPLA), repeatedly used humanitarian assistance to bolster its political standing during the country's civil war in the 1990s. One member of the opposition explained: "The greatest problem is that people confuse humanitarian assistance as assistance from the MPLA party. The MPLA have taken advantage of this situation and many people think that what [aid] arrives has been given by the MPLA, not by the international aid organizations nor [sic] the government. . . . We [the União Nacional para a Independência Total de Angola (UNITA)–Renovada faction] don't have access to distribution of humanitarian aid, this is going to affect with certainty the electoral constituency of the future."[17] Rebel groups also manipulate aid agencies to increase their legitimacy and profile in the international media. To gain access to a needy population, humanitarian agencies are often forced to negotiate with unsavory rebel or government groups. The very act of negotiation solidifies the reputation of the group as powerful and legitimate.

Despite the proven political uses of humanitarian aid, many impassioned arguments suggest that impartiality and neutrality are both possible and desirable. Rieff makes a principled argument that humanitarianism "is neutral or it is nothing."[18] More practically, aid workers fear becoming targets in the conflict and losing access to the needy population if combatants view their work as political. Advocates of strict neutrality rarely admit that by giving aid in a so-called impartial and neutral manner, their actions may benefit one or

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16. Cooley and Ron, "The NGO Scramble."
17. Integrated Regional Information Network (IRIN), "Angola: IRIN Interview with Eugenio Manuvakola," March 14, 2002.
18. Rieff, *A Bed for the Night*, p. 330.

more combatants and lead to wider war.[19] In reality, however, any humanitarian action in a conflict zone will have political, and possibly military, consequences regardless of the nonpolitical intentions of the provider.

Assessing Refugees' Potential for Militarization

The four mechanisms outlined above do not operate in all refugee crises, which leads to the following question: Under what conditions does a refugee population have a high propensity to use humanitarian assistance as a resource for war? The best way to determine the initial likelihood for violence is to examine the origin of the refugee crisis. The origin determines the political cohesion of the refugees and their initial level of military organization. The greater the level of political cohesion among the refugees, the more likely they (or their leaders) will attempt to divert refugee relief in support of their political and military goals.

I create three categories of refugee groups according to the origin of the crisis. These categories are situational refugees, persecuted refugees, and state-in-exile refugees (see Table 1). The impetus for their exile, their initial levels of political organization, and their requirements for return to the sending state differentiate these groups and indicate their initial propensity for militarization.[20] The following sections describe the three types of groups and their propensities to use humanitarian assistance as a tool of war.[21]

SITUATIONAL REFUGEES
Situational refugees have the least propensity to use humanitarian assistance for waging war. They have little political cohesion and thus little motivation to divert refugee relief in support of militarization. Typically, situational refugees

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19. On the nonneutrality of famine aid, see David Keen, "Engaging with Violence: A Reassessment of Relief in Wartime," in Joanne Macrae et al., eds., *War and Hunger: Rethinking International Responses to Complex Emergencies* (London: Zed Books, 1994), pp. 209–221.
20. Militarization describes noncivilian attributes of refugee-populated areas, including inflows of weapons, military training, and recruitment. Militarization also includes actions of refugees and exiles who engage in noncivilian activity outside the refugee camp, yet who depend on assistance from refugees or international organizations.
21. Before moving to the analysis of these groups, I echo the caveat offered by Myron Wiener in his classification of causes of refugee flows: "Though it is usually possible to determine the predominant reason for a refugee flow, it is often a judgment call as to whether to classify a particular conflict as ethnic or non-ethnic [for example]. The nature of the conflict also sometimes changes. . . . [And] some of the conflicts are mixed." Weiner, "Bad Neighbors, Bad Neighborhoods: An Inquiry into the Causes of Refugee Flows," *International Security,* Vol. 21, No. 1 (Summer 1996), p. 18.

Table 1. Types of Refugee Groups.

Type of Refugees	Origin of Flight	Requirements for Voluntary Return	Initial Political Organization	Propensity to Use Humanitarian Aid for War
Situational refugees	War, chaos, deprivation	Peace and stability	None or very loose	Unlikely
Persecuted refugees	Group-based persecution	Credible guarantees of protection	Weak; may grow in exile	Somewhat likely
State-in-exile refugees	Defeat in civil war	New government or military victory	Strong; often grows in exile	Very likely

report that they left their homes in a panic when combatants threatened to kill them or destroy their livelihoods. For example, a report on the ongoing war in eastern Congo noted that massive displacement occurred because "the pressure in the villages is so great that people can't live their lives."[22] Similarly, an observer of the 1996 civil war in Congo (then Zaire) reported that "fear and instability in the region [eastern Zaire] are so great that many inhabitants have fled their villages even without being directly attacked."[23] Basically, situational refugees, such as the refugees from Congo, find themselves in the wrong place at the wrong time. Their villages become the front lines in a war in which the local residents have little interest. If these refugees become involved in violence, it is usually as victims of attacks or as pawns of militant leaders.

The willingness of situational refugees to return home depends on a cessation of the war, rather than any specific political or military outcome. The goals of these refugees are to earn a livelihood and return to their previous way of life. An essential difference between situational refugees and other groups is that situational refugees express a willingness to return to their country as soon as they can live in peace, regardless of the outcome of the conflict.

The less politicized nature of situational refugees stems in part from the type of conflict they seek to escape. In many instances, these conflicts garner very low levels of popular support.[24] Often one finds that all combatants have engaged in such high levels of brutality toward their own people that they have alienated any potential supporters. In the Liberian civil war, for example, both the government forces and the rebels, especially the Liberians United for Reconciliation and Democracy (LURD) group, prey on civilians. Refugees from Liberia explained the seemingly wanton brutality that caused their flight: "[LURD rebels] burned the whole town. Everyone fled into the bushes. . . . Government troops were behind us. They came into the bush and took our clothes and materials."[25] For situational refugees, such as the Liberians, the origin of the crisis reduces the likelihood that they will use refugee relief to exacerbate conflict.

An example where the origin of the crisis explains an unexpected nonviolent outcome is the flight of more than 1 million Mozambican refugees to neighbor-

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22. Nigel Marsh of World Vision, quoted in "DRC: People Running for Their Lives in the East," IRIN report, November 16, 2000, http://www.reliefweb.int.
23. Sheldon Yett, *Masisi: Down the Road from Goma—Ethnic Cleansing and Displacement in Eastern Zaire,* Issue Brief (Washington, D.C.: U.S. Committee for Refugees, June 1996), p. 5.
24. This is different from many ethnic conflicts, for example, in which every person must choose a side, either willingly or unwillingly.
25. Human Rights Watch, *Liberian Refugees in Guinea: Refoulement, Militarization of Camps, and Other Protection Concerns* (New York: Human Rights Watch, November 2002), p. 20.

ing Malawi during the Mozambican civil war in the 1980s. Despite the large size of the refugee population, its location on the border, and their poor living conditions, humanitarian aid to the refugees in Malawi did not become a tool in the war. The refugee camps did not become militarized, and few cross-border attacks occurred.

During the civil war, the Marxist/Socialist Mozambican government battled the South African–supported Resistencia National Moçambicana (RENAMO) rebels in a brutal contest to rule the state. RENAMO attempted to make the country ungovernable, and to that end terrorized the population and demolished much of Mozambique's infrastructure, including schools, clinics, and roads. Unlike many African civil wars, the conflict lacked a strong ethnic or communal component. The main effect of the conflict was to destroy the peace and threaten the lives of civilians caught in the crossfire. Refugees streamed out of the country to escape the horror and devastation. At their height, Mozambican refugees constituted 10 percent of the population in Malawi and lived mostly in villages and camps less than ten miles from the Mozambique border.

For the most part, the refugees engaged in little political or military activity in support of either side. Observers noted that "RENAMO made no attempt to win over the support of the Mozambican people."[26] RENAMO seemingly had no political goals and focused only on destroying the government, at whatever cost to Mozambicans. In a U.S. State Department study, refugees expressed overwhelmingly negative attitudes toward RENAMO and neutral attitudes toward the Mozambican government.[27] These situational refugees desired a return to peace and stability.[28] One refugee asserted that "we can't possibly go [home] until we are absolutely certain that the hostilities have subsided."[29] Once the combatants reached a peace agreement in 1992, hundreds of thousands of refugees voluntarily returned to Mozambique without demanding any additional political preconditions or guarantees.

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26. Burton Bollag, "Destabilization: The Human Cost," *Refugees,* July–August 1988, p. 20.
27. Interviews with 200 refugees revealed 96 percent with a very or somewhat negative attitude toward RENAMO and 1 percent with a positive attitude. Seventy-two percent of refugees expressed "no complaint" about government forces, Frente de Libertação de Moçambique, or FRELIMO, but only 11 percent characterized their attitude as positive. Robert Gersony, "Summary of Mozambican Refugee Accounts of Principally Conflict-Related Experience in Mozambique," report submitted to Bureau of Refugee Programs, U.S. Department of State, April 1988.
28. In one study, 65 percent of respondents cited security as their main priority for return. The other 35 percent cited various economic and social factors. Khalid Koser, "Information and Repatriation: The Case of Mozambican Refugees in Malawi," *Journal of Refugee Studies,* Vol. 10, No. 1 (March 1997), pp. 11, 5.
29. Sandy Kuwali, "Escape to Nsanje," *Southern African Economist,* February/March 1989, p. 11.

PERSECUTED REFUGEES

Some refugee populations flee due to targeted persecution or oppression. Per-secuted refugees seek to escape ethnic cleansing, genocide, or other violent policies that target them for their ethnic, religious, language, or political affiliations. The experience of persecution helps to create politically cohesive refugee groups that are more easily organized for military activity. Humanitar-ian assistance to persecuted refugees is more likely to exacerbate conflict than is aid to situational refugees.

During the 1992–95 war in Bosnia, for example, combatants tried to expel all members from the opposing ethnic group to create ethnically homogeneous ar-eas. In repeated instances, Muslim residents fled in terror when Serb militias entered a town. Often an attack on a Muslim neighbor convinced other Mus-lims to flee before they too experienced a direct attack. One Bosnian Muslim refugee described the impetus to flight: "First [the Serbs] sent written notices saying that Muslims and Croats had to leave the area immediately. Our neigh-bors came and warned us to go, because they said that if they tried to help us they would also be killed."[30] Thus the war created groups of refugees united by the experience of ethnically based persecution and determined not to return home until the risk of persecution ended.

For these refugees, the political outcome of the conflict bears directly on their willingness to return home. The goals of persecuted refugees often include political change, for example, demands for power sharing or other credible guarantees that their group will not be persecuted if its members return home. One displaced Bosnian Muslim reported that her family would return home "only if as Bosniacs they would be free and equal citizens in Republika Srpska."[31]

The coalescing event of group persecution increases refugees' receptivity to political or military activity. In many instances, refugee or rebel leaders draw on the experience of persecution (and often exaggerate it) to rally support for military activity. Due to the causes of their flight, persecuted refugees are more vulnerable to propaganda and manipulation than are situational refugees. Ref-ugees who have experienced persecution also fear repeated attacks by the sending state. Therefore they will be more willing to take measures perceived as defensive or preventive. These refugees may find that ambitious leaders manipulate a defensive desire for survival for offensive purposes.

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30. Amnesty International, "Bosnia-Herzegovina: All the Way Home—Safe 'Minority Returns' as a Just Remedy and for a Secure Future," Report No. EUR 63/02/98, February 1998, sec. 2.
31. Ibid.

Persecuted refugees also face a higher probability of cross-border attacks by the sending state than do situational refugees. The cause of their flight demonstrates that the sending state views the refugees as a threat for reasons of ethnicity, religion, or political affiliation. Thus, even if the refugees do not organize politically or militarily while in exile, they remain vulnerable to continued attacks. The sending state will likely view the internationally supported refugee camps as threats to its security.

In some cases, a group of persecuted refugees becomes more violence prone, as political and military organization builds. This is especially likely for long-term refugees who see no hope of return until radical change occurs in their homeland. As time passes, a leadership may emerge that unites the refugees behind a program of political and military action.[32] For example, the Palestinian refugees who were expelled to neighboring states following the 1948 war constituted a persecuted refugee group. Over time, organized militant groups, such as the Palestinian National Liberation Movement (Fatah) in the late 1950s and the Palestinian Liberation Organization in 1964, emerged among the refugees. Under the leadership of these organizations, militarized refugee populations engaged in cross-border warfare against Israel. For aid agencies, this suggests that protracted refugee relief may help to build and sustain a militarized population.

The Burundian Hutu population in Tanzania offers an example of persecuted refugees who have used humanitarian aid in support of political violence. Since 1993 a brutal ethnic civil war in Burundi has led to the deaths of hundreds of thousands of civilians and the displacement of many more. The conflict pits the Tutsi-dominated government and army against an array of Hutu rebel forces. Both sides have targeted civilians based on their ethnicity. The government has rounded up Hutu villagers into "regroupment" camps to prevent the rebels from gaining support. The rebels, conversely, have sought to create a vast population of Hutu refugees to undermine the legitimacy of the Tutsi government and provide cover for rebel activity. As of December 2002, 370,000 Hutu refugees from Burundi lived in camps near the Tanzanian-Burundian border.

The ethnic polarization that led to the refugee flows has allowed Hutu leaders to mobilize support in the camps, as has the tacit support of the Tanzanian government for the Hutu rebel activity. Tanzania hotly denies the Burundian

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32. For more on the phenomenon of refugee groups that become militarized after their flight from danger, see Howard Adelman, "Why Refugee Warriors Are Threats," *Journal of Conflict Studies,* Spring 1998, pp. 49–69.

government's accusations that rebels operate freely in the refugee camps, but observers confirm that Burundian Hutu refugees engage in both political and military activity. Many extremist political parties with military wings have developed in the camps. Rebel groups recruit young men from the camps for military training and subsequent cross-border raids.[33] As one analyst recognized, "This should come as no surprise, considering the traumatic experiences which caused [the refugees'] flight."[34] The Burundian army has threatened to retaliate by attacking the camps, leading to a Tanzanian military buildup on the border.[35]

Humanitarian assistance has exacerbated the conflict by feeding militants, sheltering the militants' followers, supporting the war economy, and bolstering the rebels' legitimacy. It is an open secret that the militant parties enforce a war tax on refugees, either in food or cash.[36] The presence of the camps sustains the militants' dependents and followers, freeing the rebel parties from providing support. The refugee camps themselves do not function as military bases, but they are highly politicized. When a UNHCR team assessed the security situation in the camps, it found a high level of political activity (including political meetings).[37] This allows the rebel parties to strengthen their legitimacy and following among the refugees.

STATE-IN-EXILE REFUGEES

The third, and most violence-prone, group includes both refugees and a highly organized political and military leadership. This type of population is a "state-in-exile" refugee group.[38] In some instances, the leadership has organized the refugees as a strategy of war. Such leaders hold aggressive goals, which might

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33. Gérard Prunier, *Rwanda: Update to End of July 1995,* Writenet Country Papers (Geneva: Refworld, UNHCR, August 1995), sec. 3.1.

34. Jean-François Durieux, "Preserving the Civilian Character of Refugee Camps: Lessons from the Kigoma Refugee Programme in Tanzania," *Track Two,* Vol. 9, No. 3 (November 2000), p. 31.

35. Real and perceived persecution fuels the refugees' fear. See, for example, IRIN, "Burundi: Tutsi Group Threatens to Attack Refugees in Camps in Tanzania," IRIN Update 1,014 for the Great Lakes, September 19, 2000.

36. Aid workers have noticed correlations between higher levels of malnutrition and increased rebel political activity in camps, both due to greater taxation.

37. Emile Segbor, UNHCR official, interview, Geneva, Switzerland, July 15, 1998.

38. My concept of a state-in-exile population is similar to what Aristide R. Zolberg, Astri Suhrke, and Sergio Aguayo term a "refugee-warrior community." They describe such groups as "highly conscious refugee communities with a political leadership structure and armed sections engaged in warfare for a political objective." See Zolberg, Suhrke, and Aguayo, *Escape from Violence* (Oxford: Oxford University Press, 1989), pp. 275–278. The term "state-in-exile group" is a more accurate description than "refugee-warriors" and does not carry the same possibly pejorative connotation.

include a radical change in the government of the sending state. Because such outflows include many civilians, states and international agencies often designate them as refugee populations. The Rwandan Hutu refugees in eastern Zaire provide a recent example of the state-in-exile phenomenon. These refugees fled Rwanda in 1994 under pressure from the leaders of the genocide, who used the refugees as a valuable resource for their militant purposes.

Of the three categories of refugee groups, state-in-exile refugees are the most likely to use humanitarian relief as a resource of war. Indeed the leaders often intend that the refugee crisis, and resulting international assistance, will facilitate their war aims. The strong political organization exercised by the leaders enables them to divert large amounts of assistance to support the conflict. In the Zaire crisis, humanitarian aid to the refugees essentially functioned as the infrastructure for the state-in-exile.

State-in-exile refugees usually return home either in victory or due to forced repatriation, rejecting power-sharing or amnesty offers from the sending state. For example, the Rwandan Hutu refugees in Zaire refused all attempts by the Rwandan government to orchestrate their return, leading to the judgment that "the extremists were not opposed to return as such, merely to a return that they did not control."[39]

State-in-exile refugees present a greater threat to the sending state than do other types of groups, thus increasing the chance of preventive cross-border attacks against the refugees. Large, politically active refugee populations serve as an indictment of the sending state regime and a constant threat to its security. State-in-exile refugees challenge the legitimacy of the sending state's government, providing fodder for domestic and international critics.

Although state-in-exile refugees exist within a strong, politicized leadership structure, many of the refugees may have little desire to become involved in violence. The nature of the group makes it more likely, however, that these refugees will serve as a political and military resource for their leaders. By maintaining an iron grip on the information that reaches the refugees, as well as controlling the distribution of humanitarian aid, the leaders convince many refugees of threats to their safety and the need to mobilize. Leaders emphasize real and imagined injustices to foster fear of return among the refugees. In the Rwandan Hutu camps, leaders successfully nurtured a belief in Hutu victimhood, distorting or erasing the genocide that preceded the refugee flight. Hutu leaders also played on fears created by real injustices in Rwanda, such as the

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39. African Rights, *Rwanda: Death, Despair, and Defiance,* p. 1098.

1995 massacre of unarmed displaced Hutu by the Rwandan Patriotic Army at Kibeho camp.

An example of a state-in-exile is the population of more than 3 million Afghan refugees who fled to Pakistan after the Marxist military coup in Afghanistan in 1978 and subsequent Soviet invasion in 1979. The well-funded Afghan rebels who lived among the refugees eventually forced a Soviet retreat and took over the country.[40] During their exile, the refugees lived in more than 300 settlements along the border with Afghanistan. The seven main rebel groups recruited new refugee arrivals as members and fighters. The government of Pakistan (and its sponsor, the United States) condoned this arrangement and allowed the rebel leaders free reign among the refugees. Pakistan channeled military aid to the resistance parties that was "crucial to the parties' growth and development."[41]

Pressured by major donors, UNHCR did not protest the militarization of the refugee areas, to which the agency continued to deliver assistance. International assistance allowed the resistance parties to focus their resources on waging war in Afghanistan, rather than providing goods and services for the refugee population. The assistance clearly benefited the anticommunist rebels and their supporters by sustaining fighters and their dependents, contributing to the war economy, and boosting the legitimacy of the militant leaders.

Throughout the more than ten years that the refugees lived in Pakistan, cross-border military activity occurred frequently. The Afghan rebels organized attacks from Pakistan to destabilize and ultimately overthrow the Soviet-backed government in Kabul. The rebels even brought Soviet prisoners of war into Pakistan after their attacks.[42] The Soviet-backed Afghan government responded with hundreds of bombing raids across the border that targeted the refugee settlements.

The organization and goals of the Afghan refugees clearly indicate that this was a state-in-exile population. Many of the refugees fled due to Soviet attacks on their villages, and once in Pakistan became card-carrying (literally) members of one of the resistance parties.[43] As the idea of a state-in-exile took hold

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40. The United States alone provided more than $2 billion in aid to the exiles between 1982 and 1991, including antiaircraft guns and other heavy weapons. UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action* (Oxford: Oxford University Press, 2000), p. 120.
41. Anthony Hyman, "The Afghan Politics of Exile," *Third World Quarterly,* Vol. 9, No. 1 (January 1987), p. 73.
42. Ibid., p. 75.
43. One difference from other state-in-exile groups is that the Afghan resistance was fractured into many rival groups, all sharing the goal of toppling the Kabul regime. Under pressure from donors,

among the population, observers noted a rise in openly expressed nationalism among the refugees.[44] The U.S. State Department reported in 1984 that "opposition to the communist government grew quickly and spontaneously. . . . Virtually all elements of the population were involved."[45] The refugees did not return to Afghanistan until the withdrawal of the Soviet forces in 1989 and the defeat of the Soviet-backed Najibullah regime in 1992.[46]

International humanitarian aid provided the infrastructure of the anticommunist Afghan state-in-exile. In 1982 UNHCR alone spent $77 million in Pakistan, supplying tents, health care, clothes, water, fuel, and supplementary food (tea and sugar).[47] Later the bill for humanitarian assistance would total $400 million per year. As a World Food Programme official stated in 1983: "WFP takes the lead from donor governments, and if the donors and the [government of Pakistan] aren't worried about the workings of the food distribution mechanism, including possible diversion, the WPF will not modify its own program."[48] Strong sympathy for the refugees as resisters of a communist, anti-Islamic regime prevailed among the donors, the Pakistani officials, and the humanitarian organizations. For example, mujaheddin recruits did not lose their right to food rations upon return to the camps from a stint in battle. In the Afghan state-in-exile, as in the Rwandan camps, international humanitarian assistance contributed to the spread of conflict.

State Responses to Militarized Refugee Crises

State responses to a militarized, or potentially militarized, crisis determine the level of misuse of humanitarian assistance. State-in-exile refugee groups will

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the resistance attempted to present a united front internationally, but their unity crumbled after the Soviet withdrawal in 1989.
44. Tom Rogers, "Harbouring Instability: Pakistan and the Displacement of Afghans," K.M. de Silva and R.J. May, eds., *Internationalization of Ethnic Conflict* (New York: St. Martin's, 1991), p. 73.
45. Craig Karp, *Afghan Resistance and Soviet Occupation,* Special Report No. 118 (Washington, D.C.: U.S. Department of State, December 1984), p. 2.
46. Continued civil war among the rival rebel groups in Afghanistan hindered the return of many refugees, although almost 2 million returned in 1992. U.S. Committee for Refugees, *World Refugee Survey, 1993* (Washington, D.C.: U.S. Committee for Refugees, 1993), pp. 87, 95.
47. The World Food Programme played the primary role in coordinating food aid. For statistics, see Department of State, U.S. embassy, Pakistan, "Afghan Refugee Situation—An Overview," confidential cable by Barrington King, December 9, 1982, Digital National Security Archive item number AF01408, pars. 10–12.
48. Comment reported in Department of State, U.S. embassy, Pakistan, "Visit of WFP Emergency Unit Director to Pakistan," cable by Barrington King, September 2, 1983, Digital National Security Archive item number AF01494, par. 7.

use humanitarian assistance as a strategy of war in the absence of preventive state action. Persecuted refugee groups, especially those with opportunistic leaders, are also likely to use aid as a political and military resource unless they are constrained by the receiving state. An effective state response includes separating militants from refugees, protecting aid supplies from theft, securing the border, and disarming and reintegrating willing militants into the civilian population. Possible preventive forces include the police or army in the receiving state, an external intervenor, or a multilateral peace enforcement unit. In the absence of such a force, humanitarian aid is likely to exacerbate conflict. In a weak or hostile state, humanitarian aid cannot remain neutral or impartial. Minimizing humanitarian "collateral damage" requires favorable conditions of political order in the receiving state.

RESPONSES OF THE RECEIVING STATE
According to international law, the refugee-receiving state bears primary responsibility for ensuring the safety of the refugees and maintaining the civilian nature of the refugee-populated area.[49] The duties of the receiving state include disarming and demobilizing any noncivilian exiles who wish to integrate into the refugee camp, preventing the flow of arms to refugee areas, protecting refugees from attack and intimidation, and separating people who do not qualify for international protection (e.g., war criminals) from the refugees.[50] In the optimal case, the receiving state provides physical and legal protection to the refugees while humanitarian organizations provide material assistance. This represents an ideal, but not likely, scenario. In situations where receiving states do not meet their obligations, humanitarian organizations cannot operate in a neutral or impartial manner. With a weak or unwilling receiving state, combatants will more likely use aid as a tool of war.

Two types of receiving states are likely to impair the neutrality and impartiality of aid organizations. The first is a state that lacks the ability to impose

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49. The Organization for African Unity (OAU) Convention states that "Signatory States undertake to prohibit refugees residing in their respective territories from attacking any member state of the OAU." OAU, *Convention Governing the Specific Aspects of Refugee Problems in Africa*, 1969, art. 3. The Organization of American States (OAS) also urges the institution "of appropriate measures in the receiving countries to prevent the participation of the refugees in activities directed against the country of origin." OAS, *Cartegena Declaration on Refugees*, 1984. In a more recent document, the Security Council reaffirmed "the primary responsibility of States to ensure [refugee] protection, in particular by maintaining the security and civilian character of refugee and internally displaced person camps." UN Security Council Resolution 1265, adopted September 17, 1999, UN Doc. S/RES/1265 (1999).
50. UN Doc. S/RES/1265 (1999), par. 6.

political order on its territory. Such a state does not have the capability to police the refugee camps, patrol the borders, and enforce international and domestic law against militarization. A lack of capability is common in refugee crises because the majority of receiving states are developing countries with extremely limited resources, including for their own citizens. In these states, institutions such as the police and judiciary often lack adequate funding and competence to deal with a large influx of refugees. In this case, the receiving state may wish to prevent violence but is unable to do so. If an external donor or ally is willing to assist, violence becomes less likely. Without external assistance, however, the conflict may spread to the weak receiving state. In such a state, humanitarian organizations have little control over whether their resources become tools of war.

Guinea from 2000 to 2002 provides an example of a weak receiving state that sought external assistance to improve the security of its refugee population. The government of Guinea, host to more than 400,000 refugees, was unable to prevent repeated cross-border attacks from rebels in both Liberia and Sierra Leone. After numerous attacks against the refugees and local Guineans, the government consented to a relocation effort, funded by external donors, that moved thousands of vulnerable refugees from the insecure border with Liberia and Sierra Leone.[51]

The second type of receiving state is one that actively sympathizes with one of the parties to the conflict. The state may have the capability to impose political order, but the order it imposes clashes with international laws promoting the civilian and humanitarian nature of refugee populations. A receiving state that sympathizes with the refugees' goals may allow, or even abet, military activity by the refugees. The state may pressure (or coerce) humanitarian organizations to divert assistance to combatants and loyalists.

Ethnic ties between the refugees and groups in the receiving state can increase domestic pressure to overlook refugee-instigated violence. Ethnic alliances between the refugees and the receiving state could also pressure the government to repel cross-border attacks initiatated by the sending state. Conversely, alliances between the receiving and sending states could encourage the receiving state to allow cross-border attacks against the refugees. In such a situation, the receiving state usually refuses international help that would im-

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51. International Council of Voluntary Agencies, "Refugee Camps on the Border: A Recipe for Disaster in West Africa," December 22, 2000. For more on this situation, see Human Rights Watch, *Guinea: Refugees Still at Risk,* Vol. 13, No. 5 (July 2001), pp. 1–21.

prove security in the refugee areas, regarding intervention as an unwelcome infringement of its sovereignty. Humanitarian organizations are then at the mercy of the hostile receiving state, which will likely use the international humanitarian assistance to further its war aims.

INTERACTION WITH THE SENDING STATE
Humanitarian aid workers and refugees also face possible cross-border attacks from the sending state. If a sending state perceives a refugee group as a threat, it is likely to oppose the establishment of internationally funded refugee camps. The sending state will interpret the camps as an international condemnation of its legitimacy and ability to control its borders. It may also fear that the refugee camps will supply militants with resources (including recruits, supplies, and international legitimacy).

The sending state response will depend, in part, on its relationship with the receiving state. The sending state will be less likely to attack the refugees if the receiving state is willing and able to prevent militarization. In addition, a capable receiving state is more able to deter opportunistic attacks by the sending state.

If the receiving state is incapable of controlling military activity among the refugees, it will become an attractive target for the sending state. Rwanda invaded Zaire in 1996 to establish a zone of security on the border and to fulfill larger political and economic objectives (such as overthrowing President Mobutu Sese Seko and installing a friendlier regime). In this context, Rwanda viewed the international humanitarian support of the refugees as a contributing factor toward its insecurity. It also viewed the decrepit Mobutu regime as an easy target for change.

Another possible scenario is an alliance between the sending and receiving states, in which the receiving state allows cross-border attacks against the refugees. For example, in the mid-1990s the government of Ivory Coast supported the Liberian opposition party, National Patriotic Front of Liberia, and forced Liberian refugees to live in unprotected border villages subject to lethal cross-border attacks by the NPFL.[52] In extreme cases, humanitarian organizations might decide that the lack of receiving state cooperation merits closing the camps.

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52. Amnesty International, "In Search of Safety: The Forcibly Displaced and Human Rights in Africa," Report AFR 01/05/97, June 20, 1997, sec. 4.

It is also possible that a predatory sending state will attack the refugees regardless of their levels of militarization. Examples include attacks against Rwandan Hutu refugees in Burundi in 1994. Unlike the refugees in Zaire, these Rwandan Hutus were not militarized and lived in fear of the Burundian Tutsi military. The Burundian military allowed cross-border attacks by Rwandan Tutsi forces that killed more than 250 Hutu refugees. Similarly, the Guinean military has allowed Liberian LURD rebels unimpeded access to the defense-less Liberian refugee camps in Guinea. Rebels enter the camps, forcibly recruit fighters, and steal supplies in full view of the Guinean camp guards.[53] In such situations, humanitarian organizations can do little except publicize the refugees' plight and plead for protection. The refugees and international humanitarian workers become targets, even if the humanitarian assistance is not fueling a war effort. There is also a risk that attacks against the refugees will have a radicalizing effect, convincing them to support rebel organizations to protect themselves.

EXTERNAL RESPONSES

A worst-case scenario occurs when the receiving state ignores or abets militants who are using humanitarian assistance as a tool of war. Such a situation requires a powerful external intervenor to impose order. The intervenor could be a regional state, a powerful donor state, or a multilateral peace enforcement unit. The level of coercion required depends on the attitude of the receiving state (e.g., actively hostile or merely apathetic) and the capability of the militants.

During the Rwandan refugee crisis, no external actor was willing to pay the political and military price of separating the Rwandan militants from the refugees. Initial UN plans to separate them fell through when aid agencies realized that they would have to move 60,000 to 100,000 militia and army members (with their families) at an estimated cost of $90 million to $125 million. Such a move would have required high levels of coercion, because the militants would have refused to separate willingly from their power base—the refugee population.

External support for a militarized refugee population exacerbates the abuse of humanitarian assistance. In this situation, the chances of demilitarization are minimal. For example, the U.S. commitment to the militarized Afghan refu-

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53. Human Rights Watch, *Liberian Refugees in Guinea.*

gees in the 1980s greatly limited the scope for action of both UNHCR and regional states (e.g., Pakistan) that benefited from U.S. donations. Aid agencies dared not jeopardize their funding by refusing to supply the mujaheddin fighters who controlled the refugees.

BUILDING OF STATE CAPACITY

When states fail to provide protection, one option for demilitarization is a partnership between the receiving state and international humanitarian actors to provide security. Security partnerships usually consist of international funding and training for local forces (police or army, or both). Obviously, a successful security partnership requires the willingness of the receiving state to use or improve its capability. This is a controversial option for humanitarian organizations, which generally view security provision as beyond their responsibility, but it has been used in desperate situations.

Refugee crises in Zaire and Tanzania offer two models of security partnerships, both of which fell short of demilitarizing the refugee areas. In Zaire in 1994, UNHCR hired 1,500 elite soldiers from President Mobutu's presidential guard as a last resort when no international force was forthcoming. The Zairian force, called the Contingent Zairois pour la Sécurité dans les Camps, deployed in February 1995. The objectives of the force were to provide security in the camps for the refugees and relief workers. The force had no mandate to disarm the militants. UNHCR paid the soldiers $3 per day plus food, lodging, and clothes.[54]

The Zairian force received mixed reviews. The first contingent of soldiers that arrived in early 1995 was relatively well disciplined. Later contingents actually contributed to insecurity as their discipline and morale broke down. The soldiers became involved in crime and extortion, victimizing the refugees rather than protecting them. By the time of the Rwandan invasion in 1996, many of the Zairian soldiers were fighting with the Hutu militias against the Tutsi invaders. The Zairian experience suggests that an ill-disciplined force may be worse than no force at all. Throughout the crisis, UNHCR had little or no control over these forces, even as it financed their presence.

A second model for security partnership was undertaken in Tanzania in the late 1990s to deal with security threats associated with more than 500,000

54. Joel Boutroue, "Missed Opportunities: The Role of the International Community in the Return of the Rwandan Refugees from Eastern Zaire," Rosemarie Rogers Working Paper Series (Cambridge, Mass.: Center for International Studies, Massachusetts Institute of Technology, 1998).

Burundian and Congolese refugees. Security problems included military activity by Burundian rebel groups, violence between rebel factions, and criminal activity within and around refugee camps. Under the arrangement, called the "security package," UNHCR agreed to train, equip, and pay nearly 300 police officers to work in the refugee areas.[55] The memorandum of understanding signed between UNHCR and Tanzania outlined the goals of the package: "It is expected that the additional police presence will considerably reduce the level of insecurity, criminality, and safeguard the civilian and humanitarian character of the refugee camps."[56] Despite Tanzania's willingness, inappropriate police behavior and inadequate capability bedeviled the security package. The police were singularly unsuccessful in separating militants from the refugees.[57]

The level of political order in the receiving state determines the success of a security partnership. Tanzania was a stable, peaceful country that sought international recognition for assisting refugees. Yet even in Tanzania, bureaucratic incompetence, corruption, and political maneuvering limited the security partnership. Chaotic or hostile receiving states will further complicate attempts at security partnerships. Such inhospitable environments require more external security assistance, and perhaps coercion, if such security programs are to be implemented. In these cases, humanitarian organizations may have little opportunity to improve the security situation on their own.

When All Else Fails . . . Humanitarian Aid as Leverage

Recent crises, such as the Rwandan refugee crisis in Zaire, have seen a colossal failure of state actions to prevent militarization. In such contexts, impartial and indiscriminate humanitarian assistance becomes a building block for successful rebel movements. In its retrospective on the Rwanda crisis, the human rights organization African Rights asserted, "To deliver humanitarian assistance in a no-questions asked, open-ended manner is to deliver the extremists their strongest remaining card."[58] Unconditional assistance can worsen the se-

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55. UNHCR paid the officers a stipend of about $280 per month—approximately three times their normal wages. The U.S. government provided funding to UNHCR to implement the security package.
56. "Memorandum of Understanding between the Tanzanian Ministry of Home Affairs and UNHCR," September 28, 1999.
57. In 2001, for example, 40 percent of militants escaped from detention. The police detained or fined 143 combatants in the first half of 2001. Jeff Crisp, "Lessons Learned from the Implementation of the Tanzania Security Package," Evaluation and Policy Analysis Unit, UNHCR, May 2001.
58. African Rights, *Rwanda: Death, Despair, and Defiance,* p. 1100.

curity situation for refugees, local residents, and relief workers by enriching and legitimizing militant elements. The negative impact of humanitarian assistance in militarized refugee crises raises the question of when aid should be reduced or withdrawn. Even with only minimal state support, humanitarian organizations can use their resources as leverage to improve security. In some hostile crises, however, the least harmful outcome will entail withdrawing humanitarian assistance.

Humanitarian organizations have two assets, or forms of leverage, with which they can affect outcomes. They have the moral clout that comes from the charitable, altruistic nature of their work. They also have the tangible asset of material resources. Organizations have these assets in different amounts, depending on their reputations, wealth, and mandates. They can use this leverage to influence various stakeholders, including the UN Security Council, receiving states, donor states, and militant refugee leaders.

Moral clout enables humanitarian organizations to lobby policymakers and use the media to gain support for their positions. Organizations currently use their moral clout to publicize the need for material assistance in a crisis. Newspapers regularly report on the amount of tents, food, medicine, and so on that humanitarian organizations need in a crisis. Issues of physical protection receive much less attention, from both UNHCR and the media. By directing more resources toward physical protection of refugees and aid workers, aid agencies can increase public awareness of the issue. Kathleen Newland writes that "UNHCR, other states, and refugee advocates must rely on diplomatic pressure, persuasion, and incentives to encourage reluctant states to implement provisions for international protection."[59] Humanitarian organizations can trade on their altruist credentials to emphasize the need for security measures in refugee crises.

The idea of using moral clout to encourage intervention by the UN Security Council or other external party is not without precedent. In the lead-up to U.S. military intervention in Somalia in 1992, NGOs explicitly stated the need for better security for humanitarian operations. In a press conference, a group of prominent U.S. NGOs threatened to withdraw from Somalia unless security was improved.[60] More recently, a number of NGOs encouraged the 1999 NATO intervention in Kosovo.[61]

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59. Newland, "Refugee Protection and Assistance." p. 530.
60. Alex de Waal, "Dangerous Precedents? Famine Relief in Somalia, 1991–93," in Macrae et al., *War and Hunger,* p. 154.
61. Within the NGO community, debate continues over the appropriateness of advocating military intervention. MSF received criticism for championing the Kosovo intervention but later withdrew

Humanitarian organizations' second asset, material resources, has a great impact on the war-torn areas that receive assistance. In resource-poor environments, militant leaders depend on humanitarian assistance to sustain their followers. In Angola, rich with oil, or Sierra Leone, rich with diamonds, combatants also fund conflict through smuggling natural resources. Yet even when militants have other resources, humanitarian assistance can provide valuable legitimacy to their cause. Thus the value of humanitarian assistance provides leverage for humanitarian organizations to improve the security situation.

Using humanitarian aid as leverage entails making aid contingent on security improvements. Possible security requirements include disarmament of refugees, separation of militants, and adequate police protection of the refugee-populated area. Adequate border security also limits cross-border attacks by the sending state or the refugees. An MSF official cautions that humanitarian organizations should take action to preserve "humanitarian space" but not to enforce respect for human rights.[62] The leverage would not be used to press for major changes in the government of the receiving state or structure of peacekeeping operations. In practice, that means NGOs should act to prevent situations in which aid is diverted or used to endanger the recipients.

In the Rwandan refugee crisis in Zaire, aid agencies used assistance as leverage on several occasions, but always in an ad hoc manner. For example, individual NGOs, such as MSF–France, withdrew from the Rwandan refugee camps to protest their militarization. The MSF director, Jacques de Milliano, claimed, "In refugee camps there are killers walking around making plans for new attacks. We don't want to be part of that system."[63] Tellingly, however, not all country chapters of MSF withdrew from the camps. This illustrates how even within an organization there are different understandings of its mission.[64] In isolated instances, aid workers made assistance contingent on demilitariza-

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from the relief effort to protest NATO's inability to protect the Serb minority. This highlights the problem of unintended consequences of intervention. Roberto Belloni, former Organization for Security and Cooperation in Europe official, personal communication, November 21, 2003. See also Belloni, "Kosovo and Beyond: Is Humanitarian Intervention Transforming International Society?" *Human Rights and Human Welfare,* Vol. 2, No. 1 (Winter 2002), p. 42; and Christian Jennings, "UN Has Failed Kosovo Minorities," *Independent,* August 17, 2000.

62. Françoise Bouchet-Saulnier, "The Principles and Practices of 'Rebellious Humanitarianism,'" Médecins sans Frontières International Activity Report, 2000, http://www.odihpn.org.

63. Quoted in "Aid Agency to Abandon 'Killers' in Hutu Camps," *Herald* (Glasgow), August 29, 1995, p. 6.

64. I thank Kurt Mills for this insight. Personal communication, March 27, 2002.

tion. On the whole, however, millions of dollars of humanitarian assistance sustained the militant Hutu state-in-exile during the refugee crisis.

Conditionality is not necessarily an all-or-nothing proposition. There are gradations in levels of assistance and numbers of agencies involved. In extreme cases, all humanitarian organizations may withdraw; in other situations, selected organizations will do so. Sometimes essential life-saving services remain (such as hospital workers and emergency feeding centers). For example, the World Food Programme scaled back its services in Afghanistan in the 1990s to the bare minimum in an attempt to promote respect for human rights.

As a last resort, humanitarian organizations can consider shutting down the refugee camps. This is a drastic step that would occur when the harm caused by the camps overwhelms the benefits of refugee assistance. Myron Weiner warned, "Sometimes it may be necessary to close refugee camps because they are used by warrior refugees intent on pursuing armed conflict." According to Weiner, forcible return may be necessary when "camps are used by military forces as a staging area for resuming the war (by recruiting boys and young men in the camps, extracting resources from camp refugees, and using camps as a safe haven) and . . . refugees have become hostages to warriors and are therefore unable to choose whether or not to repatriate."[65] UNHCR also recognizes that, in extraordinary circumstances, forced return and camp closure may be the least harmful policy. UNHCR reasons that, in forced returns, "the risk of undermining the principle of voluntariness must be weighed against the ability to save people's lives."[66]

ETHICAL AND PRACTICAL CHALLENGES
Even though a logical requirement for refugee relief is that the assistance must do more good than harm, putting that into practice is difficult for many reasons.[67] First, aid organizations cannot easily determine the harm being done or what would happen in the absence of humanitarian assistance. Thus they face an ethical dilemma involving an uncertain trade-off between short-term suffering and long-term benefits. Practically, humanitarian organizations fear losing funding if they withdraw from an area in crisis.

Aid workers' greatest fear is that people will suffer and perhaps die if aid is withdrawn or reduced. In the short term, making assistance contingent on

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65. Myron Weiner, "The Clash of Norms: Dilemmas in Refugee Policies," *Journal of Refugee Studies,* Vol. 11, No. 4 (December 1998), pp. 10, 17.
66. UNHCR, *Protecting Refugees: A Field Guide for NGOs* (Geneva: UNHCR, 1999), pt. 2.
67. For the best statement of this idea, see Anderson, *Do No Harm.*

physical protection is often viewed as an unacceptable trade-off because it punishes legitimate refugees for the behavior of the militants. Denying immediate assistance to people in need is seen as a violation of humanitarian principles.

Part of the concern about refugees' suffering is that the benefits of physical protection are less tangible than those of assistance. It is easy to see that providing food and medicine can prevent deaths. It is less easy to demonstrate (especially to the public back home) how demilitarization will prevent deaths. Also, physical protection is perceived as a more political issue than is material assistance. Donors want to provide food and medicine to needy children, not train local police. Donors, and humanitarian organizations, often fail to recognize that material assistance is also a political act. This misperception of physical protection as a secondary or irrelevant goal is not an insurmountable obstacle, but it requires a concerted effort to educate governments and the public about the importance of security during a refugee crisis.

In militarized crises, the culture of relief agencies may impede conditionality policies. Humanitarian organizations closely guard their independence, and each agency reserves the right to act as it sees fit: "Agencies have differing and sometimes competing mandates, and are often reluctant to coordinate the type of detailed information regarding their operations that is required to plan and conduct effective emergency security operations."[68] Some analysts question the value of this independence when taken to extreme levels: "Is a point reached where the right of each agency and donor government to make its own ethical judgment in fact makes the impact of the system 'dysfunctional'? To what extent do different mandates justify different compromises?"[69] The lack of coordination and competition between agencies does not lend itself to a clear-headed analysis of the situation. Ideally, there would exist some overarching framework that could help guide organizations when making these difficult decisions.[70]

A humanitarian organization's attitude toward conditionality also depends on its mission. Organizations that focus purely on material assistance generally view their actions as separate from the political sphere. The sentiments of one

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68. Sean Greenaway and Andrew J. Harris, "Humanitarian Security: Challenges and Responses," paper presented to the Forging Peace Conference, Harvard University, Cambridge, Massachusetts, March 13–15, 1998, sec. 5.
69. Nicholas Leader and Joanna Macrae, "New Times, Old Chestnuts," in Leader and Macrae, *Terms of Engagement,* p. 12.
70. Arthur C. Helton presents a plan for a humanitarian coordinating body in his article "Rescuing the Refugees," *Foreign Affairs,* Vol. 81, No. 2 (March/April 2002).

aid worker in eastern Zaire illustrate this attitude: "I know some of them [refugees] have killed a lot of people. But I don't care about the past. My job is to feed everyone irrespective of the past."[71] Other organizations have multiple (and sometimes conflicting) missions. Médecins sans Frontières provides medical assistance and also acts as a vocal witness to human rights abuses. The ICRC describes its mission as helping victims and promoting respect for international humanitarian law.[72] Agencies whose missions include refugee protection or promotion of human rights are more receptive to using some limited form of conditionality.

Even if all relevant organizations agreed that their actions were causing significantly more harm than good, that would not necessarily lead to a withdrawal. Agencies are still faced with a coordination problem because no organization knows what the others will do. Each organization rationally assumes that if it pulls out of a crisis, it will lose "market share" because other organizations will stay. Thus it is easy for an organization to rationalize its passivity on both ethical and practical grounds. An individual organization may see it as futile and self-defeating to withdraw. In most past cases of withdrawal, a replacement organization quickly took over. For example, before MSF withdrew from Ethiopia in the 1980s due to government abuses of aid, the organization negotiated for a replacement NGO to step in. Practically, if one agency withdraws and others do not, the withdrawing agency has lost its contracts and may lose funding. The ethical gesture may doom the organization in the long run.

UNHCR faces additional obstacles to withholding assistance because it is beholden to the governments that finance it. Amnesty International noted: "This dependence on governments can sometimes constrain UNHCR from taking a strong and public stance on protection issues and may affect the vigor with which it discharges its protection mandate."[73] It has often been repeated that donor governments use UNHCR as a shield. By sending UNHCR to the crisis area, governments claim to take action while avoiding political and military commitments to resolve the crisis. This means that UNHCR could face stiff resistance from donors if it demands a peacekeeping force to demilitarize the refugee situation. UNHCR also has concerns about losing its relevance and status as the preeminent refugee relief agency.[74]

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71. Quoted in African Rights, *Rwanda: Death, Despair, and Defiance,* p. 1092.
72. ICRC, "ICRC Conditionality," p. 23.
73. Amnesty International, "In Search of Safety," sec. 1.
74. On the challenges facing UNHCR, see Gil Loescher, *The UNHCR and World Politics: A Perilous Path* (Oxford: Oxford University Press, 2001), chap. 10.

Despite the constraints described above, UNHCR could coordinate humanitarian action in situations where most organizations agree that their efforts are exacerbating the conflict. In the refugee relief regime, UNHCR is the dominant actor. Its leadership in protesting abuse of aid is likely to effect a somewhat unified response. Because of coordination problems that commonly afflict NGOs, they will not be able to encourage changes as well among donor governments or refugee-receiving states without UNHCR leadership. For example, Human Rights Watch noted that UNHCR passivity in the face of abuses in Guinea inhibited smaller organizations from protesting: "UNHCR generally plays an intermediary role between international nongovernmental humanitarian agencies and the authorities of the refugee-hosting country; but in Guinea UNHCR appeared unwilling to do so, creating a climate in which aid workers were also unwilling or unable to speak out. UNHCR's failure to press for access to the border region in particular posed a major obstacle to the work of its partner agencies."[75] It is probable that agencies that feel too helpless to seek change might follow the UNHCR lead, should it take one. In addition, UNHCR has an even stronger ethical reason to act than most NGOs—UNHCR is tasked with ensuring refugees' protection.

Critics of a UNHCR leadership role suggest that UNHCR can easily be replaced. The common example given is Kosovo in 1999, where NATO stepped in to care for the refugees. It is misleading to claim that the Kosovo situation would be the rule in most of the world, however. In most areas affected by refugee crises, NATO has no desire to engage. Crises in Europe are the exception. In reality, there is little alternative to UNHCR as the main actor in refugee relief.

Conclusion

The Rwandan refugee crisis of 1994–96 offers an extreme example of humanitarian aid becoming a cause of conflict. In that situation, the political context strongly indicated that humanitarian assistance would contribute to the spread of conflict. The refugees arrived as a state-in-exile, with the leaders loudly proclaiming their genocidal intentions. The receiving state, Zaire, expressed support for the Hutu militants and also lacked the ability to control the national border. External states refused to demilitarize the militants or enforce border security. The combination of these factors left humanitarian organizations on their own in a hostile environment.

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75. Human Rights Watch, *Liberian Refugees in Guinea,* p. 22.

Humanitarian organizations faced three choices: ignore the militarization, attempt to improve security, or reduce the level of assistance available for manipulation. For the most part, these organizations and their donors ignored the military activity and poured millions of dollars into eastern Zaire. The international humanitarian assistance had the effect of feeding militants, supporting the war economy, sustaining the militants' dependents, and legitimizing the refugees/rebels as victims. The internationally supported camps functioned as the infrastructure of the state-in-exile and the rear bases for the genocidal Hutu fighters.

The Rwandan refugee crisis in Zaire is often regarded as an anomaly among humanitarian emergencies. Numerous aid workers strenuously argue that eastern Zaire was a unique and incomparable situation.[76] Sadako Ogata, then UN High Commissioner for Refugees, claimed, "Probably never before has my Office found its humanitarian concerns in the midst of such a lethal quagmire of political and security interests."[77] The Zaire crisis, however, was not unique and can be fruitfully compared to other refugee situations. Treating the Zaire situation as an aberration obscures the general patterns that explain how humanitarian assistance can cause conflict.

Two general political factors emerge from the above analysis. The first factor is the origin of the refugee crisis. Refugees fleeing as a state-in-exile or from targeted persecution will have greater political cohesion than refugees fleeing the general destruction caused by war. State-in-exile and persecuted groups are more likely to coalesce around militarist leaders and view refugee relief as an instrument of war.

The second political factor is the response of the refugee-receiving state and third-party states. In an ideal setting, states would respond to a militarized refugee group by disarming the militants and preventing cross-border attacks between the refugees and the sending state. Often receiving states lack the ability to impose political order, especially in far-flung border areas that host refugees. In other cases, the receiving state is sympathetic to the militant refugees and frustrates attempts at demilitarization. Under such conditions, humanitarian organizations will find it difficult (if not impossible) to ensure their resources are used in a neutral and impartial manner.

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76. UNHCR officials, interviews, Geneva, Switzerland, July 1998.
77. Quoted in Dennis McNamara, statement to House International Relations Committee, Subcommittee on International Operations and Human Rights, hearing on "Rwanda: Genocide and the Continuing Cycle of Violence," May 5, 1998, p. 9.

In evaluating their actions during militarized refugee crises, humanitarian organizations usually absolve themselves by focusing on the failures of states to enforce international law. Transferring blame to states, even if it rightfully belongs there, does not solve the difficult issue of a militarized refugee crisis, however. Even if states and the UN Security Council fail to act, or act in a way to encourage violence, refugee relief agencies still bear responsibility for their actions. Ignoring the militarization has political effects, just as confronting it does. Either actively or passively, the refugee relief regime can contribute to the spread of conflict.[78]

To avoid this result, humanitarian organizations (such as UN agencies, the ICRC, and NGOs) cannot ignore the political and military context in which they provide their services. Despite the desire for neutrality, it is virtually impossible for material assistance to have a neutral effect in a conflict situation. Recognizing that fact, aid organizations should press for external political and military intervention when faced with a militarized refugee crisis. Even without external assistance, it is possible, in some cases, to improve the receiving state's capability to impose political order. In extreme situations where the negative effects of assistance outweigh the benefits, humanitarian agencies must consider withdrawing or reducing assistance. In the long run, if agencies do not leverage their resources, they risk losing their moral clout when refugee assistance contributes to conflict. The travesty in the Rwandan refugee camps highlighted the urgent need to design refugee relief programs with a better understanding of their political and military impacts. In militarized refugee crises, purity of intention cannot prevent the spread of conflict.

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78. Based on his experience during the Ethiopian famine, Rony Brauman explains how NGO inaction and/or silence constitute a political position. Brauman, "Refugee Camps, Population Transfers, and NGOs," in Jonathan Moore, ed., *Hard Choices, Moral Dilemmas in Humanitarian Intervention* (Lanham, Md.: Rowman and Littlefield, 1998), pp. 177–194.