

Sharing the Security Burden: Towards the Convergence of Refugee Protection and State Security

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Introduction

Recent history has painfully illustrated the deficiencies in the international response to mass migration. From the Balkans to the Great Lakes Region of Central Africa (GLR), efforts to ensure international protection for refugees have been repeatedly frustrated as states have expressed an increased reluctance to offer asylum. These frustrations have prompted some authors to call for a new approach to 'burden sharing' by identifying mechanisms through which the burdens borne by countries offering asylum could be more equitably distributed among a greater number of states (see Hathaway 1997, Schuck 1997). The scope of the burden sharing debate, however, does not fully respond to the current deficiencies in refugee protection as it excludes an understanding of the security implications of hosting refugees. A parallel debate has emerged within the United Nations (UN), culminating in a 'ladder of options' available in response to state insecurity resulting from mass migration (UNHCR 1999; Bui 1998). This response can also be seen as problematic as it is premised on a narrow understanding of the relationship between migration and insecurity.

This paper addresses these two shortcomings in the specific context of Tanzania. The case of Tanzania illustrates that refugee protection cannot effectively take place in conditions of acute and protracted state insecurity. It is imperative for the international community to respond effectively to the security implications associated with forced migration to ensure the protection of refugees. To accomplish this goal, this paper proposes an approach premised both on the logic of burden sharing and on a more rigorous and comprehensive understanding of the relationship between refugees and security.

Like other Central African states, Tanzania received hundreds of thousands of forced migrants as a consequence of the Rwandan civil war and genocide. Before emergency assistance arrived from the Office of the United Nations High Commissioner for Refugees (UNHCR) and Non-Governmental Organisations (NGOs), the local population offered hospitality to the migrants, many of whom arrived in poor health and in desperate need of assistance. This hospitality waned as it became clear that among the legitimate refugees were armed elements responsible for the genocide in Rwanda, using the camps as a military base and the

refugees as a shield. Security in the region deteriorated to such an extent that the Tanzanian government took the unprecedented move in December 1996 of closing the camps and forcibly repatriating the overwhelming majority of the Rwandan caseload.

Recent events in the Balkans, specifically Macedonia's decision to restrict asylum for Kosovar Albanians, illustrate that Tanzania's experience was not unique and that asylum will become increasingly scarce in countries where hosting refugees is perceived to be a threat to state security. It may further be considered that Tanzania's actions illustrate a growing reluctance to grant asylum, even in states with robust legal mechanisms dedicated to refugees and a generous history of providing asylum. Viewed in the context of a more pervasive trend amongst a range of states, the case of Tanzania indicates that refugee protection must develop an approach respectful of state security if international refugee law is to remain relevant in cases of conflict-induced forced migration. Given recent trends in the provision of asylum, it is clear that there is an urgent need to reinstall confidence in potential hosting states like Tanzania. There is a need to 'demonstrate that humanitarian principles are compatible with legitimate state interests' (Mahiga 1997); to prove that 'the protection of refugees can be reconciled with the security interests of states' (Ogata 1998); and to formulate the convergence of refugee protection and state security.

The Argument

Through the specific case of Tanzania, this paper argues that the broader goal of improving both the quality and quantity of protection afforded to victims of conflict-induced forced migration is best realised by recognising and addressing the legitimate security interests of states. The legitimate security interests of a country of asylum are defined here as the 'security burden': *the threats perceived by a host state related to the granting of asylum and the resources required to effectively address those threats.*² This burden, like the traditional 'dual mandate' burdens of protection and assistance identified in Chapter 2 of the 1950 Statute of UNHCR, can and should be shared by the international community.

This paper responds directly to two recent initiatives to overcome the deficiencies in the international response to mass migration. First, it is argued that the current international debate surrounding burden sharing focuses on the dual mandate burdens and omits the security burden. Second, while recent initiatives to ensure the security of host states through a 'ladder of options'³ represent an important foundation, they respond to only one aspect of the security burden. This paper argues that a comprehensive response to the security burden must address both the 'direct security burden', focused on the spill-over of conflict from the country of origin to the country of asylum, and the 'indirect security burden',

characterised by the potential exacerbation of pre-existing inter-group tensions in the host country.

The Structure

The paper has five sections. The first argues that security is a burden which is growing in importance, yet one that is not fully addressed by the burden sharing literature. The second elaborates the concept of the security burden, beginning with an understanding of the role of states in the protection of refugees and the primacy of security, and argues that forced migration can be understood as a *cause* of insecurity and not simply a *consequence*. As such, the security burden can be disaggregated into direct security burdens, focused on the spill-over of conflict, and indirect security burdens, emphasising the relevance of 'grievance' and 'opportunity' threats. Each of these threats, and elements of a possible response, will be examined in turn in the third and fourth sections.

Finally, the paper attempts to advance the emerging debate on the applicability of the 'language of security' to the question of refugee protection by responding to recent criticisms of this approach (e.g. Chimni 1998; Goodwin-Gill 1999). It concludes that, while further debate is urgently required, 'speaking the language of states' can reinforce the protection of refugees by ensuring that the quality and quantity of asylum is increased. Given the changing nature of conflict-induced forced migration at the end of the Cold War, the importance of the security burden is greater than ever.

The Importance of Security as a Burden

Explaining the change in Tanzania's hosting policy and the ability of the burden sharing debate to address these changes

After independence in 1961, Tanzania established a reputation as 'one of the world's most hospitable countries for refugees' (UNHCR 1998a). Tanzania has hosted hundreds of thousands of forced migrants fleeing civil conflicts in its immediate neighbours and from countries as far away as South Africa. The government's 1979 decision to extend an offer of citizenship to 36,000 Rwandan refugees is but one example of the quality of Tanzania's hospitality.⁴ In recognition of this reputation, the High Commissioner for Refugees (HCR) awarded the UNHCR Nansen Medal for service to refugees to President Nyerere in 1983 (see Mendel 1997: 35). This reputation, however, changed dramatically in December 1996 with the expulsion of the overwhelming majority of the Rwandan caseload, resulting in charges of violations of international refugee and human rights law (AI 1997b; HRW 1996).

Before examining Tanzania's shift in hosting policy, some background is required to understand the refugee crisis within the context of the Rwandan

genocide and civil war. On 6 April 1994 at 20.30h, the plane carrying Rwandan President Juvenal Habyarimana was shot down on its final approach to Kigali. By 21.15h, *interahamwe*⁵ roadblocks had been established throughout the city, followed shortly by the start of systematic killings of Tutsis and moderate Hutus. Forty-eight hours later, the Tutsi-based Rwandan Patriotic Front (RPF) broke the cease-fire imposed by the Arusha Accords, negotiated to end the 1990 civil war. Within a few days, the genocide had spread to the countryside and prompted the first waves of refugees to enter Zaire and Tanzania. In a 24-hour period between 28/29 April, some 250,000 refugees crossed the Rusumo bridge into Ngara, Tanzania. It was 'the largest and fastest refugee exodus in modern times' (UNHCR 1998a).

In the next two to three months, genocide and civil war raged in Rwanda. On 18 July 1994, the RPF took the town of Gisenyi, and a new government was formed in Kigali. The Former Government of Rwanda (FGOR) and its supporters withdrew to camps in Zaire and Tanzania, taking with them large sections of the Hutu population. The civil war and genocide left approximately 800,000 dead in Rwanda and hundreds of thousands internally and externally displaced. Eventually, there were approximately 700,000 Rwandans living in camps in the Kigoma and Karagwe regions of Tanzania.

In the months following the initial influx, conditions in both the camps and in the surrounding regions were marked by increasing instability. Within the camps, it was widely reported that suspected *génocidaires* and members of the FGOR 'mingled freely with genuine refugees' (Mahiga 1997: 15). A report commissioned by the Government of Tanzania concluded that insecurity in the border regions had reached 'unacceptable levels' (Rwehabula 1995). UNHCR staff observed that levels of banditry rose dramatically. Environmental degradation also reached alarming levels, and the local population watched 'with increasing frustration as large tracts of forest and agricultural land were destroyed' (Mahiga 1997: 15).

Tanzania's first change in policy came on 31 March 1995 when, almost a year after the initial influx and in the lead-up to the country's first multi-party elections, the government closed its border with Burundi to prevent additional Rwandan forced migrants from fleeing increased levels of conflict in Burundi. Then, 'apparently encouraged by the failure of the international community to criticise the repatriation from Zaire' (Amnesty International 1997a: 1), Tanzania decided to close the Rwandan camps and expel the caseload in December 1996. Given the implications of this radical change in policy, what factors compelled the Tanzanian government to make it?

Explaining Tanzania's Shift in Hosting Policy

While more detailed analysis of Tanzania's change in policy may be found elsewhere,⁶ this paper concentrates on four illustrative explanations. First, the

quantitative features of the Rwandan caseload are remarkable. It may be difficult to visualise Benaco camp in Ngara District, which became Tanzania's second largest 'city' with a population of roughly 500,000 (Rutinwa 1996: 295). Coupled with its magnitude was the perception that a solution for the Rwandan and Burundian caseloads 'remained elusive ... [a fact which] began to fuel Tanzanian frustrations' (Mahiga 1997: 14).

The Rwandan caseload was also of a particular nature. As outlined above, there were widespread suspicions that the camps were harbouring *génocidaires*. It was commonly understood that members of the camp's population were not fleeing persecution, but justice. Given the qualitative and quantitative nature of the caseload, it has been argued that it is not fair to take the Tanzanian government's treatment of the Rwandan as indicative of a general trend. Instead, there must be a clear recognition that the nature of this population was 'very, very different' (Githinji 1998).

The presence of suspected *génocidaires* in the camps led to problems of both internal and external security. The enforcement of law and order in the camps became increasingly problematic as intimidators within the camps exercised greater control over the refugee population (*ibid.*). Security in the areas surrounding the camps was also jeopardised. There were numerous reports of banditry and attacks on aid convoys on the road between Kigoma and Ngara. While it is difficult to demonstrate that this rise in banditry was caused by the refugees themselves or was simply a factor of the increased number of aid convoys using the route, security in the region was certainly a cause for concern (Rwehabula 1995). This pressure escalated as the FGOR launched armed attacks against Rwanda from camps in Eastern Zaire, causing a dramatic deterioration of security in the region as a whole.

Finally, it is important to understand the financial and structural costs borne by Tanzania while hosting the 1994 Rwandan caseload. Many studies have been conducted on the impact of the refugees on Tanzania (e.g. Green 1994; Musoke 1997a; UNHCR 1998b). Specifically, they focus on the dual mandate burdens of protection and assistance, including the pressures of environmental and infrastructural damage. It has been recognised that while the initial response to the emergency in the early stages was impressive, this support waned over time. This led Rutinwa to conclude that the 'failure of the international community to give adequate assistance to Tanzania was the main reason for the closure of the border...' (1996: 298) and echo calls for the international community to 'reaffirm the existence of a joint responsibility to support refugees and to put in place a credible system of distributing the burden of refugees equitably' (p. 301).

The Burden Sharing Debate

The desirability of 'distributing the burden of refugees equitably' is clearly articulated in the Preamble to the 1951 Convention relating to the Status of Refugees, which states that: 'the grant of asylum may place unduly heavy burdens on certain countries, and ... a satisfactory solution ... cannot therefore be achieved without international cooperation.' The means by which this ideal may be realised has been debated for some time (see Fonteyne 1980; Grahl-Madsen 1983). At the core of early burden sharing proposals was the understanding that 'collective action would strengthen protection for refugees by reducing inequities among recipient states' (Suhrke 1998). The current 'crisis in asylum', characterised by reductions in asylum amongst countries of both the North and the South,⁷ has rekindled the burden sharing debate. Indeed, it has been recognised that the speeches delivered by Tanzanian politicians indicating a reduced willingness to host refugees and calling for greater international solidarity in light of the refugee crisis 'could have been delivered verbatim by any developing country hosting significant numbers of refugees' (Mahiga 1997: 15).

Rooted in a desire to reverse the emerging restrictive asylum trends, and thereby increase both the quality and quantity of asylum, there has been a recent resurgence of interest in the prospects of burden sharing. The emphasis here is more on the scope of this recent debate and less on the effectiveness of recent proposals in realising the ideal of burden sharing. The important conclusion will be that the burden sharing debate does not fully address the concerns of host countries like Tanzania as it does not address the security implications associated with hosting refugees.

The most comprehensive attempt to realise effective burden sharing followed the six-year project 'Towards the reformulation of international refugee law' (the Reformulation Project), based at the Centre for Refugee Studies at York University (CRS) and under the direction of James Hathaway. Publications resulting from this study include CRS (1996); Hathaway and Neve (1997); Hathaway (1997). The conclusions of the Reformulation Project flow from an understanding that during the post-war era: '... there was a pervasive interest convergence between refugee and host populations. Without such a natural symmetry, however, refugee law can function only if there is a mechanism in place to mitigate the burdens of receiving states' (Hathaway 1997: xxii).

The Reformulation Project proposes such a mechanism to alleviate burdens based on four principles. First, it argues that refugee protection should actively seek solutions in line with state interests, and 'not be bartered away as part of the current upsurge of interests in addressing the "root causes" of involuntary migration' (p. xxiii). It also argues that refugee law should adopt a more 'robust' concept of temporary protection according to the logic that 'if the protection of

refugees is ... respectful of human dignity, it need not be permanent' (*ibid.*). Third, the Project emphasises the 1951 Convention's 'unnecessarily rigid definition of state responsibilities' (p. xxiv) and concludes that there is no need to assume that every state will play an identical role.⁸ Finally, it argues that the institutions of the international refugee regime need to be 'retooled' to 'promote and coordinate a process of collectivized responsibility' (*ibid.*), thereby ensuring confidence amongst states that a more systematised and coordinated approach to burden sharing would result in a more dependable response. The Reformulation Project concludes that burden sharing would be more effectively administered if it took place in the context of pre-negotiated responsibilities within 'interest-convergence groups'.

While it would be problematic to premise a critique of this proposal on such a brief summary,⁹ it is important to understand how the issues were addressed at the 49th Session of EXCOM, where 'International Solidarity and Burden Sharing in all its Aspects' was adopted as the annual theme (UNHCR 1998c). In the Chairman's summary of the debate, it was recognised that the theme was challenging, 'even though international solidarity and burden sharing are not new concepts' (UNHCR 1998d; see also 1998c). There was widespread support for the concept of burden sharing and international solidarity, but not for the systemisation of a burden sharing system nor for the introduction of obligations in addition to those of the 1951 Convention.¹⁰ There was endorsement for the 'institutional collaboration at the operational, advocacy and fundraising levels', but there was 'less support for global mechanisms' (UNHCR 1998d). Clearly, there was no political will for the type of mechanisms proposed by the Reformulation Project.

This must lead to the question of the necessity of new mechanisms in the eyes of those intimately involved in refugee protection. Dennis McNamara, former UNHCR Director of the Division of International Protection, believes that additional obligations are neither necessary, nor would they solve the crisis in asylum. He argues that if states agree to a new set of obligations, the refugee regime will simply be confronted with a new set of non-compliance issues (interview, 11 November 1998). Instead, McNamara believes that international solidarity takes place every day. While the system is not perfect, it functions very well under difficult circumstances.

The goal of this paper is not to reconcile the debate surrounding recent burden sharing proposals. Instead, it aims to show that security issues are not addressed by the current international debate and that this omission has important implications. The Reformulation Project and the EXCOM debate focus exclusively on the dual mandate burdens of protection and assistance according to the 1950 Statute. The case of Tanzania illustrates that while burden sharing did not function as effectively as it could have, a great deal of burden sharing did in fact take place.

The important conclusion, however, is that by focusing exclusively on dual mandate burdens the third, and equally pressing, security burden is overlooked.

Burden Sharing in Tanzania 1994-1996

To understand the effectiveness of burden sharing in Tanzania, one must begin with the response to the crucial early stages of the initial emergency and understand what types of burden sharing did take place. First, when evaluating the initial response, it is important to remember that this was the 'largest and fastest moving influx in modern times' (Mahiga 1995: 2). As Head of the sub-Office in Ngara at the time of the initial influx, Maureen Connelly provides an intimate account of efforts at burden sharing for assistance. She points to the relative success of the emergency assistance given the scale of the emergency. According to Connelly's report, response to the initial influx on 28/29 April was prompt. An informal donors' meeting was held within 48 hours in Dar es Salaam, which 'initiated donor response and interest.' Assistance arrived 'in adequate quantities and quickly' as the World Food Programme was able to deliver food from other country programmes in the region to meet the immediate emergency needs (1995: 3.7). There remains 'a certain sense of pride' that the field and national staff of UNHCR were able to meet the material needs of such a massive population in such a short period of time.¹¹

Less successful were efforts at burden sharing for protection. McNamara recognises that the assistance mobilised for the Rwandan caseload was impressive (interview). What was lacking, however, was the political will to separate the *interahamwe* and other *génocidaires* from the civilian population. This inability to separate the combatants from the refugees made the task of protection exceptionally problematic as it dramatically reduced the ability of UNHCR Protection Officers to gain unhindered access to the refugees. This inability to separate was not, however, a function of a lack of protection itself, but a consequence of the security situation resulting from the nature of the population of the camps. This raises the issue of the unaddressed security burden.

Tanzania's Deputy Minister of Home Affairs, E. Mwambulukutu, defending the actions of his government before EXCOM, argued that hosting refugees had become a heavier and more painful burden than ever before for countries like Tanzania; protecting and assisting refugees had 'brought new risks to national security [and has] exacerbated tensions between states' (1997). This is the security burden. It is important here to note that the logic of burden sharing can be applied to the security burden. UN Security Council resolution 1208 of 19 November 1998 affirmed 'the primary responsibility of States hosting refugees to ensure the security and civilian and humanitarian character of refugee camps...' but it also notes that 'a range of measures by the international community are needed to share

the burden borne by ... States hosting refugees...' (1998). This logic serves as an important foundation for the remainder of this paper.

Clearly, there is a need to share the material and legal burden of hosting refugees, but not at the expense of state security. As recent events have illustrated, the security burden is the most explosive of the three burdens. There is an urgent need to address this burden in an effective and comprehensive way by applying the logic of burden sharing, as suggested by the Security Council resolution. Before considering specific ways of sharing the security burden, it is examined in more detail.

The Security Burden Defined

The changing nature of security, the sources of threats, and the link between forced migration and security

This paper defines the security burden as: *the threats perceived by a host state related to the granting of asylum and the resources required to effectively address those threats*. Implicit in this definition is the assumption that forced migration can act as an independent variable in the relationship between refugees and insecurity. This section argues how forced migration can cause insecurity in the Third World.¹² Working from an understanding of new perspectives of security, this section argues that forced migration poses both direct and indirect threats to countries of asylum.

Before examining the links between forced migration and security, the relationship between national security and a state's decision to grant asylum must be understood. Consider the following series of propositions: First, states have a 'security imperative'; second, states grant asylum; and given the security imperative, and given that states will compromise the security imperative to grant asylum only under very limited conditions, the security imperative must be guaranteed before a country will be willing to grant asylum.

The Primacy of the Security Burden

To test this set of propositions, it is important to understand first that there is no right to asylum, only the right to 'seek and enjoy in other countries asylum from persecution' (Universal Declaration of Human Rights 1948: Art. 14(1)). Given that states grant asylum, the position of states 'must be seriously considered' (Barutciski 1998: 241) when addressing the current 'crisis in asylum' outlined above. Indeed, states have been identified as central to the current problems surrounding international protection. As McNamara argued at the 48th Session of EXCOM, 'the real root of the problem lies ... in the persistent failure of States to respect and support agreed treaty obligations' (1998). Clearly, any analysis along the lines of this paper must work from the position of states.

To this must be coupled an understanding of the 'security imperative': that 'one of the primary roles of the state is to provide peace and security for its citizens within the national territorial boundaries as well as to ensure their protection against threats from outside' (Maluwa 1995: 654). Security is an absolute priority for states; the granting of asylum is not. In fact, under the 1951 Convention, states are prohibited from expelling a refugee from their territory 'save on grounds of national security or public order' (Art. 32(1)). This priority has been endorsed by HCR Ogata, who argued at the 49th Session of EXCOM that 'the best way to uphold refugee protection ... is to take into consideration the security interests of states' (UNHCR 1998d: 19). These 'security interests' were clearly demonstrated in the GLR towards the end of 1996, and illustrated how state practice is increasingly influenced by the security implications of hosting refugees. As Weiner argues,

...migration and refugee issues, no longer the sole concern of ministers of labour and immigration, are now matters of high international politics, engaging the attention of heads of state, cabinets, and key ministries involved in defence, internal security and external relations (1993: 1).

New Perspectives on Security

Before exploring the link between forced migration and security, it is important to understand how the concept of security has changed since the end of the Cold War. While security 'ranks prominently among the problems facing humanity' (Buzan 1991: 1), it remains a difficult concept to define. What has been widely accepted is the link between 'threats' and 'security'. Insecurity is subjective, and is consequently rooted in the perception of a threat. As Jervis argues, the 'perception of a threat is certainly as important as any construction of an objective threat...' (1976: 6). This is true even if the threat is misperceived and later proved to be without basis (see Berkowitz and Bock 1968; Maluwa 1995: 654). Consequently, the origin of a perceived threat is central to an understanding of security.

During the Cold War, international relations literature was dominated by a specific understanding of security based on 'two major assumptions: one, that most threats to a state's security arise from outside its borders and two, that these threats are primarily, if not exclusively, military in nature and usually require a military response' (Ayoob 1995: 5). This traditional view of security has subsequently been challenged from a number of perspectives (Ullman 1983; Mathews 1989), but the most relevant criticism here is the applicability of this view to the Third World. For many, its relevance is slim. As Ayoob argues, 'the applicability of this historically conditioned definition of security to the analysis of Third World situations has ... created major intellectual and conceptual problems'

(1995: 6). It is now clear that ‘despite the rhetoric of many Third World leaders, the sense of insecurity from which [Third World states] suffer emanates largely from within their own borders rather than from outside’. To this new understanding of the significance of internal insecurity must be added the understanding that ‘internal conflicts are frequently transformed into inter-state conflicts because of their spill-over effect into neighbouring, often similarly domestically insecure, states’ (p. 7). The changing reality of security in the Third World has given rise to the understood need to redefine security and the sources of threats.

A revised understanding of the nature of threats is of profound importance to international security. Specifically, once a ‘threat to international peace and security’ has been identified, the UN Security Council can sanction the use of force, including the forceful intervention into a sovereign state, under Chapter 7 of the UN Charter. Consequently, the implications of the statement made by the President of the UN Security Council after the first summit-level meeting of the body after the end of the Cold War are not to be understated. In this statement, the President recognised that ‘the non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security...’ (UNSC 1992).

From this expansion in the understanding of threats has emerged the concept of ‘human security’. This concept has been advanced by a diverse group of interests, including UNHCR (1997c: ch. 1), the UN Development Programme (UNDP 1994 ch. 2), and the Canadian, Norwegian and Dutch governments (see Axworthy 1997). In a simplified form, human security focuses on the security of the individual, requiring that basic needs be met. More broadly, ‘... human security recognises that democratic development, human rights and fundamental freedoms, the rule of law, good governance, sustainable development and social equity are as important to global peace as are arms control and disarmament’ (DFAIT 1999: 1).

The relevance of this conception of security to forced migration must be understood as a question of causation. For Maluwa, it is important to ask whether ‘the refugee problem is to be regarded simply as a consequence and manifestation of the lack of peace and security ... or is it, in fact, one of the root causes of insecurity?’ (1995: 655). Lloyd Axworthy, Canadian Minister of Foreign Affairs, argues that human security ‘recognises the links between environmental degradation, population growth, ethnic conflicts and forced migration’ (1997: 2). In this relationship, forced migration is seen as a consequence, not as a cause, of insecurity. Forced migration is conceived of as a dependent variable, and security as the independent variable. But, as demonstrated by the case of the GLR, ‘forced migration is not simply a consequence of conflict and violence; it is also a primary cause’ (UNHCR 1997c: 33). Clearly there are occasions where forced migration is the independent variable and security is the dependent variable. A foundation of any

effective response to the instability caused by forced migration must be rooted in a broader understanding of insecurity and conflict.

It is here that a second understanding of security becomes important. For Ayoob, a comprehensive understanding of security in the Third World must be rooted in an understanding of the complex process of state building, state legitimacy and competition over scarce resources. This is not to say, however, that 'this emphasis on the primacy of the political realm in the definition of security does not mean the political realm can or should be totally insulated from other realms of human and social activity.' However, the influence of 'other realms in matters that affect security must be filtered through the political realm and must be directly relevant to that realm' (1995: 8).

Forced migration is part of this 'other realm', and Ayoob recognises that when 'developments in other realms ... threaten to have immediate political consequences or are perceived as being able to threaten state boundaries, political institutions or governing regimes, these other variables must be taken into account as a part of a state's security calculus' (*ibid.*). From this understanding, it can be concluded that 'security/insecurity is defined in relation to vulnerabilities ... that threaten or have the potential to bring down or weaken the state structures' (p. 9). Consequently, it may be understood that for forced migration to be seen as a *cause* of insecurity, it must be demonstrated that it has the potential to 'bring down' or 'weaken' state structures.

Weiner notes that 'little systematic comparative attention has been given to the ways in which international population movements create conflicts within and between states, that is, to population flows as an independent rather than as a dependent variable' (1993: 3). The literature that does exist focuses on forced migration and security in a range of circumstances. The following two sections of this paper examine the literature specifically related to refugees and security in what Loescher termed 'South-South flows' (1992) and illustrates that there are three distinct types of security threats posed by forced migration. First, there are *direct threats* from 'refugee warriors' and armed exiles causing a 'spill-over' of conflict as identified by Ayoob. Second, there are *indirect threats*. These indirect threats can be divided into *grievance threats* and *opportunity threats*.

The Direct Security Burden

'Refugee warriors', the spill-over of conflict and a 'ladder of options'

Direct Threats

The direct threat, posed by the spill-over of conflict and refugee warriors, is by far the strongest link between forced migration and conflict. There are no intervening variables between forced migration and 'threats to state structures' as the migrants

themselves are actively engaged in armed campaigns against the country of origin. In the context of the Cold War and ideological East/West tensions, the spill-over of violence assumed a very different meaning than it does today. As Loescher argues, 'the emergence of armed groups of exiles, the so-called "refugee warriors", symbolised for the West the popular rejection of communist governments and served to legitimise the resistance movements' (1992: 11). Examples include the three million Afghan refugees who fled to Pakistan after 1979 and formed a base for *Mujaheddin* resistance to Soviet and Soviet-backed control of Afghanistan. Another example is Western support for the *Khmers Rouges*, identified as a way of containing the regional interests of the Soviet-backed Vietnamese government. A third is American support for the Nicaraguan *Contras*. As part of the Cold War logic of international security, all these groups received US and Western support, both military and political (p. 12).

With the end of the Cold War, the logic has changed but the relevance of refugee warriors remains.¹³ Refugee warriors continue to play a significant role in the course of recent events in the GLR.¹⁴ Weiner argues that refugees have increasingly been found to be basing terrorist attacks from a country of asylum, smuggling arms and participating in drug trafficking to cite but a few examples. Weiner continues that many groups of asylum seekers have been

... regarded with suspicion by intelligence and police authorities of other countries and their requests for asylum have been scrutinised not only for whether they have a well-founded fear of persecution, but for whether their presence might constitute a threat to the host country (1993: 14).

The location of refugee warriors on the border makes their presence especially salient. In cases of mass migration in the Third World, it has been argued that 'raids and guerrilla activity across the border may drag the host state into an existing conflict, and in fact this may be the deliberate strategy of the armed exile group' (Dowty and Loescher 1996: 49). In a broader sense, the insecurity caused by the presence of these groups is compounded by the fact that 'refugee warriors invite retaliation, complicate relations with other states, and threaten the host states and the security of their citizens' (Loescher 1992: 15).

It must, however, be emphasised that 'refugee warriors' are not refugees and consequently are not deserving of international protection. Specifically, individual asylum seekers who have committed a war crime, a crime against humanity, a serious non-political crime or a crime which is clearly disproportionate in relation to political aims are excluded from refugee status under Art. 1(F) of the 1951 Convention. Art. 2 of the 1951 Convention continues by affirming that: 'Every refugee has duties to the country in which he finds himself, which requires in

particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.' Following on these provisions, the challenge in cases of 'refugee warriors' is their identification through a rigorous determination procedure, exclusion and physical separation from the refugee population. These challenges are well illustrated by the case of Tanzania.

Nature of the Tanzanian Direct Security Burden

Five characteristics of the Rwandan caseload contributed to Tanzania's direct security burden. The first was the nature of the influx, described as the 'strategic withdrawal of a population' (Crisp 1998). The displacement of large sections of the Rwandan population was a deliberate strategy on the part of the FGR, designed to provide them with a base from which they could continue their campaign against the new government in Kigali. It has been argued that mass displacement, either within or between countries, is often designed to meet specific strategic objectives. In such contexts, 'the movement and presence of displaced populations has impinged very directly on the security concerns of states and other actors' (OAU/UNHCR 1998; see also Loescher 1992, Weiner 1993).

The nature of the influx had implications for the composition of the population within the camps. At the opening of the Regional Meeting on Refugee Issues in the Great Lakes in Kampala (the Kampala Meeting), the Secretary-General of the OAU noted that members of the FGR and elements of the *interahamwe* crossed into Zaire and Tanzania with military equipment.¹⁵ These elements maintained a strong influence over the population within the camps, as 'bona fide' refugees were held hostage, intimidated and even killed when they expressed the wish to return home.¹⁶ Legitimate refugees were used as a human shield by the FGR, representing one of the most pressing security implications of the caseload.¹⁷

It has also been recognised that the location of the camps furthered the strategic objectives of the FGR and brought the camps directly 'into the logic of war' (OAU/UNHCR 1998, Working Paper 1: 2). Contrary to UNHCR policy,¹⁸ the camps housing the Rwandan caseload were located exceptionally close to the Rwandan border. Given the security imperative outlined above, states are by nature sensitive to all activities in their border regions. Clearly, 'when those areas are populated by large numbers of displaced and destitute people, including those bearing arms, the potential for instability is evidently high' (OAU/UNHCR 1998, Working Paper 1: 2). The weak rule of law within and around the camps also had security implications. Efforts to establish and maintain law and order within the camps were problematic. Consequently, 'displaced populations came under the control of political and military elements' (p. 3). These problems had broader security implications for the areas around the camps as the activities of the criminal elements extended beyond the camp boundaries. 94 deaths and 74 cases of armed

robbery have been attributed to the refugee population in Kigoma region alone. Musoke argues that 'a criminal pattern' can be discerned in Kigoma and Kagera regions and attributed to refugees (1997b).

These five characteristics of the Rwandan caseload resulted in a direct security burden for Tanzania and a clear threat perception on the part of the new government of Rwanda. Given Jervis' argument on the importance of perception in the identification of threats, only the perception that the refugee camps were harbouring armed elements was sufficient to cause tensions between states. Following armed campaigns by the FGOR against the new Tutsi-dominated government in Kigali based in Eastern Zaire and reaching deep into Rwandan territory, it should come as no surprise that Rwanda viewed the situation in Tanzania with suspicion. As the Tanzanian Minister of Foreign Affairs argued:

...the presence of refugees [in Tanzania] is a source of tension in the relations between Tanzania and Burundi, and to a certain extent Rwanda, arising from the suspicion that the refugees are regrouping and training for warfare for attacking the countries of origin...¹⁹

Toward a Structured Response: Separation and the Ladder of Options

While the OAU, UNHCR and regional states called for the disarming and separating of the armed elements, these calls regrettably 'went unheeded by the international community' (Statement by OAU Secretary-General, Kampala Meeting). Reflecting on this experience and the deterioration of security which followed, the UN Secretary General recognised the negative impact refugees and insecurity have on the broader project of peacebuilding and regional stability. He noted that:

... the safety of refugees has increasingly become a matter of international concern, as has the security of States hosting large refugee populations or having such population near their borders. The potential threat to African States posed by the movement of large numbers of refugees when they are mingled with combatants must be acknowledged (UNSG 1998: 12).

He called for 'the establishment of an international mechanism to assist host governments in maintaining the security and neutrality of refugee camps and settlements' (p. 12-13). After reviewing and debating the Secretary-General's report, the UN Security Council on 19 November 1998 adopted Resolution 1208, reaffirming the responsibility of host states in ensuring the security and humanitarian character of camps, as outlined above.

This position was also clearly informed by the opinions of HCR Ogata, who called for 'a ladder of options' to address the question of the security threats of

hosting refugees as early as October 1997 (statement in Copenhagen, 20 October). The specific ways in which the international community could respond to the direct security burden were examined during the 14th Meeting of the EXCOM Standing Committee while addressing an Information Note on 11 February 1999. The proposal, known as the 'ladder of options', received a 'positive and enthusiastic reaction' (Kahn 1999).

There are three 'rungs' in the 'ladder of options'. While the 'rungs' are intended to be mutually reinforcing, each 'rung' addresses different levels of insecurity in refugee-affected regions. The first 'rung' on the ladder, the 'soft options', focuses on contingency planning and preventive measures on behalf of potential host states and the international community coupled with capacity building of the law-enforcement services of the country of asylum.

The 'medium options' focus on monitoring and policing. The Information Note outlines a number of specific ideas which 'go beyond the strict competence of humanitarian organisations such as UNHCR, but fall short of deploying an external military force' (UNHCR 1999a: 14). Such provisions were discussed between UNHCR and the UN Department of Peacekeeping Operations in the run-up to Security Council Resolution 1208. These discussions agreed that the concept of multi-national civilian observers was a 'novel and potentially useful proposition' (*ibid.*). The work of the Kosovo Verification Mission was cited as a potentially useful example of this type of endeavour. Given the shortcomings of this mission, the circumstances surrounding its withdrawal from Kosovo and the initiation of forceful intervention by NATO countries, this example must be seriously reconsidered.

Forceful intervention under Chapter 7 of the UN Charter is the focus of the third and last 'rung' of the 'ladder' - the 'hard options'. This type of deployment would be only in exceptional circumstances, the possibility of which has been recognised by the President of the UN Security Council who argued that 'massive displacements of civilian populations in conflict may pose a serious challenge to international peace and security' (UNSC 1997). Under these circumstances, there is a 'need to ensure that forces are equipped and trained to address refugee issues when such objectives form part of the force's agreed mission' (UNHCR 1999a: 20).

While the 'ladder of options' is still in its infancy, it lays an important foundation. It recognises that while security is the primary responsibility of the host state, the international community and regional actors have vital roles to play. Here, the logic of burden sharing may be applicable, as articulated in UNSC resolution 1208 and as developed in the literature on regional peacekeeping initiatives in Africa (see Furley and May 1998).

The 'hard options' of the ladder are, however, the most difficult and controversial. To some, it may seem that forced migration simply cannot pose

‘threats to international peace and security’ as ‘refugees ... rarely represent a threat that even a small and weak state cannot handle on its own by applying some military force’ (Suhrke 1998: 6). The link between refugees and security as addressed in this paper challenges this conclusion, and is further addressed by Dowty and Loescher who argue that ‘as a threat to peace and security, the imposition of refugees on other states falls under Chapter 7 of the UN Charter and therefore legitimates enforcement action’ (1996: 45).

HCR Ogata has argued that ‘while the concept [of a ladder of options] is fairly clear in theory, it is now essential to give it practical implementation’ (Statement in Ottawa, 4 November 1998). In her closing remarks to the 50th Session of EXCOM, she called for the support of EXCOM members to make the proposals of the ladder of options ‘easily accessible and implementable’ (1999). While it would be problematic to base an analysis of the approach on the limited information available, the ladder of options approach may be criticised for taking refugee protection too far into the realm of security and ‘beyond the refugee issue.’²⁰ While such criticisms will be addressed in the conclusion of this paper, it is important here to recognise that the ladder of options approach does not fully address the security burden. Specifically, the ladder of options does not address what this paper identifies as the indirect security burdens of grievance and opportunity threats.

The Indirect Security Burden

More difficult to identify than direct threats are the indirect threats posed by refugees through altering either the levels of ‘grievance’ or the ‘opportunity structure’ in a country of asylum. In these cases, refugees alone are a necessary but not a sufficient cause of insecurity. The presence of refugees can exacerbate previously existing tensions and change the balance of grievance and opportunity in the country of asylum. For this reason, refugees play a significant if indirect role in the causes of insecurity and violence, with consequences potentially of the same scale as the direct threats.

Generally, Maluwa argues that ‘unwanted migrants and refugees may cause ... intercommunal tensions within the receiving state’ (1995: 672). Maluwa includes two broad sets of causes. The first set is rooted in antagonistic ethnic, cultural, religious or linguistic forces within the host population. The second is based on the potential endangerment to the host country’s social and economic stability and security, especially where the presence of large numbers of refugees begins to translate into competition for scarce jobs, economic resources and social security services. In fact, the social and economic capacity of many Third World states, as illustrated by Ayooob, magnifies these indirect threats.

Grievance Threats

Grievance threats are rooted in understandings of distributive justice and spheres of moral communities. 'Grievance' refers to an individual's or a group's perception of 'unfair distribution' (Deutsch 1985: 1). Levels of grievance are a product of group identity and perceptions of distributive justice. Theories of group identity examine the concept of 'us' and 'them'. Billig frames his understanding of group identity in the context of frustration-aggression models (1976: 121-179). These models argue that when a goal or objective is blocked, frustration ensues and is often manifested in aggression (p. 123-126). Billig continues this line of reasoning by emphasising the need for 'out-groups', groups that are outside an individual's primary group - the 'in-group'. As he explains, social order would collapse if individuals met every frustrating experience with an aggressive response. For this reason, groups develop social pressures to ensure that this aggression is displaced 'and in particular, is displaced onto individuals outside the in-group' (p. 151). What emerges is a group identity that reinforces differences between the groups. These differences are maintained through ethnocentrism, defined as 'the prevalence of in-group preferences and out-group derogation' (Brown 1986: 535).

An understanding of group identity must be coupled with relative deprivation, defined as 'the perceived discrepancy between what a person obtains and what he believes he is entitled to obtain' (Deutsch 1985: 51). A variable that is central to an understanding of distributive justice is what Deutsch calls the 'scope of moral community' (p. 4). This variable determines to whom a specific perception of justice is applicable. The scope of a moral community permits a number of actions that would otherwise be forbidden as 'the narrower one's conception of one's community, the narrower will be the scope of situations in which one's actions will be governed by considerations of justice' (p. 4).

From Germany to South Africa, reports of xenophobic attacks on 'foreigners' are often best understood in these terms. Here, the importance of ethnic affinity and group identity cannot be overstated. If a host population perceives the incoming refugee as 'one of us', positive and generous conceptions of distributive justice will apply. The empirical evidence is overwhelming. As Loescher argues,

... in the Third World, the remarkable receptivity provided to millions of Afghans in Pakistan and Iran, to ethnic kin from Bulgaria in Turkey, to Ethiopians in the Sudan, to Ogadeni Ethiopians in Somalia, to southern Sudanese in Uganda, to Issaq Somali in Djibouti and to Mozambicans in Malawi has been facilitated by the ethnic and linguistic characteristics they share with their hosts (1992: 42).

Conversely, if the refugees are seen as members of an 'out-group', they are likely to receive a hostile reception. In cases where there is a division along ethnic, linguistic or religious lines, 'a major population influx can place precariously balanced multi-ethnic societies under great strain and may even threaten the political balance of power' (*ibid.*).

Grievance threats may be divided into two categories: direct and indirect grievances. Direct grievances are the result of the perception that refugees are benefiting from preferential treatment compared to the local community, which in turn may lead to what Deutsch called an 'awakening of a sense of injustice' manifested in xenophobia. This was an important consideration for the Malawian Red Cross during its work with the Mozambican caseload, rising to 10 per cent of the national population. Great efforts were made to ensure that the local population did not feel abandoned in favour of the refugees. Local capacity was improved through the provision of health and sanitation to the local communities, in addition to supplemental food aid during the drought of 1992.²¹

This type of attention has proved to be especially important given that refugees, 'as an out-group, can be blamed for all untoward activities' (UNHCR 1997a). While levels of crime may rise by no more than expected with a comparable rise in population, refugees increasingly are seen as the cause. Maluwa also argues that the 'presence of massive numbers of refugees' can 'create feelings of resentment and suspicion, as the refugee population increasingly, and often wrongly, gets blamed for the economic conditions that may arise within the domestic population'. This can lead to a point where 'poverty, unemployment, scarcity of resources, and even crime and disease, are suddenly attributed to the presence of these refugees and other foreigners' (1995: 657).

The potential economic impact of mass forced migration into a region leads to an understanding of the nature of indirect grievance threats. These are cases where the presence of refugees alters domestic conditions by association, and results in frustration directed at the refugee population. Refugees can generate local grievance through their negative impact on the environment and food security, and through their competition for scarce resources. For example, refugees compete with the local community for firewood. In time, this places a measurable additional burden on women and children who are required to invest considerable extra time to find and collect wood (Musoke 1997a: 8). It has also been argued that local populations may also be adversely affected as the inflow of food aid will have negative repercussions for the local market prices for staples such as maize and rice. In short, an influx will often be perceived by the local population as 'direct competitors for local resources; they have a rightful claim and therefore feel entitled to what they receive...' (Loescher 1992: 48).

Opportunity Threats

The second indirect threat posed by refugees is rooted in the concept of 'political opportunity', defined as the 'consistent dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure...' (Tarrow 1994: 85). There are a number of different understandings of opportunity structure and what they involve (see Tarrow 1994; Tilly 1978). Central to this paper are their commonalities. Theories of social movements emphasise that when groups hold an advantage in the area of resources, alignments, elite support and potential allies, it is held that they will act based on the belief that their likelihood of success has been increased (Tarrow 1994: 81-88).

Two key features of opportunity structures must be emphasised. First, opportunity structures are relative. A group's opportunity is measured in relation to competing groups. Therefore, opportunity structure can be seen as a balance of power, where a gain in resources or allies by one side is a relative loss for the other. Opportunity is a zero-sum game. Second, opportunities change. Groups are motivated to act when the balance is perceived to be in their favour.

Weiner has argued that 'legal definitions of citizenship aside, most societies react with alarm when there is an unregulated large-scale illegal migration of people who do not share their culture or national identity'. Opportunity threats are, however, also more specifically linked to the understanding that the presence of refugees has been demonstrated to accelerate 'existing internal conflicts in the host country' (1993: 16). This type of threat was most recently evident in Macedonia's reluctance to accept the flood of refugees from Kosovo. Speaking at a UNHCR emergency meeting on the Kosovo crisis on 6 April 1999, the Macedonian Deputy Foreign Minister argued that the mass of Kosovar Albanian refugees 'threatened to destabilise Macedonia's ethnic balance.'

Changes in ethnic composition may also provide the political opportunity for pre-existing challenger groups in the country of asylum. In the case of Albania, former President Sali Berisha tried, but failed, to regain power through force at the end of 1998. It has recently been reported that his supporters may again try to take control of Albania 'if they feel the Kosovo crisis and the arrival of refugees has strengthened their hand' (*Economist* 1999: 24). Clearly, opportunity threats result from the expectations of success on the part of pre-existing challenger groups being raised by changes in the ethnic or religious composition in a region, but also from the consequent diversion of state resources and the destabilising influence of an unsettled population.

Opportunity threats may also be felt in regions of the country not hosting refugees resulting from the diversion of state resources. The diversion of state resources, specifically in the provision of security personnel, could provide the

opportunity for the rise of a challenger group in another region. Finally, the presence of a large, unsettled population has a destabilising influence on the opportunity structure. As the case of the Middle East illustrates, the on-going presence and undetermined status of the Palestinian refugees from 1948 in Lebanon has posed security threats for both countries of asylum and Israel. Their status is also an unresolved and problematic issue in the current peace talks.

Responding to the Indirect Security Burden: Peacebuilding and Rights-based Repatriation

While the direct security burden may be addressed through a ladder of options, it is clear from the argument presented above that this approach addresses only part of the security burden. Indirect security burdens are as pressing as the direct security burden. By illustrating the salience of the indirect security burden in Tanzania, this section argues that it should not be excluded from the on-going policy debate. Instead, the logic of burden sharing should be extended to the indirect burdens through peacebuilding initiatives.

An Agenda for Peace defines peacebuilding as any ‘action to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people’ (UNSG 1992: 11). Under this heading falls a broad range of activities from disarming combatants and repatriating refugees to rebuilding legal and judicial systems, rebuilding government structures and promoting formal and informal political participation. The idea and practice of peacebuilding was developed in the *Inventory of Post Conflict Peacebuilding Activities* (the *Inventory*) (UN-DESIPA 1996). Two elements of effective peacebuilding outlined in the *Inventory* are especially relevant to this paper, namely a comprehensive approach to reintegration for refugees and the rehabilitation of areas affected by the conflict.²²

Coupled with peacebuilding must be an understanding of the viability of durable solutions. Any discussion of the implementation of the three durable solutions typically pursued by UNHCR - local integration, resettlement and repatriation - must be rooted in an understanding of their viability given the current mood of the international community. Returning to the case of Tanzania, the only viable durable solution for the overwhelming majority of the Rwandan caseload was repatriation. Local integration, once a preferred option to further the national development of Tanzania, was not a viable first option. Kuchio has commented that ‘Tanzania is supportive of solutions for the [Rwandan] caseload, but solutions out of Tanzania’ (interview with author). This position was emphasised by Tanzanian Deputy Minister of Home Affairs E. Mwambulukutu who argued that ‘Tanzanians were becoming restless with so many refugees and a resentful local population may turn hostile to refugees and ... oppose local integration’ (in Mahiga 1997: 15).

Third country resettlement was also an unlikely option given both the size of the Rwandan caseload and the 'very limited response by Western countries to third country resettlement of African refugees' (Rogge 1994: 20). Only three Western countries have adopted annual planning levels for African refugees.²³ Loescher adds to this pessimism by noting that 'third-country settlement is offered to no more than one per cent of the world's refugees; and faced with economic difficulties and growing xenophobia, Western nations are much more reluctant to admit large numbers of people' (Loescher 1993: 148). There is clearly a 'dominant and continuing consensus' among Western governments that 'Africa's refugees are an African problem best resolved in Africa by Africans' (Rogge 1994: 20).

This leaves repatriation, which has been embraced as 'the ideal solution for refugee problems' in the specific context of the GLR (Mwambulukutu, speaking to the 48th Session of EXCOM 1997). Regional support for repatriation is evidenced by the fact that the most concerned countries of asylum joined UNHCR and the Government of Rwanda in concluding Tripartite Agreements on the Voluntary Repatriation of Rwandan Refugees, which stated that 'voluntary repatriation, where feasible, constitutes the best durable solution to the refugee problem.'²⁴ It is also clear that the majority of refugees themselves wanted to return to Rwanda but were prevented by the extremist elements (Githinji 1998). While popular, given the heavy criticisms levelled against Tanzania and UNHCR by AI and HRW, it must be recognised that repatriation is a difficult process. It can, however, be concluded that while the ideal repatriation is voluntary, if conditions including the intimidation of extremists preclude voluntary repatriation then repatriation 'respectful of human dignity' should be pursued (Hathaway 1997: xxiii).

The legal foundation of voluntariness in repatriations needs to be more fully understood. EXCOM Conclusion No. 40 (1985) addresses the question of voluntary repatriation in some detail. The Conclusion reaffirms that 'voluntary repatriation was, in principle, the best solution to a refugee problem, and that it was desirable and opportune to emphasise the importance of this solution and to develop international cooperation in effecting it' (UNHCR 1985). This does not, however, constitute a binding legal obligation but a statement of good policy. It is, however, legally addressed under Article V(1) of the OAU Convention which states that 'the essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will.' It is important to emphasise the generality of this obligation. To state that repatriation must be 'essentially' voluntary does not require it to be 'strictly' voluntary. It does, however, require it to ensure the spirit of voluntarism and humanitarianism which are essential rights of the individual refugee.

Voluntary repatriation and an active reintegration programme should be pursued in the majority of cases as this is the stated desire of most individual

refugees,²⁵ directly addresses the opportunity burden, promotes regional peacebuilding and demonstrates the ability to reconcile refugee protection with state interests. This repatriation must, however, take place only under certain circumstances and respecting the rights of refugees. It must be recognised that ‘it is all too often taken for granted that the return of refugees to their country of origin is a “natural” and thus a “problem free” process’ (Rogge 1994: 21). To address the problems associated with repatriation, four limitations must be respected. Repatriation must take place only under certain conditions and with the opportunity to file individual asylum claims. In addition, it must be supported by a comprehensive reintegration programme rooted in the principles of peacebuilding, and be the expressed desire of the majority of the caseload.

Effective Repatriation

The primary foundation for any repatriation must be the expressed desire to repatriate by the overwhelming majority of the refugee population. In the case of the Rwandan refugees in Tanzania, there is evidence that most wanted to return to Rwanda and rebuild their lives. The low levels of voluntary repatriation prior to December 1996 can be partially explained through the presence of intimidators within the camps. There are a number of documented cases of refugees registering for voluntary repatriation who were verbally and even physically harassed by the elements of the FGOR anxious to maintain the strategic value of the refugee population. UNHCR believes that without this intimidation, subscription to the repatriation programmes would have been much higher (interviews with Githinji and Kuchio). Likewise, AI has argued that many refugees were being ‘coerced and terrorised to stay by extremists ... who controlled the camps’ (1997a: 4).

Second, repatriation will only accomplish its primary objectives if it takes place in the context of effective reintegration upon return to the country of origin. Repatriation is only durable and respectful of the refugees’ rights if they are not likely to face persecution upon return. The formulation of such a reintegration programme will be addressed later. Here, it is important to understand the implications for initiating repatriation. As Barutciski argues, if refugees are not likely to face persecution upon return to their country of origin, then protection is no longer needed, refugee status should cease and the caseload should return:

... to maintain the credibility of what is left of the 1951 regime, it is necessary to return individuals who no longer need protection. In principle, these people are refugees no more and they consequently do not need the special protection that international law accords to the limited group of victims of human rights abuse who satisfy the refugee definition (1998: 245).

This more rigorous application of the cessation clauses of both the 1951 Convention and the OAU Convention must logically be coupled with efforts by UNHCR to ensure that the conditions in the country of origin are safe for return and to relay that information more effectively to the refugees. Quintero-Marino has argued that UNHCR made extensive efforts to ensure the existence of these conditions, but was unable to effectively relay the information to the refugees due to the pressures of the intimidators (1996: 62-75).

A third precondition for repatriation under this proposal is the opportunity for individual refugees to make individual asylum claims, thereby entering the normal individual determination process of the country of asylum. This provision was identified as one of the core elements of effective repatriation by HCR Ogata, who argues that efforts to 'determine the individual status of those unwilling to return to Rwanda in order to identify those persons in need of protection' should be part of any comprehensive approach to repatriation (1996). Limited screening did in fact take place during the 'evacuation' of the Rwandan caseload from Tanzania in 1996, and approximately 6,000 individual asylum applications were submitted.²⁶

Repatriation must also be coupled with a comprehensive reintegration programme rooted in the principles of peacebuilding as introduced above. Three basic conditions need to be addressed for effective reintegration to take place. The first precondition is the design of a comprehensive and community-oriented approach. The programme should not simply focus on individuals, but on the ability of individuals to live effectively within a community in an attempt to address the roots of the identity-based nature of the civil war and genocide in Rwanda. Consequently, special attention should be given to the rehabilitation of those sectors of society that facilitate this integration. It should, however, empower individuals to 'identify their own needs, priorities and solutions.' It is argued that only in this sense will individuals 'develop a personal stake in the reconstruction of their communities and be prepared to invest the necessary time, effort and resources in that process' (OAU/UNHCR 1998: Working Paper 2: 7).

Specifically in the context of the Rwandan caseload, the promotion of reconciliation and justice is a second important precondition. These efforts must concentrate on the problems of arrests and detention, retribution against refugees, arbitration in property disputes and rebuilding a justice system decimated by the genocide. The problems associated with arrests and detention were identified by AI (1997b) as preoccupations of some refugees not willing to return to Rwanda in 1996. The Kampala Meeting recognised this need, and affirmed that a 'conventional reintegration programme ... should be complemented with activities which are more specifically designed to promote reconciliation and justice' (OAU/UNHCR 1998: Working Paper 2: 7). While the styling of these efforts has been detailed elsewhere (Quintero-Marino 1996), the underlying objective of reintegration and peacebuilding

is rooted in ensuring that people can ‘acknowledge each other’s rights and ... resolve their differences peacefully’ (OAU/UNHCR 1998: Working Paper 2: 7).

Finally, a reintegration programme must be sustainable. Given the complex and pervasive roots of the conflict in the GLR, peacebuilding will remain a protracted endeavour. Events in Central Africa have demonstrated that while the task of forcibly returning a caseload with the use of minimal force is easy, it does not necessarily result in long-term regional stability. Sustainable security may only be realised if the returned population will be fully reintegrated into the community. The realisation of this goal requires sustainability in both the design of the programme and the levels of international support.

Sustainability can be partially ensured through the design of reintegration programmes. It is important that ‘reintegration programmes are balanced in their composition’ and, like peacebuilding, target a broad and complementary range of sectors from health and education to social services, housing and credit facilities (p. 9). These mutually-reinforcing programmes, however, are likely to have recurring costs. Schools need teachers and supplies. Medical centres need doctors and drugs. Facilities provided in support of reintegration will be of little use if operating costs are not met. The sustainability of these programmes can be promoted through coordination and partnerships between organisations involved in the short-term implementation, like UNHCR, and those responsible for long-term development, like UNDP.²⁷

Underlying these efforts, however, must be generous and long-term international support. Short-term support for these projects has been forthcoming, but once the crisis falls from the headlines, long-term support tends to fade. Burden sharing needs to be ensured. Given commitments to peacebuilding and the recognition that the preventive measures of reconciliation and reintegration are cost-effective, Western states have expressed degrees of willingness to participate in longer-term initiatives (see OECD 1997). Recast as a security priority, support for longer-term initiatives is likely to increase. It is important to note that while repatriation directly addresses opportunity threats to Tanzania, a comprehensive and sustainable reintegration programme serves broader peacebuilding and regional security objectives by diminishing the likelihood of the re-emergence of violence.

Addressing Grievance Threats

Peacebuilding principles also play an important role in addressing grievance threats, rooted in perceptions of unfair distribution. It has been noted that ‘a common source of discontent for a local population, especially one that is poor, is to see refugee receiving services or entitlements which are not available to them’ (UNHCR 1997a). Based on extensive interviews in the refugee-affected regions in

Western Tanzania, Musoke concludes that the local population perceived 'discriminatory and other negative attitudes and actions on the part of UNHCR and other NGOs and agencies operating in the refugee-affected areas' towards the local population (1997b). UNHCR itself has recognised that its assistance mandate may at times be interpreted in an 'over-legalistic' way and at times treat the local population as 'second class citizens' (1997a). This belief is supported by the example of a project to protect a camp in Ngara against insect infestation by spraying. The pilot turned off the spray when overflying the adjoining village. Consequently, the village suffered an infestation while the camp did not (*ibid.*).

The consequences of such a strict adherence to policy have been recognised by UNHCR. At the organisation level, EXCOM has recognised that 'the imbalance between the level of international support designed to meet refugee needs and the level of support designed to meet the needs of the host community, and the delay in actual provision of the latter, has caused tensions between local people and refugees in both Tanzania and Zaire' (*ibid.*). While UNHCR policy should clearly be adjusted along the lines suggested by EXCOM, it should not be expected to independently address the pressures of host community support during the influx, and rehabilitation once the refugees have been repatriated. As with the response to the opportunity threats, an effective response to grievance threats must be rooted in international support and burden sharing through the application of peacebuilding principles.

The *Inventory* clearly argues that 'in post-conflict situations, it is often necessary to give preferential treatment to those [areas] particularly involved in *or affected by* the conflict in order to address the grievances' that result in conflict (UN-DESIPA 1996: 51; emphasis added). This should not be limited to the country of origin, but be logically extended to the country of asylum. Host region rehabilitation is good policy for two reasons: it sustains regional willingness to host refugees in the future and reduces security concerns by addressing the grievances that underlie conflict.

The Kampala Meeting identified eight sectors that deserve particular attention in host area rehabilitation: environmental rehabilitation, physical infrastructure, social infrastructure, agriculture and food security, livestock rehabilitation, aquifer rehabilitation, local administrative capacity and the rehabilitation of local markets (OAU/UNHCR 1998: Working Paper 3: 1-3). This list clearly mirrors priorities endorsed by the UN in the *Inventory*. The political will to support these initiatives has already been demonstrated through support for a special UNDP/UNHCR initiative. The Kampala Meeting reported that in the Kagera region of Tanzania alone, the total commitment to rehabilitation programmes amounted to US\$25 million by January 1997 (p. 3).

While the initiatives of reintegration and rehabilitation are already pursued for humanitarian reasons, it is important to understand how they can address security issues. As indirect security burdens are as potentially explosive as direct security burdens, an effective response to conflict-induced forced migration must address host-area grievances and shifts in political opportunity not simply as humanitarian objectives but as security imperatives. While the severity of the indirect security burden may not be immediately apparent, especially in cases where there is ethnic affinity between the influx and the host community, this burden must be given full consideration. Left unaddressed, feelings of grievance and shifts in political opportunity can cause insecurity many years after the initial influx.

Conclusion

Supporting Refugee Protection by Employing the Language of Security

In the wake of the maelstrom of violence that engulfed the GLR in 1994, Tanzania was confronted with a massive refugee problem. The Rwandan caseload placed demands on Tanzania which exceeded its capacity to respond. After a long history of hosting victims of conflict-induced forced migration, the scale and nature of the Rwandan influx caused Tanzania to forcibly expel the overwhelming majority of this caseload. While the case of Tanzania is troubling on its own, it is cause for profound concern when understood as part of a broader phenomenon. Tanzania is but one of many cases in recent history where states have perceived refugee protection and their national interests to be contradictory, and consequently have restricted asylum.

This crisis in asylum has led a diverse group of actors to critically re-examine the international response to forced migration. It is now widely accepted that states like Tanzania shoulder a significant burden by hosting refugees. In the spirit of international solidarity, some authors have called for a more structured, and therefore dependable, system for sharing this burden between a wider number of actors. The logic of burden sharing is clearly an essential ingredient to the formulation of a more effective response to the deficiencies of the current system. The burden sharing debate must, however, recognise that states like Tanzania face burdens beyond the traditional dual mandate burdens of protection and assistance. Specifically, Tanzania's decision to change its hosting policy was heavily dependent upon security considerations. Consequently, if the international debate on burden sharing is to effectively address the most pressing burdens borne by host states it must respond to the security burden.

Given the changing nature of conflict and security in the Third World since the end of the Cold War, it is now clear that forced migration can cause insecurity. As demonstrated by recent events in the GLR, refugee warriors have regionalised the conflict of their country of origin by employing refugee camps as a base of

operations and refugees as a shield. In these cases, forced migration represents a direct security burden. The security implications of hosting victims of forced migration are not, however, limited to refugee warriors and the direct security burden. Changes in the balance of political opportunity and feelings of relative deprivation within the host community, compounded by the effects of group identity, can exacerbate pre-existing tensions within a country and lead to conflict. In these cases, migrants cause an indirect security burden, which is potentially as explosive as the direct security burden. The indirect security burden, while included in the on-going assistance debate within UNHCR, is excluded from recent efforts within the UN to address the security implications of hosting refugees, specifically Security Council resolution 1208 and the 'ladder of options' Information Note presented to EXCOM. The security implications of these burdens must, however, be included in the ladder of options approach if it is to fully address Tanzania's security burden.

The Implications of the 'Security Approach'

Some authors have cautioned against adopting a security perspective when addressing state responses to refugees.²⁸ Such authors may criticise the approach of this paper for being too intimate with state interests and that, as threats are based on perceptions, states may 'hold the system hostage'. It might be argued that states cannot be at the centre of any programme of refugee protection, but that such a programme must be centred on the refugee. It may also be argued that the security approach adopted by this paper employs definitions and instruments premised on Western notions of security. Such notions may not be viewed as sympathetic to the interests and concerns of Southern states.

While greater debate on the implications of adopting a security approach is necessary, it must be emphasised that the solutions identified in this paper are not centred on the interests of states but premised on an understanding of the importance of the state. It follows that any system dedicated to protecting refugees can, and must, function in a way that is mindful of the needs of states. There is a certain realm of the possible within which solutions are to be found. In the practice of finding practical solutions, there must be a realisation that states have limits and interests. The goal is to articulate the protection of refugees in terms of these limits and interests. This is the goal of 'speaking the language of states', and, given the security imperative, no word carries more currency in this language than security.

There are, however, a number of questions that remain unanswered and which require additional research. Paramount among these questions is an appropriate definition of security that 'on the one hand, does not dismiss all fears, and, on the other, does not regard all anxieties over immigration and refugees as a justification for exclusion' (Weiner 1993: 9). The identification of such a definition would go

some way to avoid the 'slippery slope' where states may increasingly draw upon the language of security to hold the refugee regime hostage. Second, it would be beneficial to understand the commonalties and differences of the security burden in different regions. A comparative analysis would contribute to an understanding of the relevance of security considerations while developing regionally-specific responses based on the capabilities and concerns of regional actors.

Finally, it is important to address the concern that the practical implementation of the approach outlined in this paper would necessarily involve a closer association of humanitarian organisations, like UNHCR, and ostensibly political bodies such as NATO and the UN Security Council. Chimni cautions that the 'structure, decision-making process and often lack of concern for the human rights consequences' of decisions by bodies such as NATO and the UN Security Council 'are increasingly being questioned by public opinion in the Third World' (1998: 296). This caution has relevance beyond the question of the implications of the security approach. The specific needs, priorities and concerns of Third World states, who host the overwhelming majority of the world's refugees, cannot be ignored if effective refugee protection is to be ensured.

The outstanding concerns notwithstanding, it may be concluded that given the changing nature of conflict after the Cold War, conflict-induced forced migration of the size, speed and scale of the Rwandan exodus in 1994, remains an alarming possibility in Africa and beyond. Given the regionalisation of conflict and the domestic instability caused by a mass influx, forced migration left unaddressed is likely to continue to have security implications for the host state. Given that a state's decision to grant asylum is dependent upon security considerations, refugee protection must develop an approach that addresses state security if it is to remain relevant in cases of conflict-induced forced migration. This convergence of refugee protection and state security is both necessary and possible.

Notes

¹ M.Phil., St. Antony's College, University of Oxford, 1999. This paper is an adaptation of the author's M.Phil. thesis: 'Towards an Effective Response to Conflict-Induced Forced Migration and the Security Burden in Tanzania: Burden Sharing and the Convergence of Refugee Protection and State Security', 1999. Elements of this paper have been presented in two seminars at the Centre for the Study of Forced Migration, University of Dar es Salaam in January 1999, at the School of International Studies, Jawaharlal Nehru University, New Delhi on 5 November 1999, and at the International Conference on Forced Migration and Displacement, Jadavpur University, Calcutta, in April 2000. The author would like to thank Michael Barutciski for his comments and encouragement. The author welcomes comments and criticism, and may be contacted at jhs_milner@hotmail.com

² This definition draws from the literature on the nature of security and the links between migration and security. See: Buzan (1991), Jervis (1976), Loescher (1992), Maluwa (1995) and Weiner (1993).

³ As articulated in UN Security Council Resolution 1208 of 19 November 1998 and the 'ladder of options' Information Note presented to the Standing Committee of the Executive Committee of the High Commissioner's Programme (EXCOM) on 11 February 1999 (the Information Note).

⁴ It is important to note that 'Tanzania and Botswana remain the only sub-Saharan African countries to date which have granted permanent residency and citizenship to some of their refugees' (Rogge 1994: 20).

⁵ *Interahamwe*, or 'those who stand together' in Kinyarwanda, was the militia loyal to the Hutu extremists. See Prunier (1995).

⁶ A more detailed analysis of the case reveals that there are six mutually-reinforcing explanations for Tanzania's change in policy: multi-partyism and the changes in Tanzanian political culture, changes in foreign policy, the magnitude of the Rwandan caseload, the nature of the caseload, external and internal security, and the lack of international support for the burdens of protection and assistance. See Rutinwa (1996); Mahiga (1995).

⁷ Barutciski notes that after the 48th Session of EXCOM, 'the Chairman observed that ... the institution of asylum was under serious threat due to the reluctance of host states to assume the burden associated with refugee protection.' Barutciski emphasises that 'any analysis of the current situation has to be placed against this backdrop' (1998: 237).

⁸ Referred to as 'common but differentiated responsibilities'. See CRS (1996).

⁹ The most salient critiques have focused on: the capitulation to state interests, the lack of evidence that a systematised set of arrangements would be more effective, that formalised schemes would result simply in burden-shifting and 'beggar-thy-neighbour' policies, that the interest of the North wanes once refugees are contained in the South, that the proposals commodify refugees, and that states are not likely to commit to additional obligations. See: Suhrke (1998); Anker *et al.* (1998).

¹⁰ Jeffrey Crisp, Senior Policy Research Officer, Matt Cutts, Research Officer (Policy), and Sivanka Dhanapala, Research Officer (Policy), Centre for Documentation and Research, UNHCR, interview with author, Geneva, 10 November 1998.

¹¹ Kapya, interview with author. It is, however, important to note that this support was difficult to sustain over time.

¹² For an understanding of the term 'Third World' see Ayoob (1995: 12-16); MacFarlane (1999: 15-33).

¹³ In this sense, changing responses to forced migration must be understood within the context of the changes in the international system since the end of the Cold War. See Boswell (1999), 48.

¹⁴ An example of this relevance may be found in the kidnapping and killing of eight western tourists in Bwindi National Park in 1999 reportedly by elements of the *Interahamwe*. See: BBC Online Network, 'World: Africa Interahamwe: A serious military threat', 2 March 1999; and 'World: Africa Hunt for Hutu rebels', 4 March 1999. For a broader understanding

of the rise of refugee warrior groups in the GLR, see Prunier 1998; Reed 1998; van der Meeren 1996.

¹⁵ These claims have since been supported by the UN International Commission of Inquiry on Arms Flows to Former Rwandan Forces, which concluded in November 1998 that 'in eastern DRC and western Tanzania, tens of thousands of [interahamwe and the former armed forces of Rwanda] trained, rearmed and plotted to retake control of Rwanda.'

¹⁶ Statement by Salim A. Salim, OAU Secretary-General, Kampala Meeting.

¹⁷ '...Where there is a massive influx of people in need of asylum, immediate measures should be taken to separate the civilian population from soldiers and militiamen' (UNSG 1998: 18).

¹⁸ EXCOM Conclusion No. 48 (1987): 'Military or Armed Attacks on Refugee Camps and Settlements' emphasises that 'wherever possible' refugee camps should be located 'at a reasonable distance from the frontier of the country of origin' (UNHCR 1987).

¹⁹ 'Border Closure Triggers Debate', *The Guardian (Tanzania)*, 19 July 1995. Note: The emphasis on Burundi's perceptions can be explained by the fact that the speech was made in the context of the border closure with Burundi in response to the potential arrival of an additional 700,000 Rwandans. See Rutinwa (1996).

²⁰ Guy Goodwin-Gill, 'The expanding realm of UNHCR activities', seminar for RSP, Queen Elizabeth House, University of Oxford, 23 October 1998. It has also been argued that the merging of humanitarianism and military intervention represents questionable policy (see MacFarlane 1998). Third, it has been argued that this type of intervention is rooted in the inconsistent application of ethics, and is consequently problematic (see Adelman 1998).

²¹ Experience of author in the region, July/August 1992; and Peter Walker, Director, Disaster Policy Department, IFRC, interview with author, Geneva, 9 November 1998.

²² While presenting a detailed understanding of the complexity of peacebuilding, the *Inventory* has been criticised from a number of perspectives. It can be argued that it lacks a comprehensive analytical and strategic understanding of peacebuilding. Second, it has been criticised for not emphasising the lengthy commitment associated with effective peacebuilding. For a more comprehensive and critical view of peacebuilding, see works by Bush, Ginifer, Kühne, Wirwick, and Wirwick and Miller (eds.) in the bibliography.

²³ US (3,000), Canada (1,000), Australia (250). See Rogge 1994: 20.

²⁴ UNHCR and Rwanda signed Tripartite agreements with Zaire on 24 October 1994, with Burundi on 14 December 1994 and with Tanzania on 12 April 1995.

²⁵ As Rogge argues, 'few of Africa's refugees ever saw their exile as permanent. They intended to return as soon as peace was established' in their country of origin' (1994: 19). Some authors have, however, argued that this is an overly simplistic position and that the views of refugees themselves, specifically on the question of repatriation, 'remain poorly understood' (Pottier 1996: 403).

²⁶ Kuchio, interview with author. There are, however, more pressing criticisms of the way in which the 'expulsion' was carried out. HRW reported that tear-gas and sticks were used by the Tanzanian authorities to 'herd refugees towards the [Rwandan] border ... in violation of international refugee law' (1996: 1).

- ²⁷ To this end, the debate surrounding the Annual Theme of the 50th Session of EXCOM, 'Strengthening Partnership to Ensure Protection, also in relation to security', is encouraging.
- ²⁸ See: Chimni (1998) and Goodwin-Gill (1999). This body of criticism is limited, and the author encourages others to actively engage in this important area of debate.

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