

Review Essay

Bureaucratizing The Good Samaritan: The Limitations of Humanitarian Relief Operations. By Tony Waters. Boulder: Westview Press, 2001. Pp. 314.

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Good books can be summarily reviewed and praised so that you are enticed to buy or borrow the book and read it. Poor books often need a more extensive evaluation, not only when they illustrate a lack of adequate standards in publishing or to demonstrate errors in evidence, argument, interpretation and analysis, but particularly if they deal with important issues. These errors in observation and analysis are partly behind much that is wrong in the international refugee regime. Such books provide fodder and serve as a foil to discuss central issues in the refugee field. The nature of a bureaucracy, the goals and functioning of the particular international bureaucracy serving refugees, and the role of emotional appeals in carrying out those goals are central issues.

Tony Waters currently teaches sociology at the State University of California at Chico, the discipline that apparently provided the theme for his book dealing with the importance of a rational bureaucracy and its current limitations in dealing with refugee relief. However, the content comes from Tony Waters' experiences in the field since 1982 dealing with refugee crises, particularly the crisis of Rwandan and Burundian refugees in Tanzania from 1994 to 1996 where Tony served as a logistics officer for the Lutheran World Federation.

In the first half of the volume (Part One), Waters presents his perspective on the political, economic, moral and technical aspects of the development of the International Refugee Relief Regime; he is convinced that it will help explain what happened to the Rwandans in Tanzania from 1994-96. Part Two claims to show how deci-

sionmaking in that crisis was shaped by what Tony calls the Bureaucratized Good Samaritan in the contingency planning, provision of water and response to the mass killing and genocide in Burundi and Rwanda respectively. In Part Three, in no discernable order that I could detect, seven very short "essays," previously published between 1995 and 1997 on Waters' experience in Tanzania, are rounded off by an eighth essay dating back to 1989 entitled "Some Practical Notes on a Names Taboo in Western Tanzania."

The last three-page essay, a Waters favorite, is included to show, in his own words, that he had spent his 'years in Tanzania as a cultural maladroitness' since it was not until the end of his stay in Tanzania that he learned of the taboo about mentioning a child's name or telling someone of the number of domestic animals one owned lest those children or animals be attacked by malevolent spirits. On learning of this belief, he came to recognize that his report of statistics in the camps that he had sent in two weeks earlier was incorrect. The contents of the report had been based on his belief in the statements of the women that they only had one or two children and his erroneous speculations that infant mortality must have been exceedingly high in the refugee camp.

Another purpose for including the essay might have been to show that he had had three previous years of experience in Tanzania working with Burundian refugees in the 1980s. Waters claims that the essay was included to demonstrate how it was impossible for him as an expatriate Westerner imbued with ideas of rationality to comprehend such spiritual matters. Although totally unsupported by the evidence in his essay, Waters draws the conclusion that such rational efforts have very defined limits when confronted by local beliefs that undermine them all the time. However, what the essay illustrates is that accuracy in counting is the foundation of all good bureaucratic efforts, including caring for refugees. The story illustrates only Waters' naiveté and not the difficulties of applying Western bureaucratic rationality in an alien "spiritual" set-

ting, or that the Lutheran World Federation, in spite of its long term involvement in Tanzania (since 1964), was incapable of learning from years of experience. It is Tony Waters who seemed to be incapable of learning.

Waters agrees that a rational bureaucracy must be able to rely on accurate figures and facts. For example, 70,000 rather than the stated 130,000 to 400,000 crossed the Rasumo River Bridge (p. 277). The original figure of refugees in Tanzania was 170,000 rather than the publicized 250,000. (endnote 7, p. 130). In Chabaisa 2, there were 33,000 refugees counted in the census (a 21% over-registration) and not the 42,000 or 43,000 officially offered as the camp count (p. 277), although Waters himself continued to use a figure of 37,000. Waters seems incapable of applying the rigor he insists upon to his own use of figures. For example, the average guesstimate by NGOs of the overall refugee total in Tanzania was in the range of 300,000. The official figure for feeding was 450,000. The UNHCR official figure was 472,811 on February 29, 1996. When a refugee consensus was taken, the numbers were reduced by 25 percent, though the actual census count showed there were only 229,000 refugees in Tanzania, half the official figure. Yet Waters, himself, continued to use the range 400,000-500,000 (p. 140).

Waters argues that a rational bureaucracy must be founded on the use of accurate figures but is often inaccurate when telling the story of the Rwanda refugee crisis. This may not be very significant when discussing the efficacy of relief delivery; when the numbers exaggerate, extra food can always be used. The use of incorrect figures in other contexts become politically explosive – as in the issue of alleged mass slaughter in Zaire. Waters alleges that, “between 200,000 and 300,000 of the refugees [in Zaire] are unaccounted for” (p. 15). Citing Lemarchand as an authority, Waters claims that, “as many as 200,000 Hutu refugees may have been killed by soldiers from Rwanda and/or by Zairian rebels.” Waters even calls “the elimination of several hundred thousand Hutu in Zaire by

RPF and Congo rebels in 1996-97 as genocide” (endnote 1, p. 225). Further, he accuses the American government of leading a cover-up. “Oddly, the United States led a group of governments at the time denying there were refugees left in Zaire” (p. 150).

Were 200,000 to 300,000 refugees unaccounted for? Did the RPF and its rebel allies kill 200,000? Was it another genocide? Did the U.S. lead a cover-up and, if so, why? The possibility that there may have been other answers, and that his figures may not have been correct, are not even considered by Waters. But a little critical reflection, using his analysis in Tanzania, might have indicated that the figures on the disappeared may have largely been a fiction. Briefly, the official figure for the Rwandan “refugee” population in Zaire was 1,100,000. If it was overestimated by the 22-25 percent found to be the case in Tanzania, then the real figure for Rwandan refugees in Zaire should have been approximately 825,000. Since over 650,000 refugees are known to have returned to Rwanda from Zaire, this left a figure of at most 175,000 that did not return. Since the estimate of ex-FAR soldiers and their families plus the *interahamwe* was in the order of about that number, then these are the people who likely fled west rather than returning to Rwanda. As warriors, they were not genuine refugees. Further, though a number clearly died or were killed (perhaps 25,000 to 35,000), the vast majority had been accounted for. For example, 65,000 were actually counted crossing the border into the Congo. Waters throws around loosely charges of slaughter, genocide and cover-ups without even reflecting on the implications of his own assertions about the importance of accuracy in counting for bureaucratic decisionmaking. This imperative is doubly incumbent on academics that have the time to verify their figures and subject them and the alleged implications to critical self-examination.

Waters fails to use the figures he corrected. Waters fails to verify the figures he does use. He also uses figures that cannot be reconciled with his overall claim. Ignoring

for the moment Waters' erroneous claims about why the refugees – particularly those in Zaire – returned, if Waters' opening sentence of the first chapter is correct – “Between October and December 1996, troops across central Africa *forced* (my italics) 1.4 million refugees back to their home country of Rwanda” – then all of the refugees in Zaire (825,000) plus all of the refugees in Tanzania according to the actual census (229,000) only totaled 1,054,000 assuming *everyone* returned. Even if the highest figures are used – 1,100,000 plus 500,000 – then if 1.4 million refugees returned, only 200,000 Rwandans did not return, not much higher than the numbers of ex-FAR and their families along with the *interahamwe* that fled west deeper into Zaire.

Waters, however, not only fails to apply his own principles, he fails to examine critically how his own biases might deform his scholarship. Though Waters' apparent honesty about his own shortcomings is perhaps the most, even only, endearing feature of the book, it is not a self-critical honesty. Waters does admit that he was wrong in 1987 about his calculation of the numbers in the Tanzanian camps (Essay 8). He admits that he shared the hopes for large-scale repatriation to Rwanda in 1995 and 1996 (p. 167), though this is contrary to the evidence of his position at the time, as revealed in his essay written in February 1996. “I do not believe that large numbers of refugees will go back voluntarily in the immediate future” (p. 285). In addition to confessing, and then contradicting himself, Waters admitted that, “I myself did not have the cognitive tools to recognize a genocide even as it was literally floating past me in the Kagera River” (p. 197). In fact, on page 203, he admits that he was not even able to recognize whether what was floating was a body or a log. Yet he can recognize genocide in Zaire without having gone there or without critically examining the figures from which such a conclusion was drawn.

Waters says that a person in the field cannot determine whether genocide had occurred. “Genocide is a bureaucratized

legal conclusion, and not a ‘social fact’ that can be observed in the field” (p. 202). In fact, making such assessments requires professional legal training and detachment according to Waters. Genocide can be observed only from afar (p. 197). “(A)s emotionalized Good Samaritans we were expected to make such judgments, even though as individuals we did not have the training or bureaucratic tools to do so” (p. 197). Further, the picture was obscure and Waters adds little clarity and much to muddy the picture to enable one to discern whether or not a genocide was underway. The picture in Zaire was at least as obscure as that of Rwanda in April and May of 1994 when, “at the time, with a paucity of reliable sources, efforts to obfuscate genocidal intention on the part of the perpetrators, a simultaneous civil war, spectacular exodus of Hutu refugees to Tanzania, and a conquering army concerned with issues of control, revenge, and exaction, the picture was not coherent” (p. 199).

If those observing Rwanda lacked evidence, the big picture or detailed information from the countryside in April and May 1994 concerning the Rwanda genocide (p. 198), and were, therefore, not in a position to conclude there was a genocide (more on this later), Waters provides no evidence to indicate that he was in a better position in 1999 to judge whether there was a genocide in Zaire in 1996. And he certainly never applies any critical intelligence to discern whether or not genocide can be depicted in Zaire to overcome patterns of obfuscation, normal confusion in separating types of mass killings into relevant categories, and the noise of other competing information from other crises (p. 196-97). Though Waters argues that the reason genocide is or is not recognized is rooted in the nature of a bureaucratized Good Samaritan, I suggest that it is rooted in a failure to collect, interpret and analyze the data and to apply the category properly, something Waters seems incapable of doing. He cannot even get the correct date when genocide was first applied to the Rwandan crisis even though it has been

published, otherwise he would not have been so self-assured that drawing such a conclusion was difficult in April and May of 1996. "As far as I can tell the first time that this term was used was on May 2 in the *International Herald Tribune* by a writer from Human Rights Watch" (p. 199). In fact, as Astri Suhrke's and my published study as part of the *Joint Evaluation of the Emergency Assistance to Rwanda* (JEEAR) (Copenhagen: DANIDA, 1996) noted in the report that he cites so frequently,¹ the word 'genocide' was first applied to Rwanda in a press conference in Brussels in January 1993.

Waters believes that in providing relief, the fact that individuals were genocidal killers should be ignored. Perhaps they are not just blinkers, for in discussing the genocide of Tutsis in Rwanda, the pictures he uses for illustration are of Hutus killed in August 1994 and March 1995 (p. 195). Waters goes even further. He seems to wear blinders rather than just blinkers concerning individual genocidal killers. This becomes very clear in his account of what became known as the Gatete incident.

Rémy Gatete was the *bourgmestre* of the Murambi commune in Byumba (not Myumba as Waters writes) district accused of being a leader in the genocide. The Tanzanian authorities arrested Gatete at the border as he crossed the bridge into Tanzania. According to Waters, Gatete was released on condition that he not go on to the Benaco refugee camp, a condition that he promptly broke. Further, also according to Waters, Jacques Franquin, the UNHCR field officer in Benaco, informed Gatete that he was ineligible to stay in the refugee camp 'because he did not have a well-founded fear of persecution.'

No evidence is cited supporting that this was the reason Franquin denied Gatete entrance into the camp. Further, it is totally implausible. First, to enter a refugee camp, one does not have to have a well-founded fear of persecution. That is the definition necessary to be a convention refugee, but camps are overwhelmingly filled with humanitarian refugees fleeing war and not persecution. No UNHCR officer would be so ignorant as to use such a reason to exclude anyone from a camp. If an individual participated in a breach of international humanitarian law or entered the camp to carry on a war, that person would not be a refugee. Either would be grounds for exclusion.

Does Waters think that Gatete was a genocidal killer? No. According to Waters, Gatete was a charismatic leader. A Tanzanian officer, who handed him a megaphone, sensitively recognized his leadership in the camp. Though Waters acknowledges that the refugee population itself turned him into authorities at the border, Waters fails to note what they said. The refugees at the bridge had shouted, "This is Gatete! He is a murderer! Arrest him!" (Prunier, 1995:248). Is it any surprise that once he was back with his bully buddies and had demonstrated that the Tanzanian or international authorities could or would not hold him under arrest or that the UNHCR could enforce its ban on him living in the camp, that the population of refugees might have been intimidated knowing full well his past reputation? Waters never even raises the question let alone investigates it.

Was Gatete guilty of participating in the genocide? Prunier is one of three absolutely reliable sources Waters cites for what happened during the genocide. Prunier's book was first published in 1995

¹Waters seems not to have read any other part of the report than Volume 3 dealing with the evaluation of the relief effort. In fact, he believes that the cost of the research for this one volume was the cost of the total report. "A report about the Rwanda relief operation, valued at 1.4 billion [an error again, for the figure was 1.4 million] between May and December 1994, received an evaluation study costing \$1.5 million" (p. 9). In the endnote to the chapter, Waters cites a conversation he had with John Borton (the lead investigator and author of Volume 3 of the report) at Ngora in July 1995 for the source of the figure. Waters could have checked the report itself or talked to John Borton and he would have learned that \$1.5 million was the cost for the entire five volumes of the study of which Volume 3, dealing with the evaluation of the relief operation, was only one part.

and was available to UNHCR officers. Prunier says that Gatete became famous for his "enthusiasm for the killing business" (1995:138). "In some cases the main organizer could be a militant outsider, as with Rémy Gatete formerly a simple *bourgmestre* of Murambi *commune* in Byumba, who had moved to Kibungo *prefecture* by the time of the genocide and who organized the massacres in the east before fleeing to Tanzania and becoming a 'refugee leader' in Benaco camp" (1995:241). At other places, Prunier refers to Gatete as a "sadistic killer" (1995:246). Waters never once even cites such possible evidence.

According to the JEEAR report, although initially most agencies appear to have paid little attention to the genocide, the presence of the militia and the implications for the power structures in the camps, when the NGOs were asked and supported a decision to stop providing aid until Gatete left the camp, the vast majority concurred. Waters was there and opposed that decision – endnote 18, page 133 – but agreed to defer to the group consensus. Waters never critically examines his own assessment. But he freely disparages and maligns the motives and thinking of other agencies. According to Waters, NGOs like *Medecins Sans Frontieres* (MSF) were not to be trusted in the assessment that the Tanzanian camps were under the control of the Hutus who participated in the genocide since MSF employed Tutsis and relied on them as a source for information. "MSF's formidable public relations arm continued to reflect the concerns of the Tutsi staff by placing demands for arrests and trials of perpetrators of genocide at the center of their assistance programs to Rwandans outside Rwanda" (p. 206), as if MSF staff independently of Tutsi employees did not insist that justice be done to the perpetrators of the genocide.

The issue of the feeding of the refugees was over the control that the *genocidaires* had over the camps, not the legal issue of whether or not they were being brought to justice. On June 15, in response to the Gatete incident, the agencies temporarily

withdrew from Benaco for 2-3 days (15 days in the case of MSF-France). This forced an awareness of the presence within the camps of those suspected of involvement in the genocide and the potential for violence against agency personnel. Waters never seems to have participated in this awareness.

Maureen Connelly of the UNHCR concurred with her colleague Franquin that the camp was in the control of criminals like Gatete who had absolute control over the Hutu population. What lesson did Waters take from this event? The Gatete incident "set the stage for the adversarial relationship with the refugees that replaced the cooperative one initiated during the previous weeks . . . the focus was on security for expatriates rather than on feeding the refugees." In other words, it is not the criminals and political leaders and possible *genocidaires* who were responsible for the problems of cooperation in the camps, but the international bureaucrats of the UNHCR, even though their position was supported by virtually all the other agency representatives according even to Waters. The responsibility for the adversarial relationship in the camps was not a product of the failure of the NGOs and UNHCR to feed people and ignore issues of justice, as Waters would have us believe, but, according to a Protestant missionary who visited Benaco camp, "the well-known human rights violator Gatete was in Benako and his militias were laying down the law. Every night people were assassinated, mainly Tutsi" (*Death, despair, defiance*, London: African Rights, 1994:646) Waters ignores all this evidence, including that provided by his authority, Gerard Prunier. Instead he wrote, "Unlike in Zaire, there was no evidence that the preexisting leadership from Rwanda controlled substantial food distribution" (p. 141).

For Waters, the focus should have been on feeding the refugees and not on justice or, as he dubs it, revenge. Bureaucracies serve as "the only tool useful for expressing both mercy and revenge, the emotions the world demands be expressed" (p. 9), and this deforms the rational functioning of such

agencies as the UNHCR. However, the overwhelming consensus was that the camps were taken over by the genocidal militants; security should have been present in the camps to prevent such a takeover. For Waters, "without any particularly clear evidence, UNHCR became more convinced that there was in fact intimidation of potential returnees within the camp complex itself" (p. 143). USAID (and ECHO), by spotlighting the genocide, demonized the refugees (p. 222).

Why did Waters ignore all of this and other evidence that placed the prime responsibility for the problems in the camps with the *genocidaire* extremists from Rwanda and not on the UNHCR? Does it have anything to do with his use of dead Hutus in 1994 and 1995 instead of Tutsis to illustrate the genocide? Does it have anything to do with the fact that he never gets the story of the Rwanda crisis or the genocide accurate enough to assess whether anyone should or could have known whether there was or was not a genocide.²

For example, Waters writes that the Arusha Accords to end one-party rule and declare a multiparty democracy was reached in August 1993 (p. 84). In fact, the agreement to end one-party rule even pre-dates the RPF invasion. In September 1990, one month before the invasion, a commission of 33 intellectuals and leaders within the civil society recommended a return to a multiparty system. Habyarimana had agreed to implement the recommendation, naming commission members to take up the task. However, the war broke with the RPF invasion. In early 1992, under considerable pressure from the opposition, Habyarimana entered negotiations with the opposition parties. A coalition government was installed in April 1992, 15 months before the Arusha Accords were signed.

Waters is no more accurate when he moved closer to the genocide itself. Dallaire's January 11th cable did not say that he would seize weapons imported by militia groups (p. 98); Dallaire asked for permission to check the arms caches. (See the cable printed as an appendix in the book Astri Suhrke and I edited entitled, *The Path of a Genocide: the Rwanda Crisis From Uganda to Zaire*, Rutgers, NJ: Transaction Books, 1999.) Further, Waters says that the cable "was misinterpreted or ignored at UN headquarters in New York and the State Department in Washington, both of which wanted to avoid involvement." Though both the UN and U.S. wanted to avoid involvement, it is not clear that the U.S. knew of the cable. And the cable was certainly not ignored by the UN as our analysis showed; it created a significant stir, but this "hot" item was buried in a separate black box.

When the war started again after Habyarimana's plane was shot down, Waters wrote, "At least 10,000 Hutu civilians were killed in eastern Rwanda as the RPF swept through that area in April and early May (des Forges 1999:702-722; Prunier 1997a: 359-61)" (p. 86). According to Waters, this stimulated the flight of the civilian Hutu population. What does des Forges, one of Waters' authorities on the Rwanda genocide, actually say? Between April and July 1994, "The RPF killed thousands of civilians both during the course of combat, brief in most regions, and in the more lengthy process of establishing its control throughout the country" (p. 702). Alison, as is her custom, then documents case after case of such killings. Did that stimulate the flight of the civilians? Again, quoting des Forges, "Hundreds of thousands of civilians fled before its (RPF) forces, reacting to stories of RPF abuses – many of them propaganda from the interim government – and following direct orders

²It should be noted that Waters has a propensity to be inaccurate about other crises as well. For example, regarding the Indochinese refugee exodus, he wrote that it was "not until 1979 that the world took notice" when Southeast Asian governments started towing refugees back out to sea. This tactic worked and only then did Western governments begin accepting the boat people for resettlement (p. 23). In fact, the U.S. began taking the Indochinese in 1975. Canada and other states first became involved in 1978, long before boats were towed out to sea. For example, when the *Hai Hong* arrived in Hong Kong harbor with approximately 25,000 Vietnamese, Canada initiated a resettlement program for the refugees from the *Hai Hong*.

from local officials to leave" (p. 702). What did Prunier write? Well the page references in the 1995 edition refer to the bibliography rather than the text itself. Prunier does document some RPF killing of clerics (pp. 268-73), but says nothing about the RPF killing 10,000 civilians. Waters said he relied on des Forges, Prunier and Uwin for his figures, but a figure of at least 10,000 civilian killings cannot be found. And the civilians fled largely because of rumors and orders from their leaders rather than in response to the atrocities, as should be clear when des Forges recounts the details of the atrocities that largely occurred after the RPF occupied an area, whereas the refugees fled before the advancing army.

Waters later provides a source for his conviction that the RPF induced the exodus. A witness from Gahini evidently told Waters that after the Hutu extremists threatened death to anyone who did not collaborate in the genocide, "a message came from a stranger who claimed to be the vanguard of the RPF. The message was to leave; all who stayed would be killed by the second wave of RPF occupiers, who included execution squads" (p. 108). So the evidence is a witness who claimed that he heard that a messenger had come into a Hutu controlled area who in turn *claimed* to represent the RPF and warned people to leave or they would be killed when the RPF advanced. This is evidence?

Everyone is blind but Waters, even though Waters repeatedly provides admissions and overwhelming evidence of his own physical and mental blindness. But the book is not only full of errors about counts and interpretations, aspersions against other agencies and international players, but cannot even get the minor items straight. The book needs editing. It is repetitive, badly organized, has paragraphs that do not make sense and sentences that do not follow one another in any meaningful way. And it is full of copy errors. Though Waters credits Katherine Scott with sharp and insightful copyediting, the volume contains such sentences as, "This often excludes chapter

(‘cheaper?’) but less predictable local contractors" (p. 42). "Acting quickly means that there is little room for grey areas – hat [sic!] somehow international law, diplomacy and the bureaucracies supporting them can work together like the parts of a clock" (p. 193).

To go from the minutiae to the central issues, the fundamentals of the Rwanda crisis are misunderstood, not only the nature of genocide and its application, but also the causes of the forced movement of refugees, and the analysis of the Rwandan refugee repatriation. He does not even know what an international regime in general is, although this is his alleged topic, nor the refugee regime in particular. He even partially misunderstands the functions of a bureaucracy, an area that he should presumably know as a sociologist teaching at a university. His faulty analysis can even be found in specific cases in which he supposedly had operational expertise, such as in the logistics of emergency relief and in the specific case of the delivery of water in the Tanzanian camps that he analyzed.

Let me take up the latter, for if Waters' evaluation is not plausible in this area, it is not credible in any other. This is a book about bureaucracy and refugee relief operations. Waters' writing on water would seem to be important since supplying water is both a fundamental need in relief operations and apparently a by-product of rational professional and bureaucratic decisionmaking. In Water's introduction to Part III, an end-note deals with an alleged bureaucratic assault on Lutheran World Federation's (LWF) water program in the Benaco camp in Tanzania in Volume 3 of the JEEAR report. Waters claims that the responsibility for the erroneous criticisms can be blamed on the large number of expatriates in the camp. (Waters implies that the ex-pats resented LWF's minimal use of expatriates.) Waters never records the precise nature of the criticisms in that essay or attempted to refute them. Presumably, this is undertaken in chapter ten where he writes about the water crisis at Benaco. As in his earlier experience in Khao I Dang camp in Thailand,

Waters found that huge expenditures were made in Tanzania on massive water systems that were either unusable or unused – the mothballed American reverse osmosis unit, Japanese drilling rigs, and an entire water-trucking unit. At the same time, the proposal of the engineer, Fridtjov Raden, to build a well field on quartzite ridges rather than in the low-lying slate areas, and the LWF's proposal to build a pipeline from the ridge, were not carried out.

Why? According to Waters, the water-trucking unit was abandoned because the water plant from which the trucks were to be supplied was more expensive to operate than anticipated, permission for use of the Rasumo site had not been obtained from the Tanzanian authorities, and the trucks were unstable because the tanks lacked baffles. Because demand was difficult to predict, and, because of the emergency nature of the crisis, there was insufficient time to undertake the geological research and field observations necessary to build a water system appropriate to the area and the needs. When this is exacerbated by personal antagonisms, rapid staff turnover, nonexistent institutional memory, and acceding to best or worst case scenarios in spite of the lack of facts (allegedly because of emotions), the result is enormous waste. Drilling in the initial low spots was undertaken because a proper geological survey had not been undertaken. Yet, because the quartzite ridge overlooking the site refilled the Lake, it did not dry up as expected. Thus, though bore holes collapsed because of inadequate casings, and water supplies per person were halved because of the increase in the refugee population, a real catastrophe was averted.

What did the JEEAF say about the water supply at Benaco during the emergency? The evaluation found that the water situation was even worse in Tanzania than in Zaire. In Ngara, water provision was, initially at least, a success story. The artificial lake next to Benaco camp served as the main source. Oxfam and MSF quickly established a pumping, storage and distribution system that provided satisfactory levels of water in

the camp. It was recognized from the outset that the capacity of the lake to provide a guaranteed year-round supply was questionable and that it would need to be complemented from other sources, especially as the number of refugees continued to increase. UNICEF quickly mobilized two drilling rigs from Uganda and succeeded in drilling a total of 28 boreholes that fed water to new sites – sites created in an attempt to reduce congestion in Benaco. By July 1994, average water consumption in Benaco and Lumasi camps was 12.3 litres/person/day.

The water sector was one where the initially impressive emergency response was not maintained even though, according to the JEEAR report, problems should have been foreseen. However, because of high turnover of UNHCR water coordinators and the resistance of the Tanzanian government to solutions that would tend to make the camps permanent, solutions readily available were not utilized. On a per capita basis, the amount of water available to refugees by June 1995 was less than half that of July 1994. Why? Refugees were stretched over a distance of 500 kilometers initially in 50 sites, many of which had less than 2,000 persons; these refugees were difficult to reach, as it was the wet season. Factors contributing to the deterioration included the constantly expanding refugee population (whilst the refugee population in Ngara has risen by 194% between July 1994 and June 1995, total water production has risen only by 109% over the same period), deterioration of emergency boreholes that were not designed or equipped for long-term service (the boreholes collapsed because of inadequate casings), and a lack of investment in more sustainable supply systems. Initial expectations that the refugees would repatriate, the high capital costs involved in developing sustainable supply systems, and the government of Tanzania's reluctance to see investments that seemed to confirm that the refugees would be in the country for a long period, all served to deter the necessary investments.

Another additional factor was Oxfam's early handover of the water program, and

questions over the technical and managerial suitability of the successor NGO – the Tanzanian Christian Refugee Service (TCRS). There was also a lack of UN technical coordination capacity. The quality and experience of the initial agency personnel in the area was also inadequate. This was possibly an implied criticism of the Lutheran World Federation for which Waters worked, though the LWF was only mentioned by name once in the report – the Lutheran World Federation provided 157 Hercules flights free of charge to the ICRC and NGOs. The few principal NGOs mentioned were MSF-France, MSF-Belgium, Concern, the Tanzanian Red Cross (IFRC-supported), IRC, Tanganyika Christian Refugee Service and Caritas. Perhaps Waters was really annoyed that the presence of LWF was not even acknowledged.

The fact is the criticisms in the Waters book are almost identical to those in the more comprehensive list in the JEEAR report. Further, LWF is not blamed by the JEEAR report for the problems of water supply in the camps in Tanzania. The issue is not over the accuracy of Waters' depiction of the factors influencing the errors in supplying water in the refugee camp. The issue is over his evaluation. Is Waters correct in extrapolating from this account to prove his general claim that the dependence of refugee relief programs on emotional press-driven decisionmaking sacrifices the need for systematic data collection so necessary to fulfill the bureaucratic needs of clear goals, control, predictability, calculability and efficiency?

This issue is important because in a book dealing with the nature and role of bureaucracies in providing charity, the precise criticism of the functioning of those bureaucracies in a specific and crucial area of emergency assistance – the supply of water – is critical. But Waters never even lists let alone takes up those criticisms or clarifies why he finds the criticisms erroneous. He never deals with the issue of reconciling quick emergency responses based on guesstimates, and judgments based on what is immediately seen, with the need for long

term, more solid solutions based on greater in-depth surveys and critically analyzed data and assumptions. Nor does he show that the competing solutions to the water supply situation in Tanzania were the result of press-driven emotional appeals.

If Waters cannot even succeed in making his case in the narrow technical area of water supply, one cannot expect much better when it comes to his larger thesis – that the absence of a focused bureaucratic regime, that is, a system of decisionmaking rooted more firmly in rationalized bureaucratic norms (p. 11) than in an ability to manipulate emotion and pity (p. 32), was primarily responsible for what he alleges was the forced repatriation of Rwandan refugees back to Rwanda in 1996. "My contention," Waters claims, "is that the underlying logic of the international refugee relief regime is focused by the bureaucratic need to satisfy the emotions of the donor, rather than the rational needs of the refugees for relief services," (p. 72) and that it was this factor that predominantly lay behind the forced repatriation of the Rwandans. In other words, instead of a purely rational international bureaucracy that would not have repatriated the Rwandan refugees, press-driven funding combined with early fixed assumptions, including moral ones, a group of international personnel without any institutional memory, and a need to take immediate action to take control of the situation, together led to the international agencies sacrificing the central goals of refugee relief and protection to peripheral issues such as the administration of justice, promotion of reconciliation, and the promotion of voluntary repatriation (p. 235).

In fact, Waters does not even know what an international regime is. The closest Waters comes to defining a refugee relief regime is his claim that the regime is made up of the complex of organizations and agencies providing relief to refugees (Introduction, p. 17). But any mere dipping into the vast amount of literature on international regimes provides a different understanding. (See, e.g., the oft reprinted classic in the

area, the volume edited by Stephen D. Krasner, *International Regimes*, Ithaca: Cornell University Press, 1983.) An international regime is defined as, "principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area" (p. 1). These normative regimes mediate between the causes behind a situation and the behavior (in this case, the agencies making the decisions) surrounding it as well as the actual outcomes.

Now, a realist who argues that all international relations are based on power and interests of the various states would deny the importance of regimes, even if the realist acknowledged their existence. A modified liberal or international structural realist might acknowledge the primacy of power and interests in international relations, but insist that normative regimes – such as in the refugee relief arena – can have a significant impact in an anarchic world only where individual state actors with power fail to act. Thus, the high and mighty priest or Levite who crosses the road to avoid the victim of robbers lying in the ditch leaves room for the compassionate Samaritan to help. However, upholders of internationalist law or of an international moral code claim that normative regimes are the complement of any international system and are always present. Whether irrelevant, relevant only in such areas as refugee relief that the power brokers leave unattended, or pervasively relevant, the patterns and customs that emerge, and the development of an international body of accepted knowledge, play a crucial role in the development of regimes.

Whatever the perspective, a regime is not constituted simply by the agencies, let alone the nature of such agencies (p. 3) that Waters never explores or analyzes in any case. A regime is demarcated by the principles, norms, rules, and procedures in terms of which the decisions are made in the refugee relief sphere. Nowhere does Waters even unpack let alone attempt to clarify the principles, rules, norms, and procedures at work. There is not even a hint that he has ever cracked the pages of the voluminous lit-

erature on international regimes. The book adds to the literature that simply conveys the message that emergency refugee relief is a dysfunctional area of chaos.

Waters goes further. Not only does he demonstrate no understanding of what an international regime is, though he claims to be writing on the subject, he erroneously claims that the JEEAR report blamed the international refugee regime for failing to prosecute the persecutors of genocide, though he offers no sources justifying such a charge. He further states that the regime tacitly accepted the blame (p. 149).

What in fact happened? Many agencies and the UNHCR saw that they could not feed the refugees in the camps without at the same time feeding human rights offenders and militants bent on continuing the genocide, who, by definition, were not genuine refugees. Further, since these same people controlled the camps and were behind grossly inflating the numbers of refugees in the camps so that they could sell excess food and supplies on the black market to help finance their objectives, it was incumbent on such agencies to wrest control of the camps from such people and provide protection for genuine refugees from both outsiders and insiders who intimidated and taxed them. A few agencies and officials believed, for some good and some bad reasons, that the function of a relief NGO was just to feed and care for victims whatever their status. Others believed that it was incumbent upon NGOs and international agencies to discriminate between militants and genuine refugees and even more so between *genocidaires* and genuine refugees. Nowhere have I found that they argued that it was their responsibility to measure let alone mete out the appropriate justice, though many argued that the alleged killers needed to be arrested and prosecuted. Nor have I seen anywhere that they blamed themselves for failing to engage in the prosecution.

What became issues were the principles, norms, rules and procedures of the international refugee relief regime in operating refugee camps when militants and even

genocidal killers controlled the camps. This requires defining the categories of persons on behalf of whom the regime's efforts are to be expended. Waters seems to recognize this when in a very convoluted way he says that, "victims and victimization are not preexisting discrete categories, but are categories created in the context of the moral demands of the international refugee regime" (p. 66). The international refugee regime is clear about whom they target and whom they exclude. Criminals, militants and human rights violators are not genuine refugees.

What does Waters find? "Bureaucracies bend situations to meet their definitions of refugees as being victims. This is why a primary job of the UNHCR continues to be hearing and adjudicating individual asylum requests" (p. 66-67). Aside from the difficulty, if not impossibility, of understanding the logical connection between the two sentences, the issue is whether a person in a refugee camp is or is not a refugee. Though Waters is factually wrong when he says that UNHCR is primarily engaged in adjudicating individual asylum requests anywhere let alone in refugee camps (UNHCR often provides observers of nation-state adjudication systems and engages in such assessments for a very small percentage of overseas refugees), I think that he is arguing that because of the UNHCR's definition of a convention refugee, the mandate with respect to whom they help is limited to those persons defined in this way.

Well, Waters is even wrong on the definition of those whom UNHCR is mandated to assist. UNHCR has led the battle to help those in the host country as well as refugees in camps in countries of first asylum. UNHCR has expanded its mandate to include internally displaced persons as well as refugees who cross borders. Finally, whatever the contentious issues were over the boundaries of those for whom the refugee regime is designed to serve, UNHCR has never restricted its efforts to convention refugees once it entered the relief field; humanitarian rather than persecuted refugees have always been the major target

with respect to relief. Further, there has never been any debate over the norm that UNHCR should not assist militants let alone massive human rights violators and genocidal killers. The debate has been over the policies and procedural norms for implementing such a distinction.

How does this discussion concerning the principles, norms, rules and procedures of the international refugee relief regime affect Waters' main thesis that the nature of the regime led to the alleged forced repatriation of refugees back to Rwanda? Before getting into the issues of fact, does the major principle of the international refugee relief regime, the principle of refugee protection in countries of first asylum, mean that "persons having a legitimate fear of persecution have a right to protection in the country of first asylum from forced repatriation?" (p. 5; *cf.* p. 20).

No and yes. No, since the regime, as stated above, does not restrict its mandate to persecuted refugees. Yes, since the protection accorded to refugees in countries of first asylum entails that such refugees not be forced back to the country of origin. Thus, the nub of the issue is not the principle, to which there is general agreement, but the facts of the case – was repatriation forced? – and the interpretation of the principle.

Waters is very clear about his interpretation of the facts. The repatriation was forced. Though he does not analyze the situation in Zaire, where the overwhelming evidence and conviction is that the refugees there returned voluntarily to Rwanda, he begins the book by claiming that all the Rwandan refugees were forced to return. There is, however, a debate over the return from Tanzania and whether or not it was forced. A large number of observers agree with Waters that it was. And even those who disagree tend not to diverge on what happened but on whether "force" is an appropriate term since no actual violence was used. The Tanzanian army simply turned around one group of refugees who were headed in the opposite direction. Further, the main mechanism to instigate return for

most of the refugees in Tanzania was the reduction in the food rations in the camps.

Whatever word one believes appropriate, there is general agreement that the refugee return from Tanzania could not be described as strictly voluntary. The norms of the international refugee regime insist that refugees should not be forced to return; more positively, refugees should only return if they freely choose to do so. Did what happened in Tanzania challenge and even alter the norms of the regime or was it an exception to the general rule?

Waters believes it was an exception, and, in fact, the only exception. Waters asks: Why were *only* (my italics) Rwandans forcefully repatriated? (p. 10; *see also* ch. 12). I do not have the space to go into detail into other "forced" repatriations, but there are many cases where refugees are removed to their country of origin without their consent – the Vietnamese in Hong Kong, Kurds from Turkey back to Iraq where the Americans led a humanitarian intervention operation on their behalf, etc. Nevertheless, the norm still remains that refugees should not be forced back to their countries of origin. The outrage accompanying such activity, more than the determination of whether or not they are being forced back, depends on the understanding of the circumstances. Did the UNHCR support the return quite aside from the method by which it was carried out? If they did provide such support, why did UNHCR do so? Was the UNHCR unfairly influenced to take such a position or did UNHCR objectively determine that it was safe for the refugees to return? Was it indeed safe to return?

Waters argues that return was unsafe, that the refugees were unwilling to repatriate, but donors, in the interest of saving money and lacking any commitment to the essential norms and principles of the international refugee regime, pressed a policy of repatriation whatever the wishes of the refugees were, that the UNHCR supported repatriation right from the beginning, and the central bureaucrats in Geneva supported forced repatriation to cater to the wishes of their major

donors. Local UNHCR officials in the camps in Tanzania ended up reluctantly supporting repatriation against their real beliefs to please their bosses in Geneva. Waters himself supported a program of resettlement in Tanzania (p. 126).

What are the general norms of the international refugee regime with respect to repatriation? Of the three permanent solutions – repatriation, settlement in countries of first asylum, and resettlement abroad – in general, repatriation is seen as the preferred solution. Only when this proves or is viewed to be impossible is settlement and resettlement considered. How does the UNHCR decide which permanent solution to advocate?

One consideration is why the refugees fled in the first place. Waters offers six primary reasons why refugees move, but then says that one of the reasons, population density, "explains very little" (p. 174). The fact that refugees make the decision is not even a reason for flight. Border straddling, a habit of Burundians and not Rwandans, is not a motive for flight but a way of carrying out the flight. However, whether or not the border is open may not be a motive for fleeing but can be a reason for implementing a decision to flee. Waters seems incapable of distinguishing among causes, reasons, motives, conditions, or strategies. In fact, Waters offers only one real "explanation" to account for refugee flight. "Mass refugee flight is most likely to occur at a time of rising political expectations" (p. 172) rather than "during times of high political or military tension" (p. 173). What is the evidence? Flight followed the democratic election of a Hutu president and the repatriation of Hutu refugees after 20 years in Tanzania. According to Waters, the assassination of the Hutu President of Burundi in October 1993 did not trigger the flight of Burundians. In Rwanda, the flight followed a peace agreement and political agreement between warring parties.

I cannot remember when I last read a claim that had so little evidence to support it and was so illogically argued. Look at Burundi. In June 1993, Melchior Ndadaye, a Hutu, was elected President in what was widely

regarded as a free and fair election. This instigated a return movement from Tanzania. When on October 21 of the same year, Ndaye was assassinated by Hutu extremists, setting off massive killings of Hutu and moderate Tutsis in Burundi, masses of refugees fled from Burundi into Tanzania and Rwanda. Thus, although refugee repatriation might be fostered by rising political expectations about the expansion of rights and freedoms, flight is set off by conflict and violence (*cf.* A. Zolberg *et al.*, *Escape from Violence*, New York: OUP, 1989). Flight did follow the election of the Hutu President – but only after the intervention of his assassination five months later. There is some temporal correlation of five months but certainly no causal correlation.

What about Rwanda? The Arusha peace agreement was signed on August 4, 1993. Before the UNDP could even implement its plan to help the return of the internally displaced, before the end of the month, approximately 700,000 of the 920,000 IDPs returned spontaneously to their homes in the areas that the RPF left. When Habyarimana was assassinated on April 6, 1994, a few Tutsi who were able to escape the genocide fled. The massive flight of Hutus in July 1994 followed the Tutsi-dominated RPF military victory over the extremist genocidal government. This instigated a movement of Tutsi return. For Tutsi, rising political expectations may have been part of what motivated a return. Though declining political expectations might euphemistically be said to have motivated elite flight, fear enhanced by propaganda motivated the flight of the bulk of the Hutus. So that while it may be true that the flight of July 1994 followed the peace agreement of August 1993 in the sense that one came after the other, there was no causal connection. Waters' hypothesis concerning the causes of flight is simply preposterous and unsupported by evidence or logic.

Repatriation is not necessarily driven only or even by rising political expectations either. Tutsis returned also because of their sense of belonging to their home country and because of the diminishing expectations in the places where they lived. The Hutus in

Zaire returned to Rwanda in November of 1996 because the situation in Zaire was even worse than anything they might expect in Rwanda. Further, the control over the camps by the militants who had been defeated by the rebels with the help of Rwanda and Uganda had been removed, so the genuine refugees were free to choose. Certainly, Rwanda opened the borders and welcomed them back. Finally, UNHCR supported the decision to repatriate.

Did UNHCR do so for improper reasons? Waters writes that, "the United Nations adopted an aggressive voluntary repatriation policy rooted in the assumption that conditions in Rwanda were appropriate for a return, even as new refugees were arriving in 1995-96," (p. 137). However, as Waters himself wrote, the new refugee arrivals came from Burundi not Rwanda (p. 142). Further, Rwandans began returning from Burundi to Rwanda without seeking asylum in Tanzania in response to the border closing. Finally, Waters provides no evidence that such returnees were at risk (p. 142). Waters was correct that, "The repatriation goals were pursued as a result of UNHCR's belief that the RPF would honor agreements to return lands and homes" (p. 169). The Rwandan government by and large honored its commitment, though there were numerous exceptions. These assumptions of UNHCR and the donors were not wrong. However, Waters is likely correct in stating that, "the refugees in Tanzania were not ready to repatriate" (p. 169). However, very different motives lay behind their reluctance to repatriate. They remained under the control of the militants, though without significant military support, and were not subjected to the circumstances of military conflict as Hutus were in Zaire.

Were the donors, UNHCR bureaucrats in Geneva, and UNHCR field officers motivated to support repatriation for unethical reasons? "The Rwandan repatriation was settled, not on the basis of the technical reasons typically pointed to [no evidence is provided that technical reasons were offered to justify the repatriation even if technical reasons provided additional support], but because West-

ern donors were unable to sustain moral imperatives for the assistance program to continue" (p. 152). Further, Waters says that local officials in Ngara joined the central bureaucrats in supporting repatriation because their reports otherwise "were not being well received in Geneva" (p. 142). In other words, they lacked any conviction and cow-towed to the central administration. Waters provides no evidence whatsoever for these charges, though I suspect compassion fatigue, the absence of other options, the negative long term likely consequences of allowing the refugee problem to fester in Tanzania, the relatively secure situation in Rwanda, the determination of the Tanzanian authorities, the preference of donors and UNHCR for repatriation as a permanent solution, and other factors along these lines, motivated UNHCR and the international donors to turn a blind eye towards the activities of the Tanzanian military. In any case, quite aside from Waters' demonstrated incompetence in making an evaluation of the UNHCR, the donors and other agencies with whom he disagreed, Waters was, in addition, a biased evaluator. He always opposed repatriation and favored resettlement in Tanzania in spite of its rejection by the Tanzanian authorities (p. 126).

What about Waters' major thesis that the refugee regime is insufficiently governed by rational bureaucratic norms and is led by the nose by periodic emotional stories in the media rather than long-term assessments? As Waters writes, "the decision to commit massive resources for refugee relief remains embedded in moral distinctions about who is a victim and who is not, a decision that currently is negotiated in the field of public discourse rather than that of bureaucratic legal-

ism. This imbues relief operations with a sense of morality, whereby judgment of the actions of others becomes legitimated, often in simplistic categories suiting the needs of donors rather than fitting the refugees themselves" (p. 64). According to Waters, UNHCR appealed to moral authority and an abstract humanitarianism directly to the Western public via the press (p. 25). For Waters, "the role of genocide in creating the refugee crisis was central to the Western imagination" and "the sensational genocide . . . successfully generated sympathy and financial support in 1994" (p. 137). More specifically, "in the case of the Rwanda relief operation, two emotional subjects became intertwined: pity for refugees and revenge against the perpetrators of the genocide" (p. 9).

First, in spite of Waters' frequent aspersions against the media for stirring up emotions that undermined the work of a rational bureaucracy, Waters does not cite either the media or the numerous studies already extant of the role of the media in both the Rwanda genocide and the refugee crisis that followed.³ If Waters had undertaken even the most superficial study, he would not have found the international media responsible for stirring up passions for revenge. Some media were engaged in urging justice for the perpetrators. But justice is not revenge. Further, these were usually dispassionate appeals. An examination of the studies of the media would have shown that, in fact, sympathy was certainly generated for the refugees that had not been directed at the victims of the genocide. The refugees received considerably more coverage than did the genocide itself. The genocide did not generate financial support; the coverage of

³Though in his bibliography Waters includes the volume by Larry Minear, Colin Scott and Thomas G. Weiss, *The News-Media, Civil War, and Humanitarian Action* (Boulder: Lynne-Reinner, 1996) that examines institutional interactions between news media on one side and governments and aid agencies on the other using case studies of Iraq, Somalia, Liberia, Bosnia and Rwanda, little is made of the material in that book other than the general observation that media often serve as causal links to stimulate government or donor responses. Further, other relevant reflections are ignored such as Ed Broadbent's article, "Media, Even in the West, Partly to Blame for Rwanda Massacres," (*The Gazette Montreal*, May 3, 1995, B3), or John Darton's article, "France in Africa: Why few raise a fuss," *The New York Times*, April 27, 1994, and Keith Spicer's article, "Bloody Ideas: Media and National Mythologies in the Global Marketplace," speech text, August 22, 1994. Nor are other more extensive studies examined such as chapter 10, "Too Little Too Late: U.S. Television News Coverage of Rwanda," by Steven Livingston and Todd Eachus in the volume that I and Astri Suhrke edited *The Path of Genocide: The Rwanda Crisis from Uganda to Zaire*, Rutgers: Transaction Books, 1999.

the plight of the refugees did. In fact, the two events were disassociated so that the average reader did not know that amongst the refugees in Zaire and Tanzania were large numbers of genocidal killers. Few people knew that these murderers had taken control of the camps. This had nothing to do with the needs of the donors who would indeed have preferred to stay as far away from the refugee issue as they, in the end, had managed to do from the genocide. The sympathy for the refugees unrelated to the genocide generated by the media did propel government action.

Finally, if indeed emotions were stirred up for the refugees unrelated to the genocide, what effect did that have on the bureaucracy committed to helping refugees? What effect, in turn, did the bureaucracy have on the assistance provided to the refugees? According to Waters, "the Rwanda refugee situation became 'bureaucratized' too fast, with the result that the administrative and political compromises erected to deal with the short-term emergency were incapable of generating longer-term visions" (p. 25). In other words, an emergency mindset became built in which prevented the UNHCR from taking into account the long term interests of the refugees given the alleged UNHCR propensity to appeal through the press for public support and monies for short term emergency situations.

Waters' critique, however, goes deeper than the above criticisms suggest. For Waters, the international bureaucracy serving refugees was not only governed by expedient and short-term goals which had become reified in the categorization it adopted, but it was a heartless, sterile, amoral agency without emotion (as bureaucracies must be to be rational) that was donor driven rather than refugee driven in its values. To survive and grow, therefore, it had to betray itself and use the victimhood of the refugees to appeal to the public in order to generate funds for the refugees.

There are three parts to this critique. First, the inherent nature of a bureaucracy depicted by Waters is a passionless, amoral and rational entity. Basing this conception on

what Waters believes Max Weber wrote – that all of us revile bureaucracies precisely because they are all-pervasive, cumbersome, inherently sterile, conscienceless and inhuman (p. 9) – a bureaucracy has difficulty defining the moral differences between right and wrong. Instead, the virtues of a bureaucracy are accountability, efficiency, reliance on hierarchy, search for precedent and consistency, persistence, constancy, expansion, and, most important of all, the need to quantify (p. 13).

The second part of the critique is that international bureaucracies serving the needs of refugees are anomalies. Business bureaucracies are measured by the profits they produce for their shareholders; they can be purely rational. International bureaucracies serving victims are measured for their success by the funds they obtain from donors. They can only do this through emotional appeals. As a result, these organizations that are "specialists without spirit, sensualists without heart" (p. 28) turn their task of mercy into an emotional issue. And emotional issues are related to value judgments and not rational decisionmaking. Thus, international refugee relief organizations are faced with a fundamental contradiction – "rationalized bureaucracies are incapable of having . . . emotional commitments," while, at the same time, they need to maintain a credible sense of victimhood in order to appeal to donors for funds (p. 63). "In humanitarian relief bureaucracies, the primary goal, being rooted in morals rather than a rationalized medium like profits or polls or votes, is vaguely defined. As a result, the criterion for success or failure (also called the dependent variable) is rooted in the mercy of the donors, not the actual needs of beneficiaries or the help of 'victims'" (p. 71). "My contention is that the underlying logic of the international refugee relief regime is focused by the bureaucratic need to satisfy the emotions of the donor, rather than the rational needs of the refugees for relief services" (p. 72). "In effect, the extension of mercy demanded the establishment of a high level of compassion before mercy could be shown" (p. 66).

Added to this mix of the inherent nature of any bureaucracy and the fundamental contradiction of an international bureaucracy providing relief for refugees, torn between that inherent rationality and the need to foment emotional appeals, is a third ingredient. Refugee movements are emergencies. Large numbers of people must be fed, housed and medically treated on short-term notice without the time needed to calculate and plan. What is done in the short term becomes petrified and frozen into the inertial propensities of any bureaucracy. As a result, the international bureaucracy serving refugees not only bends situations to meet their definitions of refugees as being victims instead of assessing, according to their essential rational function, whether an individual has a well-founded fear of persecution (pp. 66-67), but these short-term expedient acts of categorization build into the structure of the bureaucracy moral decisions (and irrational ones) that perpetuate erroneous goals and misdescriptions of those the bureaucracy is set up to serve.

All three propositions underlying Waters' theses are nonsense. Let me begin with the nature of bureaucracies, a depiction that Waters traces to Max Weber. Now it is certainly true that an unresolved tension between normative and instrumental theorizing permeated Max Weber's work in general and his study of bureaucracies in particular. Although the tension remained unresolved, in books like *Economy and Society*, this tension expresses itself differently in different historical eras. When patriarchal households were central to the economic and social life of a society, personal emotional states ruled. In feudal, patrimonial organized systems, norms predominated within which rational bureaucratic decisions were made. Modern market systems of economic organization also exist within a value context and against a cultural background defining formal and authentic authority, the modes and distribution of power, and the sources of both material and intellectual influence.

Though the structural-functionalist Talcott Parsons had claimed to be a true dis-

ciple of Max Weber, in his introduction to Max Weber's *Theory of Social and Economic Organization* (1947) which he helped translate, Parsons critiqued Weber's theory of bureaucracy for over-emphasizing hierarchy and neglecting socialization and professional norms. The inculcation of such norms was the central subject matter of Parsons' 1951 volume, *The Social System*. How goals, norms and values become differentiated became central to his subsequent work.

Since my purpose here is not to critique the development of sociology or Waters' truncated version which fails to take into account the contributions of such diverse sociological traditions that vary from the structuralist and post-structuralist analysts that stressed texts, language, linguistics, the primacy of signifiers and the role of signs, to neo-Marxist class analysis or Immanuel Wallerstein's world systems theory that posed a moral and political protest in its contention that Weber's nineteenth century version of social science itself constructed the blinkers that prevented a proper understanding of social reality. Waters ignores the influence of behavioral psychology that critiqued the utopian agendas of other theories that believed that culture could even be altered and manipulated at the same time as behavioral psychology claimed that such theories neglected directly observing human action in favor of an over-emphasis on mental states and ideas. One can ignore strands as diverse as the Chicago school of sociology, rooted in John Dewey and Herbert Mead's American pragmatic tradition that Parsons himself ignored or the new innovations of Harold Garfinkel's ethnomethodology that downgraded motives and emphasized normative reasoning and practical action, that is, how individuals through applied knowledge recognize and reproduce social actions and structures. But even within the Weberian tradition, Waters neglects the value-fact tension in Weber's theory, the neo-Hegelian dialectic evolutionary encasement of that theory, and Parsons' critique of its failure to take the role of cultural and professional socialization into account.

In the Parsonian-Weberian model of analysis, any social system either contributes or detracts from its development and effectiveness depending on how it serves the goals of that social system independent of the motives of any individual participating in that system. Given the goals, how do individual parts make their contribution and how are they integrated into the whole system to create a coherent complex? Therefore, the goal of any social system must be understood first in order to understand how the principles, norms, rules and regulations operate to service the second-order norms of any bureaucracy – efficiency, predictability, calculability and control in Waters' version of these second-order norms.

Clearly, it is crucial to state the goal correctly. Waters contends that the goal of the international refugee regime is to serve the needs of refugees through the provision of relief and protection. The international agencies became distracted by side issues such as the administration of justice, promotion of reconciliation, and the promotion of voluntary repatriation (p. 235). Waters simply shows no understanding of the historical development of the international refugee regime, its goals, norms, and the internal tensions at work.

Let us take the issue of relief first. Before World War II, the function of refugee organizations was relief, and not protection, while population transfers and exchanges were underway. In the aftermath of World War II, the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) (not Palestinian refugees as Waters misconstrues it on p. 17, for the refugees initially under the UNRWA mandate included Jews as well as Palestinians) was set up on the pre-World War II model of a specialized agency providing relief, but also to assist the refugees with development aid so that they could be integrated into the societies to which they had fled. Fifty years later with over 20,000 employees and the largest international organization of all, UNRWA had become a *de facto* education as well as health and welfare agency for a por-

tion of the Palestinian people.

The UNHCR was set up with a very different goal – to find a permanent solution for refugees. It was not initially a relief agency. As Charles Keely recited the mantra of the international regime's objectives at the time the agency was created in 1951, it was set up "to provide protection and assistance and to work for durable solutions to the refugee's situation. There are three durable solutions: the preferred solution is repatriation in safety following changes that allow for return or, failing that, settlement in place of first refuge or resettlement in a third country" ("The International Refugee Regime(s): The End of the Cold War Matters," *International Migration Review* 35:303, Special Issue on the UNHCR, p. 304). In other words, the primary goal was not relief but a permanent solution. The preferred solution had always been repatriation and was not a fixation brought on by the need to appeal to donors after the Rwanda genocide.

What about the adjudication of asylum claims to entitle refugees to resettle in third countries rather than their initial countries of asylum? This was a derivative system for countries that had not been direct receivers of refugee flows. In addition to receiving humanitarian refugees, these developed countries created systems for permitting permanent resettlement of those most in need of protection and of refugee adjudication for those who arrived on their borders and entry points and claimed refugee status. With few exceptions, this system was not applied to refugee camps. Further, with the evolution of the UNHCR, protection of refugees came to be redefined as security for both refugees and refugee relief operations (*cf.* Howard Adelman, "From Refugees to Forced Migration: The UNHCR and Human Security," *International Migration Review* 35:303, Special Issue on the UNHCR, 7-32).

How to protect refugees in camps became a major issue of debate. It certainly entailed feeding, housing and taking care of the medical needs of those in refugee camps. It did not include feeding, housing and taking care of the health needs of militants, criminals

and killers in the camps. In fact, they were to be excluded. But what if they already had control of the camps? What if they used their control to help inflate the numbers of refugees so that they could sell the additional food supplies on the black market and even use the returns to buy arms? What if they used coercion to enforce that control and steal the food resources of others? What if they used their control to select the person sent back to Rwanda to misreport the conditions on return? What if they used their control to spread propaganda and fear in the same way that they had when they ruled in Rwanda? What if those who decided to leave were threatened and even attacked, and, if they did leave, were reported as *genocidaires* so that they were arrested upon their return to Rwanda? All of these were happening. So the issue of "voluntary repatriation" was now an option in a context in which free decisions were very difficult to make.

It was one thing to protect refugees from their enemies. But what if their worst oppressors and enemies were the leaders of their own ethnic community? The UNHCR lacked a police force or constabulary to provide even minimal protection from this source in the camps. Should the food supply be cut off to the camps to regain control on camp membership and what occurred in the camps? This was a form of warfare against a largely captive population. It is no surprise that humanitarian agencies are extremely reluctant to utilize such means. The willingness to do so was a sign of how horrific the situation had become when precisely this tool was invoked over the Gatete incident.

The fact is, the interpretation over the goals and how they ought to be fulfilled was at issue in a context that made the old methods much more difficult to apply. However, repatriation was never a peripheral issue but has remained the main goal of the international refugee regime. The principles, norms, rules and procedures of the international refugee relief regime in operating refugee camps when militants and even genocidal killers controlled the camps were at issue. Though the patterns and customs that

emerge in the development of an international regime play a crucial role, they do not determine what happens. For the goals and values are in flux; they are subject to contending forces. Part of the function of scholars is to help sort out the issues in debate and to analyze how the conflict might be resolved. Scholarship is harmful when facts are ignored and distorted, when biased advocacy displaces analysis that tries to be as detached as possible, and when the richness of the scholarly tradition itself is reduced to a reader's digest of sound bites.

Arthur C. Helton in his article, "Bureaucracy and the Quality of Mercy" (*International Migration Review* 35:192, Special Issue on the UNHCR) agrees with a general consensus forming, one to which Waters himself subscribes, that the bureaucratic trend is towards "consolidation of the varieties of entities and functions involved in the provision of humanitarian assistance in order to achieve greater efficiency" (p. 220). But Helton does not advocate creating a single Weberian hierarchical bureaucracy. For that would limit the flexibility needed in such emergencies and the innovative and rapid reaction capabilities small agencies sometimes bring to a crisis. A highly top-down directed approach could be wrong – as it was in the aid provided the Habyarimana regime – or irrelevant. It would certainly be less flexible. Between the Scylla of the model of extreme efficiency and the Charybdis of flexibility and innovativeness, international regimes have to pilot new approaches. That is why in an emergency context, efficiency remains an ideal rather than an actual quality of practice. But that is also why calculability and accountability to an independent auditing agency on camp numbers is so crucial. Such an innovation would not only reinforce norms of honesty but would also allow for better planning for those in need.

However, bureaucratic norms that stress predictability would have to be shunted aside in favor of a principle, perhaps derived and filtered through fuzzy logic, that permits multiple options to emerge with different weights given to various governing

norms and even evidence clusters according to the reliability of the source. Predictability is not possible in this area. Nor of much use is the positivist deductive model of determining outcomes. So the model of bureaucracy cannot be modeled on Weber's ideal type. Nevertheless, accurate calculation, so necessary to the functioning of any bureaucracy, including one that operates in a coordinated rather than a consolidated fashion, is more necessary than ever.

One issue remains – the role and influence of emotion – in particular, sympathy, in the rational operation of such a bureaucracy. That requires a separate, more extensive analysis rooted in a reconsideration of the false dichotomy between reason and the passions so deeply embedded in the philosophical underpinnings of modern thought. Further, the expression of compassion through an international bureaucracy always operates within a political context. So, in fact, did the original story of the Good Samaritan. Is it any

surprise that a Samaritan is the hero of the story, since Jesus and his followers identified more with the Hasidim, the righteous Samaritan Israelite community that lived around Mount Gerizim (in contrast to the later antipathy between Christians and Samaritans when Christianity was adopted by the Roman Empire), and opposed the Levites and priests who constituted the Sadducees who rejected prophecy (as well as the Pharisaic Jews prone to rebel against Roman rule)? Stories of mercy and good will always define enemies and heroes.

For Waters, the enemies are the UNHCR bureaucracy and other relief agencies, such as many of the MSF national groups who decided to withdraw rather than provide relief that reinforced the power of the *genocidaires*. Waters has created a poorly researched, illogically argued and very inadequately supported and poorly edited moral fable.