

ROUTLEDGE REVIVALS

# **The International Containment of Displaced Persons**

**Humanitarian Spaces  
without exit**

**Cécile Dubernet**



# THE INTERNATIONAL CONTAINMENT OF DISPLACED PERSONS

*To my parents*

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Humanitarian spaces without exit

CÉCILE DUBERNET

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# List of Abbreviations

AFP	Agence France Presse [French News Agency]
BiH	Bosnia i Hercegovina [Bosnia and Herzegovina]
BSA	Bosnian Serb Army
CANBAT	Canadian Battalion
CNN	Cable News Network
DPA	Dayton Peace Agreement
DPKO	Department of Peace Keeping Operations
EC	European Community
ECOMOG	Economic Community of West Africa Monitoring Group
EU	European Union
FAR	Forces Armées Rwandaises [Rwandese Armed Forces]
FIDH	Fédération Internationale des Droits de l'Homme [International Federation for Human Rights]
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IFOR	Implementation Force
IOC	Integrated Operation Centre
IOM	International Organisation for Migration
IPTF	International Police Task Force
IRC	International Rescue Committee
JNA	Yugoslav National Army
KLA	Kosovo Liberation Army
MOU	Memorandum of Understanding
MSF	Médecins Sans Frontières [Doctors Without Borders]
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
ODA	Overseas Development Administration
ORC	Open Relief Centre
OSCE	Organisation for Security and Cooperation in Europe
RPA	Rwandese Patriotic Army
RPF	Rwanda Patriotic Front
RPG	Refugee Policy Group
SCF	Save the Children Fund
SFOR	Stabilisation Force
SOAS	School of Oriental and African Studies
UNAMIR	United Nations Mission for Rwanda

UNDHA	United Nations Department for Humanitarian Affairs
UNDP	United Nations Development Programme
UNDPI	United Nations Department of Public Information
UNITAF	United Nations International Task Force
UNHCR	United Nations High Commissioner for Refugees
UNOSOM	United Nations Operation for Somalia
UNPAs	United Nations Protected Areas
UNPROFOR	United Nations Protection Force
UNREO	United Nations Rwanda Emergency Office
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
USCR	United States Committee for Refugees
USAID	United States Agency for International Development
WFP	World Food Programme

# Introduction: Presence *does not* Equal Protection

UN soldiers had special night vision equipment allowing them to spot escapees as soon as they began their dash from the perimeter and when this happened, an armored personnel carrier would hunt the escapees, shining a spotlight on them to ease the chase. The problem was that Serb snipers opened fire as soon as someone was caught in the spotlight.<sup>1</sup>

The above quotation illustrates the situation faced by Sarajevans trying to escape their besieged town in the winter of 1992-1993. That UNPROFOR, the United Nations Protection Force, failed to protect Bosnian civilians is known. That they occasionally transformed themselves into the watchdogs of the assailants begs questions regarding the nature of the UN mission, especially with regards to civilians seeking to flee the conflict. At the end of the 1990s, the issue remains topical. In 1998, the Yugoslav province of Kosovo imploded. Serb security forces stepped up their attacks on the Kosovo Albanian population in late February 1998. By June, the assaults had turned into a fully fledged war against civilians witnessed by an international community very reluctant to interfere.<sup>2</sup> Despite a cease-fire agreed to in October of the same year, Serb police forces and the army responded to the provocation of the Kosovo Liberation Army, the KLA, in disproportionate ways, slaughtering civilians in villages.<sup>3</sup> Observers from the Organisation for the Security and Cooperation in Europe - the so-called "OSCE verifiers" - dispatched to Kosovo to monitor the cease-fire, stood by powerless. Verifiers were well named. Like UNPROFOR six years before, they were deployed to observe, negotiate and ring the alarm bell, but not directly to protect civilians. International presence was also intended to encourage scores of displaced persons to return to their burnt-down farms. Until March 1999, that is one year into the conflict, the Bosnian war seemed to repeat itself. As in Bosnia, but also northern Iraq or Rwanda, the assumption underlying the deployment of lightly armed troops in Kosovo in 1998 had remained that presence equals protection: in other words, that Western governments react with might and anger to barbaric acts that come to their attention. Therefore assailants restrain themselves in front of observers. Nevertheless, time and time again, widely broadcast

deliberate violence against civilians brought about little more than rhetoric. Numerous aid workers found themselves powerless and frustrated. Many lives were ruined before any substantial military protection of civilians was attempted. What *was* attempted is still a matter of controversy. Key questions regarding the 1990s' interventions into complex emergencies, including early responses to the crises in Kosovo and in East Timor remain open. Why did the international community stand by forced migration and ethnic cleansing for so long? Why does it still ignore the devastation and suffering of displaced persons in Congo? What does it try to achieve during humanitarian operations?

This work examines four important post Cold-War interventions launched on behalf of people on the move: international action in Iraq, Bosnia, Somalia and Rwanda. Because these crises accompanied the emergence of the concept of Internally Displaced Persons (henceforth IDPs) in international relations, they have shaped current understandings of forced displacement issues, such as ethnic cleansing, need and humanitarian action. As reforms of humanitarian action are underway at the time of writing, it is essential to grasp what international actors sought to achieve with regard to IDPs, and what they achieved in fact.

Looking at attitudes towards IDPs, this research concluded that UN-backed interventions regarding displaced civilians were primarily about deterring, sometimes preventing them from escaping places of conflict. Protection in this context became a device by which international protagonists sought to contain people on the move within the confines of their collapsed states. As a result, levels of safety effectively granted by the international community depended less on the vulnerability of populations than on Western fears of mass border crossings. These findings help one to grasp why the international community not only participated in the "incarceration of the victims"<sup>4</sup> as illustrated above in Sarajevo, but also why it stood by watching massacres in Srebrenica, Kibeho or Recak in Kosovo. To sum up, this book suggests an alternative understanding of the nature of international protection. As far as IDPs were concerned, protection was a means to an end, a tool of containment policies. It is the author's hope that more research expands the use and highlights the limits of this concept. This work may also contribute to a long overdue reflection on both recent experiences and current reforms of international action towards displaced persons. Indeed, it is time to clarify what has been hidden by the myth that international presence enhanced civilian protection.

## Notes

- 1 Maass, Peter, *Love Thy Neighbour, A Story of War* (London: Papermac, 1996), 170.
- 2 See *Bosnia Report, Special Issue with Kosova Supplement*, New Series No. 3, March-May 1998, The Bosnian Institute, 5-16.
- 3 "L'Europe face à la barbarie," *Le Monde*, 19 January 1999, 1-3.
- 4 Chimni, B., "The Incarceration of Victims: Deconstructing Safety Zones," in Al-Nauimi, Najeeb and Meese, Richard, eds., *International Legal Issues Arising under the United Nation Decade of International Law, Proceedings of the Qatar International Law Conference' 94* (The Hague: Martinus Nijhoff Publishers, 1995), 823-854.



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# 1 Internal Displacement: an International Problem

In 1998, for the first time, the international community published a world count of internally displaced persons.<sup>1</sup> This recording effort, now prolonged into the maintenance of a database accessible on the World Wide Web,<sup>2</sup> reflects the growing awareness that these uprooted people represent a problem for international politics. Internal displacement issues emerged at the end of the Cold War, as decision-makers' attention turned to state collapse and internal strife. During the early 1990s, new approaches designed to deal with mass displacement were developed and experimented with. Practices such as "in-country protection" or "early repatriation" were part of a fresh emphasis on humanitarian intervention, itself inscribed into a discourse on the new world order. However, renewed humanitarianism also paralleled Western governments' hardening positions vis-à-vis asylum seekers. The international refugee system had been overloaded since the early eighties and industrial states took various opportunities, ranging from the collapse of the Soviet Union to the European construction, to reshape and restrict refugees' access to asylum. Hence both the desire to save populations in danger and the urge to preempt refugee flow were the potential driving forces behind the involvement with people on the move that took place since 1990 in Iraq, Former Yugoslavia, Central Asia and Africa.

The essence of this book is to identify the nature of the interplay between the protection and containment objectives that underlay the early 1990s international policies concerning IDPs. It is widely held that this involvement was propelled by worldwide compassion for the victims of the conflicts. Strategic interests, although acknowledged by most observers as important, are considered an added cause for intervention and their impact on policy remains little explored. Indeed the protection granted to people on the move is assumed to be an end in itself underpinned by a mix of factors, humanitarian and strategic, the exact weight of which is still debated. In contrast, the hypothesis considered by the author is the following: "The protection granted to IDPs is an instrument of containment policies." This assertion is tested through studies of the construction and implementation of measures taken by the international community for



people on the move within northern Iraq, Bosnia and Rwanda. Findings are further gauged against the fate of Somali IDPs.

Because internal displacement became the object of coordinated international policies only recently, many concepts are still in the making. Therefore, before presenting the case studies, it is essential to clarify the perspectives and research methods used. In particular, it is necessary to justify the emphasis placed on the containment/protection interplay in IDP policies. There are three simple reasons for this: because it is not being done, because it can be done, and because it should be done. Three reasons, therefore three chapter sections: first, a review of the literature will show that, although research on IDPs expanded dramatically in the course of the 1990s, this issue, the containment/protection interplay, is not adequately explored. Second, an exposition of the research methodology will clarify the conditions under which policies concerning IDPs can be identified and assessed. Third, the chapter's conclusion argues that a clear understanding of the objectives underpinning policies regarding IDPs not only deepens academic knowledge but also provides a stepping stone to engage in sensible policy reforms. Jon Bennett, the first director of the Global IDP Survey, made it clear: "We cannot develop good policy without good theory and these are turbulent times for both."<sup>3</sup>

### **IDP: an Emergent yet Little-Known Label**

IDPs are usually understood to be "those forced to leave their home who, because they remain within the borders of their own country, are not officially recognised as refugees."<sup>4</sup> In 1992, they were granted a "working definition" by the UN which prevailed throughout the 1990s. They were to be persons

who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who are within the territory of their country.<sup>5</sup>

Six years of experience led the UN General Assembly to amend the above definition and this change will be discussed in the last chapter of this book. For the purposes of this research, the author shall also consider some people who have been refugees only briefly, have returned to their native land but remain unable, or unwilling, to go home. For although these

persons have crossed a border twice, and thus can be labelled "returnees," their fate differs little from that of their compatriots who did not cross the frontier in the first place. Besides, in crisis context, border control is often an illusion. Even when local officials know exactly where a border stands, they rarely know how many times it was crossed. Further justifications of this choice will be found later in this chapter. At this stage, it is sufficient to note that the concept of IDP moved from being an unknown abbreviation in the early 1990s to being the object of conferences, books and heated debates.<sup>6</sup> In other words, the literature produced in the 1990s reflected the emergence of displaced persons as a concern in international politics.

Because IDP literature emerged alongside humanitarian crises, many concepts were forged in response to field experiences. In turns, these understandings shaped policy-making throughout the decade, and still do. Hence, reviewing such literature is essential to grasp current debates regarding internal displacement. The review proceeds in three steps. First, the academic backgrounds informing studies on IDPs are depicted. Their diversity suggests a variety of purposes underlying research on displaced persons. Second, the work of three authors who attempt to cross bridges between these fields of studies is evaluated. On the one hand, the value of their contributions is highlighted. On the other hand, their lack of focus on IDP policies and some implications of it are illustrated. Finally, the recent surge of literature specialised on IDPs is assessed. Its wealth of detail is emphasised. However, the fact that the issue of containment is not adequately assessed is also laid on. A closing paragraph outlines the potential insights that an in-depth study of the containment/protection interplay for IDPs may add to current understandings of humanitarian action. The aims of this book in this respect are also defined.

### *A Term Arising at the Junction of Various Research Areas*

Studies on IDPs in international politics originate from a variety of perspectives, namely development, migration, refugee, humanitarian and security studies. Furthermore, they emerged in the context of particular topical debates. For example, IDPs have become central to the debate on the refugee condition. In the course of the 1990s, the United Nations High Commissioner for Refugees - UNHCR - included statistics on internal displacement alongside its data on refugees. Like the United States Committee for Refugees - USCR - and the International Committee for the Red Cross - ICRC - the UNHCR insisted that both issues could not be solved separately.<sup>7</sup> In the same vein, current work on early warning

systems seeks to identify the factors at the root of forced displacement and to create models that help anticipate such movements. Debates on "regional security," "weak or failed states," "ethnic wars" and "societal security" have much to do with forced migration issues. Besides, many recent UN peace-keeping and peace-enforcement operations were set up partly to address forced migration issues. As a result, there are numerous researchers who refer to IDPs in the study of international politics. For instance, while analysing Operation Provide Comfort, Howard Adelman discussed the situation of Kurdish displaced persons in northern Iraq.<sup>8</sup> Likewise, Andrew Shacknove, Michael Barutciski and Bill Frelick emphasised how European governments' perceptions of IDPs grounded the evolution of asylum practices in the 1990s. They also assessed some implications of refugee policy changes for displaced persons.<sup>9</sup>

A simplified picture of the state of the literature on IDPs in international politics is summarised in Figure 1.1: several fields of study provide a background from which IDPs' issues are addressed within the context of debates on asylum seeking, intervention etc. It is noteworthy that debates related to IDPs are found on the lines of intersection between research areas.

**Figure 1.1: Internal displacement related debates**

<i>Refugee Studies</i>	Early Warning Systems International Protection  Preventive Protection	<i>Humanitarian Studies</i>
Resettlement Repatriation		
"Who is a refugee?"	<b>IDPs</b>	Humanitarian Intervention Regional Security
"Bogus" asylum seekers	Minority Rights Nationalism and Identity  Societal Security Border Control	Weak/Failed States Ethnic Wars Sovereignty
<i>Development / Migration Studies</i>		<i>Security Studies</i>

## *Discussing IDP Policies: Not an End in Itself*

This section reviews studies that provide an analytical understanding of some of the issues found at the interfaces between research areas. Among the plethora of writers who now include work on IDP policies in their research, the work of Gil Loescher will be first discussed, partly because he is an inescapable figure in the field of forced migrations and international politics, partly because his work contains several problems often found in literature on IDPs. Barry Posen is considered because he offered one of the first critical and structured evaluation of military responses to refugee outflow. As for Michael Barutciski, he examined in great depth the implications of containment policies in Bosnia and, as such, is the closest to this project.

Gil Loescher pioneered research on the international security dimensions of refugee problems. In studies of American and European refugee policies published in the eighties, he highlighted the strategic objectives underpinning the range of welcoming treatment experienced by asylum seekers who reached the shores of industrial countries.<sup>10</sup> His interest in refugee crises impact on world politics surfaced also in the publication of *Refugees and International Relations*, a co-edited manual reviewing the issues common to both research areas.<sup>11</sup> From the early 1990s onwards, Loescher consistently argued for responses to forced migrations going "beyond charity."<sup>12</sup> In 1996, he wrote with Alan Dowty, a specialist in migration, a paper entitled "Refugee Flows (sic) as Grounds for International Action" in which the two authors argued that mass refugee movements justify a collective or unilateral intervention against the state responsible for or unable to stop the exodus.<sup>13</sup> In this article, the writers also re-assessed some Cold War humanitarian interventions in the light of the refugee movements at stake.<sup>14</sup>

The first piquant aspect of the work of Loescher is the evolution of his research focus. From classical approaches of refugee policies, he went on to highlight international security issues at stake and is now working on defining the conditions under which military intervention to forestall refugee flow is justifiable. Referring back to figure 1.1, Loescher wrote from three perspectives out of four, the refugee, security and humanitarian standpoints. Second, Loescher persistently drew attention to internal displacement. In the early 1990s, he advocated the creation of a "comprehensive strategy" to deal with refugee influxes including the creation of an independent UN monitoring body in charge of the early warning of potential exoduses. According to him, such an institution would

require the development of a capacity to intervene in internal conflicts.<sup>15</sup> He also described Operation Provide Comfort as a turning point in international politics given that the United Nation Security Council resolution 688 was especially conceived "to protect internally displaced Iraqi citizens."<sup>16</sup> His work pointed out that forced displacement starts at home, that IDPs' problems are the terrain on which refugee crises develop: hence that understanding internal displacement is instrumental to explaining and anticipating refugee disasters. This insight opened up research perspectives that Loescher and Dowty expanded upon. They highlighted the possibility of re-assessing past humanitarian interventions, even wars, from a strategic standpoint going beyond Cold War power politics. To sum up, Loescher provided mental stepping stones in two ways. First, he linked various fields of studies related to IDPs and second, he insisted that any international refugee policy should address all forms of forced migration. Ironically, these two insights are also the very limits of Loescher's work with regard to IDPs.

Whereas Loescher worked on many topics associated with internal displacement, he did not specifically investigate the policies designed for people on the move. He defined the ways in which refugee flow disturbed international security, studied the processes by which crises were resolved, but consistently abstained from any comment on the construction or implementation of the measures that affected displaced persons. For instance, Loescher and Dowty's evaluation of the three Cold War interventions in Bangladesh (1971), Cambodia (1978) and Uganda (1979) is limited to recording the toppling of targeted regimes and the return home of refugee communities. What happened to the people on the move in the country, either trying to escape or returning, remains unstated. Although the interventions are assessed in terms of international and customary law,<sup>17</sup> there is no discussion or analysis of the precise measures taken to reverse population movements. To be fair to both authors, the reason why they did not focus on them is simply that IDP policies in themselves were not their object. They wanted to clarify the conditions under which international action against a refugee producer state are justifiable rather than study policies on behalf of the uprooted.

Ignoring internal displacement issues in one article is not a problem. However, it becomes one when the omission is systematic in the field. Here, Loescher and Dowty's article illustrates a flaw of the literature as a whole. Because the issue emerged at the crossroads of several fields of study, and in the context of very topical issues such as debates on refugeehood and on the impact of the media, policies towards IDPs were

not an object of research *per se* until recently. Academics, including those working on internal displacement and international relations, were more concerned with humanitarian intervention, regional security or the prevention of refugee disasters, than with IDPs. Consequently, action on behalf of displaced persons was not fully assessed. Nevertheless, partial evaluations of decisions regarding IDPs substantiated debates on related topical issues such as aid, intervention, or asylum seeking. In other words, depending on their background and purposes, authors saw in IDPs the "potential refugees,"<sup>18</sup> the "threat to security and stability,"<sup>19</sup> alternatively "the abused," "the vulnerable."<sup>20</sup> IDPs however can be all of the above. Focusing on one feature only may seriously hinder policy-making analysis. For example, neither policy-makers nor observers understood the complexities of repatriating Iraqi Kurds in northern Iraq in May and June 1991. Both failed to consider the fact that most Kurdish refugees were displaced persons even before their rebellion against the regime of Saddam Hussein in 1991 and their subsequent flight before the Republican Guard repression. As a result, the emphasis on returning home, the motto of policy-makers, was reproduced in the main studies of the intervention.<sup>21</sup> This failed to take into account that "home" for most displaced persons were not the towns to which they were to be sent back, but their burnt-down villages, lost in the mountains, from which they had been chased since 1987. The "Memorandum of Understanding", henceforth MOU, signed between the UN and Iraq states that "The measures to be taken for the benefit of the displaced persons should be based primarily on their personal safety and the provision of humanitarian assistance and relief for their return and the normalization of their lives in their *places of origin*."<sup>22</sup> But it does not specify what the latter are. UNHCR did not question the concept of "home" either.<sup>23</sup> Whereas it was widely acknowledged that the forced migration of displaced persons was the cause for intervention, strategic analysis of policies towards IDPs stopped at the end of Provide Comfort in July 1991. As a result, summer displacements were largely ignored by regional security and refugees experts. Instead, they were dealt with by area specialists. To date, there is no comprehensive study of international policies towards displaced persons in northern Iraq but many incomplete, truncated analyses written to substantiate debates over related issues.

The above example also illustrates a second problem in Loescher's work regarding people on the move. Whereas it is crucial to highlight the links between refugees and IDPs, it is a mistake to equate both policies systematically. International action towards displaced persons is not necessarily the same as that for refugees. Measures taken may differ, the

policy may not coincide in time. In addition, the resolution of a refugee crisis can mean an increase in IDPs. The return of most Kurdish refugees to northern Iraq dramatically increased internal displacements problems. Mass repatriation also yielded substantial repercussions in Rwanda in 1994 and 1996 and in Bosnia since the signature of the Dayton Peace agreements. This explains why, following the position of the International Organisation for Migration, the IOM, this study includes some returnee populations who remained displaced within their country of origin.<sup>24</sup> Assuming that refugee and IDPs crises always occur simultaneously is a mistake. Presuming that international policies exist only for IDPs as "potential refugees" makes sense but remains an assumption. The author has found, so far, no comprehensive and compelling study of *when* IDPs are cared for by the international community. The above examples suggest that distinguishing IDPs from refugees is a worthwhile endeavour, an issue which shall be further discussed in the methodology section.

Indeed, although ground-breaking, Loescher's work is not focused on IDPs and often assumes displaced persons to be a dependent entity, whose problems are raised and dealt with alongside refugee crises. This epitomises the majority of the work on IDPs. Two reasons explain this absence of focus. As already mentioned, writers are not interested in IDPs as such. Their research focuses on refugee policies or humanitarian intervention; thus displaced persons themselves are of secondary importance to them. This is compounded by the fact that policies for the uprooted are a new subject matter in international politics. As a result, researchers rely heavily on the material provided by international organisations who, themselves, emphasise the features of displacement best suited to their work.

Let us now turn to an article by Barry Posen,<sup>25</sup> a specialist in security studies. In contrast to Loescher, Posen *did* focus on the analysis of policies that affected the uprooted. After identifying five causes of refugee flow, he discussed the advantages and limits of the military options available to the international community. The alternatives highlighted were strategic bombing, the creation of a large "safe zone" where life could carry on, and the establishment of "safe havens", i.e. small places of refuge, enforced truce or an offensive war. The originality of Posen's argument lies in the application of the strategic deterrence/compellence model of analysis to evaluate the efficiency (outcomes versus costs) of the options and determine the conditions under which they can be used. He distinguished three types of protagonists, the "assailants," the "threatened populations" and the "rescuers," and argued that "in general, rescuers will find

themselves practising coercive diplomacy, that is compellence."<sup>26</sup> His conclusion is a warning against the belief that the use of military resources for humanitarian purposes would fall short of war. In essence, "what good hearted people are proposing is war."<sup>27</sup>

Posen's analysis is enlightening, first because it is an effort to compare policy options, whereas other studies in the same field tend to focus on, say, "the construction of safe areas." This is why focus is placed on Posen rather than on Tiso, Chimni, Landgren or Frelick who have produced excellent criticisms of safe haven policies. By systematically matching and discussing military moves and situations, Posen acknowledged the fact that options were chosen depending on contexts and alternatives. Furthermore, he proposed a dissuasion/coercion grid of analysis which clarified field experiences. His suggestion that policy makers wrongly saw military humanitarian action as "deterrence" shed light on some of the decision-making processes, for instance in Somalia.<sup>28</sup> Besides, his adaptation of Schelling's strategic model to the study of humanitarian wars allowed him to combine issues of logistics, capacities and practical circumstances with the problems of motivations and interests. In short, Posen offered a theoretical account of why operations in Bosnia or Somalia went wrong. Finally, he did not shy away from dilemmas, but instead spent a whole section of the paper highlighting the limits of each "remedy." As a whole this represents a genuine attempt at modelling recent humanitarian interventions.

However, Posen's insights into policies for the uprooted remain limited on two counts. First, he ignored mechanisms of co-operation that humanitarian, refugee and military agencies tried to set up after "Operation Provide Comfort." Today's responses to complex emergencies are a mixture of humanitarian activities, such as the provision of food and basic necessities, diplomatic measures like conflict management, negotiations, mediation, and, often as a last resort, military measures as outlined by Posen. In addition, positions with regard to border control, migration and refugees are to be taken into consideration. Although Posen must have been aware of these interactions, he chose to set apart militarised options and focus on them only. As a result his categories are neat but unrepresentative of much field experience. For instance, "safe areas" are procedures of humanitarian law that can be non-militarised. The ICRC tried to implement them during various conflicts in parallel to military actions led by other institutions.<sup>29</sup> Besides, relationships between humanitarian agencies and the military, increasingly in charge of the protection of humanitarian aid, can be ridden with conflicts that affect the